

Conclusions on safety and health in the road transport sector ¹

The Tripartite Meeting on Safety and Health in the Road Transport Sector,

Having met in Geneva from 12 to 16 October 2015,

Adopts this sixteenth day of October 2015 the following conclusions:

Introduction

1. The road transport sector is strategic for economic development and ensures passenger and freight mobility across jurisdictions and countries. It contributes importantly to economic growth and job creation. Road infrastructure investments and operations have strong impacts in other sectors of the economy.

Challenges experienced in the road transport sector in promoting decent work and productive employment with respect to the evolution of the employment relationship

2. There has been a significant evolution in the road transport sector. Increased demand and job opportunities have been seen in the last two decades. Globalization, enhanced international trade, liberalization and the prevalence of e-commerce have, in some cases, led to more efficient freight and passenger movements but have also brought along, in other cases, negative consequences for conditions of work for many transport workers. Segmentation and fragmentation levels, for instance including the increasing use of subcontracting, have intensified competition.
3. Developments in the last 20 years have also had a strong impact on the composition of the industry. Fragmentation presents a particular set of challenges. Owner-operators and small and medium-sized enterprises make up for the majority of the freight transport industry.

¹ These conclusions were adopted by the Tripartite Meeting on 16 October 2015. In accordance with established procedures, they will be submitted to the Governing Body of the ILO for its consideration

Workers in the sector, including dependent self-employed workers, are vulnerable, as they often must absorb the costs of ownership, maintenance and other vehicle operating costs while they may not be able to participate in social dialogue and may not benefit from the protection, including social protection, provided to other workers. Nonetheless, the presence of well-designed and regulated non-standard forms of employment in the road transport sector does not necessarily translate into poor working conditions or entail illegal operations, provided that the employers do not misuse them to circumvent their legal and contractual obligations and other employment-related responsibilities.

4. Technological developments have had an impact on the employment relationship, both in the passenger and freight transport sector, leading to the development of enterprises that operate on the margins of, and sometimes outside, government regulation.
5. Level playing fields are being destabilized by a number of factors. In some regions, illegal and informal operations put an additional stress on transport undertakings that play by the rules. Transport workers temporarily working in other countries, including from lower-income countries, may be victims of exploitative conditions, which are not only detrimental to themselves but can also lead to unfair competition and illegal international operations. Market pressures have impacted social dialogue, collective bargaining, wages and working conditions in the sector. Other supply chain actors – outside the transport chain and not direct employers – can set logistics and just-in-time requirements both in passenger and freight transport that strongly impact the industry, and can lead to unsafe and unsustainable practices.
6. A number of governments have actively promoted level playing fields through various measures. These have included legislation on conditions of work, including freedom of association and collective bargaining, minimum wages provisions for transport workers driving within their territory, or the establishment of a tribunal overseeing road safety, driver remuneration and conditions of work. In some cases, enforcement measures have, however, been challenging to implement.
7. Initial and lifelong training and corporate social responsibility measures can constitute tools to address employment relationship concerns. Training is to be considered as a long-term investment for ensuring the quality of transport services and operations. However, transport workers sometimes do not receive good training to perform their job in a safe and healthy way.

The most pressing issues pertaining to safety and health in the road transport sector and how they are being addressed by ILO constituents

8. Pressure from supply chain entities can be an underlying cause of transport workers adopting riskier and unsafe driving practices. Sometimes, existing laws and enforcement mechanisms address drivers directly without reaching those entities that are at the root of these practices. High levels of unfair competition can also lead to ambiguous, marginal, informal or illegal employment relationships, where workers have very different and exacerbated levels of protection. This situation can contribute to poor road safety outcomes.
9. The road transport sector has high occupational health and safety risks compared to other sectors. Accidents and crashes result in high societal, economic and reputational costs. These can be reduced through regulating working hours, training of drivers and licensing regulation, as well as measures tackling, for example, stress, fatigue and distraction. Fleet age, vehicle maintenance and workplace ergonomic issues also impact road safety.

Technological and organizational innovations can contribute to reducing accidents and providing information on crash causation, but ethical and privacy concerns must also be considered.

10. Welfare facilities play an essential role in ensuring transport worker wellness and decent working conditions. These facilities include bathroom facilities and safe parking and resting areas. The lack of such facilities can have negative consequences for all transport workers, particularly women. Ensuring sufficient facilities should be an integral part of the development and updating of road systems.
11. Many transport workers suffer from physical and psychological violence. This can include violence to and from passengers, and vehicle and cargo theft. Such violence also has an impact on the quality and public perception of transport services. Long border wait times, illegal checkpoints and corruption can foster violence.
12. Certain health concerns are more prevalent among road transport workers. These may include stress, fatigue, musculoskeletal disorders, obesity, obstructive sleep apnoea, diabetes, miscarriages, higher cardiovascular pressure, kidney disorders and the use of drugs and stimulants. Research on work-related diseases of these workers is needed to inform policy-makers and others developing preventive tools and regulations.
13. Initial and periodical medical examinations should be compulsory for all road transport workers. These examinations, and testing for substance abuse, should be carried out fairly and confidentially, along with providing education, prevention and treatment.
14. Inspection systems are essential but are often insufficient due to lack of inspectors and resources. More inspectors should be recruited and all inspectors should be well trained, including on occupational safety and health issues. States with international road transport should cooperate with adjacent States and inform them of changes to laws and regulations relevant to road transport.

Solutions which could be identified to ensure decent work for (a) passenger- and (b) freight-transport workers

15. Governments, through active and direct policies and measures are instrumental in promoting decent work in the sector. Supply chain entities and intermediaries have great impact on the working conditions in the transport sector which, in cases, need improvement, and therefore should apply due diligence in accordance with the UN Guiding Principles on Business and Human Rights. Also, initiatives that tackle misclassification and illegal operations can enhance level playing fields. A number of programmes and incentives can accelerate the transition from informal to formal work. Traffic safety policies, fleet renewal programmes and adequate road infrastructure can also help in ensuring decent work in the sector. Governments should mobilize domestic and international resources for these purposes, which are a prerequisite to decent working conditions in the sector. More efficient visa issuance processes would contribute to decent work for drivers working across borders.
16. Social dialogue and tripartism constitute the ILO's governance paradigm for promoting social justice, fair and peaceful workplace relations, and decent work. Social dialogue has many forms and collective bargaining is at its heart. Social dialogue is based on respect for freedom of association and the effective recognition of the right to collective bargaining. These rights cover all workers in all sectors, with all types of employment relationships, including in the transport sector.

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17. Measures and regulations for the sector should have regard to its linkages and consequences to other policy concerns, such as equity, public health and the promotion of environmentally sound, safe, accessible and quality modes of transport for all, as well as the sustainability of enterprises.
 18. Collective bargaining systems and administrative and inspection machinery ensuring decent work and fair competition should be bolstered. Social dialogue processes should be a key part of reform in transport services.
 19. The promotion of decent work is a shared and collaborative responsibility between workers' and employers' organizations, and governments. Each tripartite actor on its own may not have control over all aspects of decent work. In some States, employer and bipartite funding initiatives for worker training have been established. In other States, remuneration practices or rates have been the result of collective bargaining.
 20. Gender mainstreaming is an approach to ensuring decent working conditions for all workers, including pregnant women in the road transport sector. Measures could include reconciling work and family for all workers. Discrimination, stereotyping and harassment at work should be combatted.

Good practices to promote social dialogue in the road transport sector

21. Social dialogue can pave the way to reconcile market competition, transport worker occupational safety and health, and road safety. However, recent developments in some countries in the road transport sector have weakened social dialogue, worker bargaining power and fundamental labour rights to some workers in the transport sector. International standards and tools can positively influence the initiation of social dialogue at the national and sectoral levels. Social dialogue can also lead to a mutual understanding on the needs and costs associated with safe and decent road transport operations.
22. High political will, encouragement and commitment is required to ensure the success of national or sectoral councils, commissions, tribunals, funds, programmes, observatories, inspection initiatives and campaigns tackling occupational safety and health and other work-related matters. Periodic monitoring and evaluation of the social dialogue progress can bring positive outcomes in the long run. Synergies at all levels can enable countries to replicate and adapt good social dialogue practices in other regions.
23. In some countries, sectoral frameworks and collective bargaining agreements have been tailored or made more comprehensive to fit the needs of owner-operators and micro-enterprises, making them less vulnerable vis-à-vis market pressures. Dialogue has also led to positive results especially in the case of training and licensing requirements for hazardous materials drivers. Active participation by the social partners in addressing priority areas, such as violence in public transport, has led to positive results.
24. Occupational safety and health protocols, occupational risk management systems in transport, awareness campaigns, education and open communication developed through dialogue have resulted in improved road safety, and meaningful and safe workplaces.

Recommendations for future action by the International Labour Organization and its Members

25. In view of the discussion at the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector, the following future actions were recommended.

26. Tripartite constituents should:

- (a) actively engage in social dialogue in order to promote decent work, and to ensure equitable treatment for all road transport workers, regardless of their employment status while facilitating the transition from the informal to the formal economy;
- (b) design and implement measures to ensure level playing fields and respect for applicable legal frameworks, as well as the UN Guiding Principles on Business and Human Rights;
- (c) enhance transport worker training and regulate the access to the profession of transport workers; training should be regarded as a long-term investment;
- (d) address violence, among other things, through the endorsement and implementation of the ITF/UITP recommendations for combating violence and insecurity on urban public transport;
- (e) encourage greater participation and protection of women in the road transport sector;
- (f) mobilize resources for infrastructure development (namely, roads, welfare facilities) and for fleet renewal and maintenance with the aim of contributing to the development of decent working conditions for all; and
- (g) actively engage in workplace health promotion activities to support healthy behaviour in the workplace, to provide adequate access to sanitary facilities, to improve health outcomes and to prevent occupational health conditions (diseases).

27. Governments should:

- (a) design and implement, in close consultation with social partners, policies and strategies to improve remuneration practices, working conditions, and the occupational safety and health of road transport workers, including those engaged in non-standard forms of employment;
- (b) design and implement policies and strategies favourable to the transition from the informal to the formal economy and the creation and development of sustainable enterprises in compliance, among others, with health and safety standards;
- (c) promote, develop and implement, as appropriate, programmes for periodic inspection and maintenance of vehicles;
- (d) ensure that sound labour administration and inspection systems are in place, with adequate funding, equipment and appropriate training, for the enforcement of labour standards, the promotion of social dialogue, social security, employment services, sustainable enterprises, and the development of employment policies for workers in the road transport sector;
- (e) encourage and promote the adoption of the provisions of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units into national legislation in order to

support a safer more healthy and productive transport industry across the supply chain; and

- (f) enforce legislation about “letter box companies” where they exist.

28. The Office should:

- (a) act on resolutions adopted by the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector;
- (b) continue to promote the ratification, effective implementation and better use of all international labour standards relevant to the road transport sector, particularly those related to occupational safety and health, and fundamental principles and rights at work, and build capacity of constituents to do likewise;
- (c) develop the capacity of tripartite constituents in the sector to effectively engage in social dialogue;
- (d) collaborate with other UN agencies, international and regional governmental and non-governmental organizations for the development of tools to promote and disseminate information on occupational safety and health as well as on the IMO/ILO/UNECE Code of Practice for the Packing of Cargo Transport Units;
- (e) work with member States and other international organizations to improve systems to collect and disseminate regular and disaggregated data on road accidents, occupational diseases and injuries, industry composition, compensation for health and safety claims, contractual arrangements, demographics and other relevant data; and
- (f) undertake comparative research, map good practices and share knowledge on occupational diseases and injuries and work-related disorders, gender-specific issues, border crossing and visa issues, transport network companies, remuneration systems and contractual arrangements in the road transport sector and their impact on decent work.