



**The road to social dialogue:
A compendium of the ILO's work
in the road transport sector
(1938-2015)**

Meeting of Experts to Adopt Guidelines on the Promotion of Decent Work and Road Safety in the Transport Sector (Geneva, 23-27 September 2019)

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Introductory note

This document presents a compendium of the International Labour Organization (ILO)'s work in the road transport sector from 1938 to 2015. It includes sectoral instruments (conventions and recommendations), conclusions and resolutions adopted by the Inland Transport Committee, and outcomes of meetings of experts and sectoral technical meetings.

Part 1 of this document focuses on the sectoral instruments that have been adopted by International Labour Conference Committees in 1939, 1947 and 1979.

Part 2 includes the work of the ILO Inland Transport Committee (1945-1992). The Committee covered civil aviation (until 1988), railways; road transport (goods and passengers); docks; and inland waterways. During its twelve sessions, the Committee adopted 134 conclusions and resolutions dealing with various aspects of labour and social conditions in all branches of inland transport. The conclusions and resolutions that focus on or are applicable to road transport were included in this compendium; these include the ones classified by the Twelfth Session (1992) of the Committee as “still requiring attention”.

Part 3 includes the conclusions and outcomes adopted by three meetings of experts for the road transport sector that were held by Governing Body mandate outside the auspices of the Inland Transport Committee. These were held in 1956, 1959 and 1974.

Part 4 includes the conclusions and resolutions of tripartite sectoral meetings held in 2000, 2006 and 2015.

PART 1. SECTORAL INSTRUMENTS

[Abrogated by decision of the International Labour Conference at its 106th Session (2017)]

Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eight day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1939:

Article 1

1. This Convention applies to--

(a) persons who drive in a professional capacity a road transport vehicle; and (b) attendants and other persons who travel with a road transport vehicle in a professional capacity connected with the vehicle, its passengers or its load.

2. For the purpose of this Convention, the term road transport vehicle includes all vehicles, whether publicly or privately owned, propelled by mechanical power, including trams, trolley-cars and trailers drawn by mechanically-propelled vehicles, which are engaged in the transport of passengers or goods by a public highway for payment or for the purposes of the undertaking operating the vehicle.

Article 2

The competent authority may exempt from the application of this Convention--

- (a) persons who drive or travel with private vehicles used solely for personal services;
- (b) persons who drive or travel with vehicles engaged in--

- (i) transport by agricultural or forestry undertakings in so far as such transport is directly connected with and exclusively used for the work of the undertaking;

-
- (ii) the transport of sick and injured persons by hospitals and nursing homes;
 - (iii) transport for the purposes of national defence, police services and other transport effected in the administration of public authority;
 - (iv) transport for rescue or salvage work.

Article 3

The competent authority may exclude from the application of all or any of the provisions of this Convention owners of vehicles and members of their families who are not employed for wages, or prescribed classes of such persons, if and so long as the authority--

- (a) is satisfied that such exclusion will not—
 - (i) expose to unreasonable competition the conditions of employment of the persons to whom the provisions in question remain applicable; or
 - (ii) expose to unreasonable risk of accident the persons to whom the Convention applies or endanger public safety; or
- (b) is satisfied that in view of the conditions in the country concerned the application of the provisions in question to the persons proposed to be excluded is impracticable.

Article 4

For the purpose of this Convention--

- (a) the term hours of work means the time during which the persons concerned are at the disposal of the employer or of any other person entitled to claim their services, or in the case of owners of vehicles and members of their families, the time during which they are engaged on their own account in work connected with a road transport vehicle, its passengers or its load, and includes--
 - (i) time spent in work done during the running time of the vehicle;
 - (ii) time spent in subsidiary work;
 - (iii) periods of mere attendance; and
 - (iv) breaks for rest and interruptions of work, which breaks or interruptions do not exceed a duration to be prescribed by the competent authority;
- (b) the term running time of the vehicle means the time from the moment when the vehicle starts at the beginning of the working day until the moment when the vehicle stops at the end of the working day, excluding any time during which the running of the vehicle is interrupted for a period exceeding a duration to be prescribed by the competent authority during which period the persons who drive or travel with the vehicle are free to dispose of their time as they please or are engaged in subsidiary work;
- (c) the term subsidiary work means work in connection with the vehicle, its passengers or its load which is done outside the running time of the vehicle, including more particularly--

-
- (i) work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work;
 - (ii) the taking over and garaging of the vehicle;
 - (iii) travelling from the place where a person signs on to the place where he takes over the vehicle and from the place where he leaves the vehicle to the place where he signs off;
 - (iv) work in connection with the upkeep and repair of the vehicle; and
 - (v) the loading and unloading of the vehicle;
- (d) the term periods of mere attendance means periods during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the timetable.

Article 5

1. The hours of work of persons to whom this Convention applies shall not exceed forty-eight in the week.
2. The competent authority may authorise higher weekly limits of hours for persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 6

1. The competent authority may permit weekly hours of work to be calculated as an average.
2. Where the competent authority permits weekly hours of work to be calculated as an average, it shall determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 7

1. The hours of work of persons to whom this Convention applies shall not exceed eight in the day.
2. Where by law, custom, or agreement between the employers' and workers' organisations concerned, or where no such organisations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority, or by agreement between such organisations or representatives, so however that in no case shall the daily limit of eight hours be exceeded in virtue of the provisions of this paragraph by more than one hour.
3. The competent authority may authorise higher daily limits--
 - (a) in respect of persons whose weekly hours of work do not exceed forty-eight in any week as provided in Article 5, paragraph 1, or an average of forty-eight as provided in Article 6; and
 - (b) in respect of persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 8

The competent authority shall prescribe the maximum number of hours which may separate the beginning and end of the working day.

Article 9

1. The competent authority may permit time lost as a result of accidental causes to be made up within a prescribed period.
2. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded in cases in which the provisions of this Article are applied.

Article 10

The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded to a prescribed extent in cases in which it is satisfied that there is a shortage of indispensable skilled labour.

Article 11

1. This Article applies in the following cases:
 - (a) in case of accident, breakdown, unforeseen delay, dislocation of services, interruption of traffic, or force majeure;
 - (b) in order to make good the unforeseen absence of a person employed upon indispensable work for whom it is impossible to find a substitute;
 - (c) in case of rescue or relief work necessitated by earthquake, flood, fire, epidemic, or any other calamity or disaster;
 - (d) in case of urgent and exceptional necessity for ensuring the working of services of public utility.
2. In the cases in which this Article applies--
 - (a) the limits of hours authorised by the preceding Articles may be exceeded,
 - (b) the period of five hours prescribed by Article 14 may be extended, and
 - (c) the periods of rest prescribed by Articles 15 and 16 may be reduced, but only in so far as may be necessary for the performance of indispensable work.
3. The employer or the owner of the vehicle shall notify the competent authority, within a period and in a manner to be prescribed by the said authority, of all time worked in virtue of this Article and of the reasons therefor.

Article 12

1. The limits of hours authorised by the preceding Articles may be exceeded, but only in so far as may be necessary for the performance of indispensable work, in order to meet exceptional requirements in respect of--
 - (a) the transport by hotels of passengers and their luggage between the hotel and the station or port of arrival or departure; and

(b) transport by funeral undertakings.

2. The competent authority shall determine the conditions subject to which the preceding paragraph applies.

Article 13

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded by the working of overtime in accordance with the provisions of this Article.

2. The competent authority may grant permission to work overtime in accordance with regulations prescribing—

(a) the procedure by which permission shall be granted;

(b) the minimum overtime rate of remuneration, which shall in no case be less than one and a quarter times the normal rate; and

(c) the maximum number of hours for which permission may be granted, which shall in no case exceed—

(i) seventy-five hours in any year in cases in which weekly hours of work are calculated as an average over a period exceeding a week; or

(ii) one hundred hours in any year in cases in which the weekly limit of hours of work is applied as a strict limit applicable to each week.

3. In any country in which it is not desired to place a fixed number of hours of overtime in the year at the disposal of undertakings, the competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded, subject to the condition that all time worked in virtue of this paragraph shall be paid for at not less than one and a half times the normal rate.

Article 14

1. No driver may drive for any continuous period of more than five hours.

2. For the purpose of the preceding paragraph any two periods of time shall be deemed to be a continuous period unless separated by an interval of a duration to be prescribed by the competent authority.

3. The competent authority may exempt from the application of paragraph 1 drivers for whom adequate intervals are ensured by stops provided for in the timetable or by the intermittent nature of the work.

Article 15

1. Every person to whom this Convention applies shall be granted in every period of twenty-four hours a period of rest comprising at least twelve consecutive hours.

2. The competent authority may permit the period of rest required by paragraph 1 to be reduced in the case of certain services subject to breaks of considerable duration.

3. The competent authority may permit the period of rest to be reduced on a prescribed number of days in the week, so however that the average rest calculated over the week is not less than the minimum required by paragraph 1.

Article 16

1. Every person to whom this Convention applies shall be granted in every period of seven days a period of rest comprising at least thirty consecutive hours of which not less than twenty-two fall within the same calendar day.

2. The competent authority may permit a number of periods of rest fulfilling the requirements of paragraph 1 to be granted in the course of a number of weeks not exceeding a prescribed maximum in lieu of one such period of rest in every period of seven days. In such case the number of periods of rest granted in the course of the number of weeks over which the said periods of rest are distributed shall be at least equal to the number of weeks and the time separating any two periods of rest shall not exceed ten days.

Article 17

Decisions taken by the competent authority in pursuance of the provisions of this Convention enumerated below shall be taken after consultation with the employers' and workers' organisations concerned where such exist:

Article	Article
2	10
3	11, paragraph 3
4, (a) and (b)	12, paragraph 2
5, paragraph 2	13
6	14, paragraphs 2 and 3
7, paragraphs 2 and 3	15, paragraphs 2 and 3
8	16, paragraph 2
9	18

Article 18

1. With a view to the effective enforcement of the provisions of this Convention, the competent authority shall maintain a system of supervision by labour inspectors, the police, traffic commissioners or other appropriate administrative authorities, both in garages, depots and other premises and on the roads.

2. Every employer shall keep a record in a form approved by the competent authority of the hours of work and rest periods of the persons employed by him, and such records shall be available for inspection by the supervisory authorities under conditions laid down by the competent authority.

3. The competent authority shall prescribe a standard form of individual control book and the manner in which the book shall be issued to every person to whom this Convention is applied, and every such person shall be in possession of his book during his hours of work, and particulars of his hours of work and rest periods shall be entered in the book in a manner prescribed by the competent authority.

Article 19

1. The operation of the provisions of this Convention may be suspended by the competent authority, but only for the period during which such suspension is strictly indispensable, in case of necessity for meeting the requirements of national safety.

2. The International Labour Office shall be notified immediately of--

(a) any suspension of the operation of the provisions of this Convention, together with the reasons for such suspension; and

(b) the date from which such suspension has been terminated.

Article 20

The annual reports upon the application of this Convention to be submitted by Members under article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning--

- (a) any decisions taken in virtue of Article 2;
- (b) any decisions taken in virtue of Article 3, together with a statement of the grounds on which the competent authority is satisfied that such decisions are justified;
- (c) any recourse to the provisions of Article 5, paragraph 2;
- (d) any recourse to the provisions of Article 6;
- (e) any recourse to the provisions of Article 7, paragraphs 2 or 3;
- (f) any determinations made in pursuance of Article 8;
- (g) the extent to which recourse has been made to the provisions of Articles 10 and 13 and any regulations made thereunder.

Article 21

In accordance with article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by the Convention. (Note: That provision reads as follows: In no case shall any Member be asked or required, as a result of the adoption of any Recommendation or draft Convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned. As a result of the amendment of the Constitution in 1946, a corresponding provision is now contained in article 19, paragraph 8, thereof.)

Article 22

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 23

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 24

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General

of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 26

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 27

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 28

The French and English texts of this Convention shall both be authentic.

[Withdrawn by decision of the International Labour Conference at its 90th Session (2002)]

Control Books (Road Transport) Recommendation, 1939 (No. 63)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to individual control books in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine, the following Recommendation, which may be cited as the Control Books (Road Transport) Recommendation, 1939:

1. Each Member of the International Labour Organisation should provide for the drawing up of a standard form of individual control book to facilitate the supervision of the hours of work and rest periods of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies.

2. The individual control book should contain entries relating to the following points:

- (a) the time at which the working day begins and the time at which it ends;
- (b) time spent in work done during the running time of the vehicle;
- (c) time spent in subsidiary work;
- (d) periods of mere attendance;
- (e) the duration of breaks for rest and interruptions of work during which the driver or attendant is free to dispose of his time as he pleases;
- (f) periods of continuous driving time;
- (g) weekly periods of rest;
- (h) any extensions of hours of work beyond the normal limits and the circumstances in which such hours have been worked.

3. The competent authority should determine the conditions in which individual control books shall be issued.

4.

(1) The driver or attendant, as the case may be, or the employer should be required to enter daily the prescribed particulars under the various entries of the individual control book.

(2) In the case of classes of transport in respect of which it would be difficult to give the particulars specified in (b), (c), (d) and (f) of Paragraph 2, the particulars required to be entered might be limited to those specified in (a), (e), (g) and (h).

(3) In the case of classes of transport running to a fixed time-table, a statement of the time-table to which the driver or the attendant works might be permitted to be substituted for the detailed particulars specified in (a) to (f) of Paragraph 2.

5.

(1) Drivers and attendants should be required to carry their control books with them during their hours of work and to produce them on demand to the supervisory authorities.

(2) During the driver's or attendant's rest days the individual control book should be left at the garage and should be kept available for inspection by the supervisory authorities.

[Withdrawn by decision of the International Labour Conference at its 90th Session (2002)]

Night Work (Road Transport) Recommendation, 1939 (No. 64)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of night work in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine, the following Recommendation, which may be cited as the Night Work (Road Transport) Recommendation, 1939:

Whereas in certain classes of road transport for the conveyance of passengers or goods it is necessary to operate at night;

Whereas in order to afford road transport workers the necessary protection under labour regulations and in order to ensure safety on the road, it is desirable to regulate the conditions under which transport at night is carried on;

The Conference recommends every Member of the International Labour Organisation to apply the following principles concerning the regulation of night work for travelling staff engaged in road transport:

1. The competent authority in each country should--

- (a) determine the classes of transport for which it authorises night work to be regularly worked; and
- (b) define what constitutes night work.

2. When night work is organised on a rota system, the number of turns of night work worked by any worker during any rotation period should not exceed the number of turns of day work worked during the same period.

[Withdrawn by decision of the International Labour Conference at its 90th Session (2002)]

Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the methods of regulating hours of work in road transport, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred thirty-nine, the following Recommendation, which may be cited as the Methods of Regulating Hours (Road Transport) Recommendation, 1939:

Whereas in many countries the system of collective negotiation has proved of great value in the regulation of conditions of work;

Whereas this system is also to some extent applied as regards the regulation of hours of work in road transport and has worked well in this connection;

The Conference recommends that:

Each Member of the International Labour Organisation, in taking such measures as may be necessary to promote the effective regulation of the weekly and daily hours of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies, should consider the following methods:

- (a) the active encouragement of voluntary joint collective machinery established by agreement between the employers' and workers' organisations concerned; or, failing this,
- (b) the establishment of statutory machinery operated in consultation with such organisations.

[Withdrawn by decision of the International Labour Conference at its 90th Session (2002)]

**Rest Periods (Private Chauffeurs) Recommendation,
1939 (No. 66)**

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to rest periods for professional drivers of private vehicles, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred thirty-nine, the following Recommendation, which may be cited as the Rest Periods (Private Chauffeurs) Recommendation, 1939:

Whereas the Hours of Work and Rest Periods (Road Transport) Convention, 1939, authorises the competent authority in each country to exempt from the application of the Convention persons who drive private vehicles used solely for personal services;

Whereas the exercise by the competent authority of this power of exemption should not result in depriving professional drivers of private vehicles of the rest periods to which they are no less entitled than the persons who may not be exempted from the application of the Convention; and

Whereas, for reasons of road safety, it is necessary to apply provisions relating to rest periods to professional drivers of private vehicles;

The Conference

Recommends each Member of the International Labour Organisation to draw up regulations applicable to professional drivers of private vehicles used solely for personal services providing for the observance of minimum daily and weekly rest periods.

Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals with regard to the organisation of labour inspection in mining and transport undertakings, which is included in the fourth item on the agenda of the Session, and

Having determined that certain of these proposals shall take the form of a Recommendation supplementing the Labour Inspection Recommendation, 1923, the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven, the following Recommendation, which may be cited as the Labour Inspection (Mining and Transport) Recommendation, 1947:

Whereas the Labour Inspection Convention, 1947, provides for the organisation of systems of labour inspection and permits the exemption of mining and transport undertakings from the application thereof by national laws or regulations; and

Whereas it is nevertheless essential to make adequate provision in respect of mining and transport undertakings for the effective enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work;

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto:

Each Member of the International Labour Organisation should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.

Status: Instrument to be revised (Technical Convention)

Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to hours of work and rest periods in road transport, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1979:

Article 1

1. This Convention applies to wage-earning drivers working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers.

2. Except as otherwise provided herein, this Convention further applies to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working as drivers.

Article 2

1. The competent authority or body in each country may exclude from the application of the provisions of this Convention, or of certain of them, persons who drive vehicles engaged in--

- (a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;
- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
- (c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services;

-
- (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
 - (e) transport by taxi; or
 - (f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning driving time and rest periods.

2. The competent authority or body in each country shall lay down adequate standards concerning driving time and rest periods of drivers excluded from the application of the provisions of this Convention, or of certain of them, pursuant to the provisions of paragraph 1 of this Article.

Article 3

The representative organisations of employers and workers concerned shall be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Convention.

Article 4

1. For the purpose of this Convention the term hours of work means the time spent by wage-earning drivers on--

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

2. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the drivers are not free to dispose of their time as they please, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

Article 5

1. No driver shall be allowed to drive continuously for more than four hours without a break.

2. The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in paragraph 1 of this Article to be exceeded by not more than one hour.

3. The length of the break referred to in this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

4. The competent authority or body in each country may specify cases in which the provisions of this Article are inapplicable because drivers have sufficient breaks as a result of stops provided for in the timetable or as a result of the intermittent nature of the work.

Article 6

1. The maximum total driving time, including overtime, shall exceed neither nine hours per day nor 48 hours per week.
2. The total driving times referred to in paragraph 1 of this Article may be calculated as an average over a number of days or weeks to be determined by the competent authority or body in each country.
3. The total driving times referred to in paragraph 1 of this Article shall be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country shall define these activities and determine the total driving times to be applied in respect of the drivers concerned.

Article 7

1. Every wage-earning driver shall be entitled to a break after a continuous period of five hours of work as defined in Article 4, paragraph 1, of this Convention.
2. The length of the break referred to in paragraph 1 of this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

Article 8

1. The daily rest of drivers shall be at least ten consecutive hours during any 24-hour period starting from the beginning of the working day.
2. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest shall in no case be less than eight hours and shall not be reduced to eight hours more than twice a week.
3. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of paragraphs 1 and 2 of this Article concerning the minimum number of hours are observed.
4. The competent authority or body in each country may provide for exceptions to the provisions of paragraphs 1 and 2 of this Article as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferryboat or a train.
5. During the daily rest the driver shall not be required to remain in or near the vehicle if he has taken the necessary precautions to ensure the safety of the vehicle and its load.

Article 9

1. The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the driving time, extensions of the continuous working time, and reductions in the duration of the daily rest periods provided for in Articles 5, 6, 7 and 8 of this Convention--

- (a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;
- (c) in case of force majeure; and

(d) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

2. When national or local conditions in which road transport operates do not lend themselves to the strict observance of Articles 5, 6, 7 or 8 of this Convention, the competent authority or body in each country may also authorise extensions of the driving time, extensions of the continuous working time and reductions in the duration of the daily rest periods provided for therein and authorise exceptions as regards the application of Articles 5, 6 or 8 to the drivers covered by Article 1, paragraph 2, of this Convention. In such case, the Member concerned shall, by a declaration appended to its ratification, describe these national or local conditions as well as the extensions, reductions or exceptions permitted pursuant to this paragraph. Any such Member shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards stricter or wider application of Articles 5, 6, 7 and 8 of this Convention, and may at any time cancel the declaration by a subsequent declaration.

Article 10

1. The competent authority or body in each country shall--

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers; and
- (b) lay down a procedure for notification of the hours worked in accordance with Article 9, paragraph 1, of this Convention and the circumstances justifying them.

2. Each employer shall--

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every driver employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner determined by the competent authority or body in each country.

3. The traditional means of supervision referred to in paragraphs 1 and 2 of this Article shall, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

Article 11

The competent authority or body in each country shall make provision for--

- (a) an adequate inspection system, with verification carried out in the undertaking and on the roads; and
- (b) appropriate penalties in the event of breaches of the requirements of this Convention.

Article 12

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements or arbitration awards or in such other manner as may be consistent with national practice, be given effect by laws or regulations.

Article 13

This Convention revises the Hours of Work and Rest Periods (Road Transport) Convention, 1939.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

Status: Instrument to be revised

Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to hours of work and rest periods in road transport, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine, the following Recommendation, which may be cited as the Hours of Work and Rest Periods (Road Transport) Recommendation, 1979:

I. Scope

1. This Recommendation applies to wage earners working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers, namely as--

(a) drivers; or

(b) drivers' mates, attendants, conductors and other persons who travel with a road transport vehicle in a capacity connected with the vehicle, its passengers or its load.

2. Parts II and VII to IX of this Recommendation, as well as the provisions of Parts X to XII relevant thereto, further apply to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working in a capacity referred to in clause (a) or (b) of Paragraph 1 of this Recommendation.

3.

(1) The competent authority or body in each country may exclude from the application of the provisions of this Recommendation, or of certain of them, persons covered by Paragraphs 1 and 2 of this Recommendation who work in--

(a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;

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- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
 - (c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services;
 - (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
 - (e) transport by taxi; and
 - (f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning hours of work and rest periods.

(2) The competent authority or body in each country should lay down suitable standards concerning hours of work and rest periods of persons excluded from the application of the provisions of this Recommendation, or of certain of them, pursuant to the provisions of subparagraph (1) of this Paragraph.

II. Consultation of Employers and Workers

4. The representative organisations of employers and workers concerned should be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Recommendation.

III. Definition of Hours of Work

5. For the purpose of this Recommendation the term hours of work means the time spent by the persons covered by Paragraph 1 of the Recommendation on--

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

6. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the workers are not free to dispose of their time as they please, as well as time spent by them on training and advanced training when agreed upon between the organisations of employers and workers concerned, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

IV. Normal Hours of Work

A. NORMAL WEEKLY HOURS OF WORK

7. Normal hours of work, namely those in respect of which national provisions concerning overtime do not apply, should not exceed 40 per week.

8. The normal weekly hours of work referred to in Paragraph 7 of this Recommendation may be introduced gradually and by stages.

9.

(1) In the case of long-distance transport and in other transport activities where the standard covered by Paragraph 7 of this Recommendation would be impracticable if applied to one week, this standard may be applied as an average over a maximum period of four weeks.

(2) The competent authority or body in each country should determine the maximum number of hours of work in a single week when, pursuant to subparagraph (1) of this Paragraph, the standard covered by Paragraph 7 is applied as an average.

B. NORMAL DAILY HOURS OF WORK

10. Normal hours of work, as defined in Paragraph 7 of this Recommendation, should not exceed eight per day as an average.

11.

(1) When normal weekly hours of work are unevenly distributed over the various days of the week, the normal hours of work should not exceed ten per day.

(2) When the normal daily hours of work include substantial periods of mere attendance or stand-by or interruptions of work or when it is necessary to enable the crew of the vehicle to reach a suitable place of rest, the maximum limit referred to in subparagraph (1) of this Paragraph may be more than ten hours but not more than 12 hours per day.

V. Maximum Period of Continuous Work

12.

(1) Every wage-earning worker should be entitled to a break after a continuous period of five hours of work as defined in Paragraph 5 of this Recommendation.

(2) The length of the break referred to in subparagraph (1) of this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

VI. Daily Spreadover

13.

(1) The competent authority or body in each country should prescribe for the various branches of the road transport industry the maximum number of hours which may separate two successive daily rest periods.

(2) The spreadover should not be so long as to reduce the period of daily rest to which the workers are entitled.

VII. Driving Time

14.

(1) No driver should be allowed to drive continuously for more than four hours without a break.

(2) The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in subparagraph (1) of this Paragraph to be exceeded by not more than one hour.

(3) The length of the break referred to in this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

(4) The competent authority or body in each country may specify cases in which the provisions of this Paragraph are inapplicable because drivers have sufficient breaks as a result of stops provided for in the time-table or as a result of the intermittent nature of the work.

15. The maximum total driving time, including overtime, should exceed neither nine hours per day nor 48 hours per week.

16. The total driving times referred to in Paragraph 15 of this Recommendation may be calculated as an average over a maximum period of four weeks.

17. The total driving times referred to in Paragraph 15 of this Recommendation may be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country may define these activities and determine the total driving times to be applied in respect of the drivers concerned.

VIII. Daily Rest

18. The daily rest of persons covered by Paragraphs 1 and 2 of this Recommendation should be at least 11 consecutive hours during any 24-hour period starting from the beginning of the working day.

19. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest should in no case be less than eight hours.

20. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of Paragraphs 18 and 19 of this Recommendation concerning the minimum number of hours are observed.

21. The competent authority or body in each country may provide for exceptions to the provisions of Paragraphs 18 and 19 of this Recommendation as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferry-boat or a train.

22. During the daily rest the crew should not be required to remain in or near the vehicle if they have taken the necessary precautions to ensure the safety of the vehicle and its load.

IX. Weekly Rest

23. The minimum duration of the weekly rest should be 24 consecutive hours, preceded or followed by the daily rest.

24. The weekly rest should, as far as possible, coincide with a Sunday or with traditional and customary days of rest, and it should during a given period be possible for this rest to be spent at home a certain number of times, to be determined by the competent authority or body in each country.

25. In long-distance transport, it should be possible to cumulate weekly rest over two consecutive weeks. In appropriate cases, the competent authority or body in each country may approve the cumulation of this rest over a longer time.

X. Exceptions and Overtime

26.

(1) The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation--

- (a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;
- (b) in case of force majeure; or
- (c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

(2) The competent authority or body in each country may also permit extensions of the hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation where these are necessary to enable the crew to reach a suitable stopping place or the end of their journey, as the case may be, provided that road safety is not thereby jeopardised.

27. The competent authority or body in each country may grant authorisations for an extension of the normal hours of work, as a temporary exception, in case of abnormal pressure of work.

28. All hours worked in excess of normal hours should be considered as overtime and, as such, remunerated at a higher rate or, as prescribed by national laws or regulations, collective agreements or in any other manner consistent with national practice, otherwise compensated.

XI. Supervisory Measures

29. The competent authority or body in each country should--

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers;
- (b) lay down a procedure for notification of the hours worked in accordance with Paragraph 26 of this Recommendation and the circumstances justifying them; and
- (c) lay down a procedure for authorising the hours that may be worked in accordance with Paragraph 27 of this Recommendation as well as the number of hours for which the authorisation may be granted, according to the nature of the transport operations and the method of calculating the hours of work.

30. Each employer should--

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every person covered by this Recommendation and employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner to be determined by the competent authority or body in each country.

31. The traditional means of supervision referred to in Paragraphs 29 and 30 of this Recommendation should, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

32. The competent authority or body in each country should make provision for--

-
- (a) an adequate inspection system, with verification carried out in the undertaking and on the roads;
and
 - (b) appropriate penalties in the event of breaches of the provisions giving effect to this Recommendation.

XII. Means and Methods of Application

33.

(1) The provisions of this Recommendation may be applied by laws or regulations, collective agreements, arbitration awards or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions and the needs of each category of transport.

(2) The provisions of this Recommendation which have a direct bearing on road safety, namely those relating to the maximum period of continuous work, driving time, daily rest and supervisory measures, should preferably be applied by laws or regulations.

PART 2. INLAND TRANSPORT COMMITTEE RESOLUTIONS AND CONCLUSIONS

Resolution (no. 9) on industrial relations in inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and having met at Geneva for its second session from 7 to 16 May 1947, and

Having considered the problems of industrial relations in the various branches of the inland transport industry, and

Being convinced that the provision of efficient transport services and of satisfactory conditions of employment for transport workers necessitates the promotion of good relations between management and labour,

Adopts this sixteenth day of May 1947 the following resolution concerning the principles, methods and machinery by which the relations between management and labour in the inland transport industry should be conducted:

1. Freedom of Association

1. Employers and workers, whether in public or private inland transport undertakings, should be entitled to form, without previous authorisation and without restriction of occupation, sex, colour, race, creed or nationality, organisations of their own choosing.
2. Such organisations should be granted full autonomy in drawing up their constitution and administrative rules, in organising their administration and activity, and in framing their policies.
3. Where full and effective protection is not already afforded, appropriate legislation should be enacted to protect the individual worker—
 - (a) from discriminatory or punitive measures directed against him at the time of engagement or during tenure of employment for the reason that he is a member, agent or official of a trade union;
 - (b) against coercion with respect to his right to join a trade union.
4. Where full and effective protection is not already afforded, appropriate legislation should be enacted to prohibit on the part of the employer or of the employers' organisations or their agents, all acts designed to
 - (a) promote the formation of trade unions controlled by the employer;
 - (b) interfere in the formation or administration of a trade union, or support it by financial means or otherwise interfere in its control;

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- (c) refuse to give practical effect to the principles of trade union recognition and collective bargaining.

2. Determination of conditions of employment

5. The negotiation of collective agreements should be developed both in private and publicly owned transport undertakings.
6. (1) The State should, through the appropriate agencies, make available to the parties facilities for the development of collective bargaining.
- (2) These agencies should be entrusted with the authority where necessary to determine the representative workers' organisations entitled to enter into collective agreements with employers or employers' organisations.
7. (1) Collective agreements freely entered into should be observed in good faith, and employers' and workers' organisations should do all in their power to ensure the observance by their members of the agreements to which they are parties.
- (2) All individual or collective disputes arising out of the interpretation or application of collective agreements should be referred for settlement to a procedure accepted by the parties. There should be effective and expeditious means for reaching a final determination of all such issues.
- (3) Employers, employers' organisations and trade unions which are parties to collective agreements should be entitled to institute legal proceedings to secure the observance of such agreements enforceable at law.
8. Immediate attention should be paid to the practice obtaining in certain countries whereby the provisions of collective agreements covering substantial proportions of employers and workers in a trade or industry are extended to include other such employers and workers who would not otherwise be covered by such agreements, in view of the fact that, in the conditions obtaining in the countries in question, arrangements of this nature have had the effect of strengthening the authority of the collective bargaining system.

Minimum working standards.

9. Governments should set up machinery whereby minimum wage rates, hours of work and other conditions of employment can be fixed in branches or sections of the inland transport services where there are no arrangements for the effective regulation of such matters by collective agreements or otherwise.
10. For this purpose account should be taken of the necessity of enabling the workers to maintain a suitable standard of living.
11. Whatever method is applied for fixing such minimum wages and conditions of employment, employers' and workers' organisations concerned should be directly associated in the framing of all necessary provisions.
12. An adequate system of inspection should be provided with power to make investigations with a view to ascertaining whether such wages and conditions of employment are in fact being applied and to take such steps as may be authorised to deal with infringements.

3. Adjustment of Labour Disputes

13. (1) A free society cannot coerce any section of its population into working under conditions which are not freely and generally acceptable.
- (2) Having regard to the vital position which transport occupies in the national economy, employers and workers, with due regard to their responsibility to society, should consider lockouts and strikes as an extreme and ultimate means of bringing pressure to bear upon one another. Consequently, they should undertake to utilise to the full extent all existing facilities for the expeditious and effective settlement of disputes before considering recourse to a lockout or a strike.

Voluntary Conciliation and Arbitration.

14. (1) The State should place at the disposal of the parties conciliation machinery with a view to helping them to adjust differences arising out of the negotiation and application of collective agreements.
- (2) Once a dispute has been submitted to a conciliation agency by consent of all the parties concerned, the parties should agree to refrain from strike or lockout while conciliation is in progress.
- (3) Agreements arrived at by the parties in the course of the proceedings as well as recommendations of the conciliation agencies that are accepted by the parties should have the same validity as normal collective agreements.
15. There should be instituted machinery for voluntary arbitration and, when a dispute has been submitted to arbitration by consent of the parties concerned this should imply acceptance of the award and the intention to abstain from strikes and lockouts while arbitration is in progress.
16. In the event of a serious labour dispute threatening to cause a stoppage of work in any essential transport service, and if there is no more effective and appropriate means of securing a settlement, the Government should be able to cause a public investigation to be made into the origin and terms of the controversy. The results of the investigation, together with the recommendations of the investigating agency as to the just solution of the dispute, should be made public without delay.

Right to Lockout and Strike.

17. While the right to lockout and strike applies in inland transport as in other industries, in the event of a dispute arising during the operation of temporary restrictions placed by legislation upon the normal exercise of the right to lockout or strike, effective guarantees should be provided for the maintenance of wages and conditions of employment while negotiations are in progress.

4. Labour-Management Co-operative Machinery

18. Suitable machinery should be established at all appropriate levels for promoting the application and observance of collective agreements in particular establishments and the prompt handling of grievances affecting individuals or small groups of workers.
19. Suitable machinery should be established at all appropriate levels for promoting joint consultation between accredited representatives of employers and workers on all matters in which they have a common interest, with a view to improving both the wellbeing of the

workers and the prosperity of the industry. All necessary information should be placed at the disposal of joint committees established for the above purposes.

- 20.** Committee members should be compensated at normal wage rates for loss of working time incurred in attending committee meetings and other necessary activities authorised by their committee. This compensation should be paid by the employer or by the trade unions as the case may be.
- 21.** Employers' and workers' organisations should, so far as it is reasonable and practicable, having regard to national practice, be associated with the framing and application of any special official schemes, as for example training schemes, instituted for the benefit of the inland transport industry.
- 22.** In the appointment of members of policy-making bodies of publicly owned inland transport undertakings regard should be paid to the opinion of the trade unions as to the need to include persons with knowledge and experience of trade union organisation and the needs and interests of the worker.

Resolution (no. 37) concerning labour problems arising out of the coordination of transport

The Inland Transport Committee of the International Labour Organization,
Having been convened by the Governing Body of the International Labour Office,
Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted that governments, in an attempt to ensure the best use of national resources, are promoting policies designed to achieve an effective coordination of transport and to establish conditions in which the different branches of transport can contribute efficiently and economically to the needs of the community,

Having noted that the United Nations is considering, through its regional commissions, the measures needed to promote such coordination, including the question of whether undertakings engaging in international transport operations should be subject to a permit, licence or concession to operate, Having noted that labour costs constitute an important element in the cost of transport,

Considering that competition between transport undertakings should not be permitted to seek to take advantage of a lowering of conditions of labour and thus undermine attempts to establish a fair basis for coordination of transport, and

Considering that it is desirable to apply in the transport field the principle of equal pay for equal work;

Adopts this fifteenth day of December 1951 the following resolution:

I.

Conditions of employment in relation to coordination of transport

1. The employers' and workers' organisations concerned and the governments - in so far as the latter determine, or influence the determination of, wages and other conditions of work and employment - should make every effort to promote a greater equivalence in the conditions of work and employment of workers engaged in the various branches of transport. This policy should aim at eliminating, or at least at mitigating progressively, the differences which exist or may exist between various branches of transport or between transport undertakings in respect of wages, social charges and the conditions of employment relating to work involving similar degrees of skill and responsibility. The best conditions of employment should be used as a guide, in so far as the particular circumstances in each country or in each branch of transport permit.

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2. Regulations concerning the operation of transport undertakings in each country should ensure the observance of fair labour standards.
 3. For this purpose steps should be taken to ensure to the workers engaged in transport for hire or reward, wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the branch of transport concerned in the district where the work is carried on -
 - (a) by collective agreement or other recognised machinery of negotiation between the most representative organisations of employers and workers in the branch of transport concerned; or
 - (b) by arbitration award; or
 - (c) by national laws or regulations.
 4. Where the conditions of labour referred to in the preceding paragraph are not regulated in the manner referred to therein in the district where the work is carried on, steps should be taken to ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than -
 - (a) those established by collective agreements or other recognised machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the branch of transport concerned in the nearest appropriate districts; or
 - (b) the general level observed in the branch of transport concerned by employers whose general circumstances are similar.
 5. In cases in which operators are subject to the grant of a permit, licence or concession to undertake the transport of passengers or of goods, the observance of the provisions relating to wages (including allowances), hours of work and other conditions of labour specified in paragraphs 3 and 4 above should be a condition of the grant or retention of the permit, licence or concession, where other regulations do not already exist for ensuring the observance of these standards.

Transport on own account

6. The competent authority in each country, after consulting the employers' and workers' organisations concerned, should consider the possibility of applying the provisions of paragraphs 3, 4 and 5 above to those persons whose major occupation is in transport and who are employed by undertakings carrying out transport on own account, bearing in mind the special regulations or collective agreements applicable to the various Industries to which these workers may belong.

Social consequences of coordination

7. No measures for coordination should be adopted without taking into account their social consequences.
8. In cases in which measures aiming at the coordination of transport are liable adversely to affect the workers concerned, measures should be taken either by the competent authority, after consultation with the employers' and workers' organisations concerned, or by agreement between these organisations, regarding either -

-
- (a) transfer within the same occupation or, where necessary, to another occupation, in particular by assisting those workers who are obliged to change their occupation or place of work and by providing vocational training for workers compelled to change their occupation; or
 - (b) material and occupational assistance to workers whose discharge is unavoidable.

During the negotiations which will lead to adoption of one of the measures referred to above, attention should be specially drawn to the advantage there would be in considering whether special measures concerning the maintenance of certain acquired rights could not be adopted.

Cooperation of employers' and workers' organisations concerned

9. The employers' and workers' organisations concerned should be closely associated on an equitable basis with the work of bodies dealing with the coordination of transport either through participation in them or by means of consultation.

Supervision

10. The appropriate authorities or the contracting parties should organise labour inspection in transport undertakings in an efficient manner with a view to ensuring observance of the legal or other regulations concerning conditions of work and the protection of transport workers.
11. For the purpose of ensuring proper control of the enforcement of fair labour standards, the appropriate authorities or the contracting parties should, whenever necessary, cause to be kept, preserved and placed at their disposal records concerning in particular wages, allowances, social charges, hours of work, weekly rest, rest on public holidays and overtime. These records should not, however, involve undue formalities or administrative costs.

Sanctions

12. Adequate sanctions should be applied for failure to observe the provisions relating to wages (including allowances), hours of work and other conditions of labour. Such sanctions should include, where appropriate, the cancellation of the permit, licence or concession.

II.

13. The Governing Body of the International Labour Office is invited:
 - (a) to authorise the Director-General to communicate to the United Nations the report of the Subcommittee on Labour Problems Arising Out of the Coordination of Transport and the conclusions of the Committee on the subject; and
 - (b) to instruct the Director-General to continue to follow the discussions in the United Nations and in other international organisations relating to the coordination of transport with a view, whenever necessary, to bringing the social aspects of the question to the attention of those concerned.

Resolution (no. 44) concerning the transport and handling of dangerous goods

The Inland Transport Committee of the International Labour Organization,

Having been convened by the Governing Body of the International Labour Office,

Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted with interest the information provided in the General Report on the transport and handling of dangerous goods in the various branches of the inland transport industry and the action taken in this field, both in Europe and in the wider international field,

Having noted with satisfaction the initiative taken on various occasions by the International Labour Office at meetings of various organs of the United Nations with a view to assuring more particularly the protection of workers against occupational accidents and illness resulting from the handling of dangerous goods;

Adopts this fourteenth day of December 1951 the following resolution:

The Governing Body of the International Labour Office is invited to ask the Office to continue to follow attentively the discussions in the various international bodies concerned with the transport of dangerous goods and to take whatever steps may be necessary to draw the attention of such bodies to the need for assuring protection for the workers engaged in such transport.

Memorandum (no. 51) concerning conditions of employment in road transport

1. The employers' and workers' organisations concerned, and the governments - in so far as the latter determine, or influence the determination of, wages and other conditions of work and employment - should make every effort to secure the adoption of conditions of employment in road transport which provide an adequate standard of living, having regard to the conditions obtaining in the country concerned and which are not less favourable to the workers concerned than those suggested below.
2. The standards suggested below are submitted for the guidance of the government authorities and of the employers' and workers' organisations which may be engaged, in accordance with practices customary in respect of any particular matter in their country, in determining conditions of employment, whether by national laws or regulations, arbitration awards or collective agreements.

Scope

3. The following provisions cover the staff-drivers, attendants, assistants, conductors or others working in motor transport of goods by road and in inter-urban passenger transport.
4. These suggestions may also serve as guides in the determination of conditions of employment of persons whose major occupation is in the transport of goods by road. Where such persons are covered by collective agreements, arbitration awards or regulations applicable primarily to industries or occupations other than road transport, it is desirable that the conditions laid down therein for persons whose major occupation is in the transport of goods by road should not be such as to cause undertakings and workers in the road transport industry to suffer serious prejudice as a result of competition based on conditions of employment less favourable to the workers concerned than those applicable to the road transport industry.
5. It is, in any case, desirable that such regulations as are designed to protect the safety of drivers and of the public should apply also to drivers and attendants engaged in the transport of goods on own account. Where this is not the case, it may be expedient to ensure that clauses of a similar character to those suggested below relating in particular to maximum driving times and minimum rest periods should be inserted as special clauses even in collective agreements relating primarily to industries other than road transport.

Owner-drivers

6. It is desirable that measures designed to protect the safety of drivers and of the public should apply to owner-drivers engaged in the transport of passengers and goods by road in the same way as to other professional drivers. This applies particularly to any measures adopted to carry out the suggestions contained in the paragraphs listed below:

8 and 9:	Minimum age
10:	Physical fitness
11 and 12:	Drivers' qualifications
22 and 23:	Maximum driving times
24:	Breaks
25 and 26:	Daily rest
49:	Fire extinguishers and first-aid boxes
54:	Records (driving times and rest periods)

Long-distance transport

7. Long-distance transport should be understood to mean all transport for which the return journey calls for more than nine hours' driving or covers more than 450 kilometres.

Minimum age

8. The minimum age for a driver should be not less than 18 years.
9. The minimum age should be not less than 21 years in the following cases:
 - (a) drivers of public passenger transport vehicles;
 - (b) drivers engaged in long-distance passenger and heavy goods transport; and
 - (c) drivers responsible for the vehicle and its load in international transport.

Physical fitness

10. No person should drive professionally a motor vehicle who does not hold a medical certificate attesting that he has no apparent physical disability rendering him unfit to drive, unless he makes a declaration concerning his physical fitness in the form prescribed and when required by the appropriate licensing authority. The certificate should be signed by a physician having the required knowledge of occupational health and approved by the competent national authority. It should be valid for a period not exceeding five years, after which a further medical examination should be required.

Drivers' qualifications

11. No person should drive professionally a motor vehicle who does not hold a certificate attesting that he has successfully passed a theoretical and practical test designed to show whether he is capable of driving a vehicle of the category in question.
12. It is suggested that the following should be included among the requirements which professional drivers should be expected to satisfy-
 - (a) general knowledge of the working of a motor and of its accessory parts;

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- (b) ability to undertake a summary inspection of a motor vehicle, its equipment and its load, with a view to ascertaining whether major defects are apparent which might affect the safe driving of the vehicle or the safety of the load;
 - (c) knowledge of the laws and regulations to be observed, including those relating to the hours of work, driving times and rest periods of motor vehicle drivers.
13. Encouragement should be given to the proper training of professional drivers.

Hours of work

14. Hours of work should be understood to include, in addition to hours of actual work, the whole of the time during which the persons concerned are at the disposal of the employer and carrying out his orders, whether on or off the vehicle, or at the disposal of persons entitled to call upon their services or, if they are owner-drivers or owner-attendants, are carrying out for their own account work connected with the vehicle or its load.

Weekly hours of work

15. The normal hours of actual work of drivers and attendants should not exceed 48 a week.
16. In countries or in undertakings in which in accordance with laws or regulations, arbitration awards, collective agreements or custom, the normal hours of actual work may be calculated as an average, the period over which the average may be calculated should not exceed four weeks and the normal hours of actual work should not exceed 58 in any one week or an average of 48 per week.
17. In long-distance transport, provided that the vehicle is manned by two drivers, hours of work, including overtime, should not exceed 146 hours for each driver in any period of two consecutive weeks.

Daily hours of work

18. The normal hours of actual work of drivers and their attendants should not exceed an average of eight a day. When work is spread unequally over the different days of a week or over a period of several weeks, normal hours of actual work provided for in the working schedule may exceed eight but should not exceed 11 in any day.
19. In long-distance transport and provided that the vehicle carries a team of two drivers, scheduled daily hours of work, including overtime, may be extended up to 14 hours for two days in the week and up to 13 hours for the remaining days of the week.

Overtime

20. There should be provisions in all countries designed to restrict any abuses arising out of systematic recourse to overtime, whether by the establishment of an absolute limit to overtime, or by the establishment of adequate overtime rates, or by the combined use of both these methods.
21. All overtime, whatever be the reason therefor, should be remunerated at not less than time-and-a-quarter.

Maximum driving times

22. There should be between the fourth and the sixth hour of driving a break of at least 30 minutes.
23. The total driving hours should not exceed ten for each driver in every period of 24 hours commencing at the beginning of the working day. However, in the case of driving in manifestly difficult conditions, such as heavy goods transport and long-distance passenger transport, the daily average of driving time, calculated over a period not exceeding three consecutive days, should not exceed nine hours.

Breaks

24. Drivers and their attendants should interrupt their work by one or more breaks every day. The minimum length of a break should be 30 minutes and the aggregate length of all the breaks should amount to at least-
 - (a) 90 minutes if the daily hours of actual work are ten or more;
 - (b) 60 minutes if the daily hours of actual work are more than eight and less than ten.

Daily rest

25. Every person engaged in the driving of a motor vehicle and every attendant should, as a rule, in any period of 24 hours calculated from the commencement of any working day, have a rest period the average length of which, calculated over not more than four weeks, should not be less than 11 hours, provided that-
 - (a) in no case should any single daily rest period be less than eight hours; and
 - (b) weekly rest periods are not taken into account in calculating the average.
26. The rest periods referred to in paragraph 25 above may be reduced to not less than eight hours in any period of 24 hours-
 - (a) in the case of transport operations and services subject to substantial breaks; or
 - (b) if a vehicle is manned by two drivers and so equipped as to enable one of the drivers to stretch out at rest.
27. During the rest periods or breaks specified in paragraphs 25 and 26 above, the driver should be completely off duty and should not be bound to remain on or near the vehicle, it being understood that the driver would have previously taken all proper steps to ensure the safety of the vehicle and its load.

Weekly rest

28. Every driver should be granted 52 rest days in a calendar year, if possible at the rate of one day per week. As a general rule, these weekly rest periods should be granted at the driver's place of residence. The weekly rest period should be of 24 consecutive hours and, as a general rule, it should be immediately preceded by the daily rest period. The weekly rest period should be granted whenever possible on the days established by the traditions or customs of the country or district, or on a public holiday. As a general rule and as far as

practicable, it should coincide with such customary day of rest at least on an average of one week in three.

29. In long-distance transport, each period of two consecutive weeks should include two days of rest.
30. If cases of force majeure make it necessary for him to give up his rest day, the worker concerned should be entitled to compensatory time off.

Exceptional cases

31. In cases *offorce majeure*, unforeseen delays encountered on the road, and unforeseen events – and if compatible with road safety - the rest periods specified in paragraphs 24 to 27 above may be reduced, and the periods of driving specified in paragraphs 22 and 23 above increased, to the extent necessary to ensure the safety of the vehicle, its passengers or its load, and to enable the driver to reach a suitable stopping place or the end of his journey. Running schedules should, however, be established in such a manner as not normally to require recourse to this provision.

Public holidays

32. Every driver and attendant should be entitled each year, in addition to his weekly rest days, to as many days of rest with pay as there are statutory public holidays with pay.
33. It would be desirable to consider the possibility of granting to drivers and attendants who are required to work on a statutory public holiday a payment supplementary to the normal wage.

Annual holidays with pay

34. Drivers and their attendants should be entitled to an annual holiday with pay no shorter than that granted to industrial workers in general.
35. During their **annual** holiday, drivers and their attendants should be prohibited from working as such for their employers, or for third parties, or on their own account.

Wages

36. As a general rule, scales of wages should be fixed by collective agreements freely entered into by the parties concerned, or by arbitration awards. These scales of wages should take the qualifications of the drivers into account, it being understood that drivers of vehicles engaged in passenger transport, in long-distance transport and in international transport should have the qualifications set out in paragraph 12 and that their wage should be equivalent to that of skilled manual workers.
37. It would be desirable that scales of wages should be reviewed from time to time with a view to taking into account, to such extent as may be deemed appropriate, such factors as changes in the cost of living, technical progress and the economic situation.
38. Where the employers' and workers' organisations are not able adequately to ensure that the collective agreements and arbitration awards referred to above are carried out, legislators and governments should set up special bodies with powers to determine wages in

accordance with the factors referred to in paragraphs 36 and 37. Employers and workers should be represented on such bodies on a footing of equality.

39. Wage-earning drivers and attendants should be entitled to wages for every working day of the week if they have been at the disposal of their employer every such day, whether or not their services have been utilised. Only casual workers should be exempt from this guarantee.

Subsistence allowances

40. Drivers and attendants should be reimbursed for the additional expenses which they may have to incur as a result of their travel.

Return to base

41. Should the driver or crew of a vehicle be obliged to interrupt the journey for reasons beyond their control and be unable to return to their base with the vehicle, the return journey should be made at the cost of the employer and in accordance with his instructions.

Guarantees in case of cessation of employment

42. Arrangements on a basis of reciprocity should be sought by the employers' and workers' organisations concerned to enable drivers and attendants to have the benefit of certain guarantees in the event of cessation of employment and in respect of possible re-employment.

Social security

43. It is desirable that road transport workers should, when appropriate, be able to receive social security benefits. If, in any country, social security schemes either do not exist or do not cover all risks, attention might appropriately be drawn to the Income Security Recommendation, 1944 (No. 67), and to the Social Security (Minimum Standards) Convention, 1952 (No. 102).
44. In the case of international road transport, it is desirable that governments and national social insurance institutions concerned should enter into reciprocity agreements for the purpose of ensuring that no worker is denied the advantages of social security should he fall ill or suffer an accident while outside his country of residence as a consequence of his work.

Running schedules

45. In drawing up running schedules, due account should be taken of all factors influencing the speed of driving and all-over speed such, for instance, as the weight and nature of the load, time required for loading and discharging on the way, unfavourable conditions, traffic density, and state of the roads to be followed so that the driver may be in a position to observe the maximum speeds prescribed or those dictated by considerations of safety.

Crews

46. In determining the crews of vehicles, consideration should be given to the distance to be covered, the nature and size of the transport unit and its load, as well as to the nature of the loading and unloading operations to be carried out on the way.
47. No driver or attendant should load or unload packages of 60 kilograms (132 lb.) or more, or the weight fixed by national laws or regulations, without the help of mechanical appliances or the assistance of some other person physically capable of sharing such work.

Dangerous goods

48. Drivers and attendants should be given suitable instructions regarding the handling of any dangerous goods for the carriage of which they are responsible.

Fire extinguishers and first-aid boxes

49. Every vehicle engaged in long-distance transport should carry a fire extinguisher and a first-aid box.

Health and welfare amenities

50. It is suggested that the workers should be provided with suitable washing facilities and sanitary conveniences. When the circumstances so justify, they should also be provided with dining rooms fitted with appropriate equipment for heating and cooking meals.
51. The owners of less important establishments should make an effort to provide their workers with similar facilities, if necessary by pooling their resources with a view to setting up amenities comparable to those established by larger undertakings.

Safeguarding clause

52. None of the present provisions should be used to seek the amendment or review of any law, regulations, award, custom, or agreement between employers and workers concerned which ensures more favourable conditions to the workers.

Supervision and penalties

53. The appropriate authorities should organise in an efficient manner labour inspection in undertakings engaged in the transport of goods by road with a view to ensuring observance of the provisions of laws, regulations and agreements relating to conditions of work and the protection of drivers and attendants.
54. In so far as the required information is not otherwise readily available, every driver and attendant, each in so far as he is concerned, should be required to enter in an individual control book particulars of his hours of work, driving or running times and rest days and periods, and to produce the said book on demand to the appropriate authority.
55. Every employer of wage-earning drivers and attendants and every owner-driver or attendant should be required to keep permanently and place at the disposal of supervising

authorities the documents, or duly authenticated copies of documents showing that the drivers and attendants fulfil the conditions required to enable them to work as such.

- 56.** Every employer of drivers or attendants should be required to keep for a period to be determined by the appropriate authority certain records relating to the payment of wages and all other items of remuneration or compensation, days and hours of work, overtime, driving time, days of rest, work on public holidays and annual holidays and on request to place these documents at the disposal of the appropriate authorities.

Resolution (no. 67) concerning labour inspection in road transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Hamburg in its sixth session from 11 to 22. March 1957,

Considering that the special character of road transport and the great increase in traffic on the roads of most countries, the influence of which on road safety should not be underestimated, justify the consideration of appropriate measures for the protection of all the interested parties, namely, employers, workers and the public who use the roads,

Considering the importance, in these circumstances, of the existence of an appropriate system of labour inspection in road transport as a guarantee of the effective application of the measures adopted both nationally and internationally for the protection of workers in this industry,

Considering that the International Labour Conference adopted in 1947 the Labour Inspection (Mining and Transport) Recommendation (No. 82) suggesting that "Each member of the International Labour Organisation should apply to mining and transport undertakings as defined by the competent authority appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work",

Considering that it appears desirable, in countries intending to set up or to reorganise systems of labour inspection in road transport, to determine which principles have been shown in practice to be the most appropriate to ensure inspection of the application of measures for the protection of workers in road transport;

Adopts this twenty-second day of March 1957 the following resolution:

Administrative organisation of labour inspection in road transport

1. It is desirable, in countries where such a system does not yet exist and where the development of road transport justifies it, to entrust the task of labour inspection in road transport to specialised staff, with a view to ensuring the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work, as laid down in the Labour Inspection (Mining and Transport) Recommendation, 1947.
2. The structure of an administrative organisation for labour inspection in road transport should in all cases be such as to enable inspection to function effectively.
3. The particular aspects of labour inspection in road transport, and the necessity of not isolating conditions of employment from technical conditions and safety, should result in full cooperation between the labour inspection services, the technical transport inspection services and the traffic control services in this task.

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4. It is desirable that the particular duties and responsibilities of each of these authorities should be clearly determined and defined.
 5. The competent national authorities should be able to consult the organisations of employers and workers concerned.
 6. Employers and workers should be able to communicate freely with labour inspectors; these communications should be treated, where necessary, as absolutely confidential by the inspectors.
 7. The development of international road transport raises special problems with regard to inspection, especially in Europe. It would be desirable for employers and drivers of foreign vehicles to be subject to the inspection of the country in which the vehicles are travelling. To this end, employers should give their staff before departure adequate information about provisions in that country to the extent that it is possible. In this connection, it would be useful if the authorities concerned with this question in the various countries were to establish contact with one another with a view to bringing about uniformity of procedures for the inspection of foreign vehicles.

Inspection staff, their powers and duties

8. To deal with the extensive and increasing duties of inspection in road transport, an increase in the number of staff and in the facilities placed at their disposal, including motor transport, appears desirable in many cases.
9. The level of qualifications required for labour inspectors in road transport should not be lower than that for labour inspectors in general. Training courses, especially at the beginning of the career, appear desirable. Officials of services cooperating in labour inspection should receive appropriate training.
10. Labour inspectors in road transport should have a status by which they are assured of stability of employment and are independent of changes of government and of improper external influence. Their essential powers should be those defined in the international instruments containing provisions on this subject, particularly the Labour Inspection Convention, 1947. Provision should be made for inspection of vehicles both when stationary and on the move.

Scope of supervision of the application of labour legislation in road transport

11. It appears essential, for the purpose of effective inspection, that national laws and regulations should contain provisions extending the field of labour inspection to cover all road transport undertakings (goods and passengers, transport for hire and transport on own account).
12. With regard to the categories of workers who should be subject to labour inspection, it should be noted that in many cases all categories of workers in the industry are already subject to such inspection. It is necessary in any case that vehicle staff should be subject to labour inspection in road transport.
13. Inspection of owner-drivers by the competent authority should relate at least to the enforcement of those provisions which concern at the same time both working conditions and safety (minimum age, physical fitness, daily rest, maximum driving time, minimum number of drivers per vehicle in certain types of transport, etc.).

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14. In countries where the enforcement of provisions for the protection of workers in road transport is a matter for both the general labour inspection service and the special inspection service for road transport, it appears desirable for such inspection to be conducted by the respective services so as to avoid duplication.

Main points covered by labour inspection in road transport

15. The principal points to which labour inspection in road transport should relate are in particular: daily and weekly hours of work, spread of the working day, maximum driving time, breaks, overtime and daily and weekly rest, as laid down in the legal provisions of the country concerned.
16. It is desirable that the competent bodies of the United Nations which have adopted provisions concerning the conditions of admission to employment of drivers of motor vehicles should also adopt recommendations relating to the enforcement of such provisions.
17. It is also desirable that provisions relating to the safety and health and the social security of workers in road transport, which are often based on provisions applicable to all industrial workers, should be effectively supervised. The same should apply to road safety.
18. The attention of the authorities responsible for inspection in the various countries should in particular be drawn again to certain aspects of the safety of road transport workers mentioned in the General Agreement on Economic Regulations for International Road Transport, concluded under the auspices of the United Nations Economic Commission for Europe and in the memorandum (No. 51) concerning conditions of employment in road transport adopted by the Inland Transport Committee at its Fifth Session.

Methods of inspection in road transport

Place and frequency of inspections

19. Labour inspection in road transport should be carried out, as often as is necessary to be effective, at the headquarters of undertakings, at garages, depots and other installations, and on the road. In view of the demands of road traffic, inspection on the road should be restricted to a minimum number of essential matters, for example inspection of the individual control book.

Documents

20. National regulations should require each employer to keep registers and records, in a form approved by the competent authority, for the purpose of inspection of the application of provisions for the protection of road transport workers.
21. National regulations should require all vehicle staff to keep individual control books in a form approved by the competent authority, to have these documents on their person during their duty period, and to produce them at the request of the inspection services. However, in certain special cases the individual control book might be replaced by a time-sheet or any other system that is equally effective.

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22. It appears essential that the individual control book should contain information concerning the points listed in the appendix to the present resolution. A model individual control book should be prepared under the auspices of the ILO.
 23. The registers, records, individual control books and other inspection documents should remain at the disposal of the inspection authorities for a period of at least 12 months.
 24. The use of mechanical appliances (tachometers) for the purpose of labour inspection in road transport, which has been prescribed up to the present only in certain countries and for certain categories of transport, appears of value as an additional method of inspection. It appears desirable that the various countries should in any case follow developments in this practice in cooperation with the organisations of employers and workers.

Responsibilities and penalties

25. In accordance with procedures to be determined by the competent national authority, employers and workers in road transport should in general be held responsible for compliance with labour legislation in road transport.
26. Employers in road transport should be held responsible for maintaining, in accordance with the legal provisions, the records and registers provided for the purpose of inspection of the application of provisions for the protection of workers in road transport.
27. With respect to the keeping of individual control books the possibility should be examined of determining the degree of responsibility belonging respectively to the employers and workers concerned. The employer should have the responsibility of ensuring that, before their departure, the workers have their books in their possession, and, after their return, that they have filled them in correctly, in accordance with the employer's instructions. For their part, drivers and assistants should have the responsibility of filling in the individual control books correctly and according to the facts, and of having them on their person during their hours of work.
28. It appears essential that there should be in the various countries a trustworthy, rapid and simple procedure for the consideration of cases of infringement of the legal provisions concerning conditions of employment in road transport.
29. Appropriate penalties for infringement of legal provisions to be enforced by labour inspection in road transport, and for interference with inspectors in the exercise of their functions, should be laid down in national legislation and effectively applied. For serious or repeated infringements penalties should be imposed which are in keeping with the gravity of the offence and conducive to rigid observance of the regulations.

Annex

List of Points on which Information Should Be Given in the Driver's Individual Control Book

A. Essential Points

1. Name and address of employer
2. Name of driver

3. Date or period to which the sheet refers

4. Indication of when the worker finished his last duty period (to be given either on a previous sheet that is kept in the book or in a separate entry on the same sheet)

5. Beginning and end of duty period (the duty period ton include breaks, but exclude rest periods)

B. Optional Points

1. Registration number or other means of identification of the vehicle

2. Place and start of the journey

3. Subdivision of the duty period, expreslsed, either in figures or graphically, into period actually worked (including driving time, duties in connection with the vehicle or its load), time on call or available, breaks

4. Signatures of the worker and the employer (to attest that the information given has been correctly entered by the worker and has been seen and approved by the employer)

Conclusions (no. 74) concerning social consequences of changing methods and techniques in railways and road transport

The Inland Transport Committee,

Having examined the report prepared by the Office on the social consequences of changing methods and techniques in railways and road transport,

Desiring to contribute to the creation of a harmonious social balance in railways and road transport at a time of profound technological transformation;

Adopts the following conclusions:

Technological change in rail and road transport

1. During recent decades, far-reaching technological changes have occurred in many countries in all forms of transport. These changes have been caused in many cases by competition and the necessity of satisfying a constantly growing need for transport services arising both from the raising of standards of living and from the rapid economic development of countries. To obtain their share of this increased demand for transport, the various branches of the transport industry endeavour to improve services to the customer, reduce costs and increase operating efficiency. Great changes have occurred in methods and techniques used, changes which in turn have been rendered possible by new technological developments in a number of fields.
2. As regards railways, among the most important changes, mention may be made of the following:
 - the change from steam to electric and diesel traction;
 - the improvement in the capacity and specialisation of rolling stock;
 - the use of automatic coupling, and the introduction of combined road and rail transport equipment; improvements in signalling and in particular the development of centralised traffic control;
 - the elimination or curtailment of services, lines or tracks;
 - the suppression of level crossings or the automatic operation of gates and signals at such crossings;
 - the improved operation of marshalling yards, often with the automatic sorting of the wagons;
 - mechanical equipment for the handling of goods, the more widespread use of pallets and containers, and the operation of piggy-back services;
 - the mechanisation of track laying and maintenance; and

the introduction of electronic or other equipment for statistical, accounting, computing and other office work.

3. As regards road transport, the main changes have arisen through the use of improved methods and procedures, the development and use of improved equipment, and improvements in the roads themselves.

Social implications of technological change

4. In the light of the views expressed by Government, Worker and Employer groups members of the Subcommittee, it is recognised that, in certain circumstances, technological changes in the rail and road transport industries involve problems for affected workers. These problems vary in degree according to circumstances but relate primarily to loss of earnings due to downgrading or layoffs and to removal expenses and possible monetary loss from the sale of homes where transfers are involved. Further problems relate to the need for vocational training or retraining in order to qualify for other positions, either in the same or other industry.

Measures to deal with these problems

5. It is evident that the solution of these social problems arising from technological changes will call for a measure of cooperation on the part of representatives of Government, Employers and the Workers themselves. This obviously entails a full appreciation on the part of all concerned of the nature and extent of the problems involved and a willingness to seek a solution to these difficulties.
6. The solution is complicated by the fact that there are marked differences in forms of transport, in the scale of operations, and the economic and social conditions prevailing in the different countries.
7. It is desirable, in the interest of the workers, for representatives of government, employers and workers to endeavour to work out reasonable arrangements for the protection of the interests of workers whose posts become redundant as a result of technological change. This would include the measures referred to below, as well as such additional measures as may appear appropriate under the circumstances.

Advance planning

8. When plans are being made for the introduction of changes in equipment or operating practice, in the same way as the possible consequences to operating safety are studied, the social effects upon the workers should be carefully analysed.
9. While the technical changes are being planned, the probable staff requirements, the distribution of skills, the possible removal of staff from one place to another, should be worked out in detail, together with the measures needed to facilitate any required adjustments in order to minimise dislocation and inconvenience. In particular, consideration should be given to any necessary changes in recruitment arrangements so that they can be immediately brought into effect as needed.
10. Transfers of workers from one job to another or reductions of the labour force may involve social problems when viewed from the standpoint of the workers concerned. Depending on the circumstances and possibilities, the limits of such problems should be reduced to the minimum, by endeavouring: (i) to transfer workers to other suitable jobs within the same

undertaking; or (ii) to secure, with the collaboration of other undertakings, the public authorities and, where appropriate, the trade unions concerned, alternative employment outside the undertaking for redundant workers, with a minimum of financial hardship to the workers concerned.

11. This coherent social policy implies that, in the light of the circumstances of each case, it is highly desirable that measures should be taken for new vocational training, or partial or total retraining in preparation for the proposed changes, and that consideration should be given to providing necessary assistance to the worker in adapting to the new job.

Information and consultation

12. There should be consultation between management and the representatives of the workers and/or their organisations on the measures to be taken. Where no suitable machinery exists for such consultation, it should be established. The workers concerned should be kept fully informed, as far in advance as possible, of intended changes and of their probable effects on jobs.

Security of employment

13. Security of employment is a major factor in ensuring interest in the job and positive attitude by the workers to the effective performance of their work. Every practical effort should therefore be made to provide railwaymen and road transport workers with a reasonable degree of security of employment.

Reductions in staff

14. When overall reductions in staff become necessary, in connection with changes in equipment or operating methods, termination of employment should be avoided by every means possible, and reductions should be met, as far as practicable, by internal wastage, curtailment of recruitment and transfers, including, if practicable, adjustment of the time schedule for the introduction of technological change, taking into account general economic conditions and consideration of other measures which may be within the control of management.
15. In special cases, and after all other measures have been explored, arrangements may also be made for the early retirement of older workers, subject to their acceptance of the retirement conditions.

Termination of employment

16. In case termination of employment or lay off becomes necessary, there should be consultation with the interested employment services with a view to assisting the worker concerned to find new employment. In some cases, for instance where the transport undertaking is a public service, it may be possible for arrangements to be made for placing the worker in a comparable job in some other public service.

Training and promotion

17. Because the railways and the road transport industries are in a period of rapid technological change, special attention should be devoted, by government authorities, and employers' and

workers' organisations, to the provision of suitable training facilities for all grades of employees in order to help them adjust to the changes which are likely to take place periodically in their work assignments. In many cases, supplementary training may be required to adapt a worker's skills where the requirements of the job have changed.

- 18.** In addition, arrangements should be made by the employer, both from the point of view of ensuring a supply of properly qualified staff and as part of an established promotion policy for providing workers of all categories and grades with opportunities for further professional advancement through study courses and apprenticeship programmes.
- 19.** Technical change should also be used to grant adequate opportunity for promotion by pursuing sound policies of selection of workers for advancement and possible suitable training facilities.

Health and safety

- 20.** Technical change should not be carried out at the expense of the health or safety of the workers, which should continue to be a matter of primary concern to the employer; rather such change should make it possible to introduce improvements in respect of health and safety.

Resolution (no. 75) concerning technical assistance in the field of inland transport

The Inland Transport Committee,

Having examined Chapter VI of the General Report submitted by the International Labour Office dealing with technical assistance in the field of inland transport,

Recalling its resolution No. 45 (1951) concerning technical assistance in inland transport, and while

Commending the work done and the results achieved by the International Labour Organisation in the field of vocational, supervisory or instructor training and in productivity projects,

Feels that in accordance with the aims and purposes of the International Labour Organisation as laid down in the Declaration of Philadelphia, more recognition should be given to the social aspects of technical assistance; and therefore:

Invites the Governing Body of the International Labour Office to request the Director-General, in developing the operational activities of the Organisation-

- (a) to take into account the need to assist developing countries in building up suitable machinery for promoting joint consultation between representatives of employers and workers with a view to improving the well-being of the workers, the prosperity of the industry and of the community in general;
- (b) to use the available means for the improvement of poor conditions of work which so often lead to industrial conflicts, thus hampering the harmonious development of the economy in general and of the transport industry in particular;
- (c) to invite governments, in appropriate cases, to consult the national organisations of employers and workers concerned when formulating requests for technical assistance;
- (d) to encourage requests for assistance from the International Labour Organisation in elaborating machinery for the proper settlement of industrial problems in essential transport industries.

Resolution (no. 76) concerning coordination of transport

The Inland Transport Committee,

Having examined the chapter of the General Report submitted by the International Labour Office dealing with Transport Coordination and having compared the views expressed therein with those contained in the *ILO Report on Labour Problems arising out of the Coordination of Transport* submitted to the Fourth Session of the Inland Transport Committee and resolution No. 37 thereon;

Invites the Governing Body of the International Labour Office to instruct the Director-General to continue to follow developments in transport coordination as they arise in discussions by the competent agencies of the United Nations and other international organizations, with a view to influencing decisions to be taken in the spirit of the Declaration concerning the Aims and Purposes of the International Labour Organisation and of the principles contained in the resolution (No. 37) concerning the labour problems arising out of the coordination of transport.

Resolution (no. 78) concerning freedom of association in essential transport services

The Inland Transport Committee,

Considering that trade union freedom and full bargaining rights are the prerequisites of good industrial relations in the transport industry,

Recalling the provisions of its resolution No. 9 on industrial relations in inland transport adopted at the Second Session in 1947, and

Recognising the paramount importance to transport workers of a full implementation of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Invites the Governing Body of the International Labour Office to request the Director-General-

(a) to intensify his efforts to increase the number of ratifications of Conventions Nos. 87 and 98;

(b) to urge that the principles contained both in the above-mentioned Conventions and in the resolution on industrial relations in inland transport adopted by the Committee in 1947 are applied, without any discrimination in all countries to what are styled essential services in the transport industry.

Conclusions (No. 96) concerning working conditions and safety provisions applying to persons employed in road transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva in its Ninth Session from 24 April to 3 May 1972,

Having examined the problems posed by the new developments in road transport which affect both the working conditions of persons employed in it and road safety in general,

Recalling the existing international and regional standards, resolutions and conclusions and in particular the memorandum (No. 51) concerning conditions of employment in road transport, adopted at its Fifth Session in 1954;

Adopts this third day of May 1972 the following conclusions:

General considerations

1. At the present stage of development of road transport, given the upsurge and importance of such transport in all countries, efforts should be made and carried on to secure an improvement in working conditions and safety in this sector, at the national, international and, where special conditions call for it, regional levels.
2. The measures to be taken at the national level should aim particularly at promoting a minimum level of enforceable protection and at adapting existing rules and regulations concerning working conditions and safety to standards adopted at the international and, where applicable, regional levels and to any new problems arising from the increased distances to be travelled and the growth of traffic and night work. They should also aim at encouraging an extension of the field of application and content of collective agreements.
3. Such measures should bear notably on the minimum age and retirement of drivers, hours of work, driving time, rest periods and holidays, occupational safety and health, welfare facilities and real protection through adequate inspection. Depending on the objectives in view, they should be both strict and yet flexible so as to take account of the peculiar conditions in which road transport employees work, safety requirements, workers' legitimate aspirations for social and occupational advancement and the needs of countries at different levels of development.

Working hours

4. In order to ensure that the worker is paid for all hours of work as defined in paragraph 14 of Memorandum No. 51 of 1954 and in order to avoid physical overstrain in the driver who is required to discharge, in addition to the work of driving itself, other tasks which may

cause varying degrees of fatigue and diminish or slow down the reflexes needed for safe driving, it is important to define the working hours of vehicle crews in road transport and to specify the tasks or periods which fall within that definition.

5. The definition of working hours, referred to in paragraph 4 above, should comprise:

- (a) a limitation of weekly and daily hours of work, while allowing for the possibility of an unequal distribution of the weekly workload between different days of the week and the computation of the average duration of the working week over periods exceeding one week;
- (b) a limitation of the maximum daily and weekly driving time and, in particular, the maximum continuous driving time;
- (c) a limitation of the spreadover of the working day or the maximum number of hours between the time at which the worker first takes up his duties and the time at which he completes them;
- (d) a schedule of the number, duration and spacing out of rest periods;
- (e) possible exceptions to the standards laid down and a definition of the circumstances in which recourse may be had to them;
- (f) a limitation of overtime and a definition of the hours which create an entitlement to increased pay-

Rest periods and holidays

- 6. Because they supplement the rules concerning hours of work, the rules relating to weekly and daily rest periods and to annual holidays with pay should be strictly observed.
- 7. The duration of these rest periods and holidays should be determined on the basis of the principles set forth in paragraph 3 above and the standards applying to other workers.

Make-up of crews

- 8. As a general rule, goods and long-distance passenger vehicles should be manned by a single driver. Nevertheless it may be appropriate in special circumstances for the driver to be accompanied by an assistant or by an additional driver, especially in those countries where road transport operates over very long distances or periods of time in sparsely populated areas and where facilities for the relief of drivers do not exist.

Occupational safety and health

- 9. The occupational stresses and hazards to which vehicle crews in modern road transport are exposed and those for which outside factors or the driver himself are responsible appear to call for increasingly detailed and precise rules and regulations at the national and the international levels.
- 10. Although technological progress makes it possible to overcome certain risks originating in the road and weather conditions as well as in the vehicle itself and goods carried, the dissemination of technological innovations designed to improve road safety such as the creation of motorways, road signs and signals on vehicles, and rationalised equipment of

driver's cabs, has in most cases been less rapid than the expansion of traffic, a fact which should particularly be borne in mind.

11. The physical and mental capacity and the state of health of vehicle crews remain essential factors of their own safety and that of the other road users and should form the subject of careful and periodic examinations.
12. Among the measures to be taken and developed to promote road safety are, in particular, the following:
 - (a) standardised regulations relating to the rational lay-out and fittings of driver's cabs of goods and passenger vehicles as well as ancillary equipment carried on such vehicles with a view to reducing fatigue and providing a safe and comfortable working environment, with particular reference to structural features of goods vehicles where improvement is likely to afford the occupant of the cab greater protection in the event of frontal impact, overturning or penetration of the rear wall;
 - (b) regulation within the undertaking of the safety inspection of vehicles used in carrying passengers and goods;
 - (c) dissemination of information concerning the adverse effects of alcohol, drugs and certain medicaments on driving ability;
 - (d) encouragement of the competent international and national bodies to carry out research into the role of human factors in the causation of road accidents;
 - (e) uniform application and international standardisation of regulations concerning periodic medical check-ups, taking into account the age and working conditions of professional drivers.
13. A high standard of driving of all vehicles remains an essential factor of road safety; the factors necessary for safe driving should form the subject of research, publicity and education leading to legislation.
14. In order to overcome shortcomings in the field of road safety, the creation at all levels of special safety boards might be an effective means of action.

Welfare facilities

15. Owing to the sometimes prolonged travelling required of persons employed in road transport, welfare facilities in this branch of industry are important. Such services should comprise facilities for resting where the regularity of the operation so warrants and accommodation for employees who are obliged to spend their daily or weekly rest periods away from home.
16. Bearing in mind the special working conditions of persons employed in road transport, such persons should be entitled to reimbursement of sleeping and eating expenses incurred away from home or payment of a flat-rate travel allowance.
17. Legislation and collective agreements covering vehicle crews who may be required to spend their daily rest periods away from home should contain provisions requiring that such rest periods should be spent as a rule outside their vehicles and in no circumstances on a moving vehicle.

Pensionable age

- 18.** It is desirable that governments and employers' and workers' organisations should concern themselves with matters relating to the pensionable age of drivers. It is further desirable to provide facilities for early retirement on pension for drivers who are unable on medical grounds to continue to exercise their profession and for whom no reasonable alternative employment can be provided. The possibilities of retraining for another profession should be used to the full.

Means of supervision

- 19.** The special nature of working conditions and safety requirements in road transport demand necessarily that rules in force whether deriving from legislation, regulations or collective agreements be strictly observed. For this purpose it is important to ensure and strengthen an appropriate system of inspection.
- 20.** Measures should be taken at the national level with a view to a systematic utilisation of the means of supervision such as employers' records, individual control books, mileage recording devices or any other form of supervision thought necessary in conformity with the principles expressed in resolutions Nos. 67 and 79 adopted by the Inland Transport Committee at its Sixth and Seventh Sessions in 1957 and 1961 respectively.

Action at the international level

- 21.** The Subcommittee finds that the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67), has not justified the hopes placed on it as it has been ratified by only a few countries. As the provisions of the Convention must in any case, under the present conditions, be considered out of date, the Subcommittee expresses the hope that the Governing Body of the International Labour Office will convene as a matter of urgency a meeting of experts entrusted with the task of examining all the problems covered by the Convention in the light of recent developments and the results of the present session and of formulating recommendations in regard to the nature and form of action to be taken to remedy this situation.

Conclusions (No. 97) concerning basic and advanced vocational training in road transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at its Ninth Session in Geneva, from 24 April to 3 May 1972,

Recalling the resolution (No. 83) concerning vocational training in inland transport in developing countries, adopted at its Seventh Session,

Recalling the resolution (No. 89) concerning technical cooperation in training in the various fields of transport, and the resolution (No. 92) concerning problems of concern to the road transport industry, adopted at its Eighth Session,

Recognising the importance of the road haulage and road passenger transport industry in all forms to national economies and to international trade, as well as to international relations and cultural and social development,

Desiring to improve the status of workers in the industry and their opportunities for advancement, to improve the level of efficiency and to increase road safety, and

Considering the Recommendation (No. 117) concerning vocational training, adopted by the General Conference of the International Labour Organisation at its 46th Session in 1962, which contains the general principles for vocational training in all industries;

Adopts this third day of May 1972 the following conclusions:

General considerations

1. In some countries notable progress, in the training of long-distance transport drivers and in other occupations of the road transport industry has been achieved in recent years. Nevertheless, the road transport industry continues to be faced with a significant training and skilled manpower gap, which in many countries is widening as a result of unprecedented traffic growth.
2. The continuing neglect of training is one of the causes of the low status and high turnover of workers in the industry, which lessens productivity and standards of service. Governments and employers' and workers' organisations have therefore a common interest in establishing generally recognised training standards and in promoting active training measures. Governments should take the initiative in the introduction of adequate training schemes for all workers engaged in or having responsibility in the operation, maintenance or supervision of road transport vehicles.
3. Reliable information should be made available on the extent of the training tasks to be expected in the future. Therefore, the road transport industry should collaborate with the

competent national authorities and international bodies in the forecasting of manpower needs, on which training should be based.

The importance of professional driver training

4. While recognising that there are considerable training needs at all levels of the industry which, in principle, should be attacked simultaneously, considerations concerning road safety, environmental and pollution control, the image of the industry, capital invested and public interest presently make the organisation and improvement of professional driver training particularly urgent in most countries.
5. A professional driver is one who has passed an examination of competency and who earns his living primarily as a driver of goods or passenger vehicles. Included in this definition is an owner-driver.
6. Increasing harmonisation and international standardisation of driving licence regulations are required for the harmonisation of training efforts. These regulations should be sufficiently strict and more in keeping with licensing regulations for other forms of transport.

Minimum age for obtaining a professional driver's licence and admission to systematic driver training

7. In order to ensure that professional drivers are sufficiently responsible and mature to deal with all the circumstances which may arise during the course of their duties, national authorities should not issue licences for certain categories of vehicles to drivers who are below the following minimum age limits:
 - 18 years for goods vehicles with a maximum laden weight of 7.5 tons;
 - 21 years for goods vehicles with a maximum laden weight in excess of 7.5 tons and for all articulated vehicles;
 - 21 years for all commercial and public service passenger vehicles including taxis.
8. This should not rule out that young persons are admitted to professional driver training at a lower age where well controlled and systematic training programmes exist. Participation in such systematic training and the successful passing of a skilled trade examination could justify the waiving of the age requirement for obtaining a professional driver's licence for goods vehicles or a provisional licence in accordance with specific national regulations and international regulations as applicable. However, no licence to drive a commercial vehicle should be issued to persons under the age of 18.

The necessity of broad and systematic training to raise the level of qualifications

9. Everywhere the competent authorities should aim at establishing regulations requiring the passing of a comprehensive driving test and conforming to minimum fitness requirements for obtaining a driving licence, and encouraging participation in systematic and recognised training for driving specific categories of vehicles.
10. When systematic and controlled training of professional drivers has become a widespread and generally accepted practice, the exercise of this occupation should be dependent on

reaching an officially recognised level of qualifications which is proved in a final trade examination and designed to ensure that the trainee has properly assimilated the instruction given to him during such training. The passing of an examination to drive a particular category of vehicle should be recognised by the national authorities, which should issue to the successful candidate a certificate or diploma to drive that category of vehicle.

11. For this purpose an adequate training infrastructure including suitable and sufficient training facilities should be created where these do not yet exist. Adequate incentives should be introduced to attract trainees to the occupation.
12. Governments in collaboration with employers' and workers' organisations should establish training regulations in which duration and content of training as well as examination requirements are laid down.
13. In various countries advanced training methods and techniques for the training of drivers have been developed. It should be made sure that they are used as widely as possible for the benefit of all workers of the industry to improve their working and living conditions.
14. In the selection and recruitment of driver trainees special care should be taken in view of the increasingly strict requirements with regard to training and physical and mental fitness. Comprehensive selection procedures including medical and psycho-technical tests should be made general for the screening of applicants for drivers' jobs.
15. In the establishment of training schemes for drivers a distinction should be made between persons entering the profession without previous driving experience and experienced drivers. For young entrants long-term comprehensive training in training institutions or through supervised apprenticeship should be the rule. Adults should be given the opportunity to train or retrain in comprehensive courses making allowance for previously acquired driving experience.

Further training for existing drivers and transfer to other occupations

16. A determined effort in the further training of existing drivers is needed in all countries and some countries may wish to give it priority. Such further training is needed for maintaining standards and updating knowledge. It will help older drivers to adapt to technological development. The national authorities should award appropriate certificates of competence to existing drivers who have a minimum stipulated period of experience in the profession and have given evidence of their professional qualifications.
17. Further training should be used for the transfer to other jobs within the industry or for retraining for occupations in other economic activities. In all further training programmes methods suited to adults should be employed.

The need for training of training staff

18. The strengthening of driving instructor and training officer training is a precondition for achieving higher standards in driver training and performance. Training of training staff has a considerable multiplier effect. Commercial interests should not be allowed to override the maintenance of the highest standards in these professions. Only instructors and training officers who are of a recognised standard of competence and have been authorised by the national authorities should be permitted to instruct trainees.

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19. Instructors and training officers should therefore have a minimum stipulated period of practical experience in the field in which they are to instruct trainees and should be taught teaching methods and techniques. Refresher courses should help them to keep abreast of new developments.

The importance of maintaining vehicles in good condition

20. Persons engaged in maintenance and repair of vehicles in road transport undertakings should have obtained the necessary technical qualifications and knowledge acquired through recognised systematic training, including practical experience. Governments, in collaboration with employers' and workers' organisations, should establish training regulations in which duration and content of training as well as examination requirements are laid down.

Training of supervisors and managerial staff

21. Greater efficiency and safety in the road transport industry also require competent supervisors and managers. It should be made sure that adequate training programmes including practical experience for these occupations are developed and generally introduced. The national authorities should award a certificate of competence to a supervisor or a manager who has passed an appropriate examination.

Performance standards in small firms

22. Cooperation of small firms should be encouraged to help raise standards and to permit more adequate control. For this purpose group training schemes could be set up and employers' organisations could make available training officers to their members and/or establish training facilities. Larger firms could assist smaller ones to develop or improve their training activities.

Financing

23. Governments should assume the responsibility for providing the finance necessary to establish and to maintain basic and further training schemes which are of a recognised standard. Where such training is provided by non-governmental institutions appropriate financial support should be given.
24. Newcomers to the industry should receive during training an adequate level of remuneration fixed by legislation or collective agreement. A worker already employed in the industry who intends to continue working for the same undertaking should, while receiving training, not suffer any loss of income. A worker already employed in the industry who intends to transfer to a different undertaking should not suffer any substantial loss of income during training.

Driver training and accident statistics

25. In all countries the competent authorities should make efforts to establish statistics on involvement in road accidents of professional drivers by age, subdivided into drivers with and without comprehensive vocational training, as a means of evaluating the effects of comprehensive training.

Special problems of developing countries and the need for expansion of technical cooperation

- 26.** Technical cooperation has already proved that it can make an appreciable contribution to increasing safety and efficiency in the road transport industry in developing countries. These activities should be further expanded.
- 27.** Particular emphasis will have to be placed on care and maintenance of vehicles to reduce widespread waste and to protect investment. Training should be geared to the prevailing climatic, geographical and road conditions. The marked preponderance of small firms in the industry should lead to the development of special training schemes for driver-owners and to cooperation of small firms in training activities.
- 28.** Conditions in these countries may make the training of driver/mechanics a desirable objective given the existing shortage of servicing facilities.
- 29.** Within the framework of its technical cooperation programme the ILO should strengthen the exchange of experience and information relating to the training of road transport staff and assist in the development of national training standards and in the setting up of training facilities. For this purpose it should conduct action-oriented research and work out appropriate guidelines.

Resolution (No. 98) concerning the convening of regional meetings for inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the subjects relating to inland transport include aspects of fundamental importance which call for the establishment or improvement of standards to protect labour in the field of conditions of work and of safety,

Taking into account the fact that both of these aspects should be accorded special attention in those countries that have not reached a full level of development, not only as regards social and economic possibilities but also in the fulfilment of technological requirements,

In virtue of the absolute necessity of considering at the regional level the problems to be dealt with in the transport industry, and in order to suit the proposed solutions more exactly to the real situation in each country, on the basis of all the information on technical questions, standards and practice in this matter,

Recalling the decision taken by the Governing Body at its 174th Session (March 1969) which provides that the industrial activities of the International Labour Organisation should be strengthened, that for this purpose all ILO activities for specific branches of economic activity should be integrated in a major "ILO Programme of Industrial Activities", and that, under this programme, provision should be made for holding, during each biennium, seven full meetings of the Industrial Committee type and a number of small meetings equal in cost to one full meeting;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to arrange for the convening of regional meetings, such as those that have been held for the maritime sector, which, taking into account the special characteristics of inland transport in countries that have not reached full development, would deal with the application of the resolutions or recommendations adopted at this session.

Resolution (No. 99) concerning technical cooperation in road transport and other forms of inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Noting the sections of Report III, entitled *Basic and advanced vocational training in road transport*, presented to the Committee, which stress the need for effective vocational training schemes for the road transport industry in developing countries,

Noting the Conclusions (No. 97) concerning basic and advanced vocational training in road transport adopted by the Committee at its Ninth Session,

Considering the programme of technical cooperation which the International Labour Organisation can undertake in developing countries, and, in particular, the resolution (No. 89) concerning technical cooperation in training in the various fields of transport, adopted by the Committee at its Eighth Session;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General to provide assistance to developing countries to establish on a tripartite basis vocational training schemes for the road transport industry and to report to the Tenth Session of the Inland Transport Committee on the progress which has been made.

The Governing Body of the International Labour Office is further invited to request the Director-General to provide assistance to developing countries to establish, on a tripartite basis, similar vocational training schemes in the other sectors of the inland transport industry.

**Resolution (No. 102) concerning the
improvement of the working environment and
the protection of workers' health in the various
sectors of transport**

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the International Labour Organisation should support, in the various nations of the world, programmes to bring about "adequate protection for the life and health of workers in all occupations" and "the provision of adequate nutrition, housing and facilities for recreation and culture",

Noting that, despite the existence of several international instruments dealing with the protection of the working environment, transport workers are often exposed to the harmful effects of various factors of pollution and to excessive strains, without effective protection and prevention,

Considering that in many countries the adverse conditions prevailing in the working environment are spreading to the places in which people live and enjoy their recreation and leisure, this being due to the absence of coherent town planning, and that a deterioration in the living environment is the result,

Considering that new techniques, the use of new methods of storage and new materials require a reassessment of standards relating to occupational health and safety;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to:

1. address a pressing appeal to the governments of States Members of the International Labour Organisation to adopt and enforce, in cooperation with employers' and workers' organisations, measures concerning the health and safety of transport workers, in particular
 - (a) the strengthening of labour inspection and provision for sanctions against those guilty of infringing regulations or of causing pollution;
 - (b) town planning based on consideration of the over-all planning of the land area and of the environment;
 - (c) provision for sanctions in the case of occupational accidents caused by inadequate working and safety conditions;
 - (d) the reduction of permissible levels of exposure at work to harmful factors (harmful substances, noise, etc.) and the definition of these levels in effective consultation with employers' and workers' organisations;

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2. instruct the Director-General to carry out thorough studies on the deterioration of the working environment and its relation to the increase in occupational diseases (including nervous diseases) and occupational accidents in the various sectors of transport;
 3. taking into account these studies, include in the agenda of an early session of the International Labour Conference the question of occupational safety and the prevention of occupational accidents in the field of transport, with a view to the adoption of appropriate international instruments.

**Resolution (No.108) concerning working time in the
transport industry**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 15 to 24 January 1980,

Concerned about the effects of new technologies being applied to transport systems throughout the world and their impact on employment and conditions of work;

Adopts this twenty-fourth day of January 1980 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office, when considering the possibility of setting standards for improvements in the matter of working time, to take account of the transport industry.

Conclusions (No. 115) concerning occupational safety and health in road transport

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985, and

Having examined the report (Report III) prepared by the Office on *Occupational safety and health in road transport*;

Adopts, this thirty-first day of January 1985, the following conclusions:

Statistics

1. For a better understanding of the causes of occupational accidents and hazards, statistics on occupational safety and health in the road transport industry should be collected and analysed by governments, and should ideally include data on various categories of drivers, i.e. wage earners, owner drivers, contract drivers or any other appropriate category, both on national and international road transport operations. In addition, statistics should distinguish between the different categories of vehicle, such as heavy and light transport vehicles and those transporting passengers or goods. Furthermore, statistics should also ideally include information on all related workers in the road transport industry, including drivers' mates, attendants, conductors, and other persons who travel with a road transport vehicle in a capacity connected with the vehicle, its passengers or its load, cargo handlers and maintenance crews. Employers and workers should be encouraged to cooperate with governments or the appropriate authorities in the collection of this data for analysis and dissemination.
2. At the national level, governments should be responsible for the collection and analysis of the data collected. This analysis will provide a better understanding of the scope of the problems involved in the industry and will assist all concerned in formulating protective programmes to reduce or eliminate the hazards concerned.
3. At the international level a standardised method of data collection and analysis to allow for comparison between countries of occupational accident and hazard statistics relating to the road transport industry should be instituted. This comparison will be useful in providing countries with information on existing conditions, the analysis of trends and the effect of occupational safety and health programmes used in other countries.
4. It would be appropriate for the ILO, as the acknowledged international agency, to coordinate the activities intended to standardise the methods of data collection, analysis and dissemination of the results.

Ergonomic design of vehicles

5. The ergonomic design of vehicles in the road transport industry is an important factor for the workers' safety and health. Cooperation between governments, employers, workers, and manufacturers should be encouraged in order to formulate specifications to be used in vehicle design that will reduce as much as possible the exposure to safety and health hazards. When new vehicles are designed, particular attention should be given to the cab, which is the primary working environment of the driver. In this connection consideration should be given to improved means of access to and egress from the vehicle, the ergonomic location of controls and of the micro-climatic conditions in the cab because they are so important in providing safe and healthy working conditions and decreasing the factors contributing to fatigue. Attention should also be paid to the different anthropometrical measurements which exist world-wide.
6. Apart from, inter alia, speed, high levels of noise and vibration inside the cab can be a particular hazard in the road transport industry. They create physical and mental stress on the driver. While there have been technical developments to reduce the levels of noise and vibration, employers and workers should cooperate in seeking, through manufacturers and others, to continue these improvements and to set acceptable standards, taking into account all relevant factors. The safety and health of the driver is paramount.

Cargo containers

7. The extensive use of containerised cargo in many parts of the world has had both positive and negative effects on the occupational safety and health situations in the road transport industry. While reducing some of the traditional hazards involved in the loading and unloading of cargo, there have been some new hazards as a result of overweight containers or containers whose centre of gravity is improperly located.
8. The problem of improperly loaded containers can be particularly acute where these containers have been loaded in one country, trans-shipped through a second country and delivered to a third country. In such a case the differing levels of training, legal requirements and road and other conditions complicate the problem.
9. In order to improve the situation, those responsible should provide special training or relevant information to the personnel engaged in the packing and/or the loading of containers and for this purpose standardised loading or packing methods should be developed and adhered to.
10. In all cases drivers should be provided with full documentation concerning the contents of the container and any special precautions to be taken. In particular, in the case of hazardous cargoes, governments, in cooperation with employers' and workers' representatives, should standardise the form of this documentation. In considering the responsibility for the correct weight and stability of the container, the involvement of the consignor and the consignee should be taken into account.

Driver fatigue

11. Drivers' hours and rest period regulations should take into consideration the appropriate provisions of the relevant instruments of the ILO. Governments, in consultation with employers' and workers' representatives, should fix maximum working and driving hours and the number and spacing of rest periods in order to minimise the effects of fatigue on drivers. Where appropriate these matters can be agreed upon without the intervention of government.

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12. Employers should provide drivers with information concerning the symptoms of physical and mental fatigue and methods by which fatigue can be reduced.
 13. Realising that monotony and excessive concentration on the part of drivers are major factors in contributing to mental fatigue, governments should take this into consideration when designing roadways, in particular the needs of heavy vehicle traffic in urban areas. Improved cab design, in particular the placement of controls and instruments, is another area in which improvements would lessen mental fatigue.

Organisation of occupational safety and health facilities

14. In order properly and effectively to enforce existing regulations for the road transport industry, governments, through the competent authorities, should provide an adequate number of personnel, properly trained and equipped. Where appropriate, this staff should advise employers and workers or their representatives on successful accident prevention programmes and national activities in the field of occupational safety and health.
15. A sufficient number of vehicle inspection stations should be ensured by governments in order to carry out required inspections in a minimum of time.
16. Medical examinations may be required as a prerequisite to obtaining a licence to drive a commercial goods or passenger vehicle. In such cases the timing of periodic and special medical examinations and the necessary medical criteria should be fixed by regulations or as appropriate under national practice. Where for medical reasons a driver can no longer continue to drive, the employers should consider the possibility of alternative employment, where practicable, bearing in mind the needs of the enterprise, including the provision of the necessary training. Where this is not practicable, alternative solutions should be sought according to national practices.
17. Bipartite or tripartite occupational safety and health bodies should be set up and financed, according to national policies and practices, at the national level to advise governments, employers and workers on accident prevention activities. National legislation or agreement between employers' and workers' organisations should define the methods by which employer and worker safety representatives are nominated and elected.
18. Research should be undertaken at both the national and the international level to investigate the possible relationships between working conditions and occupational diseases or illnesses which affect workers in the road transport industry.

Training

19. The organisers of vocational training courses, sponsored by governments, employers' or workers' organisations, should introduce occupational safety and health modules into existing vocational training schemes.
20. These modules should pay particular attention to the needs of drivers of vehicles carrying hazardous cargo, loaders and unloaders of such cargo and cargo containers generally, and to the special needs of different countries.
21. Bipartite or tripartite machinery should be set up to oversee, evaluate and suggest improvements to existing training schemes and should further make suggestions, as appropriate, for the formulation and setting up of additional courses.

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22. Governments should support training activities to the best of their abilities, including assistance in providing modern training simulators for realistic training, where appropriate.
 23. Where a special hazard exists such as the conveyance of hazardous substances, governments should require employers to ensure that the driver of the vehicle has received adequate instruction and training to enable him to understand the nature of the dangers to which the substance being conveyed may give rise. In addition the driver should be trained to deal with any necessary emergency action as well as any duties which may be imposed on him by regulations controlling the conveyance of hazardous substances.
 24. When a job change is involved or when new equipment or work methods that require retraining are being introduced, then such training should be provided.
 25. Employers should provide vehicle maintenance personnel with basic general occupational safety and health training in addition to training on accident prevention in their specific trade.

Special considerations

26. Governments should pay particular attention to the design, building and maintenance of road systems adequate for modern, high-speed, heavy vehicles.
27. When designing these road systems, governments should also consider the problems of such vehicles sharing the road with non-motorised vehicles, of stray animals on the road, and of how to provide sufficient and adequate pedestrian protection.
28. Where government vehicle inspection systems are inadequate or totally absent, employers should be encouraged to institute a system of voluntary inspection and workers should cooperate in this effort by reporting vehicle defects as they are noted.
29. Special attention should be given by employers to the problems which may be caused by different levels of education when designing and implementing occupational safety and health training programmes.
30. Vehicle safety standards should be established and strictly adhered to through a system of periodic inspections. Both governments and employers should cooperate to reduce the number of substandard vehicles, be they new or old, on the road.
31. Governments should assist employers, to the extent possible, in the training of vehicle maintenance personnel and should simplify the procedures for the purchase of spare parts,

Action by the ILO

32. The ILO should continue to encourage and promote efforts at the international level to protect workers' safety and health, using the various means of action available to it (standard setting, technical cooperation, research, dissemination of information, tripartite meetings, etc.).
33. The ILO should continue to encourage the ratification of the Occupational Safety and Health Convention, 1981 (No. 155) and the application of this Convention and as far as possible the application of the Occupational Safety and Health Recommendation, 1981 (No. 164), by member States.

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- 34.** More vocational training programmes, according to the individual needs of member States, should be developed by the ILO and occupational safety and health subjects should be incorporated into vocational training courses. Occupational safety and health training activities in the road transport area should be expanded with particular attention paid to the need for specific training of drivers and cargo handlers of hazardous materials.
 - 35.** The ILO, in cooperation with WHO and other competent organisations, should undertake research programmes concerning the problem of both physical and mental stress as they affect workers in the road transport industry of commercial goods and passenger vehicles. The results of these studies should be made available to governments, employers and workers.
 - 36.** In view of the widening technology gap that exists between developed and developing countries the ILO should establish programmes to assist developing countries to adjust to the rapid changes taking place in the road transport industry. In this regard, the ILO should organise seminars, training programmes and tripartite meetings at the regional, national and international levels in developing countries to educate and prepare workers to adapt to technological developments and their effects on occupational safety and health in the road transport industry.

**Resolution (No. 118) concerning the right of workers in
transport undertakings to organise and bargain
collectively**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985,

Taking note of the fact that certain transport activities are considered to be essential services and that therefore the right to strike of the workers concerned is restricted;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office to instruct the Director-General to arrange for a study about the laws, regulations and practices in this regard in the various countries in order to ascertain whether workers of transport undertakings enjoy the rights and guarantees which are essential for the normal exercise of freedom of association under Conventions Nos. 87, 98 and 151.

Resolution (No. 125) concerning the future work of the ILO in inland transport

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

1. convene as soon as possible an Asian and Pacific regional meeting to discuss issues of particular importance concerning inland transport in the Asian and Pacific region;
2. request the Director-General to carry out studies on the following subjects, with special reference to developing countries;
 - (a) conditions of the road network and motor vehicles and their effects on safety and health;
 - (b) training and retraining of drivers, loaders, as well as road users;
 - (c) role of the unorganised sector in road transport;
 - (d) the extent and depth of technological changes in inland navigation and their effects on the working and social conditions of boatmen;
 - (e) the norms for working hours and crew composition for inland navigation in the context of the need for modernisation of inland navigation.

Conclusions (No. 126) concerning the social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods abroad

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Having examined the report (Report II) prepared by the International Labour Office on *The social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods abroad*;

Adopts this thirtieth day of January 1992 the following conclusions:

General considerations

- 1.** The globalisation of markets, internationalisation of trade and opening of frontiers have led to the continuous growth of international inland transport and consequently to the increase in the number of workers engaged therein. Appropriate measures should be taken to provide inland transport workers with the protection adequate to the problems they may encounter during their temporary work abroad. Such measures should be provided for by legislation, collective agreements or by bilateral or multilateral agreements including treaties, as may be appropriate.
- 2.** Inland transport workers abroad may face a number of problems relating to their legal and social protection. Some of these problems are common throughout the inland transport sector, others stem from specifics of each individual mode of transport. In the areas where workers face similar problems irrespective of the mode of transport, consideration should be given to measures that can be applied across the international inland transport sector. In addition, appropriate solutions should be sought to the specific problems of social and legal protection which workers of each mode of inland transport encounter abroad.
- 3.** The social and legal protection of inland transport workers abroad may be the subject of regional and subregional agreements. Employers' and workers' organisations representing the inland transport sector in each country concerned should be consulted during the formulation of such agreements. The implementation of procedures and terms laid down should include tripartite consultations and take account of the conditions in each country.
- 4.** Legal and social protection of inland transport workers abroad should be provided irrespective of the location of the undertaking employing them. Such protection may be afforded by different means such as legislation, collective agreements, bilateral or multilateral agreements including treaties, as appropriate, which should also be used as a means of defining responsibilities of employers and workers as regards the conditions under which such protection should be provided.

Conditions of employment

5. Conditions of employment of workers engaged in international inland transport, including their social and legal protection abroad, are those stipulated by legislation, bilateral and multilateral agreements including treaties and collective agreements of the countries where the undertakings employing them are registered. Agreed conditions of employment should remain in force and not be changed to the disadvantage of the worker during temporary stays abroad.
6. Where the employer terminates the contracts of employment with inland transport workers during their stay abroad, workers should be repatriated and provided an opportunity to defend themselves in accordance with national practice. The time taken for dismissed workers to be returned to their countries should not be included in any time limit they may have to contest the termination of their contracts.
7. In the event of insolvency of their employer during their stay abroad, inland transport workers should be entitled to repatriation arranged by the employer. Governments should ensure that their consulates provide prompt assistance to workers affected by an employer's insolvency, including arrangements for repatriation. If the employer fails to make arrangements for repatriation because of financial problems related to insolvency, such repatriation should be arranged by the competent public authorities, at no cost to the worker.

Conditions of work

8. Working conditions of inland transport workers that are established by national laws, regulations and collective agreements vary considerably from one country to another. This may cause problems for workers during their work abroad since, when crossing borders, they may have to comply with different legal requirements, especially as regards driving periods, duty time and rest periods. In this respect, adequate information should be provided to the workers concerned and consideration should be given in this regard to the advisability of harmonisation of national standards through bilateral or multilateral, regional or subregional agreements. For safety and economic reasons, these agreements should cover not only employees of transport undertakings but also self-employed carriers. In view of the need for flexibility required by various types of transport activities, special attention should be paid to driving periods, duty time and minimum rest periods as well as to procedures for their enforcement.
9. Transport workers and self-employed carriers engaged in cabotage, in countries where this is allowed, should comply with the relevant national regulations concerning duty time and minimum rest periods of the country in which the cabotage is being performed.
10. Self-employed carriers should be considered as autonomous undertakings responsible for their own social and legal protection abroad. However, in cases of contracts between carriers working as subcontractors and main contractors, conditions under which international transport operations are to be carried out should be specified, including those related to social and legal protection of such carriers.
11. The potential hazards arising from the international inland transport of dangerous goods require that it should be performed in accordance with regional agreements and/or international regulations, in particular those laid down by the United Nations and its specialised agencies. Furthermore, measures should be taken to ensure that such standards cover not only the transport of dangerous goods but also their loading and unloading.

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12. Employers should ensure that their workers engaged in the transport, loading and unloading of dangerous goods are properly trained, instructed and informed. Appropriate measures should be taken at the international level with a view to establishing an international training and certification system that could enable national authorities to make sure of the necessary level of competence of workers engaged in the transport of dangerous goods.
 13. Employers engaged in international inland transport operations should guarantee their workers legal protection for problems in connection with their work abroad. The workers concerned should be provided with a copy of the legal insurance certificate which should be translated in the appropriate languages.
 14. Before going abroad, inland transport workers should be provided sufficient written information and instructions by their employers to be able to comply with the relevant national legislation, bilateral and multilateral agreements, including treaties, and practices in the countries in which they have to carry out their transport operations. Workers should be given information concerning the contents of the load and schedule of delivery.
 15. The competent national authorities should take account of the specific situation of inland transport workers when they are accused of infringing laws or regulations in connection with their work in a foreign country. Such workers should be given sufficient time to prepare their defence in cases where they are subject to prosecution. They should also be provided with qualified interpreters and legal representation before and during formal proceedings.
 16. In countries where the alleged offence does not normally entail a custodial sentence, the inability of an inland transport worker to produce bail money or pay fines within a reasonable time should not be used as a reason for detaining the worker.
 17. Governments, employers' and workers' organisations should closely cooperate at both the national and international levels with a view to ensuring, where needed, the protection of and prompt provision of legal assistance to inland transport workers abroad. The public authorities should provide all employers engaged in international inland transport operations with information on national legal assistance schemes.

Transport conditions

18. Inland transport workers may be particularly vulnerable to criminal acts abroad. In this regard, adequate measures should be taken by public authorities, with the assistance, where appropriate, of the employers' and workers' organisations concerned, to protect workers while in transit and to ensure the security of parking places where crews have to spend their rest periods on board their vehicles or vessels. When inland transport workers are the victims of criminal acts abroad, the public authorities should make every effort to assist them and to help them contact promptly their employers and consular representatives.
19. Expeditious border crossing is one of the main factors which may not only reduce costs of waiting time but also improve working conditions of the workers engaged in international inland transport. National immigration and visa procedures should be adjusted as much as possible to the specific conditions of international inland transport. Efforts should be continued through bilateral, regional or subregional agreements to harmonise national transit policies with a view to making international inland transport more effective and thus improve working conditions of those engaged in it.
20. New communication technologies recently introduced in the inland transport sector have had a positive effect on the efficiency of transport operations, have often improved working conditions and reduced the isolation of operators. However, appropriate measures should

be taken through legislation, collective or other agreements to ensure that such information and equipment is not used illegally, that the legal rights of employers and workers are respected and that data concerning any worker thus generated are made available to that worker.

Social protection

- 21.** Inland transport workers should be fully covered to meet all necessary expenses that may arise in the event of sickness or occupational accident while they are abroad. Repatriation due to medical reasons, as well as repatriation of a deceased worker, should also be guaranteed by legislation, collective agreements, bilateral or multilateral agreements, including treaties, as appropriate.
- 22.** Where appropriate, measures should be taken at the international level to ensure reciprocity of national medical insurance schemes through bilateral, regional or subregional agreements to ensure that inland transport workers receive necessary medical treatment abroad.
- 23.** Appropriate measures should be taken through legislation, collective agreements, bilateral or multilateral agreements, including treaties, to guarantee inland transport workers the right to unconditional emergency medical treatment, including transportation to the nearest proper medical facilities, which might be required during their work abroad.

Action by the ILO

- 24.** To promote legal and social protection of inland transport workers abroad, the ILO should assist its tripartite constituents by collecting and disseminating information, and providing technical assistance, workers' education and training.
- 25.** The ILO should strengthen its cooperation with other United Nations agencies and other regional and international organisations to provide necessary assistance to the countries seeking to establish effective systems of social and legal protection of inland transport workers abroad through national legislation, collective agreements, bilateral and multilateral agreements or treaties, including regional and subregional agreements.
- 26.** The ILO should continue to assist governments, employers' and workers' organisations in their efforts to set up or develop tripartite machinery necessary to provide adequate social and legal protection to workers engaged in international inland transport during their temporary periods abroad.

**Resolution (No. 127) concerning workers' education in
the inland transport sector**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Recalling the important work carried out by previous sessions of the Inland Transport Committee,

Noting the vital role played by inland transport in the development of international economic, social and cultural activities,

Emphasising the need to ensure that officers of inland transport workers' trade unions receive training in order to benefit to the maximum extent possible from the work done by the ILO;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to instruct the Director-General to include within the ILO Workers' Education Programme training activities at national, regional and international level for the officers of inland transport workers' trade unions, with particular emphasis on the work and activities of the ILO in inland transport.

Resolution (No. 128) concerning regional economic groupings and ILO activities in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting that the process of economic integration between groups of countries on a regional and subregional basis is leading to the rapid expansion of international inland transport,

Recalling Resolution (No. 98) concerning the convening of regional meetings for inland transport adopted at its Ninth Session,

Recalling Resolution (No. 125) concerning the future work of the ILO in inland transport adopted at its Eleventh Session;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to request the Director-General to:

- (1) study the socio-economic implications for inland transport workers and their enterprises of the processes of regional and subregional integration;
- (2) convene appropriate meetings in the African, Asia/Pacific and Latin American regions for the purpose of discussing such studies and advising on the social implications of regional and subregional integration for inland transport.

Resolution (No. 130) concerning subcontracting in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting that the practice of subcontracting in inland transport industries tends to expand rapidly throughout the world,

Recalling the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), which covers only subcontracting by public authorities;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to examine the advisability of extending the coverage of Convention No. 94.

**Resolution (No. 131) concerning informal activities of
the inland transport sector**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting the expansion of the means of inland transport in the developing countries,

Considering that in these countries informal activities have developed significantly in the inland transport sector,

Recalling the resolution on the promotion of self-employment, adopted by the International Labour Conference in June 1990, and the report entitled *The dilemma of the informal sector*, presented by the Director-General of the International Labour Office to the International Labour Conference in June 1991;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

(1) encourage member States and employers' and workers' organisations to take the necessary measures to enable persons working in the informal sector to improve progressively their working and living conditions to the level of the rest of the economy;

(2) ask the Director-General of the International Labour Office:

(a) to continue the ILO's programme and studies on the informal sector, scheduled for 1992-93, and to include in them a detailed study of the situation of inland transport workers with a focus on the developing countries;

(b) to urge member States, on the basis of the resolution adopted in June 1990 by the International Labour Conference and the debate at the 78th Session (1991) at the International Labour Conference, to pay sustained attention to the informal sector and to apply the proposals contained in the resolution of June 1990, particularly with regard to the ILO's action.

Resolution (No. 132) concerning working hours and safety and health in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Recalling the Hours of Work and Rest Periods Convention, 1979 (No. 153), and Recommendation, 1979 (No. 161), and Resolution (No. 108) concerning working time in the transport industry adopted at its Tenth Session,

Noting that only seven countries have ratified Convention No. 153,

Recalling also Resolution (No. 79) concerning labour inspection in road transport adopted at its Seventh Session,

Noting the important role of transport in social and economic development,

Noting that transport demands are growing rapidly, be it with regard to freight or passenger transport,

Noting that working hours, conditions of work, driving time as well as occupational safety and road safety are important considerations for the inland transport sector,

Believing that all these problems should be examined thoroughly;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

- (1) urge member States to ratify and apply Conventions relating to occupational safety and health of workers;
- (2) consider applying the procedure provided under article 19, paragraph 5(e), of the ILO Constitution with respect to Convention No. 153;
- (3) instruct the Director-General to continue to undertake studies on working hours in the national inland-navigation and road transport laws.

**Resolution (No. 134) concerning deregulation and
privatisation in the inland transport sector**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Considering the growing tendency in many countries towards deregulation and privatisation in the road, railway, waterway and port branches of the inland transport sector,

Considering that this evolution could have an effect on the world of work, including employment, training requirements, conditions of work and the structure of enterprises, the competitiveness of enterprises and the quality of the services they render to their customers;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to call on member States to consider, in the case of deregulation of the inland transport sector, the importance of ensuring that it takes place in an environment of fair competition, by applying rules and standards that should apply to all inland transport operators.

PART 3. OUTCOMES OF EXPERTS' MEETINGS

**Draft clauses for inclusion in collective
agreements between employer's associations
and trade unions**

I. Responsibilities of Employers for Injury or Damage caused by Drivers and Attendants of Vehicles.

1. If the Employee shall incur any liability in respect of any injury to, or damage to the property of any person other than the Employer, being injury or damage in relation to which the conditions specified in paragraph (3) of this clause are satisfied, the responsibility for the injury or damage shall, as between the Employer and the Employee, rest upon the Employer only, and accordingly-

(a) the Employee shall not be under any liability to make any payment by the way of damages, indemnity or contribution to the Employer by reason of the liability incurred by the Employer in respect of the said injury or damage, and

(b) the Employer shall indemnify the Employee against any liability of the Employee in respect of the said injury or damage.

2. If the Employee shall cause injury to, or damage to the property, of, the Employer, being injury or damage in relation to which the conditions specified in paragraph (3) of this clause are satisfied, the Employee shall not be under any liability to make any payment by the way of damages, indemnity or contribution to the Employer in respect of the said injury or damage.

3. The conditions referred to in paragraphs (1) and (2) of this clause as requiring to be satisfied in the case of injury or damage are -

(a) that the act or omission of the Employee which caused the injury or damage occurred while he was acting in the course of his employment as a driver of, or an attendant on, a road vehicle;

(b) that the said act or omission related to the driving or the use of the vehicle:

Provided that the foregoing conditions shall not be treated as being satisfied if the Employer shows that the injury or damage was caused by anything done or omitted by the Employee with intent to cause injury or damage or with a reckless disregard of the probably consequences of this act or omission.

4. In this clause "road vehicle" means any vehicle which the Employee is required to drive on a road over which the public have a right to pass or to which the public have access.

II. Duties of Employer in Respect of Insurance for Benefit of Employee

1. Whenever the employer insures himself against liability to any person in respect of injury or damage and the insurance covers a case where the employee may also be under a liability to the same person in respect of the same injury or damage and where the responsibility for the injury or damage as between the employer and employee falls under paragraph (1) of Clause I, the employer shall also, at his own expense, insure the employee in respect of the said liability of the employee to the extent and subject to the conditions applicable to the insurance of the employer's own liability,- and, further, will secure that under such an insurance the insurer waives all the rights of recovery, whether direct or indirect, against the employee.
2. Without prejudice to any right of action exercisable directly by the employee against the insurer, the employer shall, wherever requested to do so by the employee, take all such steps and do all such things as may be necessary to secure for the employee the benefit of any insurance of the employee for which has been effected in accordance with this clause.
3. Where the employer insures against damage any property belonging to another person which is carried on a road vehicle and the insurance covers a case where the employee may be liable for such damage, and where the responsibility for the damage as between the employer and employee falls on the employer under paragraph (1) of Clause I, the employer shall secure that under that insurance the insurer waives all rights of recovery, whether direct or indirect against the employee.

Model individual control book

The model reproduced in the following pages consists of:

- (i) a cover page;
- (ii) instructions for the use of the individual control book;
- (iii) a model daily sheet filled in;
- (iv) a daily sheet;
- (v) a weekly report.

I. **INDIVIDUAL CONTROL
BOOK FOR DRIVERS (AND ASSISTANTS)
IN ROAD TRANSPORT**

II. (Country).....

III. Date first used : 19....

IV. Date last used : 19....

V. Surname, first name, address of holder
of book :
.....
.....

VI. Issued by: (employer's name, address,
and telephone number, stamp, if any).....
.....
.....

VII. In accordance with model drawn up by
the INTERNATIONAL LABOUR ORGANISATION

Book No.

INSTRUCTIONS FOR THE USE OF THE INDIVIDUAL CONTROL BOOK

1. This individual control book is issued in accordance with ... (indication of relevant national legislation.)

TO THE EMPLOYER

2. Issue a book to each driver (and assistant) employed by you in the classes of traffic to which the individual control book applies, after having filled in items V and VI of the cover page.
3. Keep a record showing to whom the books have been issued, the serial number of each book issued, and the dates of issue.
4. Give the holder the necessary instructions for the correct use of the book.
5. Examine the daily sheets and sign the weekly reports.
6. Withdraw the used books and keep them at the disposal of the inspection authorities for at least a year.

TO THE DRIVER (OR ASSISTANT)







7. This control book is personal. Carry it with you when on duty and produce it at the request of the inspection authorities.
8. Hand it to your employer for checking, as well as for signature of the weekly reports.
9. When the book is full, leave it with your employer, keeping a copy of the weekly reports.

Cover Page

10. Make sure that your name and address are filled in (item V).
11. Insert the date when you first used the book (item III).
12. After use, insert the date when you last used the book (item IV).

Daily Sheet

13. Fill in daily sheet for any day on which you have been employed on transport work.
14. Enter under item 2 the registration number of any vehicle used during the day.
15. The symbols used have the following meaning:

-  * uninterrupted rest period before going on duty;
-  rest period;
-  breaks;
-  driving time;
-  other work;
-  part-value time.

16. Enter the time during which you are off duty (items 4 and 5) or engaged in the activities illustrated by the symbols in items 6, 7 and 8, by drawing a horizontal line across the hours concerned and opposite the appropriate symbol. There should thus be a line under each of the 24 hours of the day. (see model at beginning of book).

17. Entries must be made at the beginning and end of each period to which they relate.
18. Item 11 (remarks) may be used, for instance, to give reasons for exceeding scheduled hours of working or for giving corrections to previous entries. It may also be used for remarks by the employer or by any inspection authority.
19. Under item 12, enter the number of hours of the uninterrupted rest (off duty period) immediately before coming on duty. If this period is spread over two days, it will consist of the total of the rest period at the end of the previous day and of the rest period at the start of the day shown on the sheet.
20. Sign each daily sheet.

Weekly Report

21. This report should be filled in at the end of any weekly period giving rise to the use of one or more daily sheets. For days which did not involve the filling in of a daily sheet, the figure "0" should be inserted in column H. An explanation should be added, for instance, "on leave", "day off".
22. The entries in columns F, G and H should be those shown under items 12, 13 and 16 of the relevant daily sheets.
23. The weekly period may start on any day of the week.

GENERAL NOTE

24. No erasures, corrections or additions may be made in the book. Any mistakes, even in presentation, must be corrected under "Remarks".
25. No sheets should be destroyed.
26. All entries should be made in indelible pencil or with a ball-bearing pen.

1. DAILY SHEET		3. Day of week and date	
2. Registration number of vehicle		N°	
	0	1	2
	3	4	5
	6	7	8
	9	10	11
	12	13	14
	15	16	17
	18	19	20
	21	22	23
	24		
4			
5			
6			
7			
8			
9. Place of coming on duty:		10. Place of going off duty:	
11. Remarks and Signature:		12. *	13. HOURS
		14. *	6
		15. *	2 1/2
		16. TOTAL	9 1/2
* Uninterrupted rest period before coming on duty.			

2. Registration number of vehicle	1. <u>DAILY SHEET</u>	3. Day of week and date																						
.....	N°																						
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
4	⊠	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮
5	⊠	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮
6	⊠	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮
7	⊠	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮
8	⊠	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮	⋮
9. Place of coming on duty:											10. Place of going off duty:													
11. Remarks and Signature:											12	⊠*	hours											
											13	⊠												
											14	⊠												
											15	⊠												
* Uninterrupted rest period before coming on duty.											16	TOTAL												

A. Surname name of driver (or assistant)

B- WEEKLY REPORT No.-----

C- from----- to----- 1958 incl.

D. Days of a weekly period	E. Daily Sheer No.	F. Uninterrupted rest period before coming on duty	G. Driving time	H. Total Hours of Actual Work
I weekly total:				

J. Remarks:

K. Date of preceding weekly rest period

L. Signature of driver (or assistant)

M. Signature of employer

Book No.

Indications concerning the individual control book for drivers (and assistants) in road transport

1. The model individual control book for drivers (and assistants) in road transport is submitted as a basis for the issue of control books in each country which accepts it.
2. If inspection authorities of any country are to be able to use the international control books drafted in a language other than that of their country, it is essential that the general lay-out of the control books issued by all the countries accepting it to be identical, and that the letters, numbers and symbols preceding each item in the model book be used only for the corresponding items in the
3. Each country may, however, consider it necessary to introduce certain changes in order to adapt the control book to meet the requirements of national regulations. In some cases, additional information may be needed, for instance, the place and date of birth of the holder.
4. Those countries which limit the use of the individual control book to international traffic might add the word "international" before "road transport" in item I on the cover page.
5. In the case of countries in which travelling staff other than drivers are not required to keep a control book, the words "(and assistants)" might be deleted in item I on the cover page. The interpretation to be given to the term "assistant" may, of course, vary according national legislation.
6. The competent authorities in each country should draft instructions regarding the entries to be made, in light of national regulations, under items 4 to 8, 14 and 15 of the daily sheets.
7. The indications given below are intended to assist in the production of the individual control books.
8. The size of the book should be 105 x 148 mm. (standard size A.6).
9. All books should be numbered, whether in print or by perforation, and the pages should be numbered.
10. The weekly reports might be inserted at the end of the booklet and in a number somewhat exceeding two-sevenths of the number of daily sheets.
11. Each weekly report should be in duplicate.

Conclusions

1. The experts discussed problems relating to conditions of work in road transport, particularly as regards the occupational safety and health aspect, which is linked to the safety of traffic and road users in general.
2. The experts recognised that the provisions of the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67), which has been ratified by only four countries, do not correspond to present conditions and that new standard-setting action at the international level is therefore desirable.
3. With the aim of assisting in the formulation of new international standards in this field, the experts decided to reaffirm the concept of the first two paragraphs of Memorandum 51 adopted by the Inland Transport Committee at its Fifth Session, in 1954¹ and to put forward the following recommendations:

Character and Form of International Standard-Setting Action

4. Under present conditions, it would be preferable to adopt one or more new international instruments rather than to revise Convention No. 67.
5. With the object of contributing to the improvement of working conditions in road transport, particularly as regards occupational safety and health measures and through them the safety of all road users in general, the most appropriate solution would be to adopt a Convention limited to a certain number of basic provisions concerning working conditions from the point of view of the occupational safety and health of all drivers who earn their living in road transport. This would be supplemented by a Recommendation containing further provision concerning transport activities, relevant to the social aspects and covering also other crew members.
6. Under this approach, the various proposals contained in these conclusions should be embodied in a new Convention or Recommendation. All proposals which are directly

¹ Text of the two paragraphs:

"1. The employers' and workers' organisations concerned, and the governments - in so far as the latter determine, or influence the determination of, wages and other conditions of work and employment - should make every effort to secure the adoption of conditions of employment in road transport which provide an adequate standard of living, having regard to the conditions obtaining in the country concerned and which are not less favourable to the workers concerned than those suggested below.

2. The standards suggested below are submitted for the guidance of the government authorities and of the employers' and workers' organisations which may be engaged, in accordance with practices customary in respect of any particular matter in their country, in determining conditions of employment, whether by national laws or regulations, arbitration awards or collective agreements."

related to the safety and health of the workers concerned should be expressed in the Convention.

Scope

7. If a new standard-setting action is undertaken in this field, the standards envisaged should apply to persons employed on motor vehicles engaged on public roads in the domestic or international transport of goods or persons, that is –
 - (a) professional drivers (in the Convention and in the Recommendation);
 - (b) other crew members (in the Recommendation only).
8. The new standards should cover not only transport for the account of third persons but also transport on own account, at least from the aspect of occupational safety and health.
9. In the interests of the safety both of the crew and of other road users, and in order to eliminate the risk of unreasonable competition which might affect the conditions of employment of other persons included in the scope of the new standards, these standards should be applicable to owner drivers as well.
10. 10. It would be appropriate to allow the competent authority or body in each country to exempt from the application of the new standards persons driving or travelling with vehicles engaged in –
 - (a) transport by agricultural or forestry undertakings in so far as such transport is directly connected with and used exclusively for the work of the undertaking;
 - (b) activities for which only incidental use of the public roads is involved and where safety is not impaired;
 - (c) the transport of sick and injured persons by hospitals and nursing homes;
 - (d) transport for the purpose of national defence, police services and other transport effected in the administration of public authority; and
 - (e) transport for rescue or salvage work.

Normal Hours of Work

A. Definition

11. It is of the highest importance to define the concept of hours of work in road transport, where, apart from driving vehicles, the persons concerned may carry out a considerable amount of subsidiary work or, without being free to dispose of their time as they please, hold themselves in readiness to answer the call of authorised persons or to resume service at regular or irregular intervals, governments having regard to definitions existing in collective agreements. (In the Convention.)
12. The term "hours of work" should be defined in the instrument or instruments.

B. Weekly Hours of Work

13. In view of the way in which hours of work have developed in other branches of activity, and taking account of the close link between conditions of work in this industry and occupational safety and health, the instrument or instruments envisaged should contain a standard applying to hours of work during the week. (In the Recommendation.)
14. The hours of work of persons covered by the instrument or instruments envisaged, as to be defined, should not exceed (to be specified) a week. (In the Recommendation.)
15. Special provisions regarding weekly hours of work of crews composed of two drivers should be included in an instrument. (In the Recommendation.)
16. In long-distance transport and other transport activities to which the standards envisaged in the foregoing paragraphs prove inapplicable within the limits of a period (to be specified), the standards should be allowed to be calculated as an average over a period (to be specified). (In the Recommendation.)

C. Daily Hours of Work

17. Special provisions regarding daily hours of work of crews composed of two drivers should be included in an instrument. (In the Recommendation.)

Overtime

18. All hours worked in excess of normal hours of work, according to criteria to be determined by the competent authority or body in each country, should be regarded as overtime unless, in accordance with practice, account is taken of them in fixing wages. (In the Recommendation.)
19. Taking account of the foregoing paragraph, the maximum number of overtime hours that may be authorised should be determined by the competent authority or body in each country taking into account the character of the transport and the method of calculating hours of work. (in the Recommendation.)
20. 20. Overtime should be paid for at a rate at least 25 per cent higher than normal wages. (In the Recommendation.)

Driving Time

21. Driving time is important in the context of occupational safety and health and, having regard to fatigue engendered by prolonged driving of a vehicle, no driver should be allowed to drive for a total driving time (to be specified) or for (to be specified) hours' continuous period without a break of (a length to be specified). The precise requirements, taking account of the many factors involved, should be formulated after the Convention has been drafted and in tripartite consultation with all parties concerned. (in the Convention.)

Daily Rest

22. (1) Because of the irregularity in daily timetables which is a feature of road transport owing to the diversity of operations, its dependence on atmospheric conditions, traffic difficulties,

mechanical breakdowns, amongst other things, and, in international transport, customs and police formalities, the minimum standards in this matter should be as follows:

(a) daily rest, to be granted during each period of (to be specified) hours counted from the beginning of the working day should not be less than (to be specified) consecutive hours;

(b) this rest could be calculated as an average over periods to be determined by the competent authority or body in each country;

(c) special provisions regarding the daily rest of crews composed of two drivers should be included in an instrument;

(d) daily rest should in no case be less than 8 hours.

(2) The competent authority or body in each country could prescribe periods of rest of differing lengths for goods transport and passenger transport or depending on whether the rest is taken at the crew's place of residence or work or away from it, provided that the minimum lengths indicated in clauses (a) and (d) of subparagraph (1) above are observed.

(3) During its rest period the crew should not be required to remain on or near the vehicle, it being understood that it would previously have taken all proper steps to ensure the safety of the vehicle and its load. (in the Convention.)

23. In addition to the basic provisions that are the subject of the foregoing paragraphs, other standards could be laid down for a number of other matters which can usefully be placed in the same context, without raising any particular controversy, such as increases in hours of work and reduction in the length of rest periods in the case of accident or force majeure. These provisions could, in their essentials, be based on Convention No. 67. (In the Convention.)

Enforcement

24. In view of the importance of the provisions of the Convention, both for the protection of the workers concerned and for the safety of road traffic and of the public in general, its application should be subject to strict and systematic enforcement. For this purpose the traditional means of supervision, such as records of hours of work and rest and individual control books, should as far as possible be supplemented by the use of modern means, in accordance with the rules which may be drawn up by the competent authority or body in each country. (In the Convention.)

Consultation

25. The employers' and workers' organisations concerned must be consulted by the competent authority in each country with regard to the decisions to be taken on the points dealt with in the paragraphs above. (In the instruments. Where appropriate, measures should be taken at the international level to ensure reciprocity of national medical insurance schemes through bilateral, regional or subregional agreements to ensure that inland transport workers receive necessary medical treatment abroad.

**PART 4. SECTORAL MEETINGS
CONCLUSIONS AND RESOLUTIONS**

Conclusions on future activities of the ILO transport sector, i.e. air, rail and road

The Symposium on the Social and Labour Consequences of Technological Developments, Deregulation and Privatization of Transport,

Having met in Geneva from 20 to 24 September 1999,

Adopts this twenty-fourth day of September 1999 the following conclusions:

The ILO should:

1. ensure that its work in the transport sector is undertaken in accordance with its four strategic objectives and their related InFocus programmes promote and realize fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment; enhance coverage and effectiveness of social protection for all; strengthen tripartism and social dialogue - and its two cross-cutting themes - development and gender. Particular emphasis should be placed on activities related to social dialogue in the transport sector;
2. hold meetings dealing with the transport sector which should be more focused, dealing either with the transport sector as a whole, or subsector by subsector, depending on the issues to be discussed;
3. promote social dialogue in the transport sector; strengthen the institutions, machinery and processes of social dialogue in the transport sector in the ILO's member States; and strengthen the representation, capacity and services of the parties to social dialogue in the transport sector. Such activity should take place at the regional and national level where appropriate;
4. carry out studies on the impact of change on the industrial relations systems and practices in the transport sector, with particular reference to developing countries, and publish the results;
5. collect and compare examples of evolution and change in the transport sector and describe whether and to what extent social, labour, economic development, environment and productivity improvement factors have been taken into account with a view to identifying and disseminating examples of successful practices and programmes, including an analysis of the employment effects, training, retraining and the impact on fundamental rights at work with the objective of, to the extent possible, promoting employment, productivity and improved working conditions and publish the results;
6. collect, analyse and disseminate data and information on measures relating to new working methods in the different branches of the transport sector, such as flexible, temporary, part-time and contract work, and on any occupational safety and health and environmental effects arising from them and measures taken to address these effects;

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7. expand and enhance its cooperation and collaboration with multilateral financial institutions, and with relevant transportation safety agencies and organizations so that, in developing and undertaking their transport-related activities, including the development of policies and standards, the social and labour dimensions of transport are taken fully into account, including the importance of tripartite consultations and continuous social dialogue;
 8. noting its standard-setting activity, revise, with a view to improving and modernizing, those standards affecting the transport sector that are considered to be obsolete;
 9. assist ILO member States to meet their obligations under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with a view to having a positive impact on social and labour conditions in the transport sector;
 10. devote available resources that will ensure its activities, in assisting its constituents in dealing, with the social and labour effects of change in the transport sector, are undertaken in a sufficient and sustained manner;
 11. establish a small standing tripartite strategy forum to oversee its activities in the transport sector;
 12. pay specific attention to the impact of change on women transport workers;
 13. in conjunction with UNAIDS, develop initiatives to promote best practice in the workplace dimension of HIV/AIDS prevention and protection policies, with particular reference to regions with a high incidence of the disease;
 14. undertake studies of the medium- and long-term positive or negative impact of changes in the transport sector, including: an analysis of employment of displaced workers; information exchange on labour-management practices across a range of countries to help developing countries obtain and share economic and other appropriate information on transport; collect and disseminate data concerning employment terms and conditions and other social and labour issues, including comparative data from other industries;
 15. position itself as the international centre for expertise and data of interest to the constituents for research into the broad range of labour market issues and policies relating to the transport sector.

When reviewing the delivery of the ILO's sector-specific programmes, the Governing Body should examine how the needs of the transport sector can best be met and make recommendations accordingly.

Conclusions on labour and social issues arising from problems of cross-border mobility of international drivers in the road transport sector

The Tripartite Meeting on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector,

Having met in Geneva from 23 to 26 October 2006,

Adopts this twenty-sixth day of October 2006 the following conclusions:

Introduction

1. In an increasingly globalized economy, international road transport plays an important role and makes a significant contribution to economic development efforts. In this regard, the rights, welfare and dignity of international drivers should be promoted through their organization and the practice of social dialogue.

Theme 1 – The impact of deficiencies in infrastructure, facilities and procedures at border crossings on road transport operations and the working and living conditions of international drivers

2. Delays due to deficiencies in infrastructure, facilities and control procedures at problematic border crossings can have a negative impact on the living and working conditions of drivers as well as on socio-economic progress, international trade, tourism and transport. They can turn waiting areas into a magnet for crime and the sex trade, create security risks for drivers and, consequently, their families, vehicles and cargo, and disrupt communities in the surrounding areas. This affects the issue of health protection of drivers and general road safety. A means to improve the living and working conditions of international drivers at problematic border crossings is through social dialogue and transport facilitation across international borders.
3. Governments along with employers and workers and their representatives in the road transport sector have a mutual interest to work together to reduce the negative impact of any such deficiencies.
4. Measures that could be implemented in this respect include:
 - providing adequate border crossing infrastructure and facilities, both in quantitative and qualitative terms;
 - relocating border crossings that are situated in inappropriate locations (e.g. centre of towns);

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- improving the quality and increasing the capacity of access roads to border crossing;
 - establishing/constructing appropriate facilities for sanitation, food and beverage, supplies, rest, communication, lodging and legal entertainment, vehicle repair and other emergency services as well as parking facilities, and establishing harmonized minimum standards for such facilities;
 - establishing policies for affordable pricing for the use of facilities or purchase of goods and services at border crossings;
 - achieving better cooperation between frontier authorities and all relevant parties using the borders, and the application of new technologies and innovative management systems;
 - achieving simplification of procedures, timely communication of any change of procedure requirements, progressive minimization of documentary requirements and rationalization of controls, for instance through the use of risk management processes and ICT; and
 - where appropriate, adopting and implementing relevant international and United Nations conventions relating to border crossing formalities.
5. The responsibility for the improvement or relocation of infrastructure, and for the implementation of appropriate management systems and procedures at border crossings, primarily lies on governments.

Theme 2 – The impact of deficiencies in border staffing standards and border officials’ conduct on road transport operations and the working and living conditions of international drivers

6. Deficiencies in border staffing standards and in the conduct of border officials exist in numerous countries; however, differences in the nature and degree of such deficiencies should be taken into account when addressing this issue, avoiding a one-size-fits-all approach.
7. Joint efforts by governments, employers and workers and their representatives at national or border crossing level involving neighbouring countries could address pertinent areas of concern that include:
- promotion of appropriate processes for the selection and recruitment of border officials;
 - the provision of up to date information to education and training of officials on both sides of a border crossing to help them to develop appropriate cognitive, language, attitude and ICT skills;
 - provision of sufficient and qualified staff;
 - the motivation of border officials through appropriate pay and working conditions, and the provision of technological or other means to enable them to perform their duties in the best possible manner;
 - improved harmonization and coordination of procedures and practices on both sides of border crossings through bilateral, multilateral or regional agreements or by following the same international standards or joining the same international Conventions;

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- provision of timely border crossing information by governments to international drivers and their employers and suitable training of international drivers by their employers on border crossing procedures;
 - the elimination of situations, such as long delays, that could foster corrupt practices;
 - campaigns against corruption targeting all parties that could be involved in a corrupt activity;
 - exchange of information on good practice, including codes of conduct for border officials, international drivers and other parties involved in border crossing procedures and on various relevant agreements regarding border crossings.

8. The creation or strengthening, at various levels, of tripartite border-crossing monitoring and facilitation bodies, with representatives from all parties involved from both sides of problematic international borders, could help member States to understand and address current or persisting problems.

Theme 3 – Visa processes and controls and their impact on road transport operations and the working and living conditions of international drivers

9. In the absence of special arrangements for the purpose, the process for the application for the issuance of visas for international drivers in the road transport sector can involve long periods of idle time as well as onerous and numerous documentary and other requirements that result in considerable financial and time losses to both the drivers and their employers. This can also restrict the ability of international drivers to enjoy regular or continuous employment. Under certain circumstances, particular visa conditions may, in addition, limit drivers' ability to complete assignments abroad or find themselves in breach of their visa conditions. Among other negative effects of this problem is the stress and frustration that drivers experience during the process. All these evidently have a negative impact on road transport operations and the working and living conditions of international drivers.
10. While acknowledging the right of governments to take all appropriate measures regarding the issuance of visas to safeguard national security or to protect against other risks, governments, employers and workers and their representatives recognize the need to facilitate the process in a way that would be compatible with the special status of international drivers, as is the case in certain other transport modes.
11. Options that might be considered for streamlining the provision of visas for international drivers include:
 - measures to optimize existing visa-issuing arrangements;
 - consideration of other means by which visa arrangements might be improved (for instance via the provision of information to consulates by employers and/or their associations);
 - the issuance of multiple-entry and/or longer term visas to international drivers at reasonable cost;
 - the promotion of regional and subregional solutions to reflect local circumstances; and

– consideration, where appropriate, of whether or not some form of drivers' identity card might be a cost-effective means of facilitating access to visas for international drivers. By way of an example, the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) might provide useful lessons.

Theme 4 – HIV/AIDS: A workplace issue for international drivers at border crossings

12. International drivers are among the most vulnerable categories of workers to HIV/AIDS due to the particular conditions of their work. Their vulnerability to sexually transmitted infections (STIs), including HIV, substantially increases at border crossings where unduly long delays are experienced. Combined with any serious deficiencies in infrastructure and facilities and stress, the risks to HIV/AIDS become even greater as these factors create a situation where drivers may be exposed to risky behaviour.
13. Transport enterprises are also at risk because of the negative impact on their workforce. Inevitably, this situation has a negative impact on national economies and consequently on the whole world. Hence, in parallel but also in combination with other ongoing and planned programmes to combat HIV/AIDS at broader levels, there is a need to address this particular case at cross borders as a workplace issue at sectoral level so that the specificities of the international road transport sector and those pertinent to border crossing would be best addressed. However, the interrelation between the origin and destination of the road transport journey, the communities along that route and around the border crossings, as well as the family and social circle of international drivers and the location of the border crossing, should not be overlooked. For these reasons, the issue of HIV/AIDS at border crossings should not be treated as a localized problem and in isolation to the broader HIV/AIDS issue but as a complementary activity that focuses to a particular sector and location. Thus, the collaboration and coordination between a large number of organizations, agencies and programmes is essential.
14. Against this background, governments, employers and workers and their representatives have stressed their renewed commitment to jointly address this issue and agreed to promote the tripartite sectoral approach when addressing the issue of risks of international drivers to HIV/AIDS at border crossings. Pertinent measures could include:
 - promotion of the sectoral approach to HIV/AIDS;
 - promotion of the thesis that HIV/AIDS is a workplace issue;
 - promotion of the tripartite approach in addressing the issue in which, in addition to governments, employers and workers, other stakeholders would be included (communities, NGOs, etc.);
 - promotion of the relevant ILO standards, particularly the ILO code of practice on HIV/AIDS and the use of the ILO guidelines on HIV/AIDS for the transport sector,¹ special attention being made to the principles outlined, including those that refer to stigmatization, non-discrimination, gender equality, social dialogue, confidentiality, no screening for employment, continuous employment and prevention;

¹ ILO: Using the ILO Code of Practice on HIV/AIDS and the World of Work: Guidelines for the transport sector, Geneva, 2005.

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- development and distribution of appropriate sector specific training materials targeting the drivers as well as transport companies and their managers and delivery of appropriate training workshops;
 - encouraging the employers to provide HIV/AIDS awareness and prevention education and training of international drivers. Encouraging the introduction of HIV/AIDS training module into the general professional driver training curricula. International drivers should also make themselves available for such training;
 - removal of cross-border related factors that may influence the behaviour of drivers, such as excessive delays (and therefore the reasons for such delays) and the lack of appropriate infrastructure and facilities;
 - establishment of centres for voluntary counselling and testing and other services pertinent to HIV/AIDS at border crossings;
 - appropriate awareness raising campaigns, including campaigns for establishing the appropriate status of international drivers vis-à-vis HIV/AIDS;
 - establishment of appropriate partnerships and synergies with other programmes;
 - fund-raising to support pertinent activities;
 - constantly consulting evaluations of hazards pertinent to the issue and taking actions accordingly; and
 - establishing, updating and communicating information on relevant programmes and experiences.

Theme 5 – Improvement of cross-border traffic and its socio-economic consequences; general discussion of other issues not covered under other themes

- 15.** Cross-border road transport is essential for the development of trade, regional economic integration, tourism, social development, wealth creation and distribution. It also impacts on the welfare of international drivers. Governments, employers and workers and their representatives have a mutual interest in mitigating any possible undesired direct or indirect effects of cross-border traffic.
- 16.** Although situations arising from any future increase of traffic cannot be fully predicted, based on past experience, it can be assumed that these might lead to:
 - negative environmental impacts on neighbouring communities and the environment at large as a result of additional pollution;
 - deteriorating road safety and health conditions of areas neighbouring to border crossings;
 - an increase in sexually transmitted infections (STIs);
 - development of negative attitude of public towards the road transport sector and international drivers; and
 - an increase in demand for well-trained drivers, resulting in an insufficient supply of such drivers.

17. Measures to eliminate or mitigate the negative effects could include:

- improvement of road infrastructure, including provision of access and approach roads to border crossings that bypass residential areas of communities;
- provision of high-quality road transport services, complemented by campaigns and other public relations activities to gain public's acceptance of the road transport sector and to develop a positive attitude towards international drivers;
- improvement of drivers' conditions of work and training with a view to attracting new entrants to the profession;
- development of a common definition of the professional international driver;
- development and implementation of regional and/or international agreements for border crossing infrastructure, facilities and procedures;
- facilitating access to multiple-entry visas with longer periods of validity;
- elimination of illegal employment practices and illegal transportation; and
- establishment of procedures that would safeguard the human and labour rights of international drivers in the road transport sector, including freedom of association and the right to bargain collectively.

Theme 6 – Follow-up activities

18. The Meeting is part of the ILO's Sectoral Activities Programme, one of the purposes of which is to develop an international tripartite consensus on sectoral concerns and provide guidance for national and international policies and measures to deal with related issues. In this respect, the Governing Body decided that among other, the Meeting would adopt conclusions that include proposals for action by governments, employers' and workers' organizations and the ILO and to make proposals for follow-up activities by the ILO.

19. On the basis of the discussions held during the Meeting on themes 1 to 5, and with due consideration being given to human aspects and differences that might exist between different countries or regions, the proposals for action by governments, in close liaison with employers and workers and their representatives are to adopt:

- appropriate dialogue frameworks on border-crossing issues as described in paragraph 8 above;
- adopting and promoting appropriate border crossing facilities as described in paragraph 4 above;
- considering establishing a common definition of international drivers;
- implementing effective ways for combating HIV/AIDS and STIs at border crossings (refer to conclusions of theme 4);
- promotion of the UNECE International Convention on Harmonization of Frontier Controls of Goods, 1982, and the International Convention on the Simplification and Harmonization of Customs Procedures, 1974 (Kyoto Convention) and their effective implementation;

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- promote best border-crossing practices for customs and documentary controls, as described in paragraphs 4, 5 and 7;
 - devise and implement a mechanism that would effectively attend to emergency situations that may arise from problems encountered by drivers at border crossings;
 - encourage south to south as well as north to south cooperation for addressing crossborder related issues; and encourage new and strengthen existing subregional initiatives pertinent to border-crossing issues.

20. The proposals for action and/or for follow-up activities by the ILO are:

- promote through tripartite pilot projects best practices at selected problematic border crossings, and promote a framework of guidance in liaison with social partners;
- to assist ILO member States to give effect to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with a view to improve social and labour conditions in the road transport sector;
- to seek recognition for the status of a special category of workers of professional international drivers, who should not face any unreasonable impediments to their ability to cross international borders;
- to welcome visa-free regimes, where they exist, and promote the options for streamlining the provision of visas to international drivers, as envisaged through the measures proposed in paragraph 11;
- to consider to make appropriate ILO budget allocations, as well as to act as a facilitator together with the social partners for securing funds from donors and partnerships for the implementation of projects pertinent to border crossing issues, including HIV/AIDS; and
- to assist governments, employers and workers and their representatives to design and implement joint/tripartite sector-specific programmes and to develop sector-specific training and other materials pertinent to risks of international drivers of HIV/AIDS and STIs at border crossings.

Conclusions on safety and health in the road transport sector

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.

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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.
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.

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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.
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.

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20. Gender mainstreaming is an approach to ensuring decent working conditions for all workers, including pregnant women in the road transport sector. Measures could include reconciling work and family for all workers. Discrimination, stereotyping and harassment at work should be combatted.

Good practices to promote social dialogue in the road transport sector

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

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

25. In view of the discussion at the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector, the following future actions were recommended.
26. Tripartite constituents should:
- (a) actively engage in social dialogue in order to promote decent work, and to ensure equitable treatment for all road transport workers, regardless of their employment status while facilitating the transition from the informal to the formal economy;
 - (b) design and implement measures to ensure level playing fields and respect for applicable legal frameworks, as well as the UN Guiding Principles on Business and Human Rights;
 - (c) enhance transport worker training and regulate the access to the profession of transport workers; training should be regarded as a long-term investment;

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- (d) address violence, among other things, through the endorsement and implementation of the ITF/UITP recommendations for combating violence and insecurity on urban public transport;
 - (e) encourage greater participation and protection of women in the road transport sector;
 - (f) mobilize resources for infrastructure development (namely, roads, welfare facilities) and for fleet renewal and maintenance with the aim of contributing to the development of decent working conditions for all; and
 - (g) actively engage in workplace health promotion activities to support healthy behaviour in the workplace, to provide adequate access to sanitary facilities, to improve health outcomes and to prevent occupational health conditions (diseases).

27. Governments should:

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

28. The Office should:

- (a) act on resolutions adopted by the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector;
- (b) continue to promote the ratification, effective implementation and better use of all international labour standards relevant to the road transport sector, particularly those related to occupational safety and health, and fundamental principles and rights at work, and build capacity of constituents to do likewise;
- (c) develop the capacity of tripartite constituents in the sector to effectively engage in social dialogue;
- (d) collaborate with other UN agencies, international and regional governmental and non-governmental organizations for the development of tools to promote and disseminate

information on occupational safety and health as well as on the IMO/ILO/UNECE Code of Practice for the Packing of Cargo Transport Units;

- (e) work with member States and other international organizations to improve systems to collect and disseminate regular and disaggregated data on road accidents, occupational diseases and injuries, industry composition, compensation for health and safety claims, contractual arrangements, demographics and other relevant data; and
- (f) undertake comparative research, map good practices and share knowledge on occupational diseases and injuries and work-related disorders, gender-specific issues, border crossing and visa issues, transport network companies, remuneration systems and contractual arrangements in the road transport sector and their impact on decent work.

Resolution on transport network companies – “Transporting tomorrow”

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 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,

Emphasising 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.

Resolution concerning best practices in road transport safety

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,

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,¹

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.

¹ 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.