EUROPEAN TRANSPORT WORKERS' FEDERATION

Fair Transport Europe

ETF vision for the future of European Transport

FAIR TRANSPORT YES!










“Digitisation has revolutionised the world and much can be done online. But as long as goods and persons cannot be sent by e-mail from one place to another in Europe, transport workers in all sectors play a crucial role in the EU.

The Single Market for Transport is our working place, but it must work not only in terms of open markets but also of sustainability and fair working conditions.”

- Lars Lindgren, President, ETF

Foreword

Transport is a vital component of the European economy. The transport sector generates both growth and employment. It generates almost 5 per cent of European GDP and employs directly more than 11 million people – 5 per cent of EU total work force[1].

A harmonised European Transport Market is important to facilitate the real free movement of goods and persons within the EU. And the possible advantages of an integrated European Transport Market cannot be neglected: improved mobility, better environmental sustainability, enhanced internal cohesion and international competitiveness of the EU.

But this cannot be achieved to the detriment of fair pay and working conditions for transport workers, the quality of transport services and the safety of passengers, workers and goods.

With the opening up of markets for goods and services, the labour market becomes a meeting hub for workers of different nationalities, cultures and wages.

Just as common standards as well as environment and safety rules are needed for trade of goods and services in the European single market, so are common standards needed for fair working conditions and social rights in the European labour market.

The present paper proposes important steps towards a fair European Transport Market. It is obvious that most of the challenges can only be solved in cooperation between the different EU institutions and national levels. With this paper the European Transport Workers’ Federation wants to contribute to a better and more constructive debate on how to resolve the challenges faced by transport workers across Europe.

The ETF challenges European employer organisations to commit to jointly finding expedite solutions to eradicate from the European Transport Market those operators who circumvent or violate existing rules, make use of social dumping practices and base their activity on unfair competition.

We call on the European Commission, the European Parliament and the governments across Europe to initiate and engage in a debate with transport workers on the future European Transport Market that will be based upon sustainable premises, from an economic, environmental but also social perspective.

Lars Lindgren
ETF President

Eduardo Chagas
ETF General Secretary



1 Study: “The Single Market in Transport and Tourism (Cost of Non-Europe)”, European Parliamentary Research Unit, 2014

Vision Paper "Fair Transport Europe" ETF vision for the future of European Transport

1. ETF Vision: Fair Transport Europe

The EU has taken significant steps towards creating a harmonised market for transport in Europe. Transport policy has in a determined manner pursued the aim of integration and removal of barriers, be they technical, administrative or regulatory.

Liberalisation has reshaped the transport sector. Since the liberalisation process started 20 years ago, the transport sector has seen some drastic changes, which have been even more pronounced after the enlargement of the EU in 2004 and 2007.

However, the process of liberalisation has not been accompanied by a parallel process of social harmonisation in employment and working conditions. On the contrary, employment and working conditions are experiencing a general and sharp downward trend[2], affecting all transport modes.

The 2011 White Paper on a Single European Transport Area has in particular called for an integrated, seamless transport system in Europe and addressed many challenges that need to be overcome to this end. But the White Paper lacked in addressing the social harmonisation and regulatory measures that are needed in order to ensure Fair Transport in Europe.

This ETF Vision Paper outlines the steps needed in order to pave the way for Fair Transport in Europe, be they needs for new EU legislation, non-legislative measures, implementation of legislation, national enforcement or better coordination between Member States.

The Fair Transport Europe Vision does not see a competitive European transport market and high quality transport services along with fair working conditions as a zero-sum game.

On the contrary, the Fair Transport Europe Vision proposes concrete solutions on how to achieve a harmonised European Transport Market and avoid a downward social spiral towards the lowest common denominator. It offers proposals for ensuring fair salaries, fair working conditions and fair social rights for transport workers in Europe.

On the following pages we have listed concrete proposals for action to remedy the current situation in the different sectors. But before listing these we have dedicated a chapter to social dumping. This is a problem common to the most harmonised sectors, Road transport, Civil Aviation and Maritime transport, facing dire problems concerning working conditions, salaries and social protection, but it also emerges in the other transport sectors.



[2] Study: "Social and working conditions of Road Transport Hauliers", European Parliament, 2013

2. End social dumping – towards fair working conditions

The political landscape throughout Europe and not least the recent election results of the European Parliament have proved a rising euro-scepticism. Since the start of the opening up of the transport markets in Europe, issues of social dumping[3] and working conditions have become increasingly pertinent and have taken their place among the most politically controversial and debated issues - and rightly so.

Problems of social dumping are dire and with real consequences – not only for transport workers, but also for the cohesion of the EU. In many countries, social dumping is one of the main arguments used by euro-sceptic movements or political parties to underline the disadvantages of deeper integration of the internal market.

If these issues are not addressed appropriately and immediately, the result will be an even further strengthening of euro-scepticism.

The practice of cross-border social dumping is threatening European cohesion and the well-functioning of the freedom of movement of labour and services. Every year migrant workers are employed in the construction, the meat industry, the transport sector and many other branches with no social protection, deplorable wages and inhuman living conditions.

[3] Social dumping occurs when businesses abuse the opportunities offered by the free movement within the single market to undercut or evade existing labour standards and regulations, or to take unfair advantage of loopholes in the legislation, gaining competitive advantage over bona fide companies. Some employers hire the least protected workers with the cheapest salary and inferior working conditions to increase profit margins while preventing or reducing the collective representation of workers, geographically illustrated by the phenomenon of delocalisation/offshoring. At sectoral level social dumping is visible when employers reduce their personnel costs by using (agency) temporary workers, subcontracting, bogus self-employment, non-organised workers and precarious contracts, among others.

The European project is far from being socially coherent. The liberalisation process of the European Transport Market has not entailed the necessary convergence between increased competition and a parallel process of social harmonisation across EU member states in employment and working conditions. Duly attention must be paid to ensuring that fair working conditions and social rights apply to all.



Differences in labour and social market structures amongst the EU countries remain significantly wide. This, together with the poor and ineffective national enforcement mechanisms of current EU legislation, has created loopholes in legislation that allow widespread practices of unfair competition and social dumping. This has led to practices of bogus self-employment, fraudulent posting, illicit agency work and similar practices.

Social dumping practices are not only a problem for workers. Law-abiding companies lose advantage to their competitors who practice social dumping, and national social protection and tax schemes are seriously undermined and circumvented.
The ETF thus calls on bona fide employers to join forces with the ETF in the demand for effective responses to be found that set a fair level playing field for workers and businesses. The European Sectoral Social Dialogue can be an additional platform for progressing in that direction, without prejudice of the legislative role that the Commission must play.

The challenges are real and significant, but not insurmountable. ETF presents 9 general proposals that would make a significant impact in the fight against social dumping. Sector-specific proposals are identified in the individual chapters for each sector.

Proposal #1

Acknowledge a definition of social dumping and pursue upward harmonisation of social legislation in the transport sector

For the free movement of services and labour to function, EU needs to be socially cohesive as well. Upward harmonisation of the fiscal legislations and the national social and employment legislation relevant for the transport sector, as well as observance of fundamental workers' rights would significantly contribute to setting a common level playing field for competition in the industry.

Proposal #2

Revise the Posting of Workers Directive 96/71/EC

Revision of the Posting of Workers Directive to take into account the specificity of highly mobile transport work forces.

Proposal #3

EU measures to ensure uniform enforcement of employment and social legislation in transport in all member states

Uniform implementation and enforcement of existing employment and social legislation is needed, especially with regard to the Posting of Workers Directive 96/71/EC and the Rome I Regulation 593/2008/EC on issues such as pay, working conditions or health and safety at work. Control and enforcement mechanisms need to be expanded and made more efficient, and to ensure better cooperation and coordination between Member States. ETF proposes:

- A European platform for monitoring and labour inspections
- A European platform for labour inspectors monitoring undeclared work to strengthen cross-border cooperation and to identify and erradicate letter-box companies and similar operations, as well as on the application of pay and working conditions (including working and rest time conditions).
- The pursuit of a better harmonisation of sanctions and fines to a level that is dissuasive.
- Investment in international exchange of monitoring and inspection personnel.
- More training programmes to support inspection and enforcement personnel.

Proposal #4

Adopt EU measures to ensure monitoring and enforcement of working and rest time rules for all transport modes for better occupational and operational safety

Complete existing legislation or adopt new legislation to ensure compulsory checks and enforcement of working and rest time for all transport modes in particular in cross-border operations, including legislation on the design and fitting of vehicles/vessels with the necessary digital instruments to allow effective control. Ensure effective information and exchange of enforcement authorities across borders.

Proposal #5

Amend existing legislation to ensure that tendering of services in all transport modes is not resulting in a deterioration of working conditions and job losses

Legislation has to be adapted so that a transfer of staff will be compulsory while ensuring the acquired rights of workers, working for the previous operator during the entire duration of the service contract. Tender specifications have to oblige all bidders to include in their offer at least the actual terms and conditions valid in the place where the service is provided.

Proposal #6

Adopt legislation against bogus self-employment

The main feature of self-employment is independence. Employers are using self-employed workers as a means to avoid social security contributions, collective agreements, social protection benefits, etc. At the same time, it is clear that those workers are de facto engaged as employees, because they have no or little independence and have to follow strict orders given by their employer. Therefore, there is an urgent need to adopt appropriate legislation to fight this phenomenon.

Proposal #7

European Social Security Card

Introduce a European Social Security Card to make it easier to exchange data and create a European early-warning system on undeclared work.

Proposal #8

A social progress clause integrating social and labour rights with the principles of free movement

The introduction of a social progress clause, in the form of a protocol, annexed to the European treaties could be a strong instrument in the fight against social dumping.

This Protocol should clarify the primary status of fundamental rights, which must be respected in the daily activities of the Union. EU economic freedoms must not take precedence over fundamental rights and social progress.

Article 1 of the Charter of Fundamental Rights of the European Union states that human dignity is inviolable and that it must be respected and protected. Article 31 of the Charter guarantees every worker the right to working conditions, which respect his/her health, safety and dignity. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave. These rights are fundamental rights that have to be respected at all times. The principles of the free movement of workers (article 45 TFEU), the freedom of establishment (article 49 et seq. TFEU) and the free movement of services (article 56 et seq. TFEU) should make way for these fundamental rights.

Proposal #9

Recognition of trade unions and their ability to negotiate collective agreements

Although all EU countries have endorsed the "core" conventions of the International Labour Organisation, some employers still do not recognise trade unions and the right for workers to organise and negotiate their working conditions. Therefore, the ETF calls on EU decision makers to strengthen trade union recognition in all sectors and to preserve and respect the right to strike.



3. Sectoral challenges and solutions

Railways

Problem

The railway sector is experiencing an increasing number of unfair practices that are becoming more extended and frequent with the establishment of an internal market and more and more railway undertakings competing with each other. The following social dumping practices at European cross-border level and at national level are already observed in the rail sector.

1. Within competitive tendering of rail public passenger services, competition among the bidders often takes place on the basis of labour costs and competent authorities generally choose the lowest price offer which results in a general downgrade of the social conditions, also effecting the incumbent companies, and in job insecurity.



2. Unfair competition between railway companies takes place by non-respect of working, driving and rest time rules, having the drivers work for longer working hours without proper rest, exposing drivers to possible abuses and jeopardising safety. There is more and more evidence available. This social dumping practice is a particular problem in cross-border services because of missing rules and instruments for cross border monitoring and enforcement.

3. Wage dumping is increasingly observed in cross-border operations. Drivers and on-board staff with lower wages are working on the network of countries with higher wages to their home country conditions. This concerns freight and passenger transport and initiates a downward spiral with wages in the "high cost" country being put under pressure. In a next step railway companies are establishing subsidiaries or buy rail companies in a "low cost" country and then operating services in their home country with staff from a "low cost country" working under lower conditions and thus endangering jobs.

4. The common practice of outsourcing of e.g. cleaning services, catering services, on-board staff in night trains, track and rolling-stock maintenance and the increasing use of temporary agency workers even on a permanent basis, e.g. train drivers, train shunting operators, train inspectors or on-board staff, creates precarious working conditions, precarious work contracts and is increasingly used as a method for cutting costs to the detriment of quality training, decent working conditions and it jeopardises safety.

5. (Bogus) self-employed workers have to take care of their social security, health insurance, etc… and collective bargaining agreements do not apply to them. The risk of employment lies with the workers themselves. In the rail sector self-employed train drivers offer via internet their services to one or more railway companies. This practice, which is expected to grow in the future, can pose problems not only in terms of social dumping but also in terms of railway safety. Apart from the problem of monitoring and respecting driving and rest time rules and other working conditions, there is also the problem of ensuring that the driver is properly trained on the safety system of the company using the driver. Issuing the additional driver certificate has to be done by the railway company the driver is working for. Consequently, problems arise when the same driver works for more than one company.

6. The so-called Train Driver Directive 2007/59/EC does not state a minimum duration of the training for the drivers: the result is that the differences between the countries and the companies are considerable, varying from a few weeks to 8 months. All practitioners confirm that a serious professional training to become a qualified train driver is not possible in a few weeks or even a few month. Again, for cost cutting reasons safety is jeopardised and the good practices of companies that invest in high quality training for their drivers is endangered.

7. With the establishment of an internal market for rolling stock maintenance services through the ECM system (Entities in Charge of Maintenance[4]) we observe considerable quality differences between the maintenance performed by the different ECM workshops. Companies cut costs by executing the maintenance in countries with lower salaries but it becomes a social dumping fact when lower costs are based on insufficiently trained and qualified personnel in the maintenance workshops.

8. Also the lack of European rules on qualification and quality training for safety relevant railway professions other than locomotive drivers creates unfair competition between companies investing in high quality training and companies saving in training. It is not true that only companies are liable in the case of accidents and thus bearing the risk; also operational railway staff with safety task thus as on-board staff, train inspectors or dispatcher, is liable and threatened to be sent to criminal courts. Proper training is essential.



Objective

Adapt existing legislation to prevent the various forms of social dumping in the rail sector and thus guarantee save operations, high quality services and good quality working conditions. Establish the necessary instruments to ensure strict implementation and follow-up.

[4] *See Regulation EU/445/2011*

Solutions

1. Art. 4(5) and 4(6) of Regulation 1370/2007 (so-called PSO Regulation) state that when competitive tendering of (rail) public passenger services takes place, authorities may but are not obliged to require from the bidders to transfer the staff to a new operator and/or to comply with certain social standards, more precisely explained in recitals 16 and 17. In ETF's view it must be made compulsory for competent authorities to require in tender specifications the respect of social standards and the transfer of staff, creating a level playing field for all bidders (for details see the chapter on Urban Public Transport).

2. Via the recast of the Railway Safety Directive (COM(2013)31) EU legislation should provide for a clear obligation for Member States and the National Safety Authorities to monitor and enforce the respect of working, driving and rest time rules, fixed in national or company CBAs and, at European level for cross-border services in Directive 2005/47/EC[5], and inflict sanctions in case of non-compliance. Only strict, systematic and comprehensive controls with sanctions can prevent social dumping. Technology that facilitates the checks and enforcement is available but legally not required: EU legislation (ERA Regulation and Interoperability Directive) must require that digital tachygraphs are installed in each locomotive (old and new). Such tachygraphs should function with a driver's smart card that registers the driving and rest time of the individual driver.

3. Clearly recognise the use of mobile train staff on the infrastructure of a host country under home country pay conditions, when those conditions are lower, as a social dumping fact and strictly apply and enforce the provisions of the Posted Workers Directive and/or the Rome I Regulation on those workers. Create e.g. an on-line tool for control authorities to monitor the cros—border use of railway staff.

4. Improve the Directive on Temporary Agency Work (2008/104/EC) to promote direct employment and ensure operational safety.

5. Adopt legislation against bogus self-employment. The use of self-employed train drivers should be illegal for safety reasons.

6. The internal market should guarantee the quality of services and not create the conditions to encourage training dumping. The current revision of the so-called Train Drivers Directive 2007/59/EC should take this aspect into account and define a common minimum duration for the training of all aspects of the drivers' qualifications, which are certified by the driver license and by the complementary certificate. The competence requirements for the national safety regulations, the infrastructure knowledge and the rolling stock knowledge must be better defined with the option for the Member States to define common requirements for the national safety regulation training. The rules on accreditation of training centres and trainers should be strictly enforced by making the National Safety Authorities responsible. Furthermore, introduce a drivers' smart card that combines the driver license issued by the National Safety Authorities and the complementary certificate issued by the railway company. Such a smart card facilitates the up-dating of the drivers competences as well as the monitoring of the required competences.

7. With the upcoming evaluation of the ECM certification system for the maintenance of rolling stock, provisions on the requirements for the training of maintenance personnel should be addressed. Minimum training requirements (qualifications, quality of the training and duration) for maintenance personnel should be a mandatory part for both, a mandatory certification of maintenance workshops and the certification of ECMs.

8. Establish harmonised European standards at the highest level for the qualification and training of all safety relevant operational railway professions.



5 The ETF and the Community of European Railway and Infrastructure Companies (CER) signed back in 2004 an agreement on "Certain aspects of the Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services". In 2005 the agreement was implemented as Council Directive 2005/47/EC.

Urban Public Transport

Problem

Social dumping in the urban public transport sector takes place within competitive tendering procedures and/or when services are sub-contracted and outsourced. More than 50% - up to 70% in the case of bus companies - of total costs of public transport companies are personnel costs and competition among the different bidders for a public service contract is basically taking place on the basis of personnel costs. Competent authorities tend to choose the cheapest offer. This results in a downwards spiral as regards wages and working conditions as health and safety at work, training respect of working and rest time rules. Outsourcing often leads to precarious work contracts and without a compulsory transfer of staff in case of change of operator urban public transport personnel is regularly exposed to job insecurity, in particular older workers. In consequence competition is taking place at the workers' expenses.

It should be considered that long existing public transport companies and socially responsible companies employ staff with long experiences and often establish policies beyond legal minimum requirements like policies to promote women employment and equal opportunities, diversity policies integrating disadvantaged employees in the labour market, work-life-balance policies or career development policies also for lower qualified professions and others. Competition without compulsory high level social standards forces operators with good collective agreements either to disappear or to create subsidiaries with no or low level collective agreements. This is in contradiction with all EU social policy objectives.



Objective

Urban public transport workers, their jobs and their working conditions must not be affected by a political decision to organise public passenger transport on the basis of competition. Good quality working conditions are essential for the provision of good quality service to the public and citizens.

Solution

EU Regulation 1370/2007 on public passenger transport by road and rail has to guarantee a level playing field as regards social conditions and personnel costs for all bidders in competitive tendering procedures for public transport services. For this purpose Article 4(5) and Article 4(6) of the so-called PSO Regulation have to be amended in such a way that competent authorities are obliged to include in tender publications compulsory social criteria and/or the transfer of staff in the case of change of operator.

The following elements have to be respected:

1. All bidders have to apply the collective bargaining agreement (CBA) that is valid in the place where the public transport service is provided including all company agreements. This also means, in the case of an existing national sector CBA, that also all existing usually more advantageous company agreements must be applied.

2. In the case of transfer of staff, all employees employed by the previous operator have to be transferred to the new operator; all acquired rights including pension rights have to be respected by the new operator during the entire duration of the public service contract.

3. The number of personnel, in particular of drivers, employed by any operator has to guarantee a good service in terms of speed and frequency while at the time the working, driving and rest time rules of drivers are respected, in particular proper rest at the end of the line.



4. Pay and working conditions for public transport workers in sub-contracted services has to be the same as for workers working in the company of the main contract holder. The extent of sub-contracting must be limited.

5. For outsourced services such as cleaning, maintenance, security sercices, customer services etc. the contract holder must have the responsibility to guarantee that the staff employed at the service provider benefits from pay and working conditions established in the representative collective bargaining agreement of the relevant sector or – if applicable – the company CBA precedent applied in the place where the public transport service is provided.



Inland Waterways

Problem

Lack of qualified personnel and skills is becoming a limiting factor to further market expansion of IWT services. Shortages of well-qualified personnel are forecasted to grow in the future because of the ageing human resources in combination with more transport demand for IWT. Moreover, there are several additional bottlenecks in the field of education and regulations that need to be addressed. Standards for IWT education are defined nationally, and differ quite strongly between Member States. This renders the recognition of professional qualification across borders also more difficult.

The Treaty for Social Security for Rhine Boatmen was initiated by the CCNR and the ILO and was signed on 27 July 1950. It was the first multilateral European instrument that coordinated the national legislations regarding social security for mobile workers. On 1 May 2010 the new EU regulation 883/2004/EG came into force regarding harmonisation of social security schemes. However, the new regulation did not take into account the reality of millions of mobile workers. The signees of the original Treaty used the exemption clause offered to them via article 16 of the 883/2004/EG giving clear priority to the rules that were already in use since 1950.
However, this agreement only applies to Rhine Boatmen in service of an employer established on the territory of one of signatory parties. For all other crewmembers on board of IWT vessels the 883/2004/EG applies.
So in reality, two different regimes apply to one and the same European IWT sector. This situation can only be of a limited duration and needs a sustainable solution as soon as possible.

The economic crisis created havoc in the European Inland Waterways sector. The sector was faced with a huge overcapacity – many unfinished new vessels arrived and were left to rust. Attempts to introduce a new scrapping regime for European IWT was not adopted as the crisis impacted differently in the various IWT Member States. The vast majority of the European IWT sector consists of owner-operators who faced losing everything – their work, but also their home. They went to the extremes in order to survive and provide for their families. Many sought refuge in sailing below cost price and thus started challenging the social conditions of the crew members on board, and taking serious risks regarding safety and security.



Objective

1. In order to address problems of shortages of skilled personnel in IWT, to improve mobility of IWT personnel and to make IWT professions more attractive also to career changers, it is necessary to propose measures aiming at creation of legal conditions which allow mutual recognition of professional qualifications and training standards in inland navigation across the EU.

2. ETF strives to ensure that on board of one and the same vessel only one social security regime is applicable. This promotes the co-habitation of various nationalities on board of the same vessel for long durations of time and ensures a fair treatment to all, even to those crewmembers who do not live inside the European Union.

3. More than 80% of all Inland Waterways activities in Europe take part on the territory of the six CASS (Centre Administratif de la sécurité sociale) Member States, 70% of which takes place on the Rhine. Close cooperation with all authorities/bodies concerned is key in order to remain up to date and have the capacity to solve individual/collective issues in a concerted manner.

4. The development of tools and means for the sector to self-check the minimum price/cost level.

5. Highlight decent conditions and continuous improvement.



Solutions

1. The creation of a new European legal instrument that regulates the harmonisation of professional qualifications for Inland Waterways both on the operational as on the management's level thus enabling a better labour mobility in Europe and upgrading the overall quality of employment in IWT.

2. The extrapolation of the Rhine boatmen Social Security regime, in which the Rhine boatman is linked to the social security regime of the country in which the operator has its headquarters, to all European Boatmen.

3. The absolute guarantee that CASS in its present form and with its present competence and authority would be endorsed as the European central body for all social security issues related to European Inland Waterways.

4. The establishment of a "neutral cost observatory" – a European body that ensures fair trading rights and fair pricing in all transport modes. This observatory must provide tools, measures and information for all transport sectors to self-check the minimum price/cost level.

5. Establish a European independent body that can assess the overall fairness of the various transport modes and that can issue the Fair Transport Mark, to highlight decent conditions and continuous improvement.

6. The development of a "digital tachograph" or a smart tachograph for Inland Waterways that not only measures the sailing time of the vessel, but also the working- and resting times of each individual crew member on board of the vessel. It has to be designed to suit the industry and must be waterproof against hampering.



Road transport

Problem

The sector, fairly regulated but suffering from a systematic lack of enforcement

Community rules and enforcement instruments regulate the sector in areas such as Intelligent Transport Systems and the digital tachograph, access to occupation of road transport to the market (the so called 'cabotage' regulation). The posting of workers directives (Directive 96/71/EC and Directive 2014/67/EU) and the Rome I Regulation (Regulation (EC) No 593/2008) are meant to ensure that all hauliers compete fairly within the Internal Market, without generating distortions on labour and road transport domestic markets.

HOWEVER: Law enforcement in road transport lags behind, hugely.

- Digital tachograph: Part of the truck fleet engaged in Community transport operations is still equipped with analogue tachographs. The newest generation of tachographs – the so called smart tachograph – is only mandatory to newly registered vehicles. Tachograph fraud and manipulation are still wide-spread.

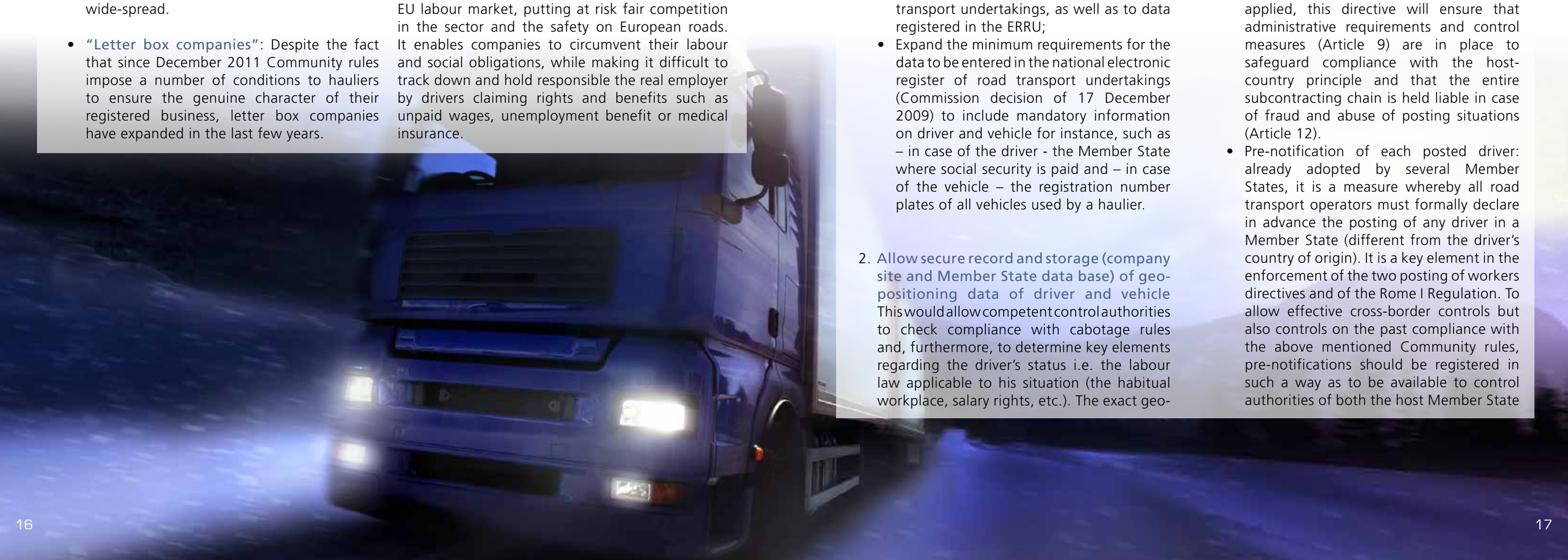
- "Letter box companies": Despite the fact that since December 2011 Community rules impose a number of conditions to hauliers to ensure the genuine character of their registered business, letter box companies have expanded in the last few years.

- Posting of workers and Rome I Regulation: Although road transport falls under the scope of these Community rules, they have never been enforced and controlled in the sector.

- ERRU (European Register of Road Transport Undertakings): Despite its huge value as instrument for cross-border exchange of data between Member States on hauliers' good repute, today only 19 of 28 Member States are interconnected although ERRU should have been up and running by December 2011.

The social and labour situation in the road sector – a key example for modern slavery

Road transport has one of the worst records in complying with social and labour law in Europe. Through systems such as letter box companies professional drivers are recruited from EU Member States with lower pay, labour and social standards, and then dispatched to other European countries from where they work according to the pay and conditions of their country of origin, which is illegal and creates considerable distortions on the EU labour market, putting at risk fair competition in the sector and the safety on European roads. It enables companies to circumvent their labour and social obligations, while making it difficult to track down and hold responsible the real employer by drivers claiming rights and benefits such as unpaid wages, unemployment benefit or medical insurance.



Objective

The EU road transport social partners, the IRU and the ETF, have jointly expressed the need for a full-fledged enforcement of the existing EU legislation, be it road-specific, social or labour law. Enforcement and effective control of these rules have a huge potential in eradicating social dumping, slavery and social fraud in road transport.

Solutions

Enforce the social and road transport Community rules, in particular the Posting of Workers directives (Directive 96/71/EC, Directive 2014/67/EU), the Rome I Regulation (Regulation (EC) No 593/2008) and the cabotage rules (Regulation (EC) No 1072/2009)

1. Allow access of competent control authorities – be they labour or road inspectorates - to the data needed to control compliance with EU social, labour and road transport rules. These measures must include:
   - Opening access of control authorities to data registered in the Member States' national electronic registers for road transport undertakings, as well as to data registered in the ERRU;
   - Expand the minimum requirements for the data to be entered in the national electronic register of road transport undertakings (Commission decision of 17 December 2009) to include mandatory information on driver and vehicle for instance, such as – in case of the driver - the Member State where social security is paid and – in case of the vehicle – the registration number plates of all vehicles used by a haulier.

2. Allow secure record and storage (company site and Member State data base) of geo-positioning data of driver and vehicle
   This would allow competent control authorities to check compliance with cabotage rules and, furthermore, to determine key elements regarding the driver's status i.e. the labour law applicable to his situation (the habitual workplace, salary rights, etc.). The exact geo-positioning of driver and vehicle would be possible with the aid of the new generation of tachographs and / or the ITS platform. The digital tachograph regulation (Regulation (EU) No 165/2014) already stipulates the automatic registration of the location of the vehicle every 3 hours of cumulated driving (Art. 8). However, regrettably, this provision is mandatory only for newly registered vehicles. A 15-year retrofitting deadline is allowed for commercial vehicles operating within the Internal Market.

3. Make it mandatory for hauliers found in breach of Community rules (social, labour, road) to retrofit their lorry fleets with the new generation of tachographs.
   This would allow a better and faster coverage of fleets with the smart tachograph, thus enhanced possibilities for control.

4. Enforce the posting of workers directives (Directive 96/71/EC and Directive 2014/67/EU)/ mandatory pre-notification of each posting of individual professional drivers
   - Directive 2014/67/EU: when properly applied, this directive will ensure that administrative requirements and control measures (Article 9) are in place to safeguard compliance with the host-country principle and that the entire subcontracting chain is held liable in case of fraud and abuse of posting situations (Article 12).
   - Pre-notification of each posted driver: already adopted by several Member States, it is a measure whereby all road transport operators must formally declare in advance the posting of any driver in a Member State (different from the driver's country of origin). It is a key element in the enforcement of the two posting of workers directives and of the Rome I Regulation. To allow effective cross-border controls but also controls on the past compliance with the above mentioned Community rules, pre-notifications should be registered in such a way as to be available to control authorities of both the host Member State

- and to the one the driver originates from. Likewise, the road transport operator must provide each driver with a copy of the pre-notification, so that the driver is able to present it in case of road side checks.

5. Enforce cabotage (Regulation (EC) No 1072/2009) / the mandatory and uniform introduction of the electronic CMR and of a pre-notification of each cabotage operation
   - Introduce an electronic consignment form, to prevent fraud and to ease enforcement and control of rules. To allow effective cross-border controls but also controls on the past compliance with the above mentioned Community rules, data of the electronic CMR form should be stored both at company site and in relevant Member State records.
   - Introduce a mandatory pre-notification for each cabotage operation. To allow effective cross-border controls but also controls on the past compliance with the above mentioned Community rules (company and road side checks), pre-notifications should be registered in such a way as to be available to control authorities of the host Member State. Likewise, the road transport operator must provide each driver with a copy of the pre-notification, so that the driver is able to present it in case of road side checks.

6. Repeal Directive 92/106/EEC on Combined Transport
   - The Commission should consider removing Directive 92/106/EEC on Combined transport. From the view point of road transport, it is outdated and today used mainly to cover-up for illegal cabotage operations, heavily contributing to social dumping in the transport sector and also having a seriously negative environmental impact. Hauliers and freight-forwarders will use combined transports if feasible, with or without a directive. A new set of rules, written with concern for social conditions and a strong environmental focus could possibly be a stimulating factor.

7. Enforce Article 8.8 of the Community driving and rest time rules (Regulation (EC) No 561/2006) / Mandatory returns to the home country of drivers during the normal weekly rest
   - The drivers who systematically spend their weekly rest – of 45 and respectively 66 hours - in the vehicle, are particularly those carrying out their activity abroad (outside of their own country of residence) for 3, 6 or more consecutive months, literally working and living in their trucks. According to Article 8.8 Regulation (EC) No 561/2006, taking the weekly rest in the vehicle is illegal and the haulier is responsible to provide the driver with adequate rest facilities. However, forcing drivers to sleep in the lorry consecutive weekly rest periods is a practice massively resorted to by hauliers engaged in illegal, dumping practices. Not only that this practice comes against the driving and rest time rules, but it also interferes grossly with the driver's work - life balance, as the concerned drivers are away from home for long periods of time. The ETF thus demands the proper enforcement, across all EU Member States, of Article 8.8 of the above mentioned regulation, as well as the introduction at the EU level of mandatory regular returns to the home country for all professional drivers.



Eradicate the letter box companies by tightening up the requirements for the engagement in the occupation of road transport operator (Regulation (EC) No 1071/2009)

1. Add, as part of the set of requirements for the "Appropriate financial standing" (Art. 7, Regulation (EC) No 1071/2009), a mandatory requirement for a minimum mandatory "social guarantee fund"
   - Road transport undertakings recruiting drivers from low-pay and low-standard Member States via fictive subsidiaries are very rarely held legally responsible for social fraud. They register their subsidiary on a low capital - as low as 50 € - while registering their assets (truck fleets) in other Member States. Thus, court rulings entailing compensation for unpaid salaries, social security benefits, health care costs, are most often impossible to execute against inexistent company assets or low registered capital. However, Regulation (EC) No 1071/2009 defines the "Appropriate financial standing" as one of the conditions for a company to register in a Member State. To address this situation, to be aligned to the spirit of the afore mentioned regulation and to effectively enforce it, the ETF demands the introduction across the EU of a social guarantee fund as a mandatory precondition to engage in the occupation of road transport operator, within the spirit of Article 6 of Regulation (EC) No 1071/2009, as part of the "appropriate financial standing" requirements. The social guarantee fund will be charged per registered company, according to the number of professional drivers recruited.

2. Add, as part of the set of requirements for an "Effective and stable establishment" (Art. 5, Regulation (EC) No 1071/2009), a mandatory requirement for a sufficient number of vehicle parking lots for regular use by haulier's vehicles
   - Letter box companies are the open door to social dumping practices in road transport but starting with December 2011 they are illegal! Beginning with this date, all road transport companies willing to register in a Member State must fulfil conditions to prove their effective and stable establishment. However, fictitious subsidiaries continue to exist and expand. The image of a block of flats entrance hall displaying a set of letter boxes bearing names of fictive road transport undertakings has become emblematic for the sector. Initially, the European Commission proposal for a regulation on access to occupation (today, Regulation (EC) No 1071/2009) included as one of the preconditions for an 'effective establishment' the requirement to have sufficient number of vehicle parking lots for regular use by its vehicles. This provision got lost in the co-decision process and is no longer in the adopted text of the regulation. The ETF demands the reintroduction of this requirement by all EU Member States.

3. Consolidate the list of infringements leading to the loss of good repute of road transport operators (Regulation (EC) No 1071/2009) by including among others illegal cabotage and non-compliance with Community social and labour legislation
   - The list on categorisation of infringements is part of the Regulation (EC) No 1071/2009 and includes infringements against several EU directives and regulations which, when repeatedly and systematically committed, may lead to the withdrawal of the right for a road transport company to carry on road transport operations within the Internal Market. Member States will have to encode the wrong-doers in the ERRU, making this information available to enforcement authorities across the European Union, as part of the cross-border enforcement component of the legal measures adopted under the so called 'Road Package'. The list of infringements has to include offences regarding: cabotage rules, posting of workers directive and the Rome I Regulation and third country driver's attestation. With regard to driving and rest time, taking the normal weekly rest in the truck must also be included in the list of infringements.

Civil aviation

Problem

The liberalisation of the air transport in the early 1990's has brought benefits to the travelling public in terms of democratisation, cheaper air fares and diversified offer – but not to the workers. Recent Eurostat statistics show that there has been hardly any increase in aviation employment over the past 10 years. In addition to this, the quality of the jobs in aviation has deteriorated. Jobs that used to be prestigious and high-quality are disappearing and being outsourced or replaced by cheaper work. This development can be attributed to the liberalisation of the industry without social regulation which leads to social dumping: airlines are confronted with fierce competition, the profit margins are lower than in any other industry and employers are looking for ways to cut costs in order to remain competitive. While some costs (such as fuel or aircraft ownership) are to a certain degree fixed, airlines believe that labour costs can be pushed down in a never-ending spiral. Due to the increased share of atypical forms of employment, such as agency work, zero-hours contracts or even (bogus) self-employment, job precariousness in aviation has increased. In addition to unfair competition on the back of the workers in the EU, we are facing the expansion of new business models (notably through flags of convenience) and pressure from non-European airlines which do not respect workers' rights.

Objective

The ETF Civil Aviation Section is committed to fight against social dumping and for quality jobs in European aviation. Therefore, it supports creating a level-playing field and a fair competition for airlines operating from, to and inside the European Union. Both the internal market aspects and the EU external aviation policy have to be taken into consideration.



Solutions

The CAS has drafted 12 proposals to fight social dumping and flags of convenience in European aviation:

1. Recognition of trade unions and their ability to negotiate collective agreements (including at transnational level)
2. Improvement of Regulation (EC) No 1008/2008 on common rules for the operation of air services to ensure proper enforcement of national social legislation
3. Improvement of Regulation (EC) No 868/2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community
4. Improvement of the Regulation No 987/2009 on social security coordination
5. Improvement of the Regulation (EU) No 805/2011 on air traffic controllers' licence
6. Improvement of the Directive on Temporary Agency Work (2008/104/EC) to promote direct employment
7. Improvement of the Council Directive 2000/79/EC on Working Time of Mobile Workers in Civil Aviation
8. Improvement of the Directive 2011/98 EU (single permit directive) to extend it to aircrew
9. Adoption of EU legislation against bogus self-employment
10. Negotiation of an agreement between the EU civil aviation social partners on working conditions and social rights of civil aviation employees
11. Adoption of a new Ground Handling Regulation, which provides social protection for the workers
12. Creation of an EU observatory on jobs and working conditions in civil aviation





Maritime transport

Problem

Shipping's positive performance and growth potential are not creating enough seafaring jobs in the EU. At a time of significant unemployment, particularly amongst young people, shipowners continue to replace European officers and ratings with low cost crew from outside Europe. The marked and prolonged decrease in EU seafarer numbers – particularly officers and ratings from higher cost European countries – and the resulting erosion of European maritime know-how, is partly due to a shortage of shipowners committed to training and employing the next generation of EU seafarers and partly due to the unregulated nature of European shipping markets.
The falling number of experienced ratings and officers will inevitably lead to skills shortages within the EU maritime cluster that demand seafaring expertise.

European shipping policy has become synonymous with unregulated and distorted competition that favours those who seek to operate at the lowest common denominator. In addition, the shortage of qualified European seafarers, be it ratings or officers, within Members states and across the EU, has been seriously neglected and this will eventually have a negative impact on safety standards, the operation and maintenance of vessels, as well as on industrial relations and measures to protect the marine and wider environment.

Social dumping in maritime transport wreaks havoc: to understand the context in which shipping operates, it is necessary to recall that Flags of `Convenience (FOCs) ships using EU ports and trading between EU countries are not regulated at the same level as European national flags which are bound by EU Directives and derisively referred to by shipowners as "gold plated legislation". Too often, shipowners flag out to an FOC to cut manning costs, at the expense of European seafarers. This is a convenient mechanism for major shipping interests to minimize their labour costs by lowering standards and to avoid legal obligations to seafarers, such as social security protection, under national flags. The short term competitive advantage from deregulated FOC registers has been repeatedly denounced by the ETF and will continue to do so. These practices undermine competitive balance and promote social dumping to the detriment of EU shipowners under national registers who are committed to employing EU seafarers, not to mention the seafarers themselves.

Moreover, it is common knowledge that one of the last strongholds of EU seafarers' employment is to be found on board vessels carrying out regular passenger and ferry services. But again, European seafarers are also under threat in this sector from cheap labour. In particular, the discrimination on pay rates continues even amongst EU seafarers within certain Member States; and since the withdrawal of a proposed Directive on manning conditions by the European Commission in 2004, a legal instrument to address the problem of social dumping in the European ferry sector is both long overdue and of critical importance.



Objective

The solution can never be to compensate for the decline in EU seafarers with onshore jobs in other sectors but to rejuvenate our maritime skills base in Europe through the regulation of, and investment in, sea-going employment opportunities for EU residents. The scale of this challenge is significant but a solution must be found which balances competitiveness with the socio-economic need for more and better jobs at sea for EU domiciled seafarers.
The EU must promote the recruitment and retention of skilled European based seafarers or risk losing the capacity to operate and maintain a diverse merchant shipping fleet.
Urgent action is required to make tomorrow's maritime transport sector a generator of wealth and jobs in shipping for EU resident seafarers.

Solutions

The ETF invites European policymakers and all relevant maritime stakeholders to endorse the following 10 proposals:

1. EU maritime stakeholders and European institutions are invited to join forces in an EU-wide campaign aimed at promoting more and better jobs at sea for European Seafarers, officers and ratings. In this respect, there is a need to create an enabling environment for the re-flagging of EU-controlled tonnage – away from FOC and second registers – back to EU national flags (first registers) to avoid the disastrous consequences of a race to the bottom, unfair competition and social dumping rule. An approach similar to the US Jones Act is considered to be an example how this could be achieved by regulating all intra-EU shipping and establishing requirements for social and employment conditions of all seafarers engaged on such trades. This will ensure European standards prevail and allow European domiciled seafarers the opportunity for training and careers in the maritime industry.

2. A revamped Directive on manning conditions for regular passenger, ferry and cargo services operating between Member States must be submitted by the EU legislator, in order to ensure a level playing field for all seafarers working on or engaged in exclusive and regular trade in the EU and to stop the downwards spiral in salaries and discriminatory practices on grounds of nationality and/or place of residence or flag of registration. Such long-awaited legislation should ensure that the employment conditions on-board a ship operating between different States are those of the country which applies the most favourable standards – a race to the top. In addition, ETF recommends the urgent adoption of a legal basis for establishing the right of Member States to stipulate the manning conditions on vessels providing offshore services in their waters.

3. The closing of loopholes in State aid to maritime transport: State aid grants did not intend the collapse in EU registered tonnage or EU seafarer numbers, not to mention the continued rise in the use of Flags of Convenience. EU taxpayers' money subsidises the employment and exploitation of non EU seafarers, with shipowners profiting from the low pay, insecure employment and worsening working conditions that characterises the low cost crewing model. Loopholes need to be closed, for example, companies that use dual registration to take advantage of tonnage tax, the use of chartered ships and the use of disreputable manning agencies, including those from outside of the EU28. Moreover, future state aids granting should be strictly linked to the employment of EU nationals under each national flag register. Second registers must only be permitted where there are clear benefits to EU seafarer employment.

4. Strive to counter the widespread contemporary tendency to criminalise seafarers and find a way to impose the idea of a transposition of both the IMO/ILO Guidelines on the Fair Treatment of Seafarers in the Event of a Maritime Accident and the IMO Code for the Investigation of Marine Casualties and Incidents into Community law.

5. Keep quality-training, education and certification standards high on the agenda while exploring the possibilities to review the current maritime education and training curricula for shipping and related sectors. Improve training, recruitment, job prospects and retention of European seafarers while ensuring shipping companies allocate an appropriate number of training berths for trainees so as to facilitate the completion of their training period and the entrance into the seafaring labour market.

6. Achieve safer conditions of employment on-board vessels trading in European waters through respecting the obligations as regards maximum hours of work/minimum hours of rest for ratings and officers, and the implementation of transparent and mandatory adequate manning scales for the duties required for the safe operation of vessels, beyond national territorial limits.

7. Have the right for social security and state pension entitlements granted to all seafarers serving on board EU flagged vessels – irrespective of their nationality and their place of residence – recognised by the EU and the Member States governments.

8. Help the sector make greater efforts to reduce its environmental footprint, while ensuring that any regulation be based on the flag-blind principle. Moreover, the use of the SAG scheme should be considered to modernise the EU fleet, and make it more environmental-friendly, including with regards to the exposure of seafarers to particulates (SOx and NOx emissions) that pose a potential health hazard, although any public subsidy should be at least be matched by shipowners and linked to EU seafarer employment on the retro-fitted vessels in question.

9. Implementing the concept of Fair Transport to shipping. This concept should be viewed as a way to give seafarers a fair deal in the supply chain in terms of secure employment, better working and living conditions on board ships and providing a reward to EU shipowners that commit to supporting the specific criteria through the right to display a Fair Transport badge.

10. Challenge the image of a male-dominated sector. At a time when all transport modes are taking equality issues seriously and, as part of that, appealing more to women, maritime is the exception with low overall levels of female participation in the workforce. Any initiatives aimed at making the industry more attractive to women should be supported. In this respect, particular attention should be paid to: the image of the maritime profession; training, recruitment and career path policies; the need for a work place free from harassment and bullying; the reconciliation of working life and family life on the model of some countries in Europe where the involvement of female seafarers is already significant.



Ports

Problem

European ports are very diverse from each other under several dimensions such as size, technology in place, type of cargo handled, organisation of labour, ownership. It is therefore difficult to identify common denominator that could be dealt with at EU level without imposing a one-size-fits-all approach. This is also one of the reasons why the legislative proposals made so far at EU level have been not welcomed by a part of the sector.

Port workers are traditionally highly unionised and, with ports being crucial points within the transport chain, they have in general yielded a stronger negotiating power compared to that of workers in other transport modes. This has resulted in the fact that, generally speaking, after having fought casualization and having created schemes to guarantee employment security, over the last decades port workers have enjoyed fair working conditions in several EU ports. The situation has however changed since the 1990's, when many EU countries have started liberalising and/or privatising their ports. Beside the liberalisation of cargo handling, which is a reality in the vast majority of the ports in Europe and which had substantia consequences on labour, the focus has been put on the liberalisation of port labour. It is in this framework that the recent and current attempts to dismantle port labour schemes (often referred to as 'labour pools') have to be seen. Such attempts have taken the form of legislative proposals at EU level, national port reforms and infringement procedures. Wherever these have been accomplished, working conditions for port workers worsened and, in general, casualisation has come back. So far, the European ports policy has mainly been led by a dogmatic approach that equals liberalisation to increased efficiency and has forgotten taking into account social elements.

At present elements such as automation, overcapacity and competition from non-EU ports are of main concern for port workers for the potential negative impact that they would have on working conditions. What is more, they have to fight against a negative stereotyped image of their work and of their working conditions that often affect them.



Objective

1. Reverse the return of casualisation
2. Eradicate dogmatic liberalisation which does not take social elements into account
3. Avoid negative impact of automation, overcapacity and competition from non-EU ports on European dockers' working conditions

Solutions

1. Abandon any attempts to formulate market access legislation at EU level and notably withdraw the market access chapter from the proposed Regulation (2013) 296 final.
2. Formulate policies and investment plans ensuring inter-port and intra-port coordination so as to avoid uncontrolled port expansion: by doing so, overcapacity would be minimised as well as its social and environmental consequences.
3. Refrain from opening infringement procedures against EU member states on organisation of port labour and, wherever adjustments would be necessary, promote social partners' negotiations.
4. Allow EU ports that have to compete with non-EU ones to use measures that would enable them to remain competitive and therefore to safeguard jobs, such as the establishment of special fiscal regimes and of special economic areas.
5. Make the application of directive 2001/23/EC compulsory in case of change of service provider.
6. Include social clauses specifying social criteria amongst the minimum requirements to be met by concessionaires and subcontractors providing port services or parts of them.
7. Include social clauses in investment plans and funds to finance ports infrastructures and facilities.
8. Carry out rigorous ex-ante impact assessment studies on the socio-economic effects that EU direct and indirect investments in non-EU neighbouring ports would have on EU ports.
9. Negotiate with the unions the modalities for introducing automated and semi-automated terminal facilities.
10. Implement in EU legislation ILO Convention 137 on Dock labour.

Logistics

Problem

Vertical fragmentation

The logistics sector is seen by the European Commission as a vital element for the efficient functioning of the internal market, as a frictionless functioning logistics sector is a key enabler for the free flow of goods. The logistics sector contributes significantly to GDP and also to employment in the Member States. The sector is perceived as performing well, but at the same time, still according the European Commission, the performance is somewhat hampering. The following reasons have been identified: the increasing logistics costs of which transport still constitutes the major part; the negative environmental impact as indeed the emissions are still on the rise and thus the sector produces an enormous footprint; and last but not least there is the pertinent issue of staff shortage. This shortage is both quantitative as qualititative.



However, due to intensifying price competition, pressure is put on profit margins and providers are struggling for market shares. Business models & structures are vertically fragmented and working/ employment relations and conditions differ substantially depending on the level of service provision the workers find themselves in. At the top of the delivery chain we find the big transnational corporations. They award contracts to service partners – this second level consists of small- and medium sized firms that directly negotiate contracts. Whilst they are formally independent actors, they remain dependent from the transnational company. On the third level we find the self-employed, or yet again another smaller subcontracting entity. As one goes down the chain the level of precarity rises and the workers at the bottom of the chain are least protected by collective agreements, by labour law and by health and safety provisions.

Informality combined with increasing work intensity

The working conditions in all segments of logistics work have the same characteristics:

- High level of informal practices in the labour processes
- Growing work intensification (quality and quantity of work)
- Increasing surveillance/monitoring of the work process.

The logistics workers find themselves in a weak position regarding power to negotiate/regulate their working conditions. Labour relations are easily and commonly abused by 'interpreting' labour contracts to the employers' advantage. While employed workers are still, in principle, covered by labour law, self-employed staff completely depends on the contractual conditions dictated by the service provider and the general contractor.

Often logistics are paid performance-based. This means that in practice they work exceedingly long working days of 10 to 15 hours a day, irrespective of (labour law) regulations related to working time, resting time, overtime and benefits. The same conditions apply to the self-employed but they bear the additional burden and risk related to their own business. In some cases they even have to pay penalties if certain performance criteria are not met.

The informalisation works both ways – from above as service providers deploy their contractual, economic and social power to externalise risks and save costs. From below as the workers themselves actively participate in finding ways around labour legislation, non-registered forms of payment and subverting means of control in order to survive.
Work intensity is on the rise. Work is far more complex than commonly thought. It is not only physically straining but also involves high levels of psychic stress due to the fact that they have to balance a broad range of conflicting demands.
On top of this all, analogue and technological surveillance puts pressure on the workers' performance level. Each and every step and stop can be traced. Electronic control allows employers and contractors to monitor workers' performance and rationalise the work at hand at the expense of the worker.



Shortage of qualified staff

The shortage is also largely associated with the bad image of the logistics professions, together with an insufficient investment in vocational education and training (VET). The shortage is actually threatening the future of the European logistics sector. The phenomenon has already reached significant proportions and is now source of genuine concern. Increased responsibilities together with new emerging challenges (new regulations at international level) entail new skills requirements and involve updated training programmes to adapt to an evolving vocational environment. Moreover, the logistics sector often fails to provide a satisfactory basis for a fulfilling and satisfying life-long career path.

The European logistics industry has been experiencing many difficulties when it comes to meeting the demographic challenges that lay ahead. This worrying trend has been even worsening with the current call for more combined transport and in general terms a sustainable transport. There is even the risk of losing the critical mass of human resources that sustains competitiveness. This speaks in favour of the improvement of working conditions as this is an indispensable factor to make the logistics professions more attractive, and of the enhancement of skills through modernised and up to date training programmes, and better prospects of a career path.

Training and education are cornerstones not only of recruitment, but also of the retention of the workforce as the threat of progressive loss of know-how in Europe becomes a reality. A better matching between the skills requirements of the sector and the offer in flexible and affordable education and training courses should be considered.

Objectives

1. In order to put a halt to the vertical fragmentation clear definitions should be in place that produce a clear and legal differentiation between an employee and a self-employed person. Bogus self-employed persons are the most vulnerable to pressure both from above as from below, and will most likely try to circumvent legal stipulations in order to survive.

2. Create a more social working environment for the parcel delivery sector – in the first place by making this transport sub-sector respecting working- and resting times.

3. A level and sustainable playing field and fair competition should be installed in the logistics sector. Many adventurers enter the sector seeking to make quick wins, leaving behind havoc by disregarding social and labour legislation.

4. Install competency based training and education schemes in order to make the logistics sector more attractive to the younger generations. These training and educational schemes will further foster the labour mobility and thus provide for more opportunities. A system of periodic and permanent training should be installed as well thus providing logistics workers with a career path.

Solutions

1. Establishment of a European definition and criteria for self-employment in order to abolish the bogus self-employed. If you are a self-employed operator and there is only one client who defines what you have to deliver, to whom, at what time and at what cost - who also makes you use his vehicles/vans and wear his uniform - then you are not a self-employed operator, but an employee. Criteria have to include stipulations on more than one client (at least 5 different clients) and on the fact that there can be no hierarchical subordonance to anyone else. If you are not in charge of what you do, you cannot be considered as self-employed.

2. The parcel delivery sector should be subject to more regulation and control regarding the adherence to labour law provisions, safe practice. The parcel sector should fall under the digital tachograph legislation as is the case for road transport (include the vehicles below 3.5 tons) and working- and resting times should be recorded and controlled obligatory.

3. A European framework/regulation should be developed on the market entry for subcontractors. Virtually anybody can become an entrepreneur in the field, resulting in fierce competition. And no proof of skills, competence or qualification has to be provided. In this area where all employees have to have multiple skills/competences and need to provide proof by means of certificates, contractors should be obliged to do likewise and provide ample proof that they know how to set up, organise and manage a business and know all laws and regulations that need to be respected for the sector in which they want to become active. If this would be realised, at least every contractor could be held liable in case he fails.

4. A European educational platform must be installed similar to Edinna for the European Inland Waterways sector. In close cooperation with the European Social Partners competence based training and educational schemes must be developed that enhance further workers mobility. A system of periodic and permanent training should be installed as well thus providing logistics workers with a career path.



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The ETF represents more than 3.5 million transport workers from more than 230 transport unions and 41 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries.

EUROPEAN TRANSPORT WORKERS' FEDERATION