

ADVANTAGE EMPLOYER DISADVANTAGE DRIVER



**'The Mobility Package' – new rules
proposed by the European commission
for bus, coach and truck drivers**

**INFORMATION from ETF for
PROFESSIONAL DRIVERS**



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'The Mobility Package' – new rules proposed by the European Commission for bus, coach and truck drivers

Two years ago the European Commission promised professional drivers and road operators new EU rules to make our sector a better place to work and do business. The Commission promised to tackle social dumping, fatigue and unfair competition. On 31 May 2017 they published their proposal. Far from improving conditions for drivers, the proposed rules, if adopted, will:

- give your employer greater power to determine the pattern of your weekly rest and driving time, and to require you to spend many more hours at the wheel
- give your employer the right to pay you no more than the wage of your country of origin for the first three days, within any period of a month, that you work in another EU country (the three-day threshold would apply separately to each country you work in)
- leave your employer without any obligation to pay travel and accommodation costs you incur in taking your weekly rest. The sole obligation of the employer would be to arrange your shifts so as to 'allow' you the time to spend your 45-hours or more of weekly rest at home
- allow 'letterbox companies' to continue to exist, as the new proposed rules are too ambiguous to eradicate them.

The European Transport Workers' Federation regards this proposal as nothing less than blatant attempt to legalise social dumping and poor working conditions in road transport!

WHAT'S NEXT?

The European Commission, the European Parliament and the ministers of transport of the 28 EU countries are negotiating over these proposals. It may take two or more years before the new rules are adopted. Meanwhile, workers, employers and other interest groups are trying to influence the process.

Join us in our campaign to turn these rules to the advantage of professional drivers across Europe.

- **SHARE** this information with other colleagues – this information brochure can be downloaded from the Facebook page of the ETF Road Transport Section www.facebook.com/ETFRoadSection/
- **TELL US** what you think of these potential changes via our Facebook page ETF Road Section www.facebook.com/ETFRoadSection/
- **JOIN** our ETF actions aimed to improve drivers' working and living conditions – see our calendar of actions on our Facebook page *ETF Road Section*
- **JOIN** your trade union's actions – ask your union representative for details.



THESE 'BRUSSELS' PROPOSALS, IF ADOPTED, WILL CHANGE YOUR LIFE AND WORK ... FOREVER!

DRIVING AND REST TIME – Regulation (EC) No 561/2006

YOU WILL DRIVE MORE HOURS AND LOSE PAY AND BENEFITS

UNDER THE CURRENT RULES, within each period of 2 weeks, you must take at least one period of 45 hours of uninterrupted rest. The other weekly rest period can be reduced to 24 hours as long as the difference of 21 hours is taken in a block before the end of the third week following the week in question.

THE NEW PROPOSAL would give your employer more power to juggle your driving and rest time, as:

- it extends the reference period from 2 to 4 weeks
- within these 4 weeks you would be allowed two normal (45-hour) and two reduced (24-hour) weekly rest periods, but your employer would be free to distribute them as it suits business best (you will still be able, however, to compensate the 21-hour period in the same way as before).

The European Commission claims that, over a month, total driving and rest time limits would remain the same, but this is clearly inconsistent with the arithmetic of the proposal. See the following possible scenario – a redistribution of driving and rest time periods that the Commission proposal would permit:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1	Work	Work	Work	Work	Work	Work	W1 rest in truck
Week 2	Work	Work	Work	Work	Work	Work	W2 rest in truck
Week 3	Work	Work	Work	Work	Work	Work	W3 rest at home
Week 4	W3 rest at home	Rest at home Recover 21 hours	Rest at home Recover 21 hours rest and 8 working hours	Rest at home. Recover 8 working hours	Rest at home Recover 8 working hours	W4 rest at home	W4 rest at home
Week 5	Work	Work	Work	Work	Work	Work	W5 rest in truck

(This scenario is based on the assumption that, during Week 4, you will be given the chance to recuperate some of the overtime done over the first 3 weeks of the month.)

WHAT'S IN IT FOR YOU?

- Your monthly driving time is likely to increase by 22 hours. The current rules limit the driving time to 90 hours over each period of 2 weeks, and allow a maximum of 56 hours of driving in Week 1. The 34 remaining hours of driving permitted for Week 2 make sense only when followed by a normal weekly rest of 45 hours. Under the new proposal, with the possibility of a reduced weekly rest of 24 hours at the end of Week 2, a 34-hour driving limit no longer makes sense, as in effect it will only allow you to drive 4 days before having to take a 24-hour rest period. Thus, you will either be given your day off in the middle of Week 2 and drive during the week-end, or you will have two days without driving before taking the 24-hour rest. Consequently, there is a serious risk that the 90 hour driving time limit will be abolished, as operators are interested in using time and human resources to their maximum.
- Your company will be able to make you work 3 weeks in a block, with only 2 days off, as with the new proposal your driving time can be easily concentrated in the first 3 weeks of the month, and your weekly rest in the last one. This perfectly suits companies working with non-resident drivers (drivers carrying out their activity abroad): after you have spent 3 weeks working long hours, they will be able to dismiss you without any burden or responsibility (see below for more details).

- You may experience a loss of benefits and compensation related to weekend work: a loss of time off and a loss of work at a higher hourly or daily rate of pay, since, according to the proposal, Saturday would become a normal working day.
- You risk losing the *per diems* you would be entitled to in Week 4, as your employer will consider that a week off.

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WEEKLY REST IN THE CAB – Regulation (EC) No 561/2006

YOU WILL SLEEP MORE CONSECUTIVE NIGHTS IN THE CAB AND, ALTHOUGH YOU WILL BE GIVEN THE TIME AND OPPORTUNITY TO RETURN HOME, IT WILL BE AT YOUR OWN EXPENSE

If you are a driver working abroad for long periods of time...

UNDER THE CURRENT RULES, provided you agree to it, you are permitted to take only daily rest and reduced weekly rest in the cab. You thus cannot sleep in the cab more than 12 consecutive days, as the normal rest periods of 45 hours or more must be taken outside of the vehicle. Conditions of rest, however, are not specified in the current driving and rest time regulation.

THE NEW PROPOSAL does clarify the conditions of weekly rest. This will have to be taken in “suitable accommodation, with adequate sleeping and sanitary facilities (a) either provided or paid for by the employer, or (b) at home or at another private location chosen by the driver.”

The proposal also obliges the company to organise your work in such a way that you would be able to spend at least one regular weekly rest period – 45 hours or more – at home, within each period of three consecutive weeks.

However, in the case of weekly rest taken at home or another private location, the proposal does not oblige the employer to pay travel or accommodation costs you incur.



WHAT'S IN IT FOR YOU?

The European Commission proposal would make it legal for

- you to sleep in your truck each night for 3 instead of 2 consecutive weeks.
- your company to release you from duty for one full week without having to pay for your accommodation or your trip back home! Remember, the new proposal only obliges your employer to arrange your work schedules in such a way as to allow you time to go home.

In practice, you risk being stuck in the country where you are currently working, far away from home, with two alternatives: either stay where you are and try to live for a week on your basic salary, or go home at your own expense!

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POSTING OF WORKERS

YOU WILL BE DENIED THE MINIMUM PAY OF THE COUNTRY YOU ARE WORKING IN, FOR UP TO 3 DAYS!

If you work in (or from) another Member State on a **permanent** basis, you fall under the provisions of the Rome I Regulation and are entitled to the full pack of conditions of the country you are working in, which covers salary levels, health insurance, and social security. But if you work only **temporarily** in another Member State this is called 'posting'. You are then entitled only to certain minimum conditions of that country, such as those covering minimum pay, minimum working time, and minimum paid annual leave.

UNDER THE CURRENT RULES, if you are posted, you benefit of these minimum conditions from the moment you start working on the territory of the country in question. Indeed, "Equal pay for equal work of equal value" is one of the key principles of the EU, and its aim is to prevent discrimination between workers when they move freely with their work across Europe.

THE NEW PROPOSAL would make it legal for your employer to pay you your country-of-origin salary for up to 3 days per month worked in each individual EU country, when performing international transport. The 3-day period would start afresh on your first monthly entry to any EU country. It would be your obligation to prove where you have worked, by manually recording on the tachograph the code of the country you are in,

at the start and the end of your working day, and at every border crossing! The only exception to this new proposal is the 'cabotage', when posting applies from the moment you start performing it.

EXAMPLE: Within one month, a Polish driver carries out international transport for no more than 3 days in total in each of the following countries: Poland, Germany, Denmark, Luxembourg, Belgium, France, Italy and Austria. The employer will be entitled to pay the driver the minimum Polish wage. But if the same Polish driver performs cabotage exclusively in any one of the same countries, he or she will be entitled to the minimum pay of that country from minute one, for the whole duration of the cabotage activity.



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The European Transport Workers' Federation
represents more than 3.5 million transport workers
from more than 230 transport unions and 41 European
countries, in 8 sectors, including road and logistics

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