



Second meeting of the European Labour Authority Working Group on Inspections

5 March 2020

- Summary of the deliberations -

The Experts appointed by the ELA Management Board Members met in Brussels on 5 March 2020 for the second meeting of the ELA Working Group on concerted and joint inspections (CJIs). The aim of the meeting was to provide input on the updated versions of three draft deliverables presented at the first meeting and to launch the discussion on the development of Key Performance Indicators.

During the meeting, the Commission delivered a presentation on the campaign #EU4FairWork co-organised by the European Platform tackling undeclared work and the European Labour Authority. This was followed by presentations by three Member States (Finland, Belgium and Portugal) on the activities planned during the Week of Action within the #EU4FairWork campaign. These activities include the first pilot joint inspections, with the aim to test the modalities for ELA support, including the use of draft models and procedures and the participation of ELA staff as observers¹.

The discussions focused on the updated version of the first three draft deliverables: a Model Agreement for carrying out a CJI; a Post-inspection report; and Workflow Guidance documents for Member States, for ELA for Social Partner organisations at national level.

Model Agreement for concerted and joint inspections

The ELA presented the changes to the draft Model Agreement, which is now a leaner document, completed by annexes to be used in a modular way. The main document will be used to outline the basic information about the CJI and confirm the agreement of all involved parties to participate in a CJI. Annex 1 will provide more details and background information about the case, Annex 2 is dedicated to the practical aspects of the inspection and Annex 3 provides an overview of the national legislation pertaining to CJIs. The Experts welcomed the improvements to the updated draft and suggested further simplification, in particular concerning the section on the expected scope of the CJI.

Post-inspection report

The Experts discussed the updated draft of the Post-inspection report, welcoming the simplification effort and proposing further changes, with the aim to retain only the fields requesting necessary information. The Experts also discussed the extent of the information that can be shared in this report.

Workflow guidance documents

Workflow guidance document for Member States

The Experts considered that the updated version of the document provides clear indications of the steps to be taken and the actors involved. Further clarifications are needed on the timing of each step and on the support provided by ELA. The Experts also proposed some changes in the draft workflow to introduce elements of flexibility and encourage cooperation, including via NLOs, already from the initial steps. Some cases may be resolved at that stage without requiring a CJI. ELA should be informed, in a flexible manner, of cross-border activities even if carried out without its involvement.

¹ The joint activities planned for the Week of Action of the #EU4FairWork campaign were later on postponed due to the developments of the Coronavirus outbreak.

Workflow guidance document for ELA

The ELA presented the first version of the workflow guidance document operationalising the part of Article 8 of the founding Regulation that allows ELA to suggest, on its own initiative, to the authorities of the Member States concerned that they carry out a CJJ. The Experts did not suggest any change to the draft document, only requesting clarifications about the role of the different actors, in particular the NLOs.

Workflow guidance document for Social Partner organisations at national level

The Experts discussed the draft workflow introducing the modalities for Social Partner organisations at national level to bring cases to the attention of the Authority, as set out in Article 8 of the founding Regulation. The initial discussion focused on how Social Partner organisations should coordinate internally, at national and EU level, on the possible cases to be addressed to ELA. The Experts also agreed on making clearer reference to the importance of information sharing at the initial stage of the procedure, with a key role for NLOs. Certain cases may be resolved without need to go further in the process.

Key Performance Indicators

The Working Group started the discussions on KPIs with presentations from ELA, Ireland and ETUC on the need for developing and using KPIs, models adopted by other organisations and specific needs the Authority will face. The discussion will continue in the next meeting.

General remarks

ELA will present the updated versions of all the draft documents at the next meeting, currently planned for 27 April.