

« Posting of workers: Boosting transnational cooperation »

The project in brief

Project description

Supporting a global policy of promotion of a high quality employment and an adequate social protection, the Eurodétachement approach contributes to a better implementation of the Directive 96/71 / EC by improving the efficiency of transnational cooperation and collaboration between stakeholders in posting operations.

The 5 successive projects were based on following assumption: There are institutional places in which political or technical discussions are elaborated. The approach is not intended to intervene in this process by formulating, for example, legal or organisational recommendations at European level, but to strengthen cooperation and operational collaborations according to a **specific methodological framework**:

- work is based on professionals' practices and fits into the existing legal framework,
- it involves both the European level through a sectoral approach (social partners in the key sectors of construction, agriculture and temporary work) and national level (national public authorities and social partners) in order to have an impact on the "system players",
- to work between "host country" and "sending country" in order to strengthen cooperation on both sides: where work is carried out and where companies are established,
- to provide an area for transnational exchange between public authorities and social partners about implemented actions.

The **4th Eurodétachement project** (2016-2017), involving 13 partner Member States, made it possible to experiment with operational transnational cooperation and identify challenges to be taken up in the light of the European Labour Authority establishment: management of a network of professionals, setting of pragmatic and realistic cooperation objectives, pairing at national level with new stakeholders in order to promote synergies between initiatives.

From this observation was born the 5th project, ***Posting of workers: boosting transnational cooperation***. From 2019 to 2021, it brought together the labour authorities of 15 Member States (Belgium, Bulgaria, Croatia, Estonia, France, Ireland, Italy, Latvia, Luxembourg, Norway, Netherlands, Poland, Portugal, Romania, Sweden), a NGO in Germany ("Arbeit und Leben" in two Länder Hamburg and Berlin), the European social partners in the construction sector, FIEC, FETBB, agriculture, EFFAT, and temporary work, WEC Europe as well as the ETUC.

2 operational objectives, resulting in 2 project parts, were pursued, involving a specific programme of activities:

1-Developing operational "cooperation plans"

The participants built together and implemented 12 cooperation plans following 3 paths: control and monitoring actions (exchanges of information, joint and concerted inspections, design of joint working documents) / information and awareness actions (seminars, brochures) / prevention actions (information for user companies, companies and workers in seasonal agricultural work).

These activities were deeply impacted by the health crisis from March 2020. Since, cooperation plans were exclusively implemented using remote working methods; as were the 8 sharing workshops, held online in April and May 2021 for all cooperation plans participants.

2- Identify, facing fraudulent "complex" legal and financial arrangements, difficulties and opportunities for control and monitoring

For this part, project partners were invited to answer a questionnaire on their practices in the struggle against complex fraud in posting field. This survey enabled to highlight common dimensions hindering the action against these frauds and to better identify "profiles" of complex fraud cases. On this basis, a "focus-group" made up of representatives of 10 partners Member States prepared and documented a practical exchange seminar which, in the form of case studies, was held in Hamburg in September 2019.

Lessons from the project

At the end of the project, several **action drivers** confirm their relevance for improving transnational cooperation practices and collaboration between stakeholders at national level:

- The complementarity of actions carried out between sending and receiving countries and between the various stakeholders,
- A better understanding of the situations encountered, in particular of complex fraud mechanisms,
- Organisations' adaptation and capacity building regarding these new cooperation practices, along with strengthening professional networks, with the aims of skills transferability and sustainability of the actions carried out.

While with the hindsight of the successive projects carried out within the framework of Eurodétachement, progress is undeniable, transnational cooperation is a long-term process. It is being built step by step and requires complementarity and synergy of initiatives at European level to be more effective.

The impact of the project

Most of cooperation plans built and implemented during the action were designed by the partners as part of a foreseen **sustainable cooperation**.

More generally, this 5th Eurodétachement project strengthened a **momentum** to transnational cooperation improvement that partners want to support and continue.

The experience gained through successive projects now enables to initiate a real process of transferring the lessons and practices implemented, while continuing to develop these practices.

The partners' will to improve the actions clarity and to share the experience acquired has led to a strong mobilisation of practitioners during the sharing workshops held in May and June 2021.

These workshops were also an opportunity to promote and share the work carried out during the project by the transnational teams.

Organised around **cross-cutting topics**, they gathered participants in cooperation plans around key questions of control methodology, quality of information exchanges, information and awareness-raising actions for employers and workers, sustainability of cooperation.

Short-term consideration or sign of new practices, to organise exclusively distance cooperation activities, has also become an object of sharing and learning in itself.

After a final conference, in which 24 Member States participated, the outcomes of the project are presented in an overview of cooperation plans and a synthesis of the second part of the project relating to the study of "complex cases", including action sheets illustrating the practices developed by the partners.

Overview of activities

“Cooperation in actions”: implementation of cooperation plans

BE/BG

Partners : Service public Fédéral Emploi, Travail et Concertation sociale/ General Labour Inspectorate Executive Agency

Topics : control and monitoring, rely on the complementarity of actions carried out on both sides of the borders, complex cases

Calendar : 16 17_10_2019 (BE), 17 18_03_2021 (webinar)

BE/IE

Partners : Service public Fédéral Emploi, Travail et Concertation sociale/ Workplace Relations Commission

Other stakeholders : Department of social protection (IE)

Topics : Control and monitoring, improvement of information exchange and networking, access and use of posting data

Calendar : 3 4 5_03_2021 (webinar)

BE/IT

Partners : Service public Fédéral Emploi, Travail et Concertation sociale/ Ispettorato Nazionale del lavoro

Topics : control and monitoring, improvement of information exchange and networking,

Calendar : 9 10 12_03_2021 (webinar)

BG/DE

Partners : General Labour Inspectorate Executive Agency/ Arbeit und Leben Berlin

Other stakeholders : SOKA BAU (DE), OSH Authority (DE)

Topics : supporting and informing Bulgarian workers, rely on communication and legibility of transnational cooperation, Establishing of partnership in the frame of Bulgarian-German government ministry agreement

Calendar : 5 6 _12_2019 (DE)

BG/FR

Partners : General Labour Inspectorate Executive Agency/ Direction Générale du Travail

Other stakeholders : PODKREPA (BG), NSSI (BG), Employment Agency (BG), Anti traffic Commission (BG) FGA CFDT (FR), MSA (FR)

Topics : informing Bulgarian employers, French user companies in the agricultural sector

Calendar : 23 to 26_09_2019 (FR), 23_03_2021 (webinar), 25_03_2021 (webinar)

DE/NO

Partners : Arbeit und Leben Hamburg/Norwegian Labour Inspection Authority

Other stakeholders : Hamburg Authorities (DE), OSH Authority (DE), Deutsche Rentenversicherung, (DE), SOKA Bau (DE), Construction Business (DE)

Topics : Organise support for migrant and posted workers

Calendar : 25 26_02_2020 (DE), 07_12_2020 (webinar)

EE, LU, LV, NO, PL, SE

Partners : Labour Inspectorate of Estonia, Inspection du travail et des mines, State Labour Inspectorate of the Republic of Latvia, Norwegian Labour Inspection Authority, National Labour Inspectorate (Państwowa Inspekcja Pracy), Swedish Work Environment Authority

Other stakeholders : Voivodeship Labour Office– Rzeszów (PL), Border Guard (PL)

Topics : control and monitoring, improvement of information exchange and 1/3 countries workers, networking

Calendar : 25_26_02_2020 (PL), 14_12_2020 (webinar), 25_26_01_2021 (webinar), 16_02_2021 (webinar), 6_7_04_2021 (webinar)

FR/IT

Partners : Direction Générale du Travail/ Ispettorato Nazionale del lavoro

Topics : Bilateral agreement FR/IT, control and monitoring, improvement of information exchange and networking

Calendar : 19_11_2020 (webinar) , 19_03_2021 (webinar) , 26_03_2021 (webinar), 11_05_2021 (webinar)

FR/PT

Partners : Direction Générale du Travail/ Autoridade para as Condições do Trabalho

Other stakeholders : Service public Fédéral Emploi, Travail et Concertation sociale (BE), Inspection du travail et des mines (LU), Social Security Institute (PT), UGT-União Geral de Trabalhadores (PT), AICCOPN-Associação dos Industriais da Construção Civil e Obras públicas (PT), DG for Employment, Social Affairs and Inclusion (European Commission), Catholic University of Porto (PT), Portucalense Infante D. Henrique University (PT), Tilburg Law School (J Cremers), ACOSS

Topics : rely on an integrated transnational cooperation strategy, create a transnational network of professionals, informing employers in the construction sector (associating BE and LUX)

Calendar : 12_2019 (PT), 29_01_2020 (PT)

IE/PT

Partners : Workplace Relations Commission/ Autoridade para as Condições do Trabalho

Other stakeholders : Sindicato dos Trabalhadores das Indústrias Transformadoras, Energia e Atividades do Ambiente Norte (SITE Norte) - CGTP- USP (PT), UGT-Porto (PT), AICCOPN - Associação dos Industriais da Construção Civil e Obras Públicas (PT), APESPE RH – Associação Portuguesa das Empresas do Sector Privado de Emprego e de Recursos Humanos (PT)

Topics : Informing workers as preventive measure, PT / IE Protocol

Calendar : 19 20_12_2019 (PT)

PT/NO

Partners : Autoridade para as Condições do Trabalho /Norwegian Labour Inspection Authority

Topics : control and monitoring: improvement of information exchange, preventive activities (social networks)

Calendar : 05_02_2021 (webinar)

PT/SE

Partners : Autoridade para as Condições do Trabalho/ Swedish Work Environment Authority

Other stakeholders : AICCOPN- Association of Civil Construction and civil engineering Industries (PT), UGT - General Union of Workers (PT)

Topics : control and monitoring: improvement of information exchange

Calendar : 3 4 5 6_03_2020 (SE), 18 19_02_2021 (webinar)

“Cooperation in actions”: sharing workshops

Workshops 1 and 2 (21st April, 2021) : Improve information exchange

Workshop 3 (28th April, 2021) : Facilitate control and monitoring and create a transnational network of professionals

Workshop 4 (28th April, 2021) : Communicate with employers

Workshops 5 and 6 (5th May, 2021) : Communicate and support workers

Workshops 7 and 8 (12th May, 2021) : Building a structural and sustainable cooperation

“Cooperation in progress”: calendar

« **Complex cases** » questionnaire (February 2019) : All MS partners

Focus Group (Riga – March 21st, 2019)

Partners : BE BG DE FR HR IE LV NL NO PT

Transnational workshop (Hamburg – September 12th, 2019)

Partners : BE BG DE EE FR HR IE IT LU LV NL NO PL PT RO SE, EFBWW

Other stakeholders : Investigating Judge Hainaut Court of First Instance (BE), Service point Free Movement of Labour Hamburg (DE), EU Equal Treatment Office, Berlin (DE), SOKA BAU (DE), German Pension Insurance (DE), Hamburger Ministry of Labour, Social Affairs, Family and Integration (BASFI) (DE), General Konsulate Republic of Poland, DG for Employment, Social Affairs and Inclusion (European Commission)

Case studies :

Fraudulent arrangements adaptation to legal frame in the construction sector: an “historical perspective” (ACT, PT) ;

The involvement of social partners in a shipyard case (Inspectorate SZW, NL),

The collaboration between public authorities and trade unions: a problem solving approach (EFBWW),

An example of national and European judicial coordination: steps, process and follow-up (Federal Public Service Employment, Labour and Social Dialogue and Investigating Judge, Hainaut Court of First Instance, BE).

An example of coordinated investigations at European level: steps, process and follow-up (Ministry of Labour and pension system, HR)