

## **Control, supervision and administrative cooperation in Portugal**

### **Portuguese liaison office:**

Autoridade para as Condições do Trabalho (Working Conditions Authority)

Avenida Casal Ribeiro,

nº 18-A

1000-092 Lisbon

+351 / 213308700

+351 /213308706

[dsaai@act.gov.pt](mailto:dsaai@act.gov.pt)

[www.act.gov.pt](http://www.act.gov.pt)

### **Information for the public:**

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

## **1. Knowledge of posting situations**

In Portugal, a prior declaration of posting must be established five days before the start of the operation. This prior declaration concerns companies which post workers to other countries of the European Union. No prior declaration is necessary to post workers on Portuguese territory.

In 2011, ACT received 3,621 prior declarations for the posting of workers. The economic activity with the most declarations was the construction industry, with 2,176 declarations (60.1%).

In 2012, ACT received 4,167 prior declarations for the posting of workers. The economic activity with the most declarations was the construction industry, with 2,263 declarations (54.3 %).

## **2. Exchange of information with other Member States**

We answered 14 requests for information in a paper document format in 2011:

- France: 8
- Spain: 3
- Slovakia: 1
- Netherlands: 1
- Slovenia: 1

In 2011, we answered 7 requests using IMI:

- France: 3
- Belgium: 3
- Spain: 1

We answered 3 requests for information in a paper document format in 2012:

- Belgium: 3

In 2012, we answered 66 requests using IMI:

- France: 33
- Belgium: 24
- Austria: 3
- Italy: 3
- Netherlands: 1
- Norway: 1

Three inspectors have access to the IMI system.

Requests for information through IMI are received centrally by the liaison office; this office transmits them to the decentralised control services to obtain elements which will provide an answer. When the control service obtains information, it is sent to the liaison office, which responds using IMI. When a Portuguese inspector wants to make a request, he sends it to the liaison office, where it is entered into IMI.

The Working Conditions Authority (ACT) has implemented bilateral agreements to ensure closer collaboration with the inspection systems in Spain, the Netherlands, Bulgaria, Poland, Romania, Belgium and Luxembourg.

We carry out a large amount of activity within the framework of these agreements:

**1) Agreement for the Exchange of Information and Cooperation between the Spanish Labour Inspectorate and Social Security and the Portuguese Labour Inspectorate (October 3, 2003).**

According to the terms of this agreement, the two inspection systems exchange information on workers travelling across the border between the two countries, especially in certain cases:

- Workers posted in the neighbouring country in the context of providing services;
- Workers who travel daily from one side of the border to the other;
- Workers who move for a period of two to three months to carry out an activity in the agricultural sector.

The two inspection systems have decided to target control interventions in the sectors of economic activity where the most serious irregularities have been noted: agriculture, forestry and construction.

The ACCEPT project (Support for Competitiveness and Cross-Border Labour Quality in Galicia and Northern Portugal) was carried out in 2010 with the main goal of promoting competitiveness between companies and strengthening their social responsibility approach as concerns cross-border labour. This was accomplished through a series of control and coordination actions which were shared jointly by the institutions in these two regions.

In the context of this project, joint visits by Portuguese and Spanish inspectors were carried out, and meetings were held with trade union participation.

## **2) Hispano-Portuguese Social Security Days, Portalegre (Portugal) / Badajoz (Spain) - 2012**

The Provincial Directorate of Badajoz of the Autonomous Community of Extremadura and the Portalegre District Centre organised a meeting between the two services to promote better knowledge of legal frameworks applicable in specific social security areas in each of the territories, to define jointly communication process and coordination to prevent, identify and provide a framework for so-called irregular behaviour on the part of citizens of the two countries concerning circulation and travel.

## **3) Information exchange and cooperation agreement between ACT and the Labour Inspectorate for Mines in Luxembourg**

Within this framework, the two national labour inspectorates carried out a joint intervention on construction worksites in Luxembourg in July 2012.

This type of action plays an important role because of the large number of Portuguese workers in Luxembourg.

## **3. National collaboration**

In the context of national collaboration, joint inspection visits are carried out, most notably with the tax and social protection administrations, and target the development of specific campaigns and actions.