



## European Platform tackling undeclared work

### **European Platform Undeclared Work DRAFT Work Programme 2019-2020 Updated in June 2020**

#### **1. Context**

Fighting undeclared work (UDW) is a policy priority of the European Union requiring the contribution of a wide range of institutions and stakeholders including trade unions and employers' organisations. Through delivery of its work programme the European Platform tackling undeclared work<sup>1</sup> (hereafter the Platform) aims to empower and support Member States fighting undeclared work in its different forms.

Building on the successful implementation of its work programme 2017-2018 and the trust created between its members and observers in the first two years of Platform operations the work programme 2019-2020 sets ambitious objectives in terms of cooperation and outcomes.

The Platform will be integrated into the European Labour Authority (ELA) as a permanent working group, once the Authority has reached full operational capacity. While the setting up of the ELA<sup>2</sup> will impact the organisational aspects of the Platform cooperation, the thematic priorities of the work programme will facilitate a smooth transfer. A strong focus on cross border collaboration in particular joint actions, inspections and cross-border sanctions and on raising the visibility of the cross-border cooperation between Member States within the Platform can feed into ELA.

With a continuing focus on holistic approaches to UDW; further developing work on tackling bogus self-employment and fraudulent letterbox companies the new work programme deepens important aspects of the work programme 2017-2018. Four sectors heavily affected by undeclared work, have been identified for specific action and these include agriculture, aviation, tourism and the hotel-restaurant-catering sector (HORECA) in 2019-2020 while the sectorial focus in 2017-2018 was on construction and road transport.

The Platform's ownership is crucial in order to define the right priorities, to implement the two-year work programme, and to make the work of the Platform a success. The work

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<sup>1</sup> Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344

programme 2019-2020 introduces horizontal issues to strengthen the position and the visibility of the Platform. In the next two years efforts will be made to involve further social partners as well as relevant authorities at both a cross-border and national level across all of the relevant activities. The Work Programme also puts a strong emphasis on increasing public awareness of issues relating to undeclared work. The holistic approach in policy and operational level is highlighted in this programme in order to step up joint efforts to tackle UDW.

Due to the ever changing nature of UDW the work programme will remain flexible with room for adjustments and modifications, should the need arise. The activities for 2020 have been adjusted in terms of tools, dates and focus in October 2019. They have also been adjusted again in June 2020 to reflect the impact of the COVID-19 pandemics on the Platform's work programme.

## 2. Strategic priorities

The Platform has agreed that in line with the provisions of the legal decision the following three strategic priorities to guide its work.



With these priorities the Platform will deliver on its three main aims: to encourage closer co-operation between Member States; to improve the capacity of different relevant authorities and actors to tackle undeclared work; and to increase awareness of issues relating to undeclared work. Each strategic priority and its activities are interlinked and reinforce each other. Supporting this work are the Platform's communication and dissemination activities. These include a designated web page for hosting a virtual library of resources and studies; a regular newsletter circulating latest developments; and use of multimedia to highlight the importance of tackling undeclared work. In addition, there is a web page<sup>3</sup> hosting national tools for reporting undeclared work.

The Platform will use a wide range of tools, working and learning methods. In addition to the two Platform plenary meetings per year (**12-13 March and 24-25 October 2019, 25-26 March – cancelled - and 5-6 October 2020**), working groups and a variety of learning formats based on the principle of peer learning are at the disposal of the Platform. The range of tools<sup>4</sup> to implement the work programme includes studies, surveys, seminars, working groups, thematic reviews, mutual assistance, support to internal and external communication such as newsletters and a collaborative work space. An external service provider will facilitate the practical implementation of the tools; funding for the activities

<sup>3</sup> <http://ec.europa.eu/social/main.jsp?catId=1417&langId=en>

<sup>4</sup> A more detailed description of the tools is included in the tables on the following pages describing the activities.

of the European Platform and the support services by the contractor is provided by the European Union Programme for Employment and Social Innovation ("EaSI") 2014-2020.

## 2.1. Cooperation and joint action

The priority **cooperation and joint action** remains of primary importance. It will continue to assist the Platform members/observers to cooperate across borders more effectively, to benefit from being part of EU-wide network, to develop tools that facilitate their work and support capacity building. Mutual Assistance Projects will continue to support countries to address country-specific recommendation (CSRs) and staff visits will provide important opportunities for countries to exchange knowledge and transfer innovations to their own context.

Activity	Platform tool	Input by Platform	Delivery date
<b>Tools for labour inspectorates and competent authorities</b>			
<b>1. Information campaign</b>			
This activity reflects the focus of the work programme to increase the Platform visibility and act together to raise awareness of the importance of tackling UDW (may be in specific sector or on a specific topic).			
1. a. A Working Group will propose a topic and tools for a common campaign to be implemented by members/observers on voluntary basis and with own means; the working group will also look at the Platform's identity, how this identity can be strengthened and how Platform members and observers can be supported to promote the work of the Platform and to interest and actively engage relevant stakeholders	Working Group Common information campaign	Support and input by WG, members/observers implement the information campaign, coordination of activities by Secretariat	Activity closed
1.b. Campaign to raise awareness around the benefits of declared work, including an EU wide social media campaign. Due to COVID-19, the campaign has been extended until October 2020 and the Week of Action will take place on 21-25 September.	Common information campaign		Q1-Q4 2020
<b>Facilitating cross-border cooperation</b>			
<b>2. Staff learning visits and joint actions</b>			
Staff learning exchanges, job shadowing in another country, preparation and implementation of joint inspections or joint activities, cross-border meeting of inspectors from neighbouring countries, or common cross-border training of inspectors/specialists.	Staff Visits (max 30 persons/ 5 days per year/travel and accommodation expenses covered) A call for applications were launched in Q4 2018 and Q4 2019. A new call will be launched in Q2 2020 (as no staff exchange could take place following the earlier call).	Planning and requests by Platform members and observers, reporting by participants	2019-2020
<b>3. Developing an IMI module for UDW/data sources and tools for inspectors</b>			

Continue the work on an own internal market information system (IMI) module for undeclared work covering relevant areas , identify additional data sources and tools, identify the challenges of GDPR and information exchanges between countries and propose possible solutions; linked to activity 17.	Working Group	Support and input by WG	Activity completed
<b>Support capacity building</b>			
<b>4. Mutual Assistance</b>			
Project between one or several Platform members with objective of implementation support, capacity building, change management to introduce a new practice, methodological development, organisational analysis and assessment, strategic planning and target setting, development of an action plan to improve performance etc.	Mutual Assistance on request by MS (2 projects in 2019; 1. CY 2. BG 2020 1. EL 2. BE	3 Platform Members to send experts to country requesting assistance	2019 – 2020
<b>5. Working Groups on holistic approaches and Platform work programme</b>			
Working group on the holistic approach to tackling UDW and developing national strategies. Focusing on the importance of collaboration of key stakeholders/authorities, how this can be achieved cross-border and nationally, on developing national strategies and practical cooperation models Also exploring how social partners can be more involved.	Working Group to discuss successful approaches	Support and input by WG	Q1-Q2 2020
Working group on future Platform work programme. Focusing on developing a new work programme for the Platform in the context of its transition to the European Labour Authority.	Working group to agree activities	Support and input by WG	Q2-Q3 2020

## 2.2 Mutual learning activities

**Mutual learning and systematic exchange of information** are core to the Platform’s activities. When it comes to tackling undeclared work, the Platform focuses on learning from successful approaches, tried and tested in other EU countries with a view develop evidence-based learning. Peer learning and peer reviews are organised in different formats in smaller or larger groups. Different tools are central to this work: Platform Seminars and Thematic Review Workshops (TRWs); and Working Groups.

Activity	Platform tool	Input by Platform	Delivery date
<b>Learning activities</b>			
<b>6. Seminar exploring different tools/ approaches to tackle UDW in the Agriculture sector</b>			
The seminar will look into different tools and approaches to tackle UDW in the agriculture sector including horticulture and take into account Member State practices to detect and prevent UDW with seasonal workers.	One day seminar in Brussels, for up to 50 participants, interpretation, travel and accommodation covered	Input, good practices by Platform Members/ Observers; external experts/stakeholders may participate	Activity completed
<b>7. Seminar on increasing visibility of Platform work on policy approaches to tackle UDW</b>			
The seminar will present the main outcomes of the working group under activity 1, prepare campaign and look as at other visibility aspects such as conclusions of all Platform seminars/thematic	One day seminar in Brussels, for up to 40 participants, with a focus on training capacity and	Input, good practices by Platform Members/ Observers; external	Activity completed

workshops and set out the implications for policy makers. It will also discuss how best to increase the visibility and cooperation with stakeholders such as national authorities and social partners at national level. Linked to the WG activity 1 and the outcome paper/toolkit activity 25.	knowledge transfer, interpretation, travel and accommodation covered	experts/stakeholders may participate	
<b>8. Thematic Review Workshop on cross-border joint actions/joint inspections</b>			
Practical focus on operationalising Platform learning and with a view to support the transition to ELA this workshop will look at the preparations of joint inspections Including how to solve juridical obstacles of cross border cooperation in the field, their actual implementation on the ground and the follow-up (linked to activity 5).	Thematic peer learning with event for up to 25 participants, a follow -up visit to a country with interesting practice for up to 10 participants	Input, good practice by platform members/ observers, one MS to host review event, one MS to host follow up visit.	Activity completed
<b>9. Thematic Review Workshop on the future role and competence profile of labour inspectors</b>			
With increased focus on prevention the role and skills needed by labour inspectors is changing. This workshop will look at the changing role and how to support capacity building, develop skills and competences. This activity is not limited to labour inspectors but includes all types of inspectors tackling UDW.	Thematic peer learning with event for up to 25 participants, a follow -up visit to a country with interesting practice for up to 10 participants	Input, good practice by platform members/ observers, one MS to host review event, one MS to host follow up visit.	Activity completed
<b>10. Seminar on preventative approaches to tackle undeclared work</b>			
Following up and continuing the focus on preventative measures to tackle UDW.	One day seminar in Brussels, for up to 50 participants, interpretation, travel and accommodation covered	Input, good practices by Platform Members/ Observers; external experts/stakeholders may participate	Activity completed
<b>11. Seminar exploring different tools/approaches to tackle undeclared work in the aviation transport sector</b>			
This sectoral seminar could focus on cross border collaboration between competent authorities, the tools and approaches used, focus on bogus self-employment of air crews and UDW problems in the sector.	One day seminar in Brussels, for up to 40 participants, interpretation, travel and accommodation covered	Input, good practices by Platform Members/ Observers; external experts/stakeholders may participate	Q1 2020
<b>12. A Seminar focusing on tackling undeclared work in the HORECA sector</b>			
This seminar could focus on the different tools and approaches to tackle UDW in the sector and include both prevention and deterrence approaches.	One day seminar in Brussels, for up to 50 participants, interpretation, travel and accommodation covered	Input, good practices by Platform Members/ Observers; external experts/stakeholders may participate	Postponed <sup>5</sup>
<b>12. B Webinars on impact and responses to the coronavirus pandemic</b>			
The webinar aimed to support Platform members, focusing on impact on UDW and how they are responding to the pandemic.	Two 2 hours webinars and output paper.	Input, good practices by Platform Members/ Observers; external experts/stakeholders may participate	Q2 2020
<b>13. Thematic Review Workshops</b>			
Two further workshops to deepen discussion on topics from this work programme or if needed new emerging priority topics: Preliminary topics:	Thematic peer learning with event for up to 25 participants, a follow -up visit to a country with	Input, good practice by platform members/ observers, one MS to host review event, one	1. Q1 2020 2.Q3 2020

<sup>5</sup> The seminar will be proposed for inclusion in the next Platform Work Programme.

1. Approaches to enforce cross-border sanctions in the areas of labour law, tax and social security contributions 2. Tools and approaches to tackle fraudulent agency work prompting UDW.	interesting practice for up to 10 participants	MS to host follow up visit.	
<b>14. Seminar and webinars : campaign coordination</b>			
Training seminar on campaign preparation activities leading up to the campaign Week of Action	One day seminar in Brussels, for up to 50 participants, with a focus on training capacity and knowledge transfer, interpretation, travel and accommodation covered	Input, good practices by platform members/observers; external experts/stakeholders may participate	Activity completed
Follow-up webinars updating on campaign preparation, including in the context of COVID 19.	Two 2 hours webinars for campaign contact points.		Q1, Q2 and Q3 2020
<b>Information exchange</b>			
<b>15. Study on data protection/exchange of information</b>			
Continuing previous work and addressing the main challenge faced by Platform members this study will focus on case law. It will link to the survey activity 17 and potentially feed into the plenary meeting activity 27.	Medium -scale study Based on desk and web research, case studies study report of 80 pages will be produced	Support, review	Activity completed
<b>16. Study on collaborative platforms/new forms of work/bogus self-employment</b>			
Continuing previous work this study will present case law factsheets on these new trends, identify common issues and conclusions. It will link to the survey activity 17 and to a seminar activity 14.	Medium scale study Based on desk and web research, case studies study report of 80 pages will be produced	Support, review	Q4 2019
<b>17. Survey on key themes of work 2019</b>			
Covering three particular areas: collaborative economy/new forms of work, bogus self-employment; data exchange and data protection; cross border sanctions, linked to activity 3	Survey among Platform members/ observers with maximum 30 questions including data collection, survey dissemination by email or online	Responses by all	Activity completed
<b>18. Information collection on good practices of cross-border cooperation, inspections</b>			
Ad-hoc survey among Member States on good practices of cross-border cooperation, inspections	Survey among Platform members/ observers to send it practices using a common template, results in small-scale study of 40 pages	Responses by all	Activity completed
<b>19. Information collection: success stories social partners /tri-partite success stories</b>			
Call for success stories looking for stories from companies/workers' representatives which change behaviour on the ground in their industry/sector by preventing and/or combatting undeclared work. Stories need to focus on company, sector or tri-partite level. Input to activity 25.	Survey with focus on observers, but members are also addressed, using a common template, results in small-scale study of 40 pages.	Responses by all	Activity completed

### 2.3. Increasing knowledge

Producing new knowledge on specific types of undeclared work and measures to prevent and deter them remains a priority for the Platform. Increased knowledge and evidence-based facts and figures will facilitate structural reforms tackling undeclared work through new policy approaches. In the longer run it is the ambition to further enrich the knowledge base – both on national and European level – by examining other topics of interest and ideas should be developed further in this work programme. These topics include development of an ‘early warning system’ to try to spot initial signs of developments which might lead to increasing UDW; fraudulent agency work and subcontracting chain liability.

Activity	Platform tool	Input by Platform	Delivery date
<b>Facts – Figures – Concepts</b>			
<b>20. Study migration and exploitation</b>			
This study will focus on a series of case studies highlighting different approaches to tackle undeclared work and labour exploitation of vulnerable groups of migrant workers including third country nationals. The results could be presented at a Platform plenary activity 26.	Medium-scale study Based on desk and web research, case studies. Report of 80 pages will be produced	Support, review	Q2 2020
<b>21. Study early-warning system for UDW</b>			
A future-oriented ' <b>horizon scanning</b> ' to develop early warning signs of developments that may lead to potential threats for increasing undeclared work. About the macro-level changes at a European/national level and how these might act (1) as threats and risks to the growth of new types of undeclared work and (2) strengths and opportunities for reducing various forms of undeclared work.	Small-scale study Based on desk and web research, case studies. Report of 40 pages will be produced	Support, review	Q2 2020
<b>22. Study on UDW in the tourism sector</b>			
This study could look at developments and trends in the sector and good practices to tackle UDW	Small-scale study Based on desk and web research, case studies. Report of 40 pages will be produced	Support, review	Q2 2020
<b>23. Study on tools and approaches to tackle fraudulent agency work prompting UDW</b>			
Study on tools and approaches to tackle fraudulent agency work prompting UDW	Small-scale study Based on desk and web research, case studies. Report of 40 pages will be produced	Support, review	Q2 2020
<b>Policy approaches</b>			
<b>24. Annual report on visibility of Platform outcomes</b>			
Platform outcome paper (mini-toolkit) synthesising the main outcomes and conclusions of the Platform's work and the policy implications with a focus on how to inform policy makers about Platform results and further operationalise this learning. (linked to seminar activity 7, 19)	Outcome paper and mini toolkit of up to 40 pages will be produced	Support, review	Activity completed
<b>25 Practice fiches – lessons from different countries</b>			

Linked to the different events and activities practice fiches will be identified and written up to show case effective practices in different countries and highlighting cross-border collaboration. Will be uploaded to the virtual library. Links to activities 18 and 19.	60 Practice fiches	Member States and social partners to support identification/compilation of practices	2019 and 2020
<b>26. Plenary meetings: thematic discussions on day 1 and regular updates on new policy developments, modernisation of laws and rules on day 2</b>			
The Plenary meetings will continue with one day dedicated to inputs and discussions one thematic areas. The second day then more focused on governance but will also include the follow up of horizontal issues and other outcomes of studies and seminars, regular up-dates and key developments at a national and European level impacting on the Platform and its work. The themes and up-dates will also be reflected in the electronic newsletter.	Plenary meeting, newsletter	The topics are: <ul style="list-style-type: none"> <li>• Letterbox companies (Q1 2019)</li> <li>• Data protection and data exchange (Q4 2019)</li> <li>• Collaborative economy/new forms of work (Q1 2020)</li> <li>• Third country migration and UDW (Q4 2020)</li> </ul>	12-13 March & 24-25 October 2019 25-26 March & 14-15 (cancelled) 5-6 October 2020
<b>27. Annual report 2020</b>			
Biennial report 2020 highlighting key results and achievements of the Platform in 2019-2020.	Biennial report	Support, review	Q3 2020

## 5. Network governance

### 5.1. Participation in activities

All members, observers and social partners can participate in all activities within the limits set by the rules of procedures and learning formats, in particular the thematic reviews, follow-up visits and mutual assistance for which a maximum number of participants have been defined. Within a period of four years all Platform members/observers should have the possibility to participate in all learning formats on equal basis. For specific learning events a mix of basic learners and advanced learners should be envisaged.

### 5.2. Wider cooperation

The Platform will continue to cooperate with the European Labour Authority in the run up of the establishment as permanent working within ELA, Senior Labour Inspectors Committee, the Expert Committee on Posting of Workers, the Administrative Commission for Social Security Coordination, the Public Employment Services Network, EMCO, SPC and the Working Group on Administrative Cooperation in the field of Direct Taxation and regularly exchange information about its work and strategic priorities and will involve them on case-by-case in relevant activities. Experience so far demonstrates cooperation basically consists of informing about each other's activities.

Concerning the posting of workers, in particular the implementation of Directive 2014/67/EU, the Expert Committee on Posting of Workers (ECPW) is in charge. Depending on the information provided by ECPW the Platform might look in 2020 in specific posting of workers issues with relevance for tackling undeclared work.



Social partners' organisations, for example from sectors currently not represented in the Platform, and other stakeholders may be invited to specific activities, provided that their contributions provide an added value.

### 5.3. Monitoring activities and impact

Monitoring, evaluation and regular feedback are necessary to allow the Platform Plenary to steer the choice of activities and report back to European Parliament and Council.

A monitoring system consisting of quantitative and qualitative elements will be used. A survey in Q3 of 2019 and 2020 will ask Platform members about their general satisfaction with the results of the Platform, their take-up the different activities, results and recommendations for improvements.

Activity	Platform tool	Input by Platform	Delivery Date
<b>28. Satisfaction and take-up survey (including general reporting)</b>			
The purpose of the 'satisfaction and take up survey' is to identify and quantify the way the activities of the Platform contributed to changes, new initiatives or reforms within the Platform organisations, how many joint activities such as joint inspections have been organised, with which results, etc. Member States will be invited to present cases of implementation of Platform results and learning	Annual survey followed by summary report, input into annual and biennial report	Responses by all	Q3 2019 Q3 2020

### 5.4. Communication and reporting

Internal and external communication will ensure dissemination of results and regular information. An electronic newsletter to be sent twice a year to Platform member organisations and interested stakeholders (opt in consent required with GDPR) will inform about UDW developments in general, activities and results of the Platform work and inform about new policy developments, modernisation of laws and rules, legal framework, etc. All members and observers are invited to contribute.

A website hosted on the Commission's Europa Server will be the main channel for external communication. Relevant reports and results of the Platform will be uploaded.

A collaborative workspace will be the main internal communication tool where the Platform can share documents, announce events, store preparatory documents for learning events, exchange in a forums, share contact lists and a calendar, etc.

Activity	Platform tool	Input by Platform	Delivery date
<b>29. Electronic newsletter</b>			
Electronic newsletter will contain recent information relating to undeclared work, its wider policy context and the activities and results of the European Platform and its member organisations also new from Member States on policy	Electronic newsletter not exceeding 2-4 pages, disseminated internally and externally	Contributions/ideas for articles/stories by all	Q4 2018 Q2 2019 Q4 2019 Q2 2020

developments, modernisation of laws and rules, legal framework, etc.			
<b>30. Collaborative workspace</b>			
Collaborative workspace hosted by DG JRC to share information and documents related to the meetings, discuss on forums, contacts, a calendar, etc.	Collaborative workspace, Research Collaboration Portal (RCP) by the Joint Research Centre, <a href="http://rcp.jrc.es/">http://rcp.jrc.es/</a>	Used by all - access will be granted the nominated members/alternate members and observers	

The Platform will be required to account for its delivery of activities to meet the requirements of the legal text including through publication of a biennial report 2019-2020, which will be sent to the European Parliament and Council