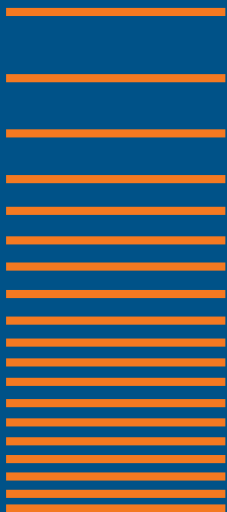


Conference Promoting Decent Work



8 – 9 February 2016
Amsterdam

EU
2016

This conference has received financial support from the European Union Program for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult:
<http://ec.europa.eu/social/easi>



Program

Chair of the conference: Koos Richelle

former Director-General Employment, Social Affairs and Inclusion of the European Commission

Monday, February 8, 2016

08.30 – 09.30

Reception/registration

09.30 – 09.45

Official opening

by Lodewijk Asscher, Minister of Social Affairs and Employment

09.45 – 10.00

Welcome address

by Michel Servoz, Director-General Employment, Social Affairs and Inclusion, European Commission

10.00 – 10.45

Labour mobility and posting within the EU

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Mobility and posting of workers: a right and achievement

by David Foden (Eurofound)

EU mobility and posting of workers after the enlargement in 2004

by Prof. Maciej Duszczek (University of Warsaw)

10.45 – 11.30

Coffee break

11.30 – 12.30

Panel discussion with social partners

with Werner Buelen (EFBWW), Liina Carr (ETUC), Mario van Mierlo (BussinessEurope), Catelene Passchier (FNV) and Maxime Verhagen (FIEC) chaired by Koos Richelle

12.30 – 14.00

Lunch

14.00 – 17.00

Knowledge Market Sharing information and best practices

(The Knowledge market has a festival planning: you can choose 2 or 3 of the following parallel presentations)

- *Inspections across borders: cooperation between France, Portugal and Spain*
by Yves Calvez, Joanna Velho Amorim and José Ignacio Martín Fernández

- *Information exchange: the case of IMI*
by Marie-Hélène Anselme, Dariusz Górski and Daniel Xirau
- *Implementation of the Enforcement Directive in France*
by Yves Calvez
- *Possible issues for a targeted review of the Posting Directive*
by Fernando Pereira
- *Working together with the Benelux for honest and decent work*
by Bart Tommelein, State Secretary for combating Social Fraud, Belgium
- *Raising awareness: examples of information campaigns*
by Tom Deleu, Kristel Plangi, Urszula Kozłowska and Bettina Wagner
- *LIMOSA: reporting duty for foreign employees and self-employed persons*
by Ingrid Verbeeck
- *Exploitation of foreign workers: an EU study*
by Alice Hamilton
- *Looking for shared definitions: 'undeclared work' and related issues*
by Davide Venturi
- *Combating undeclared work in Spain*
by José Ignacio Martín Fernández
- *Registration of posted workers in Sweden and Finland*
by Claes Rydin and Lars Alback
- *The EESSI project*
by Gary Taylor
- *How to tackle fraud and error: the approach in the UK*
by Ashley Sawyer
- *Carrot or stick: different approaches of enforcement*
by Karin Buhmann

17.00 – 19.00

Boat trip canals of Amsterdam & cocktail

19.00 – 21.00

Dinner - Krasnapolsky Hotel, Dam 9, 1012 JS Amsterdam

Tuesday, February 9, 2016

08:30 – 09.15

Reception

09.15 – 12.15

Workshops - Development of compliance and enforcement

Parallel interactive workshops:

- *Implementation challenges of the Enforcement Directive*
by Fernando Pereira; chaired by Rits de Boer
- *Monitoring compliance: social security and/or labour law*
by Bruno de Pauw; chaired by Pieter Idenburg
- *European Platform to tackle undeclared work*
by Carita Rammus and Isabella Billela; chaired by Colin C. Williams
- *Letterbox companies and circumvention practices*
by Katrin McGauran and Hilaire Willems; chaired by Jan Cremers
- *The fight for decent work: the multidisciplinary approach and the need for cooperation*
by Yves Jorens; chaired by David Foden
- *The hard core of labour conditions (art. 3 of the Posting Directive)*
by Mijke Houwerzijl; chaired by Stephan Lalanne
- *New world of work: legal certainty and enforcement challenges*
by Muriel Guin and Irene Mandl; chaired by Roel Gans

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Time schedule workshops

09.30 - 10.30	Session 1
10.30 - 11.15	Coffee break
11.15 - 12.15	Session 2

12.15 – 13.00

Summary and close

Chairman's summary

Koos Richelle

Close of the conference

Lex van Dijk, Acting Inspector-General Inspectorate Social Affairs and Employment

13.00 – 14.30

Lunch

Plenary Program

Monday 8 February

Labour mobility and posting within the EU



Mobility and posting of workers: a right and achievement

by David Foden (Eurofound)

Freedom of movement of workers is perhaps the most visible of the core rights deriving from the Treaties and underpinning the single market. It contributes to improved labour-market efficiency and promotes wider social integration, while presenting also challenges to both sending and receiving countries. The right to offer services cross-border is a key element of the single market, and inevitably requires the possibility of posting of workers cross-border. This too provides benefits (improved economic efficiency) and presents challenges. After a brief discussion of these benefits and challenges, the presentation will report the first fruits of current research to identify “fraudulent forms of contracting work and self-employment” in Member States, and measures to combat them. Such practices risk unfair competition to the detriment of legitimate business, losses to the financial base of tax and social security systems, and the undermining of working conditions. The presentation will conclude by presenting for discussion possible approaches to preventing such practices.



**EU mobility and posting of workers after the enlargement in 2004
by Prof. Maciej Duszczek (University of Warsaw)**

The scale of migrations following the accession of Central and East European (CEE) countries to the European Union exceeded prior forecasts. Such development was attributable to sustained differences in labour market situation between the “old” and “new” members states on the one hand, but also to a greater mobility and flexibility of the nationals of the CEE region countries on the other. The presentation will demonstrate migration processes we have dealt with after 2004 from the viewpoint of CEE countries. Both the emigration and immigration scale will be presented, followed by verification of the hypothesis that the emigration potential of the region is becoming exhausted and that its attractiveness as an immigration region is on a rise. Additionally major problems entailed by post-2004 migration processes, with particular focus on posted workers, will be highlighted. In this context data will be presented on the functioning of temporary employment agencies posting Polish workers for work abroad.

Panel discussion with social partners



Mr. Werner Buelen

Political Secretary for the construction industry of the European Trade Union Federation (EFBWW)



Ms. Catelene Passchier

Vice-President of the Netherlands Trade Union Confederation (FNV)



Ms. Liina Carr

Confederal Secretary of the European Trade Union Confederation (ETUC)



Mr. Maxime Verhagen

Vice President of the European Construction Industry Federation (FIEC)

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Mr. Mario van Mierlo

Chair of BUSINESSEUROPE Social Protection Working Group

Social partners to make a move!

Proposition 1: Social partners could do more to promote decent work.

Proposition 2: Better cooperation between social partners and Inspectorates could make enforcement more effective.

Proposition 3: Unhampered by national borders, social partners are pre-eminently suited to collaborate across the borders.

Knowledge Market

Monday 8 February

Inspections across borders: cooperation between France, Spain and Portugal

Compliance with the applicable rules in the field of Posting of Workers and the effective protection of workers' rights is a matter of particular concern to the promotion of decent work. It should however be stressed that in most cases issues related to the transnational mobility of workers and companies can only be solved with an efficient, effective and close cooperation between the countries, Labour Inspectorates and other agencies involved. The purpose of our presentation is to share best practices of cooperation between France, Spain and Portugal.



Yves Calvez

Deputy Director of the
General Directorate of Labour,
Ministry of Labour, France



Joana Maria Velho Amorim

Labour Inspectorate, Portugal



**José Ignacio Martín
Fernández**

Labour and Social Security
Inspector, Directorate General
of the Labour and Social
Security Inspectorate, Spain

Information exchange: the case of IMI

Since March 2011, in order to facilitate the information exchanges between the national public inspection authorities, the European Council gave the green light to use the Internal Market Information System (IMI) under the directive on the posting of workers (96/71 / EC). The use of the system picked up considerably the last 5 years. Through fieldwork experience of the liaison office from Bulgaria, Poland and Romania, this workshop will make an assessment of the IMI contribution to strengthen administrative cooperation and learn some lessons to improve the quality of information exchange.



Marie-Hélène Anselme
European and International
Actions Mission, INTEFP,
France



Daniel Xirau
Director International
Partnership Centre, INTEFP,
France



Dariusz Górski
National Labour Inspection
Department of Legality of
Employment, Poland

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Implementation of the Enforcement Directive in France by Yves Calvez

Non-compliance to European and national regulation concerning the posting of workers calls into question the employees protective right, deteriorates the working conditions and promotes fair competition between companies.

To be more effective, France has implemented quickly and proactively the directive on the posting of workers of 2014/76/UE. France has also set up an organization of labour inspection suited to face these new challenges and has implemented an ambitious control plan



Yves Calvez
Deputy Director of the
General Directorate of Labour,
Ministry of Labour, France

Possible issues for a targeted review of the Posting Directive

The Commission Work Program 2016 foresees a targeted revision of the Posting of Workers Directive to be adopted in the context of a broader Labour Mobility Package. During this session, we will guide the participants through the key facts and figures on posting and the main issues under consideration during the preparation of the targeted revision.



Fernando Pereira

Directorate-General Employment,
Social Affairs And Inclusion,
European Commission

Working together within the Benelux for honest and decent work

Belgium, the Netherlands and Luxemburg formed a customs union in 1944. The Benelux was in a sense a template for the later European Union. These three countries have since worked closely together on many issues, including a free labour market. What can we learn from cooperation on promoting decent work in the Benelux?

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Bart Tommelein

State Secretary for combating
social fraud, Belgium

Raising Awareness: examples of information campaigns

Raising awareness in Poland, Romania and Bulgaria

The government of the Netherlands pays great attention to the rights of EU migrant workers who are working and living in the Netherlands. Although many initiatives have already been taken in the Netherlands, it was evident that migration starts in the country of origin. Most important decisions e.g. finding an employer or work agency are taken at home. Therefore, in 2014 the Regional Labour Migration was established in Poland, Romania and Bulgaria in order to raise awareness about the Dutch Labour market and the rights of workers over there. The initiative can be summed up with the slogan: “Be prepared before you go!”. Ms. Urszula Kozłowska will present, on behalf of the whole network, the experiences gained by Poland, Romania and Bulgaria.



Urszula Kozłowska

Policy Officer Labour Migration
and Social Affairs, Embassy of
the Netherlands in Warsaw,
Poland

Raising awareness in Belgium

With the start of the enlargement of the EU towards Central and Eastern Europe in 2004, migration has taken a new form. Free movement of workers and services in the context of unequal job opportunities and living conditions in the EU, has created a new phenomenon of mobile work. New in its magnitude, new in its seemingly impossibility to tackle social dumping and social fraud. ACV-CSC invests a lot in information to mobile workers, in new ways to reach and to represent mobile workers. All this in a climate in society of rapidly growing Euroscepticism and xenophobia. Many challenges indeed.



Tom Deleu

international secretary ACV BIE,
Belgium

Raising Awareness in Estonia

The presentation gives an overview of the Estonian Labour Inspectorate awareness campaign. It aims at the group of people who are posted out of Estonia and on the other hand it is also raising awareness among people who are posted to Estonia. The campaign is widespread and consists of several components like different events in Estonia (press conference, information days, an event on a Finnish-Estonian ship), media activities like outdoor media (bus pavilion and city lights), radio advertisements, video clips (for employer and employee) online media and brochures (in Estonian, Russian and English).

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Kristel Plangi

Head of the Communication
Department, Labour
Inspectorate, Estonia

Raising awareness and support systems for mobile workers: an example from Germany

Within the context of the implementation of the Service Directive, the city of Berlin has established a counselling office for posted workers sent to Berlin. The office offers information and support in six different languages for mobile workers coming from other EU-Members States as posted workers, bogus self-employed, seasonal workers, or with regular contracts. The presentation will provide an overview of the concrete support provided for mobile and migrant workers including two concrete exemplary cases.



Bettina Wagner

Counsellor for Mobile Workers,
in Berlin, Labour Migration
Researcher, Germany

Limosa: reporting duty for foreign employees and self-employed persons

As of April 2007 all foreign posted employees and self-employed persons must report their professional activities in Belgium to the authorities in advance with the online-service “limosa-reporting duty”. The Belgian client must request the Limosa-reporting duty return receipt (certificate L1) or report the absence of the L1. The Limosa Cadastre offers the inspection services and other authorised administrations a central database containing information on foreign employment in Belgium and provides statistical information for the Belgian authorities.



Ingrid Verbeeck

Limosa expert, Department
International Relations,
Belgium

Exploitation of foreign workers: an EU study

The extensive fieldwork and desk research carried out by the European Union Agency for Fundamental Rights (FRA) is in the first place to look comprehensively into various criminal forms of severe labour exploitation of foreign workers in the EU. FRA identifies risk factors contributing to such exploitation, discusses means of improving the situation and highlights the challenges EU institutions and Member States face in making the right of foreign workers to decent working conditions a reality.

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Alice Hamilton

researcher, Fundamental Rights
Agency (FRA), Belgium

Looking for shared definitions: 'undeclared work' and related issues

Though providing policies aimed at tackling undeclared work is commonly considered just a national issue, nonetheless in Europe the matter has also a transnational dimension, for example in case of transnational provisions of services where abusive practices are quite common. Other phenomena are related to undeclared work, such as illegal work, bogus self-employment, social fraud, envelope wages, fraud in posting of workers.

With the help of voting machines we will try to answer questions like: is there a common view in defining undeclared work among Member States? What about a legally binding definition under EU law?



Mr. Davide Venturi

PhD Adapt Senior Research
Fellow, Post-Doc University of
Modena and Reggio Emilia, Italy

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Combating Undeclared Work in Spain

Since 1906, the Labour and Social Security Inspectorate of Spain enforces the compliance with the legal framework. Being an holistic system, it enables to give a comprehensive answer to day-to-day situations. Though having a long tradition on combating undeclared work, the 2012 “COMPREHENSIVE PLAN AGAINST UNDECLARED WORK AND SOCIAL SECURITY FRAUD”, means an improvement with new measures such as: social awareness, or using the new IT tools as an ally to fight against undeclared work.



José Ignacio Martín Fernández

Labour and Social Security
Inspector, Directorate General of
the Labour and Social Security
Inspectorate, Spain

Registration of posted workers in Sweden and Finland

The most important issue in promoting decent work is the secure identification of a posted worker and his employer. In our experience this creates the fundament for both social and corporate responsibility. Unfortunately, if these two fundaments are not in place, social dumping is a possible outcome. In our presentation we will outline the experiences from Sweden and Finland as well as plans of working together in the future and what possibilities this can provide for other countries.



Claes Rydin

Project Leader IDo6,
Swedish Construction Industry,
Sweden



Lars Alback

CEO Suomen Tilaaajavastuu
Ltd, Finland

The EESSI project

The future delivery of the Electronic Exchange of Social Security Information (EESSI) project will enable 32 countries to exchange standard electronic documents (SEDs) between national institutions responsible for cross border social security coordination. Within the 100+ business processes required to operate over EESSI, there are some specific exchanges that relate directly to posted workers. It is envisaged that this Information will provide a great opportunity for checking details of the posted worker in the country of posting.

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Gary Taylor

Project manager European
Commission

How to tackle fraud and error: the approach in the UK

Fraud and error are undesirable in a social benefit system. They can cost society huge amounts of money. EU member states have different ways to tackle these negative phenomena. In this session an overview is presented of the approach in the UK to address the fraud and error in the social benefit system. The presentation will cover the size of the problem in the UK, the current and future strategy and the five pillars of the strategic approach: prevent, detect, correct, punish and deter.



Ashley Sawyer

Fraud, Error and Debt Strategy
and Policy Team, Department
for Work and Pensions, UK

Carrot or Stick: different approaches of enforcement

There are several ways to achieve compliance and enforcement. Two extremes of the spectrum are 'hard law', that uses sanctions as a tool, and 'soft law' that refers to suggestions and recommendations. And there are all kind of (smart) mixed approaches. This session gives an (historic) overview of different approaches as being discussed within the context of the ILO agenda and/or EU jurisdiction. Special attention will be given to Corporate Social Responsibility (CSR), that has becoming increasingly a subject to public/public-private regulation.



Karin Buhmann

dr. scient.adm. & PhD,
Professor Copenhagen
Business School, Denmark.

Workshops

Tuesday 9 February 2016

Implementation challenges of the Enforcement Directive

The deadline for the transposition of the Enforcement Directive is approaching (18 June 2016). During this session, we will give an overview of the most debated issues within the Expert Group on the Transposition of the Enforcement Directive (TREND).

The participants will also have the opportunity to reflect (in small groups) on some questions concerning the implementation of the Directive and present their views to the audience.



Fernando Pereira
Directorate-General
Employment, Social Affairs
And Inclusion, European
Commission

Monitoring compliance: social security and/or labour law

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The workshop will start with a short crash course in social security and paint a general picture of the rules that govern the field of social security coordination. An overview will be provided encompassing aspects such as mechanism of the conflict rules, obligations of the employer and self-employed person and organisation of the national institutions. The “A1 declaration” will be addressed in detail. The second part focuses on the question of how the national inspection services can monitor and enforce the rules and regulations. How can misuse of free movement of services be detected and sanctioned? What means have inspectorates available and how can they be applied efficiently and effectively? Which tools, possibilities and obstacles arise in the domain of social security and labour law respectively? This second part involves the participants actively and the workshop strives for a stimulating exchange of experiences, views, opinions and suggestions. Therefore a minimum knowledge of the legal framework in the field of social security coordination and/or practical experience in enforcing these rules is highly recommended for participants in this workshop.



Bruno de Pauw
Head of the department for
international relations of the
National Social Security Office,
Belgium

European Platform to tackle undeclared work

In 2016, the European Platform on undeclared work will commence its activities. The Platform will promote a multi-disciplinary approach to tackling undeclared work. Therefore, it will constitute a knowledge resource and encourage cooperation between Member States' different enforcement authorities, both at national and at EU level. One of the first tasks of the Platform will be to decide on its work programme setting out the concrete activities to be carried out during the first two years.



Carita Rammus

Directorate-General
Employment, Social Affairs
and Inclusion, European
Commission



Isabella Biletta

Research Manager Working
Conditions and Industrial
Relations, Eurofound

Letterbox companies & circumvention practices

The recruitment of cheap labour in Europe has become a 'business case' using a maze of 'ready-made companies' on the shelf (costing around 500 euro's). These so called 'bogus companies' are being used for employment services. This leads to denial of employment with the company for whom the employee works and evasion of tax and social security premiums. These practises are difficult to control for inspection services throughout Europe. The workshop addresses gaps in legislature and gives practical examples.

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Jan Cremers

Researcher Law School Tilburg
University, The Netherlands

The fight for decent work: the multidisciplinary approach and the need for cooperation

In a cross-border context new 'business models' and fraud schemes explore the borders and exploit the gaps in and between national legislations as well as the weaknesses in cooperation and enforcement both at a European and international level between bodies and services competent for combatting social fraud.

The walls and borders between these bodies and services need to come down.

An integrated and multidisciplinary approach is the only way to effectively prevent or stop elaborate 'business models' or fraud schemes.

A multidisciplinary cooperation allows for the exchange of best practices and lessons learned as well as the identification of multiple indicators. Indicators function as red flags, allowing to detect an existing or emerging problematic situation in a timely manner, allowing for a swift monitoring, controlling and enforcement and thus limiting the damage to market sectors involved.

A (cross-border) integrated approach is of paramount importance to safeguard the principle of fair competition, workers' rights and the budgets of the social market economies of the Member States concerned.



Yves Jorens

Director of the international
research institute on social
fraud, Ghent University,
Belgium

The hard core of labour conditions (art. 3 of the Posting Directive)

Article 3(1) of the Posting of Workers Directive enumerates a set of 'hard core' minimum employment terms and conditions to be respected in accordance with host state law. We will discuss the content of this hard core, in particular the 'minimum rates of pay'. What components and allowances are covered by this term? What room for interpretation do host states have? How to enhance compliance and enforcement of the hard core provisions? After a lecture of 15 minutes there will be a 45 plenary discussion with the participants.

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Mijke Houwerzijl

Professor Labour law and
Social Policy at Law School
Tilburg, The Netherlands

New world of work: legal certainty and enforcement challenges

Across Europe, new forms of employment are emerging. Some are different from traditional standard or non-standard employment as regards the relationship between employer and employee, some change work organisation and work patterns, some do both. In this workshop, Irene Mandl from Eurofound will provide an overview of the most recent new employment trends, highlight their implications on working conditions and the labour market and pinpoint some policy issues that might be considered in current and future discussions. Muriel Guin will react and make some statements from the Commission's perspective.



Irene Mandl

Research Manager Employment
and Change, Eurofound



Muriel Guin

Directorate-General
Employment, Social Affairs
and Inclusion, European
Commission



*This conference has received financial support from the European Union
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