



Galerie Agora,  
Rue du Marché aux Herbes 105, Bte 11  
B-1000 Brussels  
Telephone +32 2 285 46 60  
Fax +32 2 280 08 17  
Email: [etf@etf-europe.org](mailto:etf@etf-europe.org)  
[www.etf-europe.org](http://www.etf-europe.org)

European Transport Workers' Federation  
Fédération Européenne des Travailleurs des Transports  
Europäische Transportarbeiter-Föderation  
Federación Europea de los Trabajadores del Transporte

KBC Bank, Rue d'Arenberg 11, B-1000 Brussels  
Account number: **430-0386621-67**

*ETF Road Transport*

## **The ETF contribution to the future European Commission Road Safety Action Programme for the period 2011 - 2020**

*The European Transport Workers' Federation (ETF) represents more than 2.5 million transport workers from 226 transport union and 41 European countries, in the following sectors: road transport, railways, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries. The ETF is the recognised social partner in six European Sectoral Social Dialogue Committees including the one for Road Transport.*



**President** Graham Stevenson

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**Vice Presidents** Alexander Kirchner  
Brigitta Paas

**General Secretary** Eduardo Chagas



## 1. INTRODUCTORY REMARKS

The European Transport Workers' Federation (ETF) welcomes the European Commission initiative to launch consultation on the content and measures of its future Road Safety Action Programme. This indeed is a Programme that raises considerable expectations from all parties: labour, business, users. Transport by road is nowadays struggling to overcome an increasingly bad image. It is considered unsustainable, damaging for the environment, and has the second poorest social and working conditions record amongst all industries in Europe.

The ETF hopes that the new Road Safety Action Programme will include measures meant to substantially improve both the sustainability and the reputation of the sector. Road safety is by definition a contributing factor to the sector's sustainability. Indeed the Programme is the right level for commitment, by the European Institutions, towards a better balance between its – dominating – economic interest and its social and environmental functions!

The ETF found it quite difficult to fill in the on-line questionnaire provided by the European Commission. This is because our area of expertise – social dimension of commercial road transport – is not specifically addressed within the questionnaire. The ETF thus would like to make its 1<sup>st</sup> contribution on this subject in a form of a document, to thus be able to provide for a more coherent input.

The ETF will be ready to give more details on its proposals listed below, during future stages of the consultation process.

## 2. ACKNOWLEDGING THE PAST ACHIEVEMENTS

The ETF acknowledges and welcomes the progress achieved within the last decade towards a **Safe commercial goods and passenger transport**. This part of the previous Action Programme was based on the recognition of the fact that “truck driving is one of the most dangerous professions, and commercial drivers also have the right to a safe working environment in line with the most recent standards concerning working conditions”.

Within the last decade, a new directive on training of professional drivers (Directive 2003/59/EC) is now in force. Better and tighter rules on driving and rest time were adopted via Regulation (EC) 561/2006. This regulation is accompanied by a legal act on enforcement (Directive 2006/22/EC) of driving and rest time. Improvements with regards to the digital tachograph have been substantial.

Also to be acknowledged are the European Commission efforts to clamp down on manipulation of data registered on the digital tachograph, its effort for a better implementation of the new Regulation on driving and rest time.

## 3. THE ETF RECOMMENDATIONS ON THE NEW ACTION PROGRAMME

However, so far these initiatives addressed only partly the problems in the sector. Enforcement and controls (road checks) remain a problem, the driving and rest time rules cover only certain categories of commercial vehicles (the ones above 3.5 tons), the *training of drivers directive* leaves key aspects to the latitude of the Member States (such as the topics that form the training curriculum), the recording equipment is subject to manipulation.

The recent trends and developments in the sector are rather worrying for both the sector's sustainability and for its future road safety records. The sector is still struggling to find its way between policy and practice, between pressures generated by competition, expectations from the business and, on the other side, expectations from labour and civil society.



**President** Graham Stevenson

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**Vice Presidents** Alexander Kirchner  
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More than ten years of liberalisation, two waves of enlargement, the just-in-time delivery culture have already placed the economic interest above the social one, in road transport. The ETF sees deterioration in quality of working conditions, social dumping and circumvention of sectoral Community Acquis as main negative trends that have already impacted on the road safety in Europe.

The ETF strongly recommends that the new Road Safety Action Programme is developed as a policy to temper the dominant economic interest in favour of a stronger social dimension – to include the labour and the public perspectives.

With regards to the new Road Safety Action Programme, the ETF thus asks for:

**a) Safer commercial goods and passenger transport to be a key objective of the programme**

**b) A stronger chapter on commercial freight and passenger transport.**

The ETF expects that the new Action Programme, more than the previous one:

- recognises the importance of commercial freight and passenger transport for road safety in Europe, and commits to key measures as suggested below
- places the professional driver and her/his working conditions in the centre of measures related to *safer commercial road transport* objective
- includes therefore a chapter on safer commercial transport to take stock of the recent developments in the sector that – directly or indirectly - have brought additional challenges for road safety in Europe: a boom of the just-in-time culture, enlargement and further opening of the market.

**c) Measures for a safer commercial road transport (see below for details on ‘Measures’)**

The ETF will support measures in the following areas intrinsically connected to road safety:

- a **coherent, gap-free, EU legal framework** for road transport
- **occupational health and safety of drivers**, as a key element for safety of driver, goods, passengers and road users
- stronger **enforcement**
- **collection of data and statistics** that are conducive to an effective policy for reduction of road accidents involving commercial goods and passenger vehicles
- investment in **safe parking areas and rest facilities** for professional drivers

**d) Implementation, monitoring and evaluation**

The ETF strongly recommends the setting up of a **European Road Safety Agency** to help the European Institutions to efficiently coordinate the implementation, monitoring and evaluation of the future Community road safety action programmes.



**President** Graham Stevenson

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## 4. ETF RECOMMENDATIONS ON THE NEW ACTION PROGRAMME – FOCUS ON MEASURES FOR A SAFER COMMERCIAL FREIGHT AND PASSENGER ROAD TRANSPORT

### 4.1. A more coherent, gap-free legal framework at Community level

Current gaps in the European legal framework must be eliminated in as far as they represent a clear danger for the safety on European roads. One cannot promote Europe-wide effective road safety policies while regulating only parts of the industry, for instance by excluding light commercial vehicles from driving and rest time rules or from the obligations related to the recoding equipment (digital tachograph); for instance by lifting working time limits for certain categories of drivers; for instance by allowing remuneration of professional drivers by kilometre or tonnage. The ETF thus recommends measures within three areas of Community Acquis:

#### Digital tachograph & driving and rest time

**Gaps with regards to type of commercial vehicle / driving and rest time rules and the recording equipment:** only commercial vehicles above 3.5t fall under the obligation to be fitted with recording equipment. The driving and rest time rules apply – likewise - only to vehicles above 3.5t.

**Problem:** light vehicles often switch from long-distance to short-haul delivery. Delivery activities are equally concentrated in urban areas and their vicinity, in dense, sensitive traffic conditions. Delivery activities are tight on time-schedules. Drivers driving light commercial vehicles are exempt from any driving and rest time rules. Hence the risk for drivers to be behind the wheel for a long period of time and thus to be as much exposed to fatigue, and be as much a risk for accidents, as other drivers, driving other types of vehicles.

**Measure:** extend the scope of driving and rest rules to cover all commercial vehicles; extend the digital tachograph obligations to all commercial vehicles.

#### Working time for professional drivers

**Gaps with regards to categories of drivers and types of vehicle:** although the sectoral (road transport) working time directive (Directive 2002/15/EC) does envisage the application of working time limits to all professional drivers from March 2009, the current revision of Directive 2002/15/EC is centred on the exclusion of the self-employed drivers from all working time rules. Excluding self-employed drivers from the scope of the working time – for no matter what reasons – is equivalent to promoting the view that occupational health and safety is only a matter for employed drivers; that fatigue is only a problem to be addressed with employed drivers; that by limiting working hours for employed drivers only, the directive can fulfil its declared aim (Article 1) to guarantee safety on European roads. Working time and driving time limits are both instrumental in preventing accumulation of fatigue. It is scientifically proved that waiting time, hard physical work (loading, unloading) and insufficient sleep are three of the top fatigue-related issues for this type of transport. Thus, driving time rules alone will fail to address fatigue and fail therefore to contribute to reduce road accidents.

**Problem:** excluding self-employed drivers from the working time limits would mean to allow them working more than 80 hours per week, week after week throughout the year. Research makes it clear that in commercial road transport, the duration and pattern of work for drivers is a core factor that leads to fatigue and that drivers fatigue is the most important cause for accidents. Moreover, repetitive long working days lead to accumulation of fatigue. There is scientific evidence that fatigue can be converted into equivalents of alcohol concentration. While the EU and the Member States are determined to set limits to alcohol consumption for drivers, it is hard to understand that working time limits are about to be abolished for self-employed drivers.

**Measure:** inclusion of all drivers within the scope of the sectoral (road transport) working time directive. The working time limits must apply uniformly to all types of commercial



vehicles, whether heavy or light. The ETF must signal that drivers driving light vehicles involved in delivery and distribution of goods are particularly exposed to long working hours, since nowadays they are invariably confronted with day-time traffic jams which leads to work patterns extending from early morning to late evening hours.

#### **Driving and rest time / remuneration by travelled distance or amount of carried goods**

**Ambiguous legal requirements:** Article 10 of Regulation (EC) 561/2006 on driving and rest time prohibits remuneration of commercial drivers by kilometre or transported tons, *“if that payment is of such a kind as to endanger road safety and/or encourages infringement of this Regulation”*.

**Problem:** the ambiguity of this article has led to a widely spread performance based payment of drivers, centred on constant time pressure. It has led indirectly to non-compliance with mandatory driving and rest time, working time limits, speed limits and with tachograph rules. On the other hand, remuneration by tonnage will only encourage driving over-loaded trucks on European roads, making lorries much more difficult to manage in situations that require fast reaction. Both types of remuneration ultimately pose a threat to road safety!

**Measure:** the practice of remunerating drivers by kilometre or tonnage must be revised.

#### **4.2. Improvement of occupational health and safety of professional drivers**

The professional driver plays a key role in the complex equation of road safety. As mentioned above, the European Commission acknowledged in its previous Road Safety Action Programme that safe working environment and high standards of working conditions are interconnected with road safety. The new Road Safety Action Programme must place occupational health and safety at the centre of *safer commercial road transport* objective. Both research and policy initiatives must be part of the Programme, to focus on the following areas:

##### **Work organisation and work intensity in road transport:**

**Context:** it is a fact that today's road transport is a just-in-time, highly competitive sector, struggling to deal with external factors such as traffic congestions, weather conditions, variations in terms of quality of infrastructure, etc. As a result, professional drivers have to manage long working hours, extensive waiting times, heavy workload (loading / unloading activities), non-standard working patterns. It is scientifically acknowledged that duration and pattern of work are factors that lead to fatigue. On the other hand, depreciation of quality of employment is yet another worrying trend in the sector. Various business models are now in place in response to economic pressure exerted on the sector. Full time contracts are replaced – by all means – by temporary contracts or agency work! Converting employed drivers into false self-employed is a practice widely resorted to, as it brings net savings on labour costs. This has an impact not only on the work organisation, but also on the capacity of the driver to manage her/his own working time. It certainly brings pressure and adds on work intensity, since this comes with a conversion of hourly based payment into a performance based one.

**Problem:** in commercial road transport, the central element to pressure exerted by both above-listed internal and external factors will remain the professional driver. S/he will thus be less and less likely to contribute to road safety. Subject to fatigue, stress, long working hours, job insecurity, the professional driver will be less apt to live up to the responsibilities associated with road safety.

**Measures:** a) the new Action Programme must make a priority – and allocate adequate financial instruments - of research on ways to improve road safety via better work organisation in road transport; b) *work organisation and managing working time to alleviate fatigue* must be a compulsory part of the training and qualification of managers of road transport undertakings (the new regulation on access to occupation allows this course of action); c) the European Institutions must develop a policy for improvement of



occupational health and safety in commercial road transport, with a strong emphasis on organisation of working time.

### **Violence, aggression, crime in commercial road transport:**

**Context: Freight** / In terms of occurrence and seriousness of violence against workers, transport is the second worst sector (after *hotel and catering*). Most of the commercial drivers are forced to spend their daily rest periods patrolling parking spots due to fear for not being robbed. The chronic lack of secure parking facilities throughout Europe has led to a high occurrence of crime against driver and cargo. **Passenger transport** / violent behaviour by passengers in commercial busses primarily pose a problem to the driver – whether or not this behaviour targets the driver or not - and certainly have a negative impact on the capacity of her/his capacity to concentrate on driving safely, for the benefit of other passengers and the road users.

**Problem: Freight** / the quality of sleep of commercial drivers suffer due to the fear of driver for not being subject to theft or robbery. This leads to the risk for accumulated fatigue. **Passenger transport** / as above.

**Measure: Freight** / a key part of the new Action Programme should consist in a commitment to substantially improve – in both density and quality – the secure parking areas and rest facilities on all European roads. **Passenger transport** / a zero-tolerance violence policy must be adopted at the EU level in what concerns commercial passenger road transport. Regular surveys and analysis into violence and crime in passenger transport need to be carried out. Some Member States already introduced methods to address and prevent violence in passenger transport – such as the wide introduction of video surveillance in buses. The new Action Programme must aim to collect these practices and encourage a Europe-wide implementation of all measures that may lead to a safer transport of passengers within the Community.

### **Fatigue!!!**

**Context:** should the new Action Programme fail to adopt clear measures to deal with driver fatigue in commercial road transport, the very goal of the Programme is compromised. Fatigue in commercial road transport is a subject that has been gradually removed from the EU arena. Most of the accessible studies and documents are – unfortunately - few years old and all of them stand for written evidence for the following:

- fatigue is an important risk factor generated by long working hours;
- “fatigue is a significant factor in approximately 20% of commercial road transport crashes”;
- “surveys show that over 50% of long haul drivers have fallen asleep at the wheel”;
- “the role of driver fatigue in driving is a complex issue. With commercial road transport, the core issue is one of working time and the opportunity this offers for rest and recuperation from work”;
- repetitive long working days lead to accumulation of fatigue;
- amongst the top five fatigue-related issues for short haul drivers are: insufficient sleep, hard physical workday (loading / unloading), waiting times;
- in case of delivery, fatigue depends also on whether loading / unloading activities occur in the time-frame the driver expects;
- fatigue has the same effect as alcohol intoxication (17 hours of awakers are the equivalent to a 0.05 percent of blood alcohol level, while 24 hours are equivalent to 0.1 percent of blood alcohol concentration);
- factors that influence risk for fatigue are: time of the day, sleep deficit, duration and pattern of work;
- the case of heavy goods vehicles: particularly because of their sheer mass, heavy goods vehicles tend to be involved in multiple vehicle accidents and cause very high rates of death and injury to other road users;



**President** Graham Stevenson

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**Vice Presidents** Alexander Kirchner  
Brigitta Paas

**General Secretary** Eduardo Chagas





**Problem:** ignoring fatigue of professional drivers in effect means ignoring a whole range of issues and factors that have a crucial direct impact on road safety, and it will seriously affect the credibility of the road safety action programme.

**Measures: research** / the new Action Programme must make a priority of – and allocate adequate financial instruments for – research into fatigue and road safety; this will be a coordinated research programme, to amongst others look at the factors that lead to fatigue, identify costs associated with fatigue, identify measures – policy and legislative – to prevent and tackle fatigue. **Data and statistics** / include fatigue as one of the key elements when collecting data and compiling statistics on fatal and serious accidents.

**Other policy measures:** Eliminate all gaps in the sectoral EU legislation regulating working time and driving and rest time; introduce compulsory training – of both managers and drivers – on fatigue prevention. Improve enforcement and establish sanctions related to sectoral working time and driving and rest time rules.

#### 4.3. Boost enforcement

**Context:** the commercial road transport – both goods and passenger – is covered by an extensive Community Acquis. But this doesn't make the sector risk-free. Apart from inconsistencies prevailing within the sectoral legal frame, commercial road sector (see above for details) faces additional challenges:

- **competition versus safety and social rules** / it has already been mentioned in this document that commercial road transport is more and more prone to respond to competition rather than to safety needs. It is a price driven sector that has partly built – and continues to do so - its efficiency on non-compliance with rules and regulations such as working time, driving and rest time, vehicle weight limits.
- **national transpositions and implementation** of road transport Community Acquis vary from Member State to Member State. Generally speaking, the New Member States will account for weaker national provisions (take for instance the training of drivers' directive and the question of cost and timing for training).
- **diversity of enforcement bodies within the Member States**, lack of coordination between them, overlapping competencies, diverse interpretation of rules precisely due to diversity of authorities and organisations involved. An example: while in most of the Member States enforcement of driving and rest time rules usually fall under the competence of ministries of transport, working time rules are the responsibility of ministries of labour.
- **last but not least, and more importantly, enforcement** of rules and regulations in road transport is **completely insufficient**, particularly mindful of the above mentioned challenges.

**Problem:** all above mentioned weaken the enforcement of road transport Community Acquis, and, on the other hand, create favourable circumstances for unfair competition in the sector. For instance, the operator will always be tempted to flag out its business in Member States with weak transposition of the EU Acquis. The rules to foster safer commercial transport of goods and passengers by road exist, but will continue to be circumvented as long as there is no strong initiative at European level – and at the level of the Member States - to invest in effective enforcement.

**Measures:** Enforcement of rules and regulations that govern commercial road transport must be one of the objectives of the new Action Programme, to include specific targets and financial incentives. The targets will consist in the gradual increase in the number of road checks (much above the current threshold stipulated in the EU enforcement legislation), training for enforcement authorities, and plans for a better coordination of enforcement bodies both at European and Member State level.



#### 4.4. Collection of data and statistics that is conducive to an effective policy for reduction of road accidents involving commercial goods and passenger vehicles

**Context:** initiatives such as the CARE database are salutary – and certainly represent a step forward in collecting data and statistics on road accidents at the EU level. But there are substantial shortages with this exercise. In what concerns commercial goods and passenger road transport, the data and statistics in their current form are almost meaningless and cannot serve as basis for evaluation, prevention, policy making. For instance, there are no variables that link work organisation and fatigue to occurrence of road accidents and road injuries. Let alone the fact that there is no coordination and compatibility between the European and Member State level in collecting meaningful data that may support a road safety policy based on substantial facts and figures.

**Problem:** the existing data and statistics fail to be conducive to a Europe-wide effective policy to reduce the number of road accidents in commercial road transport.

**Measure:** the new Action Programme must promote, amongst others: separate, extensive statistics and data collection on accidents and injuries occurred in commercial goods and passenger road transport plus a Europe-wide system for reporting injury and accidents in this sub-sector; inclusion, amongst the basic characteristics to account for injuries and fatal accidents, of: occupational health and safety factors (work hours, fatigue, work organisation), category of driver (self-employed, employed, etc.). The new Action programme will have to commit to better compatibility between national / EU accident data and statistics.

#### 4.5 Investment in safe parking areas and rest facilities for professional drivers

**Context:** the EU institutions, certain Member States and, last but not least, the European Social Partners, ETF and the IRU, have already raised the issue of lack of sufficient secured parking areas and rest facilities along European roads. Facts and figures are shocking: 90000 drivers subject to attack every year; a 'theft-toll' of cargo and / or freight vehicles that translates into a loss of more than 8 billion EURO / year; etc. Most of professional drivers are forced to regularly patrol parking spots during their 9 to 11 hours of daily rest to check on their truck and freight. Parking areas lack basic conditions for safety of freight and driver: sanitary facilities, emergency contact points, lighting, single entrance/exit for commercial vehicles, surveillance (camera systems, security personnel), and communication facilities.

**Problem:** This shortage of *safe, accessible and affordable parking areas and rest facilities* does impact on road safety: it offsets the very purpose of having effective driving and rest rules within the EU; it has a negative impact on the occupational health and safety as it impacts on the quality of work and the quality of sleep of professional driver, leading to accumulation of fatigue; it gives ample opportunity for expansion of theft, violence and crime in the sector.

**Measures:** the new Action Programme must make a commitment towards progress in this matter, to include amongst other measures the following: 1) set up EU targets for secure parking areas and rest facilities, both in terms of their density and quality; 2) launch financial incentives in order to mobilise Member States to invest in parking facilities; 3) develop and practice a coordinated approach – to involve the EU Member States – to gather information on violence and attacks in commercial road transport, with the aim to formulate a Community-wide policy meant to clamp down on truck crime; 4) conduct a thorough analysis on the impact of *shortage of secure parking areas* on the social dimension of commercial freight road transport (occupational health and safety, driving and rest time, quality of sleep and accumulation of fatigue, quality of service) on which basis, with no delay, a policy to tackle the social consequences will be issued.

Brussels, 23 November 2009



President Graham Stevenson

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General Secretary Eduardo Chagas

Vice Presidents Alexander Kirchner  
Brigitta Paas

