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Fédération Européenne des Travailleurs des Transports
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ETF Road Transport

European Commission's Mobility package

ETF briefing note

Driving and rest time

Two years ago the European Commission engaged in an exercise aiming to **clarify, simplify** and **improve enforceability** of the EU legislation in road transport. The declared aims: to tackle social dumping and reinstate the climate of fair competition in the sector.

With regards to the driving and rest time, in the context of the Mobility Package, the European Commission was expected to:

- Clarify the weekly rest conditions
- Eliminate the performance based pay i.e. pay per kilometre or per delivery

This is why amending the driving and rest time rules at their core came as a surprise. The ETF would like to point out that in three years of consultation process there was no stakeholder consultation regarding the extension of the reference period for driving and rest time, nor was there any consultation on the redistribution of weekly rest over the span of a month.

Hence the turmoil caused by these proposals among drivers across Europe, who see their remuneration, workload and work-life balance seriously threatened.

The changes to the driving and rest time rules come even more as a surprise in the context where:

- an evaluation study by the European Commission conducted as part of the Mobility Package process indicates that driving and rest time rules are well known by the drivers and road transport operators, and function well, apart from their poor enforcement
- the change of rules will incur serious enforcement costs



President Frank Moreels

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CHANGES TO DRIVING AND REST TIME RULES (REGULATION (EC) No 561/2006) / passenger and freight

NEW PROPOSALS TO AFFECT BUS, COACH AND TRUCK DRIVERS

Driving and rest hours

In its Mobility Package, the European Commission proposes to extend the reference period for the calculation of driving and rest time from 2 to 4 weeks. Over one month, drivers must then take two rest periods of 24 hours and two rest periods of 45 hours. This will practically result in a concentration of driving time in the first 3 weeks of the month, and of the weekly rest at the end of it. This will further result in drivers benefitting from only 2 days of rest in a stretch of 18 days of driving. The ETF considers the above proposal to have a critical impact on road, passenger and driver safety. The recent joint work of the European Transport Workers Federation and the European Federation of Road Traffic Victims show the wide-spread concern the EC proposals raise among drivers and passengers alike. Indeed, it is hard to guarantee safety of passengers when a school bus will be manned by a driver who had only 2 days of rest in 18 days of driving!

The proposed changes in the driving and rest time rules will negatively impact all professional drivers, no matter what part of Europe they come from. They will impact on fatigue levels, on work-life balance, and on drivers' income. Drivers covered by collective labour agreements will certainly witness a reduction in their rights and benefits related to their week-end work, which basically took decades of social partner negotiations to be settled. This was already flagged out in letters addressed to 4 EU Commissioners by 12 trade unions from 9 EU Member States, and by workers representatives from 4 multinational companies operating in bus, coach and freight transport sectors. The recent strike action organised by three trade unions in Italy reflect precisely the huge concerns in this direction.

It is worth signalling that although the European Commission states that these proposed changes bring no modifications in the weekly driving time, this is hard to believe. Under the current rules, where everything is carefully calculated on the basis of a 2-week reference period, a driver cannot drive more than 90 hours within any given two weeks, with a maximum limit of 56 hours during *Week 1*, and of 34 hrs during *Week 2*. Under the EC proposal, with a reduced weekly rest of 24 hours at the end of *Week 2*, a *Week 2* of 34 driving hours no longer makes sense as this would result in one day and a half of driver inactivity. Thus, the ETF has all reasons to believe that the EC proposal will lead to an extension of the driving time i.e. to 56 hours for two or three weeks consecutively.

Weekly rest conditions – mostly concerning freight transport sector

The European Commission proposal fails once again to address the real problem of the sector, notably the massive labour trafficking currently organised by road transport operators across Europe. The latter regrettably have built their business model by 'importing' cheap labour to Member States with high standards and working conditions, keeping this pool of drivers at their disposal for months, on substandard working and living conditions. In this context, the EC proposal holds companies responsible of only one thing: organising drivers' schedules so that to allow them to return home for the weekly rest of 45 hours or more. No obligation to provide and pay for accommodation, and no obligation to cover the expenses for the trip home. On the contrary, cumulating most of the rest time towards the end of the month will make it easy for the employer to temporarily dispose of the drivers after 3 weeks of work. From our regular contacts with non-resident drivers (drivers working on permanent basis outside their



country of origin), the ETF understands they have two main concerns related to the European Commission proposal:

- 1) In the absence of any clear legal obligation for the employer to provide and pay for accommodation and to pay for the drivers' return home, the drivers in question will be trapped for up to a week (their cumulated rest time) in the country hosting their activity, where living standards are much higher than their subsistence means. The EC proposal unfortunately leaves them with no option for spending the weekly rest in adequate conditions
- 2) They will not receive per diems for the cumulated rest period taken at the end of the month, but will rather be paid only the monthly minimum wage of their country of origin (as low as 300€ in some Member States)

THE PROBLEM WITH THE EUROPEAN COMMISSION PROPOSAL

The proposed amendments to driving and rest time impact on the fine balance between the key objectives of the current regulation, notably:

- improvement of driver working condition
- road safety
- fair competition

in as much as they now grant full flexibility to road transport operators to maximise driver productivity, but unfortunately on the expense of road safety and occupational health and safety.

In practice, no matter the intentions of the EU legislator, the proposed amendments:

- lead to imbalanced distribution of the driving and rest time over the span of one month which poses serious health and safety risks for drivers, road users and passengers
- fail to propose a viable solution for the driver rest away from the vehicle
- impact on drivers' income across the EU
- in the specific case of the professional drivers in regular types of employment (Western Europe), they pose real concern in terms of benefits and compensations related to week-end work, as well as in terms of fatigue and work-life balance.

ETF PROPOSALS

- No changes to the driving and rest time rules. The rules are clear, function well, are well known to drivers and the industry alike
- Clarify that drivers must spend the weekly rest of 45 hours or more outside the cabin, in suitable accommodation with adequate sleeping and sanitary facilities, paid by the employer. Should the drivers choose to spend the weekly rest time of 45 hours or more in the country of origin, the employer will be responsible to cover the travel expenses and the travel time will be considered work time.

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