

EFBWW and FIEC recommendations on the role of ELA for the construction workshop on 26th March 2024, Bratislava

The review clause in the ELA Regulation marks our entry into the assessment phase of the European Labour Authority's operations. By August 2024, the Commission will evaluate the ELA's alignment with its objectives, mandate, and tasks. The European Parliament has already initiated its ELA evaluation, with Agnes Jongerius (S&D/NL) and Dennis Radtke (EPP/DE) as co-rapporteurs and has adopted its resolution on the Revision of the European Labour Authority mandate. The Belgian Presidency of the Council of the European Union has also contributed with a report "Fair Mobility in the EU and the role of the European Labour Authority". Both the resolution and the report will feed into the work of the European Commission.

On 26 March 2024, the ELA is organising a workshop for the construction sector on "Addressing the construction sector: state of play and the way forward". In view of this workshop, the sectoral social partners of the construction sector, EFBWW and FIEC emphasize

- **Strengthened Enforcement:** ELA must prioritise cross-border enforcement, dedicating more resources to actions that support national enforcement authorities and sectoral social partners. This can include increasing the number of joint and concerted inspections, especially assisting in complex cross-border fraud and labour crime cases. This should be done also by reinforcing the coordination with and support to national authorities and the sectoral social partners.
- **Enhanced Data Aggregation:** We urge ELA to collaborate with EUROFOUND and national statistical authorities to refine data quality and consistency across member states. This collaboration should prioritise data collection on national inspections and their outcomes in key sectors. Further, the ELA should act as an observatory for cross-border labour crime trends which could guide new policy initiatives. Such comprehensive data aggregation is paramount for effective understanding of the developments and for adequate decision-making.
- **Construction-Specific Unit:** Given the unique challenges of the construction sector and the unanimous identification by national enforcement agencies of construction as a priority sector, we advocate for the establishment of a specialized construction unit within the Authority. This unit will support the work of ELA by:
 - Ensuring consistent protection of workers' rights across member states and a level playing field for European companies in a cross-border context.
 - Keeping up to date on dynamic safety standards and regulations by maintaining strong ties with sectoral social partners, especially EFBWW and FIEC, ensuring prompt compliance and safeguarding workers.
- **Raising awareness:** through Communication Campaign and specific events, ELA has been able to provide information to workers and companies on the legislation on posting of workers and cross-border mobility. ELA should continue this, in close cooperation with sectoral social partners and national authorities.

- **Improving access to information:** in cross-border activities the access to reliable and up to date information regarding the applicable legislation, both for workers and for companies, is crucial. The current legislation puts the responsibility for providing such information on the Member States. However, the amount and the quality of information provided is still not adequate. In this respect ELA should continue and reinforce its role of monitoring the information provided and, in close cooperation with the concerned sectoral social partners, provide guidelines and specific proposals for improvements.
- **Optimising EURES under ELA:** EURES must be a key tool in tackling labour shortages and improving the sector's attractiveness. The network must be used to promote direct jobs and counter the increase of precarious working relationships within agency work and the over-reliance on abusive subcontracting and abusive posting. EFBWW and FIEC stress the importance of enhanced cooperation within EURES to align workers with industry needs and support companies in finding qualified workforce. Regular evaluations and robust dialogues between EFBWW, FIEC, and ELA will ensure the construction sector remains attractive and workers are directly placed where their skills are most valued. This may also be one of the answers to the severe and persistent labour and skills shortages in construction.
- **Involvement of sector social partners:** we stress the importance of a continuous and strong involvement of sector social partners, both at national and EU level, the development and implementation of ELA's activities. It means that sectoral social partners should be represented in both ELA's working groups and governing bodies.