

## Control and supervision in Belgium

**Belgian liaison office:**

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**Federal Public Service Employment, Labour and Social Dialogue**

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**Information for the public:**

<http://www.emploi.belgique.be/defaultTab.aspx?id=6196>

### 1. Knowledge of posting situations

In Belgium, a centralised computer registration must be established previous to the posting of salaried workers and free-lance workers in the territory.

This is mandatory for the foreign company or freelance worker planning to post in Belgium. However, the system is open in the sense that it declaratory and therefore does not constitute a request for prior authorisation.

This is a so-called "*LIMOSA*" declaration.

If it has not been established by the foreign company, the Belgian contractor, who may otherwise incur criminal sanctions, must make this declaration before the start of work.

LIMOSA declarations seem to be generally established, although, as is the case for all declaratory systems, non-established declarations can enable hiding a posting situation from public authorities.

Nonetheless, declarations do allow better preparation and targeting of controls designed to supervise posted workers.

### Other sources of information

There is also a GOTOT IN/OUT database which contains social security data from A1 forms.

## 2. Exchange of information with other Member States

The liaison office listed above is attached to the following authorities:

Federal Public Service (FPS) Employment, Labour and Social Dialogue

Directorate General for Individual Labour Relations

Division for the Regulation of Individual Labour Relations (RIT)

Rue Ernest Blérot, 1

1070 Brussels

Telephone: 02/ 233 48 22 or 02/ 233 47 71

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### IMI pilot project

This project is under the responsibility of labour inspectors from the "networked" departments which supervise social law. The following table lists the countries with which correspondence was exchanged in 2011 by decreasing number of exchanges:

Period from 01/01/2011 to 31/12/2011		
Country	Number of Information requests	Number of Answers
Poland	62	31
Netherlands	14	5
Romania	12	8
Hungary	11	2
Portugal	9	-
Germany	8	6
Bulgaria	7	4
Slovakia	6	1
Luxembourg	5	2
Latvia	3	2
Italy	2	-
Spain	2	1
Lithuania	1	1
Czech Republic	1	1
Slovenia	1	1
Estonia	1	-
	<b>145</b>	<b>65</b>
<b>TOTAL</b>		

Comments (on the period under consideration):

- Collaboration and data exchange with Poland was carried out in an optimal manner;
- Communication was relatively easy with the Netherlands, Germany and the Grand Duchy of Luxembourg;
- Communication was more problematic with other countries;
- The deadlines requested for an answer to our questions were not always met and required reminder letters;
- Estonia, Italy and Portugal did not respond to requests.

**Relationship between the liaison office and the bodies in charge of control**

The liaison office does not carry out controls. Its mission is to provide general information of a legal nature.

Within the same division (FPS Employment), the Control of Social Laws (CSL) department supervises labour and remuneration conditions, while the Welfare at Work (WAW) department oversees health and safety in the workplace.

Within the CSL, contacts are established with foreign labour administrations to exchange information on operational files through a Single Point of Contact (SPOC) system.

All Requests and questions now spend almost via IMI except with France where a referral system exists in the framework of the Franco-Belgian administrative arrangement. The system of "SPOC" is kept mainly to provide the sender with information, for example to inform it about regularization after an inspection in Belgium.

Schematically, the liaison office operates in a dual mode: providing legal information on citizens through the RIT (liaison office *sensu stricto*) and contacting foreign labour administrations on more operational aspects of the CSL.

The liaison office and control services collaborate according to these specificities and needs.

**3. National collaboration**

- There is a structured collaboration between the federal work inspectorates and different authorities – judicial, police, finance, etc. – within "arrondissement units."
- Collaboration between labour inspectorates and tax authorities is based on the exchange of information resulting from the processing of specific cases which interest both parties.
- The Social Information and Research Service (SIRS) provides support for federal labour inspections as a coordinating structure.
- Regular meetings (once a month) of the "arrondissement unit" in each judicial arrondissement are presided by the Labour Auditor (Public Ministry of Social Affairs). At least two shared

controls are organised each month within the arrondissement. Statistics which track the results of these controls are provided by the SIRS.

- Collaboration with tax authorities is done through the exchange of information using standardised forms with, if necessary, added documents. Currently, exchange takes place using a "paper" format, but it should be available digitally in the near future.
- The SIRS: regular meetings of the executive committee, which includes the Directors General of federal labour inspections and judiciary authorities.

Federal labour inspectors have effective computer tools which enable crossing social data and tracking current files and enquiries being carried out in other offices of the same administration and in other administrations (Genesis, Oasis, BCE, NATReg, DIMONA, LIMOSA, DUC, GOTOT IN/OUT, E-Pv).

In addition, there are tripartite collaboration agreements with social partners in the construction, cleaning, security and meat processing sectors.