




Point of Contact for Fair Competition - online tool for processing and risk assessing labour-related complaints

Belgium

	Summary <p>The <u>Point of contact for Fair Competition</u> online tool or hotline, launched by the Social Information and Investigation Service (SIIS) in October 2015, serves as a central point or online platform for reporting suspected cases of social fraud. It streamlines complaint processing by passing on reports to the most appropriate service in order to ascertain whether the legislation that they are responsible for monitoring has been infringed.¹ The platform prioritises complaints based on government policy and seriousness, ensuring effective risk assessment and protection for whistleblowers.</p>
Title of the practice in original language	<ul style="list-style-type: none"> ➤ <i>Meldpunt voor een Eerlijke Concurrentie</i> (Dutch); ➤ <i>Point de Contact pour une Concurrence Loyale</i> (French) ; ➤ <i>Kontaktstelle für ehrliche Konkurrenz</i> (German).
Name(s) of authorities/bodies/ organisations involved	<ul style="list-style-type: none"> ▶ The Social Information and Investigation Service, SIIS (<i>Sociale Inlichtingen- en Opsporingsdienst, SIOD</i>); ▶ Federal Public Service (FPS) Employment, Labour and Social Dialogue (<i>Federale Overheidsdienst (FOD) Werkgelegenheid, Arbeid en Sociaal Overleg, WASO</i>); ▶ National Social Security Office, NSSO (<i>Rijksdienst Sociale Zekerheid, RSZ</i>); ▶ National Institute for the Social Security of the Self-employed (<i>Rijksinstituut voor de Sociale Verzekering der Zelfstandigen, RSVZ</i>); ▶ National Employment Office (<i>Rijksdienst voor Arbeidsvoorziening, RVZ</i>); ▶ National Institute for Health and Disability Insurance (<i>Rijksinstituut voor ziekte- en invaliditeitsverzekering, RIZIV</i>); ▶ Federal and local Police (<i>Federale en lokale Politie</i>); ▶ Flanders: Department Work and Social Economy – Flemish Social Inspection (<i>Vlaanderen: Departement Werk en Sociale Economie – Vlaamse Sociale Inspectie VSI</i>);

	<ul style="list-style-type: none"> ► Brussels: Economy and Employment - Regional Employment Inspection directorate (<i>Brussel: Economie en Werkgelegenheid – Directie Gewestelijke Werkgelegenheidsinspectie</i>); ► Walloon region: Public Service – Directorate of economic and social inspection (<i>Service Public Wallonie – Direction de l'Inspection économique et sociale</i>); ► FPS Economy (<i>FOD Economie</i>) ► FPD Finance (<i>FOD Financiën</i>)
Sectors	All
Target groups	<ul style="list-style-type: none"> ► Employees in the private sector that file a report about possible violations in a professional context i.e. whistleblowers (directly targeted); ► Labour inspectors (directly targeted); ► Citizens and employers (directly targeted); ► Employee and employer organisations with which the SIIS has concluded a fair competition plan (directly targeted); ► Other federal and regional government departments (directly targeted).
Purpose of measure	Deterrence: improve detection

	<p>Aims and objectives</p> <p>The <u>Point of contact for Fair Competition</u> hotline prioritises complaints based on government policy and their degree of gravity for the complainant. Social inspectors conduct initial risk assessments using their field experience. The practice focuses on issues like social dumping, human trafficking, discrimination, and undeclared work, and also addresses complaints, for example, related to wage conditions, annual leave, and unsafe working environments.ⁱⁱ</p>
Background context	<ul style="list-style-type: none"> ► The <u>Point of contact for Fair Competition</u> tool was launched in October 2015 by the SIIS on the initiative of the then federal government and secretary of state for social fraud; ► It was set up as a central online point for citizens, businesses, worker and employer organisations, and other federal and regional government departments to submit all reports related to suspected social fraud of various kinds;

	<ul style="list-style-type: none"> ▶ Previously, each of the five major federal social inspection agencies operated with distinct competences, making it challenging for citizens to determine which service they should contact their complaints. Acting as a strategic umbrella organisation, the SIIS is addressing this issue by gathering and directing these complaints to the appropriate agency; ▶ In 2019 European Whistleblower Directive (<u>Directive (EU) 2019/1937</u>) mandated that Member States introduce legislation to strengthen the protection for whistleblowers, emphasising the need for accessible and easy-to-use reporting channels;ⁱⁱⁱ ▶ Belgium transposed the 2019 EU Whistleblower Directive into two national laws: <ul style="list-style-type: none"> • The law of 28 November 2022 on the protection of whistleblowers in the private sector was published in the Belgian Official Gazette on 15 December 2022 (in Dutch) and entered into force on 15 February 2023;^{iv} • The law of 8 December 2022 on reporting channels and whistleblower protection in the public sector was published in the Belgian Official Gazette on 23 December 2022 (in Dutch) and entered into force on 2 January 2023.^v
Key objectives of the measure	<p>General Objective:</p> <ul style="list-style-type: none"> ▶ To rank complaints according to priorities set by government policy and according to their seriousness to the complainant. Additionally, the relevant services have the discretion to establish their own priority criteria. The initial risk assessment is conducted by social inspectors at the contact point, based on their own field experience. <p>Specific Objectives:</p> <ul style="list-style-type: none"> ▶ Focus on issues highlighted by government policy e.g. social dumping, undeclared work, human trafficking, (labour-related) discrimination; ▶ Address complaints where the complainant is personally affected, including issues related to undeclared work, wage and working conditions, annual leave, discrimination, and unsafe working environments.
Main activities	<ul style="list-style-type: none"> ▶ Ensure accurate reporting by providing electronic forms tailored to specific sectors and issues, guide complainants through a step-by-step process; ▶ Once received, complaints are systematically classified and prioritised using a set of criteria considering the severity, urgency,

	<p>and potential impact of the reported issue. These criteria are based on the legal framework, inspection guidelines, and best practices;</p> <ul style="list-style-type: none"> ► Complaints are assessed to determine their relevance and whether they meet the thresholds for further action. Around one-third of complaints are dismissed for not meeting these criteria, mostly because of incomplete data provided by the complainant, or due to no infractions detected by the inspectors at the Point of Contact, based on databases. The remaining two-thirds are forwarded to the labour inspectorate. Of these, some are discarded if a prior inspection has already occurred, while others lead to new inspections; ► The Point of Contact for Fair Competition also handles specific breaches of social law, ensuring the reliability and transparency of information for further investigation. Whistleblowers are legally protected if they act in good faith, provide accurate information, and follow proper procedures, with their anonymity strictly safeguarded unless they agree to disclosure; ► The social penal code ensures complete anonymity for the complainant, even prior to any court proceedings. When conducting inspections, officials are not allowed to disclose that their visit has arisen due to a complaint.
Funding/organisational resources	<ul style="list-style-type: none"> ► The cost of creating the online tool was around EUR 50 000, and the annual maintenance cost is between EUR 50 000–EUR 60 000. The annual maintenance cost covers hosting and updating the complaint forms. A study has been initiated to create an extensive back-end system for direct transmission of complaints to the different partners. The cost has been estimated at around EUR 600 000; ► In terms of human resources, there are six social inspectors dedicated to checking the complaints before forwarding them to other authorities. Additionally, a project leader and a team leader are in place, with a non-profit organisation providing ICT services; ► Funding comes from the ICT budgets of the SIIS, with additional funds requested from the federal government through budget sheets (cost-benefit analyses).



Outcomes

The online tool is a valuable resource for a diverse range of individuals and organisations, providing sector-specific electronic forms to ensure accurate and complete information. A preventative approach focuses on preventing labour and social security law violations before they occur, with resources allocated proactively. Effective coordination among partners and established protocols are key, while continuous

	attention and adaptation in risk assessment processes maintain a dynamic responsive system.
Achievement of objectives	<ul style="list-style-type: none"> ▶ In 2023 the hotline received 7 841 reports.^{vi} Since its inception, around 70 000 reports/complaints have been received from a diverse range of stakeholders, including workers, employers, trade unions, NGOs, and other public authorities; ▶ Overall, the reports to the hotline have led to a total revenue of EUR 57.5 million, which confirms the important role of the hotline in the fight against social fraud, social dumping, and unfair competition;^{vii} ▶ Different electronic complaint forms have been developed depending on the sector or the issue, so that the information provided by the complainant (step-by-step through an electronic process) is accurate and complete; ▶ A preventative approach was adopted, focusing on preventing labour and social security law violations before they occur, rather than addressing complaints after they are reported. Resources were allocated proactively to reduce the need for extensive resources later. Regarding prevention, the SIIS organises several flash actions annually in pre-defined sectors. These actions, lasting a month and involving all inspection services, are announced in advance on the SIIS website and communicated to social partners.
Lessons learnt and success factors	<ul style="list-style-type: none"> ▶ Effective coordination and established protocols among different partners are crucial to the measure's success; ▶ It is important to proactively resolve legal issues related to the protection of complainants' identities, particularly as outlined in the EU Whistleblower Directive; ▶ Risk assessment is a dynamic and ongoing process that requires continuous attention and adaptation.
Transferability	<p>The measure is transferable to Member States. To set up a similar online complaint reporting tool, a Member State would need to ensure that relevant legislation is put in place to avoid legal issues related to the protection of complainants' identities, establish the necessary powers of inspection and procedures for following up on complaints, and establish effective coordination protocols between the various partners involved. It is also recommended to set up an Undeclared work working group on processing and risk assessing complaints.</p>

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Useful sources and resources	<p>Point of contact for Fair Competition website: www.meldpuntsocialefraude.belgie.be</p> <p>Channels for reporting and addressing labour-related issues:</p> <ul style="list-style-type: none"> For posted workers: COMPLAINTS.LabourInspection@employment.belgium.be For companies and other workers: Spoc.LabourInspection@employment.belgium.be <p>Information about working students: www.studentatwork.be</p> <p>Information for companies and individuals about social security: www.socialsecurity.be</p> <p>Information about wages, working hours, annual leave, etc: www.werk.belgie.be</p> <p>Information about health insurance and sick leave: www.riziv.fgov.be</p> <p>Information about unemployment: www.rva.be</p> <p>Information about self-employed workers: www.rsvz.be</p> <p>SIIS/SIOS website: www.siod.belgie.be</p> <p>Federal Ombudsman – information for whistleblowers: https://www.federaalombudsman.be/en/centre-for-integrity/whistleblowers</p>

ⁱ ELA, (2023), *Factsheet on Undeclared Work: Belgium*. Available at: https://www.ela.europa.eu/sites/default/files/2024-02/BE-UDW_factsheet-2023-fin.pdf

ⁱⁱ For the various types of report that can be filed using the online tool see, <https://www.pointdecontactfraudesociale.belgique.be/en/index.html>

ⁱⁱⁱ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Available at: <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>

^{iv} 28 November 2022. - Act on the protection of persons who report breaches of Union or national law found within a private sector legal entity, number 2022042980, published 15 December 2022. Available at: <https://www.ejustice.just.fgov.be/eli/loi/2022/11/28/2022042980/justel>

^v 8 December 2022 - Act on reporting channels and the protection of whistleblowers in federal public authorities and the integrated police, number 2022034749, published 23 December 2022. Available at: [https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-01-22&pd_search=2022-12-](https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-01-22&pd_search=2022-12-23&numac_search=2022034749&page=42&lg_txt=N&caller=list&2022034749=44&view_numac=&pd_d=2022-12-08&pdf=2022-12-23&choix1=and&choix2=and&fr=f&nl=n&du=d&trier=promulgation)

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^{vi} See Annual Report of the Hotline for Fair Competition, 2023. Available at: https://www.siod.belgie.be/sites/default/files/Downloads/MEC/MEC_jaarverslag_2023_NL.pdf

^{vii} Annual Report, (2023).