

Bettina Haidinger

Competences, cooperation, challenges in road transport inspections

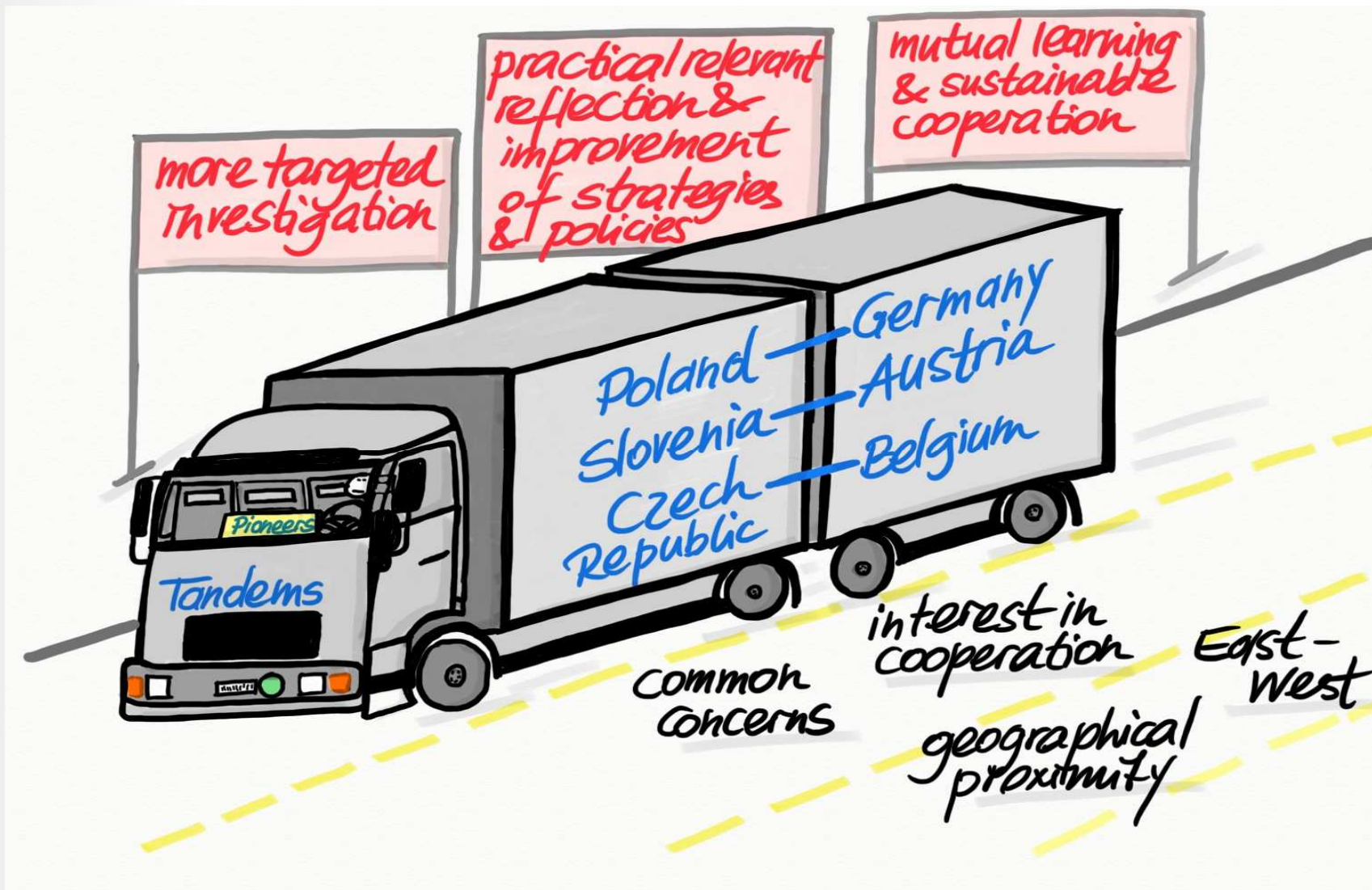
Findings from bilateral Inspectorate Workshops

The Road to Transparent and Fair Remuneration and Working Conditions in the
Transport Sector

<https://transfair-project.eu>

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TransFair Methodology



TransFair - activities

- 1) **Quantitative & qualitative research** about employment practices & company structures in European road transport, including posting questions and the employment of TCN → 4 reports: <https://transfair-project.eu/readon/>



- 2) **Joint transnational union actions** intensifying cooperation as well as developing user-friendly information and support to drivers on international journeys → bilateral meetings, union leaflet, Training material: <https://transfair-project.eu/transfair-training-material-for-transport-unions/>



- 3) Exchange of **information and good practices** of cooperation among **labour and other competent inspection authorities** → 3 bilateral peer reviews (May, June 2021), internal documentation, **transnational Inspectorate workshop** → **Policy Brief**



Inspectorate competences in road transport:

Labour, OSH, road safety, access to profession and market

Generalist LI in SI, BE, PL, CZ – extensive competences related to labour issues

Remuneration, working hours, rest and driving times of resident and posted drivers and Third Country Nationals

Further Inspection bodies

Road transport inspection, (Traffic) police, CSPDS, regional authorities (CZ), financial authorities: **road safety including rest and driving times, social security contributions, access to the profession, access to the market, other road transport-related rules**

Specialist LI in AT, GER – limited competences

Working hours, rest and driving times of resident companies' drivers
(*inspection at premises*)

Customs, Federal Office of Freight transport (BVG) (GER), Traffic Police, Financial Police, CCLSDB, ÖGK (AT): **remuneration, road safety, rest and driving times, access to the profession, access to the market (cabotage), other road transport-related rules**

Further important institutions Labour Court; Regional/District authorities

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Further Inspectorate
Road transport in

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rest and driving times of companies' drivers (at premises)

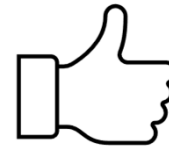
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Inspection tools used in road transport

Internal Market Information System (IMI) has improved communication



European /National Register for Road Transport Undertakings (ERRU)

Risk Assessment System

National registers and data bases

Inspection of diverse documentation: A1, tachograph, posting declarations, CMR, labour contract,...

Random concerted checks involving different authorities, checks on the road, partly European-wide concerted, checks at the premises, complaint-driven checks



“Underpayment” in road transport has many facets

- Structure of remuneration consisting of (low) minimum wage covered with full social insurance + per diems, km-based payment and/or bonuses: *SI, PL, CZ*
- Complicated posting provisions overlap with varying country specific laws → possibly conflicting legal norms AND lacking info of drivers
- Sleeping in cabins is often a justification for not paying per diems
- Long working hours, often unpaid overtime



Inspections: clear legal norms and competences

- Inspectors face difficulties in **applying and interpreting (sometimes) conflicting legal norms** → clear interpretations of current regulations are needed
- Inspectors are often not specialized and competent for specific sectors or types of inspections: a **scattered landscape of competences in road transport** → would specialized units and topical training improve inspections and inspection outcomes?
- **Language support** of inspectors is key → to effectively control documents and contact drivers and companies.
- **Lengthy and complex inspection and research processes** until sufficient evidence for a case (before court) is collected → **Number** of inspectors must increase



More cooperation needed

- Cross-border inspection cooperation poorly developed
- Internal Market Information System (IMI) has improved communication
- MS-internal coordination between road safety and labour/remuneration related inspections: institutionalized (GER), well developed (SI, BE), room for better cooperation (AT, CZ) → **would specialized units improve MS internal and cross-border inspections and inspection outcomes? What role can ELA play to improve communication and understanding?**