



**Direction Générale du
Travail**



CONFERENCE “FIGHT AGAINST ILLEGAL EMPLOYMENT PRACTICES”

The 13th and 14th October 2008

Palais du Pharo, Marseille

PRESS KIT

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CONFERENCE “FIGHT AGAINST ILLEGAL EMPLOYMENT PRACTICES”

**The 13th and 14th October 2008
Palais du Pharo, Marseille**

PRESENTATION: CONTEXT AND OBJECTIVES

During its presidency of the European Council in the second half of 2008, France is organising a Conference on the fight against illegal employment practices linked to the increased geographical mobility of workers and the trans-national nature of employment relations.

The increasing flow of workers within an expanded European Union, with the accession of 12 new members over the last three years, means that Member States need to take special care to ensure compliance with labour law and social security regulations in terms of both national legislation and Community law. The overall aim is to enable the internal market for services and the trans-national geographical mobility of European workers to develop in line with legislative texts.

While French authorities, like those of other Member States, have decided to focus on combating social welfare fraud solely affecting their territory as a priority, their action in this area, although restricted to the French national framework, must increasingly take into account the trans-national dimension of these practices.

Given this context, the aim of the Conference is to promote and deepen European cooperation so that enforcement mechanisms can be adapted to these developments (*direct employment and temporary assignments*) and so that there will be greater convergence among member States' initiatives in this area.

As a starting point, the Conference will use a comparative analysis of the most commonly observed categories of fraud linked to worker mobility and the difficulties controlling them, and then will focus the discussions on the creation or development of information and data exchange systems that the authorities concerned use to facilitate their examinations and verifications, not only at the national level, but also at the European level.

There will also be analysis and discussion on ensuring the complementarity of these systems with other forms of direct exchange between member States' enforcement authorities, especially within the framework of cross-border cooperation or relations between the liaison bureaux envisaged by the Directive of 16 December, 1996.

Indeed, in many member States where the desired common market for services and intra-Union geographical worker mobility has been developing successfully over the last few years there has been, in parallel, a marked increase in fraudulent employment practices. These

practices encompass not only undeclared work¹, but also other forms of improper avoidance of Community or national regulations governing the organisation of work relations: cheating the system of postings abroad in terms of labour regulations or Community Social Security Regulations²; failure by persons receiving unemployment benefits in a member State to declare a temporary position taken up in another member State; unlawful supply of labour for monetary gain; fraudulent use of special employment status (especially interns, the self-employed and volunteer workers); and the employment of non-Community foreign nationals without work permits. Non-compliance with the rules for postings abroad and misuse of service provision, for example, turn the social protection system, through fraudulent registration of workers under a less “costly” system, into a competitive advantage lever for the firms using it.

Depending of the type, these instances of fraud, some of which are part of a calculated strategy, cause serious distortions in competition among businesses, directly or indirectly disadvantage workers, shrink the resources of the social protection systems and of States or, in some cases, facilitate the trafficking of foreign labour in the EU.

What these observations, shared by many member States, show is that if this rapid expansion in trans-national services and worker mobility is to continue within the bounds of healthy competition and with respect for the law, then there is a need for an **adapted control mechanism** for these workers’ conditions of employment and for preventing fraudulent practices.

Ensuring effectual control of mobile workers’ conditions of employment requires, in particular, **rapid improvement in cooperation among member States’ authorities, especially as concerns data exchange for various kinds of information** (economic, social and administrative, or even contextual information). There is therefore an urgent need to foster the development of effective information and communication systems in all member States. This will enable the collection and exchange of the data required, both at the national and European levels, for checking the legality of the working conditions and the workers’ affiliation to social security schemes while guaranteeing efficacy, accuracy, comprehensibility, relevance, security and compliance with personal data protection legislation.

This event is an extension of the Council Resolution 20/10/2003 (2003/C260/01) on transforming undeclared work into regular employment, adopted under the Italian presidency of the European Union in 2003, and follows the proposals outlined by the European Commission in its Communication of 24 October, 2007 (IP/07/1583) on stepping up efforts to combat undeclared work within the EU.

¹ As defined by European Council Resolutions 1999/C 125/01 of 22 April, 1999, and 2003/C 260/01 of 20 October, 2003, and European Parliament Resolution A5-0220/2000 of 21 September, 2000.

² CE Directive 96/71 of 16 December, 1996 and Regulation (EC) 1408/71 of 14 June, 1971.

PROGRAMME

Chaired by: Mr François GAUDU (Professor of social law , University of Paris 1 - Panthéon-Sorbonne)

Monday 13th October

8.30-9.30 am Welcome of Participants

9.30-10:00 am OPENING

Speech by:

Xavier BERTRAND, Minister for Labour, Labour Relations, the Family and Solidarity (France)

Marian HOSEK, Deputy Minister, Ministry of Labour and Social Affairs (Czech Republic)

Tadeusz Jan ZAJAC, General Labour Inspector in the rank of minister, National Labour Inspectorate (Poland)

1ST SESSION: Analysis of Frauds linked to Workers' Mobility within the European Union

What areas of national policies and European cooperation are relevant to the fight against illegal employment practices?

Jean-Denis COMBEXELLE, General Director, General Labour Directorate (France)

Henk KOENDERS, Manager of the Labour Market Fraud Section, Labour Inspectorate (Netherlands)

Maciej DUSZCZYK, Advisor to the Prime Minister and Deputy Director of the Institute of Social Studies at the University of Warsaw (Poland)

Christoph SCHUMACHER, Director European Union Affairs Division, Federal Ministry of Labour and Social Affairs (Germany)

10.00-11.00 am 1ST THEME: Classification of frauds linked to the transnational workers' mobility

11.00-11.15 am Break

11.15-12.30 2ND THEME: Practical Difficulties Encountered by States in the Fight against Fraud

Organisational, institutional and legal problems and professional practice issues.

12.30-1.00 pm DISCUSSION WITH THE AUDIENCE

1.00-2.00 pm Lunch

2ND SESSION: The Shared Need to Adjust and Harmonize Existing Control Measures

Fighting more effectively the fraud in the area of workers' mobility.

2.30-4.00 pm 1ST THEME: Developing cooperation thanks to information systems between control authorities

National Information Systems: Purpose, use and means of implementation

Presentation of highly efficient information systems used in two states (Belgium and Italy) as part of the fight against illegal employment and with regard to social protection.

Karel DERIDDER, General Advisor, National Social Security Office (Belgium)

Grazia STRANO, General Director, General Directorate for Technological Innovation and Communication, Ministry of Labour and Social Insurance (Italy)

Jean-Yves HOCQUET, Director, European and International Social Security Liaison Centre (France)

4.00 – 4.15 pm Break

4.15-5.30 pm 1ST THEME (following):

How to promote cooperation by the creation and the development of automatic and interoperable information systems at EU level

Debate with the audience, in the presence of representatives of the European Commission.

Hélène MICHARD, Deputy Unit Head “Coordination of Social Security Schemes, Free Movement of Workers”. General Directorate for Employment, Social Affairs and Equal Opportunities, European Commission.

Nicholas LEAPMAN, Unit Head “Administrative Cooperation and Networks between member states” in charge of the IMI System. General Directorate of the internal Market and services, European Commission

7.30 pm Dinner at the “Salon Eugénie”, Palais du Pharo

Tuesday 14th October

8.30-9.00 am Welcome of Participants

9.00-9.30 am 2ND THEME: Exchange of Information and Good Practice between Member States

The example of crossborder cooperation

Presentation of a report on crossborder cooperation: the example of Spain and Portugal.

Raimundo ARAGON BOMBIN, General Director, Labour Inspectorate and Social Security (Spain)

Paulo MORGADO de CARVALHO, General Labour Inspector and Director of the Authority for Working Conditions (Portugal)

9.30-10.00 am 2ND THEME (following):

Cooperation between Liaison Offices following the 1996 Directive

Tadeusz Jan ZAJAC, General Labour Inspector in the rank of minister,
National Labour Inspectorate (Poland)

Joost CUIJPERS, Liaison Office, Labour Inspectorate (Netherlands)

10.00-10.30 am **2ND THEME (following):**

Exchange of good practice in the approach to
fraud and control methodology

Mélanie SCHMALJOHANN; Local Manager for the fight against illegal
employment, Regional Financial Directorate (Bade-Wurtemberg, Karlsruhe,
Germany)

Michel ASEGLIO, General Director, General Directorate, Control of Social
Legislation (Belgium)

Philippe SOLD, Director of Labour, Regional Directorate of Labour,
Employment and Professional Training (France)

10.30-10.45 am **Break**

10.45-11.00 am **3RD THEME: Perspectives for European Cooperation: Labour
Inspectorates, fiscal and Social authorities, other control bodies**

The European Commission's Point of View

Armindo SILVA, Unit Head "Labour Law", General Directorate for Employment,
Social Affairs and Equal Opportunities, European Commission.

11.00-11.30 **DISCUSSION WITH THE AUDIENCE**

11.30-12.15 pm **CONCLUSIONS AND CLOSING SESSION**

Jean-Denis COMBREXELLE, General Director, General Labour Directorate
(France)

Benoît PARLOS, National delegate, National delegation for the Fight against
fraud (France)

12.15-13.15 pm **Cocktail buffet**

SPEAKERS' LIST

Civilité	NOM	Prénom	Pays	Fonction	Organisme
Monsieur le Directeur	HOCQUET	Jean-Yves	France	Directeur	CLEISS
Monsieur	SOLD	Philippe	France	Directeur du Travail	DRTEFP Alsace
Monsieur le Directeur général	COMBREXELLE	Jean-Denis	France	Directeur général du Travail	Ministère du Travail, des Relations sociales, de la Famille et de la Solidarité
Monsieur	CUIJPERS	Joost	Pays-Bas		Ministerie van Sociale Zaken en Werkgelegenheid
Monsieur le Directeur général	ARAGON BOMBIN	Raimundo	Espagne	Director General de la Inspección de Trabajo y Seguridad Social	Ministerio de Trabajo y Asuntos Sociales
Monsieur le Directeur	MORGADO DE CARVALHO	Paulo	Portugal	Inspecteur général du Travail	Ministerio do Trabalho e da Solidariedade social / Autoridade para as Condições do Trabalho
Monsieur le Ministre	ZAJAC	Jan Tadeusz	Pologne	Inspecteur Général du Travail au rang de Ministre	Inspection Nationale du Travail
Monsieur le Conseiller général	DERIDDER	Karel	Belgique	Conseiller général	Office National de Sécurité Sociale
Monsieur le Directeur général	ASEGLIO	Michel	Belgique	Directeur général	Service public fédéral Emploi, Travail et Concertation sociale / Direction Générale Contrôle des lois sociales
Madame la Chef d'Unité adjointe	MICHARD	Hélène	Belgique	Chef d'unité adjointe	Commission européenne / DG Emploi, Affaires Sociales / Direction Protection et

					Intégrations sociales (E) / Libre circulation des travailleurs (E3)
Monsieur le Directeur	Schumacher	Christoph	Allemagne	Director European Union - European Employment Policy and European Social Policy, BMAS	Bundesministerium für Arbeit und Soziales (BMAS)
Monsieur le Directeur	KOENDERS	Henk	Pays-Bas	Manager Section Fraude sur le Marché du Travail	Ministerie van Sociale Zaken en Werkgelegenheid
Monsieur le Directeur adjoint	DUSZCZYK	Maciej	Pologne	Deputy head	Institute for Social Policy - University of Warsaw
Monsieur le Professeur	GAUDU	François	France	Professeur de Droit social	Université Paris 1 - Panthéon-Sorbonne
Monsieur le Chef d'Unité	SILVA	Armando	Belgique	Chef de l'unité "Droit du travail"	Commission européenne / Direction générale Emploi, Affaires Sociales et Egalité des Chances
Madame la Directrice générale	STRANO	Grazia	Italie	Direttore Generale	Ministero del Lavoro e della Previdenza Sociale / Direzione Generale per l'innovazione tecnologica e la comunicazione
Monsieur le Chef d'Unité	LEAPMAN	Nicholas	Belgique	Chef de l'unité "Coopération administrative et réseaux entre Etats Membres" (E3)	Commission européenne / Direction générale Marché intérieur et Services
Madame	SCHMALJOHANN	Mélanie	Allemagne	Responsable régionale de la lutte contre le travail illégal et de la coopération bilatérale transfrontalière	Finanzkontrolle Schwarzarbeit - FKS
Monsieur le Délégué National	PARLOS	Benoît		Délégué National	Délégation Nationale à la Lutte contre la Fraude

