



SIIS

SOCIAL INFORMATION AND
INVESTIGATION SERVICE



ACTION PLAN

Fight against social fraud

2023-2024

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FOREWORD

The Social Fraud Action Plan 2023-2024 is structured around the 7 strategic objectives of the Strategic Plan 2022-2025. For the first time, this Action Plan runs over a two-year period. This is more in line with the strategic approach (cf. four-year strategic plan) and the programme operation currently being implemented to combat social dumping.

Central to this Action Plan are the strengthening of the inspection services and a number of new policy actions under the Budget Conclave.

The fight against social fraud and social dumping can only be fought if it is adequately resourced. That is why we have committed to provide for the necessary reinforcement of the social inspection services. Concretely, 168 additional inspectors are being recruited in the various social inspection services. That brings the total number of new recruits to 226 this legislature, some 20% of the total workforce. The largest reinforcement ever of the inspection services should, on the one hand, provide an adequate response to the abuses we faced in 2022 in terms of social dumping and alleged human trafficking. On the other hand, this reinforcement must also provide an answer to the outflow of staff with which the social inspection services will be confronted in the coming years. As part of the accompanying role of the social inspection services, inspectors with a humanities training/background will also be recruited to assist companies in the context of workers' mental well-being.

We also focus on training and knowledge acquirement, to further train our people as experts in the field.

We are proud to introduce a number of new, specific policy actions in the Action Plan. Following the budgetary conclave, 3 policy actions were included regarding the implementation of the Fair Competition Plans, more specifically in the construction, meat, transport, cleaning, moving and funeral sectors. In addition, the existing flexi-jobs scheme will be extended to a number of sectors and the annual quota for student work will be increased to 600 hours. There is also provision for a special contribution in cases where the number of subsequent day contracts for temporary work with a user exceeds certain thresholds. This is part of the fight against the improper use of consecutive day contracts. Along the same lines, the limitation period in cases of fraudulent acts or false or deliberately incomplete declarations by the employer and in cases of fraudulent subjection to social security for employees is extended from 7 years to 10 years.

A fourth reform of the Social Penal Code is aspired, aimed at a more coherent system of sanctions. In addition, the concept of social dumping will be legally defined in the Social Penal Code in order to adequately tackle the fight against social dumping and serious social fraud.

The programme operation related to social dumping will therefore be continued and intensified. Thus, 1,000 additional social dumping investigations are planned on an annual basis. Of the 3,000 social dumping investigations planned on an annual basis, at least 200 will focus on Brazilian networks and 400 on the posting of third-country nationals (also on an annual basis). The number of joint and concerted actions will also be increased to five on an annual basis.

Besides the continued implementation of recurrent actions, 9 new actions are planned in the fight against dumping, e.g. the creation of a thematic register. In cooperation with ELA, a media campaign to prevent social dumping in sectors susceptible to fraud is being developed. After the green sectors and the transport sector, heightened attention will be paid to the construction sector in 2023 and 2024.

Prevention is better than cure. A large number of actions in this Action Plan therefore focus on prevention. They include, for instance, training, raising awareness, information exchange but also spot inspections that are announced in advance. It also focuses on the next steps in the framework of the charter between employers' and self-employed workers' organisations and the social inspection services. A perception measurement was carried out and, based on this, an analysis of possible actions that can be taken will be started.

We are proud that Belgium will hold the EU Presidency in the first half of 2024. This is an excellent opportunity to highlight a number of supranational challenges.

Our social inspection services evidently always work within a social context and therefore have a heightened focus on the mental well-being and working conditions of each person. The intervention mix and the employer pyramid are an important guideline in this respect to set the right accents.

Finally, we would like to conclude with a word of thanks to our inspection services, which combat social fraud and social dumping day in day out in sometimes difficult circumstances. Let this action plan also be an impetus to also have an eye for the social returns of the fight against social fraud.



Pierre-Yves Dermagne
Minister of Employment



David Clarinval
Minister of the Self-Employed



Frank Vandenbroucke
Minister of Social Affairs



Vincent Van Quickenborne
Minister of Justice

INTRODUCTION

Within the framework of the policy of combating social fraud and illegal work, a strategic plan for combating social fraud is drawn up by the Strategic Committee of SIIS, headed by the government members responsible for combating social fraud. This strategic plan covers a four-year period and takes into account the governance agreements of the Public Social Security Institutions and the federal government departments¹.

The aim behind this Action Plan is to provide an overview of the priority actions that will be undertaken in 2023 and 2024 to combat fraud relating to social contributions and/or benefit payments.

The Strategic Plan 2022-2025 Battle against social fraud and social dumping of the De Croo I Government was approved by the Council of Ministers on 4 February 2022. It forms the basis for the current operational action plan, which is the concretisation of the strategic plan.

The operational action plan includes:

- ◆ the individual inspection actions;
- ◆ the joint inspection actions;
- ◆ new policy and operational actions².

In accordance with the Strategic Plan 2022-2025, the focus of the operational Action Plan against social fraud and social dumping 2023-2024, in terms of content, is on social dumping (with the further implementation of the programme). Obviously, taking into account the events with a serious impact on safety and well-being identified in 2022, close attention is also paid to working conditions and well-being at work. This is reflected, for instance, in the increase in the number of investigations to be carried out into social dumping and human trafficking with economic exploitation. Even though, fortunately, the worst of the COVID-19 pandemic has passed, our inspection services are still monitoring possible abuse in the context of the support measures, and illicitly received benefits are still being claimed back.

The Action Plan against social fraud and social dumping 2023-2024 is built up around the 7 strategic objectives of the Strategic Plan 2022-2025. Collaboration with national and international partners (including the social partners) and a scientific basis are and will remain the guiding principles for the working of our social inspection services, as is the holistic approach with attention to all phases in the enforcement chain. In line with the ELA's draft multi-annual programme 2023-2025, in the current plan, particular attention is paid to capacity-building: increasing and reinforcing our capacity, among other things through training, collaboration and sharing knowledge.

Where prevention is concerned, emphasis is placed on training, awareness and media campaigns, cooperation protocols and spot inspections. The informative and preventative nature of these spot inspections is inherently part of the intervention mix used by the inspection services. Furthermore, this plan provides for various analyses and (scientific) studies, with the aim to develop as much knowledge as possible (capacity-building) and adopt an evidence-based approach.

¹ Article 2 Social Penal Code.

² *Idem*

Where detection and control are concerned, efforts are centred on data mining and information exchange. Unfortunately, the trend we already observed in 2022, namely the posting of third-country nationals to Belgium through rogue constructions, continues. For this reason, efforts in this area are intensified, and specific targets are set to ensure that a minimum number of investigations are carried out into such phenomena. We do not know how the conflict between Russia and Ukraine will evolve. Nevertheless, our inspection services continue to have a heightened focus on the working conditions and economic exploitation of refugees, including those from Ukraine.

In the first half of 2024, Belgium will take on the Presidency of the EU. This is a perfect opportunity to raise awareness on topics such as sustainability and ecology. Indeed, as public institutions, we must take our responsibility to work in a way that is as sustainable as possible, but as social inspection services, we must also ensure sustainable employment contracts, even in a flexible work environment. In addition, climate change and its consequences will no doubt affect the patterns of labour migration. These developments need to be monitored.

In relation to this, there will also be regard for the difficult economic situation in which our companies and their employees are operating today. For instance, special attention should be paid to possible effects of the energy crisis, such as an increase in (undeclared) sidelines and undeclared work. The intervention mix and the employer pyramid are an important guide in this process for ensuring the right emphasis.

For the first time, the operational plan runs over a period of two years instead of one year. This choice is motivated by strategic and operational considerations. This new period is more in accordance with the strategic approach (cf. four-year strategic plan) and the programme operation that is currently in place for social dumping. Moreover, a two-year plan allows for a more thorough evaluation of the methods used and actions carried out, which benefits the evidence-based approach. Thanks to the interim reporting, adjustments are possible in the course of the two years. In this regard, the social partners ask for interim feedback to the social partners (e.g. annual consultation, progress reporting) with a view to an interim evaluation and possible adjustment³. Furthermore, all actors involved in the implementation of this action plan are in favour of this two-year approach. This was also clear from the opinions of the various advisory bodies in relation to the aforementioned Action Plan.

The fact that this is a two-year plan has an impact on the structure of the plan and on the indicators. Where the structure is concerned, under each programme objective and operational objective, a subtitle has been added, indicating whether the actions will be carried out in 2023 or 2024, or whether they will run through both years. In addition, next to the indicators, you will find in which year these must be achieved: 2023, 2024 or on an annual basis. The latter option means that the indicator must be achieved both in 2023 and in 2024 (e.g. x investigations in 2023 and x investigations in 2024).

3

See Opinion 2.326 of the NLC on the draft operational action plan for combating social fraud 2023-2024, dated 16/11/2022, and Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

The action plan 2023-2024 is the result of an active and constructive contribution from the following institutions and services:

1. Social Information and Investigation Service (SIIS);
2. Inspection of Labour Laws of the FPS Employment, Labour and Social Dialogue (ILL);
3. Inspection service of the National Social Security Office (NSSO);
4. Inspection service of the National Employment Office (NEO);
5. National Institute for Health and Disability Insurance – Administrative Inspection Service (NIHDI-AIS) & Medical Evaluation and Inspection Service (NIHDI-MEIS)
6. National Institute for Social Security for the Self-Employed (NISSE);
7. Inspection of Welfare at Work (IWW/OSH);
8. Administrative Fines Service (AFS) of the FPS Employment, Labour and Social Dialogue;
9. FPS Social Security;
10. The regional social inspection services;
11. Federal Pension Service (FPS);
12. Police services;
13. Immigration Office.

In addition, the draft action plan has been subjected to the advice of the social partners (the National Labour Council (NLC), the General Management Committee for the Social Status of the Self-employed (GMC), the High Council for the Self-employed and SMEs (HCSSME)), the Council of Labour Prosecutor Officers, the police services and academics.

This plan takes account of the available margins for each inspection service, with the aim to fully optimise them. The ambition behind this action plan is to provide an overview of the priority actions that will be undertaken in 2023 and 2024 to combat fraud relating to social dumping, social contributions and benefit payments, and thus ensure the financing of social security and the public finances.

It should be noted that the inspection services are also responsible for other tasks besides combating social fraud alone (e.g. protecting workers and those with social security, keeping citizens informed, social dialogue or supporting the institution).












For this plan, the risk assessment appended to the Strategic Plan was enhanced, to provide more underpinnings for the operational action plan, as the Court of Audit put forward in its study. This risk assessment directs actions towards priority fraud phenomena. Furthermore, some of the recurrent actions are part of the previous initiatives and action plans in the context of the operation of the College for combating tax and social fraud. Inversely, the current action plan will also be used as a basis for the new Plan of the College.

This action plan can only be correctly implemented insofar as the necessary resources are made available. The usual procedures will be followed for new initiatives.

OVERVIEW OF THE TYPES OF ACTIONS IN THE ACTION PLAN 2023-2024⁴

The action plan consists of a set of (policy) actions with a view to achieving the predetermined strategic objectives as included in the Government's strategic plan. Certain actions are completely new (see indication 'NEW'), while others are rather a resumption or continuation of the previous year (recurrent).

Each action in this action plan is accompanied by some of the 11 icons listed below. These icons indicate to which type of action the action belongs (3 types), which type(s) of social fraud is/are being combated with this action (3 types), and in which phase(s) of the enforcement chain this action occurs (5 phases).

Type of action (3)	
	Policy action
	Joint action
	Specific action
Type of fraud (3)	
	Pay and working conditions (incl. well-being at work)
	Contribution fraud
	Benefit fraud
Phase in the enforcement chain (5)	
	Prevention
	Detection
	Inspection
	Sanction
	Recovery

This visualisation can be illustrated by the example below. For example, the following icons are next to recurrent action 9 'Developing a media campaign to prevent social dumping in fraud-prone sectors in collaboration with the ELA':



⁴ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022, and Opinion 2022/06 of the GMC on the draft operational plan for combating social fraud 2022, dated 06/05/2022, and Opinion 01/2022 of the Academics on the draft action plan for combating social fraud 2022, dated 28/03/2022.

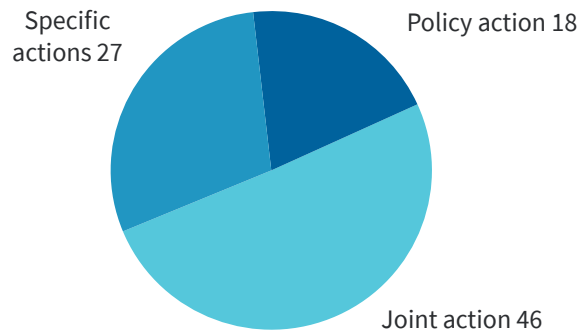
The depicted icons are those that are relevant to this action. Thus, this is an action of the type 'Joint action', by which 'Pay and working conditions', 'Contribution fraud' and 'Benefit fraud' are combated, and which plays a role in the 'Prevention' phase of the enforcement chain.

This section provides a short overview of the types of actions in the Action Plan 2023-2024, according to four different dimensions: by type of action; by type of fraud; by phase in the enforcement chain; and by year.

Overview by type of action

The Action Plan for Combating Social Fraud 2023-2024 consists of 91 actions in total. Of these 91 actions, 18 are policy actions. 27 are specific actions, which means they are implemented by a single institution. The 46 joint actions are implemented by different institutions in collaboration.

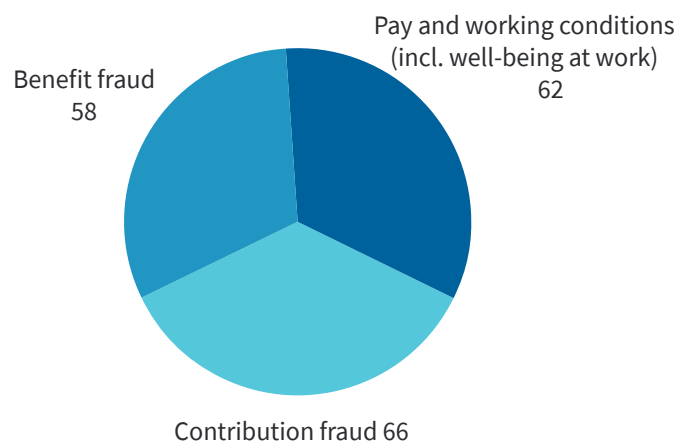
Total number of actions by type of action



Overview by type of fraud

A similar analysis can be made for the types of fraud that will be tackled by the actions in this Action Plan. For example, 62 actions combat fraud in the area of pay and working conditions, including well-being at work. 58 actions tackle benefit fraud, while 66 actions fight contribution fraud. Given that various actions contribute towards combating several of these types of fraud, the sum of the number of actions mentioned here is more than the total of the actions.

Total overview by type of fraud



Overview per phase in the enforcement chain

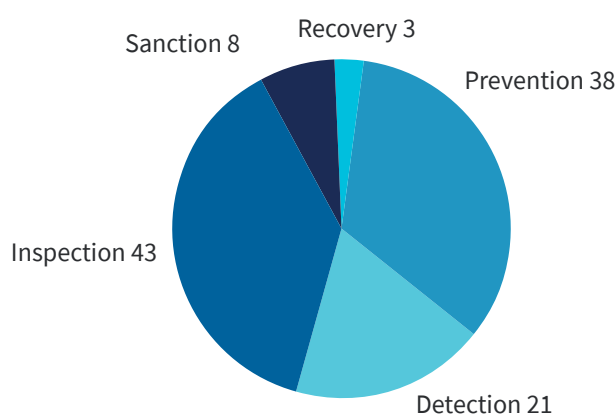
Finally, the actions can also be subdivided in accordance with the phase(s) of the enforcement chain in which these actions play a role. The enforcement chain contains five phases, which together comprise the full process of combating social fraud. These are prevention, detection, inspection, sanction and recovery.

In the Action Plan 2023-2024, 38 actions are relevant to the preventative phase, and 21 actions are relevant to the detection phase. The majority of the actions, 43 in total, play a role in the inspection phase. Finally, 8 actions play a role in the sanction phase, and 3 actions in the recovery phase. Given that multiple actions contribute towards combating social fraud in various phases of the enforcement chain, the sum of the total actions mentioned here is more than the total of the actions.

However, it is important to highlight the fact that, in accordance with the Strategic Plan 2022-2025, the actions within the phases of the enforcement chain should take into account the principles of the intervention mix and the employer pyramid as much as possible⁵.

All actions are ordered by year, and then according to the phases of the enforcement chain. The actions that do not fall within the social dumping programme are ordered by operational objective (and by year) from prevention to recovery⁶.

Total number of actions by phase in the enforcement chain

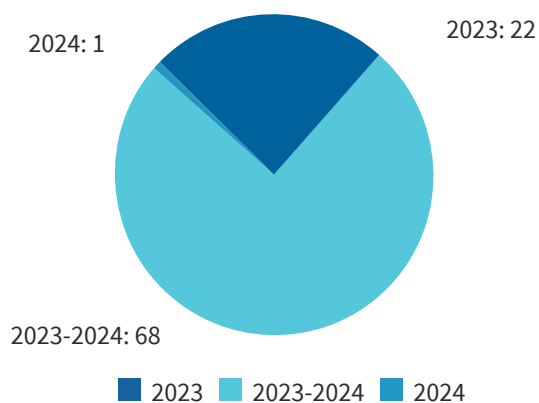


Overview by year

For the first time, this action plan runs over a period of two years. Although most actions will be carried out both in 2023 and in 2024, some actions are limited to 2023 or 2024. Below is an overview of the number of actions by year.

Moreover, prioritisation fits into the framework of the dumping programme operation.

Number of actions by year



⁵ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022, and Opinion 2022/06 of the GMC on the draft operational plan for combating social fraud 2022, dated 06/05/2022.

⁶ See Opinion 01/2022 of the Academics on the draft action plan for combating social fraud 2022, dated 28/03/2022.

Overview of coverage of the strategic objectives

7 strategic objectives have been included in the Government's strategic plan:

- ◆ **SO1: Reduce social fraud and social dumping by enhancing European and international cooperation.**
- ◆ **SO2: Ensure the competitiveness of our companies and thereby guarantee fair competition.**
- ◆ **SO3: Create a more inclusive labour market that guarantees health and safety at work for all workers.**
- ◆ **SO4: Strengthen the inspection services to ensure greater capacity to act and greater effectiveness.**
- ◆ **SO5: Simplify administration (including digitalisation) and legislation, and improve information to increase transparency, prevent unintentional irregularities and combat social engineering.**
- ◆ **SO6: Increase the risk of getting caught and improve the effectiveness of the sanctions.**
- ◆ **SO7: Prevent social fraud.**

	ACTIONS* (NEW)
SO1	24 (9)
SO2	4 (2)**
SO3	10 (3)
SO4	28 (4)
SO5	4 (0)
SO6	11 (4)
SO7	10 (6)
Totaal	91 (28)

* the total per strategic objective whose share of new actions is in brackets (...)

** these all pertain to policy actions

College for combating tax and social fraud

The new plan of the College for combating tax and social fraud will take the current Action Plan 2023-2024 into account as much as possible. In particular, this plan will serve as a basis for the plan of the College where the fight against social fraud is concerned.

Some recurrent actions in this plan are part of the previous initiatives and action plans in the context of the operation of the College for combating tax and social fraud.

In this Plan, you will find the link to the operations of the College via the following icon and an appropriate caption (as an example):



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud.

1. STRATEGIC OBJECTIVE:

Reduce social fraud and social dumping by enhancing European and international co-operation.



The programme operation with respect to social dumping is also an integral part of the second Action Plan of the College for combating tax and social fraud.

In implementation of the Strategic Plan, this will be done through the Programme Operation, taking into account the intervention mix within the enforcement chain.

Over the past months, social dumping, even with forms of human trafficking, was continually on the news. Unfortunately, the definition of social dumping as 'A wide range of intentionally abusive practices and the circumvention of existing European and national legislation (including laws and universally applicable collective agreements), which enable the development of unfair competition by unlawfully minimising labour and operation costs and lead to violations of workers' rights and exploitation of workers' (Report on social dumping in the European Union, 2015/2255(INI), 18 August 2016) turned out to be all too accurate. These practices weaken the social protection of the workers concerned, and seriously damage our companies that do play by the rules.

In 2023 and 2024, all actors involved (policymakers, social and tax inspectorates, judicial and police authorities, and social partners) will make even greater efforts to tackle these fraudulent practices. Where the police authorities are concerned, reference can be made to the National Security Plan 2022-2025⁷.

Given that a programme runs over several years, this means that quite a few actions will automatically become recurrent, but new orientations will be given, or new focuses placed within these actions (see Annex 2 for a graphic representation of strategic objective 1). A more thorough detection of the phenomenon, an integrated approach in which administrative and criminal preventive and repressive measures are combined, and the national and European information exchange between actors involved are the focus to tackle the problems with respect to social dumping.

The added value offered by programme operation – and thus its ultimate objective – is increasing the effectiveness of the battle against social dumping through joint and improved multidisciplinary and interdepartmental (NSSO, FPS ELSD, NISSE, etc.) collaboration and a greater and improved information exchange with external partners within a national (Police, Justice, Regional Inspectorates, IWW/OSH, tax authorities, academics, etc.) and a European context, at different levels (field and management), **with greater consideration for prevention, detection, tracing, sanctioning (more effective regularisation and collection) and recovery within the enforcement chain.**

7

https://www.police.be/5998/sites/5998/files/files/2022-04/20220128_Presentation_NSP_2022-2025_EN.pdf

At the **international** level, the following will be priorities over the next years:

- ◆ The application of the Posted Workers Directive (2018/957), already transposed into the Act of 12 June 2020, which offers better labour law protection to posted workers;
- ◆ The application of the new rules that were established in the Mobility Package of the European Commission, among others the *lex specialis* which lays down the rules for the application of the rules on the posting of workers in the sector of international road transport (goods and passengers) and which has been transposed into Belgian law (*EU Directive 2020/1057 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector*);
- ◆ Intensifying the collaboration with the foreign inspection services, and in particular strengthening, deepening and maintaining the relationship with the European Labour Authority ELA;
- ◆ Setting up joint information campaigns to prevent social dumping;
- ◆ Carrying out 'joint & concerted inspections/actions' within the framework of the operation of the ELA. This Authority plays a very important and special supporting role in the collaboration.

At the national level:

- ◆ Training on social dumping: it is essential that all actors have sufficient knowledge of the phenomenon of social dumping to increase the detection rate and the effectiveness of their actions in the field;
- ◆ Setting up a number of prevention/awareness-raising actions of the Government as a client of works;
- ◆ Creating synergy between social fraud and well-being at work, because social fraud phenomena are closely connected to well-being at work;
- ◆ Better detection of social dumping through the use of data mining models;
- ◆ Carrying out social dumping investigations;
- ◆ Promoting cross-border collaboration between the inspection services;
- ◆ Making best use of the existing European mediation procedure regarding A1 certificate disputes;
- ◆ Carrying out audits of several liability for wages;
- ◆ Combating abuse of temporary labour;
- ◆ etc.

This approach focuses on both **capacity-building** (training, increasing knowledge, etc.) and strengthening **collaboration**. SIIS plays an important role in this. The efforts of SIIS should enable the competent national social inspectorates to organise cross-border collaboration in a more effective and efficient way in fraud-prone sectors. In addition, it should support the social inspection services in tackling social dumping.

In this context, SIIS will act as facilitator and promote collaboration with other institutions at the international (Benelux), European (mainly with the ELA) and national level to create synergies and simplify the resources available for capacity-building.

In the period 2023-2024, SIIS will concentrate on reinforcing the collaboration between national public services in an increasing number of fields and topics. To this end, it will also make use of the experience and knowledge, both at the national level – of the various social inspection services and other government services (FPS Finance, Immigration Office, Police) – and at the international level (the network of the NLOs within the ELA). By making use of a strong network of NLOs, the social inspection services will be able to build solid relationships and contacts with the national authorities of other Member States. In addition, SIIS will provide conceptual, logistical and technical support to collaboration meetings or projects, including staff exchange between two or more Member States in relation to specific topics.

As regards the monitoring and follow-up of the rate of achievement of the strategic (and operational) objectives in respect of the Government, SIIS acts as an intermediary body⁸. In accordance with the half-yearly report on combating social fraud 2022, greater emphasis is placed on high-quality reporting, e.g. on the implementation of the action plan. Concretely, this means that the reporting on the social dumping programme will take place both via the project leaders to the programme leader and via qualitative reporting within the framework of the quarterly monitoring of the action plan. High-quality reporting on all other actions will take place via the quarterly monitoring (cf. Art. 3(4) Social Penal Code⁹). This high-quality reporting also responds to the request of the social partners (specifically the NLC and HCSSME) for interim feedback on the implementation of the action plan and annual consultations¹⁰. In the Annex, you will find an overview of all actions – per project leader – on which the services report.

Within the social dumping programme, there is a specific focus on impact measurements. These are still in an initial phase and efforts are ongoing to develop a method¹¹. Nevertheless, a number of common indicators have already been proposed to measure the impact, e.g. the number of infringements (e.g. actions 1, 15) and knowledge measurement before and after an action (e.g. action 6). Where the number of infringements is concerned, the idea is that, as a result of the implementation of an action, fewer infringements will be detected over time. For the actions that are linked to training and/or knowledge increase, it is attempted to determine whether the action has increased knowledge by means of a before and after measurement.

⁸ *Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 28*

⁹ *Only the annual report is published on the website of SIIS. You can find it [here](#)*

¹⁰ *See Opinion 2.326 of the NLC on the draft operational action plan for combating social fraud 2023-2024, dated 16/11/2022, and Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.*

¹¹ *See Opinion 2/2022 of the Scientific Committee regarding the draft action plan for combating social fraud 2023-2024, dated 13/10/2022.*

Social dumping programme

ACTION	PROJECT LEADER
Training on social dumping for employees of the European Parliament (moving service)	SIIS
Conclusion of a collaboration protocol between SIIS, the social inspection services and the FPS Mobility – DG Road Transport and Traffic Safety to strengthen the collaboration and information exchange with respect to inspections in (international) transport and compliance with the European social regulations	SIIS (in collaboration with FPS Mobility)
New measures in the framework of the Fair Competition Plans for the construction, meat and transport sectors	Policy units Dermagne – Vandenbroucke – Clarinval – Gilkinet
New measures in the framework of the Fair Competition Plans for the cleaning and moving sectors	Policy unit Dermagne
Increasing deterrence through information on approach to social inspection services and Justice	SIIS
Impact measurement of training on social dumping for social inspectors, local police and authorities	SIIS
Better screening of social clauses in the context of the Act on Public Procurement	SIIS
ELA conference in the context of the European Presidency	FPS ELSD – FPS SS
Developing (a) media campaign(s) to prevent social dumping in fraud-prone sectors in collaboration with the ELA	SIIS
Closer attention to the working conditions of refugees, including refugees from Ukraine	SIIS
Cross-border collaboration between inspectorates	SIIS
Improved detection of social dumping through the use of the fair competition hotline	SIIS
Creation of a thematic register	SIIS
Social dumping investigations (with focus on 3rd country nationals and Brazilian networks)	NSSO
Abuse concerning prohibited cross-border posting	ILL
Synergy of social fraud and well-being at work at temporary employment agencies	IWW/OSH
'Joint and concerted actions' in the context of the operations of the European Labour Authority (ELA), continuation of active participation in the context of the Platform tackling undeclared work (UDW), and joint inspections, inter alia in the context of the Benelux	SIIS
Inspections of several liability for wages	ILL
Fight against cross-border fraud among self-employed	NISSE
Updating the Social Penal Code with respect to social dumping	Policy units
Identifying the problems and generating potential solutions relating to the cross-border collection of tax and social security debts and the cross-border collection of administrative fines	Benelux General Secretariat
Making the mediation procedure of the European Labour Authority (ELA) operational at the Belgian level	FPS SS
Making best use of the existing European mediation procedure regarding A1 certificate disputes	FPS SS

Programme Goal 1: Setting up a joint information campaign to prevent social dumping

Actions in 2023

NEW Action 1: Training on social dumping for employees of the European Parliament (moving service)



At the request of the European Parliament/Facilities Management, SIIS will, in consultation with the social inspection services, organise training on social dumping for the employees of the moving service at the beginning of 2023. This training is essential to enable the service to detect possible cases of social dumping and carry out preventative inspections of contractors/subcontractors if necessary. The training will thus improve knowledge of the fraud phenomenon and make it easier to detect and control.

Operational objective: Increased knowledge about the phenomenon on the part of the stakeholder

Indicator: Training on social dumping for employees of the European Parliament (in 2023)

Product: Provision of training

Actors involved: SIIS – Social Inspection Services – European Parliament

Project leader: SIIS

Impact measurement: Map the number of cases of dumping in the moving activities within the European Parliament

Resources: Measurement report

NEW Action 2: Conclusion of a collaboration protocol between SIIS, the social inspection services and the FPS Mobility – DG Road Transport and Traffic Safety to strengthen the collaboration and information exchange with respect to inspections in (international) transport and compliance with the European social regulations



SIIS, the social inspection services and the FPS Mobility wish to further specify and intensify their collaboration within the framework of their specific and joint powers with respect to the road transport sector and as a result of the transposition of EU Directive 2020/1057 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector into Belgian law, by concluding a collaboration protocol.

The collaboration protocol should contribute to better (cross-border) collaboration and compliance with European labour regulations, specifically in the sector of (inter)national road transport, e.g. through the organisation of joint inspections as well as the optimisation of information exchange from the databases of all actors involved.

Operational objective: To promote compliance with the new European regulations within the road transport sector through more joint inspections and better information exchange

Indicator: Protocol concluded in 2023

Product: Protocol signed in 2023

Actors involved: SIIS - Social Inspection Services - FPS Mobility/DG Road Transport

Project leader: SIIS in collaboration with FPS Mobility

Impact measurement: Not yet available

Resources: Action plan of SIIS and the FPS Mobility/DG Road Transport. Exchange of information, as well as best practices, results of inspections carried out, etc.

NEW Policy action 3: New measures in the framework of the Fair Competition Plans for the construction, meat and transport sectors



In order to reinforce the fight against social dumping and human trafficking (economic exploitation), the Ministers for Employment, Social Affairs, Self-employed and Mobility are charged with consulting with the social partners of sectors sensitive to fraud, such as the construction sector, the meat sector and the transport sector, on the following proposals with a view to renewing the existing Fair Competition Plans:

- ◆ A limitation of the vertical subcontracting chain (following the example of the Act on Public Procurement);
- ◆ A review of the regulations on several liability for outstanding wages.

At the latest by 31 December 2022, the social partners shall give their opinion on the proposed approach of the aforementioned phenomena. The social partners may formulate other proposals to improve current regulations with the same objective and an equal or higher budgetary return. If the social partners do not formulate any alternative proposals, the Government will decide by 31 March 2023 what measures will be adopted to reinforce the fight against social dumping and human trafficking (economic exploitation)¹².

After that, the policy actions will be implemented in accordance with operational objective 7.2.

Operational objective: To reduce social dumping and human trafficking in the construction, meat and transport sectors

Indicators: Opinion issued by the social partners
Government decision on measures to reinforce the fight against social dumping and human trafficking in the construction, meat and transport sectors

Product: Measures to reinforce the fight against social dumping and human trafficking in the construction, meat and transport sectors

Actors involved: SIIS – NSSO – NISSE – ILL –sectoral social partners – FPS Mobility (for the transport sector)

Project leader: Policy units Dermagne – Vandenbroucke – Clarinval – Gilkinet (for the transport sector)

Impact measurement: Not yet available

Resources: Collaboration – budget

¹² Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

NEW Policy action 4: New measures in the framework of the Fair Competition Plans for the cleaning and moving sectors



The fair competition plans for these sectors will be carried out. Among other things, this involves an attendance registration system adapted to the sector and a system to report work adapted to the moving sector. This information contributes to the safety of the persons carrying out such work and should, over time, make it possible to reduce the administrative obligations regarding certain documents relating to working hours. The inspection services should have access to this information with a view to their different powers. When developing the aforementioned measures, the Government will check whether reasonable transition periods should be provided, taking into account the achievement of the budgetary objective¹³.

After that, the policy actions will be implemented in accordance with operational objective 7.2.

Operational objective: To reduce social dumping and human trafficking in the cleaning and moving sector and to promote worker safety

Indicators:	An attendance registration system adapted to the sector A system to report work adapted to the moving sector
Product:	An adapted attendance registration system
Actors involved:	SIIS – NSSO – NISSE – ILL –sectoral social partners
Project leader:	Policy unit Dermagne
Impact measurement:	Not yet available
Resources:	Budget

¹³ Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

Recurrent action 5: Increasing deterrence through information on approach to social inspection services and Justice



Increasing the perceived likelihood of being caught through targeted information on inspections carried out, investigations and results. We show fraudulent networks and companies that the social inspection services and Justice can act effectively. These are serious offences. In this communication, reference can be made to the principle of proportionality (see Art. 19 Social Penal Code) and the fact that labour inspectors act in the first instance in a supervisory role and take strict measures in the event of serious and/or repeated infringements¹⁴.

In 2023, it will be investigated whether and to what extent the social partners, according to the strategic plan for combating social fraud, can help support the communication initiatives of the social inspection services. Clear and unambiguous external communication will therefore not only play a role in terms of information and dissuasion but may also contribute to social support and consent¹⁵. The social partners and co-operating institutions (e.g. disbursing agencies, insurance funds) may also play an important role in this regard. For example, through storytelling.

If, during an evaluation at the end of 2023, the developed methodology is considered useful by all stakeholders, incl. the social partners, this action will be continued in 2024 as a recurrent action.

Operational objective: Increased knowledge among potential offenders of approach by social inspection services and Justice

Indicator: Number of publications/social media posts per year (period January-December of year x)

Product: Reporting on inspections and investigations carried out

Actors involved: Social inspection services - Justice - communication services (social inspection services) - SIIS - social partners

Project leader: SIIS

Impact measurement: In 2023 the communication services of the social inspection services will develop a method to explain in a well-reasoned manner how communication initiatives contribute to enforcement. To this end, attention will also be paid to interventions such as media attention and social media.

Resources: Social media, press releases, communication in the newsletters/websites/intranets of the relevant sector federations and social partners

¹⁴ Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.

¹⁵ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 16

Actions in 2023-2024

NEW Action 6: Impact measurement of training on social dumping for social inspectors, local police and authorities



The survey (among NSSO, NISSE, GMC and Federal Police) by SIIS has shown that there is room for improvement in the training received on the ground in the area of social dumping. Training is essential to increase the effectiveness of the social inspection services on the ground. Current knowledge also makes it easier to detect and supervise the fraud phenomenon.

In collaboration with the various inspection services, and pursuant to Article 3(9) of the Social Penal Code, SIIS has developed a joint training programme on social dumping in 2022. To this end, the cooperation agreements concluded (Belgian Buildings Agency, PSW, Facility Management, etc.) served as input. The aim was to increase the necessary expertise of the services concerned in detecting social dumping, and to work on capacity-building¹⁶.

Indeed, the public sector has a clear exemplary role to play in the context of public procurement legislation. With this in mind, SIIS has entered into collaboration agreements with various public services (e.g. Belgian Buildings Agency, Beliris, PSW or the Flemish Government). The Chancellery has also published the 'Guide against social dumping in the context of government contracts and concession agreements', which provides the public services with a better insight into the phenomenon of social dumping. Such practices can be reported by the contracting authority through the fair competition hotline at SIIS.

In 2023/2024, SIIS will carry out an impact measurement of the results of this training (number of inspections, results of the inspections, preventative nature, number of reports to the social inspection services on possible cases of social dumping in the government services, etc.). In 2024, this will be taken into account in the adaptation of the training.

If desired, the training on social dumping can be extended to other target groups, depending on the available SIIS capacity (reinforcement)¹⁷.

¹⁶ See Opinion No. 2.286 of the NLC on the draft operational action plan for combating social fraud 2022, dated 06/05/2022.

¹⁷ See Opinion of the Council of Labour Prosecutor Officers on the draft action plan for combating social fraud, dated 21/09/2022.

Operational objective: Increased knowledge among stakeholders about the phenomenon

Product: Report

Indicators: Number of modules of the training on social dumping followed per actor involved per year (period January-December of year x)

Number of prevention actions, incl. raising awareness of the Government as a client, per year (period January-December of year x)

Number of (additional) reports by the relevant government services via the hotline per year (period January-December of year x)

Actors involved: SIIS – Social Inspection Services – Police Services – Public Authorities (protocols)

Project leader: SIIS

Impact measurement: Carrying out measurements before and after; mapping out the number of dumping cases on public sites (analysis of the statistics)

Resources: Available capacity, tools



NEW Action 7: Better screening of social clauses in the context of the Act on Public Procurement



Various authorities have maintained a collaboration protocol with SIIS for years, regulating collaboration in practice. The aim is to prevent cases of social dumping. To this end, SIIS is regularly provided with an updated list of current sites, which is then passed to the social inspection services in order to carry out inspections.

Not only inspections are important; a responsible Government will also be expected to ensure **sustainable** public contracts that comply with labour laws and social security legislation.

*'A strong weapon in the battle against social dumping is a Public Procurement Law. Through their role in setting an example, government departments will systematically check social clauses under this law to ward off rogue contractors or unauthorised low prices.'*¹⁸

Although most inspections to be carried out by the contracting authority in the fight against social dumping are mandatory, the contracting authority has a discretionary power that enables it to be more or less ambitious in the frequency or intensity of the inspections, depending on the type of contract. The ambition should be for public institutions to carry out this screening systematically, taking into account the available capacity of each institution.

SIIS, in collaboration with the Ministers in charge, will therefore urge the public institutions to do so.

Operational objective: Prevention of social dumping

Indicators:	Instruction to carry out systematic inspections (2023) Number of inspections at public sites (from 2024)
Product:	Reporting on inspections and investigations carried out each year
Actors involved:	Social Inspection Services - Justice - Federal Public Services
Project leader:	SIIS
Impact measurement:	Report not yet available (number of cases of social dumping at public sites)
Resources:	Telemark (retention obligation website), available capacity, knowledge increase among employees through training etc.

¹⁸ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 25.

NEW Action 8: ELA conference in the context of the European Presidency



In the summer of 2024, the European Commission has to make a first evaluation of the operation of the European Labour Authority (ELA). Belgium has supported the creation of the ELA from the start, and has been an active partner of the Authority from the beginning. To promote the ELA, and to provide useful input for the evaluation, we will organise a conference during the Belgian Presidency, on 25 January 2024. The aim of the conference is to contribute to a better knowledge of the ELA in Belgium, and to a better knowledge of Belgian best practices in the EU. In addition, it should contribute to the evaluation of the ELA and of the (legislative and institutional) framework within which the ELA is active, specifically from the perspective of the Belgian concerns.

Operational objective: To contribute to a better knowledge of the ELA in Belgium, and to a better knowledge of Belgian best practices in the EU

Contribute to the evaluation of the ELA and of the framework within which the ELA is active

Indicators: Degree of preparation of the conference (in 2023)
Conference held (in 2024)

Product: Conference in 2024
Input for the evaluation of the ELA by the European Commission
Input for the 'social agenda' the Belgian Presidency wishes to develop for the next European term

Actors involved: FPS ELSD – FPS Social Security – SIIS – Public Social Security Institutions (PSSI) – Regions and Communities (Inspection Services and VDAB, Forem, Actiris and ADG) – POD Social Integration – Police – Justice – ELA – European Commission

Project leader: FPS ELSD – FPS SS

Impact measurement: Not yet available

Resources: Budget (allocated under the EU Presidency)

Recurrent action 9: Developing (a) media campaign(s) to prevent social dumping in fraud-prone sectors in collaboration with the ELA



The strategic plan indicates that focusing on prevention within the enforcement chain is important and necessary. Various partners (e.g. NISSE, GMC, ILL) indicated in the SIIS survey that information campaigns, carried out by all actors affected by this phenomenon, can be an important tool in preventing social dumping. Within the draft work programme 2023-2025 of the ELA, the construction sector is presented as priority sector in the context of the sector-specific approach (after the green sectors in 2021 and the transport sector in 2022). SIIS will continue to actively involve the working group on communication, which was created in 2022, in 2023 and 2024 in the roll-out of media campaigns to prevent social dumping in fraud-prone sectors. This working group consists of members from the various partners (inspection services, police and social partners), with the aim to prepare information campaign(s). The scope and target audience of this/these information campaign(s) are defined in the working group, together with the various partners, so that it/they can have the greatest possible impact on the identified (risk) groups. It is important in this respect that the campaign is also targeted at the clients who sometimes unwittingly and unintentionally commit social dumping, due to a lack of knowledge. It is also important to pay sufficient attention to subcontracting in the context of secondment¹⁹.

The working group on communication was created within SIIS and is composed of experts in communication, both from SIIS and from the social inspection services. The Police and Justice will also be involved if SPOCs are made available. The communication campaigns will be developed within the working groups. After that, projects will be selected, and finally, through the use of a specific budget for communication campaigns, a specific shape and depth can be given to maximise the goal of each campaign. In this way, these campaigns to be rolled out are independent of the specific individual budget of each service.

SIIS and the social inspection services actively participate in the operation of the ELA and the Platform tackling undeclared work in particular. The European platform tackling undeclared work promotes collaboration between EU countries. It is important that preventative measures are also used, including the roll-out of a (social) media campaign.

In 2023 and 2024, the ELA will pay particular attention to the construction sector; enforcement activities will be combined with information campaigns. Therefore, special attention will also be paid to this sector in the context of the prevention campaigns which will be organised at the national level. However, this does not mean that other sectors cannot also be the object of targeted preventative (media) campaigns (e.g. road transport, agriculture and horticulture).

Even greater focus is placed on the interaction with the social partners. *'The battle against social fraud is also a common struggle for employers' organisations and trade unions to safeguard Belgian jobs and the competitiveness of Belgian companies. It goes without saying that the contribution from the social partners plays a crucial role both in increasing the chances of being caught and in terms of prevention, particularly at the sectoral level.'*²⁰

¹⁹ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.
²⁰ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 20.

Operational objective: Increased knowledge among stakeholders (below) of the approach by the social inspection services

Indicators: Launching of (social) media campaign(s) on an annual basis (period January-December of year x)
Roll-out of targeted actions in the field (e.g. spot inspections) on an annual basis (period January-December of year x)

Product: Reporting on the campaign(s) and (targeted) actions carried out on an annual basis (period January-December of year x)

Actors involved: SIIS – Social Inspection Services – Social Partners (NEW) – ELA – Police – FPS Finance

Project leader: SIIS

Impact measurement: A method developed by the communication services (stakeholders) to explain in a well-reasoned manner how expressions of communication contribute to enforcement. To this end, attention will also be paid to interventions such as media attention and social media.

Resources: Social media, infographics, press articles, etc.

Recurrent action 10: Closer attention to the working conditions of refugees, including refugees from Ukraine



Refugees are especially vulnerable and have a higher risk of being subjected to sub-standard working conditions and exploitation. In February 2022 we were faced with the outbreak of the war in Ukraine, as a result of which we saw a strong increase in the number of Ukrainians in Europe and Belgium, in addition to the refugee flows as a result of other conflicts in the rest of the world. Specifically where the Ukrainian refugees are concerned, they have enjoyed immediate and temporary protection in the EU Member States since March 2022. That means that they do not have to start a procedure to apply for international protection. This temporary protection allows these individuals to immediately enjoy rights of residence, access to the labour market, access to public health insurance, social services and child benefit.

The large numbers of people fleeing (armed) violence are mostly women and children. They are especially vulnerable, and they are particularly at risk of exploitation by their employers or clients (if they are self-employed) during their journey or on arrival in a destination country, and there is therefore a risk that they may be victims of human trafficking. In Belgium, too, there have already been cases of economic and sexual exploitation of refugees from, for example, Ukraine.

An example of this is the case that was discovered during the summer of 2022 in the Port of Antwerp. This case showed once again that the fight against the economic exploitation of workers must be continued, and this in collaboration with the competent police services and the Interdepartmental Coordination Unit and its Executive Committee for combating human trafficking created within FPS Justice.

Therefore, all the federal and regional partners involved will take a continued active approach, with more focus on potential abuses in the labour market with regard to refugees, with the

aim of providing maximum protection for their working conditions, without, however, singling them out.

The focus is on guidance, providing information and raising awareness of refugees with regard to their protection in the area of work, social security and safety.

In 2022, under the coordination of SIIS, a working group on economic exploitation was set up, consisting of representatives of both the federal and the regional (social) inspection services, the Immigration Office, the competent policy units and Justice. This working group will also continue its activities in 2023 and 2024 to develop specific further initiatives.

In addition, the social inspection services will continue to focus on the precarious residence situation of all foreign nationals during their inspections (human trafficking).

Operational objective: Prevention in terms of the working conditions, social security and health and safety of refugees (including refugees from Ukraine) at workplaces

Indicator: Number of prevention actions, incl. raising awareness of the Government as a client, per year (period January-December of year x)

Product: Report on the actions carried out

Actors involved: SIIS – Social Inspection Services – Immigration Office – Regional Inspection Services – Police – FPS Justice

Project leader: SIIS

Impact measurement: Not yet available

Resources: Dissemination of information (e.g. brochures), FTE at inspection services

Recurrent action 11: Cross-border collaboration between inspectorates



The aim is improved cross-border collaboration between the social inspection services and the social security institutions in different Member States, with an efficient exchange of inspection data via e.g. EESSI or IMI. The role of the ELA is crucial in this regard.

Joint workshops/staff exchanges



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (second Action Plan).

Several workshops have been organised by the SIIS the last years, including with the Netherlands and Portugal. In 2023/2024 as well, SIIS will, together with the social inspection services, continue to take joint initiatives to organise joint workshops/staff exchanges with those countries that are important for Belgium from the perspective of the battle against fraud. In the first instance (although not exclusively), the focus of these initiatives will be on the countries with which a MOU and/or a bilateral agreement has been signed, and within the framework of the **Benelux**. They will allow people to exchange best practices and become acquainted with the various business processes. This will involve close collaboration with the ELA (working group on inspection) and the Platform tackling undeclared work (UDW). Where necessary, existing agreements will be updated and/or new bilateral agreements will be signed.

Operational objective: Improved cross-border collaboration between inspection services, and more international investigations that are more efficient

Indicators:

- Number of joint workshops/staff exchanges per year (period January-December of year x)
- Number of MOUs, collaboration agreements; arrangements (written/verbal) that have been discussed and negotiated by the competent social inspection services and/or administrations per year (period January-December of year x)
- Number of treaties (regarding combating social fraud) signed between Belgium and other countries (EU or third countries) per year (period January-December of year x)

Product: Report (quantitative and qualitative)

Actors involved: SIIS – Social Inspection Services – Competent policy units – Benelux – ELA – FPS SS – FPS Finance

Project leader: SIIS

Impact measurement: Not yet available, but quantitative and qualitative report within x years, e.g. decrease in number of social dumping cases identified

Resources: Benelux support (legal/logistics), ELA (logistics), FPS SS (support in terms of content: European legal expertise, procedure for the negotiations on 'treaties', reference authority for the mediation procedure, etc.), social inspection services (capacity)

Programme Goal 2: Faster and better detection of cases of social dumping

Actions in 2023

Recurrent action 12: Improved detection of social dumping through the use of the fair competition hotline



The hotline already receives cases of social dumping from various sources (social partners, citizens and companies). In 2022, the hotline was also extended with a 'well-being at work' scenario, taking into account the clear link between well-being and safety and the fight against social fraud and social dumping.

Given that social dumping partially overlaps with human trafficking, a new 'economic exploitation' scenario was also implemented within the hotline in 2022. In 2023, SIIS will launch a campaign on 'privileged partners', for example with cities and municipalities (in the context of administrative enforcement). Moreover, cross-border notifications (notifications from abroad and vice-versa) will be made possible. In the meantime, the first investigations/exchanges with the Netherlands have been sent. These cross-border notifications may represent potential cases that can be addressed with the ELA in a cross-border context. This way of working will be further extended in 2023/2024, e.g. with the Grand-Duchy of Luxembourg and Portugal. Furthermore, the possibility of integrating reports from CTIF/CFI and other institutions is also being explored, taking into account the legislation on privacy and data exchange and respecting the powers of the individual social security institutions.

Finally, the hotline should conduct an analysis of 'newly identified trends/phenomena' in the context of social dumping.

Operational objective: Increase and broaden notification capabilities as an input to better detection

Indicator:	Information campaign to privileged partners in 2023
Product:	Report
Actors involved:	IWW/OSH – FPS Economy – SIIS – CTIF/CFI – Immigration Office – Police services, etc.
Project leader:	SIIS
Impact measurement:	Not yet available, but higher willingness of the actors to notify can be measured
Resources:	IT + increase hotline capacity Privileged partners

Actions in 2023 and 2024

Recurrent action 13: Better detection of social dumping through the use of data mining models



This is a **recurrent process** in which a minimum number of targets are specifically selected, in particular in the context of new trends (fraud phenomena) within social dumping, especially the use of third country nationals and so-called Brazilian networks. Periodic feedback on the results by the social inspection services (via the form S01) to the data mining directorate of the NSSO is necessary so that the fraud models used can be adapted and updated in due time in order to increase the effectiveness of the data mining and improve the results of the inspections. In addition, the possibilities of artificial intelligence (AI) for the selection of targets will be explored, while respecting privacy laws²¹. This will increase the infringement ratio, also where the results relating to third country nationals are concerned.

Operational objective: Up-to-date Risk Analysis and target-oriented risk models

Indicator:	Provision of a list of targets per quarter, including new fraud phenomena, on an annual basis (period January-December of year x)
Product:	List of targets + reporting (qualitative + quantitative)
Actors involved:	NSSO – NISSE – ILL – Justice
Project leader:	NSSO (data mining)
Impact measurement:	Not yet available
Resources:	Data mining models (NSSO)



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See Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

Actions in 2024

NEW Action 14: Creation of a thematic register



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (third Action Plan).

During 2024, the thematic register of social dumping will be launched, which will contain all the relevant information at an aggregated abstract level (no individual cases). Gaining an understanding of the criminal networks that engage in social dumping and achieving an effective approach require building and maintaining a permanent knowledge base. This fits within the tasks of SIIS as described in Art. 3(7) and (13) of the Social Penal Code. The thematic register provides a wide opportunity for data collection, processing and analysis. By building up a permanent information position, insights will be obtained that may lead to criminal investigations, effective steering of investigations or checks by chain partners. The thematic processing will be done within SIIS (mixed support unit), provided there are the resources to do so. In addition, this will be an input for drawing up or updating the guidelines and checklists in collaboration with the social partners (sectoral approach) and the social inspection services, as well as with other authorities, e.g. tax authorities (action point for College).

Operational objective: Build and maintain a permanent information position

Indicators:	Developed register + up-to-date fraud phenomenon sheets + updating and drafting new user-friendly checklists and guidelines (in 2024)
Product:	Thematic register + fraud phenomenon sheet
Actors involved:	SIIS – Social Inspection Services – Justice – tax authorities –sectoral social partners
Project leader:	SIIS
Impact measurement:	Not yet under discussion
Resources:	Increasing capacity (SIIS) + IT (development of database and fraud phenomenon sheets including legislation, known cases (abstract), analyses conducted, reports to the hotline, trends, etc. + user-friendly checklists/ guidelines)

Programme Goal 3: Setting up targeted investigations and inspections of social dumping

Actions in 2023 and 2024

Recurrent action 15: Social dumping investigations (with focus on 3rd country nationals and Brazilian networks)



The objective of this action point is for the social inspection services to conduct at least 3,000 investigations a year, in which targets are either identified or proposed through data mining/ data matching, or tackled following complaints or at their own initiative. Here as well, the possibilities of artificial intelligence are explored²². The reason for the increase is the social importance of such inspections, which is demonstrated e.g. by the various cases that were discovered in 2022. This increase in quantity does in no way mean that we want to sacrifice quality. On the contrary, the investigations into social dumping are becoming increasingly complex, and there is a continuing focus on thorough, high-quality investigations into complex forms of social dumping.

Given the new trends (i.e. the increase in the number of posted workers from outside the EU that manage to be posted to Belgium through rogue constructions and the Brazilian networks), a number of these 3,000 investigations will be selected and detected based on the positing of third country nationals and based on Brazilian networks in both 2023 and 2024. In addition, emphasis will also be placed on investigations relating to large public works projects.

Brazilian networks

For several years now, we have found that improper use is being made of EU law by economic migrants of different nationalities, including Brazilians. Since they cannot regularise their residence situation in the countries of the European Union where they usually reside, including Belgium, and they believe that another EU country (in this case, Portugal) has a more tolerant legal framework, they apply for a work permit in the country with the most tolerant regime for them. At the same time, companies are established in Belgium with the aim of receiving and illegally employing this workforce or using this company through the free movement of services via posting.

After a certain period, these labour migrants then apply for a long stay on the basis of fictitious elements, which subsequently allows them to settle (permanently) in Belgium. This phenomenon was named after a fraudulent scheme by Brazilians who settled in Belgium via Portugal.

Of the at least 3,000 investigations, at least 200 may be focused on the Brazilian networks in 2023 and 2024.

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See Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

Posting of third-country nationals

Of the at least 3,000 investigations, at least 400 may be focused on the posting of third-country nationals in 2023 and 2024. These investigations should initially be commenced by the District Units in collaboration with the specialist inspectors. For the detection of this type of investigations, the Data Mining Directorate of the NSSO will also be called upon.

Operational objective: Joint and targeted investigations into social dumping

Indicators:	3,000 social dumping investigations a year (period January-December of year x), of which at least 200 on Brazilian networks and at least 400 on the posting of third-country nationals per year (period January-December of year x).
Product:	Report (quantitative and qualitative)
Actors involved:	NSSO – NISSE – ILL – IWW/OSH – Regions – Police services
Project leader:	Data Mining Directorate of NSSO
Impact measurement:	Not yet available, but quantitative and qualitative report within x years, e.g. decrease in number of social dumping cases identified
Resources:	Number of inspectors assigned to social dumping (NSSO-ILL-NISSE) NSSO-ILL-NISSE data mining capacity and resources



Recurrent action 16: Abuse concerning prohibited cross-border posting



In the context of the posting of foreign workers and the social dumping associated with it, ILL aims to address the illegal posting of workers. The Act of 24 July 1987 on temporary work, work through employment agencies and the provision of workers for the benefit of users provides the necessary legal framework in this regard. The purpose of this legislation is to hold the actual employer responsible for ensuring that the wages and working conditions of the affected employees are met.

The investigations under this legislation target both those who set up the construction (mainly foreign companies) and those who benefit from it (mainly Belgian companies). Both recognised and unrecognised temporary employment agencies, as well as intermediary employers, will be targeted as a result of the application of this legislation. These are investigations that will be conducted primarily by ILL inspectors from the Directorate for Posted Workers and Transportation.

In addition, the NSSO inspectors are competent to conduct investigations on the posting of workers, but only on illegal posting in the context of cross-border employment (RD of 17 August 2019, Belgian Official Gazette of 11 September 2019).

Operational objective: Targeted investigations into social dumping

Indicator:	50 investigations per year (period January-December of year x)
Product:	Report (quantitative and qualitative)
Actors involved:	ILL and NSSO
Project leader:	ILL
Impact measurement:	Not yet available, but quantitative and qualitative report within x years, e.g. decrease in number of social dumping cases identified
Resources:	Number of inspectors assigned from the Directorate for Posted Workers and Transportation

Recurrent action 17: Synergy of social fraud and well-being at work at temporary employment agencies



Development of a joint inspection strategy within the MANCP (ILL and IWW/OSH).

The scope of the inspections is twofold. On the one hand, to verify compliance with the legislation on well-being at work and, on the other, to stop unrecognised foreign employment agencies. The project was started in 2022 and has a duration of at least 2 years (2022-2023), in collaboration with the Flemish social inspection service (FSI), IWW/OSH. The NSSO is also an actor involved in this pilot project, as the lists of potential targets are provided by the Data Mining Directorate of the NSSO.

A first evaluation in the first half of 2022 and after performing half of the inspections within the framework of the pilot phase showed that the originally developed inspection methodology does not allow to determine where and when a foreign temporary worker is employed in Belgium.

In this context, it was decided together with SIIS and the inspection services concerned that remediating action would be taken in a next phase, in the sense that the NSSO would create a new database specifically for this pilot project. Based on this database, there is a greater chance that employment of foreign temporary workers can be detected during the inspections.

This pilot project will therefore be continued in 2023. Based on an interim evaluation at the end of 2023, it will then be decided whether (1) this project will be continued in 2024, (2) the pilot project will be extended to the other regions, and (3) the pilot project could be further optimised.

Operational objective: Integration of welfare aspect in the context of combating social fraud

Indicator:	40 investigations based on the lists provided by the Data Mining Directorate of the NSSO per year (period January-December of year x)
Product:	Database provided by the Data Mining Directorate of the NSSO (2023) Report (quantitative and qualitative) on an annual basis (period January-December of year x)
Actors involved:	IWW/OSH – FSI – Data Mining Directorate NSSO
Project leader:	IWW/OSH
Impact measurement:	Not yet available, but quantitative and qualitative report within x years, e.g. decrease in number of social dumping cases identified
Resources:	Number of inspectors assigned, capacity of Data Mining Directorate NSSO

Recurrent action 18: 'Joint and concerted actions' in the context of the operations of the European Labour Authority (ELA), continuation of active participation in the context of the Platform tackling undeclared work (UDW), and joint inspections, inter alia in the context of the Benelux



Belgium supports the operation of the ELA in both political and operational terms. This Authority contributes towards collectively tackling cross-border social fraud/social dumping through better and closer collaboration between the various social inspection services in the Member States.

Within the framework of the Belgian Presidency of the Council of the European Union (1st semester of 2024), the FPS SS and the FPS ELSD have the intention to, in close collaboration with SIIS and the PSSI, organise a conference which will be dedicated to the promotion of the activities and achievements of the ELA and the evaluation of its results, in particular with regard to the fight against cross-border social fraud and social dumping. This event should contribute towards the evaluation of the ELA to be carried out by the European Commission by 1 August 2024 at the latest (see action 8).

On the one hand, the Authority itself may propose that certain Member States set up a collaboration when problems arise in the labour market or with specific companies, and on the other, it is up to the Member States themselves to seek the assistance of the Authority when certain investigations show insufficient progress or certain problems require a cross-border approach. The European social partners may also ask the Authority to have a particular issue in the labour market or with particular companies examined by the national authorities.

Joint (AIC) actions, inspections and investigations coordinated by SIIS with at least one inspection service from another Member State



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (second Action Plan).

The inspection services and SIIS will intensify their cooperation with the various working groups set up under the coordination of the ELA. In 2023 and 2024, at least five joint actions with at least one inspection service from another country (under the coordination of SIIS) will be organised on an annual basis, where appropriate in collaboration with the ELA.

SIIS and the social inspection services will continue to actively participate in the various activities and actions of the Platform tackling undeclared work, in which the Belgian inspection services are often regarded as a benchmark in best practices within Europe. The UDW platform is now part of the ELA. SIIS will work with the ELA to assume the coordination of this as regards the joint and concerted actions element. The focus is on inspections and investigations.

The ELA encourages cross-border ‘joint and concerted actions’ with the participation of all relevant national enforcement authorities (labour/social inspection services, road transport authorities, traffic police etc.). In addition, the competent national authorities should consider involving national social partner organisations where appropriate.

Operational objective: To set up joint or simultaneous (AIC) actions, inspections and investigations for social dumping; to collaborate with the Undeclared Work Platform

Indicator: At least 5 joint (AIC) actions, inspections and investigations per year (period January-December of year x), coordinated by SIIS, with at least 1 inspection service from another Member State.

Product: Report (quantitative and qualitative)

Actors involved: Social inspection services – SIIS – social partners of SIIS – Police services – ELA

Project leader: SIIS

Impact measurement: Not yet provided, being developed by ELA

Resources: Number of inspectors made available ad hoc in Belgium and the Member States, ELA support (translation and communication)

Recurrent action 19: Inspections of several liability for wages



When an employer fails to pay (in full or in part) the wages due to their employee, the Act of 12 April 1965 on the protection of workers' wages establishes arrangements of several liability that allow this employee, under certain conditions, to obtain the payment of such wages due from certain third parties who are considered severally liable as an alternative.

The Act of 12 April 1965 contains three regulations on several liability: a general regulation, a specific one for the construction industry, and a special regulation on several liability for the wages of third country nationals residing illegally. These regulations, existing since 2013, and completed in 2016 with a specific regulation for the construction sector, are not yet (sufficiently) known to other social inspection services, according to ILL. To increase the impact, it would be desirable for awareness to be raised among inspectors from other social inspection services so that they are able to detect violations and report them to ILL in a systematic manner.

Agreements/protocol, training initiatives, indicator notification for other social inspection services could help with this (2023 at the earliest). Links to SIIS fraud phenomenon sheets:

- ◆ Social dumping
- ◆ Brazilian networks
- ◆ Nail salons

Operational objective: To grant the wages due to the employees concerned through the application of the joint and several liability scheme

Indicator: 200 investigations per year (period January-December of year x)

Product: Report (quantitative and qualitative)

Actors involved: ILL

Project leader: ILL

Impact measurement: Not yet available

Resources: FTE number of ILL inspectors

Recurrent action 20: Fight against cross-border fraud among self-employed



The NISSE continues to tackle cross-border fraud among the self-employed.

Operational objective: To combat social dumping

Indicators: Analysis and monitoring of 600 suspicious situations (suspicious A1 or absence of A1) per year (period January-December of year x)

Product: Report (quantitative and qualitative)

Actors involved: NISSE

Project leader: NISSE

Impact measurement: Not yet available, but quantitative and qualitative report within x years

Resources: Sufficient capacity in terms of staff allocated to social dumping activities
EESSI – IMI – Workshops – etc.

Programme Goal 4: Developing effective sanctioning

Actions in 2023 and 2024

Recurrent policy action 21: Updating the Social Penal Code with respect to social dumping



A (fourth) reform of the Social Penal Code is being prepared with a view to updating punishable acts and the corresponding range of sanctions. Obviously, this is closely connected to policy action 79 under operational objective 6.3.

Operational objective: Updating the punishable acts and the corresponding range of sanctions

Indicator: Amended Social Penal Code (in 2024)

Product: Publication of Social Penal Code

Actors involved: AFS – policy units – SIIS – Social inspection services

Project leader: AFS (design) and policy units (implementation)

Impact measurement: Not yet available, but quantitative and qualitative report within x years

Resources: Situated at the level of the policy units

Programme Goal 5: More efficient and effective collection and recovery

Actions in 2023

Recurrent action 22: Identifying the problems and generating potential solutions relating to the cross-border collection of tax and social security debts and the cross-border collection of administrative fines



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (second Action Plan).

In the Benelux Annual Plan 2021, the objective was to 'develop collaboration in the field of social contribution recovery with a view to optimisation, particularly under Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009, and initiate a methodology for cross-border recovery.'

Minister Van Peteghem also proposed to the Benelux in 2021 that a study day be organised on the cross-border collection of tax and social security debts and possibly administrative fines, so as to identify a number of problems in recovery under Regulation 987/2009 and generate potential solutions.

The Secretariat-General of the Benelux took the initiative to organise a study day on the cross-border collection of tax and social security debts and administrative fines, but this was postponed until 2023.

In addition to the initiatives at the Benelux level, the extent to which the ELA can play a role in this can also be examined.

In his policy statement, Minister Vandenbroucke calls for a correct implementation of the detailed provisions of Regulation (EC) No 883/2004 on cross-border recovery of social security contributions. The Minister further states that, if necessary, concrete arrangements will be made with other EU Member States for an efficient and effective cross-border collection of social security contributions owed by employers located abroad and for the recovery of social security benefits unduly received by individuals residing abroad.

The GMC also emphasises the importance of progressing in the area of cross-border collection²³.

Operational objective:	Identifying the problems and generating potential solutions in terms of the cross-border collection of tax and social security debts and the collection of administrative fines
Indicators:	<p>Description of problems and potential solutions for more efficient and effective cross-border collection (in 2023)</p> <p>Drawing up guidelines (in 2023)</p> <p>Evaluating the possibility to launch test projects with the interested Belgian institutions and in collaboration with other Member States for collection and/or settlement in accordance with the coordination regulations 883/2004 and 987/2009</p>
Product:	<p>Study day organised by the Benelux on the cross-border collection of tax and social security debts and administrative fines</p> <p>Cross-border test projects carried out by the interested institutions</p>
Actors involved:	Secretariat-General of the Benelux - FPS Finance - FPS SS - PSSI - AFS - SIIS - partners from other Member States and possibly the ELA (in particular with the National Liaison Officer for Belgium)
Project leader:	Secretariat-General of the Benelux
Impact measurement:	Better understanding of the problems and potential solutions in the area of cross-border collection
Resources:	Study day, benchmarking, exchange of information, experiences and best practices between services involved in Belgium and in other Member States, etc.

²³ Opinion 2022/14 of the GMC on the draft operational action plan 2023-2024, dated 20/10/2022.

Actions in 2023 and 2024

NEW Action 23: Making the mediation procedure of the European Labour Authority (ELA) operational at the Belgian level



The European Labour Authority (ELA), which was established by Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019, contributes to better cooperation between the EU Member States, coordinates joint inspections, carries out analyses and risk assessments on aspects relating to cross-border labour mobility, and mediates in disputes between Member States.

Thus, the power to mediate is one of the missions assigned to the ELA by Article 4 of the Regulation establishing the Authority. The aim of the mediation procedure is to 'facilitate a solution in the case of a dispute between two or more Member States regarding individual cases of application of Union law in areas covered by this Regulation [...]'. The purpose of such mediation shall be to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion' (Art. 13(1)).

The ELA mediation procedure has been operational since 1 June 2022 and co-exists with the dialogue and mediation procedure relating to the validity of documents, the determination of applicable law and the payment of benefits under Regulation (EC) No 883/2004 of the European Parliament and of the Council (Decision A1 of the Administrative Commission, hereafter referred to as 'A1 procedure'). The social inspection services now have two European instruments at their disposal to resolve disputes relating to applicable law.

It should be pointed out that the scope of the ELA mediation procedure is broader than that of the A1 procedure. Indeed, the ELA is also competent in all matters relating to labour law (with limitations, in particular for certain sectors), whereas the A1 procedure is exclusively intended to resolve disputes in the area of social security. In this sense, the FPS Employment is an essential partner for the internal operationalisation of the ELA mediation procedure.

Hence, one of the many challenges is to ensure that the ELA mediation mechanism has an added value for the current A1 procedure and does not lead to a weakening of the A1 procedure or to the deconstruction of the achievements of the A1 procedure and its full use by Belgium. In this regard, the GMC asks to check that the new procedure will not weaken the existing A1 procedure in the context of fraud relating to the posting of workers²⁴.

Operational objective: The full operationalisation, at the Belgian level, of the mediation procedure of the ELA

Indicators: Promoting the mediation procedure: giving training, raising awareness among colleagues of the PSSI, etc.

Ensuring the follow-up of social security coordination cases handled through the ELA mediation procedure

Product: An improvement in the resolution of disputes on the applicable social security legislation. This improvement should be particularly aimed at improving the shortcomings detected by Belgium in the A1 procedure, and not at adding new shortcomings.

Actors involved: FPS SS – NSSO – NISSE – SIIS – ELA (+ Belgian NLO) – FPS ELSD (e.g. ILL)

Project leader: FPS SS

Impact measurement: The partners are trained and made aware of the mediation procedure - in relation to the follow-up of the disputes submitted to the ELA: disputes are submitted and handled through the mediation procedure; in partnership with the PSSI and the FPS Employment, a follow-up method is defined, a platform is created or the existing Osiris platform is adapted accordingly; the evaluation of the quantitative and qualitative needs in the area of ICT/human resources is made; work is completed on an internal Belgian method to work with the two European instruments for dispute resolution in a coherent and efficient manner, in partnership with PSSI and the FPS Employment.

Resources: Material resources relating to ICT – HRM resources

Recurrent action 24: Making best use of the existing European mediation procedure regarding A1 certificate disputes



It should be investigated whether, on the basis of the targeted inspections in the field, it is also possible to determine how many have led to the revocation of their A1 documents. The objective is to revoke 1,500 A1 documents by the end of 2024. In light of the recent events we wish to focus more on third-country nationals and on more complex cases from now on. Moreover, with a view to a more quality-oriented image of the efforts of our inspection services, there will also be reporting on the detection of fictitious A1 documents and spontaneous affiliations following the initiation of the A1 mediation procedure.

Operational objective: Optimum use of the dialogue and mediation procedure at the EU level (so-called A1 procedure)

Indicators: Quarterly reporting on the number of A1 documents revoked per institution and per sector.

1,500 number of A1 documents revoked

Number of spontaneous affiliations (NEW; NISSE)

Number of fictitious A1 documents (NEW; NSSO)

Product: Quarterly report (quantitative and qualitative)

Actors involved: NSSO – NISSE – FPS SS

Project leader: FPS SS

Impact measurement: Not yet available, but quantitative and qualitative report within x years, e.g. improvement in the quality of cross-border collaboration (which can be measured e.g. via the evolution of answer times in phases 1 and 2)

Resources: Inspector capacity allocated to social dumping per institution

Processing capacity of FPS SS

2. STRATEGIC OBJECTIVE:

Ensuring the competitiveness of our companies and thereby guaranteeing fair competition.

Overview of actions

ACTION	PROJECT LEADER
Enhance the purchasing power of working people via fiscal and parafiscal measures	Policy units
Specific focus on the struggle for diversity and against all forms of discrimination	Policy units
Specific attention to administrative enforcement	Policy units
Expansion of scope flexi jobs and student jobs	Policy units

Policy action 25: Enhance the purchasing power of working people via fiscal and parafiscal measures



In accordance with the decision of the Council of Ministers of 1 April 2022, a budget of €6.8 million was allocated to increase the purchasing power of the self-employed in the context of a tax shift. For the first quarter of activity as a starting self-employed person ('primostarter'), a one-off contribution reduction of €100 will be granted to every starting self-employed person who was not subject at any time during the 20 calendar quarters prior to the start or resumption of their self-employed activity, neither as a self-employed person in their main occupation nor as a self-employed person deemed equivalent to a self-employed person in secondary occupation.

From 1 April 2022, the interprofessional minimum wage as stipulated in CLA No. 43 has been increased. The Government took measures in this regard so that the increase in the wage cost is compensated by a strengthening of the structural reduction aimed at the very lowest wages. At the same time, the work bonus was reinforced, on the one hand by increasing the maximum amount and on the other hand by shifting the upper wage limit so that more workers are covered by the measure. Also from 1 April 2022, the special contribution for social security will be reduced for low and medium wages. These measures increase net income from work and reduce the unemployment trap and the promotion trap.

Policy action 26: Specific focus on the struggle for diversity and against all forms of discrimination



The hearings in the Social Affairs Committee on 4 March 2015 in connection with the question of discrimination in the labour market showed that the weak point in the Labour Inspectorate – GD Inspection of Labour Laws – is at the level of the burden of proof of discriminatory behaviour.

The Act of 15 January 2018 introduced into the Social Penal Code a 'special competence for discrimination' for social inspectors (Article 42(1) Social Penal Code).

Practice has shown that some provisions of this legislation need to be adapted so that the specific powers can be applied more effectively. The currently existing collaboration with the sector organisations will be continued on a permanent basis²⁵.

Policy action 27: Specific attention to administrative enforcement



'Administrative approach' is understood to mean the set of preventative and repressive administrative measures that can prevent (organised) crime, hidden under legal activities, from establishing itself in our society or, while respecting the basic principles of the proper dispensation of justice, sanction or call a halt to detected (organised) crime. Some examples of the administrative approach: municipal administrative sanctions; revoking or refusing permits²⁶.

An administrative approach is especially useful in a (metropolitan) context characterised by the interwovenness of the legal, informal and illegal economy, by an amalgamation of legal, informal and illegal activities (e.g. undeclared employment, prostitution, human trafficking, drug trafficking). For these issues, a criminal justice approach alone is not sufficient. These issues also require an administrative approach. This means that a local authority, in consultation with criminal justice, private and fiscal partners, will avoid facilitating the ingrowth of organised criminal activity at a local level in a holistic and integrated manner. The aim of administrative enforcement is to prevent organised criminal activity, by means of largely preventative interventions and measures. It is a complement to the judicial enforcement against criminal activity. Some examples are withdrawing permits and imposing administrative measures or administrative sanctions (cf. intervention mix). In addition, an administrative approach is also recommended to tackle phenomena such as identity fraud, domicile fraud or human trafficking. Furthermore, administrative enforcement is useful in certain sectors to deal with abuse, e.g. transport sector, hotels and catering, (hand) car washes, seasonal work²⁷.

²⁵ Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

²⁶ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 22.

²⁷ Brochure ARIEC Antwerp, Bestuurlijke aanpak van georganiseerde criminaliteit en ondermijning (Administrative approach of organised crime and undermining) <https://sway.office.com/vwSN1x20uDgIDrEa?ref=LinkedIn> (consultated 26/08/2022).

In implementation of the Strategic Plan 2022-2025, the possibilities of integrating the administrative approach into an integrated approach to social fraud, in collaboration with the cities and municipalities, while respecting the separation of powers, are being examined. To this end, among other things, the negotiations on the preliminary draft of the Act on municipal administrative enforcement in relation to undermining crime are followed, and the introduction of the legislation is advocated. There is work to be done at a national and supranational level to call a halt to illegal practices and/or limit the risk of committing fraud. At a national level, cooperation is needed at all levels: with federal and regional services, but also with local governments, e.g. in the context of administrative enforcement²⁸.

The collaboration and interaction between the District Units and the District Information and Expertise Centre (ARIEC) will also be further examined in this context.

It is recommended that the (limited) resources be used as efficiently as possible under the direction of the Public Prosecutor's Office. Indeed, the number of inspectors is limited. Their use in an additional structure, such as the ARIECs, leads to fragmentation, which should be avoided. If necessary, the District Units and the ARIECs can propose the targets and select them per legal district in a joint meeting. In fact, this is in line with the multidisciplinary approach proposed by the Government. The knowledge can be shared at the national level between SIIS and the ARIEC structure.



Policy action 28: Expansion of scope flexi jobs and student jobs



In particular, flexi-jobs address the need for flexible workers at peak times and reduce the wage burden for these flexible workers. The chosen sectors are those that, due to their activity, often face fluctuating peaks and thus effectively need to cover certain peak moments with flexible workers. For these sectors, this is partly explained by the seasonal and weather-related nature of the activities, which effectively creates a need for flexible staff²⁹. The deployment of flexible staff has an impact on the operation of inspection services³⁰. Because of their impact on the fight against social fraud, the new forms of work, more flexible ways of organising the work and the digitalisation of social traffic require attention³¹.

As of 01/01/2023, the current regulation on flexi jobs will be extended to the following sectors:

- ◆ sports: joint committee no. 223
- ◆ culture: performing arts joint committee no. 304 and cinemas joint committee no. 303.03, excluding artistic, artistic-technical and artistic-supporting functions based on the Act and the register of the Artwork Committee as well as the employee codes such as 046 and 047 for artistic functions;
- ◆ events sector: joint committee no. 304 entertainment business and future specific joint committee for the events sector;
- ◆ The care sector (JC 330), limited to supporting functions, i.e. the care professions themselves (cf. Act on exercise of medical profession) are excluded. For the care sector, a minimum wage of 14 euros/hour (subject to indexation) applies, which corresponds to the minimum pay scale of the sector.

A control mechanism is provided to ensure the exclusion of the care professions in JC 330 and the artistic, artistic-technical and artistic-supporting functions in JC 304.

The annual quota of 475 hours of student work will be increased in 2023 and 2024 to 600 hours. In the course of 2024, an evaluation will take place. In the development of this measure, attention will be paid to the impact of this extension on net resources and child benefit³².

²⁹ Explanatory memorandum on the draft programme law. House of Representatives, DOC 55 3015/001, 24 November 2022. <https://www.dekamer.be/FLWB/PDF/55/3015/55K3015001.pdf>

³⁰ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 21.

³¹ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 26.

³² Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

3. STRATEGIC OBJECTIVE:

Create an inclusive labour market that guarantees health and safety at work for all workers.

Overview of actions

ACTION	PROJECT LEADER
Updating of regional protocol dated 1 June 2011	Policy units
Inspection of bridging right crisis measure	NISSE
Inspection of COVID-19 temporary unemployment	NEO
Inspection of reductions in the hotel, travel and event sectors	NSSO
Analysis and development a plan of action on the under-reporting of workplace accidents	SIIS
Plan on Mental Well-being at Work for employees	Policy units
Multidisciplinary inspections of service voucher businesses	SIIS
Working hours inspection for Specialist Doctors in Training	ILL
Abuse of temporary labour	ILL
Fight against improper use of subsequent day contracts	NSSO

3.1. Operational objective: Tackle abuse regarding the use of COVID-19 (support) measures

Actions in 2023

NEW Action 29: Updating of regional protocol dated 1 June 2011



In November 2021, the Court of Auditors published a final report on the audit carried out in relation to 'Support measures for companies and individuals in the context of the COVID-19 crisis'³³.

One of the recommendations to SIIS refers to the updating of the existing regional protocol dated 1 June 2011: 'Explore the possibility of including specific actions on the coordinated approach of coronavirus support fraud in SIIS's action plan. In addition, address problems such as a necessary update to the collaboration agreement of 1 June 2011 between the federal State and the regions and communities regarding the coordination of inspections concerning illegal labour and social fraud.'

In 2022, SIIS, together with the federal social inspection services, has provided input

³³ Court of Auditors (2021). Support measures for companies and individuals in the context of the COVID-19 crisis. Support measures of the federal Government. Report of the Court of Audit to the Chamber of Representatives, Brussels, November 2021, p. 102.

on items to be updated in the regional protocol, which has been passed on to the competent federal policy units with a view to further discussion at the policy level and the administrative level with the regional authorities and inspectorates.

The discussions will be continued in 2023 with the aim to sign an updated regional protocol by the end of 2023.

Indicator:	Number of meetings with the aim to sign an updated regional protocol (in 2023)
Product:	Signed updated regional protocol in 2023
Actors involved:	SIIS – Federal social inspection services – competent federal and regional policy units – competent regional inspection services
Project leader:	Competent federal policy units in collaboration with SIIS
Resources:	Consultations between the actors involved – capacity – budget

Recurrent action 30: Inspection of bridging right crisis measure



The NISSE combats potential abuse, fraud and irregularities linked to the temporary crisis measures. These inspections are ensured by the NISSE's ECL Directorate, which considers these investigations a priority.

In general, the ECL Directorate identifies 2 types of fraud/abuse:

- ◆ Fraud/abuse specifically linked to the award of the crisis measure. For example, these individuals register as self-employed, without in reality ever having engaged in a self-employed occupation, but purely for the purpose of benefiting from the crisis measure, or there is identity fraud when applying for the crisis measure;
- ◆ The more conventional cases of fraud and abuse identified through the application for the crisis measure. For example, these individuals worked without being registered or register at the time of the coronavirus crisis for the purpose of obtaining benefits.

The consequences of the positive investigations are varied: regularisation of the bridging right, regularisation of the affiliation with possible increases or further administrative fines for late registration, or legal proceedings.

In 2023, the NISSE will continue these investigations. It should be pointed out that the first limitation periods expire in 2023. The GMC asks that, for the follow-up of these cases and the imposition of possible sanctions, account be taken of the fact that due to the successive changes in the legal framework, the system has become less transparent, as well as the consideration that the self-employed persons concerned may have acted in good faith³⁴. The GMC also emphasises that there exists a third type of fraud cases, namely identity fraud. The GMC stresses the importance of fighting this phenomenon as well³⁵.

³⁴ See Opinion 2022/06 of the GMC on the draft operational plan for combating social fraud 2022, dated 06/05/2022.

³⁵ Opinion 2022/14 of the GMC on the draft operational plan for combating social fraud 2023-2024, dated 20/10/2022.

Indicator:	Number of completed investigations linked to the crisis bridging right in 2023
Actors involved:	NISSE
Project leader:	NISSE

Recurrent action 31: Inspection of COVID-19 temporary unemployment



Since the start of the pandemic, the NEO has awarded temporary unemployment to a record number of individuals. In order to make this possible, a flexible interpretation of the concept of force majeure was adopted and the procedure was greatly simplified, with certain inspections removed for both employers and employees. Therefore, the inspections at the NEO essentially shifted from a priori to a posteriori checks. In 2023 inspections will continue to take place, but no longer on a structural basis.

Indicator:	Number of completed inspections of COVID-19 temporary unemployment in 2023
Actors involved:	NEO
Project leader:	NEO

Recurrent action 32: Inspection of reductions in the hotel, travel and event sectors



The NSSO inspects the application of the reductions in social contributions granted to the hotel, travel and event sectors.

The NSSO inspectorate will check these reductions in 2023, although no longer on a structural basis. Employers to be inspected are selected based on criteria that indicate a risk that the reduction was wrongfully granted and require an on-site inspection to verify the conditions for the reduction.

Indicator:	Number of completed investigations in 2023
Actors involved:	NSSO
Project leader:	NSSO

3.2. Operational objective: Improve detection of risks related to health and well-being.

Actions in 2023

NEW Policy action 33: Plan on Mental Well-being at Work for employees



The Government recognises the enormous importance of mental well-being at work and hence specifically invests in employees' mental well-being. Diverse initiatives will be carried out to facilitate and optimise mental well-being at work in Belgian companies.

Good inspection services are a requirement to inform companies as best as possible of their obligations. That is why we want to hire additional inspectors with a specific profile (with social science training/background)³⁶.

Indicator:	Hiring of inspectors with social science training/background
Product:	Plan with initiatives to facilitate and optimise mental well-being at work
Actors involved:	FPS ELSD – Policy units
Project leader:	Policy units
Resources:	Budget



³⁶ Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

Recurrent action 34: Analysis and development a plan of action on the under-reporting of workplace accidents



An employer is required to report any workplace accident, which results in loss of wages and incapacity for work (including accidents while commuting), to its workplace accident insurer. In the case of a serious workplace accident, the employer must also draw up a detailed report and submit this to the Supervision of Well-being at Work (IWW/OSH) inspection service within 10 calendar days of the accident. If it is a fatal accident or an accident that results in permanent injury, the employer must immediately report this to the GD Inspection of Welfare at Work (IWW/OSH). Fedris keeps all declared work accidents of socially insured individuals in Belgium in a database. Fedris provides IWW/OSH with data on serious workplace accidents. This control mechanism allows IWW/OSH to verify that a detailed report was prepared and to oblige the employer to provide information. Within the scope of this project, two overlapping phenomena are being targeted:

1. Blind spot posted workers

Posted workers are subject to the social security of the country where they are employed on a regular basis. Workplace accident insurance must be taken out in the country where the employee is subject to social security. It follows that the Belgian Government has no insight into the workplace accidents suffered by posted workers. Indeed, posted workers fall outside the scope of Fedris. In the event of a serious accident at work, the obligation to draw up a detailed report and send it to IWW/OSH remains. However, since seconded workers are not subject to Belgian social security, the verification mechanism through the Fedris-IWW/OSH data exchange is missing. In the event of a fatal accident or an accident resulting in permanent injury, the obligation regarding immediate reporting to IWW/OSH also remains. However, experience shows that – even Belgian – employers do not systematically comply with this reporting requirement. The purpose of this project is to provide a solution to the statistical blind spot regarding workplace accidents that happen to posted foreign workers and self-employed workers, whether posted or not.

2. Tipp-Ex-accidents

Tipp-Ex accidents are workplace accidents that did indeed occur, but are not reported, or not fully reported; people decide to hide the accident under a proverbial layer of Tipp-Ex. This phenomenon occurs among both foreign and Belgian employers.

Indicators:	Analysis + Plan of approach
Actors involved:	SIIS – IWW/OSH – FEDRIS – Policy unit Dermagne –Policy unit Vandenbroucke
Project leader:	SIIS

3.3. Operational objective: Inspecting (new) flexible forms of employment

As indicated in the Strategic Plan, flexibilisation on the one hand offers opportunities for companies that risk getting into trouble, but on the other hand, flexibilisation can also increase the risk of (contribution) fraud and possibly also entail other risks or disadvantages (unsafe working conditions, incorrect remuneration, etc.). Because of their impact on the fight against social fraud, the new forms of work, the more flexible ways of organising work, and the digitalisation of societal intercourse require attention. The GMC believes that the correct application of labour relations law (e.g. in the case of work through a platform) is an important element³⁷. In this context, reference can therefore be made to the joint controls on the platform economy (action point 88 and action point 57) but also to policy action 28.

Actions in 2023 and 2024

Recurrent action 35: Multidisciplinary inspections of service voucher businesses



The rules for the operation of service vouchers and the set of obligations that participants in the system must meet are determined by law.

The large budgetary impact of service vouchers necessitates the monitoring of compliance with the administrative and social obligations imposed upon recognised businesses and users. Opportunities for unfair competition between companies, as well as between regions, must be ruled out.

An integrated approach to social fraud in this sector therefore presupposes joint inspections.

Targeted inspections should evaluate whether this system is being abused: fictitious work, unauthorised work, disregard for the working time rules, social engineering with a view to reducing social charges, improper use of temporary unemployment, etc. The welfare of service voucher workers also deserves special attention. The coronavirus pandemic has further brought to light the precarious situation of service voucher employees.

Indicator:	Joint inspections, including spot inspections on an annual basis (period January-December of year x)
Actors involved:	Regional inspection services - ILL - IWW/OSH - NSSO and NEO
Project leader:	SIIS

Recurrent action 36: Working hours inspection for Specialist Doctors in Training



The working hours of physicians, dentists, veterinarians, candidates in training and student interns are regulated by the Act of 12/12/2010. In certain conditions, contracts may range to working weeks of 48 to 60 hours, 22 hours above the regular 38-hour working week. On 19 May 2021, a collective agreement was reached in the National Joint Committee on Physicians and Hospitals on pay and working conditions. In our investigations, whether or not following a complaint, the GD Inspection of Labour Laws (ILL) repeatedly identifies infringements of this legislation. Several stakeholders indicate that more targeted inspections should be carried out on this in order to subsequently counteract malpractice.

Indicator:	24 completed investigations per year (period January-December of year x)
Actors involved:	ILL
Project leader:	ILL

Recurrent action 37: Abuse of temporary labour



We regularly find that temporary workers are quite often abused in terms of remuneration, motive and the duration of contracts.

The temporary worker's wage may not be less than that to which they would have been entitled if they had been employed by the user under the same conditions as a permanent worker. Deviation from this is only permitted if equivalent benefits are granted by a generally binding CLA from the joint committee for temporary employment.

For these temporary workers, it must be determined whether:

- ◆ They are working for the same wage and under the same working conditions as the user's staff;
- ◆ The motive for the temporary work is correct.

This does not involve screening an entire temp agency, but only those temps with a user.

Such a case is begun as a result of an inspection at a user's premises, where the presence of temporary workers was identified.

Indicator:	300 completed investigations per year (period January-December of year x)
Actors involved:	ILL
Project leader:	ILL

NEW Policy action 38: Fight against improper use of subsequent day contracts



In implementation of Opinion no. 2.310 of the National Labour Council dated 19/07/2022, a special contribution is introduced in cases where the number of subsequent day contracts for temporary work with a user exceeds certain thresholds. This measure will be in effect as of 1 January 2023³⁸.

Indicator:	Introduction of a special contribution in cases where the number of subsequent day contracts for temporary work with a user exceeds certain thresholds
Product:	Special contribution
Actors involved:	Policy units – NSSO
Project leader:	NSSO
Resources:	Budget



38 Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

4. STRATEGIC OBJECTIVE:

Strengthen the inspection services to ensure greater capacity to act and greater effectiveness.

Overview of actions

ACTION	PROJECT LEADER
Strengthening of federal social inspection services	Policy units Dermagne – Vandenbroucke – Clarinval
Training in human trafficking for the social inspection services	SIIS
Improvement in the detection of identity fraud	SIIS
Improving the handling of abuse by diplomatic staff	Policy unit Dermagne
Fight against human trafficking and economic exploitation	NSSO – ILL
Inspections in metropolitan areas (including human trafficking)	SIIS
Introduction of general digital job registration	Policy unit Dermagne
Investigations into new and provisionally registered employers	NSSO
Introduction of policy measures to prevent and detect bogus traineeships	Policy unit Dermagne
Investigations into bogus traineeships	ILL
Continuation of inspections on fraudulent setups, 'social engineering' bankruptcy carousels and public employers	NSSO
Joint inspections within the courier (parcels) sector	SIIS
Inspection of working hours	ILL
Number of proposed sectoral inspections in the context of the SIIS actions	SIIS
Combating undeclared work among the self-employed	NISSE
Strengthening of the fight against abuse of the social status or capacity as a self-employed person	NISSE
Investigations into bogus statuses	NSSO-NISSE
The battle against fictitious registrations in the status of the self-employed	NISSE
Joint investigations within the platform economy	SIIS
NEO spot inspections (unemployment benefit)	NEO
Targeted investigation of those entitled to benefits (unemployment and disability benefit)	NEO – NIHDI-AIS
Analysis of the electronic official reports by the social inspection services as regards the combination of 'undeclared work' and disability benefits from the NIHDI	NIHDI-AIS
Disability benefit payment fraud and residence abroad	NIHDI-AIS
Investigation of those entitled to disability benefit on the basis of final decisions by the NISSE regarding 'non-subjection'	NIHDI-AIS
Inspections on domicile fraud (unemployment benefit)	NEO
Inspections on combination of benefits (career break/time credit) with other income	NEO
Inspections on abuse of temporary unemployment (unemployment benefit)	NEO
Combating false invoicing by healthcare providers	NIHDI-MEIS

Actions in 2023 and 2024

NEW Policy action 39: Strengthening of federal social inspection services



Various social partners underline the central role of social inspection services in combating social fraud and social dumping and the need to provide them with sufficient resources to achieve the various objectives in this area³⁹. A number of advisory bodies also point out the need to strengthen Justice (e.g. Labour Prosecutor's Offices)⁴⁰. In 2022 the procedure to strengthen the federal social inspection services has been started. The hiring procedure for 50 social inspectors is running (45 in the employee scheme and 5 in the self-employed scheme). According to the Strategic Plan, it is necessary for the social inspection services to be strengthened permanently. In the course of 2023-2024, at least a status quo of the existing staff is strived for. In addition, enforcement will be increased thanks to the hiring of 140 additional inspectors in 2023 for the NSSO, the NEO, the NISSE and the FPS ELSD to tackle the fight against various forms of social fraud. In line with the advice of the NLC, attention will be paid to strengthening this service in the regions where there is currently an imbalance in staff coverage⁴¹.

In the fight against undeclared work, extra resources are allocated for the hiring of 17 agents at the NISSE, with a view to increasing inspections⁴².

Indicators:	Maintaining the existing staff on an annual basis (period January-December of year x)
	Hiring of social inspectors on an annual basis (period January-December of year x)
Product:	More capacity within the federal social inspection services
Actors involved:	Competent policy units – federal social inspection services
Project leader:	Policy units Dermagne – Vandenbroucke - Clarinval
Resources:	Budget

³⁹ See Opinion 2022/06 of the GMC on the draft operational plan for combating social fraud 2022, dated 06/05/2022, and Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.

⁴⁰ See Opinion 2.326 of the Council of Labour Prosecutor Officers on the draft action plan for combating social fraud 2023-2024, dated 16/11/2022, and Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

⁴¹ See Opinion No. 2022-2.326 of the NLC on the draft operational action plan for combating social fraud 2023-2024, dated 16/11/2022.

⁴² Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

4.1. Operational objective: Combat organised social fraud and social crime: human trafficking

Actions in 2023

NEW Action 40: Training in human trafficking for the social inspection services



Human trafficking is defined as a crime in the Penal Code (Art. 433quinquies). It can take several forms, one of which is economic exploitation ('employment in conditions contrary to human dignity'). Human trafficking through economic exploitation, which can affect both foreign and Belgian nationals, is a phenomenon that is widespread in our society. Various events in 2022 have once more confirmed this.

A 2021 study by the ILO on access to protection and legal remedies for victims of human trafficking aimed at labour exploitation in Belgium and the Netherlands shows, among other things, the special role of the social inspection services in the tracing and identification of victims of human trafficking and the granting of access to legal remedies. By analogy with the workshop organised by the ILO and SIIS in 2021 following this study, training for social inspectors involved in the handling of human trafficking is planned in 2023. The aim of this training, which will be organised by the ILO and SIIS, is to raise awareness among social inspectors on the detection of possible victims of human trafficking aimed at labour exploitation and their further access to protection and legal remedies (awareness raising and capacity building).

Indicator:	Giving training in human trafficking for social inspection services in 2023
Product:	Training in human trafficking for social inspection services
Actors involved:	Federal and regional social inspection services – ILO Brussels – SIIS – social partners – Justice – competent policy units – academic world
Project leader:	SIIS
Resources:	Capacity – available budget – materials – collaboration

Recurrent action 41: Improvement in the detection of identity fraud



In the first instance, it is the police services that are responsible for identifying identity fraud and/or the use of forged identity documents. In this context, reference can be made to the Framework Memorandum on Integral Security 2022-2024. Therefore, as part of multidisciplinary joint inspections within the district units, the social inspection services often collaborate with the police services and the Immigration Office. In this context, reference can also be made to the importance of the Protocol concluded between the Immigration Office and the social inspection services. This protocol is currently being updated to include even better and more efficient collaboration with the social inspection services. The social inspection services are also aware that identity fraud often also goes hand in hand with the trafficking of social kits. This is where social documents (forged) are offered for payment to individuals, on the basis of which they apply for the right of residence and/or the right to benefits, despite the fact that they are not entitled to them.

The detection of forgeries of identity documents is not easy in practice, as they are becoming more and more professionalised (see also link with social kits). Therefore, detection by specialist services (police, Immigration Office) is required along with on-site inspection. The social inspection services can, on the basis of cross-referencing the databases of social security institutions (e.g. Dimona or DmfA), often identify identity fraud by determining that one employee is apparently employed by different employers at the same time.

The NSSO regularly receives signals from Sigedis that forged identity documents are used in the creation of BIS numbers by employers.

In 2022 SIIS has already taken an initiative to bring the actors involved together to draw up a needs analysis. This has led to a number of arrangements, which will be finalised in 2023.

Indicators:	<p>The exchange of fraud phenomena concerning identity fraud in 2023</p> <p>Provision of training regarding the recognition of potentially fraudulent identity documents in 2023</p> <p>Number of cases handled/investigations in 2023</p>
Actors involved:	SIIS – Immigration Office – Police Services – Social Inspection Services
Project leader:	SIIS

Actions in 2023 and 2024

Recurrent policy action 42: Improving the handling of abuse by diplomatic staff



Despite the extension of the scope of the Collective Labour Agreement Act to include local staff working in embassies in the scope of the CLA, it remains difficult for social inspectorates to enforce these rights as they are not allowed access to embassies⁴³. The Good Services Commission, with the support of the FPS Foreign Affairs, tries to make embassies accountable through monthly meetings where, for example, employee complaints are discussed in order to reach a solution. The policy units undertake to support the work of this Commission and ask the diplomatic community to bring the extension of the scope of the CLA Act to the attention of their staff.

Indicators:	Support for the operations of the Good Services Commission on an annual basis (period January-December of year x) Raising awareness in the diplomatic community on an annual basis (period January-December of year x)
Product:	Improved approach to abuse
Actors involved:	Policy units – diplomatic corps – FPS Foreign Affairs – Good Services Commission
Project leader:	Policy unit Dermagne
Resources:	Information brochure, notes, consultation meetings, etc.

Recurrent action 43: Fight against human trafficking and economic exploitation



The social inspection services from ILL/the NSSO are competent to supervise the application of Article 433quinquies(1)(3) of the Social Penal Code. In 2022 the specialised services have put extra effort into this phenomenon, which is in fact a permanent point of attention.

The expertise built up by the Thematic Directorate 'Human Trafficking (ECOSOC)' within the NSSO inspectorate needs to be further capitalised on. Their leading role in this regard does not preclude multidisciplinary collaboration with the specialised unit within ILL and with all other relevant services.

With a view to prevention, ILL will resolve all complaints and requests for information in an optimum manner in the context of the 'Good Practice Commission', with the aim of encouraging people to register for Belgian social security and adhere to Belgian working conditions insofar as is possible. ILL will carry out at least 30 checks of domestic and ambassadorial staff in 2023 and 2024. The selection of the checks will take place in consultation with the Good Practice Commission and the NSSO's International Relations service.

⁴³ See Opinion No. 2.286 of the NLC on the draft operational action plan for combating social fraud 2022, dated 06/05/2022.

The NSSO and ILL will continue to actively assist with relevant international initiatives to promote multi-disciplinary collaboration in combating economic exploitation. The NSSO and ILL will extend their specific active role during the EMPACT Action Days (EAD) on labour exploitation, during which simultaneous inspections are carried out in high-risk sectors in several EU Member States.

There is consultation at both the national and international level. National consultation takes place via coordination meetings organised by the reference magistrate for Human Trafficking (in the context of the circular of the Prosecutors-General on the policy for detecting and prosecuting human trafficking) and via the Interdepartmental Unit for co-ordinating the battle against human trafficking and smuggling and its Executive Committee (both chaired by FPS Justice). At international level with Europol and in the context of the EU campaigns against 'human trafficking'.

These activities will be carried out in close consultation with the judicial authorities and the relevant partners involved in these investigations. In particular, more consideration will be given to the actual referral of victims identified to the recognised relief centres for victims of human trafficking.

Indicators:	<p>100 investigations into human trafficking/socio-economic exploitation per year (period January-December of year x) (NSSO)</p> <p>30 inspections of domestic and ambassadorial staff (including au pairs, mainly in metropolitan areas) per year (period January-December of year x) (ILL)</p> <p>Active assistance with relevant international initiatives to promote multidisciplinary collaboration in combating economic exploitation on an annual basis (period January-December of year x)</p> <p>Number of inspections during the action days (EMPACT Action Days), when multiple EU countries carry out simultaneous inspections in the risk sectors, per year (period January-December of year x) (NSSO and ILL).</p>
Actors involved:	ILL - NSSO - Police services - Justice
Project leader:	ILL - NSSO

Recurrent action 44: Inspections in metropolitan areas (including human trafficking)



In five metropolitan areas (Brussels, Antwerp, Ghent, Charleroi and Liège), inspections will be carried out that focus on serious and organised social fraud with a criminal dimension. These inspections will be carried out by multi-disciplinary teams (specialist units of the social inspection services, police services, regional inspection services, the tax authorities, Customs, the Immigration Office, etc.), led by the authorised public prosecutor.

Indicators: 500 inspections performed in metropolitan areas (various issues) on an annual basis (period January-December of year x), with specific attention to car washes (fraud phenomenon sheet) and hair salons

Analysis of the role of social inspection services within administrative enforcement, e.g. the interaction between the District Units and the ARIECs⁴⁴, on an annual basis (period January-December of year x)

Analysis of potential new joint ventures in the context of administrative enforcement as requested by the cities and municipalities (question sent) on an annual basis (period January-December of year x)

Further development and execution of the existing joint ventures as requested by the cities and municipalities (question sent) in the context of administrative enforcement on an annual basis (period January-December of year x)

Actors involved: SIIS – Social Inspection Services – Immigration Office – Justice – Police Services

Project leader: SIIS



44 Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 23.

4.2. Operational objective: Combat undeclared work and contribution fraud including social engineering

Actions in 2023 and 2024

NEW Policy action 45: Introduction of general digital job registration



Following the judgment of 14 May 2019 (C-55/18) of the Court of Justice on the protection of the safety and health of workers and on the organisation of working time, the question arises as to the impact of this judgment on Belgian legislation. The Council of Labour Prosecution Officers also remarked that fraud involving undeclared working hours still exists, especially in the context of part-time work⁴⁵.

The social partners were asked for their opinion. Based on this opinion, the Government is considering whether, and to what extent, changes to Belgian legislation are required as a result of the above-mentioned judgment.

Indicator:	Opinion of the social partners on the need and desirability of introducing a general digital working time registration system following the ECJ judgment of 14 May 2019 (C-55/18)
Product:	Opinion of the social partners
Actors involved:	Policy units social partners
Project leader:	Policy unit Dermagne
Resources:	Support, consultation

⁴⁵ See *Opinion of the Council of Labour Prosecutor Officers on the draft action plan for combating social fraud 2022*, dated 02/03/2022.

Recurrent action 46: Investigations into new and provisionally registered employers



The NSSO will give particular consideration to the detection and selection of new and provisionally registered employers with a certain risk profile in 2023 and 2024. The intention is to visit and guide these employers as quickly as possible (= either after submission of their first DmfA or registered during the past 2 weeks). In addition to a preventative effect, these investigations could also lead to the rapid detection of problematic cases; moreover, the potential evasion of social contributions or the negative effect of other problems could be exposed and discontinued more quickly. At the request of the Council of Labour Prosecutor Officers, the possibility of carrying out inspections at the moment a company wants to register as an employer, so before it is identified and registered as an employer with the NSSO, is being considered as well⁴⁶.

Indicators:	Investigations into new and provisionally registered employers on an annual basis (period January-December of year x) Investigations based on data mining and data matching on an annual basis (period January-December of year x)
Actors involved:	NSSO
Project leader:	NSSO

Recurrent policy action 47: Introduction of policy measures to prevent and detect bogus traineeships



The National Labour Council has confirmed that on 16 February 2022, the European Committee of Social Rights identified problems in Belgium with regard to the functioning of the Labour Inspectorate in detecting and preventing bogus traineeships. A bogus traineeship is one in which genuine work is performed under the authority and for the benefit of an employer, without corresponding remuneration⁴⁷. The Dermagne policy unit has undertaken to implement a number of policy measures to prevent and detect bogus traineeships, including discussions with the Regions, with a view to concluding a cooperation protocol to better coordinate inspections, consultation with other cabinets and (federal and regional) government departments regarding unremunerated traineeships in government departments.

Indicator:	Consultation on policy measures
Product:	Better prevention and detection of bogus traineeships
Actors involved:	Policy units – Regions – Public Services
Project leader:	Policy unit Dermagne
Resources:	Consultation meetings – notes

⁴⁶ Opinion of the Council of Labour Prosecution Officers on the draft action plan for combating social fraud 2023-2024, dated 21/09/2022.

⁴⁷ Opinion No. 2.286 of the NLC on the draft operational action plan for combating social fraud 2022, dated 06/05/2022.

Recurrent action 48: Investigations into bogus traineeships



The National Labour Council has observed that on 16 February 2022, the European Committee of Social Rights identified problems in Belgium with regard to the functioning of the Labour Inspectorate in detecting and preventing bogus traineeships⁴⁸. A bogus traineeship is one in which genuine work is performed under the authority and for the benefit of an employer, without corresponding remuneration. ILL has undertaken to carry out 24 investigations into suspicious situations relating to bogus traineeships in 2023 and 2024 as a first step. ILL will also investigate whether it has the appropriate and/or sufficient powers as a federal inspection service to respond to the comments of the ECSR and the NLC. Available staff and other missions will be taken into account.

Indicator	24 investigations per year (period January-December of year x) into suspicious situations relating to bogus traineeships as a first step, taking into account available staff and other missions.
Actors involved:	ILL
Project leader:	ILL

Recurrent action 49: Continuation of inspections on fraudulent setups, 'social engineering' bankruptcy carousels and public employers



In 2023 and 2024, the NSSO will continue its work in combating organised fraud in terms of NSSO contributions. This involves fraudulent setups that are often complex and the aim of which is to avoid making any declarations and/or not paying any NSSO contributions (use of fictitious registered offices, bogus set-ups, bankruptcy carousels, etc., to avoid NSSO contributions). It will also be devoting part of its resources to combating 'social engineering' (removing pay components from being subject to NSSO contributions, without this being undeclared work).

In the public sector, the NSSO Inspectorate will conduct a thorough screening in terms of social security legislation with other public employers in the course of 2023 and 2024, besides the conventional urban, municipal and provincial administrations.

Indicators:	Inspections in the fight against 'social engineering', fraud networks and public administrations on an annual basis (period January-December of year x) Investigations with public administrations based on data mining and data matching on an annual basis (period January-December of year x)
Actors involved:	NSSO
Project leader:	NSSO

⁴⁸ See Opinion No. 2.286 of the NLC on the draft operational action plan for combating social fraud 2022, dated 06/05/2022.

Recurrent action 50: Joint inspections within the courier (parcels) sector



The developments in 2022 show that the focus on the courier sector is necessary and is starting to bear fruit. Therefore, within the sectoral inspections carried out in the transport sector (including courier services; see below), in 2023 and 2024 this action will continue to focus on the increasing fraud phenomenon within the activities of the courier (parcels) sector, taking into account the capacity of the inspection services.

Indicator:	375 inspections within the courier (parcels) sector on an annual basis (period January-December of year x)
Actors involved:	Social Inspection Services – Regions – FPS Finance
Project leader:	SIIS

Recurrent action 51: Inspection of working hours



There are still many problems regarding the working time of full-time and part-time employees. These include breaks not granted, unplanned breaks, time to clean up when closing or opening commercial premises that is not paid and unpaid or underpaid overtime. Given the strict supervision of part-time work, some employers are looking for other options to commit fraud. ILL will continue its investigations on employees' working hours in 2023 and 2024.

Indicator:	200 completed investigations into working hours (full-time and part-time employees) on an annual basis (period January-December of year x)
Actors involved:	ILL
Project leader:	ILL

Recurrent action 52: Number of proposed sectoral inspections in the context of SIIS actions



In 2023 and 2024, as part of their collaboration within the district units, the social inspection services will carry out 11,000 inspections per year in the context of SIIS actions. A minimum number of inspections is imposed per sector. The minimum number of inspections per district unit has also been laid down. The regional inspection services will be actively involved in the organisation of such inspections, e.g. in the transport sector.

Indicators:

Sector or fraud phenomenon on an annual basis (period January-December of year x):

- ◆ **CONSTRUCTION: 1.800**
 - At least 10% of the minimum number of inspections in the construction sector must be carried out 'outside of normal working hours' (i.e. in the evening after 6 p.m. and at the weekend);
 - For each district unit, at least 5 public construction sites, within the meaning of the Act of 17 June 2016 on public procurement, must be inspected;
 - Sufficient attention must be paid to the problems associated with ready-mixed concrete at the inspected construction sites and at supply points (concrete batching plants) (cf. fraud phenomenon sheet Concrete – joint committee shopping);
 - Special attention should be paid to large construction sites (according to the definition of Checkinatwork)
 - ◆ **ELECTRONICS: 300**
 - At least 10% of the minimum number of inspections in the electronics sector must be carried out 'outside of normal working hours' (i.e. in the evening after 6 p.m. and at the weekend);
 - For each district unit, at least 5 public construction sites, within the meaning of the Act of 17 June 2016 on public procurement, must be inspected;
 - ◆ **METAL AND TECHNOLOGY: 200**
 - ◆ **CLEANING: 320**
 - ◆ **AGRICULTURE AND HORTICULTURE: 100**
 - ◆ **HOTELS AND CATERING (including unfair competition from de facto associations and non-profit organisations⁴⁹): 1.000**
 - ◆ **TRANSPORT: 1,500 of which 90% in freight transport for third parties (1.350) and 10% (150) in passenger transport (NACE-code 49.30 excluding taxi transport NACE -code 49.32 and airport transport)**
 - A balance must be ensured between the number of inspections at head offices and the number of roadside inspections, giving preference to 'hit and run' inspections on the road
 - ◆ **MEAT: 50**
 - ◆ **TAXI: 100**
 - This is aimed at both the online platforms and the so-called 'conventional taxi sector';
 - At least 10 inspections should be carried out of 'vehicle hire with driver' services (inspection of social legislation), given the focus on self-employed persons working for platforms in the broad sense⁵⁰.
 - ◆ **REMOVALS: 100**
 - In accordance with the fraud phenomenon sheet 'Removals sector', there needs to be a reflection on how to improve the effectiveness of the methods of detection, investigation and analysis by focusing, for example, on a map of the companies, the monitoring of the activity to back up the available official data, an integrated analysis of the performance, wage data and declarations relating to the declared or presumed extent of the activity.
 - ◆ **SECURITY: 50**
 - ◆ **CAR WASHES: 300 (re-inspections are envisaged to avoid recidivism)**
 - ◆ **FUNERALS: 10**
 - ◆ **METROPOLITAN AREAS: 500**
 - ◆ **DUMPING: 3,000**
 - ◆ **BORDER INSPECTIONS AIRPORTS: 20 (4 per airport – 5 airports)**
 - ◆ **OTHER: 1,650 (including spot inspections)**
- TOTAL: 11.000**

Actors involved:

District units – Social Inspection Services

Project leader:

SIIS

⁴⁹ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.

⁵⁰ See Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

Recurrent action 53: Combating undeclared work among the self-employed



Combating undeclared work is one of the priorities in tackling social fraud. The NISSE investigates undeclared work among the self-employed.

Indicator: Number of concluded investigations relating to the handling of detection, reports and complaints regarding undeclared self-employed professional activity on an annual basis (period January-December of year x)

Actors involved: NISSE

Project leader: NISSE



4.3. Operational objective: Combating bogus statuses (bogus self-employment/ bogus employees)

Actions in 2023 and 2024

NEW Action 54: Strengthening of the fight against abuse of the social status or capacity as a self-employed person



Abuse of the social status or capacity as a self-employed person can take different forms. It can involve fictitious registrations with a view to obtaining a residence permit and the rights associated with it (cf. AFA procedure), or fictitious registrations for the sole purpose of obtaining rights relating to the capacity as a self-employed person in Belgium (cf. child benefit). It can also involve the 'hiring of bogus self-employed persons' without paying contributions, or with requests for exemption to avoid any social contributions (to perform undeclared work while allegedly being self-employed). The NISSE undertakes to strengthen the fight against these phenomena, whether organised or otherwise. The ECL Directorate is in the best position to detect such cases, even if the earnings cannot be found in the social status of self-employed persons.

This commitment comprises the reinforcement of the use of data mining and data matching techniques, as well as the focus on fictitious registrations and bogus statuses. This is also linked to the reinforcement of the NISSE (see action 39).

Indicator:	Increase in the number of investigations into fictitious registrations and bogus statuses on an annual basis (period January-December of year x)
Product:	Strengthening of the fight against abuse of the social status or capacity as a self-employed person
Actors involved:	NISSE
Project leader:	NISSE
Resources:	Capacity

Recurrent action 55: Investigations into bogus statuses



In 2023 and 2024, the relevant inspection services will carry out a total of at least 100 investigations into bogus statuses. One form of the abusive use of the social security status for the self-employed is setting up fraudulent company constructions. These constructions register a lot of people as working partners, who in turn register as self-employed with a social security fund. This practice often goes hand in hand with adopting a bogus status. These so-called working partners are in fact wage-earning employees, who are unlawfully 'employed' as self-employed persons. The inspections on the correct qualification of the employment relationship carried out mainly, but not exclusively, in the context of platform work take a lot of time. From this perspective, a strengthening of inspection services was also envisaged by the Government (see SO 4).

Indicator:	100 completed investigations (combined for NSSO and NISSE) per year (period January-December of year x)
Actors involved:	NSSO – NISSE
Project leader:	NSSO – NISSE

Recurrent action 56: Combating fictitious registrations in the status of self-employed



In 2023 and 2024, the NISSE will continue its work to reform its approach to 'fictitious registration' cases. This reform should, on the one hand, make it possible to better identify the cases to be examined in depth from the large volume of incoming cases, thanks to in-depth analysis of the AFA database. On the other hand, the reform should make it possible to automate as many implemented processes as possible.

Indicators:	Continued development of automation and selection for the high volume of incoming cases on an annual basis (period January-December of year x)
Actors involved:	NISSE
Project leader:	NISSE

Recurrent action 57: Joint investigations within the platform economy



In recent years, platform work has grown rapidly, and the corona crisis has also accelerated its expansion. The nature of the employment relationship of a platform worker vis-à-vis a platform giving orders has been an issue for several years. Indeed, in recent years, the Administrative Commission for Regulation of the Labour Relationship and the Courts and Tribunals have brought a number of cases before court concerning the qualification of the labour relationship in the platform economy, on the initiative of the worker, the platform or government agencies. To remedy this, the Government, through the Miscellaneous Provisions Act, amended the Employment Relations Act (inserted through the Programme Act (I) of 27 December 2006) specifically as regards the platform economy. Hereby, eight new specific criteria are inserted that apply in case of employment through a platform client. When a certain number of criteria are met, a rebuttable presumption that an employment contract exists will apply. The provision of these criteria thus makes it easier to determine the nature of the employment relationship between the platform and the employee, and consequently, his or her social status. This measure is in the framework of the resolution on decent working conditions, rights and social protection of platform workers - new forms of employment linked to digital development adopted by the European Parliament on 16 September 2021 just like the proposal of European directive COM (2021) 762 on improving the working conditions of platform workers⁵¹.

The social inspection services assist Justice in the judicial investigations relating to the platform economy.

They will also carry out additional investigations on their own initiative in 2023 and 2024, for which they will agree joint priorities. In doing so, they will also increase attention to detecting signals of economic exploitation of workers of these platforms.

In this context, the NSSO, ILL-IWW/OSH and the NISSE have undertaken to carry out joint investigations in the context of the platform economy in 2023 and 2024, taking into account the amended regulations. Subsequently, these investigations could evolve into judicial investigations. These investigations are complex and require time. The Government's strengthening of inspection services is therefore in keeping with this framework.

The SIIS will support this by providing an up-to-date inspection methodology. Within the framework of this joint inspection methodology, in collaboration with the specialised services, efforts will also be put into increased attention to economic exploitation of persons working in the platform economy.

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Chapter 4 of the Law of 3 October 2022 concerning various labour provisions, B.S. 10 November 2022.

Indicators: 10 joint investigations into the platform economy (including the recognised and non-recognised platforms) per year (period January-December of year x)
Updating the inspection methodology with increased attention to economic exploitation of platform workers on an annual basis (period January-December of year x)
An evaluation of completed investigations on an annual basis (period January-December of year x)

Actors involved: NSSO - NISSE - ILL - IWW/OSH

Project leader: SIIS



4.4. Operational objective: Combating the unwarranted granting of benefits (benefit fraud)

Actions in 2023 and 2024

Recurrent action 58: NEO spot inspections (unemployment benefit)



In 2023 and 2024, the NEO will continue its efforts in prevention and coaching in the context of combating social fraud by organising one pre-announced 'spot inspection' per year in a fraud-prone sector. The sector concerned will be chosen by the NEO itself in the year in which the inspection takes place, depending on possible infringements of, mainly, unemployment regulations.

Indicator:	1 spot inspection carried out per year (period January-December of year x)
Actors involved:	NEO
Project leader:	NEO

Recurrent action 59: Targeted investigations among individuals entitled to benefits (unemployment and disability benefit)



The bi-monthly meetings between the NEO and the NIHDI (AIS) will continue in 2023 and 2024. The aim of these meetings is to analyse and monitor the joint approach to their collaboration with regard to benefit fraud and the results. The NEO and the NIHDI will also continue to collaborate in combating domicile fraud and undeclared work. In this context, they will further develop their data exchange relating to specific cases and best practice.

The exclusion decisions taken by the NEO have an impact on the rights of socially insured persons regarding insurance for medical care and benefits. The periods of unemployment constitute equivalent periods in the areas of disability benefits and healthcare. The AIS investigates the consequences of these final decisions of the NEO for the right to benefits under the insurance for medical care and benefits of these socially insured persons.

Indicators:	6 meetings between NIHDI and NEO organised per year (period January-December of year x) Number of investigations carried out by the NIHDI based on an exclusion decision taken by the NEO, which allow to determine the impact of this decision on the insurance for medical care and benefits, on an annual basis (period January-December of year x) (NEO – NIHDI-AIS)
Actors involved:	NIHDI (AIS) – NEO
Project leader:	NIHDI (AIS) – NEO

Recurrent action 60: Analysis of the electronic official reports by the social inspection services as regards the combination of 'undeclared work' and disability benefits from the NIHDI



In 2023 and 2024, the NIHDI (AIS) will carry out an analysis of the electronic official reports issued by the other social inspection services for undeclared work. Based on the information in these electronic official reports, the NIHDI will analyse the impact of undeclared work combined with disability on health insurance.

Indicator:	Number of inspections carried out on an annual basis (period January-December of year x) based on the electronic official reports of the social inspection services on undeclared work combined with disability benefits
Actors involved:	NIHDI (AIS)
Project leader:	NIHDI (AIS)

Recurrent action 61: Disability benefit payment fraud and residence abroad



In application of Article 136(1) of the Medical Insurance and Benefits Act, consolidated on 14 July 1994, and Article 294(1) and (3) of the Royal Decree of 3 July 1996, disability benefit is granted for the period that the entitled person is outside the national territory, if they have the approval of their health insurance's advisory doctor or if they are exempted from requesting this permission owing to Belgian law, European regulations or international agreements between Belgium and their country of residence, and if they meet the other conditions for disability benefit to be granted. In all other cases, the insured person cannot receive these benefits during their residence abroad. The NIHDI's Administrative Inspection Service (AIS) will continue the battle against this specific kind of disability benefit fraud in 2023 and 2024.

Indicator:	Number of inspections in the context of residency abroad on an annual basis (period January-December of year x)
Actors involved:	NIHDI (AIS)
Project leader:	NIHDI (AIS)

Recurrent action 62: Investigation of those entitled to disability benefit on the basis of final decisions by the NISSE regarding 'non-subjection'



The right to disability benefit, just like the right to sickness benefit, is dependent upon a number of conditions for eligibility. If the request for benefits is based on a period of activity which, as a result of a final decision by the NISSE, can no longer be considered a period when the person was affiliated, then this may affect entitlement to benefits.

Indicator:	Number of investigations of admissibility by the NIHDI based on a final decision of non-subjection by the NISSE in order to subsequently determine the impact of this decision on health and disability insurance, on an annual basis (period January-December of year x)
Actors involved:	NIHDI (AIS) – NISSE
Project leader:	NIHDI (AIS)

Recurrent action 63: Inspections of domicile fraud (unemployment benefit)



The NEO will intensify its efforts in combating social fraud via incorrect declarations of family situations, by carrying out regular systematic inspections of the actual family situation of unemployed people entitled to benefits. The NEO will carry out at least 6,000 inspections per year on domicile fraud for unemployed people entitled to benefits. It will also inspect the family situation for career break/time credit benefits. Indeed, incorrectly declaring a family situation means that higher benefits – those for the head of a household or a single person – will be paid out to the above-mentioned people entitled to benefits, who in reality are co-habiting. The inspections will take place via data mining, data matching and inspections by social inspectors in the field, as well as through better and systematic collaboration with other social inspection services, the police and Justice.

Indicators:	6,000 inspections on domicile fraud carried out on an annual basis (period January-December of year x) for unemployed people entitled to benefits
	250 inspections on domicile fraud carried out on an annual basis (period January-December of year x) for persons on a career break/time credit
Actors involved:	NEO
Project leader:	NEO

Recurrent action 64: Inspections on combination of benefits (career break/time credit) with other income



In 2023 and 2024, the NEO will carry out systematic a posteriori inspections to detect and stop people from combining benefits for a career break/time credit with income from work. These inspections will be conducted by cross-referencing information from the NEO database with information from the NSSO databases and/or the ARZA database. The aim of this cross-referencing is to detect 3 types of anomalies:

- ◆ Resumption of work during a period of career break/time credit;
- ◆ Commencing a side activity during the period of career break/time credit;
- ◆ Extending a side activity within the period of career break/time credit.

Indicator: 500 inspections carried out on an annual basis (period January-December of year x) on the combination of benefits (career break/time credit) with other income

Actors involved: NEO

Project leader: NEO

Recurrent action 65: Inspections on abuse of temporary unemployment (unemployment benefit)



This action has a targeted and effective approach to abuse of temporary unemployment through thorough inspections carried out by the NEO on the one hand, and the further development of new methods and avenues for further combating and deterring abuse of the temporary unemployment system on the other. In 2023 and 2024, the NEO will carry out at least 6,000 inspections (on an annual basis) on abuse of temporary unemployment, and the inspections can be classified into three categories:

- ◆ Preventative inspections for the initial requests;
- ◆ Inspections of structural temporary unemployment;
- ◆ Enforcement inspections in fraud-prone sectors.

In this context, reference should also be made to the continuation of the possibility for the NEO to recover temporary unemployment benefits erroneously paid out on the part of the employer⁵².

Indicators: 6,000 inspections on temporary unemployment carried out on an annual basis (period January-December of year x)

Actors involved: NEO

Project leader: NEO

52 Council of Ministers 18/10/2022, Notifications multi-year budget 2023-2024.

4.5. Operational objective: Combating fictitious work by healthcare providers

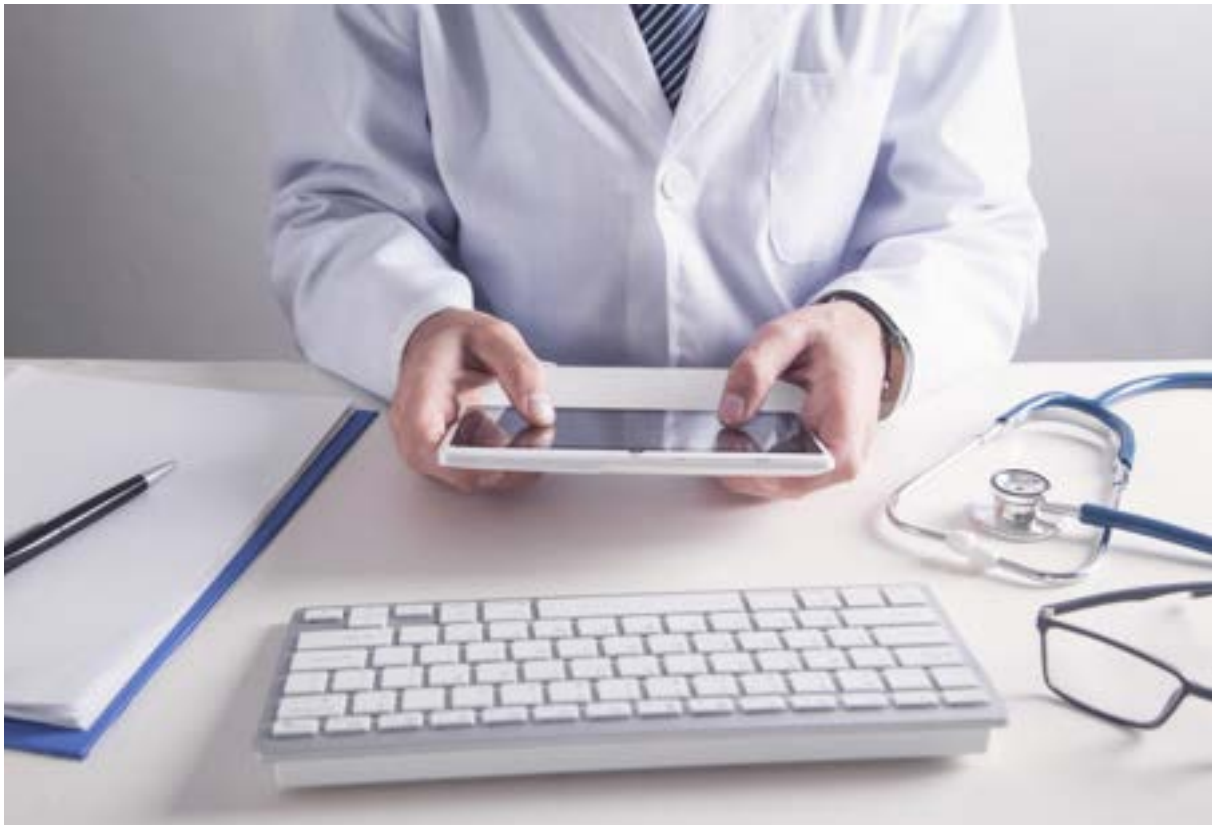
Actions in 2023 and 2024

Recurrent action 66: Combating false invoicing by healthcare providers



The Medical Evaluation and Inspection Service (MEIS) detects cases of non-existent and non-compliant services charged by healthcare providers. These infringements may be the result of administrative errors, misuse of unclear regulations or intentional false invoicing. The Service gives priority to detecting fraud (intentional infringements), clear regulations and preventing administrative errors. In addition, the MEIS takes actions to enhance the effectiveness of the care provided and invoiced. In exceptional cases, it also involves fraud on the part of insured persons.

Indicators:	EUR 30 million financial impact on an annual basis (period January-December of year x)
Actors involved:	NIHDI (MEIS)
Project leader:	NIHDI (MEIS)



5. STRATEGIC OBJECTIVE:

Simplify administration (including digitalisation) and legislation, and improve information to increase transparency, prevent unintentional irregularities and combat social engineering.

The social partners ask for sufficient attention to administrative simplification and clear regulations⁵³. As regards administrative simplification, the HCSSME refers to the Government's plans in this area, as well as to the recent opinion of the High Council on the subject (see Opinion MH/JC/AS 870-2021 dated 07/12/2021).⁵⁴ In the framework of the federal action plan on Administrative Simplification⁵⁵, the administrations can also submit proposals. These, however, follow a different course, as a result of which these proposals are not included in the current action plan.

Overview of actions

ACTION	PROJECT LEADER
Nudging	HUT/HUA (FPS ELSD)
Correct payment of detainees	Federal Pension Service
Implementation of proposals of experts of working group '9 Sites'	'9 sites' Programme Board
Extending the electronic official report to the policy domain of Justice: electronic exchange of official reports between the social inspection services and Justice	AFS

⁵³ Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022, and Opinion 2.326 of the NLC on the draft operational action plan for combating social fraud 2023-2024, dated 16/11/2022.

⁵⁴ https://www.hrzkmofgov.be/files/ugd/dbba60_7c4572b39416451491ed0d1b1e4e7673.pdf

⁵⁵ See [website of Agency for Administrative Simplification \(AAS\)](#).

5.1. Operational objective: Targeted awareness-raising within certain (niche) areas to increase compliance.

Actions in 2023 and 2024

Recurrent action 67: Nudging



The Humanisation of Labour Service (HUT/HUA) of the FPS ELSD wishes to introduce nudging techniques for its promotional actions. The aim is to identify, together with ILL and IWW/OSH, and in cooperation with SIIS, welfare provisions that are not respected (or that are ignored), which will then be the subject of a number of nudging techniques to be tested. The evaluation of these techniques and the impact on compliance with the welfare provisions could in turn provide input for better aligning the future communication campaign. This is therefore an ideal preventive action, which should prompt changes in behaviour so that infringements of the welfare provisions are avoided.

Indicator:	Testing of Nudging techniques with regard to welfare provisions (in 2024)
Actors involved:	SIIS – HUT/HUA (FPS ELSD) – ILL – IWW/OSH
Project leader:	HUT/HUA (FPS ELSD)

5.2. Operational objective: Digitalisation and harmonisation of processes to foster uniform reporting and better collaboration

Actions in 2023 and 2024

Recurrent action 68: Correct payment of detainees



The flux of electronic information between FPS Justice and the FPS regarding the reason for conviction and the duration of the imprisonment was established in 2022. In 2023-2024 the FPS wants to add two elements to this. Firstly, an answer to the question whether the detainee has attempted to kill his/her partner, and secondly whether they have been deprived of their parental rights. The answer to these questions is important for the correct granting and payment of their pensions. This way, unjustified payments are prevented.

Indicator:	Extension of flux of electronic information on imprisonment (in 2024)
Actors involved:	Federal Pension Service – CBSS – FPS Justice
Project leader:	Federal Pension Service

Recurrent action 69: Implementation of proposals of experts of working group '9 Sites'



In 2023 and 2024, the '9 sites' working group will invest further in the development of the selected sites. This comprises:

- ◆ Re-engineering the Register of Investigations;
- ◆ My Digital Assistant – Mobile app for all social inspection services;
- ◆ Harmonising forms;
- ◆ Knowledge management tool;
- ◆ Governance programme – to support the '9 sites' project.

Indicators:	<p>Continuation of the convergence process for the adoption of uniform definitions, uniform recording of investigations, uniform reporting and traceability of the results, on an annual basis (period January-December of year x)</p> <p>Degree of implementation of the developed products within the different (inspection) services' own applications, depending on the available budget, on an annual basis (period January-December of year x)</p>
Actors involved:	NSSO – NISSE – ILL – NEO – NIHDI – AFS – SIIS
Project leader:	Programme Board '9 sites'

Recurrent action 70: Extending the electronic official report to the policy domain of Justice: electronic exchange of official reports between the social inspection services and Justice



In 2018, the e-Consult project became operational for all Labour Prosecutor's Offices. In 2023 and 2024, work will continue on the possibility of moving to a fully integrated system for consulting electronic official reports via Justice's in-house application (MACH).

Indicator:	Development of the possibility to consult the electronic official reports via the computerised system of Justice (MACH), on an annual basis (period January-December of year x)
Actors involved:	Justice
Project leader:	AFS

6. STRATEGIC OBJECTIVE:

Increase the risk of getting caught and improve the effectiveness of the sanctions.

It is crucial to ensure that it is not only the companies registered in a sector that are inspected, but that the inspections are focused on those who commit the violations. The enhanced data-driven approach of SIIS and the social inspection services may already be part of the solution in this respect⁵⁶.

Overview of actions

ACTION	PROJECT LEADER
Electronic data exchange Luxembourg-NEO	NEO
Electronic data exchange France-NEO	NEO
Continuation of the activities of the SIIS working group to draft a multilateral Benelux Treaty on 'Social Fraud Prevention'	SIIS
Extension of the means test in the context of the IGO and/or GI	Federal Pension Service
Centralisation of the information exchange with the FPS Finance	FPS FIN
BEX: Increasing and optimising bilateral data exchanges	Federal Pension Service
Collaboration and data exchange with police services (MOTEMs, Optimisation, Data Exchange, Border inspections, etc.)	Social inspection services (in line with powers)
Data mining/data matching at NEO and NISSE	NEO – NISSE
Reform of Social Penal Code	Policy units
Development of a Multi-Annual National Control Plan (MANCP) for the Labour Inspectorate (ILL and IWW/OSH).	SIIS
Extension of period of limitation	Policy units

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Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.

6.1. Operational objective: Further digitalisation of existing tools and data exchanges

This objective should be read together with the optimisation of cross-border cooperation. In that context, SIIS already organised several workshops with the Netherlands and Portugal (see action point 11 above). Consequently, as far as possible, in the framework of these workshops, further electronic data exchange will be stimulated, among other things by making more use of EESSI or IMI. Moreover, SIIS will organise additional workshops with other countries with a view to improving structural cooperation between inspection services of different countries whether or not within ELA context.

Actions in 2023 and 2024

Recurrent action 71: Electronic data exchange Luxembourg-NEO



In 2023 and 2024, the NEO will continue negotiations to enable electronic data exchange with Luxembourg, in collaboration with SIIS. In order to examine the extent to which unemployment benefits can be combined with income from abroad, it is important to have data from abroad as well. This data must be up-to-date, and it must be possible to exchange it efficiently in a secure, electronic manner.

Indicator:	Number of joint meetings on an annual basis (period January-December of year x)
Actors involved:	NEO – Luxembourg counterpart – NSSO – SIIS
Project leader:	NEO

Recurrent action 72: Electronic data exchange France-NEO



Residence, rights previously gained and existing benefits can all have an influence on whether a benefit is granted. In order to facilitate the verification of this process, it is important to have data from abroad at our disposal too. This data must be up-to-date, and it must be possible to exchange it efficiently. Further digitalisation is therefore necessary. In this context, an initial programme was set up with France to enable structural digital data exchange. In 2023 and 2024, the NEO will continue its efforts to set up an electronic data exchange with France.

Indicator:	Number of joint meetings on an annual basis (period January-December of year x)
Actors involved:	NEO – French counterpart – NSSO – SIIS
Project leader:	NEO

Recurrent action 73: Continuation of the activities of the SIIS working group to draft a multilateral Benelux Treaty on 'Social Fraud Prevention'



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (second Action Plan).

In 2023-2024, SIIS will continue to work with the Benelux Secretariat and the federal and regional inspection services to initiate and conclude a Treaty on 'Combating Social Fraud' for cross-border collaboration between social inspection services. This will take into account the lessons learned from the ongoing collaboration between the social inspection services within a Benelux context⁵⁷.

Indicator:	Progress of 'Treaty' project, on an annual basis (period January-December of year x)
Actors involved:	Benelux – Social Inspection Services – FPS Social Security – SIIS
Project leader:	SIIS

⁵⁷ The provisions in this respect in the annual plan of the Benelux will also be taken into account.

NEW Action 74: Extension of the means test in the context of the IGO and/or GI



In determining entitlement to the IGO (income guarantee for the elderly) and/or the GI (guaranteed income), account is taken of the applicant's means of subsistence, spouse, legal cohabitant or other persons with whom the applicant shares their main residence. These must not exceed a certain limit. Means of subsistence include both movable and immovable property. The electronic flux of information from BelcoTax will expand the means test. On the one hand, the expansion of the means test with the electronic flux of information from BelcoTax will enable the Federal Pension Service, in the context of the fight against fraud, to take more accurate decisions on the first granting of entitlement to the IGO. On the other hand, it will be able to revise the right to the IGO/GI more quickly and efficiently in the light of changed situations. This will prevent or limit the accumulation of undue amounts.

Indicator:	Expansion of the current means test in the context of IGO/GI with the data from the electronic flux of information from BelcoTax (in 2024).
Product:	Electronic flux of information from BelcoTax
Actors involved:	FPS Finance – CBSS – Federal Pension Service
Project leader:	Federal Pension Service
Resources:	Cooperation of partners involved (CBSS and FPS Finance), sufficient budget

NEW Action 75: Centralisation of the information exchange with the FPS Finance



This initiative is also part of initiatives within the framework of the operation of the College for combating tax and social fraud (third Action Plan).

Centralisation of the requests for information by the FPS Finance:

Article 55 of the Social Penal Code offers social inspectors the possibility to ask the FPS Finance and other bodies to provide them with all information they consider useful for their inspections of compliance with the legislation for which they are responsible, as well as with all information carriers and copies in any form.

In order to ensure that the rules imposed by the GDPR are complied with, the General Tax Administration (FPS Finance) has decided to centralise the requests for information addressed to it, in particular by the social inspection services, in a single point of contact.

To offer a high-quality service provision and at the same time comply with its obligations, the competent departments of the General Tax Administration propose to set up two working groups, consisting on the one hand of staff of the General Tax Administration and on the other hand of staff assigned by the social inspection services that wish to take part.

The first working group will be dedicated to analysing and specifying as much as possible the automation of the information exchanges that meet the criteria for such automation. Consultations will take place on this automation, which will be sent to the Information

Security Committee (ISC) for validation.

The second working group will work on drawing up a form for information that cannot be exchanged automatically. The use of this form by the social inspection services should enable a faster and more controlled treatment of the requests addressed to the single point of contact of the General Tax Administration.

Indicators:	<p>Mutual exchange of fraud phenomena on an annual basis (period January-December of year x)</p> <p>Organisation of thematic workshops on an annual basis (period January-December of year x)</p> <p>Setting up fluxes of information on an annual basis (period January-December of year x)</p> <p>Drafting of a standard form for information requests from the social inspection services to the General Tax Administration</p> <p>Validation of consultations on the automation of certain exchanges by the Information Security Committee</p>
Product:	<p>Concluded protocol</p> <p>Form made available to the inspection services</p> <p>System for the automated exchange of certain tax information with the social inspection services</p>
Actors involved:	Social Inspection Services – SIIS – FPS Finance
Project leader:	FPS Finance
Resources:	Capacity of the services, IT, ... Working groups for drafting the form and setting up the consultations to be sent to the Information Security Committee

Recurrent action 76: BEX: Increasing and optimising bilateral data exchanges



The purpose of the life certificate is to check whether the person entitled to a pension and/or any spouse is/are actually alive in accordance with the amount of the benefit (family/single) and to notify the Federal Pension Service and adjust the payments if necessary. There is already an automatic and electronic exchange with a number of countries regarding data on death for persons entitled to benefits from the Federal Pension Service (via BEX). For several years now, the Federal Pension Service has been trying to gradually increase the automatic and electronic exchange of social data (via the NSSO) with certain countries. Accordingly, the Federal Pension Service is continuing to negotiate with the countries to which the most pension payments are sent. The aim here is for automatic and electronic exchange. Besides the exchange of data on death, we will also aim for the exchange of other social data, including the amounts and family composition.

Indicator: The number of negotiations with other countries in relation to bilateral exchanges and other social data in the context of BEX (electronically and automatically), on an annual basis (period January-December of year x)

Actors involved: FPS

Project leader: Federal Pension Service

Recurrent action 77: Collaboration and data exchange with police services (MOTEMs, Optimisation, Data Exchange, Border inspections, etc.)



Numerous multi-disciplinary actions are already being prepared, carried out and evaluated in the district units at present. In a great many cases, this takes place in collaboration with the local and federal police services, but also with the aviation police. Alongside this, there are other structured forms of collaboration between the police and the inspection services. In 2023 and 2024, work will continue on cooperation and data exchange between the social inspection services and the police services. As such, border inspections at airports are being enhanced as part of the operation of district units to combat social fraud. Specific action days are planned in cooperation with the aviation police and the Immigration Office. In addition, a meeting will be organised with all inspection services involved and the aviation police, the Immigration Office and Foreign Affairs on how to detect social fraud. From this, new initiatives can be taken to be included within the operation of the district units.

Indicators:	<p>Number of multidisciplinary investigations in large-scale social fraud cases, led by the Public Prosecutor's Office, on an annual basis (period January-December of year x)</p> <p>4 joint inspections per airport within the framework of the working of the district units (period January-December year x) under the supervision of the Labour Prosecutor Officer (20 in total on annual basis)</p> <p>Number of times information was exchanged from social inspection services to police services, on an annual basis (period January-December of year x)</p> <p>Amendment of the regulations to optimise the exchange of information from the police services to the social inspection services, on an annual basis (period January-December of year x)</p>
Actors involved:	SIIS – Social Inspection Services – (aviation) Police – Public Prosecutor's Office – the Immigration Office – District Units
Project leader:	Social inspection services (according to competences) – District Units (border inspections)

6.2. Operational objective: More focus on detection via data matching and data mining techniques

Actions in 2023 and 2024

Recurrent action 78: Data mining/data matching at NEO and NISSE



In 2023 and 2024, the NEO will further professionalise the data mining unit, set up within the Central Inspection Service, with the aim of optimising the existing profiles based on data mining/data matching techniques and developing new profiles.

The NISSE will further develop the data mining/data matching structure in 2023 and 2024. The objective of this structure is to improve the detection of fraud phenomena linked to the social security status for the self-employed and thereby better align the investigations with one another.

Indicators:	Further professionalisation of the NEO's Data Mining Unit, on an annual basis (period January-December of year x) The development of a new structure for data mining/data matching and reporting within the NISSE, on an annual basis (period January-December of year x). Within data mining, the focus is on developing fraud scenarios.
Actors involved:	NEO – NISSE
Project leader:	NEO – NISSE

6.3. Operational objective: Development of a risk-based approach

Actions in 2023

NEW Policy action 79: Reform of Social Penal Code



Work on the reform of Social Penal Code will be continued and finalised in 2023. The aim of this reform is to increase the effectiveness of the prevention, detection and prosecution of illegal labour, social fraud and social dumping, which will be legally defined, and a more coherent sanctions system adapted to the prosecution and sanctioning of infringements of social penal law⁵⁸.

Indicator:	Amended Social Penal Code (in 2023)
Product:	Publication of Social Penal Code
Actors involved:	Policy units – AFS – SIIS – Social inspection services
Project leader:	Policy units
Resources:	Situated at the level of the policy units

⁵⁸ Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

Recurrent action 80: Development of a Multi-Annual National Control Plan (MANCP) for the Labour Inspectorate (ILL and IWW/OSH)



The MANCP provides risk-based assessment and monitoring of employers for the body of laws and regulations for which the Federal Public Service Employment, Labour and Social Dialogue is responsible.

The MANCP is based on a scientifically validated methodology. Historical data is used as an input in addition to opinions from the following stakeholders: National Labour Council, High Council for Prevention and Protection at Work and scientific experts, and the number of inspectors available is taken into account. Indeed, given the ratio of the number of employers to be monitored to the available staff capacity, it is necessary to set priorities based on objective and measurable criteria.

The scope of the MANCP concerns in the first instance the proactive inspections carried out by the social inspectors from the Labour Inspectorate.

In 2022 this was still a project. The general expectation is that an initial version of the MANCP will be rolled out during 2023.

Indicator:	Roll-out of initial version in 2023
Actors involved:	ILL - IWW/OSH - SIIS
Project leader:	SIIS

NEW Policy action 81: Extension of period of limitation



The period of limitation in the case of fraudulent actions or false or deliberately incomplete registrations by the employer and in case of fraudulent submission to social security for employees is extended from 7 to 10 years⁵⁹.

Indicator:	Extension of period of limitation
Product:	Introduction of extension of period of limitation
Actors involved:	Policy units – Social inspection services
Project leader:	Policy units
Resources:	Situated at the level of the policy units

⁵⁹ Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

7. STRATEGIC OBJECTIVE:

Prevent social fraud

Overview of actions

ACTION	PROJECT LEADER
Analysis of possible actions following the results of the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies	SIIS
Feasibility study on the mapping of the extent of social fraud and social dumping at the national and international levels	SIIS
Analysis of serious workplace accidents within cross-border employment	IWW/OSH
Collaboration with the Agency for Administrative Simplification in the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies	SIIS
Extension of scope of occasional work in the funeral sector	Policy units
Introduction of measures in the fight against abuse in the parcels sector	Policy units De Sutter – Dermagne – Clarinval]
Extending the sectoral approach, including Fair Competition Plans, Cooperation Agreements, Guidelines & Checklists: update existing – explore need for new sectors/domains	SIIS
Spot inspections	SIIS
Improvement in the approach to abuse in the moving sector	SIIS
Improvement in the approach to abuse in the ready-mixed concrete sector	SIIS

7.1. Operational objective: To collect statistical data and carry out or commission studies and research into working conditions and the labour market, from macro to micro level

Actions in 2023

NEW Action 82: Analysis of possible actions following the results of the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies



In 2022, an objective study of citizens' and companies' perceptions on (combating) social fraud and on compliance with the Charter with companies within social inspection services, on the one hand, and companies and self-employed, on the other hand, was finalised. According to the wish of the Strategic Committee, in 2023 an analysis of possible actions that can be undertaken based on the results of these studies will be started.

Indicator:	Proposal for possible actions that can be undertaken (in 2023)
Product:	Report
Actors involved:	SIIS – Social Inspection Services – Policy units in charge of combating social fraud
Project leader:	SIIS
Resources:	Sufficient budget and capacity

NEW Action 83: Feasibility study on the mapping of the extent of social fraud and social dumping at the national and international levels



The Strategic Plan 2022-2025 Battle against social fraud and social dumping of the De Croo I Government states that the De Croo I Government will conduct a feasibility study to identify on a recurring basis the extent of social fraud (both national and international) and social dumping. This should allow us to closely follow developments regarding the extent of social fraud. The feasibility study should be finalised by the end of 2023. Depending on the outcome of this study, an analysis of the extent of social fraud and social dumping can be started in 2024.

Indicators:	1 feasibility study (by the end of 2023) by an external partner of SIIS on the conduct of a study into the extent of social fraud and social dumping at the national and international levels. Start of a study into the extent of social fraud and social dumping in 2024, depending on the outcome of the feasibility study
Product:	Feasibility study
Actors involved:	Government – SIIS – external consultant – social inspection services – Justice – social partners – academic world
Project leader:	SIIS
Resources:	Commission from the Government to SIIS – sufficient budget for appointment of external consultant – sufficient human resources with the different actors

Actions in 2023 and 2024

Recurrent action 84: Analysis of serious workplace accidents within cross-border employment



The aim of this action is to ensure the improvement of working conditions by analysing the national and international job market. It also includes providing expertise to other agencies and countries on employment and labour.

The intention is to achieve this by collecting statistical data and carrying out or commissioning studies and research into working conditions and the labour market, from the macro to the micro level, by carrying out, on the basis of detailed reports, a qualitative and quantitative analysis of the very serious occupational accidents suffered by posted workers, with a view to identifying the bottlenecks and suggesting future optimisations, both regulatory and operational.

This action should lead to a qualitative and quantitative study of the very serious occupational accidents befalling posted workers.

Indicator:	Provision of expert advice
Product:	Qualitative and quantitative study of serious workplace accidents involving posted workers
Actors involved:	IWW/OSH – DEJ/AJS (FPS ELSD)
Project leader:	IWW/OSH
Resources:	Capacity of services involved, access to data, etc.

Recurrent policy action 85: Collaboration with the Agency for Administrative Simplification in the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies⁶⁰



In 2023-2024 as well, work will be done on an objective investigation into the (evolution of) perceptions regarding combating social fraud among various target groups. A first perception measurement was carried out in 2022 (field work in November-December 2021). The results of these investigations can be used for preventive and guidance purposes, among others. The Charter with companies, which was evaluated for the first time in 2021-2022, will again be subjected to an evaluation.

Indicators:	Completed investigation report on perception measurement (in 2024) Completed investigation report on the evaluation of the Charter with companies (in 2024)
Actors involved:	SIIS – Social inspection services – Social Partners – AAS
Project leader:	SIIS

⁶⁰ In its Opinion MH/JC/AS 890-2022, HCSSME urges for an evaluation of the Charter with companies.

7.2. Operational objective: Continue the sectoral approach and focus on updating the existing agreements and broadening the preventative tools.

Actions in 2023

NEW Policy action 86: Extension of scope of occasional work in the funeral sector



At the unanimous request of the social partners of the sector, the following functions are added to the scope of occasional work in the funeral sector:

- ◆ Minor, non-regular maintenance work in and around buildings in the context of visits and ceremonies;
- ◆ Preparing funeral-related printed matter for sending: folding, putting in envelopes;
- ◆ Minor work at the burial site, such as placing or removing accessories;
- ◆ Help during funeral receptions⁶¹.

Indicator:	Extension of the scope of occasional work with the 4 elements mentioned in the contextualisation
Product:	Broader scope of occasional work in the funeral sector
Actors involved:	Policy units – NSSO
Project leader:	Policy units
Resources:	Situated at the level of the policy units

⁶¹ Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

NEW Policy action 87: Introduction of measures in the fight against abuse in the parcels sector



The Ministers in charge of Telecommunications and Post, Self-employed, Employment and Mobility will, with input from the social partners, adopt measures in the fight against abuse in the parcels sector, according to the principles approved by the Core with amendments to the Postal Act aimed at:

- ◆ strengthening reporting, with a view to greater transparency and effective enforcement;
- ◆ guaranteeing fair compensation for subcontractors by introducing a minimum hourly rate;
- ◆ introducing time registration measures for all postal workers, thus limiting overly long working hours;
- ◆ introducing prevention measures with a view to postal workers' well-being and traffic safety⁶².

Indicator:	Introduction of measures in the fight against abuse in the parcels sector
Product:	Reform of the parcels sector
Actors involved:	SIIS – NSSO – NISSE – FPS ELSD – NEO – NIHDI – sectoral social partners – policy units
Project leader:	Policy units De Sutter – Dermagne – Clarinval
Resources:	Budget

⁶² Council of Ministers 18/10/2022. Notifications multi-year budget 2023-2024.

Actions in 2023 and 2024

Recurrent action 88: Extending the sectoral approach, including Fair Competition Plans, Cooperation Agreements, Guidelines & Checklists: update existing – explore need for new sectors/domains



The sector-specific approach proved successful in the past and will be continued without delay⁶³. The social partners, such as HCSSME, are in favour of continuing this sectoral approach, with the necessary participation of the sectors⁶⁴.

In 2023 and 2024 as well, trade unions, employers, social inspection services and the Government will come together to find common solutions, for example in the battle against social dumping, and to take concrete joint measures to safeguard fair competition and to safeguard the rights of their workers, tailored to their sector⁶⁵. This is part of the Fair Competition Plans and cooperation agreements that have been concluded to tackle the specific sectoral issues. To implement this, Checklists and Guidelines have been drawn up in collaboration with various inspection services. A continuous evaluation and/or update of these Fair Competition Plans, cooperation agreements, guidelines and checklists is necessary to maintain their effectiveness.

For the implementation of this action, reference is also made to policy actions 3 and 4.

Indicators:	Evaluation of Checklists & Guidelines according to a predefined schedule, on an annual basis (period January-December of year x) Drafting of new Guidelines, among others for the platform economy, according to a predefined schedule; e.g. drafting new checklists for the electrotechnical sector, taking into account the available capacity⁶⁶, on an annual basis (period January-December of year x) Updating the directives for the transport sector⁶⁷
Actors involved:	SIIS – NSSO – NISSE – ILL – NEO – NIHDI – sectoral social partners – CBE – FPS Mobility and regional authorities (database of licences) – Immigration Office
Project leader:	SIIS

⁶³ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 20.

⁶⁴ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022, and Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

⁶⁵ Strategic Plan 2022-2025 Battle against social fraud and social dumping, p. 20.

⁶⁶ See Opinion MH/JC/AS 877-2022 of the HCSSME on the draft operational plan for combating social fraud, dated 04/04/2022.

⁶⁷ Opinion MH/JC/AS 890-2022 of the HCSSME on the draft action plan for combating social fraud 2023-2024, dated 03/11/2022.

Recurrent action 89: Spot inspections



In 2023 and 2024 the district units will not only carry out unannounced inspections, they will also focus more on spot inspections. Just as in previous years, the social inspection services, supported if necessary by other inspection services, Justice and the police, will also carry out pre-announced inspections in fraud-prone sectors. Spot inspections of this kind are largely informative and preventative in nature, and are published in advance on SIIS's website and communicated to the social partners.

Indicators:

6 spot inspection periods per year (period January-December of year x) per judicial district in the listed fraud-prone sectors and organised by appointed SPOCs of the participating federal social inspection services.

6 prior announcements of the spot inspection periods per year (period January-December of year x), at least 2 weeks before the date of the spot inspection period, on SIIS's website.

The following spot inspections will be organised in 2023:

- February: transport
- April: construction (incl. electronics and metal)
- June: hotels and catering
- August: cleaning
- October: green sectors
- December: meat sector

The following spot inspections will be organised in 2024:

- January: metropolitan areas (incl. car washes)
- March: moving sector
- May: transport
- July: security
- September: green sectors
- November: construction (incl. electronics and metal)

Actors involved:

District units – Social Inspection Services

Project leader:

SIIS

NEW Action 90: Improvement in the approach to abuse in the moving sector



The moving sector is subject to the regulations for road freight transport and comprises a number of fraud phenomena, which are especially stimulated by the fast growth in information and communication technologies and the rise of new forms of unfair competition (e.g. sales platforms and platforms where private individuals can be in contact, competition of removal hoists). This context requires special attention and, if possible, a proactive, innovative and integrated approach. To this end, in 2023 and 2024 various actions will be undertaken to prevent and better detect and monitor social fraud phenomena. The common denominator in these actions is information exchange between various parties in order to adopt the most appropriate measures.

Indicators:	Development of an inspection methodology to overcome the difficulties that are inherent to the mobile nature of the activity, the diversity of the environments to be inspected and the contact channels used Development of a methodological guide for inspection services with a view to monitoring the activities on the Internet
Product:	Developed monitoring methodologies
Actors involved:	Social inspection services – SIIS – social partners – police services
Project leader:	SIIS
Resources:	Available capacity

NEW Action 91: Improvement in the approach to abuse in the ready-mixed concrete sector



Ready-mixed concrete is prepared in advance and can be used immediately at a construction site. It is made in a concrete batching plant and transported to the place where the concrete is installed by means of concrete trucks or lorries with a concrete mixer. One of the problems detected in this sector is the so-called shopping between the joint committee for construction (JC 124) and the joint committee for road transport on behalf of third parties (JC 140.03), which gives rise to unfair competition (wage and working conditions). However, companies that normally produce concrete in plants equipped for this purpose and/or provide concrete to users fall under JC 124. In 2023 and 2024 different actions will be undertaken to stimulate the use of the correct JC.

Indicators:	<p>Awareness campaign for operators of transport of ready-mixed concrete (in collaboration with the social partners) (SIIS)</p> <p>Number of follow-up visits by ILL based on positive investigations of 'determination of joint committee' on an annual basis (period January-December of year x) (ILL)</p> <p>Preventative visits to new employers registered with the NSSO on an annual basis (period January-December of year x) (NSSO)</p>
Product:	Drop in number of registrations under incorrect JC
Actors involved:	ILL – NSSO – district units – GD Collective Labour Relations FPS ELSD – social partners – SIIS
Project leader:	SIIS
Resources:	Support from social partners, available capacity of social inspection services

DEFINITIONS AND ABBREVIATIONS USED

Definitions

In 2023 and 2024, the programme operation on 'social dumping' will be further refined, working with specific actions aimed at achieving a predetermined programme goal for a specific target group (see also the scientific basis for the strategic plan). An action within the social dumping programme is a project to achieve a predetermined programme goal (in the longer term) within a programme that is interwoven with other actions within this programme.

The various measures within this plan are named and included as follows:

- ◆ **Actions:**
An action is basically a project that runs over 1 year. This can be a new initiative (either a joint initiative or that of an individual inspection service) or a continuation of a (partially) non-implemented action or a recurrent action that is repeated annually.
- ◆ **Policy actions:**
These are predetermined activities of a political nature to be carried out by the competent policy units/responsible ministers.
- ◆ **Programme:**
Programme operation involves developing different projects whereby internal coherence and synergies work towards overarching strategic objectives. By creating a mutual logical connection between different projects, the aim is to achieve a social impact. Managing projects and activities in a coordinated manner creates an added value that could not be achieved if projects were managed individually.

Abbreviations used

ABBREVIATION	EXPLANATION
AAS	Agency for Administrative Simplification
CBSS	Crossroads Bank for Social Security
IWW/OSH	Inspection of Welfare at Work
ILL	Inspection of Labour Laws
FEDRIS	Federal Agency for Occupational Hazards
NIHDI-AIS	National Institute for Health and Disability Insurance – Administrative Inspection Service
NIHDI-MEIS	National Institute for Health and Disability Insurance – Medical Evaluation and Inspection Service
NISSE	National Institute for Social Security for the Self-Employed
NEO	National Employment Office
NSSO	National Social Security Office
AFS	Administrative Fines Service
SIIS	Social Information and Investigation Service
FPS ELSD	Federal Public Service Employment, Labour and Social Dialogue
FPS Finance	Federal Public Service Finance
FPS Mobility – DG Road Transport	Federal Public Service Mobility – Directorate-General Road Transport and Traffic Safety
FPS SS	Federal Public Service Social Security
PA	Partnership Agreements
CLA	Collective Labour Agreements
NLC	National Labour Council
HCSSME	High Council for the Self-employed and SME's
ELA	European Labour Authority
MoU	Memorandum of Understanding
FCP	Fair Competition Plans
PSW	Public Service of Wallonia
FSI	Flemish Social Inspection service
ARZA	General Repertory of Self-employed Workers
Federal Pension Service	Federal Pension Service
ARIEC	District Information and Expertise Centre
ISC	Information Security Committee
IGO	Income Guarantee for the Elderly
GI	Guaranteed Income

ANNEXES

Annex 1: Overview of actions by institution (project leader)

Policy units

SO	ACTION	PROJECT LEADER
1	New measures in the framework of the Fair Competition Plans for the construction, meat and transport sectors	Policy units Dermagne – Vandenbroucke – Clarinval – Gilkinet
1	New measures in the framework of the Fair Competition Plans for the cleaning and moving sectors	Policy unit Dermagne
1	Updating the Social Penal Code with respect to social dumping	Policy units
2	Enhance the purchasing power of working people via fiscal and parafiscal measures	Policy units
2	Specific focus on the struggle for diversity and against all forms of discrimination	Policy units
2	Specific attention to administrative enforcement	Policy units
2	Expansion of scope flexi jobs and student jobs	Policy units
3	Updating of regional protocol dated 1 June 2011	Policy units
3	Plan on Mental Well-being at Work for employees	Policy units
4	Strengthening of federal social inspection services	Policy units Dermagne – Vandenbroucke – Clarinval
4	Improving the handling of abuse by diplomatic staff	Policy unit Dermagne
4	Introduction of general digital job registration	Policy unit Dermagne
4	Introduction of policy measures to prevent and detect bogus traineeships	Policy unit Dermagne
6	Reform of Social Penal Code	Policy units
6	Extension of period of limitation	Policy units
7	Extension of scope of occasional work in the funeral sector	Policy units
7	Introduction of measures in the fight against abuse in the parcels sector	Policy units De Sutter – Dermagne – Clarinval

AFS

SO	ACTION	PROJECT LEADER
5	Extending the electronic official report to the policy domain of Justice: electronic exchange of official reports between the social inspection services and Justice	AFS

FPS Finance

SO	ACTION	PROJECT LEADER
6	Centralisation of the information exchange with the FPS Finance	FPS FIN

FPS Social Security

SO	ACTION	PROJECT LEADER
1	Making the mediation procedure of the European Labour Authority (ELA) operational at the Belgian level	FPS SS
1	Making best use of the existing European mediation procedure regarding A1 certificate disputes	FPS SS
1	ELA conference in the context of the European Presidency	FPS SS – FPS ELSD

FPS ELSD

SO	ACTION	PROJECT LEADER
1	ELA conference in the context of the European Presidency	FPS ELSD – FPS SS
5	Nudging	HUT/HUA (FPS ELSD)

Federal Pension Service

SO	ACTION	PROJECT LEADER
5	Correct payment of detainees	Federal Pension Service
6	Extension of the means test in the context of the IGO and/or GI	Federal Pension Service
6	BEX: Increasing and optimising bilateral data exchanges	Federal Pension Service

'9 sites' Programme Board

SO	ACTION	PROJECT LEADER
5	Implementation of proposals of experts of working group '9 Sites'	'9 sites' Programme Board

NIHDI-AIS

SO	ACTION	PROJECT LEADER
4	Targeted investigation of those entitled to benefits (unemployment and disability benefit)	NIHDI-AIS
4	Analysis of the electronic official reports by the social inspection services as regards the combination of 'undeclared work' and disability benefits from the NIHDI	NIHDI-AIS
4	Disability benefit payment fraud and residence abroad	NIHDI-AIS
4	Investigation of those entitled to disability benefit on the basis of final decisions by the NISSE regarding 'non-subjection'	NIHDI-AIS

NIHDI-MEIS

SO	ACTION	PROJECT LEADER
4	Combating false invoicing by healthcare providers	NIHDI-MEIS

NISSE

SO	ACTION	PROJECT LEADER
1	Fight against cross-border fraud among self-employed	NISSE
3	Inspection of bridging right crisis measure	NISSE
4	Combating undeclared work among the self-employed	NISSE
4	Strengthening of the fight against abuse of the social status or capacity as a self-employed person	NISSE
4	Investigations into bogus statuses	NISSE
4	The battle against fictitious registrations in the status of the self-employed	NISSE
6	Data mining/data matching at NEO and NISSE	NISSE

NSSO

SO	ACTION	PROJECT LEADER
1	Better detection of social dumping through the use of data mining models	NSSO
1	Social dumping investigations (with focus on 3rd country nationals and Brazilian networks)	NSSO
3	Inspection of reductions in the hotel, travel and event sectors	NSSO
3	Fight against improper use of subsequent day contracts	NSSO
4	Fight against human trafficking and economic exploitation	NSSO
4	Investigations into new and provisionally registered employers	NSSO
4	Continuation of inspections on fraudulent setups, 'social engineering' bankruptcy carousels and public employers	NSSO
4	Investigations into bogus statuses	NSSO

NEO

SO	ACTION	PROJECT LEADER
3	Inspection of COVID-19 temporary unemployment	NEO
4	NEO spot inspections (unemployment benefit)	NEO
4	Targeted investigation of those entitled to benefits (unemployment and disability benefit)	NEO
4	Checks on domicile fraud (unemployment benefit)	NEO
4	Checks on combination of benefits (career break/time credit) with other income	NEO
4	Checks on abuse of temporary unemployment (unemployment benefit)	NEO
6	Electronic data exchange Luxembourg-NEO	NEO
6	Electronic data exchange France-NEO	NEO
6	Data mining/data matching at NEO and NISSE	NEO

Benelux General Secretariat

SO	ACTION	PROJECT LEADER
1	Identifying the problems and generating potential solutions relating to the cross-border collection of tax and social security debts and the cross-border collection of administrative fines	Benelux General Secretariat

SIIS

SO	ACTION	PROJECT LEADER
1	Training on social dumping for employees of the European Parliament (moving service)	SIIS
1	Conclusion of a collaboration protocol between SIIS, the social inspection services and the FPS Mobility – DG Road Transport and Traffic Safety to strengthen the collaboration and information exchange with respect to inspections in (international) transport and compliance with the European social regulations)	SIIS (in collaboration with FPS Mobility)
1	Increasing deterrence through information on approach to social inspection services and Justice	SIIS
1	Impact measurement of training on social dumping for social inspectors, local police and authorities	SIIS
1	Better screening of social clauses in the context of the Act on Public Procurement	SIIS
1	Developing (a) media campaign(s) to prevent social dumping in fraud-prone sectors in collaboration with the ELA	SIIS
1	Closer attention to the working conditions of refugees, including refugees from Ukraine.	SIIS
1	Cross-border collaboration between inspectorates	SIIS
1	Improved detection of social dumping through the use of the fair competition hotline	SIIS
1	Creation of a thematic register	SIIS
1	'Joint and concerted actions' in the context of the operations of the European Labour Authority (ELA), continuation of active participation in the context of the Platform tackling undeclared work (UDW), and joint inspections, inter alia in the context of the Benelux	SIIS
3	Analysis and development a plan of action on the under-reporting of workplace accidents	SIIS
3	Multidisciplinary inspections of service voucher businesses	SIIS
4	Training in human trafficking for the social inspection services	SIIS
4	Improvement in the detection of identity fraud	SIIS
4	Inspections in metropolitan areas (including human trafficking)	SIIS
4	Joint inspections within the courier (parcels) sector	SIIS
4	Number of proposed sectoral inspections in the context of the SIIS actions	SIIS
4	Joint investigations within the platform economy	SIIS
6	Continuation of the activities of the SIIS working group to draft a multilateral Benelux Treaty on 'Social Fraud Prevention'.	SIIS
6	Development of a Multi-Annual National Control Plan (MANCP) for the Labour Inspectorate (ILL and IWW/OSH).	SIIS
7	Analysis of possible actions following the results of the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies	SIIS
7	Feasibility study on the mapping of the extent of social fraud and social dumping at the national and international levels	SIIS
7	Collaboration with the Agency for Administrative Simplification in the perception measurement relating to 'combating social fraud' and evaluation of the Charter with companies	SIIS
7	Extending the sectoral approach, including Fair Competition Plans, Cooperation Agreements, Guidelines & Checklists: update existing – explore need for new sectors/ domains	SIIS
7	Spot inspections	SIIS
7	Improvement in the approach to abuse in the ready-mixed concrete sector	SIIS
7	Improvement in the approach to abuse in the moving sector	SIIS

ILL

SO	ACTION	PROJECT LEADER
1	Abuse concerning prohibited cross-border posting	ILL
1	Inspections of several liability for wages	ILL
3	Working hours inspection for Specialist Doctors in Training	ILL
3	Abuse of temporary labour	ILL
4	Fight against human trafficking and economic exploitation	ILL
4	Investigations into bogus traineeships	ILL
4	Inspection of working hours	ILL

IWW/OSH

SO	ACTION	PROJECT LEADER
1	Synergy of social fraud and well-being at work at temporary employment agencies	IWW/OSH
7	Analysis of serious workplace accidents within cross-border employment	IWW/OSH

Social inspection services in line with powers

SO	ACTION	PROJECT LEADER
6	Collaboration and data exchange with police services (MOTEMs, Optimisation, Data Exchange, Border inspections etc.)	Social inspection services (in line with powers)

Annex 2: Graphic representation of strategic objective 1

Strategic objective 1: Reduce social fraud and social dumping by enhancing European and international cooperation

ACTION	PERIOD	
	2023	2024
Action 1: Training on social dumping for employees of the European Parliament (moving service)		
Action 2: Conclusion of a collaboration protocol between SIRS/SIOD, the social inspectorates and the FPS Mobility – DG Road Transport and Traffic Safety to strengthen the collaboration and information exchange with respect to inspections in (international) transport and compliance with the European social regulations)		
Action 3: Increasing deterrence through information on approach to social inspection services and Justice		
Action 4: Impact measurement of training on social dumping for social inspectors, local police and authorities		
Action 5: Better screening of social clauses in the context of the Act on Public Procurement		
Action 6: Developing a media campaign to prevent social dumping in fraud-prone sectors in collaboration with the ELA		
Action 7: Closer attention to the working conditions of refugees, including refugees from Ukraine		
Action 8: Cross-border collaboration between inspectorates		
Action 9: Improved detection of social dumping through the use of the fair competition hotline		
Action 10: Better detection of social dumping through the use of data mining models		
Action 11: Creation of a thematic register		
Action 12: Social dumping investigations (with focus on 3rd country nationals and Brazilian networks)		
Action 13: Abuse concerning prohibited cross-border posting		
Action 14: Synergy of social fraud and well-being at work at temporary employment agencies		
Action 15: 'Joint and concerted actions' in the context of the operations of the European Labour Authority (ELA) and continuation of active participation in the context of the Platform tackling undeclared work (UDW)		
Action 16: Audits of several liability for wages		
Action 17: Fight against cross-border fraud among self-employed		
Action 18: Updating the Social Penal Code with respect to social dumping		
Action 19: Identifying the problems and generating potential solutions relating to the cross-border collection of tax and social security debts and the cross-border collection of administrative fines		
Action 20: Making the mediation procedure of the European Labour Authority (ELA) operational at the Belgian level		
Action 21: Making best use of the existing European mediation procedure regarding A1 certificate disputes		

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