

THE IMPACT OF RAILWAY LIBERALISATION

on Social and Working Conditions



Report in the context of the ETF (European Transport Workers' Federation) project "Strengthening the capacity of workers' organisations to address social challenges in land transport in Europe"

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Authors:
ECKHARD VOSS and CHRISTINA BENNING
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Introduction

The rail sector is of great and growing importance for a range of environmental, economic, societal and technological reasons. Being by far the most environmentally friendly mode of transport, the railway sector has a key role in fulfilling the commitments of the European Green Deal and the targets set by the Commission's Sustainable and Smart Mobility Strategy: that high-speed rail traffic across Europe should double by 2030 and rail freight transport should double by 2050. Although no specific targets have been set for local and regional rail transport, this domain of freight and passenger transport, too, needs to increase its share against other modes of transport during the next decade, to make the green transition a reality.

To make this happen, there is a need to significantly increase investment in railway infrastructure and rolling stock, as well as to improve and develop services and benefits for customers, to make rail more attractive than other modes of transport.

At the same time, there is the need to tackle the challenges and problems of employment and work in railways. The sector is facing significant labour shortages, which are already negatively affecting the quality of railway services and timetables in many countries today. Labour shortages are not only a result of demographic factors, such as the comparatively high average age of railway workers; they also indicate past mistakes in personnel planning, as well as the unattractiveness

of railway jobs by comparison with other sectors.

This report sheds light on the developments, trends and challenges in railway employment and working conditions over recent decades. These aspects have previously been largely neglected. Quite telling in this context is the fact that, despite the creation of a multitude of indicators by the railway market monitoring that has accompanied the progress of railway liberalisation, data on the evolution of the railway workforce are scarce and not very robust, while data on working conditions hardly exist.

Against this knowledge gap, the following report focuses on the evolution of employment and social and working conditions in the European railway workforce, and investigates, in particular, the impact that railway market liberalisation and increased competition has had on working conditions and social challenges.

The research – conducted in the context of the ETF project "*Strengthening the capacity of workers' organisations to address social challenges in land transport in Europe*" – is based on a review of relevant literature and the gathering of country-specific data and evidence from national cases provided by railway trade unions from eight European countries: Austria, the Czech Republic, France, Germany, Italy, Poland, Sweden and the United Kingdom. This was done mainly through qualitative interviews and written contributions submitted by 12 trade union organisations in those countries.

The particular selection of these eight countries for the purpose of this research reflects different stages of maturity in the process of rail market liberalisation, and different policy approaches to that process, as well as different systems of industrial relations and differences in the regulation of social and working conditions by legal instruments as well as by collective bargaining agreements.

The report is structured in five main chapters. **Chapters 1 and 2** provide an overview of the general effects of railway liberalisation and the establishment of competitive markets in freight and passenger rail on key issues, such as the expansion of rail transport, and the evolution of rail's share against other modes of transport, as well as efficiency, costs, safety and service quality.

Chapter 3 then presents evidence from the eight sample countries concerning the evolution of social and working conditions, including pay,

and examines such problematic issues as the effects of increased outsourcing and temporary agency work, working time and work intensity, the implementation of social regulation and the quality of railway training.

The impact that competition, and the increased market fragmentation that has occurred as an effect of railway unbundling and liberalisation, has had on costs, social dialogue, collective bargaining and industrial relations more broadly, is analysed in **Chapter 4**. Finally, **Chapter 5** presents a summary of conclusions from the research, with policy recommendations for actors at European and national levels.

The research was conducted between January and November 2023 in close collaboration with the project's steering group. The approach to the research and interim results were presented and discussed in two railway workers' workshops that were held in May and November 2023.



1



**The contradiction
between the
goals and the
effects of railway
liberalisation and
competition.**

1. The contradiction between the goals and the effects of railway liberalisation and competition.

Analysis of EU railway liberalisation and of the establishment of competitive rail markets in Europe over the last three decades shows that the proclaimed benefits of liberalisation and market opening in costs, flexibility, service efficiency and quality are far from proven.

- There was no increase in the **overall volume of rail traffic** between 2007 and 2019. Traffic volumes decreased during this period.
- In freight transport, the **gap favouring road over rail** has widened, while in passenger transport there is no sign of any narrowing of the gap favouring private car transport over rail.
- This is also a consequence of the **structural and fiscal disadvantages of rail** by comparison with road freight and aviation.^[1]
- Considering the stronger negative impact on rail of COVID-19 and the war in Ukraine, it would be rather unrealistic to expect that this will change in the coming years.
- The extension of the European **high-speed rail** (HSR) connections is meant to play a key role in reaching the objective of the European Green Deal to reduce greenhouse gas emissions by 90 per cent by 2050. However, anal-

ysis of progress of HSR development during the last 15 years shows that the objectives of doubling the length by 2030 and tripling it by 2050 are not feasible.

- Furthermore, the **focus on HSR is more of a problem than a solution**. While HSR infrastructure is being built, the rest of the network is being neglected in many Member States, and this includes international passenger transport between neighbouring regions that do not constitute capital agglomerations. However, improving these “regional” or “conventional” parts of the infrastructure is crucial for extending rail transport in general and for achieving the defined goals in respect of a modal shift from road to rail, and avoiding climate change – certainly more important than HSR.
- Though based only on very sparse data, indicators concerning **railway safety**, such as the incidence of signal overrunning, show that during recent years there has been a significant increase in these incidents, which according to trade union experts result from shortcomings in the quality of training, and other factors, such as fatigue.

When it comes to **cost efficiency**, the promise that the railway system operation would become

[1] This disadvantage has been confirmed strongly by a recent study by the Wuppertal Institut and T3 Transportation Think Tank, commissioned by Greenpeace Central and Eastern Europe and published in September 2023. See: https://www.greenpeace.de/publikationen/Analysis_Development%20of%20Transport%20Infrastructure%20in%20Europe_2023.pdf

more cost efficient is strongly doubted by experts and is not borne out by the more mature experience of unbundling and competition.

- This experience, as well as assessments gathered in the context of this research, indicates that various categories and types of costs related to tendering processes, operations and prices for tickets and cargo have increased significantly as a consequence of liberalisation, as well as from satisfying the profit expectations of private investors.^[2]
- This is also related to specific structural effects of rail market liberalisation. Tendering procedures result in **significant administrative, personnel and financial burdens** for the tendering authority as well as for the tendering companies. As examples from the cases of Germany, Sweden and the UK show, this has resulted in the **development of oligopolies** in European tendering, with large, foreign, incumbent railway companies playing an important role.
- Analysis of **passenger satisfaction** with rail services provides no evidence at all for any correlation of improved service quality or punctuality with rail market liberalisation.

Fragmentation, safety and costs

The creation of the Swedish rail market was foreshadowed by the unbundling of SJ into several separate companies. SJ continued to handle passenger transport, including sales of tickets, customer services and light maintenance (predominantly cleaning); Green Cargo was established to handle freight; and Euromaint to handle rolling stock maintenance. These three companies still command quite dominant positions in each field, but the old synergies have been lost. Alongside these larger companies, several others were formed, each to maintain more specialist fields of the rail sector. such as shunting, IT development, and so on. Of the three major companies, SJ and Green Cargo are still state-owned, but Euromaint has been sold off and is currently owned by venture capitalists.

Even before the unbundling of SJ in the late 1990s, the Swedish rail sector had seen the separation of train operations from infrastructure, severing the once firm connection between train and rail. This was done as a preparatory step in the creation of the rail market.

During the privatisation of British Rail in the early 1990s, the company was split into more than 100 companies, including around two dozen Train Operating Companies (TOCs), four Freight Operating Companies (FOCs) and three Rolling Stock Leasing Companies. In the UK, owing to lack of investment and maintenance, a number of serious rail accidents with many fatalities occurred in 1997, 1999 and 2000, and the rail infrastructure was re-nationalised in 2002 at a cost of €795 million. In addition, a debt of €11.3 billion was taken over by the newly founded public company Network Rail.

Source: Interviews with trade union representatives in Sweden (SEKO) and the UK (ASLEF).

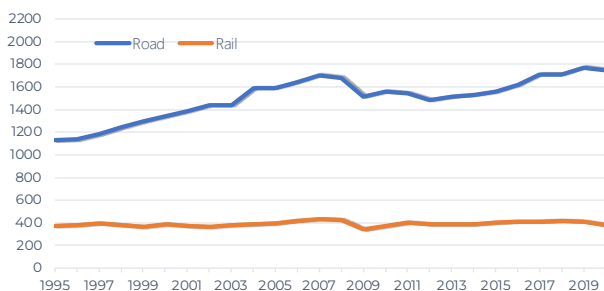
[2] Based on the UK example, the railway trade union RMT has published a paper on the issue. See RMT 2021: Profiteering on "Great British Railways". Policy Briefing, 17 June 2021.

Costs: liberalisation has worsened the competitive disadvantage of rail by comparison with road

“The separation of rail infrastructure from operation, in the sense of the provision of services by carriers, has not reduced costs. The basic factor which causes the separation of infrastructure from carriers to result in increased costs is the fact that, in the pricing for access to infrastructure, the Infrastructure Manager adds margins. In addition, increased costs for parking wagons at certain railway stations have been introduced, the purpose of which is to limit parking by carriers, even though they have no influence on this parking. As a result, operators incur higher costs. In addition, infrastructure managers (including private ones) are pursuing their margin policy in order to generate the maximum profit and, as a result, the cost of transport for the operator and, in turn, for the customer, is rising. Consequently, rail transport is becoming uncompetitive against road transport.

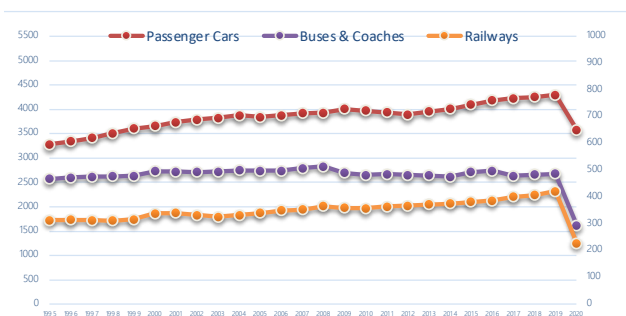
Source: Paper submitted to the researchers by the Polish Railway Trade NSZZ “Solidarity”, November 2023.

Figure 1: Evolution of freight and road traffic volumes, EU-27, 1995 – 2020, billion tonne-kilometres



Source: EU Commission Statistical Pocketbook Mobility and Transport 2022.

Figure 2: Evolution of passenger transport by car, bus and coach and railways, EU-27, 1995 – 2020, billion passenger-kilometres



Source: EU Commission Statistical Pocketbook Mobility and Transport 2022

The high costs of tendering and the resulting development of oligopolies

A further trend reported by interview partners in countries such as the UK, Sweden and Germany is towards the **development of oligopolies**. Since competitive tendering procedures, from the perspective of tendering companies, often function poorly, are costly and entail risks, there has been a problematic decline in the number of tenderers. In recent years, fewer and fewer companies have taken part in the individual procedures – an indication of the high costs and financing difficulties that they entail for the railway companies. Hardly any company is in a position to provide, for the long term, the necessary resources for the preparation of awardable tenders. In some cases, the tendering authorities in Germany only received two tenders that were eligible for award. This tendency towards

The impact of competitive tendering on costs

"In Sweden, public tendering in the rail sector is administered by regional public transport authorities. While the specifics differ from tender to tender, all tendering follows the same legal framework: the Swedish Public Procurement Act and the law implementing the EU-directive regarding public procurement in the utilities sector, which are currently only available in Swedish). This means that all tendering must be open to competition, no entity can be disqualified in advance, the specifics and demands must be known to all bidders, and must be proportionate to the tender in question, and so forth.

"Despite good intentions, the lowest bidder still wins, putting immediate pressure on the staff every time a tender changes hand. Owing to legal and highly technical aspects of public tendering in the rail sector, in combination with the winner-takes-all approach, appeals and legal battles between unsuccessful bidders and the public transport authorities have become the norm in Sweden. If you lose a tender, you might be completely wiped out – left without any business for years to come. Faced with that prospect, companies regard appeals and legal battles as a cheap option that might save them.

"The success rate of the appeals is also remarkably high. For example, both Mälartåg and Krösatåg extended their existing contracts after successful appeals. The respective transport authorities made short term direct contracts with the winners and are currently preparing to redo the tenders all over again within a few years. The question of appeals is by no means an easy one. On the one hand, the right to appeal is an integral part of any legal framework, but on the other hand the companies' right to appeal creates a short-sightedness and an unnecessary risk that prevents the further development of the affected part of the rail sector. This is not to mention the stress the constant changing of employer puts on the employees. While beneficial for individual companies in the short term, this system of appeals is detrimental for the sector as a whole in the long term."

Source: Paper submitted to the researchers by the Polish Railway Trade NSZZ "Solidarity", November 2023.

oligopolist structures can also be seen in other European railway markets. In the UK, it can be observed that most providers are state railways of other countries, or their subsidiaries. In particular, the state railways from France, Germany and the Netherlands have been able to position themselves successfully on foreign markets in recent years. In the long term, there is a risk that only these major players will remain^[3]

Germany: oligopolistic structures

in regional and local passenger rail

Today, the regional and local rail passenger services (SPNV) market mainly consists of well-known players that are often subsidiaries of, or controlled by, foreign state-owned or larger railway undertakings such as Transdev (France), Netinera (Italy) or UK-based companies such as National Express or Go-Ahead. Owing to the low profit margins, the market in SPNV has seen strong consolidation in recent years, and

[3] Source: Interviews with representatives of railway trade unions in Sweden (SEKO), Germany (EVG) and the UK

once-prominent players such as Abelio or Keolis have left the German market. According to the interviewee, an invitation to tender in the field of regional passenger rail transport attracts only 1.8 applicants on average (except for a few more attractive regional networks, which draw more applicants).^[4]

Rail freight market liberalisation in Austria, France, Italy and Sweden: market consolidation and competition between publicly owned companies

Rail freight transport in **Austria** was liberalised very early in the wake of EU accession. The primary effect of liberalisation in the early stages was the extension of the sphere of action of regional railway undertakings (RUs) into the ÖBB sphere (for example, when Austria's principal steel firm began running its own train on a line that had previously been operated by ÖBB), but there were hardly any new market participants in the early 2000s. The advance of liberalisation can best be detected along the Brenner corridor, where the effects of the liberalised German and

the northern Italian rail freight markets spill over.

Many of the 30 freight companies operating in **France** today are very small. The biggest companies in the freight sector are SNCF with its subsidiaries, and EUROPORTE, the freight-carrying subsidiary of Getlink (ex-Eurotunnel).^[5]

Italy has 27 freight companies, among them Mercitalia Rail (formerly FS). In the wake of the Railway package implementations, the freight operator Mercitalia was created but no longer invested in. Moreover, the share of rail freight is relatively small: up to 95 per cent of freight in Italy is carried by other modes of transport.

In **Sweden**, Green Cargo has a market share of about 50–60 per cent of rail freight transport. Other major actors include privately owned Hector Rail and state-owned LKAB, which transports iron ore from its own mines only. The largest foreign “private” (non-incumbent) player is TX Logistics (owned by the Italian state railways, FS Italia). While the rail freight market is dominated by competing state-owned companies, there are also a lot of small private companies.

[4] Source: Interviews with representatives of railway trade unions in Sweden (SEKO), Germany (EVG) and the UK (ASLEF) February – March 2023.

[5] Source: Interviews with representatives of railway trade unions in Austria (vida), France (CGT), Italy (FILT-CGIL) and Sweden (SEKO), February and March 2023.

2.



**The negative impact
of liberalisation and
fragmentation on
rail safety**

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2. The negative impact of liberalisation and fragmentation on rail safety

Railway liberalisation, according to interviewees, has had significant effects on railway operation and service throughout Europe. The unbundling and opening of access to railway operation, as well as the tendering of services, has significantly changed the previously integrated systems of railway operation and infrastructure management, and there has been a shift in orientation, away from the public-good and cooperation within an integrated system, towards competition and profit.

The fragmentation of responsibilities has resulted in many problems, and in the worst cases these have led to rail accidents with fatalities as a result of communication and signalling failures. Trade unions from the case study countries highlighted several examples:

- The disastrous **series of rail accidents** in the UK at the end of the 1990s and in 2000, with a total of 42 fatalities and more than 730 injuries, which was clearly a consequence of mismanagement and lack of investment in security by the privatised infrastructure company, indicates a negative impact of privatisation on railway safety.
- In Germany, there have been a number of railway accidents that may be linked to a **lack of**

coordination between different companies (with many interfaces) and the neglect of safety measures (e.g. Brühl 2000, or Mannheim 2014[6])

- While this issue has not yet been analysed through more comprehensive research studies, interviewees have highlighted the negative effects on railway safety that have resulted from the liberalisation of railway markets, the unbundling of rail operation and infrastructure management and increased competition on costs. In this context, stakeholders from Germany and the Czech Republic have, in particular, referred to the increased incidence of **signal overrunning**.
- Finally, **the horrific train crash on the line between Athens and Thessaloniki** in February 2023, the worst train accident in the history of Greece, with 57 people killed, has been related to the failings, mismanagement and communication problems of the parties involved. According to a press report it was also indicative of the failure of privatisation and market liberalisation in the Greek railway system, which had led to a combination of understaffing and the breakdown of security coordination^[7]

[6] See: EVG press info on the Mannheim accident 2014 (<https://www.evg-online.org/meldungen/details/news/evg-erreicht-erste-veraenderungen-nach-unfall-in-mannheim-fehlende-kontrollen-und-unklare-regelung-1/>) and the EBA accident report on the accident in Bruehl in 2000 with nine fatalities: https://www.eisenbahn-unfalluntersuchung.de/SharedDocs/Downloads/EUB/Untersuchungsberichte/aelter/002_Bruehl.pdf?__blob=publicationFile&v=4. On the Mannheim accident see also the textbox in section 3.6.

[7] French contractor, Italian-owned trains, EU policies: Greek crash was also a European failure. Investigate Europe, 10 March 2023.

Negative effects of liberalisation on rail safety: signal overrunning

According to the national rail safety authorities both in Germany and in the Czech Republic, incidents in which trains have overrun stop signals have increased significantly in recent years, both in absolute terms and in relation to increased rail traffic.

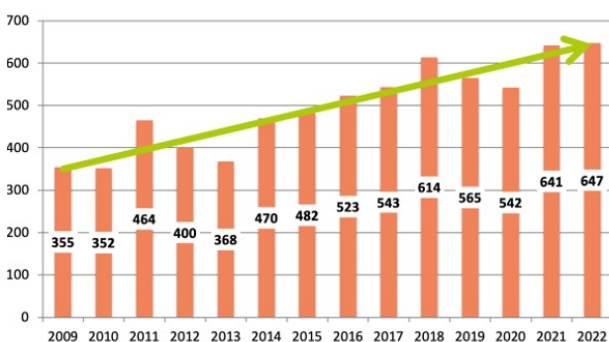
Table 1: Number of C6 incidents (unauthorised passing of stop signal) in the Czech Republic

	2013	2014	2015	2016	2017	2018	2019	2020	2021
Incidents	78	83	89	116	126	142	147	150	174

Source: Figures from the Czech National Safety Authority

The German NSA also reports that there are significant differences between the respective railway undertakings. However, for data protection reasons, no figures have been published on this issue. However, according to expert views, the differences among railway undertakings, and the general increase in the number of incidents over the years, are primarily due to the declining quality of train driver training and different safety cultures in the companies. This is also a consequence of cost pressure due to competition.

Figure 3: The rising incidence of stop signal overruns in Germany



Source: Reports of the German National Safety Authority and the Federal Railway Accident Investigation Authority

A worker in a green hard hat and high-visibility orange and green jacket is walking away from the camera in an industrial setting. The worker's jacket has reflective silver stripes and the text 'BARANA DAOP & YK' on the back. The background shows industrial equipment, including yellow pipes and a red vertical pole. The scene is lit with a cool blue light. A large white number '3' is overlaid on a teal background in the top right corner.

3

**Effects on
employment
and working
conditions**

3. Effects on employment and working conditions

3.1. The general effects of liberalisation and competition on employment, pay and working conditions in railways

Evidence from nine national case studies within our research shows that liberalisation, privatisation and competition inherently have a strong impact on employment, pay and working conditions. This reflects a major cultural change from publicly owned companies serving the public interest to private competitors and the subsidiaries of foreign, state-owned railways, whose main purpose is to produce a return on investments, and profits. In a labour-intensive system such as railways, the main means of increasing profits is to reduce the costs of labour.

This can be achieved by direct measures to reduce pay and benefits, by staff reduction or by indirect measures such as extending the working day, or intensifying work through additional task allocation.

Such practices have been highlighted by interviewees as common practices in all the countries involved in the research.

In the UK, in 2019, the RMT trade union carried out a survey, asking 800 railway workers about their experiences concerning railway liberalisation in 2019. The results are quite clear:

- 94 per cent of railway workers thought that

train companies were primarily motivated by making a profit instead of by providing a service and value for money for passengers.

- 80 per cent of railway workers thought their company would try to increase profits at the expense of jobs and conditions.

This change in the purpose of railway undertakings is not limited only to new market entrants and “competitors” but also has a strong effect on existing railway undertakings that are still publicly owned, as interview partners from all countries involved in this research highlighted: Publicly owned undertakings, too, have to reduce levels of

Germany: competition over costs in rail freight transport and its impact on employment and work in the whole sector

Rail freight transport is the market that is subject to the greatest pressure from competitors who are not bound by collective agreements. All private rail freight companies will therefore compete to offer the same services at a lower price. One way they do this is to use working time models designed for greater flexibility (which also means greater exploitation of the employee). Usually, the working day effectively starts with drivers checking into the “reporting centres”. But many of these have been completely abolished. This adversely affects the accurate registration of the start of the shift, which invariably translates into fewer hours and less pay.

Source: Paper delivered by EVG trade union representative, November 2023.

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payment, social rights and benefits, or they will no longer be competitive on the basis of better pay and working conditions.

3.2. The worsening of pay and terms and conditions of employment

As already mentioned in the previous chapter of this report, from the perspective of railway workers, the competition in railways has resulted in increased pressure on wages and pay conditions. This pressure is manifest both in direct changes (lower wages) as well as in indirect changes, such as the reduction or abolition of benefits or extra payments. Worsened pay conditions can be observed both at the company level – for example, in an increasing differentiation of pay conditions between different groups of workers – as well as across the whole railway sector, owing to the erosion of centralised, sectoral, collective wage agreements.

In this context, the following trends and features can be highlighted:

- A main feature reported by various trade unions is the reduction of entry wage levels for new recruits, as well as reductions of allowances and bonuses or additional social insurance.
- A further example of reducing wage costs that was reported by trade unions in all the countries involved in this research is the establishment of subsidiaries or “service com-

panies”^[8] with lower wage and payment levels, and the subsequent transfer of workers to such subsidiaries.

- Increasing pressure to phase out financial and social benefits previously agreed by the sectoral collective agreement, such as the sixth week of holidays, or wellness and recreational opportunities for workers who work under strenuous conditions or in stressful positions.
- As highlighted by trade unions in Germany, Italy and Austria, a worsening of payment and income levels has also occurred where companies have sought to leave the sectoral collective wage agreements, or to move to other agreements, as, for example, in logistics, where wage levels and other financial considerations are worse.

Moving to “cheaper” collective agreements

The Italian railway trade unions FILT-CGIL, and UILtrasporti have highlighted attempts by railway undertakings to step out of the railway collective agreement and move to “cheaper” agreements, such as in road or logistics, as there is no legal obligation for companies to apply the specific sectoral agreement. For more details see textbox in section 3.5.

Source: Interviews with representatives of. FILT-CGIL and UILtrasporti, March and May 2023

[8] See the evidence from Germany in chapter 3.6.

Worsening of payment conditions due to outsourcing

Austria experienced massive outsourcing in its main railway undertaking (ÖBB) as a result of stronger cost orientation, whereby functions such as cleaning and even the construction of new railway infrastructure were no longer regarded as “core business” functions. In the wake of the 2003 ÖBB restructuring, the domain of infrastructure construction was divested from the former ÖBB Holding to two different private companies under the umbrella of ÖBB Holding. Today, track construction is executed by private companies with worse working conditions for workers in terms of safety, accommodation and pay, and so on.

Source: Interview with representatives of vida, April 2023.

3.3. The dramatic increase in labour shortages and related challenges over the last decade

Labour shortage is a huge problem in railway operation and infrastructure management in most European countries. As in the country-specific examples cited by participants in an ad-hoc survey of national trade unions affiliated to the ETF, a shortage of train drivers, as well as of other mobile and non-mobile railway staff, is today already negatively affecting the efficiency and security of the railway system.

Whereas a labour shortage is often related to the “unattractiveness” of railway jobs to the younger generation, or to women, for example,

because of a lack of work-life balance or the “image” of railways, this is only half of the truth. In fact, unbundling of infrastructure and operation, liberalisation and competition in railways has led to a massive reduction of employment, as well as to structural understaffing for cost reasons and a worsening of job security and working conditions.

While the aspects mentioned may be aggravating the labour shortage in railways, it is important to bear in mind that the railway workforce during the last three decades has been drastically reduced owing to fragmentation and stronger pressure on costs, which has resulted in restructuring and reorganisation throughout Europe.

Although European data on employment in railways is inconsistent, owing to different sources and methodologies for data gathering^[9], the trends are quite clear:

- Countries such as **Sweden**, the **UK** and **Austria** show a significant decrease in the railway workforce as a result of the fragmentation and privatisation of the sector during the 1990s and early 2000s.
- Even more dramatic has been the reduction of employment due to privatisation, and the unbundling and restructuring of railways in the **Central and Eastern European countries** after accession to the EU.
- Furthermore, in **Western EU Member States**, employment in railways has been de-

[9] On the availability of data, see *EDA Rail Report 2022* and a 2016 study for the EU Commission: Panteia / pwc 2016: *Analysis of*

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clining massively throughout the last decade, while at the same time, in most countries, the performance of rail, as measured in transport volumes, has increased.

- According to interview partners in different countries, there is a close linkage between railway liberalisation and unbundling on the one hand and the worsening of pay and working conditions and attractiveness on the other hand.

Labour shortage and its effects on railway functioning and efficiency

An ad-hoc survey among national affiliates carried out by the European Transport Workers Federation ETF has gathered the following country-specific evidence:

- In countries such as **Germany**^[10] or the Netherlands^[11] labour shortage has resulted in reduced services.
- In **France**, too, there have been reports of train cancellations due to a lack of drivers: SNCF seeks to fill 1,200 positions, and internal company documents point to a 10 per cent shortfall in the staff needed to operate rail services in France. As a result, 19 RER C

trains were withdrawn every day from 1 September 2022.^[12]

- In May 2022, according to the **Belgian railway** trade unions, SNCB was already struggling to provide its basic service, owing to a lack of staff. The situation became so critical that the railway company cancelled 2,700 trains because it did not have enough staff to provide the service. And according to the CGSP Cheminots/ACOD Spoor trade union, to meet the political ambition of increasing the number of trains while maintaining the level of current service quality, SNCB would need at least 4,000 more statutory staff.^[13]
- In **Sweden**, trade unions report a lack of locomotive drivers, with people leaving the sector because of bad working hours (for example, split shifts) making any work-life-balance impossible.
- In **Austria**, it has been reported that the main railway undertaking ÖBB is looking for 3,000 new workers per year in order to maintain services in the light of demographic change and increased demand.^[14]
- In **Italy**, as reported by trade unions in 2020, it was hardly possible to maintain 80 per cent

the trends and prospects of jobs and working conditions in transport. Study for the EU Commission / JRC. https://panteia.com/uploads/2016/12/Final-report-Panteia-Report.ashx_.pdf

[10] <https://www.vdv.de/personal-und-fachkraeftebedarf-im-oepnv.aspx>

[11] <https://www.dutchnews.nl/2022/07/ns-cuts-train-services-for-lack-of-staff-in-summer-of-disruptions/>

[12] https://www.liberation.fr/societe/trains-supprime-faute-de-conducteurs-la-sncf-en-quete-de-1-200-postes-20220826_TJBjw-MX7CRBRHK7ROUHBCBDCQ/

[13] <https://ipost.be/2022/05/30/il-manque-au-moins-4-000-cheminots-a-la-sncb/?fbclid=IwAR0skUPOItITLdj-9bOKiDLXKIam0bavX-01yBSdFshq2-EHY4nhNO2Qs9WA>

[14] <https://www.heute.at/s/personalmangel-oebb-suchen-3000-mitarbeiter-pro-jahr-100221516>

of the required rail services with existing staff, without additional shifts or overtime.^[15]

- A shortage of operational staff is also reported in Central and Eastern European countries such as the Czech Republic, Poland and Romania.

Source: ETF, June 2023

Linkage between railway reform and workers leaving the sector

France: Since the railway reforms of 2018, the problem of staff shortages at SNCF and in freight transport has worsened, also because of a big increase in the numbers of workers leaving the company, and a particularly high turnover rate in rail freight, with Fret SNCF having lost more than 10,000 jobs between 2002 and 2021. Railway undertakings are finding it difficult to recruit, and more and more newly hired employees soon resign (out of 1,400 resignations at SNCF, 25 per cent occurred after between one and three years).

Italy: The overall trend since 2000 marks a decrease in employment in the Italian railway system. This trend can be traced back, on the one hand, to technological developments (for example, in passenger transport, now only one driver is needed where there were previously two), and, on the other hand, to liberalisation.

Source: Interviews with representatives of CGT France and FILT-CGIL, April and March 2023.

3.4. Outsourcing as a major business strategy for cost reduction

Outsourcing and subcontracting have been major business strategies for reducing costs and making railway undertakings as well as infrastructure management, “fit” for competition.

Experiences reported by trade unions across all countries involved in the research clearly show that the only purpose of outsourcing is to reduce staff costs and own-company resources and responsibilities.

- The outsourcing of tasks and activities has further contributed to the fragmentation of the railway workforces and to the evolution of a second peripheral labour market of railway services that is too often characterised by low wages, high job insecurity and bad working conditions.
- While outsourcing is mainly related to activities that are regarded as secondary or light (cleaning, catering, light maintenance), there have also been cases where the outsourced activities have been safety-relevant, such as railway infrastructure construction and renewal, and this has resulted in accidents and critical incidents.
- More recently, and making use of new business models, there has also been a trend to outsource even core activities such as train driving, in other words, to externalise staff costs and employer responsibilities in core

[15] <https://www.ferrovie.info/index.php/it/13-treni-reali/14568-ferrovie-ultrasporti-trenitalia-grave-carenza-di-personale-nei-settori-macchinisti-e-capitreno>

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areas of railway operation. Such developments are occurring, in particular, in countries that have relatively loose legal regulation of civil law contracts, agency work or the recruitment of third-country nationals.

- Unrestricted outsourcing has also led to the emergence of highly problematic and precarious working conditions of a sort previously unknown in the railway sector: for example, bogus self-employment, self-employed train drivers, or migrant labourers working and living in highly precarious situations.
- Outsourcing is not cheaper for public funds: We have no figures, but according to interview partners, outsourced activities enable companies to offer cheaper services and increased profits, but they actually cost more in public (taxpayers') money than direct provisions. as evidence from France suggest (see textbox below).

The sole purpose of outsourcing and subcontracting: cost reduction or profit maximation

- **Germany:** The subcontracting of services is a common trend, especially in the field of rail freight transport. Interviewees also referred to the trend that, for cost and flexibility reasons, both freight and passenger companies increasingly tend to engage in complex subcontracting relationships with separate contracts for different services (for example, leasing a locomotive or wagons, the temporary hiring of drivers, train attendants, catering personnel, or maintenance staff), as in the case of Flixtrain.

Outsourcing responsible for serious rail accidents in the UK

After the privatisation of railway infrastructure in 1993, the maintenance staffing of the now private infrastructure managing company was cut from 31,000 to 19,000 over six years. Staff were partly replaced by casualised subcontracted labour, while maintenance staff became scattered between Railtrack (the new infrastructure manager), and 13 different infrastructure companies and sub-contractors, all trying to minimise their costs in the interests of profit margins. This highly fragmented, uncoordinated system of infrastructure construction, renewal and repair resulted in severe safety risks and eventually led to the rail accidents at the end of the 1990s at Ladbroke Grove, Hatfield and Potters Bar, with a total of 37 deaths and hundreds injured.

Source: Interview and presentation delivered by RMT trade union, February and May 2023

- **United Kingdom:** According to a 2018 survey of 800 railway workers in the UK, 74 per cent of railway workers said they were aware that their company employed agency staff and nearly 70 per cent were aware of their company was outsourcing or subcontracting work.^[16]
- **Austria:** The case of “Henry am Zug” is an example for the outsourcing of catering services in order to cut staff costs. ÖBB tendered its onboard catering services and allocated them to the Austrian company Do & Co which then placed them under its Austrian subsidiary “Henry am Zug”. The latter then made use of the staff

[16] RMT: *Why the UK needs a nationally integrated and publicly owned railway: What RMT rail workers say.* 2019

via its subsidiary “Henry am Zug Hungary Kft.”

- **Sweden:** The outsourcing of specific tasks has been a major trend related to liberalisation and unbundling in Sweden. The main purpose has been cost saving. Light maintenance is very much affected by outsourcing. Some examples of employment of third country nationals with poorer working conditions can also be found here. A trend related to competitive tendering and highlighted by the Seko trade union is that many companies use fully owned subsidiaries when competing, creating a new subsidiary for each new contract that they win. The subsidiaries generally employ the staff needed to operate the trains, such as train drivers and onboard staff, while auxiliary staff, such as in lane extension and overhead functions, might be employed by the parent company. Maintenance, both light and heavy, is almost always outsourced – sometimes to other subsidiaries and at other times to external partners. In a sense, these subsidiaries function more like staffing companies than fully fledged railway undertakings.
- **France:** More and more outsourcing is taking place in the fields of material and track maintenance (for example, the outsourcing of welding work), owing to the separation of the train operator and the infrastructure manager. Outsourcing costs 14 per cent more in track maintenance. Jobs in station services and safety are also frequently outsourced.

Source: Interviews with representatives of mobifair e.V., March 2023; vida, April 2023, SEKO, March 2023 and CGT, April 2023.

3.5. Increases of work intensity and involuntary flexibility in working time

The massive reduction of employment in railways over the last two decades has tremendously increased the workload and work intensity for those employees who have remained in the sector.

- As the evidence from country-specific cases suggest, the intensification of work, and task overload, seem to be structural components of a competitive market that is not sufficiently regulated in accord with fully implemented minimum standards.
- Another worrying finding from the country-specific case studies and interviews with workers’ representatives has been the increase of extensive and involuntary working time regimes, under which split shifts, idle time and on-call duties have become much more frequent.
- In the UK, the railway trade unions have cited many examples of railway staff being employed on zero-hours contracts.
- Trade union representatives from the rail sector in various countries have reported that fatigue and reduced attention is a growing problem, reflecting insufficient staffing and labour shortages as well as the extension of working time.
- According to evidence provided by trade unions in France, the UK and Italy, increased work intensity is often also a result of a reduction of mobile crew staff, driver-only operations or staff reductions in stations.
- This situation has created a vicious circle and a downward spiral that negatively affect work-

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ers' wellbeing, health and safety, as well as the attractiveness of railway jobs and the intrinsic work motivation they engender.

- As a result, and as reported by trade union representatives in France, Sweden and Germany, there has been a trend for train drivers to quit their jobs before retirement, or to move to other sectors with better working conditions.

German Social Accident Insurance lists train drivers as a high-risk group

Jobs in the construction industry are at the top of the list of occupations with a high risk of accidents and health problems. However, the latest annual report of the German Social Accident Insurance (DGUV), emphasises that train drivers have recently appeared among the occupational groups at high risk. In this occupational group, the reason for the increased accident rate lies in the time lost because of work-related mental stress.

Source: Deutsche Gesetzliche Unfallversicherung: Arbeitsunfallgeschehen 2022. See press statement: https://www.dguv.de/de/mediencenter/pm/pressemitteilung_592841.jsp

Austria: liberalisation leads to a new work regime in railways

Liberalisation has led to an intensification of work under a new work regime characterised by flexibility without job security, extension of working time, task overload and stress, along with the emergence of precarious and atypical forms of employment. Just one example is the case of Westbahn, where train drivers were instructed to

clean the cabin. Source: Interview with representatives of vda, April 2023.

Italy: Extending working time by defining it only as driving time

Working time is considered exclusively to be driving time, with the consequence that the time taken in travelling from home to the train, preparing the train, and so on, is not counted as working time. This arises because the application of non-sector-specific agreements takes no account of some specificities of train drivers' work.

If however a rail company decides to apply that non-sector-specific agreement in the railway sector, a train driver, who may be taking a break while waiting in a station for a connecting train or for some other reason, will not be considered to be at work during this break, will not be paid for that time, and will work longer shifts as a result.

Source: Interviews with representatives of FILT-CGIL and UILtrasporti trade unions carried out March and May 2023.

Czech Republic and Germany: excessive working hours of train drivers

According to OSZ, excessive working hours are a growing problem, particularly for train drivers. With a total of more than 120 train operating companies now active on the national railway market, train drivers may also work for different companies without the possibility of monitoring working and rest times. Split shifts are also an increasing

challenge.

In Germany, the EVG trade union notes that short-notice rosters and shifts, highly irregular work schedules, long working days of up to 14 hours, as well as weekend and public holiday work, seem to determine the everyday lives of many train drivers and train attendants (including employees in train catering). The media repeatedly report on the demanding working conditions, for example regular weekly working patterns of 50 to 60 hours. There is also reporting of on-call duties for which the route planning is not known in advance and the time when the worker can get home is therefore uncertain. Such factors make it difficult to reconcile work and family life and place particular demands on the flexibility and performance of those affected.

Source: Interviews with representatives of OSZ and EVG trade unions, September and March 2023.

3.6. Precarious work and social dumping

In addition to the cuts in jobs and the worsening of pay and working conditions, the use of insecure and casual employment practices has become more and more widespread in the railway sector across the European Union because of competition solely based on prices and costs, which has led to social fraud and dumping.

Trade unions have noted that, especially in the freight sector, where price competition is

Split shifts and idle working time

A representative of the Swedish trade union SEKO highlighted another issue related to working time that resulted directly from unbundling: while, in the past, train drivers and mobile staff spent most of their time performing work tasks, unbundling and the compartmentalisation of activities has resulted in an increase in idle times during the whole day (for example, because a driver on average waits longer between two operations). This has also resulted in the trend that returning home on the same day has become more difficult than in the pre-liberalisation area.

Source: Interview with representatives of SEKO, February 2023

particularly fierce and the business structure is highly fragmented, precarious forms of work and the neglect of working time and other social rules are widespread.

The following trends have been highlighted by trade unions across different countries:

- **Temporary agency work.** Especially in countries where agency work is less restricted (for example, in Germany, Austria and the Czech Republic), train drivers are being enticed away from their employers by agencies that offer higher wages or other material benefits, which, however, are financed by increased working time and flexibility, and reduced job security and social benefits resulting from the fact that they are no longer covered by any collective bargaining agreement. In Germany there are currently more than 120 temporary agencies that hire out train drivers to railway undertakings. It is

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estimated that there are around 4,000 hired-out train drivers in Germany, which corresponds to more than 10 per cent of the total train driver workforce.^[17]

- For cost reasons, railway undertakings have also started to establish so-called **service companies** in which employees (train drivers, and auxiliary or service staff) are employed under a less favourable collective agreement, or are not covered by any collective agreement at all.
- In the field of cross-border recruitment, there seems to be a trend to employ workers from other countries through a labour agency or service subsidiary based in the country of origin on much worse pay and social conditions. Such practices have been reported by trade unions, for example, in Germany and Austria.
- Interviewees also referred to the trend that, for cost and flexibility reasons, both freight and passenger companies increasingly tend to engage in **complex sub-contracting relationships** with separate contracts for different services (for example, leasing a locomotive or wagons, temporary hiring of drivers, train attendants or catering personnel, as well as maintenance staff, and so on), as in the case of Flixtrain.^[18]
- **Social dumping and systematic legal fraud**, especially in violation of working and driving time regulations, seem to have become systemic features of the highly

fragmented rail freight market in Germany. According to the EVG trade union, several hundred legal complaints of abusive practices concerning working time are currently pending. The example of the Mannheim train accident (see textbox below) illustrates the vicious combination of causes and problems that led to it.

- **The use of self-employed train drivers** has also been reported as an increasing trend in Germany, Sweden and Austria, introducing more precariousness to the job as self-employed workers do not get the same benefits and social security as regular employees

The worsening of working conditions due to temporary agency work and transfer of employees to services companies

Working conditions have also deteriorated as a result of subcontracting and temporary agency work. For example, railway undertaking XY uses security and service staff from the service provider XY instead of directly employed customer advisors in local transport; they have no operational tasks, a lower pay scale and less income.

Another fundamental problem with subcontracting and temporary work is that the workforce is fragmented. Moreover, there is no longer a single works council for everyone, but now several separate councils, or, as in many cases in the security and service sector, none at all. This makes

[17] Interview with representatives of mobifair e.V., March 2023.

[18] Interview with representatives of mobifair e.V., March 2023.

Austria: railway undertakings establish their own staff leasing subsidiaries

The private railway undertaking Westbahn established a staff leasing agency of its own in order to supply itself with personnel at lower cost. Rail freight transport occasionally works with leased staff, but because staff leasing is very expensive, it is only used in highly profitable market segments, such as the line from the port of Vienna to Duisburg harbour. In the wake of the 2003 ÖBB restructuring, the domain of infrastructure construction was divested from the former ÖBB to two different companies under the umbrella of ÖBB Holding. Today, track construction is executed by private companies with worse conditions for workers in respect of safety, accommodation, and so on.

Source: Interview with representatives of vida, April 2023

it much more difficult for employees to assert and enforce their legitimate interests and rights.

Numerous subsidiaries have been set up. Transferring staff from parent companies to their subsidiaries was then used as an opportunity to reduce pay, benefits and working conditions.

Source: Interviews and written material provided by EVG trade union, March and November 2023.

3.7. Insufficient monitoring of social regulation

The example of the Mannheim accident in Germany, mentioned in the previous chapter, il-

lustrates how the inadequate application of the regulations and obligations that railway undertakings are subject to has become an increasing problem, and how risks to safety result from competition in the rail market.

According to the experience of railway trade unions across the nine country-specific cases, as well as from such evidence as reports published by national safety authorities, the current systems for monitoring the correct application of rules related to working time, the qualification of train drivers or route knowledge are not effective and do not reflect the new realities in the railway market.

- **The current system of implementing and following social, safety and other rules** was established at a time when railway transport was organised by public companies, that is, in a non-competitive market. This was one reason to delegate the correct implementation of rules to the railway undertakings themselves and their infrastructure managers, and to make them responsible for establishing and implementing a safety system, providing staff with sufficient training and obeying the rules.
- This **system no longer works in an environment that is characterised by a large number of private competitors**, and competition in which the cheapest offer wins the tender. Such a system incentivises the disregard for, and circumvention of rules, for example, those concerning working time, route knowledge and foreign language requirements
- For this reason, national railway trade unions continuously stress the need to **better equip**

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Lessons learned from the Mannheim accident

According to the evidence of the national accident investigation body (BEU), analysed by an expert of the EVG trade union, the rail accident at Mannheim main station that resulted in nearly 40 passengers injured and more than €2 million in material damage to rolling stock and infrastructure was the consequence of several problems, including the neglect of social and safety rules:

- **Social rules:** The driver had not respected the minimum rest period after the previous shift, and it is likely that additional rules on working at night had not been complied with. Moreover, the company safety management system (SMS) on staff disposition did not work and the driving time was neither checked nor monitored by the infrastructure manager or the railway safety agency. As a result, driver fatigue is likely to have contributed to the accident.
- **Lack of knowledge:** The lack of knowledge of local conditions was also a likely reason for the accident. The train operating company was not able to provide sufficient evidence that the driver of the train knew the line, the positions of signals, and so on. and the respective provisions of the SMS were not applied. Also, track knowledge was neither checked nor monitored by the infrastructure manager or the railway safety agency.
- **Interfaces, subcontracting and labour leasing:** The Mannheim accident was also a result of poor communication and coordination between several of the parties involved. This is quite typical where there is significant fragmentation of competitive rail markets. The rail operating company (responsible for applying the SMS) was a Dutch company, owned by a private UK-based freight company. However, the train driver was driving a train that was operated by a subcontractor of the Dutch operator, while the locomotive was owned and the train was operated on behalf of ÖBB Rail Cargo, Austria. Finally, the German train driver was not directly employed, but leased from a German temporary employment agency. Correspondence between the train operating company and the driver's employer was conducted via email and there were evidently no written agreements that documented the qualifications of the driver, his track knowledge or his working time.
- **Insufficient application of the SMS:** The accident illustrates the non-application of several SMS points, including the correct preparation of new services, documentation of drivers' knowledge, and minimum requirements as regards the disposition of staff according to the railway safety Directive 2016/798/EC

Source: Presentation of EVG at ETF Railway Safety and Security Conference, November 2016

competent authorities in the field of certification of railway safety and training, with additional and more efficient resources. The same applies to labour inspectorates in relation to working time, technical standards and verification of the required train drivers' certificates.

- In this context, it has also been highlighted by interviewees that, by contrast with professional road transport, no system such as a (digital) tachograph that documents working and driving times, exists.

3.8. Erosion of the quality of railway training and its effects on rail safety

Railway liberalisation and competition has revealed the structural weaknesses and shortcomings of the current system of railway education and training, particularly when it comes to guaranteeing a certain degree of quality in railway training.

Although the minimum requirements of railway training are regulated at EU level by the Train Drivers Directive 2007/59/EC, as well as the EU Safety Directive, EU legislation leaves great freedom for interpretation and implementation

in training programmes at national training centres and at company level. In fact, railway training courses differ significantly in respect of syllabus, duration and curricula, not only between EU Member States but also between companies.^[19] Moreover, while in some countries (for example, Norway and Spain) the training content has been standardised to a higher degree, it may vary still significantly between railway undertakings and training centres, when no additional common national standards are set, as for example in Germany or France.^[20]

- Training practice of this sort relies largely on high quality programmes provided by national railway companies for their own staff as well as for the whole sector. However, given the increasing pluralism and diversity of the railway market, the current system of training has come under pressure. In particular, the follow-

Train drivers deployed on routes without the relevant route knowledge

In Germany, several train drivers told a public TV news magazine that their employer often deploys them on routes they have no knowledge of. In order not to attract attention during possible inspections, the unknown route is included in the „route knowledge acquisition certificate“, a kind of logbook, which the train driver has to keep. In other words, non-existent route knowledge was certified. This deception was not detectable during inspections.

Source: <https://www.ndr.de/fernsehen/sendungen/panorama3/Lokfuehrer-uebermuedet-auf-der-Schiene,lokfuehrer160.html>

[19] EU Commission 2020: Staff Working Document. See also ATKINS (2002). *Training and staff requirements for railway staff in cross-border operations*; Final Report, 28 November 2002.

[20] The following websites can show the variety of the offer of trainings available for candidate train drivers and Germany and France. www.campusfer.com/formation/conduite-de-trains-de-voyageurs-pour-conducteurs-de-trains-de-fret/, <https://www.futurenttrain.fr/formation-ferroviaire/>, <https://www.schienejobs.de/bahn-ausbildung/lokfuehrer-ausbildung/>.

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Inadequate labour inspection system in railways

The rapid increase in the number of railway undertakings as a result of the liberalisation of freight transport in Germany has made it impossible to monitor and verify whether a train driver is operating with sufficient knowledge and certificates. Such verification should be carried out by the labour inspectorates at the level of Germany's 16 federal states, but the inspectorates have neither the necessary railway-related knowledge, nor the staff capacity. For this reason, verification simply does not take place.

Source: Interview with representatives of mobifair, March 2023

ing aspects have been highlighted by interviewees in different countries, especially those in which the degree of fragmentation of the railway market is high:

- **The large incumbent companies still form the backbone of railway training** with a high standard of training established.
 - The competitive rail market, training is regarded as a cost factor. **Private railway undertakings are investing much less** in initial and further training activities, and tend to head-hunt drivers and other professional workers from the market and other companies.
 - In such a situation, large incumbent companies with their own training facilities are **no longer willing to invest** in training beyond their own demand.
- As a consequence, the number of railway training centres that are not owned by railway undertakings and offer **'light' training'** (for example, a shortened training programme for train drivers) for the rail market as their sole business function, has increased significantly in some EU countries (for example, in Germany). The quality of training provided according to sectoral experts is often more than questionable.
 - According to official evaluations by national safety authorities, as well as the experience of railway trade unions, these trends have resulted in a **deterioration of training outcomes**, as indicated by a growing number of train accidents and incidents such as signal overrunning (see chapter 2) that can be attributed to insufficient knowledge and qualification on the part of drivers or other staff (for example, in traffic control centres).
 - Interviewees report **insufficient training concepts**, and even the use of forged licences among smaller rail freight transport companies. These companies also tend to hire inexperienced drivers for single procurements on routes they do not really know. Because the states, despite being responsible parties, do not adequately control the rail freight transport sector with its many subcontractors, rail safety is at risk, with more and more inexperienced or undertrained drivers driving trains on a limited infrastructure.^[21]
 - Besides a worsening in the quality of railway training, interview partners in the UK and

[21] Interview with representatives of mobifair e.V., March 2023.

Sweden have also highlighted the fact that unbundling, privatisation and competition over costs have resulted in a **massive loss of railway knowledge and competence** in the rail sector at national level.

France: keeping training costs low

The majority of drivers in **France** are still trained through SNCF, but a lowering of standards is taking place. Drivers who have been rejected by

SNCF are now being trained by private training companies that are SNCF subsidiaries or run by other railway undertakings. Although most drivers are still trained by SNCF, driver training is sometimes being outsourced to private companies to save costs. For example, Getlink, the infrastructure manager of the Eurotunnel between France and the UK has set-up a training centre in Calais.

Source: Interview with representatives of CGT trade union, France, April 2023



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Sweden: keeping training costs low

A general effect of liberalisation is that further training, as well as measures on health and safety, are regarded as costs by the companies. For this reason, there is a mechanism for keeping budgets low in order to become or remain competitive in tendering. Thus, tendered railway services make it harder to uphold high standards of health and safety, as well as of training and qualifications. For this reason, the strengthening of regulation by collective bargaining and trade union representatives at local and company level is becoming more important.

Source: Interview with representative of SEKO trade union, February 2023

Germany: Trend towards “functional” shortened training

Competition and the increase in the number of railway undertakings have had strong effects on train driver training. Over the years, so-called “functional training” for drivers has become more and more firmly established. This means that career-changers are trained as train drivers in nine to twelve months. The three-year vocational training programme for train drivers, which used to be the norm, now only accounts for around 40 per cent of train drivers. The problem with the trend towards “functional training” is the lack of standardisation (for example, in aptitude tests, curricula, examinations, regulations, and so on) with a very large number of training institutions (currently 114) operating at a lower standard.

Source: Interview with representatives of EVG trade union in March 2023 and written material

Austria: outsourcing of training centre for cost reasons

In the wake of the ÖBB reform, ÖBB’s in-house training workshops were supposed to be closed down, but could yet be saved by the works council and *vida*. However, what has occurred is a reduction in the number of apprenticeships with further training on the job.

Source: Interview with representatives of *vida* trade union, April 2023

UK: competition and fragmentation of the market leads to a lowering of training standards and increased safety risks

One of the most devastating consequences of the privatisation process has been the fragmentation and loss of industry knowledge. Running a railway – making decisions about investment, timetabling, safety, workforce deployment – requires an intimate acquaintance with changing infrastructural conditions, technological possibilities and service requirements throughout the network. In the case of British Rail, this knowledge was held collectively by its workforce and managers and brought to bear upon decision-making through systems of co-operation and communication at all levels of the industry. This organisational knowledge base, never wholly centralised and much of it effectively tacit, was dissipated with the break-up of the industry.

Source: Interview with representative of RMT trade union, March 202

UK: fragmentation and loss of railway knowledge

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Source: Interview with representative of RMT trade union, March 2023

Czech Republic: the Prosenice accident

In January 2022, there was a collision between two freight trains at Prosenice station in the Czech Republic, which resulted in derailment, temporary interruption of the corridor and damage to infrastructure. According to the accident investigation by the Czech Rail Safety Inspection Office, the collision caused a total damage of CZK 28.5m (€1.2m EUR).

The main cause of the accident was that the train driver had incorrectly evaluated information provided to him before the departure of the train. The Czech Rail Safety Office, commented on the *“unpreparedness (incompetence) of the train driver”*, stating that

the train driver *“was not prepared for the independent work of a train driver in practice.”*

Because of the accident, the Safety Office made a recommendation to the Czech National Safety Authority and the Ministry of Transport that a legal framework and system should be created, that *“will expand the scope and content of knowledge and skills and procedures necessary to demonstrate special professional competences”*; and *“verify the practical ability of a driver on a locomotive simulator”*. In addition, the Safety Office recommended to the Ministry of Transport that the minimum length of practical training to acquire the necessary knowledge, skills and qualification should be specified and verified more strictly. This recommendation reflected the fact that the total training hours that the train driver in question had completed were far fewer than the minimum hours set by the NSA as the basis for taking the professional test. It should be mentioned in this context that the report also revealed that the train driver was engaged as a leased driver and had a second job with a charter airline.

On at least seven occasions he had carried out his duties as a pilot, including on international routes, at a time when the records indicated that he should have been training to be a train driver. Instead of the 450 hours required to obtain the professional test, the man had completed a maximum of 357 hours according to the investigation report.

Source: Accident and incident investigation report: Collision of the freight train No. 43404 with the freight train No. 52479 and consequent derailment at Prosenice station. The Rail Safety Inspection Office of the Czech Republic.

Effects on industrial relations and collective bargaining



4. Effects on industrial relations and collective bargaining

4.1. The important role of sector-wide industrial relations in railways is at risk

Railways have the tradition of a highly centralised system of industrial relations linked to public ownership of the sector, as well as high membership rates in trade unions as well as employer organisations. National, sector-wide agreements have been a key to harmonised and socially benign working conditions, a high quality of initial and further training and skills development.

In this context it should also be noted that centralised industrial relations in the rail sector have also provided a solid basis for the integrated rail system in respect of cooperation and coordination as well as sector-wide practices relating to safety and security.

With the unbundling of rail infrastructure and operation and the fragmentation into a competitive rail market, this system of industrial relations has been undermined and put in question with the following negative effects:

- **Decentralisation.** The regulation of industrial relations and working conditions by collective bargaining has moved from the central and national level to the company level.
- The increased competition between railway undertakings, and also railway-related

sub-contractors, labour agencies or service companies, has led to the emergence of **corporate strategies to bypass, avoid or circumvent sector-wide national agreements** and in some cases even to a refusal to negotiate agreements with trade unions on wages, working conditions and other issues (for example, initial and further training).

- As a consequence, **social regulations have been compartmentalised** and are regarded as a cost factor with direct negative effects on competitiveness. This relates not only to wages but also to investment in training, health and safety equipment or safety-related measures.
- As a result, an increasing share of railway undertakings and other corporate actors in the sector (labour agencies, subcontractors, service providers, and others) are **no longer covered by sector-wide agreements**.
- Since collective agreements contribute significantly to the ability of the sector to anticipate, manage and adapt to change, to react to risks and crises and to increase resilience, the consequences and **negative effects go far beyond issues related to wage levels and social standards**.

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Sweden: railway liberalisation has led to a downward spiral of deteriorating industrial relations

While this self-regulatory system has been working overall, maintaining good working conditions and preserving industrial peace, it has created a dysfunctional situation and a downwards spiral in industrial relation in the sector. Some employers have described the situation as being trapped in collective bargaining agreements (CBAs) not of their own making, often being forced to sign agreements suited neither to the employers nor to the current needs of the tendering system, only to appease the unions. The unions, on the other hand, see a slow deterioration and erosion of working conditions and wages, where benefits and good conditions are lost over time as the tender goes from one employer to the next without much gained in return, all in combination with a lack of respect for the local CBA and old-style “handshake deals”.

The downward spiral reached a breaking point in late 2018, when DB AG-owned Arriva Sverige AB won the public tender for one of the major commuter rail systems – Pågatåg in southern Sweden. As the company was set to take over operations from its fully owned subsidiary Arriva Tåg AB, it declared that it would not sign a local CBA unless the unions agreed to wages cuts for onboard staff and more flexible working hour regulations for all staff. Seko and the other unions refused but the company went ahead with its plan. Arriva's actions led to years of labour disputes and even court proceedings before the issues were resolved in the national CBA negotiations of 2020.

Source: Paper provided by SEKO for the research, February 2023.

4.2. Collective bargaining under increased pressure of low-cost competition

As reported by trade union representatives in several countries involved in the research, the privatisation, unbundling and introduction of a competitive railway market has had a devastating effect on collective bargaining:

- After the railway reform, **many new railway companies entered the market without a collective agreement** and with lower wage levels and social standards, partly because there were no national laws to provide protection from downward pressure.
- These downward trends occur in local and regional passenger railways in the context of any **transfer of staff** that results from a change of operators in countries where no national regulation securing workers' rights in the context of staff transfer exists or has existed (as, for example, in Germany before 2016).
- Without such a regulation, transferred employees have generally not been entitled to maintain their wage and social standards with the new operator, and have sometimes been given a **lower job classification**.
- Furthermore, any such **protective legal regulations** guaranteeing the application of collective agreements and minimum rights of employees **do not apply to privately operated freight or long-distance rail transport**. In freight transport, owing to the small size of many companies, collective bargain-

Collective bargaining and collectively agreed working conditions under pressure from competitors not covered by any agreement

“Rail freight transport is the market that is subject to the greatest pressure from competitors that are not bound by collective agreements. (...) As a result, DB Cargo, which is bound by collective agreements, loses tonnes of work every year to third parties, who simply have to pay the train drivers a little more per month without having to comply with high working-time standards. Less traffic at DB Cargo also means fewer maintenance services in DB Group workshops covered by a collective agreement. More and more third-party workshops are being opened, which do not pay collectively agreed wages and usually work a three-shift system.”

Source: Paper delivered by EVG trade union, November 2023.

ing coverage is still significantly lower than in other railway domains. This has resulted in lower levels of wages and social standards. In long-distance rail, too, even some of the larger private companies, such as Flix-Train (operating with subcontractors), are often not bound by collective bargaining agreements – in contrast with the national incumbent company.

Undermining collective agreements by reclassifying workers to cheaper positions

As reported by the Austrian trade union *vida*, there have also been attempts by new entrants to the railway sector to undermine working conditions and rights defined by the railway collective agreement.

Although evasion of the sectoral agreement is not easy, many private companies attempted to leave the agreement in the early phase of liberalisation. CAT (City Airport Train), which operates the connection between Vienna city and the Schwechat airport, is an example of a private company trying to leave the sectoral collective agreement by classifying the train attendants not as rail personnel, but as “security guards, a professional profile not covered by the higher standard rail agreement. The case of Westbahn illustrates the deterioration of working conditions in a private railway undertaking that is bound by the sectoral collective agreement but was temporarily able to classify tariff groups freely, which has led to the train attendants’ being graded very low.

Source: Interview with representatives of *vida* trade union, April 2023.

4.3. Challenges for social dialogue and collective bargaining

- In a railway market characterised by competition, it is harder to uphold and maintain good pay and working conditions, and high stan-

dards of health and safety as well as of training and qualification. Against the negative effects of rail market liberalisation, social regulation by collective bargaining and the social dialogue between trade unions and employers at local, national and transnational level are therefore becoming more and more important.^[22]

As reported by all national trade unions involved in this research, the biggest challenge railway unions are currently facing is to secure harmonised working conditions and collective social rights for the whole sector. The decentralised structure requires much more in the way of

collective bargaining efforts at local and company level to bring all railway undertakings within the scope of the respective agreements.

Another challenge relates to the organisation of workers who today are employed by railway-related subcontractors, workers whose original roles have been outsourced (often to reduce costs) to service companies, or workers employed by labour agencies. Further challenges include organising posted workers and third-country nationals, and fighting social dumping and unfair competition.

[22] Interview with representative of SEKO, March 2023.

Challenges for trade unions and collective bargaining

Collective bargaining is becoming more difficult year by year owing to the liberalisation and loss of network capacity by Czech Railways (the national carrier) and owing to the pressure for lower costs in competition.

Source: Interview with representative of OSZ trade union, Czech Republic

A key challenge for trade unions lies in the field of smaller rail freight transport companies that are not covered by collective bargaining, usually do not have works councils, and where temporary agency work and the employment of undertrained and inexperienced third-country nationals as train drivers is common.

Source: Interview with representatives of EVG trade union, Germany

The most important challenge for trade unions is related to the disappearance of an integrated railway system led by the incumbent company, and the increasing number of actors and companies on the ground. Liberalisation has created a fragmented railway sector – with many employers and companies. It is harder to maintain the union presence, and we need to have union representatives employed by the union, not only shop stewards bound to their separate company.

Source: Interview with representative of SEKO trade union, Sweden

Key challenges for trade unions also include the unionisation of staff and the improvement of working conditions for precariously employed workers in maintenance, station roles, cleaning, and so on.

Source: Interview with representative of RMT trade union, UK

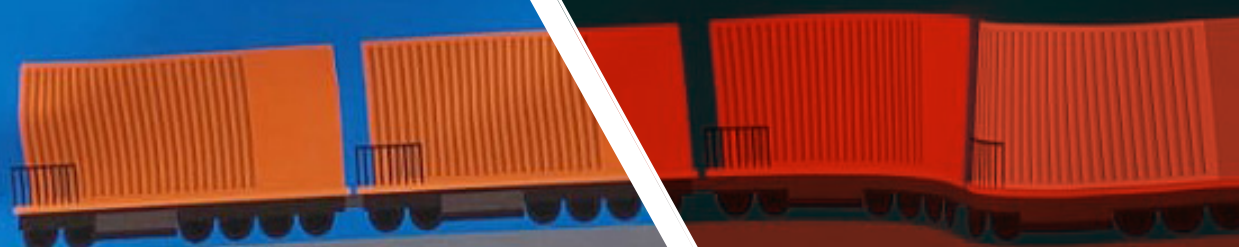
5.



Trade union demands and policy recommendations



**EUROPEAN
TRANSPORT
WORKERS'
FEDERATION**



5.

5. Conclusions and policy recommendations

Trade union demands and policy recommendations

5.1. Conclusions

In the context of this research and evidence from the eight country-specific cases, it has become very clear that during recent decades a deterioration of working conditions and terms and conditions of employment in European railways has taken place.

It is important to highlight the following conclusions:

- The unbundling of rail infrastructure and operation as well as the liberalisation of the rail freight and passenger markets have led to a **fragmentation of national rail markets** and of the interfaces between the increasingly numerous actors in the market involved in railway operation and infrastructure management.
- As shown by this research, this had **negative effects on the functioning of interfaces, on overall efficiency as well as on the safety and social conditions of railway workers**. So far, this has not resulted in any public policies at national or European level to strengthen the role of competent authorities in monitoring the correct implementation of rules, and sanctioning in case of rule-breaking – for example, in respect of company safety management systems, working time or safety-related staff knowledge.
- Against this absence of regulation, and most conspicuously in the field of rail freight transport, the **liberalised railway market has evolved steadily on the basis of competition on costs rather than on qualitative factors** such as efficiency, performance, service quality or respecting minimum standards in working and social conditions.
- This has led to the evolution of a **patchwork of railway undertakings** and a large number of subsidiaries, labour agencies, subcontractors and service providers in the railway market that have been established with the sole purpose of providing tasks and services at lower costs, which often means wage costs in particular.
- Consequently, **precarious and problematic forms of employment have emerged**, such as the self-employment of train drivers, and forms of employment involving agency workers, workers on civil-law contracts or workers from outside the EU, who are particularly vul-

nerable to exploitation, owing to the linkage of residence permits to labour contracts.

- A further negative effect has been the **worsening of working and employment conditions for directly employed workers**, with work intensification, downward pressure on salaries, extension of working time, involuntary flexible working, task overloading, a worsening of health and safety at work, and other such consequences.
- In the face of these trends, and the fact that the number of railway undertakings has increased significantly, owing to free access and liberalisation, the **railways' systems for monitoring the implementation of working time and other social regulation has not been able to adequately identify and sanction infringements or violations of the rules**.
- Not only when it comes to social rules, but also in the matter of monitoring the quality of railway training – especially in relation to safety-relevant activities – the **current system and practice of control**, comprising national safety authorities and a high degree of self-regulation on the part of railway undertakings, is **not fit for purpose**.
- Finally, the **system of collective bargaining** in railways, which has traditionally been strong in its coverage of all railway workers and professions with collective agreements and trade union membership, **has come under pressure and faces erosion** as a result of the ever-greater fragmentation across the sector, the low-wage competition and the cost-saving strategies of private companies – this, too,

being very visible in the rail freight transport segment.

- As shown by this research, downward trends in social and working conditions due to cost competition have also had a “domino effect” on those parts of the railway sector that are facing increased pressure on costs, including costs arising from investment in good training, services and safety measures.

5.2. Policy recommendations

As shown in this research, unbundling, privatisation, and increased competition have resulted in a downward spiral of social and working conditions in railways throughout the EU, with negative effects on the attractiveness of railways to potential workers, young learners entering the labour market and those already working in the sector.

Against this, and without corrective policy intervention at EU and national level, the railway sector will not be able to manage the challenges it is facing: neither in managing demographic change and attracting new workers to the sector, nor in building up the qualifications and capacities needed to master the twin transition towards smart and sustainable railways, nor in improving service quality and strengthening the linkages to other modes of transport and mobility in passenger and freight.

From the perspective of this research, the following policy recommendation can be derived for different groups and actors at European and national levels.

5.

EU-level policy recommendations

- I. Given the negative effects of market liberalisation and competition in railways, there is an **urgent need to improve the oversight and reporting of rail market monitoring** by the EU Commission, by agencies such as the European Railway Agency and the European Labour Authority and by public-private partnerships such as Europe's Rail. Social and employment issues need to be included in the monitoring, and problematic developments need to be identified and tackled.
- II. Companies should not be permitted to compete on the basis of staff costs. In the event that a contract is awarded to a different company, there should be a **full transfer of staff under the same conditions** they have had hitherto and with the **retention of the existing collective bargaining agreement**.
- III. The **monitoring of problematic labour market developments** should, in particular, deal with such developments as the shortage of workers, agency work, dependent and bogus self-employment, posting and the employment of third-country nationals against lower standards.
- IV. Besides the need for better monitoring of social and labour market developments, there is a strong need to consider ways of strengthening and improving verification and control mechanisms when it comes to the **implementation of working time legislation and social rules** governing mobile railway workers engaged in cross-border railway work (Directive 2005/47/EC) as well as train drivers (Directive 2007/59/EC).
- V. Since the violation of working time rules in railway transport has been identified as a major problem in the current railway market, the option to incorporate **EU rules in digital tools used to monitor and control working time** should be seriously considered. Furthermore, the inspection and enforcement of rules must be strengthened and better resourced both, at the national level and in cross-border railways (there may be a role for European Labour Agency, ELA, here).
- VI. A further huge challenge emerging from the transition of national and publicly controlled railways to the competitive market concerns railway training. Competition in railways has resulted in a downward trend in company-level initial and further training activities, because of costs. For this reason, **minimum standards, control and monitoring mechanisms ensuring the quality of training and further training are all needed** at both European and national levels, probably with the European Agency for Railways (ERA) and national safety authorities (NSAs) in a coordinating role.
- VII. Collective bargaining and a robust system of industrial relations has traditionally played an important role in railways, guaranteeing not only good working conditions but also the high quality of occupational health and safety, railway training and railway safety. Given the multiple challenges the sector is currently facing, and in the future will face even more, there is a **need to monitor collective bargaining trends and increase the pro-**

portion of works covered by collective agreements in accordance to the provision of the European Directive 2022/2041 on Adequate Minimum Wages in the EU.^[23]

VIII. Keeping in view the challenges concerning social and working conditions in the private railway undertakings, there is also a need to consider ways to encourage those companies to engage in (sectoral) social dialogue.

National level policy recommendations

IX. In accord with the recommendations for the EU level, national level decision makers and authorities need to become more aware of problematic social and working conditions in railways. This will **require improved collection and monitoring of critical data**, for example, on critical safety developments and problematic forms of work and employment, as well as on adherence to social and safety rules.

X. **Rule implementation and sanctioning** for the violation of rules should be strengthened significantly. This should be done by national labour inspectorates, railway safety authorities (NSAs) in close cooperation with trade unions and workers' representatives. These bodies need to be reinforced with the necessary financial and human resources, in keeping with the increased number of railway companies they need to control.

XI. In the field of training, there is a **need to define minimum standards, and enforce compliance with these standards; to monitor the training activities of railway undertakings and to ensure the sufficiency of their investments in initial railway training and apprenticeship**; as well as to remedy the imbalance between the training efforts conducted by the incumbent companies and those carried out by private railway undertakings.

XII. Also at national level, **industrial relations, social dialogue and collective bargaining** need to be strengthened where necessary. Here, the increased fragmentation of the railway sector must be fully taken into account, and the **coverage of rail subcontractors, service providers and labour agencies** by rail sector collective agreements or other types of social regulation needs to be ensured in order to implement the principle of equal pay and social conditions for equal work.

XIII. What is most needed is **massive investment, not only in the railway infrastructure but also in high-quality training and further education**, with the maintenance of good working conditions. These are the right measures to maintain the operational safety of the railway system.

[23] Namely, the provision that "Member States with a collective bargaining coverage below a threshold of 80 % should provide a framework of enabling conditions for collective bargaining, and establish an action plan to promote collective bargaining to progressively increase the collective bargaining coverage rate." <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022L2041>.

5.

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