



## EURODETACHEMENT 2016-2017

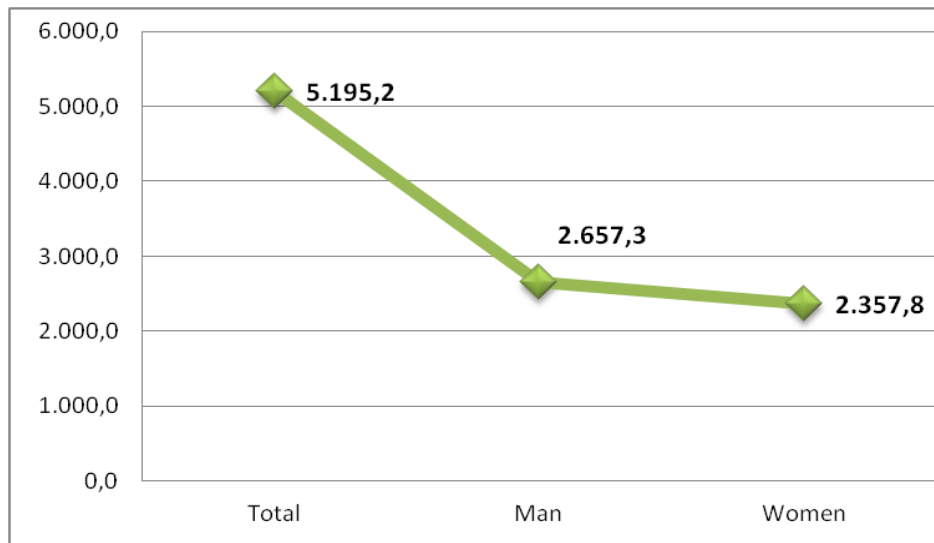
# SOME NUMBERS



- ✓ Total area: **92.212.02** km<sup>2</sup>
- ✓ Includes Madeira and Azores
- ✓ Total Population: **10.341,3** (2015)
- ✓ Active Population: **5.195,2** (2015)
- ✓ Enterprises – **96%** - Less than 10 w
- ✓ Unemployment rate – **10,7%** (9/2016)

# ACTIVE POPULATION - 2015

## Active population



Active population

5.195,2

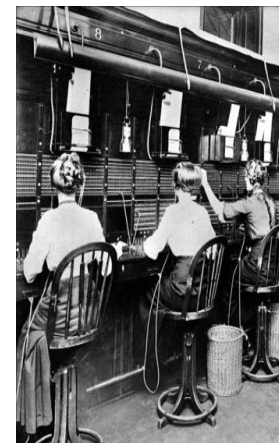
Men

2.657,3

Women

2.357,8

4,5 millions workers  
=  
4,5 millions labour conflicts



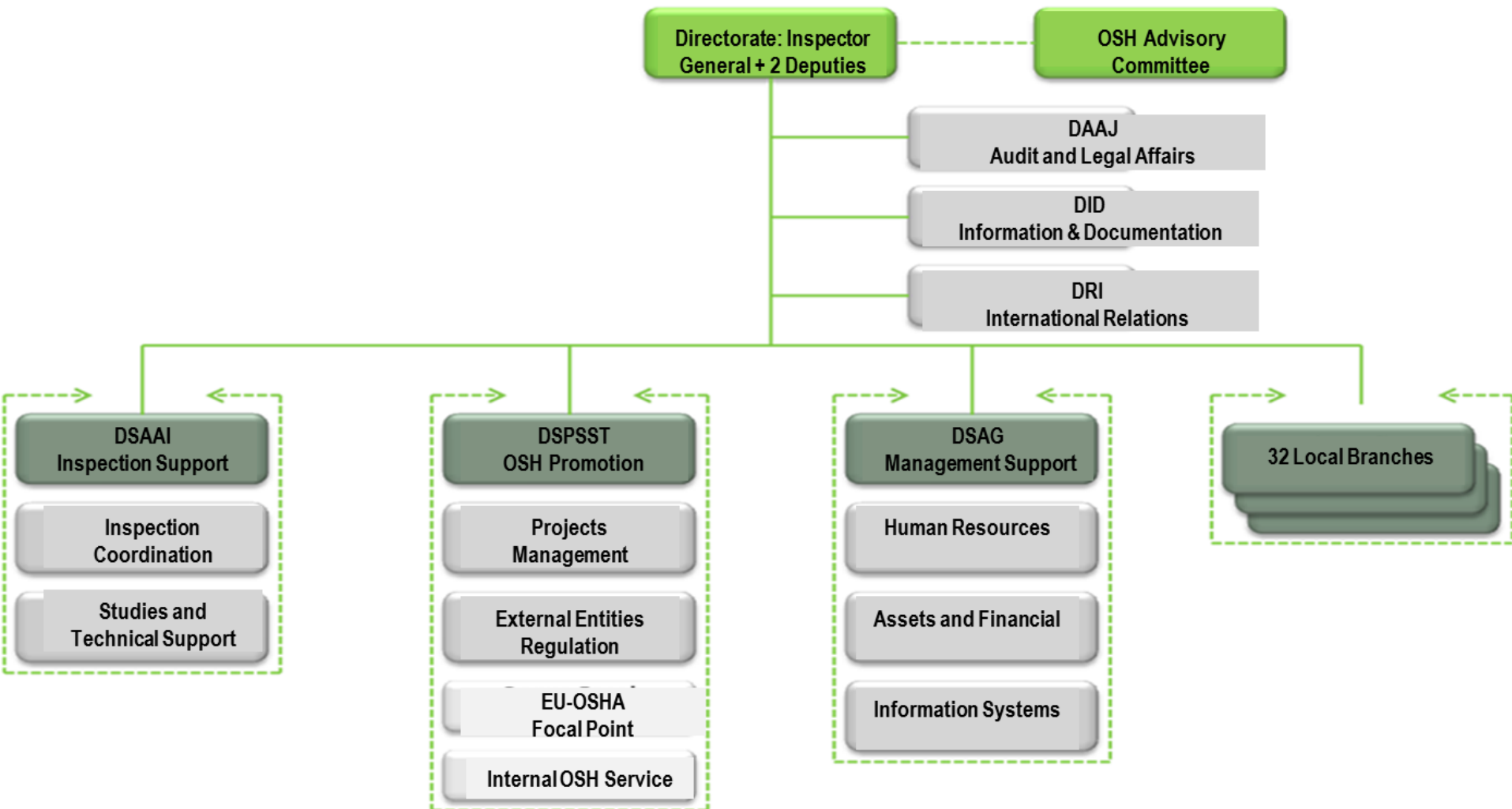


**AUTORIDADE PARA AS  
CONDIÇÕES DO TRABALHO**

- Is a state central authority
- Is part of the direct administration of state under the Ministry of Labour, Solidarity and Social Security
- It is generalist: labour relations and Occupational Safety and Health (OSH)

- In all private sectors (except public sector)
- Jurisdiction over the whole mainland territory
- It is geographically divided in 32 local branches
- Head Office in Lisbon

# INTERNAL STRUCTURE



# HUMAN RESOURCES - 2015

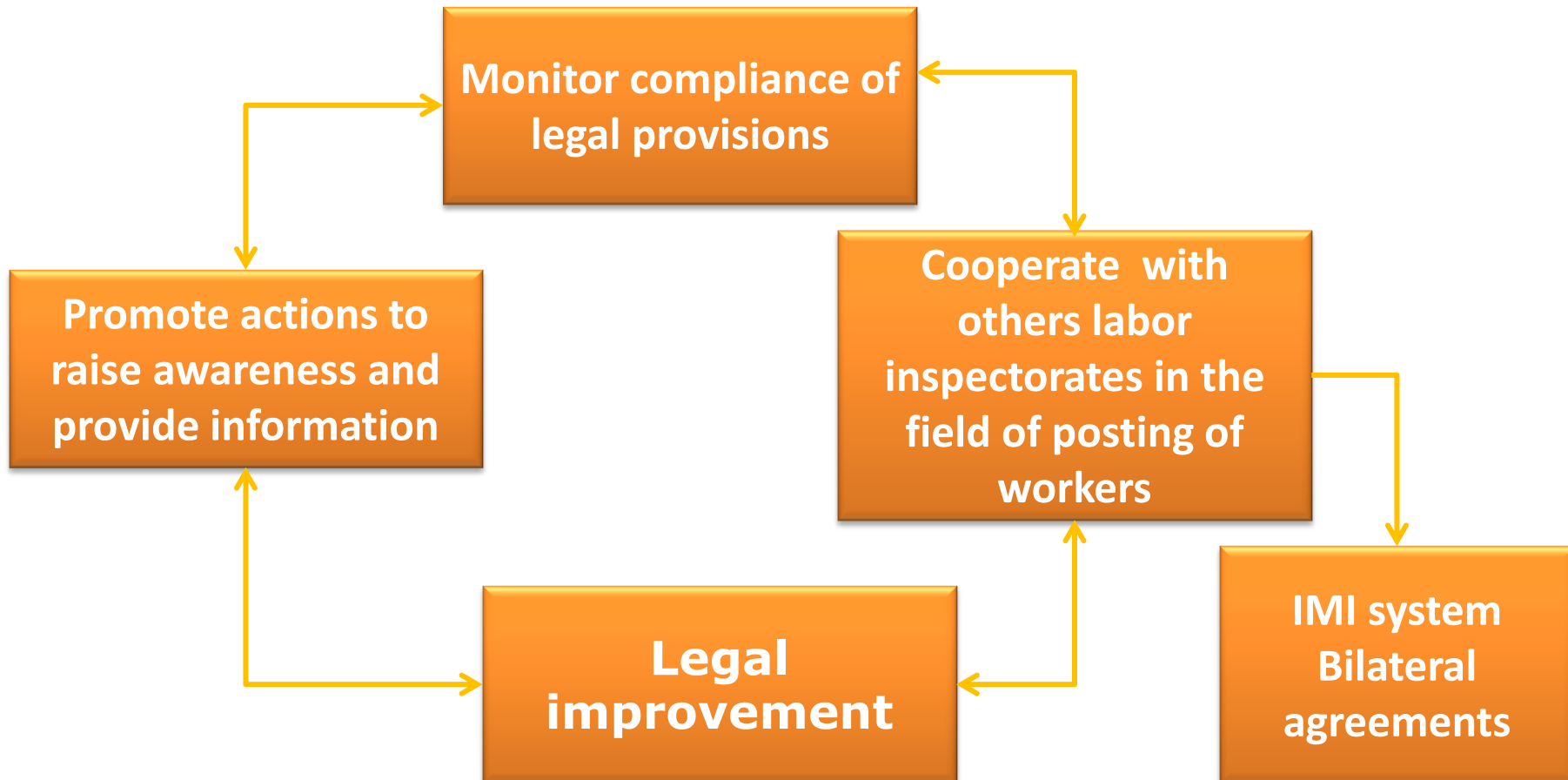


Labour Inspectors			Senior Tecnicians			Administratives		
M	W	T	M	W	T	M	W	T
86	221	307	68	171	239	42	173	215



- Promotion of the **improvement of working conditions**, through the monitoring of compliance of labor standards and monitoring compliance of occupational health and safety legislation
- Promotion of **policies to prevent occupational risks** in the field of private sector labor relations

# ACT – MAIN DUTIES



# ACT – MAIN DUTIES



**Occupational health and safety policies**



**Occupational risk prevention system**



**OHS training:**

- ✓ specialized training
- ✓ Safety Technicians
- ✓ Representatives of workers and employers

**Occupational health and safety services authorization**

**Development, dissemination and application of scientific knowledge of occupational health and safety**

# PROVIDING INFORMATION



Information materials in our website: faqs, legislation, check-lists, mandatory forms

[http://www.act.gov.pt/\(pt-PT\)/Itens/Faqs/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/Itens/Faqs/Paginas/default.aspx)

# PROVIDING INFORMATION



**INFORMATIVO TELEFÓNICO DA ACT**

**707 228 448**

**2ª A 6ª DAS 9H30 às 12H00 E DAS 14H00 ÀS 17H00**

Telephone line to give information's, written information's personally in the local branches, during inspective visits, in workshops, in seminars, in mass media

# INTERNAL WORKING GROUP

## “Transnational Mobility of Workers and Companies”

- Organizational framework :
  - LO ACT:
    - Compliance with the rules on posting of workers;
    - Cooperation with other States
    - Information requests
- Activities Plan:
  - ✓ Recruitment agencies
  - ✓ Posted workers

# WORKING GROUP



✓ As liaison service, ACT cooperates with the supervising authorities of working conditions in other Member States and provides information about working conditions

✓ Portugal has the same legal framework for detachment either in or out of the EU space, which oblige to same adjustments (IMI/Enforcement Directive /A1/nacional legislations)



# WORKING GROUP ORIGIN



- Financial and economic crisis
- Significant increase to the posting phenomenon, not only in the EU, but also in the rest of the world, specially in CPLP
- Recruiting of labour force
- Increase of IMI requests
- Increase of requests, solicitations for intervention and information from several sources (DGACCP, SS, Partners, employers and employees)

# WORKING GROUP CONSTITUTION



## Transnational Mobility WG

- 2 inspectors (Braga)
- 2 inspectors (Porto)
- 1 inspector (Coimbra)
- 2 inspectors (Lisboa)
- Regions with the highest number of detachments

## Internal working group

- ✓ Reflection on posting of workers
- ✓ Preparation and provision of training on posting of workers
- ✓ Developing information supports (ex: FAQ, Flyers)



## Tasks

- ✓ Creation of documents for support and information
  - Information handbooks regarding posting of workers and placement agencies
  - Flyers
- ✓Developing tools to support inspection activity
  - ✓ handbooks
  - ✓ check-lists

## Tasks

### ✓ **ACT WEBSITE**

- ✓ Information regarding posting of workers, and placement agencies, ensuring that is always updated
- ✓ This information is related to posting for Portugal or from Portugal to any country

## Tasks

### ✓ **ACT INTRANET**

Information documents regarding posting of workers, and placement agencies

- ✓ Handbooks
- ✓ Texts from law professors
- ✓ Jurisprudence (Internal/EU)
- ✓ Brochures from our congeners translated in PT
- ✓ Formation contents

## Tasks

- ✓ **Training of labour inspectors**
- ✓ Posting of workers
- ✓ Placement agencies
- ✓ IMI SYSTEM

## Tasks

### IMI SYSTEM

- ✓ Decentralization model (creating and implementing)
- ✓ Creation of a manual to users
- ✓ Telephone support to users



## Tasks

- Analyses and response to information requests:
  - Decentralized Services
  - Social Partners
  - Public in general (employers and employees)
  - Public Organisms
- Participation on public events (workshops, seminars, awareness events)

## Tasks

- Reflection and support:
  - In the preparation of national inspections
  - To IMI users
  - In the preparation of legislative production

## Tasks

- International / Interministerial participation:
  - Committee of Experts on posting of workers (ECPW)
  - TREND Working Group
  - Portuguese Interministerial group for the transposition of the Enforcement Directive

## International Tasks

- Review tabs PT – COM site
- Contributions from ACT to amending Directives
- Participation in projects
- Analysis/response to requests from foreign entities (Inspections and Embassies)

# WG ADVANTAGES



- ✓ Study → Training → Action
- ✓ Harmonization of procedures handling this matter
- ✓ Response to specific questions from colleagues in useful time
- ✓ Focus on the essential, objectivity
- ✓ Improve coordination with other entities potentially involved in this matter (SEF, PJ)

# WG ADVANTAGES



- ✓ Continuous training
- ✓ Adjustment to practice
- ✓ Creation of new contents in the face of legislative changes

# IMI SYSTEM

We exchange information through IMI (Internal Market information System) with competent authorities using the internet:

- ✓ ACT received 343 requests since May 2011
- ✓ ACT answered to 140 requests in 2015
- ✓ ACT sent 32 requests since May 2011
- ✓ ACT sent 25 requests in 2015



# IMI SYSTEM – REQUESTS RECEIVED



	FR	BE	AT	NL	RO	BG	Total
<b>2013</b>	49	32	1	0	1	0	<b>83</b>
<b>2014</b>	37	39	7	1	0	1	<b>85</b>
<b>2015</b>	<b>71</b>	<b>47</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>143</b>

## POSTING OF WORKERS DOMAIN

### ACT IS THE LIMIC

ACT  
Competent authority

Social Security  
Competent authority

Possibility of  
registration of other  
authorities

## POSTING OF WORKERS DOMAIN

### ACT IS THE LIMIC

Central services  
Receive the  
requests

Decentralized  
service  
Indicates the  
inspector  
responsible for the  
request

Attribution of the  
request to the  
inspector that will  
answer directly

## Advantages

- Less time of response
- Possibility to exchange information and clarifications during the request
- The Inspector responsible for the request will do the intervention and the control of the company
- Celerity in response and effectiveness in inspections

## Our collaboration with Social Security

- ✓ Questions regarding A1 form
- ✓ Questions regarding contributions to SS
- ✓ The request is divided and send to that authority generating a new IMI request that can be treated separately.
- ✓ In Social Security the system is not decentralized

# **POSTED WORKERS COMMUNICATIONS**

## **A1**

### **INVESTIGATION ACTIONS**

## **The employer must communicate, five days before the departure of the workers to ACT the:**

- Identity of the posted workers
- The company that benefits from the work in the host country
- The workplace and the beginning and the end of the detachment

In 2015 ACT received 7.102 communications

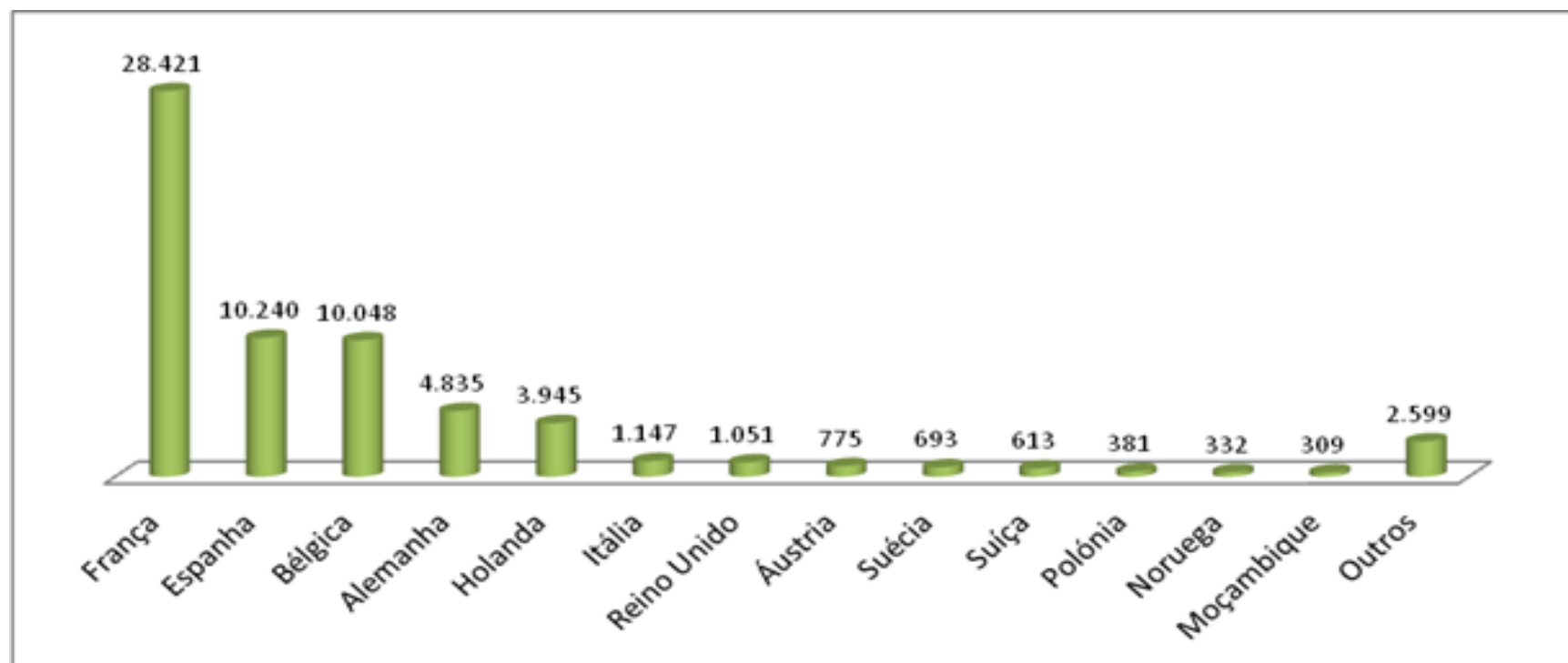
# Posted workers Communications - 2015

HOST COUNTRY	Number of communications	N.º of posted workers			%
		men	female	Total	
France	3.679	20.632	39	20.671	62,90
Belgium	795	3.612	5	3.617	11,01
Spain	778	2.955	30	2.985	9,08
Netherlands	298	1.095	24	1.119	3,41
Germany	263	981	4	985	3,00
Others	1.289	3.375	109	3.484	10,60
<b>Total</b>	<b>7.102</b>	<b>32.650</b>	<b>211</b>	<b>32.861</b>	<b>100</b>



## N.º of A1/E101 forms issued in 2015, by host country (Total 65.389) – 2015

•Source: Instituto de Segurança Social



# INVESTIGATION ACTIONS - 2015



Investigation action	Visits	Official warning	Breaches
Posting in Portuguese territory	3	0	0
Posting to another state	213	12	77
Total	216	12	77

# INTERNATIONAL PROJECTS

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✓The INTEFP project

✓CGT project

✓ Bilateral Projects.

# FUTURE TASKS

# GOALS AND CHALLENGES



- Follow-up of the amending of the posting Workers Directive
- Implementation of the Enforcement Directive
- Review the Handbooks
- Review of the information in the Website and intranet ACT
- Provision of information in other languages besides the Portuguese
- Refreshment Training contents regarding Posting of Workers, according to the legislation amends
- (...)

## Our special thank to all



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