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# Social Conditions in Bus and Coach Transport in Europe

## **Social Conditions in Bus and Coach Transport in Europe**

### **Final report**

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# SUMMARY

The scientific study analysed the economic trends in road passenger transport by buses and coaches, the effects of the COVID-19 pandemic, and the impact of these developments on the social conditions of bus and coach drivers in the sector. In addition, the study researched the extent to which national and EU regulations and especially social dialogue and collective labour agreements (hereafter CLAs) in selected Member States shape and improve the social and working conditions of drivers in the sector. In particular, the study examined the content of CLAs that can address, mitigate and regulate the challenges identified with regard to drivers' working conditions and terms of employment. With regard to modes of bus and coach transport, the study focused on regular (inter-urban) services, special regular services and occasional services. Urban public transport was not covered in this study.

The study was part of the EU-financed project "Social Conditions in Bus and Coach Transport in Europe" carried out by the ETF. In addition to the study, a further product of the project was a toolbox which provided examples of good practice that addressed challenges posed by negative developments and improved working and employment conditions of bus and coach drivers. The study was based on research conducted in eleven EU Member States (Austria, Belgium, Czechia, Denmark, France, Germany, Italy, Sweden, the Netherlands, Spain, and Slovakia). The methodology of the study consisted of an extensive literature analysis, interviews with trade union representatives in the surveyed countries and discussions in three cross-national workshops held in 2021. This summary captures the main findings of the study.

The bus and coach sector is an important pillar of national and international passenger transport in Europe. Moreover, the sector is of importance for EU Member States due to its economic significance and its significance for the labour market, as the sector is labour intensive.

## **The Covid-19 pandemic and market trends have severe impacts on the bus and coach sector and the working conditions of drivers**

However, the sector has been hit hard by the COVID-19 pandemic and large parts of it have come to a standstill, with corresponding consequences for the workers in the sector. The bus and coach sector has seen an especially dramatic loss of business due to travel restrictions and changes in customer behaviour. Especially during the peaks of the pandemic business has largely collapsed. In the hard-hit segment of occasional services in particular the threat of bankruptcy became real for many operators, were it not for comprehensive government assistance programmes. All of the countries studied have issued financial aid packages and emergency measures for companies during the COVID 19 crisis. Nevertheless, the volume of employment of bus and coach drivers has declined. Companies that did not have a mixed business model and could not switch to other business areas were particularly affected. Drivers of affected bus and coach companies worked reduced hours or not at all. Especially marginal employment was cut back. In addition, many drivers left the sector, starting to work in other sectors such as logistics or haulage.

Short-time work subsidies played a major role in all the countries studied and avoided layoffs on a large scale. However, short-time work subsidies were accompanied by high income losses for drivers, since they only compensate a part of the wage payment. In addition, severe health risks due to contagion arose for the drivers, as they were often in close and sometimes unprotected contact with passengers. Furthermore, bus and coach drivers were strongly affected by the closing of restrooms and restaurants during the lockdowns, as they did not have access to this infrastructure during their breaks.

## **Strenuous and unattractive social and working conditions result in a driver shortage**

The liberalization of the passenger transport market and the increase in competition had a strong negative impact on working and employment conditions of bus and coach drivers. Personnel costs make up a substantial share of the cost of transportation and the competitive conditions paired with high profit-making intentions led to attempts to optimize human resources and minimise operating costs, especially labour costs. The “optimising” of human resources from management’s point of view lead to atypical employment, under-staffing with corresponding consequences for the workload and work intensity of the remaining employees as well as negative consequences for drivers’ pay. In addition, the shift to subcontracting went hand in hand with uncertain job prospects, limited-term or insecure employment contracts, and unpredictable pay for bus and coach drivers.

The low income of bus and coach drivers creates pressures and incentives to work long hours and overtime in order to achieving an adequate salary. In addition, drivers’ pay is often highly variable, as both week-to-week and season-to-season variations are common. Supplements, e.g., for long trips abroad, are important indispensable sources of income for some drivers. Some drivers have employment contracts for (involuntary) part-time work (BE, NL), work on zero-hour-contracts (NL in the past), are paid by the hour (DK) or work split shifts, so that employers only have to pay for the working time that is actually demanded. In some countries (CZ, NL, IT) formally retired drivers who want to increase their low pension payments by continuing to work are used. For employers, the advantage of employing retired drivers is that not all social security contributions have to be paid.

In general, it is not uncommon in the bus and coach sector to work with the tightest possible staffing levels. Before the outbreak of the pandemic, overtime and the reduced nine hours of rest were becoming the norm and a typical element of a drivers’ roster. This was mainly due to cost efficiency and profit maximisation on the part of the passenger transport operators, but also points to the massive shortage of drivers in the sector. Furthermore, not all work tasks carried out by bus and coach drivers are considered working time by the employers and drivers get paid for less work than they actually perform. The time drivers spend travelling to and from vehicles also often occurs within rest periods.

In addition, time pressure is increasing. Often schedules in road passenger transport are too tight and do not take into account delays e.g., because of traffic congestion or special demands of passengers. Due to excessive work demands bus and coach drivers suffer from high levels of occupational stress.

Another problem is the late announcement (and also cancellations) of shifts and irregular working schedules. The short notice of shifts is usually the result of bus and coach operators wanting to be as flexible as possible, to avoid additional costs when employees are called on days off, and because of pressure to accept hurried trips from customers. It is quite common in the bus and coach sector that drivers are only informed about their next assignment the afternoon of the previous day.

This does not allow the drivers to do any planning and negatively affects the work-life balance of bus and coach drivers, which is already off balance due to the long working hours. The work-life balance is further threatened by long stretches of work without days off, especially by occasional international trips which fall under the 12-day derogation.

Furthermore, infrastructure in Europe is marked by a general lack of rest areas for large vehicles and adequate places for breaks and rests. In addition, some accommodations paid by employers do not meet average standards and are, for example, shared by several drivers.

## **Providing a minimum floor of social and working conditions: European and national legislation**

Trade union representatives pointed out in the targeted interviews and during the workshops that the process of liberalisation has not been accompanied by a parallel process of social harmonization. Social conditions in road transport are affected to a significant extent by regulations at the EU level. EU legislation pursues the goal of ensuring adequate social protection of drivers in the transport sector by creating minimum working standards (e.g. Directive 2002/15/EC on driving and working time, Regulations (EC) 561/2006 and (EU) 2020/1054 on rest periods and breaks, Directive 2006/22/EC on enforcement etc.). This legislation represents a minimum level that can be improved and exceeded by national legislation in the Member States. However, in our surveyed countries EU regulations were implemented on a one-to-one basis. National regulations often set minimum standards with respect to social conditions, for example, with regard to statutory minimum wages and other aspects, such as employment contracts, minimum holiday entitlements, regulation on working hours and overtime, qualification and occupational health and safety. Furthermore, parts of the social security system play a decisive role for the social conditions of bus and coach drivers. Social security with regard to unemployment, illness and retirement vary greatly from country to country. While some social security systems in our country case studies provide comprehensive social benefits, others guarantee only minimal levels of social security.

## **Closing gaps of legislation and shaping employment and working conditions for the better**

The study showed how various forms of regulations can prevent and mitigate negative consequences of market developments. Furthermore, the study strongly demonstrated that, besides European and national social legislation and social security systems, CLAs and other outcomes of social dialogue constitutes another very important layer of social regulation in the sector. The research in the eleven Member States shows that social dialogue has led to improvements in working and employment conditions in the countries. For example, in some countries, social insurance schemes only provide a minimum basis upon which the social partners negotiate improvements. However, within the framework of social funds and CLAs, pension payments (BE, DK, ES in parts, FR), sick pay and health benefits (DK, SK partly, ES partly, SE) and short-time working benefits (IT) have been upgraded. Collective bargaining and CLAs in particular not only complements existing legal provisions but closes gaps and provides for more specific provisions that are needed for decent working conditions and remuneration.

CLAs play an important role in shaping employment and working conditions by regulating critical issues with respect to social conditions. In many countries, national legislation mostly lays down a basis from which national or sectoral CLAs may deviate to the benefit of the employees. Sectoral CLAs covering the entire country play an important role in the bus and coach sector in many countries studied. In two countries (DE, ES) collective bargaining at regional level is also important.

Extensions of CLAs and a high coverage establish a floor for wages and other working conditions and create a level playing field for companies operating in similar markets, thus preventing social dumping. In a number of countries studied the CLAs have been declared generally binding for the whole bus and coach sector (BE, CZ, FR, NL, SK in the past) or have a very high coverage rate (AT, DK, IT, ES, SE). In most countries CLAs at a company level can only deviate from the regulations of the sectoral CLAs if they have the consent of the trade unions and/or generally improve the social conditions of the employees compared to the regulations in the sectoral CLA. In Slovakia, company-level collective agreements are currently the only collective bargaining arrangements in the bus and coach sector.

CLAs regulate a great number of aspects of employment and working conditions and improve the minimum standards laid down in labour laws or regulate aspects that are not formulated in labour laws at all. The continuous renegotiation of CLAs also makes it possible to respond quickly to new economic trends. In addition, CLAs create a transparent framework to which workers can easily refer to and claim their entitlements. CLAs include a compilation of aspects that target the identified challenges as regards working and employment conditions of bus and coach drivers. The country case studies have shown that the CLAs in many countries regulate very similar aspects. Similar regulatory aspects are for example rules on weekly working time, supplements for overtime, definition of and bonuses for night work, supplements for working on weekends and/or public holidays, provisions when travelling more than a certain number of hours and/or travelling abroad, as well as training. While regulatory aspects are very similar, the regulatory content, however, is not the same.

With regard to remuneration, wage levels vary greatly between countries and the pay grades or classifications of wage groups are different. The grades and classifications often depend on the qualification and/or seniority of bus and coach drivers. Several CLAs have provisions on seniority allowances (AT, BE, FR, NL, ES in parts, SE). Regarding seniority allowances a distinction can be made between years of service in one and the same company (AT) and years of experiences (BE, FR, NL, ES in parts, SE). The latter is particularly beneficial for employees as entitlements remain in place when employees change employers. In some of the countries surveyed CLAs enshrine a 13-month bonus payment (Christmas bonus). In addition, although the amounts differ greatly between countries, all CLAs specify supplements for overtime, night work and work on weekends and public holidays.

There are also special provisions for long trips and absences of 24 hours or more in many CLAs. Some CLAs provide for the payment of a certain fixed daily rate, while other CLAs foresee a combination of reimbursements, e. g. for travel expenses or in the form of meal allowances.

A number of CLAs (CZ, DE in parts, DK, NL, ES in parts) extend the statutory holiday entitlements laid down in national legislation. Various CLAs also guarantee extra days off for special occasions. These include, for example, days for caring for sick children, weddings or funerals of relatives. It should be noted that such regulations on additional days off can in a broader sense improve the work-life balance of drivers.

Regulations that are quite common in all CLAs analysed concern periodic training to retain the Certificate of Professional Competence (Code 95) in accordance with Directive 2003/59/EC. The CLAs stipulate that training costs in the framework of the Certificate are to be paid by the employer and time spent on training counts as working time and therefore needs to be reimbursed.

Some bus and coach services are very seasonal (for example, influenced by peak tourist seasons, school holidays). With regard to the flexibilization of employment, some CLAs provide for special regulations for seasonal workers and some refer to the possibility of working time accounts.



Other CLAs guarantee minimum working hours or special fixed-term regulations. In this context, the regulation on fixed-term contracts may also deviate from national legislation.

Besides CLAs, joint institutions and further activities of the social partners, for instance in the context of social funds, create an additional stable basis for cooperation and the improvement of employment and working conditions of bus and coach drivers. Social funds have been jointly established by the social partners in Belgium, Denmark, France and Italy. Fund activities are usually financed by employers and employees – or by the employers only – and focus on improving conditions in the sector. They include offers and financing of training and further education and special welfare benefits to extend social security, among other options.

## Challenges for collective bargaining

The research showed that CLAs secure social conditions for drivers by responding to and eliminating challenges that economic trends have caused for employment and working conditions of drivers. However, this should not hide the fact that a number of challenges still exist. These originate from the negative consequences of economic trends and conditions but are also based on issues regarding trade union strength and force. It should also be emphasised that these challenges were observed by a large number of trade union representatives in all countries studied, and can thus be understood as problems that exist in many parts of Europe.

### The problem of low wages

According to trade union representatives, an issue regarding working conditions that plays a major role is the fact that many sectoral CLAs have not so far been able to alleviate the problem of low wages in the sector. For many bus and coach drivers income remains too low. The drivers have to continue to compensate for low wages by working a great amount of working hours and overtime and taking on long international trips.

### A poor work-life balance

A further problem regarding working conditions that most CLAs have not been able to solve is the poor work-life balance of drivers. The work-life imbalance is caused by long working hours but also by the high pressure through the drivers' permanent availability to the employer. Linked to this problem is also the common fact that shifts are announced (too) late and there is a general uncertainty about the precise number of working hours and exact working times in the drivers' work schedules. It should also be noted that staff scheduling and staff rosters are mainly regulated at the company level and not part of the sectoral CLA. Only the sectoral CLA for bus and coach drivers in Denmark and the Netherlands regulates the time of advance notification of schedules. In addition, in many countries the number of working hours varies greatly, especially for those bus and coach drivers that are not employed on a fixed number of hours.

### The driver shortage

At the same time, the country case studies have demonstrated a strongly increasing driver shortage – which is even referred to as “drivers' emergency” – in all the countries studied. Although it must be also be taken into account that supply and demand vary regionally and seasonally, especially with regard to occasional bus and coach transport. Demographic change is very visible in the bus and coach sector: a large percentage of bus and coach drivers are over 50 years old and there are even drivers working who have reached the retirement age. In addition, there are very few young drivers. Attempts to recruit new drivers have largely failed so far. Due the drop in demand caused by the COVID-19 pandemic and income losses the sector is

experiencing a new employment fluctuation. Trade union representatives highlighted that they do not assume that drivers who have changed sectors will return to the bus and coach sector easily, as working conditions in the bus and coach transport sector are considered poor compared to many other sectors.

There is also a general lack of female drivers in the sector. The reasons for women's low participation in the transport sector are seen in poor working conditions (including work-life-balance), safety (experiences of harassment and violence), and gender stereotyping and discrimination. In addition, trade union representatives link the overall problem of driver shortage closely to poor working conditions. Poor working conditions – especially low wages and a deficient work-life balance – make the occupation less attractive when it comes to recruiting new drivers and give existing drivers a reason to change sectors. The lack of applicants ultimately also has a negative impact on the drivers working in the sector as it leads to overtime, unforeseen substitutions, shortened breaks and rest times. The shortage of drivers has not yet been addressed in CLAs. In some countries, initiatives in the framework of social dialogue or political measures that aimed at increasing the number of applicants (e.g., lowering the age of drivers or shortening the training period) have not been able to achieve any success so far. These initiatives are seen to some extent as “cosmetic changes” by trade union representatives because they do not address the real problem of poor working conditions in the sector.

## The lacking infrastructure

In addition, there are also challenges to collective bargaining that lay outside the scope of CLAs and are generally difficult to address within their framework. These include the lacking infrastructure (sanitary facilities, restaurants, accommodation) for bus and coach drivers. In only three countries (IT, NL and SE) do CLAs make a reference to specific infrastructural requirements.

## Weak application and enforcement of rules

Another challenge to collective bargaining in the sector is social dumping because of unfair business practices and the circumvention and violation of rules. In general, trade union representatives see the main problems with legislation to be linked to weak application and enforcement in the Member States. The Enforcement Directive 2006/22/EC establishes minimum levels of roadside checks to be carried out every year by Member States and requires the communication of information on checks and offences detected in national reports. The breakdown of offences found at the roadside in 2017-2018 fall mostly into the categories: offences against rest periods (27%), driving time (18%), recording equipment (17%), driving time records (16%) and breaks (15%).

Trade union representatives reported during interviews and at conferences that the illegal posting of workers through foreign temporary work agencies and the circumvention of cabotage regulations were a problem in some countries before the COVID-19 pandemic began but has not played a role since, as the demand for bus and coach passenger transport is generally low. A fundamental problem, however, is seen in the low number of controls and the weak sanctions for certain offences. Representatives also report serious staff shortages in the inspection authorities in various countries.

Further challenges are seen in the lack of the correct application of the content of CLAs and the problem of pushing employers to respect the terms and conditions of the agreements. Related to this issue is the general problem of a balance of powers between employers and employees. Some drivers are not willing to complain about bad working conditions for fear of being punished by the employer, e.g., excluded from lucrative tours, such as international trips.



## Trade union strength and membership

In some countries there lies also a challenge in the lack of trade union members among the bus and coach drivers. Although sector specific data is scarce, it can be assumed that trade union density varies widely between countries. Countries that link social benefits with trade union membership usually fare well (e. g. the trade union density in DK is 71-73%). Bus and coach drivers usually work alone and are therefore difficult to organize. If trade union density decreases in the sector, there could be consequences for the results of trade union action (for example strikes), representativeness and thus for the precondition for CLAs to be generally binding.

In addition, the position of trade unions in the bargaining system is not always secured. Trade union representatives reported disinterested employers' associations in collective bargaining processes that do not want to conclude negotiations at all or drag out the conclusion of negotiations unnecessarily long.

## Good future prospects due to the shortage of drivers?

The shortage of drivers is a serious problem for the sector in all countries studied. The country studies point to a high percentage of mature drivers, drivers at retirement age, and very few young drivers. In addition, there are rarely any female drivers, which means that a large group of the labour market is not being utilised in the bus and coach sector. In addition, the COVID-19 pandemic has triggered a wave of employment fluctuation in the sector, which further exacerbates the existing driver shortage.

The reason often given by employers' associations for the lack of drivers is the low attractiveness of the job. However, trade union representatives in targeted interviews and at workshops have pointed out that the shortage of drivers is not so much a result of the "attractiveness of the job" but is rather related to bad social and working conditions for drivers in the sector. With regard to working conditions, low wages, long working hours, and scheduling in particular are seen to be responsible for the shortage of labour. It is therefore obvious that the shortage of drivers could be combated by improving working conditions. Moreover, trade union representatives have emphasised that these issues could be dealt with in collective bargaining and solutions could be found within the framework of social dialogue and CLAs. For example, a possibility for improvement is seen in an increase in wages, which would also reduce the need for the high number of working hours with beneficial consequences for the work-life-balance. To further ensure a good work-life balance, work scheduling should try to avoid working "unsocial hours" (i.e. late at night, early in the morning, on weekends, or on public holidays). Concerning late announcement of shifts, better staff scheduling that would enable drivers to anticipate working and non-working time further in advance could resolve the problem. Time pressure created by tight scheduling could be lowered by having realistic time tables. With regard to occupational stress caused by having passengers on board, interviewees reported on successful training programmes that improve the handling and resilience of mental stress. These aspects also apply to improving the employment of women in the transport sector: issues relevant for improving the gender balance in the sector are often seen in the reconciliation of work and family life, health and safety at the workplace, training, recruitment, and wage equality. Overall, creating the conditions for a good work-life balance is seen as a key factor to make the profession more attractive.

Regarding the future, it is not likely that the driver shortage can resolve itself, instead the problem will continue or drag on. The decline in demand for bus and coach drivers caused by the COVID-19 pandemic has only postponed the problem of the driver shortage.

Demographic change among drivers employed in the sector will intensify over time. Moreover, drivers who have changed sectors during the pandemic are not expected to return to the bus and coach sector. Many drivers have moved to public transport, where employment and working conditions are better, and they therefore have few incentives to switch back to the bus and coach sector.

A key question will be how the shortage of drivers can be used to improve social conditions in the bus and coach sector. The shortage of drivers and the need to increase the attractiveness of the sector by better social and working conditions should create new starting points and levers for trade union work and help assert employees' interests and demands. Starting points could certainly be fair remuneration and ensuring a better work-life balance as well as efforts to strengthen the gender balance. Of course, continued attention to education and training and investment in recruitment also play a role. So far, however, there are few initiatives on the employers' side to address these issues. Up to now it seems that the problem of driver shortage has not yet been considered seriously by employers, and they have not yet seen the need for a change of behaviour. However, the elimination of the problem cannot be postponed for long if the sector is to remain an important pillar of passenger transport.

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# 1. Introduction and methodology

The **bus and coach sector is an important pillar of national and international passenger transport** in Europe. Moreover, the sector is of importance for EU Member States due to its economic significance and its significance for the labour market, as the sector is labour intensive. Furthermore, transport by buses and coaches is considered to be a sustainable means of transport which provides affordable, accessible and clean passenger transportation. As a relatively environmentally friendly means of transport, passenger transport by buses and coaches is seen as having further potential against the backdrop of political ecological goals, such as the target of the European Green Deal that seeks to make the European Union climate neutral by 2050. However, the sector has been hit hard by the COVID-19 pandemic and large parts of it have come to a standstill, with corresponding consequences for the workers in the sector. In addition, there are various economic trends (competition, market concentration, subcontracting) which result in attempts by bus and coach operators to reduce costs in general and labour costs in particular.

This scientific study analyses the economic trends in road passenger transport by buses and coaches, the effects of the COVID-19 pandemic, and the impact of these developments on the social conditions of bus and coach drivers in the sector. In addition, the study researches the extent to which national and EU regulations and especially social dialogue and collective labour agreements (hereafter CLAs) in selected Member States shape and improve the social and working conditions of drivers in the sector. In particular, the study examines the content of CLAs that can address, mitigate and regulate the challenges identified with regard to drivers' working conditions and terms of employment.

The study is part of the **EU-financed project “Social Conditions in Bus and Coach Transport in Europe”** carried out by the ETF. In addition to the study, a further product of the project is an ETF toolbox. The toolbox provides examples of good practice which address challenges posed by negative developments and improve working and employment conditions of bus and coach drivers.<sup>1</sup>

This study focusses on different modes of bus and coach transport:

- Regular (inter-urban) services that are open to all passengers
- Special regular services that are open to a select group of passengers (e. g. transport of workers or schoolchildren)
- Occasional services that include services operated on the initiative of the customer or the operator (e. g. transport for tourists or for special events).

Bus and coach services can be offered on a national, cross-border or international level. In the framework of this study, bus and coach transport is seen as one sector. This contrasts with some definitions of the coach industry which primarily refer to long distance travel for leisure and tourism only. **Urban public transport is not covered in this study.**

This study is based on **research conducted in eleven EU Member States** (Austria, Belgium, Czechia, Denmark, France, Germany, Italy, Sweden, the Netherlands, Spain, and Slovakia). The methodology of the study consists of primary and secondary research methods: it includes an analysis of secondary literature and documents published by trade unions, researchers, institutions, and organizations. Furthermore, interviews with trade union representatives were conducted in the surveyed countries. During the interviews and workshops, trade union representatives presented and discussed the economic and legal framework of the sector, the employment and working conditions of drivers, the system of industrial relations, the forms of social dialogue and the processes of collective bargaining as well as the content of CLAs.

The aim of the study is to allow trade unions on the European level to compare and evaluate the information gathered on the provisions concerning social conditions in CLAs and market trends in the road passenger transport sector.

## 2. Market trends impacting social conditions in the bus and coach sector

The **COVID-19 pandemic** which started in the spring of 2020 in Europe had a profound impact on the economy in all surveyed countries and on the tourism and passenger transport industries in particular. The bus and coach sector has seen an especially dramatic loss of business due to travel restrictions and changes in customer behaviour (Foley/Hutton/Hirst 2020; Jim Power Economics 2021; Skift Research/McKinsey & Company 2020). In addition, trade union representatives during our targeted interviews and at workshops pointed out the high vulnerability of bus and coach drivers, as they are in close and sometimes unprotected contact with passengers. Furthermore, bus and coach drivers were strongly affected by the closing of restrooms and restaurants during the lockdowns, as they did not have access to this infrastructure during their breaks. Especially during the peaks of the pandemic business has largely collapsed. In the hard-hit segment of occasional services in particular the threat of bankruptcy became real for many operators, were it not for comprehensive government assistance programmes. All surveyed countries have adopted emergency and support measures for companies such as fixed cost subsidies, tax relief, and short-time work.

Before the pandemic brought large parts of bus and coach transport to a standstill, passenger transport by buses and coaches was an **established mode of transport** throughout Europe.<sup>2</sup> A number of economic trends are at work in the sector. The biggest changes are caused by the **liberalisation of market access** which had a massive impact on the structure of the sector. The international carriage of passengers is regulated by **Regulation (EC) No 1073/2009**, which came into force in 2011. This regulation set common rules for access to the international market for coach and bus services without discrimination on grounds of nationality or place of establishment. Regulation 1073/2009 applies to regular services, special regular services and occasional services and to cabotage operations.<sup>3</sup> The directive led to a massive **internationalisation** in the coach and bus sector, a restructuring of the market and a change in the pricing structure. The first years after liberalisation were characterised by **intense competition** - especially based on price, which was often ruinous, and was also reflected in the decline of the average revenue per passenger kilometre. The bankruptcy or takeover of many operators led to an intensive **market concentration** in all countries surveyed. **Small and medium-size enterprises were particularly affected** by increasing competition: while the sector used to be dominated by many small and medium-sized enterprises in the past, these companies started to vanish or to grow in size and the sector is now dominated by larger companies. In addition, there is a trend towards **mixed business models** which cover a broad array of bus and coach services. For example, bus and coach companies that previously specialised mainly in services for tourists now also offer other types of bus and coach services such as special regular services and public transport. Trade union representatives note that the trend towards mixed business models leads to higher demands regarding the social skills of drivers due to the varying demands of different passenger groups (school children, tourists, elderly and/or disabled individuals).

<sup>2</sup> Data on the number of companies or employees in the bus and coach sector are not available at EU level, as data for the sector are reported together with data on public transport and other passenger transport (see for example European Commission/Directorate-General for Mobility and Transport 2021). At the country level, the data are mostly available and are reported in the country case studies.

<sup>3</sup> The regulation does not apply to urban and suburban coach and bus services.



Furthermore, the consequences of the intense competition are also particularly visible in **long-distance regular services**, where foreign competition led to a massive structural change and **monopolistic structure** (Grimaldi/Augustin/Beria 2017; Guihéry 2019; van de Velde 2009). The market segment for long-distance regular services is now in the hands of only a few large companies (see example in box 1).

#### BOX1: Flixbus – one of the biggest international operators in bus and coach

One of the largest providers of bus and coach services (in terms of passengers, route network and departure points) is the German company Flixbus. Flixbus offers intercity bus services in Europe, the United States and Brazil. Flixbus is a subsidiary of Flixbus GmbH which also operates the railway services provider Flixbahn (since 2018) and the car-pooling company Flixcab (since 2019). The revenues of Flixbus were estimated to be € 500 million in 2018. In 2019 (latest data available) Flixbus connected more than 2,500 destinations in 37 countries by bus, coach or train. In Europe, Flixbus operates a platform for bus and coach travel services and focusses its activities on marketing and ticket sales, network planning as well as other administrative and organizational tasks. Flixbus does not own any buses or coaches or employ drivers but journeys are carried out by external, mostly small and medium-sized regional bus and coach companies. On average, Flixbus retains 25–30% of the ticket price for its services. In 2017 Flixbus and Flixbahn combined employed around 1,200 employees directly, while 273 subcontracted bus and train companies employ some 7,000 drivers.

*Sources: Bundesamt für Güterverkehr 2020, p. 13; Flixbus 2022; Fockenbrock/Kapalschinski 2019; Mobifair – für fairen Wettbewerb in der Mobilitätswirtschaft e.V. 2018; Wembridge 2019.*

These big market players also make use of new business practices such as **subcontracting**. With very few exceptions, long-distance bus providers only act as intermediary platforms that work with subcontractors. The **platform operators** control the platform and provide the administration and permissions required to operate long-distance and international services alongside network planning, marketing, pricing, quality management and customer service. Subcontractors operate regular services with their own vehicles and drivers either on behalf of the operating companies or under their own management. The risk of utilisation lays with the sub-contractors, as there is a fixed price per kilometre and a performance-related fee depending on sales and vehicle utilization. Subcontracting allows the platform operators to operate cost-effectively and flexible by passing on responsibilities to subcontractors.

In **occasional services** foreign competition has also intensified the situation, especially as trans-border drivers carry out trips inland - sometimes in disregard of cabotage regulations.

Trade union representatives pointed out in the targeted interviews and during the workshops that the process of liberalisation **has not been accompanied by a parallel process of social harmonization** (see also ver.di 2012). Where business strategies are mainly based on cost competition, many operators resort to engaging drivers at low wage rates, and to circumventing laws and agreements governing working time, remuneration and social protection. The competitive practices in the bus and coach sector paired with high profit expectations lead to the danger of a substantial undercutting of social regulations.

### 3. Aspects of EU-legislation and national regulation on social conditions

Social conditions in road transport are affected to a significant extent by regulations at the EU level. **EU legislation** applies not only to bus and coach drivers but also to lorry drivers. It pursues the goal of ensuring adequate social protection of drivers in the transport sector by creating minimum working standards. The directives and regulations focus on driving and working time (Directive 2002/15/EC), rest periods and breaks (Regulations (EC) 561/2006, Regulation (EU) 2020/1054) and control mechanisms (Directive 2006/22/EC). Regarding control mechanisms regulations on tachographs (Regulation (EU) 165/2014, Regulation (EU) 2020/1054) and rules on enforcement (Directive 2006/22/EC) also play an important role. The Training Directive (2003/59/EC) requires professional drivers to have an initial qualification and to undergo periodic training. The Posting of Workers Directive (Directive 96/71/EC) establishes a set of mandatory terms and conditions of employment regarding postings. Table 1 provides an overview of selected aspects of these directives and regulations.

**TABLE1: Overview of selected aspects of EU directives and regulations**

EU DIRECTIVES AND REGULATIONS	REGULATORY ASPECTS (EXCERPT)
<b>Directive 2002/15/EC</b>	Directive 2002/15/EC focusses on working time and maximum working week, night shifts and breaks. According to the directive, working time not only includes the driving of the vehicles but also other activities such as loading and unloading suitcases, cleaning and technical maintenance.
<b>Regulation (EC) No 561/2006 and Regulation (EU) 2020/1054</b>	Regulation (EC) No 561/2006 establishes requirements related to daily and weekly driving times as well as breaks and rest periods. The regulation provides for a 12-day derogation allowing the driver to postpone his/her regular weekly rest on international trips. The regulation also states that operators shall not give a financial supplement related to distances travelled if endangering health or safety. Furthermore, it establishes rules on multi-manning. The amending Regulation (EU) 2020/1054 introduced the requirement that drivers need to be accommodated in suitable accommodation with adequate sleeping arrangements and sanitary facilities when they take their weekly rests. It also sets rules on the interruption of the weekly rest (ferry/train derogation).
<b>Directive 2006/22/EC</b>	Directive 2006/22/EC, which is known as the Enforcement Directive for Regulation (EC) No 561/2006, contains a set of provisions to enforce compliance with the regulations on driving time. It establishes minimum levels of roadside checks and controls at the premises of transport companies, which are to be carried out every year by Member States.

EU DIRECTIVES AND REGULATIONS	REGULATORY ASPECTS (EXCERPT)
<b>Regulation (EU) No 165/2014 and Regulation (EU) 2020/1054</b>	Regulation (EU) No 165/2014 sets requirements for the construction, installation, use, testing and control of tachographs that must be fitted in the buses and coaches that fall within the scope of Regulation (EC) No 561/2006. The amending Regulation (EU) No 165/2014 introduced the rules on smart tachographs. As a new generation of on-board devices smart tachographs provide automated recording through satellite positioning of driving time, breaks and rest periods.
<b>Directive (2003/59/EC)</b>	Directive 2003/59/EC states that bus and coach drivers must obtain an EU Certificate of Professional Competence (CPC). The Certificate of Professional Competence (CPC) is obtained following 280 hours of compulsory training and a test. In addition, all drivers must undergo 35 hours of periodic training every five years to retain the Certificate (also known as Code 95). Bus and coach drivers must be at least 23 years old (exceptions for younger drivers possible, e. g. if the route does not exceed 50 kilometres, training certificate etc.). <sup>4</sup>
<b>Directive 96/71/EC</b>	Directive 96/71/EC on the posting of workers lays down that working conditions for workers who are temporarily posted abroad by their employer must be based on the country to which they are posted. The rules include the maximum work periods, minimum rest periods, minimum rates of pay (including overtime rates), minimum paid annual holidays, health, safety and hygiene at work and provisions of non-discrimination.

Source: Own contemplation.

It should be noted that the EU-legislation sets out **derogations under which the directives and regulations do not apply**. Derogations exist regarding buses and coaches on regular services where the route covered by the service in question does not exceed 50 kilometres. Furthermore, the rules only apply to the transport by road of passengers by vehicles that are adapted to carry more than nine people (including the driver). During the targeted interviews and at workshops trade union representatives indicated that some bus and coach operators are breaking up routes exceeding 50 km into shorter trips driven by the same driver successively to avoid EU legislation. Such manipulation to circumvent EU legislation are of course prohibited.

In addition, due to the low wages in the sector, some drivers seem to be compelled to have multiple employment contracts – whereby one contract covers trips under 50 km and the other trips over 50 km. Multiple job holding of this kind is also forbidden as it violates the legal regulations on driving time and rest time, among others.

EU legislation represents a **minimum level that can be improved and exceeded by national legislation in the Member States**. However, in our surveyed countries EU regulations were implemented on a one-to-one basis.

<sup>4</sup> As of the writing of this report (winter 2021/2022) an ex-post evaluation of Directive 2006/126/EC on driving licences is currently underway. The ETF made several contributions regarding the amendments which have been proposed. For example, ETF is not in favour of lowering the minimum age of drivers. In addition, ETF demands that driving licences issued by third countries must be subject to the same requirements as in the Member States, e.g., drivers also need to participate in regular training (ETF 2021a; ETF 2021b).

In addition, national regulations often set minimum standards with respect to social conditions, for example, with regard to **minimum wages** (e.g. BE, DK). Other aspects, such as employment contracts, annual holidays, regulation on overtime, qualification and occupational health and safety and much more, are also contained in national labour regulation, as the country studies will show.

Furthermore, parts of the **social security system** play a decisive role for the social conditions of bus and coach drivers. Social security with regard to unemployment, illness and retirement vary greatly from country to country. The social security systems differ in terms of the recipients of benefits, type and amount of benefits, service providers and financing. While some social security systems in our country case studies provide comprehensive social benefits, others guarantee only minimal levels of social security. The country studies show that social insurance schemes only provide a minimum basis upon which the social partners negotiate improvements. For example, within the framework of social funds and CLAs, pension payments (BE, DK, ES in parts, FR), sick pay and health benefits (DK, SK partly, ES partly, SE) and short-time working benefits (IT) have been upgraded.

**CLAs** play an important role in shaping employment and working conditions by regulating critical issues with respect to social conditions. In general, CLAs can be based on several levels. For example, wages can be negotiated at a sectoral, regional or company level and these levels can also be interlinked in fairly complex ways. The relevance of CLAs is also determined by actions of the state which, for example, sets the rules for bargaining and has the ability to extend agreements to non-affiliated parties. In many countries, national legislation mostly lays down a basis from which national or sectoral CLAs may deviate to the benefit of the employees. Sectoral CLAs covering the entire country play an important role in the bus and coach sector in many countries studied. In two countries (DE, ES) collective bargaining at regional level is also important.

With regard to the **extensions of CLAs** many countries make provisions for the Minister of Labour or a public agency to extend a CLA to all employers and employees that fall within a specific scope, usually demarcated by sector or occupation. Extensions of CLAs and a high coverage establish a floor for wages and other working conditions and create a level playing field for companies operating in similar markets, thus preventing social dumping (Hayter/Visser 2018). In a number of countries studied the CLAs in the bus and coach sector have been declared generally binding for the whole sector (BE, CZ, FR, NL, SK in the past) or have a very high coverage rate (AT, DK, IT, ES, SE).

In most countries **CLAs at a company level** can only deviate from the regulations of the sectoral CLAs if they have the consent of the trade unions and/or generally improve the social conditions of the employees compared to the regulations in the sectoral CLA. It should be noted, however, that this is not the case in all countries studied (exception ES between 2013 and January 2022). Company level CLAs determine, for example, the precise structuring of wages, bonuses and working time for drivers. However, with regard to the countries studied, CLAs at company level only play a subordinate role in the bus and coach sector. An exception to this is Slovakia, where company-level collective agreements are currently the only collective bargaining arrangements in the sector.

Lastly, within the framework of social dialogue, some countries have established **(sectoral) joint committees** to regularly deal with issues, while in other countries social partners negotiate on a need-be basis.

## 4. Social conditions in the bus and coach sector

**Social and working conditions** for bus and coach drivers are generally considered to be strenuous (Turnbull 2018; Vitols/Voss 2021). The ETF and the European trade unions have frequently highlighted the problematic situation in the bus and coach transport sector and campaigned against unacceptable conditions for bus and coach drivers (ETF 2018, 2019, 2020). The liberalization of the passenger transport market and the increase in international competition had a strong **negative impact on working and employment conditions** of bus and coach drivers. Personnel costs make up a substantial share of the cost of transportation and the competitive conditions paired with high profit-making intentions led to attempts to **optimize human resources and minimise operating costs, especially labour costs**. These developments have put strong pressure on the employment and working conditions of bus and coach drivers in international as well as national passenger transport. In addition, the shift to **subcontracting** often has a massive impact on employment and working conditions: employment relationships are limited to the duration of the subcontracts (1-2 years), job prospects are uncertain, drivers are often more insecure, their pay is less predictable, and the demands on their working (and non-working) time are greater (Giese 2018; Turnbull 2018; verdi 2012). In addition, bus and coach drivers who do not work for subcontractors experience difficult employment and working conditions, as our target interviews and workshop results showed. Some bus and coach drivers only get the statutory minimum wage or a **low income** that creates pressures and incentives to work long hours and overtime in order to achieving an adequate salary. In addition, drivers' pay is often **highly variable**, as both week-to-week (depending on hours worked) and season-to-season (pay is usually higher in the peak season) variations are common. Supplements, e.g., for long trips abroad, are important indispensable sources of income for some drivers. Payments might be also linked to trips based on km or by output, even though this type of payment is prohibited if it might affect the driver's health or road safety.

In some of the countries surveyed drivers have employment contracts for **(involuntary) part-time work** (BE, NL), **work on zero-hour-contracts** (NL in the past) or are **paid by the hour** (DK), so that employers only have to pay for the working time that is actually demanded. It should be noted that in most country case studies **bogus self-employment** plays only a minor role. In addition, **temporary agency workers** are hardly used in the sector (except in SK). In addition, temporary agency work is often covered by a CLA. In some countries (NL, IT) formally **retired drivers** who want to increase their low pension payments by continuing to work are used. For employers, the advantage of employing retired drivers is that not all social security contributions have to be paid.

Furthermore, it should be noted that the subsector of **regular special service** in particular, for example by minibuses for the handicapped, elderlies or schoolchildren, is characterized by precarious conditions and low wages. In this subsector the problem of split shifts also comes into play. **Split shifts**, where the working day is split into two periods, can cause problems for the drivers because of the distribution of working time, the long breaks in between the shifts and the location of the end and starting point of the work. Only a few CLAs contain provisions in this regard.

In general, it is not uncommon in the bus and coach sector to work with the **tightest possible staffing levels**. Before the outbreak of the pandemic, **overtime** and the **reduced nine hours of rest** were becoming the norm and a typical element of a drivers' roster.



This was mainly due to cost efficiency and profit maximisation on the part of the passenger transport operators, but also points to the massive **shortage of drivers** in the sector. Furthermore, not all work tasks carried out by bus and coach drivers are considered working time by the employers and drivers get paid for less work than they actually perform. It should also be noted that our country studies show that not all CLAs make provision for availability time, waiting times or on-call duties. An ETF study from 2018 among 698 bus and coach drivers found out that several tasks are rarely considered formal working time and are therefore mostly unpaid. These include: cleaning the vehicle, preparation times (such as studying the route), assisting passengers with problems or giving them information, and loading and unloading luggage (Turnbull 2018). The time drivers spend travelling to and from vehicles also often occurs within rest periods. Together all these issues reduce the time available for breaks and rests and challenge work-life balance – a factor that is seen as very important by many drivers. The **work-life balance** is further threatened by **long stretches of work without days off**, especially by occasional international trips which fall under the 12-day derogation.

In addition, **time pressure** is increasing. Often schedules in road passenger transport are too tight and do not take into account delays e.g., because of traffic congestion or special demands of passengers. Another problem is the **late announcement** (and also cancellations) of shifts and **irregular working schedules**. Short notice of shifts is usually the result of bus and coach operators wanting to be as flexible as possible, to avoid additional costs when employees are called on days off, and because of pressure to accept hurried trips from customers. It is quite common in the bus and coach sector that drivers are only informed about their next assignment the afternoon of the previous day. This does not allow the drivers to do any planning and negatively affects the work-life balance of bus and coach drivers, which is already off balance due to the long working hours. In addition, the late announcement of shifts and irregular working schedules lead to irregular patterns of time spend awake and asleep, which are often in contradiction with the natural biological cycle and sleep needs of the drivers. The natural biological cycle (the so-called circadian rhythm) is driven by an endogenous internal body clock and displays a near 24-hour cycle, with peaks and troughs of wakefulness occurring throughout the cycle. Irregular working schedules and frequent changes in the work-rest schedule of bus and coach drivers work against the fixed programming of the human body clock. Night work is also a problematic, as the lowest points of the circadian rhythm produce the strongest drive to sleep and occur at night, with alertness already beginning to decrease in the late evening.

Bus and coach drivers have high levels of occupational stress (Ihlström/Kecklund/ Anund 2017; Taylor/Dorn 2006). Sources of this stress are excessive work demands, such as severe time pressure, but also stem from having passengers on board. This mostly originates from the additional tasks that come from interaction with passengers, such as communicating and assisting passengers, but also from the increased noise level in the vehicle. In addition, conflicts with passengers play a role, in particular as there are indicators that passengers are becoming more demanding.

Interviews with trade unions point out that, due to the widespread use of road maps on smartphones, it is relatively common for passengers to start discussions with bus and coach drivers about the reasonability of the driving routes chosen.

Furthermore, working in harsh and uncomfortable environmental conditions can contribute to occupational stress. In passenger road transport, uncomfortable environmental conditions include heat, cold, and mechanical vibrations inside the vehicle but also external factors such as bad weather and icy roads, poor visibility, poor roads and high-density traffic.

In addition, **health-related working conditions** such as prolonged sitting, atypical working hours and night work, road safety risks, as well as violence and assaults from passengers also play a role in the bus and coach sector. Furthermore, bus and coach drivers may be exposed to heat, vibration, and noise due to the vehicles' design and road conditions.



The constant need for attention in road traffic and time pressure lead to high stress levels (Filt-ness et al. 2019; Vitols/Voss 2021). Furthermore, infrastructure in Europe is marked by a general **lack of rest areas** for large vehicles and adequate places for breaks and rests. **Sanitary facilities**, restaurants, and shops are missing in areas where bus and coach drivers spend their breaks. In addition, some accommodations paid by employers do not meet average standards and are, for example, shared by several drivers.

## 5. Country case studies

### 5.1 AUSTRIA

#### Market trends in the bus and coach sector

In the bus and coach sector in Austria, 1,020 bus companies are active in occasional transport. This includes excursions, holiday destination travels and bus hire. The number of bus and coach **drivers employed** in private companies is about 11,100. In addition, it is estimated that about 35,000 jobs in Austria depend directly on bus tourism. The share of marginal employees among employees of bus and coach operators was 5% in 2020. Fixed-term contracts are rare. Self-employment, bogus self-employment and temporary agency work do not play a role in the Austrian bus industry. The share of women in the bus and coach sector was around 16% (including marginal workers). The number of employees increased steadily until 2019, but decreased between 2020 and 2019 due to the COVID-19 pandemic. On average, a bus company employs five people. More than three quarters of the companies have only nine employees or less. Foreign competitors play a role in the Austrian road passenger transport industry, and foreign bus and coach operators try to access the Austrian market and carry out trips. Increasingly, they partner with small Austrian companies, which are willing to join forces with foreign partners as sub-partners, in order to get orders they would usually not get themselves due to their small size. Just as elsewhere in Europe, there is a labour shortage of bus and coach drivers in Austria. However, the trade union *vida* opposes the use of drivers of retirement age.

Austria was hit hard by the **COVID-19 pandemic** and the government initiated a wide range of **economic support measures**. If companies experienced a 40 or more percentage drop in turnover per month, fixed costs were covered by a subsidy of up to 45% percent of the drop in turnover. In addition, a **short-time work scheme** was widely applied in the bus and coach sector. The net replacement rate amounted to 80-90% of the basic wage. In total about €2 billion were invested in the bus and coach sector by the Austrian state until the fall of 2021. However, as drivers typically receive many supplements in addition to the basic salary, the trade union *vida* estimated that drivers lost around €400 per month during the pandemic. As a result, many bus and coach drivers switched jobs and looked for work outside of the sector. Up until the end of 2021 there were no layoffs or insolvencies due to the COVID-19 pandemic in the bus and coach sector in Austria.

#### The legal framework of employment and working conditions

The legal framework regulating social and working conditions in road passenger transport in Austria consists of European and national legal sources. The **European legal regulations** that contain important regulations to be observed by companies and drivers regarding driving times, driving breaks, minimum daily and weekly rest periods, maximum working hours and double manning were implemented into Austrian law by the Working Time Act (*Arbeitszeitgesetz* - AZG) and the Act on Rest Periods (*Arbeitsruhegesetz* - ARG). The **Working Time Act** contains the regulation of working hours including Regulations 561/2006 and 165/2014, among others. The **Act on Rest Periods** (*Arbeitsruhegesetz* - ARG) regulates the weekly rest and rest on public holidays. The EU laws were transposed one-to-one into Austrian law.

In addition, collective agreements play an important role for the implementation of EU and national regulation. For instance, it is explicitly stated in the CLA of the road passenger transport sector that the collective agreement implements the EU Working Time Directive 2002/15/EG, Regulation 561/2006 on the harmonisation of certain social legislation relating to road transport, as well as EU Regulation 165/2014 on tachographs in road transport and the Austrian working time legislation. However, deviations from the legal standards through CLAs at the sectoral or at company level are in general possible.

According to the Working Time Act the working day is restricted to eight hours per day and 40 hours per week. However, weekly working hours may be varied up to 12 hours per day and 60 hours per week, as long as an average 40-hour week is maintained. Overtime is limited to five hours a week and 60 hours a year and is remunerated by a supplement of 50% per hour on top of the normal wage.

Regarding **annual leave**, employees are entitled to 30 working days (including Saturdays; 25 days excluding Saturdays). This entitlement increases to 36 working days (including Saturdays) after 25 years of service in the same company. Due to the high coverage of economic sectors by collective wage bargaining, Austria has **not introduced statutory minimum wages**.

Regarding social security, almost all employees and most self-employed persons are compulsorily insured. The contribution rate for social insurance is 39.35% in Austria, of which employees pay 18.12% and employers 21.23% (Österreichische Gesundheitskasse 2021). The contribution rate for pension insurance is 22.8% (employees: 10.25%, employers: 12.55%). Regarding pensions, the statutory retirement age is 65 years for men and 60 years for women, which will be gradually increased to equal the pensionable age for men. Additional pension funds are possible at company level, where employers pay a compulsory contribution of 1.53 % of the gross monthly wage for each employee into the pension fund. However, only a few bus and coach companies have such pension funds. The health insurance contribution is 7.65% (employers: 3.78%; employees 3.87%). Employees are paid wages by the employer for the first 12 weeks of illness. Afterwards, sickness benefits are provided by health insurance and amounts to about 60% (with a higher percentage in the first four weeks because of a top-up by the employer). Unemployment insurance amounts to 6% of the income and is divided equally between the employer and the employee.

## Social partners and forms of social dialogue

In Austria, there are two social partners organising the road passenger transport sector. The **vida trade union** represents the interests of all professional drivers in Austria, including in addition to bus and coach drivers, drivers in the road freight transport and logistics, and taxi drivers. Vida is a member of the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund, ÖGB). Trade union membership rates in vida vary among employers in bus and coach companies, ranging from ten to 90%. In particular, the larger companies are unionised, where a union density of 40-50% is normal. "Yellow unions" do not play a role in Austria, due to the tight procedure of recognition as a social partner possessing the capacity to conclude collective agreements (Allinger 2021).

Bus and coach operators are organized in the **Austrian Economic Chamber** (Wirtschaftskammer Österreich, WKÖ) under the section for bus, aviation and shipping companies, and the subsection bus and coaches, which also covers public transport. Due to the obligatory membership of Austrian companies in the Austrian Economic Chamber, the membership rate of bus and coach operators in the employers' association companies is 100%. Sectoral talks are held by the social partners throughout the year to prepare the next CLA and, above all, to eliminate challenges before the negotiations. However, these talks do not follow a structured dialogue format.

## Collective bargaining practice and the contents of collective agreements

A key feature of the Austrian collective bargaining system is the **high coverage of companies** through CLAs. In the bus and coach sector – as in most other sectors – all companies are covered by the CLA for the sector. This is due to the obligatory membership of Austrian companies in the Economic Chamber. **Company level CLAs** are possible to improve working conditions, but cannot undermine the regulations of the sectoral CLA. For example, some company level CLAs in bus and coach sector stipulate that the overtime calculation period is shortened and therefore that the drivers are more likely to receive overtime pay. In the road passenger transport sector the sectoral **CLA „Bundeskollektivvertrag für Dienstnehmer in den privaten Autobusbetrieben“** was negotiated between VIDA and the Austrian Economic Chamber. The current CLA for the bus and coach transport came into force at the beginning of 2021 and was considered a great success by VIDA, especially during the COVID pandemic. The CLA **raised hourly wages** in all categories by 1.5%. In addition, the expense allowance for driving was increased. The increase in wages, despite the pandemic, was mainly due to the shortage of drivers and the interest of employers to keep drivers from leaving the sector.

The CLA consists of two sections – general provisions and a part on wages – with different functional scopes:

- the general provisions implement EU and national legal acts and cover, for instance, regulations on working time and breaks;
- the part on wages addresses issues related to remuneration and includes a wage scale.

The CLA part on general provisions has an indefinite duration (as long as the respective legal sources remain unchanged), whereas the wage related sections have a notice period of two months. Collective bargaining on wages normally takes place each year.

The CLA stipulates a normal **weekly working time** of 40 hours. The maximum working time in individual weeks can be 60 hours (but only if the average weekly working time is 48 hours on average within a period of 26 weeks). **Waiting time** counts as working time and must be remunerated. To do this, waiting times are added up and paid as full working time up to six hours daily. If waiting times exceed six hours, drivers shall be paid at 50% of the normal wage after deduction of a break of one hour. The daily break of maximal 1.5 hour per day is not counted as working time and thus is not paid. There is **no regulation on on-call duty**.

Regarding **overtime**, each hour exceeding 40 weekly working hours is counted as overtime. Just as the Working Time Act requires, the overtime premium is 50% of the normal hourly rate. Overtime between 10 pm and 6 am is counted as night work and remunerated with a premium of 100%. In general, **night work** between midnight and 5 am is remunerated with a bonus of 100%. Annual leave is regulated according to labour law and, in addition, days off in specific situations are given (marriage, birth, death, children's illness of children, etc.). There are **holiday allowances and a Christmas bonus** in the amount of 4.33 weekly wage plus a 30% premium.

**Notice periods** listed in the CLA are rather short compared to other industries in Austria, as the bus and coach sector is understood as a seasonal business. The notice periods range from one week to four weeks depending on seniority (in other industries: three months). However, as there is a lack of drivers, the short notice periods are not much of a concern for drivers or the trade union.

**Further training and qualification** in general must be paid by the employer. This also applies to further training within the framework of Code 95.

In order to promote the profession of professional bus and coach drivers the CLA stipulates that drivers are granted a total of one unpaid leave of absence (an unpaid holiday) up to a maximum of 3 weeks (21 calendar days) to attend the preparatory course for the final **apprenticeship** examination for the profession of professional bus and coach driver (Berufskraftfahrer/in).

The CLA includes a detailed **wage scale** on the basis of hourly, weekly and monthly wage levels. Basic wages scales differ on the basis of **length of employment with a company** (four different groups/levels) and two different qualification levels (see Table 2). The qualification levels differentiate between bus and coach drivers and those professional bus and coach drivers who obtained a training certificate from the vocational training system. However, the trade union made sure that there are only marginal differences between those two qualification groups, as there are very few drivers who have completed an apprenticeship. Depending on seniority and qualification, basic wages for drivers according to the 2021 collective agreement range between €13.13 per hour (€2,274.12 per month) for a driver who has worked one year or less for the company, to €13.52 (€2,341.66 per month) for trained drivers with 21 years or more employment in the company. Vida estimates that bus drivers earn on average about €2,800 gross per month, including allowances and bonuses.

**Table 2: Wage table for bus and coach drivers (for 2021, gross wages)**

LABOUR CATEGORIES	HOURLY WAGE (IN €)	MONTHLY WAGE (IN €) <sup>5</sup>
<b>DRIVER</b>		
Driver in 1st year of employment with a company	13.13	2,274.12
Driver from 2nd to 10th year of employment with a company	13.17	2,281.04
Drivers from 11th to 20th year of employment with a company	13.27	2,298.36
Drivers from the 21st year of employment with a company	13.39	2,319.15
<b>Professional driver</b> (i.e. passed final apprenticeship examination)		
Professional driver in 1st year of employment with a company	13.17	2,281.04
Professional driver from the 2nd to the 10th year of employment with a company	13.27	2,298.36
Professional driver from the 11th to the 20th year of employment with a company	13.39	2,319.15
Professional drivers from the 21st year of employment with a company	13.52	2,341.66

Source: WKO 2021.

<sup>5</sup> The monthly wage is calculated as the weekly wage x 4.33. The weekly wage is the hourly wage x 40.

Employees receive a one-time **anniversary bonus** of 4.33 weekly wages after 20 years of employment in one company. The trade union is critical of the fact that the level of wage payments is dependent on the length of employment in one company rather than the years of work experience, as every switch of employer leads to a re-classification at the lowest wage level.

The wage of bus and coach drivers increases through additional remuneration components such as daily fees and/or overnight fees when travelling within the country or abroad. The driver is entitled to at least part of the **daily fee** (€24.84 per 24 hours) when travelling within the country for occasional transport (i.e. not for regular transport). If the driving activity or absence from the place of work lasts more than three hours, 1/12 of the daily allowance is to be paid for each hour. In case of overnight stays, the driver receives an additional **specific overnight allowance** of €4.82. In case hotel accommodation is needed, costs will be reimbursed. When travelling in another country daily fees as well as overnight allowances are €34.86 (plus the overnight allowance of €4.82). These fees are paid in addition to the legal travel allowance to be paid to compensate for increased cost of living expenses related to work performed outside the country; the allowance varies depending on the destination country.



## 5.2 BELGIUM

### Market trends in the bus and coach sector

The Belgium bus and coach sector is a small sector with around 400 companies and 11,500 drivers in 2019. As the share of part-time work is quite high (30%), the number of full-time equivalents (FTEs) would be around 7,800 drivers in 2019.

Nevertheless, before the COVID pandemic, the sector experienced quite a stable development in terms of employment between 2008 and 2019 across the three sub-groups of the sector:

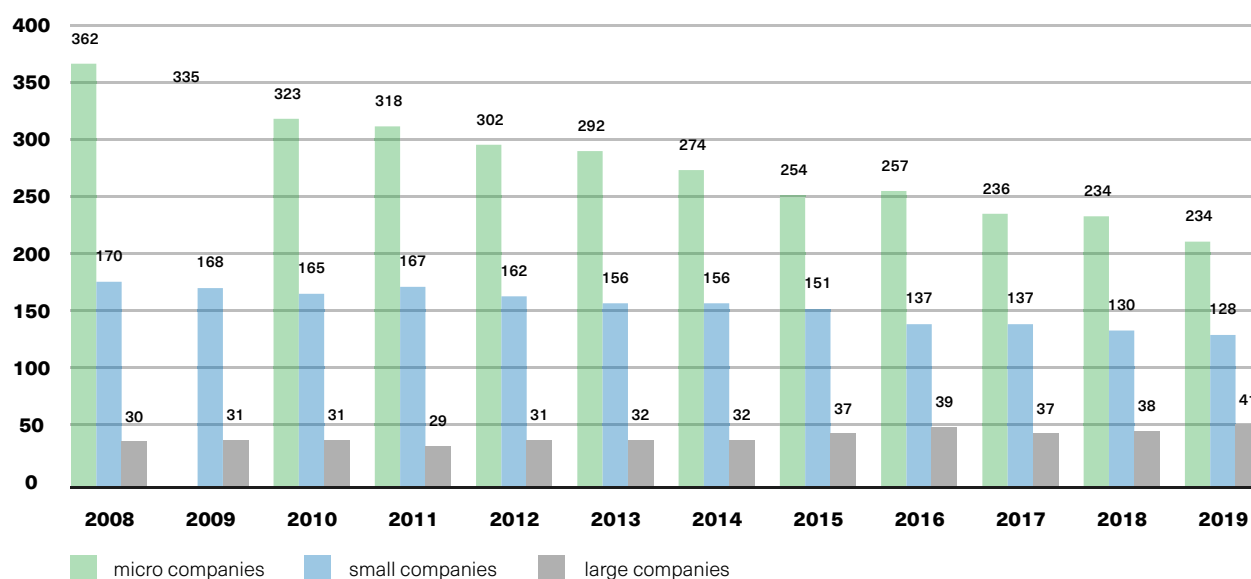
- **Regular public urban bus services, including subcontracted regular services.** These are regular public transport services on behalf of the public transport authorities in the three main regions: of Flanders (VVM), Wallonia (SRWT) and und STIB/MIVB in Brussels. These services are offered on a specific route and frequency, passengers are picked up and dropped off at predetermined stops and they are accessible to everyone, even if you have to book the trip in advance. (This segment is not covered by the study)
- **Bus transport of regular or occasional specialised services,** whereby the condition is that the transport provided services for more than 9 persons, including the driver. The main activity in this segment is school transport.
- **Occasional coach transport.** Occasional services are those services that provide transport of passengers, which to not meet the definition of a regular service, including its specialised forms. These are services for groups of passengers formed in advance by the carrier or another principal. Occasional or irregular transport also includes long-distance international regular services carried out by drivers providing tourist or shuttle transport.

It should be noted that many companies involved in bus and coach services are active in both of the latter segments.

During the last decade, the sector has experienced a strong concentration of companies that are active in the business: According to figures provided by ACV-CSC trade union, the total number of companies has decreased by about 45% between 2008 and 2019 as shown in the figure below.

However, there have been a quite different dynamic of company size groups: Whereas the number micro companies decreased by 40% from 362 to 214 and the number of small companies decreased by about 25% (from 180 to 128), the size group of larger companies increased by 46% from 30 to 44.

As highlighted also by the BTB ABVV trade union, this development has been due to market developments (increased competition on prices) as well as social developments, in particular shortage of drivers and demographic change that has hit smaller companies in particular.

**Figure 1: Number of micro, small and larger companies in the Belgium bus and coach sector, 2008**

Source: WKO 2021.

The largest company is Eurobussing Brussels owned by Keolis with more than 170 buses and nearly 300 employees.

Of course, a large market player also is Flixbus that has no won fleet and drivers but sub-contracts with micro and smaller companies as well as larger players such as STAF CARS or COACH PARTNERS BRABANT.

**Table 3: Leading bus and coach players in the Belgium market**

COMPANY NAME	VEHICLES	NUMBER OF EMPLOYEES
<b>Eurobussing Brussels / Keolis</b>	177	284
<b>STAF CARS</b>	88	200
<b>LEONARD TRAVEL INTERNATIONAL</b>	74	231
<b>COACH PARTNERS BRABANT</b>	63	197
<b>Autocars de Polder</b>	61	218
<b>BUSenCO</b>	60	121
<b>COACH PARTNERS WEST FLANDEREN</b>	50	205
<b>SELECTA CARS DE SWAEF</b>	48	88
<b>DE ZIGEUNER</b>	48	96

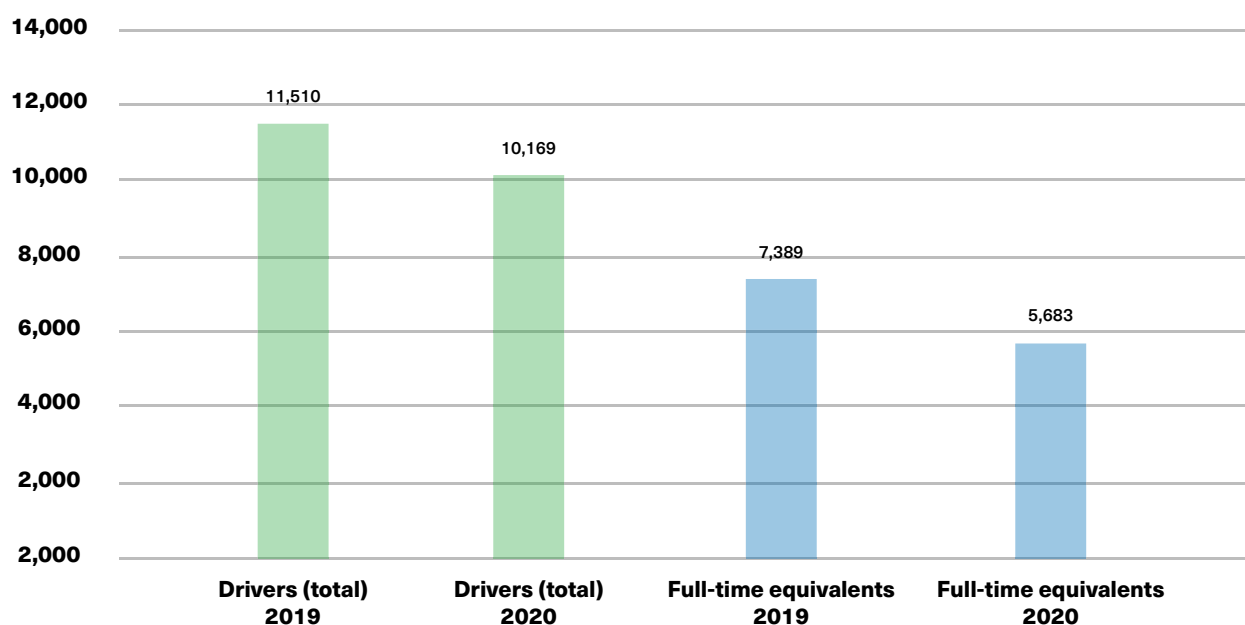
Source: Presentation of ACV-CSC trade union, ETF Workshop Rome, Nov 2021.

Though no official figures exist, the COVID pandemic has had a massive impact on bus and coach transport in Belgium, in particular on coach transport that practically came to a standstill.

According to the employer organisation FBAA, the situation of the bus and coach companies in Belgium in 2020 has been desperate and coach transport companies experience a decrease in revenues by 90% according to the FBAA (IRU 2020).

**This has resulted in a reduction of employment. According to official statistics, the number of drivers in the sector has decreased from around 11,500 in 2019 by 1,340, i.e. 11% to 2020. It should be noted that these figures include part-time drivers (30% have a part-time contract) and in case full-time equivalents are counted, the decrease has been much more dramatic, amounting to minus 23% as Figure 2 shows.**

**Figure 2: Number of bus and coach drivers in Belgium (total and full-time equivalents, 2019 and 2020)**



Source: Presentation of ACV-CSC trade union, ETF Workshop Rome, Nov 2021.

Though many companies made use of the public temporary unemployment scheme which is substituting around 70% of the gross-wage, many drivers left the sector, starting to work in other sectors such as logistics or haulage or in totally different economic areas such as manufacturing. This is also due to the fact that the temporary unemployment benefit is highly taxed (around 30%) and is not sufficient to cover the living costs.

According to the trade unions the number of drivers between 2019 decreased from 7,200 to 5,600.<sup>6</sup>

According to the trade unions, this situation is extremely worrying because the bus and coach sector already today faces the problem driver shortage. This problem will become even more pressing in the near future due to demographic change: In 2019, the average age of a driver is 51,5 years<sup>7</sup> and around one quarter of drivers are older than 55 years old.

Employment in the bus and coach sector is strongly male dominated with only 11% being women.

<sup>6</sup> According to the representative of the BTB ABVV trade union.

<sup>7</sup> There are not figures for the different segments of bus transport but according to trade union experts, the average age of drivers in coach and specialised bus transport (school busses) is significantly higher than in urban public transport service. According to the ACV CSC trade union, most of school bus drivers are already retired and work part-time.

## The legal framework of employment and working conditions

As regards the different sources of regulating social and working conditions in the Belgium labour market, there is a close linkage between legal sources and outcomes of social dialogue and collective bargaining.

The sectoral and inter-sectorial levels play a substantial part in the elaboration of labour legislation applicable to the bus and coach sector. At the sector level, the trade unions negotiate, within different Joint Committees (Commissions Paritaires), the collective labour agreements (Convention Collective de Travail or CCT).<sup>8</sup> The joint committees are composed of representatives of employers and trade unions of the same sector. The CCTs establish the rights and duties of employers and workers of the sector. At inter-sectorial level, trade unions act at the National Labour Council (Conseil National du Travail, CNT), the Central Economic Council (Conseil Economique Central) and in groups of social partners. Every two years an inter-professional agreement is negotiated which applies to all sectors, and therefore to all workers.

The interests of workers in the bus and coach sector are represented in the “Joint Subcommittee for Buses and Coaches, 140.01.

Regarding minimum wages, these are established by the legally binding collective labour agreements of the joint committee 140, and its sub-committees. There are therefore numerous collective labour agreements setting out different minimum wage rates as well as allowances and premiums according to the sub-sector. Within the bus and coach sector there are different wage scales for coach drivers/occasional transport, drivers in specialised transport such as school transport and drivers in regular bus transport (see below).

The Belgian wage setting system is highly institutionalised, combining regulation with strict procedures for decision-making and encompassing the wage setting of nearly all employees. Secondly, it is free in the sense that voluntary agreements between employers and employees can be made at any level as long as lower-level agreements respect employees’ rights of higher-level agreements.

For all employees in Belgium, the national minimum wage is determined by the National Labour Council, CNT. Any agreement reached by the CNT legally applies to all workers and employers.

It is important to note that national minimum wages in Belgium are adjusted automatically (normally on an annual basis) according to price indexation based on consumer price increase. However, wage indexation is limited by the wage norm as another important component of the Belgium wage setting system: The wage norm expressed by this percentage determines the extent to which the average salary cost of a company may increase over a two-year period and aims to safeguard Belgium’s international competitiveness in relation to neighbouring countries.

Companies that do not respect this wage norm may (at least in theory) be sanctioned with administrative penalties. In addition, agreements containing salary increases in violation of the wage norm may be declared null and void by the courts.

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30 <sup>8</sup> An overview of joint committees can be found at: <https://emploi.belgique.be/fr/themes/commissions-paritaires-et-conventions-collectives-de-travail-cct/conventions-collectives-de->

As regards the current situation, the Belgium trade unions and employers were not able to reach an agreement on the maximum margin of the wage cost evolution for the years 2021-2022 and therefore the government – following the proposal made by the Central Economic Council – decided by Royal Decree in July 2021 that the maximum margin - the so-called wage norm - for the years 2021-2022 should be equal to maximum 0.4% on average. In concrete terms, this means that the average salary cost within a company may increase by 0.4% in the years 2021-2022. Individual salary increases are therefore still possible, as long as the average salary cost within the company increases by a maximum of 0.4%.

As mentioned above, the high coverage of all workers by CLAs (around 96%) stems from the practice that all CLAs are extended to all workers by Royal Decree.

There are three types of agreements:

- **Inter-sectoral agreements** that are negotiated by the inter-sectoral trade unions and employer organisations at the national level in the National Labour Council. According to ACV CSC representatives there were 158 national inter-professional agreements in place in 2021 covering all workers in the private sector. Inter-professional agreements cover a broad range of issues such as working time, night work, CCTV recording at the workplace, alcohol and drugs policies, holidays and training, etc.
- **Sectoral agreements** negotiated in the respective Joint Committees (Commissions Paritaires) between the trade unions and employer organisations. All three sectoral trade unions are involved in negotiations with the employer organisation which take place normally every two years, starting in October. Sectoral collective bargaining in the bus and coach is covering issues related to remuneration and other employment and working conditions either for all three segments of the sector or separately as in the case of wages and remuneration components, taking into account the differences between bus, coach or urban public transport.
- **Agreements that are negotiated at company level** between the company level trade union structure and the employer. Negotiations at this level are mostly happening in larger companies and in the bus and coach sector there are only very few company level agreements. Agreements contain provisions that go beyond the minimum/general provision of agreements at sector level. According to the trade union experts involved in this study, company agreements are difficult to negotiate because local employers tend to prefer the agreements at sector level.

In terms of trade union membership, Belgium is certainly within the group of those countries with high membership rates – the density is estimated at 56%. This is also remarkable against the background described above that all workers irrespective of their union membership benefit from CLAs because of the extension mechanism by Royal Decree.

The major trade unions in the bus and coach sector are the Confederation of Christian Trade Unions ACV or CSC which also is the largest national union with around 1.6 million members, the General Labour Federation ABVV or BTB with around 1.1 million members and the Confederation of Liberal Trade Unions of Belgium, ACLVB or CGSLB with around 400,000 members.

There is only one employer organisation for the bus and coach sector, the Belgium Federation of Bus and Coach Operators, FBAA (Fédération belge des exploitants d'Autobus et d'Autocars).

The three trade unions and the employer organisation in the bus and coach sector have established a **joint social fund for the sector** (*Fonds social des Entreprises d'autobus et d'autocars*) that exists since 1967 and supports workers by various programmes and measures (see for details in the section below).<sup>9</sup> The fund is financed by the social contribution paid by the employers. This contribution amounts to 4.60%.

A good practice reported by the trade unions in the bus and coach sector relates to keeping a close link to individual drivers. Communication direct exchange and possibilities to meet and engage directly (virtually and physically) has also been highlighted as on key element of the high membership rate in the sector. A striking example in this context has been a social media site for bus drivers that is managed by the ABVV BTB trade union (and also used by other unions) where nearly 3,000 drivers are registered.

## Collective bargaining practice and the contents of collective agreements

There are several CLAs in place that have been negotiated by the three trade unions and the employer organisation FBAA in joint Committees 140.01.

In the context of the Social Fund of Bus and Coach, all drivers – regardless of the sub-sector – have the following rights:

- Compensation for death resulting from an accident in private life
- Compensation of the permanent loss of the medical selection certificate ('medische schifting')
- Severance pay when the workers leaves the company because he has reached the legal retirement age or in the event of withdrawal of the medical selection certificate
- Reimbursement of the costs of obtaining a driving licence (including medical examination)
- Psychosocial assistance in the case of traumatic events occurring in the course of work
- Hospitalisation insurance in case of working in the sector of at least six uninterrupted months
- Second pillar pension granted to all workers at the time of their entry into service
- The end of the year bonus and an advance paid via the Social Fund

In addition, there are specific benefits negotiated by the trade unions for the sub-sectors with bus and coach transport.

### Drivers in specialised or irregular passenger transport:

- Allowance for night work between 22:00 and 06:00
- Flat-rate allowance for interrupted services
- Allowance for unforeseen services
- Parking allowance
- Interruption premium

### Coach drivers or occasional transport drivers

- Seniority supplement for workers with a minimum seniority of 10 years
- Flat-rate allowance for journeys made by other means of transport
- Autogrill Bus Club Car (free meal and additional benefits in case of at least 20 passengers place an order in certain restaurants)



It should be noted that drivers of public bus services or regular transport subcontracted by VVM-De Lijn, SRWT or TEC have several additional benefits as compared to the two sub-sectors above. These include allowances for a longer period of night work (from 20:00 to 06:00), monthly supplement for at least ten days of actual work per month; profit-sharing schemes, additional seniority bonuses, bonus for hot weather conditions, granting of Flemish Community holidays (VVM), free ride for retired workers, disability pension, meal vouchers per day worked, eco-vouchers and gift vouchers.

In the bus and coach sector both minimum wage scales and various premiums are governed by CLAs for the different sub-sectors.

Table 4 shows the hourly wages and wage components that are in place for drivers in the regular or occasional specialised bus transport:

**Table 4: Hourly wages of the driving personnel in regular or occasional specialised bus services (as from Oct 2021, in Euro)**

SENIORITY	HOURLY WAGE	SUNDAY WORK PREMIUM	NIGHT PREMIUM
<b>0 – 2</b>	13,29	26,59	14,31
<b>Five additional periods of seniority up to 21 years and more</b>	13,88	27,76	14,89
<b>ARAB allowance</b>  <i>The ARAB allowance (daily fee) amounts to €128.66/month from 1 July 2021 for drivers working full time and for those working more than 25/38. This monthly amount applies from 6 effective performance days per month. Up to 5 effective performance days, €7.07/day will be paid from 1 July 2021.</i> <i>The ARAB allowance amounts to € 17.64/month from 1 July 2021 for the drivers who work at a rate of maximum 25/38. This monthly amount applies from 6 effective performance days per month. Up to 5 effective performance days, €6.46/day will be paid from 1 July 2021.</i>			

Source: ABVV - BTB.

In the occasional coach transport sector, the wage scales are different in two amplitudes of working time: up to 6 hours per working day or from 6 hour to 12 hours. In addition, there is a premium for overtime work in case of daily working time exceeds 12 hours.

Wage scales also differ for 1 driver services and multi driver services (more than 11h).

**Table 5: Daily gross wages (RSZ wage) and further wage components for drivers in the coach sector (as from Oct 2021, in Euro)**

WORKING TIME AMPLITUDES	RSZ WAGE	ARAB allowance
Services with one Driver		
up to 6 hours/day	68,79	1,85 / hour
6,1 hours and 12 hours	113,31	
more than 12 hours	12,54 / hour	
Services with multi drivers		
11 hours	92,19	1,85 / hour
12 hours	101,66	
13 hours	111,26	
(...)		
19 hours	168,41	
20 hours	178,03	
21 hours	187,60	
Common provisions for both categories		
Overtime to be paid for an amplitude exceeding 1564.5 hours per semester (from 01/01 to 30/06 or from 01/07 to 31/12): 14,66 €/u.		
Overtime worked on Sundays, public holidays and their compensation days is paid at 19,55 €/u.		
Seniority allowance: €2.21/performance on daily wages for drivers with a seniority of minimum 10 years in the same company. At least 10 years in the same company.		

Source: ABVV - BTB.

## 5.3 CZECHIA

Despite several requests sent out by the ETF and wmp to the Czech trade union representatives, we did not receive any feedback on the case study on the Czechia. The case study below has therefore not been verified by the Czech trade union representatives.

### Market trends in the bus and coach sector

There are a total of more than 2,300 companies in Czechia, of which 1,114 have more than 20 employees and about 1,200 have less than 20 employees. In other words, many small businesses dominate the market in Czechia. The number of bus and coach drivers employed in these companies is estimated at between 11,000 and 12,000.

The use of temporary agency work in the bus and coach sector is widespread, but has been greatly reduced by the COVID-19 pandemic. Temporary agency workers are often of Ukrainian origin and work in Czechia on a temporary basis. In addition, pensioners working part-time as bus and coach drivers are not uncommon. The use of retired drivers is viewed critically by the trade union, as the retired drivers undermine collective bargaining conditions and hamper negotiations to improve working conditions. Some bus and coach drivers are self-employed and are used as subcontractors by larger companies, mainly to avoid taxes and social security contributions. While fixed-term contracts also played a role in the past, their importance has declined sharply due to the driver shortage in the sector. Just as in other European countries, the driver shortage is massive and it is estimated that 7,000 drivers in the bus and coach sector are lacking. In the trade union's opinion, the driver shortage is due to poor working conditions, especially long working hours, which make the job unattractive for younger people. Although attempts have been made to organize vocational training programmes for school leavers to increase the number of drivers, the shortage has not subsided. The problem is the age of the school leavers: while pupils leave school between the age of 15 and 18, bus or coach drivers have to be 21 years old. Currently, a re-qualification programme aimed at people in mature age groups is being considered.

As elsewhere in Europe, the COVID-19 pandemic has significantly affected the working life of bus and coach drivers in Czechia. At the beginning of the pandemic, the hygiene concept for the protection of bus and coach drivers was not yet fully developed. Trade union representatives had to organise a basic hygiene concept for drivers, as drivers complained, for example, about the lack of masks or the continued use of cash when paying for tickets. The Czech government provided financial support to employers, employees and self-employed persons affected by the crisis. Many drivers received about 60% of their regular pay during the pandemic. In addition to the government's enactment of a short-time working scheme, some bus and coach drivers also received financial support from their employer intended to retain the drivers. There were no layoffs reported to the trade union.

## The legal framework of employment and working conditions

An important law regarding employment and working conditions in Czechia is the **Labour Code** (Zakoník práce, No. 262/2006 Coll.). The Labour Code includes regulations on the employment relationship, standard working hours and breaks, occupational safety and health protection, paid annual leave (holiday), an employee information and consultation procedure, competence of a trade union organisation, a works council and a representative for occupational safety and health protection, among others. Regarding premiums in percentages on top of the regularly hourly wage, the Labour Code states a 25% premium for overtime work (the employer may order overtime work of up to 8 hours per week and 150 hours per year). In the case of night work, work during Saturday and Sunday and work in a health-damaging environment, an employee is entitled to a premium of at least 10% of the average hourly wage. When working on a public holiday, the employee shall receive a premium at the rate of at least 100% of the employee's average hourly wage. The standard working week consists of 40 hours for most professions. The minimum holiday entitlement is 4 weeks. The amount of travel allowances is also governed by the Labour Code and ranges between €35 and €60 per day (depending on the destination country). Travel allowances are not subject to tax or social security.

Employees in Czechia are guaranteed a statutory national **minimum wage** (see Table 6). The minimum wage is adjusted annually by the government after consultation with employers and trade unions. A so-called guaranteed wage (zaručená mzda) is based on the minimum wage and applies to all employees who are not covered by a collective agreement. The guaranteed wage consists of eight wage groups, taking into account the complexity, responsibility and strenuousness of the work being performed. In 2021, the national minimum wage on the lowest level (1) was CZK15,200.00 (€597.86) per month (corresponding to a 40-hour working week) and on the highest wage level (8) CZK30,400.00 (€1,195.72). The minimum wage just slightly increased compared to the year before (wage level 1: CZK14,600.00, €568.71; wage level 5: CZK21,700.00, €845.28; wage level 8: CZK29,200.00, €1,137.43).

**Table 6: The minimum wage in Czechia**

WAGE LEVEL	PAY PER MONTH IN CZK (IN €) <sup>10</sup>
1 (individual work of the same kind)	15,200.00 (597.86)
2 (unambiguous work with frame assignment)	16,800.00 (659.67)
3 (diverse, frame-defined assignment work)	18,500.00 (726.42)
4 (professional work with integrated stand-alone system)	20,500.00 (804.95)
5 (professional specialized work)	22,600.00 (888.93)
6 (system work)	24,900.00 (977.72)
7 (systemic specialized work)	27,500.00 (1,079.81)
8 (creative system work)	30,400.00 (1,195.72)

Source: WageIndicator Foundation 2021.

The **total amount of social security contributions** is 44.8% in the Czechia, of which the employer's contribution is 33.8% and the employee's contribution 11%. Health insurance contributions total 13.5%, of which 9% is paid by the employer and 4.5% by the employee. Sick pay amounts to 60% of the average daily earnings and is paid by the employer during the first 14 days of illness. After 14 days the state compulsory insurance system provides sick pay (60%-72%). Social security pension contributions are 21.5% for the employer and 6.5% for the employee. The amount of the retirement pension pay depends on the employee's income level and consists of a basic pension and an individual pension. The retirement age for men is continually increasing to 65 years old (65: for men born after 1971). The retirement age for women born up to 1971 is currently between 57 and 60 years and depends on the number of children brought up. However, it is also 65 years for all women born after 1971. In Czechia, only the employer pays contributions (1.2%) to the unemployment insurance system. Unemployment benefits are between 40-65% of the former pay (depending on length of unemployment). In terms of qualification and training, employers generally bear all the costs of compulsory training and other training. Employers also pay for medical examinations.

## Social partners and forms of social dialogue

The largest **trade union** representing drivers is the OSD (Odborový svaz dopravy, Czechia is Transport Union of Czechia). In addition to bus and coach drivers, the trade union represents employees in airlines and airports (except pilots), river transport, road freight transport and public transport. All in all, OSD has more than 8,000 members. However, trade union membership is declining, including in the bus and coach sector, which in the past was well organized. Now there are companies where the trade union organizes only 5% of the employees. The trade union belongs to the umbrella organisation ČMKOS (Czechoslovak Confederation of Trade Unions), which is by far the largest trade union confederation in the Czechia. It has 30 separate affiliated member unions organized broadly on an industry basis.

The **level of organisation among companies** in Czechia in general is low. Where employers' associations exist, there is also a widespread reluctance to conduct collective bargaining and conclude contracts. Employers' associations often see themselves as exclusively economic interest groups and not as social partners. The road passenger transport sector is an exception and social dialogue is comparatively well structured. The OSD's negotiating partner on the employers' side is the Association of Road Transport Operators (Svazem dopravy ČR, sekci silniční dopravy), which represents road passenger as well as freight transport operators. The employers' association is part of the umbrella organization Svaz průmyslu a dopravy České republiky (Confederation of Industry of the Czech Republic) and is the largest of 25 business associations represented in the Confederation of Industry. The Association of Road Transport Operators officially states that it has almost 2,100 members (road freight and passenger transport) in total, operating around 25,000 vehicles (trucks, buses and coaches).

## Collective bargaining practice and the contents of collective agreements

CLAs in Czechia at the industry level are known as "**higher level collective agreements**" and can be declared as **generally binding** by the Ministry of Labour and Social Affairs for certain companies which have their main activity in the affected industry. The road passenger transport has such an agreement which also covers activities in the road freight transport sector. The CLA in the road transport has been in force since 2021 and is valid until 2024. It was negotiated between OSD and the Association of Road Transport Operators (Svazem dopravy ČR, sekci silniční dopravy).

As the CLA is generally binding, it applies to considerably more companies than those that are members of the employers' association. However, the companies must have certain characteristics in order to be covered by the generally binding collective agreement. These requirements (among others) are that employers must:

- have their main activity in road transport (CZ-NACE 49.39: other passenger land transport; 49.41: freight transport by road)
- employ certain kinds of professions (e.g. professional drivers)
- have at least 20 employees.

Company level agreements are possible in Czechia, but do not play a major role according to OSD.

The **content of the generally binding CLA**, first of all, states the duties and rights of the employers and the trade union as well as the statutory rights of co-determination. In addition, the CLA contains provisions on the form of the employment contract, prohibition of discrimination in labour relations, and dismissal regulation and severance pay. Regarding occupational health and safety, it also refers to the right of trade unions to monitor occupational safety in the companies. Employers need to cover the costs of medical and other examinations that are necessary for the performance of the individual occupation. Furthermore, the CLA states that fixed-term employment may not exceed three years. Most regulations in the CLA are very closely based on the rules of the above-mentioned labour code. As in the Labour Code, the **working week** consists of 40 hours (with some exceptions due to shift work) and **holiday leave** is four weeks in a calendar year. In addition, the CLA contains the regulation that employees are entitled to paid leave of one day at the birth of one's own child, to accompany a disabled child or a member of the family (not more than 12 days a year), one day a year to move (if the employee changes permanent residence), and one day for the death of a family member. **Travel allowances** are paid according to the labour code.

In addition, the CLA also provides for premiums on weekend work, night work and overtime. While the supplements for **overtime** (25%, up to 8 hours per week and 150 hours per year), **night work** (10) and **working in a difficult working environment** (10%) match those of the Labour Code, the **premium for work on Saturdays and Sundays** is 30% of the minimum wage (instead of the statutory 10% of § 118 Labour Law). Based on the Labour Code, the collective agreement states that, in the **case of standby**, an employee is entitled to remuneration in the amount of at least 10% of his or her average earnings for the period of standby.

A big problem for professional drivers in the past was **time spent waiting** until, for example, the journey could be started or continued. This time was not regarded as working time in the past. Political pressure from OSD led to changes in this practice. The interruption of work for periods of less than 16 minutes is now counted as normal working time, and longer waiting periods are paid at a lower rate.

The generally binding collective agreement also stipulates that drivers must receive at least the **minimum wage** (in accordance with their salary grade). Furthermore, it has been agreed that, if the minimum wage increases, the driver's salary must also be adjusted accordingly. This was not always the case before the conclusion of the CLA, although the payment of the minimum wage is actually mandatory by law. Bus and coach drivers are categorized on wage level five (professional specialized work) and receive CZK134.40 (€5.29) per hour and CZK22,600.00 (€888.93) a month gross pay.



## 5.4 GERMANY

### Market trends in the bus and coach sector

In Germany, data is only collected for the entire bus sector, including public transport. The following calculation can give an **approximation of the figures** regarding the scope of our study: in regular long-distance transport, the number of enterprises in 2020 in Germany was 17, of which 11 were private or mixed-economy enterprises. In occasional bus and coach transport, there were 4,754 enterprises (in local and long-distance transport). Among them were 4,488 private or mixed business enterprises (Statistisches Bundesamt 2020). If the companies are added together, this results in 4,499 companies that are included in the scope of our study. Information on the number of employees is only provided by the employers' association of the sector, the German Bus and Coach Operators' Association (BDO). According to the employers' association, 103,365 bus drivers in total were employed in Germany in 2017 (latest data available), of which 53,074 were employed in private companies (BDO 2021). The trade union ver.di estimates that there are approximately 12,000-13,000 bus drivers employed in occasional transport, based on the number of buses in occasional transport and the average staffing per bus. Permanent full-time work contracts are the dominant form of employment in the German road passenger transport.

Regarding **regular long-distance bus service**, the sector in Germany has changed quite considerably in the past years. The sector is characterized by a high intensity of competition between companies, leading to market exits but also entries. The intensive price competition was often ruinous and led to a consolidation phase in 2016. This resulted in the first market exits, insolvencies and takeovers of competitors. The development of market shares for the years 2013 to 2019 shown in Table 7 is based on trip shares of the individual long-distance bus operators. Noticeable are the declining market shares over time and insolvencies of many bus and coach providers. FlixBus successively increased its market share to around 92.6% in 2017. Flixbus has been able to expand its market share by acting primarily as a platform operator and cooperating with subcontractors. In addition, Flixbus has taken over some companies. In 2019, FlixBus' market share then fell by around 6.5 percentage points year-on-year to around 85.0%. This was mainly caused by the market entry of BlaBlaBus, which offered "predatory prices" of EUR 0.99 per bus journey in Germany at times.

**Table 7: Market shares of selected long-distance bus operators by number of journeys in the years 2013 to 2019 (in %)**

	AUG 13	AUG 14	AUG 15	AUG 16	SEPT 17	SEPT 18	SEPT 19
<b>BerlinLinienBus</b>	19.3	15.2	8.5	13.7	/	/	/
<b>BlaBlaBus</b>	/	/	/	/	/	/	7.4
<b>City2City</b>	7.4	3.4	/	/	/	/	/
<b>DeinBus</b>	4.7	4.0	3.1	2.2	0.5	0.5	/

	AUG 13	AUG 14	AUG 15	AUG 16	SEPT 17	SEPT 18	SEPT 19
Deutsche Touring	3.0	2.3	2.0	2.1	2.8	2.8	2.8
FlixBus	16.2	20.8	73.0	64.0	92.6	91.5	85.0
IC Bus	3.9	4.1	1.8	3.5	0.8	1.5	0.9
Megabus	0.0	0.0	1.9	1.6	/	/	/
MeinFernbus	30.4	38.5	/	/	/	/	/
Pinkbus	/	/	/	/	/	/	0.7
Postbus	8.3	6.1	7.4	10.4	/	/	/
Others	6.9	5.5	2.2	2.5	3.3	3.7	3.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: Bundesamt für Güterverkehr 2020, p. 13.

The impact of the **COVID-19 pandemic** dramatically reduced the number of passengers travelling bus and coach in Germany. In scheduled long-distance bus services, the passenger numbers fell by two-thirds (-68%) between 2019 and 2020 (Table 8). The statistics clearly show a decline in passengers during the spring, fall and winter months in relationship to the development of the COVID case numbers, while the decline during the summer months was somewhat less pronounced.

**Table 8: Development of scheduled long-distance bus services (in million passengers)**

	2019	2020	20/19 (%)
Jan.	1.5	1.5	0
Feb.	1.5	1.5	0
Mar.	1.7	0.3	-81
Apr.	1.7	0.1	-95
May	2.0	0.2	-92
Jun.	2.2	0.3	-85
Jul.	2.2	0.7	-67
Aug.	1.9	0.7	-62
Sept.	1.7	0.6	-65
Oct.	1.8	0.7	-62

	2019	2020	20/19 (%)
Nov.	1.7	0.1	-95
Dec.	1.6	0.2	-90
Year total	21.5	6.9	-68

Source: Intraplan consult GmbH 2020, p. 18.

Regarding occasional passenger bus and coach services, only estimates are available and the decline in passenger numbers is assumed to be even higher than in scheduled long-distance bus services, as occasional transport has almost been put on a standstill during the lockdowns. For the year 2020 as a whole, the decline is estimated to be 75 to 80%.

Under the state aid programmes *Überbrückungshilfe III* (Bridging Assistance III) and *Überbrückungshilfe III Plus* (Bridging Assistance III Plus) companies can receive subsidies for fixed costs. As a prerequisite to receiving subsidies the company has to have a decline in turnover of more than 30% compared to the same period in the year before. In the event of an even higher decrease in turnover, there are further supplements available. Just as in other European countries short-time work allowance were widely used in Germany.

## The legal framework of employment and working conditions

The European regulations for bus drivers are implemented in Germany through several laws. Working time for drivers is regulated in the Working Hours Act (*Arbeitszeitgesetz, ArbZG*), which implements Directive 2002/15/EC in § 21. The Working Hours Act contains, among other things, regulations on weekly working hours for road transport workers and provisions on what is not considered working time. The Driving Personnel Ordinance (*Fahrpersonalverordnung, FPersV*) defines driving times and rest periods for professional drivers and includes regulations for the digital tachograph. The Driving Personnel Act (*FPersG*) contains, among other things, regulations on responsibilities and fines. According to the Professional Drivers Qualification Act (*Berufskraftfahrer-Qualifikationsgesetz, BKrFQG*), which implements the corresponding EU regulation 2003/59/EC, professional drivers are obliged to participate regularly in further training courses. Regarding regular employees, the financing of further training is sometimes part of the collective bargaining agreements.

Germany has a large number of laws that regulate basic working conditions. These include, for example, the Federal Leave Act (*Bundesurlaubsgesetz, BurlG*), which provides for an **annual leave** of at least 24 working days on the basis of a six-day week (§ 3). However, due to the shortage of drivers, the holiday entitlement of professional drivers goes significantly beyond the minimum statutory holiday entitlement. The **minimum wage** in Germany is based on the Minimum Wage Act (*Gesetz zur Regelung eines allgemeinen Mindestlohns – Mindestlohngesetz, MiLoG*). The law stipulates that a Minimum Wage Commission must decide every two years on adjustments to the level of the minimum wage. The Minimum Wage Commission consists of a chairperson, three employee representatives and three employer representatives as well as two non-voting academic advisory members.

The statutory minimum wage in Germany rose to €9.82 on 1 January 2022 (January 2021: €9.50). As a rule, however, bus and coach drivers in Germany are paid more than the minimum wage. Only in some constellations does the minimum wage play a role at all.

Incidental labour costs in Germany include **pension insurance, health insurance, unemployment insurance, long-term care insurance and statutory accident insurance**. The level of contributions is determined by the federal government and social security contributions are compulsory. Contributions to social insurance (roughly 68% of the gross wages) are paid almost equally by the employer and the employee, with employees paying somewhat more into long-term care insurance and employers covering statutory accident insurance themselves.

## Social partners and forms of social dialogue

The trade union representing bus and coach drivers in Germany is the service sector trade union ver.di (Vereinte Dienstleistungsgewerkschaft). ver.di is affiliated with the German Confederation of Trade Unions (DGB). The trade union seeks to organise service workers in both the private and public sector. With a total of 1.94 million members, it is the second largest trade union in Germany. The number of trade union members among bus and coach drivers is not known. However, there is no bigger trade union for professional drivers in Germany.

It has to be noted that some CLAs in the bus and coach sector were concluded with the yellow trade union GöD (Gewerkschaft öffentlicher Dienst und Dienstleistung, Public Service and Services Union). According to the trade union's own information GÖD is a trade union for all areas of traditional public service at the federal, provincial and municipal levels in Germany and public corporations.

On the employer side, the German Bus and Coach Operators' Association Bundesverband Deutscher Omnibusunternehmen e. V., BDO) represent the interests of around 3,000 German private coach and bus operators. The Bus and Coach Operators' Association is organized into regional associations and mostly represents small and medium-sized companies covering occasional coach trips, scheduled long-distance coach service, and scheduled local bus services. In 2021, ten regional associations were involved in CLAs.

## Collective bargaining practice and the contents of collective agreements

The CLAs for bus drivers in Germany are negotiated between the regional associations of the Federal Association of German Bus Operators (bdo) and ver.di individually at the level of the German federal states. Of the 16 German federal states, only two did not have a CLAs in 2021 (Bremen and Brandenburg). In these federal states, only the legal regulations apply to companies that are not also active in local public transport. The yellow trade union GöD has concluded CLAs in two federal states – Mecklenburg-Western Pomerania and Lower Saxony. However, regarding Lower Saxony ver.di has also concluded a CLA so that two CLAs exist for the bus and coach sector. In total, there are 15 CLAs in Germany. There is no information on CLA coverage. In general, the collective bargaining processes between the federal states are not coordinated to a great extent and there are regional differences in the level of collective wages. However, it can be seen that the collectively agreed wage increases are for the most part significantly higher than the increases in average consumer prices determined by the Federal Statistical Office.

The CLAs contain regulations for private companies working in local public transport and/or the rest of bus and coach passenger transport. The regulations in the CLAs vary depending on the subsector in bus and coach services and the working conditions for drivers vary according to which subsector they are working in (e. g. less than 50 km, occasional and long-distance services, regular services).

Typical contents of the regional CLAs are: working time regulations, duration of leave, regulations on dismissals and illness, surcharges for overtime, night work and shift work, capital-forming benefits and protection from rationalisation and training. For example, the CLA for North Rhine-Westphalia states that the standard weekly working time for bus and coach drivers is 38.5 hours. The **holiday entitlement** is 26 days and is increased to 30 days based on the length of service. In contrast, in Bavaria all bus and coach drivers get 30 days of annual holidays. Regarding the **location where rest time** is spent, the CLA for North Rhine-Westphalia requires that at least two weekly rest periods, and nine weekly rest periods per quarter outside the season (November to April), must be given at the worker's place of residence and at least twelve Sundays per year must be work-free.

The **gross hourly wage** for bus drivers in Germany is in most cases below €15. For example, it is €14.50 in North Rhine-Westphalia after twelve years of work experience and €14.86 in Bavaria after ten years of work experience (Table 9).

**Table 9: Collective bargaining wages for bus and coach drivers in North Rhine-Westphalia and Bavaria in comparison**

WAGE GRADE	NORTH RHINE-WESTPHALIA		BAVARIA	
	Definition of wage grade	Basic hourly wage (gross, from 1.4.2022)	Definition of wage grade	Basic hourly wage (gross, from 1 January 2022 to 31 December 2022)
I	Bus drivers, who do not fall under wage grade II or III	€13.99	Does not exist for drivers	
II	After at least one year of employment in the company AND more than two years of experience as a bus driver and training as a professional driver OR six years of employment without certified training as a professional driver	€14.21	Bus and coach drivers, depending on years of employment	Newly hired, in the first twelve months: €13.55; in the second and third year of employment in the company: €14.37; from the fourth year of employment in the company: €14.76; from the tenth year of employment in the company: €14.86
III	After two years with the company and twelve years of work experience	€14.50	Does not exist	

Source: Own compilation on basis of CLAs.

Employees receive a special **annual payment** (Christmas bonus) depending on their length of ser-

vice. In **North Rhine-Westphalia** it is €605 in the first year of employment and €935 after five years of service, in Bavaria it is €500 after the first year of employment and €1,100 after six years of service.

In North Rhine-Westphalia a 25% **overtime supplement** is paid for work done in excess of 173 hours per month and a 25% supplement is paid for **work on Sundays**. Workers working more than two hours during night time (22:00h to 05:00h) receive a **night work supplement** of 15% for all hours worked during this night time. A 100% supplement shall be paid for **work on public holidays**. In some cases, a supplement of €5.20 is paid for each interruption of more than one consecutive hour that is not remunerated. In **Bavaria**, the following applies: an overtime surcharge of 20% if the monthly working time exceeds 172 hours, a night work supplement of 25%, a supplement of 50% for work on Sundays. On public holidays a 100% supplement is paid in many sub-segments of bus and coach passenger transport - the same as in North Rhine-Westphalia.

**Meal allowances** amount to €24 for each calendar day (per 24h) in North Rhine Westphalia and €28 in Bavaria on which the employee is absent from his or her home and place of work for 24 hours, as well as €12 and €14 respectively for the day of arrival and departure.

In North Rhine-Westphalia bus and coach drivers receive a **qualification allowance** for voluntary further training in an amount calculated according to the ratio of their personal working time to the regular weekly working time under the collective agreement.

Not all CLAs in Germany provide for payment for availability time.



## 5.5 DENMARK

### Market trends in the bus and coach sector

It is difficult to determine the exact number of **bus and coach companies** in Denmark. This is mainly due to the fact that many more companies apply for a permit to transport passengers by road than eventually operate in the business. However, Statistic Denmark (2021) states that there were 86 “workplaces” for scheduled long-distance bus transport and school buses and 393 “workplaces” for tourist coaches and other passenger land transport at the end of November 2019. Added up, this results in 479 bus and coach companies in Denmark – if we assume that each “workplace” is one company. For both types of transport, the number of companies increased from 2015 (n.: 76 and n.: 337; total n.: 413) to 2018 (n.: 95 and n.: 399; total n.: 494) and decreased slightly in 2019. Just as in some other European countries, there is a trend in Denmark for small companies to be taken over by larger companies. This trend is welcomed by the trade unions, as large companies are easier to organise and inadvertent violations of labour regulations are less frequent in large companies, as management is more likely to have extensive knowledge of labour regulations in large companies.

The **number of bus and coach drivers** employed in Denmark is not precisely recorded, but the number of employees covered by CLAs can give an estimate. According to the trade union 3F in June 2021 the CLAs with the TA Tourist Coachmen’s Employers’ Association and the Confederation of Danish Industry (DI) covered 3,210 employees and the CLA for regular service covered 7,233 employees. Bus and coach drivers covered by the CLAs with the TA Tourist Coachmen’s Employers’ Association and the Confederation of Danish Industry (DI) work mainly in occasional services or drive long-distance trips. It must be noted, however, that drivers in Denmark usually carry out many different types of services, including regular services, occasional transport for tourists, long-distance trips and transport by school busses. Therefore, the classification of drivers to certain CLAs is not always obvious.

The majority of bus and coach drivers of long-distance trips and in occasional services drive on the basis of an **hourly-paid contract** in Denmark, which increases the staffing flexibility for the bus and coach companies, but has negative consequences for the employment conditions of the drivers. For bus and coach drivers working on an hourly-paid contract it is hardly possible to reliably plan income and working time due to the uncertainties and the short-termism of the assignments. Multiple employment relationships are quite common for hourly-paid drivers. The main employer is obliged to monitor compliance with the working time regulations in all employment relationships.

As in all other countries studied, there is a **shortage of drivers** in Denmark. In addition, many drivers, especially older drivers who have already received pension benefits, have left the sector as a result of the COVID pandemic.

During the **COVID pandemic** the Danish government provided extensive support to businesses. In total, there were over 20 different programmes of government support, for example covering fixed costs or partly taking over wage payments. These programmes were negotiated in close co-operation with the social partners.

Among others, tripartite agreements on temporary wage compensation for employees and agreements on **work sharing** were concluded. Compared to the situation in other countries, the fact that many of the bus and coach companies in Denmark are active in various segments of the market was very beneficial. Most bus and coach operators also cover transport by minibuses (for example for schoolchildren, senior citizens, disabled people) and public transport. As transport by minibuses and public transport have largely continued during the pandemic, the impact on these companies has been less dramatic. Thus, many enterprises in Denmark were only partially affected by the crisis and bankruptcies were rare.

## The legal framework of employment and working conditions

The **legislation** in Denmark only defines certain **minimum standards** through the Holidays Act, the Working Environment Act and the Working Time Directive. The Holiday Act (Ferie-loven) states five weeks of annual leave for employees. The Working Environment Act (Arbejdsmiljøloven) guarantees a minimum of 11 resting hours, and there needs to be breaks of at least ten minutes if daily working time exceeds six hours. The Working Time Directive specifies that working time cannot exceed 48 hours a week, and work between midnight and 5 am is defined as night work. Beyond that, working and employment conditions as well as training and social security regulations are usually laid down in sectoral CLAs and agreed upon by trade unions and employers' associations. This is also the case regarding **minimum wages**, where – in contrast to many other EU Member States – there is no statutory minimum wage defined in the law. Instead, minimum wages are agreed on by the social partners in each sector and defined in the corresponding sectoral CLA. In most sectors, the CLA regulations are based on a minimum wage system (Minimallønssystem), where actual pay is further negotiated at the company level. However, in the bus and coach sector the regulations concerning minimum wages in the CLAs are based on the so-called normal wage system (Normal-lønssystem) and are settled on the sectoral level instead.

Denmark's **social security system** is quite different than those of other EU countries. Employees in Denmark do not pay social security contributions, but instead pay higher taxes. For example, public **health insurance** is automatically paid for by income tax. Taxes vary according to the amount of income and the municipality in which the employee resides. The upper limit that is set for taxation is 52.06% of personal income in 2020. There is no mandatory **unemployment insurance** system in Denmark. To be eligible for benefits, employees have to register with an unemployment fund (A-Kassen), which is handled by the trade unions. In the case of 3F, it is the 3FA insurance fund. Employees are entitled to unemployment benefits if they earned a certain minimum income and have been affiliated to the fund for at least one year. Unemployment benefits may not exceed 90% of the gross income before becoming unemployed. In addition, a maximum amount of DKK19,083 (€2,566.05)<sup>12</sup> gross per month applies for full-time employees. Membership in the unemployment insurance fund 3FA for full-time employees costs DKK509 (€68.44) per month. In addition, there is the union membership fee of about DKK460 (€61.86) per month to be paid, which can, however, be partly deducted from the unemployment insurance membership fee.

The public **pension** (Folkepension) is financed through taxes. The public pension consists of a basic amount DKK6,518 (€876.46) and an allowance of a maximum DKK7,335 (€986.32; amount for singles, depending on income). In addition to the public pension, there is a supplementary labour market pension (Arbejdsmarkedets tillægspension, ATP) which is required by law for every full-time employee. The monthly contribution was DKK284 (€38) in 2021, of which the employers cover 2/3 and employees 1/3 of the cost. Most CLAs, such as the ones in road passenger transport, also contain a collectively-agreed pension scheme.

According to a new legislation against social dumping (*BEK nr 2000 af 11/12/2020: Bekendtgørelse om vilkår for udenlandske virksomheders udførsel af cabotagekørsel med gods, bus eller vejdelen af kombineret transport*), from January 2021, special rules apply when companies carry out **cabotage** in Denmark. For example, a company must remunerate drivers according to a minimum hourly rate for driving which was DKK 168.31 (€22.62) in 2022 (Danish Road Traffic Authority 2022).

## Social partners and forms of social dialogue

In Denmark, the main **trade union** in the road passenger transport sector is the United Federation of Danish Workers 3F (Fagligt Fælles Forbund, 3F). Besides professional drivers, the 3F trade union also organises workers in sectors such as hotel and restaurants, agriculture and gardening, and the industrial sector. 3F is a member of the Danish Trade Union Federation (Fagbevægelsens Hovedorganisation, FH; former LO). 3F is the country's strongest trade union in terms of membership (263,061 persons) and the number of CLAs concluded. The level of trade union density in Denmark is around 67% in total and 71-73% among bus and coach drivers. The reason for the relatively high trade union membership compared to other European countries may be the fact that employees who are members of a trade union are also insured in the unemployment insurance system, since the unemployment insurance system is administered by the trade unions.

However, trade union density has been falling for years, as young employees in particular no longer join the trade unions. Regarding the minibuss sector, 3F suffers from competition from yellow unions. Yellow unions offer lower membership fees and are not affiliated to FH or part of the traditional collective bargaining system. The CLAs which yellow unions negotiate provide for lower wage and working condition standards than the agreements within FH.

On the **employer side**, there are two major employers' organisations in road passenger transport. One is the TA Tourist Coachmen's Employers' Association (TA Turistvognmændenes Arbejdsgiverforening), which is part of the Danish Chamber of Commerce (Dansk Erhverv Arbejdsgiver). The Danish Chamber of Commerce organizes around 18,000 member businesses and 100 sector associations in the area of trade, IT, industry and service. The other employers' association is the Confederation of Danish Industry (DI). The Confederation of Danish Industry has around 18,000 members in total and around 3,000 members in the transport sector. Besides bus and coach operations the Confederation of Danish Industry has members in freight transport by road and air, logistics and distribution, public transport, ports and port operators as well as service providers and consultants linked to transportation and infrastructure.

Although there are no official figures, the degree of organisation of companies among employers' associations in the road passenger transport is considered to be very high. In order to obtain a bus or coach operator's licence, companies must declare the correct salary payments of their employees. The easiest way to do this is through membership in an employers' association and the application of a CLA.

The social partners have set up a "Development and cooperation fund for the transport and storage". The fund is financed by employers paying a compulsory amount annually for all employees. For the second quarter of 2020, the contribution was DKK 0.35 (around 5 cents) per working hour. The purpose of this fund is to develop the transport industry in general and to improve the situation of education and qualification in particular. Activities of the fund aim at maintaining and developing qualifications and competencies of professional drivers, and at increasing continuing and further education of unskilled employees and efforts to attract more employees, e.g. via internships. Employers can get reimbursed for the cost of training courses for employees by the fund.

## Collective bargaining practice and the contents of collective agreements

The 3F trade union has concluded an identical sectoral CLA with the TA Tourist Coachmen's Employers' Association (TA Turistvognmændenes Arbejdsgiverforening) and the Confederation of Danish Industry (DI) (Dansk Erhverv Arbejdsgiver/3F 2020; DI/3F 2020). Both **sectoral CLAs** run from March 2020 to March 2023. The CLAs include regulations for bus and coach drivers (excluding regular scheduled services/public transport), taxi drivers, limousine drivers, ambulances drivers, bus stewardesses and apprentices. The regulations also apply to temporary agency workers in these professions working in the companies of the sector. **CLAs at the company level** are possible, but not as frequent in the road passenger transport sector as in other sectors in Denmark.

As a general provision the sectoral CLAs state that **working time** is 37 hours per week. The weekly working time can be extended to 40 hours or even to 42 through a company level CLA. However, for the 41st and 42nd hour of work overtime allowances must be paid. The daily working time may not exceed nine hours. The days for the **weekly rest** must be announced in advance – until the end of the working day two days before the rest period. For **night work** (from 20:00h to 06.00h) a supplement of DKK36.71 (€4.94) per hour has to be paid. The **overtime** pay is DKK36.71 (€ 4.94) for the first two hours of overtime and DKK 53.20 (€7.15) for the third hour. For more than three hours of overtime, in the case of overtime work on Sundays or a public holiday as well as overtime work between 1:00 am and 6:00 am, DKK96.36 (€12,96) an hour has to be paid as an overtime supplement. There are no general benefits for working on **Sundays or on public holidays**.

As regards **wages**, the minimum hourly rate for remuneration of drivers who perform tourist driving is DKK 173.65 (€23.33) (Danish Road Traffic Authority 2022). There is a **skill supplement** of DKK4.00 (€0.54) per hour for bus and coach drivers who have a vocational training certificate. In addition, drivers who have completed the course "Transportation of people with reduced mobility" and who drive persons with disabilities get a supplement of DKK4.81 (€0.65) per hour. Bus and coach **drivers on hourly-paid contracts** receive a seniority supplement. For drivers on an hourly-paid contract wages are not paid on Christmas Eve and New Year's Eve when the driver does not perform work on these days.

There is a **special savings account** for each employee of 4-6% of wages paid by the employer. The special savings pay for seniority holidays or children's second sick day (see below) among others. If not used, the special saving is paid out to the employee.

All trips of a longer duration than 24 hours receive a daily payment (per 24-hour block) of DKK1,863 (€250,51) for bus and coach drivers without a vocational training certificate and DKK1,926 (€258.98) for drivers with a vocational training certificate. Regarding domestic trips, the driver receives in addition a tax-free travel allowance of DKK75.00 (€10.08) per full day they are absent from their place of residence (or DKK3.12; €0.42 per hour). For stays in the same place for more than 28 days the amount is reduced by one third. For foreign trips, the driver receives a tax-free travel allowance of DKK150.00 (€20.17) per full day (or DKK6.25; €0,84 per hour) which gets reduced by a quarter for stays that last longer than 28 days in the same place.

Bus and coach drivers are entitled to 25 **days of paid annual holidays** according to the Danish Holiday Act. In addition, the CLAs entitle employees to five additional paid days off.

Employees are entitled to **sickness pay** for up to 70 calendar days, calculated from the first full day of absence at the full wage level. The CLAs foresee paid days off when an employee has to take **care of a sick child** (after at least 9 months of uninterrupted employment in the same company, children under the age of 14, maximal two days a year and second day to be paid by the special saving account) or if a child is hospitalized (full pay for one week, once in a 12-month period).

The CLAs also state that drivers are entitled to a sectoral pension scheme if the driver has worked in the industry for at least two months within the last two years. The scheme is financed by contributions from the employer (8% of the gross wage amount) and the individual employee (4%) into the **PensionDanmark** fund.

Employees can choose to take part in a senior scheme (the decision has to be made at least five years before the state pension age of this employee). The senior scheme allows for seniority holidays (up to 32 days off a year). Days off are paid by the special saving account.

The employer pays the costs necessary for a driver to renew their commercial driving licenses (including the cost for mandatory training), their passport and to obtain visas (if necessary).

## 5.6 FRANCE

### Market trends in the bus and coach sector

The bus and coach sector in France consists of 2,900 **companies**. In 2020, the companies generated a turnover of €7.1 billion. The sector can be grouped in five subsectors according to their main activities:

- Contracted services cover mostly school buses and regional transport subcontracted by local or regional authorities. Interview data suggest that this subsector is characterised by small and local companies.
- Occasional and tourist transport provide hired tours that may last several days and take place in France or abroad. In addition, transport on demand falls into this category covering flexible services to meet the needs of people with reduced mobility.
- Open organised services cover intercity bus services. Just as elsewhere in the European Union, intercity transport by private companies without a public contract was made possible in 2015 through the legalisation liberalising passenger transport. The so-called “Macron coaches” – Emmanuel Macron was Minister of the Economy at the time and sponsor of the law – operated in 275 cities in 2020 in France (Autorité de régulation des transports 2021). The sector is dominated by BlaBlaCar Bus and the German company Flixbus. The two competitors operate a network of some 160 subcontractors.
- The subsector of international bus and coach transport covers all kinds of international long-distance travel.

In total, the bus and coach sector employed 102,000 **employees** in 2020, of which 84% are bus and coach drivers. According to interview data, there are relatively few cases of bogus self-employment or other forms of undeclared salaried work in the sector. As in the other countries studied, the driver shortage is massive in France. In the past, several attempts were made to end the driver **shortage**, the latest being the lowering of the minimum age to obtain a driver's license for bus and coach to 18 years. However, an 18 year old driver can only drive a vehicles that carries a limited number of passengers (16 people). From the age of 19, the driver can drive a bus or coach with no limits regarding the number of passengers – but only on national territory. Only from the age of 21 drivers can carry out international road passenger transport. There are also sessions for training as a bus or coach driver offered through specialised training centres. However, these measures were so far unable to compensate for the shortage of drivers.

Just as elsewhere, the **COVID-19 pandemic** had a dramatic impact on the bus and coach sector in France. There is no data on all of the subsectors of the bus and coach sector available, but in occasional and tourist transport turnover decreased by 84% due to the pandemic. Employment in this subsector plummeted from 2,800 employees in the first quarter of 2020 (of which 90% were drivers) to 950 employees by the end of the year 2020 (Autorité de régulation des transports 2021). Compared to this, business in the subsector of contracted services was more stable. For instance, French schools were only closed during the first lockdown. However, it is still estimated that turnover in contracted services has decreased by 20% since the beginning of the pandemic. There were various government financial support measures for bus and coach companies.



The most important one of these was **short-time work**, which was massively used throughout the entire sectors. Within the short-time work scheme, the state substituted 85% of the wage costs to the employers. The bus and coach drivers received around 70% of their gross salary for the hours they were out of work. It is estimated that since March 2020 85% of companies in the sector have used short-time work.

Despite the financial compensation provided through short-time work, employment has nevertheless started to be affected. According to a business survey by the Fédération Nationale des Transports de Voyageurs (FNTV) in September 2020, more than 20% of the companies surveyed indicated that they had made redundancies or terminated contracts.

## The legal framework of employment and working conditions

Important components of French labour law are laid down in the **Labour Code** (Code du travail). The Labour Code contains, for example, provisions on the employment contract, fixed-term employment, dismissal, rest and break periods, and night work. The French statutory working time is 35 hours per week. Working hours in excess of these 35 hours are considered overtime. Overtime must be compensated with an extra 25% for the first eight hours of overtime per week and an extra 50% for every additional hour. Alternatively, a sectoral or company level agreement may substitute overtime payment with additional time off. Maximum overtime is fixed by law at 220 hours per year, but sectoral or company agreements can derogate from these provisions within certain limits. In any case, daily working time must not exceed 12 hours per day (or night), 48 hours per week, and 46 hours over a period of 12 consecutive weeks. In the transport sector, the Transport Code (Code des Transports) sets the daily working time limit at 10 hours (12 hours under certain conditions, but not more than twice a week). The weekly working time must not exceed 44 hours on average over a period of 12 weeks. The statutory annual leave in France is 2.5 working days for each month worked, e.g., 30 working days (six weeks) per year. Moreover, the Labour Code grants extraordinary days off from work for certain family occasions (e.g., marriage, birth/adoption of a child, or death of a family member). There are 11 public holidays in France. The legal **minimum wage** (salaire minimum interprofessionnel de croissance, SMIC) is high in France compared to other European countries. In 2021 the statutory minimum wage per hour was €10.25 gross. The minimum wage is adjusted annually.

In France, compulsory social **security contributions** include health insurance, pension insurance, unemployment insurance and accident insurance, among others. The payment of social security contributions is shared between the employer and the employee; however, the employer bears the largest share. **Health insurance** (health-maternity-disability-death contributions) amounts to 7-13% of wage costs for employers. While sick, employees continue to receive their salary during their absence if they fulfil certain conditions set by the Labour Code or by an applicable CLA. After a three-day period of absence, salaries are paid by the National Health Insurance.

**Unemployment insurance** is paid by employers only and amounts to 4.05% of wage costs. If the person is younger than 50 years old, they must have paid into the unemployment insurance scheme for at least 122 days during the 28 months preceding the unemployment to be eligible for benefits. If the person is older than 50 years old the minimum number of months of contributions preceding unemployment are extended to 36. The unemployment benefit amounts to a minimum of €29.38 per day and a maximum of 75% of the previous income.

The **French pension system** is based on three pillars – a basic pension provided by the state (employers: 8.55%; employees 6.9% of the wage), compulsory company pensions and individual arrangements. The retirement age in France is 62 for employees born in or after 1955 and between 60 and 62 for people born earlier than 1955. Early retirement is generally possible.

Bus and coach drivers are covered by the **company-level supplementary pension scheme** for the transport sector in France. The company pension scheme is managed by CARCEPT which is responsible for collecting contributions, calculating pension entitlements, paying pensions and supports companies, employees and retirees by offering them advice and services.

## Social partners and forms of social dialogue

The concept of **trade union** representativeness is precisely defined by French labour law. Since 2008 each trade union organisation must obtain at least 8% of the votes in workplace elections in a sector to be considered representative at the sectoral level. In this regard the bus and coach sector is part of the larger road transport sector. Several trade unions are active in the transport sector, of which the following five are representative (as of August 2021): CFDT (Confédération Française Démocratique du Travail, French Democratic Labour Confederation), CGT (Confédération Générale du Travail, General Confederation of Labour), CGT-FO (Confédération Générale du Travail-Force Ouvrière, General Confederation of Labour- Force Ouvrière), CFTC (Confédération Française des Travailleurs Chrétiens, French Confederation of Christian Workers), and CFE-CGC (Confédération Française de l'Encadrement-Confédération Générale des Cadres, French Confederation of Management - General Confederation of Executives). The strongest trade union in the transport sector is CFDT (34.24%) followed by CGT (24.8%), CGT-FO (20.75%) and CFTC (14.35%). Although CFE-CGC, a trade union organising white-collar employees, is below the 8% threshold (5.85%), the trade union nevertheless participates in negotiations in the transport sector because it has reached the representativeness limit at the national level (10% of all valid votes in workplace elections). If a trade union reaches the national threshold, it is automatically considered representative in all sectors.

A legal criterion establishing sectoral representativeness for **employers' organisations** was established in 2014. To be considered representative, employers' organisations must represent 8% of either companies or employees in a specific sector. The following four employers' organisations meet those criteria (as of August 2021): FNTR (Fédération nationale des transports routiers, National Federation of Road Transport), TLF (Union des entreprises de transport et de logistique de France, Union of Transport and Logistics Companies in France), CNM (Confédération nationale de la mobilité, National Confederation of Mobility), and OTRE (Organisation des transporteurs routiers européens, Organisation of European Road Transporters). FNTR (43.90%) has the most members in the sectors, followed by TLF (28.87%), CNM (16.62%, representing mostly operators of passenger transport, ambulances, and cash transport), and OTRE (10.61%, representing mostly SMEs). At the national level, FNTR and TLF are members of the transport and logistics branch of France's major employers' association (MEDEF).

There exists a permanent special negotiating body in the transport sector in France - the **CPPNI** (Commission Paritaire Permanente de Négociation et d'Interprétation Permanent, Joint Negotiating and Interpreting Committee). The CPPNI consists of equal numbers of employer and employee representatives and negotiates and concludes CLAs for various subsectors of the transport sector, including bus and coach. The CPPNI also assesses compliance with CLAs at the company level when questions arise. It also has the function of monitoring and shaping strategic economic and social developments in the transport sector. Furthermore, the purpose of the CPPNI is to review and verify decisions and proposals made by various committees and working groups in the transport sector.

In addition to the CPPNI there is a bipartite organisation that manages the **CFA** (congé de fin d'activité, end-of-activity leave). Employees who are at least 57 years of age and who have driven a bus or a coach in the sector for more than 30 years may apply for a cessation of work, which means drivers can take a leave of absence between the ages of 57 and 62 (the legal retirement age) and receive 70% to 80% of their last gross wage (until they reach the age of retirement). In the framework of the CFA concept, drivers are free to end the leave of absence if desired

and actively return to the driving service. The scheme is managed by a bipartite organisation (**AGECFA-Voyageurs**) that was set up by a sectoral agreement in 1998. Both employers and employees contribute to the financing of the scheme through monthly contributions. The French state provides additional funds.

Employees in bus and coach transport are covered by the general national health insurance system. In addition, in a sectoral agreement concluded in 1980, the social partners established an **IPRIAC** (Institution de Prévoyance d'Inaptitude a la Conduite, Institution for the Prevention of Incapacity to Drive) that compensates drivers if they lose their **driving licences** due to medical reasons. Depending on seniority, employees who are no longer able to drive are eligible for an extra pension between 1/12 and 35% of their gross salary.

## Collective bargaining practice and the contents of collective agreements

France has one of the highest rates of collective bargaining coverage in Europe. Around 98% of employees are covered by a CLA. To be valid, sectoral agreements must be signed by one or several representative trade unions with a combined election result of at least 30% representation in workplace elections. In addition, one or several trade unions with at least 50% representation can veto any sectoral agreement. Once the agreement is signed, any signing party may apply to the French Ministry of Labour for an extension. In practice, virtually all sectoral CLAs are submitted and approved for extension. The CLAs in the bus and coach sector were also declared generally binding. These CLAs cover all companies in the sector, regardless of whether the employer is affiliated to any of the signing parties or whether the individual employee is a member of a trade union. Currently, all representative social partners in the sector – CFDT, CGT, CGT-FO, CFTC, and CFE-CGC on the trade unions' side and FNTR, TLF, CNM and OTRE on the employers' side – sign agreements in the bus and coach sector. However, not every agreement is signed by all social partners, but there are agreements which, for example, are only signed by one or two of the representative trade unions.

French labour law sets a list of issues on which negotiations at sectoral level are mandatory (see Table 10). In road transport, the initial CLA from 1950 was amended through some 180 follow-up CLAs on a wide range of issues, and an even larger number of wage agreements.

**Table 10 - Mandatory topics for sectoral negotiations in France**

TOPIC	FREQUENCY
Wages	Annually
Gender equality	Triennially
Working conditions and occupational health and safety	
Employment and skill planning	
Workers with disabilities	
Occupational training and apprenticeships	
Employment categories within the agreement	Every five years
Employee saving schemes	

The CLAs in bus and coach transport contain regulations on night work and supplements for weekend work: there is a 10% supplement for **night work** and employees are eligible for a bonus if they work on **Sundays** or on **public holidays** of € 40.<sup>13</sup> Overtime, statutory annual leave and extraordinary workfree days are regulated in accordance with the Labour Code. Working time is regulated by the regulations of the Transport Code. Regarding **employment contracts**, there are two particularities that only exist in the bus and coach sector and have been introduced by collective agreements, namely **CPS** (Contrat Périodes scolaire, drivers for school terms) contracts and extended possibilities to use **part-time work**. The **CPS contracts** were established by a CLA in 2004 and designed to accommodate the requirements of school transport (including auxiliary services such as school trips). CPS contracts have a legal minimum working time of 600 hours a year. During the school holidays, work can be suspended, but the employer can, by means of an addendum to the employment contract, propose that the driver be available, for example, for occasional trips or regular services, provided that the holiday entitlement is guaranteed. Another – more recent – CLA extends the possibility to use part-time work in the passenger transport sector. The CLA stipulates that companies may offer a part-time contract for an annual working time of 800 hours. The employer can use that time flexibly over the entire period of a year. It is also possible to add overtime hours of up to 1/3 of the contractual working time. If the employee works for more than 1,440 hours, the contract must be converted to a full-time contract. The agreement was signed by two of the five representative trade unions (CFDT and CFTC).

As mentioned above, collective bargaining coverage is high and collectively agreed wages apply to virtually all employees. Nevertheless, **wage levels** in CLAs are usually relatively modest and often close to the national minimum wage. Table 11 summarises the minimum entry-level salary for drivers in the bus and coach sector according to the sectoral wage agreement from March 2021. In the sector a **13th month payment** is paid.

**Table 11 – Wage levels according to the National Sectoral Agreement (from March 2021)**

PAY GRADE	JOB DESCRIPTION	GROSS MONTHLY ENTRY-LEVEL SALARY (€)
137 V	School bus driver (CPS contract)	1,600.68
140 V	School bus driver (CPS contract) responsible for school trips or occasional day trips, school bus drivers selling tickets Bus driver, responsible for selling tickets and handling luggage	1,641.43
142 V	Drivers on intercity coaches ("Macron coaches")	1,657.86
145 V	Bus driver on tourist coaches	1,675.38
150 V	Bus driver on tourist coaches with low-level management responsibilities, foreign language skills and some skills to repair the coach	1,716.10
155 V	Senior bus driver on tourist coaches with responsibilities in business development and the organization of trips, foreign language skills, and training	1,802.10

Source: Own compilation on basis of CLA.

A **seniority premium** is added to the basic salary (see Table 12). Moreover, an additional 3% is granted to employees that have a formal qualification, for example as a mechanic.

**Table 12 – Seniority Wage premiums**

Seniority in years	1	5	10	15	20	25	30
Wage premium	2%	6%	8%	10%	14%	17%	20%

Source: Own compilation on basis of CLA.

**Absence from the place of residence** of the driver **for 24 hours** is paid with a 25% bonus. There are also various compensations for expenses on trips lasting more than 24 hours. These include: general meal allowances €13.55, single meal allowance €8.37, special compensation €3.79, snack allowance €6.70, special breakfast allowance €3.79, and accommodation with or without breakfast (€28.76-€31.67).

The regulations of the sectoral CLA can be altered by regulations in a **CLAs at the company level** in that specific company. Company-level agreements play an important role in the bus and coach sector, for example, with regard to the precise structuring of wages, bonuses and working time for drivers.

## 5.7 ITALY

### Market trends in the bus and coach sector

There are 6,300 **companies** active in the bus and coach sector in Italy. Most of them are small or medium-sized enterprises. The sector can be further subdivided into rental service and commercial line service. The subsector **rental service with driver** (noleggio autobus con conducente) consists of 6,000 companies, which in general have a small size. Besides transport for school children on field trips or for tourists etc., these operators often also offer (public) local transport among other services. The regulations concerning this subsector vary among the regions in Italy, leading to significant competition between operators from different regions. International bus and coach operators are also present in this sub-segment. Regarding **commercial line services** (line commerciali), there are 300 companies in Italy that are mostly medium-sized. They cover mostly interregional routes but often also offer international trips.<sup>14</sup> There is a clear trend in this subsector towards the expansion of the network and offered destinations. Whereas in the past, bus and coach services were mainly concentrated on the connection between the south, especially the areas less well connected to the rail network, and the north of the country, the range of services in this subsector has now been significantly expanded to cover all parts of the country and, in particular, also international connections. On the long-distance bus and coach market this subsector is also characterized by international competition.

According to the employer's associations, the subsector rental service with driver employs 25,000 **workers**. The employers' association of the commercial line services states that 5,000 employees are working in this subsector.

There are bus and coach drivers in Italy that work for **temporary work agencies** but the use of temporary agency work in the sector is limited due to regulation. Temporary agency workers are covered by a CLA for temporary agency work which protects employment and working conditions in the sector. Temporary employment plays a role in the sector as regards **seasonal drivers**. 20% of the drivers for rental services have a limited-term contract. 52% of the demand for this service takes place between March and June. Self-employment or false self-employment do not play a role in Italy. There are **drivers past the retirement age** driving in the sector, as the pension for bus and coach drivers is usually low and in addition there is a shortage of drivers. Besides critical working conditions, a major reason for the **driver shortage** is seen in the high costs of obtaining a driver's license in Italy. The trade unions estimate that a license costs around €5,000.

Due to the **COVID 19 pandemic**, the demand and turnover for rental services and commercial line services fell sharply between March 2020 and April 2021, with similar trends in the two subsectors: While the turnover of bus rental with driver was around €2.2 million before the pandemic began, it fell by 75% between March 2020 and April 2021. The turnover of commercial lines was €400 million before the pandemic and fell by 73%. The economic effects of the pandemic were partly mitigated by the provision of additional services for local public transport through bus and coach companies that had lost their activities in other subsectors. Still, many bus and coach drivers have left the sector, thus increasing the need for skilled labour. Italy offered a lot of state support for bus and coach operators, including € 40 million in non-repayable funds for companies operating

56 <sup>14</sup> There used to be regulatory differences between regional or sub-regional commercial line services and long-range connections. However, these regulatory differences were diminished in November 2021.



in commercial line services and rental buses with drivers (€20 million each), €70 million to repay instalments on loans or leases for the purchase of buses, and €20 million to compensate for losses incurred by operators of school transport. In total, these support measures amounted to €135 million in 2021. In addition, there were non-sector specific subsidies, for example for rent payments, which added up to €75 million. Due to the financial support, there were no insolvencies in the sector. The income loss for bus and coach drivers due to suspension or reduction of work was cushioned by payments of the Bilateral Solidarity Fund (see below) and the wage guarantee fund (Cassa Integrazione). As a result, bus and coach drivers received about 80% of their former salary during the pandemic (equivalent to approximately €1,100 per month in most cases).

## The legal framework of employment and working conditions

The basic principles of work are laid down in the **Italian Constitution** (e.g., on pay, maximum working hours, weekly rest, annual leave, occupational illness and accidents, social insurance, the freedom of association and the right to strike). In addition, several legislative acts complement these principles with details. According to Italian law (Act no. 66/2003), the normal working hours are 40 hours per week and the average working time may not exceed 48 hours per week including overtime (calculated as a four-month average). The maximum amount of overtime is 250 hours per year. There are 4 days of paid public holidays (Law. n. 937/1977) and a statutory minimum of four weeks of annual leave per year. CLAs or individual employment contracts can provide for more favourable arrangements for employees. Night work is defined as any period of no more than 8 hours on the average of 24 hours, including the time interval between midnight and 06:00 (Law N. 66/2003). The worker has the right every 7 days to a rest period of at least 24 consecutive hours which usually coincides with Sunday (Article 9 of Law N. 66/2003). The EU regulations as regards road passenger transport have been implemented one-to-one in Italian law.

There is no official **minimum wage** in Italy. The lowest wage levels are established in the CLAs for each type of job.

**Social security contributions** in Italy are high and amount to about 40% of the employee's gross pay. The exact amount of social security contributions depends, among other things, on the industry, the size of the company and the type of activity. The amount of pension contributions in Italy is calculated as a percentage of the gross pay. In most cases the total percentage is 33%; of this 9,19% is paid by the employee and 23,81% by the employer. The retirement age is 67 in Italy. The pension system consists of public pensions, voluntary occupational pension schemes and private pension plans. In 2019, the average annual gross pension payment from the public pension amounted to €13,200 per recipient (Statista 2021). The state's health service (Servizio Sanitario Nazionale, SSN) is financed by the regional value added taxes (IRAP) which amount to around 3.9 - 4.8% of a company's turnover. The state's health service provides free health care for all citizens. In case of illness, wage payments continue for at least 180 days. Contributions to unemployment insurance are 1.4% of the gross pay, of which two thirds are paid by the employer and one third by the employee. In the first three months of unemployment, benefits amount to 80% of the former wage; this percentage continually decreases until unemployment benefits run out after 24 months of unemployment.

## Social partners and forms of social dialogue

On the trade union side, the sector is represented by the trade unions FILT-CGIL (Federazione Italiana Lavoratori Trasporti, Italian Federation of Transport Workers), FIT-CISL (Federazione Italiana Trasporti, Italian Transport Federation) and UILTRASPORTI. The trade unions are part of the respective trade union confederations CGIL (Confederazione Generale Italiana del Lavoro, Italian General Confederation of Work), CISL (Confederazione italiana sindacati lavoratori, Italian Confed-



eration of Workers' Unions) and UIL (Unione Italiana del Lavoro, Union of Italian Workers). In addition, there are two smaller trade unions active in the sector, FAISA-CISAL and UGL-FNA. They mostly play a role in commercial line service. The proportion of employees in road passenger transport who are members of a trade union is estimated to be around 70%. Overall, the degree of trade union density is 37% in Italy and the collective bargaining coverage rate is 80% (Pedersini 2021).

The main sectoral **employers' organizations** in the subsector rental service with driver (are ANAV (L'Associazione Nazionale Autotrasporto Viaggiatori, National Association of Road Transport and Travelers) and the Associations of Artisans (Associazione Degli Artigiani). ANAV is a member of the employers' association federation Confindustria (Confederazione Generale dell'Industria, General Confederation of Italian Industry) and represents mostly bus and coach operators with activities in interregional bus services and rental service with driver. Associations of Artisans represents mostly small companies with up to eight employees which are active in the subsector of rental service with driver only. Around 40-50% of bus and coach companies are members of one of the two employers' associations. In addition, the organizations ASSTRA and AGENS play a role. ASSTRA and AGENS mainly represents companies that operate in local public transport.

There are **four bilateral funds** in the road passenger sector in Italy. All four bilateral funds were set up by the trade unions and employers' associations and are financed by contributions paid by employers and workers. There is a pension fund, **Priamo**, which was founded in 1998 and provides employees with a supplementary pension scheme to compensate for the reduction in public pensions. Employers and employees pay each 1-2% of the gross wage into the fund. The payments are tax free. Contributions are invested on the financial market by financial service providers until the specific employee retires. Priamo is actually targeted at employees in the public transport sector but also covers related sectors. The fund **Fondo TPL Salute** tops up health care services for workers and, following a voluntary contribution by the employees, also for their families. It is financed by the employers only and covers employees of companies covered by one of the two CLAs in the bus and coach sector. Fund TPL Salute finances services from third-party providers that offer additional health insurance benefits, such as different prevention campaigns and screening examinations. The **Fondo Bilaterale di solidarietà** (Bilateral Solidarity Fund) aims to support workers' salaries in case of economic hardship of a company. It played a major role during the COVID-19 pandemic as it compensated for income losses of bus and coach drivers. Allowances of the fund generally set in when working time is involuntarily reduced or work is temporary suspended due to an economic crisis of a company. The fund pays a monthly allowance equal to 80% of the social security taxable salary, for a maximum of 90 days over a two-year period (this period can be extended). Allowances from the fund are also paid when a company has to close down. In this case former employees receive an extraordinary allowance as a supplement to unemployment benefits. The supplement equals the sum of the first three monthly payments of employment benefits plus €250. The fund is financed by 0.50% of the taxable income; employers (2/3) and employees (1/3) share the costs. The last bilateral fund in the bus and coach sector, Fondimpresa, falls under the category of **Interprofessional Joint Funds**. Fondimpresa is the Interprofessional Joint Fund of Confindustria, CGIL, CISL, and UIL and is open to companies of various sizes and sectors besides the bus and coach sector. Interprofessional Joint Funds are regulated by law (Act no. 388/2000) and shall promote training activities for employees in a specific sector. Contributions to the fund amount to 0.30% of gross wages. Companies can request the same amount that they paid into the fund for the financing of training activities for their employees. Bus and coach operators usually pay the mandatory training as regards Code 95 out of this fund.

## Collective bargaining practice and the contents of collective agreements

There are **two CLAs** (Contratto Collettivo Nazionale di Lavoro, CCNL) in the bus and coach sector in Italy. One CLA covers the subsector bus rental with driver and related activities (CCNL Noleggior autobus con conducente e attività correlate) while the other CLA covers commercial line service (CCNL Autoferrotranvieri – Internavigatori). In Italy CLAs cannot be extended by legislation. However, employers can apply a CLA, even though they are not a member of the employers' association and all companies in the sector apply either one of the two CLAs.

The CLA for the subsector bus rental with driver was concluded by the three trade unions FILT-CGIL, FIT-CISL and UILTRASPORTI and the employers' associations ANAV and the Associations of Artisans. The CLA for commercial line service was signed by all five trade unions active in the sector (FILT-CGIL, FIT-CISL, UILTRASPORTI, FAISA CISAL, and UGL-FNA) and ASSTRA and AGENS for subsequent members. A future aim of the trade unions is to have one CLA for the whole sector. So far however, such negotiations were not possible. The CLA for commercial line service is set out in the Consolidated Law of 1976, which consolidated previous CLAs in the subsector. Until 2015 the consolidated text was continuously updated. In 2021, the CLA in the version of 2015 was extended as negotiations could not lead to a new agreement (mainly due to COVID-19 related challenges). The CLA for the subsector bus rental with driver and related activities dates back to a CLA signed in 2015 which derived from previous CLAs. It expired on 31 December 2020 and was in the beginning of 2022 discussed for renewal.

**Company-level CLAs** are rare in the bus and coach sector in Italy and only play a role in larger companies. Agreements on the company level are not allowed to derogate from the sectoral CLAs in a less favourable way for employees. The subjects of negotiations at company level are often work patterns and shifts, performance bonuses, holiday periods, recruitment, and further training.

Although the two sectoral CLAs are not identical, the regulations regarding working conditions are quite similar. The similarity is due to the fact that both CLAs were originally based on the CLA for the public sector. Regarding **working hours**, the CLAs state that the weekly working time is set at 39 hours and cannot exceed 48 hours including **overtime** (exceptions exist, e.g., in the frame of company level CLAs). Working time (and overtime) is calculated for a 26 week period. Overtime is limited to 150 hours in 26 weeks. Overtime pay is +10% per hour of the normal hourly wage including the supplements for the 13th and 14th salary. **Night work** is performed between 22:00 h and 5:00 h. The supplement for night work is +20% of the normal wage including the supplements for the 13th and 14th salary when working in rotating regular night shifts and +30% when not working in rotating shifts. As regards the durations of **breaks and rest times**, both CLAs refer to the EC Regulation 561/2006 (and the corresponding Legislative Decree no. 234/2007). The CLAs provide for up to ten **additional days off** to care for a sick child (age 0-3) or to assist a family member with a disability. The CLAs do not provide a regulation on **annual leave**; the statutory annual leave is four weeks (see above). Regarding work on a Sunday, the CLA for commercial line service stipulates that a sum of €5.81 is paid for each effective working day that falls on a Sunday. In the subsector bus rental with driver employees are entitled to a premium of € 4.00 for work on Sunday. Regarding work on a public holiday, the employees are eligible for a premium of 20% of the employee's average hourly wage. Waiting time and on-call duty is only paid to a certain extent. There is also a reimbursement for travel expenses. Regarding bus rental with driver, drivers are entitled to a compensation of €5.29 for each day worked outside the drivers' residence. In commercial services, there is a meal allowance which equals € 16.53 per month.

The **basic salary** for bus and coach drivers, called normal salary, is paid for **14 months** (12 months plus holiday pay and a Christmas bonus) a year. As mentioned above, there is no national **minimum wage** in Italy, but the CLAs must include a wage that defines the minimum wage applicable to employees working in this sector. The CLAs of the bus and coach sector include a minimum wage which consist of a basic and contingency payment. The wage of bus and coach drivers is based on the category of the profession and the years of experiences.

Overall, the parameters 100-250 in the pay table in the CLAs cover all employees working in the sector. The space between two consecutive parameters corresponds to about €20. As regards commercial line service, the profession of a bus and coach driver is ranked between parameters 140 and 183 (see Table 13). At the beginning of their career, bus or coach drivers are classified at parameter 140, after eight years of experience at parameter 158, after 16 years of experience at parameter 175 and after 21 years at parameter 183. The lowest parameter is 140, thus it corresponds to the minimum wage. In 2021 the CLAs set the base salary at € 886.22, to this must be added the contingency value of € 533.58. The average wage of a bus or coach driver in commercial line service corresponds to the parameters 175-183 (after 16-21 years of driving experience) and was between € 1,107.77 and €1,158.40 in 2021.

**Table 13: Remuneration table for commercial line service**

PARAMETERS	GROSS MONTHLY WAGE (IN €)	CONTINGENT PAY	GROSS MONTHLY WAGE (IN €)
183	1.158,41	540,51	<b>1.698,92</b>
175	1.107,77	539,62	<b>1.647,39</b>
158	1.000,16	536,60	<b>1.536,76</b>
140	886,22	533,58	<b>1.419,80</b>

Source: Own compilation on basis of CLA.

The pay scale of the CLA for drivers in bus rental with driver is structured slightly differently than the scale for commercial line service. Here, bus drivers are classified in parameter 134 and their gross monthly wage is €1,432.19. The monthly wage consists of a basic pay (€976.97) and a contingent pay (€517.26).

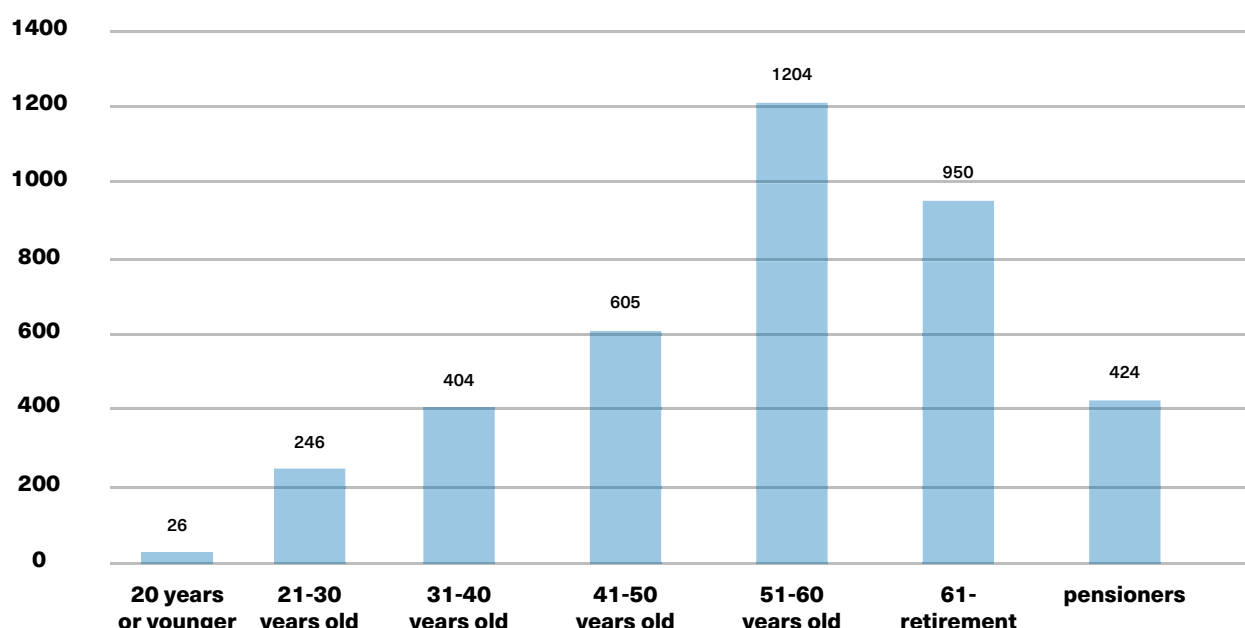
As regards **protection in the case of sickness** the CLAs refer to the legal regulations. There are financial provisions for employees in the event of an illness which can also be extended in cases of longer sickness. In addition, the CLAs also refer to the “Fondo TPL Salute”, which tops up health care services.

Concerning **accommodation** on tour, the CLAs state that bus or coach drivers must be given a decent accommodation.

## 5.8 THE NETHERLANDS

### Market trends in the bus and coach sector

As regards the **market structure** there were 260 Dutch companies that operated buses and coaches on December 31, 2020 (Panteia/Stichting FSO 2021). A large proportion of these companies have one or more ancillary activities, such as taxi transport, maintenance and repair for third parties, car washing, among others. The market is made up of many smaller companies and some large, international operators. Only five companies in 2020 had more than 250 employees, while 208 companies employed less than 20 drivers. The market is characterized by a **high degree of competition**, resulting in price competition and decreasing profits. Besides internal competition, competition is also caused by foreign operators from neighbouring countries conducting illegal cabotage in the Netherlands. **Subcontracting** plays a role on the Dutch bus and coach market as companies are used as subcontractors for the public transport segment. The company that wins a bid as a contractor for public transport usually cannot fulfil the offer alone and subcontracts out for a five to ten percentage commission. According to the regulations, only 85% of the drivers in public transport have to be paid on the basis of the CLA in public transport. Frequently 15-20% of full-time drivers in public transport are actually paid according to the CLA for bus and coach drivers, which pays less wages and allows for longer working hours. The Dutch bus and coach companies employed more than 3,850 employees in 2020. The number declined sharply compared to 2019 (5,592). It is noticeable that the labour market in the Netherlands for buses and coaches consists of a large segment of **part-time workers**. In 2020 there were 2,890 part-time workers in the sector and only 969 full-time employees. This is due to the **flexibility** aspirations of the employers. There is no legal limit on the amount of overtime. Drivers usually work 50 hours a week, with the option for the employer to reduce this time, if necessary, in the quiet season. Besides part-time workers, trade unions estimate that other groups of flexible employees make up to 65% of the workforce in the Netherlands in the bus and coach sector. Up until the end of 2020, when this practice was forbidden, **zero-hours-contracts** applied to 30% of the drivers in the sector. A zero-hour contract is a type of contract according to which the employer is not obliged to provide any minimum working hours. The use of self-employed or false self-employed drivers by employers is prohibited under the CLA. A further quarter of the drivers are pensioners topping up their pension, and the rest is made up of temporary agency workers. The high proportion of pensioners is also reflected in the age structure of the workforce (see Figure 3). Hiring retirees is cheaper for the operators, as there is no need to for pension payments and the pensioners usually a benefit from lower tax rates.

**Figure 3: The age structure of drivers in the Netherlands**

Source: Panteia/Stichting FSO 2021

The **COVID-19 pandemic** has shut down large parts of the sector. In 2020, the passenger kilometre (pkm)<sup>15</sup> went down -63% from 2019 (-56% transport within the Netherlands; 84% transport abroad). The total turnover in private bus transport of Dutch companies decreased by 63%. The number of employees went down dramatically from 5,592 in 2019 to 3,859. However, the reduction in employment numbers is not due to layoffs but rather to drivers leaving the bus and coach segment. State financial measures mostly prevented bankruptcies and layoffs. State aid provided for an 80% wage support and the payment of monthly costs (e. g. write-offs) if companies suffered a major loss in turnover. Also, the payment of taxes was postponed for 5 years. In the fall of 2021 signs were visible that the economic situation is recovering, and trade unions expect a dramatic shortage of drivers.

## The legal framework of employment and working conditions

In the Netherlands, national labour law regulates minimum rights with regard to working conditions. The majority of rules and obligations for drivers is set in **EU legislation**. For example, the Working Hours Decree (Arbeidstijdenbesluit Vervoer) implements Directive 2002/15/EC<sup>11</sup> into Dutch law. The Working Hours Act (Arbeidstijdenwet, ATW) implements Regulation (EC) No 561/2006 on driving times and daily and weekly rest periods and regulates maximum working hours and standards for minimum rest periods, among other things.

As regards **seasonal drivers**, the employment contract can be extended to a maximum of nine months, which deviates from the usual six months in other sectors. The change was made specifically for the bus and coach sector by the Labour Market in Balance Act, which replaced the scope of application of the Dutch Civil Code.

The Dutch statutory **minimum wage** is adjusted twice a year, on 1 January and 1 July. As of 1 July 2021, the gross hourly minimum wage for a full-time employee aged 21 and over was €9.82. Due to a generally binding CLA applying in the road passenger transport sector, the remuneration of bus and coach drivers is significantly higher than the Dutch minimum wage.

62 <sup>15</sup> A passenger-kilometre (pkm) is the unit of measurement representing the transport of one passenger by a defined mode of transport over one kilometre.

Concerning **holidays**, § 7 of the Dutch Civil Code (Burgerlijk Wetboek, BW) contains a minimum entitlement to leave. The minimum holiday entitlement is calculated from the number of working days per week  $\times 4$  (usually  $4 \times 5 = 20$  holiday days). This entitlement is regarded as the basic standard, and in many sectors supplementary sector-specific regulations or collective agreements apply. This is also the case for the road passenger transport sector.

As far as **social insurance** is concerned, **unemployment insurance** is jointly financed by the employers and employees and the level of contributions depends on the sector, the size of the company and other aspects. **Health insurance** in the Netherlands is obligatory and is financed by the employers and employees. Regarding **pensions**, a basic pension financed by the state (AOV – general law on old age) plays the most important role. In addition, there are pension payments based on industry-specific regulations. *Pensioenfondsvervoer* – the transport pension fund – provides a pension provision for all employees in professional transport. In the road transport sector, employers pay about two-thirds and employees about one-third of pension contributions, which is about 10% of wages. The retirement age in the Netherlands in 2021 was 67 years and 9 months. Early retirement is generally possible for 63+ year olds. However, for most drivers early retirement is not an option as they would not get enough pension benefits.

The total social contributions (health care, disability, unemployment, retirement, among others) applicable to drivers add up to about 39.1% for employers and 11.3% for employees of the total gross wage.

## Social partners and forms of social dialogue

In the Netherlands bus and coach drivers are represented by two trade unions. One is the **FNV**, which is the largest trade union in the Netherlands with around 1.2 million members and 16 individual trade unions. The other trade union for the representation of bus and coach drivers is **CNV Vakmensen** (CNV Professionals), which belongs to the umbrella organisation Christian National Trade Union Confederation (Christelijk Nationaal Vakverbond, CNV). CNV Vakmensen represents the interests of employees in many different sectors, including construction, industry, food, retail, wholesale and services. It is estimated that some 15-20% of bus and coach drivers are affiliated with a trade union in the Netherlands.

The employers' association in the bus and coach sector is **Busvervoer Nederland** (BVN, Bus transport Netherlands). Busvervoer Nederland is the bargaining partner of the trade unions in collective bargaining. It is estimated that up to 85% of the companies are members of the *Busvervoer Nederland*.

Besides CLAs social dialogue is practised within the framework of a joint fund between trade unions and the employers' organisation. The **Stichting FSO - Fonds Scholing en Ordening voor het besloten busvervoer** (FSO - Education and Development Fund for the Private Bus Transport) is the social fund for the private bus transport industry and aims at financing and subsidizing activities that promote good working conditions. This includes job evaluation systems, promotion of training and measures for compliance with the CLA. The FSO is financed by annual employer contributions (0.66%) and employees' contributions (0.22%), which amounts to 0.88% of the gross wage on which social insurance contributions are payable.



## Collective bargaining practice and the contents of collective agreements

In the Netherlands, CLAs are known as *Collectieve Arbeidsovereenkomst* (CAO). Agreements can be concluded at industry level as well as at company level. In general, CLAs apply to the members of the employers' organisations. In addition, the social partners can ask the government – as happened in road passenger transport sector – to make the terms of the agreement generally binding for all employees. For this to happen, the agreement must already cover a “substantial proportion” of those employed in the industry – normally 60% or more.

The **generally binding CLA** for the bus and coach sector, the Collective Agreement on Working Conditions for the Private Bus Transport (*Arbeidsvoorwaarden voor het Besloten Busvervoer*) was negotiated between the employers' organisations Busvervoer Nederland and the trade unions CNV Vakmensen and FNV. The agreement covers the period from 1 January 2020 to 1 January 2021. In September 2021 new negotiations started.

The CLA does not only cover drivers but also car washers, mechanics, electricians and the administrative staff in the bus and coach sector. The public transport sector has its own CLA. The current aim of FNV is to create a single CLA for all road passenger transport. There are **no company CLAs** in the road passenger transport sector in the Netherlands.

The generally binding CLA covers a wide range of working conditions. With regard to remuneration, the CLA is based on 0-12 steps according to years of experience (see Table 14). Drivers start at step 0 and move up one grade per full year of work until they reach the ceiling (15 years). Each step specifies the gross weekly, monthly and hourly rates of pay, wages for 4 weeks of work as well as the weightings to be applied for overtime. Based on interviews with trade unions, most often bus and coach drivers in the Netherlands are paid according to the pay grade 12, which pays €3,016.29 a month (or €2,784.00 for a period of four working weeks).<sup>16</sup> The wage table also applies to **temporary agency workers** working as bus and coach drivers.

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64 <sup>16</sup> The average weekly working time used in the calculation is 40 hours. A four-week wage is 160 times the hourly wage. A monthly wage is 173.33 times the hourly wage.



**Table 14: Wage table in CLA for bus and coach drivers (as of 1-1-2021)**

STEP	YEARS OF EXPERIENCE	MONTHLY WAGE	HOURLY WAGE	OVERTIME WAGE
0	0-3	€2,504.75	€14.45	€19.51
1	4	€2,591.93	€14.95	€20.18
2	5	€2,677.66	€15.45	€20.86
3	6	€2,697.85	€15.56	€21.01
4	7	€2,718.05	€15.68	€21.17
5	8	€2,737.88	€15.80	€21.33
6	9	€2,757.73	€15.91	€21.48
7	10	€2,800.25	€16.16	€21.82
8	11	€2,842.75	€16.40	€22.14
9	12	€2,885.28	€16.65	€22.48
10	13	€2,927.81	€16.89	€22.80
11	14	€2,971.74	€17.14	€23.14
12	15	€3,016.29	€17.40	€23.49

Source: Busvervoer Nederland/CNV Vakmensen/FNV 2019.

It is also noteworthy that the CLA for 2020–2021 foresees a 3.5% increase in wage payments per 1 January 2020 and 3% per 1 January 2021 despite the pandemic. However, it should be noted that ten minutes of each hour worked are counted as unpaid breaks, resulting in **only 50 minutes of work actually being paid per hour**. This regulatory aspect of the CLA is a remnant of old times, when bus and coach drivers spent a lot of time waiting. As bus and coach drivers are now driving on very tight schedules waiting time is no longer an issue and the trade union efforts focus on abolishing the regulations. **Overtime** is defined as any time worked in excess of 40 hours per week. The premium to the regular salary for overtime is 35% (see overtime wage). Regarding **working on the weekend**, the supplement for work on Saturday is €3.71 per hour and for Sunday €5.58 per hour. For **night work** during the night hours on weekdays (00:00 h – 06:00 h) there is a premium of €3.71 per hour. Bonuses are subject to social contribution deductions and are not tax-exempt. A **13-month bonus** does not exist in the Netherlands. There is also a reimbursement for **travel expenses**. For multi-day trips, the driver who transports persons without a tour guide is entitled to a net compensation of €7.75. For multi-day trips where the coach is staffed with two drivers, each driver is entitled to a net compensation of €7.16 per day. For multi-day trips carried out with a tour guide, the driver is entitled to a net reimbursement of €5.73 per day. There are also meal allowances depending on the length and time of trips. For example, in the event of a service period of 11 hours or more time (and not entirely between 07:30 h and 19:00 h) the **meal allowance** amounts to a maximum of €18.50.

**Accommodations** are paid for separately. According to the CLA the driver is entitled to a single hotel room with a toilet and shower in the room. There are also demands on the quality regarding **transfer spots**, e. g. where drivers take breaks.

There is an **interruption allowance** of €14.72 for drivers who are not carrying out any work in the event of consecutive work/between drives if the period of service is interrupted longer than one hour and the total service time does not exceed 12 hours (some specifications apply).

According to the CLA, **days off** have to be announced 28 days in advance and the daily schedule 4 days in advance. However, interviews with trade unions point out that this is hardly common practice; instead, schedules are usually announced a day ahead (with the exception of multi-day international trips, which are announced earlier). The CLA does not provide for payments for **availability time**.

The CLA extends the statutory **holiday entitlement** (Table 15). Except for employees under 20 years old, the number of days of holidays increases with the employee's age and years of service (to a maximum of 27 days).

**Table 15: Holiday entitlement according to the CLA**

EMPLOYEE'S AGE	HOLIDAY ENTITLEMENT (IN DAYS)
Age 20 and under	24
21-49 years old	23
50-54 years old	24
55 to 59 years old	26
60 years old and over	27

*Source: own compilation on basis of CLA.*

Drivers aged 20 and under are granted an extra day off (24 days), because as the CLA explains, the nature of the work, such as irregularity, night work and heavy labour within the sector make it necessary for older and younger employees to have additional days off.

The costs for **work-related training**, including those concerning Code 95, are usually paid by the employer, but the driver takes the training classes in his/her free time. There needs to be a minimum of one day (eight hours) per year within a period of five years reserved for Code 95 training purposes. Travel time to and from the courses count as working time.

## 5.9 SLOVAKIA

### Market trends in the bus and coach sector

In 2020, 13,807 people were employed in the bus and coach sector in Slovakia. There are no statistics regarding the number of bus or coach companies in Slovakia. The sector is characterised by a **driver shortage** and the average age of drivers is high (55 years old). To combat the driver shortage, foreign drivers are employed in Slovakia, mostly of Ukrainian origin. A trade union survey in 2020 found that 17% of companies use foreign drivers. In addition, 27% of companies use temporary agency work. The lack of drivers also leads to increasing pressure on the existing drivers. Working hours are being extended by shortening rest time and breaks, and overtime is being pushed. The trade unions estimate that 1,500 drivers are currently lacking.

Due to the impact of the **COVID-19 pandemic** drivers have left the sector or went into (early) retirement, which can be seen in the declining **employment figures**. The figures have dropped from 14,267 in 2019 to 13,142 in the first half of 2021 (see Table 16).

**Table 16: Employment figures of bus and coach operators (2019 - first half year 2021)**

	2019	2020	2021, 1st half
<b>Number of employees</b>	14,267	13,807	13,142

Source: ŠÚ SR, cited in the presentation by country expert during the workshop in November 2021.

During the crisis, sales went down 31% in 2020 compared to 2018; even though they increased by 15% in 2019 compared to 2018. The state provided financial and other support to employers, such as short-time work benefits. Around 65% of bus and coach operators benefited from the state's financial aid. The support was often not considered sufficient by drivers to cover lost wages.

### Legal framework and the role of collective bargaining

The legal framework of employment and working conditions is defined in different pieces of legislation. The Labour Code, the Working Time in Transport Act, the Road Transport Act, the Ordinance on Compulsory Basic Qualifications and Periodic Training, the Health and Safety Act, the Collective Bargaining Act, the Social Fund Act, the Labour Inspection Act and the implementation of the various European road transport directives play a role. Important provisions on work and employment conditions for bus and coach drivers not covered by CLAs are set out in the **Labour Code**, which was last revised in February 2021. The Labour Code contains the following important regulations on:

- **Fixed-term employment**, which may be agreed for a maximum of two years. Employment for a specified period may be extended or renegotiated not more than twice within a two-year period.
- **Working time** in the course of 24 hours is limited to eight hours (max. extendable to 12

hours) and the weekly working time is 40 hours (extendable to a maximum of 56 hours). The average weekly working time of an employee, including overtime, may not exceed 48 hours for a period of four consecutive months. **Overtime** work shall be compensated by a wage surcharge equal to at least 25% of the employee's average earnings.

- **Night work** is work performed between 22:00h and 06:00h. An employee performing night work is entitled to a wage surcharge for each hour worked. Since 2021 the surcharge is a fixed payment of €1.43 per hour.
- Regarding working on **weekends**, there is a fixed payment of €1.79 per hour worked on a Saturday and €3.58 per hour worked on a Sunday.
- Regarding work on a **public holiday**, the employee is entitled to a wage benefit of at least 50% of their average earnings.
- **Holidays** shall be at least four weeks. For an employee over the age of 33 the holidays are extended to five weeks.
- The employer shall provide **meals** including a suitable drink to the employees during their work shift. If the shift lasts more than 11 hours, the employer needs to provide an additional meal. If the employee is on a business trip, the employer shall cover 55-75% (depending on the length of the trip) of the costs of meals.

The **minimum wage** in Slovakia is negotiated by the social partners in the frame of the tripartite Economic and Social Council, and negotiations take place annually. Only if the Social Partners cannot reach an agreement, is the minimum wage determined by the Ministry of Labour, Social Affairs and Family. As of 1 January 2021, the Slovak minimum gross monthly salary was €623, which is a large increase compared to the previous years (2019: €520; 2020: €580).

The minimum wage of an employee depends on the degree of labour difficulty of their job performed. The difficulty rating depends on the complexity, responsibility and laboriousness of work. There are 6 levels of difficulty (see Table 17).

**Table 17: Minimum wage in Slovakia (data for 2021)**

DEGREE OF LABOUR DIFFICULTY RATING	COEFFICIENT APPLIED TO MINIMUM WAGE	MONTHLY MINIMUM WAGE (IN €)
1	1,0	623
2	1,2	739
3	1,4	855
4	1,6	971
5	1,8	1,087
6	2,0	1,203

Source: Grantthornton 2020.

**Travel allowances** depend on the country where the driver spends the day and are between €36 and €53 a day in the European Union. Travel allowances are not subject to social security contributions or taxes.

**Social security contributions** average 34.6% of gross salary and are divided between the employee and the employer. Social contributions from the employer add up to 25.2% and on the employee side to 9.4% of the gross salary. Sickness benefit, old-age benefits, invalidity benefits, and unemployment insurance are shared between the employer and employee; accident insurance is paid by the employer only. The amount of sickness pay depends on the duration of the sickness. Since March 2020, due to the COVID 19 pandemic, all sick pay is paid by the Social Insurance Agency (SP). Previously, the employer paid the first ten days of sickness pay.

As regards the **pension system**, there is a voluntary scheme in addition to mandatory contributions. As regards the voluntary scheme, the employees can decide to join the scheme before the age of 35 to gain additional pension benefits. Currently, a total of 5.25% of gross pay is paid into the voluntary scheme by employers and employees. From 2017 onwards, the legal retirement age is gradually increasing dependent on the increase in life expectancy. In 2019, the retirement age for receiving the old-age pension was 62 years and six months. However, employees who raised children, benefit from a lower retirement age.

Unlike in other European countries, the minimum **age for obtaining a bus driver's license** is 24 years in Slovakia.

## Social partners and forms of social dialogue

The **trade union** representing bus and coach drivers in Slovakia is OZ KOVO. Besides private and public road transport the OZ KOVO trade union represents employees from the engineering, electrical, metallurgical, glass industries, services, secondary schools and vocational schools, employees of the Fire and Rescue Service, as well as other industries. OZ KOVO is a member of the Confederation of Trade Unions of the Slovak Republic (Konfederacia odborovych zväzov Slovenskej republiky, KOZ SR). Regarding urban transport the trade union IOZ (Integrated Trade Union Association) also plays a role but is much smaller. The trade union IOZ was established in 2009 when the Textile and Clothing Union and Transport Union merged with the Construction Trade Union Association. Trade union membership in the bus and coach passenger transport sector mainly consist of drivers in urban public transport and other forms of local transport, while drivers in international long-distance trips and other commercial trips are seldom trade union members. Trade union density in terms of active employees for all sectors is estimated to be about 12% in Slovakia. Before 2002, employees were only represented by trade unions; since then, employees can be represented by works councils. As management-lead works councils are quite common in Slovakia, trade unions see the establishment of works councils rather critically.

Membership in **employers' organisations** is voluntary. The density of employers' organisations for all sectors in Slovakia is estimated to be around 45% in terms of employees covered. As regards bus and coach, the social partners on the employer side are ČESMAD – the Employers' Organisation for Transport and ZAD SR – the Employers' Association of Bus Transport. ZAD SR represents mainly companies in public road transport. ČESMAD represents the interest of road passenger and road freight operators.

## Collective bargaining practice and the contents of collective agreements

In the bus and coach sector two-tier collective bargaining takes place at the sector and the company level, where single-employer collective agreements are concluded. The last sectoral CLA was agreed between OZ KOVO on the trade union side and ZAD SR on the employer side. The extension of CLAs is allowed by law, but in the case of bus and coach transport, the social partners submitted no proposal for the extension of the CLA. During the last decade there has been a trend toward decentralisation of bargaining from the sector to the company level in Slovakia (Cziria 2021). This trend can also be seen in the bus and coach sector. The sectoral “**higher level collective agreement**” expired on 31. December 2021 and, so far, OZ KOVO could not agree a new sectoral CLA with the employer association. The biggest challenge for the trade union is therefore the renewal of sectoral collective negotiations. There is no continued application of the CLA and employees not covered by company level agreements are only entitled to the minimum wage. This situation leads to a threat of declining working and social conditions of drivers and deepening of regional disparities in the sector. On the other hand, there are around 30 company level CLAs in the sector that include entitlements that exceed minimum standards. Most CLAs on the company level are agreed between OZ KOVO and IZO on the trade union side and subsidiaries of the five biggest Slovakian operators: SAD, Arriva, Arriva Liorbus, SKAND, and EUROBUS.

The **sectoral CLA**, which ran out in 2021, included mostly provisions of the Labour Code, but moreover, there were supplementary pension savings, days off because of childcare for children under the age of ten. Working hours were set at 37.5 hours. With regard to wages, the CLA had a wage scale with twelve tariff classes. In 2019 the minimum hourly rate of this scale was €2.57 in the lowest class (1) and €5.14 in the highest class (12) (see Table 18). Waiting time was not included as working time.

**Table 18: Tariff grades in sectoral CLA (data for 2019)**

TARIFF GRADES	HOURLY WAGE (IN €)
1	2.57
2	2.83
3	2.96
4	3.09
5	3.34
6	3.60
7	3.60
8	4.11
9	4.37
10	4.63
11	4.89
12	5.14

Source: OZ KOVO.

As an example, for CLAs on the company level, the following is based on an excerpt of a **CLA** of a large company in Slovakia. With regard to remuneration, the CLA contains twelve tariff grades. The tariff grades are defined according to the degree of complexity, responsibility and difficulty of the work of the employee. The monthly wage in tariff grade one is €432.09 and in tariff grade twelve €1,037. It should be noted that the basic wage in the first four tariff grades is below the minimum wage in Slovakia. However, drivers are rarely classified in the first four pay grades, and due to the bonuses and supplements, the actual wage of driver is higher than the minimum wage. In addition, the company has **performance-related bonuses**. The bonus system is based on the monthly evaluation of the **employee's performance** (qualitative performance indicators, individual targets and employee's behaviour). The bonus is generally set at 7% of the salary (but is higher for some positions) and is reduced if the employee's performance does not meet the requirements. There is also a bonus for **eco-friendly driving**, the amount of which depends on the current average price of fuel and the volume of fuel used. There is also an **annual bonus** (Christmas bonus) which is 1/12 of the annual basic salary. Regarding **overtime**, the supplement amounts to 30% of the employees' average earnings – unless the employer and the employee have agreed on the use of compensatory time off. Concerning **night work** (from 22.00 to 6.00 hours) the employee is entitled to a 40% supplement. **On-call-duty** while being off shift is limited to 8 hours a week (and a maximum of 100 hours in a calendar year). There is compensation for on-call duty, which is 20% of the minimum wage according to the minimum wage law, but at least €3.49 per day and at least €7.08 if it is a public holiday. Regarding working on the **weekend**, the employee is entitled to wage allowances of 35% of their average earnings for each hour of work on Saturdays and 100% for work on Sundays. When working in a **split shift** the driver is entitled to a wage supplement of €3.00 per split shift.



There is also a compensation for working under **high temperatures**. Drivers are entitled to a supplement of €0.166 for each hour of driving in conditions where the air temperature reaches 26 °C or more. The employee is entitled to the reimbursement of income in the event of **sickness** (or temporary incapacity for work) from the first day of the incapacity until the third day for the amount of 30%, and 60% from the fourth day to the tenth day of incapacity.

A survey by the trade union OZ KOVO in 2020 showed that most bus and coach drivers in Slovakia received €3.60 to €6.10 per hour, which amounts to a **monthly gross wage** between €1,100 and €1,700 including bonuses and supplements (e.g., for overtime). The same survey also found that 33% of employees receive a seniority bonus. However, there are large regional differences in the country.

## 5.10 SPAIN

### Market trends in the bus and coach sector

Road passenger transport plays a **significant role for the economy and the labour market** in Spain. Bus networks in Spain are extensive and are a key element to support transport mobility by connecting (remote) villages with regional centres. In addition, tourism is of great importance for the country and, with that, bus tourism. The national credo is “bus services for everybody” - at the national, regional and local level. In order to guarantee the “right to mobility” and “universal accessibility”, concessions are granted to bus and coach companies in Spain. This **concession system** is intended to enhance the cohesion and territorial balance and the “right to mobility” regardless of the local situation. The concession system does not only cover the public (local) transport, but also the inter-urban and long-distance bus and coach passenger transport routes. In the framework of the concession system private companies take over a package of bus routes that include profitable but also a number of unprofitable routes that need to be serviced. Public procurement for these concessions occurs every ten years. For road passenger transport within the perimeter of 50 km, the concessions are awarded by the regional government, while beyond that scope, e.g., regarding the long-distance transport by busses and coaches, concessions are awarded at the national level. The concession system has a stabilizing effect on the working and employment conditions in the segments concerned. In the case of occasional (non-scheduled) bus and coach traffic the transport takes place on the liberalized market and the trend can be seen that working conditions are deteriorating over the past few years. In contrast with other sectors of road passenger transport, the conditions in this subsector of occasional bus and coach passenger transport are also more likely to be regulated by CLAs on the company level than on the provincial level. A labour market reform of the right-wing government in 2012 has made it possible for CLAs on the company level to set standards below the ones in the provincial CLAs. However, the left-wing coalition government changed the labour reform measures of 2012 so that as of January 2022, company level CLAs are subordinate to the provincial CLAs.

In the entire bus and coach sector, including public transport, there were 3,154 **companies** in 2020 in Spain (CONFEBUS 2020, p. 12). About 95% of these companies had only up to five employees, in other words a vast majority of companies are micro-companies. Figures broken down by subsector only exist for turnover and employment (see Table 19).

**Table 19: Turnover and employment in the bus and coach sector in Spain (2018)**

	TURNOVER (IN MILLION EUROS)	EMPLOYEES
<b>Scheduled transport (without urban public transport)</b>	1,603.1	18.884
<b>Occasional transport</b>	1,304.0	15.361
<b>School transport</b>	786.1	9.260
<b>Transport of workers</b>	224.9	2.649
<b>Total</b>	<b>3,918.13</b>	<b>46,154</b>

Source: CONFEBUS 2019; p. 29-30.

The bus and coach passenger transport sector in Spain had a total turnover of €3,918 million and employed 46,254 workers in 2018. The biggest subsector of the bus and coach sector is scheduled transport (€1,603 million turnover, 18,884 employees) followed by occasional transport (€1,304 million turnover, 15,361 employees).

**Temporary employment, self-employment, and false self-employment** are relatively widespread in Spain compared to the other countries surveyed in this study. 20-25% of employees have temporary contracts. Illegal subcontracting chains exist. The working conditions (especially in the very small companies in subcontracting chains) are described by the trade union as being precarious. Spain also has a **shortage of drivers** and a high average age among the workforce of bus and coach operators, which is similar to the situation in other EU countries.

The severity of the impact of the **COVID-19 pandemic** on the economy and labour market in Spain was immense. Between 2019 and 2020, tourism decreased by 77.4%, with an especially massive impact on occasional bus and coach transport. In addition, interurban transport was reduced by almost 90% at selected points during the pandemic. School buses did not run when the schools were closed. In order to mitigate these negative effects, special programmes for the road passenger transport were implemented, which were negotiated with the involvement of the social partners. The programmes focused, for example, on the extension of temporary lay-offs and short-time work schemes. Regarding short-time work schemes, the state continues to pay 70 to 80% of the workers' salary for several months and exempts the employer from social insurance contributions. In addition, there were special programmes for occasional transport and specifically for tourist transport in regions of Spain that were heavily hit by the decline of tourism, such as the Balearic Islands. Despite this aid, it is widely assumed that the crisis had a massive negative impact on the sector, especially on self-employed drivers and micro-enterprises in the occasional transport subsector. However, the latest figures for September 2021 indicate that the sector is in recovery in Spain. Interurban transport (+37.1%), occasional and special transport (+26.4%) have increased significantly compared to the same month the year before.

## The legal framework of employment and working conditions

Labour law is primarily set out in the **Statute of Workers' Rights** (Estatuto de los Trabajadores). The Statute of Workers' Rights was approved for the first time in 1980 and has since then been modified several times. Besides regulations on employment and working conditions, the Statute of Workers' Rights includes provisions on the individual employment relationship, forms of collective representation, collective bargaining and collective agreements. The Statute is complemented by the Royal Legislative Degree No 1561 (Real decreto No 1561) for the road transport sector, which lays out the regulations regarding driving time, working time, breaks and rest in accordance with EU legislation.

Regarding working time, the Statute of Workers' Rights states a maximum of 40 hours per week (calculated annually) and nine hours per day. Overtime is defined as hours beyond the ninth working hour. A maximum of 80 hours of overtime per year is allowed. Night work is defined as work performed between 22.00 h and 06.00 h. There is no provision on weekend work or work on holidays in the Statute. The Statute states that there is a right to have a break for at least 15 minutes after six uninterrupted hours of work. Weekly rest is fixed at one and a half days per week or more. The notice period is a maximum of 2.7 months (for employees with a 20-year tenure), which is quite short for Spain (Molina 2021).

The amount of the **minimum wage** in Spain is determined by the government and adjusted annually. The exact amount of the minimum wage is regulated in the Statute of Workers' Rights. Under the current social democratic government, the statutory minimum wage has seen a sharp increase in the past few years and was €965 a month in 2021 (2018: €735.90). Just as with other wage payments in Spain, there are 14 wage payments (Christmas bonus, holiday pay) of the minimum wage per year. Bus and coach drivers are not paid according to the minimum wage but receive a slightly higher income. Trade unions estimate that the pay received by bus and coach drivers is mostly located at the lower middle income level.

Regarding the **General Social Security Scheme** (Regimen General de Seguridad Social), the total contributions per employee are around 37.95% of gross pay on average. They can, however, vary depending on the employment contract and the sector in which the worker is employed. Of the total social security contributions, 6.35% is paid by the employee and 31.6% by the employer. Pension and health insurance account for 28.3% (23.6% employer; 4.7% employee), unemployment insurance for 7.05% (5.5% employer, 1.55% employee), vocational training for 0.7% (0.6% employer, 0.1% employee) and the wage guarantee fund for 0.2% of the gross pay. Work accident insurance amounts to 1.7% and is paid only by the employer (GTAI 2021).

Regarding **unemployment insurance**, persons are eligible for benefits when they have paid contributions for a period of at least 360 days in the last six years before becoming unemployed. The unemployed are entitled to 70% of their former earnings for the first 180 days of unemployment and 50% from the 181st day onwards. However, there is a minimum amount of unemployment benefits, which is higher for unemployed with children.

Spain has a public **health care system** that provides free medical care. Co-payments (for example for medications) are only necessary when incomes are €18,000 or above. As regards sick leave, during the first three days of an illness the employee does not receive any benefit. Between the fourth day and the twentieth day, the replacement rate is 60% of the regulatory base pay. After the twentieth day, the replacement rate is 75%. In order to be eligible for sick leave, the employee must have contributed to the Social Security for 180 days during the five years prior to the sick leave.

The retirement age in Spain is continually increasing and will be 67 years in 2027. Workers who have contributed to the pension scheme for 37 years and three months are allowed to retire at age 65 (as of 2021). Partial or early retirement is possible. Spain has a minimum and maximum amount of **state pension**. The maximum amount in 2019 was €2,617.53 and the minimum was €642.90 for those with a working spouse and €835.80 for those with a dependent spouse.

## Social partners and forms of social dialogue

The most important **trade unions** in the bus and coach sector in Spain are UGT and CCOO. Beyond that there are several smaller trade unions which are not determined as representative and therefore do not have the right to negotiate CLAs. Therefore, CCOO and UGT sign all of the CLAs in the sector on the provincial and company level. UGT and CCOO maintain a cooperative relationship and unity of action. UGT (Unión General de Trabajadores, General Union of Workers) is affiliated with the Spanish Socialist Workers' Party (Partido Socialista Obrero Español; PSOE) and is organized in sections (economic branches) and territorial unions. Besides passenger and freight transportation, UGT covers metal and construction, commerce, public services, and education, among others. CCOO (Confederación Sindical de Comisiones Obreras; Workers' Commissions) is affiliated with the Communist Party and is also structured by sectional and territorial divisions. Sectoral federations of CCOO over construction and services, education, and health, among others. Trade union density in Spain in total is estimated to be around 15–20% (Molina 2021). While for bus and coach transport covered by the concessions, e.g. regular, medium and long-distance travel, trade union density corresponds to the national figures, membership rates are much lower in the subsector of occasional transport. In general, the low numbers of trade union membership among bus and coach drivers in Spain are caused on the one hand by a large presence of self-employed drivers without affiliation, and on the other hand by the Spanish legislative conditions that also allow non-members to profit from CLAs negotiated by trade unions.

The **employer's association** in the bus and coach sector is CONFEBUS. CONFEBUS is the Spanish Confederation of Transport by Bus and Coach and represents the interests of bus and coach undertakings active in various subsectors (regular, urban, occasional, school, tourism, management of terminals, etc). CONFEBUS represents more than 90% of companies in the bus and coach sector in Spain.

## Collective bargaining practice and the contents of collective agreements

In Spain CLAs on the provincial level play a major role in the country's industrial relations system. Correspondingly, the bus and coach sector is regulated by various CLAs on the provincial level. In total, there are 51 **provincial CLAs** in the bus and coach sector in Spain – practically one per province. The collective bargaining coverage rate in the sector is high: about 80% of the employees and 70% of the bus and coach operators are covered by a CLA. All CLAs were concluded by the UGT and CCOO on the trade union side and CONFEBUS on the employer's side. As there are quite a lot of differences between the CLAs, e. g. concerning wages and other working conditions, the diversity of CLAs leads to various problems regarding unified criteria for negotiations and the improvement of working conditions. The diversity in CLAs furthermore fosters competition between operators in different provinces and results in undercutting competition at the expense of social conditions. Another issue fostering precarious working conditions and social dumping are company level CLAs. Until January 2022, companies could conclude company level CLAs that undermined the standards of provincial CLAs, e.g., by introducing wages that were lower than those defined in the provincial agreements.

The trade unions' general goal is to introduce minimum conditions to fight social dumping between companies.

95% of the 51 provincial CLAs include regulations for the bus and coach sector only, while the rest cover the entire road transport sector including road freight transport (Barbadillo et al. 2019). Regarding **working time**, the CLA with the most working hours states an annual amount of 1,826 hours and 27 minutes, while the CLA with the shortest working hours specifies a total of 1,720 working hours per year (Barbadillo et al. 2019). Some CLAs reserve a specific amount of working time for training purposes. Most CLAs calculate a 40-hour work week. Just as in the Statute of Workers' Rights, most CLAs limit **overtime** to 80 hours a year. Overtime pay varies between €10.46 and €7.45 per hour, and some CLAs state that overtime cannot be less than + 50% of the normal wage per hour. Regarding **night work**, one CLAs specifies a bonus of €1.60 per hour while others grant a 15-25% bonus on the basis of the base salary plus seniority. Not all CLAs include provisions for working on public holidays. The CLAs that regulate this item provide quite different benefits, for instance one CLAs pays a daily rate of €117.25 (2019) for **working on public holidays**, while another pays a benefit equal to 1.5 times the normal daily wage. Another one stipulates a bonus of €30 for working on Christmas Day and New Year's Eve.

Almost half of the agreements provide for total **remuneration** of more than €20,000 per year. However, the medium salary can differ quite widely, e.g., from more than €30,000 per year in Madrid to around €16,000 per year in Huesca. The CLAs generally stipulate seniority bonuses. For example, employees receive for five years of employment in the same company a wage increase of 10% (for ten years + 16%, 15 years: + 22%, 20 years: + 28%, 25 years: + 34% and 30 years: + 40%). Most CLAs provide for 14 or 15 months of salary per year (holiday pay, Christmas bonus). Some CLAs provide extra allowances when drivers are multilingual and the knowledge of a particular language is deemed as necessary by the operator for a trip. There are **travel allowances** for domestic and international trips that last longer than 24 hours. Daily travel allowance reaches from €31 to €55 for domestic trips and from €46 to €91 for international trips depending on the CLA.

Regarding **paid annual holidays**, the CLAs offer between 30 to 35 days of vacation. Some CLAs specify that all vacation days cannot be taken at one time. 78% of CLAs give day(s) off for the birth of a child and 90% of CLAs as regards marriage. One CLA even provides for an additional twenty days off in the case of marriage. CLAs also grant days off for a serious illness or death of relatives up to the 2nd degree (two to four calendar days, depending if travelling is involved). About 40% of the agreements include **unpaid leave** in addition to the paid leave (Barbadillo et al. 2019).

Almost 61% of the CLAs provide regulations for **retirement**. For instance, provisions for partial retirement or early retirement (e.g., for drivers 60 years old) can be found. Mandatory training for drivers as regards CODE 95 is paid by the company and more than 80% of the CLAs include rights to **vocational training**. Almost 70% of the agreements include the obligation on the part of the employer to provide for **periodic medical examinations** for employees (Barbadillo et al. 2019).

## 5.11 SWEDEN

### Market trends in the bus and coach sector

The Swedish bus and coach industry is usually divided into three main segments or subsectors:

- Commercial regular service (express buses, airport buses and other types)
- Commercial tourist and on-demand services.
- Contracted public transport and school transport.

According to the official Swedish transport authority (*Transport Styrelsen*), in 2018 (latest available figures), 901 companies were active on the market, of which 272 operated regular services and 629 charter and long-distance services (Transport Styrelsen 2020). Over time, there has been a decrease in the number of bus operators, including a decrease in the number of charter and long-distance services, also as a result of competition due to increased competitiveness of rail services.

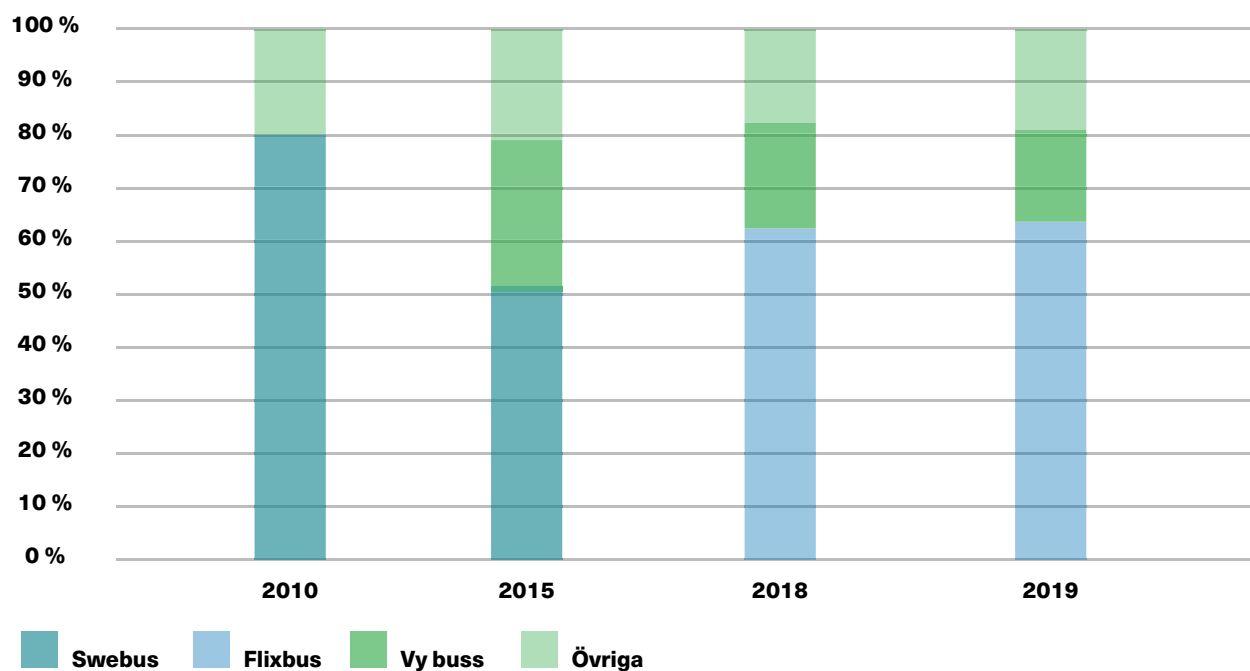
Most bus operators in Sweden are small companies while at the same time the market is dominated by a few larger companies. Almost 50% of the companies operate as one-man businesses, i.e. are self-employed, while a further 22% have one to four employees. Only 3% have more than 100 employees. There are 20 companies with more than 500 employees.

Figure 4 shows the distribution of market shares in commercial bus and coach services in 2018. The largest company with a market share (in terms of departures per day) was Flixbus with 63% of total departures per day. The second largest company was Vy Buss with a share of 22% while various smaller private companies accounted for the remaining 15%.

The figure also shows that the structure of the market has changed over time: Firstly, by the Norwegian based Vy Buss entering the Swedish Market in 2015 and secondly by the acquisition of Swebus by German based Flixbus in 2018. As a result, more than 80% of the Swedish commercial bus and coach sector today are dominated by two foreign operators.

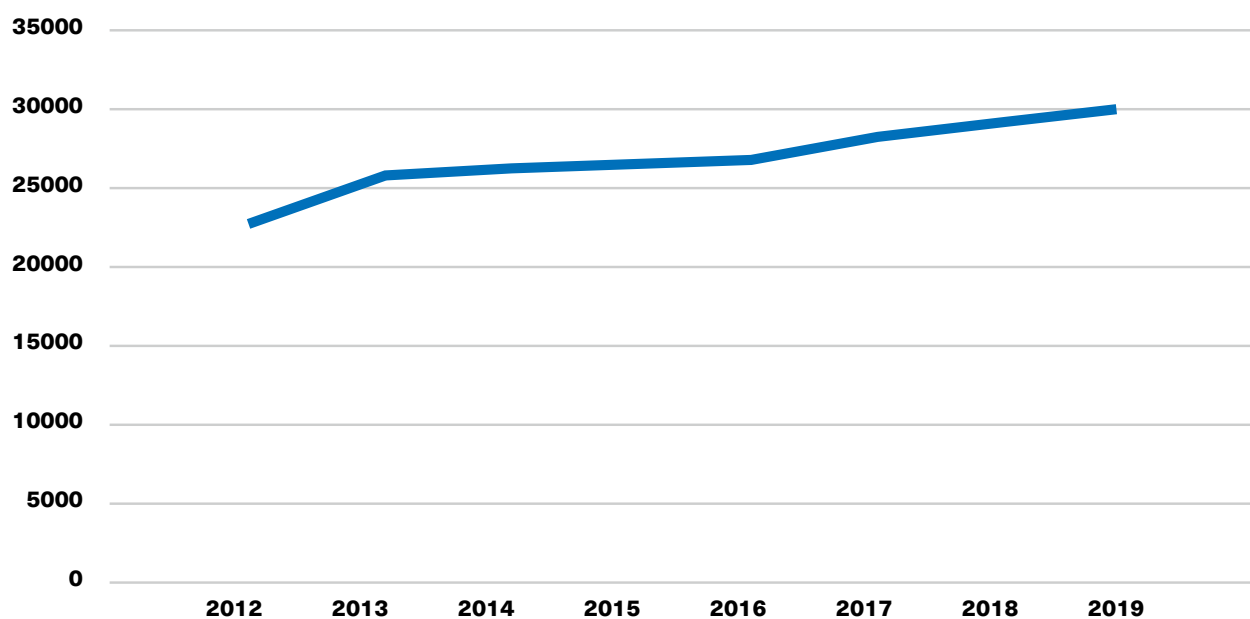
The concentration of market shares has also been happening in the contracted regular bus transport services where nearly 70% of the market is concentrated in the five largest companies (Transport Styrelsen 2020, p. 45). According to the Swedish Transport Authority there is however also still a market for small companies, for example in the field of joint ventures or cooperation in the context of public procurement.



**Figure 4: Distribution of commercial bus services, number of departures per day**

Source: Transport Styrelsen: RAPPORT Transportmarknaden i siffror 2019, p. 45

Looking at the period of 2012 to 2019, the number of employees in the bus and coach sector has been quite stable with continuous slight increases throughout the whole period as shown in Figure 5. Overall employment increased from 23,852 to 31,496 during that period (Sveriges Bussföretag 2020, p. 15).

**Figure 5: Number of employees in the Swedish bus and coach sector, 2012-2019**

Source: Sveriges Bussföretag (2020, p. 14)

As regards different occupational groups, bus drivers have a share of 85% while 12% were mechanics and 3% administrative and managerial staff (2017 figures).

The share of female bus drivers in Sweden ranges between 13.3% (in private companies) and 22% (in public owned companies).<sup>17</sup> The overall share of female bus drivers in 2018 was 14% (Transportföretagen 2019).

Labour shortage, particularly as regards bus drivers, is one of the biggest challenges for the bus and coach sector in Sweden. As shown in a statistical analysis of the annual issuing of driving licences, there has been a marked decrease of the number of licences issued each year from 226 in the year 2000 to only 162 in 2019. It should be noted here also that the share of driving licences issued for women throughout this period remained low by 9.7% to 9.9% (Sveriges Bussföretag 2020, pp. 15-16).

Driver shortage will become evening more dramatic in the future. In 2018, every fourth bus driver was over 60 years old and over the next three years, approximately 2,600 bus drivers will probably retire. Through membership surveys, the transport companies have mapped the recruitment need for 7,300 bus drivers up to and including 2020. During the same period, 400 new bus mechanics and 120 traffic managers will be needed (Transportföretagen 2019).

At the same time, eight of ten companies found it difficult to recruit bus drivers in the past year. Larger companies with more than 500 employees found it more difficult to recruit drivers: As many as three quarters noted that they have had difficulties to recruit bus drivers in the past year. Furthermore, three of four companies stated that people with the right vocational training have been difficult to find. About half of the respondents answered that it was difficult to find people with the right professional experience or sufficient language skills (Transportföretagen 2019).

Against the labour shortage and the difficulties to recruit bus drivers, companies in the bus and coach sector increasing rely on the recruitment of driving staff with a migrant background, i.e. born outside Sweden. The share of such drivers in the sector increased from 25% to 46% between 2005 and 2016 (Transportföretagen 2019). According to an interview with representatives of the Kommunal trade union, more than half of all bus drivers in Sweden had a migrant background and were born outside Sweden.

Though no official figures exist, the COVID pandemic has had a massive impact on bus and coach transport in Sweden, in particular on coach and occasional transport that practically came to a standstill in 2020 and only slowly recovered in 2021.<sup>18</sup>

While the regular and special services were reduced during 2020, it increased again in 2021 already. However, also due to financial assistance packages in 2020 and 2021 of the government and flexible solutions of the bus and coach business (e.g. coach drivers used for specialised or regular services), no or fewer than expected redundancies and bankruptcies were reported to the first two years of COVID-19 pandemic.

However, the pandemic and measures such as closed front doors, barred rows, face masks, special cleaning and disinfection, limited number of passengers, barrier protection, ghost buses without any passengers as well as the Swedish Work Environment Authority that initially acted inconsistently and sometimes even contradictory, have worsened the situation for bus drivers in regular services and contracted public transport since 2020 significantly according to the trade union Kommunal. This situation, in combination with the total shutdown of the tourist and on demand services, led to many bus drivers leaving the industry for other jobs and they have not returned.

17 Own calculation based on 2016 figures presented by Kommunal, Presentation Workshop Social Conditions in Bus and Coach Transport in Europe, Workshop 1, 22-23 June 2021.

80 18 Information based on presentation of Kommunal at the ETF workshop in June 2021 and an interview carried out in September 2021.

## The legal framework of employment and working conditions

As regards the different sources of regulating social and working conditions in the Swedish labour market, there is a close linkage between legal sources and outcomes of social dialogue and collective bargaining.

In fact, the Swedish labour market model is based on the interaction between legislation and collective agreements signed by the autonomous labour market parties, the unions and employer organisations. Social partners can make extensive deviations from the legislation through collective agreements. They may also regulate other conditions between employers and employees.

However, basic social norms of the labour market and minimum standards of working and employment conditions are regulated by legal acts, including those that transpose EU legislation in the national context. Major legal sources in this context are:

- Co-determination in the workplace act and the act on trade union representation in the workplace
- Legislation on work environment and occupational injury insurance
- Sick pay legislation
- Employment protection legislation
- Working time legislation
- Legislation on mobile workers, driving and rest time and posting of workers
- Legislation on annual leave
- Legislation on parental leave
- Prohibition of discrimination of part-time and fixed-term employees
- Employee's right to educational leave
- The Whistleblowing Act

For around 90% of employees, the collective agreement on pay and general conditions constitutes the terms and conditions of employment at the workplace.

However, of the approximately 700 collective agreements in Sweden, fewer than 250 include specific levels for minimum wages. The majority of agreements do not indicate any specific wage for a prospective employee. In contrast to many other countries with statutory minimum wages, pay in Sweden is negotiated individually at the time of engagement, sometimes based on the lowest pay levels specified in an agreement (Hällberg/ no date).

Traditionally collective bargaining in the private sector has taken place at three levels:

- between the trade union confederations and the main employers' association, the Confederation of Swedish Enterprise (Svenskt Näringsliv, SN) at national level;
- between the individual unions or groups of unions and employers' industry associations at industry level;
- and between the company and the local union at local level.

While the national level of collective bargaining has been the main arena of wage negotiations in Sweden for decades, this era came to an end during the 1980s and wage negotiation have become more decentralised although LO still plays a role wage bargaining coordination. However, negotiations on non-wage issues have continued at national level, and agreements signed at this level in the past still provide key employee rights. Examples of the issues covered by these agreements include occupational pensions, sickness insurance, parental benefits, death in service benefits and work injury insurance.

A more recent indication of the role that national level negotiations can play is shown by the discussions on employment protection in 2020. Having made a political commitment to change Sweden's employment protection legislation, the government handed the issue over to the unions and employers at national level, to reach an agreement on the details. The agreement which emerged from these negotiations in December 2020 was not signed by LO, but it was accepted by Kommunal and IF Metall, LO's two largest affiliates, and by PTK, which brings together non-manual unions in the private sector. The Swedish government has indicated that the agreement will form the basis for future legislation.

However, the main level of wage negotiations today is either the sectoral level (as in the bus and coach sector) or the company level, whereby the sector-level is more important for blue-collar workers whereas the wage levels of white-collar workers are often negotiated with the local employer.

It should be noted that unlike many other countries, Sweden does not have a tripartite consultation structure bringing together unions, employers and the government. Swedish unions and employers are reluctant to see government encroachment into areas of industrial relations they consider should be reserved to them.

Agreements cover all employees of an employer, who has either signed an agreement or is a member of an employers' association signing an agreement, whether or not the individual is a member of the union.

There is no mechanism for extending collective agreements to employers who are not party to the agreement. However, a high proportion (around 82%) of employees in the private sector work for employers who are covered by collective bargaining, as do 100% of workers in the public sector. As a result, overall bargaining coverage is high, at 88%, and figures which has remained virtually unchanged for 10 years (Kjellberg 2020).

## Social partners and forms of social dialogue

Collective representation of employees and employers in Sweden is amongst the strongest in Europe. As regards trade unions, there are some 3.6 million trade union members. According to national studies on union membership, around 68% of employees were a member of a trade union (Kjellberg 2020). Although trade union membership has decreased since the early 1990s, since 2008 density rates have been reported as being quite stable.

There are three trade union confederations in Sweden, organised along industrial (LO, TCO) and occupational profiles (Saco that organises academic professionals): LO is the largest confederation with around 1,2 million members, followed by the TCO with around 1,1 million members and the smaller Saco with about 548,000 members.<sup>19</sup> Though all three confederations are competing for members, relations between the three are generally good and there for example agreements between most LO and TCO affiliates to help resolve potential conflicts over membership. However, competition between the two white collar union federations TCO and Saco is stronger.

Employees in the bus and coach sector are organised by the LO affiliated union Kommunal, the Municipal Workers Union which organises not only workers and employees in the public services but also private sector employees in sectors such as transport. With around 500,000 members, Kommunal is the largest of the 14 trade unions affiliated to LO.

Apart from Kommunal, there are also TCO and SACO affiliates active in the bus and coach sector as well as the Swedish Transport Workers Union (Svenska Transportarbetareförbundet).

82 <sup>19</sup> All figures by the end of 2019 as reported by the country profile on Sweden in the industrial relations database of the ETUI.  
<https://www.worker-participation.eu/National-Industrial-Relations/Countries/Sweden>

The employer counterparts are the Swedish Confederation of Transport Enterprises (Transportföretagen) and its sectoral affiliate, the Swedish Bus and Coach Federation (Sveriges Bussföretag) in the private commercial bus and coach sector, and the employer organisation of municipal companies, Sobona.

## Collective bargaining practice and the contents of collective agreements

In the bus and coach sector there are currently only two collective agreements at sector level. Both agreements have been negotiated by the Kommunal Trade Union – one signed with the employer organisation the Swedish Bus and Coach Federation (Sveriges Bussföretag) covering workers in private companies running all types of bus transport, i.e. contracted regular public services and school transport, commercial regular services and commercial tourist and on-demand services.

The second agreement is signed with the employer organisation Sobona, an employer organisation for companies publicly owned, which covers the workers in the same sectors as the first agreement.

The Kommunal trade union regards the existence of one single agreement for the whole commercial sector that covers all sub-segments of transport as a major achievement and an example of good practice. Previously there have been five different agreements at sector, regional or company level, each with different provisions and regulation as regards employment and working conditions. Consequently, working and employment conditions in the sector were quite heterogeneous and diverse; there was also the risk of competition between companies based on cost considerations. Against this, it should be regarded as a major achievement that Kommunal in the context of changes in the bus and coach market were able to campaign for a single universal sectoral agreement covering all the different segments of bus and coach traffic, i.e. regular and occasional services, coach services and specialised services of bus transport.

In the following the main contents of the agreement in the commercial bus and coach sector is presented. The Agreement (BBA) has been negotiated in 2020 and has a validity period from 1 Jan 2021 to 30 Sep 2023.<sup>20</sup>

- **Employment and general rules:** rules as regards probation period and change of contractor (liability of the employer; non-discrimination rules; portability of holidays; contracts with school drivers).
- **Fixed-term employment, part-time workers:** conditions as regards fixed-term employment, rules as regards right of converting a fixed-term into an open-ended contract; conversion of part-time into full-time contracts; obligations of the employee and the employer.
- **Working time:** Duration of the working week (40h) and rules as regards working time reduction; remuneration of breaks/resting periods, conversion of hours during night-time; rest time rules for part-time workers; regulation of split shifts (limitation to 13 hours at maximum); reduction of working time in the case of public holidays.
- **Break rules:** The agreement provides for fixed break rules for regular services when the length of the line is less than 50 km (break of at least 10 min after 2.5 hours; breaks should be scheduled and should normally be at a location with access to a toilet. For regular services where the length of the line exceeds 50 km, a local agreement shall be reached on break regulation shall be agreed locally. Deviation from the break rules may be made by local agreement

- **Daily allowance:** In case of staff scheduling of more than 40 h per week, daily allowances are specified for drives.
- **Wages, compensations, supplements and allowances:** Principles of wage formation and wage policy for bus drivers; definition of 5 wage groups; rules as regards upgrading/seniority; treatment of part-time workers; subsistence, car and travelling time allowances; overnight stay rules (right to an own room); overtime premiums and their calculation, allowance for unscheduled working time; payment of wages; etc.
- **Annual leave:** reference to the annual leave legal provision; calculation of holidays and holiday pay; etc.
- **Required qualifications, education and training** including obligations of employers as regards continuous and further training (e.g. on road safety; ergonomics; computer issues; environmental driving; parental benefit supplement; training and working time; encouragement of workers to engage in lifelong learning on general issues of interest/non-vocational education; all training undertaken by the employee should be recorded in a personal workbook.
- **Paid leave due to personal reasons**
- **Parental leave/allowance insurance**
- **Sick pay, absence deduction**
- **Reimbursement of costs for international drivers in the event of illness and accident**
- **Termination of employment, preferential rules in the event of redundancies**
- **Negotiation procedure**
- **Mandatory health insurance, security insurance in case of redundancy, life insurance and pension schemes,**

The BBA agreement that runs from 1 Jan 2021 to 30 Sep 2023 foresees an overall wage increase of 5.4% (paid in two tranches). Table 20 lists the monthly wages for both periods.

**Table 20: Wages in the bus and coach sector – BBA, 1 Jan 2021 – 30 Sep 2022 in Euro (as of 15 June 2021, 1 Euro = 10,098 SEK)**

GRADE / SENIORITY	MONTHLY PAY FROM 1 MAY 2021	MONTHLY PAY FROM 1 OCT 2022
<b>1 (starting salary)</b>	2 569	2 618
<b>2 (two years as a driver)</b>	2 635	2 690
<b>3 (four years as a driver)</b>	2 677	2 733
<b>4 (six years as a driver)</b>	2 764	2 825
<b>5 (eight years as a driver)</b>	2 830	2 908
<b>Compensation for unsocial hours of work / per hour</b>	Evenings + nights, Mo – Fri: 2,65 Weekends: 4,15 Official public holidays: 8,10	+ 2,4%

Source: Kommunal

It should be noted here that the grade of seniority of a driver will remain the same irrespective of a change of the employer. This could also be regarded as a sectoral good practice.



## 6. Challenges for collective bargaining

The research in the eleven Member States shows that social dialogue has led to improvements in working and employment conditions in the countries. CLAs in particular can secure social conditions for drivers by responding to and eliminating challenges that economic trends have caused for employment and working conditions of drivers. However, this should not hide the fact that a number of challenges still exist. These originate from the negative consequences of economic trends and conditions but are also based on issues regarding trade union strength and force. It should also be emphasised that these challenges were observed by a large number of trade union representatives in all countries studied, and can thus be understood as problems that exist in many parts of Europe.

All of the countries studied have issued financial aid packages and emergency measures for companies during the **COVID 19 crisis**. Nevertheless, the volume of employment of bus and coach drivers has declined. Companies that did not have a mixed business model and could not switch to other business areas were particularly affected. Drivers of affected bus and coach companies worked reduced hours or not at all. Especially marginal employment was cut back. Short-time work subsidies played a major role in all the countries studied and avoided layoffs on a large scale. However, short-time work subsidies were accompanied by high income losses for drivers, since they only compensate a part of the wage payment. It should be noted that the political response to the pandemic was rarely negotiated in the framework of social dialogue in the countries studied.

According to trade union representatives, an issue regarding working conditions that plays a major role is the fact that many sectoral CLAs have not so far been able to alleviate the problem of **low wages** in the sector. To compensate for low wages, bus and coach drivers work a great amount of working hours and overtime. In addition, drivers of retirement age have to continue working because their pension payments are not sufficient. Pension payments are low because of the low wage levels in the sector. In addition, pension entitlements may depend on length of service with a particular employer.

A further problem regarding working conditions that most CLAs have not been able to solve is the poor **work-life balance** of drivers. The work-life imbalance is caused by the **long working hours** but also by the high pressure from the drivers' **permanent availability** to the employer. Linked to this problem is also the common fact, that **shifts are announced (too) late** and there is a general uncertainty about the precise number of working hours and exact working times in the drivers' work schedules. It should also be noted that staff scheduling and staff rosters are mainly regulated at the company level and not part of the sectoral CLA. Only the sectoral CLA for bus and coach drivers in Denmark and the Netherlands regulates the time of advance notification of schedules. However, Dutch interview partners pointed out that even in the Netherlands the problem still persists as it is rarely common practice that trips are announced to the driver much in advance. In addition, in many countries the **number of working hours varies** greatly, especially for those bus and coach drivers that are not employed on a fixed number of hours.

At the same time, the country case studies have demonstrated a strongly increasing **driver shortage** – which is even referred to as “drivers’ emergency” in the literature – in all the countries studied. Although it must be also be taken into account that supply and demand vary regionally and seasonally, especially with regard to occasional bus and coach transport. **Demographic change** is very visible in the bus and coach sector: a large percentage of bus and coach drivers are over 50 years old and there are even drivers working who have reached the retirement age. In addition, there are very few young drivers. Attempts to recruit new drivers have largely failed so far. Due the drop in demand caused by the COVID-19 pandemic and income losses the sector is experiencing a new employment fluctuation. Trade union representatives highlighted that they do not assume that drivers who have changed sectors will return to the bus and coach sector easily, as working conditions in the bus and coach transport sector are considered poor compared to many other sectors.

There is also a general **lack of female drivers** in the sector. An international study by the International Transport Workers’ Federation (ITF) on the impact of the future of work on women in public transport, which is based on case studies outside of Europe, shows that the reasons for women’s low participation in the transport sector are poor working conditions (including work-life-balance), safety (experiences of harassment and violence), and gender stereotyping and discrimination (Giannelos et al. 2019; Wright 2018). Furthermore, trade union representatives further underlined that the **driver shortage is closely linked to poor working conditions**. The poor working conditions – especially low wages and the lacking work-life balance – make the occupation less attractive when it comes to recruiting new drivers and give existing drivers a reason to change sectors. The lack of applicants ultimately also has a negative impact on the drivers working in the sector as it leads to overtime, unforeseen substitutions, shortened breaks and rest times. The shortage of drivers has not yet been addressed in CLAs. In some countries, initiatives in the framework of social dialogue or political measures that aimed at increasing the number of applicants (e.g., lowering the age of drivers or shortening the training period) have not been able to achieve any success so far. These initiatives are seen to some extent as “cosmetic changes” by trade union representatives because they do not address the real problem of poor working conditions in the sector.

In addition, there are also challenges to collective bargaining that lay outside the scope of CLAs and are generally difficult to address within their framework. These include the **lacking infrastructure** (sanitary facilities, restaurants, accommodation) for bus and coach drivers. In only three countries (IT, NL and SE) do CLAs make a reference to specific infrastructural requirements.

Another challenge to collective bargaining in the sector is social dumping because of unfair business practices and the circumvention and violation of rules. In general, trade union representatives see the main problems with legislation to be linked to **weak application and enforcement** in the Member States. The Enforcement Directive 2006/22/EC establishes minimum levels of roadside checks to be carried out every year by Member States and requires the communication of information on checks and offences detected in national reports. The breakdown of offences found at the roadside in 2017-2018 (latest available data) fall mostly into the categories: offences against rest periods (27%), driving time (18%), recording equipment (17%), driving time records (16%) and breaks (15%) (European Commission 2021).

Trade union representatives reported during interviews and at conferences that the **illegal posting of workers** through foreign temporary work agencies and the circumvention of **cabotage regulations** were a problem in some countries before the COVID-19 pandemic began but has not played a role since, as the demand for bus and coach passenger transport is generally low. A fundamental problem, however, is seen in the low number of controls and the weak sanctions for certain offences. Representatives also report serious staff shortages in the inspection authorities in various countries.

Further challenges are seen in the **lack of the correct application of the content of CLAs** and the problem of pushing employers to respect the terms and conditions of the agreements. Related to this issue is the general problem of a balance of powers between employers and employees. Some drivers are not willing to complain about bad working conditions for fear of being punished by the employer, e.g., excluded from lucrative tours, such as international trips.

In addition, the position of trade unions in the bargaining system is not always secured. In some countries there are several, sometimes competing, trade unions. However, problems with employer-friendly yellow unions were only mentioned in two countries (DE, DK). Trade union representatives reported disinterested employers' associations in collective bargaining processes that do not want to conclude negotiations at all or drag out the conclusion of negotiations unnecessarily long.

It must also be mentioned that CLAs have not led everywhere to drivers being sufficiently well covered in all areas of bus and coach road passenger transport. **Differences exist between groups of employees** (temporary agency workers, part or full-time workers, weekly/monthly paid and hourly paid drivers) **and subsectors** (occasional services, special regular services, international trips). Whereby it has been stated that the subsector of special regular service often has particularly poor working conditions.

In some countries there lies also a challenge in the **lack of trade union members** among the bus and coach drivers. Although sector specific data is scarce, it can be assumed that trade union density varies widely between countries. Countries that link social benefits with trade union membership usually fare well (e. g. the trade union density in DK is 71-73%). Bus and coach drivers usually work alone and are therefore difficult to organize. If trade union density decreases in the sector, there could be consequences for the results of trade union action (for example strikes), representativeness and thus for the precondition for CLAs to be generally binding.



## 7. Conclusion: Collective bargaining makes a difference

### The difficult situation in the bus and coach sector

A goal of the study was to provide an overall picture on current and future market trends and developments affecting the social conditions of drivers in road passenger transport in Europe. In this regard, the massive effects of the COVID-19 pandemic have been noted, which have been so far cushioned by government aid programmes. In addition, the consequences of the internationalisation and liberalisation of the bus and coach market play a major role, in terms of increasing competition and market concentration, with the number of micro and small companies in particular declining. A diversification of services and mixed business models in bus and coach companies is also increasingly visible. A trend of more subcontracting can also be seen, whereby large bus and coach companies purely function as platforms taking over organisational and administrative tasks while the trips are carried out by bus and coach drivers of micro, small and medium-sized subcontractors.

Based on targeted interviews, workshops and literature research this study has shown that economic trends in the sector and changing market conditions have a massive impact on the social conditions of bus and coach drivers (see also Vitols/Voss 2021). The employment and working conditions of bus and coach drivers suffer from increased cost pressure and strategies to maximize profits. The “optimising” of human resources from management’s point of view leads to atypical employment, under-staffing with corresponding consequences for the workload and work intensity of the remaining employees as well as negative consequences for drivers’ pay. The work-life balance of many drivers is disturbed because of long stretches of work without days off, high demands on the availability of drivers and late notifications of next shifts.

### Shaping improvements through legal rules

The study shows how various forms of regulations can prevent and mitigate negative consequences of market developments. Furthermore, the country studies have demonstrated that regulation by national legislation or legal provisions originating from CLAs and social dialogue can greatly improve the overall social conditions of bus and coach drivers.

The initial situation with regard to European regulations and directives on driving times, rest, breaks, etc. is relatively similar due to their one-to-one adoption in the researched Member States. However, the national labour laws which regulate a whole range of important aspects for the protection of workers vary greatly between countries. Their importance is fundamental as they can, for example, set statutory general minimum wages. In addition, labour laws shape employment and working conditions as regards minimum holiday entitlements, working hours and overtime, among others. Furthermore, framework conditions for social conditions in the sector are also shaped by social security systems which define the design and generosity of social insurance.

However, the study strongly demonstrated that, besides European and national social legislation and social security systems, CLAs and other outcomes of social dialogue constitutes another very important layer of social regulation in the sector. Collective bargaining not only complements existing legal provisions but closes gaps and provides for more specific provisions that are needed to provide for decent working conditions and remuneration. CLAs regulate a great number of aspects of employment and working conditions and improve the minimum standards laid down in labour laws or regulate aspects that are not formulated in labour laws at all. The continuous renegotiation of CLAs also makes it possible to respond quickly to new economic trends. In addition, CLAs create a transparent framework to which workers can easily refer to and claim their entitlements. Besides CLAs, joint institutions and further activities of the social partners, for instance in the context of social funds, create an additional stable basis for cooperation and the improvement of employment and working conditions of bus and coach drivers.

## Various systems of industrial relations lead to good results

The systems of industrial relations in the countries researched are quite heterogeneous. The number of social partners, representation rights, trade union density, membership of employer organisations, procedures and processes of negotiation and the embeddedness and institutionalisation of social dialogue differ between the countries. Nevertheless, the study shows that, in all countries studied, social dialogue and CLAs are shaping and improving the employment and working conditions of drivers. It is also interesting to note that, although the structure and scope of CLAs are quite different, CLAs in all countries studied managed to address challenges posed by market trends and often did so addressing very similar aspects.

## CLAs protect employment and working conditions through similar regulatory aspects

CLAs include a compilation of aspects that target the identified challenges as regards working and employment conditions of bus and coach drivers. For example, CLAs set wage levels and determine remuneration components that go beyond the legal requirements of the respective Member States. They extend legal provisions on working time, paid annual holidays and rest time and specify qualification rights (including financing) among other regulatory contents.

The country case studies have shown that the CLAs in many countries regulate very similar aspects. Similar regulatory aspects are for example rules on weekly working time, supplements for overtime, definition of and bonuses for night work, supplements for working on weekends and/or public holidays, provisions when travelling more than a certain number of hours and/or travelling abroad, as well as training. While regulatory aspects are very similar, the regulatory content, however, is not the same.

With regard to remuneration, wage levels vary greatly between countries and the pay grades or classifications of wage groups are different. The grades and classifications often depend on the qualification and/or seniority of bus and coach drivers. Several CLAs have provisions on seniority allowances (AT, BE, FR, NL, ES in parts, SE). Regarding seniority allowances a distinction can be made between years of service in one and the same company (AT) and years of experiences (BE, FR, NL, ES in parts, SE). The latter is particularly beneficial for employees as entitlements remain in place when employees change employers. In some of the countries surveyed CLAs enshrine a 13-month bonus payment (Christmas bonus). In addition, although the amounts differ greatly between countries, all CLAs specify supplements for overtime, night work and work on weekends and public holidays.

There are also special provisions for long trips and absences of 24 hours or more in many CLAs. Some CLAs provide for the payment of a certain fixed daily rate, while other CLAs foresee a combination of reimbursements, e. g. for travel expenses or in the form of meal allowances.

A number of CLAs (CZ, DE in parts, DK, NL, ES in parts) extend the statutory holiday entitlements laid down in national legislation. Various CLAs also guarantee extra days off for special occasions. These include, for example, days for caring for sick children, weddings or funerals of relatives. It should be noted that such regulations on additional days off can in a broader sense improve the work-life balance of drivers.

Regulations that are quite common in all CLAs analysed concern periodic training to retain the Certificate of Professional Competence (Code 95) in accordance with Directive 2003/59/EC. The CLAs stipulate that training costs in the framework of the Certificate are to be paid by the employer and time spent on training counts as working time and therefore needs to be reimbursed.

Some bus and coach services are very seasonal (for example, influenced by peak tourist seasons, school holidays). With regard to the flexibilization of employment, some CLAs provide for special regulations for seasonal workers and some refer to the possibility of working time accounts. Other CLAs guarantee minimum working hours or special fixed-term regulations. In this context, the regulation on fixed-term contracts may also deviate from national legislation.

The strong role of social dialogue in some countries is illustrated by funds that have been jointly established by the social partners (BE, DK, FR, and IT). Fund activities are usually financed by employers and employees – or by the employers only – and focus on improving conditions in the sector. They include offers and financing of training and further education and special welfare benefits to extend the social security of the bus and coach drivers (extra pension payments, special health care services), among other options.

## Good future prospects due to the shortage of drivers?

The shortage of drivers is a serious problem for the sector in all countries studied. The country studies point to a high percentage of mature drivers, drivers at retirement age, and very few young drivers. In addition, there are rarely any female drivers, which means that a large group of the labour market is not being utilised in the bus and coach sector. In addition, the COVID-19 pandemic has triggered a wave of employment fluctuation in the sector, which further exacerbates the existing driver shortage.

The reason often given by employers' associations for the lack of drivers is the low attractiveness of the job. However, trade union representatives in targeted interviews and at workshops have pointed out that the shortage of drivers is not so much a result of the "attractiveness of the job" but is rather related to bad social and working conditions for drivers in the sector. With regard to working conditions, low wages, long working hours, and scheduling in particular are seen to be responsible for the shortage of labour. It is therefore obvious that the shortage of drivers could be combated by improving working conditions. Moreover, trade union representatives have emphasised that these issues could be dealt with in collective bargaining and solutions could be found within the framework of social dialogue and CLAs. For example, a possibility for improvement is seen in an increase in wages, which would also reduce the need for the high number of working hours with beneficial consequences for the work-life-balance. To further ensure a good work-life balance, work scheduling should try to avoid working "unsocial hours" (i.e. work late at night, early in the morning, on weekends, or on public holidays). Concerning late announcement of shifts, better staff scheduling that would enable drivers to anticipate working and non-working time further in advance could resolve the problem.



Time pressure created by tight scheduling could be lowered by having realistic time tables. With regard to occupational stress caused by having passengers on board, interviewees reported on successful training programmes that improve the handling and resilience of mental stress. These aspects also apply to the improvement in the employment of women in the transport sector: Issues relevant for improving the gender balance in the sector are often seen in the reconciliation of work and family life, health and safety at the workplace, training, recruitment and wage equality (UITP/ETF 2014). Overall, creating the conditions for a good work-life balance is seen as a key factor to make the profession more attractive.

Regarding the future, it is not likely that the driver shortage can resolve itself, instead the problem will continue or drag on. The decline in demand for bus and coach drivers caused by the COVID-19 pandemic has only postponed the problem of the driver shortage. Demographic change among drivers employed in the sector will intensify over time. Moreover, drivers who have changed sectors during the pandemic are not expected to return to the bus and coach sector. Many drivers have moved to public transport, where employment and working conditions are better, and they therefore have few incentives to switch back to the bus and coach sector.

A key question will be how the shortage of drivers can be used to improve social conditions in the bus and coach sector. The shortage of drivers and the need to increase the attractiveness of the sector by better social and working conditions should create new starting points and levers for trade union work and help assert employees' interests and demands. Starting points could certainly be fair remuneration and ensuring a better work-life balance as well as efforts to strengthen the gender balance. Of course, continued attention to education and training and investment in recruitment also play a role. So far, however, there are few initiatives on the employer side to address these issues. Up to now it seems that the problem of driver shortage has not yet been considered seriously by employers, and they have not yet seen the need for a change of behaviour. However, the elimination of the problem cannot be postponed for long if the sector is to remain an important pillar of passenger transport.



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The ETF represents over 5 million transport workers  
from transport unions across Europe in 38 countries.