



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT B: STRUCTURAL AND COHESION POLICIES

TRANSPORT AND TOURISM

**SOCIAL AND WORKING CONDITIONS
OF ROAD TRANSPORT HAULIERS**

STUDY

Abstract

The study provides an analysis of the social and working conditions of professional drivers engaged in the road freight transport sector. It concentrates on the fundamental social issues that arise in this transport segment, including driving times and rest periods as well as practical aspects that impact directly on the quality of life of drivers, e.g. employment schemes and income levels. After an overall analysis of the legal framework, which includes the EU legislation relevant for the social dimension of road freight transport, the findings of a stakeholder and driver consultation are reported.

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EXECUTIVE SUMMARY

The purpose of this study is to inform the parliamentary debate on the social and working conditions of professional drivers in the road freight transport sector, by providing an overview of the relevant EU legislation in this field and a summary of the findings that have been obtained through the consultation exercise that has involved stakeholders (trade unions) and drivers of some Member States.

The study offers an in-depth analysis of the most pressing issues and trends affecting the social and working conditions of professional drivers. It seeks to identify factors to which better attention should be paid in order to deploy an effective enforcement strategy that secures greater respect of drivers' social rights, which in turn guarantees them better living and working conditions. In this respect, this study provides an up-to-date factual basis for the debate and puts forward the conclusions and recommendations formulated by the authors in their previous study for the European Parliament on the enforcement of EU social legislation for the professional road transport sector¹.

EU legislation impacting on drivers' social and working conditions

The study outlines the current EU legislative framework that governs the social aspects (working time, driving times and rest periods) and the access to the market for the road freight transport sector (the Road Transport Package), by considering the *rationale* behind the developments in the legislation which have occurred at European level in these two areas.

Given the mobile and international character of road freight transport operations, the study has investigated additional EU laws that, although not originally and specifically designed for the road freight transport sector, do impact heavily on social and working conditions.

Drivers' social and working conditions: an assessment

The core part of the study is dedicated to the assessment of drivers' social and working conditions. The analysis has largely relied upon the findings of the consultation process that targeted relevant stakeholders (national trade unions and two European-wide associations) and drivers. This has resulted both in qualitative and quantitative information concerning the issues that most directly affect the working environment and living standards of professional drivers.

Since the liberalisation process started in the 1990s, the road freight transport sector has seen some radical changes. The increasingly greater opening of the European market has represented the leading factor that has reshaped not only the way the road freight transport sector was organised and structured until then, but also the nature and costs of the services provided. These changes became even more pronounced after the EU was enlarged by 12 new Member States in two steps, in 2004 and 2007.

As the study has revealed, the process of liberalisation has not, however, been accompanied by a parallel process of social harmonisation in the employment and working conditions; on the contrary, these are experiencing a general and sharp downward trend for both resident and non-resident professional drivers².

¹ Cited below, see note 8.

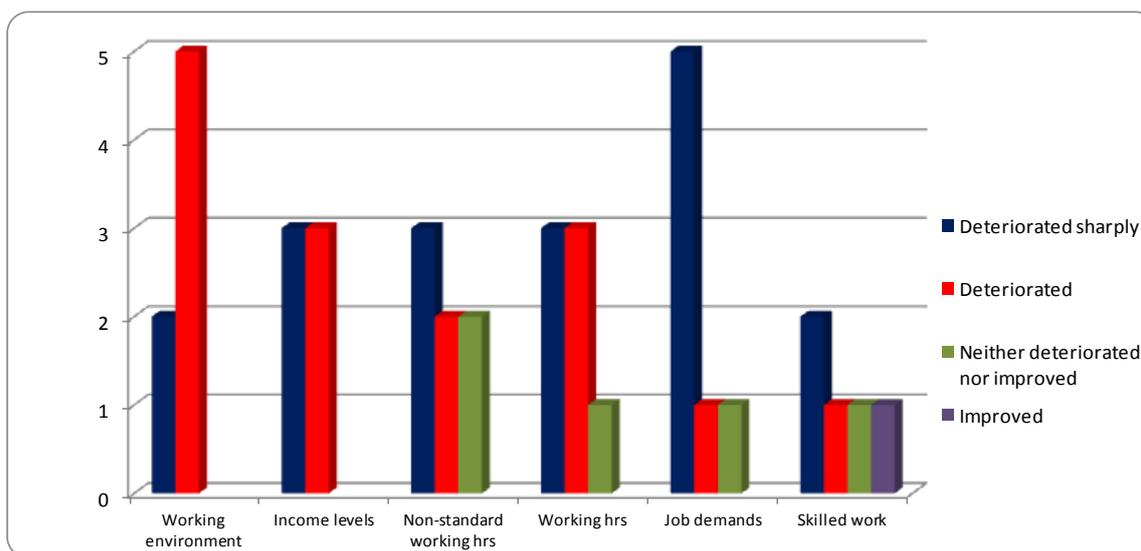
² Non-resident drivers are drivers that work from a country other than their own.

Wide differences in labour and social market structures as well as in the effectiveness of enforcement mechanisms continue to exist across the EU Member States. These disparities create gaps that can lead to transport companies being encouraged to adopt disloyal competition and social dumping practices (such as for instance “letter-box companies”, recourse to the use of drivers who falsely claim to be self-employed, performance-based employment schemes), instead of providing opportunities for social and economic growth.

These unfair practices are symptomatic of a more general decline in standards within the driving profession, i.e. a deteriorating working environment and regressive steps as far as income levels, work-life balance, job demands and living standards are concerned. However, it must be stressed that the disloyal practices and abuses mentioned above also heavily contribute to the increased precariousness of drivers’ living and working conditions as witnessed by the consultation’s findings and the examples reported in this study for some Member States.

These findings are supported by the feedback provided by both stakeholders and drivers. As borne out by the data collected, stakeholders view in particular the **working environment** (including a higher level of discrimination between EU15 and EU12 drivers), **job demands** (i.e. a higher degree of task flexibility as well as a larger amount of non-driving activities) and **income levels** (i.e. a continuous drop in drivers’ salary levels) as the social components in the road freight transport sector that have deteriorated the most over the last five years.

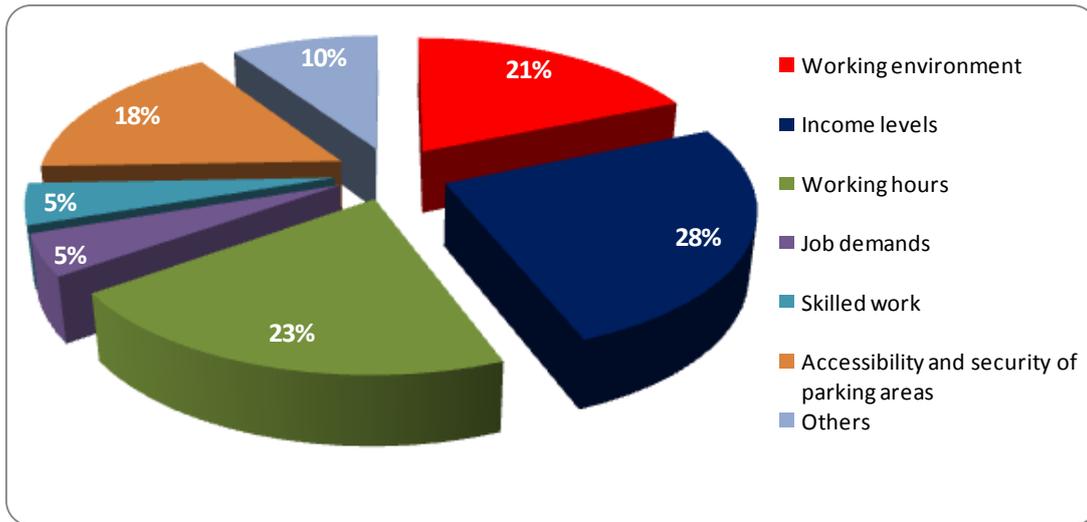
Figure 1: Elements that have deteriorated the most over the last five years



Source: Compilation by the authors.

Drivers echo the stakeholders’ understanding and perspective, by placing a particular emphasis on a decrease in wage levels, followed by an increase in the number of hours worked, a worsening in the working environment, and lack of accessibility and security of parking areas. EU15 drivers are in particular affected by this downward trend mainly because of, they claim, the recourse by transport companies to cheaper personnel from Eastern Europe.

Figure 2: Drivers’ evaluation of the aspects that have deteriorated the most over the past five years



Source: Compilation by the authors.

According to the stakeholders, enforcement is a particularly problematic area where it would be desirable to encourage EU intervention with the purpose of putting in place more effective control mechanisms in the Member States against those transport undertakings that are responsible for illegal or disloyal employment practices. A greater degree of harmonisation of enforcement practices, sanctions and penalties across the EU Member States is needed in this area in order to overcome the current framework that sees enforcement standards differing significantly, or enforcement not being given the same priority in all EU countries.

Table 1: Further critical issues identified by stakeholders with respect to social and working conditions in the road freight transport sector³

Issue	Degree of importance
Illegal/unfair employment schemes creating social dumping (including 'letter-box companies')	*****
Lack of enforcement and controls	*****
Social harmonisation across the EU27 Member States is far from being achieved	****
Illegal cabotage operations	****
Quality of rest and dedicated facilities	***
Driving time and rest periods	**

Source: Compilation by the authors based on the findings of the stakeholders’ consultation.

³ Values for the “degree of importance” have been qualitatively determined by the authors of the study based on the degree of importance for legislative intervention. These values do not reflect a judgment on the importance of each single item, but rather the degree of priority for future action. As existing legislation relating to driving times and rest periods is, fundamentally, being respected and enforced to a degree, the need for further intervention in these fields is less urgent compared to the other issues identified by drivers and stakeholders.

Main conclusions

The implication of such reasoning, as well as a major conclusion of this study, is that the direction in which the road freight transport market has evolved since the liberalisation process started in the 1990s has not entailed a convergence between increased competition and a parallel process of social harmonisation across the EU Member States in the employment and working conditions for road freight transport workers.

Differences in terms of labour and social market structures amongst the EU countries remain significantly wide, and, especially in the presence of poor or ineffective enforcement mechanisms, this may lead to unfair transport companies adopting disloyal competition and social dumping practices. This negatively contributes to the current downward trend that is being suffered today by the road freight transport sector.

Again, enforcement remains a key measure through which the objective of harmonised working conditions might be reached, together with a common understanding and application of the relevant regulations, supported by a more uniform definition of infringements and their associated penalties.

Summary of the recommendations

The findings of this study support a number of recommendations, which may provide some guidance for specific areas where further improvements to the social and working conditions of professional drivers may be needed. As a result, the authors recommend a focus on the following issues:

- **Strengthening enforcement mechanisms in the Member States.** This would require increasing existing controls and enforcement mechanisms and making them more effective, and might include drafting an *ad hoc* enforcement directive to support the application of Regulations (EC) No 1071/2009 and 1072/2009. Furthermore, enforcement measures might target labour and social laws in the road freight transport sector, such as Regulation (EC) No 593/2008 (Rome I Regulation), for example via joint controls by road enforcement and labour authorities.
- **Introducing enforcement impact assessments.** These could be introduced with the purpose of significantly strengthening the enforcement side of EU legislation, while encouraging Member States to assume their responsibilities in this area. These should accompany each legislative proposal in order to evaluate and estimate the impact that the measures applied would have on the enforceability of the proposal after the EC legislation enters into force.
- **Introducing reporting mechanisms on the application of Directive 96/71/EC on the posting of workers.** Enforcement can be made more effective if it is supported by constantly updated data and information about the status of the implementation of the various norms. This might be the case for Directive 96/71/EC on the posting of workers by including a provision for a reporting mechanism in Regulation (EC) 1072/2009 that requires each Member State to inform the Commission about the application of Directive 96/71/EC and for the prospective posting of workers enforcement directive - for which a proposal⁴ is currently being debated in 1st reading at the EP.

⁴ EP, EMPL Committee, Report (2012/0061(COD)) (Rapporteur MEP Danuta Jazlowiecka).

- **Enhancing co-operation between Member States and between different authorities of the same Member State.** This might be achieved by facilitating exchanges of information and best practices, promoting training of enforcement officers and supporting concerted training programmes. Furthermore, it might also include extending the competences of the intracommunity liaison body established by Directive 2006/22/EC.
- **Extending the application of the cabotage rules to Directive 96/71/106.** This might require amending Regulation (EC) 1072/2009 with the purpose of eliminating exceptions and making cabotage rules easier to be enforced.
- **Creation of a European register of transport companies.** This register would include a black list of those companies that have been found responsible for illegal or disloyal practices. It might be embedded into the risk rating system that Member States are required to introduce with respect to undertakings infringing EU rules on driving times and rest periods.

In addition to the suggestions above, further recommendations are proposed, which are aimed at continuing the monitoring and benchmarking work regarding the quality of parking areas (including biannual surveys measuring professional drivers' opinions and perceptions about their profession and their working and living conditions) and implementing awareness and information campaigns aimed at informing drivers about parking areas that are easily accessible, of good quality, safe and secure. These campaigns should also target the persisting gender imbalance in the road freight transport sector.