

**ETUF's – ETUC Project “Europe: End Precarious Work Now! –
Decent Work and Equal Treatment for All”**

**HOW PRECARIOUS WORK IS ADDRESSED
IN DIFFERENT TRANSPORT SECTORS**

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Introduction

The ETF represents more than 3.5 million transport workers from more than 230 transport unions and 41 European countries in railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries.

The transport sector is an important part of the EU economy: it accounts for five per cent of the European GDP and about 11 million people are directly employed in this sector.

There is no doubt that the Single European Market in transport brought benefits in terms of free movement of goods and people but there are also negative points. The main legal challenge for transport workers is to make recognized the mobile nature of their work. The respect of the four fundamental freedoms is put into competition with the social rights of transport workers. As a consequence, their social and working conditions are being degraded.

Let me explain you the situation in different transport modes.

Maritime industry

The problems of maritime industry are not only European but more global. The main issue here is the fact that the number of European seafarers is constantly decreasing and they are being replaced by cheap work from third countries, even on intra-European routes. Job precariousness therefore translates into scarce employment opportunities, particularly for ratings.

Most of the seafarers with substandard salaries and working conditions are employed on ships flying the so-called 'flags of convenience' (FOCs) like Panama or Liberia and the ETF and the ITF are making any efforts to ensure that collective agreements are signed to protect the crews on board those vessels. FOCs are a convenient mechanism for major shipping interests to minimize their labour costs by lowering standards

and to avoid legal obligations to seafarers, such as social security protection, under national flags.

One of the main problems is fatigue and excessive working time: international regulations (IMO STCW Convention) enable seafarers to work as much as 98 hours a week (!), despite the wealth of evidence showing how fatigue is a major cause of accidents at sea. Not to mention that the seafarers' living place is the same as the working place: the vessel.

Other problems include ageing workforce, few recreation possibilities on board of the ship, isolation due to increasing barriers to seafarers' freedom of movement regarding shore leave and also the disconnection with their families which is strengthened by difficulties in accessing Internet on the ships. As for safety, another challenge is exchange of information in a multicultural crew.

In terms of solutions, the ETF calls upon the EU decision-makers to launch a campaign to support more and better jobs at sea for European-domiciled seafarers. To achieve this, what is needed is a Directive on manning conditions for regular passenger and ferry services operating between Member States in order to promote better terms and conditions for crew, irrespective of the nationality or place of residence.

In addition, the European Commission should encourage Member States to make the fullest use of State Aid Guidelines to maritime transport to make sure tax exemptions benefit to the employment and training of European-based seafarers. Furthermore, shipping companies should commit themselves to train and recruit ship's personnel here in Europe and facilitate the development and sustainability of career paths both at sea and for shore-based positions.

Finally, the Commission should convince the international community to revise the applicable international law to ensure 'decent' accommodation on board ships and increase the availability of training berths to enable our cadets in Europe to complement their education.

Road transport

The road transport sector is regulated quite well but the main problem is enforcement. There is no proper oversight of driving and rest times of drivers because some of the trucks are still equipped with analogue tachographs.

Instead of returning to home, it is in fact weekly rest in the lorry. The latter is illegal, and drivers from countries with low wages and conditions indeed are made to work abroad for 3 to 9 months and even longer, time

spent entirely in the truck. This is illegal. Weekly rest must be spent away from the lorry.

Some companies are misusing the free movement of services by setting up letterbox companies in Central and Eastern Europe. Drivers from this region are driving trucks in the old EU Member States and the companies benefit from lower standards. Although road transport falls under the scope of the Posting of Workers and Rome I Regulation, these rules have never been enforced and controlled.

In order to improve the enforcement, the ETF proposes that competent authorities – be they labour or road inspectorates – have proper access data needed to control compliance with EU social, labour and road transport rules. Furthermore, the recording and storage of GPS data of driver and vehicle should be allowed; this would allow competent authorities to check compliance with cabotage rules. Appropriate legislation should also be put in place to eradicate letterbox companies.

Rail transport

The main issue in rail transport is ongoing liberalisation and competitive tendering of public passenger services. The competition among the bidders often takes place on the basis of labour costs and therefore this causes a general downgrade of social and working conditions. Similarly as in road transport, the second problem is non-respect of working, driving and rest time rules which also jeopardizes safety. In order to minimize costs, the train companies also reduce the minimum training for safety which can also become a safety hazard. Finally, there is an issue of wage dumping in cross-border services where on-board staff with lower wages are working on the network of countries with higher wages according to their home country conditions.

As for the competitive tendering, the solution is the same in rail as in aviation: to have a clear rules on job protection and safeguarding of workers' rights in case of call for tender or (even partial) loss of activity. In other words, that means that the company taking over the contract should be obliged to take over the existing staff under the same working conditions. For the moment, Regulation 1370/2007 offers this possibility on a voluntary basis. In terms of wage dumping, the ETF believes that the right solution would be the proper enforcement of the Posted Workers Directive and the Rome I Regulation. Also measures need to be taken to promote direct employment and prohibit bogus self-employment; the use of self-employed train drivers should be illegal for safety reasons.

Ports

Port workers are traditionally highly unionised and they used to have fair working conditions. This is however changing since 1990's when many countries started liberalising and/or privatizing their ports. Since then, we see the return of casualization (like people working on one-day contracts) that is used to cope with peaks and lows in port operations and to break workers' power in ports. This also has a detrimental effect on safety because the one-day workers are usually untrained and less experienced.

In order to reconcile the need for operational flexibility with stable employment and decent working conditions, the ETF believe that labour pools are the best solutions. These allow workers to enjoy employment stability and employers to have trained workers available. Pools have proved to be effective also to cope with crisis: in 2008/2009 labour pools' social schemes helped retaining workers. We therefore condemn any attempt to destroy these labour schemes.

Aviation

Jobs in aviation that used to be prestigious and high-quality are disappearing and being outsourced or replaced by cheaper (and precarious) work. It is clear that this can be attributed to the liberalisation of the industry without paying due attention to working conditions.

Atypical or precarious work in aviation includes the following models:

- some airlines use excessively agency work, mainly to directly-hired cabin crew members
- zero-hours contracts are very popular, especially companies that need to cope with seasonal variation; they do not have any obligations vis-à-vis their workers
- two-tier employment standards are another problem, mainly in the well-established airlines; while the older employees maintain their decent working conditions, their newly hired colleagues have much worse conditions and standards
- some companies are also trying to circumvent the relatively high standards in their home countries by hiring third-country nationals who then work on board of EU-registered airplanes;
- bogus self-employment is another problem that we are facing; some airlines hire mainly pilots (but also cabin crew) not directly but as their 'service providers'; we also see a development of pay-to-fly for pilots
- in ground handling, our biggest challenge is the so-called 'subcontracting *en cascade*' (or sub-sub-contracting); airlines

outsource their ground handling services to a company which then outsources part of it to another operator;

Now let's go to some concrete solutions how to improve the situation of aviation workers:

For aircrew, the ETF requests a better regulation on the issue of the so-called homebase. This is the place where the cabin crew or pilot regularly starts its flights (e. g. for Brussels Airlines, it's the airport of Zaventem). We want the Commission to pin down the relationship between the homebase and the labour law and social security applicable.

The ETF also promotes direct employment. In our opinion, this goal can be pursued in two ways: either by improving the Directive on Temporary Agency Work or through the European Aviation Safety Agency who – in our opinion – should stipulate a minimum percentage of directly employed workers for certain professions.

What we also need is a common EU legislation defining employees and self-employed. The revision of the Directive on posted workers may be a tool to make progress on this claim.

The current EU immigration legislation also provides less protection for mobile staff than for any other group of workers. In order to guarantee equal working conditions, we need to extend the validity of residence and work permits to third-country crewmembers working on board of EU-registered airplanes.

And finally, we need to have clear rules on job protection and safeguarding of workers' rights not only in case of transfer of undertaking (which is already the case) but also in case of call for tender or (even partial) loss of activity. This is the main priority for our ground handling workers.

To summarize, for all transport modes we need to fight for equality of treatment for all workers. To achieve the goals set out above, we believe that we need to work in parallel in these three areas: legislation, social dialogue and trade union actions.

There is no surprise that legislation plays a key role. We need to bridge the gap between the EU single market legislation and the social legislations. The Commission has to live up to its promise of

strengthening the social dimension of the European Union. We as European Trade Union Federations need to engage even more with the EU institutions.

This is also the reason why the ETF launched in September 2015 the European Citizens' Initiative on Fair Transport. Our goal is to gather 1 million signatures until September 2016 and urge the Commission to take concrete legislative actions to improve the life of transport workers in Europe. If not yet done, I would like to ask you to support our ECI by signing the petition at fairtransporteurope.eu.

Second area of our action is the EU Social Dialogue. The ETF is a recognized social partner in seven sectoral social dialogue committees but the results of the work are far from what we desire. The commitment of employers to social dialogue is weak. Also the European Commission should live up to their promise to strengthen the social dialogue. In this respect, I would like to highlight the need and the obligation to consult the social dialogue committees, including at sectoral level.

Last but not least, we need to continue to organize traditional trade union actions in order to defend our rights. But we also need to adapt our strategies due to the changes of the society and the labour markets.

In conclusion, globalization, environment, demographic changes, digitalisation and new business models disrupt labor markets. New business models are emerging, distortions of competition are sought and practiced by a growing number of companies, cheaters abuse and unscrupulous companies use all the tricks to circumvent social and fiscal legislation.

Precariousness and job insecurity spread all over Europe and globally as well.

The trade union solutions must be developed simultaneously at national, European and global levels to create a social legal framework regulating the current economic trends.

At European level, we need a democratic, political and social framework. It is the vocation of all of us to fight to build together Social Europe that is more necessary than ever.

Stop Precarious work, yes to quality jobs and equal treatment for all!

Thank you.