Public consultation on a European Labour Authority and a European Social Security Number

Fields marked with * are mandatory.

1. About you

* You are replying:
  - ○ As an individual
  - ○ In your professional capacity (including self-employed) or on behalf of an organisation

* Respondent’s first name
  
  Oliver

* Respondent’s last name
  
  Roethig

Respondent’s professional email address

maureen.hick@uniglobalunion.org

* Name of the organisation
  
  UNI Europa

Postal address of the organisation

Type of organisation (please select the option that fits best):

- ○ Private enterprise 'including self-employed)
- ○ Professional consultancy, law firm, self-employed consultant
- ○ Trade, business or professional association
- ○ Non-governmental organisation, platform or network
- ○ Research and academia
- ○ Churches and religious communities
- ○ Regional or local authority (public or mixed)
International or national public authority

Other

*Please specify the type of organisation:
  - Chamber of commerce
  - Business organisation
  - Trade Union
  - Representative of professions or crafts
  - Other

*In which sector are you active?
  - Agriculture
  - Manufacturing industry
  - Construction
  - Business services
  - Personal services
  - Transport and logistics
  - Other
  - Not applicable

*Does your organisation have any experience in EU cross-border activities?
  - Yes, in the past
  - Yes, currently
  - No, but we are considering it in the near future [e.g. 1-2 years]
  - No, and we do not envisage it

*Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?

  - Yes
  - No
  - Not applicable

*If so, please indicate your Register ID Number:

43785827982-59

*Country of organisation's headquarters:
  - Austria
  - Belgium
  - Bulgaria
  - Croatia
  - Cyprus
  - Czech Republic
  - Denmark
2. Your Opinion on the European Labour Authority

2.1. CHALLENGES AS REGARDS EU LABOUR MOBILITY

Q1. Please indicate the extent to which you agree or disagree that existing cooperation between national authorities is insufficient to ensure the effective implementation of EU employment and social security rules in cross-border situations:

- Strongly disagree
☒ Strongly Agree

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't know / cannot answer
Q2. Please indicate the extent to which you agree or disagree that the elements presented in the table below constitute challenges to effective cooperation between national authorities on EU cross-border mobility:

<table>
<thead>
<tr>
<th></th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fragmentation of networks of cooperation in different areas (e.g. posting, free movement of workers, social security coordination)</td>
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<td>Insufficiency of resources of national authorities to cooperate effectively</td>
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<tr>
<td>Difficulty in accessing relevant documentation from other Member States</td>
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<td>Lack or insufficiency of fora for dispute settlement</td>
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<tr>
<td>Difficulties in addressing complex cases of fraud and/or abuse that have a cross-border dimension</td>
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<td>Divergent interpretation and/or enforcement of harmonised rules</td>
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<tr>
<td>Other (Please explain)</td>
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</tbody>
</table>
UNI Europa cautiously welcomes the proposal for a European Labour Authority (ELA) as a further means to ensure that EU employment and social legislation is respected and that workers are not exploited.

Enforcement of legal obligations in general, and of social norms in particular, primarily remains a national competence. However, where enforcement exists, it is fragmented and the capacity of national authorities to address highly mobile and complex business models is often insufficient. These insufficiencies are exploited by unscrupulous companies for the purpose of evading national and European employment and social rules. The lack of effective enforcement leads to severe exploitation of workers and increasing fraud in social security regimes.

The ELA can have a key role to play in monitoring the implementation of and helping to better enforce EU legislation, including signalling irregularities and cases of non-compliance. It can support national authorities and help improve national implementation of EU law.

Although a clear role for social partners must be ensured within the ELA, it must under no circumstance be used to interfere with social partners’ autonomy nor undermine national systems. It should contribute to and complement the tasks of national authorities and other competent bodies, but it should not replace them. Collective bargaining and collective agreements must always be respected. Purely domestic issues should not be within the scope of the Authority’s competence.

Q3. Please indicate the extent to which you agree or disagree that insufficient access to information and transparency on cross-border mobility rules is a problem for individuals and businesses:
- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Don’t know / cannot answer
Q4. Please indicate the extent to which you agree or disagree that the elements presented in the table constitute challenges to fair and easy access to information and transparency of labour mobility rules:

<table>
<thead>
<tr>
<th></th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of access to information on EU or national rules in my language</td>
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<tr>
<td>Lack of easily understandable explanations of rights and obligations to comply with when working abroad</td>
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<tr>
<td>Lack of easily understandable explanations of rights and obligations to comply with when sending people to work abroad (posting of workers)</td>
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<td>Difficulty to identify and/or contact the competent authority to solve my problems</td>
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<td>Lack of assistance and/or guidance by the competent authorities in my own country</td>
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<tr>
<td>Information on rights and obligations in the field of labour mobility is fragmented across different platforms</td>
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<tr>
<td>Other (Please explain)</td>
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</table>
The ELA can improve transparency and access to information regarding workers’ rights under EU law. This could include:

- Pooling existing tools for cross-border mobility, to provide a (multilingual) platform with better information for workers and national authorities;
- Facilitating and boosting input and a fully transparent exchange of information;
- Information on joining a trade union, industrial relations systems, wages and wage-setting;
- Providing trade unions and employers with information, support, access to resources and technical assistance.

2.2. OBJECTIVES OF A EUROPEAN LABOUR AUTHORITY
Q5. Please indicate the extent to which you agree or disagree that following functions could be usefully carried out by a permanent EU body dealing with labour mobility and social security in cross-border situations:

<table>
<thead>
<tr>
<th>Function</th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
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</thead>
<tbody>
<tr>
<td>Support the exchange of information of businesses, workers and citizens</td>
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<tr>
<td>Coordination of systematic cooperation and information exchange between national authorities</td>
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<td>Support the rationalisation and streamlining of administrative practices for cross-border cases</td>
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<td>Provision of technical assistance and capacity building to national authorities</td>
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<tr>
<td>Provision of analytical support and intelligence on labour mobility issues</td>
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<tr>
<td>Coordination of joint inspections by national administrations in cross-border employment and social security matters</td>
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<tr>
<td>Dispute resolution mechanisms in cross-border employment and social security matters</td>
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<td>Other (Please explain)</td>
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</table>
Please explain:

2000 character(s) maximum

The ELA’s key role should be to promote better enforcement of EU labour and social security rights and the fight against social dumping and social fraud.

The ELA should act as a support service for national enforcement authorities to help monitor and improve national implementation of EU legislation and boost Member State cooperation, coordination and information sharing.

The ELA could play a mediation role between national authorities, for instance as regards failure to cooperate with requests for information or assistance, or social security disputes. It could also support the coordination of possible cross-border inspections.

A clear role for social partners must be ensured as part of the ELA.

2.3. POTENTIAL IMPACTS
Q6. Please indicate the extent to which you agree or disagree that improving cooperation between Member States' authorities on EU employment and social security rules in cross-border situations would have the following impacts:

<table>
<thead>
<tr>
<th>Impact</th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
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</thead>
<tbody>
<tr>
<td>Facilitating efficiency gains, in particular, by simplifying existing processes and structures</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Reducing the risk of abuse and/or fraud, due to non-compliance with EU and/or national rules</td>
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<td>Increasing the level of trust between administrations</td>
<td>0</td>
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<tr>
<td>Other (Please explain)</td>
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</tbody>
</table>
National liaison officers should be seconded to the ELA as representatives of national enforcement authorities. As a support service for national enforcement authorities, the ELA should carry out the following activities:

- Operational analysis and supporting Member States operations. The possibility of joint inspections should be reflected upon;

- Expertise and technical support for national investigations and operations;

- Strategic reports and fraud analysis (early warning system, risk assessment identifying projects, sectors, and/or geographical zones particularly vulnerable to fraud);

- Non-binding policy recommendations both to the EU and the Member States.

The ELA can play a mediatory role between Member States.

The ELA should assist the European Commission regarding complaints and in monitoring and investigating poor implementation, irregularities and non-compliance with EU labour and social security rights by the Member States.
Q7. Please indicate the extent to which you agree or disagree that improving access to information and transparency for individuals and businesses on EU employment and social security rules in cross-border situations would have the following impacts?

<table>
<thead>
<tr>
<th>Impact</th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raising awareness of EU rules and rights</td>
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<td>Facilitating opportunities to work abroad</td>
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<tr>
<td>Enhancing of portability of social security rights</td>
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<tr>
<td>Reducing the risk of abuse and/or fraud for workers and businesses</td>
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<tr>
<td>Facilitating compliance with the EU rules</td>
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<tr>
<td>Other (Please explain)</td>
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The ELA can improve transparency and access to information regarding workers’ rights under EU law. This could include:

- Pooling existing tools for cross-border mobility, to provide a (multilingual) platform with better information for workers and national authorities;
- Facilitating and boosting input and a fully transparent exchange of information;
- Information on joining a trade union, industrial relations systems, wages and wage-setting;
- Providing trade unions and employers with information, support, access to resources and technical assistance.

Q8. How to you see the relationship between the European Labour Authority and other EU agencies, notably those in the employment domain (For example, European Foundation for the Improvement of Living and Working Conditions, European Agency for Safety and Health at Work? 

One of the ELA’s tasks should be research and surveys on European labour markets, provisions for the protection of workers and the enforcement of claims under labour law affecting cross-border issues.

For this, the ELA should cooperate with other EU agencies like Eurofound. The ELA should focus on a practical-orientated approach, while basic research should be left to Eurofound.

Furthermore, the ELA could manage the data generated by the possible European social security number, provided that adequate integrity safeguards are put in place. Access to the data base could also be provided to Eurofound for research and planning purposes.

3. Your Opinion on the European Social Security Number
Q9. Please indicate the extent to which you agree or disagree with the following statements regarding the consequences of having a wide variety of national social security numbers and of mechanisms used for identification and registration of persons in national databases:

<table>
<thead>
<tr>
<th></th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
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<tbody>
<tr>
<td>It is often complicated for the insured persons to prove their identity for social security purposes across borders</td>
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<tr>
<td>It makes it complicated for the social security institutions to determine the identity of the person for social security purposes across borders</td>
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Please explain, if possible, by providing concrete examples:

2000 character(s) maximum

Q10. Please indicate the extent to which you agree or disagree that a European Social Security Number with the objectives as described in the introduction makes it easier to exercise social security rights when moving or travelling to another EU country:

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Don't know / cannot answer
Q11. Please indicate the extent to which you agree or disagree that the ESSN may bring the following benefits:

<table>
<thead>
<tr>
<th>Benefit</th>
<th>0 (strongly disagree)</th>
<th>1 (disagree)</th>
<th>2 (neutral)</th>
<th>3 (agree)</th>
<th>4 (strongly agree)</th>
<th>Don't know / no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better functioning of European labour market (free movement of workers)</td>
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<td>Simplification of procedures for citizens/workers to prove their identity for social security purposes</td>
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<td>More efficient procedures for e.g. institutions/service providers to verify the identity for social security purposes</td>
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<tr>
<td>Fight against fraud and abuse</td>
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<tr>
<td>Enhancement of transparency of social security benefits and entitlements</td>
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<tr>
<td>Other (Please describe)</td>
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</tbody>
</table>
Please describe:
2000 character(s) maximum

Q12. Please indicate your preferred option as regards the set-up of the ESSN:
- A fixed format for national numbers (e.g. prefix added to existing national numbers);
- On top of the existing national social security number(s) a dedicated EU social security number
- Other

Q13. If a European Social Security Number were introduced, to whom should it be issued?
- To all EU citizens
- To every newly born
- To every newly born and to every citizen once he/she is moving/travelling to another Member State
- To every citizen once he/she is moving/travelling to another Member State
- Other

Q14. Please indicate what could potentially be covered by the European Social Security Number as a priority (multiple replies possible):
- [ ] unplanned health care provision (as currently done by the European Health Insurance Card)
- [ ] planned healthcare provision
- [ ] proof of social security cover for posted workers (currently: A1 form used by posted workers)
- [ ] sickness, maternity and paternity benefits
- [ ] old-age pensions
- [ ] pre-retirement and invalidity pensions
- [ ] survivors’ benefits and death grants
- [ ] unemployment
- [ ] family benefits
- [ ] accidents at work and occupational illness
- [ ] other

Q15. The Commission has announced the ESSN as a ‘multi-purpose’ number. Taxation could be an area to be considered. What could be in your view the other purposes, beyond social security, for which the ESSN could potentially be used?
Please describe:
2000 character(s) maximum

Q16. Please provide any further observations that you might have concerning the European Labour Authority and/or the European Social Security Number:
2000 character(s) maximum
Contact
EMPL-OPC-EUROPEAN-LABOUR-AUTHORITY@ec.europa.eu