



Successful cooperation approaches between labour inspectorates and social partners

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INTRODUCTION

Collaboration between social partners¹ and labour inspectorates builds on the common interest to promote fair and well-functioning labour markets. Successful collaboration between labour inspectorates and social partners brings together investigative powers, knowledge and local workplace insight. This allows for an efficient and effective information exchange and an early detection of undeclared work trends, better and direct communication to employers and workers, and a more harmonised enforcement of collective agreements.²

These benefits have been highlighted on multiple occasions in activities organised by the European Platform tackling undeclared work (Platform).³ The European Labour Authority (ELA) confirms the value of cooperating with social partner organisations, for example via setting up workflow guidance which allows social partners at the national level to bring undeclared work cases to the attention of ELA.⁴ The International Labour Organisation (ILO), in its 'Approach to Strategic Compliance Planning for Labour Inspectorates', underlines that social partners should always be included in the process of tailoring deterrents, incentives and awareness-raising.⁵

This paper presents the key learning points from the discussions at the thematic review workshop of the Platform held on 22-23 June 2021, supplemented by additional literature and existing material by the Platform. The event was hosted online and brought together 41 participants from 22 countries, representing labour and social security inspectorates, ministries of labour, and EU-level and national social partners, as well as representatives from Eurofound, the ILO, the European Agency for Occupational Safety and Health, the European Commission and ELA.

Participants reflected on (1) establishing strategic cooperation; (2) building partnerships based on commonly identified goals and risks; and (3) implementing, managing and monitoring joint deterrence and prevention measures.

The key findings of the workshop are presented below:

¹ Social partners can be understood as organisations representing workers (also referred to as trade unions) or employers at regional, national or European level, that are engaged in "social dialogue" (i.e. the discussion and negotiation of wages, working conditions, training, etc.).

² European Platform tackling undeclared work, (22-23 June 2021). Presentation by Finland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

³ European Platform tackling undeclared work, (2017). Report from the working group on social partner success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18479&langId=en>; European Platform tackling undeclared work, (2017). Success stories in preventing and combatting undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18480&langId=en>; European Platform tackling undeclared work, (2019). Practitioner toolkit: information tools and approaches to reach out to workers and companies in the fight against undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=19894&langId=en>; European Platform undeclared work, (2019). Social partners and their key role in tackling undeclared work: 12 success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22264&langId=en>; European Platform undeclared work, (2020). Holistic approach to tackling undeclared work and national strategies. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23099&langId=en>; European Platform undeclared work, (2020). Outputs of the ninth plenary meeting of the European Platform tackling undeclared work, 5-6 October 2020, virtual meeting. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23839&langId=en>

⁴ European Labour Authority, (December 2020). Workflow guidance for Social partner organizations at national level to bring cases to the attention of ELA. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item02_Workflow-guidance-for-social-partners.pdf

⁵ ILO, (29 November 2017). ILO Approach to Strategic Compliance Planning for Labour Inspectorates. Available at: https://www.ilo.org/global/topics/labour-administration-inspection/resources-library/publications/WCMS_606471/lang-en/index.htm

- ▶ Cooperation between labour inspectorates and social partners depends on several factors, such as the role of social dialogue in a specific country, political support, legal arrangements, resources and capacity of the partners.
- ▶ Cooperation can take various forms such as statutory tripartite bodies, partnership agreements or memoranda of understanding and more informal exchange or ad hoc meetings. All cooperation forms are equally important, as they establish commitment and trust at a strategic and managerial level and allow for contact and exchange at operational level. Political commitment is important to enable cooperation partners to work together, while practical partnership agreements, often agreed on sectoral level, implement common measures.
- ▶ Trust is the key ingredient to successful cooperation between social partners and labour inspectorates. However, trust takes time to establish, and could be a topic on its own when developing agendas for cooperation. When setting common goals, key elements to be considered are regular and open conversations, respecting each other's mission and tasks and recognising the mutual value of tackling undeclared work from different perspectives.
- ▶ Ideally, cooperation partners utilise the experience and sector-specific 'on-the-ground' expertise of social partners to monitor undeclared work risks and to plan common measures accordingly. At the national level, many inspections carried out by labour inspectorates are tipped off by / receive tips from social partners. European-level social partners are also well-placed to collect anecdotal evidence⁶ and track trends at EU level (such as the labour mobility of third country nationals).
- ▶ Social partners also monitor the implementation of collective agreements and regulations concerning occupational safety and health. In most countries however, the social partners' mandate to enforce compliance is often more constrained than the mandate of labour inspectorates. There are a few examples of joint inspections of labour inspectorates and social partners, such as in Greece, Iceland and Italy. Good collaboration is required, so that the labour inspectorate can follow up on the actions of social partners with their own inspections or sanctions.
- ▶ Another common deterrence measure is the use of identity cards worn by workers at the workplace, which help social partners and labour inspectorates to identify the workers by name, and consequently - their employment status and employer, for example in subcontracting chains, and in the detection of undeclared work.
- ▶ Prevention measures, such as awareness-raising campaigns or advice for workers and employers, enhance the common understanding about the benefit of declared work. A prominent example is campaigns, where labour inspectorates and social partners collaborate to create the content and distribute the material. In some countries labour inspectorates and social partners set up joint training on declared work. Social partners play a key role in interpreting legal changes (especially recent ones of which companies and workers are still not aware of) through consultations and training.

⁶ Evidence based on individual experiences, tips by workers or observations at the workplace, for example regarding the increasing trend of observed undeclared work cases in a specific sector or geographical region.

1.0 ESTABLISHING COOPERATION BETWEEN LABOUR INSPECTORATES AND SOCIAL PARTNERS

Establishing common goals to promote fair and declared work often starts with respecting each other's mission and tasks and by recognising the mutual value of tackling undeclared work from different perspectives. Trade unions aim to guarantee workers' rights, appropriate wages and working conditions. Employers' organisations strive to protect fair competition by showcasing employers' good practice and by promoting simple and easy ways to ensure labour law compliance for businesses. This in turn ensures a better access to qualified workforce and raises the general attractiveness of a sector. Labour inspectorates (along with tax and social security bodies) are tasked with preventing, detecting and deterring any labour law violations in order to sustain fair labour markets and state budgets. Hence, policy measures to address undeclared work can profit from the combination of these common interests: the expertise and investigative powers of labour inspectorates, and the local workplace insight, and the direct outreach to workers and employers of social partners.

Different starting points across Europe

EU / EEA Member States have different starting points in terms of the role trade unions and employers' organisations play in the design and implementation of policies to address undeclared work. This is because there are different models of industrial relations and social dialogue at the national level.⁷ Moreover, labour market changes and varying employment relations can make common measures between workers and employers' representatives more complex. Different trade unions and employers' associations may have varying interests, so building consensus is often a lengthy process. In addition, different social partner organisations may have varying negotiation positions due to the size of their members or political influence. Furthermore, common measures with labour inspectorates can be legally constrained, such as a lack of authorised access to workplaces for social partners (e.g. in Denmark), and restricted access to data due to privacy concerns (e.g. in Slovakia). Nevertheless, exchange between countries can promote ways to establish or improve collaboration, such as in the Nordic-Baltic undeclared work project, which also discussed tripartite cooperation with social partners. As a result of the initiative, the Latvian government established and renewed agreements with national social partners, based on the networking and seminars held.

It was also outlined in the workshop that the way trade unions and employer organisations organise themselves impacts their working relationship with public authorities, such as labour inspectorates. Usually, business' and workers' organisations have a sectoral counterpart (the other side of industry) for exchanges and negotiations (e.g. in Denmark employers are organised according to industry and size). This can also be more formalised, for instance, the Dutch Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU), represents the largest employer and employee organisations in the country. Their aim is to raise awareness about the Collective Labour Agreement for Agency Workers to all relevant stakeholders in the sector, and to monitor compliance through inspections. Outcomes are shared with the Dutch tax / revenue administration and the Labour Inspectorate. They can also start juridical procedures against offenders.⁸ The fact that workers and employers are

⁷ European Employment Policy Observatory (EEPO) (2016). The role of social partners in the design and implementation of policies and reforms. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=1086&furtherNews=yes&newsId=2661>

⁸ European Platform undeclared work, (2018). Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) - Enforcing compliance to collective labour agreements, Netherlands. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=19449&langId=en>

already organised in a bipartite organisation may make it easier for public authorities, such as the labour inspectorate, to agree on common measures within a specific sector.

Paritarian institutions (often registered as not-for-profit entities)⁹ are another way to provide a wider platform to discuss and account for the specific needs of employers and workers. Paritarian funds are established, funded and managed by social partners, in order to fulfil a complementary role to the existing governmental structures, mainly in the area of vocational training, health and safety, sectoral pensions and paid holiday schemes. Usually, the role of social partners (and by extension – the activities of the paritarian funds) are foreseen in relevant legal acts, which provide them with a specific mandate. The government can also contribute to their activities, for instance, the Belgian state pays for part of the ‘Paid Educational Leave’ scheme, managed by the Fund for Vocational Training in the Construction Industry – FVB / FFC. Paritarian institutions are predominantly oriented towards construction as a sector and pensions as a topic. Such bodies are mostly present in Western Europe, according to the activity reports and members’ list of the European Association of Paritarian Institutions¹⁰. Another example to promote declared work by paritarian institutions is outlined below:

Example: Spanish paritarian Construction Labour Foundation

The Spanish paritarian Construction Labour Foundation (Fundacion Laboral de la Construccion - FLC) supports compliance with the Royal Decree 8/2019, obliging companies to keep records of their employees’ working hours on a daily basis.¹¹ FLC launched a free platform called Gesinprec (www.gesinprec.com), where companies can upload documentation on social security contributions, making it easier to check whether subcontractors are complying with their obligations. FLC also issues the Spanish Professional Construction Card (TPCs), which includes information about the workers’ ‘training, professional qualifications and experience in the sector’.¹²

Commitment at strategic, managerial level and operational level

Cooperation between labour inspectorates and social partners can take various forms such as statutory tripartite bodies, partnership agreements or memoranda of understanding and more informal exchange or ad hoc meetings. The Nordic-Baltic undeclared work project,¹³ distinguishes between three complementary levels of the tripartite cooperation:

- ▶ High level (involving ministries and national-level representatives of social partners). This is the most commonly observed type of cooperation, where partners usually meet once a year to share information and concerns;¹⁴

⁹ In the field of social protection, paritarian institutions are non-profit institutions which are jointly managed by the social partners (representatives of the employers and employees). For more information: European Association of Paritarian Institutions (AEIP) website. Available at: <https://socialprotection.org/connect/stakeholders/european-association-paritarian-institutions-aeip>

¹⁰ European Association of Paritarian Institutions of Social Protection, (2020). AEIP Activity Report 2020. Available at: <https://aeip.net/wp-content/uploads/AEIP-Activity-Report-2020-EN-Web.pdf>

¹¹ International Bar Association, (2019). Spain and the revolutionary change in working time rules. Available at: <https://www.ibanet.org/article/0308584A-8583-4047-B26C-C4A8EDEC0E03>

¹² EFBWW and FIEC, (2020). Tackling undeclared work in the construction industry: Toolkit. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

¹³ Nordic-Baltic undeclared work project, (May 2021). Report from workgroup cooperation. Joint efforts combatting undeclared work.

¹⁴ Cooperation can also include an international or EU-level organisations, for instance, the Greek government, ILO and social partners, established in 2016 a tripartite agreement to implement the “Roadmap to implement a holistic integrated strategic approach towards tackling undeclared work in Greece”.

- ▶ Medium level (involving the national management of labour inspectorates and nationally organised social partners, represented either by umbrella / parental or by branch-specific organisations). At this level sector-specific programmes and campaigns are planned and implemented;
- ▶ Local level (involving labour inspectors working at operational level and local representatives from the social partners). This type of cooperation adds a lot of value 'on-the-ground'. Yet, it is also faced with the most challenges, as activities at local level often depend on central-level agreements and recommendations from national bodies.¹⁵

In terms of high-level cooperation, statutory cooperation is typically set in an official or legal document, which explains the desired role of partners, their legal mandate, possible ways to cooperate via joint commissions or councils. An example are tripartite contracts, which regulate the interaction between the government, employers' organisations and trade unions and aim to ensure consensus in decision-making and legislation, as described in the examples below:

Examples of tripartite cooperation, based on official documents and legal acts

The **Belgian Plans for Fair Competition**, tripartite negotiations with the government and social partners, define the main issues in a sector, but also outline the political intention to find solutions or potential simplifications of legislation and regulation in the sector. There are eight Plans for Fair Competition for the following sectors: construction, transport, electronics, cleaning, agriculture and horticulture, metallurgy, funeral and carwash services. The Plan for Fair Competition in the construction sector, signed by the Secretary of State for the Fight Against Social Fraud, the Social Information and Investigation Service and social partners encompasses 40 measures at national, Benelux and EU levels aimed at prevention, detection, inspections, and sanctioning of social fraud and social dumping, as well as at enhancing the safety and well-being of workers. The partners share experiences, new insights, and enhance awareness through campaigns.¹⁶

Similarly, the **Finnish Government Resolution on a Strategy and an Action Plan for Tackling the Grey Economy and Economic Crime for 2020–2023** foresees that each ministry or public body engages social partners within their own projects and initiatives. The resolution aims at jointly implementing 50 measures adopted as a part of the Action Plan. For example, social partners contribute to an assessment of practices of underpayment of employees.¹⁷ Other measures foresee introducing new procedures to combat the misuse of identity; implementing a joint resource-monitoring system of the authorities playing a key role in the combating of the grey economy and economic crime; combating VAT fraud, etc.¹⁸ This resolution is based on the long-standing cooperation, first established through tripartite agreements by Finnish trade unions, employers' organisations and the Finnish government back in 1968.¹⁹ Since then, tripartite agreements have been

¹⁵ Ibid.

¹⁶ European Platform undeclared work, (22-23 June 2021). Presentation by Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

¹⁷ European Platform undeclared work, (22-23 June 2021). Presentation by Finland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

¹⁸ Finish Government, (11 June 2020). Government Resolution on a Strategy and an Action Plan for Tackling the Grey Economy and Economic Crime for 2020–2023. Available at: <https://valtioneuvosto.fi/en/-/1410877/hallitus-torjuu-harmaata-taloutta-laajalla-toimenpideohjelmalla>

¹⁹ Motiivi, (5 November 2018). 5 things you need to know about the tripartite (5 asiaa, jotka sinun tulee tietää kolmikannasta). Available at: <https://motiivilehti.fi/lehti/artikkeli/kolmikanta-on-jalleen-kaikkien-huulilla-mutta-mita-se-oikeasti-tarkoittaa-5-asiaa-jotka-sinun-tulee-tietaa-kolmikannasta/>

renegotiated every few years, including the so-called tripartite national income policy agreements, which establish the overall wages, taxes, social security changes and employment laws.²⁰

In **Greece**, the legislative framework aims to enhance social dialogue, and facilitate joint actions among authorities and social partners. Legislation²¹ provides trade unions with the right to be present during inspections carried out by the competent bodies of the Ministry of Labour, submit their observations, and mediate labour disputes between employers and employees.

High-level cooperation often includes a structured consultation process which aims to take social partners' expertise and views into account in the overall strategic planning of labour inspectorates. In Italy, the Central Commission on Coordination of the Inspection Activities (including the Ministry of Labour and Social Policy, the labour inspectorate and the national coordinator of the local health agency) has developed guidelines on the strategic interaction with social partners. Usually, the labour inspectorate presents inspection findings from the previous year and outline their strategy for future inspection activities.²² Social partners then in turn provide feedback on the inspectorates' work and plans, and thus ensure more effective inspections, regulations, and sanctions to those who infringe on workers' rights or abuse their position. Similarly, in Greece, social partners monitor and suggest improvements of the Inspectorate, through the Council for Social Monitoring of Inspection of Labour (SKEE) at the Ministry of Labour, Social Security and Solidarity^{23,24}. SKEE is chaired jointly by inspectors and representatives of the social partners, which further facilitates the exchange of opinions and ideas.²⁵ Another example of ad-hoc consultation is a tripartite working group which focused on the Finnish implementation of the Enforcement Directive (2014/67/EU) on posting of workers. The working group made a suggestion for the introduction of a negligence fee for companies failing to report a posted worker.²⁶

At the medium or managerial level, cooperation also takes place in different forms. One example is the boards of directors or steering committees of the labour inspectorates. For instance, social partners are represented on the management board of the Irish Workplace Relations Commission, which has been the key success factor for the joint designing of the awareness raising campaign on labour rights back in 2019.²⁷

²⁰ MTV Uutiset, (25 November 2015). The tripartite is crumbling: EC is left out of centralized wage agreements (Kolmikanta murenee: EK jää pois keskitetyistä palkkojen sopimuksista). Available at: <https://www.mtvuutiset.fi/artikkeli/ek-n-alahuhta-ek-ei-ensi-vuoden-huhtikuun-jalkeen-tee-keskitettyja-tulopoliittisia-ratkaisuja/5577262#gs.41poid>

²¹ Act No. 1264/82, respecting the democratisation of the trade union movement and the protection of workers' trade union freedoms. Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=10259

²² European Platform undeclared work, (22-23 June 2021). Comment by Italy at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

²³ International Labour Organization, (2016). Diagnostic report on undeclared work in Greece. Available at: https://www.ilo.org/wcmsp5/groups/public/--ed_emp/documents/projectdocumentation/wcms_531548.pdf

²⁴ Greek Law No. 3996 of 2011 concerning the reform of the Employment Inspectors Body and provisions of Social Security issues. Available at: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=89552

²⁵ According to Article 26 of Greek Law N° 4144/2013 tackling delinquency within the Social Security sector and the labor market and providing for other issues falling under the jurisdiction of the Ministry of Labour, Social Security and Welfare. Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100435&p_count=75&p_classification=01

²⁶ Regional Labour Inspectorate of Southern Finland, (24 November 2016). Tripartite cooperation related to Directive's (2014/67/EU) implementation in Finland. Presentation at the Eurodetachment 2016-2017 Transnational workshop, Lisbon. Available at: http://www.eurodetachment-travail.eu/datas/files/EUR/Finland_The_tripartite_collaboration_24.11.2016.pdf

²⁷ European Platform undeclared work, (22-23 June 2021). Presentation by Ireland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

Secondly, inspectorates and social partners often cooperate on a sectoral level. For instance, the Belgian plans for fair competition are implemented at sectoral level to exchange information on irregularities in the sectors, or to provide sector-specific information to workers and employees directly. Norway launched four branch-programmes as a tripartite cooperation. In their framework, the labour inspectorate worked together with social partners from the automobile sector, cleaning, hotels / restaurants and transport, in order to jointly document and address challenges related to working conditions and working environment. In Germany, the tripartite collaboration is supported by 'Action Alliances' between the Federal Ministry of Finance, employers' associations and trade unions. Regular round-table meetings are organised to discuss legal questions or sector-specific issues. Similarly, EU and / or government funded projects (e.g., RAISE UP; Eurodetachment, Tackling undeclared work in the construction industry / TUWIC project 2018 – 2020²⁸) provide support and inspire sectoral and / or cross-border collaboration between social partners and labour inspectorates, also via tripartite cooperation or bilateral agreements.

In order to have clear agreements on goals and common activities, labour inspectorates and social partners set up partnership agreements or memoranda of understanding. For instance, a memorandum of understanding for promoting declared work and health and safety was signed between the Italian National Labour Inspectorate (INL) and the Joint National Committee for Building Workers' Welfare Funds (CNCE / Casse Edili).²⁹ It foresees information exchange, biannual meetings and joint information campaigns and training activities.³⁰ Further examples of tripartite cooperation, based on official documents, plans or legal acts, are presented below.

Establish trust via common goals and established contact at operational level

Social partners and labour inspectorates often lack capacity or resources for well-functioning cooperation. In general, high level cooperation establishes commitment and trust at a strategic and managerial level, and can strengthen collaboration via statutory forms of exchange or bodies and financial and capacity building support. In turn, local level engagement allows for contact, exchange and common activities at operational level.

Trust and interdependence are the most important drivers of cooperation. However, trust often takes time to establish, and could be a topic on its own when developing agendas for cooperation. As noted above, different forms of cooperation at political, managerial and operational level are needed to allow practitioners to have the capacity and motivation to reach out to their partners when tackling undeclared work. To set common goals, a key element is regular and open conversations, respecting each other's mission and tasks and acknowledging the mutual value of tackling undeclared work from different perspectives. Furthermore, early cooperation, such as common inputs into draft legislation, helps to build trust.

On the operational level, political and managerial endorsement of collaboration can enhance the resources and motivation to set up frequent contact for exchange and common measures. For instance, in Denmark, social partners have established trust and personal contacts with local offices of labour inspectorates and provide them with tips and referrals on labour law violations on ad hoc basis.³¹ Ideally, operational cooperation also benefits from partners' expertise. In some countries like Greece or Slovakia, labour inspectorates and social partners set

²⁸ European Construction Industry Federation, (2020). Tackling Undeclared Work in the Construction Sector (TUWIC). Available at: <https://www.fiec.eu/our-projects/completed-projetcs/tuwic>

²⁹ The Joint National Committee for Buildings Workers' Welfare Funds (Casse Edili) is a body founded by the building workers' trade unions and the federation of employers of construction industry. It manages the paritarian welfare funds for the construction industry.

³⁰ Memorandum of Understanding between the National Labor Inspectorate (INL) and CNCE (Commissione Nazionale Paritetica per le Casse Edili / Joint National Committee for Building Workers' Welfare Funds), (11 March 2021). Available at: https://olympus.uniurb.it/index.php?option=com_content&view=article&id=25046:inl-cnce1132021&catid=81&Itemid=142

³¹ European Platform undeclared work, (22-23 June 2021). Comment by Denmark at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

up joint training on declared work. For example, Greece is implementing a joint online training directed to social partners and the labour inspectorate.

2.0 BUILDING PARTNERSHIPS BASED ON THE EXCHANGE OF INFORMATION AND RISK ASSESSMENT

Efforts to tackle undeclared work should be based on a common assessment of undeclared work risks. In many countries, social partners inform about suspected cases of undeclared work and channel complaints to labour inspectorates, as they have sector-specific 'on-the-ground' expertise and facilitate a direct link to workers and employers. Social partners also engage public authorities, including labour inspectorates, and provide recommendations on how undeclared work issues on the labour market could be resolved through new measures or legal changes.

Exchange on undeclared work trends

Social partners play an important role in gathering cases of non-compliance at local level or sectoral level. Usually, complaints received by trade unions are prioritised by the labour inspectorates. In Slovakia, trade unions and employers' associations relay questions from their members to the National Labour Inspectorate, as workers / companies are sometimes reluctant to approach the inspectorate directly. Another example is the Swedish 'Fair Play BYGG' (<https://fairplaybygg.se>) initiative, where a trade union and an employers' organisation provide a channel for complaints in the construction sector and present them as cases to the authorities for further action. The Confederation of Finnish Construction Industries relies on similar informal methods of communication, as they call labour inspectors by phone or contact them by e-mail, in order to report a suspected law violation, or agree on joint actions for improved legislation.³²

The experience and knowledge of social partners is also utilised through their monitoring of undeclared work and labour market trends. Social partners share their conclusions with public authorities, policy-makers and the media in the form of reports, analyses or opinions and statistics. This information is exchanged via both statutory and non-statutory formats, often at regular meetings, and ultimately allows to plan and implement measures based on common identified risks. For instance, in Finland, collaboration agreements are based on a long-term risk analysis. In Sweden, a new consultation group with social partners has been set up to discuss common concerns at national level and how they can be addressed locally. Another example is the Irish Hidden Economy Monitoring Group (HEMG)³³ which gathers business and trade union representatives, as well as state agencies such as the Office

³² European Platform tackling undeclared work, (22-23 June 2021). Comment by Finland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

³³ HEMG is chaired by tax and labour inspectorates, and a social security body, supported by the Irish Business and Employers Confederation, the Construction Industry Federation and the Irish Congress of Trade Unions.

of the Revenue Commissioners, the Department of Social Protection (DSP) and the Workplace Relations Commission (WRC). The group provides advice and solutions on key problems to tackle the shadow economy.^{34,35}

European-level social partners are also well-placed to collect anecdotal evidence and track trends at EU level (such as the work mobility of third country nationals). They can also cooperate to develop information in multiple languages. A good example in that respect is the EU-funded TUVIC project, described in the box below.

The role of the European-level social partners

The TUVIC project aimed to facilitate the implementation of a holistic approach on undeclared work in the construction sector. In 2019-2020, the European Federation of Building and Woodworkers (EFBWW) and the European Construction Industry Federation (FIEC) brought together construction employers federations, trade unions and enforcement authorities from seven Member States (Austria, Belgium, Bulgaria, France, Italy, Romania and Spain).³⁶ They exchanged information and best practices on how to tackle undeclared work focusing on the prevention, enforcement, and need for new legislative action at national round tables. Good practices from both public bodies and social partners were summarised in videos, posters, and a toolkit available in 18 languages.³⁷ EFBWW and FIEC also issued a joint statement,³⁸ noting that EU Member States need to analyse their internal administrative and juridical procedures and sanction mechanisms and verify that they are sufficiently dissuasive and efficient to hinder fraud. Finally, a webinar was organised during the #EU4FairWork Week of Action with over 200 participants, and joint statements published on next steps to tackle undeclared work.³⁹

Exchange on compliant companies

Social partners can also inform labour inspectorates on compliant companies, which often results in a certificate or label for customers.⁴⁰ For example, social partners in the mushroom growing sectors in Belgium and the Netherlands maintain lists of companies that respect the labour law.⁴¹ This allows inspections to focus on companies not included in the compliance lists. A similar good practice from Italy is presented in the box below.

³⁴ European Platform tackling undeclared work, (22-23 June 2021). Commentary by Ireland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

³⁵ Irish Revenue public offices website, (2021). Reporting shadow economy activity (tax evasion). Available at: <https://www.revenue.ie/en/corporate/assist-us/reporting-shadow-economy-activity/hidden-economy-monitoring-group-hemg.aspx>

³⁶ European Platform tackling undeclared work, (22-23 June 2021). Presentation of the EFBWW project at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

³⁷ EFBWW and FIEC, (2020). Tackling undeclared work in the construction industry: Toolkit. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

³⁸ European Construction Industry Federation and European Federation of Building and Woodworkers, (2020). Joint statement by the European social partners in the construction sector. Available at: www.fiec.eu/application/files/1016/0129/3370/2020-09-24_-_FIEC-EFBWW_Joint_statement_Undeclared_Work.pdf

³⁹ European Platform tackling undeclared work, (December 2020). Platform Newsletter. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23313&langId=en>

⁴⁰ Ministry of Agriculture, Food and Forestry Policies, (2015). Available at: <https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/9062>

⁴¹ European Platform tackling undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

Example: compliance certificate in Italy

In Italy, the cooperation between the social partners and the public authorities in the construction industry has led to the introduction of the Single Document of Contribution Regularity (DURC). DURC certifies that a company has fulfilled all its social security, safety insurance and tax obligations, and is required for the company to participate in public procurement. It is jointly issued by the national social security institute INPS, the national occupational accident insurance institute INAIL and the paritarian body Casse Edili.⁴²

Learning and sharing from information and approaches

Social partners and labour inspectorates can also learn from their respective approaches. For example, Constructiv, a paritarian fund of the construction sector, developed data mining based on specific red flags (such as sudden changes of workforce or a high use of temporary workforce). Constructiv contacts workers proactively and shares results from its risk assessment tool with the labour inspectorate. Another example are the regional protocols between social partners and the labour inspectorate in the Italian construction sector, which have set up IT systems to track data about construction sites and workflow information. These systems are preventing both undeclared work and criminal infiltration into public tendering.⁴³

Promoting the implementation of EU legislation into national law

In some EU Member States social partners, through tripartite cooperation, advise the government on legal issues and assist in implementing EU legislation and directives at national level.⁴⁴ For example, countries such as Denmark, Sweden, Finland, Iceland and Norway all follow a Nordic collective-agreement model of labour market regulation, whereby EU directives may also be implemented through collective agreements. Due to the key role of social partners in the development of national level labour legislation, the harmonisation with EU regulations and directives is often carried out with social partners. In addition, national and sectoral social partners remain active players in the development of EU legislation through their cooperation and membership in their respective EU level social partner organisations of trade unions and employers.⁴⁵

3.0 COOPERATION APPROACHES FOR TACKLING UNDECLARED WORK

Based on the identified risks and undeclared work trends, and motivated by their common goals, partners ideally develop joint deterrence and prevention measures to tackle undeclared work and its negative impact on the labour market. There are two major deterrence approaches – better detection (e.g. through inspections or the use of ID cards) and improved penalties (sanctions or naming and shaming). In terms of preventative strategies, these can

⁴² EFBWW and FIEC, (2020). Tackling undeclared work in the construction industry: Toolkit. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

⁴³ Ibid.

⁴⁴ European Commission, DG Employment, Social Affairs and Inclusion (July 2016). The role of social partners in the design and implementation of policies and reforms. Available at: <https://ec.europa.eu/social/BlobServlet?docId=16464&langId=en>

⁴⁵ Kristiansen J. (ed.). (2015). Europe and the Nordic Collective-Bargaining Model: Complex Interaction between Nordic and European Labour Law. Copenhagen: Nordic Council of Ministers. Available at: <http://norden.diva-portal.org/smash/get/diva2:816030/FULLTEXT02.pdf>

include education and awareness campaigns, websites, and guidelines, for example developed on the basis of social partners' insight. Moreover, collective agreements as well as legal provisions for corporate social responsibility can enhance compliance of workers and companies with labour legislation.

3.1 Deterrence

A common deterrence measure across the EU / EEA for tackling undeclared work are targeted inspections, and some inspections are organised upon tips from social partners. Social partners also monitor the implementation of collective agreements and regulations concerning occupational safety and health. In most countries, however, the social partners' mandate to enforce compliance is often more constrained than the mandate of labour inspectorates. Hence, good collaboration is required, so that the labour inspectorate can follow up on actions or tips by social partners with their inspections or sanctions.

Joint / 'shadow' inspections

In general, social partners have a limited role during inspections. They are usually participating in identifying risky companies or sectors at the initial stage of the inspection, or informing workers about their rights during the inspection (while the labour inspectors gather information and documents from the employer). While some good practices of social partners 'shadowing' labour inspectors exist, in many Member States they do not have access to inspection sites (workplaces). There are a few examples of joint inspections between labour inspectorates and social partners, such as in Greece, Iceland and Italy. In Italy, labour inspectorates and social partners perform inspections in accordance with a protocol which defines their responsibilities and duties. Other practices from Iceland and Greece are provided in the boxes below.

Example: social partners' inspections from Iceland

The Icelandic Confederation of Labour (ASI) and the Confederation of Icelandic Employers (SA) have a Joint Consultation Committee that inspects violations of the rights of foreign workers in Iceland. They have the right to obtain unaltered data on wages, qualifications of the workers and working conditions in cases referred to them. The Committee aims to settle disputes primarily through discussions between the concerned parties, however bringing the case to a court is also an option.⁴⁶

Social partners' presence during inspections is recognised as most valuable in relation to the monitoring of the minimum wage legislation and the strong collective bargaining agreements in the country. Social partners, for instance, assist workers in seeking unpaid wages, amendments and reparations.

Trade unions are entitled to carry out their own preliminary visits and to participate with a supporting role in the follow-up labour inspections. The independent trade union's site visit aims to inform workers on their rights and obligations on collective bargaining agreements, occupational safety and health, and social rights. In addition, the trade union representative checks if there are any complaints by the workers. If serious violations are suspected, the trade union could further investigate the case.⁴⁷ The key findings on any uncovered instances of undeclared work during these visits are then promptly forwarded to the labour inspectorates, the police, or any other relevant public authority.

As a result of the trade union signals for violations, full inspections are then performed by the labour inspectorate. These on-site inspections are implemented always without a prior notice, in cooperation between

⁴⁶ ASI, Agreement on Foreign Workers. Available at: <https://www.asi.is/vinnurettarvefur/vinnurettur/icelandic-labour-law/foreign-workers/agreement-on-foreign-workers/> + the linked file embedded in the text

⁴⁷ The Global Deal, Equal Rights – no exceptions. Available at: <https://www.theglobaldeal.com/good-practices/asi-knowledge-sharing/>

the labour inspectors and other relevant government authorities. Whenever possible, social partners (usually trade unions) are also included, especially if the case originated from them. This practice is applied on ad-hoc basis since 2018, in the framework of the 'Multi-authority working group on work related crime and social dumping'. The main steps of planning and implementing an inspection include: a) an inspection briefing (establishing clear divisions of competences); b) on-site inspection (trade union representatives provide on-site insight and engage with workers on their rights and resources); c) debrief and next steps.⁴⁸

Example: 'shadow' inspections and awareness-rising from Greece

Between May and October 2017, targeted and joint inspections were held in Greece in a collaborative effort between the Labour Inspectorate (SEPE) (as a coordinator), the Unified Social Security Institution (EFKA), the Financial and Economic Crime Unit (SDOE), the Financial Police, and with support from social partners such as the Athens Labour Union Organisation (EKA). The action was developed in the framework of the 'Roadmap to implement a holistic integrated strategic approach towards tackling undeclared work in Greece', established after a tripartite agreement between the Greek government, ILO and social partners in 2016.

A total of 1667 businesses were inspected, resulting in 508 penalties in the amount of EUR 4,187,726. The uncovered infringements were related to irregularities concerning 934 workers. The joint activities included exchange and cross-check of data and information between the four public bodies,⁴⁹ as well as joint on-the-spot inspections in which two inspectors checked the regulations, accompanied by two representatives of the social partners.⁵⁰ Social partners also organised training of inspectors on undeclared and under-declared work, joint publicity such as press releases, printed and electronic leaflets, etc.⁵¹

Monitoring of collective bargaining agreements

Six EU Member States (Austria, Cyprus, Denmark, Finland, Italy and Sweden) have collective bargaining agreements, which set minimum wages. In these countries, compliance with such agreements is monitored predominantly by the social partners. In Member States that use statutory minimum wage rates^{52,53} the task of ensuring compliance is a shared responsibility among ministries, inspectorates and social partners.⁵⁴ In Belgium

⁴⁸ European Platform undeclared work, (22-23 June 2021). Presentation by Iceland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁴⁹ Adiloti Ergasia, (7 February 2017). Operational Plan. Available at: https://adilotiergasia.org/wp-content/uploads/2017/02/FINAL_EN_PILOT-1.pdf

⁵⁰ European Platform undeclared work, (January 2020). Joint targeted inspections by the Greek Labour Inspectorate (SEPE) and the Athens Labour Union Organization (EKA). Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=22205&langId=en>

⁵¹ European Platform undeclared work, (22-23 June 2021). Presentation by Greece at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁵² Eurofound, (2021). Minimum Wage. Available at: <https://www.eurofound.europa.eu/topic/minimum-wage#infographic>

⁵³ ILO, (2020), Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19, International Labour Office, Geneva.

⁵⁴ European Platform undeclared work, (22-23 June 2021). Presentation by the European Federation of Building and Woodworkers at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

the compliance-ensuring role is undertaken by the paritarian fund. This system offers flexibility, but is also reliant on the autonomy of the social partners.⁵⁵

Monitoring health and safety

Social partners are also active in the health and safety area, which could often be related to undeclared work. For example, in Norway there are 'regional safety representatives', who provide advice and instructions to workers (employed by the trade union in construction). They have contact points in the labour inspectorate, which performs a follow-up to any referrals by the social partners. Similarly, Belgium has 'well-being inspectors' on health and safety, who are trained and employed by the paritarian fund in the construction sector.⁵⁶ Trade unions in Slovakia are authorised by the Labour Code to carry out such inspections and report their findings to the labour inspectorate.⁵⁷

Enforcing the use of identity cards

Another common deterrence measure is the use of identity cards worn by workers at the workplace. Identity cards^{58,59} used for example in Belgium, Iceland, Finland, Norway and Sweden, help social partners and labour inspectorates to identify workers and their employers, for example in subcontracting chains of employment, and in the detection of undeclared work. In fact, the purpose of these cards has evolved over time - whereas the first generation of cards mainly aimed to check compliance with occupational safety and health standards and the professional qualifications, the second generations of cards were mainly introduced to facilitate the control of working conditions and social protection.⁶⁰ Good examples from Belgium, Norway and Iceland are showcased in the box below.

Example: ID cards in the construction sector in Belgium, Norway and Iceland

In **Belgium**, social partners have initiated the voluntary use of ID cards in the construction sector (ConstruBadge) to regulate the access of workers to construction sites, stimulate healthy competition and contribute to the fight against social dumping. The badge is funded by Constructiv⁶¹ and covers only construction workers, so other workers such as electricians, painters, wood workers are not included in the measure.⁶²

All employers in the construction sector and cleaning services in Norway are obliged to order HSE⁶³ cards, issued by the Labour Inspection Authority, for their national and foreign employees. The electronic data of the

⁵⁵ OECD (2015), OECD Employment Outlook 2015, OECD Publishing, Paris. Available at:

https://read.oecd-ilibrary.org/employment/oecd-employment-outlook-2015_empl_outlook-2015-en

⁵⁶ European Platform undeclared work, (22-23 June 2021). Comment by Norway and Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁵⁷ International Labour Organization, (2021). Labour Inspection Structure and Organization Slovakia. Available at: https://www.ilo.org/labadmin/info/WCMS_209366/lang--en/index.htm

⁵⁸ EFBWW and FIEC, (2020). Toolkit: Tackling undeclared work in the construction industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

⁵⁹ EFBWW and FIEC, (2015). Social Identity Cards in the European Construction Industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/nunc-auctor-elit-sit-amet-accumsan-pretium/36-a>

⁶⁰ Ibid.

⁶¹ Constructiv, (2020). Construbadge. Available at: <https://constructiv.be/en-US/Werkgevers/ConstruBadge.aspx>

⁶² European Platform undeclared work, (22-23 June 2021). Comment by Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁶³ Health, safety and environment (HSE).

HSE cards is checked by social partners and public authorities, as it constitutes a proof that the worker is registered in the official registers (tax, social security, etc).⁶⁴

ID cards in the sectors of construction, hotels and restaurants are utilised in Iceland since 2010, based on an agreement between the Icelandic Confederation of Labour and the Confederation of Icelandic Employers. The social partners inspect the presence of ID cards. However, the cards are also useful for labour inspectors, helping them to identify workers and subcontractors during on-site visits. The cards further support the risk analysis of all relevant enforcement bodies, since they are only issued to employees and employers registered in the national registers, which respect the rules and regulations of the labour market. Iceland is currently analysing the practice of Norway on how to issue ID cards more uniformly, and how they could be digitalised.^{65,66}

Naming and shaming

Among the social partners' initiatives for collaboration with labour inspectorates is also the 'naming and shaming' of offenders through the maintenance of non-compliance lists. An example in that regard presents the Czech list of fraudulent temporary work agencies issued by the Czech-Moravian Confederation of Trade Unions-CMKOS and the Czech Metalworkers' Federation-OS KOVO.⁶⁷ Furthermore, the Ethical Trading Initiatives (e.g., in Norway and Denmark) led by social partners perform a due diligence assessment of suppliers along agricultural supply chains, making sure that workers' rights are respected.⁶⁸

3.2 Prevention and awareness-raising

Preventative measures include on the one hand, incentives to make it easier or beneficial to engage in declared work and on the other hand, education and awareness raising about the benefits of declared work and costs of undeclared work.

Incentive measures to make it easier or more beneficial to engage in declared work are seldom pursued by social partners and labour inspectorates, largely because such incentive measures are either beyond the legal mandate of labour inspectorates or not seen by labour inspectorates as part of their remit. The result is that many of the supply-side and demand-side preventative measures pursued to tackle undeclared work are currently undertaken by social partners on their own. On education and awareness raising, however, there is greater cooperation.

Awareness-raising campaigns and training

Awareness-raising campaigns or advice for workers and employers enhance the common understanding about the benefit of declared work.⁶⁹ A prominent example are campaigns, where labour inspectorates and social partners collaborate in creating the content and distributing the material, such as described in the examples below:

⁶⁴ Norwegian Labour Inspection Authority. HSE cards in building and construction. Available at: <https://www.arbeidstilsynet.no/en/hse-cards/hse-cards-in-building-and-construction/>

⁶⁵ European Platform undeclared work, (22-23 June 2021). Comment by Iceland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁶⁶ Eurofound, (02 June 2013). Workplace ID cards, Iceland. Available at: <https://www.eurofound.europa.eu/data/tackling-undeclared-work-in-europe/database/workplace-id-cards-iceland>

⁶⁷ Regional Cooperation Council / Western Balkan Network tackling undeclared work, (May 2021). Tackling undeclared work: improving the range and effectiveness of sanction tools. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835628

⁶⁸ European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

⁶⁹ Regional Cooperation Council / Western Balkan Network tackling undeclared work (2021), Improving Social Partner Involvement in Tackling Undeclared Work: A Toolkit. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835333



Example: awareness-raising campaigns in Portugal and Poland

The awareness-raising campaign 'Bad for you! Harmful for all! (2014-2015)' in Portugal included 129 awareness-raising activities, reaching 6 607 participants. A total of 9 073 undeclared workers were detected, 40% of whom opted for a voluntary regularisation. The campaign resulted in recovering workers' salaries amounting to EUR 20.8 million and social security revenues of EUR 4.7 million.⁷⁰

In Poland, the 'I work legally' awareness raising campaign 2017-2019 (www.prawawpracy.pl) was initiated by the National Labour Inspectorate, under the patronage of the Parliament Speaker. It was supported by the Social Insurance Institution (ZUS), Lewiatan Confederation, the All-Poland Alliance of Trade Unions, Employers of Poland, Polish Craft Association, NSZZ Solidarity, and the Association for Legal Intervention. ZUS allocated additional financial resources to increase outreach, provided training courses and co-authorship of press-releases, under a formally signed agreement with the National Labour Inspectorate. Cooperation with social partners took place on the basis of ongoing working contacts. The social partners supported the campaign by:

- ▶ uploading information on their websites;
- ▶ distributing National Labour Inspectorate's materials at their events;
- ▶ supporting the organisation of information meetings and trainings carried out by the District Labour Inspectorates throughout the country;
- ▶ production of real-life movies broadcasted in public transport; participation in the conferences.⁷¹

In 2017, ZUS carried out a survey, revealing that the campaign was very well-received, and that there was an increased demand for information on employment regulations of foreigners.⁷²

Example: raising awareness among students on the benefits of declared work in Greece

The Greek Labour Inspectorate (SEPE) and social partners implemented an awareness raising in schools in October 2017. The aim was to spread information about the benefits of seasonal, declared work with an emphasis on the employment and social rights of seasonal workers, as well as the dangers of non-compliance, targeted at students who were likely to pick up seasonal jobs during their summer break. The campaign involved 45 minutes of informative sessions led by two inspectors from SEPE and representatives of social partners such as the Hellenic Federation of Enterprises (SEV), the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), the Association of Greek Tourism Enterprises (SETE) and others. A total of 15 schools were visited, with 70 pupils from each school attending the presentations.⁷³

Example: tripartite cooperation in information campaigns in Iceland

⁷¹ Prawawpracy, (2019). Szkolenia 2019. Available at: https://prawawpracy.pl/html/szkolenia_2019.html

⁷² European Platform undeclared work, (22-23 June 2021). Presentation by Poland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁷³ European Platform undeclared work, (22-23 June 2021). Presentation by Greece at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

In Iceland, employers' associations support employers in carrying out the collective bargaining agreements within their legal framework.⁷⁴ They offer specialist services in labour and business law, assist companies in drafting contracts with employees, represent employers in disputes with trade unions, offer information and training.⁷⁵

Social partners and public authorities also successfully created content and distributed awareness-raising materials. One such project is #EkkertSvindl created by the Icelandic Confederation of Labour (ASI), which offers information on workers' rights and the disadvantages of undeclared work in English, Polish and Russian.⁷⁶

Providing advisory services and protecting workers' rights

Social partners have a key role in interpreting legal changes (especially recent ones that companies and workers are still not aware of), through consultations and training. They negotiate and ensure compliance with collective bargaining agreements: an interesting practice in that regard presents the appointment of 'shop stewards' to protect the rights of the employees at their workplace in some Nordic countries.

Example: the role of the 'shop stewards'

In Finland, Sweden and Denmark, trade unions have legal professionals who provide **free advice and legal support** to their members in case of conflicts with employers.⁷⁷ In Finland, workplaces that have committed to collective agreements, have a 'shop steward'. They are both an employee at the workplace as well as a member of the trade union. The shop steward's task is to represent the employees and defend their rights. If they find a violation of the collective agreement, they first attempt to settle the issue with the employer. If this attempt is not successful, then they bring the case to the trade union, which will resolve it with the employer's union. Ultimately, the violation may be settled in a labour court with financial support from the trade union.⁷⁸ Sweden has a similar shop steward system, although shop stewards do not have to be employed at the workplace they represent.⁷⁹ Denmark also has trade union representatives situated in workplaces. However, issues are usually resolved in the framework of cooperation committees, consisting of representatives of employees and employers.⁸⁰

⁷⁴ European Platform undeclared work, (22 - 23 June 2021). Presentation by Iceland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁷⁵ SA, Services (þjónusta). Available at: <https://www.sa.is/vinumarkadur/thjonusta>

⁷⁶ #EkkertSvindl website. Available at: <https://www.ekkertsvindl.is>

⁷⁷ Fackförbund, Pros and cons of trade unions (Fördelar och nackdelar med facket). Available at: <https://fackforbund.nu/tips-och-artiklar/rad-stod/foerdelar-och-nackdelar-med-facket/> and SAK, Benefits of membership (Jäsenedut). Available at: <https://www.sak.fi/ammattiliitot/jasenedut>

⁷⁸ SAK, Benefits of membership (Jäsenedut), and Työelämään, Why is it beneficial to be a member of a labour union? (Mitä hyötyä on ammattiliittoon kuulumisesta?). Available at: <https://tyoelamaan.fi/mina-tyoelamassa/miksiliittoon/>

⁷⁹ Langsorganisation i Sverige, Work and laws – the shop steward law (Jobbet och lagarna – förtroendemannelagen), page 6. Available at: [https://www.lo.se/home/lo/res.nsf/vRes/lo_1365274746462_2992_1_fortroendemannalagen_webb_pdf/\\$File/2992-1_Fortroendemannalagen_webb.pdf](https://www.lo.se/home/lo/res.nsf/vRes/lo_1365274746462_2992_1_fortroendemannalagen_webb_pdf/$File/2992-1_Fortroendemannalagen_webb.pdf)

⁸⁰ Worker Participation, Workplace Representation. Available at: <https://www.worker-participation.eu/National-Industrial-Relations/Countries/Denmark/Workplace-Representation>

4.0 RECOMMENDATIONS FOR BUILDING SUCCESSFUL COOPERATION

The participants of the thematic review workshop agreed that a holistic approach is needed to create and implement deterrence and prevention measures in cooperation between social partners and labour inspectorates. They discussed the following recommendations.

At national level:

- ▶ The cooperation between labour inspectorates and social partners needs to be a specific policy objective (outlined in strategies, plans or legislation) which will facilitate investments in staff, technology and knowledge-building of labour inspectorates and social partners.
- ▶ National governments can consider legal changes that provide social partners with more cooperation powers (for example to grant social partners the right to either carry out own inspections and/or shadow labour inspectors during on-site visits or to involve social partners in the management boards of public authorities).
- ▶ Next to maintaining existing working relationships, labour inspectorates should continue to identify new potential partners, and map their know-how and competences (including local-level and paritarian bodies). In case of suspected cross-border undeclared work, labour inspectorates could seek out cross-border collaboration, considering also EU-level social partners and projects they have been involved in.
- ▶ National governments could provide more forms of statutory and non-statutory cooperation where contacts and meetings are held.
- ▶ The overall strategy for cooperating with social partners should ideally reflect their role and possible contribution along the whole enforcement chain: prevention, detection, inspections, and sanctioning. Giving social partners a more prominent role to input in strategic and operational decisions within the public authorities, including the labour inspectorates, could further strengthen the cooperation.
- ▶ Trust could be built through regular communication and smaller pilot initiatives, later expanded to cover a wider range of actions, risky companies, economic sectors, etc. Maintaining of personal / informal contacts is also crucial.
- ▶ Information needs (referrals of cases, recording of daily working time, latest undeclared work schemes) could be pre-agreed among the partners.
- ▶ Information exchange procedures and joint risk assessment could be established based on anonymised personal data, building of joint databases and risk assessment systems. Social partners could provide the technical / IT support.
- ▶ Any joint activity could be better planned through clear task distribution, debriefings, task force meetings, or clear outlines in cooperation agreements.
- ▶ There is need of developing monitoring and evaluation culture, including the practice of analysing the efficiency and impact of the cooperation (e.g. through post-op discussions) and its future improvement.

At EU level:

- ▶ The mandate of social partners to take part in joint inspections varies across different EU / EEA countries. Responsibilities that social partners have in different countries (especially when it comes to accessing work



places, the power to ask questions or gather evidence) need to be clearly outlined to all partners in a joint inspection;

- ▶ National labour inspectorates and social partners could use EU-funded projects⁸¹ and the knowledge of the EU-level social partners while developing cooperation, in particular in cross-border cases. This calls for more dedicated and sustained support at EU-level for such cross-border collaboration between labour inspectorates and social partners;
- ▶ Member States could ask ELA for more practical support for cooperation, focusing on the development of standardised cooperation tools, and common risk assessment or joint deterrence measures.

⁸¹ Such as the ones funded by the EU Programme for Employment and Social Innovation (EaSI) up to 2020, and the European Social Fund Plus (ESF+) for the period 2021 – 2027.

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