

# **DRIVER FATIGUE IN EUROPEAN ROAD TRANSPORT**

## **Policy Recommendations by the European Transport Workers' Federation**

As the EU embarks on its ambitious *Road Safety Policy Framework 2021-2030 – Next steps towards 'Vision Zero'*, the European Transport Workers' Federation (ETF) calls on policy makers and the road transport market to address the challenge of driver fatigue among professional drivers.

While it is widely accepted that driver fatigue poses a major risk to the road safety of all road users, measures taken among employers and at the European policy and legislative level to tackle the challenge of driver fatigue for professional drivers are insufficient.

The ETF's study *Trade Unions and Drivers for Safer roads in Europe – Driver Fatigue in European road transport*, which is the first EU-wide study in 15 years, shows that around 66% of bus and coach drivers and 60% of truck drivers regularly feel fatigued and tired while driving. Around a quarter to almost a third of professional drivers admit to having fallen asleep while driving at least once in the previous twelve months.

Given that road accidents involving heavy vehicles tend to be more serious than other collisions, because of the sheer size and mass of the vehicles, the lack of attention to this issue can not only have fatal consequences as well as be detrimental to achieving 'Vision Zero', it is also regrettable in terms of implementation and enforcement of the new Mobility Package on professional drivers working conditions.

### **RESPECT THE 40 HOUR WORK WEEK**

A key contributor to fatigue is the total extent of working time. The ETF's study shows that 88% of truck drivers and 60% of bus and coach drivers work more than the 40 hours per week – which is considered the norm in most other sectors and professions – and a significant proportion of these drivers work regularly more than 50 hours per week, which leaves insufficient time for satisfying the basic needs for recuperation and restorative sleep, let alone for the achievement of a satisfactory work-life balance.

*The ETF calls on:*

- *Policy makers* to ensure that EU rules on driving times are implemented and enforced consistently across the Union, especially as regards the maximum total weekly driving time of 90 hours in two weeks. While the rules allow for a maximum of 56 hours driving time in one week, it has to be followed by a reduction of driving to at least 36 hours in the following week.
- *Policy makers and employers* to ensure that daily and weekly driving times are only exceeded in exceptional circumstances (as intended by the regulation) and not abused by some employers on a regular basis.
- *Policy makers* to extend the EU rules on driving times and rest periods to cover the entire sector, including the types of operations and types of commercial vehicles that are currently not in scope of the rules.

- *Policy makers* to refrain from making new and separate rules on working time, driving times and rest periods for bus and coach. Instead, policy makers should focus on ensuring proper implementation and enforcement of the current rules that are applicable to the entire road transport sector.

### **WORKING TIME MUST BE RECORDED**

The ETF's study shows a correlation between poor documentation of working time and driver fatigue. In companies that rigorously document working hours, drivers are less affected by fatigue.

*The ETF calls on:*

- *Policy makers and employers* to ensure that the CJEU ruling of 14 May 2019 in case C-55/18 on the recording and documentation of working time is implemented in the entire sector.
- *Policy makers and employers* to ensure that all work-related tasks (and not just the driving) as well as travel to and from the vehicle are recorded and documented as working time.

### **DRIVERS DESERVE A FAIR PAY**

There is a direct relationship between the level of drivers' remuneration and their long working hours, which in turn causes driver fatigue. Often drivers pay is only the minimum wage rate. In order to reduce the excessive working time of professional drivers, salaries need therefore to be increased. While it is prohibited to link remuneration to output and the number of kilometres driven, the ETF's study shows that this practice still occurs on a large scale in the road transport sector, which creates incentives for driver to continue driving despite feeling fatigued.

*The ETF calls on:*

- *Policy makers and employers* to ensure that the main constituent element of remuneration is the salary. The ETF's study shows that in some cases, up to 75% of a driver's monthly income consists of daily subsistence allowances, which not only has ramifications on the driver's social security and pension, but also creates unhealthy incentives to drive forces the driver to work on sick-days.
- *Policy makers and employers* to ensure that drivers are remunerated for all work-related tasks, which is not always the case. Non-remunerated working time and tasks include travel to and from vehicle, loading and unloading of goods, waiting time and availability of time. Often drivers are instructed by employers to record such tasks as breaks. However, such work-related tasks were fairly and properly recorded as working time and remunerated accordingly, the excessive working time of professional drivers could be reduced.
- *Policy makers* to implement the *lex specialis* posting rules in the sector as soon as possible and to invest in sufficient enforcement, particularly roadside inspections, in order to ensure equal pay for equal work in on European roads.

### **GIVE DRIVERS A BREAK**

The ETF's study shows that many drivers often have to use their breaks for activities that constitute work such as finding parking spaces, loading and unloading goods or luggage, helping passengers to board, interacting with dispatchers or clients, and studying the route. Due to the low salaries, some bus and coach drivers have to resort to using their breaks for selling drinks and snacks to passengers. As a result, drivers often do not have real breaks, and they are often instructed by employers to register time spent on these tasks as break time.

*The ETF calls on:*

- *Employers* to respect that the purpose of breaks is for drivers to get restorative rest and recuperation in order to prevent fatigue and to ensure that the driver is not disturbed by neither management, clients or passengers during the breaks.
- *Policy makers and employers* for a fair recording of working time, which means that activities such as loading and unloading goods or luggage, helping passengers to board, interacting with dispatchers or clients, and studying the route should be recorded as working time and not as breaks.

### **SCRAP THE 'FERRY-DEROGATION'**

The ETF's study shows that drivers themselves identify interrupted sleep as a major cause of driver fatigue. Often drivers' sleep quality is reduced by interruptions and unfavourable sleeping conditions. The EU's 'ferry/train derogation' allows an employer to count the time a driver spends travelling by ferry or train as a rest period. However, such supposed rest periods, and drivers' opportunities to sleep, are typically disrupted by the processes of embarking and disembarking and other interruptions. The ferry/train derogation can only be used lawfully when the driver has access to a bunk bed or couchette, but according to the ETF's study, these requirements are in practice rarely met.

*The ETF calls on:*

- *Policy makers* to either completely scrap the derogation, or to revise and significantly limit the set number of days when daily rest can be interrupted under the provisions of this derogation, and to ensure that any interruption according to these provisions should be compensated by a mandatory doubling of the relevant rest periods.

### **PREDICTABLE WORKING CONDITIONS**

The ETF's study shows that many drivers experience irregular and unrealistic working schedules, rotating shifts with frequent changes in the work-rest schedule and short notices, round-the-clock schedules and night work, all of which conflict with the human body's circadian rhythms and lead to irregular sleep patterns and ultimately fatigue.

*The ETF calls on:*

- *Employers* to organise the work schedules in a reasonable, realistic and transparent way to avoid or limit night driving, unpredictable work and stress and to comply with all the provisions of the rules on driving times and rest periods.

- *Employers* to remove the pressure from drivers to be punctual, for example, by reducing 'just-in-time-delivery'. Just-in-time delivery might minimise expenses and storage requirements for companies but it transfers the cost to the drivers in terms of a significant burden of stress and pressure.

### **BETTER WORKING AND REST ENVIRONMENT**

The ETF's study also shows that drivers often have to perform their work in harsh and uncomfortable environmental conditions that contribute to fatigue. Such conditions include exposure to heat, cold, noise and mechanical vibration inside the vehicle, as well as external factors such as bad weather, poor visibility, poor roads and high-density traffic. Heat poses a particular problem, since air-conditioning in the vehicles is often inadequate, and fails to regulate the temperature well. In the case of truck drivers, sleep in the cabin is commonly disturbed by the lack of air conditioning, unshielded noisy motorways and fear of robberies, owing to a shortage of secure parking areas.

*The ETF calls on:*

- *Employers* to invest in well equipped vehicles with proper air-conditioning.
- *Policy makers* to increase the number of secure parking areas for Heavy Duty Vehicles and to ensure that they are adapted to the needs of the drivers and spread along the TEN-T network and provide information on their availability. There is currently a 25 percent shortfall of overnight parking spaces and that there only exists 7000 certified secure areas across the Union.
- *Policy makers* to vigilantly enforce the ban of taking the regular weekly rest in the cabin as well as the provision on return of the driver every three or four weeks with a view to enable drivers to take the rest at their homes.

### **ENFORCEMENT**

In general, combatting driver fatigue depends to a large extent on enforcement. Some rules should certainly be revised or completely scrapped – particularly the unpopular 'ferry-derogation' – but the main challenge to the sector is non-compliance of rules on drivers' working conditions as well as the regular abuse of the different derogations and exemptions at expense of the drivers' rest periods and breaks.

*The ETF calls on:*

- *Policy makers* to invest more resources in road side inspections to enforce the rules and to establish a European Road Transport Agency to complement and support the work of the European Labour Authority (which is only mandated to cover the Mobility Package)
- *Policy makers* to ensure that sanctions and penalties for breaking rules on driving times and rest periods are imposed on the employers – and not the drivers – who are ultimately responsible for the drivers' schedules; and to ensure that such sanctions and penalties are effective and dissuasive.