



Bratislava,

ELA/WGINSP/(2023)

15th meeting of the ELA

Working Group on Inspections

29-30 November 2023

Summary of the meeting

The experts appointed by the ELA Management Board Members met at ELA premises in Bratislava, Slovakia, and online, for the fifteenth meeting of the ELA Working Group on Inspections.

1. Welcome by the chair

This Working Group on Inspections (WGI) was chaired by the Head of Inspections' Sector within the Enforcement and Analysis Unit, Mr. Robertas Lukasevicius, who introduced the agenda of the meeting. The agenda was approved.

2. Tour-de-table on recent developments in each Member State / organisation

The meeting opened with a tour de table with a focus on policy, legal and operational developments in the Member States. Member States (MS) informed about modified legislation on the platform work and temporary work agencies, increased staff of the national labour inspectorates or strengthened cooperation between different national authorities in order to effectively tackle undeclared work, check working conditions and share information about local campaigns. European Commission (EC) representative informed about the upcoming reports (on posting, intra-EU mobility, etc.), ELA evaluation process as well as the need to invest in dialogue with social partners. Social partners informed amongst others on the internal evaluations of ELA as part of the forthcoming review. The exchange of information was appreciated by the participants.

3. Analytical support

ELA updated the WGI on its activities and plans in relation to labour mobility analysis and risk assessment. First, in relation to reporting about CJIs, ELA will continue to have two biannual reports on CJIs: the first report will be drafted in the middle of each year, covering CJIs in the first half of the year, and the second will be drafted in the beginning of the next year will provide a more in-depth analysis of all CJIs in the past year.

Second, ELA presented its plans for strategic analyses covering sector-specific challenges and issues. After this year's report on construction, the 2024 report will focus on HORECA sector

(with first insights in June and a final launch in September) and the 2025 report on social security coordination. Due to the interest of MSs there will also be a report on posting of third-country nationals. The need to work closely with MSs on the collection of data, including understanding the impact of changes in administrative procedures on data was stressed.

Third, ELA finalized its internal procedures enabling it to provide analytical support to CJIs. Analytical support will be provided upon request of the MSs requesting a CJI; it can also be used when social partners present their case to ELA to make an informed decision regarding specific CJI. ELA underlined that under its founding regulation it cannot process personal data; this limitation will have impact on the content and coverage of this support.

WGI members discussed the quality of reports and analytical needs. First, desktop research has limitations. It was agreed that it was useful to involve the WGI and practitioners more in the process of drafting of reports. ELA plans to do more strategic reports inhouse. Second, EC and a few MSs commented on the preparation of the report on social security coordination. MSs will need to be consulted due to subsidiarity as well as to provide a good understanding of national statistics.

4. Calendar (*discussion on this item was restricted to national authorities only*)

ELA presented the draft calendar of Weeks of Actions for 2024. Discussions centered around whether the Weeks of Action (WoA) should be announced in advance or not; some MSs suggested less emphasis on the road transport and focus on other sectors. ELA mandate is broad, and social aspects of road transport are under the competence of different authorities at national level, and it is for this reason that ELA proposed 3 WoA in road transport. It is also important to mention that WoA dates are decided by RoadPol. ELA will, however, support other CJIs outside of WoA in any sector of activity. The German initiative for a WoA on remuneration was presented and welcomed by the participants.

MSs and ELA agreed to organise **8 Weeks of Action in 2024: 3 in road transport, 1 HORECA, 1 construction, 1 on wages and 2 within the EMPACT framework**. These will be open for MSs to participate in based on their needs and capacities. Most dates have been set, but there may still be an adjustment of, e.g., the EMPACT Join Action Days depending on MSs preferences.

ELA noted that over 70 CJIs were organised in 2023 and there is room in 2024 to increase the number and coverage of CJIs.

5. CJIs in road transport in 2023, results and lessons learned

ELA informed that up to November 2023, ELA has supported 31 CJIs in the road transport sector. 19 CJIs were organised during the 3 WoA in collaboration with RoadPol and 12 CJIs were organised outside of WoA.

Inspectors from MSs presented recently organised two CJIs- one on international passenger transport and another – on a suspected letterbox transport company.

There was a discussion of methodology of controls and trainings of inspectors. ELA highlighted that there are several projects that support harmonisation of legislation (TRACE project) as well as there are planned 2-day trainings in 5 regions in 2024 (in cooperation with CORTE).

6. Cooperation with AQUAPOL: concerted and joint inspections on inland waterways

ELA informed about the first CJIs in the sector of inland waterways organised in September 2023, involving 5 MSs and working together in a multiagency approach (labour, police, customs and transport authorities). It was organised in cooperation with the waterborne law enforcement network AQUAPOL. The chair of AQUAPOL as well as a representative of a MS authority joined the meeting as guests to present their work and cooperation projects.

The sector employs about 48,000 workers, and about 1.6 million tourists board more than 400 cruise ships per year. During the CJIs, 36 ships and 38 companies were inspected by a total of 270 enforcement officers. 65 potential infringements were discovered that require further investigation (undeclared work, illegal employment of TCNs, incorrect remuneration and working and resting time violations, etc.). Often, the same companies provide services in multiple states. The enforcement cooperation on inland waterways with AQUAPOL has proved successful and will be continued.

7. Report on concerted and joint inspections in 2023

ELA presented the draft biannual report on Concerted and Joint Inspections (January – June 2023). Given that ELA Management Board (MB) took place before the WGI, the report was first presented there; in the future ELA will make sure that WGI discussed first the report to make sure that its input is integrated into the draft before it is presented to the MB. The number of inspections grew to 36 during the first half of 2023 and more MSs hosted observers during CJIs. In construction, which was the main sector of focus in 2023, there were 8 CJIs during the first WoA and 7 outside.

MSs supported analyses of CJIs after cases have been closed at the national level (e.g. cases from 2021). Members suggested to emphasize the role of SPOs in inspections. Some also stressed that the current 6-months deadline for the delivery of a post inspection report, as set in ELA's founding regulation, is too short to have the final inspection results available. Some MSs expressed interest in ELA conducting the analysis of all the ELA supported inspections carried out at national level. ELA intends to continue its efforts to promote CJIs and to increase its numbers and coverage; in particular, ELA will focus on supporting targeted inspections.

A Member State, which hosted a CJi for the first time, shared its experience; the action was a major success and for that reason there is a growing interest in hosting future CJIs.

8. Feedback from discussions at the meeting of the European Platform tackling undeclared work on the procedure to design the new Work Plan of the Platform and the future structure of the Platform

ELA debriefed about the debate that took place during the Meeting of the European Platform tackling undeclared work, which took place prior to the WGI meeting. Several MSs supported more synergies between the platform, inspections, analysis, and information (awareness raising initiatives). At the same time, it was stressed that potential changes to the setup of the Platform require well-prepared discussions.

9. Draft Checklist on genuine posting of workers

ELA updated the group on its work on the draft checklist on genuine posting of workers. Participants welcomed that the draft is close to finalization and suggested it be translated in all EU languages, but shared concerns whether it should be made publicly available.

10. Enforcement related capacity building activities in 2024

ELA informed that in 2024 the capacity-building activities will consist especially of modular trainings for labour inspectors and other authorities (twice per year), national trainings (two in 2024) that cater the specific local needs. In addition, staff exchanges will be organized in 2024 (the call to be launched at the beginning of 2024). ELA's training activities primarily target the inspectors nominated to the pool of inspectors to which 138 inspectors have already been nominated. ELA explained that this strategy was designed following the discussions and feedback from participants about the level of expertise required for inspectors during CJIs.

11. AOB

ELA announced that a new online training platform on CJIs was launched in November with 500 places available and distributed between all MSs.

In October 2023 ELA has signed a new framework service contract for organising logistical support to inspections, such as travel, accommodation, arrangement of meeting venues, interpretation, catering, and local transport.

It was agreed that in 2024 there will be only two meetings of the WGI.

The date for the first WGI meeting of 2024 is set for 17-18 April and the second one is tentatively set for 28-29 November.



Brussels,
ELA/RL/mit/ed.enf(2021)5461889

Eighth meeting of the European Labour Authority Working Group on inspections

6 July 2021

Summary of the deliberations

The experts appointed by the ELA Management Board Members met in a video conference on 6 July 2021 for the eighth meeting of the ELA Working Group on inspections. The aim of the meeting was to provide updates from the European Commission and ELA, to discuss the implementation of ELA's Action Plan on seasonal workers, developments in the road transport sector, ELA's capacity building activities including training in the inspections field, and an upcoming bulletin on inspections.

Update from ELA

Mr Robertas Lukasevicius, acting Head of Unit Enforcement and Analysis, welcomed the members and alternates and gave a brief introduction, reminding members to register for future events due to GDPR rules. He updated that since the last meeting, ELA has become financially autonomous, and preparations are ongoing regarding the ELA offices in Bratislava. ELA has also recently participated in the EMPACT Action Days and the Fair Recruitment Initiative of the OIM.

Updates from the Commission

The European Commission updated the Working Group on key information points including updating about a reorganisation in DG EMPL. E1 is the unit now responsible for ELA, labour mobility and public employment services. The Commission informed members of the new Occupational Safety and Health (OSH) strategic framework proposal for 2021-2027 and its actions – consultations are forthcoming. In addition, the Common Agricultural Policy will include a social conditionality on OSH and working conditions at the latest by 2025. Two calls for proposals will be launched soon – one on activities to tackle undeclared work, and another regarding enhancing administrative cooperation and access to information for posting of workers. The Commission has also published a [study](#) on intra-EU mobility of seasonal workers.

Implementation of the Action Plan on seasonal workers

Update on the awareness-raising campaign

Representatives from ELA provided an update on the three strands of the campaign on seasonal workers and the timeline. Members of the Working Group are encouraged to participate and follow progress on the campaign [website](#). A series of capacity building workshops have taken place already for information practitioners and a workshop between EU-OSHA and ELA is due to take place – a summary of the event will be shared with the Working Group. Templates of campaign materials are being prepared and will be disseminated via national coordinators. Capacity building events are also being organised.

Developments under the Enforcement pillar

On the enforcement side, cases which have been received by ELA have had their final assessment and draft agreements are being prepared. National Liaison Officers (NLOs) have been instrumental in this process. A secure online meeting platform has been identified and will allow for meetings with simultaneous interpretation. ELA can support on a variety of costs involved in inspections - procedures for claiming costs are being developed. Additional short updates were given by countries involved in the planned inspections.

Draft checklist on cross-border CJIs

ELA presented a draft checklist on cross-border CJIs which has the aim of being a supporting 'aide-memoire' for inspectors when planning, carrying out and following-up CJIs. The checklist was designed to be comprehensive and practical, and sit alongside existing materials including the guidelines on CJIs. The draft checklist integrates and synthesises existing questionnaires and checklists for inspectors received from the Working Group members and wider sources. It was proposed that a digital version could make this more user-friendly and ensure tailoring to specific situations, as well as further enhancements such as sector-specific additions or translated versions. Discussion took place and it was proposed that due to the short timescale for review, further reflection on the document - and how it could suit the needs of the Working Group - should take place via written comments to ELA by the end of August.

Inspections in the road transport field

Miroslava Anguelova, NLO of Bulgaria, presented how ELA can support CJIs in the road transport sector, with the aim of enhancing cooperation between Member States, authorities and wider partners and stakeholders. ELA is mandated to support the social aspects of international road transport regarding posting of drivers, driving and rest times and access to the occupation, and can provide organisational and financial support. ELA will be supporting roadside demonstration inspections during 11-17 October alongside ROADPOL and other authorities. Capacity building and training is also being developed to support inspections in the road transport field. Member States are invited to consider cross-border actions in this area – a letter will be sent to members to provide further information. The national representatives of the working group on posting of drivers will be shared with the Working Group members.

ELA capacity building activities

A representative of ELA presented ELA's plans for capacity building and training. ELA has a role to provide non-binding guidelines, peer learning, exchange of best practice and supporting cooperation. Activities are being planned for the second half of the year on horizontal training. ELA is exploring innovative learning solutions to support this. During 2021 it is planned to set up a capacity building centre at ELA. A strategy relating to learning strategies and pathways will be developed by 2022. A training event is being planned for November on social security coordination – four representative per member state will be invited.

As regards the inspections field, training needs were identified through a survey sent to participants of recent training and all representatives of the Working Group. Highlighted needs included modalities for CJIs, temporary work agencies and letterbox companies. A training webinar is taking place on 9 July to specifically address the aspects of temporary work agencies. Future topics can also be discussed at the next meeting of the Working Group.

Inspections bulletin

ELA is intending to launch a bulletin on inspections with the aim of disseminating good practices at the end of July. The bulletin is aimed at the Working Group as well as the wider stakeholders interested in the results of inspections. Members of the Working Group are invited to subscribe to receive the bulletin and to forward it to interested parties. It will also be published on the ELA website. A short poll was launched for members of the Working Group to highlight specific topics they would like to see covered in the bulletin (or future bulletins).

AOB

ELA is currently working on the translation of the guidelines which will be made available shortly. The training materials will also be translated into the languages requested – these are expected by end of July.

Further enhancements to the CJIs process internally at ELA have been made – members are encouraged to continue submitting their requests for ELA's assistance.

The next Working Group will take place (presumably in person) in Bratislava on 6 October.



Brussels, 15 March 2021
 ELA/LC/abs(2021)2274801

**The sixth meeting of the ELA Working Group on inspections
 15 March 2021**

Agenda

Videoconference link to *Microsoft Teams*¹:
[Teams WG Inspections](#)

Indicative time	No	Item	Document reference
09.30 – 10.00		<i>Connection to online meeting</i>	
10.00 – 10.10	1	Welcome by the Chair Approval of the Draft Agenda for the 6 th meeting	ELA/WGINSP/2021/001
10.10 – 10.20	2	Introduction by the Executive Director of ELA	
10.20 – 10.40	3	Updates from the Commission	Presentation
10.40 – 13.00	4	Thematic focus: Action plan on cross-border seasonal work <i>[with coffee break from 11.15 to 11.30]</i>	ELA/WGINSP/2021/002
13.00 – 14.00		<i>Lunch break</i>	
14.00 – 14.30	5	Call for inspections: modalities and calendar	Presentation
14.30 – 15.00	6	ELA activities in the road transport sector- update on the state of play	Presentation
15.00 – 15.20	7	Activities of the Working Group on inspections in 2021	Presentation
15.20 – 15.50	8	ELA trainings for 2021 and trainings at national level	Presentation
15.50 – 16.00	9	AOB	

¹ By clicking on the link you will be redirected to the **General channel** of the External ELA Group on *Microsoft Teams*. Please select the dedicated channel (**CHN – WG Inspections**) to join the open meeting.



Brussels,
ELA/RL/abs(2021)3241264

Sixth meeting of the European Labour Authority Working Group on inspections

15 March 2021

Summary of the deliberations

The experts appointed by the ELA Management Board Members met in a video conference on 15 March 2021 for the sixth meeting of the ELA Working Group on inspections. Mr Cosmin Boiangiu, ELA Executive Director, welcomed the members and alternates and gave a brief introduction.

The aim of the meeting was to provide updates from the Commission, to discuss ELA's Action Plan on seasonal workers with particular focus on the enforcement perspective of it, to update the members on the state of play of ELA's activities in the road transport sector, on possible activities and calendar of the Working Group meetings in 2021 and on capacity building activities for this year.

Introduction by the Executive Director of ELA

The Executive Director introduced himself to the Working Group and informed about the ELA priorities for 2021, including the build-up phase of the Authority, and highlighted the strong focus on identifying COVID-19's impact on labour mobility, the main challenges that Member States encounter and the actions they have taken. He pointed out that the Action Plan on seasonal workers covers initiatives drawing from the entire 'toolbox' of ELA, including EURES and contribution of the Undeclared Work Platform. To be effective and operational, ELA will build on and promote national initiatives targeting seasonal workers, and support the establishment of networks and cooperation between originating and destination countries. In reply to the question in relation to the role of National Liaison Officers (NLOs), the Executive Director emphasized the importance of NLOs' contribution to the operational activities of ELA as well as building and promoting cooperation and information exchange between Member States.

Updates from the Commission

The European Commission updated the Working Group on its initiatives, including on the Action Plan for the European Pillar on Social Rights, which was recently presented, with the focus on a Social Europe and fair mobility as a key component. On fair mobility agenda, the Commission will work with ELA on the proper implementation and enforcement of EU labour mobility rules, on capacity building for information and labour inspections at national level, and on the protection of mobile workers, including seasonal workers. The Commission also informed about the seminar of the Platform tackling undeclared work on trends and good practices in relation to seasonal workers, which took place on 16 March 2021.

Thematic focus: Action Plan on seasonal workers

ELA presented the Action Plan on seasonal workers explaining in detail its two strands – the awareness raising campaign (the objectives, key messages, target groups and operating

principles and roadmap) and support to enforcement of labour mobility acquis (cross-border concerted and joint inspections and tackling undeclared work). ELA will offer a number of tools and communication materials to support national awareness raising campaigns aiming at informing workers about rights and obligations as well as sensitising and supporting employers to respect national labour and social rules on cross-border seasonal work.

As regards the enforcement pillar, the Action Plan on seasonal workers would contribute to the objective agreed in the Work Programme 2021 in relation to the participation of Member States in cross-border enforcement actions. ELA has already engaged in dialogue with Member States' competent authorities to encourage their participation in cross-border inspections. Based on analyses of labour mobility flows, ELA sent letters to 15 Member States inviting them to consider launching/participating in cross-border inspection. To facilitate this endeavour, ELA will offer its support in relation to coordination of activities and targeted financial, logistic as well as capacity building and methodological assistance. ELA reiterated that all Member States are encouraged to participate in the activities under the Action Plan. It also emphasised the integrated approach of implementation of both strands of the Action Plan and the importance of cooperation with other stakeholders at national and EU level throughout the implementation of the plan.

During the discussion, a number of Member States welcomed the Action plan and expressed their interest to participate in cross-border enforcement actions tackling irregularities often involving temporary work agencies mainly in the agri-food and construction sectors. Need for support in relation to translation/interpretation, operational guidance was underlined. Some countries have already identified specific cases and partner countries for cross-border action. ELA, with the help of NLOs, will accompany national authorities in the preparation and execution of planned inspections.

ELA activities in the road transport sector: state of play

ELA explained its competence covering social aspects of the road transport legislation (Mobility Package I) and presented the state of play of ELA activities in the sector. This included a number of workshops and seminars with stakeholders exploring possibilities for future cooperation. Need to ensure proper cooperation of national transport and labour authorities in the enforcement of road transport acquis was underlined at the meeting.

Activities of the Working Group on inspections in 2021

In the coming months, ELA plans three other Working Group meetings (tentative dates: 10 May, 6 July and 6 October). A number of topics will be addressed at these meetings, such as follow-up activities under the Action Plan and in the road transport sector, cooperation with other EU agencies and possible refinement of ELA tools and procedures.

ELA trainings for 2021 and trainings at national level

The future ELA's Capacity Building Centre will provide training activities horizontally across ELA tasks. The already developed materials related to the trainings in November 2020 and January 2021 ("train the trainer" approach) are accessible online. ELA encouraged organising similar trainings at national level to convey the knowledge acquired. To facilitate this task, ELA invited to submit requests for translations of the presentations of the already delivered trainings by the end of March. As regards future trainings, more peer learning type of activities was called for at the meeting.

AOB

The chair reminded about the call for SNEs and informed that the deadline had been extended until the end of March.



Brussels, 7 October 2020

Fifth Meeting of the ELA Working Group on Inspections

7 October 2020

Agenda

Videoconference link: <https://ecwacs.webex.com/meet/ELA-inspections>

Time	No	Item	Document reference
10.00 – 10.10	1	Welcome by the Chair Approval of the Draft Agenda for the 5 th meeting	ELAWGINSP/2020/017
10.10 – 10.30	2	Updates from the Commission	Presentation
10.30 – 11.15	3	Debriefing of ELA pilot inspections Update on ELA participation in EUROPOL-EMPACT	Presentation
11:15 – 11.30		Coffee Break	
11.30 – 12.15	4	Agreement on final versions of: - Workflows - Case description - Model Agreement (and Annex) - Post-inspection Report - Key Performance Indicators - Modalities to report suspected irregularities	<u>Workflows:</u> ELAWGINSP/2020/004 ELAWGINSP/2020/008 ELAWGINSP/2020/009 <u>Case Description:</u> ELAWGINSP/2020/015 <u>Model Agreement:</u> ELAWGINSP/2020/003 <u>Post-inspection Report:</u> ELAWGINSP/2020/005 <u>KPIs:</u> ELAWGINSP/2020/018 <u>Irregularities:</u> ELAWGINSP/2020/019 ELAWGINSP/2020/020
12.15 – 13.00	5	Discussion on Guidelines and possible agreement	ELAWGINSP/2020/021
13.00 – 14.00		Lunch break	
14.00 – 14.30	6	Presentation on trainings for 2020 and update on 2021	Presentation
14.30 – 15.00	7	Analyses and Risk assessment	Background note
15.00 – 15.30	8	AOB Readiness and preparedness: future EU-UK Partnership Agreement ¹	

¹ https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en

**Fifth meeting of the European Labour Authority
Working Group on Inspections
7 October 2020**

- Summary of the deliberations -

The Experts appointed by the ELA Management Board Members met in video conference on 7 October 2020 for the fifth meeting of the ELA Working Group on Inspections. The aim of the meeting was to provide updates from the Commission, to debrief on ELA pilot inspections and to update on ELA participation in the EUROPOL-EMPACT Joint Action Days. The deliverables were presented and discussed, together with the draft Guidelines for CJIs. The Experts also discussed trainings for 2020 and 2021. At the end of the meeting, the ELA task on Analyses and Risk assessment was presented. The representatives of PwC (ELA's contractor for consultancy and training services in 2020) attended only the relevant parts of the meeting.

Commission updates

During the meeting, the European Commission updated the Working Group on its initiatives, including on the protection of seasonal worker's rights. The Commission also informed the Working Group about the #EU4FairWork campaign and its week of action and on the adoption of the Work Programme 2021-2022 of the European Platform tackling undeclared work, in view of its transfer to ELA in 2021.

Presentation on ELA pilot inspections

The Member States that participated in ELA pilot cross border inspections presented their experiences. During the pilot inspections, ELA documents and forms were used and the national authorities were generally satisfied with the ELA coordination and support. It was pointed out that collaboration with social partner organizations is important and depends on the applicable national legislation. The pilot inspections were considered as successful. The exchange of information and data protection during the cross border cooperation was discussed and will be part of the training planned in November.

Presentation on ELA participation in EUROPOL-EMPACT

ELA representatives presented their participation in the EUROPOL-EMPACT Joint Action Days inspections. The goals of the inspections were to tackle human trafficking and labour exploitation in the EU and to address undeclared work in the agriculture and road transport sector.

Agreement on the deliverables

ELA presented the deliverables already discussed during previous meetings. Some of the deliverables, such as the Model Agreement and the Case description, were tested during pilot inspections (where relevant). The Workflow guidance documents, Case description, Model Agreement (including the Inspection Plan template) and the Workflow guidance and template for reporting suspected irregularities have been adopted and will be presented to the ELA Management Board for final approval. The Experts have also adopted the Post-inspection report and the list of Key Performance Indicators, with the agreement that some

specific amendments will be integrated in the documents. These documents will be presented to the ELA Management Board for final approval.

Review of the Guidelines for CJIs

The Experts welcomed the advanced draft of the Guidelines for concerted and joint inspections. They agreed to send a final set of comments and clarifications before adopting the Guidelines in written procedure. In particular, the revised document shall include comments that will clarify the position of some Member States concerning the legal basis for joint inspections. The Experts also proposed other minor adjustments to the document. The revised version of the Guidelines, once adopted by the Working Group, will be presented to the ELA Management Board for final approval.

Presentation on trainings for 2020 and update on 2021

ELA representatives presented four training modules combined in two sessions, which are planned on 26-27 November 2020 and January 2021. The trainings have been transformed into online sessions due to current travel restrictions. The training will be delivered with the "train the trainers" format. Up to two representatives from each Member State can participate in each module, who will then relay the information within that Member State. The invitation to the trainings, including practical details, will be shared with the WG Experts.

Presentation on Labour Mobility Analysis and Risk Assessment

ELA presented the approach to the task of Labour Mobility Analysis and Risk Assessment and the initial activities planned. The work on Analyses and Risk Assessment is expected to be closely linked with the one on Inspections.

General remarks

ELA has asked Experts for further feedback on Guidelines for CJIs by 16 October 2020.



Agenda

Fourth Meeting of the ELA Working Group on Inspections, 9 June 2020

Videoconference link: <https://ecwacs.webex.com/meet/ELA-inspections>

No	Time	
1	11:00 – 11:45	Update from the Commission on the COVID-19 impact on cross-border activities and possible reflection from Member States on adaptation measures
2	11:45 – 12:30	Review of the updated deliverables: <ul style="list-style-type: none"> - <u>Case Description</u> <i>ELA/WGINSP/2020/015</i> - <u>Model Agreement and annex</u> <i>ELA/WGINSP/2020/003 Rev3</i> - <u>Post inspection report</u> <i>ELA/WGINSP/2020/005 Rev3</i> - <u>Workflows</u> <i>ELA/WGINSP/2020/004 Rev2</i> <i>ELA/WGINSP/2020/008 Rev1</i> <i>ELA/WGINSP/2020/009 Rev1</i>
3	12:30 – 13:00	Tenders for training and consultancy services for the ELA work on inspections
	13:00 – 14:00	<i>Lunch break</i>
4	14:00 – 14:45	Presentation of a case study and the possible role of ELA
5	14:45 – 15:30	Developing Key Performance Indicators for ELA reporting on inspections
6	15:30 - 16:00	Developing criteria for ELA to evaluate requests for inspections
	16:00	Closing



Fourth meeting of the European Labour Authority Working Group on Inspections

9 June 2020

- Summary of the deliberations -

The Experts appointed by the ELA Management Board Members met in video conference on 9 June 2020 for the fourth meeting of the ELA Working Group on Inspections. The aim of the meeting was to provide an update on the COVID-19 impact on cross-border activities, to review the updated versions of the deliverables and to discuss the needs for trainings and consultancy services on inspections for 2020 and 2021. After the break, a case study was presented and the possible role of ELA discussed. Then the discussion continued on the development of Key Performance Indicators and on the criteria for the evaluation of requests for inspection. The representatives of PricewaterhouseCoopers (PwC) (ELA's contractor for consultancy and training services in 2020) observed the relevant parts of the meeting.

During the meeting, ELA delivered a short update on their work on the Information task, with a focus on the website on posting of workers and ELA translation facility. The Commission updated the Group on the COVID-19 impact on cross-border activities and presented the mobility context 2020, as well as conclusions from two UDW Platform webinars concerning the impact of COVID-19 on undeclared work and on enforcement authorities. The Commission also informed the Working Group about the next steps of the #EU4FairWork campaign and its week of action, which has been postponed to 21-25 September 2020. ELA called for volunteering Member States to put forward their proposals to carry out ELA pilot inspections.

Review of the updated deliverables

The Experts welcomed the slightly updated drafts of the Model Agreement (including the Inspection Plan template), the Case Description template, the Post-inspection report and the Workflow guidance documents. The Experts proposed some further improvements which will be integrated in the drafts. The above mentioned draft documents are ready to be tested during pilot inspections and, if needed, they will be further developed based on the feedback from the field work. The final results will be presented to the ELA Management Board for approval.

Future supporting and training needs for the ELA work on inspections in 2020/2021

Following ELA's presentation, the Working Group provided inputs on the consultancy services and training activities for 2020 and 2021. ELA, with the support of the external contractor, will develop and deliver the trainings in 2020 in three modules: 1) The role of ELA in CJIs and initiation and implementation of CJIs (using the deliverables), 2) EU regulatory framework relevant for CJIs and tackling abuses in the selected areas, 3) Application of GDPR in the context of CJIs and use of IMI and other data exchange tools. The trainings will be organized in Brussels, in Bratislava or online if needed. The Experts agreed that the training should follow the objectives of the ELA. The Experts suggested including additional training topics and underlined that the trainings have to be orientated to practitioners/field inspectors, thus practical aspects of cross border cooperation should be emphasized. The suggestions will be taken into account in the preparation of training modules.

As regards training and consultancy services in 2021 for which a call for proposal is to be published this year, ELA proposed to orientate trainings towards: (1) building up the operational capacity of inspecting bodies through a set of training seminars, webinars and e-learning tools and (2) promoting cooperation and mutual learning via staff learning exchanges for inspectors joining cross border inspection teams. The Working Group will suggest the specific topics for the activities in due time. The consultancy services could be focused on further developing the deliverables, drawing up a quarterly electronic bulletin and several analytical ad hoc reports. The representatives of the contractor were not present during the discussion on future services to be tendered by ELA.

Presentation of a case study and possible role of ELA

The Expert appointed by France presented a case study focusing on the role of letterbox companies in a complex fraud scheme. The possible role of ELA in such case was then discussed. The Experts agreed that the coordination and support of ELA in CJIs is particularly beneficial in case of complex issues regarding labour law or social security infringements where several Member States are involved. The role of ELA is foreseen in the coordination, administrative and legal support as well as in other support services, e.g. interpretation.

Key Performance Indicators

The Expert appointed by the Netherlands presented their national experience in developing KPIs based on outcomes. ELA presented an updated list of possible Key Performance Indicators covering quantitative aspects as well as scope, financial/administrative results, judicial follow-up and capacity building. During the meeting, the Experts discussed the proposed KPIs, suggesting to focus also on qualitative indicators (effectiveness, prevention, added value of the concerted and joint inspections) in line with the objectives of ELA. The discussion will continue in the next meeting. ELA presented an overview of the number of CJIs that took place in Europe in 2019. The Experts were asked to provide the statistics about CJIs to serve as background information for the discussion of the ELA Management Board on the strategic planning of ELA activities until 2024.

Developing criteria for ELA to evaluate requests for inspections

ELA presented an updated list of possible criteria for evaluating the cases proposed for ELA support. The proposed criteria focused on eligibility, necessity of the case, gravity of the impact on workers and/or labour market and sectoral coverage. The discussion will continue in the next meeting.

General remarks

ELA will ask for further feedback to the Experts during the coming months and will present an updated version of all the deliverables in the next WG meeting on 7 October 2020, with a view to present the final results of the work of this year to the ELA Management Board in December 2020.



Third meeting of the European Labour Authority Working Group on Inspections 27 April 2020

- Summary of the deliberations -

The Experts appointed by the ELA Management Board Members met in videoconference on 27 April 2020 for the third meeting of the ELA Working Group on Inspections. The aim of the meeting was to discuss the COVID-19 impact on cross-border activities, to reflect on the updated versions of the three draft deliverables after the last meeting, to continue the discussion on the development of Key Performance Indicators, to start developing criteria for the evaluation of requests for inspection and to give input on the future supporting and training needs for the ELA work on inspections.

During the meeting, the Commission delivered a short presentation of the Guidelines issued to preserve the (cross-border) free movement of workers, goods and services during the COVID-19 crisis and to lift the containment measures in a gradual and coordinated manner. The Commission also presented the impact of the COVID-19 crisis on planned activities like the Week of Action of the #EU4FairWork campaign, which has been postponed to 21-25 September 2020.

ELA confirmed the possibility to support the organisation of pilot inspections during the Week of Action and it suggested, in the short term, a shift from cross-border joint inspections to concerted inspections in order to continue cooperating despite the current travel limitations.

Model Agreement for concerted and joint inspections

The Experts welcomed the third draft of the Model Agreement, which now includes only the essential elements. The Experts also decided that only one of the attached documents would remain as an annex to the Model Agreement. This will be the Inspection Plan template, containing all the necessary additional information and practical arrangements to carry out a concerted or joint inspection. The Case Description template (formerly Annex 1) will be used as template to request a concerted or joint inspection. The national practices tables (formerly Annex 3) will become part of the handbook to be developed in the coming months.

Post-inspection report

The Working Group recognised the value of the Post-inspection report as not only a means of accounting for the concerted or joint activities, but also for reflecting on, and potentially improving, ELA operations and the inspection process using indicators and lessons learned. The Experts proposed few amendments to be reflected in the next version.

Workflow guidance documents

The Experts finalised the discussions on the draft Workflow Guidance documents for Member States, ELA and social partner organisations at national level. Following the last remarks and amendments, the updated version of the documents will be presented at the next meeting.

Key Performance Indicators

The Working Group continued the discussions on KPIs to be used by ELA in the context of concerted and joint inspections. The ELA presented some possible Key Performance Indicators. These will be used by ELA to inform Member States, stakeholders and general

public about its activities, results and use of resources, including with the Authority's annual activity report and with the report to be presented to the Management Board, as well as to the Stakeholder Group, twice a year. During the meeting, the Experts discussed the proposed KPIs, suggesting the addition of qualitative indicators (effectiveness, prevention, added value of the concerted and joint inspections). The discussion will continue in the next meeting, where Member States may present their experience developing and using KPIs.

Developing criteria for ELA to evaluate requests for inspections

The ELA presented a number of possible criteria for assessing the cases proposed for ELA support. There should be an eligibility criterion, to verify if the case has a cross-border dimension and if it falls under the scope of ELA. Other criteria should cover both quantitative and qualitative aspects. The discussion will continue in the next meeting.

Future supporting and training needs for the ELA work on inspections in 2020/2021

The Working Group provided some initial input on the needs of ELA in terms of consultancy services and training activities for 2020 and 2021. The ELA Work Programme 2020 includes a budget of 150 000 EUR for arrangements and tools, including consultancy services, and 100 000 EUR for learning and training activities. The discussion on the possible tenders to be launched later this year will continue in the next meeting.

General remarks

ELA will present the updated versions of all the draft documents at the next meeting, currently planned for 9 June 2020.



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General remarks

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Second meeting of the European Labour Authority Working Group on Inspections

5 March 2020

- Summary of the deliberations -

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

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

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

Model Agreement for concerted and joint inspections

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

Post-inspection report

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

Workflow guidance documents

Workflow guidance document for Member States

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

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

Workflow guidance document for ELA

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

Workflow guidance document for Social Partner organisations at national level

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

Key Performance Indicators

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

General remarks

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



Agenda
First Meeting of the Working Group on Inspections
6 February 2020

Rue de Spa 3, Room 02/P094, Brussels, Belgium

No	Time	Title
	09:30-10:00	<i>Registration and welcome coffee</i>
1	10:00-10:15	Introductory round table
2	10:15-11:45	Introduction of the purpose and goals of the Working Group. Presentation of the proposed deliverables and focus on the first three (model agreement, workflow guidance and outcome report)
		Model agreement
3	11:45-12:15	Presentation by the European Commission on existing studies and Q&A about bilateral agreements used between Member States
4	12:15-13:00	Discussion on the draft model agreement for concerted and joint inspections - <i>ELA/WGINSP/2020/003</i>
	13:00-14:00	<i>Lunch</i>
		Workflow guidance for proposing cases
5	14:00-14:30	Presentation by Member States on best practices when prioritising, signalling, and dealing with cases and Q&A
6	14:30-15:00	Discussion on draft workflow guidance with the modalities ELA, Member States, and social partners should use for proposing cases - <i>ELA/WGINSP/2020/004</i>
7	15:00-15:30	Discussion on follow-up procedures, including for concerted or joint inspections or where Member States choose not to participate
	15:30-15:45	<i>Coffee break</i>
		Outcome report template
8	15:45-16:15	Discussion on draft outcome report and on how to measure cross-border inspection outcomes - <i>ELA/WGINSP/2020/005</i>
9	16:15-16:30	AOB
	16:30	<i>Closing</i>



First meeting of the European Labour Authority Working Group on Inspections
6 February 2020

- Summary of the deliberations -

The Experts appointed by the ELA Management Board Members met in Brussels on 6 February 2020 for the first meeting of the ELA Working Group on concerted and joint inspections (CJIs).

The aim of the first meeting was to present the goals of the Working Group, discuss the planning of the activities for the year 2020 and provide the initial input on the first three draft deliverables among the ones mentioned in the ELA Work Program 2020.

During the meeting, the Commission delivered a presentation on the activities of the European Platform to enhance cooperation in tackling undeclared work and other existing research activities, which will be used as basis for developing the deliverables of the Working Group. This was followed by presentations by two Member States (Belgium and Sweden) on the topic of signalling, prioritising and dealing with cases brought forward by different stakeholders and individuals.

The discussions focused on the three draft deliverables: a Model Agreement for carrying out a CJI, a Workflow Guidance for Member States to request the coordination and support of the ELA for CJI, and a Post-inspection report. The first drafts were developed by the ELA Establishment Group and will undergo a series of revisions and tests to improve their usability.

Deliverable 1: Model Agreement for concerted and joint inspections

The Experts welcomed the first draft of the Model Agreement as a good start for further discussions. The structure of the document should include a core document (the Model Agreement) featuring only the essential elements and an annex (the Inspection Plan) with all the necessary additional information and practical arrangements. A leaner version of the document will improve its usability.

Deliverable 2: Workflow guidance

The position of the Working Group was that the draft Workflow guidance could serve as a useful instrument for encouraging Member States, which do not have an established mutual operational practice, to take part in concerted or joint action. The discussion revolved around three main aspects – the timeframe, the roles of the different actors, and the eligibility criteria for ELA support.

Deliverable 3: Post-inspection report

The Working Group generally recognised the value of the Post-inspection report as not only a means of accounting for the joint activities, but also for reflecting on, and potentially improving, ELA's operations and the inspection process. The report template should be simplified. The Experts also underlined the importance of developing Key Performance Indicators as part of the Post-inspection report, and suggested that Member States and Social Partners be actively involved in this process.

General remarks

For the purpose of convenience and usability, several Experts in the Working Group suggested that the three proposed deliverables should be integrated and managed through secure interactive

(online) channels, where participating Member States can select the components relevant for their particular case and cooperation. In addition, professionals in the field should be informed on the advantages of using these deliverables. To this end, the ELA should consider developing information materials explaining their purpose and added value. Finally, the Working Group reiterated the importance of clarity about data ownership and of ensuring that all deliverables are fully compliant with the principles of the GDPR. The three draft documents will be reviewed based on this input and presented at the next meeting of the Working Group on 5 March.