HOW TO DETECT ILLEGAL EMPLOYMENT USING ONLINE SOURCES?

DESCRIPTION OF THE CURRENT SITUATION AND THE CHALLENGE

Illegal work is assessed as one of the most serious violations of labour laws, denying the essential imperative provisions of labour laws, therefore the Code of Administrative Offenses of the Republic of Lithuania (hereinafter - CAO) assesses this violation as one of the most dangerous administrative offences. Illegal work violates the constitutional human rights to have proper, safe and healthy working conditions, to receive fair pay for work and social security in case of unemployment (Paragraph 1 of Article 48 of the Constitution of the Republic of Lithuania), distorts the labour market, creates conditions for unfair competition.

With regards to the prevention and control of illegal work, in 2020 the State Labor Inspectorate performed inspections of 4,161 illegal and undeclared work and unregistered self-employed activities, during which 3,818 economic entities were inspected (of which 2,222 enterprises, 183 and 1413 natural persons were inspected) and 1,794 persons who worked illegally were identified. For violators of illegal work, unregistered self-employment and violations of the employment procedure of foreigners, 1267 protocols were drawn up for 1635 persons, of which according to Article 95 of the CAO (Illegal work) for 729 persons and for 906 persons under Article 150 of the CAO (Violation of commercial or economic activity procedure). It should be noted that in 2020 36 illegally employed minors (persons under 18 years of age) were identified, 1,380 persons (276 cases were identified: 261 cases in enterprises (1324 persons), 11 cases on farmers' farms (52 persons)) who worked in undeclared work (in violation of the working and rest time regime or who were not paid the established remuneration for work on holidays and holidays). days, overtime and night work). Since the beginning of the year, one third - 668 illegally employed persons have been officially employed after the inspections of the State Labor Inspectorate (237 persons in 2019), which is almost 3 times more than in 2019. It is estimated that more than 2.2 million euros in taxes would be paid to the state if the persons employed after the inspections of the State Labor Inspectorate worked for half a year, while in 2019. - EUR 0.72 million.

When collecting evidence of an entity's violations, inspectors often do not have all the information or the information is inaccurate, they do not have the opportunity to link individuals, and there is a lack of information about complaints and feedback about a particular entity. In each case, the inspector must use the Internet and independently search for such information through search engines (usually www.google.com). The above-mentioned data are important not only to identify violations, to establish all contacts of economic entities but also to present them as evidence in court during the proceedings.

At present, all the information collected is unsystematic and cannot be compared or analyzed. It should be noted that not all SLI inspectors can (lack of time or skills) use search engines and analyze the obtained data.

Another very important goal is to expand the selection of risky economic entities by using publicly available data online. Currently, Inspectorate uses the own developed Risk Assessment System. It analyzes the data available in the Inspectorate information system, as well as the information received from other institutions.

However, a lot of information can also be found online, such as complaints, negative feedback or other information related to labor law violations in a particular economic entity. The analysis and systematization of such information would help to identify risky economic entities not only using data from the institutions' information systems, but also from the Internet.

WHAT IS THE MAIN PROBLEM

Currently, the analysis of information of entities in the public space is carried out on the initiative of some inspectors and there are no technical possibilities to systematize this information. Not all inspectors can / do use freely available information.

WHAT IS THE SCOPE OF THE PROBLEM

The Inspectorate carries out about 4,000 inspections related to illegal work per year. Gathering evidence to bring an entity to administrative responsibility takes a long time - from 14 to 30 days. At present, the Inspectorate does not perform the analysis of risky economic entities online.

SOLUTION

With a reliable tool, all inspectors would be able to use online data analysis to gather evidence of possible breaches of labor law, including illegal employment. Inspectors would reduce the time they spend preparing for investigations, inspections and preparing cases for the courts, and they would be more comprehensive and of better quality.

SOLUTION FUNCTIONS

The developed solution must be able to analyze the information provided online and, after systematizing it, present the results to the Inspectorate employee:

1. Identify publicly available data that is online according to the features of the entity (entity number, entity name, person name and surname, telephone number, etc.).
2. Systematize the identified information according to the established criteria (address of the economic entity, telephone numbers, identified complaints, feedback, comments, etc.)
3. Be able to identify risky entities using online sources according to the established criteria (e.g. sector of economic activity)
4. Identify the links between the entities and display them by keywords (common telephone numbers, general managers of the entity, employees, etc.)

ADDITIONAL REQUIREMENTS

Ability to use the developed solution both on a smartphone (tablet) (mobility when additional evidence needs to be gathered at the operator's inspection site or by working remotely) and on a computer, such as for the selection of risky operators.

WHAT ARE WE TRYING TO ACHIEVE

Reducing the shadow of the economy: improving the collection of evidence in cases of illegal, undeclared work, as well as ensuring the public interest in combating economic operators who receive income that is not taxed in breach of labor law. The control of economic entities would also be improved, as SLI inspectors would only go to those risky economic entities that violate the law, and orderly economic entities would not be unnecessarily hindered.

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IMPACT

- Reduction of the time for gathering evidence in order to bring an undertaking to administrative responsibility by 50%, from 14 to 30 days. reduced to 7 -15 days.
- To improve the effectiveness of the control of illegal work of economic entities. 2020, this indicator amounted to 38.1%. The goal is 45 percent. this year.

FUTURE OPPORTUNITIES

If the developed product meets the needs of the State Labor Inspectorate and its price is rational, the State Labor Inspectorate will initiate the procurement procedures for a solution.

If the proposed solution is appropriate, we intend to implement it in all procedures of the State Labor Inspectorate, to integrate it into the information system of continuous monitoring of working conditions at workplaces (OSH IS) of the State Labor Inspectorate of the Republic of Lithuania.

In the future, this tool could also be used by similar illegal labor control authorities operating in other EU countries, supervising the economic entities operating in them. Other institutions controlling the "shadow" in the Republic of Lithuania could also be used.