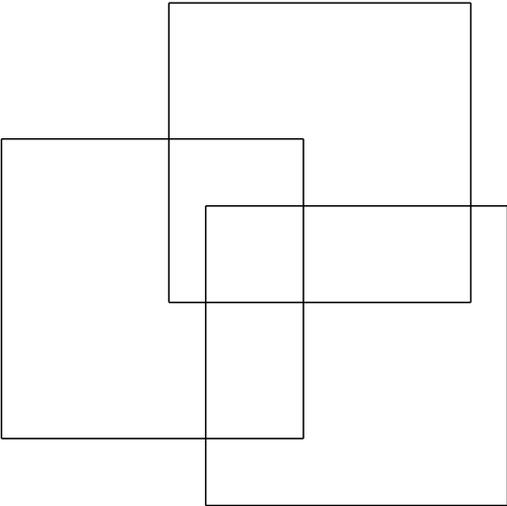




International  
Labour  
Office  
Geneva

# Note on the proceedings

**Tripartite Sectoral Meeting on Safety and Health in  
the Road Transport Sector**  
(12–16 October 2015)





**TSMRTS/2015/17**

INTERNATIONAL LABOUR ORGANIZATION

**Sectoral Policies Department**

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the Road Transport Sector**  
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Geneva, 2016

INTERNATIONAL LABOUR OFFICE, GENEVA

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## Introduction

The Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector was held at the International Labour Organization (ILO) in Geneva from 12 to 16 October 2015.

The International Labour Office (Office) had prepared a report<sup>1</sup> which served as the basis for the Meeting's deliberations. The report for discussion dealt particularly with:

- (i) recent developments in the road transport sector;
- (ii) employment and other features of the road transport sector;
- (iii) occupational safety and health (OSH) risks;
- (iv) work-related disorders; and
- (v) the ILO, policy coherence and responses.

The Office issued the report in English, French and Spanish, as a basis for discussion by the Meeting. Extracts were available in Chinese, German, Russian and Arabic.

Article 6 of the Standing Orders for Sectoral Meetings (Standing Orders) establishes that the Chairperson and Vice-Chairpersons constitute the Officers of the Meeting. In accordance with a decision of the Governing Body, Dr J.V. Aguilar Zinser, representative of Mexico, was the Chairperson of the Meeting. At its first sitting, the Meeting elected three Vice-Chairpersons: Dr H. Mapuranga (Zimbabwe) from the Government group, Mr E. Higuera Gómez (Colombia) from the Employers' group and Mr A. Wahl (Norway) from the Workers' group.

The following 25 countries participated in the Meeting: Bangladesh, Belgium, Plurinational State of Bolivia, Brazil, Cambodia, Cameroon, Chile, China, Congo, Côte d'Ivoire, Dominican Republic, Indonesia, Malaysia, Mauritius, Mexico, Morocco, Mozambique, Portugal, Russian Federation, Sri Lanka, Sudan, Thailand, Uruguay, Bolivarian Republic of Venezuela, and Zimbabwe. Representatives of the following intergovernmental organizations also attended the Meeting: the United Nations Economic Commission for Europe (UNECE); the United Nations Conference on Trade and Development; and the World Health Organization (WHO). At the invitation of the Governing Body, observers from the following non-governmental international organizations were present: the International Organisation of Employers (IOE); the International Road Transport Union (IRU); the International Trade Union Confederation (ITUC); the International Transport Workers' Federation (ITF); and the International Union of Public Transport (UITP).

The Meeting was attended by a total of 80 tripartite participants, of which 21 were women (26 per cent). Women in the delegations of Belgium, Brazil, Dominican Republic, Mozambique, Thailand and Uruguay represented 19 per cent of the 32 Government group participants. Some 18 per cent of the 16 Employers' group participants and 38 per cent of the 32 Workers' group participants were women.

<sup>1</sup> ILO: *Priority safety and health issues in the road transport sector*, Report for discussion at the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector (Geneva, 2015).

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The three groups elected their Officers as follows:

*Government group*

*Chairperson and spokesperson:* Dr H. Mapuranga (Zimbabwe)  
*Secretaries:* Mr B. Wagner (Office)  
Ms A. Cruz Ross (Office)

*Employers' group*

*Chairperson:* Mr E. Higuera Gómez (Colombia)  
*Spokesperson:* Mr M. Pereira García (Spain)  
*Secretary:* Mr J. Dejardin (IOE)

*Workers' group*

*Chairperson:* Mr A. Wahl (Norway)  
*Spokesperson:* Mr A. Sheldon (Australia)  
*Secretaries:* Ms E. Busser (ITUC)  
Mr M. Urata (ITF)

The Secretary-General of the Meeting was Ms A. van Leur (Director of the Sectoral Policies Department) and the Deputy Secretary-General was Mr A. Isawa. Mr B. Wagner, as the head of the Maritime and Transport Unit, provided overall guidance and support during the Meeting. The Executive Secretary was Ms A. Cruz Ross, and the Coordinator of secretariat services was Ms M.M. Than Tun. The experts of the Meeting were: Mr L.N. Hsu, Ms M. Licata, Mr J. Messenger and Ms B. Vacotto. The representatives of the Office of the Legal Adviser were Mr T. Geckeler and Ms A. Talvik.

The Meeting held seven plenary sittings, including five devoted to the discussion of the points for discussion that were approved during the first plenary sitting following these themes:

- (i) challenges experienced in the road transport sector in promoting decent work and productive employment with respect to the evolution of the employment relationship;
- (ii) most pressing issues pertaining to safety and health in the road transport sector and how they are being addressed by ILO constituents;
- (iii) solutions which could be identified to ensure decent work for: (a) passenger-; and (b) freight-transport workers;
- (iv) good practices to promote social dialogue in the road transport sector; and
- (v) recommendations for future action by the ILO and its Members.

This Note on the proceedings is divided into three parts. Part 1 outlines the proceedings of the seven plenary sittings and a summary of general discussions, including the conclusions of the meeting. Part 2 contains the texts of the resolutions that were adopted by the Meeting. Part 3 of the Note concludes with other proceedings, such as the closing statements and a list of participants to the Meeting.

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**Part 1. Consideration of the agenda item**



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## 1.1. Opening speeches

1. The Chairperson welcomed all participants and opened the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector. He remarked that the sector had become a crucial part of the economy, connecting countries and regions around the world. Economies were built on trade, but there would be no trade or profit for producers and manufacturers if they could not deliver finished products to consumers.
2. The costs of goods were significantly affected by transport. Therefore, transport efficiency, security, safety and competitiveness were crucial. He highlighted that the sector's resilience in the future lies not only in its environmental efficiency or on infrastructural availability, but also in its ability to address decent work challenges.
3. He considered that the present Meeting was very timely. Epidemiologists treated road accidents as an unavoidable pandemic, but road accidents could be prevented and their consequences minimized through appropriate action. For that purpose, the United Nations, through the WHO, had launched the "Decade of Action for Road Safety 2011–2020", based on five road safety pillars. The fourth and fifth pillars addressed road users' behaviour and post-crash care. He noted that, in April 2015, the United Nations Secretary-General appointed a Special Envoy for Road Safety, whose work would be funded by the UNECE. In addition, other United Nations efforts included the Department of Economic and Social Affairs' High-level Advisory Group on Sustainable Transport. Sustainable Development Goals (SDGs) encompass both decent work and economic growth (SDG 8) and road safety (SDG 11).
4. Through efficiency, safety, security and competitiveness, the transport sector could contribute to lowering prices and stabilizing economies. New epidemiological threats and challenges could have great consequences on the transport sector. For example, the 2009 H1N1 influenza had caused a crisis for the transport sector. Migration could also affect road transport, and appropriate responses to such developments should be formulated.
5. The Deputy Secretary-General recalled that the most recent time safety and health for the road transport sector was discussed as an agenda item was in 1985, at the 11th Session of the ILO's Inland Transport Committee. Consequently, the present Meeting gave continuity to issues and topics covered in ILO transport meetings in 1992, 1999 and 2006. He emphasized that the conclusions and resolutions of these meetings had all underlined the key role of social dialogue in designing and implementing appropriate measures that make the sector more attractive, promote decent work and adequate OSH measures, and ensure the sector's long-term competitiveness and sustainability. These were also the goals of the present tripartite Meeting. In the context of deregulation in the sector, flexibility could be desirable to accommodate transport service requirements within a new competitive environment, but that had to be balanced with decent work principles and job security.
6. The Executive Secretary outlined the goals and scope of the Office's report for discussion on priority safety and health issues in the road transport sector. The intention of the report was to provide a framework for the Meeting's discussion, set out the background to recent developments in the road transport sector in very general terms, and highlight some of the main features and issues related to safety and health in the sector.
7. The Meeting adopted the proposed points for discussion and the timetable.

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- 8.** The Employer spokesperson thanked the Office for the useful report. There was hardly a need to underscore the importance of the road transport sector, as it provided impetus to other sectors of the economy for development. The sector had changed over the past 30 years due to globalization, which had fostered easier access to the road transport markets and the expansion of global supply chains. The level of development of the road transport sector varied considerably from country to country. Nevertheless, the Employers' group was confident that the participants could find common ground on a number of issues. Training was fundamental to ensure well-qualified workers in the road transport sector, and ensuring better living and working conditions. While the existence of fair and equitable rules for everyone was essential for fair competition, he would not like to see new barriers erected in the industry. Instead, it would be preferable to eliminate some barriers in the industry, in particular with regard to international transport. He stated that the presence of employers, workers and governments at the Meeting made it an ideal setting to make proposals and remove barriers in the sector.
  - 9.** The Worker spokesperson recounted two stories to highlight the costs and consequences of poor health and safety practices in the road transport sector and why solutions needed to involve all actors in the supply chain. The first story was that of Gun-seo Park, a member of the Korean Federation of Public Services and Transportation Workers' Unions – TruckSol division, who died in a truck crash while inspecting his own cargo truck, when another truck driver who had dozed off at the wheel hit his vehicle. The second story was that of two women in Australia whose husbands were hit and killed by a truck whose driver had fallen asleep while driving. Both cases involved drivers who had been at the wheel for long hours. He provided testimony from a driver on working conditions in a major retail supply chain in Europe. In addition to these human costs, there were also large economic costs to road traffic crashes. He emphasized the importance of enforcing standards up and down the supply chain, so as to level the playing field between employers that promoted safety and those that encouraged unsafe practices. Governments, employers, workers and the ILO should support work that was already being done and establish new initiatives to find sustainable solutions to these problems.
  - 10.** The Government spokesperson presented a general statement on behalf of the Government group. The transport sector posed unprecedented challenges to decent work. There did not appear to be immediate solutions to the road accident pandemic and OSH in the sector. He thanked the ILO for its preparatory work for the Meeting. The report underscored critical challenges for decent work. There was geographical disparity in decent work deficits in the transport sector and therefore a holistic approach was crucial for policy-making and as a cornerstone for regional solutions. The Government group felt that unique challenges included the emergence of informal economy operators, which were difficult to regulate, and there were major problems posed by the exclusion of informal operators from certain initiatives on improving safety and working conditions in transport in the formal economy. The proliferation of migrant workers who took up any kind of employment in the transport sector due to their precarious situation and status was another challenge. Their precariousness increased their prevalence as victims of workplace accidents, so awareness raising was an essential task. Another challenge was the lack of discourse on road infrastructure rehabilitation to prevent accidents. There was a need to scale up training programmes in the sector. In developing countries there was the particular issue of ageing fleets. These were big issues for discussion and the Government group was eager to start working on them.
  - 11.** An observer representing the ITF, speaking on behalf of 4.7 million transport workers worldwide, addressed three key areas: their relations with the ILO; issues for transport sector workers; and the ITF's role. Firstly, the ITF had a long-standing interest in transport issues and in tripartism. For example, his organization had worked alongside shipowners, governments and the ILO for over a decade to shape the Maritime Labour Convention, 2006 (MLC, 2006) (which came into force in August 2013) to make a real difference for

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seafarers. His federation had seen what the ILO could achieve, but would remain demanding, tireless and collaborative to achieve its long-term goal of fair, effective, enforceable international standards.

- 12.** Secondly, regarding issues facing road transport, the ILO was an increasingly important forum for addressing issues for workers in the transport sector. The level of negative human impact on road transport workers was unacceptable, with hundreds of thousands of injuries, not including truck-related crashes for other members of society. Long hours, fatigue, accidents, and lack of facilities or time for toilet breaks, hurt not only workers but also governments, employers and society. To respond and to protect workers, the freight sector could follow examples like the Safe Rates campaign in Australia, which demands that clients at the top of the supply chain are responsible for workers in their supply chain regardless of their employment relationship. These practices were what he wanted to see in the work of the ILO, of national governments and of employers. The ITF worked with the IRU in the passenger sector to address issues related to transport network companies (TNCs) trying to bypass taxi and limousine service regulation. He hoped for a strong resolution from the Meeting for the on-demand transport industry. On-demand economy was a new development, and the ILO needed to act on it before working conditions were undermined across the board. He also highlighted that his federation had worked with the UITP on a Memorandum of Understanding signed in December 2013 to promote the development of high-quality public transport globally as a motor for sustainable growth and the creation of green jobs, as well as environmental protection in reducing congestion and pollution, while also addressing violence against public transport workers. They also agreed to develop joint recommendations in vocational training, staff security and the promotion of formal (and the reduction of informal) employment in public transport, and to represent the interests of public transport employers and workers in international organizations (for example, the European Union (EU) and the ILO), to promote high-quality employment that public transport offers in urban areas.
- 13.** Thirdly, the ITF had a strong mandate to work in a more focused way. To secure safe and decent work, the ITF strongly supported the ILO system of international labour standards and its supervisory mechanism. At the 2016 International Labour Conference, the discussion on global supply chains would be crucial to address working conditions all along supply chains. He trusted that the debate at the Meeting would be reflected in that discussion. The Meeting should be focused, because all over the world transport workers were experiencing the negative consequences of globalization, liberalization and other recent developments. There was a need to provide well-trained, safe jobs now and in the future. The ILO's social dialogue was vital to underpin those jobs with equitable regulations. The ITF was there to represent workers, give them an international voice, protect and secure their own and their industry's collective future.
- 14.** An observer representing the IRU said that, in today's globalized world, road transport connected all businesses to all markets, and was driving economic and social progress, prosperity and peace, which was not possible without transport and logistics enterprises. Globalization had created unique business opportunities and employment, but had also increased competition. It was a joint endeavour to ensure optimal working conditions. There were many important topics on the Meeting's agenda and he hoped that useful points of consensus would emerge.
- 15.** The globalized economy could only survive if high-quality transport services were provided, and the sector could only achieve that if workers were properly trained and OSH was prioritized. To respond to that need, the IRU had the IRU Academy, which increased the network of professional competency and addressed health and safety issues. He remarked that the adoption by European Ministers of Transport of a quality charter was an extremely important landmark. He considered that it was imperative to join forces to

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improve national legislation and therefore transport quality, while at the same time decreasing emissions and improving working conditions.

16. The road transport industry had been impacted by the on-demand economy and innovation – freight and passenger transport innovation by business had been positive, but there needed to be new rules to cover TNCs and thereby work towards a level playing field. The European Transport Workers’ Federation (ETF) and IRU joint statement of November 2014 constituted an important step for promoting high-quality and safe services to customers and workers. The reduction in driving prices could result in negative consequences for workers. That is why he promoted level playing fields to ensure that all actors followed the same rules.
17. He echoed the Chairperson’s statement about improving the sector. Drivers faced complicated procedures when they applied for visas. In that sense, he supported simplifications in the procedures while encouraging the creation of an international professional driver’s card, along the lines of the Seafarers’ Identity Documents Convention (Revised), 2003, (No. 185). Social dialogue was the best way to address those challenges. He commented that the social partners might have their differences but they agreed on most of the important issues, and could turn these challenges into opportunities.
18. An observer representing the UITP explained that his organization represented employers promoting sustainable public transport around the world, in particular the development of high-quality public transport networks that respected the environment. The UITP had signed an agreement with the ITF in 2013 to promote the development of high-quality public transport globally as a motor for sustainable growth and the creation of green jobs, as well as environmental protection in reducing congestion and pollution. There were currently 7 million transport operators, and transport services should be provided with the best level of safety for passengers, workers and employers, who should be protected against the risk of vandalism (of vehicles and transport infrastructure), fare-dodging and antisocial behaviour in transport. Sexual harassment and racist attacks in transport were important issues, and they could diminish the quality and public image of the service. He highlighted the importance of minimizing the effect of violence in public transport. He suggested that the recommendations should be made with the objective of being easy to follow all around the world.

## 1.2. Composition of the Working Party

19. At its sixth sitting, and in accordance with the provisions of article 13(2) of the Standing Orders for sectoral meetings, the Meeting set up a Working Party to prepare draft conclusions taking into account the various views, proposals and suggestions made during the discussion in the Meeting.
20. The Working Party was chaired by the Government Vice-Chairperson, Dr H. Mapuranga (Zimbabwe), and was composed of the following members:

### *Government group*

Belgium	Ms S. Willems
Plurinational State of Bolivia	Mr M. Salinas Reyes
Portugal	Mr M. Maduro Roxo
Russian Federation	Dr K. Todradze
Sudan	Mr O.O.M. Ibrahim

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*Employers' group*

Mr E. Higuera Gómez (Colombia)  
Mr J. Kaseya Kazadi (Democratic Republic of the Congo)  
Mr J.J. Muñoz Sánchez (Mexico)  
Mr M. Pereira García (Spain)  
Mr J. Nemeč (IRU)

*Workers' group*

Mr F. Moreels (Belgium)  
Ms S. Murray (United Kingdom)  
Mr A. Sheldon (Australia)  
Mr A. Wahl (Norway)  
Mr E. Watt (United States)

21. The Working Party on Conclusions held two sittings and submitted its draft conclusions to the Meeting at the latter's seventh sitting.

### **1.3. Point by point discussion**

#### **1.3.1. Discussion point 1**

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

22. The Worker spokesperson noted that the road transport industry had changed significantly over past decades and neo-liberal policies, such as privatization and deregulation, had changed the structure of the industry. There were new models of transport and new ways of organizing transport – and the growth of global supply chains and the emergence of TNCs primarily in passenger transport – which responded to demands for efficient and cost-effective transport, and in some cases environmentally friendly transport. These changes were taking place against a backdrop of cost reduction.
23. Over the past 20 years of globalization, the cost of road freight transport had declined. Low rates were paid to transport operators by the major transport customers/clients at the top of the chain. These low rates translated into even lower rates of pay for drivers. In passenger transport, public services were under pressure as governments promoted cost-cutting policies. Labour costs, welfare and social benefits and working conditions were primary targets. Operational safety standards were diluted. Pressure on collective bargaining, wages and working conditions was essentially eroding decent work and social justice for workers. The most significant change was that employment relationships in the industry had evolved as the road transport workforce had become increasingly global. The opening up of markets to assist the free movement of goods and services meant that the labour market had become a meeting place for workers of different nationalities, cultures and pay levels. National carriers were travelling internationally or interstate, and drivers were often working from a country other than their own. However, the liberalization process had not been accompanied by a parallel process of social harmonization, and employment and

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working conditions showed a general sharp downward trend, whereby international drivers faced serious workplace issues. These included long hours of work, long delays at certain borders, lack of on-road facilities and threats against cargoes, trucks and drivers. The lack of a proper social security system denied them health and retirement protection.

24. At the same time, he argued, some unscrupulous employers had exploited cross-border inequalities in wages and conditions, leading to a “race to the bottom” and false efficiencies, where the practice of “letterbox” companies had spread widely in Europe in the past few years, particularly as new Member States had joined the EU. By opening letterbox companies in one of these countries, a company could save considerably on wages and even more on social contributions. The letterbox practice was only a part of the chain of dubious contractual relations. Operators, subsidiaries, recruitment agencies, all based in different Member States, participated in a cross-border system that was difficult to control and clamp down on, where workers in the same workplace were on different wages and different conditions than workers brought in from lower-cost countries. The growing dominance of global transport operators with activities all over the world as a result of acquisitions of local companies meant that decisions affecting workers were often taken from boardrooms across the ocean. In his opinion, that encouraged companies to use lower employment standards than those existing in their home countries. The “economic employer” or the client in the supply chain outside the transport industry exercised power over all other firms in a supply chain, without any responsibility for what happened to drivers, because they did not employ them. He also noted the growth of precarious and informal work, where only a minority had a secure job, because of privatization and restructuring, with separation of operations into business units. In consequence, workers were denied fundamental labour and social security rights.
25. On passenger transport, he remarked that many public transport services had been privatized and in some cities informal transport provided a solution where there was no infrastructure. These included casually employed motorbike taxi workers and minibus conductors. The phenomenon of temporary agency workers was leading to less direct employment in transport, particularly in non-mobile jobs such as in call centres or warehouses.
26. He quoted Robert Reich, former United States Secretary of Labor, who stated that “New software technologies are allowing almost any job to be divided up into discrete tasks that can be parceled out to workers when they’re needed, with pay determined by demand for that particular job at that particular moment. A more accurate term would be the ‘share-the-scrap’ economy. The big money goes to the corporations that own the software. The scraps go to the on-demand workers. The new on-demand work shifts risks entirely onto workers and eliminates minimum standards completely. The biggest challenge we face isn’t using people more efficiently. It’s allocating work and the gains from work more decently.” He commented that TNCs promoted marketplaces that connect customers and drivers using mobile apps, in conflict with existing taxi service regulations by classifying drivers as “partners” rather than employees, which allowed such services to deny basic worker protections.
27. He observed that there was currently a movement towards automation in road transport, with self-driving robot trucks being tested in Germany in October 2015 and plans for unmanned taxis in Japan, which could in future complicate promotion of the Decent Work Agenda. At the same time, governments were introducing anti-union legislation and reducing labour protection to provide a more “flexible” workforce, which helped employers’ profitability, while the public paid the price of wage theft and loss of lives on roads. The global economy would not function without the transport industry and its workers. He suggested that, for that role to be sustainable, it was essential to have decent work in road transport, by ensuring that economic employers play their part in delivering

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fair wages, job security, safety at work, social protection, respect for basic labour rights, and equality of opportunity and treatment.

- 28.** A Worker participant from the United Kingdom remarked that there were many difficulties for women to obtain employment in transport, which was a male-dominated sector. At the same time, males and females had to use facilities that could be insecure for both, which was becoming an issue that should be addressed. There was a lack of welfare facilities for mobile workers, notably for women. There was a risk of violence and of insanitary conditions for bus and truck drivers when they needed to take rest or bathroom breaks, and a general safety issue too. If drivers needed to “hold on” or delay such breaks because of inadequate, unsafe or vandalized welfare facilities, it could cause serious health problems for the driver or cause accidents.
- 29.** A Worker participant from Belgium suggested that the problem of fake letterbox companies opening up in certain Eastern European countries was a social dumping technique used by companies based in higher cost countries whereby truck drivers (from Eastern Europe and non-EU countries) worked for months in Western European countries, earning half the salary of local drivers, and were living in their trucks, sleeping badly and putting road safety at risk. There was insufficient enforcement of the EU Parent-Subsidiary Directive and of national legislation on letterbox companies. Some Eastern European drivers were not receiving equal remuneration and some letterbox companies hired contracted drivers outside Europe who needed a visa, offering them a salary at the end of the contract, but after three months they were sometimes not paid – a form of modern slavery in his view. He stated that the principle of “equal pay for equal work” and a system of minimum wages, like in Germany, needed to be implemented in order to put an end to social dumping in the transport sector.
- 30.** The Employer spokesperson considered that all three groups agreed in general on the causes that had led to the changes under discussion, some of which were highlighted in the report for the Meeting, including globalization of sales and commercial networks, e-commerce, and also means that had facilitated access to transport markets in many countries. They had seen an intensification of competition among enterprises because of those reasons. The progressive subcontracting of transport activities and the fragmentation in the sector had meant that the size of transport companies had become smaller and smaller, and that in some States there was a prevalence of people working for themselves in the transport sector. Developments in the market had also been accompanied on certain occasions by the appearance of non-standard forms of employment. It was not always clear which types of employment were on the margins of legality within each State’s rules. Developments in the transport sector had led to certain challenges for the promotion of decent work and productive employment.
- 31.** The Employers’ group did not entirely agree with statements from the Workers, and thus his group believed that segmentation or fragmentation of the market did not automatically lead to illegality, informality, deteriorating working conditions and lower pay. Nor could they entirely agree with the idea that liberalization or facilitation to transport markets automatically led to the appearance of illegal forms of employment. There were multinational logistical chains and enterprises that not only complied with regulations but also tried to improve the livelihoods of their directly employed and subcontracted workers. One of the challenges for the promotion of decent work was the proliferation of ambiguous employment relationships. They had to distinguish, however, between ambiguous employment relationships outside the limits of the applicable law (which meant unfair competition) and self-employed workers, who were not necessarily unprotected or abused, or prevented from leading a dignified life.

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- 32.** Transport infrastructure was a topic the Employers' group was interested in and concerned about. Investment in infrastructure was needed to make the work of transport workers more dignified and to give them pride in their work. His group had also mentioned the issue of fictitious enterprises and social dumping in Europe, which were difficult issues currently subject to investigation and monitoring. In Spain, social dumping was occurring between workers from different regions because they had 51 different collective bargaining agreements. Social dumping was being investigated in the EU. Those who did not respect the EU rules needed to be sanctioned. The Employers' group could not appropriately do more than call on the EU to ensure that the Member States fulfilled their obligations. It was up to each State to do its best in that area, and social dialogue was the best way to deal with problems.
- 33.** The Government spokesperson noted that, in general, there was an increase in the number of operators and the volume of traffic, whereas the passenger and freight market was shrinking, which tended to create cut-throat competition between operators. They needed also to focus on conditions in the informal economy, in which a lack of knowledge and appreciation of health issues – on the part of employers and workers – impacted negatively on employment relationships. There was also a lack of data to appreciate the magnitude of OSH problems in the informal road transport sector in developing countries. A safety culture needed to be developed in the sector. Investment in facilities in the transport sector also needed to be improved upon. There was a lack of enabling legislation and implementation. In some border posts – particularly in Africa – there were problems with congestion, which culminated in long hours of work for long-distance drivers, and impacted negatively on their working conditions. There was also vandalism of rest places, which prevented long-distance drivers from finding appropriate places for rest for fear of attack. There was also corruption, which posed major problems in law enforcement. In some member States in the Southern African Development Community region, the number of police roadblocks was putting additional pressure on drivers to meet their targets, and increased the costs of doing business. The infrastructure in some countries also left much to be desired, with insufficient attention to improving safety and signage, and there was a lack of fiscal means to repair the roads, which could lead to road traffic accidents occurring more often. Migrant workers posed significant challenges and threat, as operators tended to look at those workers as willing to work at any cost, and employers took advantage of that. Migrant workers who were low-skilled were also a problem in that context.
- 34.** The Worker spokesperson observed that, in Australia, the number of deaths and injuries in transport was 15 times the national average of other sectors. Numerous studies from across the world dealt with the combination of unsafe practices and economic pressure and their impact on deaths and injuries. A report from the Australian National Transport Commission from 2008 discussed the links between pay and safety and the critical effects of using non-standard forms of employment, as well as the lack of minimum-standard benefits and adherence to ILO Conventions. Underlying economic conditions in the industry were a significant contributor to the on-road behaviour of drivers. They needed to look beyond the symptoms of speeding and consider the underlying causes that resulted in that behaviour. There was research on why truck drivers drive at higher speed, showing how safety was impaired by the need to earn more. A report by the United States Federal Motor Carrier Safety Administration also dealt with how economic pressures directly affected safety.
- 35.** A Worker participant from the Republic of Korea addressed the comment by the spokesperson of the Government group on the “threat of migrant workers”. She said that it was not the migrant workers themselves who were a threat, but that it was rather the exploitation of migrant or cross-border drivers and the lack of applying the principle of equal pay for equal work that were the threats. She also addressed the comment by the Employer spokesperson, who had said that the existence of owner–drivers or self-

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employed workers or workers in disguised or ambiguous relationships did not necessarily lead to fewer protections and rights. In fact, those kinds of workers were in an incredibly vulnerable situation and at risk of having their rights violated or even completely denied.

- 36.** She referred to the example about the “Ji-ib Platform” of the Republic of Korea in box 1.4 of the report. Close to 98 per cent of the Korean freight market workforce was made up of owner–drivers, who paid all the costs of their vehicles, repairs, tolls and other operating costs themselves. The majority of these owner–operators were employed under the Ji-ib Platform. It needed to be emphasized that, under that system, truck drivers had to pay trucking companies to obtain their licence plates, giving trucking companies ownership of their trucks, even though it was the workers paying for the trucks and vehicles themselves. The workers were thus subordinated to the will of trucking companies and of actors further up the supply chain, while their trade union rights were not recognized, and it was impossible for them to negotiate for better conditions, nor were they covered by industrial accident insurance. They were also obliged to work when injured or sick (or not be paid), as they were classified as independent workers.
- 37.** She mentioned the ILO documents that stated that all workers, including those in disguised employment relationships, had the right to freedom of association. The existence of the standard employment relationship was not a criterion for the right to freedom of association. The ILO Committee on Freedom of Association had repeatedly recommended that these workers should enjoy freedom of association and collective bargaining rights but various governments (including Argentina and the United States) did not live up to these recommendations. She hoped that the agreement at the end of the Meeting would reflect that creating a system of unnecessary inequality should be abolished. The conclusions should reflect that governments needed to come into compliance with ILO standards and its Committee on Freedom of Association recommendations.
- 38.** A Worker participant from Argentina stated that formal economy transport operators in his country had been weakened by informal operators (and some firms at the margins of legality), outsourcing and subcontracting, and noted that transport was a main pillar for global economies. He believed the Meeting had made some progress on that topic. There was a lowering of the value of the road transport fleet, which was eroding the formal transport sector and relations with unionized workers. He suggested multinationals were a root cause and, with the neo-liberal policy of deregulation, wages or rates were being cut, employment relationships were weakened, and workers were suffering. The public authorities should tackle the root causes and stop chasing after the effects.
- 39.** He mentioned that his Government had been unable to negotiate with the oil giants on fuel costs, and had failed to halt the constant erosion of the workers’ situation in road, rail, air and sea transport. Downtime and dead time for drivers were major problems. He believed that the Government of Argentina had not taken advantage of the growth of the transport sector, and, while the country was in a position to feed the world, they did not have the appropriate infrastructure, which led to bottlenecks in the air, road and port subsectors, which the Government was not doing enough to overcome. He recommended for the ministries of transport, the truckers’ union and the employers to come together to ensure that the freight business could grow in level playing fields. Nonetheless, he noted that the workers had little bargaining power with the multinationals. Their employers could not renew their fleets, they needed to organize logistics better, and there needed to be better road infrastructure that was a real investment, not just a cash cow for government and toll road operators.
- 40.** He highlighted that workers had to load their trucks beyond what was normal to compensate for loss of income, meaning that the braking distance for their trucks was considerably greater: that put drivers’ safety and the company at risk. He considered that there was inaction by the State on the issue. There should be penalties for transport and

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logistics companies who operated with overloaded and poorly maintained trucks, and there should be yearly checks of vehicles. They should also think of a specialized heavy goods vehicle licence for a globalized world. Drivers had to pay fines for traffic violations and so on, but there needed to be a system of fines and other penalties that would penalize employers for violations of labour law and road safety, tax and other regulations in the transport sector.

41. The Employer spokesperson stated that the previous speaker had been discussing matters at the margins of the legal system, and the Meeting had to distinguish between legal, illegal and illicit actions. He reiterated that fragmentation of the sector did not automatically imply illegal practices. It might be that there was greater competition between services and rates may have gone down, but that did not mean that the transport market had turned into a jungle where no rules applied. He said that participants had shared experiences of work practices that had negatively affected rights, and that he would always be in favour of fighting such practices. The situation did not inevitably have to be negative, and things might vary. He knew of many cases in which large logistic companies' fleets fulfilled all norms, satisfied occupational risk and prevention checks, paid taxes, provided social security and also worked alongside owner–operators and small companies in their supply chains. He wanted to stress the importance that the Employers' group placed on that.
42. The Government spokesperson restated his group's position, which was that they believed that some operators were exploiting migrant workers, who were often low skilled and might take the opportunity of employment at any cost. That did not mean that migrant workers were the problem – they should enjoy the same working conditions as locals, and not be taken advantage of.

### 1.3.2. Discussion point 2

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

43. The Worker spokesperson stated that workplace health and safety was an issue of critical importance for all workers. Road transport workers generally faced higher occupational risks than other workers. As the Office report noted, in Australia, the EU and the United States, work-related crashes were estimated to cause between a quarter and one third of all work-related deaths. The report also noted that, in 2008, across ten countries, 327,479 people in transport, storage and communications were injured, of whom 2,034 had suffered fatal injuries. He emphasized the significant number of occupational health and safety concerns in the sector, and the range of work-related hazards to which road transport workers were likely to be exposed, such as toxic fumes, noise, stress and harmful ergonomics.
44. Focusing on three pressing health and safety issues, he stated that, to address the root causes, all supply chain actors should take action. The first issue consisted in extremely long hours of work and inadequate rest periods, leading to fatigue and ill health among drivers, which were endemic in both goods and passenger transport. Because of cost-cutting to stay competitive and to meet clients' economic demands, truck drivers' pay and working conditions were worsening. Bus deregulation had forced tighter schedules, with less time for rest breaks. Unregulated competition had worsened taxi drivers' employment conditions in many countries. Irregular working hours, split shifts and unsocial working hours affected non-mobile road transport workers such as administrative and clerical staff, as well as warehouse and distribution centre workers. Governments, employers, workers and their organizations were making strides to combat fatigue and regulate hours of work.

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Legislation, improved enforcement, new technologies, improvements to roads, rest areas, facilities and administrative procedures at border crossings and collective workplace agreements were all examples of measures that had been introduced to achieve acceptable limitation on drivers' working times and, which promoted general public interest by contributing towards improved road safety. He supported these measures but suggested that more needed to be done to address the root causes, as workers were still left vulnerable. Real productivity and efficiency gains could only be achieved when workers had a voice to speak out without fear of reprisals and could be a part of the solution. Workers should be able to join or form a union, and owner–drivers should have the right to collectively bargain and set minimum standards in order to start addressing the power imbalance.

45. He pointed to the pressure on Australian drivers and their working conditions, which resulted from incentive payment systems like piece and trip rates put in place by large companies at the top of the supply chain. Such practices made it difficult for good employers to compete and to promote the welfare of their workforce. The Transport Workers' Union of Australia had been fighting for "Safe Rates" as existing health and safety and workplace laws could not stop different payment systems. In 2012, landmark legislation was passed that set up the legal mechanism to allow a tribunal to investigate sectors and determine the impact payment systems had on safety outcomes for road transport. He presented a slide based on material prepared by the National Transport Commission to demonstrate how certain factors led to unsafe practices in the road transport industry causing vehicle crashes. In the Republic of Korea, 1,200 died per year due to truck-related accidents, and 38 per cent of these accidents were caused by overloading. The Korean Federation of Public Sector and Transport Workers' Union had been fighting for a safe rates system known in the Republic of Korea as "standard rates" since 2009, but relevant legislation had yet to be passed. He stated that the situation in Europe was a version of modern slavery by giving examples of some cases reported by the ETF and a research study by Lund University, supported by the Swedish Transport Workers' Union. In the United States, hundreds of non-union intercity bus companies paid their drivers low wages, so that drivers often had to take another job to make ends meet.
46. The second issue consisted in worker access to bathroom and toilet facilities. The lack of such facilities took away a worker's dignity at work and could cause a range of health problems. He referred to a study that found out that a significant number of bus conductors in Thailand who were stuck for hours each day in traffic without toilet breaks were forced to use adult diapers. The availability of suitable and sufficient toilet facilities for drivers – men and women – at fixed workplaces but also en route was therefore vital.
47. The third issue consisted in violence at work. Transport workers were vulnerable to physical and non-physical violence, which occurred when people reacted to declining services and standards; when employees faced the stress of insecure employment; when workers were forced to compete for passengers and routes; and when employers and authorities exploited workers instead of working in their interests. He highlighted the importance of upholding the basic right of transport workers and transport passengers to work and travel safely, free from assault or the threat of assault and all other forms of behaviour that compromised their security and safety. He agreed with the measures proposed in the Office report to address the issue of violence, which included technology, policy and enforcement, and stated that the best approaches will include the involvement of workers, employers, clients and governments.
48. A Worker participant from India spoke about the plight of women bus conductors in her country, who endured challenging working conditions, including acts of violence at the workplace, especially when working in rural areas. Pregnant bus conductors often suffered miscarriages due to the bad conditions of rural roads as well as the type of work, which required them to move back and forth to issue tickets. The lack of restroom access

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negatively impacted their consumption of water and their ability to take care of their health, in particular in relation to menstrual hygiene. She concluded by highlighting the importance of paying special attention to violence at work and related occupational safety and health issues.

- 49.** A Worker participant from Colombia drew attention to the implementation of massive integrated strategic transport systems prevalent in Central and South America. These systems were displacing small owner–drivers, who faced continued violation of their rights, and led to numerous problems in the sector, including the segmentation of a working day and split shifts. Many drivers had to work extremely long hours and were susceptible to fatigue. The situation resembled slavery at work and raised many wage-related problems with employers increasingly relying on subcontracting for a great number of their drivers. In Bogota, for example, drivers were also subject to violent attacks and insults. Poor planning by those responsible for organizing transport compounded the problem. Road transport workers should enjoy the same rights as other trade union members, and he called on employers to sanction poor working practices, which led to precarious jobs rather than decent work.
- 50.** The Employer spokesperson stated that the most important issue for his group was high road accident rates. OSH issues in the sector were related to the economic interest at stake and to the image of the industry, and he emphasized that the promotion of OSH for road transport professionals and the tackling of the problem of road accidents should be pursued jointly in a comprehensive manner. In that regard, the creation of a major platform for social dialogue was proposed where the social partners and governments could take up a full range of factors that impacted the OSH of road transport workers. Social dialogue should take place at the national level but also, as appropriate, at regional and global levels and include analysis of professional risks, health habits that impact OSH, and studies that could help provide recommendations on maximum driving time and rest periods. Employers’ organizations represented companies that sought to comply with the requirements and were keen to ensure OSH for their employees. Only if there were clear rules for all could there be fair competition between companies. He noted that the terms described by trade union representatives earlier could not be used as common factors. Spain had seen a dramatic decline in the number of traffic accidents over the past few years. A recent study on truck accident causation in Europe, prepared by the IRU and the European Commission, revealed that the majority of accidents in which professional drivers were involved were caused by other road traffic users, and not professional drivers themselves. While agreeing that stress and non-compliance with the law did not positively impact drivers, he stated that competition and stress could not be considered as primary causes of accidents.
- 51.** The Employers’ group also considered violence among the most pressing OSH concerns in the sector, including cases of robbery and theft of personal goods of workers, lack of adequate rest breaks and lack of privacy for rest. To address many of these concerns, significant infrastructure investment was needed to ensure that appropriate facilities were in place. Long-haul road transport drivers often found it challenging to combine their work and family life because of the irregular and split shifts involved in transport service provision, which had a negative impact on their work–life balance.
- 52.** He noted that workers in road transport faced other considerable OSH risks. For example, 85 per cent of accidents where professional drivers were involved occurred due to their distraction and fatigue. Moreover, the Office report indicated various work-related disorders, such as kidney disorders, sleep deprivation and apnoea, sedentary lifestyle, and obesity, and it emphasized the prevention of such disorders through periodical medical check-ups. Another pressing issue in the road transport sector concerned own-account workers, who did not invest regularly and sufficiently in their vehicle cabins.

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- 53.** The Employers' group considered that a key issue affecting OSH was training, as the provision of training improved skills, raised awareness of potential risks, and therefore contributed to lowering the accident rate. Professional skill certifications were identified as successful training tools because they could ensure better training. Such certification processes could be of great importance especially for small and medium-sized enterprises (SMEs), where lack of training was often identified.
- 54.** He believed that the existence of ambiguous employment relationships or illegal work led to unfair competition between the companies and had a negative impact on working conditions, and in particular on OSH. Workers employed in ambiguous working relationships or informal workers in the sector might be particularly vulnerable, as they might lack access to social protection mechanisms and work with low levels of income. Government should have a key role in eradicating all forms of illegal employment in the road transport sector. He concluded by noting that female transport workers faced specific challenges, which needed to be addressed with care: the Meeting could propose developing a social code for the road transport sector.
- 55.** An Employer participant from Australia noted that there were many laws and regulations that addressed the safety of road transport workers. However, it was the non-compliance with such rules and regulations that typically caused OSH concerns. Moreover, new technologies, such as the European black box technology, could become compulsory in vehicles around the world. Such a question could be addressed by tripartite conferences and further promoted by the ILO.
- 56.** A representative of the IRU stated that rules on access to the profession should also apply to intermediate enterprises, such as freight forwarders, who should also be held responsible. Governments should also invest in adequate infrastructure and rest facilities.
- 57.** An Employer participant from Belgium explained that the majority of taxi drivers were migrants, and, as such, faced particular problems in their work and OSH issues. For example, their poor language skills often led to problems of physical insecurity. Furthermore, many taxi drivers worked in the informal road sector. He called on governments to improve the status and working conditions of such workers, facilitate their transition into the formal road sector, and provide adequate training, including language courses.
- 58.** The Government spokesperson reported numerous issues and points raised by his group. Migrants and refugees working in the industry posed unique challenges as some had difficulties with the local language. More effort was needed to address migration and work in the informal economy, including language training, OSH courses targeting migrants, working conditions, housing, social and health protection and health care. Violence among workers and clients had also been raised. It was important for new technologies not to be too advanced for drivers to understand, and the ethical issue of monitoring drivers needed to be addressed. Regulations developed in consultation with all transport stakeholders in Mauritius in 2015 to promote improvements in vehicle safety, seat belts, training, inspections and measures to resolve problems were given as an example of potential solutions to issues raised in the Meeting. He also noted the issue of lack of enforcement, long supply chains, as well as the harmonization of information exchange on road safety topics. The issues of employer commitment and vehicle inspection policies were raised, as were issues of medical check-ups and ensuring that workers had adequate time for medical check-ups. Cameroon was cited as a case where annual medical check-ups were offered to truck drivers. Other issues included first-aid training for drivers, ensuring that measures applied to SMEs and micro-enterprises, and problems regarding motorcycle taxis working as owner-operators and ignoring measures they deemed non-applicable. In Congo, motorcycle retailers were encouraged to sell crash helmets along with the motorcycles as a complete package; that was seen as a successful way of promoting the wearing of helmets.

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The Government group had also noted problems with the speed of national legislation in meeting new challenges, and with behaviour-changing strategies such as those addressing drivers using drugs or energy drinks to meet their work demands. The issues of licensing, differences in the minimum ages of drivers in different countries, and codes of conduct included in licensing were raised. Finally, the security of drivers' rest areas was an important issue.

- 59.** The representative of the Government of the Russian Federation proposed that the Meeting discuss the list of occupational diseases for transport sector workers. A recent international congress held in his country, attended by the Office and the WHO, cited prostate problems and haemorrhoids in third place after stress and musculoskeletal problems as the major health issues affecting truck drivers.
- 60.** The representative of the Government of Côte d'Ivoire cited the issue of raising awareness of avoidable accidents, as 90 per cent of accidents were due to human error and 84 per cent of vehicles in developing countries were of an advanced age. Employers also bore the responsibility for ensuring that inspections were carried out.
- 61.** The representative of the Government of Congo considered that representatives of law enforcement officers should have been invited to the meeting, as the police ensured the physical protection of drivers.
- 62.** The representative of the Government of Belgium noted that, in Europe, governments were downsizing budgets and cutting inspections services and full-time equivalent personnel, making enforcement more difficult. Complex supply chains further complicated that issue.
- 63.** The representative of the Government of Portugal raised the issue of self-employed and independent workers, who often faced problems of exploitation and did not have the same level of protection as other drivers. Globalization affected legislation to protect workers in road transport, and solutions needed to be common to all countries.
- 64.** The Worker spokesperson highlighted the importance of discussing a range of measures rather than single solutions to the problems discussed. Issues such as safety, initiatives on contractual obligations, balancing the use of technology with respect for privacy, law enforcement, training, health issues, and the fundamental issue of long supply chains, all needed to take into consideration both the incidents and their causation. He cited two reports that had linked unsafe behaviour of drivers to poor underlying payment conditions, and one report had concluded that addressing the issue of driver fatigue should reduce the use of stimulants among drivers.
- 65.** A Worker participant from the United States said that one of the fundamental reasons that the TNC phenomenon had developed, and had produced some of the worst conditions in the sector, was the pre-existing conditions in the industry. The taxi industry's practices of high lease rates and "double-dipping" into drivers' pockets to cover social costs had been common for two decades. Such conditions had allowed TNC services to emerge. While the workers were seeking a solution to current unregulated and risky behaviour, they should not return to the conditions that had promoted the emergence of TNCs. He noted that TNCs had resulted in a shift to part-time work. According to data from one TNC company, of over 150,000 drivers, 75 per cent were driving fewer than 20 hours a week; they were supplementing their income from other jobs.
- 66.** A Worker participant from the Netherlands considered that road safety in the European transport sector involved one group of companies and of workers mainly organized in trade unions, who knew their rights and how to claim them, and a second group of workers and mostly fake companies that operated in States other than the ones in which they lived or were based. He said that in the EU, law enforcement in road transport was not a high

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priority, and the authorities had insufficient budgets or numbers to enforce the law. Trade unions did not have statistics on abuse of the law and the consequences of that on road safety. To get the topic on the agenda, trade unions had to act like enforcement authorities and let States know that workers had rights. He described the example of a non-EU driver who cooked food in his trailer above flammable cargo, and of a trade union that had intervened when it found ten Serbian drivers who had been exploited, and had subsequently prosecuted a Dutch company over that case. Large numbers of new EU Member States' drivers had to drive and survive on European roads far from home. The Employers had stated they wanted to end abuse, but that could only be achieved if European institutions acted and the ILO supported their efforts.

- 67.** A Worker participant from France said that, regarding compliance, Europe had probably one of the best legal bodies in terms of working hours and regulations in the transport sector. However, there had been a significant decline in the number of inspections. He cited a report on the implementation of EC Regulation No. 561/2006, which recorded a 75 per cent decline in the number of labour inspectorates checking hours of work. In France, there had been examples where regulations had not been respected, and he referred to one driver who drove for 2,000 kilometres without being checked. He pointed to the high number of fatalities among coach drivers identified in studies in Canada, Denmark, Sweden and Taiwan (China). Since 1976, bus drivers were known to be at greater risk of high blood pressure, often having to work up to ten hours per day. He cited a United States study on obesity among transport drivers. Conditions had not significantly improved, and in numerous countries the age of retirement had been extended. It was not surprising that drivers used stimulants when they had to work ten or 11 hours a day. The same rules should be applied to employees and independent workers to prevent recourse to fake independent workers.
- 68.** Another Worker participant from the United States stated that in his country it was common to see 70-hour working weeks among transport workers. He added that long hours and poor dietary options on the road often led to obesity and morbidity, as well as conditions including diabetes and cardiovascular events.
- 69.** The Employer spokesperson was optimistic about accident rates and health issues, and he believed that all groups had advocated a solution to redouble efforts to improve working conditions, infrastructure and labour inspections. All three constituents had stressed the importance of training, maintenance and replacement of vehicles, infrastructure, health care and medical check-ups. The Employers believed that through social dialogue a social code in the sector could be established.
- 70.** A representative of the IRU considered that there were two specific issues on which the groups could make a difference through joint action. The first was training, and he highlighted ILO training modules that were available across the world, including a project that had just been finalized on training that was available on mobile devices. The second issue was renewing fleets of vehicles, which was a top concern for African colleagues. Stakeholders could launch initiatives and models to work in regions that were in need of renewal of fleets.
- 71.** Another representative of the IRU stated that there was a driver shortage emerging, and used the example of Germany, which had a shortage of 25,000 drivers. It was not helpful to portray work in the sector as modern slavery in light of the recruitment and retention problems in Europe. He stated that some of the information that had been presented by the trade union representatives did not reflect those facts in the EU.

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72. The representative of the Government of Brazil said he appreciated sections of the report that dealt with TNCs. He stressed the importance of the report for discussion's paragraph 73 on bus rapid transit (BRT) systems, and stated that his Government was following both issues very closely.

### 1.3.3. Discussion point 3

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

73. The Employer spokesperson wished to examine solutions to ensure decent opportunities and working conditions for transport workers on which there was consensus at the Meeting. First, an instrument fostering decent work in the sector was social dialogue at international, regional, national and enterprise levels which could tackle all the issues discussed previously that affected the working conditions and health of drivers. The responsibility for dealing with inefficiencies was not just for employers, workers or governments. Instead, there was a need for co-responsibility on that. For the Employers' group, the best tool available was social dialogue.
74. Second, there was a need to improve road infrastructure, both in terms of maintenance and for safer and more modern roads (including lighting, rest and service areas). A quantitative and qualitative increase in roadside rest and service areas for professional drivers would have clear benefits in terms of safety (thefts, violence, robberies), health, the physical needs of workers (including sleeping and washing); that would benefit all road professionals. The recent shortcomings in certain border crossings were also a problem. Efforts should be made by all to improve control measures and visa control in order to facilitate border crossing.
75. Third, the reconciliation of work and family life was an issue of which the Employers were very much aware, especially for international long-distance transport. In so far as possible, international road drivers should have the possibility to take as much rest time at home as possible on a weekly basis.
76. Fourth, the issue of training was another basic matter having a direct impact on the working conditions and security of professional drivers. It would be essential to set up training programmes (obligatory, periodic, and as extensive and broad as necessary). These should include issues related to risks involved in driving, loading or unloading, and compliance with sectoral regulations. Healthy living was an important training issue, which could be included in social dialogue.
77. Fifth, it would be a good idea to have a minimum skill-set for entry into the profession. It should not be enough to have a work permit and a driver's licence. A professional driver should be better skilled and trained in order to carry out his/her job safely, and ensure that there was no adverse impact on health. It would give more dignity to the sector and make it more attractive to young people.
78. He reiterated that the Employers' group supported the suggestion to promote road transport workers' access to periodic health checks, which would allow evaluation of how working conditions could be affecting drivers' health and, at the same time, assessing whether they were healthy enough to continue working. In the Office's report and in the previous discussion, there was reference to the existence of certain pathologies or diseases that occurred more frequently among professional drivers. Some drivers were reported to be

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unwilling to take health checks. Like airline pilots, there should be an obligation for all professional drivers to undergo health checks.

- 79.** He suggested that controls on drugs and alcohol consumption should be promoted in accordance with regulations. The Employers' group called for zero-tolerance policies whereby drivers should not use drugs or alcohol when driving. Periodic health checks and drugs and alcohol tests should always take place in a non-aggressive and confidential way. Employers did not have the right to know about illnesses or pathologies of workers, but needed to know whether workers would be able to carry out their job.
- 80.** He noted that some participants had mentioned that in certain countries vehicles were excessively old, either for commercial transport or haulage. An improvement in vehicles and equipment for commercial use would have clear benefits in terms of safety and health for drivers. There should be more investment in that. For example, campaigns had been initiated to promote and subsidize the renewal of fleets. That type of public initiative had a positive response, when fleets had been rejuvenated. Constantly vibrating vehicles impacted drivers' and passengers' health.
- 81.** For the Employers, another important issue was the responsibility of all actors throughout the supply chain who could play a fundamental role in transport services, including supply chain agents and intermediaries that were not directly responsible but involved overall.
- 82.** He concluded his statement by mentioning that labour inspection was in the hands of governments. Governments had pointed to weaknesses, negatively impacting workers as well as employers. Greater effort should be made to prosecute labour violations and eradicate market distortions. These caused clear prejudice to workers directly involved. Irregular, disguised and informal forms of employment brought down standards and quality, and did not contribute to society in terms of tax payments, so it affected everyone.
- 83.** The Worker spokesperson announced that it was a historic day, because the Group of 7 leaders had just committed to mobilizing joint efforts to promote labour rights, decent working conditions and environmental protection in global supply chains. The ministers had agreed on a series of measures, including the creation of a multi-donor Vision Zero Fund for action in producing countries. The fund would support social dialogue and the application of ILO standards on OSH and fundamental principles and rights at work in global supply chains.
- 84.** The Workers' group did not want to look for common ground only. For 90 per cent of issues, there would be consensus. His examples included the importance of social and sectoral dialogue, co-responsibility and accountability in global supply chains, work-family balance, infrastructure, training, and medical support. With regard to common ground, he referred to the testing of drug and alcohol consumption in an appropriate way, and the issue of inspection and compliance. He looked forward to drafting the conclusions that would include language on quality jobs, fair wages, safe work, and equal opportunities, among others. Increased female participation in the road transport sector would be important to achieving equality. The Decent Work Agenda with its four strategic objectives offered a comprehensive framework: promoting jobs; guaranteeing rights at work; extending social protection; and promoting social dialogue. In addition to the need for action on key health and safety issues, action was also needed to address challenges at the root of the issues. This cohesive approach would establish decent work and sustainability of the industry.
- 85.** He clearly conveyed to the Meeting four areas of improvement critical to the Workers' group: achieving supply chain responsibility; closing the gap between formal and informal employment; creating a level playing field; and promoting freedom of association and collective bargaining.

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- 86.** Firstly, with regard to the issue of accountability in the supply chain, the Group of 7 was right. He referred to a Safe Rates model that demanded the economic employer at the top of the supply chain to be accountable. Professor Belzer's research had led to the discovery that in some cases a 10 per cent increase in wages would reduce the probability of accidents by 18 per cent. The New South Wales Deputy Coroner had commented in 2005 that the low wages per kilometre driven would always form an incentive to drive more, as the purpose was to earn a decent wage. A Safe Work Australia survey from 2015 on the transport industry in Australia had revealed that 20 per cent of employers had broken safety rules. The Transport Workers' Union of Australia wanted retailers to sign up a Safe Rates charter for supply chains – one major retailer owned no trucks, but was responsible for 2 million truck movements. In Canada, a series of disputes involving container truck drivers in 1999, 2005 and 2014 over low rates, waiting times and poor regulation also led to reforms. Multi-stakeholder boards could update the rates. Port drivers in the United States, being independent contractors outside the scope of labour regulations, had organized themselves to fight for a living wage and dignity. There were other examples on social dialogue.
- 87.** Secondly, with regard to closing the gap between formal and informal employment, one should present an alternative agenda that would protect all workers. Coordinated approaches were needed. As outlined in the report, an explosion in BRT systems had taken place. It had been promoted to compete with private cars. Despite encompassing formal employment, there were questions about the quality of jobs. Formalization should support workers and safe practices. Social dialogue should take place from the inception of BRT programmes. It would therefore be important to increase the bargaining power of workers engaged in non-standard forms of employment. Temporary and precarious workers should have the same bargaining unit as regular transport workers' unions. In Uganda, associations of informal transport workers were recruited successfully and their capacity was built. Women's representation in the trade unions had increased.
- 88.** Thirdly, with regard to the promotion of a level playing field and fairness within supply chains, regulations existed and enforcement was crucial. Training for workers played an important role as well, but should not shift risks to workers. Responsibilities should be taken effectively. There was a tendency for pressures in supply chains to come automatically down the chains. European colleagues would speak further about that topic. A campaign against unfair competition and misuse of rules had been initiated. If the campaign was successful, the European Commission would have to take concrete action. In passenger transport, there were other forms of unregulated work providing transport services that do not accept any responsibility as transport operators. He underlined that his group was not against innovation and modern technologies, as long as there was compliance with governance standards. Many governments were grappling with these issues. In response to illegal practices, workers, employers and governments should work together, nationally and internationally. Around the world, drivers were joining together to demand a level playing field and defend not only their labour rights, because there were global concerns about the impact of that issue on jobs, but also the safety of passengers. The issue of TNCs had also been discussed in Brussels, and in the United Kingdom there were some legal claims against TNCs giving their drivers "partner" rather than "employee" status. He emphasized the importance of freedom of association and collective bargaining. Social dialogue should address issues of transport, improve working conditions and promote sustainability in the whole industry. He stressed the importance of cross-border work for non-local drivers.
- 89.** A Worker participant from Canada explained that her country had been a great example of excellent social dialogue within the transport industry. Relations between the social partners had ups and downs, but a recent error of judgement (in naming the CEO of the British Columbia Employers' Federation as a Government commissioner for social dialogue – asking a fox to safeguard the henhouse) had brought everything back to the

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beginning. That was a sad situation because all the parties had worked together to build a relationship and create real social dialogue, an excellent example of shared responsibility of all social partners.

- 90.** A Worker participant from the United States highlighted the importance of social dialogue on violence, along the lines of the UITP–ITF Memorandum of Understanding, when so many women transport workers have to deal with abuse in the sector. Prevention of attacks would save money and psychological costs all around the world because the major problems were the same, including stress caused by traffic. He expressed his satisfaction with the agreement on the importance of cab size and access to bathrooms. It was important to realize that safety equals saving money.
- 91.** A Worker participant from Belgium stressed that training programmes should be a priority. He considered that the problem with training was that many employers defined it as a cost and, if the employer did not pay for it, workers would not be motivated to participate. But if it were treated as an investment, like buying new vehicles or IT, more drivers would be willing to undertake training, which was not an individual responsibility but a collective engagement. Belgium was a good example because employers contribute with a certain percentage of the global wage bill in a sectoral fund, administered by social partners, which was available for employers who invested in training and education. He contested the Employers’ group questioning of the use of the term “modern slavery”, and cited three sources about the existence of such slavery. The first was a 2013 comment from the President of the Transport Committee of the European Parliament apologizing to drivers in Europe about the social and working conditions of hauliers; the second was a 2014 study on the EU haulage market that confirmed the difficult situation in road transport; and the last was a 2014 study by the University of Antwerp co-financed by the European Social Fund and complemented by field visits, which recognized slavery-like conditions. Many employers’ organizations shared their concerns about the dramatic influence of social dumping on working conditions in road transport and that the representative of the German transport employers’ organization was very clear about the problems.
- 92.** A Worker participant from Barbados noted that gender was a cross-cutting issue in the Decent Work Agenda, and that the Meeting had already identified solutions for passengers and workers, but it was necessary to understand the gender implications of all the propositions. The Workers with Family Responsibilities Convention, 1981 (No. 156), already promoted reconciling work and family life, but the need was stressed to promote equity and equality and to challenge stereotypes in the sector, where women’s issues were important. Gender was not only about women but also about men, and how everyone was affected by their own decisions.
- 93.** The Government spokesperson provided examples of a range of national initiatives. Several countries had drastically reduced accidents by measures including road safety, transport control, infrastructure and traffic policies, driver qualification, reducing drivers’ hours, additional training, vehicle safety systems (on hours worked and braking systems among others.), aptitude testing, improving signage and filling potholes. For freight transport, governments could fix maximum loads as an OSH measure. Parking areas should be comfortable and appropriate. Some countries had effective social dialogue mechanisms where the workers’ voice and their unions had been strengthened and labour disputes avoided, promoting engagement, understanding and collaboration between the social partners.
- 94.** The Government group felt labour inspection needed to be revamped and revisited, especially in countries where more resources were needed for better inspection in the transport sector. However, it was not possible to have inspections everywhere. Self-regulation might be part of the solution. Labour contracts based on number of kilometres or on speed of delivery tended to discourage safety. Governments had a role in promoting

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fair competition among transport employers and in preventing exploitation. Illegal operators involved in traffic accidents provided no compensation for victims, compared with legal transport operators.

- 95.** His group considered that governments should have adequate enforcement powers so that they could incentivize those enterprises that were operating within the law. In South Africa, there were representative operator bodies that acted as umbrella organizations, which made cooperation with government easier. More efforts were needed to encourage these representative operators. They should also consider dedicated road accident funds. Some players might only participate in such a fund for a short time. Governments should do more in terms of monitoring and compliance and enforcement of such funds, to ensure that payments were continual, not sporadic. The revision of national laws and the development of best practices and tailor-made solutions were also important. In the context of rapid technological change, it was difficult to keep up, so governments needed to ensure training, education, and technological advantages and the sharing of international best practices. Information exchange between countries sharing certain commonalities – on changes in laws or regulations regarding transport – was also important.
- 96.** The representative of the Government of Brazil emphasized that, when considering solutions, they should be tailor-made to local conditions; they needed to take into account each country's circumstances. Multilateral forums and agreements and inclusive participation were important. Recognizing the importance of social dialogue in the drafting and designing of urban policies, it was important to stress that the authorities also factored in environmental concerns, accessibility, and users' and passengers' rights, as well as labour issues.
- 97.** The Employer spokesperson welcomed the consensus between the three parties, and responded to some issues raised. Firstly, gender equality was important in their overwhelmingly masculine sector. Secondly, the idea of equal conditions of work and wages in all countries of the world was not just ambitious, it was impossible. There were so many other factors with regard to work and state realities. Where they did agree was that they had to denounce social dumping practices in Europe and in some other parts of the world. He considered that letterbox companies constituted unfair competition and the practice should be denounced and eradicated. Thirdly, the issue of training was very delicate. Governments also had a responsibility to ensure skills training. However, training should not only be viewed as expenditure alone; it was also an investment and they were quite prepared to discuss and tackle the issue on a joint basis.
- 98.** Speaking on behalf of Spanish employers, he addressed the ban on certain remuneration systems that involved incentives by route or by volume of cargo transported. He referred to EU Regulation (EC) No. 561/2006 on the harmonization of certain social legislation relating to road transport, which prohibited employers from paying workers on the basis of those variables. In Spain, many collective bargaining agreements had agreed on systems of remuneration by kilometre driven, provided that the employer was responsible for ensuring that workers scrupulously respected maximum driving times, minimum rest times, and standards relating to cargo volume and traffic safety rules. That was an incentive to workers to produce more and to work better, as long as employers were responsible for ensuring that drivers respected the rules.
- 99.** The Worker spokesperson agreed that programmes needed to be created to increase women's participation in the sector. The ILO had several policies that could assist in that discussion. He welcomed the Employers' comment on the issues of gender equality and of social dumping in Europe and other parts of the world and regarding the unfair competition and eradication of those practices. He appreciated the sensitivity of the issue of incentives raised by the Employer participant from Spain on the issue of incentive systems; it was important to know whether it was clients or transport employers who paid such incentives.

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A substantial number of major clients of the transport business imposed pressures that endangered drivers on the road. He also welcomed the positive comments from the Government group regarding training and education and uniform rules across borders. The issues of driver selection, ageing fleets and the quality of the roads were also significant. Capacity building for unions was essential to ensure appropriate representation and to communicate effectively regarding safety issues. He fully supported the Government comments relating to labour inspection, rest facilities, level playing fields, unregulated operators and the best practices list.

- 100.** A Worker participant from the Republic of Korea addressed the issue of public funds for public transport systems, which had not been discussed extensively in the report. Many Worker and Government participants had pointed out the relationship between long driving hours and the pressure put on workers' safety and health, as well as road safety in general. That was a problem for Korean bus drivers, who worked an average of 11.5 hours a day. There was no legislation limiting driving hours for Korean bus drivers, and they were exempt from labour legislation. Even if there were regulations, they would be difficult to meet because of the chronic shortage of drivers. Their ratio of drivers to buses was between 1:3 and 1:9, whereas in Seoul the ratio should be 2:7. In some cases, there was not enough public funding to allow safe worker levels. There had been cases where corrupt companies had embezzled public funding for transport. There was a relationship between lack of oversight and corrupt practices of private companies. Not enough money was going into maintaining driver levels. The ILO and its constituents needed to pay more attention to the use of public money for transport. Systems were needed to ensure enough public money was allocated to safety and that it was spent appropriately. It was sometimes better to use public money for public transport instead of privatizing public transport systems.
- 101.** She also mentioned that a group of drivers hauling freight for a large Korean food producer had been on strike for the past 40 days, because they tried to join a union but the company refused to recognize it. They were not getting paid adequately for their work, were driving well above the maximum daily hours, and were being pressured by clients and transport companies to illegally modify their vehicles to carry excessive loads. Overloading practices posed significant challenges, causing many accidents in her country. She stressed that the Republic of Korea lacked minimum standard rates, and needed a system of binding legal standards, applied internationally to make clients and supply chain actors accountable. Her union had proposed strengthening regulations prohibiting overloading and increasing penalties for violations, and to make clients and the companies accountable for pressuring drivers to overload. The Employers' group seemed to be addressing proximate causes of accidents, such as overloading, instead of looking at the underlying causes. Ultimately, the responsibility should be put on employers and clients. Solutions needed to target the root causes of overloading, risk-taking and drivers' substance use, which were structural problems and supply chain pressures.
- 102.** A Worker participant from France addressed the issues relating to drug abuse in the context of long working hours. Working for ten or 11 hours was not decent work. The ETF had concluded an agreement with the UITP to include more women in their profession and to fight against glass walls and ceilings: the glass ceiling referred to barriers to women obtaining management positions, whereas the glass wall related to women's lack of access to technical professions and working as drivers. It was difficult to find more than 10 per cent of women in transport companies. He denounced training that had to be paid for by workers; that constituted unfair competition against enterprises that paid for training their workers. At the beginning of the twentieth century, labour conditions had been much better for municipal workers. The liberalization and privatization of public transport had harmed decent working conditions. However, they were starting to see a movement whereby local authorities (such as in Belfort and Nice in France) were remunicipalizing public transport.

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**103.** The Government spokesperson stated that, in terms of possible solutions, the holistic approach should be considered. The magnitude of the problem needed to be better understood, both at the global and the country level. He highlighted the importance of research, which could clarify the problem under consideration and inform policy-making, but which the Office did not address sufficiently in the report, especially in developing countries, for example.

#### **1.3.4. Discussion point 4**

##### ***Good practices to promote social dialogue in the road transport sector***

**104.** The Worker spokesperson recalled that social dialogue could take many forms, including negotiation, consultation, or an exchange of views. He emphasized that the promotion of social dialogue was one of the four objectives of the ILO's Decent Work Agenda, and was essential for successfully resolving economic and social issues, encouraging good governance, advancing social and industrial peace and bringing economic progress. Respect for the fundamental rights of freedom of association, including the right to strike and collective bargaining, was also essential in ensuring effective social dialogue.

**105.** He noted that all workers, including owner–drivers and misclassified workers, had the right to establish and join trade unions of their own choosing. As the ILO's supervisory bodies had established, the criterion for determining the persons covered by that right was not based on the existence of an employment relationship, but by the mere fact of being a worker. In some cases, however, the high levels of segmentation and fragmentation in the industry had translated into diminished worker bargaining power. In many countries, workers still did not have the right to organize freely. He reminded participants that many governments had not ratified the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

**106.** He considered a good example of national social dialogue was the Road Safety Remuneration Tribunal in Australia, which began operation in July 2012 as a provision in the Safe Rates legislation, could make decisions that bound economic employers, and provided a crucial tool in the fight for better safety and fair conditions for truck drivers. The Tribunal included employers, it applied across government jurisdictions and ministries, and it facilitated social dialogue because it could invite all parties in the supply chain to find solutions to safety and remuneration issues over multiple forums. It monitored pay and conditions in the trucking industry and had the power to: set fair rates of pay and related conditions for employees and owner–drivers; resolve disputes and inquire into the industry; and make orders to remove commercial incentives that promoted unsafe work.

**107.** He stated that the Transport Workers' Union of Australia had made two submissions to the Tribunal, calling for a focus on big retail clients who used their market power to push trucking companies and drivers to their limits by driving down the cost of contracts and setting impossible delivery deadlines. The Tribunal's first major ruling on payments was a new draft order that set safe rates for contractor/owner–drivers and placed contract and auditing obligations on clients and hirers.

**108.** He continued by recalling that other countries had similar mechanisms. In May 2015, the Japanese Transport Ministry and the Labour Ministry had jointly established a national council to improve the trucking industry environment and reduce working hours of truck drivers. Members of the council included representatives from the Japan Trucking

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Association, ITF unions and representatives of big clients. In September 2015, an extensive survey on working hours, including waiting time of truck drivers, was conducted nationwide in Japan. Based on the outcome of that survey, the ministries would draft guidelines for businesses to reduce working hours of truck drivers, and would clarify who was responsible for truck drivers' waiting time.

- 109.** He identified examples where social dialogue had resulted in regulation on the use of private licence plates in the for-hire vehicle sector. National legislation in France forbade the use of private plates as a result of direct action and talks between unions and government at the national level and social dialogue at the European level. New York City had also instituted a complete ban on private plate operations in response to union and employer concerns. Currently in the United States, social dialogue concerning proposed legislation was under way in at least three municipalities, notably to create a level playing field for all the for-hire vehicle drivers through a standardized taxi drivers' licence, and price floors.
- 110.** His group identified positive examples of social dialogue at international level. For example, the ITF and IRU were currently working together to protect standards for both taxi drivers and passengers; the ITF was part of the advisory committee for the IRU Global Taxi Network. Similarly, based on the ITF–UITP Memorandum of Understanding of 2013, the two organizations signed two agreements in 2015: the joint statement on combating violence and insecurity on urban public transport networks addressed ways to tackle violence; and the joint declaration on climate leadership recognized that taking climate action via public transport represented a great economic opportunity.
- 111.** He recalled that the ITF had been an active participant in the development and promotion of the ILO training toolkit on the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) for the road transport sector, and the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) adopted in 2014. HIV/AIDS was of particular concern to transport workers in some countries because their mobility and long absences from home increased vulnerability. In 2013, the National Union of Transport Workers in Colombia (SNTT) signed a collective bargaining agreement with a bus company, which guaranteed job security for workers living with HIV, and committed the company to supporting a union-organizing campaign on HIV and AIDS prevention.
- 112.** On container safety, he noted that many accidents in the transport sector were attributed to poor practices in relation to packing of containers. A survey by Zenkowan revealed that, during ten years, from 1998, 175 overturn accidents had occurred in Japan, killing 13 people. More recent research identified 28 incidents on Japanese roads from 2006–09 caused by shifting cargo, overloading, inadequate documentation, or hazardous or dangerous goods. Container safety was an issue for all transport workers, and it was also a serious concern for managers, schedulers and warehouse operators, who formed part of the chain of responsibility. The CTU Code was a key document to address the issue of container safety and assist governments in action to regulate the packing, weighing and checking of containers. The Workers' group sought to see the provisions of the Code adopted into national legislation to support a safer, healthier and more productive transport industry across supply chains.
- 113.** A Worker participant from Canada stated that, faced with violence and aggression on the job, public transit operators were often left defenceless. Ensuring safety and a respectful environment at work required a variety of policy solutions. Interventions should include innovative security and reporting policies at the workplace level. Employer-led investments and drivers' training were important, as well as ensuring that drivers were engaged in safety protocols and willing to participate. Stronger legal deterrence and

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tougher penalties were also needed to complement policy solutions, such as in Canada and Australia.

- 114.** The Worker participant from the United Kingdom presented the Petroleum Driver Passport scheme, an industry initiative backed by the Government to ensure that all road tanker drivers in her country were trained and assessed to a consistent high standard. As a result of concern raised by trade unions regarding low-cost operators, the scheme was created through a partnership between industry and workers' unions, with support from the Government; it set compulsory training and benchmarks for competencies. Drivers were involved in the drafting of the training standards and the employers paid for the training. That scheme led to significant improvement and ensured higher standards of health and safety practice and training for tanker drivers.
- 115.** The Employer spokesperson stated that his group was convinced that social dialogue at any level was fundamental not only in ensuring the development of the social rights of workers but also for correct and appropriate management of enterprises. Social dialogue was fundamental for the evolution and development of political systems and of more democratic societies. Social dialogue – which included the right to collective bargaining – formed part of the ILO Declaration on Fundamental Principles and Rights at Work. Social dialogue was important at all levels; at international level (for example, tripartite discussions at the ILO); at the EU level – encompassing commendable intersectoral dialogue and sectoral dialogue covering issues such as training and cabotage, which had led to useful initiatives in the transport sector; and through national tripartite dialogue, for instance in Argentina, Australia and Spain. Consultative bodies also drafted sectoral standards (for example, Spain's National Council for Transport, representing employers, workers, and other agents involved in supply chains).
- 116.** He continued by noting that in some regions and countries, social dialogue on OSH was also held. In Spain, the social partners had requested and obtained funding to carry out studies and specific action on OSH, working conditions, drivers' health, and awareness raising. Enterprise-level social dialogue and collective bargaining were also important; some large enterprises and unions had achieved interesting agreements, including on medical protocols and campaigns for workers on such topics as HIV and AIDS, drugs and alcohol, and sleep apnoea. Open communication systems for reporting issues or proposing improvements were also reported as good practices.
- 117.** The Government spokesperson noted that governments had identified several good practices with regard to social dialogue. There were good examples of campaigns based on awareness raising, inspection, and better participation from employers and workers. It was also important to evaluate and monitor if awareness campaigns were successful. Fostering synergies was important, for instance involving public and private institutions in improving social dialogue. Sharing best practices could be very useful for other parties. Good examples included the involvement of relevant ministries and the establishment of funds for OSH. Issues related to insurance in case of road traffic accident fatalities were also important. The Government group also believed that employers should respect the needs of workers, including commitment on their part to participate in social dialogue.
- 118.** He stated that at the national level, the need for adequate participation of social partners was essential. It was equally important to hold regular meetings within the tripartite councils to inform relevant ministries about issues concerning the transport sector. In some countries, guidelines on training or on management systems had been developed, for example on stress at the workplace. Some governments had highlighted involving labour inspectors in tripartite forums to allow social dialogue to inform labour inspection processes. To help prioritize the most pressing issues for the sector, awareness campaigns should be informed by information obtained on the ground. Feedback should be given to the relevant sectors, and corrective rather than punitive approaches should be used.

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- 119.** The representative of the Government of Portugal stated that his country had developed a campaign on road safety in transport workplaces, which stressed information and awareness raising, maintenance and safety of vehicles, and training and capacity building of drivers.
  - 120.** A representative of the Government of Zimbabwe identified a need to roll out monitoring and evaluation to track progress that member States made towards occupational health and safety standards within various sectors, including road transport, in regional economic groups like the Southern African Development Community. Monitoring and evaluation practices were based on experience within the region, to which member countries could relate more closely in terms of technology and infrastructure. The use of the media for efforts to raise awareness of OSH in member States, like Zimbabwe, played a central role in defining issues and showing what governments were trying to achieve.
  - 121.** The representative of the Government of the Russian Federation was surprised that the issue of work accident insurance had not been raised. The North American Free Trade Agreement countries had found a way of protecting workers through insurance against occupational accidents and diseases. All employers paid a contribution to the Russian Federation's national social insurance fund, and a second obligatory fund insured workers against occupational illnesses.
  - 122.** The representative of the Government of Sudan noted that road transport safety measures should address raising public awareness, enforcing violations of relevant laws, removing unsafe vehicles and drivers from the road, and ensuring a health and safety culture for workers in the sector.
  - 123.** The Worker spokesperson noted that the capacity to bargain collectively, engage in social dialogue and to have safe workplaces that met ILO standards came at a cost, which was funded by the income enterprises received from their operations. Poor businesses could not meet ILO standards, even with willing employers. Involvement of clients – the economic employers – was crucial in any initiative for improving road transport safety. Capacity for social dialogue and safety depended on a fair and level playing field to offset market pressures. He agreed with governments that road safety campaigns and guidelines were crucial, as well as evaluating those campaigns. Equally important were national welfare funds paid by employers to fund OSH for workers. Insurance and the ability to recover safety costs were critical within supply chains. Clients should be held accountable for basic safety principles and should help pay for and support appropriate safety conditions of road transport workers.
  - 124.** A Worker participant from Norway noted tripartite cooperation had been institutionalized in his country for 80 years. The General Application Act (4 June 1993, No. 58) enabled the Government to make collective agreements generally applicable by regulation. In 2015, the law was applied to road transport collective agreements to prevent social dumping and unfair competition. The system of general application of collective agreements was an alternative to the usual means of governments setting national minimum wages because it involved social dialogue and put wages in collective agreements. It could have several advantages for social partners. The law was implemented for road transport of goods in July 2015 and for passenger transport by coach in September 2015. Minimum wages resulting from the general collective agreement could be adjusted through regular bargaining processes.
  - 125.** A Worker participant from France remarked that social dialogue could also be helpful in difficult situations such as after strikes. He gave the example of a strike in road freight transport over salaries at the beginning of 2015 in France. Social dialogue with employers also suffering unfair competition from other countries with lower salaries led to the adoption of an amendment to a law that was under discussion to strengthen ways to fight

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social dumping in road and river transport. That law envisaged that any driver who carried out cabotage operations in France would benefit from French minimum wages, and any operations not respecting minimum wages could be prosecuted.

- 126.** A Worker participant from the United States noted that his research on the economics of supply chains, especially in the trucking sector in the United States (some of which was cited in the report), showed a direct relationship between economic competition and road safety. The more truck drivers earned, the less incentive they had to speed or to take risks. These safety issues could be resolved by raising compensation. Truck driver turnover in the United States exceeded 100 per cent per year, which resulted in substantial costs to transport companies to keep their trucks on the road. A recent report by a trucking company demonstrated a substantial productivity gain when they increased drivers' pay, thereby reducing staff turnover and costs.
- 127.** He insisted that efficient markets led to economic prosperity. Insurance should require that operator safety and health be included in the final price. The Government and regulators should ensure efficient allocation of resources, and society would become more prosperous. On the other hand, if the price for supply chain services were too low, society would endure unhealthy and unproductive transport systems that would be dangerous for all those involved. If companies paid full insurance costs, worker compensation and property damage, then companies would have greater incentives to function more safely, and the benefits would be apparent everywhere. Some truck and bus carriers that provided quality services to their workers and the public should be rewarded for their high quality. Truck and bus crashes were not "accidents", because they could have been prevented. Transport companies, transport workers, and public users were among those involved. That method implied good business and governance; it created a constructive basis for social dialogue.
- 128.** A Worker participant from Argentina noted that there were three basic rights: to decent work, to fair pay, and to housing and health. He wished to expand upon the importance of these concepts within the transport industry. The National Federation of Truck Drivers in Argentina had based its collective agreement on the idea of fair pay. The Federation was committed to ensuring that transport workers had decent housing. Their national health plan covered all the health and physical safety needs of transport sector workers. In 1993, controls were introduced on the transport of hazardous materials, and skills test certification for those workers involved, the costs of which were borne 100 per cent by employers. In 2003, these checks were extended to the entire industry under the same conditions with checks to ensure skills training and physical safety (but certain illegal activities were disrupting working conditions).
- 129.** His Federation aimed to ensure the safety of transport workers, as part of a worldwide campaign, noted by the WHO, against the use in transport sector vehicles of illegal chemical substances in fumigation that can cause congenital birth defects and premature abortion. Looking at the supply chain alone was not enough; there was great economic clout in the sector and, workers' rights should always be respected. In Argentina, the transport of thousands of tonnes of grains and cereals each year was conducted 80 per cent by truck (7 per cent by plane, and the rest by train). The Argentinian grain industry was an intensive one, and needed to ensure the arrival of its produce where required. In a globalizing world, Argentina's borders were increasingly porous and allowed the entry of illegal transport operators from other countries. The methods presently used in the agro-chemical industry involved certain types of heavy metals and illegal methods to clean grain containers and trucks. These illegal substances – such as phosphine and its derivatives – were used as insecticides to protect crops, and increased the health risk to drivers when they were mixed with other crops in the process of transport. Some of the fumigation agents, including phosphine, were used in cans when loading the cereals and grains in the trucks themselves. Thus, upon contact with cereals, these chemicals generated

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a gas that was heavier than air, and that posed a serious health threat to transport workers in the cabin. In 2008, Argentina witnessed the first signs of the impact of such activities on its transport workers' health. He noted that, although banned, these practices were widespread in the transport of grains. These chemical substances could potentially kill the truck driver. Although they had complained to the Ministry of Labour, and alerted the appropriate authorities, they were still awaiting a response. In the meantime, there had been a series of strikes. A draft bill, tailored by labour unions, was initially discussed in Parliament on 22 December 2014 and adopted in the Chamber of Deputies; the Senate was to debate that draft bill further in mid-October 2015, one week after the current meeting. If the senators were made aware of the magnitude of the problem, it might be possible to eradicate the use of phosphine as an insecticide. What was needed was to appropriately handle the consequences of the use of these dangerous substances. There were many companies who used these substances, and the multinationals involved in their sale retained great economic clout. Thus, he asked the ILO to examine the problem. His Federation was fighting to ensure that this threat to the transport industry would be tackled.

130. The Employer spokesperson recalled the importance of social dialogue in the road transport sector, and some good practices in that respect. He noted the Worker spokesperson's statement regarding difficulties that independent and subcontracted workers in road transport faced in collective bargaining, and agreed that collective bargaining was difficult for independent drivers or in companies involving few workers. However, in some countries, collective bargaining Conventions also covered workers in small and medium enterprises. Cooperation with the authorities, in particular those responsible for road traffic, was crucial for ensuring safety in transport. A good example of this involved coordinating the efforts of different authorities (including road traffic administration and ministries of employment and social security), trade unions and employers' organizations, to work on road safety issues. He suggested that bonus or incentive systems could be considered good practice. For example, companies in Spain that adopted a positive, proactive approach with regard to work practices, road safety and OSH paid lower contributions to social security funds; their payments for work accidents also decreased.
131. The Government spokesperson restated the importance of formalization of the informal economy. He called on the ILO to consider and propose strategies for formalizing informal economy jobs in the transport sector.
132. An observer representing the UNECE highlighted the importance and the potential of the CTU Code, which, although non-binding, provided extensive information on how products should be packed and unpacked correctly and therefore would significantly prevent accidents in countries of destination. Governments could – like South Africa – incorporate the code of practice in national legislation and prepare further guidelines on its implementation. Application of the code of practice would create benefits for workers and improve the economy, as it allowed the creation of safe jobs. It was too early to estimate the impact on the sector as a whole, as they might require further modification to best respond to the evolving needs of those who were in charge or dealing with transport units.

### 1.3.5. Discussion point 5

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

133. The Employer spokesperson presented seven recommendations. First, further work was needed by the Office and social partners on sectoral social dialogue and establishment of a

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“sectoral observatory”. Training on road safety and prevention of OSH risks should be improved. A social code could be considered in order to cover all the issues related to professional drivers, in particular those regulating their status.

- 134.** Second, member States should apply policies to increase dignity of road transport drivers, enhance their skills and provide for certification. A professional skills certificate should be a precondition for accessing the profession. Training should not be limited to professional drivers but should involve all workers in the transport sector (intermediaries and micro-entrepreneurs among others). Such an approach would lead to safer trade and better economy.
- 135.** The third recommendation concerned infrastructure and targeted both member States and the Office. Infrastructure was a key element for the proper functioning of the transport sector. He explained that the infrastructure had a direct implication on safety and health of professional drivers, and that the main concerns were service and rest areas. More analysis was needed on professional drivers involved in border crossing because long waiting times at the borders led to problems related to fatigue, violence, substance abuse, the sex trade and infections, etc.
- 136.** Fourth, there was a pressing need for implementing policies that ensured periodic inspections, proper maintenance of professional vehicles, and replacement of outdated commercial vehicles with more ergonomic ones. He also mentioned that some governments supported such policies through subsidies.
- 137.** Fifth, laws and regulations should provide for periodical medical check-ups; a compulsory check-ups system could be considered, protecting workers’ confidentiality with regard to their health status.
- 138.** The sixth recommendation was on illegal forms of employment and ambiguous employment relationships. In particular, member States should ensure that inspection regimes had the necessary means to eradicate such forms of employment, which hurt the workers, constituted unfair competition and fraud, and posed an OSH risk.
- 139.** Seventh, the Employers’ group invited the ILO and governments to promote policies that ensured innovation, but also equal conditions for all and compliance with standards in transport network companies. He stressed the need to compile and disseminate statistics on the collaborative economy and its impact on decent work.
- 140.** The Worker spokesperson emphasized that, in every region of the world, transport workers of freight and passenger transport experienced some of the highest injury and fatality rates and that incentivized payment systems, intensive work systems, overloading, long hours of work, poor vehicle maintenance, inadequate rest time, inadequate facilities and exposure to hazardous substances led to poor health and fatigue while still needing to meet delivery deadlines or schedules. He stated that those at the top of the supply chain were responsible for poor profit margins and creating difficult economic conditions. Employers and governments should respect freedom of association and collective bargaining. Constituents should work to strengthen labour inspections to ensure labour law and OSH compliance. Employers and governments should jointly fund road safety and health initiatives. Training should be provided and funded by employers. Employers and governments should implement policies to improve women’s participation and working conditions in the industry. The constituents should take action against letterbox companies and implement the European Directive on letterbox companies. Governments should advance the principle of equal pay for equal work regardless of nationality or origin of the driver. Governments should seek the Office’s technical advice on how to revise national laws to reflect best practices. The constituents should ensure that rules related to “ride-sharing” for reward transport platforms are enforced. He welcomed the Office’s initiative on labour rights,

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decent working conditions and environmental protection in global supply chains. He listed the recommendations of the Workers' group. The Office should conduct research on the relationship between supply chain contracting pressures and dangerous driving practices. It should use the research to create and promote a manual that ensured appropriate levels of responsibility for all supply chain actors and adopt guidelines and/or a code of practice on safe rates. The Office and its constituents should implement the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The Office and its constituents should promote the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), and conduct research on the need for a specific Convention on labour inspection in transport. Member States should adopt the provisions of the CTU Code. The Office and its constituents should implement the ITF–UITP recommendations for combating violence and insecurity on urban public transport. The Office should ensure that issues raised in the Meeting be included in the 2016 International Labour Conference – general discussion on decent work in global supply chains. The Office should collect and disseminate statistics and information on the “on-demand economy” and its impact on decent work.

141. The Government spokesperson supported the social partners' statements and listed the Government group's recommendations. He suggested rapidly developing an ILO instrument for the sector, taking account of technological change, drawing on the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), and the Occupational Health Services Convention, 1985 (No. 161). Disaggregated data and statistics on OSH injuries should also be gathered in a uniform way. The list of occupational diseases should be updated and expanded. Social dialogue should be promoted at the regional level and data should be provided on informal economy transport.
142. The representative of the Government of Portugal listed additional items to be considered with respect to SMEs. Instruments should include simple rules that applied to owner–operators, what companies could do to provide professional skills, develop a maintenance procedure to ensure vehicle reliability, and formalize the duties of each party in the relationship between transport companies and order givers.
143. The representative of the Government of Côte d'Ivoire noted that, as mentioned by the Employers' group, professionalization of the sector was very important, including for informal economy operators, and skills training should be organized appropriately with that in mind. He proposed that the ILO promote collaboration between countries in areas such as skills and border procedures where they could work together, and giving the example of Africa and he suggested that the ILO could also help in obtaining funding.

#### **1.4. Consideration and adoption of the draft conclusions by the Meeting**

144. The Working Party on Conclusions submitted its draft conclusions to the Meeting at the latter's seventh sitting.
145. The Chairperson noted that the draft conclusions still contained some outstanding issues that needed to be discussed in plenary because the Working Party had not had the opportunity to complete all discussions.

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## Plenary discussion of the draft conclusions

### *Paragraphs 1 to 14*

146. Paragraphs 1 to 14 were adopted without change.

### *Paragraph 15*

147. The Executive Secretary presented the Working Party proposals to address the unresolved issues in square-bracketed text in paragraph 15:

- (i) The Office's original text included: "Supply chain entities and intermediaries are responsible, and thus should be held accountable to improve working conditions and discourage risk-taking behaviour".
- (ii) An Employers' group amendment proposed: "Supply chain entities and intermediaries should within their framework of their operations respect applicable legal frameworks and ensure respect for fundamental principles and the rights at work".
- (iii) A Government group amendment proposed: "Supply chain entities and intermediaries have great impact on transport workers and should work to improve deficient working conditions and remove risk-taking behaviour among road transport workers".
- (iv) A Worker group proposal suggested: "Supply chain entities and intermediaries have great impact on transport workers and, when responsible, should be held accountable to improve working conditions and discourage risk-taking behaviour".

148. The Worker spokesperson explained that their proposal reflected realities in supply chains, which operated differently in countries and under voluntary or non-voluntary codes but supply chain participants should be accountable for responsibilities. For example, in the transport sector, these responsibilities lay with those who were loading vehicles or making decisions on how vehicles should operate.

149. The Employer spokesperson remarked that, with regard to the role of supply chain entities in the transport industry and the pressure sometimes exerted on drivers, that point had been raised in the Office's report, but not by the Employers' group. Noting that supply chain issues were delicate and would be dealt with at the ILO International Labour Conference in June 2016, and that national legislation often impacted supply chains, the Employers' group suggested a revised wording: "Supply chain entities and intermediaries should respect applicable legal frameworks and ensure respect for fundamental principles and rights at work".

150. The Government spokesperson proposed new wording: "Supply chain entities and intermediaries have great impact on transport workers, and should cooperate to improve deficient working conditions and stimulate removing risk-taking behaviour among all transport workers".

151. The Worker spokesperson suggested adding the following at the end of the Government group's proposal: "... and therefore to apply the due diligence in accordance with the UN Guiding Principles on Business and Human Rights".

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- 152.** The Employer spokesperson suggested new wording expressing constituents' views: "Supply chain entities and intermediaries have great impact on the transport sector, therefore should apply the due diligence in accordance with the UN Guiding Principles on Business and Human Rights".
- 153.** The Government spokesperson remarked that the Employers' proposal deleted reference to improving working conditions, which should be included in the paragraph.
- 154.** The Worker spokesperson concurred.
- 155.** The Secretary of the Employers' group suggested the following wording: "Supply chain entities and intermediaries have great impact on the transport sector which may, in cases, need improvement of working conditions". He explained that not all enterprises offered the worst conditions of work. The due diligence principle of the UN guidelines could be retained at the end of the sentence.
- 156.** The Government spokesperson requested clarification of the phrase "in cases, need improvement".
- 157.** The Employer spokesperson stated that the impact supply chain entities had on working conditions in the transport sector was not necessarily negative and, therefore, there was no automatic requirement to improve working conditions.
- 158.** Paragraph 15 was adopted as amended.

### ***Paragraphs 16 to 20***

- 159.** Paragraphs 16 to 20 were adopted without change.

### ***Paragraph 21***

- 160.** The Chairperson referred to unresolved issues in square-bracketed text in paragraph 21, and invited the constituents to comment.
- 161.** The Secretary of the Workers' group proposed to replace square-bracketed text as follows: "In some countries supply chain entities are being engaged to find holistic solutions to address decent work challenges in the sector as it stands", to accommodate the Employers' concerns.
- 162.** The Secretary of the Employers' group explained that the main problem was not the sentence itself, but its place, namely under the title of "good practices to promote social dialogue in the road transport sector". It was one thing to mention good practices in countries, but another thing to co-sign a document that would imply these examples being a model. Good practices were fine, but might be impractical in other economies. He was reluctant to recommend any practice as a model for promoting social dialogue.
- 163.** The Government spokesperson proposed the following subamendment: "Supply chain entities should also be consulted along with social partners to find holistic solutions to address decent work challenges in the sector". The Worker spokesperson concurred.
- 164.** The Employer spokesperson appreciated the efforts made by the Government group, but retained his original position as the new text was very close to the original text.

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- 165.** The Vice-Chairperson of the Workers' group added that it was just factual representation of what was going on. Supply chain entities were being engaged to find holistic solutions to address decent work challenges. In many countries, such as Norway, these were ongoing activities.
- 166.** The Employer spokesperson explained that it was good to recognize social dialogue developments and to refer to innovations in global supply chains, but the issue was the placement in the conclusions, implicitly identifying these activities as being good practices.
- 167.** Subsequently, the Worker spokesperson suggested the phrase "in some countries, supply chain entities are being engaged to find holistic solutions to address decent work challenges in the sector" be moved from paragraph 21 to the end of paragraph 16. He reiterated that the purpose was to strengthen the text, recognize the problem of subcontracting in the supply chain, and mention practices that already existed, rather than suggesting desirability.
- 168.** The Secretary of the Employers' group opposed such wording as it implied that it was a solution.
- 169.** The text in square brackets was removed. Paragraph 21 was adopted as amended.

### ***Paragraphs 22 to 25***

- 170.** Paragraphs 22 to 25 were adopted without change.

### ***Paragraph 26***

- 171.** The representative of the Government of Brazil proposed to move the words "facilitate the transition from the informal to the formal economy" to the end of subparagraph (a), in line with other ILO texts, to read: "Actively engage in social dialogue in order to promote decent work and to ensure equitable treatment for all road transport workers, while facilitating the transition from the informal to the formal economy".
- 172.** The Employer spokesperson, referring to the two phrases in subparagraph (b) that were currently open to discussion, proposed their deletion, because it would be sufficient to suggest implementing measures to ensure level playing fields, because the issue of training was delicate and had been insufficiently discussed, and they preferred to leave the issues to national legislation.
- 173.** The Government spokesperson proposed new text attempting to accommodate those concerns, as follows: "Design and implement measures to ensure level playing fields and equal working conditions for the social partners of member States".
- 174.** The Employer spokesperson stated that it would be wonderful to live in a world where everyone had the same working conditions and standards. Unfortunately, there was no ideal world, and, as such, the text seemed to be excessive.
- 175.** The Secretary of the Employers' group proposed an amendment as follows: "design and implement measures to ensure level playing fields and respect for applicable legal frameworks".

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- 176.** The Secretary of the Workers’ group suggested deleting both square-bracketed sentences and replacing them by the following: “Design and implement measures to ensure level playing fields, and companies to apply due diligence throughout their supply chain in accordance with the UN Guiding Principles on Business and Human Rights”.
- 177.** The Secretary of the Employers’ group disagreed, arguing that the UN Guiding Principles were applicable for a company in its operations, but that they did not provide for companies to control what other firms were doing in their supply chain. There was no consensus among participants on dealing with accountability issues in supply chains. Therefore, the proposal was deemed unacceptable to the Employers’ group.
- 178.** The Government spokesperson suggested reverting to the previous suggestion to use “... and respect for applicable legal frameworks”, as that would receive more agreement from the Meeting.
- 179.** The Secretary of the Workers’ group reformulated his group’s proposal, following the Employers’ explanation and the Government’s suggestion: “... and respect for applicable legal frameworks as well as UN Guiding Principles on Business and Human Rights”, explaining that the logic behind this was to stress the interaction between legal frameworks and the UN Guiding Principles.
- 180.** The Worker Vice-Chairperson suggested amending subparagraph (d) to read: “Employers should take responsibility for successful training programmes. Employers, approaching training as a long-term investment, should motivate transport workers to participate in these programmes”.
- 181.** The Employer spokesperson suggested the following amendment: “Social partners and government should approach training as a long-term investment”; the rest was already covered in subparagraph (c). He suggested blending subparagraphs (c) and (d) into one subparagraph.
- 182.** The Government spokesperson requested clarification on that proposal, wondering what governments had to do with sectoral training (as that issue should be dealt with by the social partners on the ground) and what was expected from governments.
- 183.** The Secretary of the Workers’ group commenting on the Employers’ proposal – stated that if employers and governments saw training as a long-term investment, the words “social partners and government” could be deleted, as the chapeau of paragraph 26 already identified tripartite constituents. The Workers’ group supported the Employers’ proposal to combine subparagraphs (c) and (d), to which the following could be added: “Training should be regarded as a long-term investment”. Paragraph 26(d), as amended and combined with subparagraph (c), was adopted.
- 184.** The representative of the Government of Brazil proposed an amendment to subparagraph (g) to read: “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”.
- 185.** Paragraph 26 was adopted as amended.

## **Paragraph 27**

- 186.** The representative of the Government of Brazil proposed moving “the transition from the informal to the formal economy” in subparagraph (b), so that it read: “Design and implement policies and strategies favourable to the transition from the informal to the

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formal economy and to the development of sustainable enterprises in compliance, among others, with health and safety standards”. He proposed adding “promote” and “as appropriate” in subparagraph (c), so that it read: “Promote, develop and implement as appropriate programmes for periodic inspection and maintenance of vehicles”.

- 187.** The representative of the Government of Mauritius suggested adding “appropriate training” after “... with adequate funding and equipment” in subparagraph (d).
- 188.** The representative of the Government of Brazil proposed replacing “adopt” with “consider adopting” in subparagraph (e) because the Code of Practice was the result of the joint endeavour of three organizations, including the UNECE. Outside Europe, the Code of Practice should be “considered” rather than “adopted”.
- 189.** The Secretary of the Workers’ group stated that the Code of Practice had a wider coverage than only Europe, and that it would be better to replace “consider” by “encourage and promote the adoption of ...”.
- 190.** The representative of the Government of Brazil stated that the use of the term “letterbox companies” in subparagraph (f) was not very common, and that it could be replaced with the following: “... address base erosion and profit-shifting, enforcing appropriate legislation”, which might be easier to understand, while the translation of “letterbox companies” into Spanish was incorrect at present, and instead referred to “fictitious companies”. Particular attention needed to be paid to the Spanish translation. The Meeting opted to retain the original wording.
- 191.** Paragraph 27 was adopted as amended.

### **Paragraph 28**

- 192.** The representative of the Government of Brazil proposed adding the text “and other international organizations” to subparagraph (e). The suggested text would read: “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 ...”.
- 193.** Paragraph 28 was adopted as amended.

### **Adoption of the conclusions**

- 194.** The draft conclusions, as amended, were adopted unanimously by the Meeting.

Geneva, 16 October 2015

*(signed)* Dr J.V. Aguilar Zínser  
Chairperson

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## **Conclusions on safety and health in the road transport sector <sup>1</sup>**

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. 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.

<sup>1</sup> 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.

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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.

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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.
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.

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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;

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- (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 “letterbox 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

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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.

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## **Part 2. Resolutions**



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## 2.1. Composition of the Working Party

- 195.** At its fourth plenary sitting, and in accordance with the provisions of article 13(1) of the Standing Orders for Sectoral Meetings, the Meeting set up a Working Party to review the receivability of the two resolutions that were submitted in accordance with the procedures set forth in article 14(1). The Working Party was chaired by the Chairperson of the Meeting, Dr J.V. Aguilar Zínsen (Mexico) and its terms of reference were defined by article 14 of the Standing Orders.
- 196.** It was agreed by the Officers of the Meeting that the composition of the Working Party could consist of an additional four representatives from each group as to take into consideration the geographical distribution of the Government group. The Working Party was composed of the following members:

### *Officers of the Meeting*

Dr J.V. Aguilar Zínsen (Mexico)	Chairperson
Dr H. Mapuranga (Zimbabwe)	Government Vice-Chairperson
Mr E. Higuera Gómez (Colombia)	Employer Vice-Chairperson
Mr A. Wahl (Norway)	Worker Vice-Chairperson

### *Government members*

Congo	Mr P. Mpan
Malaysia	Mr O.B. Mat Piah
Russian Federation	Dr K. Todradze
Uruguay	Ms L. Bergara Etchegoyen

### *Employer members*

Mr J. Hügel	(IRU)
Mr J. Kaseya Kazadi	(Democratic Republic of the Congo)
Mr M. Pereira García	(Spain)
Mr P. Verronen	(Finland)

### *Worker members*

Ms G. Clement	(Barbados)
Mr B. Matthew	(United States)
Mr F. Moreels	(Belgium)
Mr A. Sheldon	(Australia)

- 197.** At the Meeting's sixth plenary sitting the Chairperson, in his capacity as Chairperson of the Working Party on Resolutions, and in accordance with article 14(8) of the Standing Orders, submitted the recommendations of the Working Party on Resolutions regarding the draft resolutions before the Meeting. As required by the same provision of the Standing Orders, the Vice-Chairpersons of the Meeting had been consulted on the contents of his oral report.

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**198.** The Working Party had before it two draft resolutions. At its fifth plenary sitting, the Chairperson reported back to the Meeting that both resolutions had been declared receivable. In accordance with article 14(6) of the Standing Orders, the Meeting recommended the Working Party should amend the resolutions through a second sitting before being considered in plenary. The Working Party amended the text of the resolutions on the basis of proposals made by its members within the time limit set by the Officers of the Meeting. The Working Party recommended the adoption by the Meeting of the amended draft resolutions.

## **2.2. Consideration and adoption of the draft resolutions by the Meeting**

**199.** The Working Party on Resolutions submitted two draft resolutions to the Meeting at the latter's seventh sitting.

### **Resolution No. 1**

**200.** The Chairperson reported that this draft resolution had been a joint submission of the Employers' and Workers' groups. The Working Party had made minor drafting changes to the text.

**201.** The Meeting considered and unanimously adopted the draft resolution which is reproduced below as "Resolution on transport network companies – "Transporting tomorrow"".

### **Resolution No. 2**

**202.** The Chairperson reported that this draft resolution had been submitted by the Workers' group. The Working Party, after amending it in such a manner as to meet the concerns of its members, submitted a second draft text for the Meeting's consideration.

**203.** The Meeting considered and unanimously adopted the draft resolution which is reproduced below as "Resolution concerning best practices in road transport safety".

## **2.3. Resolution on transport network companies – "Transporting tomorrow"<sup>2</sup>**

The ILO Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector having met in Geneva on 12–16 October 2015,

Reiterating the important role the road transport industry plays in contributing to the global socio-economic development and the need to constantly improve the quality and safety of transport services as well as the working conditions and lives of its workers,

Bearing in mind the Sustainable Development Goal 11 (target 11.2) which calls for providing access to safe, affordable and sustainable transport systems for all, improving

<sup>2</sup>This resolution was adopted by the Tripartite Meeting on 16 October 2015. In accordance with established procedures, it will be submitted to the Governing Body of the ILO for its consideration.

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road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons,

Sharing the common objective of promoting innovation and the use of latest technology in full compliance with the legislative and regulatory framework,

Highlighting, the need for a level playing field which ensures that all transport network companies are covered by the same legal and regulatory framework as established for transport companies, in order to avoid a negative impact on job security, working conditions and road safety and to avoid an informalization of the formal economy,

Further highlighting the importance of decisions taken by competent authorities or judiciary in relation to self-proclaimed “ride-sharing” for-reward transport platforms, to be fully implemented and enforced,

Emphasizing the need to promote social dialogue and observe the fundamental principles and rights at work and human rights as defined by the “Universal Declaration of Human Rights” and the “ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up” in particular when an industry is in its transformation,

Invites the Governing Body to:

- (a) invite governments, social partners and the International Labour Office (Office), within their respective mandates, to elaborate, promote and implement rules and regulations that promote occupational safety and health and innovation while at the same time ensuring a level playing field for all in line with the ILO’s Decent Work Agenda and within the context of the ILO Future of Work debate;
- (b) call upon the competent authorities of the member States of the ILO to ensure that national rules and regulations in relation to self-proclaimed “ride-sharing” for-reward transport platforms are fully implemented and enforced; and
- (c) invite the Office to collect and disseminate statistics and information on the “sharing economy” or “on-demand economy” and its impacts on decent work.

## **2.4. Resolution concerning best practices in road transport safety<sup>3</sup>**

The ILO Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector having met in Geneva on 12–16 October 2015,

Recognizing the critical role that the road transport industry and its workers play in the global economy and social and economic development of countries around the world,

Recognizing the need for fair and safe remuneration systems,

Highlighting that road transport workers in road freight and passenger transport, both intercity and urban, have some of the highest injury and fatality rates,

<sup>3</sup>This resolution was adopted by the Tripartite Meeting on 16 October 2015. In accordance with established procedures, it will be submitted to the Governing Body of the ILO for its consideration.

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Underlining that the road transport industry is characterized and impacted by multiple supply chains and contracting chains which often lead to pressures on margins that can leave transport workers unable to exercise their fundamental principles and rights at work,

Taking note of good practices in the area of road safety and transport workers' health and safety in general and in particular the Safe Rates model,<sup>4</sup>

Recalling the UN Guiding Principles on Business and Human Rights which provide for the State's duty to protect against human rights' abuses and the corporate responsibility to respect human rights,

Recognizing the need to elaborate and implement models to avoid worker exploitation, unsafe practices and deaths in the industry, and to promote decent work for road transport workers,

Invites the Governing Body to request the International Labour Office to:

- (a) conduct further research in consultation with tripartite experts in the sector on best practices including on the Safe Rates model;
- (b) use this research to elaborate and promote a handbook on best practice instruments;
- (c) convene, when appropriate, a tripartite meeting of experts to elaborate and adopt a code of practice or guidelines on best practices in road transport safety with the objective of protecting the community and road transport workers from all health and safety hazards, preventing accidents and promoting safe and fair remuneration; and
- (d) seek advice from academics and other experts on the development of the abovementioned code of practice or guidelines.

<sup>4</sup> See, for instance, *Road Safety Remuneration Tribunal*, <http://www.rsrt.gov.au/index.cfm/about-rsrt/what-rsrt/>, or P. James et al.: "Regulating supply chains to improve health and safety", in *Industrial Law Journal*, 36(2), pp. 175–176.

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### **Part 3. Other proceedings**



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## Closing speeches

- 204.** The Employer spokesperson thanked the Sectoral Policies Department, the Office, the Chairperson, and the spokespersons of the Government and Workers' groups. He emphasized the importance of the road transport sector, which was experiencing many challenges and opportunities. Some of these developments were negative for both employers and workers. The Meeting had been an exercise in responsibility and maturity, and produced an appealing, balanced document.
- 205.** The Worker spokesperson thanked all parties involved in the Meeting. Road transport was a dangerous sector, and he emphasized the importance of representing its workers, and in setting the agenda for the next steps in the implementation process. He expressed satisfaction with the productive nature of social dialogue, and highlighted the many areas of agreement between the parties. He concluded with an account of a Danish truck driver by mentioning the "fair transport Europe" campaign, and highlighted the need for equality and fairness among workers and employers working under different conditions.
- 206.** The Government spokesperson thanked all parties involved in the Meeting. He emphasized the importance of the transport sector, and suggested that it was important to consider the implementation of the resolutions.
- 207.** The representative of the Government of Brazil extended an invitation to the Office to attend the Second Global High-Level Conference on Road Safety that was to be hosted in Brasilia in November 2015. He also emphasized the strategic importance of the sector for economic growth and its impact on other sectors.
- 208.** The Secretary-General of the Meeting thanked all parties involved in the Meeting, and congratulated them. She emphasized the success achieved by the Meeting by way of social dialogue.
- 209.** The Chairperson applauded the success of the Meeting, and expressed his gratitude to all parties involved at the Meeting. He remarked that success was built on the key ingredients of communication, comprehension, collaboration and cooperation. He stated that being the Chairperson of the Meeting was a great honour for himself and for his country, Mexico.



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**List of participants**  
**Liste des participants**  
**Lista de participantes**



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Président  
Presidente

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