


# Tools to detect under-declared work - Road transport sector

Portugal

	<p><b>Summary</b></p> <p>In Portugal there are a number of tools used in the road transport sector when carrying out roadside inspections to detect under-declared work which are applicable to heavy and light commercial vehicles. They include the use of the social security database, a transport guide, a transport licence, a driver's questionnaire, and a software system for downloading and analysing tachograph data (HCVs only).</p>
<p><b>Title of the practice in original language</b></p>	<p><i>Instrumentos para detetar o trabalho não declarado no sector dos transportes rodoviários</i></p>
<p><b>Name(s) of authorities/bodies/organisations involved</b></p>	<ul style="list-style-type: none"> <li>▶ The labour inspectorate (<i>Authority for Working Conditions - Autoridade para as Condições do Trabalho, ACT</i>);</li> <li>▶ Public Security Police (<i>Policia de Segurança Pública, PSP</i>);</li> <li>▶ National Republican Guard (<i>Guarda Nacional Republicana, GNR</i>).</li> </ul>
<p><b>Sectors</b></p>	<p>Transport and storage</p>
<p><b>Target groups</b></p>	<ul style="list-style-type: none"> <li>▶ Transport service companies (directly targeted);</li> <li>▶ Workers involved in undeclared work (indirectly targeted).</li> </ul>
<p><b>Purpose of measure</b></p>	<p>Deterrence: improve detection</p>


	<p><b>Aims and objectives</b></p> <p>To detect under-declared work in the road transport sector, the labour inspectorate employs a number of tools in conducting roadside inspections of transport service vehicles (Heavy Commercial Vehicle (HCVs) and Light Commercial Vehicles (LCVs)).</p>
<p><b>Background context</b></p>	<p>The services of the Authority for Working Conditions carry out joint roadside inspections on a regular basis. There are several working groups in the country, made up of all enforcement authorities,</p>



	<p>meeting once a month to exchange information about specific companies and to carry out checks on them.</p> <p>At national roadside checks, the authorities aim to detect violations of driving and resting times (only applicable for HCVs) and undeclared work (all vehicles) with the help of several tools, including the use of the social security database, the transport licence list, the transport guide, a driver's questionnaire, and a software programme to download and analyse tachograph data (HCVs only). During roadside inspections, the police are always present.</p>
<p><b>Key objectives of the measure</b></p>	<p><b>General Objective:</b></p> <ul style="list-style-type: none"> <li>▶ To detect under-declared work in the transport of goods by commercial vehicles.</li> </ul> <p><b>Specific Objectives:</b></p> <ul style="list-style-type: none"> <li>▶ To carry out joint inspections at roadsides on a regular basis to detect under-declared work;</li> <li>▶ To utilise a set of tools during roadside inspections to facilitate the inspection of companies that might be engaged in under-declared work.</li> </ul>
<p><b>Main activities</b></p>	<p>The labour inspectorate partly has access to the following tools to check on worker, operator, and vehicle data:</p> <ul style="list-style-type: none"> <li>▶ <b>The database on social security</b> – used for consultation during roadside checks. The labour inspectorate can check if the driver is registered with the social security system. If undeclared work is suspected, the employer may be asked to show other documents for clarification;</li> <li>▶ <b>The transport licence</b> – a publicly available list of all licenced transport operators for national and international transport;</li> <li>▶ <b>The transport guide</b> (like the CMR<sup>i</sup> in international transport) – a document drivers must carry when providing transport services in Portugal either in paper form or via an identification code. It contains information on the identification and addresses of the sender and buyer of the goods, a description of the goods with indication of quantities, loading and unloading places etc. The labour inspectorate can only check the document in paper form as it does not have access to the database where the data is stored. In joint inspections, however, the police can provide access to the relevant database via a code. In cases of alleged infringements and follow-up inspections, the labour inspectorate</li> </ul>



	<p>does not have access to this database nor to any data that the financial police is storing and analysing;</p> <ul style="list-style-type: none"> <li>▷ <b>A detailed questionnaire</b> is used to obtain additional information from the driver in cases where database consultations do not provide adequate information. It includes questions about the work situation of the driver, the vehicle, the cargo and the transport operator etc.</li> <li>▷ <b>A software programme to download and analyse tachograph data</b> (for heavy transport), introduced in 2018, has strengthened the fight against undeclared work in the road transport sector.</li> </ul>
<p><b>Funding/organisational resources</b></p>	<p>No specific budget within the budget of the labour inspectorate (which is funded by the Ministry of Labour, Solidarity and Social Security) has been allocated to implement this practice.</p>

	<p><b>Outcomes</b></p> <p>Currently, the Public Prosecutor's Office has the power to oblige the employer and drivers to have a contractual employment relationship, which facilitates the transition from undeclared work to declared work. The use of the tools facilitates the achievement of this outcome by helping to detect under-declared work in the sector.</p>
<p><b>Achievement of objectives</b></p>	<ul style="list-style-type: none"> <li>▶ The tools have enabled authorities to identify drivers' employers and detect fraud situations, and are especially useful when the documentation presented by a driver is not up-to-date;</li> <li>▶ The tools have also allowed the detection of workers who are working and receiving unemployment benefits;</li> <li>▶ Eight training sessions for labour inspectors on the use of the tools took place in 2022, covering more than 200 staff.</li> </ul>
<p><b>Lessons learnt and success factors</b></p>	<p>More focus must be placed on data sharing and building databases where all enforcement authorities could access relevant information.<sup>ii</sup> Establishing specific procedures of contractor liability or due diligence in the transport sector might also help enforcement authorities tackle undeclared work.<sup>iii</sup></p>
<p><b>Transferability</b></p>	<p>These are transferrable measures. To make the practice successful, interinstitutional cooperation, particularly on the</p>



	sharing and exchange of data would increase the likelihood of success.
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### Further information

**Contact**

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**Useful sources and resources**

**Labour Inspectorate (Authority for Working Conditions, ACT) website**

<https://portal.act.gov.pt/Pages/Home.aspx>

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<sup>i</sup> This stands for Convention on the Contract for the International Carriage of Goods by Road, also known as CMR consignment note.

<sup>ii</sup> ELA (2022), *Approaches tackling undeclared work in transport of goods by light commercial vehicles (LCV): Report from peer learning dialogue.* Available at: <https://www.ela.europa.eu/sites/default/files/2022-10/UDW-PLD-Approaches-tackling-undeclared-work-in-transport-of-goods-by-light-commercial-vehicles-2022-EN.pdf>

<sup>iii</sup> ELA (2022), *op. cit.*