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Applying administrative measures in practice

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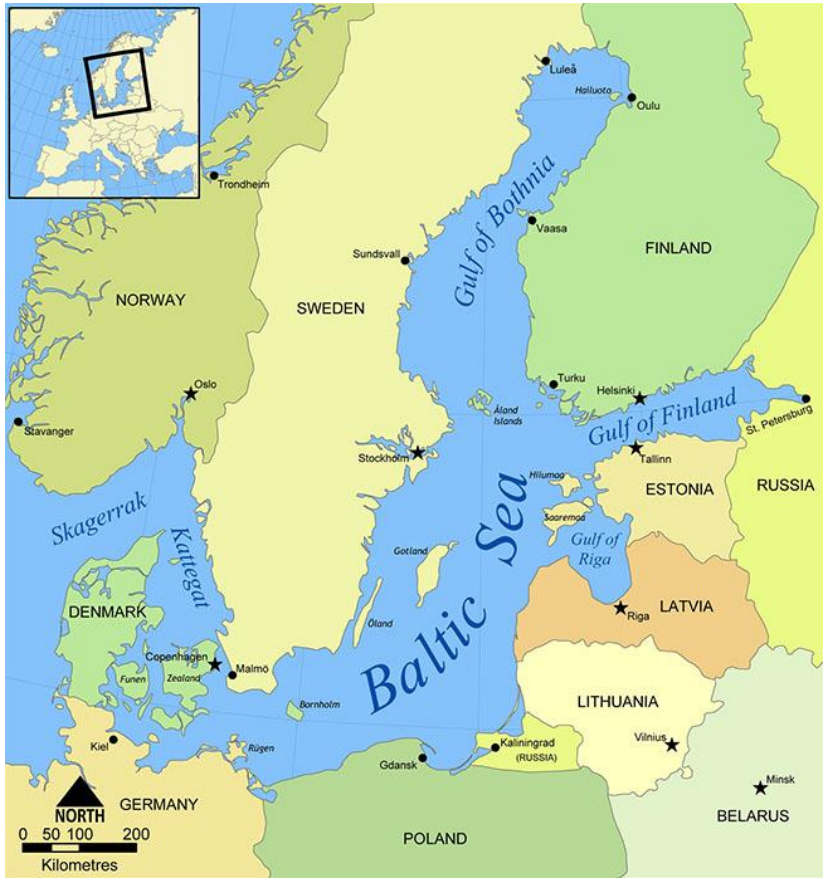
Better enforcement through improved Nordic–Baltic cooperation (BETIC)

Research project in 2023-24 led by Fafo where the aim were to improve enforcement nationally and transnationally of posting in the Baltic and the Nordic region.

- Funded by: The European Social Fund+ (ESF+).
- Partners: Fafo worked alongside labor inspectorates in Norway, Iceland, Denmark, Finland, Estonia, Latvia, and Lithuania.

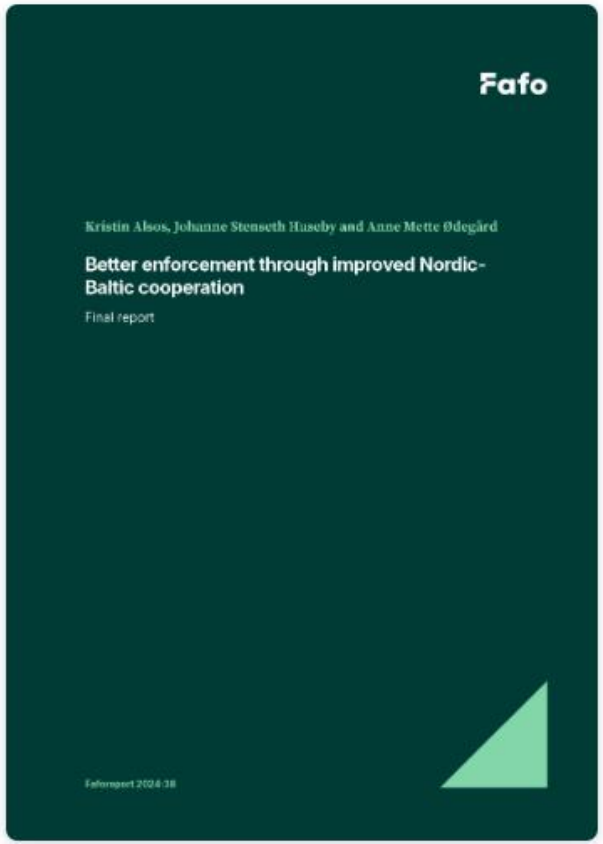


Posted worker

A posted worker is an employee sent by their employer to carry out work or provide a service in another country on a temporary basis while remaining employed by the sending undertaking.

The main topics of the report

- The scope and regulations on posted work, including posting of third country nationals (TCNs)
- Mapping of the transposition of the Enforcement Directive (2014/67)
- Enforcement of posted work at national and transnational level by labour inspectorates and other public authorities. Including experience with inter-agency and cross boarder cooperation
- Enforcement related to posting of TCNs
- How to improve enforcement.
    - Possible new tools for national authorities during inspections to reveal fake posting.



BETIC Faforeport 2024:38

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Identified challenges for enforcement

- Inadequate cooperation between national authorities.
- Competence is divided and differ between countries
- Limited cross-border cooperation
- Lack of effective sanctions
- Lack of registration and information

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Testing new tools: How to identify genuine posting?

The inspectors were asked to:

- Gather specific information from registers before on-site inspections
- Use a new questionnaire during inspections
- Ask for specific documentation
- Gather more information after the inspections
- To reflect on whether this new approach was helpful or not.

Reflections

Questions can give valuable information from workers

Time-consuming

Cross-boarder cooperation important, to verify information and documents

Recruitment is a key factor

Key takeaways from BETIC

Information sharing

- Inspectors must have access to relevant and real time data.
- Improved access to and storing of documents

Improved notification and registration systems

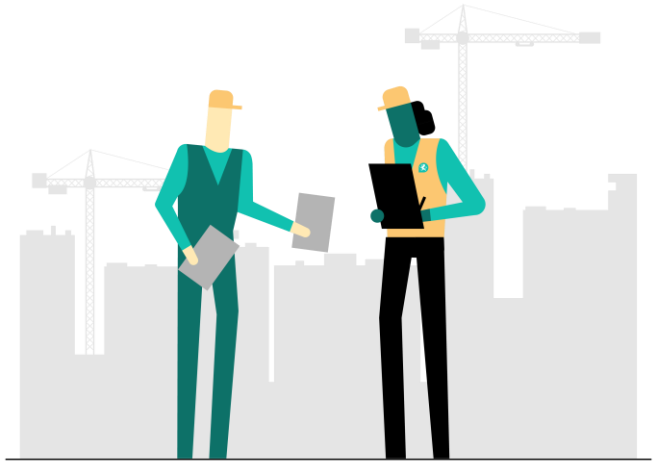
- Delegating more responsibility to the assignor
- Strengthen the quality of the registers

Consequences and sanctions

- Effective and immediate
- Improve cross-border cooperation

Norwegian perspective: posted workers

Why focus on posted workers?	• Assessed as having a higher risk of worker exploitation
Main challenge:	• No designated posted worker register
Equal rules: why the need to identify?	• Aministrativ sanctions are otherwise not enforcable cross-boarder



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After the BETIC project - Norway

The Nordic-Baltic Analysis Group

- Commissioned by the Steering Group of the Nordic-Baltic Cooperation against Work-Related Crime (HUB)
- Data analysis project of labour-related crime, involving posted workers in the construction sector
- Assessed companies using 2025 posted worker data and all companies were assigned a risk score.
- Extended in 2026 to include the client in host country

Norway: Internal project

- Inspections of posted workers in construction sector 25-26:
- Raise awareness of posted workers
- Asses the presence of posted workers in the sector
- Improve understanding of regulatory circumvention (Tax, Wage, TWA regulations, Bogus postings)
- Collaborated with the Nordic-Baltic analysis project, to identify and select inspection targets

The Administrative Approach in Norway in general

Enforcement

- Revocation of permits and licenses
- Repeated inspections to limit the operational capacity of non-compliant businesses – use all possible sanctions
- Administrative fines as an alternative to criminal prosecution
- Obstacle: Legal limitations on closing non-compliant companies

Work-related crime cooperation:

- Cooperation on intelligence and analysis
- Conducting joint inspections to make the most effective use of each agency's enforcement tools and powers
- Information sharing has improved in practice and legislation
- Limitations in joint IT system.

Lessons Learned from Applying the Administrative Approach - Norway

National legislation and cooperation

- Posting; fragmented responsibilities and lack of a registration system - hinder efficient enforcement
- Successful cooperation in other fields

Transnational cooperation:

- Information sharing is not sufficiently systematic and integrated
- Strengthen cooperation between authorities at the same level
- Consorted inspections- foster cooperation and information sharing.

Inspectors:

- Dialog; especially with the workers - requires time and resources
- Access to real time information for verification on site
- Ability to take immediate enforcement action

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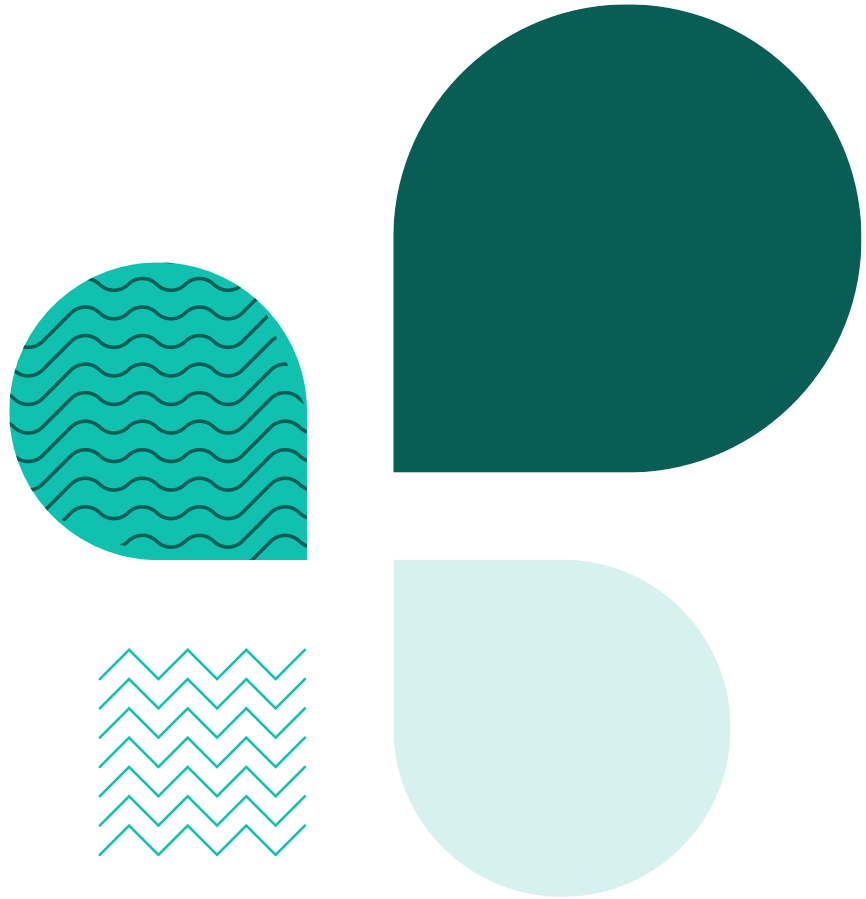
The Norwegian Labour Inspection Authority