



EUROPEAN  
TRANSPORT  
WORKERS'  
FEDERATION

# **Proposed revision of driving and rest time rules for occasional bus and coach operations**

**Policy Position Paper**



## Overview

- ▶ There is currently an ongoing legislative initiative<sup>1</sup> on revising the driving and rest time rules for bus and coach drivers in occasional transport of passengers, in which the next step is a proposal by the European Commission. The aim of this initiative is to develop specific rules in driving and rest time concerning occasional bus and coach operations with a view to provide more flexibility in organizing the work and rest schedule.
- ▶ The current driving and rest time rules in bus and coach sector are set out in Regulation (EC) No 561/2006 which was amended by Regulation (EU) 2020/1054, applied equally in freight and passenger transport. However, the existing rules already fall short of improving the working conditions of bus and coach drivers due to specificities of the sector which enable easy circumvention of rules and create persistent problems with enforcement. The 2021 ETF Study on driver fatigue showcases the prevalence of fatigue experienced by bus and coach drivers, proving that existing rules do not effectively address driver fatigue which is a major risk for drivers as well as for passenger and road safety.
- ▶ In the ETF Study on driver fatigue, 66% of bus and coach drivers said they had to drive while fatigued on a regular basis. The specificities of the bus and coach sector exacerbate the fatigue and stress experienced by drivers. Some of these are communicating with passengers, ineffective breaks due to assisting passengers, helping with luggage and handling other passenger needs, and increased levels of noise in the vehicle.
- ▶ Furthermore, bus and coach drivers have extra responsibilities such as cleaning and refuelling the vehicle. Tour coach drivers have to function as tourist guides, give presentations and plan tours, leaving them with little control over how they spend their break time. On the other hand, industry pressure which results in tight and intense schedules often has a negative influence on breaks and rest time. These conditions cause a significant danger for road safety which is inherently linked with drivers' wellbeing.

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<sup>1</sup>[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12488-Bus-and-coach-drivers-EU-rules-on-driving-and-rest-times\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12488-Bus-and-coach-drivers-EU-rules-on-driving-and-rest-times_en)



## Policy Options by the European Commission in the Legislative Initiative

- ▶ One of the policy options in the EC initiative is to introduce more flexibility in daily breaks. Taking into account the factors above, the existing split-break option (15 + 30 minutes) already results in short and ineffective breaks for bus and coach drivers. With the additional burdens linked to the existence of passengers, a 15-minute break is practically a non-break for bus and coach drivers. The legislative initiative includes the following options for the organization of daily breaks;
  - ▶ 30 + 15 or
  - ▶ 15 + 15 + 15 minutes.

Both of these arrangements would result in no effective recovery time for drivers in occasional passenger transport services.

- ▶ Another possible policy option is the extension of the 12-day derogation, which is an exceptional modification of rules to enable 12 consecutive days of driving without a weekly rest in international occasional transport with a single group of passengers. Policy proposals concerning the 12-day derogation include:
  - ▶ The extension of this exception to domestic occasional carriage
  - ▶ Allowing deviation from the single service condition (single group of passengers)
  - ▶ Removing the obligation of taking two regular weekly rest periods after the 12-day derogation.

The 12-day derogation already leads to poor quality of rest and creates tremendous work pressure and fatigue among bus and coach drivers. The only acceptable policy option is to keep the derogation as an exception to the rule. More importantly, the conditions which need to be fulfilled to take advantage of the derogation are already regularly violated by the industry. Operators are easily able to circumvent the single-service condition due to the lack of effective enforcement tools. If introduced, flexibility and extension in the 12-day derogation would normalize the circumvention of rules, standardize the exception, and undermine enforcement capabilities which are already inadequate.

- ▶ In the legislative initiative, one of the policy options is the postponement of the start of the daily rest period by 1 hour or 2 hours. Adding more flexibility to the organization of daily breaks on top of ongoing problems with enforcement and poor working conditions can only lead to further deterioration of the sector.



## Enforcement problems are persistent in the sector

- ▶ As detailed above, enforcement problems are persistent in the bus and coach sector. The rules linked to the 12-day derogation and organization of daily breaks are often violated or circumvented due to this lack of enforcement.
- ▶ Operators are able to violate existing rules on daily and weekly driving time by mixing in-scope and out-of-scope arrangements. Due to the non-appliance of driving and rest time rules for bus and coach operations within a radius of less than 50 kms, operators often combine in-scope and out-of-scope activities within one day. This results in the accumulation of daily and weekly driving time and exacerbates driver stress and fatigue linked to workload.
- ▶ Furthermore, there are issues with calculating the working time in case of time and labor spent on taking charge of or leaving the vehicle.

## Crisis in the bus and coach sector

- ▶ The initiative to allow further flexibilization for driving and rest time in occasional bus and coach services will only lead to further abuse by the industry. Recent media coverage showcases the ongoing emergency in the bus and coach sector in Europe. A report<sup>2</sup> by tradeunions in Switzerland indicates that “bus drivers in Switzerland are almost unanimously reporting excessively difficult working conditions.”
- ▶ According to the French national federation for passenger transport (FNTV), there’s a shortage of 7,000 school bus drivers in France due to many drivers leaving the profession.<sup>3</sup> To address the crisis, the government is working on making driver permits easier to obtain, which is the opposite of what should be done to address the root of the problem.
- ▶ According to the 2022 IRU study<sup>4</sup> on driver shortage, the shortage in bus and coach

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<sup>2</sup><https://www.20min.ch/fr/story/les-chauffeurs-de-bus-souffrent-en-suisse-les-trajets-sont-moins-surs-755305444446>

<sup>3</sup>[https://www.liberation.fr/societe/education/chauffeurs-de-car-scolaire-la-penurie-pourrait-toucher-20-des-trajets-environs-400-000-jeunes-20220824\\_JZZTROSZJVEV5BMMIBIBCDZRYA/](https://www.liberation.fr/societe/education/chauffeurs-de-car-scolaire-la-penurie-pourrait-toucher-20-des-trajets-environs-400-000-jeunes-20220824_JZZTROSZJVEV5BMMIBIBCDZRYA/)

<sup>4</sup><https://www.iru.org/news-resources/newsroom/driver-shortages-surge-expected-jump-40-2022-new-iru-survey>

sector “increased from 5% to 7% in 2021, and is expected to further increase to 8% in 2022”. Reports and studies reveal that older drivers who retire are not replaced by young drivers entering the profession. This trend is demonstrated by figures in age distribution, as “only 3% of bus and coach drivers are below 25 years old in Europe.” As a larger proportion of older drivers retire in the next decade, it is inevitable that the driver shortage will only increase if no action is taken to address the root causes.

## **ETF calls for better enforcement, no further flexibility**

- ▶ To address these widespread problems, ETF calls on policymakers to maintain the existing rules for driving and rest time in the bus and coach sector. We also call on policymakers to adopt additional rules and develop new instruments and techniques for better enforcement. The initiative to ensure better enforcement in the bus and coach sector must target the major areas of rule circumvention:
  - ▶ Application of the 12-day derogation
  - ▶ Compliance with the daily and weekly driving time rules
  - ▶ Mix of in-scope and out-of-scope services
  - ▶ Effectively measuring working time in addition to driving time.
- ▶ There is an increasing focus in the transport community on digital and smart enforcement. The bus and coach sector would benefit greatly from technological solutions to its persistent problems. Some of our suggestions are electronic forms, digital platforms and portals, and online collection of information for compliance with certain provisions.
- ▶ Poor work organization, difficult working conditions, stress and fatigue due to ineffective breaks, increased workload due to additional tasks, and lack of enforcement are the main causes of driver shortage in the bus and coach sector. It is essential that policymakers properly address the loopholes in enforcement and improve existing rules in consultation with trade unions to ensure decent jobs for bus and coach drivers.