

DRIVEN TO DISTRACTION?

Bus and coach drivers in the EU



European Transport Workers' Federation (ETF) project:
'Building the Future for the Road Sector – Transport Workers Getting Involved'



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Professor Peter Turnbull
School of Economics, Finance & Management,
University of Bristol



Author: Professor Peter Turnbull, School of Economics, Finance & Management, University of Bristol

Research assistance was provided by: Andrzej Branski, Yash Daga, Yilan Huang, Omar Vega Kurson, James Risk and Tim Tillett (Department of Management, School of Economics, Finance & Management, University of Bristol).

Design: Louis Mackay / www.louismackaydesign.co.uk

Contact: Cristina Tilling / road@etf-europe.org

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Galerie Agora
Rue du Marché aux Herbes 105
1000 Brussels – BELGIUM
Tel: +32 2 285 46 60
road@etf-europe.org
[www.http://etfroadsectionblog.eu](http://etfroadsectionblog.eu)
www.facebook.com/ETFRoadSection/

The ETF represents more than 5 million transport workers from more than 230 transport unions and 41 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries.

DRIVEN TO DISTRACTION? LONG-DISTANCE COACH AND BUS DRIVERS IN THE EU

European Transport Workers' Federation (ETF) project

'Building the Future of the Road Sector – Transport Workers Getting
Involved'¹

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Abbreviations

CORTE	Confederation of Organisations in Road Transport Enforcement
DG Move	Directorate-General for Mobility and Transport
ECR	EuroContrôle Route
ETF	European Transport Workers' Federation
EU	European Union
EWCS	European Working Conditions Survey

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I. Summary

EU regulations for the international road passenger transport market, including driving time regulations, have failed to maintain social standards for drivers. Enforcement agencies are under-resourced but still find extensive violation of drivers' hours during inspection weeks, especially when these driving time offences are targeted by inspectors. The working environment for bus and coach drivers is often poor and cost-competition arising from new (platform) business models is driving down terms and conditions of employment. The new 'business partnerships' that have emerged are between the 'platform' (e.g. FlixBus) and local coach operators – these are not partnerships between management and labour as drivers are often more insecure, their pay is less predictable, the demands on their working (and non-working) time are ever greater, and they are often denied trade union representation.

This report focuses on a survey of almost 700 bus and coach drivers, which reveals that many drivers do not enjoy basic social benefits and protection (e.g. holiday and sick pay, health insurance and access to training). Agency and temporary drivers, in particular, are less likely to enjoy such benefits. Drivers' pay is often low and highly variable, both week-to-week (depending on hours worked) and season-to-season (pay is higher in the peak season). Some are not even provided with a detailed pay slip by their employer. Additional work demands (e.g. cleaning the coach) extend the working day and can eat into social/family time (e.g. studying routes and checking toll charges). Very few drivers are paid for the time they spend driving to/from work, which can further extend the working day. Even when they are not working, their daily and weekly rest time is frequently interrupted, which further adds to fatigue and increases the risk of 'occupational burnout'. When overworked and fatigued, drivers can be 'driven to distraction', putting themselves, their passengers and other road users at risk.

II. Market Access, Competition and Social Protection: The Road to (re)Regulation

Regulation (EC) No 1073/2009² provides a set of common rules for access to the international market for coach and bus services, specifically how:

- carriers from all Member States should be guaranteed access to international transport markets without discrimination on grounds of nationality or place of establishment;
- regular services provided as part of a regular international service should be opened up to non-resident carriers ("cabotage");
- authorisation could be refused if the service would seriously affect the viability of a comparable service operated under one or more public service contracts (PSCs); and
- administrative formalities should be reduced as far as possible.

An *ex-post* evaluation of the Regulation undertaken by the Commission concluded that there is now a more coherent framework for international services, with clear progression towards the establishment of an internal market.³ However, the inter-urban coach and bus sector has failed to grow at a rate comparable to that of other transport modes and its modal share has continued to

² The Regulation came into force in December 2011, replacing Council Regulations (EEC) 684/92 and (EC) No 12/98.

³ Commission Staff Working Document (2017a) *Ex-post evaluation of Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services*, Executive Summary, SWD(2017) 360 final. Although market opening has been accompanied by improvements in the level of service, a growth in the number of operators, passengers and services, it is unclear how much of this growth can be attributed to the Regulation.

decline.⁴ The Commission attributes this ‘under-performance’ to ‘a wide range of restrictions on access to national markets limiting competition between operators and against other modes’,⁵ described as a ‘patchwork of rules for access’ that ‘constrains carriers’ ability to develop services into pan-European coach networks and denies them the possibility to offer integration with other coach services and transport modes’.⁶

A new REFIT initiative (regulatory fitness and performance revision) of current law – a procedure put in place by the Commission to ‘test’ current EU rules – has been proposed to simplify and reduce regulatory costs while maintaining benefits, based on a combination of two policy options:

- 1) open access to the inter-urban market for regular services of 100km or more, with the possibility to refuse an authorisation if the economic equilibrium of an urban public service contract (PSC) is compromised, and
- 2) equal access rules for terminals⁷

This proposal for a Regulation amending the rules on access to the international market for coach and bus services (No 1073/2009) is part of a broader on-going review of the European Union’s (EU) road transport legislation, specifically legislation on: access to the profession (Regulation (EC) No 1071/2009), working, driving and rest time legislation (Regulation (EC) No 561/2006), Directive 2002/15/EC and Regulation (EU) 165/2014) and the Eurovignette (Directive 1999/62/EC). It is anticipated that, as a result of the Commission’s new mobility package,⁸ market and social issues in the road passenger transport sector will become more interdependent:

*‘The links between the social and the internal market provisions are most prominent. The abuse of internal market rules by applying illegal business practices, such as: illegal cabotage, fake establishment in low-cost countries, have adverse effects on drivers’ working conditions and often deprive them from their social protection rights. In the same vein, the misapplication of the social rules in road transport by non-respecting the driving, working or resting time requirements or applying the terms and conditions of employment of the low-wage country to drivers working most of the time in high-wage countries disrupts fair competition between operators by unfair cost gains. Therefore, solving the social challenges in the sector must go hand in hand with addressing the internal market problematic issues’.*⁹

A constant challenge created by the EU’s liberalisation agenda is the ‘disconnect’ between economic (market-making) and social (market-correcting) policies – the former makes the latter more difficult to enforce and the latter invariably ‘lags behind’ the former (i.e. markets are ‘made’ and then policy-makers must deal with the anticipated and unanticipated social problems that the open market throws up).¹⁰ These problems are most pronounced in international transport markets where both

⁴ In particular, the sector has not kept pace with the private car as a means of making longer distance journeys.

⁵ Commission Staff Working Document (2017a), *op. cit.*

⁶ European Commission (2017) *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services*, COM(2017) 647 final, p.3.

⁷ *Ibid.*

⁸ *Europe on the Move*, go to: https://ec.europa.eu/transport/modes/road/news/2017-05-31-europe-on-the-move_en

⁹ Commission Staff Working Document (2017b) *Impact Assessment accompanying the document: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services*, SWD(2017) 358 final, p.56.

¹⁰ Scharpf, F.W. (2010) ‘The asymmetry of European integration, or why the EU cannot be a “social market economy”’. *Socio-Economic Review*, 8(2): 211-250.

capital and labour are highly mobile.¹¹ *Ipsa facto*, we can expect further social problems to arise from the Commission's Proposal to amend Regulation (EC) No 1073/2009, reinforcing and exacerbating existing social problems that appear to have been largely overlooked in the Impact Assessment accompanying the REFIT Proposal.¹² One of the many criticisms made by the Regulatory Scrutiny Board¹³ was that the Impact Assessment failed to discuss whether labour market policies are needed to avoid an erosion of labour market standards over time. DG Move's response to this criticism was simply to state that, in bus and coach sector, 'the posting of workers' rules will ensure both fair working conditions for drivers and fair competition between operators'.¹⁴

The Commission anticipates that, by strengthening enforcement and administrative cooperation between Member States in the social rules, this will be sufficient to ensure fair working and business conditions, i.e. 'a balance between the freedom to provide road transport services and adequate working conditions and social protection of transport workers'.¹⁵ Thus, while recognising that the latest proposals will increase competitive pressures, 'the holistic and coordinated response means that other initiatives will seek to alleviate the pressure on working conditions from the policy options on market access. These initiatives will address any potential erosion of labour market standards that is likely to occur over time and there does not appear to be a requirement for any further labour market policies to address these problems'.¹⁶

Contrary to this conclusion, the Commission should perhaps be reminded of the age-old adage that: 'competition is not the solution to the problems created by competition'. Moreover, appearances can be deceptive. While it might 'appear' to the Commission that no further labour market policies are necessary to address the problems that are anticipated by different stakeholders, the difficulties experienced in the past in terms of creating a 'holistic and coordinated enforcement' do not bode well for the future, nor does the failure of existing social rules to protect the working conditions of bus and coach drivers. Liberalisation is not simply about creating an open market for existing businesses, but a market for new businesses and new business models. These business models exacerbate existing (anticipated) social problems and create new (unanticipated) social problems. These social problems can drive bus and coach drivers 'to distraction', not only in terms of their working time and the intensification of work that accompanies cost-cutting in an increasingly competitive market, but also in relation to their general wellbeing and work-life balance.

III. A Roadmap to Navigate this Report

The challenges presented by the emergence of new business models are addressed in the following section. The early twenty-first century can be characterised as an era of 'platform capitalism', dominated by firms such as Amazon, Google and Facebook that are much more than simply 'internet companies'. Platforms are able to extract, analyse, control and monopolise immense databases, creating a digital infrastructure that enables two or more groups to interact (e.g. drivers and passengers). 'Lean platforms' in the transport sector, such as Uber, attempt to reduce their ownership of assets to a minimum and to profit by reducing costs as much as possible, especially labour costs.¹⁷

¹¹ Turnbull, P. (2010) 'Creating markets, contesting markets: labour internationalism and the European Common Transport Policy', in S. McGrath-Champ, A. Herod and A. Rainnie (eds.) *Handbook of Employment and Society: Working Space*, Edward Elgar, pp. 35-52.

¹² Commission Staff Working Document (2017b), *op. cit.*

¹³ All Impact Assessments are reviewed by the Regulatory Scrutiny Board, which initially issued a negative opinion on DG Move's draft version of the Impact Assessment.

¹⁴ Commission Staff Working Document (2017b), *op. cit.*, pp.57 & 87.

¹⁵ *Ibid.*, pp.56-7.

¹⁶ *Ibid.*, p.57.

¹⁷ Srnicek, N. (2017) *Platform Capitalism*, Polity Press, pp.49-50.

The word ‘sharing’ is often used to describe the new ‘people-to-people’ economy, but for transport workers this is not a sharing economy – what is being sold, not shared, is access to a business model (platform) in which the worker carries much more risk in terms of her or his employment security, regularity and predictability of income, health and safety, fair treatment at work, etc.

What companies such as Uber do own, of course, is the most important asset: the platform of software and data analytics that enables the company to extract monopoly rent.¹⁸ Coach companies are moving in this direction, using web-based ticketing and airline-style yield management with substantial discounts for early booking. FlixBus, for example, the German company that emerged following domestic liberalisation in 2013, does not own any coaches or employ any drivers, it simply sub-contracts the services of regional bus companies that are responsible for the day-to-day running of routes. FlixBus controls the platform, providing the administration and permissions required to operate long-distance and international services alongside network planning, marketing, pricing, quality management and customer service.

As bus and coach services are transformed by these new (platform) business models, better enforcement of existing and/or new rules and regulations is unlikely to be the panacea it is often claimed to represent. The resources of enforcement agencies across Europe have been drastically cut back in recent years, presenting the sector with a loss of capacity in terms of both the number and skills/experience of enforcement personnel, and this comes at a time when enforcement problems created by platform capitalism are only just beginning to surface. Infringement and enforcement issues are therefore reviewed in a subsequent section of the present Report in order to highlight persistent social problems with respect to driving and rest times and the already excessive workload of many coach and bus drivers.

Data on the working conditions of drivers’ is presented in the final substantive section of this Report, based on a questionnaire survey of almost 700 international coach drivers and long-distance drivers between major cities within one or more Member States. The survey was undertaken during the summer of 2017 and represents the most comprehensive and contemporary database on working conditions in the European road passenger transport sector. Based on the workload, driving and rest times of these drivers, the propriety of the Commission’s latest proposals on changes to Regulation (EC) No 561/2006 on driving and rest time rules are brought into question.

IV. New Business Models in the European Market for International and Inter-City Coach and Bus Transport

In aggregate, the bus and coach share of EU passenger transport (passenger km) has experienced a slow and steady decline for more than two decades, despite pan-European reforms to open the market for international services, prevent discrimination on grounds of nationality or place of establishment, limit the administrative burden on operators, and promote coach transport as a sustainable alternative to individual car transport.¹⁹ In fact, the *Comprehensive Study on Passenger Transport by Coach in Europe* published by DG Move²⁰ found little direct evidence of any link between some of the recent increases in regular international coach travel and the introduction of Regulation (EC) No 1073/2009, overseeing access to the market of bus and coach services.

¹⁸ Uber uses Amazon Web Services (AWS) and relies on Google for mapping.

¹⁹ European Commission (2017) *Statistical Pocketbook 2017 – EU Transport in Figures*, Luxembourg: Publications Office of the European Union.

²⁰ steer davis gleave (2016) *Comprehensive Study on Passenger Transport by Coach in Europe*, Final Report, DG Move, European Commission.

Domestic liberalisation was evidently more important than the Regulation, although the previously mentioned *Comprehensive Study* by the European Commission did note that PolskiBus (an express coach operator controlled by Souter Investments, the private investment office of the Scottish coach operator Stagecoach Group) began services in Poland at the same time as Regulation 1073/2009 entered into force.²¹ Like other new start-ups, PolskiBus has expanded rapidly – from around 1 million passengers in its first year of operations to over 8 million within 3 years²² – and like other bus and coach companies uses many of the marketing, yield management and cost-cutting techniques employed by low cost airlines (e.g. purchasing tickets on-line and special offers/ early booking tickets priced as low as €1).

Rapid expansion of PolskiBus has created problems for drivers' schedules and workloads: one interviewed driver complained of having to travel 270km from his home in Krakow to Wroclaw the night before an early start the next day, driving the coach from Wroclaw to Krakow and then back to Wroclaw. He then faced a 270km journey back home and only 5 hours sleep before going back on the road.²³ Others also complained of early (4am) starts, breaks spent 'under the open skies', and a heavy workload: 'One person [the bus driver] sells tickets, lists passengers, gives information, controls the vehicle, including contacting the dispatcher ... [un/loading] tons of luggage ... [some bags weigh] up to 40kg, zero rules'.²⁴

From 2018, the network (sales platform) of PolskiBus will be connected with FlixBus, Europe's largest intercity bus network.²⁵ Liberalisation of the German domestic market in January 2013 is perhaps the clearest example of how new platform businesses can enter the market, rapidly expand by offering low fares and 'special rates', and then consolidate to create an oligopoly.²⁶ In 2015, for example, special offers appeared to be the rule rather than the exception:

- DeinBus (14/12/15) offered 10,000 free tickets in December and January
- FlixBus (01/12/15) offered €1 euro tickets for its new international lines
- Postbus (26/11/15) offered a 15 percent discount on all tickets until 29/11/15
- Megabus (13/11/15) offered 50,000 free tickets for the entire European network
- Postbus (08/09/15) offered every fifth ticket for €5 until 30/09/15

With cut-throat price competition comes consolidation as firms cannot sustain low returns on invested capital. The merger of FlixBus and MeinFernbus resulted in a company with a market share today of over 70 per cent.²⁷ Both FlixBus and MeinFernbus sub-contract services to 'partners' – already existing local bus companies who agree to offer services under the respective (regional or national) inter-urban bus brand. According to Jochen Engert, co-founder of FlixBus:

'We do everything that goes with the product, we do the scheduling, the network planning, we do the bus branding, we do all the marketing, communications, we do everything that goes with sales, IT, ticketing, etc., and we do all the service towards the customer ... we work with over 50 companies across the country, and they do the operations for us. They will bring in the assets, they bring in the drivers, they drive the buses for us, and they deliver the product the way we want them to deliver ... we have a revenue sharing model, so once a line goes very well they're

²¹ *Ibid.*, pp.61-2. PolskiBus was founded in 2011.

²² By December 2017, PolskiBus had transported 25 million passengers.

²³ http://www.gowork.pl/opinie_czytaj,881468

²⁴ *Ibid.*

²⁵ Tickets can be booked via www.polskibus.com and www.flixbus.pl as well as the FlixBus app.

²⁶ steer davis gleave (2016), *op. cit.*, pp.18 and 150-8.

²⁷ The company also acquired Postbus in 2016. The public Deutsche Bahn closed down its BerlinLinienBus (the only company to directly employ its drivers) at the end of 2016, leaving its subsidiary IC Bus as the only significant competitor of FlixBus.

going to be very profitable, once it's not going so well we're going to share the risk of utilization with them'.²⁸

While this arrangement is an attractive proposition for FlixBus, rapidly creating an extensive network across Europe, in the words of one trade union official 'it can be a nightmare for the coach companies'.²⁹ Partners (sub-contractors) with a fixed price per kilometre, and with a performance-related fee depending on sales and vehicle utilisation, will often shift the risk of utilisation onto their drivers via low pay and long hours.³⁰ Working time is often 'undocumented', whether time travelling to/from work, additional duties (e.g. cleaning the bus), and working during breaks. Accurate information is hard to come by because the majority of the partners (sub-contractors) have no works council and are hostile to any trade union representation or involvement in the company. Moreover, the Bundesamt für Güterverkehr (national enforcement authority) does not have sufficient capacity to ensure that operators abide by the rules on driving and rest times.³¹ When inter-urban buses were checked during January-June 2015, the total infringement rate was substantially higher than previous years (almost 27 per cent compared to less than 15 per cent in 2014) and the number of driving and rest time infringements had increased significantly.

Germany is not alone in having insufficient capacity to ensure effective enforcement of EU Regulations. EuroContrôle Route (ECR)³² quotes an unpublished European Commission report revealing that, across Europe, there has been a 75 per cent reduction in the capacity (personnel and resources) of European road traffic enforcement agencies following the financial crisis. The impact of this reduction can prove particularly problematic when knowledge and experience is lost, as only the 'experts among the experts' are capable of dealing with complex European legislation on drivers' hours, with tachograph manipulation, cabotage, load securing, and the like.³³ More generally, 'There isn't enough information made available to enable proper targeting of vehicles, so operators know the probability of being stopped is next to zero. Current fines are not an effective deterrent, so operators know they can violate the Regulations with impunity' (ECR official).³⁴ More to the point, 'There isn't a company that doesn't make some sort of infringement. So the real questions are: how often, what rules are they infringing, and crucially how intentional is their action?'³⁵

ECR coordinate control weeks in Member States, with specific weeks dedicated to particular offences (e.g. tachograph fraud/manipulation) or type of vehicles (e.g. holiday buses).³⁶ When a specific offence is nominated for particular attention, inspectors record a significantly higher number of offences, as demonstrated in Table 1. As a national inspector noted in relation to driving and rest time, 'you don't find it unless you look for it, look specifically ... If the Ministry asked if there was an infringement of driving and rest times [in the event of an accident] we wouldn't necessarily know'.³⁷

²⁸ The combined FlixBus/MeinFernbus operation now has over 250 'partners' across Europe.

²⁹ Interview, November 2017.

³⁰ Drivers report wages of around €2,200 to €2,400 for 260-280 hours per month.

³¹ Interview, December 2017. Inspections by local police have found infringements in almost half the controlled buses.

³² Euro Contrôle Route (ECR) is a group of European Transport Inspection Services working together to improve road safety, sustainability, fair competition and labour conditions in road transport by activities related to compliance with existing regulations. The 'four pillars' of ECR's activities are: (i) coordinated cross border checks, (ii) education and training, (iii) harmonisation, and (iv) consolidation of members' interests and lobbying.

³³ Gerard Schipper, General Delegate ECR, presentation to the EU Road Transport Conference, Vilnius, Lithuania, 16th September 2013.

³⁴ Interview, July 2017.

³⁵ Interview with national traffic inspector, June 2017.

³⁶ EU legislation requires six control weeks per annum whereas ECR organise seven control weeks to act as a 'buffer' where countries may not be able to participate (e.g. due to adverse weather conditions or scheduling difficulties).

³⁷ Senior Inspector, Inspectie Leefomgeving en Transport, Netherlands.

Table 1. Total Offences for Bus and Truck Inspections, 2016

Control Week	Category of Offence					
	Drivers' Hours	Tacho fraud/manipulation	Technical	Over-weight <12 tons	Over-weight >12 tons	Insecure loads
Week 6	6,308	319	3,217	796	599	240
Week 10*	770	152	370	21	43	15
Week 19	4,458	220	2,036	347	516	312
Week 30	2,688	150	2,078	327	174	90
Week 37	4,394	211	3,356	634	324	288
Week 41	4,338	141	3,492	466	320	167
Week 47	5,960	350	3,032	501	391	160

Notes: *Holiday Bus theme in Week 10 (hence lower volumes compared to both Truck and Bus figures for other weeks). Figures in **bold** indicate the theme for that particular week. Drivers' hours were identified as a theme for the first time in 2016. The difference between weeks when drivers' hours was a theme (Weeks 6 and 47) and other weeks in 2016 is statistically significant.

On average, around 15-20 per cent of controlled holiday buses record an offence each year.³⁸ In 2017 (control week 7), 1,750 buses were controlled, 320 buses (18.3 per cent) recorded offences and 25 buses (1.4 per cent) were subject to immediate prohibition. Table 2 reports the number of offences recorded each year since 2012 by offence type for bus inspections. Drivers' hours constitute the largest number of offences each year, with the exception of 2015.

³⁸ Maddocks, E. (2017) *ECR Analysis*, Bristol: Driver & Vehicle Standards Agency.

Table 2. Bus Offences, 2012-2016

Offence	2012	2013	2014	2015	2016	% TOTAL 2012-16
Seatbelts	110	190	119	48	155	2.5
Tachograph	445	878	672	2,116	1,145	21.4
Drivers' hours	1,122	1,677	862	1,292	1,355	25.6
Tacho fraud/ manipulation	63	49	83	392	107	2.8
Technical	698	1,426	843	673	1,060	19.1
Overweight	83	94	35	64	69	1.4
Not allowed to continue journey	117	234	239	228	243	4.3
Driver documents	146	117	159	121	178	2.9
Vehicle documents	91	91	117	75	641*	4.1
Operator documents	470	194	275	322	491	7.1
Any other offences	439	379	270	397	647	8.7

Note: * 545 (85 per cent) of Vehicle Document Offences in 2016 were recorded in Spain

According to the Confederation of Organisations in Road Transport Enforcement (CORTE), a non-profit organisation established to bring together national transport authorities from European and non-EU countries having a responsibility and interest in the field of road transport, road security and road safety, the rationale behind social legislation is two-fold, namely road safety and fair competition:

'Long and unregulated working hours deteriorates drivers' concentration and puts road safety at risk. European road transport social legislation aims to counter any problems which result in reduced road safety. Additionally, social provisions serve to guarantee fair competition between transport operators, preventing operators across the EU from benefiting from excessive working hours'.³⁹

Driver fatigue arises from a combination of poor sleep (especially irregular shift patterns and fragmented sleep), work at all times of day and often night, and sustained task performance. The effects of a 1 hour change in the driver's daily routine due to 'daylight saving' (advancing the clock by 1 hour) is well-established: there is an increase in driving accidents.⁴⁰ European road transport workers often experience an equivalent or even greater time zone changes in a week, especially when

³⁹ <http://www.corte.be/activities/road-transport>

⁴⁰ Coren, S. (1996) 'Daylight saving time and traffic accidents', *New England Journal of Medicine*, 344, p.924.

they want to spend waking time with their family or engage in other social activities.⁴¹ There is increasing recognition that the quality of work may be just as important as the quantity of work (i.e. work time) in terms of the effects on sleep and resulting fatigue.⁴² Data from the latest European Working Conditions Survey (2015), which compares land transport to other sectors of economic activity, and more direct survey data on coach and bus drivers from our 2017 survey, provides very strong evidence that working conditions are poor and driving and rest times are neither properly enforced nor fairly remunerated. It is well established that workers for whom additional hours are neither freely chosen nor fairly remunerated are most at risk of ‘occupational burnout’.⁴³

V. Drivers’ Conditions of Work and Employment

In its assessment of job and employment quality in the transport sector,⁴⁴ the European Foundation for the Improvement of Living and Working Conditions found that only agriculture recorded worse working conditions and other outcomes for the workforce.⁴⁵ The latest European Working Conditions Survey (EWCS 2015) revealed that the average (mean) scores measuring skills and discretion (learning and training opportunities in the job), the social environment and working time quality were all worse in transport compared to other sectors.⁴⁶ With the exception of agriculture, there was a higher proportion of transport workers whose usual weekly hours exceeded ≥ 48 hours than any other sector.⁴⁷

As official surveys and statistics group many different categories of transport workers together,⁴⁸ within the frame of an EU funded project⁴⁹ the ETF developed a questionnaire survey designed for international coach drivers and long-distance drivers between major cities within one or more Member States. Information accompanying the survey informed drivers that: ‘The aim of the survey is to develop a clearer understanding of the work routines, working conditions and pressures facing drivers and to inform future EU policies’. The survey was available in several languages,⁵⁰ open for several weeks, and promoted by the ETF, affiliated national transport trade unions, and various drivers’ forums via the internet. The survey generated 696 responses (630 men and 66 women), with the majority of responses from the Netherlands (257), Belgium (215), Germany (123), France (20),

⁴¹ Philip, P., Taillard, J., Léger, D., Diefenbach, K., Kerstedt, T., Bioulac, B. and Guilleminault, C. (2002) ‘Work and rest sleep schedules of 227 European truck drivers’, *Sleep Medicine*, 3(6), p.510.

⁴² Phillips, R.O. (2014) ‘An assessment of studies of human fatigue in land and sea transport’, Institute of Transport Economics, Norwegian Centre for Transport Research. The most serious effects of fatigue on transport operations are in terms of sleepiness and maintenance of cognitive task performance.

⁴³ Beckers, D.G.L., van der Linden, D., Smulders, P.G.W., Kompier, M.A.J., Taris, T.W. and Geurts, S.A.E. (2008) ‘Voluntary or involuntary? Control over overtime and rewards for overtime in relation to fatigue and work satisfaction’, *Work & Stress* 22(1): 33-50.

⁴⁴ This assessment is based on four factors: (i) career and employment security (employment status, income social protection and workers’ rights), (ii) skills development (qualifications, training, learning organisation and career development), (iii) reconciliation of working and non-working life (working/non-working time and social infrastructures), and (iv) health and well-being (health problems, risk exposure and work organisation).

⁴⁵ Eurofound (2009) *A Sector Perspective on Working Conditions*, Dublin.

⁴⁶ Eurofound (2017) *Sixth European Working Conditions Survey – Overview Report (2017 update)*, Luxembourg: Publications Office of the European Union, p.39.

⁴⁷ *Ibid.*, p.55.

⁴⁸ The *Nomenclature generale des Activites economiques dans les Communautés europeennes* (NACE) combines land transport and transport via pipeline (H49), which includes ‘other passenger land transport’ (49.3). This comprises urban and suburban transport (4931), taxi operations (4932), and other passenger land transport (4939). Many activities in 4931 are provided by coach and bus companies (e.g. bus excursions, long distance scheduled bus services, buses operated for the transport of employees, charters, excursions and other occasional coach services, express inter-urban coach services, factory bus services, sightseeing buses operations, non-scheduled bus services, and school bus services) as well as many activities clearly not provided by companies such as FlixBus or PolskiBus (e.g. animal-drawn vehicles and ski and cable lifts operation).

⁴⁹ ‘Building the Future of the Road Sector – Transport Workers Getting Involved’, Reference Number: VS/2016/0246.

⁵⁰ English, Dutch, French, German, Hungarian and Polish.

Austria (16), Sweden (16), the UK (14) and Poland (12).⁵¹ Most respondents (54.8 per cent) were involved in both regional (inter-city routes in the same country) and international driving.⁵² Only 57 respondents (8.2 per cent of the sample) were less than 31 years of age while over half the sample (50.1 per cent) was over 51 years of age.⁵³ More than one hundred drivers (over 15 per cent) were ≥60 years.

Almost 44 per cent of the sample worked for a company with 50 or fewer employees, as reported in Table 3. While drivers employed by larger companies tended to report better terms and conditions of employment, this was not always the case: *“I work for a large private company that runs everything close to the maximum laws on driving time with limited breaks. The company is fixed on high profits rather than driver welfare”*.⁵⁴ The vast majority of drivers (over 71 per cent) had worked for the same company for more than 3 years⁵⁵ and not surprisingly an even higher proportion (over 86 per cent) were employed on a permanent/full-time basis. Those employed via an agency or on a temporary contract were typically employed for between 6-12 months⁵⁶ and were less likely to be a member of a trade union. Many bus and coach companies are openly hostile towards trade unions⁵⁷ and this hostility is likely to intensify in a more open market where labour costs are a primary target for operators competing with international rivals. As most respondents were made aware of the ETF survey via their national transport union(s) the majority of respondents (over 65 per cent) were union members.⁵⁸

Table 3. Number of Drivers by Company Size

	Number of respondents	%
<10 employees	98	14.1
10-50 employees	205	29.5
51-100 employees	200	28.7
101-500 employees	150	21.6
>500 employees	43	6.2
TOTAL	696	100

⁵¹ Other respondents were from Croatia, Cyprus, Hungary, Ireland, Italy, Latvia Lithuania, Malta and Spain.

⁵² Over a quarter (27 per cent) were employed on only regional (inter-city) services and just over 18 per cent on only international services.

⁵³ There was a significant difference between the age distribution of men and women in the sample, with fewer women than expected in the younger (less than 35 years) and oldest (over 60 years) categories.

⁵⁴ The questionnaire included several ‘free text’ boxes to allow respondents to comment further on their terms and conditions of employment. These comments are reported in *italics*.

⁵⁵ Over 19 per cent had worked for their current employer for between 1-3 years, over 6 per cent for between 6 months and 1 year, and just over 3 per cent for less than 6 months.

⁵⁶ Almost one-in-seven (over 13 per cent) were hired for less than 6 months, almost 55 per cent were employed for between 6-12 months and almost a third (32 per cent) were employed on a contract of more than 12 months.

⁵⁷ The hostility of FlixBus to union activity in Germany has already been noted. The majority of survey respondents from Germany (almost 62 per cent) were non-union drivers. In the Netherlands, there is a collective bargaining agreement for the sector, but not all drivers are union members and not all companies fully comply with the terms of the agreement. Almost a quarter of the Dutch respondents to the ETF survey were not union members.

⁵⁸ Just under 31 % were non-union drivers and just over 4 % ‘preferred not to say’ whether they belonged to a trade union.

Larger employers generally pay higher wages and offer a wider range of benefits for their drivers. At the lower end of the pay distribution, several drivers pointed out that: *“We work under minimum wage if you look at the actual hours worked”*. There is considerable variation in drivers’ pay between the ‘high season’ (i.e. busy summer months) and ‘low season’, documented in Table 4, although some drivers are busy all year round if they work on scheduled services or the winter ski-season. Approaching two-thirds of the drivers (over 61 per cent) receive an irregular (variable) monthly salary (just under 39 per cent receive a regular/fixed salary). Variable pay is a result of pay per hours driving (almost 29 per cent) or per hours worked (47 per cent), where the latter includes preparation time (e.g. un/loading and cleaning the bus/coach). Very few drivers (less than 1 per cent) are paid per km driven. Operators often complain of ‘red tape’ and the Commission is keen to reduce the ‘administrative burden’ on transport companies. It seems that some companies have taken matters ‘into their own hands’ as more than one-in-ten drivers (over 12 per cent) do not receive a detailed pay slip each month (e.g. details of gross/net pay, taxes, social contributions, working/driving hours, allowances, deductions, etc.).

Table 4. The Highs and Lows of Drivers’ Remuneration⁵⁹

	<€500	€500-999	€1,000-1,499	€1,500-1,999	€2,000-2,499	>€2,500
High Season	1.5%	3.5%	7.5%	25.3%	36.7%	25.5%
Low Season	3.6%	8.3%	16.3%	33.4%	22.9%	15.5%

Note: n=589

While the majority of drivers received a range of benefits, including holiday pay (over 85 per cent), training (almost 77 per cent), meal allowances (over 70 per cent), sick pay (over 68 per cent), and emergency accommodation costs (over 61 per cent), this leaves a significant number of drivers both poorly paid and poorly protected (see Table 5). In particular, more than half the respondents were not covered by employer health care/insurance. Union members were more likely to be covered, but the difference between union and non-union drivers was not statistically significant.⁶⁰ Likewise, there was no discernible difference between union and non-union drivers in respect of training, although this result is less surprising as all drivers need to be fully qualified to drive and up-to-date with any changes to traffic regulations, etc. Table 5 demonstrates that unionised drivers were more likely to enjoy sick pay and holiday when compared to their non-union counterparts, whereas the latter were more likely to be paid a meal allowance and have access to emergency accommodation.

⁵⁹ The number of respondents to each question is reported in the notes to each table (in this instance n=589 out of the total sample of 696 drivers).

⁶⁰ A significant difference at the 5% levels means that there is a ‘one-in-twenty’ chance that the reported difference has arisen ‘by chance’ given the sample size and composition. A 1% significance level equates to a ‘one-in-one hundred’ possibility that the difference has arisen by chance.

Table 5. The Benefits of Driving: All, Union and Non-Union Drivers

	Health care/ insurance	Sick pay**	Holiday pay**	Training	Meal allowance*	Emergency accommodation**
All drivers	49.3%	68.6%	85.4%	76.9%	70.6%	60.6%
Union drivers	54.7%	76.2%	94.6%	81.9%	70.5 %	58.3%
Non- union drivers	44.0%	60.4%	75.8%	75.3%	79.1%	72.5%

Notes: n=589

* Significant difference between union and non-union drivers at the 5% level

** Significant difference between union and non-union drivers at the 1% level

More telling statistics are reported in Table 6, which compares the benefits enjoyed by full-time/permanent drivers compared to agency/temporary drivers. New business models rely on agency/temporary workers to a much greater extent than conventional bus and coach operators. The data presented in Table 6 is therefore a portent of things to come in a more 'open' market with intense price competition between companies that utilise 'lean platforms' to drive down labour costs. Agency/temporary drivers are less likely to enjoy all the benefits listed in Table 6, the difference with respect to health insurance, sick pay, and most worryingly training, are all statistically significant.

Table 6. Employer's Provision of Benefits: Full-time vs. Agency Drivers

	Health insurance**	Sick pay**	Holiday pay	Training**	Meal allowance	Emergency accommodation
Full-time/ permanent	55.5%	74.2%	89.2%	81.3%	73.2%	62.4%
Agency/ temporary	23.5%	50.6%	84.0%	67.9%	76.5 %	60.5%

Notes: n=589

** Significant difference between full-time/permanent and agency/temporary drivers at the 1% level

Whereas benefits protect drivers when not working (e.g. sick pay, holiday pay and emergency accommodation), many drivers perform unpaid tasks as part of their responsibilities, as documented in Table 7. Some of these tasks intensify the driver's workload (e.g. selling tickets/ drinks/snacks and un/loading luggage) while others extend the driver's working time (e.g. finding a parking space for the coach, picking up/dropping off from a hotel or station and cleaning the coach). As one driver explained: *"The hours that the bus is stationary does not mean that we are free. Customers make requests of the driver even during the evening hours"*. Some tasks eat into the driver's recovery time

(e.g. assisting passengers with problems during rest breaks)⁶¹ while others can disrupt the driver's work-life balance by disrupting family time or other social activities (e.g. preparation time studying routes, toll charges, etc.). As one driver commented in response to the list of activities in Table 7, *"We have a fixed salary which means that we get paid 8 hours a day, and we have to do most of the above things without any extra pay"*.

Table 7. What do Companies Pay Drivers to do?

	Paid %	Unpaid %	Non-responsible %
Selling tickets	23.9	14.8	61.3
Selling drinks/snacks	29.5	26.1	44.3
Loading/unloading luggage	56.5	29.7	13.8
Pick-up/drop-off from/at hotel or station	72.8	10.0	17.2
Finding parking space for the coach	65.9	19.5	14.6
Cleaning the coach	55.7	29.9	14.4
Finding hotel rooms for yourself and/or passengers	26.5	13.1	60.4
Preparation time (e.g. studying route, tolls, etc.)	17.3	63.5	19.2
Sight-seeing advice for passengers	29.9	41.6	28.5
Assisting passengers with problems*	30.6	46.8	22.6

Note: * one driver reported that: *"We mainly do transport of wheelchair users and are no longer paid to help these people in the bus and get seats in and out of the bus. This is about 10 hours of work every month for nothing"*.

The survey revealed some significant differences between union and non-union drivers, and between full-time/permanent and agency/temporary drivers with respect to the tasks listed in Table 7. For example, union members were significantly more likely to be paid or not responsible for picking-up/dropping-off passengers from a hotel or station and for the time spent finding a parking space for the coach. In addition, unionised drivers are less likely to be responsible for selling drinks/snacks, finding hotel rooms for themselves and/or passengers, preparation time, and offering sight-seeing advice to passengers.⁶² Compared to agency/temporary drivers, full-time/permanent drivers were

⁶¹ As one driver pointed out, *"On tour the bus stops for a 45 minutes break, but the driver is cleaning the bus during this time, so you have just 15 minutes break"*.

⁶² All these differences between union and non-union drivers are statistically significant at the 1 per cent level, with the exception of journey preparation ($p < 0.05$).

significantly more likely to be paid or not responsible for selling tickets and drinks/snacks.⁶³ For these drivers, sales activities are not only a form of work intensification but a source of income variation (e.g. commission paid on the sale of drinks/snacks). This is yet another example of employers shifting 'risk' onto the workforce – instead of a regular income, drivers must engage in additional and unpredictable activities (sales) in order to make ends meet.

Only one-in-twenty drivers (just over 5 per cent) were paid for their travel time to/from work, which for many drivers can extend their working (and driving) time by several hours each day, as one driver explained: *"If it is FLIXbus we are usually more than 21 hours on the road as we have to drive from the company in Lommel to the North Station in Brussels and when we are back at the North Station in Brussels we have to return with the bus to Lommel"*. When asked how many hours (for a typical journey) the driver spent making preparations (e.g. route planning, checking tolls, etc.), one-in-five spent less than an hour, but more than a third spent between 1-2 hours and a further third spent over 2 hours. Typical responses to the (open-text) question on these activities included:

"Preparations for journeys are done at home and are not reimbursed. Abroad, only 8 hours are rewarded while waiting for your passengers day and night".

"To clean a bus takes 30 minutes, but I don't get paid for that time. Days on the road, for multi-day trips, are paid for just 8 hours, while I work for more than 12 hours and still have to park the bus and then prepare for the next day".

The pressure on coach companies to minimize costs, especially those in 'partnership' with dominant market platforms such as FlixBus, is the direct cause of work intensification (drivers working harder and longer). This is most evident in relation to rest and recuperation and should sound alarm bells over the Commission's latest proposals to amend driving and rest time regulations (No 561/2006). When asked: 'How often is your daily resting time reduced to less than 11 hours?' almost 44 per cent of respondents replied 'frequently' and more than 48 per cent said 'occasionally'.⁶⁴ An all too common experience is that: *"rest breaks are almost always held in the bus"*. When asked: 'How often are you unable to take your full weekly rest entitlement?' one-in-four replied 'frequently' and almost 39 per cent said 'occasionally'.⁶⁵ *"Overnight stays in the cabin are very rare, but do happen"*.⁶⁶ Table 8 lists the activities that drivers are expected to perform during what should be their rest time. These demands are common to both union and non-union drivers⁶⁷ whereas agency/temporary drivers were significantly more likely to have their rest times disrupted by selling drinks/snacks ($p<0.1$), un/loading luggage ($p<0.01$), picking-up/dropping off passengers ($p<0.05$), finding a parking space for the coach ($p<0.05$), and cleaning the coach ($p<0.05$). The pressures on coach drivers with a tour party can be particularly onerous: *"The last 7 days I have driven a multi-day trip and am also a tour guide. Is difficult to calculate everything [driving and rest time] exactly. If you do not drive during an excursion you are often busy with the passengers to guide. I had 1 day off during my 10 days but I am still between my passengers in the hotel and I am cleaning my bus"*. One driver captured the views of many respondents when he added that: *"Driving times need to be more flexible for the driver, not the company. We transport people, not pallets of noodles!"*⁶⁸

⁶³ Both differences are significant at the 1 per cent level.

⁶⁴ Just over 8 per cent reported that their daily resting time is 'never' reduced to less than 11 hours.

⁶⁵ More than a third (36 per cent) replied 'never'.

⁶⁶ Just under 7 per cent of the 392 respondents to this question reported that they 'frequently' sleep in the bus/coach during their daily/weekly rest. More than one-in-five (almost 22 per cent) said they 'occasionally' sleep in the bus/coach during their daily/weekly rest.

⁶⁷ There are no statistically significant differences between union and non-union drivers in respect of any of the activities listed in Table 8.

⁶⁸ It should be noted that many drivers reported their inability to accurately report their working/driving time: *"I cannot confirm the hours for Q28 [which asked drivers for data "For your most recent working week (7 days)"] with certainty*

Table 8. Working during Rest Time

For a typical trip, how often do you perform these tasks during what should be rest time?	Always %	Sometimes %	Never %
Selling tickets	13.2	26.0	60.8
Selling drinks/snacks	18.8	52.2	29.0
Loading/unloading luggage	45.8	34.1	20.1
Pick-up/drop-off group from hotel/station	31.0	31.8	37.2
Finding a parking space for the coach	45.5	24.2	30.3
Cleaning the coach	57.8	26.0	16.2
Finding hotel rooms for yourself/passengers	9.4	26.2	64.4
Studying the route (e.g. parking, tolls, etc.)	55.7	27.0	17.3
Sight-seeing advice to passengers	26.0	49.1	24.9
Assisting passengers with personal problems	28.0	52.7	19.3

The evidence on drivers' working and rest time is therefore unequivocal – international bus and coach drivers are working more hours than specified in EU Regulations, much of this time is unrecorded and certainly unremunerated, and their work is intensified as a result of additional (typically unpaid) activities that systematically eat into their daily and weekly rest time.

VI. Conclusion – Taking a Rest from the Regulators

Enforcement of the road transport regulations, both technical and social, is a complex and difficult task, especially for under-resourced enforcement agencies dealing with new business models that create strong incentives to 'by-pass', rather than fully implement, the regulations. Companies secure a competitive advantage over their rivals by 'bending', if not deliberately breaking the rules of 'fair competition' – that is the nature of (platform) capitalism. It is naïve to assume that changes to driving and rest time regulations that offer more flexibility to operators will simultaneously protect drivers and improve their working conditions.

Based on the proposal from the Commission in the Mobility Package, some of the detrimental changes to driving time can be anticipated.⁶⁹ Others would no doubt surface over time as companies continue to bear down on (labour) costs by seeking to operate 'under the radar of the regulator'. While

because I cannot read my driver card myself (only for employers) and the total hours of the whole month are listed together on my pay slip".

⁶⁹ For example, extending the reference period for the calculation of driving and rest time from two to four weeks is likely to result in a concentration of driving time in the first three weeks. Under the current two-week reference period, a driver cannot drive more than 90 hours within any given two-week period, with a maximum of 56 hours driving during Week One and 34 hours driving in Week Two. With a four-week reference period and a reduced weekly rest of 24 hours at the end of Week Two, employers are incentivised to extend/concentrate driving time in the first three weeks.

operators, in the words of one driver, *“continue to take a rest from the regulators”*, drivers face the uncertainty of how their driving and rest time will be utilised by their employer. Most anticipate a further intensification of work. Drivers understand the existing regulations very well, as do their employers who deploy drivers in ever more imaginative (intensive) ways in order to remain profitable. It is difficult to imagine that the Commission (DG Move) does not also understand how the current regulations work to the detriment of drivers and how some of their proposals in the Mobility Package are more likely to create a further deterioration in drivers’ terms and conditions of employment. When overworked and fatigued drivers are ‘driven to distraction’, this puts the driver, passengers and other road users at risk:

“With day trips with ‘9 hours of rest’, the actual rest is usually less than 5 hours. After a week of work and no real weekly rest you are completely spun off and I personally notice that my reaction time decreases. This makes me more tired because of the intensive driving and especially the busy traffic is the problem”.

“Many people do not understand that it takes a lot of concentration to stay sharp all day in traffic (especially in the cities). This is why it is important that breaks and daily rest periods and the maximum number of days that I can work in a row is not adjusted. This is also to ensure the safety of passengers and other road users”.



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