



AGENDA

Meeting of the European Platform tackling undeclared work

28-29 November 2023

Location: ELA, Bratislava and online

Interpretation provided from/to DE, EN, FR, IT and RO

(Workshop 2 will be provided without interpretation)

28 November 2023: Thematic day: cooperation between enforcement authorities and NGOs

9.30 – 10.00	Registration
10.00 – 10.10	<p>Welcome and short introduction by ELA</p> <ul style="list-style-type: none"> Document 1: Draft agenda Document 2: Input paper with guiding questions
10.10 – 10.40	<p>Presentation of the report of the Platform subgroup on evaluating social / labour ID cards as a tool for tackling undeclared work, including in subcontracting chains, EFBWW</p> <ul style="list-style-type: none"> Adoption of the Subgroup report (Document 3) <p>Update on the progress of the joint EFBWW-FIEC “Social identity cards in construction” (SIDE-CIC) project, EFBWW and FIEC</p> <p>Q&A</p>
10.40 – 11.20	<p>Cooperation between enforcement authorities and NGOs: an overview and key findings</p> <ul style="list-style-type: none"> Overview of cooperation practices between enforcement authorities and NGOs, <i>CELSI</i> Challenges and Synergies in Co-enforcement with NGOs, <i>University of Jyväskylä</i> <p>Q&A</p>
11.20 – 11.50	Coffee break
11.50 – 13.15	<p>Cooperation between enforcement authorities and NGOs: stakeholders’ perspectives</p> <p><i>This session aims to explore why such cooperation is necessary, and how NGOs can support enforcement authorities in tackling undeclared work.</i></p> <ul style="list-style-type: none"> The State Labour Inspection’s cooperation with the authorities of the so-called third sector to eliminate illegal employment and forced labour, <i>Poland</i>

	<ul style="list-style-type: none"> • Human trafficking: a joint fight by SIIS, social inspectorates and Myria, <i>Belgium</i> • Employers' perspective: NGOs, social partners: what roles? what responsibilities? <i>BusinessEurope</i> • Presentation on the cross Europe cooperation between ETUC-trade unions and PICUM <p>Q&A</p>
13.15 – 14.15	Lunch break
14.15 – 15.50	<p>Workshops 1 and 2 in parallel: Examples of successful cooperation between enforcement authorities and NGOs to tackle undeclared work, including combatting human trafficking and labour market exploitation as well as in campaigning for legal work and transparent labour markets, and in developing capacities of enforcement authorities.</p> <p><i>The aim of these parallel workshops is to explore opportunities for cooperation between enforcement authorities and NGOs, as well as cases of cooperation on various topics; discuss the operational details of the cooperation, as well as challenges and lessons learnt.</i></p> <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ How do you detect undeclared work trends in partnership, such as via regular meetings, protocols, referrals, etc.? Are partners (enforcement authorities or NGOs) from other countries involved? ➤ What types of data, analysis or complaints are best shared between enforcement authorities and NGOs? ➤ How do you use the outcomes of information exchange to plan cooperation measures (e.g., inspections, sanctions, improved procedures)? <p>Workshop 1 (provided <i>with</i> interpretation - <i>hybrid</i>)</p> <ul style="list-style-type: none"> • <i>The anti-exploitation network: the Italian practice to reduce the negative effects of UDW, Italy</i> • <i>National Union of Labour Law Experts (UNELM) and the Romanian Labour Inspectorate cooperation, including in tackling undeclared work, Romania, UNELM</i> • <i>Good practices and lessons learned from NGO/labour inspectorate cooperation in tackling labour exploitation at the workplace in the Netherlands, CoMencha</i> <p>Workshop 2 (provided <i>without</i> interpretation - <i>only for physical participants</i>)</p> <ul style="list-style-type: none"> • <i>Labour trafficking and targeted inspections, Greece, A21, Hellenic Labour Inspectorate</i> • <i>Combatting workplace crime in construction, social ID cards, Sweden, Fair Play Bygg</i> • <i>National and Transnational Cooperation Agreements: A Way towards Effective Enforcement of Labour and Victims' Rights? Germany, Arbeit und Leben</i> <p>Q&A</p>
15.50 – 16.20	Coffee break
16.20 – 17.15	Round table discussion

	<ul style="list-style-type: none"> • Reporting from the workshops <p><i>Guiding questions for discussion</i></p> <ul style="list-style-type: none"> ➤ Where do you see benefits from establishing partnerships between NGOs and enforcement authorities? ➤ Where do you see challenges in building partnerships between NGOs and enforcement authorities? ➤ What tips do you have for overcoming these challenges? ➤ What are the pros and cons of different forms of cooperation (e.g., statutory cooperation, advisory roles or informal cooperation)? ➤ Where you inspired by a particular practice or cooperation presented or discussed today?
17.15	End of day

29 November 2023

8.30 – 9.00	Registration
9.00 – 9.10	Opening remarks by ELA Executive Director <ul style="list-style-type: none">• Adoption of the agenda (Document 1)
9.10 – 9.15	Adoption of outputs from Platform meeting on 28-29 March 2023 <ul style="list-style-type: none">• Document 4 – Summary of deliberations• Document 5 – Output paper from the plenary thematic discussion on teleworking
9.15 – 9.30	Update by the European Commission, DG EMPL
9.30 – 10.45	Discussion about the procedure to design the new Work plan of the Platform and the future structure of the Platform <ul style="list-style-type: none">• Document 6 – Note for discussion about the procedure to design the new Work plan as well as the future structure of the Platform
10.45 – 11.05	Piloting new service – targeted analytical support on demand <ul style="list-style-type: none">• Document 7 – Note on targeted analytical support on demand
11.05 – 11.35	Coffee break
11.35 – 11.45	Adoption of the Mandate of the Platform subgroup on safe reporting and complaint mechanisms for workers to denounce abuse and seek support <ul style="list-style-type: none">• Document 8 – Draft mandate
11.45 – 12.05	Sharing the experiences from peer-learning dialogues <ul style="list-style-type: none">• Document 9 – Proposal for a thematic focus of a PLD in spring/summer 2024
12.05 – 12.35	Planning new activities (thematic focus of the plenary meeting in Q4 2024, the future of the Subgroup on displaced persons from Ukraine, etc.) and reporting from past activities of the Platform <ul style="list-style-type: none">• Document 10 – Proposed thematic focus of the plenary meeting in November 2024• Document 11 – The 2024 Platform work plan and possible activities for 2025
12.35 – 13.00	Campaign EU for Fair Construction, ELA
13.00 – 13.20	Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)
13.20 – 13.30	AOB
13.30 – 14.30	Lunch break



Summary of deliberations

Meeting of the European Platform tackling undeclared work

28-29 November 2023, European Labour Authority (Landererova 12, Bratislava)

28 November

ITEM 1: Welcome and short introduction by Pedro Assares, Head of Enforcement and Analysis Unit, ELA

The chair welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Presentation of the report of the Platform subgroup on evaluating social / labour ID cards as a tool for tackling undeclared work, including in subcontracting chains

The representatives of EFBWW and FIEC reported on the discussions held at the subgroup and provided information on the ongoing project “Social identity cards in construction”. FIEC representative suggested a few changes to the subgroup report. Once these changes are implemented, the report will be final and published.

The report from the thematic discussion on cooperation between enforcement authorities and NGOs will be provided in a separate document.

29 November

ITEM 1: Opening remarks by Cosmin Boiangiu, Executive Director, ELA

The Executive Director welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 28-29 March 2023

The following documents were adopted:

- Summary of deliberations from Platform meeting on 29 March 2023.
- Thematic report on “The Rise of Teleworking: Improvements in Legislation and Challenges for Tackling Undeclared Work” from plenary discussion on 28 March 2023.

ITEM 3: Update by the European Commission, DG EMPL

DG Employment updated Platform representatives about several past, ongoing and planned initiatives and developments:

- Integration of refugees from Ukraine into the labour market (and avoiding undeclared work) will remain important. Temporary protection for refugees from Ukraine extended until March 2025.
- The Skills and Talent Mobility Package, which aims to attract third-country nationals to the European labour market, was adopted by the Commission in November 2023.
- The annual report on intra-EU labour mobility 2023 shall be published early 2024 and have a specific chapter on ‘export of pensions’.
- Study on the effectiveness of policies to tackle undeclared work was published in July (<https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8559&furtherPubs=yes>)



ITEM 4: Discussion about the procedure to design the new Work plan of the Platform and the future structure of the Platform

ELA put forward for discussion suggestions aimed to strengthen synergies in the area of enforcement (tackling undeclared work, inspections and analysis). The first suggestion considered consulting the Platform on an integrated work plan for the whole ELA enforcement area, and involving Working Group on Inspections ('INSP WG') in that process.

In addition, in the short term, this solution would envisage a more consistent division of roles, with the Platform focusing on strategic and policy aspects, and the INSP WG handling technical and operational aspects of cross-border inspections. In the long term, both groups could be integrated into a single structure, building on the successful working methods of the Platform and addressing all enforcement-related issues. The process would be gradual with the close involvement of the Platform.

The Platform members provided various comments and remarks. The majority of reactions made highlighted the following aspects: the existing working group should be maintained, and any changes should be pondered carefully and with time, not to damage the existing model; the Platform should maintain the working method of defining its work plan and its focus on strategic/policy aspects; it should not focus only on cross-border issues; there are benefits of having diverse membership at the Platform; it is appreciated that Platform members can designate different colleagues to participate in various activities. At the same time, many members indicated that they are open to consider changes that could increase efficiency and synergies between the existing structures. In addition, it was suggested that internal coordination at ELA, in particular concerning communication activities, could be strengthened, e.g. by bringing closer together the Working Group on Information and the INSP WG and/or the Platform.

Further discussions will be held with the Platform before a proposal is submitted to the ELA Management Board for discussion.

ITEM 5: Piloting a new service – targeted analytical support on demand

The proposal for piloting a new service offered to national authorities – targeted analytical support in the form of ad-hoc reports addressing tackling undeclared work was adopted pending the adjustment that requests must align with the Platform's mandate.

ITEM 6: Adoption of the Mandate of the Platform subgroup on safe reporting and complaint mechanisms for workers to denounce abuse and seek support

The mandate was adopted. It was mentioned that the subgroup, among other subjects, should also reflect on the safe reporting and complaint mechanisms available for undocumented migrant workers.

ITEM 7: Sharing experiences from peer-learning dialogues

ELA proposed a topic for a peer learning dialogue to be held in May/June 2024, focusing on *approaches and instruments to support and enforce temporary work agencies' compliance, including rules on declaration of work, equal treatment of workers and posting of workers*. The proposal was well received by the Platform with several members expressing an interest in the topic.

Platform members shared their positive experiences from participating in previous peer learning dialogues.

ITEM 8: Planning new activities (thematic focus of the plenary meeting in Q4 2024, the future of the Subgroup on displaced persons from Ukraine, etc.) and reporting from past activities of the Platform



- The Platform agreed to continue monitoring the situation of Ukrainian displaced persons who are active in the EU labour market, with a view to determine if additional activities by the Subgroup are necessary. The approach to the Subgroup will be reviewed at the next plenary meeting.
- ELA proposed to change the thematic focus of the Q4 2024 plenary meeting to concentrate on the *current and future roles, competencies and powers of enforcement authorities*. Since the initially agreed-upon topic, addressing *improving KPIs and data collection to tackle undeclared work*, was recently discussed (in November 2022) and a related study was published in February 2023, greater value could be achieved by opting for a different thematic focus. ELA mentioned that the proposed new topic is relatively broad and may need to be narrowed down. The proposal was agreed.
- A proposal was made to further align the thematic focus of future plenary meetings with the European Commission policy priorities such as the EU Talent Pool. The possible application of this proposal will be discussed by ELA and the Commission considering 2025 plenaries.

ITEM 9: Campaign EU for Fair Construction

ELA presented an overview of the campaign #EU4FairConstruction. Its main aim is to provide valuable information on the EU legislation and the rights and obligations of employers and employees active in the construction sector, in particular concerning posting of workers. In addition, it also raises awareness on the benefits of declared work.

Furthermore, for the 2024-25 campaign on the seasonal workers in the HORECA sector, the ELA Working Group on Information will establish focus groups to gather materials, insights, and suggestions for the campaign. An invitation to participate will also be extended to the Platform.



AGENDA

Meeting of the European Platform tackling undeclared work

28–29 March 2023

Location: Bratislava and online

Interpretation provided from/to DE, EN, FR, IT, RO and ES (workshops 1 and 3 will be provided without interpretation)

28 March 2023: Thematic day: The rise of teleworking: improvements in legislation and challenges for tackling undeclared work

9.30 – 10.00	Registration
10.00 – 10.10	Welcome and short introduction by ELA <ul style="list-style-type: none"> • Document 1: Draft agenda • Document 2: Input paper with guiding questions
10.10 – 11.50	Extent of teleworking in the EU Member States and the working conditions of teleworkers and EU regulatory context <ul style="list-style-type: none"> • Introduction to telework and emergence of undeclared work, ICF • Teleworking and undeclared work: where and why is undeclared work likely to emerge, CELSI • Digital transformation: Ensuring Decent Remote Work, ILO • The rise of telework: Working conditions and regulations, Eurofound Q&A
11.50 – 12.20	Coffee break
12.20 – 13.15	Cross-border teleworking <p><i>This session aims to shed light on the cross-border telework, including the challenges of social security coordination and potential interplay between cross-border challenges and undeclared work</i></p> <ul style="list-style-type: none"> • Challenges and risks of cross-border telework from a social security perspective, Austria • Data on cross-border telework, Belgium Q&A
13.15 – 14.15	Lunch break
14.15 – 16.00	Workshops 1 and 2 in parallel: National regulatory responses to teleworking as a framework for preventing undeclared work



	<p><i>The aim of these workshops is to invite Platform members to work jointly and identify where undeclared work in telework is emerging, what are its features, risks, scope; whether the Platform members' organizations are already engaging in some initiatives; and whether existing national responses are suitable in addressing undeclared work in teleworking (not teleworking in general).</i></p> <p>Guiding questions</p> <ul style="list-style-type: none"> ➤ Is teleworking a challenging issue for your organisation from the point of view of undeclared work? If so, why? If not, why not? ➤ Where do you see undeclared work in teleworking emerging or likely to emerge in your country (type of occupation, sectors, type of workers based on age, gender, education and other social factors)? Please identify at least 3 areas. ➤ Do you think that the current practices/measures used or planned in your country are sufficient for addressing undeclared work in telework? Please list 3 measures that you find sufficient, and 3 measures that you would like to see emerging to address undeclared work in telework. ➤ What kind of tools or practices you find efficient to better monitor working time in teleworking (i.e. digital tools, online inspections, access to households)? ➤ Do you plan to apply any data mining in order to measure the range and extent of telework in different sectors or occupations in your country and set related KPIs? <p>Workshop 1 (without interpretation)</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • The new Portuguese telework regime and the challenges for Labour Inspectorate, Portugal • Law 4808/19-06-2021 on telework, Greece • Will the upcoming legislative changes to remote work in the Czech Republic bring the possibility of effective control of illegal work in this area? <p>Workshop 2</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • First steps of the Spanish Inspectorate tackling UDW in telework, Spain • Cross-industry collective agreement on telework: Collective Labour Agreement No. 149, 2020, Belgium
<p>16.00 – 16.30</p>	<p>Coffee break</p>
<p>16.30 – 17.30</p>	<p>Workshops 3 and 4 in parallel: Social partners' responses to teleworking as a framework for preventing undeclared work</p> <p><i>The aim of these workshops is to explore existing and potential initiatives by social partners targeting undeclared work in teleworking.</i></p> <p>Guiding questions</p>



	<ul style="list-style-type: none"> ➤ What could be the role of cross-sectoral, sectoral and/or company collective agreements to regulate teleworking conditions to prevent undeclared work? ➤ What kind of activities/initiatives (i.e. preventative measures, awareness raising campaigns, etc.) can social partners take to safeguard the “right to disconnect” and assist in the regulation of teleworking? ➤ Do social partners collect data on the use of telework? <p>Workshop 3 (<i>without interpretation</i>)</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Telework in Greek companies – findings of SEV’s survey. Priorities and policy issues in post covid era, Hellenic federation of Enterprises, SEV, Greece • Hybrid work in high skilled workers in Denmark, DJØF, Denmark <p>Workshop 4</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • What can workers expect from the new right to disconnect? ABVV-FGTB, Belgium • Examples of collective bargaining: teleworking and the right to disconnect, Sagardoy Abogados, Spain
17.30	End of day

29 March 2023

8.30 – 9.00	Registration
9.00 – 9.10	<p>Opening remarks by ELA</p> <ul style="list-style-type: none"> • Adoption of the agenda
9.10 – 9.15	<p>Adoption of outputs from Platform meeting on 8-9 November</p> <p>Document 3: Thematic report from plenary discussion on 8 November</p> <p>Document 4: Summary of deliberations from Platform meeting on 9 November</p>
9.15 – 9.30	<p>Update by the European Commission, DG EMPL</p>
9.30 – 9.40	<p>Election of the Platform Co-chair</p>



9.40 – 9.55	<p>Demand driven activities: Selection of thematic focus for future peer-learning dialogues, calls for mutual assistance projects (MAPs) and staff exchanges</p> <p>Document 5: Proposals for future peer-learning dialogues</p>
9.55 – 10.15	<p>Presentations on the past studies</p> <ul style="list-style-type: none"> - Study on the extent of undeclared work in the EU - Study on the extent of dependent self-employment in the EU
10.15 – 10.35	<p>Consultation on the future work plan</p> <ul style="list-style-type: none"> - Study on means and instruments used as a proof of undeclared work - Study on evaluating the demand-side of undeclared work and policy responses targeting public procurement and purchasers <p>Document 6: Call for participation in a survey on means and instruments used as proof of undeclared work (circulated initially on 13 March)</p> <p>Document 7: Information note on the upcoming study on ‘Evaluating the demand-side of undeclared work and policy responses targeting public procurement and purchasers’</p> <p>Document 8: Platform Work Plan 2023 and proposals for 2024-2025</p> <p>Document 9: Platform work plan for 2024 (initial proposal - activities preselected for 2024 marked in green)</p>
10.35 – 10.45	<p>CIRCABC and videos:</p> <ol style="list-style-type: none"> 1. “Fighting undeclared work: why is a holistic approach needed?” 2. “Inspiring practices to tackle undeclared work”
10.45 – 11.20	<p>Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)</p>
11.20 – 11.30	<p>AOB</p>
11.30 – 12.00	<p>Coffee break</p>

Session is open for attendees of the meetings of the Platform and the Working group on inspections.

12.00 – 13.00	<p>Presentation of the study supporting the monitoring of the Posting of Workers Directives, ECORYS</p> <p>Q&A</p>
13.00 – 14.00	<p>Lunch break</p>



Summary of deliberations

Meeting of the European Platform tackling undeclared work

29 March 2023, European Labour Authority (Landererova 12, Bratislava)

ITEM 1: Opening remarks by Cosmin Boiangiu, Executive Director, ELA

The Executive Director welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 8-9 November 2022

The following documents were adopted:

- Thematic report on Measuring the effectiveness of policy approaches and performance of enforcement authorities from plenary discussion on 8 November 2022;
- Summary of deliberations from Platform meeting on 9 November 2022.

ITEM 3: Update by the European Commission, DG EMPL

DG Employment updated Platform representatives about:

- Recent and planned publications from the Commission with relevance to tackling undeclared work, concretely the Special Eurobarometer on citizens attitudes towards intra-EU labour mobility, the annual report on intra-EU labour mobility and reports concerning the implementation of the Working Time Directive.
- Outcomes of the Commission conference on digitalisation and social security coordination which took place on 1 March.
- Regular surveys of the network of Public Employment Services (PES) on PES's measures to support people displaced by the war in Ukraine and other PES activities in that area.
- A call for proposals under ESF+ including activities to tackle undeclared work (deadline 3 May 2023).

ITEM 4: Election of the Platform Co-Chair

Bart Stalpaert (BE) was re-elected by consensus as Platform Co-Chair until July 2025.

ITEM 5: Demand driven activities: Selection of thematic focus for future peer-learning dialogues, calls for mutual assistance projects (MAPs) and staff exchanges

ELA encouraged Platform members to apply for a MAP by mid-October 2023, reiterating that MAPs are a flexible activity for peer-counselling (in the policy area chosen by the applicant). The call for staff exchanges was launched, with a deadline of 30 April 2023. To simplify the process, this year ELA launched a single, unified call for staff exchanges that concern tackling undeclared work, next to other areas within ELA's mandate.

There will be two peer-learning dialogues this year. The first will start in May on the topic of cross-border cooperation and enhancing investigative techniques for tackling undeclared work among EU-mobile workers and third country nationals. The Platform voted on topics for future peer-learning dialogues, based on the six proposals by ELA. Reflecting the preferences of the participants, the PLD in Autumn 2023 will be on testing approaches to tackle bogus self-employment. The topic that received the second highest number of votes will be considered for a PLD in 2024 and considered



designing strategic objectives and key performance indicators (KPIs) to transform undeclared work into declared work.

ITEM 6: Presentations on the past two studies

The Study on the extent of undeclared work in the EU and the Study on the extent of dependent self-employment in the EU could not be presented due to time constraints.

ITEM 7: Consultation on the future work plan

ELA presented the upcoming activities of the Platform, including the subgroup on evaluating social/labour ID cards as a tool for tackling undeclared work in April and the seminar on construction in May. A survey will be launched in April to collect data for an upcoming study on means and instruments used as a proof of undeclared work. ELA highlighted that it welcomes suggestions for possible presentations at future events, including at a webinar in July on ‘the cost-of-living crisis and its implications for undeclared work’. A short poll gathered information that can guide ELA on an upcoming study investigating the demand-side of undeclared work and policy responses targeting public procurement. An information campaign on the construction sector will be launched by ELA in autumn.

ELA consulted the Platform representatives on the draft work plan for 2024 which was prepared based on the document adopted by the Platform in March 2023. The Platform agreed on the proposal. Further changes to the work plan may be made following the internal consultations in ELA in order to avoid duplicating similar activities by different ELA teams and to ensure synergies between various activities planned. If this happens, Platform will be informed. The final decision on the ELA work programme for 2024 will be taken by the Management Board of the Authority. Platform representatives suggested also potential additional focus areas for future activities that will be considered.

ITEM 8: CIRCABC and videos: 1. “Fighting undeclared work: A holistic approach” 2. “Inspiring practices to tackle undeclared work”

ELA updated that the previous document repository on SharePoint has been discontinued and replaced by CIRCABC – this changed harmonised access to documents across ELA. Two videos were launched and are encouraged to be shared by Platform representatives:

- [Fighting Undeclared Work: A Holistic Approach](#) (available in English with EU language subtitles)
- [Inspiring practices to tackle undeclared work](#) (available in EU languages)

ITEM 9: Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)

A number of members reported on new developments in their respective administrations such as applications for funding and participation of ELA in projects, new legislative initiatives, cross-border cooperation between agencies to fight undeclared work, and new developments in the area of OSH.

ITEM 10: AOB

ELA consulted Platform representatives on the continuation of Plenary meetings in hybrid format, which was endorsed by the Platform. Other suggestions on the efficiency of ELA activities were made and will be considered.



New Platform representatives introduced themselves and sent regards from former Platform members who have since retired or moved on.

ITEM 11: Joint session between the Platform and the Working Group on Inspections

A joint session was held between the Platform and the Working Group on inspections. A presentation was given on the outcomes of a forthcoming study supporting the monitoring of the Posting of Workers Directives, highlighting issues of importance for both groups.



AGENDA

Meeting of the European Platform tackling undeclared work

8–9 November 2022

European Labour Authority (Landererova 12, Bratislava)

Interpretation provided from/to DE, EN, FR, IT, RO and ES (workshops 2 and 4 will be provided without interpretation)

8 November 2022: Thematic discussion on measuring the effectiveness of policy approaches and performance of enforcement authorities

9.30 – 10.00	Registration
10.00 – 10.10	Welcome and short introduction by ELA <ul style="list-style-type: none"> • Document 1: Draft agenda • Document 2: Input paper with guiding questions
10.10 – 11.50	Measuring the effectiveness of policy approaches and performance of enforcement authorities <ul style="list-style-type: none"> • Study on the effectiveness of policies to tackle undeclared work, DG EMPL • Measuring the effectiveness of policy initiatives for tackling undeclared work: what do we know and not know? Institute of Public Finance, Croatia • Study on developing methodology and KPIs measuring the performance of labour inspectorates, Independent expert • Developing KPIs to measure the performance of labour authorities: the experience of the State Labour Inspectorate in Latvia • Challenges in developing KPIs to measure the fight against social fraud in Belgium Q&A
11.50 – 12.15	Coffee break
12.15 – 13.00	Field and laboratory experiments <ul style="list-style-type: none"> • Economic-Psychological Experiments – Tax Behaviour, University of Vienna <i>Guiding questions</i> <ul style="list-style-type: none"> ➤ What types of policy initiative could labour authorities test using (1) laboratory experiments and (2) field experiments? ➤ What are the tips or good practices for (1) designing such experiments, (2) doing them and (3) evaluating them?
13.00 – 14.00	Lunch break



<p>14.00 – 15.30</p>	<p>Measuring the effectiveness of different policy measures for tackling undeclared work: challenges and ways forward: Workshops 1 and 2 in parallel</p> <p>Workshop 1</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Applied Practices in tackling of undeclared work for the detection of employer fraud in the COVID-19 short-term employment scheme, France • Designing evaluation into strategic action plans: the Finnish experience, Finland <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What are the major challenges faced in measuring the effectiveness of policies to tackle undeclared work? ➤ What tips or good practices do you have for overcoming these challenges? <p>Workshop 2</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Measuring the effectiveness of preventative policy measures: the experience of the “Know Your Rights” campaign in Norway • Using quantitative and qualitative data analysis including KPIs to measure the effectiveness of nudging approach in transforming undeclared work to declared, Greece <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What are the major challenges faced in measuring the effectiveness of policies to tackle undeclared work? ➤ What tips or good practices do you have for overcoming these challenges?
<p>15.30 – 16.00</p>	<p>Coffee break</p>
<p>16.00 – 17.30</p>	<p>Measuring the performance of enforcement authorities: Workshops 3 and 4 in parallel</p> <p>Workshop 3</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Strategic objectives and KPIs of the Workplace Relations Commission in relation to tackling undeclared work: challenges in measuring performance, Ireland • KPIs used in Spain to measure the performance of the Anti-Fraud Office, Spain <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What major challenges do you face in rethinking your strategic objectives and KPIs to transform undeclared work into declared work? ➤ What tips or good practices can those who have more experience in setting up such strategic objectives and KPIs offer to others who have less experience in doing so?



	<p>Workshop 4</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Strategic objectives and KPIs of the Swedish Work Environment Authority in relation to tackling undeclared work: challenges in measuring performance, Sweden <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What major challenges do you face in rethinking your strategic objectives and KPIs to transform undeclared work into declared work? ➤ What tips or good practices can those who have more experience in setting up such strategic objectives and KPIs offer to others who have less experience in doing so?
17.30	End of day

9 November 2022

8.30 – 9.00	Registration
9.00 – 9.05	<p>Opening remarks by ELA</p> <ul style="list-style-type: none"> • Adoption of the agenda
9.05 – 9.10	<p>Adoption of outputs from Platform meeting on 23-24 March</p> <p>Document 3: Thematic report from plenary discussion on 23 March</p> <p>Document 4: Summary of deliberations from Platform meeting on 24 March</p>
9.10 – 9.25	Selection of thematic focus for 2023 plenary meetings
9.25 – 9.55	Reporting back from the working groups on day one
9.55 – 10.10	Update by the European Commission, DG EMPL
10.10 – 10.35	<p>Trainers manual on the protective elements of the Employers Sanctions Directive and of the Seasonal Workers Directive, FRA</p> <p>Q&A, discussion</p>
10.35 – 10.50	Reporting from the Platform subgroup on alert mechanisms to identify undeclared work at an early stage, Belgium
10.50 – 11.20	Coffee break



11.20 – 11.50	Preventing undeclared work among displaced persons/refugees from Ukraine <ul style="list-style-type: none">• Reporting from Platform subgroups on tackling undeclared work among displaced persons/refugees from Ukraine, Poland• Discussion on the next steps Document 5: Output paper from the subgroup on tackling undeclared work among displaced persons/refugees from Ukraine
11.50 – 12.00	Adoption of the mandate for future subgroup Document 6: Draft mandate of the subgroup on evaluating social ID cards as a tool for tackling undeclared work, including in subcontracting chains
12.00 – 12.20	Staff exchanges – experiences in 2022 <ul style="list-style-type: none">• Presenters: Bulgaria and Portugal
12.20 – 12.50	Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)
12.50 – 13.00	AOB
13.00 – 14.00	Lunch break



Summary of deliberations

Meeting of the European Platform tackling undeclared work

9 November 2022, European Labour Authority (Landererova 12, Bratislava)

ITEM 1: Opening remarks by Pedro Assares, ELA's Head of Unit - Enforcement & Analysis

The Chair welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 23-24 March

The following documents were adopted:

- Thematic report on Operationalising holistic approaches to tackling undeclared work from plenary discussion on 23 March 2022;
- Summary of deliberations from Platform meeting on 24 March 2022.

ITEM 3: Selection of thematic focus for 2023 plenary meetings

The Platform discussed a number of possible topics for future Plenary meetings, following suggestions from the Chair. Platform members signalled the most interest in the following four topics, which could be covered by plenary meetings in 2023 and 2024 (to be confirmed by ELA):

- Teleworking (possibly to be combined with other aspects of the changing world of work);
- Cooperation between enforcement authorities and NGOs as well as other private partners;
- Approaches to encourage and support compliance by employers;
- Improving KPIs and data collection to tackle undeclared work.

Some Platform members mentioned that cooperation with NGOs may be a sensitive subject while others acknowledge the importance of this topic. The Platform agreed with the Chair's proposal to discuss teleworking in the plenary meeting and not to dedicate a specific seminar/thematic review workshop to this topic, as initially planned for 2023. The 2023 planning will be adjusted accordingly.

ITEM 4: Reporting back from the working groups on day one of the plenary

Two rapporteurs presented the discussions held at the workshops at the previous day on 'measuring the effectiveness of different policy measures for tackling undeclared work' and on 'measuring the performance of enforcement authorities'. The findings and main conclusions of the thematic discussions will be presented in a separate Thematic Report.

ITEM 5: Update by the European Commission, DG EMPL

The European Commission (EC) informed the Platform members about the main priorities of the EU as outlined by EC President Ursula von der Leyen in her annual State of the Union speech and key social/employment policy initiatives. DG EMPL will continue working on skills shortages as this follows the EC proposal to make 2023 the European Year of Skills, which will aim to ensure that people can adapt to the changing labour market.

The EC envisages a conference on the digitalisation in social security coordination (ESSPASS) and Labour Cards/Social ID cards on 1 March 2023. Given ELA also plans a subgroup meeting on evaluating social ID cards, ELA and DG EMPL will coordinate regarding the two events to ensure synergy. Furthermore, DG EMPL will publish (publication envisaged for Q1 2023) a new call for proposals which foresees support to projects tackling undeclared work. This call shall co-finance



projects which add value to the work of the Platform. Platform members were invited to start thinking about projects they might want to put forward.

ITEM 6: Fundamental Rights Agency (FRA) trainers manual on the protective elements of Employers Sanctions Directive and of the Seasonal Workers Directive

FRA presented its work on labour exploitation and the ‘trainers manual’ which is currently conceptualising targeting labour inspectors and inspection authorities of other monitoring bodies. FRA invited members to reflect on how labour inspectorates could embed the manual in their training activities as well to express their interest in providing feedback on the manual (i.e. by revising the final draft, sharing practices and examples of their national context; advising on the training format, etc.). Several countries expressed their interest in joining this work. ELA offered to organise a meeting to facilitate the discussion on the manual among the Platform.

ITEM 7: Reporting from the Platform subgroup on alert mechanisms to identify undeclared work at an early stage

The leader of the subgroup provided information on the meeting that took place on 12 October 2022. The aim was to share learning on existing alert mechanisms and data used; explore innovative data mining at the aggregated level and predictive methods and; discuss data access and suggestions for designing alert mechanisms. The report from this subgroup will be shared with the platform members shortly.

ITEM 8: Preventing undeclared work among displaced persons/refugees from Ukraine

The leader of the subgroup on tackling undeclared work among displaced persons/refugees from Ukraine summarised the main conclusions from the subgroup discussions that took place in May and September 2022. Some members expressed the concerns that challenges such as undeclared work may be on the rise as an increasing share of displaced persons enters the labour market. ELA, with agreement of the Platform members, expressed its willingness to continue the work of the subgroup (envisaged was short and flexible format, e.g. a half-day meeting early 2023).

ITEM 9: Adoption of the mandate for a future subgroup on evaluating social ID cards as a tool for tackling undeclared work, including in subcontracting chains

The Platform agreed to the mandate of the subgroup and joint leadership by the representatives of EFBWW and FIEC.

ITEM 10: Staff exchanges – experiences in 2022

The budget for staff exchanges has been fully used in 2022. Platform members shared that they have been a great opportunity to learn from each other and have in-depth discussions. ELA sees great benefit in staff exchanges and will continue supporting them. A new call for applications will be issued around January/February 2023. This year, interpretation has been available for staff exchanges and has been well received by the members, so ELA will continue offering this service.

ITEM 11: Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)

A number of members reported on new developments in their respective administrations such as staff increases and training, challenges in hiring inspectors; digital tools and equipment to facilitate the work of the inspectors; legislative changes as well as increased cooperation between various authorities (e.g. setting up regional centres) and with social partners.



AOB:

ELA proposed to remove the bi-annual report from the 2022 Work Programme, which was endorsed. Platform repository will be moving from SharePoint to CIRCABC¹ by the end of 2022. This is to harmonise the approach to storing documents across various working groups and the Management Board at ELA.

ELA sought feedback from Platform members on exploring the possibility of holding joint sessions between the Platform and the Working Group on Inspections (as a bridge between the two meetings which are currently back-to-back) on a topic of relevance for both groups. Some member expressed their concerns about holding joint sessions between the two working groups. Among others, they stated that such sessions would require careful planning and that it is necessary to clarify the decision-making processes in such cases, if any decisions are to be made. No final decision was taken on the subject of joint sessions. The Chair mentioned this would be raised also at the Working Group on Inspections. Some members have also advocated having hybrid meetings to allow a wider group of colleagues from the national authorities to follow the discussions. The Chair emphasised that the format could be hybrid in the future plenary meetings as long as it does not undermine the commitment for physical participation among the Platform members. Physical participation is vital for the success of such meetings.

¹ [CIRCABC \(europa.eu\)](https://european-council.europa.eu/council-legal-instruments/circabc) accessed 9/11/2022



AGENDA

Meeting of the European Platform tackling undeclared work

23–24 March 2022

European Labour Authority (Landererova 12, Bratislava) / ZOOM platform¹

Interpretation provided from/to DE, EN, FR, IT and ES (workshops 2 and 4 will be provided without interpretation)

23 March 2022: Thematic day focused on operationalising holistic approaches to tackling undeclared work

9.30 – 10.00	Registration / Technical set-up
10.00 – 10.10	Welcome and short introduction by ELA <ul style="list-style-type: none"> • Document 1: Draft agenda • Document 2: Input paper with guiding questions
10.10 – 10.30	Progress of authorities towards a holistic approach <ul style="list-style-type: none"> • A common assessment framework for measuring progress towards a holistic approach: findings of the 2022 survey, ICF
10.30 – 12.00	Towards a cross-government body and strategy to transform undeclared work into declared work <ul style="list-style-type: none"> • Shifting strategy towards preventative measures, Belgium • Developing a holistic approach towards undeclared work in Croatia • Developing the national coordinated cross-government strategy in Finland • The newly established working group on tackling undeclared work in Italy <p>Q&A</p>
12.00 – 13.15	Lunch break
13.15 – 14.45	Workshops 1 and 2 in parallel <p>Workshop 1: Joining-up national and cross-border operations</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Joining-up operations on a national and cross-border level: experiences and challenges, Norway • The Central Coordination Group in Lithuania <p><i>Guiding questions</i></p>

¹ Connection details will be provided at a later stage.



	<ul style="list-style-type: none"> ➤ What are the challenges faced in (1) joining-up national operations and (2) pursuing cross-border operations? ➤ What tips or good practices do you have for achieving the (1) joining-up of national operations and (2) pursuing cross-border operations? <p>Workshop 2: Developing cross-government cooperation on data collection, sharing and analysis</p> <p><i>Introductory presentation</i></p> <ul style="list-style-type: none"> • Reflections on cooperation on data: outcomes of the 2nd Peer Learning Dialogue, Belgium <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What are the challenges authorities face on (1) data collection, (2) data sharing and (3) data analysis? ➤ What tips or good practices do you have for improving (1) data collection, (2) data sharing and (3) data analysis?
14.45 – 15.15	Coffee break
15.15 – 16.45	<p>Workshop 3: Improving social partner involvement</p> <p><i>Introductory presentation</i></p> <ul style="list-style-type: none"> • The Hidden Economy Monitoring Group in Ireland <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What concrete initiatives to tackle undeclared work have been undertaken by (1) social partners and inspectorates in cooperation, and (2) social partners alone? ➤ What are the major challenges faced by (1) social partners and (2) authorities when seeking to build cooperation with each other? ➤ What tips or good practices do social partners and authorities have for building effective partnerships? <p>Workshop 4: Beyond deterrence: adopting the full range of preventative measures</p> <p><i>Introductory presentations</i></p> <ul style="list-style-type: none"> • Penalties to incentivise the transformation of undeclared work into declared work: an update evaluating the first few years, Greece • Lessons from mini-jobs in Germany: challenges and tips <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ What are the major challenges in implementing preventative initiatives to improve the ease and benefits of engaging in declared work? ➤ What tips or good practices can those who have been more successful in setting up preventative measures offer to others who have been less successful in doing so?



16.45 – 17.00	Short break
17.00 – 17.30	Reporting back from working groups
17.30	End of day

24 March 2022

8.45 – 9.15	Technical set-up
9.15 – 9.20	Opening remarks by ELA <ul style="list-style-type: none"> Adoption of the agenda
9.20 – 9.25	Adoption of outputs from Platform meeting on 21-22 October Document 3: Thematic report on COVID-19's impact on enforcement authorities' work and priorities from Platform meeting on 21 October Document 4: Summary of deliberations from Platform meeting on 22 October
9.25 – 9.30	Revision of the Platform Work Programme 2021-2022 Document 5: Proposal for a change in the Work Programme
9.30 – 10.00	Employers Sanctions Directive <ul style="list-style-type: none"> Presentation of the European Commission Communication on Employers Sanctions Directive, DG HOME, Unit C1 <p><i>Discussion</i></p>
10.00 – 10.30	Reporting from Platform subgroups: <ul style="list-style-type: none"> On tackling undeclared work of third-country nationals through regularisation initiatives, Belgium <p>Document 6: Output paper from the subgroup: Tackling undeclared work among third-country nationals: regularisation initiatives</p> <ul style="list-style-type: none"> On Communication and Information, contributing to the ELA awareness-raising campaign on the road transport, Norway <p>Document 7: Output paper from the subgroup on communication and information: Tackling undeclared work in road transport</p>
10.30 – 11.00	Coffee break
11.00 – 11.40	Endorsement of the future work programme of the Platform Document 8: Draft proposals for the future Work Programme
11.40 – 11.55	Update by the European Commission, DG EMPL



11.55 – 12.00	Adoption of the mandate for a Subgroup on alert mechanisms to identify undeclared work at an early stage Document 9: Draft mandate of the subgroup on alert mechanisms to identify undeclared work at an early stage
12.00 – 12.20	Demand-driven actives <ul style="list-style-type: none">• Presentation on previous experiences with mutual assistance projects (MAPs) and a new MAP concept• Staff exchanges• Peer learning dialogue: selection of a topic for a second edition in 2022 Document 10: Suggested topics for the second peer-learning dialogue in 2022
12.20 – 12.50	Updates by Platform members and observers on new developments in their institutions and organisations (new tools, measures, legislative initiatives, awareness campaigns, etc.)
12.50 – 13.00	AOB
13.00 – 14.00	Lunch break



Summary of deliberations

Meeting of the European Platform tackling undeclared work

24 March 2022, European Labour Authority (Landererova 12, Bratislava) / ZOOM platform

ITEM 1: Opening remarks by ELA's Executive Director

The Chair welcomed Platform members and observers. He reflected on the situation in Ukraine and Ukrainian refugees, adding that a related agenda item had been included in a revised agenda. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 21-22 October 2021

The following documents were adopted:

- Thematic report on COVID-19's impact on enforcement authorities' work and priorities from Platform meeting on 21 October (one member added that physical inspections remain crucial);
- Summary of deliberations from Platform meeting on 22 October 2021.

ITEM 3: Employers Sanctions' Directive

The European Commission (EC) outlined the EU framework to tackle illegal employment or irregular migrants, namely through the Employers Sanctions Directive. As part of the EU Pact on Migration and Asylum, the EC published a Communication on the implementation of the Employers Sanctions Directive in 2021. In the document, the EC recommends, among other, to assess the effectiveness of sanctions against employers who employ illegally staying third-country nationals, to increase awareness-raising and to relaunch the Irregular Migration Expert Group on the Employers Sanction Directive. In terms of protective measures, the Communication recommends to improve the accessibility of complaint mechanisms, to exchange on safe reporting policies, to strengthen social dialogue and to increase information and awareness-raising. Inspections should be better targeted towards high-risk sectors, good practice sharing on inspections should be continued and inspectors should be appropriately trained. The EC will seek the expertise of the Platform in some areas, including on inspections. During the discussion, social partners welcomed the strengthening of the implementation of the Directive. Two participants raised concerns that labour inspectors and ELA are not the relevant actors to address illegal employment of irregular migrants. While acknowledging the limits of ELA's mandate, the Chair highlighted that in the course of inspections responsible authorities might encounter all sorts of irregularities and should be able to adequately act and follow-up, if necessary in cooperation with other relevant authorities, and ELA is ready to support them in this respect.

ITEM 4: Reporting from Platform subgroups

The Chair of the subgroup provided an update on the subgroup on tackling undeclared work among third-country nationals through regularisation initiatives, which met in December 2021. Several members supported the recommendations in the report. One member raised the concern that the recommendation concerning regularisation of third country nationals could create problems. With the explanation that it was up to Member States' discretion how to interpret and whether to implement the recommendation the report was approved.

The Chair of the subgroup provided an update on the subgroup Communication and Information which met in February 2022, contributing to the ELA awareness-raising campaign on the road



transport sector. There were no comments. The output report will support the preparation of the campaign.

ITEM 5: Update by the European Commission, DG EMPL

The European Commission updated firstly on the proposed Directive on improving working conditions in platform work from December 2021. Platform work is rapidly increasing, and the proposed Directive aims to ensure platform workers have a contractual status which corresponds to their work situation, more rights for workers, including better condition for social dialogue. In addition, the Commission informed about the proposal for a Directive on corporate sustainability due diligence to foster sustainable and responsible corporate behaviour throughout global value chains, adopted by the Commission in February 2022. Moreover, there is currently a pilot project on the feasibility of introducing a European Social Security Pass. In May this year, a new Eurobarometer on labour mobility will be conducted and an update from a study on the effectiveness of policies tackling undeclared work will be shared in the upcoming Plenary meeting. Platform members were invited to already think about projects they might want to put forward in a call for proposals concerning undeclared work that will take place next year.

ITEM 5: Demand-driven activities

ELA presented Mutual Assistance Projects (MAP), Staff Exchanges and Peer Learning Dialogues (PLD). MAPs are a good opportunity for mutual learning from selected peers. In the future, more flexibility will be provided in terms of the thematic focus of the MAPs. Meanwhile, staff exchanges can include interpretation for two languages for virtual and face-to-face meetings.

The Platform voted on the topic of the second PLD which will take place in the autumn of 2022. The top-ranked choice was ‘challenges and solutions in detecting and proving undeclared work in new forms of work, e.g. platform work’.

ITEM 6: Discussion on the labour market integration of refugees and the potential role of the Platform

Platform members exchanged on the current situation and their activities to support Ukrainian refugees. Recent efforts mentioned included the cooperation with Ukrainian social partners, and the provision of information in Ukrainian language. There was agreement that many incoming refugees, although they have access to declared work, are vulnerable.

There was agreement that the Platform should take an active role, to organise an ad hoc meeting before the Easter break and to set up a subgroup on preventing undeclared work among refugees. A chair for the subgroup was identified. Points for exchange could include demographic data about refugees, national legislation, coordination between authorities, inspections, preventing exploitation, social dialogue, working with civil society, and cross-border movement. It was highlighted that exchange should be operational, looking at the issue from an undeclared work angle, but considering also other areas of ELA’s work such as access to information or EURES.

ITEM 7: Revision of the Platform Work Programme 2021-2022

The Platform Secretariat proposed some minor revisions in the Work Programme for 2022 in a document submitted ahead of the meeting. In addition, largely due to the war in Ukraine, the following changes in the work programme were proposed:

- Most importantly - the addition of webinar(s) and a subgroup on preventing undeclared work amongst refugees;



- Postponing or cancelling, if necessary due to resource constraints, the subgroup on alert mechanisms to identify undeclared work at an early stage and the webinar on developing a common assessment framework for measuring the progress of Member States towards a holistic approach;
- More flexibility enabling toolkits to be connected to other events, not solely Thematic Review Workshops;
- Production of communication and information materials.

All proposed changes were adopted.

ITEM 8: Adoption of the mandate for a Subgroup on alert mechanisms to identify undeclared work at an early stage

Originally a meeting was foreseen in May. However, considering that the activities addressing the inflow of refugees from Ukraine are a priority, the subgroup on how enforcement authorities can create alert mechanisms to identify undeclared work at an early stage will be postponed, or if necessary due to resource constraints, not held in 2022. The chair for the subgroup was modified.

ITEM 9: Endorsement of the future work programme of the Platform

ELA updated on the work of the subgroup on the Platform future work programme, and the preceding call for proposals for future activities. The suggested work programme will continue to be based on four strategic priorities and will include, among others, a mixture of demand-driven and more operational activities, sectoral approaches, strong mutual learning component focused on both preventative and deterrence measures, and activities aimed at building understanding of undeclared work. The proposals for the Platform work programme were endorsed and will be integrated in the multi-annual programming of the authority, the Single Programming Document. A final decision will be taken by the ELA Management Board in November 2022.

ITEM 10:AOB



AGENDA

Meeting of the European Platform tackling undeclared work

21–22 October 2021

Hotel Crowne Plaza Bratislava / ZOOM platform¹

Interpretation provided from/to DE, EN, FR, IT and ES

21 October 2021: Thematic day focused on COVID-19's impact on enforcement authorities' work and priorities

9.30 – 10.00	Registration / Connection and testing of technological support
10.00 – 10.10	Welcome and short introduction Document 1: Draft agenda Document 2: Input paper with guiding questions
10.10 – 12.00	Introductory presentations <ul style="list-style-type: none"> • Impacts of COVID-19 on the informal economy in global perspective, ILO • COVID-19: implications for employment and working life, Eurofound • Abuse of short-term financial support schemes, Belgium • E-formalisation: applying new technologies in enforcement authorities to facilitate the transition to formality, ILO • Work today and in the future: challenges and opportunities identified by the Nordic labour inspectorates, Sweden <p>Q&A</p>
12.00 – 13.30	Lunch break
13.30 – 14.50	Future of inspections: Workshops 1 and 2 in parallel
	Workshop 1: Changes in the planning and conduct of workplace inspections <i>Introductory presentation</i> <ul style="list-style-type: none"> • Reflections on changes in the planning and conduct of physical workplace inspections during the COVID-19 pandemic, Portugal <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ Have your authorities undertaken greater risk assessment since the pandemic began of whether a physical inspection is necessary? If so, should this continue in the future?

¹ Connection details will be provided at a later stage.



	<ul style="list-style-type: none"> ➤ What other changes have you made to planning and conducting physical inspections which should continue in the future (e.g., hygiene, contact and time spent in workplace, digital recording)? ➤ Are physical inspections vital and effective compared with alternative types of inspection, and if so, how can it be proven? ➤ Is it worthwhile ELA holding events on: (1) “Lessons learned from the COVID-19 pandemic for the organisation of onsite inspections” and/or (2) “Evaluating the effectiveness of onsite inspections in detecting and preventing undeclared work”? <p>Workshop 2: Adopting alternative types of inspection to the physical inspection</p> <p><i>Introductory presentation</i></p> <ul style="list-style-type: none"> • Reflections on adopting alternative types of inspection to the physical inspection, Ireland <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ Is an objective of your inspectorate to conduct a specific number of physical inspections and is it necessary to change this? ➤ When and for what purpose could alternative types of inspection to the physical on-site inspection be used? ➤ Do your authorities combine onsite and other forms of inspection when inspecting a business (e.g., desk-top for initial meeting with compliant business, then physical inspection, and follow-up meeting at a distance)? Is this a way forward? ➤ Have your authorities evaluated the benefits and/or effectiveness of different forms of inspection (e.g., the strike/success rate of documentary inspections at resolving complaints compared with physical visits)? Is better evidence required? ➤ Could technicians be used for desk-top/documentary/postal inspections, with inspectors only doing the physical inspections? Is it possible to develop a career path (e.g., from working in the call centre, then doing desk-top inspections and then physical inspections) in your country? ➤ Is it worthwhile ELA holding an event on “Complementary Inspection Types to Onsite Inspections”?
14.50 – 15.20	Coffee break
15.20 – 16.40	Future of inspectorates: Workshops 3 and 4 in parallel
	<p>Workshop 3: Changes in ways inspectorates operate and new skills and competencies required</p> <p><i>Introductory presentation</i></p> <ul style="list-style-type: none"> • Reflections on changes in ways inspectorates work and new skills and competencies required by inspectorates, Sweden <p><i>Guiding questions</i></p> <ul style="list-style-type: none"> ➤ Given the trend towards greater data analysis, what do you think about the feasibility of merging national Employment Registers to create a pan-EU



	<p>Employment Register to detect and prevent undeclared work? What are the major challenges that will need to be overcome?</p> <ul style="list-style-type: none"> ➤ In line with Digital Compass 2030, what e-government solutions have your authority adopted to detect and prevent undeclared work? Should a Platform event be organised on “E-formalisation: digital solutions to prevent undeclared work”? ➤ Are you supportive of the PLD suggestion that ELA could consider the development of a training programme for labour inspectors? Do you agree with the topics, skills and competencies proposed for such a programme suggested by the PLD group? Can you suggest additional topics and training this programme could provide? <p>Workshop 4: Teleworking and other changes in the world of work and their implications for inspectorates</p> <p><i>Introductory presentation:</i></p> <ul style="list-style-type: none"> • Reflections on teleworking and other changes in the world of work and their implications for inspectorates, Spain <p><i>Guiding questions</i></p> <p>Questions to be answered by all participants in turn:</p> <ul style="list-style-type: none"> ➤ With the growth of teleworking, has there been greater clarification of employers’ responsibilities and workers’ rights in your country? ➤ Unless these responsibilities and rights are clarified, labour inspectors will have difficulties to address potentially ‘exploitative’ working conditions in relation to teleworking. To share learning, would it be useful to hold a Platform event on “Improving the regulation of teleworking”? ➤ How is the issue of conducting inspections in households addressed in your country? Would it be useful for the Platform to share learning on how this has, and could be, resolved? ➤ The issue of undeclared work and bogus self-employment on digital platforms has received much attention by the Platform. What is now required to take this forward?
16.40 – 17.00	Coffee break
17.00 – 17.30	Reporting back from working groups
17.30	End of day



22 October 2021

9.00 – 9.30	Connection and testing of technological support
9.30 – 9.35	Opening remarks by the Chair of the Platform <ul style="list-style-type: none"> • Adoption of the agenda
9.35 – 9.40	Adoption of outputs from extraordinary Platform meeting on 15 July and Platform plenary on 24-25 March <ul style="list-style-type: none"> • Document 3: Operation conclusions from Platform meeting on 25 March • Document 4: Thematic report on third-country migration and undeclared work from Platform meeting on 24 March • Document 5: Summary of deliberations from Platform meeting on 15 July
9.40 – 9.55	Follow-up on the thematic discussion ‘COVID-19’s impact on enforcement authorities’ work and priorities’
9.55 – 10.45	Update on ELA tasks: <ul style="list-style-type: none"> • Concerted and joint inspections • Analysis and risk assessment • Cooperation support and capacity building
10.45 – 11.05	Programming future Platform activities Document 6: Note on the programming of future Platform activities
11.05 – 11.35	Coffee break
11.35 – 11.55	Update by the Commission
11.55 – 12.30	Communication and awareness raising <ul style="list-style-type: none"> • Campaign on seasonal workers
12.30 – 12.45	Platform activities and information points Document 7: Draft mandate for the subworking group on regularisation initiatives for TCNs <ul style="list-style-type: none"> • Subworking group • Demand-driven activities • Platform website and online repository
12.45 – 13.00	AOB
13.00 – 14.00	Lunch break



Summary of deliberations

Meeting of the European Platform tackling undeclared work

21-22 October 2021, Hotel Crowne Plaza Bratislava / ZOOM platform

ITEM 1: Opening remarks by the ELA's Executive Director

The Chair welcomed Platform members and observers. He mentioned that the last months contained several important milestones for the Authority, including the signature of the Headquarters Agreement with the Slovak Republic, move to Bratislava and the arrival of seconded national experts. Recently appointed members and observers introduced themselves to the rest of the Platform. The agenda was adopted with a small modification requested by the European Commission.

ITEM 2: Adoption of outputs from extraordinary Platform meeting on 15 July and Platform plenary on 24-25 March

The following documents were declared final:

- Operation conclusions from Platform meeting on 25 March
- Thematic report on third-country migration and undeclared work from Platform meeting on 24 March
- Summary of deliberations from Platform meeting on 15 July

ITEM 3: Follow-up on the thematic discussion 'COVID-19's impact on enforcement authorities' work and priorities'

The operational conclusions from the thematic day were presented and possible follow-up activities were suggested in relation to the number of issues discussed. Regarding inspections not held on-site, their complementary role was emphasized. A separate report will follow concerning the thematic discussion.

ITEM 4: Update on ELA tasks

The Chair stated that the Platform covers a very wide range of activities which makes it an exceptional working group at the Authority. ELA presented on three areas of great relevance to the Platform: concerted and joint inspections (CJIs), labour market analysis and risk assessment and capacity building. Information was provided on the recent and planned CJIs; relevant processes and support provided by the Authority. Inspections in the road transport sector will follow as a priority next year. Participants noted the importance of the possibility to hold CJIs in a short time. Concerning labour mobility analyses and risk assessment, among others, a report on the impact of the COVID on the applicable social security for cross-border workers was prepared and is available on the ELA website. A dedicated workshop on risk assessment is planned later in 2021. Regarding capacity building, the Cooperation Support Unit delivers on this task next to mediation and supporting cooperation, including by 27 national liaison officers. ELA delivered a first set of trainings already in 2020. In 2022, the ELA Capacity Building Centre will be launched and focus will be on road transport. A call for good practices, ELA Mutual Learning and Understanding Programme, ELA Training Courses and cooperation with the four national training centres for labour inspectors are planned.



ITEM 5: Programming future Platform activities

The Chair stated that the current Work Programme for 2021-2022 was adopted by the Platform and endorsed by the ELA Management Board still in 2020. A new work programme for the period beyond 2022 will need to be designed in a different legal and institutional setting, in line with the ELA Regulation and other relevant legal acts as well as the Rules of Procedures of the Platform. The Chair mentioned current successful practice of the Platform working based on detailed work programmes drafted in a bottom-up exercise in a close cooperation with the Platform Secretariat. The importance of this cooperation will even increase to ensure that there are no overlaps between the Platform and other ELA work strands and to make sure that the Platform supports the strategic objectives of ELA. The Chair proposed establishing early next year a dedicated sub-working group tasked with preparing proposals of activities for 2023. Platform Members agreed on the importance to maintain the bottom-up approach in the preparation process of Platform work programmes.

ITEM 6: Communication and awareness raising

The Chair mentioned achievements and lessons learned from the Action Plan on Seasonal Workers. ELA presented a video with highlights of the activities organised during the awareness-raising campaign by the Platform strand. Platform representatives shared their experiences and presented a wide range of activities undertaken during the Action Plan, including close co-operations and activities with other Member States, webinars, press conferences as well as the involvement of TV and social media.

Many members expressed the need to know more in advance about the planned communication activities; early delivery of campaign materials is also important. This is crucial to be able to plan and organise in time appropriate teams and resources for the implementation of campaign activities. The Chair informed the participants that next year's framework for action will focus on the road transport sector. To streamline its coordination and implementation, it is not planned to have a dedicated campaign strand for the Platform. However, a Platform subworking group could be set up to provide ELA's communications team with key ideas and messages relevant for tackling undeclared work and the promotion of declared employment.

ITEM 7: Update by the European Commission

The European Commission highlighted the importance of the Platform in tackling undeclared work. The participants were informed that the Commission regretted that the call for proposals concerning activities to tackle undeclared work, financed by ESF+, had received no applications. Furthermore, the main elements of an on-going study on the effectiveness of policies addressing undeclared work were outlined.

ITEM 8: Platform activities and information points

The mandate of the subworking group that will focus on regularisation initiatives to bring undeclared third-country nationals into the declared economy was adopted. Platform Co-Chair, Bart Stalpaert, will chair the group. The subworking group will meet on 2 December. Platform members and observers willing to become part of the subworking group were invited to express their interest no later than 28 October. Updates were provided on the Platform website which has been successfully transferred to ELAs' website with all its content and the virtual library. Platform Collaborative Workspace will also be hosted by ELA. Participants were encouraged to reply to a satisfaction survey concerning Platforms' activities by 12 November.



ITEM 9: AOB

Participants were invited to use an online poll and answer whether the Platform should align its future meetings with other ELA working groups. 84% of participants supported holding meetings back-to-back with the Working Group of inspections.



AGENDA

Extraordinary meeting of the European Platform tackling undeclared work

15 July 2021

Online via WEBEX. Link to the event: <https://ela.webex.com/meet/webex1>

9.00 – 09.30	Technical setup
09.30 – 09.45	Welcoming and overview of the day <ul style="list-style-type: none">• Adoption of the agenda
09.45 – 10.25	Appointment of Co-chairs <ul style="list-style-type: none">• Introduction• Presentation by candidates• Discussion and vote
10.25 – 10.35	Platform Work Programme modification <ul style="list-style-type: none">• Proposal for a change in the Work Programme
10.35 – 10.50	Demand-driven activities <ul style="list-style-type: none">• The calls for mutual assistance projects (MAPs) and staff learning visits and joint actions – information• Topics for new peer learning dialogues – short presentation of the list followed by a vote
10.50 – 11.00	Update on Platform collaborative workspace
11.00 – 11.15	Coffee break
11.15 – 12.00	Campaign on seasonal workers <ul style="list-style-type: none">• Presentation and adoption of the concept note for the Platform strand of the campaign• Practical information on the awareness-raising campaign (Platform toolkit, week of action activities, campaign contact points)• Q&A
12.00 – 12.40	Webinar: Learning more about ELA: Its regulation, governance, work programme, programming <ul style="list-style-type: none">• Presentation• Discussion
12.40 – 12.50	AOB



Summary of deliberations

Extraordinary meeting of the European Platform tackling undeclared work

15 July 2021, virtual meeting

ITEM 1: Welcoming and overview of the day

The Chair welcomed Platform members and observers. He stressed that the meeting was important in the context of finalising the transition process of the Platform to ELA. Following the adoption of the Rules of Procedure and the appointment of the members and observers, ELA proceeded with the re-establishment of the Bureau to ensure the full business continuity of the Platform.

He expressed the intention to organise the next Platform meeting on 21-22 October in Bratislava and called on everyone to participate in person, to the extent that the situation permits. The agenda was adopted without changes.

ITEM 2: Appointment of Co-chairs

The Chair explained that, in accordance with Article 3 of the Rules of Procedure, the Platform shall appoint two Co-chairs from among the senior representatives: one for a two-year term and another for a three-year term. On 17 June 2021, a call for candidates was launched and two experienced Platform members applied: Dariusz Górski and Bart Stalpaert. Their CVs had been shared prior to the meeting.

Both candidates presented themselves and their views on the Platform. Given that two candidates applied and in accordance with the spirit of Article 5 of the Rules of Procedure stipulating that the Platform should strive to decide by consensus, the Chair suggested to appoint both Co-chairs without holding a vote. The Chair also proposed that a candidate with a longer seniority in the post of the full member of the Platform is elected for a three-year term. This proposal was approved and Dariusz Górski and Bart Stalpaert were elected as Co-chairs for, respectively, three and two years.

ITEM 3: Platform Work Programme modification

ELA presented the proposed modification in the Platform Work Programme for 2021-22 – the cancellation of the study ‘Analysing and developing the evidence base of the effectiveness of interventions tackling undeclared work’. This was done in order to ensure better alignment of the Work Programme with the research activities of the Commission by lowering the risk of overlaps and it also provided an opportunity to shift much needed resources towards the Platform campaign on seasonal workers. The Commission has contracted a study report on the effectiveness of policies to tackle undeclared work and the results should be available by mid-2022. No further modifications of the Work Programme are planned for this year. The revised Work Programme was adopted by the Platform.

ITEM 4: Demand-driven activities

The Platform members were encouraged to apply for *Mutual assistance projects* and *Staff learning visits and joint actions*.



A list of suggested topics for the next *Dialogue for peer learning and cross-border action* was sent to the Platform beforehand with the aim of identifying subjects of greatest interest. Through a poll, the participants chose the following topics as the most relevant for the next peer-learning dialogue:

- The way in which inspection services (on the national level) exchange data and information with other key stakeholders like tax administrations, and with other inspection services (economic, municipal and urban services). (73%)
- Third country nationals: improving regularisation initiatives to bring undeclared workers into the declared economy. (58%)
- Assessing investigative techniques for identifying complex fraudulent networks operating in more than one Member State in relation to third country nationals. (58%)

A Portuguese participant shared his views on the first peer-learning dialogue dedicated to the impact of the pandemic on the work of labour inspectors.

The Commission announced that a call for “Activities in the field of undeclared work” was published, and interested parties can apply until 28 September 2021.

ITEM 5: Update on Platform collaborative workspace

ELA informed the participants that the existing collaborative space of the Platform, hosted by the Joint Research Centre of the Commission, will cease to exist this summer and that its whole content was transferred to the ELA SharePoint. The work is ongoing to provide access for Platform members and observers to the dedicated SharePoint site that will act as a temporary repository. In 2022, ELA is planning to establish a new collaborative workspace with enhanced functionalities with the aim to facilitate interactions between Platform members. Platform representatives were invited to share with ELA suggestions concerning any specific functionalities that should be added in the future collaborative workspace.

ITEM 6: Campaign on seasonal workers

The main elements of the concept note for the Platform strand of the campaign on seasonal workers were presented. All the preparations were done by the Platform Working Group on Communication and Information. The Platform has now joined forces with ELA and EURES in the context of the wider Action Plan on Seasonal Workers. The Platform strand will run from mid-August until the end of September with the overall goal ‘to promote declared seasonal work and tackle undeclared seasonal work’.

A Week of Action is planned for 20-24 September under the name ‘EU week for seasonal workers’. The key performance indicators for the Platform activities suggest that ‘all members and observers participate in at least one activity during the Week of Action’. In order to support the Platform with the implementation of the campaign, a toolkit, as well as other resources will be developed and disseminated. The concept note was adopted by the Platform, including a minor amendment to the key messages.

Practical information was provided, including on the Week of Action, a save-the-date for the campaign webinar scheduled for 25 August 2021, as well as a reminder on the call for contact points for the Platform strand.



ITEM 7: Webinar: Learning more about ELA: Its regulation, governance, work programme, programming

ELA presented the governance structure of the Authority and the processes of preparing and adopting a single programming document (SPD) and a consolidated annual activity report (CAAR). These processes are structured into several stages, in accordance with EU regulations and communications. The roles of involved actors - the Executive Director, the Management Board, the Stakeholder Group, the European Commission as well as the Council and the European Parliament – are clearly defined. The same applies to the timing of the processes. The work on the SPD 2022-2024 is close to finalization and is advancing on the draft SPD 2023-25. Both the final version of the SPD 2022-2024 and the draft SPD 2023-2025 are planned for adoption at the 8th Management Board meeting on 10 November 2021. The work programme of the Platform shall be fully integrated in the annual and multi-annual programming cycle of the Authority and ELA will explore the possible ways to achieve this.



European Platform tackling undeclared work

AGENDA **Plenary meeting of the** **European Platform tackling undeclared work, 24-25 March 2021** Online¹ Interpretation provided from/to DE, EN, FR and IT

24 March 2021 - Thematic discussion on ‘Third country migration and undeclared work’ (10.00-13.00 CEST)

9.30	Connection and testing of technological support
10.00	Welcome and short introduction by Chair of European Platform, European Commission
10.15	Introductory presentations <ul style="list-style-type: none">• Counteracting undeclared work and labour exploitation of third-country national workers
11.00 12.50 <i>(Comfort break at 11.30)</i>	Presentations by Platform members, followed by discussions and interactive surveys on the following topics: <ul style="list-style-type: none">• Improving detection and deterrence measures• Prevention and awareness-raising
12.50	Conclusions from the Commission

25 March 2021 (9.30-13.00 CEST)

9.30	ITEM 1: Opening remarks by Chair of European Platform <ul style="list-style-type: none">• Adoption of the agenda• Reporting from thematic discussion ‘Third country migration and undeclared work’
9.50	ITEM 2: Adoption of outputs from 4-5 October 2020
10.00	ITEM 3: Platform transition to ELA <ul style="list-style-type: none">• Governance• Update on transition to ELA and establishment of the Platform as a permanent Working Group within ELA• Report from Working Group ‘Enhancing synergies with the ELA Work Programme and working methods• Discussion
10.45	ITEM 4: Information and communication

¹ The meeting will take place through Interactio, technical information will be sent separately prior to the meeting.

	<ul style="list-style-type: none"> • Discussion of proposals for #EU4FairWork follow-up
11.30	Comfort break
11.45	<p>ITEM 5: Thematic discussion – Internal and external reorganisation and adaptations measures within enforcement authorities in the COVID 19 context</p> <ul style="list-style-type: none"> • Presentations from Platform members and observers • Discussion
12.30	<p>ITEM 6: Information points</p> <ul style="list-style-type: none"> • Biennial report • Report on Platform activities
12.45	AOB
13.00	End of meeting



European Platform tackling undeclared work

Outputs of the tenth plenary meeting of the European Platform tackling undeclared work 24-25 March 2021, virtual meeting

24 March 2021 – Thematic discussion on 'Third country migration and undeclared work'
Separate report to follow.

25 March 2021 – Ordinary Plenary meeting

ITEM 1: Opening remarks by Chair of Platform and reporting from thematic discussion 'Third country migration and undeclared work'

The Chair thanked the Platform representatives for their continued commitment during a challenging year. The Chair noted that the formal transition of the Platform to ELA is presumably scheduled for 26 May 2021 and introduced ELA's new Executive Director, Cosmin Boiangiu. The agenda was adopted.

A thematic expert presented the summary findings from the presentations and discussions from the thematic day. The floor was opened for additional discussion of the conclusions. The findings and conclusions will be presented in the separate report indicated above.

ITEM 2: Adoption of outputs from Plenary 4-5 October 2020

The minutes and outputs from the last Plenary meeting were adopted and will be published on the website of the Platform.

ITEM 3: Platform transition to ELA

The Chair introduced a proposal for Platform Governance, namely to leave the position of the second Co-Chair open¹ until the Platform's transition to ELA. Following a discussion on the Co-Chairs' role during the transition, the Chair confirmed that a replacement Co-Chair would be a temporary appointment only and come to an end once the formal transition takes place. The Chair's proposal was supported by the Platform. The Chair thanked Renārs Lūsis for his contribution as Co-Chair.

Regarding the establishment of the Platform as a permanent Working Group within ELA, the Chair recalled that a two-step approach will be applied. The Decision establishing the Platform as a permanent Working Group was adopted by the ELA Management Board on 9 March and will take effect presumably on 26 May, when ELA reaches financial autonomy. Rules of Procedure will be adopted by the ELA Management Board in a second stage.

ELA Executive Director Cosmin Boiangiu provided additional details on the transition. He stated that the priority for ELA will be to ensure smooth transition and business continuity of the Platform. The focus will also be to enhance synergies with the work of ELA. The rules of procedure for the Platform will be proposed to the ELA Management Board for adoption at its next meeting on 25 May. ELA will closely consider suggestions and recommendations

¹ The second Co-Chair position has been vacant since Luísa Guimarães, PT, left the role in January 2021.

made in the Platform Working Group's report on the transition (see below). Coherence with the broader ELA governance of working groups will also be taken into account. The Executive Director confirmed that the current governance arrangements of two Co-Chairs, and a senior and alternate representative nominated to the Platform will be retained. ELA Management Board members and observers are invited to confirm the current representatives or to appoint new representatives by 9 May. A webinar will take place later in the spring to explain more about ELA's role, governance and work programme.

The report from the Platform Working Group 'Enhancing synergies with the ELA Work Programme and working methods' was endorsed. It will be sent to the ELA Executive Director and the Chair of the ELA Management Board.

ITEM 4: Information and communication

The ELA Executive Director presented the proposal for a Platform campaign on seasonal workers, following on from the #EU4FairWork campaign. It aims to link in with the broader ELA Action Plan on Seasonal Workers. Synergies between the ELA awareness-raising campaign and the Platform campaign should be sought. Discussion took place on ensuring a clear target group for the Platform campaign, tailored strategies and channels, as well as the need for synergies. The Platform endorsed the proposal.

A Platform working group will be established on the topic, with two meetings before summer foreseen - the first will take place on 26 April. The Working Group mandate was endorsed. A call for expression of interest to join the working group will be sent following the plenary meeting. The Chair invited a volunteer for the working group leader: as no one expressed interest during the session, a call for expression of interest for a working group leader will also be sent.

ITEM 5: Thematic discussion – Internal and external reorganisation and adaptations measures within enforcement authorities in the COVID 19 context

Presentations from BE and SE provided an insight into the changes, challenges and opportunities arising from the COVID-19 pandemic including teleworking, inspections, datamining and remote controls. A poll highlighted these challenges exist across Member States. Continuing this topic, Platform representatives are invited to participate at the upcoming webinar on counteracting abuse of short-term financial support schemes on 29 April. The October plenary meeting will also focus on impacts of the pandemic.

ITEM 6: Platform activities and information points

Commission representatives presented updates since the last plenary, including the biennial report of the Platform, highlights from the seminar on seasonal workers, upcoming activities and updates to demand-led activities. The new activity of Peer Learning Dialogues was also introduced, with a pilot proposed to further explore lessons learned from the pandemic. Calls for expression of interest will be launched in April (Peer Learning Dialogues, Mutual Assistance Projects) and late Spring (Staff Exchange).

AOB

Ahead of the Platform's transition to ELA, Commission representatives displayed a 'thank you and goodbye' montage of photos from Platform events since 2016.

The next plenary meeting dates are 21-22 October 2021.
