



TransFair Conference Report (31 March – 1 April 2022)

On April 1, 2022, the 2-day international conference which summarised the Transfair Project: the Path to Transparent and Fair Remuneration and Improvement of Working Conditions in the Transport Sector ended in the historic BHP Hall in Gdańsk (the building where the 1980 Agreements were signed) . The conference started on 03/31/2022 at 10 am with 58 on-site participants from all the project partner organizations (approximately 70% of them came from outside Poland) and 35 remote participants. In addition to the participants, there were 4 booths in the Hall where 8 interpreters simultaneously translated the conference, because its working languages were Polish, English, Czech, German and Slovenian. Additionally, 2 technicians supported the interpreting platform for the remote participants. During two days of the conference, 25 speakers from partner countries took up various topics related to the European road transport. The content was supervised by Barbara Surdykowska – the Project expert of NSZZ Solidarność. Karol Nosal - the Project coordinator of NSZZ Solidarność was responsible for the overall organization. The conference was opened by Jerzy Jaworski, Deputy Chairman of the National Committee of NSZZ Solidarność - the host of this Project event. Jerzy Jaworski referred to the dramatic context of the conference which is the war in neighbouring Ukraine of serious impact for the entire road transport market in Europe. Subsequently, Bettina Haidinger, the Project Coordinator of the Project Leader, Forba research institute in Austria, described the TransFair Project, presented the partner consortium, its objectives, goals, implemented activities and results. The project has been implemented by Forba – the Project Leader, NSZZ Solidarność, KU Leuven/HIVA from Belgium, the non-profit organization Multicultural Centre Prague from the Czech Republic and trade unions from Austria, Belgium, Slovenia, the Czech Republic and Serbia. Beside the aforementioned organisations, the Project has involved institutions for the protection of labour rights from Austria and Germany, state labour inspectorates from Belgium, Slovenia, Poland and the European Transport Workers' Federation (ETF). The next speaker was Radosław Owczarzak who participated remotely - the TransFair Project supervisor on behalf of the European Commission, who highly appreciated the value of the Project, its content in the context of the European road transport issues and highlighted the need of the follow-up measures identified under the Project.

The first session of the conference was devoted to the economic aspects of the European road transport. It was started by Lynn De Smedt from HIVA-Catholic University of Leuven, who presented a concise quantitative analysis by showing figures on road transport, pointing to the key role of this sector in the EU. These data show that in the so called old EU Member States (EU-14) domestic transport is more important than international transport which is the opposite to the new Member States (EU-13). The speaker also presented the current



problems in the road transport sector including the problem of recognizing individual drivers as posted workers and their remuneration, the share of corporate companies in the transport services market and the so-called letterbox companies. Then Frederic De Wispelaere from the same HIVA-KU Leuven institution discussed the challenges and possible solutions that could support the work of highly mobile workers in cross-border road transport. His proposal is to strive to harmonize the remuneration of posted workers which is a big problem in the current situation because calculating the remuneration of a worker posted from an EU-13 to EU-14 country includes many stages and is very complex. Also the social security contributions differ significantly between the countries. The average remuneration of drivers in the EU-14 countries is significantly higher than in the EU-13 which means that the average remuneration of drivers in the entire EU is significantly higher for the EU-13 and significantly lower for the EU-14. Another obstacle in harmonization of the rates of remuneration for drivers is the issue of the fragmentation of employers. An interesting speech in this session was presented by Wol-san Liem from Korean drivers' trade unions and the International Transport Workers' Federation (ITF). She has presented the working conditions and pays of drivers who generally work on a self-employed basis in Korea which increases the problems related to their safety. Self-employment forces the drivers to work overtime and most often they need to unload the goods which significantly increases the accident rate. Therefore, measures which may improve drivers' safety are of highest importance in the work of the Korean road transport unions. A key element of Wol-san Liem's speech was drawing attention to the entire supply chains and to the need to influence the enterprises that use transport services. Economic pressure at the top of the supply chain is focused on aspects related to the poor pay and working conditions of drivers.

The second session was focused on the problems of third-country drivers who come to work from Ukraine, Belarus and Central Asian countries (former Soviet republics) and who represent a high share of employees in the transport sector. Olga Gheorghiev from the Czech ICC pointed to the lack of drivers on the Czech labour market, which is why the temporary employment agencies recruit them in the third countries. To this end, the procedures for employing drivers from, among others, Ukraine have been simplified. The drivers must work for at least one and a half year with one employer and an earlier change would result in their visa cancellation. The role of temporary employment agencies in recruiting drivers from third countries was further developed by Dominik Owczarek from ISP. He has presented the nature and low quality of service performed by most of such agencies. Drivers from third countries employed by agencies usually have significantly lower wages, worse social conditions or extended working hours without additional remuneration. It often happens that the certificates issued by the agencies do not correspond to the actual qualifications of the people they employ and drivers do not receive the appropriate contracts. Gazi Babayarova showed the example of drivers from Kyrgyzstan to illustrate the problems faced by drivers from third countries. Recruitment of a Kyrgyz driver takes about 8



months and even before he starts working in Europe, he has to invest about 3,000 euro (1,000 for an intermediary and 2,000 for a temporary visa). The most common contracts last 2 years, and during this time drivers live in their trucks, the standard of which is significantly different from the European standard (including no GPS). The speaker emphasized that the drivers from Kyrgyzstan are a cheap, hard-working and undemanding workforce for the employers.

The third session covered the Mobility Package and practical application of the set of new rules regulating road transport in the European Union. The rules apply to the driving and rest times of drivers and the settlement of individual transport operations during which the driver must be remunerated in accordance with the rules on posted workers. Maciej Wroński from TLP, the Polish organization of transport employers, pointed to a very low standard parking lots in many EU countries which road transport drivers are still forced to use. In addition, not only delays in loading goods is the common problem but also the lack of basic hygiene facility for the drivers. Nevertheless, the biggest problem for employers in the context of the mobility package is the lack of clear regulations, information and the lack of predictable working conditions. In response, Ewa Ptaszyńska from the European Commission, DG Move, stated that at the present initial stage of the implementation of the mobility package it is too early to evaluate it. Nevertheless, she stressed the need to respect the right of drivers to return home. She also pointed out that employers generally have knowledge of how the package works, but often do not use these regulations. Fieke van Overbeeke (IJI - think tank in the field of private international law and foreign law) discussed the legal impact of the Posting of Workers Directive (2020/1057) in the context of road transport problems. From a legal perspective, there are some inconsistencies, which is why a lot depends on the implementation and codification of Directive 2020/1057 and the CJEU rulings - there is also the issue of restrictions in its enforcement and insufficient enforcement leads to distortions in the road transport market and unfair competition.

At the end of the first day of the conference, a panel discussion was held, during which the panellists discussed whether the present lack of drivers could become a lever to improve working conditions in road transport. This contributed to the discussion on the shortage of drivers in the context of working conditions in road transport. The panellists were: Wojciech Paprocki (Warsaw School of Economics), Piotr Mikiel (ZMPD, Polish employers organisation), Karl Delfs (Vida), Gerard Skroński (NSZZ S) who represented the trade unions and Ekin Öztürk from the European Transport Workers' Federation (ETF). In Poland, the employers have been demanding the restoration of vocational education since 2016 as this could contribute to solving the problem of the lack of drivers. Unfortunately, despite the fact that the working conditions and standards of transport drivers are constantly improving, this does not increase the interest for this profession among young people. In this situation, the employers are forced to hire foreigners (mainly from Ukraine and Belarus) who account for



50% of employed drivers. Employers call for simplification of the procedures for their employment and issuing work permits and for the extension of the validity of visas (currently they are for one year only). Due to the war in Ukraine, 50% of the Ukrainian drivers have returned to their country and their trucks are currently not in operation. Referring to the current situation in Ukraine, the employee representatives noticed a growing antagonism between drivers from Ukraine, Russia and Belarus. They also drew attention to the phenomenon of using drivers from the Eastern Bloc and the fact that this is not the case in the EU-14 countries. During the discussion, reference was also made to the Mobility Package which is confusing for the drivers and to the large deficiencies in the social infrastructure for drivers throughout the EU. In cases where drivers have to load and unload goods by themselves, lack of sufficient facility is very problematic for them.

Tematyka konferencji oraz możliwość bezpośrednich rozmów po długiej przerwie narzuconej przez ograniczenia sanitarne, spowodowały przyjazd znacznej liczby uczestników. Ich liczna obecność bezpośrednio na Sali BHP oraz on-line świadczy, że konferencja ta bardzo się wpisała w aktualne potrzeby i problemy występujące w sektorze transportu drogowego.

The second day of the conference started with a session on trade union practices in cross-border road transport. Bettina Haidinger (FORBA) and Dušan Perš (NSDS) presented a trade union guide developed under the TransFair Project and Tom Peters (BTB-ABVV) presented the results of trade union activities initiated for the drivers during the Project. Edwin Atema (FNV) presented the practical options and ways to represent the legal interests of drivers, and Audrius Cuzanauskas (LVPS) spoke about how unions can support drivers from third countries. They also presented models of cross-border cooperation developed and put into practice during the 2.5 years of the Project. The panellists have unanimously emphasize the widespread lack of knowledge among the drivers about the rules which regulate their pays, therefore information campaigns in the form of leaflets distributed during the Project were considered very valuable. The leaflets developed under the Project (available in 10 languages) were distributed directly to drivers. The panellists pointed also to the fourfold difference in hourly rates for drivers from the EU-14 and Eastern Bloc countries - e.g. EUR 15 in the Netherlands and EUR 4 in Lithuania.

The conference ended with a session on the role of labour inspection in road transport. The session presented several challenges in cooperation between trade unions and labour inspectorates (Mojca Žibert, NSDS). Robertas Lukaševičius from ELA described the role of the ELA and the experience of this organization with cross-border road transport inspections. Sanja Veić, RoadPol, provided information on the role, tasks and achievements to date of the European network of RoadPol traffic police officers. The Polish Labour Inspectorate was represented by Małgorzata Dziemińska, Deputy Chief Labour Inspector, who discussed changes in the method of remunerating drivers and control experience in the field of drivers'



working time. She also presented the preventive and promotional activities carried out by Inspectorate.

The subject of the conference and the possibility of direct discussions after a long break imposed by the pandemic restrictions resulted in a significant turn-out. That many participants in the BHP Hall and on-line prove that the conference has met the current needs and targeted well the prevailing problems in the road transport sector.