

Auditing and Monitoring in Belgium

Belgian liaison office:

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Federal Public Service for Employment, Labour and Social Dialogue

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Directorate General for Monitoring of Workplace Welfare

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Public Information

1. Information on posting situations

In Belgium, one must make a declaration in a centralised computer database of any postings of salaried workers or self-employed workers.

It consists of an obligation on foreign self-employed workers or businesses that post workers. The system is open in the sense that it is a self-declaration and does not consist of a required prior authorisation.

It consists of the 'LIMOSA' declaration.

If it has not been done by the foreign business, the Belgian sponsor, who may be subject to criminal penalties, is obligated to make this declaration itself before work has begun.

Failure to do so makes it criminally responsible.

The requirement to make these declarations is, on the whole, well respected. However, as is the case for all declaration systems, any organisation that is not set up as a business entity, and only posts employees, is not known to government authorities.

The declarations allow, in any case, to better prepare for and to target audits related to posting of workers.

Other methods to receive information

There is also a database called GOTOT IN/OUT, which is a Social Security database of processed A1 forms.

2. Exchange of information with other Member States

The mentioned liaison office is attached to the following authority:

Federal Public Service for Employment, Labour and Social Dialogue

Directorate General for Individual Labour Relations

Division for the Regulation of Individual Labour Relations

1 Rue Ernest Blérot

1070 Brussels, BELGIUM

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IMI Pilot Project

This is headed up by the labour inspectors from the 'network' of services that inspect for social law compliance.

The following table mentions the countries with which correspondence was exchanged in 2013, in descending order by the number of exchanges.

Period from 1 Jan. 2013 to 31 Dec. 2013		
Country	Number of Information requests	Number of replies
Poland	68	62
Romania	60	58
Portugal	45	44
Slovakia	44	43
Hungary	30	30
Bulgaria	28	27
Slovenia	16	16
Germany	13	13
the Netherlands	13	13
Spain	11	11
Italy	7	7
Lithuania	7	7
Ireland	6	6
Latvia	5	5
Luxembourg	6	5
Czech Republic	5	5
United Kingdom	4	4
Estonia	2	2
Cyprus	2	1
Croatia	1	1
Liechtenstein	1	1
Malta	1	1
France	1	0
Total	376	362

Comments (for the covered time period):

Collaboration and exchange of data with Poland, Portugal, and Romania were conducted in an optimal manner;

The relationship between the liaison office and the organisations responsible for inspections

The liaison office has no inspection authority.

Its role is to provide general legal information.

Within the same department (Federal Employment Service), the Social Laws Inspection Service (CLS) oversees labour and pay and the Workplace Welfare Office (CBE) is in charge of occupational health and safety.

In the Social Laws Inspection Service, contacts have been set up with foreign labour services in order to exchange information via a method called SPOC (Single Point of Contact) related to operational files and data.

All questions and requests are mostly now sent via the IMI, except from France where a referral system is set up within the Franco-Belgian administrative arrangement. The SPOC is used primarily to provide countries that sent workers important information, for example, following a regularisation after an audit conducted in Belgium.

Schematically, the liaison office works in a dual mode; it gives out legal information about citizens via the RIT (in a sense a strictly liaison function) and works with foreign labour services on operational aspects via the Social Laws Inspection Service.

The liaison office and the inspection services work together based on these particulars and needs.

3. Partnerships at the national level

- Within 'local organisations' there is official cooperation between the different federal work inspection services and different authorities such as: judicial, police, finance, etc.
- Cooperation between labour inspection services and the tax authorities involves exchange of information from cases that may interest both parties.
- The Social Information and Research Service (SIRS) supports the work of federal inspection services, by acting as a coordination agency.
- Regular meetings (once per month) for each 'local organisation' are held in each local legal area, presided by the Workplace Auditor (Public Ministry of Social Affairs). The group brings together all of the services that work on fighting against social fraud. At least two joint

inspections are organised each month within the local area. Statistics related to the results of these inspections are reported on by the SIRS.

- Collaboration with the tax authorities is done through standardised forms that are, if needed, supplemented by additional documents. Currently, information is exchanged on paper, but it will shortly be changed to electronic data exchange.
- There are regular SIRS meetings of a board of directors that is made up of the heads of the federal labour inspection services and legal authorities.

The federal inspections services have effective computer databases that allow them to cross-check social data and to be informed on investigations in progress in other offices of the same administrative service, as well as in other government agencies (Genesis, Oasis, BCE, NATReg, DIMONA, LIMOSA, DUC, GOTOT IN/OUT, E-Pv).

Moreover, there are tripartite partnership agreements with social partners in the construction, cleaning, security, and meat sectors.