



# SIIS

SOCIAL INFORMATION AND  
INVESTIGATION SERVICE

## **Interinstitutional cooperation en the role of the SIIS in the Belgian Labour Inspection system**

Presentation for the Conference of Labour Inspections

German Trade Union Confederation – Friedrich Ebert Foundation – labour rights  
counselling network Fair Mobility

Berlin, 21<sup>st</sup> February 2024



# The Belgian Labour Inspection system

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## Belgium's institutional structure

### Double structure:

- 3 regions
- 3 communities

### The federal level competences:

- Taxation
- Social security
- Employment legislation
- Social dialogue
- Health and safety at the workplace

### Regional level compétences (regions and communities)

- Education and life-long learning
- Economic policy
- Employment policy
- Counseling of unemployed persons





## Division of labour market competences

<b>Federal</b>	<b>Regional</b>
<b>Most of income and corporate taxation</b>	<b>Some taxes</b>
<b>Social security (including unemployment benefits and social security contributions)</b>	<b>Reductions in social security contributions (without budgetary impact on overall social security)</b>
<b>Labour law (working time, health and safety...)</b>	<b>Health outside of the workplace</b>
<b>Organization of social dialogue (including wage setting)</b>	<b>Social dialogue on regionalised competences</b>
<b>Some employment subsidies</b>	<b>Matching and active labour market policies (PES)</b>
<b>Obligatory schooling age</b>	<b>Education and training</b>
<b>Belgian “single market”</b>	<b>Economic and industrial policies</b>



## Tackling social fraud, social dumping and undeclared work

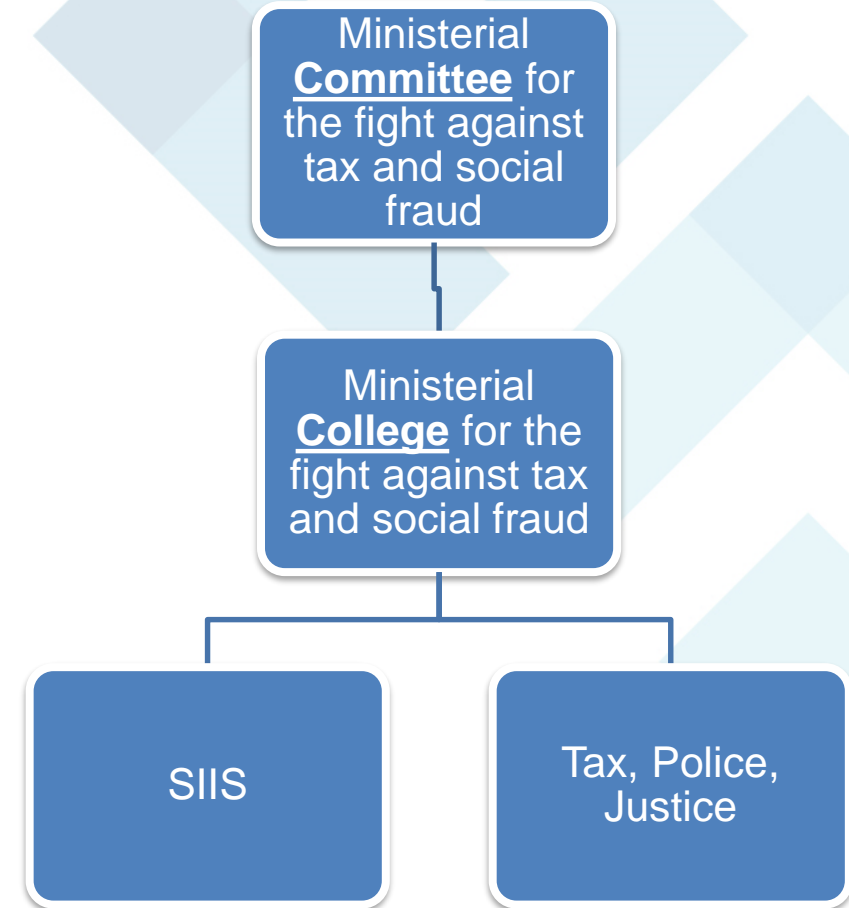
### Belgian policy

*Any infringement on our social and labour Law  
= authority of the federal government (art. 1 SPC)*

Policy determined by the Council of Ministers

- Strategic plan (SP)
  - 4 years (2022-2025)
  - Based on 7 goals
- 2-yearly operational plan (OP) (2023—2024) :  
operanisation of SP into 91 actions to combat fraud in
  - Social dumping
  - Contribution fraud
  - Benefit fraud

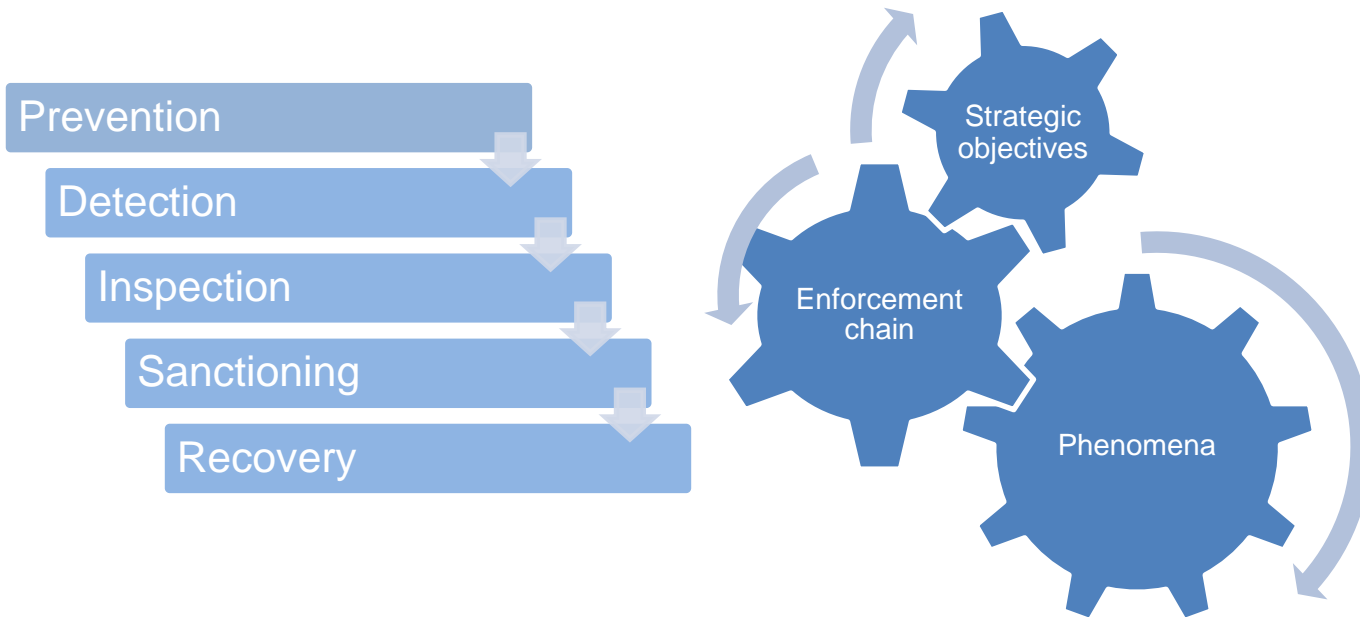
} ensuring the financing of social security





# Tackling social fraud / social dumping and undeclared work

## Strategic Plan



Risk oriented and evidence based approach  
Risk management → Datamining!  
**Belgium strives to establish e-Government  
(important enabler of datamining)**

### 7 strategic objectives:

- Reduce social fraud and social dumping
- Ensure the competitiveness/fair competition.
- Inclusive labour market/good working conditions
- Strengthen the inspectorates
- Simplify and improve administration/legislation/information
- Improve rule enforcement
- Prevent social fraud

### 6 phenomena:

- social dumping
- undeclared work
- contribution fraud
- benefit fraud
- human trafficking and economic exploitation
- An inclusive labour market that guarantees health and safety at work for all workers



## Social Information and Investigation Service

[www.siod.belgie.be](http://www.siod.belgie.be)

### Legal base

- Established by Program Law of 27/12/2006 – replacement of the Federal Council and Coordination Committee for the battle against illegal labour and social fraud
- Decision of Council of Ministers (10/11/2016): reform of inspection services and re-enforcement of SIIS
  - Law of 21/12/2018: modification of the SIIS
  - Introduction of art. 3 – 12 in the Social Penal Code (SPC)
- Mission of the SIIS (art. 3 - SPC):

***“SIIS is a strategic organ which, on the basis of the knowledge and insights of the inspection services of the administrations [...], and with scientific support, develops a vision of the fight against social fraud and translates it into concrete strategies.***

***The SIIS prepares the strategic plan and operational action plan and is responsible for policy support’.***



# Social Information and Investigation Service

## Composition

- strategic committee
  - The government member responsible for combating social fraud or his representative;
  - The ministers responsible for Social Affairs, Work, Justice and Self-Employed or their representative;
  - Directors of SIIS, NSSO, labour Inspectorate, NISSE, NEO and NIHDI
  - The attorney general appointed by the Board of Attorneys General
- staff
  - Director of the SIIS
  - Experts (drawing up and following up the strategic plan and the operational action plan)
  - Magistrate of a labour prosecution office;
  - Member of the Federal Public Service Finance;
  - SIIS coordinators (social inspectors from the NSSO, labour Inspectorate, NISSE, NEO and NIHDI )
  - Secretariat





## Social Information and Investigation Service

### Composition of the local district inspection unit

- Local district inspection Units
  - Established for each judicial district and chaired by the labour auditor.
  - Each cell includes representatives from the inspection services of NSSO, labour Inspectorate, NISSE, NEO and NIHDI.
  - In addition, the Federal Public Service Finance, the Public Prosecutor's Office and the Federal Police are also represented and representatives of other public social security institutions may be invited.
  - Regional inspection services responsible for employment may also be part of the district cells.
  
- Monthly reunions



# Social Information and Investigation Service

## Tasks (art.3 – SPC)

1. **prepare the policy** as adopted by the Council of Ministers on the fight against illegal employment and social fraud, to implement the strategic plan and the operational action plan;
2. directing and setting up the **prevention actions** necessary to implement this policy;
3. **prepare the cooperation protocols** between the federal government and the Regions concerning the coordination of controls on illegal employment and social fraud;
4. **the quarterly evaluation of the degree of realisation of the various elements of the annual operational action plan**
5. prepare **guidelines** for implementing the operational action plan for the district cells;
6. provide the necessary **substantive assistance** to the competent administrations and services regarding the fight against illegal employment and social fraud;
7. conduct **studies** on the issue of illegal labour and social fraud and enable more targeted actions to be taken;
8. ensure **consultation** between inspection services and their support through the consultation committees;
9. identify the common **training needs** of the staff of the inspection services and provide the necessary training;
10. preparing an external **communication** policy for the strategic committee;
11. monitor the implementation of the **partnership agreements** concluded by the minister(s) and reporting on them to the strategic committee;
12. coordinate the information communicated by the inspectorates responsible for combating illegal employment and **reporting to the European Commission** annually, before 1 July each year;
13. develop and **prepare a vision** of strategies to tackle social fraud;
14. organise a **structural consultation** with the various institutions involved including the regions actively participating in the fight against social fraud and other relevant actors;
15. **set up an international cooperation** between inspectorates in the framework of their joint actions and ensuring their follow-up.



## The platforms

### The platforms for the struggle against severe and/or organized social fraud

- Platform Justice : consultation
  - Composition :
    - Leading officials of the inspection services of NSSO, labour Inspectorate, NISSE, NEO and NIHDI.
    - the public prosecutor to whom specific tasks are assigned with respect to the subject matter of social law. particularly with respect to social crime and fraud on social legislation or his representative.
    - Federal Public Prosecutor or his representative.
    - labour auditors involved in the files examined by the platform.
    - One or more coordinators of the SIIS.
    - The Director General of the Federal Judicial Police or his representative.
    - Any other representative whose presence is deemed necessary or useful for dealing with cases involving serious and/or organized fraud.
    - Co-chaired by the public prosecutor who has social criminal law within his powers and by the public prosecutor for coordination aspects.
  - Task :

make concrete agreements on the necessary capacity of inspectors and IT applications for data mining, risk analysis, among others, which is made available to the judicial penal approach and criminal follow-up by labour auditors or the federal prosecutor's office



## The platforms

### The platforms for the struggle against severe and/or organized social fraud

- Platform Inspection : operational
  - Composition :
    - Leading officials of the social inspections of NSSO, labour Inspectorate, NISSE, NEO and NIHDI.
    - The Attorney General to whom specific tasks are assigned with respect to the subject matter of social law, in particular with respect to social crime and fraud on social legislation.
    - The labour auditors involved in the case to be investigated.
    - Representative of the federal and local police if his presence is necessary in the context of the case to be investigated.
    - Any other partners whose presence is necessary or useful for the handling of the case under investigation.
    - The chairmanship and venue will be assigned on a rotating basis between the Directors General of the inspection services.
  - Task :
    - Determining the investigations that should be the subject of a coordinated approach and the follow-up to be given to these cases.
    - Agreeing on the capacity and resources to be made available to carry out the investigations.
    - Monitor the actions undertaken in the field of combating cross-border fraud in order to achieve a coherent approach:
      - in the approach to the phenomenon;
      - in the choice of investigations;
      - in the way in which detected fraud is followed up and prosecuted.



# Social Inspection Services

Federal (5) and regional (4) social inspection services



Social Security  
Self-employed Entrepreneurs



FEDERAL PUBLIC SERVICE  
Employment, Labour and  
Social Dialogue



DEPARTEMENT  
WERK & SOCIALE ECONOMIE



Wallonie  
emploi formation  
SPW



BRUXELLES ÉCONOMIE ET EMPLOI  
BRUSSEL ECONOMIE EN WERKGELEGENHEID  
SERVICE PUBLIC RÉGIONAL DE BRUXELLES  
GEWESTELIJKE OVERHEIDSDIENST BRUSSEL



Ostbelgien  
Ministerium  
der Deutschsprachigen  
Gemeinschaft Belgiens



## Social Inspection Services : federal

### Common competences

- Undeclared work
- DIMONA (immediate declaration of work)
- Social documents (individual accounts, studentcontract,...)
- LIMOSA (= prior declaration of posted workers (employees and self-employed))
- Parttime workers (Exc. NISSE)
- Human Trafficking (exc. NISSE – NEO – NIHDI)
- .....



## Social Inspection Services - federal

### National Social Security Office - competences

Collection social security contributions (employer and employee)

- Correct declaration of employee working hours – salary and other benefits
- Correct qualification labour-relationship (bogus self-employed person - false employee)
- Compliance with regulations concerning reporting of construction sites and subcontractors
- Inspection of social secretariats



## Social Inspection Services - federal

### Federal Public Service : Employment, labour and social dialogue – competences (*labour Inspectorate*)

Individual relations between employer and employee

- Protection of wages.
- Compliance with provisions on working hours, Sunday rest and holidays, night work, maternity protection.
- Compliance with collective labour agreements.
- Establishment of work regulations.
- Establishment of consultation entities in enterprises.
- Compliance with legal provisions on part-time work, temporary work and posting.
- ....





## Social Inspection Services - federal

### National Employment Office - competences

- Monitoring the implementation of regulations on unemployment, career break, time credit, unemployment benefit system
- Accumulation of unemployment benefits with other income (employment or other benefits)
- Statements by the unemployed person or employer
- Service vouchers
- ...



## Social Inspection Services - federal

### National Institution for the Social Security of Self-employed - competences

- Fictitious affiliations
- Bogus self-employed
- Undeclared self-employment
- Fraudulent PDA1 for posted self-employed
- Fraud on bankruptcy relief
- Fraud on COVID-relief



## Social Inspection Services - federal

### National Institute for Health and Disability Insurance - competences

- Datamatching : detecting unauthorized cumuls, disableds and persons in primary incapacity for work carrying out an unauthorized activity or who receive severance pay and for whom the employer has made an official declaration to the NSSO without these work resumes or prohibited cumuls being reported to their health insurance fund.
- Undeclared work: detection and determination of illegal cumulation of disability benefits and the exercise of an activity
- Fraudulent submission to social security: use of false documents to obtain rights and social security benefits, in particular medical and disability benefits.
- Domiciliary fraud: persons actually living together while they are registered as single persons, which allows one or even both of them to benefit from higher sickness and invalidity insurance benefits.
- Unlawful Residence Abroad



## Social inspection services : regional

### Competences

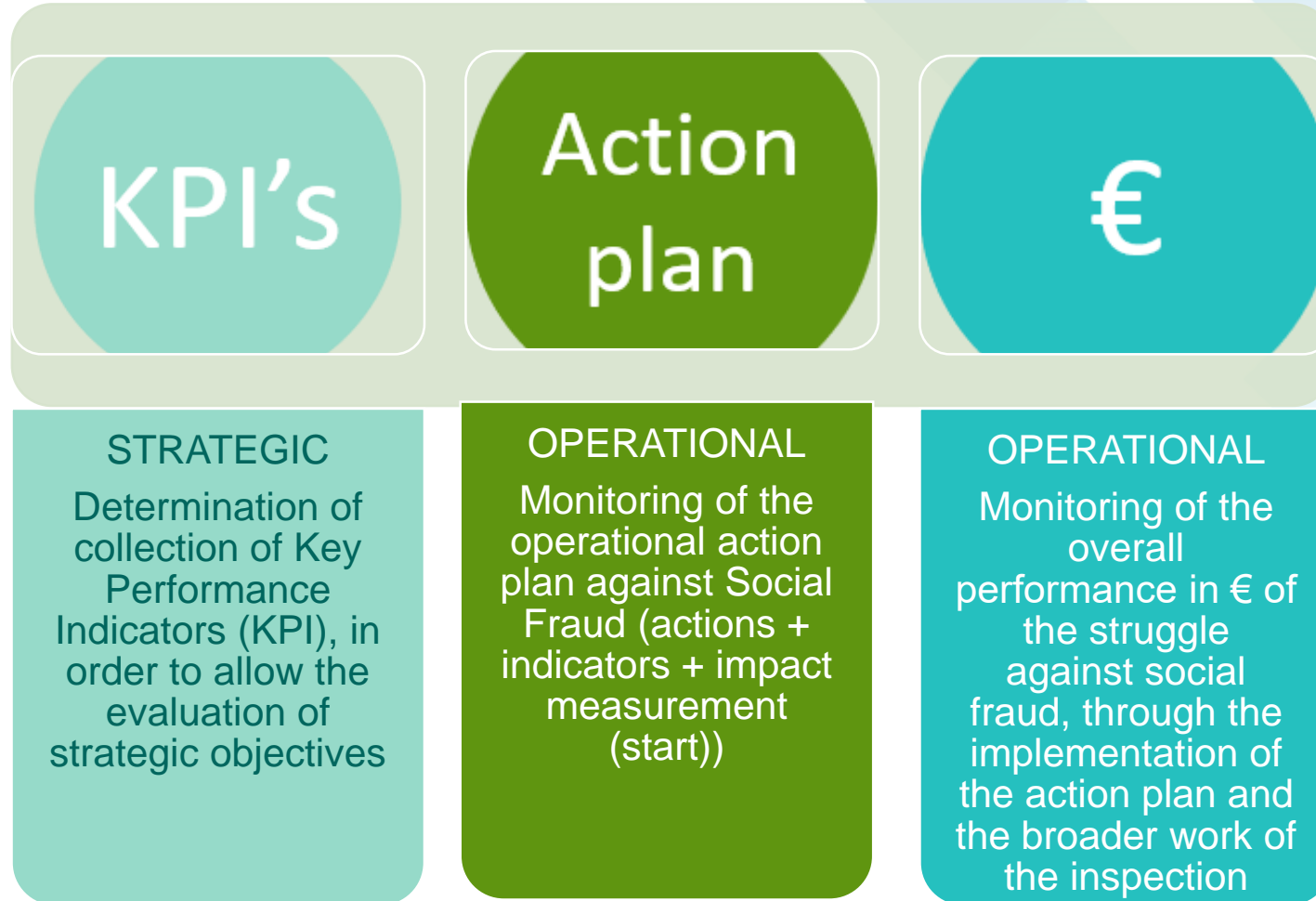
- **Employment of foreign workers and self-employed persons:** detecting foreign workers (illegally residing in Belgium) without an **authorization to work** and foreign self-employed persons without a **professional card**.
- **Language legislation in labour relations:** the language to be used between employers and employees must be Dutch/French/German for natural and legal persons who have an operating office in the Dutch/French/German language area.
- Employment-related discrimination
- Private employment services: control of temporary employment agencies (accreditation), focus on unauthorized temporary employment, both at agencies and users.
- Service cheques
- Target group, subsidy and activation measures
- Competence and career: training vouchers, experience certificates, career guidance, paid educational leave,...
- Social economy: this cluster consists of monitoring compliance with regulations for the local service economy.
- European Social Fund: the Regional Social Inspectorate performs checks on a selection of dossiers by order of the audit authority.



# Monitoring of the struggle against social fraud in Belgium

## 3 “pillars”

1. KPI's
2. Action Plan
3. Financial Results





## Pillar 1: Monitoring strategic indicators.

SO1: Reduce social fraud and social dumping by strengthening European and international cooperation.

- There is still a contrast between the available effective of social inspection services for international fraud on the one hand and that for national fraud on the other. However, the number of FTEi social dumping in 2022 increased by 15.5% compared to 2021 (79.7 versus 69.0).
- 7,718 cross-border fraud and social dumping surveys have been closed up to and including Q4 2022, compared with 4,830 for 2021 and 5,270 for 2020.
- Le ratio enquêtes positives/ enquêtes totale a augmenté de 14,4 % points entre 2020 et 2021 mais perd 24,8 % points entre 2021 et 2022.
- There is an increase of 38.4% in the number of surveys per total FTEi compared to the third quarter last year (96.9, up from 70.0)
- The number of positive investigations per total FTEi (39.6) is 13.9% lower than in 2021 (46.0), but again in the same range as 2020 (42.3)
- 7.9% of international investigations result in an ePV, which is similar to national fraud
- 608 ePVs were written. This is 1.6% less than in 2021 (618). 13.2% of ePVs lead to prosecution
- In 2022, the relevant departments received 4,155 requisitions from the labour audiorate
- At least 7 Concerted and/or Jointed Inspections (CJIs) were conducted through 4th quarter 2022

SO2: Ensuring the and thereby ensuring fair competition

- The KPIs within SO2 are not requested at the quarterly and/or semester level, so no statements can be made about them in this quarterly report.

SO3 : Creating an inclusive labour market that ensures occupational safety and health for all workers

- The figures within this objective relate only to the department Health and Wellbeing and are part of a growth trajectory. They are therefore not yet included within SO4. It is also not yet possible to compare the figures with those from Q1+Q2+Q3 2021 as to the department Health and Wellbeing is only included in the reporting from Q2 2021 onwards.
- 113.5 full-time equivalents devoted to core tasks (FTEi) completed 17,754 investigations through Q4 2022.
- The ratio of positive/closed investigations (SO3 - i.e. 68.1%) is higher than for social dumping (SO1 - i.e. 40.9%) and national social fraud (SO6 - i.e. 39.7%).
- This is also true for the number of positive investigations per total FTEi (i.e. 106.5).



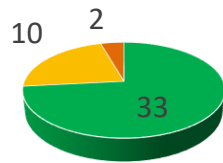
## Pillar 2: Monitoring 2022 operational plan

### 45 recurring actions 2022 operational plan

Of the 98 indicators for the 45 recurring actions in the 2022 operational plan, 66 indicators had already been achieved and 21 started by the end of 2022 Q4. 11 indicators had yet to be started.

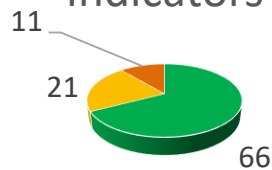
43 actions had been completed or were underway, and 2 had yet to be started

#### Recurring actions

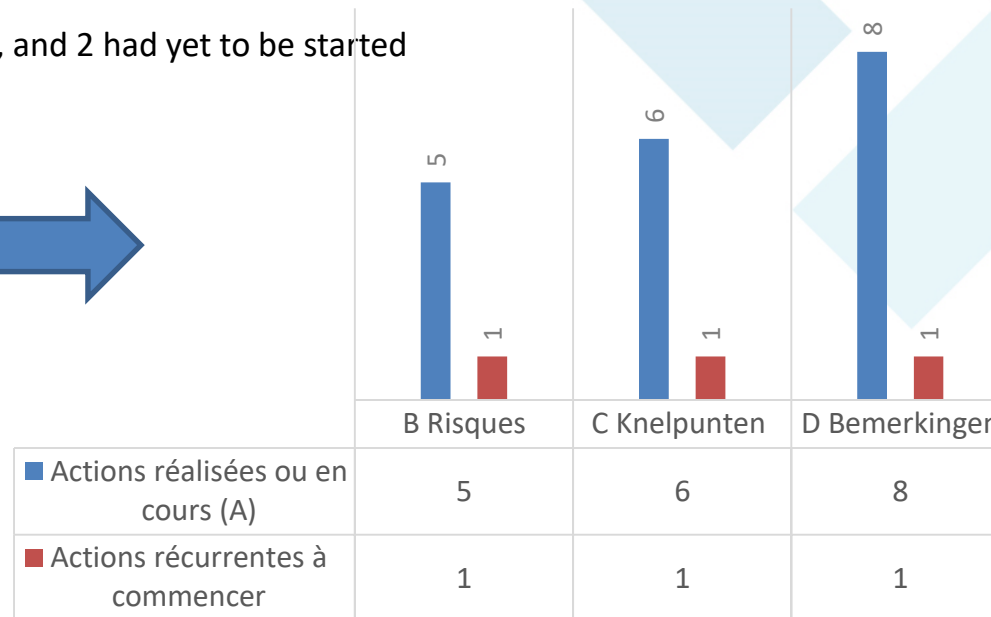


■ Réalisées ■ En cours ■ A commencer

#### Indicators



■ Réalisées ■ En cours ■ A commencer



#### Note :

- The reporting on the number of actions for which there are risks, bottlenecks and/or observations reported, refers only to the actions within SO 3 through 7 (SO1 is contained in the social dumping report and SO2 are policy actions). This table reflects the quantitative use of the B-C-D columns, but does not comment on the quality of the information.



# Pillar 3 : Financial Results 2022

Fraudefenomeen	Bijdragen uit preventieve acties	Vordering van niet-betaalde bijdragen (incl. bijkomend opgelegde bijdragen)	Vermijden van onterechte uitkeringen	Terugvorderen van onterechte uitkeringen	Uitsluiting van uitkeringen (sanctie)	Ten laste gelegde valse prestaties	Vermijden van valse prestaties	Opleggen van administratieve geldboeten	Opleggen van strafrechtelijke geldboeten	Overheidsopbrengsten uit core business activiteiten	Rechtzetting rechten/plichten burger
1. Niet-aangegeven arbeid - zwartwerk		13.483.819 €		7.559.272 €	15.500.644 €			168.750 €			
2. Verboden cumul van uitkeringen				20.259.649 €	58.152 €						
3. Schijnzelfstandigheid		1.070.000 €									
4. Misbruik tijdelijke werkloosheid			17.108.614 €								
5. Valse onderwerpingen				1.937.743 €	15.771 €			38.817 €		160.000 €	
6. Domiciliefraude				23.556.088 €	7.923.944 €			15.950 €			
7. Fraude met sociale zekerheidsbijdragen	36.050.000 €	72.372.710 €									29.497.123 €
8. Fraude door zorgverstrekkers						11.673.238 €		1.293.167 €			
9. Fraude met ziekte-uitkeringen aangeleverd door mutualiteiten				26.351.544 €							
10. Loopbaanonderbreking / Tijdskrediet - anomalieën				2.114.926 €							
11. Article 30bis / 30ter	32.000 €	5.410.000 €									
12. Zwarte overuren											6.618.321 €
13. Opgelegde geldboeten								7.393.246 €			
14. Mensenhandel		420.000 €									
15. Starters											
16. Sociale dumping		31.986.644 €									18.525.752 €
17. Stilzwijgers		19.910.000 €									
18. Falingen, klachten, publieke sector										69.070.000 €	
19. Mesures Covid-19											
RSZ										10.329.006 €	
RSVZ				10.672.546 €						17.625.114 €	
RVA				27.649.844 € *						11.288.637 €	
DAG								122.455 €			
20. Impact en ASSI des décisions d'exclusions prises par l'ONEM				466.462 €							
	36.082.000 €	144.653.172 €	17.108.614 €	92.918.229 €	23.498.511 €	11.673.238 €	0 €	9.032.385 €		108.472.757 €	54.641.196 €
	180.735.172 €			133.525.355 €		11.673.238 €		9.032.385 €			
<b>Algemeen totaal</b>	<b>334.966.151 €</b>									<b>163.113.953 €</b>	
* Chiffre Covid ONEM repris dans autres montants donc pas comptabilisé 2 fois	<b>dont COVID :</b>		<b>38.444.845 €</b>						<b>dont COVID-19: 39.242.756€</b>		

334.966.151 €





## REPORTS

### ANNUAL REPORT SOCIAL DUMPING 2022

This annual report provides an overview of the social dumping programme for 2022.

Programme work was started within the SIIS in 2019, thanks to the Strategic Committee's decision to introduce a programme approach, based on a risk assessment.

#### Result:

89% of the actions from the social dumping programme work enrolled in the 2021 operational plan were started or achieved.

The social dumping programme started in 2021 and will end by the end of 2024.



Social Security  
Self-employed Entrepreneurs



FEDERAL PUBLIC SERVICE  
Employment, Labour and  
Social Dialogue





## Cooperation German and Belgian inspection services

### Cooperation

#### Concerted or joint inspections (CJI) on labour mobility

- 2023
- BE – DE
- Construction sector
- International road transport
- FKS – Motor way police

#### Data exchange

- improved (before : difficult due to Daten-Schutz legislation)

#### ELA

- coordination of common activities, such as **joint labour inspections** and training of national staff on cross-border mobility rules amongst EU Member States
- NLO is important



## Abbreviations

Abbreviation	Meaning
SIIS	Social Information and Investigation Service
SPC	Social Penal Code
SP	Strategic Plan
OP	Operational Plan
NSSO	National Social Security Office
NISSE	National Institute for the Social Security of de self-employed
NEO	National Employment Office
NIHDI	National Institute for Health and Disability Insurance
KPI	Key Performance Indicator
ePV	Electronic trial report
FTE	Full time entity
DIMONA	Déclaration Immédiate Onmiddellijke Aangifte
CJI	Concerted and/or Jointed Inspections
SO	Strategic Objective
FKS	Finanzkontrolle Schwarzarbeit
NLO	National Liaison Officer
ELA	European Labour Authority
BE	Belgium
DE	Duitsland (Germany)



Thank you !



**SIIS**

SOCIAL INFORMATION AND  
INVESTIGATION SERVICE

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Bart Stalpaert, Director of SIIS  
Social Information and Investigation Service (SIIS)  
Zuidertoren – Tour de Midi (8th floor)  
Europaesplanade 1 – Esplanade de l'Europe 1  
1060 Brussels  
Belgium

[bart.stalpaert@siod.belgie.be](mailto:bart.stalpaert@siod.belgie.be)

[www.siod.belgie.be](http://www.siod.belgie.be) & [www.sirs.belgique.be](http://www.sirs.belgique.be)