



## TransFair Training material: Six tools to organise truck drivers in Europe

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# **TransFair Training material:**

## **Six tools to organise truck drivers in Europe**

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# Introduction

The **road transport sector**, with its 570,000 companies and 3.3 million employees, can be considered one of the **most important economic sectors** in the European Union (EU). At the same time, **fair pay and decent working conditions and their enforcement** in road transport are one of the top priorities in the European debates about **equal rights for workers on the move**.

A four-year study by the *European Transport Workers' Federation (ETF)* in 2013 vividly shows a **systematic over-exploitation**, especially of non-resident truck drivers from **Southern and Eastern Europe**. These drivers often face a variety of hurdles in asserting their rights as

**workers**. Difficulties to understand company structures and contract situations, substandard pay and poor working conditions, lack of access to social systems and inadequate training have a direct impact on the working and living situation of these drivers. The situation has even worsened during the Covid-19 pandemic, as a recent investigation by the transport unions *VNB*, *ITF* and *IUF* found out. One could also say that **being right and getting right is a major tension** in this industry. Starting from a **low level of unionization**, trade unions throughout Europe's road transport sector are **striving to break this vicious circle**.

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**Figure 1:** TransFair Kick-Off-Meeting February 20-21, 2020 at the Austrian Trade Union Federation's (ÖGB) headquarter in Vienna/Austria



**Figure 2-5:** TransFair Kick-Off-Meeting February 20-21, 2020 at the Austrian Trade Union Federation's (ÖGB) headquarter in Vienna/Austria



Recent quantitative research shows that **competition in the road transport sector** is strongly based on cost factors, and thus on price competition. The continuous demand for cheap(er) goods might have led to lower prices, but also to a **constant pressure on wages, the unattractiveness of the job, the „flagging out“ of companies, and the use of fraudulent and illegal practices such as cross-border social fraud**. **Offshoring, subcontracting and posting of workers** are among the key corporate strategies in the industry (De Smedt/De Wispelaere 2020).

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This is where the EU funded project *TransFair – The Road to Transparent and Fair Remuneration and Working Conditions in the Transport Sector* comes in. It combines **expertise and experience** in the road transport sector from both Eastern and Western European partner countries. TransFair's consortium includes two **research institutes** (FORBA, KU Leuven), one **NGO** (MKC) and four **trade unions** (vida, Solidarnosć, NSDS, BTB-ABVV) from Austria, Belgium, Poland, and Slovenia. Associated **workers advocacy organisations** include the ETF, Fair Mobility (Germany) and trade unions from the Czech Republic and Serbia, the **Vienna Chamber of Labour** and national **labour inspectorates** from Belgium and Slovenia.

TransFair kicked off in January 2020 and included several **union actions pursuing goals** on two levels:

1. **Launch and intensify transnational cooperation** between trade union and workers advocacy organisations in the partner countries.
2. **Develop and fine-tune information for truck drivers** on international journeys about their rights and support how to enforce them.

It is worth mentioning that shortly after the Kick-Off-Meeting in February 2020, the **Covid-19 pandemic** posed major challenges. **Transnational trade union cooperation** in particular was put to the test. Activities planned had to be cancelled at short notice. **New and sometimes also challenging forms of communication** had to be established in some cases in a very short time. **Common perspectives and methods of dealing** had to be

developed again and again in face of numerous persistent uncertainties. In the end, the **lessons learned** can be seen as groundbreaking for future union cooperation in the road transport sector and beyond. We have documented the **key findings** in this publication.

In this training material we are not only publishing the **results of TransFair's union action**. We have also documented the **related learning processes** of the past year and a half. In this way, the lessons learned are **available to trade unions** in the road transport sector as well as in other industries that **support workers on the move in Europe**.

This training material focusses on **four key questions and fundamental issues** of trade unions in the road transport sector:

1. How to **strengthen transnational union cooperation** especially during the Covid-19 pandemic?
2. How to **prepare information for truck drivers** to enable them to assert their rights as workers?
3. How to **build trust with workers** so they get the support they need from unions?
4. How to **enable cross-border legal representation** for non-resident drivers?

At the beginning of each chapter, we give a **brief summary** of what to expect. In each chapter, you find, first, **descriptions of organising tools** that support the building of union power in road transport. Second, we have included **specific examples from TransFair**. In the appendix, you find a **Toolkit**, which contains all publications and materials mentioned and which, like the training material itself, are available for further use. References to this can be found in the text and are marked with this symbol.

*see Toolkit* 

# 1. Strengthen trans-national union cooperation



## Summary

The transport sector is characterized by mobile and cross-border work. Cooperation between unions in different countries is therefore the focus of this chapter. First, we show how the method of mapping can support transnational trade union cooperation. Second, we present the prerequisites and challenges for successful digital communication. Third, we discuss the importance of concrete objectives when planning cross-border trade union actions.



Trade unions in the road transport sector have had to deal with all these challenges. However, the answers and solutions that trade unions have, do not only depend on the **economic development of an industry** or on the **strategies of states and employers**. Factors such as **labour relations** in a country and the **union structure** are also important. In addition, **framing processes** play a crucial role in shaping union strategies.

**Framing processes** function similarly to a filter in how unions perceive and interpret changes in their environment and, more importantly, what strategies they develop in response. In order to strengthen trade union cooperation, it is therefore important to **develop common frameworks**. Only on such a basis of **converging views and analyses** is it also possible to set a **focus for joint work**.

Driven by **neoliberal policies**, the so-called „four freedoms“ of the EU – the **movement of goods, people, services and capital** – have been increasingly shifted to the **disadvantage of employees and workers** in recent decades. This imbalance is particularly evident in the road transport sector.

**Wage differences** between countries, different **legal regulations and their enforcement**, and **wage and social dumping by companies** are major challenges for trade unions in road transport. *Equal pay for equal work* in the same place as a historic guiding union principle must be fought for anew every day in this industry.

## 1.1 ORGANISING TOOL #1 MAPPING

**Mapping** is one of the most important tools for developing common frameworks. Mapping means getting an **overview** of an industry, a company's network or legal regulations. Mapping using pictures or flipcharts enables such an overview and puts it in a simple form. **Visualisations** are memorable and easily accessible. **Moderation cards and post-its** support the flexibility that may be needed to make changes as discussions progress or as time goes on. There are now numerous **online**

**providers that enable collaborative work**, such as brainstorming or real-time work planning, **digitally**. Some providers also make some features available free of charge.



Before we can form a picture, we need to know what we want to depict. What are we talking about? What is the **goal of the mapping**? For example, which service areas or other locations are particularly suitable for making contact with truck drivers? Which languages do union officials need to speak in order to address those drivers? Where do we have allies who can support us? Another example is the Belgian trade union BTB-ABVV who investigated the **landscape of Belgian hauliers operating in the Slovakian road transport sector**. The result was a comprehensive booklet on systematic wage and social dumping.



Mapping can also be used to **assess power relationships between employers and workers** in an industry. Thereby we can get an overview of trade union strength: In which companies are the workers strongly organised? Which are not organized and why?

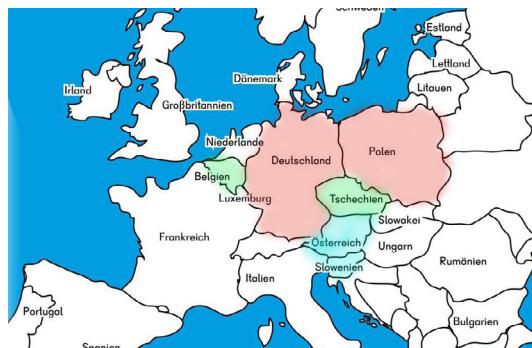
#### TRANSFAIR EXAMPLE: MAPPING CHALLENGES FOR TRADE UNIONS IN ROAD TRANSPORT

*TransFair* focused on **bilateral union cooperation**. Therefore, three **tandems** consisting of trade unions and workers' advocacy organisations from two countries each were constituted at the Kick-Off-Meeting, which took place in February 2020 in Vienna/Austria. At that time, it was hard to imagine that this would remain the **first and only physical meeting of all project partners**.

Each tandem consisted of **one Eastern European and one Western European country** in order to take into account **existing inequalities in minimum wage as well as working conditions** within the European road transport sector. The following tandems started their cooperation: **Poland-Germany, Czech Republic-Belgium and Slovenia-Austria**.

In some cases, **transnational trade union cooperation has already existed before** the project had begun, such as that between the *Fair Mobility* advisory project of the German Trade Union Confederation (DGB) and the Polish trade union NSZZ Solidarność. *Fair Mobility* contributed written material

**Figure 6-9:** TransFair tandems at the Kick-Off-Meeting February 20-21, 2020 at the Austrian Trade Union Federation's (ÖGB) headquarter in Vienna/Austria



of its many years of **outreach work and direct communication with truck drivers** at rest stops. All these experiences benefited *TransFair* in general and this training material in particular.

**Figure 10:** Mapping corporate strategies in the European road transport sector at the Kick-Off-Meeting February 20-21, 2020 at the Austrian Trade Union Federation's (ÖGB) headquarter in Vienna/Austria



As a first step, all participants exchanged views on the numerous **challenges for trade union work** in a plenary session at the Kick-Off-Meeting. This resulted in a **mapping of corporate strategies in road transport**. In a second step, the three tandems narrowed these down and subsequently **focused** on those corporate strategies that particularly characterize their **respective regions**.

#### Industry specifics

- drivers avoid trainings in occupational health and safety
- poor road infrastructure for drivers' needs
- drivers start/finish in Western countries
- steep decline in economic performance in the sector
- companies establish letter-box companies
- illegal cabotage
- one-person companies/subsidiaries (e.g. asylum seekers)
- companies pay per day/kilometers

#### Labour market and wage differentials

- wage gap between countries
- temporary employment of third country nationals
- in some countries there are no collective agreements for road transport

- lack of workers → employment of third country nationals
- structure of wages (social security)
- underdocumented work
- undocumented work
- social dumping
- drivers are being paid in naturals

#### Trade unions

- unions have weak negotiation power  
→ low wages
- unions do not have control over the narrative (transnational)
- union organising strategies (places to address drivers)

#### Inspections

- controls are focused on social contribution and taxes
- good controls do not necessarily mean more controls
- difficulties concerning controls (language, technical equipment)
- differences in enforcement of penalties between countries
- low capacities of labour inspectorates
- no/few controls/enforcement
- documentation of working time

## 1.2 ORGANISING TOOL #2 DIGITAL COMMUNICATION

A common problem in road transport, identified by all three tandems, is the **non-compliance with working hours, and rest and driving times**. To document and control maximum working hours, most trucks on European roads must now be equipped with **digital tachographs**. Truck drivers must be able to operate them correctly. However, employers often want drivers to **manipulate the tachograph** to bypass the applicable working time laws.

Against this background, it is a concern of trade unions to **inform truck drivers about their rights** according to the motto: **Documentation of working time is everything**. The digital tachograph helps with this. Digital/online technologies can therefore **open up and expand trade unions' room for manoeuvre** if they are used for this purpose.

The same is true for **digital and online technologies** that make union networking possible even in times of a pandemic. Of course, the use of platforms for online video conferencing, for example, entails its own **additional efforts**. The use of digital and online technologies requires **acceptance and practice** on the part of their users. **Dealing with change** plays an important role here. Especially in times of crisis, this can be difficult for many people.

Not only **infrastructure** such as computer equipment and software for online meetings and **their use** need to be implemented. For member organisations such as trade unions and workers advocacy organisations it is also advisable to consider **social aspects of technology**. Experience already gained, learning opportunities, and motivation of staff, officers, and volunteers in dealing with new and sophisticated technologies can vary greatly from one organisation to another. These considerations need to be taken into account when planning and implementing cooperation projects.

### TRANSFAIR EXAMPLE: FACILITATING ACTIVE PARTICIPATION

Shortly after the start of *TransFair*, the Covid-19 pandemic, which was spreading worldwide, threw a spanner in the works. The constantly changing situation and the different measures in the partner countries required a **sustainable and flexible way of dealing with uncertainties**.

One of the keys was to **become aware of and define our own sphere of influence**. What can

**Figure 11:** Online Meeting CZ-BE on July 22, 2020



we influence directly? And what can we not change at this point in time? After initial hopes for a rapid improvement of the situation and bilateral face-to-face meetings of neighbouring partner countries (PL-DE, SI-AT), *TransFair*'s coordination ultimately **focused on planning security and switched to digital communication** via the online conference tool *BigBlueButton*.

In the course of *TransFair* several **bilateral meetings of the three tandems** as well as **trans-national workshops** with all project partners took place online. As it would have also been the case at physical meetings, interpretation and translation of preparatory material had to be organised for this purpose in most cases.

For fluent discussions it was important to organise **simultaneous interpretation**. This is more exhausting for the interpreters and therefore more expensive, since the interpreting colleagues need breaks and have to take turns, but it allows for a **better understanding between the interlocutors and an easier following of the discussions**.

Another key was the **careful preparation** of the online events. Simultaneous interpretation poses some challenges. On the one hand, it is the **participants who have to be prepared, motivated and trained** in the use of the necessary technical equipment. On the other hand, **interpreters** who usually have already had experience with the use of audio technology due to their job, had to learn how to deal with interpretation in virtual rooms. We therefore drafted **written technical instructions** for both participants and interpreters.

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The aim was to ensure that everyone had the **technical equipment** to participate in the online meeting. **Test sessions before each online meeting** proved particularly helpful in checking the suitability of participants' technical equip-

**Figure 12:** Online Meeting SI-AT on April 6, 2021

ment. The meeting coordinators and an IT colleague were available during these test sessions to **answer individual questions** from participants and interpreters.

**Simple language and patience** on the part of these colleagues played an important role, as did a certain **acceptance of technical difficulties**. The focus was on **finding the best possible option** for each participant.

After making sure that all participants could **attend** the online meeting, the next step was to make sure that they could **actively participate**. In the run-up to online meetings, we briefly and **directly communicated with each participant and interpreter**. This helped to clarify technical setups, and to find out about the participants' conditions and attitude for taking part in the meetings. In this way, participants' and interpreters' **support needs were assessed** and arrangements made for making possible their active participation.

Of course, the **moderation** of the online events also played a major role. Concentration on and repetition of the essential content, clear PowerPoint presentations and slow speaking were helpful in **creating comprehensibility and clarity**. Moderating online events also meant **process facilitation**. Therefore, an **atmosphere of serenity and willingness to accept mistakes** was created. In this way, participants were **more likely to engage** with new and challenging technologies – especially when they were entering uncharted territory.

There is no question that **explicit appreciation** of everyone's efforts always contributed to a **productive work atmosphere**.

### 1.3 ORGANISING TOOL #3 ACTION PLANNING

It seems obvious that trade unions take **action at border crossings or rest stops**. After all, especially non-resident truck drivers are otherwise hardly accessible for trade unions. These are one of the few places where **trade unions can meet with drivers and where discussions about their rights are possible**. At the same time, it is advisable to **set very specific goals for any trade union action** – especially if it involves cooperation with other actors. The ideas of the participants about the purpose of an action can greatly differ.

It is not only in the context of cross-border trade union work that **clearly formulated goals** are central to **successful cooperation**. Based on the repeated exchanges between the trade unions and workers advocacy organisations in the respective countries, the **planning of joint activities** was started. These activities took different forms in the three tandems.

#### TRANSFAIR EXAMPLE: CHECKLIST FOR CROSS-BORDER TRADE UNION ACTION

In the course of the exchange of the **Slovenian-Austrian tandem** in spring 2020, a joint action

at the border was planned for late summer. In this context, apart from the pandemic-related situation and the accompanying political measures in both countries, it was necessary to **create clarity about several action aspects** among the participants.

In preparation, a **checklist for cross-border trade union action** in Slovenian and German language was drafted including questions such as: What are the concrete goals of the joint border action? Which specific target groups do we want to address? What will happen during the action? What do the trade unions involved want to convey to these drivers? What materials should be distributed? What do the trade unions want to learn from the drivers? Is translation needed? What allies are there in the region that would support the action? How will the action be documented?



Particular attention was paid to **dealing with the media**, as the assessments among the participating unions diverged. This aspect was therefore discussed in detail when planning the action: What media should be invited? Have trade unions already had good experiences with the respective journalists? Last, but not least, potential negative impacts of media involvement, such as the **drivers' willingness to talk to the trade unions**, were considered.

## 2. Prepare information for truck drivers

### Summary

Labour and social regulations in road transport and enforcement strategies vary from country to country. In particular, non-resident truck drivers find it difficult to navigate the jungle of paragraphs. In this section, we focus on the preparation of information to bring truck drivers into action. We present the Anger-Hope-Action principle, which offers guidance for different purposes such as writing a flyer text or personal conversations with workers.

**unions.** For this reason, only a few drivers ultimately take the step of suing their employer. What is certain is that transport companies will not stop their irresponsible and often illegal practices until they are forced to do so. The **drivers themselves play the decisive role** in this.

### 2.1 ORGANISING TOOL #4 ANGER – HOPE – ACTION

In addition to informing truck drivers about their rights, the talks with them have one main goal: **to motivate the drivers to act**. Only when people get active will they **feel they can make a difference**. Union action should therefore always lead to drivers' action.

The “**AHA principle**“ is ideal for this: It leads from anger to hope to action.

1. **Anger.** First, we need to address problems. Talking about problems is a prerequisite for thinking about the next steps to solve them. In road transport this means addressing why over-exploitation exists, whether this must be this way and who benefits from it.
2. **Hope.** In a second step, workers need hope that they can really make a difference. They don't want to feel like victims. Truck drivers therefore need an idea of how things could be changed, what steps need to be taken and to know why it is worth fighting.

Although in Western European countries all truck drivers have rights, especially non-resident drivers from Eastern and Southern Europe are often victims of **systematic over-exploitation**. Offshoring, subcontracting and posting of workers are no coincidence but among the key corporate strategies in road transport. Trade union staff call these corporate practices **“organised irresponsibility”**.

Many non-resident truck drivers from Eastern and Southern Europe are familiar with these irresponsible corporate practices. However, they **often do not know that they have rights** and entitlements like their Western European colleagues. They are not aware of **how they can enforce their rights**, and as a rule they have had **no contact with trade**

**3. Action.** Companies only react when they realize that workers are serious about changing their situation. That's why we need to act. The first important step of each truck driver is to document working hours. In this way, truck drivers create the basis for asserting their rights.



**TRANSFAIR EXAMPLE:**  
**TEMPLATE FOR CROSS-BORDER UNION LEAFLET**

The DBG advisory project *Fair Mobility* has therefore set itself the goal to find **drivers** who ultimately also dare to take the step of suing their employer. In its long-term campaigns at rest areas, for example, ***Fair Mobility focuses on the issue of minimum wage*** in Germany.

Building on this experience, a **template for a union leaflet** was developed considering the **specific situation of non-resident truck drivers**. Following the „Anger-Hope-Action“ principle, the template for the union leaflet contains three main contents:

- 1. Information** on exploitation mechanisms in road transport
- 2. Guidance** on concrete steps for truck drivers to take action
- 3. Contact details** for local trade unions



Significant attention was paid to ensuring that the **information was reduced to the essentials** and presented clearly, **using illustrative graphics based on the experiences of truck drivers**. The graphics used were therefore created in the style of pictograms similar to the symbols that truck drivers know from their everyday work when using the digital tachograph.

**Truck drivers have rights** – no matter where the employer's registered office is located. But those rights **have to be enforced**. The **documentation of working hours** is essential for this. Truck drivers must be able to credibly demonstrate that they

worked in a particular country at a particular time. The main objective is therefore to **make drivers aware that they themselves play a central role** in this process.

In order to address truck drivers who drive on Austrian roads, the union leaflet of the Slovenian-Austrian tandem was **provided in different languages, German and English, as well as Slovenian and Bosnian-Croatian-Serbian**, as many truck drivers with employers established in Slovenia, are from Bosnia and Herzegovina and from Serbia.



### 3. Build trust with truck drivers

#### Summary

Being and working on the road means being alone a lot. Often non-resident truck drivers from Eastern and Southern European countries do not have much experience with trade unions in their countries of origin. Transport unions in Western Europe have a very low union density among non-resident truck drivers. This chapter focuses on how trade unions can use direct communication to build trust with non-resident truckers.

in an **intensified competitive situation**. Moreover, the corporate practices described above are increasingly **eroding systems of social security** in Europe.

But there is also good news. In most European countries **all truck drivers have rights** – no matter where the employer's registered office is located. Most of the time, non-resident truck drivers also know they are being over-exploited. However, according to an ETF's survey, they are often unaware of their **labour and social rights in Western European countries** and a large proportion of non-resident truck drivers are **not unionized**. Nonetheless, most of the non-resident truck drivers surveyed by ETF were interested in union membership, but had no previous contact with a union. This creates opportunities for trade unions in Western Europe.

#### 3.1 ORGANISING TOOL #5 DIRECT COMMUNICATION

Trade unions need to **reach out** to non-resident truck drivers. And there are numerous ways to communicate with potential members. Whether it's Facebook, Twitter or Instagram – social media has further expanded the channels of communication. The Covid-19 pandemic in particular made us very aware of this. However, when we want **workers to take action**, there is no substitute for a face-to-face conversation. In a **personal one-on-one conversation**, we build a relationship

The road transport sector is characterised by **highly competitive pressure**. In practice, there is often a **Western European general contractor**, e.g., Austrian, German or Belgian, that has **subcontractors in an Eastern European country** such as Poland, the Czech Republic or Slovenia. Offshoring, subcontracting and posting are widespread corporate strategies in order to **avoid certain tax and social security systems**. Numerous companies in both Western and Eastern Europe profit from this „organised irresponsibility“.

Truck drivers are the ones who suffer. **Wage and social dumping** mainly affects non-resident truck drivers from Eastern and Southern Europe. As a result, truck drivers from Western Europe are put

and trust. For the same reason, it is also important to **address workers in their language of origin**.

In light of the Covid-19 pandemic, it is particularly important that **adequate hygienic protection measures** are taken during union activities involving direct contact. This is a responsibility that actually lies with the employer, but is often not taken seriously. In this way, trade unions can demonstrate that wearing mouth-nose protection, keeping distance and treating each other with care is not just a matter of **health**. It is just as much a matter of **respect** for truck drivers, who are doing system-relevant work during the pandemic and are therefore exposed to higher risks of contagion.

#### TRANSFAIR EXAMPLE: TRADE UNION ACTION AT REST AREAS

The DGB advisory project *Fair Mobility* in Germany has set itself the goal of **informing drivers at rest areas about their rights**. At the same time, the

advisors learn more about the working conditions of truck drivers through direct contact with them. For example, when advisors from *Fair Mobility* talk to drivers from so-called third countries, drivers often address visa problems.

***Fair Mobility creates awareness of the actual workplace.*** The truck drivers need to understand that they do the same work as their local colleagues and should therefore also be paid according to local conditions. Moreover, *Fair Mobility* accompanies and raises **concrete cases** so that the truck drivers can imagine how the systematic wage and social dumping of their employer can be tackled.

**Fig. 13-14:** Union action of tandem PL-DE at rest area in Germany on September 30, 2020



**Fig. 15-16:** Union action of tandem SI-AT at the Slovenian-Austrian border on September 1, 2020



The direct contact on site, personal one-on-one conversations and the counselling offered in the language of the truck drivers make it possible to build up the necessary trust. Based on Fair Mobility's experience, targeted 1:1 conversations with truckers involve three key steps – similar to the "Anger-Hope-Action" principle.

1. **Start with information.** Example: "We are here today because we want to inform you. If you drive in Austria, you are entitled to a minimum wage. Do you get the Austrian minimum wage?"
2. **Talk about exploitation and listen.** Example: "We know that you don't get the minimum wage and we know that your employers systematically exploit you. But we also know that you can do something about it." At this point there are often understandable objections. Therefore, it is important to listen and to respond. In the end, no one else than the truck drivers themselves will be able to change things.
3. **The solution is documentation.** Example: "It is important that you document your working time accurately. Now you use the tachograph to get through an inspection ("clean tacho"). But we want you to use the tachograph as your cash register. For example, if you click on "break/rest time" when you unload, you give up your rights."

# 4. Enable cross-border legal representation

## Summary

There are numerous binding laws at European level that regulate labour and social rights in road transport. To successfully defend non-resident truck drivers in court, trade unions have to define sound legal strategies, case by case. This chapter focuses on building the capacities needed to do this.

security law in various country combinations. The guidelines support trade unions in **developing a legal analysis and strategy** through presenting key ways and factors to take into account when

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engaging in **cross-border legal action**.

The enforcement of non-resident truck drivers' rights requires two things: On the one hand, it requires **cooperation between authorities**. This includes both, domestic cooperation between different authorities as well as transnational cooperation between authorities from different EU member states. On the other hand, the enforcement of rights requires the **unionization of non-resident truck drivers and the representation of their collective interests**. From the ETF's point of view, the **unionization of non-resident truck drivers** is an absolute must.

## 4.1 ORGANISING TOOL #6 CAPACITY BUILDING

To sum up, non-resident truck drivers have rights. Therefore, they must **enforce their rights at the national level**. For trade unions, this means **building the capacities** necessary to support non-resident truck drivers. According to the ETF, this capacity building includes **willingness, finances and consulting resources, the development of legal strategies and cooperation with other actors**.

When companies engage in **wage and social dumping**, truck drivers across Europe are affected: On the one hand, it goes hand in hand with the **over-exploitation** of non-resident truck drivers from Southern and Eastern Europe. On the other hand, **labour and social standards** and thus also local drivers from Western Europe are increasingly put **under pressure**. Supporting non-resident truckers is therefore in the best **interest of all truckers**.

According to the ETF, there are legal solutions to most of the problems faced by non-resident truck drivers. Against this background, *ETF guidelines for cross-border legal representation of non-resident drivers* offer a „first-aid“ tool to enable trade unions to make a quick **assessment of the problem** faced by a driver and provide **examples how to pursue legal action** covering labour and social

Capacity building is, in the event of a legal dispute with the employer, the basis for trade unions **to be able to make essential decisions** with regard to four key issues and **act accordingly**:

- 1. Identify the most favourable jurisdiction for the drivers' interest.** Where should the drivers' interests be defended – in which court, from which Member State?
- 2. Select the best-placed trade union to provide assistance.** Which union is best suited to defend drivers' interests? The union from the driver's home country, the union from the country where he works, the union from the country where the claim is made?
- 3. Check drivers' entitlements to rights.** Which rules and regulations, of which country, apply?
- 4. Determine the scope of union support.** What is the best form of trade union assistance? Is it information, advice or even accompaniment in an out-of court settlement with the employer or in a court proceeding?

# Toolkit

## PUBLICATIONS

Road freight transport in the European Union – In search of a balance between the economic and social dimension of the internal market. A quantitative sectoral analysis, Lynn De Smedt & Frederic De Wispelaere, 2020: [https://transfair-project.eu/wp-content/uploads/2021/03/TRANSFAIR\\_Quanti\\_Dimension\\_Transport\\_EU\\_EDITED\\_Feb2021.pdf](https://transfair-project.eu/wp-content/uploads/2021/03/TRANSFAIR_Quanti_Dimension_Transport_EU_EDITED_Feb2021.pdf)

The Road to Slovakia is still busy – The ABC of social dumping and how nothing has changed...The BTB continues to investigate, Belgische TransportBond, 2019: [https://www.btb-abvv.be/images/WegvervoerEnLogistiek/campagne/sociale\\_dumping/Engels/Zwartboek\\_2019\\_EN\\_WEB.pdf](https://www.btb-abvv.be/images/WegvervoerEnLogistiek/campagne/sociale_dumping/Engels/Zwartboek_2019_EN_WEB.pdf)

ETF Guidelines for cross-border legal representation of non-resident drivers, 2013 , can be requested via the ETF Secretariat: <https://www.etf-europe.org/about-us/team/>

The Pandemic of Exploitation in European Trucking, VNB, ITF, & IUF, 2020: [https://www.itfglobal.org/sites/default/files/node/news/files/VNB\\_ITF-IUF\\_Report\\_FINAL.pdf](https://www.itfglobal.org/sites/default/files/node/news/files/VNB_ITF-IUF_Report_FINAL.pdf)

## LEAFLETS

TransFair Union leaflets for non-resident drivers SI-AT in multiple languages: <https://transfair-project.eu/more-leaflets-for-drivers/>

Union leaflet of the tandem PL-DE: [https://transfair-project.eu/wp-content/uploads/2021/02/FM\\_Solidarnosc\\_2020\\_Leaflet\\_TransFair\\_DE.pdf](https://transfair-project.eu/wp-content/uploads/2021/02/FM_Solidarnosc_2020_Leaflet_TransFair_DE.pdf)

## ONLINE TOOLS FOR COLLABORATIVE WORK

BigBlueButton: <https://bigbluebutton.org/>

Miro: <https://miro.com/>

Mural: <https://www.mural.co/>

Flinga: <https://flinga.fi/>

# #1 Checklist for cross-border trade union action

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## 1) GOALS

- What do we want to achieve with our joint trade union action?

## 2) TARGET GROUPS

- Whom do we want to reach with this action?
- Concerning the drivers:
  - » What do we want to know from them?
  - » What do we want them to learn from us?

## 3) ALLIES

- Whose support do we need? Which allies should support us before/during/after this action?
- Concerning media:
  - » What media are we talking about? What are their target groups?
  - » What do we want to achieve by involving these media?
  - » Are we putting the drivers at risk by involving these media?
  - » Do we get the information we want from the drivers when involving (these) media?
  - » Which journalists are we talking about? Do we already have good contacts with them?
  - » How do we want them to report on the action? What can we do to make them report about the action in our sense?
- Regarding our own media channels:
  - » Do we have our own media channels?
  - » Could colleagues from the press department accompany the action?
  - » Who else could support us in this?

## 4) TIME & PLACE

- When do we start the border action? How long should it last? When will it end?
- Where exactly will the action take place?
- What will we do during the action? Step-by-step: What will the process be like?
- Are there any other aspects that need to be prepared concerning time and place of the action?

## 5) MATERIALS

- What materials do we already have to distribute to the drivers? (information material, useful presents, membership form, etc.)
- Do we need a new flyer? In which languages?
- Who prepares what/brings along what?

## 6) PARTICIPANTS

- Who will participate in the action?
- Who invites whom?

## 7) INTERPRETATION

- Do we need interpretation to talk to the drivers? What languages?
- Do we need interpretation to be able to communicate with each other?
- Who will contact and prepare the interpreters?

## 8) DOCUMENTATION

- How do we document the action? (photos, minutes, internal reporting, press release, etc.)
- Who takes care of what tasks for documentation?

# #2 Checklist for cross-border legal representation

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## 1) IDENTIFY THE MOST FAVOURABLE JURISDICTION FOR THE DRIVERS' INTEREST

Where should the drivers' interests be defended – in which court, from which Member State?

1. Which is the Member State with the most favourable legal proceedings (e.g., that a court's decision can be reached in the shortest period of time?)
2. Which Member State has specialised courts, e.g., labour courts?
3. In which Member State would the driver be most likely to be granted the claimed compensation?
4. In which Member State does the employer hold the most valuable seizable assets, which can be used to compensate the driver?
5. In which Member State is the system of appeal more favourable to the driver's interests?

## 2) SELECT THE BEST-PLACED TRADE UNION TO PROVIDE ASSISTANCE

Which union is best suited to defend these interests? The union from the driver's home country, the union from the country where he works, the union from the country where the claim is made, etc.? In identifying the best placed trade union to assist a non-resident driver, one should take into account the following:

1. the cultural proximity with the driver (language, culture, etc.);
2. knowledge of and capacity to manage procedural rules of the chosen jurisdiction;

3. knowledge of the applicable law relevant to the driver's claim and situation (e.g., a German court is competent but the applicable rule over the driver's claim is Polish, then there should be a cooperation between the unions of the two countries);
4. need for formalised trade union cooperation (e.g., agreement on the costs entailed by the court proceedings);
5. available resources (manpower and finances).

## 3) CHECK DRIVERS' ENTITLEMENTS TO RIGHTS

Which rules and regulations, of which country, apply?

## 4) DETERMINE THE SCOPE OF UNION SUPPORT

What is the best form of trade union assistance?

1. Information and awareness regarding the complexity and ambiguity of employment schemes; the potential of these schemes to block drivers' access to rights and benefits; data on wages, rights and benefits in the EU27; the role of trade unions and their competence and possibilities to assist;
2. Assistance in reaching an out-of-court settlement;
3. Assisting non-resident drivers in the litigation stage of the settling this dispute.

# #3 Technical instructions for the TransFair Trans-national Online Workshop

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Thursday, October 1, 2020 from 10am-4pm

**Weblink to the conference room (online from 9.30am):** <https://bigblue.forba.at/b/san-wf7-vcp>

## Weblinks to the translation rooms:

Polskie: <https://bigblue.forba.at/b/san-k7d-4qu>  
 Čeština: <https://bigblue.forba.at/b/san-hmj-h4m>  
 Bosanski/Hrvatski/Srpski: <https://bigblue.forba.at/b/san-2yr-2qt>  
 English: <https://bigblue.forba.at/b/san-vzw-3wh>  
 Deutsch: <https://bigblue.forba.at/b/san-hew-e33>

Dear colleagues,

our **Transnational Online Workshop** in the TransFair-Project is coming up and we are happy that you will participate! The workshop will take place on our FORBA conference server [bigblue.forba.at](https://bigblue.forba.at)

We are happy that the workshop will be **translated simultaneously into five languages** so as many colleagues as possible can participate actively. Eight competent translators will be at our side who will translate in pairs and alternating in one of the following languages: **Polish, Czech, Bosnian-Croatian-Serbian, English and German.**

If you speak all these languages then you only have to open the weblink to the conference room and

don't have to continue reading ;) But if you need – as myself – simultaneous translation, we kindly ask you to do the following three things:

- Please take your time to **read this instruction carefully**. My experience is this works better having some good coffee or tea, and it works best with a piece of pie.
- While reading this instruction please also check the devices with which you will participate in the workshop. Your **devices need to meet certain requirements**.
- Please take part in our **virtual test meeting to test your devices practically**. The virtual test meeting will take place on **Wednesday September 30 from 10-11am** using the same weblinks as for the Online Workshop itself (see page 1).

In order to be able to hear the language you choose, **you have to be present in two virtual rooms at the same time and have to switch the sound between these virtual rooms**. This way you can choose at any time if you want to listen to the original sound or to one of the translation languages.

Now you have 2 options how to do this. Over the next three pages we will describe them both for you. And don't worry, it will stay funny and there will be pictures ;)

### OPTION 1 (WE RECOMMEND THIS OPTION TO YOU)

= open 2 tabs with the current version of Mozilla Firefox + regulating the sound yourself with the mouse

#### 1) You need this equipment:

- 1 computer/laptop with the current version of Mozilla Firefox
- 1 headset (=earphones and microphone)
- 1 mouse or touchpad

**Important: Please don't use loudspeakers. They can cause disturbing noises. Please also don't use bluetooth headsets. Because they often have a sensor that turns off automatically when you take them off your head. This shouldn't happen during the workshop. Both headsets need to transmit continuously.**

#### 2) If you have the necessary equipment you can now enter the conference room – in 3 steps:

**Step 1:** Open the link via Mozilla Firefox: <https://bigblue.forba.at/b/san-wf7-vcp>

**Step 2:** Write your name and the language you want to speak/listen to in the entry field, e.g. Sandra Stern (DE). This helps the translators to do their job.

**Step 3:** Click „Mit Mikrofon“ and you are already in the conference room where we all will talk – wonderful!

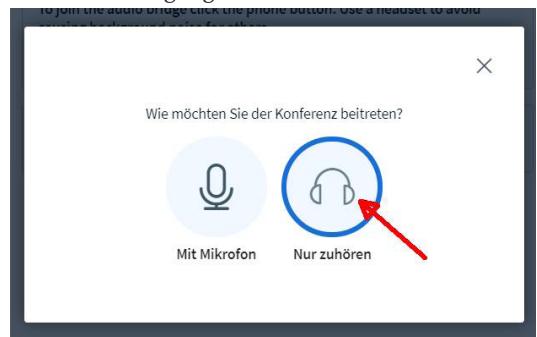


**3) Then enter the translation room of the language you want to listen to. This works the same way as the conference room in 3 steps – only with a small difference:**

**Step 1:** Open in a new tab a weblink via Mozilla Firefox to the translation room of the chosen language.

**Step 2:** Also here, write your name and the language you want to listen to in the entry field, e.g. Sandra Stern (DE).

**Step 3:** But this time please click „Nur zuhören“ - that's the small difference. Now you have entered the translation room and can hear the chosen translation language.



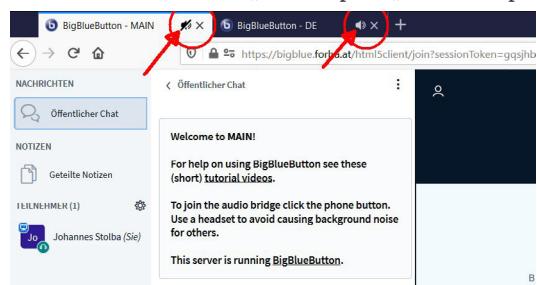
Great, you're almost there!

**4) During the workshop you have to switch the sound of the conference room and the sound of the chosen translation room either on or off – depending which language you want to hear. It goes like this:**

You have to mute either the sound of the conference room or the sound of the chosen translation room. Otherwise you hear everything at the same time and nobody wants that. For example I will moderate the workshop in German. If you want to hear another language then you have to turn off the sound in the conference room, meaning you have to mute me. In the translation room you turn on the sound. Therefore you have to click only once, maximum twice:

**Step 1:** Click in the tab on the loudspeaker symbol in order to turn off the sound. Then you don't hear the original sound anymore, in this case, that would be me.

**Alternatively:** You can click with the right mouse on the tab and there either „mute tap“ or „unmute tap“.



Very good – now you can follow the workshop in your chosen language and you can also talk in your chosen language!

**OPTION 2 (IS ALSO FINE :)**

= 2 devices with Mozilla Firefox oder Google Chrome + switching headsets/earphones

**1) You need this equipment:**

- 1 computer/laptop with the current version of Mozilla Firefox oder Google Chrome
- 1 second device, e.g. smartphone, computer, laptop also with the current version of Mozilla Firefox oder Google Chrome (using a smartphone Google Chrome works better)
- 1 headset (=earphones and microphone)
- 1 pair of earphones or a second headset

**This is important:** Please don't use speakers. They can cause disturbing noises. Please also don't use bluetooth headsets. Because they often have a sensor that turns off automatically when you take them off your head. This shouldn't happen during the workshop. Both headsets need to transmit continuously.

**This is good to know using a smartphone:** If you are using a smartphone for the translation room it is helpful to turn off the battery saving mode (for this app, meaning Mozilla Firefox or Google Chrome). Because many smartphones close apps that are not actively used for a certain time – as in our case if we are „only“ listening the translation. The result is that your smartphone kicks you out of the translation room. This is not the worst case, because you can easily reenter the translation room. But still it's annoying and therefore we advice you to turn off the battery saving mode of your smartphone for the time you participate in the workshop.

**2) You can enter the conference room and the chosen translation room the same way as in option 1 (please have a look at pages 2+3).**

Please consider: If you are using a smartphone for example for the translation room you either type in the weblink by hand or you send the weblink to your smartphone. Also here you need the current version of either Mozilla Firefox or Google Chrome – whereby Google Chrome works better on smartphones.

**3) If you want to switch between the original sound and the translation, you only need to switch your headset/earphones.**

Here you see a picture of our great IT-colleague, Johannes Stolba. Here, he is present in the conference room and talks through his headset (black, with bracket, hanging around his neck). On the other hand he is present in one of the translation rooms. For that he is using his in-ear-earphones (white).



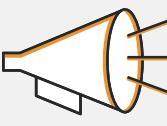
Well done – now you can follow the workshop in your chosen language and you can also talk in your chosen language!

Thank you for your attention and here again the reminder of the **BigBlue test meeting on September, 30**. If you have any questions until then you can contact either me or Johannes:

Johannes Stolba und Sandra Stern:  
transfair@forba.at

# #4 Union leaflet for non-resident drivers SI-AT in English

<b>This is what you can do in Austria</b>  Be quick! Often there are short expiry periods of only three months in which you can demand your minimum wage. Otherwise you will lose your entitlements. For support, contact the VIDA union.  ➤ Write a letter to your employer within the expiry period demanding your money. Keep a copy. ➤ Send the letter by post with recorded delivery. Keep the receipt. ➤ If you have made your written demand to your employer within three months, you have a maximum of three years to go to court.  <b>⚠ This is what a letter to your employer should look like:</b> <i>"Dear Mr/Mrs XY, I was employed at your company from ... until ... For this period I am entitled to the Austrian minimum wage which I have not received (entirely) for this period. I hereby assert this claim."</i> Signature, place, date	<b>How to contact your local union</b>  <b>Neodvisni Sindikat Delavcev Slovenije</b> Slovenska cesta 54 1000 Ljubljana, SI T: 00386 590 53 850 E: info@nsds-sindikat.si <a href="http://www.nsds-sindikat.si">www.nsds-sindikat.si</a>  <b>Gewerkschaft VIDA</b> Johann-Böhm-Platz 1 1020 Wien, AT T: 0043 1 53444 79 E: info@vida.at <a href="http://www.vida.at">www.vida.at</a>  The addresses of competent authorities in Slovenia and Austria can be found online at: <a href="https://transfair-project.eu/">https://transfair-project.eu/</a>	<b>Are you a truck driver in Austria?</b>  <b>You have the right to the Austrian minimum wage of € 9,56 gross (2021) per working hour!</b>   TransFair is funded by the European Commission as part of the EU Programme EaSI (GA no VS/2019/0401). The European Commission is not responsible for any use of the information contained therein.
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<b>You are entitled to the minimum wage</b>  If you are a truck driver in Austria (except transit) you have rights – no matter where your employer's registered office is located.  	<b>⌚ + 🚚 + ⏸ = 9,56€/h</b>  Driving is working time. Loading and waiting also count as working time. But often employers don't pay anything or pay too little for this type of work.  	<b>This is what you can do in Slovenia</b>  Take all your working time records and contact the NSDS union.  
<b>You have the right to:</b> ➤ the minimum wage of € 9,56 gross (2021) per working hour. ➤ holiday and Christmas pay. ➤ allowances, e.g. if you work overtime, drive during the night or transport dangerous goods. ➤ expenses, e.g. if you have to pay for food and accommodation.  <b>⚠ Your employer pays your expenses as part of your salary? That's not right! Expenses must be paid in addition to the minimum wage.</b>	<b>Document all your working time:</b> ➤ Working time records are important evidence. ➤ The tachograph and your driver card make documentation easier. ➤ You can document your working time on paper or in your diary.	<b>The NSDS union:</b> ➤ calculates the minimum wage you are entitled to. ➤ advises and supports e.g. if your employer has not paid you enough. ➤ In Slovenia you can go to court and demand the wages you should have been paid over the previous five years.
  <b>⚠ Does your employer want you to manipulate the tachograph? That's illegal!</b>  <b>Document everything:</b> make a written note, take a screenshot or record a voicemail of the instructions you receive. Also note the date.	  <b>⚠ Is your employer paying you too little? That's wage and social dumping! By doing so your employer is also breaking the law!</b>	

**TransFair Training material:  
Six tools to organise truck drivers in Europe**

Sandra Stern (FORBA)

Vienna, August 2021



[transfair-project.eu](http://transfair-project.eu)

