



3rd Newsletter of the EU-Project SPLIN

Co-enforcement of labour standards in construction and the maritime sector – comparative findings and transferability

SPLIN conducted research on strategic and innovative practices of social partners and labour inspectorates to improve the efficiency of enforcing labour standards, especially in sectors with an inclination to non-compliant employer behaviour.

In **construction**, SPLIN took a closer look at co-enforcement actions, where (institutions of) social partners take on inspectorate roles or where an intense cooperation between public authorities and social partners to jointly enhance the capacities of inspectors and to improve the enforcement of labour standards, including Occupational Safe and Health (OSH), take place.

In **Austria**, the Construction Workers' Holiday and Severance Payment Fund (BUAK), a social partner institution, received wide reaching responsibilities in implementing a key law to combat fraudulent employment practices. They include the right to inspect wages at construction sites, verify suspected cases of wage and social dumping and denounce cases to the district authority.

In **Spain (Asturias)**, two sectoral social partner institutions, COPREVAS (Comisión de Seguridad y Prevención de Riesgos Laborales y Contratación) and FLC (Fundación Laboral de la Construcción des Principado de Asturias) cooperate with labour authorities (particularly Labour Inspectorate) since the 1990s with a view to improve the efficiency of their enforcement actions. Co-enforcement was strengthened in 2017 through a formal agreement which institutionalised regular exchange and transfer of information between social partners and labour inspectorate; and created accountability and coordination mechanisms.

In **Poland**, a country with rather weak social partners' cooperation, three relevant co-

enforcement agreements were enacted, namely the Agreement for Safety in Construction (ASC), the Agreement on Minimum Wages in Construction (AMW), and the Agreement for Occupational Safety at the Operation of Cranes (AOSOC). Both representatives of employers and employees, and the Polish Chief Labour Inspector played a significant role in initiating and /or supporting these agreements.

Finally, for **maritime shipping**, SPLIN research took the implementation of the ITF (International Transport Workers' Federation) - Inspectorate network in Finland, Spain and Poland as an example for a transnational trade union enforcement action. It is characterised by coordinated efforts led by a transnational trade union to develop and enforce labour standards, implemented in cooperation with national and local trade unions and state authorities (port authorities and Labour Inspectorate).

Comparative conclusions

The co-enforcement actions studied have achieved promising outcomes in terms of improvement of health and safety compliance and regulations (Asturias, Poland, ITF), in terms of targeted and efficient inspections of bogus self-employment (Asturias) and underpayment (Austria, ITF), in terms of setting minimum labour standards (Poland, ITF) and in terms of better informing employers and workers about rights, standards, and obligations concerning OSH, wages, and other working conditions.

SPLIN identified some key features in these actions as particularly capable to strengthen enforcement and to improve the inspection of labour standards.

- Social Partners and state authorities not only cooperate for single joint inspections, but **co-design aims and procedures of enforcement tools** (BUAK, FLC).



- **Social partners or social partner institutions are endowed with inspection competences** (BUAK, FLC, ITF) and can bring in their industry expertise into inspection practices.
- **Strategic enforcement** is a successful way to concentrate resources on specific sectors, specific problems (e.g., OSH, underpayment) and business models or specific regions (ASC, AOSOC, BUAK, FLC).
- **Employer organisations** are aware of their role to actively promote and ensure compliant employer behaviour (ASC, AOSOC, BUAK, FLC).
- For successful and sustainable implementation, **powerful actors** (in terms of members, of institutional or positional power, tools) to carry or support the co-enforcement initiative are involved and committed.
- Inspectorates have **targeted** (e.g. sectoral) **but comprehensive** (e.g. inspection, verification and complaint) **competences** (BUAK, ITF).
- **One transnational organisation (ITF) concerts** inspection objectives, inspection tools and inspector training in an industry with highly mobile workers across borders.

Transferability of SPLIN outcomes

SPLIN assessed the transferability of research outcomes through an action research approach to other sectors (road haulage in Austria and Poland, hospitality in Spain) and related inspectorates (Port State Control in maritime shipping) in a range of stakeholder workshops at national and EU-level.

OSH improvements in road haulage were chosen in **Poland**, learning from successful agreements (ASC and AOSOC) between social partners in cooperation with the National Labour Inspectorate in construction. A key recommendation was to pursue a strategy of launching **focused and fundable initiatives involving few but strong social partner organisations** that help to improve drivers' health and safety and have a positive impact on road safety.

The **ITF inspectorate network** is an efficient enforcement tool to inspect and consequently improve seafarers' welfare on vessels. Besides the ITF inspectors, Port State Control (PSC) is endowed with inspection competences. An important workshop outcome was that **inspectorates** with different but sometimes overlapping competences need to be trained to **understand each other's underlying regulations and inspection objectives**. In case of PSC, inspectors' understanding of labour-related issues and an inspection procedure that takes into account the "human element" in this process needs to be strengthened.

Final project steps

We cordially invite an interested audience to the SPLIN final online conference. It assembles all project partners and participants, including representatives of social partner institutions, labour inspectors and researchers to discuss project outcomes and conclusions for policies. In dialogue with key stakeholders from academics, EU-level, and ILO, the final conference shall give the floor to share, disseminate and critically assess SPLIN findings.

Please click [here](#) for the detailed conference programme and register [here](#) for the SPLIN online conference.

Consortium

FORBA (AT) is project leader of SPLIN. Research partners are Notus-asr (ESP), University of Jyväskylä (FI) and the Institute of Public Affairs (PL). The research was conducted in close cooperation with the associated partners, the Construction Workers' Holiday and Severance Payment Fund (BUAK, AT), BUDOWLANI trade union (PL) and Fundacion Laboral de la Construcción des Principado de Asturias (flc, ESP).

For country and comparative sector reports, as well as more information about SPLIN, please visit the project website <http://splin.forba.at/>

