

MEMORANDUM OF UNDERSTANDING AND COOPERATION BETWEEN THE
AUTORIDADE PARA AS CONDIÇÕES DO TRABALHO
AND
THE WORKPLACE RELATIONS COMMISSION

Objective:

The Autoridade para as Condições do Trabalho (ACT) and the Workplace Relations Commission (WRC) have agreed to cooperate in identified areas of mutual interest and potential overlap based on each body's regulatory function in the specific context of the posting of workers and DIRECTIVE 96/71/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the posting of workers in the framework of the provision of services and Directives 2014/67/EU and (EU) 2018/957.

This Memorandum of Understanding (MoU) represents, therefore, the will to develop and strengthen bilateral cooperation and sets out the structures through which information may be exchanged and cooperative actions may be undertaken to enhance enforcement of the Posted Workers Directives.

Functions and Responsibilities:

Autoridade para as Condições do Trabalho

The Authority for Working Conditions (ACT) is the Portuguese State entity responsible, in the continental territory of Portugal, for the promotion of the improvement of working conditions, through the monitoring of compliance with labour standards in the field of private labour relations, as well as the promotion of policies to prevent occupational risks, and for the monitoring of compliance with occupational safety and health legislation in all sectors of activity and in Public Administration.

ACT is responsible for the operations of the Portuguese Labour Inspectorate and operates under the Ministry of Labour, Solidarity and Social Security.



The mission of ACT is to promote the improvement of working conditions, through the monitoring of compliance of labor standards and monitoring compliance of occupational health and safety legislation and the promotion of policies to prevent occupational risks in the field of private and public sector labor relations

Workplace Relations Commission

The Workplace Relations Commission is the Irish State body responsible for enforcing minimum statutory employment rights entitlements in Ireland. The WRC is responsible for the operations of the Irish Labour Inspectorate which operates under the authority of the Director General of the Commission and the Minister for Business, Enterprise and Innovation.

The mission of the WRC is to play a vital role in Irish society and the Irish economy and through its work help maintain a healthy and competitive environment and sustainable employment environment with fair treatment at its heart.

The WRC interacts with people and businesses, employers and employer bodies, employees, trade unions and representatives across the public and private sectors, in small and large organisations. It also helps members of the public who have been discriminated against by service providers or in the provision of accommodation.

Areas of Mutual Interest and Potential Overlap.

In the specific context of the posting of workers, both parties to this agreement have distinct functions under national legislation and EU Directives. It is recognised that while these functions are separate, both bodies share areas of mutual interest and potential overlap. Both bodies have an inspection and regulatory role as well as support through the provision of information and guidance.

In the conduct of the relevant statutory functions, either body may encounter or receive information about issues of relevance to the other's remit or where the public interest is served by effective sharing of such information.

Development of Legislation and Standards.

In advising the respective Ministers and Ministries on the introduction, drafting and amending of Labour legislation concerning posted workers, each body may consult with the other should the need arise, where the subject matter falls within the remit of their respective roles and responsibilities.

In the preparation of standards and codes of practice, each body may consult with the other on areas of mutual interest and potential overlap.

- notification of infringements where either body has difficulty with notification within the other body's territory.

The bodies agree to transmit the requested information within 4 weeks of the date of the request.

If this is not possible, the requested body will inform the requesting body of the delay and indicate a revised timeframe for the delivery of the information.

Coordinated Actions - Joint Operations

If opportunities for coordinated actions or joint investigations arise, officers of each body will operate under, and to the limits of their own powers. Officers of one organisation may be invited to accompany officers of the other.

In such circumstances the officers from the sending State may attend as observers and advise on any investigation visits within their competence to assist the performance of the other body. Where either party is undertaking entry under a Court warrant, it will be necessary to name the officer or officers present from the other body on that warrant.

In preparing for joint operations an investigation plan/operational order will be produced. The plan will set out the role of the officers from each body and any limitations on their roles.

Coordinated actions, joint inspections or other activities subject to costs arising from travel and accommodation are conditioned to the financial availability of both bodies.

General Data Protection Regulations

Both bodies shall respect the obligations and requirements under National law and European Directives governing the protection of personal data.

CONTACT PERSONS:

General issues (non urgent)

Autoridade para as Condições de Trabalho:

claudia.matos@act.gov.pt

isabel.pedreira@act.gov.pt



Exchange of Information.

In general, where matters come to the attention of either body in the course of its activities which it considers to be of concern to the other, the bodies will co-operate as far as is reasonably practicable to ensure that the relevant information is shared in a timely manner.

However, while reasonable endeavors will be made to facilitate such sharing of information, it is understood by both bodies that there may be occasions in which there may be legal or other impediments which prevent either from informing the other.

The sharing of information shall be on the basis agreed by both bodies with particular regard to:

- (i) protecting the source of that information, and
- (ii) the protection of those at work who may be affected by an employer's failure to meet their legal duties under the relevant legislation
- (iii) relevance to the competence of the requesting body and
- (iv) the remit of enforcement of employment law for posted workers.

Except as required or permitted by law, information shared between the bodies will not be provided to third parties.

Where information requested is outside of the functions of the other body, the receiving body will identify to the other body, the organisation with the competence to supply the information required and assist with obtaining contact information within that organisation.

Specific information which may be exchanged includes:

- personal and employment related information regarding workers posted to the territory of the other State including, but not limited to, terms and conditions of employment, rates of pay and employment history in the sending State prior to the posting.
- employer information (including legal entity information for incorporated bodies) relating to employers who post workers to the territory of the other State
- information relating to associated employers or incorporated bodies, associated with sending employer
- information relating to employment placement agencies or other third parties sending posted workers to the other State
- other information that may assist the investigation by either body of compliance with the posted worker directives



Workplace Relations Commission:

fran.power@workplacereleations.ie

john.foley@workplacereleations.ie

Serious issues (requires immediate and urgent response)

Autoridade para as Condições de Trabalho:

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REVIEW OF MEMORANDUM OF UNDERSTANDING:

The agreement will be subject to review at the request either body. If the agreement requires revision, a review meeting will be held to discuss further areas of mutual interest or overlapping responsibility and revised cooperative measures may be reviewed and incorporated subject to the agreement of both bodies.

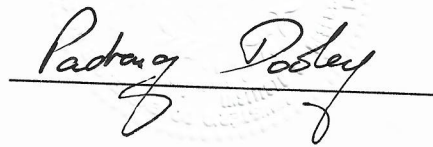
SIGNED by Luísa Guimarães
Inspector-general
on behalf of the
Autoridade para as Condições de Trabalho

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SIGNED by Pdraig Dooley
Director
on behalf of the
Workplace Relations Commission

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Porto, 19th December 2019

WRC

ACT

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10. The Commission

LETTER OF INTENT TO PURCHASE

This Letter of Intent is subject to the terms and conditions set forth in the attached documents. The purchase price shall be the amount of the offer as stated in the attached documents. The purchase price shall be paid in cash or by check. The purchase price shall be paid to the Seller. The purchase price shall be paid to the Seller. The purchase price shall be paid to the Seller.

11. The Commission

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