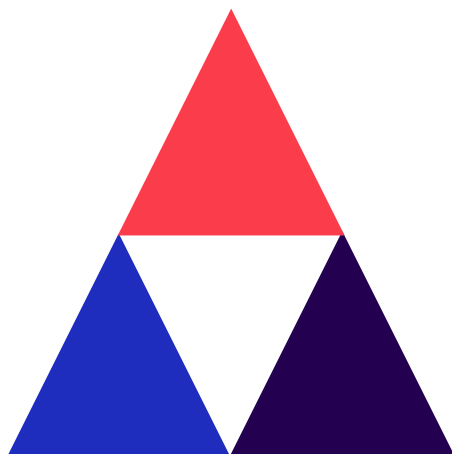


► **Submission by the International Labour Office**

# **Guidelines on the promotion of decent work and road safety in the transport sector**



## **Importance of a viable, safe, sustainable and efficient road transport industry**

Inquiry; Senate Standing Committees on Rural and Regional Affairs and Transport

The [Guidelines on the promotion of decent work and road safety in the transport sector](#) have been [approved for dissemination](#) and publication by the ILO's Governing Body at its 338th Session.

Note: This introductory cover document to the Guidelines reflects the views and opinions of the author and may or does not reflect those of the International Labour Organization.

The International Labour Organization (ILO) is the United Nations System agency overseeing the world of work. The ILO is an international regulatory agency that was established in 1919 and one of its founding principles is that “universal lasting peace can only be established if it based on social justice.” “The ILO promotes jobs, and protects people.”

In terms of its sectoral regulatory work, the ILO’s first instrument, Convention No. 1, the Hours of Work (Industry) Convention, 1919, encompasses within its coverage transport services. For a century the ILO has been concerned on the working conditions of commercial drivers, and in particular in two of its more defying challenges: their hours of work and the labour inspection. More recently, the ILO authorized an update to its work for the road transport sector, and with that intention, tripartite constituents provided the Office in 2015 with a mandate to prepare draft guidelines to be discussed at a meeting of experts in the future.

The Meeting of Experts to Adopt Guidelines on the Promotion of Decent Work and Road Safety in the Transport Sector was held in Geneva from 23 to 27 September 2019. It was chaired by Dr Humphrey Mapuranga from the Government of Zimbabwe. The three Vice-Chairpersons were: Mr Jerzy Kleniewski (Poland) from the Government group; Mr Miguel Pereira García from the Employers’ group; and Mr Michael Kaine from the Workers’ group. The Meeting was attended by 78 participants, including 7 government, 8 worker and 8 employer experts, --- their advisers, 30 Government observers and 7 observers from official and non-governmental international organizations. Women constituted 39 per cent of the overall participants and 28 per cent of the ILO-funded experts.

**The Guidelines on the promotion of decent work and road safety in the transport were authorized for publication and dissemination by the ILO’s Governing Body in March 2020. Within that mandate, the International Labour Office wishes to submit the Guidelines to this inquiry “Importance of a viable, safe, sustainable and efficient road transport industry”.**

The main innovative concepts contained in the Guidelines and agreed to at the international level on a tripartite basis can be informally summed up as follows:

1. The guidelines make for the first time at the international level a direct link between road safety, decent work, including sustainable payments, and supply chains. This link has been controversial for many decades, and actually the guidelines highlight that

*“29. 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 without directly reaching those entities that are at the root of these practices.”*

2. The Guidelines present as an innovation the concept of Chain of responsibility by starting to define who are the parties to a road transport chain – to include

*“any carrier, cargo transport unit operator, consignee/receiver, consignor, consolidator, freight forwarder, packer and sender (shipper), as defined by the IMO/ILO/UNECE CTU Code.”* This part of the definition makes reference to the CTU code. Now what’s new and added, and was accepted by the experts was the following “-- and any other party that can give instructions to the commercial motor vehicle driver.” And the second sentence of the definition extending responsibilities to also include *“transport buyers, as they may be consignors, consignees or any intermediary acting as principal.”*

3. You will be able to observe is a linkage between sustainable payments, chain of responsibility and adequate inspection systems, and in particular those related to wages or earnings. With regards to the principles applicable to payments of non-wage earning drivers – or informal, independent, or owner operators, the guidelines set forth that the establishment of mechanisms for predictable cost recovery should include fixed costs, variable costs, payment for personal labour, return on investment, and remuneration for both driving and non-driving tasks. It can also be observed that there is also a linkage made between the responsibilities of adequate remuneration and sustainable payments and the overloading and overweighing of trucks.
4. Documentation of arrangements and fair recruitment increases transparency that can be linked to road safety – and thus encourages governments to address the fact that the lack of documentation undermines serious efforts to enforce and inspect for road safety purposes.
5. The Guidelines include a paragraph on the promotion and implementation due diligence in accordance with the United Nations Guiding Principles on Business and Human Rights remedy framework to ensure respect for the fundamental principles and rights at work of commercial drivers. And this to include as far as practicable, all road transport chain parties, employers and employers’ associations. The guidelines also establish that:

*“Businesses have a responsibility to respect labour rights in their operations and governments have the duty to implement and enforce national laws and regulations The United Nations Guiding Principles on Business and Human Rights, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the OECD Guidelines for Multinational Enterprises can provide guidance for implementing responsible business conduct.”*

Geneva, 31 March 2021  
Alejandra Cruz Ross  
Transport Specialist  
International Labour Office



International  
Labour  
Organization

## ► Guidelines on the promotion of decent work and road safety in the transport sector



- ▶ **Guidelines on the  
promotion of decent work  
and road safety in  
the transport sector**

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**These guidelines are dedicated to Esther Busser as  
a tribute to her commitment to the promotion  
of social justice and decent work \***



\* Esther Busser passed away on 1 July 2019. She was Deputy Director of the International Trade Union Confederation (ITUC) Geneva office and served in the secretariat of the ILO Workers' group.

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## Preface

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The ILO Guidelines on the promotion of decent work and road safety in the transport sector were adopted by a Meeting of Experts held in Geneva from to 23-27 September 2019, in accordance with a Governing Body decision at its 335th Session (March 2019). The meeting was attended by 23 experts and their advisers – seven experts nominated by the Governments of Australia, Brazil, Cameroon, Chile, Finland, Kenya and Poland; eight nominated by the Employers' group of the Governing Body; and eight nominated by the Workers' group of the Governing Body. Observers from other governments, and observers from official and non-governmental international organizations, also attended the meeting. Women constituted 39 per cent of overall participants and 30 per cent of experts.

The good spirit of tripartite dialogue among all participants paved the way for developing consensus on a holistic and practical set of Guidelines that will help the ILO, its constituents and its partners improve road safety and the well-being of the women and men who ensure passenger mobility and freight transport across jurisdictions and countries.

The text of the guidelines was approved for publication and dissemination by the Governing Body of the ILO at its 338th Session (March 2020).

Alette van Leur  
*Director*  
*Sectoral Policies Department*  
*(SECTOR)*

## Sectoral Guidelines

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ILO Sectoral Guidelines are reference tools setting out principles that can be reflected in the design and implementation of policies, strategies, programmes, legislation, administrative measures and social dialogue mechanisms in particular economic sectors or cluster of sectors. Sectoral Guidelines are adopted by Meetings of Experts comprising governments, employers and workers. They can be implemented progressively to take into account different national settings, cultures, and social, economic, environmental and political contexts.

Sectoral Guidelines draw their principles from the ILO's international labour standards (Conventions and Recommendations) and other sources, including Declarations, codes of conduct and other policy guidance adopted and endorsed by the International Labour Conference or the Governing Body. They also draw on other international agreements and policy in the sector concerned, as well as relevant trends and developments in regional and national law and practice.

Sectoral Guidelines focus on the issues that are priorities for governments, employers and workers, and that are unique to particular economic sectors and industries. While international labour standards normally deal with more general principles of labour law and practice, Sectoral Guidelines specify the principles and processes that could be implemented to promote decent work in particular workplaces or contexts. They benefit from the expertise of practitioners in the relevant sectors to capture good industry practices and innovations.

Sectoral Guidelines are not legally binding. They are not subject to ratification or supervisory mechanisms established under the ILO's international labour standards. Sectoral Guidelines can therefore be aspirational in scope and expand on principles laid

down in international labour standards and other international agreements and policy, all the while recognizing that they can be adapted to different national systems and circumstances. ILO standards and other tools or guidance adopted and endorsed by the ILC and/or GB therefore form the foundation on which Sectoral Guidelines build further. It is therefore understood that Sectoral Guidelines are based on the full principles, rights, and obligations set out in international labour standards, and nothing set out in these Guidelines should be understood as lowering such standards.

## Abbreviations and acronyms

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<b>AIDS</b>	acquired immunodeficiency syndrome
<b>CMV</b>	commercial motor vehicle
<b>CFA</b>	Committee on Freedom of Association
<b>GPS</b>	global positioning system
<b>HIV</b>	human immunodeficiency virus
<b>ILO</b>	International Labour Organization
<b>OSH</b>	occupational safety and health
<b>SDGs</b>	Sustainable Development Goals
<b>SMS</b>	safety management system
<b>WHO</b>	World Health Organization

## ► Part 1. Introduction

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1. Every year, some 1.3 million people are killed and up to 50 million people are injured on the world's roads.<sup>1</sup> Commercial vehicles are involved in approximately 10 to 22 per cent of all road crashes.<sup>2</sup> Road traffic fatalities are the leading cause of death for young people aged 5 to 29 and road traffic injuries are the eighth leading cause of death globally.<sup>3</sup> In addition to the human suffering they cause, road traffic deaths and injuries impose significant societal, economic and financial losses.
2. The road transport sector is strategically essential to social and economic development and ensures passenger and freight mobility across jurisdictions and countries. It makes an important contribution to economic growth and job creation. Road infrastructure investments and operations have strong impacts on other sectors of the economy.
3. The United Nations Inland Transport Committee,<sup>4</sup> which is housed at the United Nations Economic Commission for Europe, has under its purview more than 59 international transport Conventions and constitutes the centre of all United Nations inland transport Conventions. Its legally binding instruments provide a worldwide regulatory framework governing inland transport that is inclusive and accessible and supports the implementation of Sustainable Development Goals (SDGs) targets, including those that address road safety.
4. The United Nations Economic Commission for Europe also provides secretariat services for the activities of the United

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<sup>1</sup> WHO: *Road traffic injuries: Key facts*, 7 December 2018.

<sup>2</sup> OECD: *Moving Freight with Better Trucks: Improving Safety, Productivity and Sustainability*, 2011, pp. 169–203.

<sup>3</sup> WHO: Road traffic injuries, op. cit.

<sup>4</sup> The Committee's membership is open to any United Nations Member State.

Nations Special Envoy of the Secretary-General for Road Safety, whose work facilitates the alignment of national governance and road safety regulations with international standards applicable to the road transport sector. In addition, it houses the secretariat to the United Nations Road Safety Fund.

5. The World Health Organization (WHO) has provided secretariat services for the work of the United Nations Decade of Action for Road Safety (2011–2020). In line with pillar 4, “Safer road users”, of the *Global Plan for the Decade of Action for Road Safety 2011–2020*, the present guidelines on the promotion of decent work and road safety in the transport sector represent a framework for the promotion of road safety and decent work for commercial motor vehicle (CMV) drivers. They may serve as the basis, under activity 6 of pillar 4, for the setting and enforcement of standards and rules for the safe operation of commercial freight and transport vehicles, passenger road transport services and other public and private vehicle fleets to reduce crash injuries and road traffic deaths.<sup>5</sup>

6. Since 1938, a number of International Labour Organization (ILO) committees and meetings have discussed matters related to the labour conditions of road transport drivers and road safety. Their work has contributed to the development of eight international instruments (Conventions and Recommendations) and more than 35 resolutions, conclusions, memorandums and tools applicable to the road transport sector that have been adopted on a tripartite basis and, together with a number of other documents, provided the basis for the elaboration of the present guidelines.

## Terms of reference of the meeting

7. In 2015, the ILO Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector, in paragraph (c) of its *Resolution concerning best practices in road transport safety*,

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<sup>5</sup> WHO: *Global Plan for the Decade of Action for Road Safety 2011–2020, Version 3*, p. 14

invited the Governing Body to request the International Labour Office to “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”.

**8.** At its 329th Session, the Governing Body of the ILO adopted the recommendation of the Sectoral Advisory Bodies to hold during 2018–19 a meeting of experts to adopt a code of practice or guidelines on best practices in road transport safety. At its 335th Session, it adopted the proposed title, purpose and composition of the Meeting of Experts.

## **I. Definitions**

**9.** “Commercial motor vehicle” or “CMV” refers to any self-propelled road vehicle, whether publicly or privately owned, that is normally used in the commercial carriage of passengers and/or freight, whether for private or for-hire or reward services, for the purposes of an employer operating the vehicle or for services engaged by road transport chain parties. This definition excludes two- and three-wheeled vehicles.

**10.** “CMV driver” refers to a person – whether wage-earning or not – who drives a CMV, even for a short period, or who is carried on the vehicle in order to be available for driving if necessary.

**11.** “Employer” for the purposes of these guidelines refers to:

- a) a government entity or business with its own private road transport fleet that employs wage-earning CMV drivers (“private transport”);
- b) a business carrier that employs wage-earning CMV drivers and whose main activity or source of earnings is to transport passengers or freight (“for-hire or reward” transport services).

**12.** “Road transport chain parties” refers to any carrier, cargo transport unit operator, consignee/receiver, consignor,



consolidator, freight forwarder, packer and sender (shipper), as defined by the [IMO/ILO/UNECE Code of Practice for the Packing of Cargo Transport Units \(CTU Code\)](#)<sup>6</sup> and any other party that can give instructions to the CMV driver. This term also includes transport buyers, as they may be consignors, consignees or any intermediary acting as principal.

**13.** “Long-distance passenger transport” refers to all transport for which the journey calls for more than nine hours of driving (or the maximum daily driving period applicable to CMV drivers) or covers more than 450 kilometres or in line with national laws or regulations, in conformity with international labour standards.

**14.** “Road freight transport service” refers to the commercial carriage of goods by CMVs.

**15.** “Road passenger transport service” refers to the carriage of passengers along specified routes.

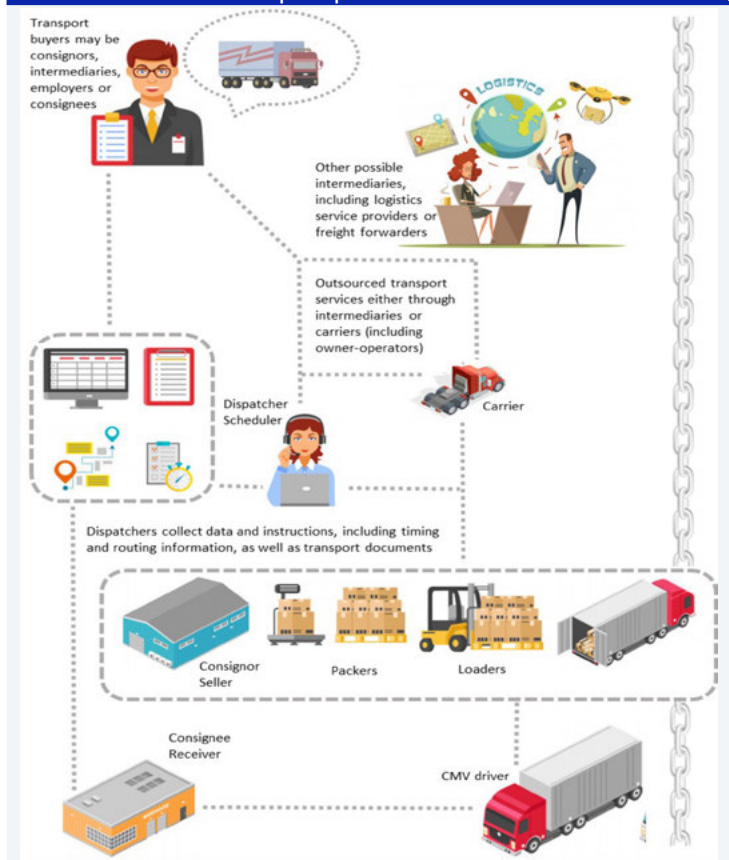
**16.** “Transport buyer” refers to any individual or business that commercially contracts road freight or long-distance passenger transport services that are key to its mobility or business performance.

**17.** “Non-wage-earning CMV drivers” refers to CMV drivers in a services contract who provide transport services to a contractor or road transport chain parties, including self-employed CMV drivers, independent CMV drivers and owner-operators, dependent contractor CMV drivers, and informal CMV drivers.

**18.** “Social partners” refers to representatives of employers and workers, and their organizations.

<sup>6</sup> IMO/ILO/UNECE: [IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units \(CTU Code\)](#), 2014, chapter 2, “Definitions”, pp. 5–8.

► Figure 1 – Example of road transport chain parties involved in outsourced road transport operations



Sources: As adapted from IMO/ILO/UNECE: op. cit.; P. James et al. (2007);<sup>7</sup> and L. Mooren (2016).<sup>8</sup> Graphics: Macrovector.<sup>9</sup>

<sup>7</sup> P. James et al.: "Regulating supply chains to improve health and safety", in *Industrial Law Journal*, 36(2), June 2007, pp. 163–187.

<sup>8</sup> L. Mooren: *An Evidence-based Safety Management System for Heavy Truck Transport Operations*, University of New South Wales, 2016.

<sup>9</sup> See free vectors from [www.freepik.com](http://www.freepik.com). Standard Freepik license. Attribution: Logistics and delivery (retro); Transportation isometric scheme; Logistics icons flat; Logistics delivery decorative icons set; Isometric warehouse logistic icon set.

## II. Scope and objectives

**19.** It is the shared responsibility of governments, social partners and road transport chain parties to protect the public, passengers and other road users against preventable crashes and dangers, including those resulting from decent work deficits of CMV drivers. The extent to which the decent work deficits of CMV drivers and other factors that can impact road safety present risks to other road users has become a public policy concern.

**20.** The guidelines apply to CMV drivers providing road freight and long-distance passenger transport services. The scope of the guidelines does not include any distinction by employment status or level of remuneration, including with respect to informal operations. They bridge a gap between protecting the general public and the living and working conditions of all CMV drivers.

**21.** The guidelines promote best practices and a coherent response to recent international and regional debates on the road safety challenges. They acknowledge and directly contribute to the following SDG targets:

**Target 3.6.** By 2030, halve the number of global deaths and injuries from road traffic accidents.

**Target 6.2.** By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

**Target 8.8.** Protect labour rights and promote safe and secure working environments for all workers, in particular women, migrants, and those in precarious employment.

**Target 9.1.** Develop quality, reliable sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all.

**Target 11.2.** By 2030, provide access to safe, affordable, accessible 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.

### III. Sectoral considerations

#### *Increased demand*

**22.** 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, in other cases, have also led to negative consequences for the conditions of work of many transport workers.

**23.** Possible shifts in demand may include, but are not limited to, policy-induced modal shifts (such as to railways) or disruptions to the manufacturing industry (such as three-dimensional printing and reshoring) that may have implications for the sector's workforce planning and training.

#### *Industry composition, fragmentation and informality*

**24.** Developments in the last 20 years have had a strong impact on the composition of the industry. Fragmentation presents a particular set of challenges. Segmentation and fragmentation levels, for instance, including the increasing use of subcontracting, have intensified competition. Non-wage earning CMV drivers and small and medium-sized enterprises make up the majority of the freight transport industry. In some cases, misclassification of workers is an issue.

**25.** 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. Operating a small road transport business, including as a self-employed worker or owner-operator, can be the road to opportunity, financial independence and flexibility. A strong framework of business and safety regulations can encourage these small businesses and ensure they comply with national laws and regulations.

**26.** 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. Informal workers in the sector might be particularly vulnerable, as they may lack access to social protection mechanisms and work with low levels of income, productivity, skills, technology and capital. Informal transport service provision is mostly present in low- and middle-income countries, for both freight and passenger transport services. Informal working opportunities also give rise to occupational safety and health (OSH) and public safety concerns.

**27.** 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. 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.

### *Linking road safety to decent work*

**28.** The promotion of decent work and road safety is the shared and collaborative responsibility of governments, social partners and road transport chain parties.

**29.** 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 without directly reaching those entities that are at the root of these practices.

### *Digitalization*

**30.** Digitalization and organizational innovations can contribute to reducing accidents and providing information on accident causation, but ethical and privacy concerns are also to be considered.

**31.** The digitalization of road transport logistics and documents will have an impact on the management of freight and passenger flows. The development of international standards in logistics and mobility can ensure interoperability, the data transparency of digital information in the supply chain and the elimination of modal silos in line with protection of personal and trade data.

### *Automation*

**32.** Tests such as automated driving, assistant driver systems and platooning have been introduced through pilot programmes. In the light of the various types of automation currently under consideration, these technologies do not represent the only solution to address negative road safety outcomes and driver shortage issues within the industry. However, they will change the profession and the skills needed.

**33.** Depending on the level of vehicle automation and types of skills required, effective social dialogue and updating competencies and training policies can help to effectively manage the transition and train the road transport sector's workforce for skill transfers.

### *Demographics and gender*

**34.** In some countries, there is a significant ageing of the CMV driver workforce. Consequently, there will be an "ageing out" of experienced drivers and an influx of younger, CMV drivers with less experience. Therefore, there will be a need to ensure that CMV drivers are properly trained.

**35.** The road transport sector is still highly male-dominated and gendered. As a result, women's voices are too often neglected in transport planning and the pursuit of decent work. A particular barrier for women is lack of access to welfare facilities, particularly sanitation. Women in the sector often find themselves stuck in jobs that are low- or lower-paid or have a low or lower status relative to men, with few if any opportunities for career development.

### *Environment and climate change*

**36.** The greening of jobs and the promotion of green jobs, both in traditional and emerging sectors, will foster a competitive, low-carbon, environmentally sustainable economy and patterns of sustainable consumption and production, and will contribute to the fight against climate change.

## ► Part 2. Promotion of decent work and road safety

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### IV. Fundamental principles and rights at work and relevant international labour standards

**37.** Governments and social partners have the responsibility to ensure that the ILO [Declaration on Fundamental Principles and Rights at Work and its Follow-up](#) (1998) and relevant ratified ILO Conventions protect and apply to all road transport workers under the conditions set out in each Convention.

**38.** Governments must:<sup>10</sup>

- a) recognize the important role of social partners in the road transport sector, taking into account the [Freedom of Association and Protection of the Right to Organise Convention, 1948](#) (No. 87), and [Right to Organise and Collective Bargaining Convention, 1949](#) (No. 98);
- b) respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind, taking into account the [Equal Remuneration Convention, 1951](#) (No. 100), the [Equal Remuneration Recommendation, 1951](#) (No. 90), the [Discrimination \(Employment and Occupation\) Convention, 1958](#) (No. 111), and the [Discrimination \(Employment and Occupation\) Recommendation, 1958](#) (No. 111);

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<sup>10</sup> The Governing Body of the International Labour Office has identified eight Conventions as fundamental to the rights of human beings at work, irrespective of the level of development of individual member States. These rights are a precondition for all the others, in that they provide a necessary framework in which to strive freely for the improvement of individual and collective conditions of work. The ILO [Declaration on Fundamental Principles and Rights at Work and its Follow-up](#), adopted in June 1998, highlights this set of core labour principles endorsed by the international community. The Declaration applies to all States belonging to the ILO, whether or not they have ratified the core Conventions. See ILO: [The International Labour Organization's Fundamental Conventions](#), 2003.



- c) take measures to prevent and eliminate child labour in road transport services, taking into account the [Minimum Age Convention, 1973 \(No. 138\)](#), the [Minimum Age Recommendation, 1973 \(No. 146\)](#), the [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#), and the [Worst Forms of Child Labour Recommendation, 1999 \(No. 190\)](#);
- d) pursue policies that prevent and eliminate the use of compulsory labour in road transport services, and to protect victims and provide access to remedies, in accordance with the [Forced Labour Convention, 1930 \(No. 29\)](#), and its [Protocol of 2014](#), and the [Abolition of Forced Labour Convention, 1957 \(No. 105\)](#).

**39.** Employers, employers' organizations and road transport chain parties should, as far as is reasonably practicable:

- a) remove obstacles to, and interference with, the activities of free and independent trade unions representing CMV drivers that are contrary to national law or the fundamental principles and rights at work;
- b) provide workers' representatives with the facilities necessary to conduct their normal activities and the freedom to hold meetings and obtain access to CMV drivers' workplaces and contracting and OSH documentation. The granting of such facilities should not impair the efficient operation of the undertaking concerned. Guidance can be provided by the [Workers' Representatives Convention, 1971 \(No. 135\)](#);
- c) ensure that the minimum age of CMV licensing and employment is respected;
- d) take immediate and effective measures to prevent and eliminate child labour, forced labour and discrimination;
- e) ensure that CMV drivers are not forced to work in violation of driving time or working-time legislation or without adequate remuneration or payment, as provided under national law or applicable collective agreements;

- f) develop policies to promote non-discrimination and equal treatment of under-represented groups, ensuring that these policies are clearly communicated and made accessible to management, supervisors and workers;
- g) promote and implement due diligence in accordance with the United Nations [Guiding Principles on Business and Human Rights](#) remedy framework to ensure respect for the fundamental principles and rights at work of CMV drivers;
- h) ensure that wage-earning CMV drivers are paid equal pay for work of equal value and that their pay respects the minimum wage established for the sector, where applicable;
- i) take the appropriate actions with regards to their OSH obligations in line with the [Occupational Safety and Health Recommendation, 1981 \(No. 164\)](#).

**40. CMV drivers and workers' organizations should:**

- a) promote CMV driver education, including on their rights and obligations, road safety, professionalism and ethics;
- b) address practical challenges to the freedom of association and the effective recognition of the right to collective bargaining of CMV drivers, in particular those in non-standard forms of employment or those who are prevented from obtaining access to courts due to arbitration clauses and other types of waiver;
- c) generate social awareness and mobilization against the use of child labour, forced labour and discrimination;
- d) engage with governments and employers' associations in the monitoring of discrimination in road transport work by, for example, establishing complaint procedures, addressing equality concerns in collective bargaining agreements, setting up gender committees and promoting pay equity;
- e) take the appropriate actions with regards to their OSH obligations in line with [Recommendation No. 164](#).

### ***Coercion and forced labour***

**41.** Employers and road transport chain parties should ensure that:

- a) CMV drivers are not forced to work:
  - i) in violation of driving time and/or working-time legislation under national law and in collective agreements;
  - ii) without adequate remuneration or payment under national law and in collective agreements;
  - iii) in violation of national laws and regulations, in particular those applicable to speed limits and the size, weight and load of CMVs (such as overweight operations);
- b) that CMV drivers temporarily working in other countries, including drivers from lower income countries, are not subject to exploitative conditions, which are not only detrimental to themselves but may also lead to unfair competition and illegal international operations.

**42.** Exploitative conditions that have an impact on road safety may exist even where adequate social rules and legislation are in place. Governments should focus on the quality of enforcement and inspection. Increased cooperation and harmonization with regard to the interpretation of rules and requirements is particularly important in jurisdictions with fragmented enforcement.

### ***Forced labour and child labour***

**43.** In some countries, practices in the recruitment of companions, assistant CMV drivers and mechanics may involve the trafficking and sexual exploitation of children and adolescents. Sensitization and enforcement campaigns should be conducted in regions in which these practices have been reported and should seek to combat demand while adopting a neutral, human and impartial approach to victims of sexual exploitation.<sup>11</sup>

<sup>11</sup> United Nations, *Fact sheet on the Secretary-General's initiatives to prevent and respond to sexual exploitation and abuse*, Jan. 2019.

Governments and social partners should develop appropriate reporting mechanisms to investigate cases of trafficking and/or sexual exploitation through grievance and redress procedures that do not criminalize victims.

### *Other dimensions for road transport operations*

**44.** Long-distance CMV drivers are away from home for extended periods of time. Training and sensitization efforts should aim to prevent risky sexual behaviour that harms both CMV drivers and their sexual partners/victims and should also ensure that sexual behaviour does not target minors or victims of sexual exploitation.

**45.** CMV drivers are the eyes of national highways and international trade corridors. This opportunity should be harnessed to create awareness-training and reporting mechanisms for drivers wishing to report or combat suspicious loads or behaviour, migrant smuggling, suspected terrorist attacks, human trafficking and sexual exploitation. Awareness-raising or reporting mechanisms need to take into account the fundamental rights of the migrants who are being smuggled or the victims of human trafficking. Confidentiality should be ensured and CMV drivers reporting criminal actions should not suffer any kind of retaliation.

## **V. Employment**

### *A. Statistics and data on workforce characteristics*

**46.** Governments should identify and implement measures to better collect, disaggregate and disseminate data on CMV drivers, which may include, where appropriate:

- a) statistics on employment, turnover rates, working time and earnings by economic activity and occupation, allowing the identification of the share of employment represented by CMV drivers, as well as the comparison of their working time and earnings with those of the rest of the workforce. This implies

providing the CMV driver profession with its own disaggregation (by group, subgroup and unitary group) in national statistical, workforce and occupational databases and surveys, to the extent possible through the use of international standard classifications;<sup>12</sup>

- b) statistics on CMV drivers by status in employment, allowing the separate derivation of the number and share of CMV drivers who are employees, dependent contractors and independent workers;
- c) statistics on CMV drivers by sex, allowing the derivation of the number and share of women CMV drivers and their particular concerns with regard to OSH, thus facilitating the identification of opportunities for attracting and retaining women and related challenges;
- d) statistics on CMV drivers by age, allowing the derivation of information on the age composition and distribution of CMV drivers and the average and median ages of CMV drivers. This information is critical for designing policies to attract and retain workers, as well as for retirement and workforce planning;
- e) statistics on CMV drivers by ethnic group and national origin, allowing the derivation of information on the ethnic or national composition of CMV drivers, thus facilitating the identification of opportunities for attracting and retaining under-represented groups and related challenges;

<sup>12</sup> Based on either:

- statistics on employment by economic activity, using the International Standard Industrial Classification of All Economic Activities (ISIC, Rev.4), Section H, "Transportation and storage", Division 49, "Land transport and transport via pipelines";
- or statistics on employment by occupation, using the International Standard Classification of Occupations (ISCO-08), Major Group 8, "Plant and Machine Operators and Assemblers", "Sub-Major Group 83", "Drivers and Mobile Plant Operators".

- f) statistics on CMV drivers by educational level, allowing the identification of skills and training requirements;
- g) statistics on CMV drivers by demand, allowing the measurement of levels of driver shortage;
- h) statistics on CMV drivers by whether or not they have an employment contract, allowing the derivation of the share of CMV drivers who have an employment contract;
- i) statistics on CMV drivers by whether or not they are covered by social security, allowing the derivation of the share of CMV drivers covered by social security;
- j) percentage of CMV drivers covered by a collective agreement;
- k) statistics on working time of CMV drivers, distinguishing breaks, night shifts, asocial hours, rest periods, driving periods and the incidence of overtime;
- l) statistics on occupational injuries to, and crashes involving, CMV drivers;
- m) statistics on the market share of transport services provided by wage-earning CMV drivers and non-wage-earning CMV drivers, including estimates of whether these are informal.

**47.** The *Resolution concerning statistics on work relationships* (2018) adopted by the International Conference of Labour Statisticians recognizes the need to revise and broaden the existing standards for statistics on employment relationships and status in employment. It provides definitions to facilitate the improved statistical measurement of various aspects of the relationships between workers and the economic units for which their work is performed, including definitions of “dependent workers” and “independent workers”.

**48.** Governments may, where appropriate, identify and address any inconsistencies of the sectoral data gathered by their social security administrations, transport and licensing authorities and statistical bodies and institutes.

## ***B. Shortages and turnover***

**49.** A number of countries are experiencing CMV driver shortages and high turnover rates for road transport operations. Lack of participation by women means that the industry is failing to benefit from a fully represented workforce. Shortages and turnover impact productivity, efficiency and driver professionalization and pose challenges for the road transport sector and road transport chain parties. Governments, employers and road transport chain parties should promote measures to increase attractiveness and to facilitate future recruitment and retention benchmarks, which may include:

- a) a national or sectoral road transport operations strategy, including in accordance with the principles set forth in the [Employment Policy Convention, 1964 \(No. 122\)](#);
- b) industry strategies and communication campaigns to improve the image of the industry by:
  - i) promoting women's participation in the sector and countering the image of road transport services as male-dominated;
  - ii) attracting youth by publicizing the opportunities for work in the sector, including by highlighting the new opportunities offered by digitalization and automation;
- c) as part of the general career counselling and vocational guidance system, providing prospective drivers with neutral information on:
  - i) for all CMV drivers: employment opportunities; entrance requirements; possible pathways to becoming a driver via training schemes and apprenticeships; health-related services; and social protection schemes and programmes;
  - ii) for non-wage-earning CMV drivers: economic viability and vehicle operating costs, rates and other financial information;

- d) ensuring that public employment services and career advisers have adequate knowledge of the qualifications required to be a CMV driver;
- e) legislation and policies on training requirements to professionalize the sector, including by providing concrete support to vocational and training institutions and especially by recognizing diplomas and certificates issued, thereby demonstrating that such institutions offer training of the highest quality that fully complies with international rules and standards;
- f) providing financial incentives to companies and first-time CMV driver applicants who have made a commitment to invest in acquiring entrance-level skills through training, and financing the retraining of older workers to become CMV drivers;
- g) legislation and policies for maternity protection, for maternity, paternity and parental leave, and for leave for other family members with care needs and for reintegration into professional activity;
- h) the improvement of supply chain management practices on the part of employers and road transport chain parties in order to help CMV drivers to achieve better work-life balance, such as by providing improved planning of transport operations, eliminating coercion and reducing occupational stress, eliminating pressure to engage in unsafe on-road practices, providing the opportunity for drivers to spend off-duty rest periods at a location of their own choosing and providing increased access to childcare facilities;
- i) the improvement of the management practices of employers and road transport chain parties with the aim of ensuring that conditions of work and revenues will ultimately improve enough to attract new CMV drivers with better working conditions and remuneration and, if applicable, benefits packages;



- j) analyses, policy and action to alleviate obstacles to prompt payment by employers and road transport chain parties to non-wage-earning CMV drivers for services provided;
- k) analyses and action to alleviate obstacles, including gender-specific obstacles, to career and progression, with the aim of helping to keep CMV drivers competent, confident and satisfied with their jobs;
- l) the provision of safe and secure CMV drivers' welfare, rest and parking facilities;
- m) the provision of training opportunities linked to a CMV driver career and skills development path;
- n) the development, through research and social dialogue, of appropriate gender-responsive OSH policies and enforcement rules;
- o) a work environment free of violence, harassment and discrimination, with training on respect for diversity that includes, but is not limited to, gender, sexual orientation and gender identity, disability, geographic origin, ethnicity and national origin for all staff, within the sphere of control of the employer;
- p) robust inspection and enforcement systems;
- q) redress and complaints legislation, policy or mechanisms that are accessible, equitable, independent and impartial for all CMV drivers.

### Tackling driver shortage: National employment strategy

**50.** In consultation with social partners and in line with [Convention No. 122](#), Governments, in order to tackle driver shortages, should implement national policy and action programmes by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

**51.** National policy and action programmes should recognize the road transport sector as a strategic area of economic activity that can play an important role in addressing road safety concerns.

**52.** Governments, social partners and road transport chain parties should consider establishing initiatives in the road transport sector. National policy and action programmes should list measures and criteria to prioritize investment in the sector, including but not limited to:

- a) formalization, the creation of enabling environments and reform through social dialogue;
- b) skills development framework and professionalization of the sector;
- c) measures to green transport operations, including fleet renewal and eco-driving training;
- d) infrastructure and welfare facilities, including safe and secure CMV parking, rest areas and bathrooms;
- e) digitalization to improve safety management systems (SMS), transparency of written documentation and redress mechanisms.

**53.** Governments should consider incentivizing road transport chain parties to implement safety devices/equipment or vehicle-related safety measures.

**54.** Policies and incentives in the road transport industry have the potential to exert influence by curbing greenhouse gas emissions. Vehicle operating costs will probably rise as the pressure increases for the industry to become more sustainable and environmentally friendly. To address environmental concerns, governments, social partners and road transport chain parties should actively promote:

- a) more effective means of organizing loads and passengers to minimize empty seats and runs: digitalization could add benefits to facilitate this process;

- b) the development of skills training for drivers, including to minimize fuel consumption such as by eco-driving and the safe use of alternative fuels;
- c) the deployment of green vehicle technology by making financing mechanisms available and accessible to fleets and providing the necessary infrastructure improvements to green the sector.

### ***C. Diversity and industry image***

**55.** Despite recent efforts, CMV driver workforces do not generally reflect the diversity of the populations, employers, workers and passengers they serve. Governments and social partners should focus on the need to achieve greater gender, ethnic and other diversity of CMV drivers. Enhanced and sustained efforts are required to eliminate prejudice and discrimination in line with the equality of employment of opportunity and treatment principles set out in [Convention No. 111](#) to attract more:

- a) women;
- b) migrants and refugees (to the extent that they are lawfully entitled to work), while ensuring that all CMV drivers are trained and licensed as necessary under national laws;
- c) veterans;
- d) older and younger drivers (while avoiding child labour and the interruption of compulsory schooling and ensuring that all CMV drivers are trained and licensed as necessary under national laws, bearing in mind the provisions of section XI of the present guidelines (see paragraphs 141–154 below));
- e) persons with disabilities that do not affect their capacity for safe driving.

**56.** In order to enhance diversity, governments and social partners, by means of social dialogue, should undertake to define and implement a policy on diversity in road transport, including such planning and management tools as:

- a) monitoring, and following up the sector's employment composition over time, based on age, gender, ethnicity and national origin;
- b) establishing objective and fair recruitment and selection criteria;
- c) an objective and fair system of evaluating results that does not penalize CMV drivers who use legal or internal redress or grievance mechanisms to denounce discriminatory practices;
- d) developing and implementing all-inclusive CMV driver career development plans.

**57.** Governments, social partners and road transport chain parties should:

- a) make efforts to attract and train more women and under-represented groups to join the sector;
- b) take into consideration issues related to work-life balance, including working and driving times, shift-working and the location of employment (driving long distances to and from home to have access to the CMV).

**58.** Social partners should promote women-based groups within their unions and employer organizations (such as women's committees) to provide more effective guidance in featuring women's issues on the sector's agenda. Gender-responsive policies for the sector should address, among others:

- a) issues such as the availability of accessible free and clean toilets and welfare facilities in safe, secure and convenient locations, bringing attention to issues of dignity, modesty and frequency, which may need to be addressed differently for men and women;
- b) measures to combat sexual harassment, violence, stereotypes and discriminatory practices.

**59.** CMV drivers with family responsibilities should benefit from conditions of effective equality of opportunity and treatment. The [Workers with Family Responsibilities Convention, 1981 \(No. 156\)](#) provides relevant guidance to this effect.

**60.** Special programmes seeking to incorporate refugees and other forcibly displaced persons into the sector should be formulated in accordance with the [Guiding principles on the access of refugees and other forcibly displaced persons to the labour market](#) (2016).

#### ***D. Employment arrangements***

**61.** “Non-standard forms of employment” is an umbrella term for different employment arrangements. Non-standard forms of employment include, among others, fixed-term contracts and other forms of temporary work, temporary agency work and other contractual arrangements involving multiple parties, disguised employment relationships, dependent self-employment and part-time work.

**62.** Governments, social partners and road transport chain parties can implement a number of measures to protect and maintain decent work for workers in non-standard forms of employment in line with the [Conclusions of the Meeting of Experts on Non-Standard Forms of Employment](#) (2015).

**63.** In order to guarantee the effective protection of workers who perform work in the context of an employment relationship or within its scope, governments should enact policies and legislation.

#### **Transition from the informal to the formal economy**

**64.** In line with the [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#), a determined effort is needed in some countries to transition existing CMV drivers out of the informal economy and into the formal economy. Success in this effort depends upon the joint participation by governments with social partners to define successive target goals, implement those goals and conduct regular proactive evaluation of these joint efforts. Such a transition requires that the levels of

qualifications of existing CMV drivers labouring in the informal sector are raised to levels which enable them to become qualified as professional CMV drivers and thereby to be fully integrated into the formal economy.

**65.** Governments should support an enabling environment for employers and workers to exercise their right to organize and to bargain collectively and to participate in social dialogue in the transition to the formal economy. In designing this environment, Members should consult with and promote active participation of the most representative employers' and workers' organizations, which should include in their ranks, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy.

### Documentation of arrangements

**66.** Governments should enact and enforce provisions for the necessary documentation to employ or contract CMV drivers.

**67.** The transparency of contractual relations is important in the road transport sector. Informality and the lack of documentation and records of commercial transactions can occur in the sector in many parts of the world. Governments should address the fact that CMV drivers operate without any evidence of their contractual relationship or terms of services. This limits monitoring and enforcement activities to improve road safety for the general public.

**68.** Wage-earning CMV drivers should be kept informed of their specific terms and conditions of employment, including any probation, preferably through a written contract in a language the CMV driver can understand, in accordance with national laws and regulations. Such terms and conditions should also include those derived from applicable collective agreements.

**69.** Non-wage-earning CMV drivers should be kept informed by road transport chain parties of their specific terms and conditions of service through a written contract provided prior to the start

of the service engagement. To ensure transparency in transport operations and services, this information should include:

- a) the names and contact details of the parties to the contract;
- b) the nature of the road transport service to be provided by the CMV driver;
- c) the nature, duration, start and finish date of the contract;
- d) the amounts and types of payments to be made to the CMV driver for the road transport service, including those incurred for overtime, including special provisions for cross-border drivers;
- e) the definition of any adjustments or deductions that may be made to the payment, in the final settlement;
- f) the number of hours of work, including breaks, and other relevant OSH considerations;
- g) valid taxation information;
- h) insurance coverage information for personal road traffic injuries in case of crashes;
- i) the provision, if a service engagement, that the payment of undisputed amounts will be made within 30 days of the date of the receipt of the invoice or claim for payment under a consignment note, waybill or similar transport carriage document.

## VI. Working conditions

**70.** Road transport chain parties can set logistics and just-in-time requirements, in both passenger and freight transport operations, that have a significant impact on the industry and could lead to unsafe and unsustainable practices.

**71.** Road transport workers should not be excluded from general labour legislation. When excluded, however, specific regulations should exist for this sector.

**72.** The terms and conditions of transport work and services should be determined in accordance with national laws and regulations or through collective bargaining conducted at the appropriate level according to national laws and practice. Remuneration and other terms and conditions of employment and services should be an integral part of the policies designed to attract, recruit, train and retain well-qualified, safe and experienced CMV drivers.

#### ***A. Sustainable payments***

**73.** The remuneration of wage earning and non-wage-earning CMV drivers should be sustainable and take into consideration the goals of increasing the attractiveness and sustainability of the industry.

**74.** Governments should monitor the share of freight and passengers transported by non-wage-earning CMV drivers in order to ascertain the risks this situation could represent.

#### **Payments for non-wage-earning CMV drivers**

**75.** Through national regulation, governments should ensure that non-wage-earning CMV driver contracts are transparent and that invoices or claims for payment are paid within 30 days (in line with subparagraph i) of paragraph 69).

**76.** In consultation with social partners and road transport chain parties, governments should establish mechanisms to encourage predictable cost recovery for non-wage-earning CMV drivers by making provisions to support:

- a) recovery of fixed costs – typical fixed or annual business costs that a business must pay each year regardless of how many kilometres a vehicle travels;
- b) recovery of variable costs – typical variable business costs, i.e. costs (such as fuel and tyres) that vary with how many kilometres are travelled;



- c) payment for personal labour at the national minimum-wage rate or higher, as determined by paragraph 78;
- d) return on investment;
- e) remuneration for both driving and subsidiary non-driving work activities, as defined in paragraph 81.

**77.** Governments, social partners and road transport chain parties should promote, in law and practice, adequate remuneration and sustainable payments for CMV drivers. This should be accompanied by measures targeting enforcement to combat the overloading and overweighting of CMVs.

### Payments for wage-earning CMV drivers

**78.** In countries in which a minimum wage is officially published, it should be established in line with the [Minimum Wage Fixing Convention, 1970 \(No. 131\)](#).

**79.** If no minimum wage is officially published, governments, in consultation with social partners, should set up machinery whereby wages and other conditions for wage-earning CMV drivers be established. For this purpose, account should be taken of adequate remuneration, equal remuneration for work of equal value, and industry and social factors should also be taken into account.

**80.** In setting minimum wages for wage-earning CMV drivers, governments should:

- a) directly involve the social partners in the framing of all necessary provisions;
- b) provide for contributions to social entitlements, such as workers' compensation insurance coverage;
- c) provide for payment for both driving and subsidiary non-driving work activities, as defined in paragraph 81.

**81.** The calculation of rates for wage-earning CMV drivers should also take into account remuneration for time spent on reasonably

required subsidiary non-driving work activities including the following:

- a) time required to prepare and maintain a CMV;
- b) time expended in relation to loads intended to be carried by a CMV;
- c) other non-driving time expended within the road transport journey.

**82.** Governments should provide an adequate system of inspection that has the authority to conduct investigations on “chain of responsibility principles” with a view to ascertaining whether such wages are in fact being documented and applied and to take such steps as may be authorized to deal with infringements.

### ***B. Working and driving times***

**83.** Governments should regulate driving times and breaks applicable to CMV drivers. The [Hours of Work and Rest Periods \(Road Transport\) Convention, 1979 \(No. 153\)](#), and the [Hours of Work and Rest Periods \(Road Transport\) Recommendation, 1979 \(No. 161\)](#), establish a specific reference standard for the road transport sector.<sup>13</sup>

**84.** The United Nations [European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport \(AETR\)](#)<sup>14</sup> is an international agreement that also establishes a reference standard for the sector. The [AETR Agreement](#) regulates the driving times and rest periods of professional drivers. It also defines the control devices that are used to control those periods and sets technical requirements

<sup>13</sup> The Working Party on Policy Regarding the Revision of Standards considered that [Convention No. 153](#) and [Recommendation No. 161](#) should be revised (for information on the corresponding work of the Working Party, see GB.271/LILS/WP/PRS/2, paras 79–90; [GB.271/LILS/5\(Rev.1\)](#), paras 65–74; and [GB.283/LILS/WP/PRS/1/2](#), para. 43). These standards will be examined by the Standards Review Mechanism Tripartite Working Group in accordance with its initial programme of work.

<sup>14</sup> The [AETR Agreement](#) may be ratified by all United Nations Economic Commission for Europe Member States and is additionally open for accession to Algeria, Jordan, Lebanon, Morocco and Tunisia.

for the construction, testing, installation and inspection of these devices. The [AETR Agreement](#) also lays down requirements for the monitoring of driving hours by enforcement authorities.

**85.** Driving times involve the safety of CMV drivers and road users. Governments should take into consideration that road freight and long-distance passenger transport services demand flexibility and may necessitate the adoption of complementary driving and working-time rules for the sector. On the other hand, employers and road transport chain parties should schedule and dispatch CMV drivers with enough flexibility so that they can find the nearest safe parking or welfare facility location before their driving time is exhausted.

**86.** The nature of the CMV drivers' work may call for national laws and regulations in line with the [Night Work Convention, 1990 \(No. 171\)](#), and the [Night Work Recommendation, 1990 \(No. 178\)](#).

**87.** There have been a number of divergent if not conflicting interests to be reconciled surrounding the definition of duration of work, its application to non-wage-earning CMV drivers, competition and road safety targets. Governments should consider the regulation of hours of work of non-wage-earning CMV drivers.

**88.** Governments should combine driving and working-time legislation and regulations for the road transport sector with a strategy to support, together with social partners and road transport chain parties, and efforts to make real estate and technology available to build and/or improve safe and secure CMV parking areas and welfare facilities.

**89.** Governments should provide an adequate system of inspection that has the authority to conduct investigations on chain of responsibility principles with a view to ascertaining whether driving and working times are in fact being documented and applied and to take such steps as may be authorized to deal with infringements.

## VII. Occupational safety and health

### General provisions

**90.** The road transport sector has high OSH risks compared to other sectors. Accidents result in high societal, economic and reputational costs. Their incidence can be reduced by regulating working hours, training drivers and adopting licensing regulations, as well as by adopting measures that address, for example, on-the-job stress, fatigue and distraction. Fleet age, vehicle maintenance and workplace ergonomic issues also have an impact on road safety.

**91.** Governments, social partners and road transport chain parties should to the extent it is within their responsibilities:

- a) develop and implement OSH protocols, in line with the [Promotional Framework for Occupational Safety and Health Convention \(No. 187\)](#);
- b) provide sufficient financial and human resources to effectively identify and prevent occupational and road safety risks, and should implement instruments and guidelines prepared by the ILO, other United Nations institutions and regional bodies;
- c) develop and implement OSH protocols, occupational risk management systems in transport, a gender-responsive approach to OSH, awareness campaigns, education and open communication developed through dialogue aimed at the improvement of road safety, and meaningful and safe workplaces.

**92.** Providing training raises awareness of risks and therefore contributes to lowering crash rates. CMV drivers should be trained and committed to adopting preventive measures and proactive behaviour with regard to OSH standards, policies and plans.

**93.** Preventive measures and plans should be taken both within institutional settings and outside them, where risks caused by other road users cannot be controlled and it is more difficult to take routine precautions. Particular attention should be paid to risk factors such as: crashes or accidents; long working hours; limited

rest breaks; physical injuries; heat stress; violence, including gender-based violence; and exposure to harmful substances.

**94.** Given the high exposure of CMV drivers to the risk of work injuries and diseases, governments and social partners should ensure that CMV drivers and their dependants are entitled to benefits for work-related sickness, injury or death, in accordance with national laws, regulations or practices, and should take measures to provide the corresponding protections.

### Safety management systems

**95.** Governments should bridge the gap between transport regulation and OSH legislation in order to better manage the relationship between the safety of the general public and road freight and long-distance passenger transport operations. This can be done in line with the *Guidelines on occupational safety and health management systems, ILO-OSH 2001*.

**96.** Compared to other transport modes (such as civil aviation and railways), the road transport sector lags behind in terms of SMS maturity. The industry can draw on good practices from other transport subsectors, in particular with regard to the use of safe driving plans, which are described in section XII of the guidelines (see paragraphs 155–183 below). Such plans should be provided to CMV drivers by employers and road transport chain parties for long-distance road freight and passenger transport operations and services.

**97.** An effective SMS requires CMV drivers to adopt a preventive safety culture and requires employers and road transport chain parties to develop and promote an OSH culture and OSH policies. These policies should at a minimum identify and evaluate risks and include a preventive and corrective management system. This has already been established for the industry in the area of transport services for dangerous goods.

**98.** CMV drivers should be empowered to report safety issues without fear of retribution or punishment, but rather should

operate on the explicit understanding that they make an essential contribution to ensuring the safety of the general public and road transport systems.

## **A. Safer drivers**

### **General provisions**

**99.** Research on the work-related diseases of CMV drivers is needed to inform policy-makers and others responsible for developing preventive tools and regulations. Certain health concerns are more prevalent among all CMV drivers; others may be more prevalent among women CMV drivers. These concerns may include stress, anxiety, depression, fatigue, ergonomic factors, musculoskeletal disorders, whole-body vibration disorders, obesity, obstructive sleep apnoea, diabetes, exposure to extreme temperatures, reproductive health issues including risk of miscarriage, high blood pressure, kidney disorders and effects related to the use of drugs and stimulants.

**100.** Governments, social partners and road transport chain parties should promote, implement and enforce laws, regulations and policies, to the extent it is within their responsibilities, with regard to:

- a) standardized training and commercial licensing procedures, as described in section XI of the present guidelines (see paragraphs 141–154);
- b) techniques, practices and steps for the safe loading and unloading of freight CMVs, in line with the [Maximum Weight Convention, 1967 \(No. 127\)](#), which prohibits the manual transportation of a load which, by reason of its weight, length and height is likely to jeopardize a worker's health or safety;<sup>15</sup>

<sup>15</sup> The Standards Review Mechanism Tripartite Working Group has recommended, and the Governing Body has confirmed, the classification of these instruments as standards "requiring further action to ensure continued and future relevance" (see [GB.331/LILS/2](#), para. 5d) and 30). The Governing Body has yet to decide on how to follow up the standard-setting recommendations of the Working Group on these standards (see [GB.331/LILS/2](#) para. 5a)).

- c) awareness-raising efforts with regards to safe ingress/egress motion of freight CMV cabins, as these account for a large proportion of workplace-related injuries for CMV drivers;
- d) the use of safety belts;
- e) the use of personal protective equipment (PPE) by workers as a last resort (after implementing other controls) and if freight collections and deliveries are to be made to sites that require the use of PPE;
- f) distraction and inattention, including the use of mobile phones and other devices;
- g) fatigue, working time, driving times, break periods and night work;
- h) the right of CMV drivers to remove themselves from coercion or a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health, and the right to be protected from undue consequences in accordance with national conditions and practice, and the duty to inform their supervisors;
- i) the dissemination of information on healthy food and exercise;
- j) the use, consumption and possession of drugs, controlled substances and alcohol;
- k) the periodic drug and blood alcohol content testing of CMV drivers, including testing at the roadside by police or government officers, which should be conducted fairly and confidentially, while providing education, prevention and treatment.

### Violence, harassment and stress

**101.** In line with the [Violence and Harassment Convention, 2019 \(No. 190\)](#), and the [Violence and Harassment Recommendation, 2019 \(No. 206\)](#), the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours

and practices or threats thereof, whether a single occurrence or repeated, that aim at, result in or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. These instruments protect all workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants and individuals exercising the authority, duties or responsibilities of an employer. They also place a particular focus on gender-based violence and harassment. Ratifying member States, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, should adopt an inclusive, integrated and gender-responsive approach to the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence and harassment involving third parties.

**102.** In addition, governments and social partners, insofar as it is reasonably practicable, should promote workplace practices that help to eliminate workplace violence, in line with the *Code of practice on workplace violence in services sectors and measures to combat this phenomenon* (2003). In fulfilling these objectives, cooperation between governments and social partners is essential in developing and implementing appropriate policies and procedures to minimize the risk of workplace violence.

**103.** In order to reduce the negative impact of stressors and their consequences and the incidence of violence and harassment against CMV drivers, governments, social partners and road transport chain parties, at the industry level, should also, to the extent it is within their responsibilities:

- a) undertake risk assessments of critical incident stress and the potential for theft, violence and harassment, based on up-to-date evidence and expert analysis;



- b) establish adequate stress and route management and protect CMV drivers and within reason immediate family members from the effects of cumulative or specific incidents of stress. Reasonable breaks must be protected, and CMV drivers must be free to dispose of their time during their breaks as they wish;
- c) adopt a zero-tolerance policy towards workplace violence and harassment, including by ensuring the scope to suspend, counsel, discipline and terminate the employment of wage-earning CMV drivers who demonstrate violent or harassing behaviour;
- d) intervene to address problems arising from violent incidents, including by providing support and assistance programmes, such as women's advocacy programmes, to victims and witnesses, and where necessary, by involving the police;
- e) put in place practical measures to address violence at work, including by ensuring good lighting, communication systems, safe staffing levels and commuting safety;
- f) with regard to cargo theft:
  - i) codify cargo theft in criminal codes and laws rather than in administrative laws and regulations;
  - ii) criminal processes should avoid the confiscation of CMVs, whenever possible, and in accordance with national legislation;
- g) provide appropriate training for managers and CMV drivers to reduce the likelihood of harassment and violence at work;
- h) arrange for regular and effective social dialogue on policies and measures to address the challenges of violence, harassment and stress related to transport work.

**104.** Governments and social partners should organize training efforts to raise awareness of, and provide crisis response solutions to, the threat of terrorism and other national security

concerns that could have an impact on CMV driver safety and stress levels. Furthermore, national security authorities should give further attention to the road transport sector in order to prevent attacks.

### Preventing exposure to chemicals, radiation and other hazardous substances

**105.** Training of CMV drivers should include awareness-raising and training to protect from the possible exposure to hazardous ambient factors and substances such as toxic fumes, smoke, vapours, dusts harmful chemicals, volatile organic chemicals and carcinogenic substances from diesel exhaust particulate matters and exposure to hazardous cargo and passenger refuse.

**106.** Drivers transporting dangerous goods are particularly vulnerable to additional risks and generally receive additional training. Governments, in consultation with social partners and road transport chain parties should ensure that adequate policies and regulations exist with regard to:

- a) the proper labelling of hazardous materials, including chemicals, in accordance with the [Chemicals Convention, 1990 \(No. 170\)](#) and the UN [Recommendations on the Transport of Dangerous Goods – Model Regulations](#);
- b) compulsory awareness-raising and training to inform CMV drivers and protect them from the risks of exposure to hazardous materials and the use of PPE;
- c) rules and regulations for the use of heavy metals and phosphine as insecticides in the transport of agro-foodstuffs.

**107.** Governments should adopt and implement appropriate regulations, such as the [Regulations for the Safe Transport of Radioactive Material \(2012\)](#) issued by the International Atomic Energy Agency, which include specific guidelines on the containment of radioactive contents and external radiation levels, as well as the prevention of criticality and damage caused by heat.

**108.** Governments and social partners should take the necessary steps indicated in the [Radiation Protection Convention, 1960 \(No. 115\)](#), to ensure that the exposure limits established by national authorities for CMV drivers at border-crossing points and other inspecting facilities are not exceeded and that CMV drivers are informed about the risks involved prior to their exposure.

### **Sexually transmitted infections, HIV and AIDS**

**109.** Governments and social partners should be committed to jointly address the issue of sexually transmitted infections, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), in line with the [HIV and AIDS Recommendation, 2010 \(No. 200\)](#). See Appendix B.

**110.** A tripartite sectoral approach should be promoted to address this issue in accordance with the measures set out in the *Conclusions on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector Measures (2006)*. The ILO has also issued *Driving for change: A training toolkit on HIV/AIDS for the road transport sector* (2008).

### **B. Safer vehicles**

**111.** In consultation with social partners, governments should:

- a) implement regulations and enforcement regarding periodic repair and documented maintenance programmes and consultations with CMV drivers to assist with the identification of hazards and the reduction of potential crashes;
- b) mobilize domestic and international resources to implement fleet renewal programmes, including those with public guarantee programmes to increase their accessibility to non-wage-earning CMV drivers;
- c) discourage the import of used CMVs, equipment, parts and used tires for the purpose of resale, as these may jeopardize the safety of CMV drivers, passengers and the general public, by:

- i) enacting and enforcing requirements for applicant importers or re-traders of CMVs and tires;
  - ii) conducting annual inspections to verify the operations and equipment of existing importers or re-traders;
  - iii) restricting or banning the import of non-complying CMVs and tires, in accordance with the text of the 1958 Agreement<sup>16</sup> and its addenda;
  - iv) tracking and monitoring CMV imports with registration numbers (such as chassis numbers);
- d) engage with the automotive industry to enhance ergonomic cabin and safety-belt designs<sup>17</sup> for safe and efficient operations that are responsive to women and the sizes and weights of national CMV drivers. The installation of driver safety monitoring equipment should be applied bearing in mind the dignity of workers;
- e) set adequate CMV inspection requirements in accordance with the text of the 1997 Agreement, as amended,<sup>18</sup>
- f) implement chain of responsibility principles in order to inspect, denounce and disincentivize overloading and other dangerous practices that might lead to CMV driver fines related to maximum weight laws;
- g) conduct research and draw a plan on adequate training, road safety and enforcement measures to support the safe operation of long combination vehicles or platooning.

<sup>16</sup> Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations (Revision 3) (see [E/CE/TRANS/505/Rev.3](#)), as revised (see [ECE/TRANS/WP.29/343/Rev.27](#)).

<sup>17</sup> *ibid.*, Addendum 15, UN Regulation No. 16 (safety belts).

<sup>18</sup> Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections ([ECE/RCTE/CONF/4](#)), as amended (see [ECE/TRANS/WP.29/1074/Rev.13](#)).

### ***C. Safer and more secure welfare facilities***

**112.** Welfare facilities play an essential role in ensuring transport worker wellness and decent working conditions. These facilities include bathroom, washing and other sanitary facilities and safe and secure CMV parking and resting areas. The lack of such facilities can have negative consequences for all transport workers, including women. Ensuring sufficient welfare facilities should be an integral part of the development and updating of road systems and infrastructures.

**113.** The lack of welfare facilities can have negative consequences for all transport workers, particularly women, who need access more frequently and for longer than men. Ignoring the specific needs of women workers is discriminatory, deprives women of basic dignity, stigmatizes them and puts them at greater risk of violence and of occupational ill health.

**114.** The provision of appropriate welfare facilities is an essential control measure for the prevention of workers' ill health arising from the exposure to hazardous substances and other contaminants. Such provision is essential to public health, to prevent the spread of disease and cross-contamination (for example in the transport of hazardous material).

**115.** CMV parking and welfare facility shortages constitute a fatigue and OSH concern for CMV drivers and consequently a risk to public safety. Governments should adopt measures to:

- a) respect the right to adequate sanitation;
- b) build and/or improve parking facilities that are tailored to CMVs;
- c) conduct research and develop a CMV parking and welfare facility strategy for different corridors and roads in order to build a network of safe and secure parking areas;
- d) consider the use and rezoning of public lands or any other alternatives to make real estate available, for safe and secure CMV parking and welfare facilities;

- e) refrain from temporarily closing rest areas and CMV parking facilities to store roadwork materials.

**116.** Governments, employers and road transport chain parties should, to the extent it is within their responsibilities:

- a) mobilize domestic and international resources for adequate road systems development and updating, including decent welfare facilities, bathrooms and rest areas, in particular real estate for safe and secure CMV parking areas, allowing drivers to take breaks, without loss of pay or victimization, and comply with driving time rules without fear of death, violence and theft;
- b) with the involvement of women CMV drivers, plan and design the provision of bathroom facilities at rest area locations, employer parking lots and road transport chain parties' warehouses and distribution centres and determine whether these should be unisex or gender-specific;
- c) develop adequate mechanisms to document and report on incidents of cargo theft and promote measures to prevent violence against, by or that has an impact on CMV drivers;
- d) harness the increased digitalization of the sector and available technology to develop online applications, including special products, which should ideally target and be specifically developed for CMV parking spaces.

#### ***D. Safer corridors and international border crossings***

**117.** Road network and highway system classifications have an impact on road safety, vehicle operating costs and profitability. There is currently no common classification suitable for all countries. However, in consultation with social partners, governments should seek to effectively and transparently coordinate local, state and federal classifications in order to improve road safety outcomes without disproportionately disrupting the operations of the industry, in particular those of non-wage-earning CMV drivers.

**118.** Governments and social partners have a mutual interest to work together to reduce the negative impact of the following challenges:

- a) illegal checkpoints in corridors;
- b) border delays due to deficiencies in infrastructure;
- c) facilities and control procedures at problematic border crossings;
- d) crime and sex trade in cross-border waiting areas, as these may create security risks for CMV drivers and their families, passengers, vehicles and cargo, and may disrupt communities in the surrounding areas.

**119.** One approach to improving the living and working conditions of international CMV drivers at problematic border crossings is to establish social dialogue and transport facilitation across international borders. The *Conclusions on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector Measures* (2006) include a road map and measures that could be implemented in this respect.

**120.** The creation or strengthening, at various levels, of tripartite cooperation and/or border-crossing monitoring and facilitation bodies, including representatives of all parties involved on both sides of problematic international borders, could help member States to understand and address current or persistent problems.

## VIII. Social security and employment injury protection

### Social security provisions

**121.** Governments and social partners should aim to ensure that CMV drivers and their dependants are progressively entitled to the full range of social security benefits, at a minimum to the extent required by national legislation or practices, as provided by the *Social Security (Minimum Standards) Convention, 1952* (No.

102) and, in relation to informal CMV drivers, [Recommendation No. 204](#). Whenever possible, governments should raise the levels of protection made available to CMV drivers to meet the more advanced ILO social security standards.

**122.** Where the entire range of statutory social security benefits is not applicable to all CMV drivers, governments and social partners should aim to progressively ensure that they benefit from at least basic social security guarantees, including access to essential healthcare and basic income security, as provided by the [Social Protection Floors Recommendation, 2012 \(No. 202\)](#).

**123.** In particular, in consultation with social partners, governments should consider:

- a) enacting comprehensive social security policy and legislation that combines contributory and non-contributory mechanisms in order to include within their coverage all CMV drivers, including non-wage-earning CMV drivers and micro- and small transport employers;
- b) ensuring that CMV drivers have effective access to medical care and benefit from income security in case of sickness, maternity, unemployment, employment injuries and occupational diseases, invalidity and old age, as well as protection for their dependent family members in case of the death of CMV drivers. In particular, employment injury schemes adapted to cover all CMV drivers should take into account, among others, illnesses or disabilities due to crashes, ingress and egress injuries and loading and unloading;
- c) promoting simplified contribution and tax collection mechanisms that are tailored to micro- and small enterprises and self-employed persons, with a view to extending social security coverage to these categories of enterprises and workers and promoting their transition from the informal to the formal economy;
- d) extending social security to informal CMV drivers;



- e) promoting and monitoring compliance with existing mandatory legal frameworks in order to ensure that every CMV driver effectively enjoys protection under the national social security system;
- f) ensuring that drivers can effectively access benefits and services, if and when necessary, taking into account their work arrangements and high mobility;
- g) developing contributory and non-contributory programmes and schemes based on length of service and/or previous earnings or residence;
- h) creating and promoting incentives for compulsory affiliation to existing schemes by wage and non-wage-earning CMV drivers, and where this is not possible, voluntary affiliation to these schemes;
- i) exploring the potential of cooperatives for facilitating access to social security for CMV drivers, especially for non-wage-earning CMV drivers, in line with the [Promotion of Cooperatives Recommendation, 2002 \(No. 193\)](#).

**124.** Social partners should play a role in leading and negotiating agreements in order to increase and realize social security coverage options for wage-earning CMV drivers.

### Road safety, violence and the role of social security institutions

**125.** Governments along with social partners should promote and strengthen the role of social security institutions in violence prevention and build their capacity since these institutions play an important part in violence prevention.<sup>19</sup> Their tasks may include:

- a) supporting transport employers;

<sup>19</sup> See International Social Security Association (ISSA): [Hamburg Declaration against Violence, Attacks and Aggression at the Workplace: Guidelines](#), section on Prevention in Transport, 2015.

- b) providing suitable tools for the prevention of violence and attacks;
- c) establishing structures to help victims of occupational violence;
- d) offering seminars and supporting training by experts;
- e) initiating research;
- f) disseminating knowledge and facilitating knowledge transfer;
- g) establishing a sustainable network for the prevention of violence and harassment at work.

### Employment injury protection

**126.** National legislation concerning employment injury benefits for CMV drivers should be aligned with international labour standards, including [Convention No. 102](#), the [Employment Injury Benefits Convention, 1964 \[Schedule I amended in 1980\] \(No. 121\)](#), and the [Employment Injury Benefits Recommendation, 1964 \(No. 121\)](#).

**127.** Governments should prioritize the establishment of robust, comprehensive and sustainable national social insurance and/or compensation schemes. Employment injury protection schemes for all CMV drivers should take into account, among others, illnesses or disabilities due to crashes, ingress and egress injuries and loading and unloading.

**128.** In accordance with national laws, conditions and practice, employers should: ensure that wage-earning CMV drivers are covered against contingencies due to employment injury, including a morbid condition; incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation; total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.

**129.** In consultation with social partners, governments should develop employment injury benefits programmes and workers' compensation funds adapted to the needs and circumstances of CMV drivers, including by providing:

- a) cash benefits to victims of crashes, work accidents or occupational diseases in case of temporary incapacity to work or permanent disability, total or partial, resulting in loss of earning capacity;
- b) access to medical care and allied care benefits with a view to maintaining, restoring (if possible) or improving the health of injured workers and their ability to work and attend to their personal needs;
- c) rehabilitative and employment promotion measures;
- d) cash benefits to dependent family members in case of death of a CMV driver due to an employment injury or occupational disease.

## ► Part 3. Means of action

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### IX. Social dialogue and tripartism

**130.** 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, regardless of their type of employment relationships, including in the road transport sector.

**131.** All road transport chain parties should be encouraged to participate in social dialogue. However, there is no one-size-fits-all approach to organize and strengthen social dialogue for the road transport sector. The presence of CMV drivers who provide their services through direct employment and commercial services contracts does not necessarily translate into poor working conditions or entail illegal operations, provided that employers and other road transport chain parties do not misuse them to circumvent their legal and contractual obligations and other employment-related responsibilities.

**132.** Social dialogue in all its forms contributes to decent work and the OSH of CMV drivers. Tripartite social dialogue processes may play a key role in the development of transport services.

**133.** In an increasingly interconnected world of work, spaces for cross-border social dialogue have multiplied in response to advancing globalization and regional integration as highlighted by the *Conclusions of the Meeting of experts on cross-border social dialogue* (2019).

**134.** The creation of enabling environments should be at the foundation of any reform for the road transport sector. Governments must guarantee the fundamental rights of freedom of association and the effective recognition of the right to collective bargaining,

as provided in section IV of the present guidelines (see paragraphs 37–45 above). In addition, in consultation with social partners, governments should:

- a) design and implement transparent policies and strategies that are favourable to the transition from the informal to the formal economy and the creation and development of sustainable enterprises, in line with [Recommendation No. 204](#) and the *Conclusions concerning the promotion of sustainable enterprises* (2007);
- b) support capacity-building efforts for social partners to build strong and representative employers' and workers' organizations that represent interlocutors between the industry and its CMV drivers;
- c) strengthen and if necessary reorganize the organizational structure, responsibilities and competences of road transport, road safety and labour authorities to buttress the governance architecture of road safety and the sector.

**135.** Governments should develop innovative approaches, including initiatives to ensure that the exercise of freedom of association and the effective recognition of the right to collective bargaining are extended to, and respected in, employment relationships where they have not traditionally been available, and to new and emerging forms of employment, and that those workers are able to enjoy the protection afforded to them under the applicable collective agreements, in accordance with applicable laws and national circumstances.

## **X. Fair recruitment and sustainable procurement and contracting practices**

**136.** CMV driver recruitment, procurement and outsourcing practices vary greatly, both from the road freight industry to the road passenger transport service industry and from country to country.

**137.** Outsourcing is and will continue to be a dominant trend in the sector. Thus, there is a need for internal or external recruiters to manage that process in order to meet the sector's demand for workers.

**138.** To ensure fair recruitment and procurement practices, the work of governments, social partners and road transport chain parties should be informed by the following instruments and principles:

- a) For wage-earning CMV drivers in private employment, the following principles provide a road map for recruitment practices:
  - i) the [Private Employment Agencies Convention, 1997 \(No. 181\)](#);
  - ii) the [General principles and operational guidelines for fair recruitment](#) (2019).
- b) For wage-earning CMV drivers in public employment, depending on the country, the following principles provide a road map for recruitment practices:
  - i) the [Employment Service Convention, 1948 \(No. 88\)](#).
- c) for non-wage-earning CMV drivers, the following principles provide a road map for procurement and contracting management processes:
  - i) the [Labour Clauses \(Public Contracts\) Convention, 1949 \(No. 94\)](#), covers procurement and subcontracting by public authorities.

**139.** CMV drivers should be protected, in law and in practice, from misleading information, recruitment fees and related costs, advertising about sign-on bonuses and training, or CMV leasing opportunities that might later lead to abusive practices and unlawful wage or payment or settlement deductions.

**140.** In view of the number of facilitated immigration programmes for attracting foreign CMV drivers, governments should ensure that these programmes place national and migrant CMV drivers on an equal footing in terms of training opportunities, licensing costs and working conditions. In particular:

- a) the principle of equal remuneration for work of equal value referred to in [Recommendation No. 111](#) should apply more generally, so that migrant CMV drivers and national CMV drivers should enjoy equality of treatment with regard to remuneration;
- b) where applicable, migrant CMV drivers should be provided with training in their language in line with the [Migrant Workers Recommendation, 1975 \(No. 151\)](#).

## **XI. Training and professionalization of the sector**

### ***A. General provisions and importance***

**141.** In some countries, progress in the professionalization and training of CMV drivers and similar progress for other occupations of the road transport industry have been achieved in recent years. Nevertheless, the road transport industry continues to face significant training and skills gaps and workforce gaps, which in many countries are widening as a result of unprecedented motorization and increased demand.

**142.** The neglect of training in some countries is one of the causes of the low status and high turnover of CMV drivers in the industry, which lessens productivity and standards of service. Governments and social partners should agree on their common interest in establishing generally recognized training standards and in promoting active training measures. Governments should take the initiative in the introduction of adequate training schemes, including lifelong learning, for all workers who are engaged in, or have responsibility for, the operation, maintenance or supervision of road transport vehicles.

**143.** In consultation with social partners, governments should urgently professionalize driver training, taking into account road safety, environmental and pollution control, the image of the industry, capital invested and public interest.

**144.** Increased harmonization and international standardization of driving licence or driving permit regulations is required to ensure the harmonization of training efforts. These regulations should be sufficiently strict and more in keeping with licensing regulations for other forms of transport.

## ***B. Licensing***

**145.** In order to ensure that professional drivers are sufficiently responsible and mature to deal with all the circumstances that may arise in the course of their duties, governments should not issue licences for certain categories of vehicles to drivers who are below the following minimum age limits or such other graduated age limits that are set by national regulations:

- a) 18 years for freight CMV vehicles with a maximum laden weight of 7.5 tons;
- b) 21 years for freight CMV vehicles with a maximum laden weight in excess of 7.5 tons and for all articulated vehicles;
- c) 21 years for all passenger CMV vehicles.

**146.** This should not exclude young persons from the age of 18 being 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 freight CMV vehicles or a provisional licence in accordance with specific national regulations and international regulations, as applicable.

**147.** Governments should make available to employers and road transport chain parties transparent and digitalized databases



on licensed CMV drivers to enable them to avoid employing and hiring CMV drivers with illegal, invalid or suspended commercial drivers' licences.

### ***C. Raising the level of qualifications***

**148.** A professional CMV driver is one who has passed an examination of competency and a medical examination. For obtaining a commercial driving licence, governments should establish regulations requiring:

- a) a comprehensive driving test;
- b) initial and pre-employment and periodical testing conforming to minimum fitness requirements.<sup>20</sup> These examinations should be carried out fairly and confidentially and should be accompanied by education, prevention and treatment programmes. Appropriate and independent appeals procedures should be made available to CMV drivers.

**149.** In consultation with social partners, governments should establish training regulations to specify the duration and content of training as well as examination requirements.

**150.** Governments should encourage participation in and enact legislation regarding systematic and recognized training for driving specific categories of CMVs. When systematic and controlled training of CMV drivers has become a widespread and generally accepted practice, the exercise of this occupation should be dependent on reaching an officially recognized level of qualifications that is proved in a final trade examination and designed to ensure that the trainee has properly assimilated the instruction given to him/her during such training.

<sup>20</sup> The last known international guidelines for medical examinations of drivers of light and heavy motor vehicles were prepared by the Consultant Group on Medical Requirements for the Licensing of Motor Vehicle Drivers (WHO/UN/ILO and International Federation of Ophthalmology), upon the recommendation of the WHO Committee of Experts on the Licensing of Motor Vehicle Drivers. See WHO: *Guiding principles in the medical examination of applicants for motor vehicle driving permits*, 1956.

**151.** Governments should issue a certificate, endorsement or diploma when a candidate passes an examination to drive a particular category of CMV. For this purpose, where applicable, an adequate training infrastructure, including suitable and sufficient training facilities, should be created where these do not yet exist.

**152.** A determined effort to ensure 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, updating knowledge and helping CMV drivers to adapt to technological developments.

**153.** Governments 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 and experience.

**154.** In addition to CMV drivers, governments should include within the scope of their training regulations:

- a) instructors, training officers and other training staff;
- b) persons engaged in the maintenance and repair of vehicles;
- c) supervisors, transport managers, contractor account managers and driver recruiters;
- d) supply chain intermediaries, including freight forwarders.<sup>21</sup>

## **XII. Monitoring and evaluation**

**155.** Inspection and enforcement mechanisms play a crucial role in guaranteeing a level playing field for all actors in the sector and in the monitoring and evaluation of road safety outcomes. However, the fragmentation of the road transport sector poses significant challenges to the inspection methods and machinery of enforcement authorities in that regard.

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<sup>21</sup> See, for example, United Nations Economic and Social Commission for Asia and the Pacific: *Guidelines for Minimum Standards and Codes of Professional Conduct for Freight Forwarders, Non-Vessel Operating Common Carriers and Multimodal Transport* (2011).

## ***A. Measures of enforcement and inspections***

### **General provisions**

**156.** A number of actors intersect in the regulation and coordination of work concerning road safety, including national ministries, state or local governments and municipal authorities. Policy coherence and consistency among these different levels of government are essential in order to strengthen road safety management and enforcement and inspection mechanisms.

**157.** Governments should ensure that the different agencies involved in road safety coordinate their work, in particular the government entities in charge of labour relations and employment. Appropriate funding should be allocated to the enforcement of legislation applicable to the road transport sector, including the review and enforcement of safe driving plans. In line with [Labour Inspection \(Mining and Transport\) Recommendation, 1947 \(No. 82\)](#), governments should apply to 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.

### **Administrative organization of labour inspection in the road transport sector**

**158.** In consultation with social partners, governments should entrust the task of labour inspection in the road transport sector to specialized staff, with a view to ensuring the enforcement of legal provisions relating to the protection of CMV drivers while engaged in their work and services. The structure of an administrative organization for labour inspection in road transport should enable inspections to function effectively.

**159.** Governments should take into account the particular aspects of labour inspection in road transport and the necessity of not isolating conditions of employment from technical conditions and safety. This should result in the promotion of cooperation and

information exchanges, respecting the privacy and confidentiality of data, between labour inspection services, technical transport inspection services, and traffic control services authorities and the social partners, as appropriate. It is desirable that the particular duties and responsibilities of each of the authorities should be published and clearly determined and defined.

**160.** Special provisions and international collaboration will be needed in the case of significant cross-border traffic or in jurisdictions with fragmented enforcement.

**161.** CMV drivers and employers should be able to communicate freely with labour inspectors; such communication should be treated as absolutely confidential by inspectors.

## ***B. Methods of inspection***

### **General provisions**

**162.** Labour inspection in road transport should be carried out consistently, with emphasis on gender-responsive inspections and procedures and on identification of decent work deficits of informal workers. These should be carried out at the headquarters of undertakings, at garages, parking and welfare facilities, and depots, warehouses and other installations, as well as on the road.

**163.** Governments should enact national regulations requiring employers, road transport chain parties and CMV drivers 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 CMV drivers and the general public.

**164.** Governments should enact national regulations requiring all vehicle staff to maintain legally required documents or data in a form approved by the competent authority, to have these documents on their person during their duty period or service engagement and to produce them at the request of inspection services.

**165.** Governments should enact and effectively apply national regulations that establish penalties for the infringement of the legal provisions enforced by labour inspection in road transport, as well as for interference with inspectors in the exercise of their functions. For serious or repeated infringements, penalties should be imposed that are in keeping with the gravity of the offence and conducive to rigid observance of the regulations, in line with chain of responsibility principles.

### Control books, control devices

**166.** In line with [Convention No. 153](#) and [Recommendation No. 161](#) and in consultation with social partners, governments should:

- a) develop a national format and publish and prescribe the conditions of use of a model control book or guidelines and authorization for other control methods or devices, especially electronic;<sup>22</sup>
- b) establish a procedure for notification of the hours worked in the case of temporary exceptions.

**167.** In line with [Convention No. 153](#) and [Recommendation No. 161](#), employers should:

- a) maintain a record, in a form approved by the competent authority or body in each country, that indicates the hours of work and rest of every driver employed by them, accompanied by technical measures to ensure tamper-proof records;
- b) place this record at the disposal of the supervisory authorities in a manner determined by the competent authority or body in each country.

**168.** Equipment, such as a digital control device, can be installed in CMVs to show and record automatically or semi-automatically

<sup>22</sup> "The traditional means of supervision [control books] ... 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" ([Convention No. 153](#), Article 10(3)).

the detailed movement of those vehicles and of specific working periods of CMV drivers. This can include tachographs, electronic logging devices or global positioning systems (GPS). Regulations should be established that set out the format to be produced by those systems, and such format should guarantee access to inspection.

**169.** National laws and regulation should address specific measures and protocols for dealing with falsified documents and tampering with control books and devices.

### **Safe driving plans**

**170.** Governments should enact and enforce legislation on the necessary documentation to address the intersection of road safety concerns and the OSH of CMV drivers.

**171.** In order to promote the safe performance of the driving task, CMV drivers should, as appropriate, be provided with a safe driving plan or similar instructions. An example of a safe driving plan is to be found in Appendix D.

**172.** Safe driving plans should be reviewed and regularly updated in accordance with any changes in circumstances.

**173.** Technological solutions, including telematics and enterprise resource planning software, may provide adequate real-time information to update the driving plan's information accompanied by technical measures to ensure tamper-proof records.

### ***C. Responsibilities, penalties and redress mechanisms***

**174.** In accordance with procedures to be determined by the competent national authority, employers, road transport chain parties and CMV drivers should be held responsible for compliance with legislation in road transport.

**175.** Employers and CMV drivers should be held responsible for maintaining, in accordance with the legal provisions applicable to methods of inspections, the records and registers for the purpose of inspection.

**176.** Governments, through active and direct policies and measures, are instrumental in promoting decent work in the sector. Initiatives and principles for regulating road freight and long-distance passenger transport operations, could include:

- a) adopting, in law and in practice, clear and transparent rules to regulate transport contracts by enacting model contracts including provisions to track work;
- b) adopting, in law and in practice, enforcement frameworks to define the responsibilities of employers and road transport chain parties and CMV drivers for injury or damage caused by CMV drivers by:
  - i) requiring written or electronic service contracts for CMV drivers;
  - ii) establishing, bolstering and enforcing principles of chain of responsibility that detail the responsibilities and obligations of road transport chain parties by codifying them in law and providing access to dispute resolution and redress mechanisms, namely through courts and tribunals;
- c) funding and implementing initiatives to address misclassification and illegal operations.

**177.** Non-State based grievance mechanisms are operational-level mechanisms that should be designed, in line with the United Nations *Guiding Principles on Business and Human Rights*, the ILO *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* (MNE Declaration) and the *OECD Guidelines for Multinational Enterprises*.

### Chain of responsibility principles

**178.** The chain of responsibility requires that each party in the road transport chain should comply with their individual responsibilities and in so doing increase safety and reduce the risk of injury to persons involved in the supply chain and to the general public.

**179.** Governments should enact legislation and regulation to detail the functional responsibilities of road transport chain parties, including by promoting compliance with national laws and regulations on the part of CMV drivers, employers and road transport chain parties in their performance of all tasks related to transport services, in particular:

- a) road traffic provisions pertaining to user behaviour, including speeding and distracted driving due to communications with road transport chain parties;
- b) contractual practices, policies and procedures, that deter unsafe driving practices;
- c) driving and working-time legislation;
- d) CMV size and weight regulations;
- e) transport of passengers or dangerous goods regulations.

**180.** Notwithstanding national legislation or contracts between the involved parties, the chains of responsibility and information principles, in line with the *IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)*, have already identified the functional responsibilities of road transport chain parties, including as follows:

- a) The shipper is responsible to deliver a cargo transport unit that is safe and suitable for transport. Thus, the shipper remains responsible for any deficiency of the freight that is the result of poor packing, weighing or securing;
- b) If, however, the shipper is neither the packer nor the consignor, the packer and the consignor are responsible to ensure that the cargo transport unit is safe and suitable for transport. In such cases, the shipper may hold those parties responsible for any deficiency of the freight that can be attributed to poor packing, securing, handling or reporting procedures.



#### ***D. Responsible business conduct***

**181.** Private compliance initiatives and the efforts of other stakeholders to promote workplace compliance can support but cannot replace the effectiveness and efficiency of public governance systems. Businesses have a responsibility to respect labour rights in their operations and governments have the duty to implement and enforce national laws and regulations. The United Nations *Guiding Principles on Business and Human Rights*, the ILO *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* (MNE Declaration) and the *OECD Guidelines for Multinational Enterprises* provide guidance for implementing responsible business conduct.

**182.** Employers' organizations play a leading role in helping to identify and standardize practices across the road transport sector. These include voluntary good practice tools that can be used to develop vetting, selection, engagement and partial/full integration processes according to the specific needs of employers and road transport chain parties. Such tools may include:

- a) codes of conduct;
- b) updated templates and formats for wide industry use, including for consignment notes, safe driving plans and control books, in accordance with national laws and regulations;
- c) policies or notifications to indicate key expectations, including for all tiers of subcontracting;
- d) self-assessment forms;
- e) compilation and comparison of information.

**183.** Technological solutions, based on telematics and enterprise resource planning software, offer opportunities to track a number of key performance indicators and real-time information, such as driving time, rest periods, congestions, delays and route options, which should be harnessed for corporate social responsibility efforts.

### **XIII. Other action-oriented policies**

#### ***A. Increased demand***

**184.** Governments and social partners should take into consideration possible shifts in demand when designing policies and drafting legislation related to decent work, workforce planning and training for the sector.

#### ***B. New technologies***

**185.** In line with the ILO [Centenary Declaration for the Future of Work](#) (2019), governments and social partners should further develop their human-centred approach to encourage new technologies. For example, the use of efficient warehouse management systems, freight exchange platforms and load boards, electronic resource planning, in-cabin technology, smart road technology, global information systems and GPS can support efficient planning, monitoring and enforcement of transport operations. CMV driver data should be protected in an effective manner.

**186.** Governments, social partners and road transport chain parties should bear in mind that automation does not represent the only solution to address negative road safety outcomes and driver shortage issues within the industry.

**187.** Governments should promote effective social dialogue and update their competencies and training policies to effectively manage the transition and train the road transport sector's workforce for skill transfers.

#### ***C. Environment and climate change***

**188.** Governments, social partners and road transport chain parties should seek to green the road transport sector in line with the principles contained in the [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#) (2015).

## Appendix A

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### **Sample sexual harassment policy<sup>1</sup>**

- 1.** Company X prohibits sexual harassment of its employees and applicants for employment by any employee, non-employee or applicant. Such conduct may result in disciplinary action, up to and including dismissal.
- 2.** This policy covers all employees. The company will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors or other non-employees who conduct business with the company.
- 3.** Sexual harassment is any behaviour that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature, when:
  - a) submission to, or rejection of, such conduct is used as the basis for promotions or other employment decisions;
  - b) the conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment.

Company X employees are entitled to work in an environment free from sexual harassment and a hostile or offensive working environment. We recognize sexual harassment as unlawful discrimination, as is conduct that belittles or demeans any individual on the basis of race, religion, national origin, sexual preference, age, disability, or other similar characteristics or circumstances.

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<sup>1</sup> This guidance note was developed by the Ethical Trading Initiative, in consultation with its tripartite membership. It has been extracted from a training manual for supervisors and managers that aims to assist employers and unions in tackling sexual harassment in the agriculture sector.

No manager or supervisor should threaten or imply that an employee's refusal to submit to sexual advances will adversely affect that person's employment, compensation, advancement, assigned duties, or any other term or condition of employment or career development. Sexual joking, lewd pictures and any conduct that tends to make employees of one gender "sex objects" are prohibited.

4. Employees who have complaints of sexual harassment should (and are encouraged to) report such complaints to their supervisor. If this person is the cause of the offending conduct, the employee may report this matter directly to [specify officials (for example, Director of Human Resources or designated contact manager)]. Your complaint will be promptly and thoroughly investigated. Confidentiality of reports and investigations of sexual harassment will be maintained to the greatest extent possible.

5. Any manager, supervisor or employee who, after appropriate investigation, is found to have engaged in sexual harassment of another employee will be subject to disciplinary action, up to and including dismissal.

6. If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments to [specify official (for example, gender committee or contact manager)].

7. The company will not in any way retaliate against any individual who makes a report of sexual harassment or permit any employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal.

## Appendix B

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### **B.1. HIV and AIDS and the world of work**

#### **B.1.1. General principles enumerated in the HIV and AIDS Recommendation, 2010 (No. 200)**

##### *B.1.1.1. Recognition of HIV and AIDS as a workplace issue*

The response to HIV and AIDS should be recognized and treated as a workplace issue and should be recognized as contributing to the realization of human rights, fundamental freedoms and gender equality for all workers, their families and dependants.

##### *B.1.1.2. Scope of application*

Recommendation No. 200 applies to all workers working under all forms or arrangements, and at all workplaces, including persons in any employment or occupation; those in training, including interns and apprentices; volunteers; jobseekers and job applicants; and laid-off and suspended workers. It also applies to all sectors of economic activity, including the private and public sectors and the formal and informal economies; and armed forces and uniformed services.

##### *B.1.1.3. Non-discrimination*

There should be no discrimination or stigmatization of workers for employment purposes **on the basis of** real or perceived HIV status, for belonging to regions of the world or segments of the population perceived to be at greater risk or more vulnerable to HIV infection, including sexual orientation.

There should be no discrimination for accessing employment opportunities. There should be **no mandatory HIV testing or**

**screening or disclosure of HIV status.** A medical examination should only establish the fitness to carry out the work in question.

There should be no discrimination during the employment relationship. All workers should enjoy equal access to **terms and conditions of employment**, including equal access to employment-related benefits for accessing training, promotion and for accessing social security schemes and occupational insurance schemes, or in relation to benefits under such schemes, including for health care and disability, and death and survivors' benefits.

Actions taken in and through the world of work should **prevent and prohibit violence and harassment** in the workplace.

Real or perceived HIV status should not be a cause for **termination of the employment relationship**. Temporary absences of workers living with HIV due to being ill or providing caregiving duties should be treated as absences for other health reasons, taking into account the Termination of Employment Convention, 1982 (No. 158).

Workers living with HIV-related illnesses should not be denied the possibility of continuing to carry out their work, with **reasonable accommodation** if necessary, for as long as they are medically fit to do so. Measures to redeploy such workers to work reasonably adapted to their abilities, to find other work through training or to facilitate their return to work should be encouraged.

#### *B.1.1.4. Gender equality*

Even though HIV affects both men and women, women and girls are at greater risk and more vulnerable to HIV infection and are disproportionately affected by the HIV pandemic compared to men as a result of gender inequality, and that women's empowerment is therefore a key factor in the response to HIV. Therefore all actions in and through the world of work should contribute to gender equality for all women and men and promote their active participation, including their empowerment.

#### *B.1.1.5. Privacy and confidentiality*

All workers, their families and dependants should enjoy the protection of their privacy, including keeping all HIV-related information confidential. Access to HIV-related information should be governed by rules of confidentiality consistent with the ILO code of practice on the protection of workers' personal data, 1997, and other relevant international data protection standards.

#### *B.1.1.6. A safe and healthy working environment*

The working environment should be safe and healthy for **all workers** in order to prevent HIV transmission. Occupational health services and workplace mechanisms related to occupational safety and health should address HIV and tuberculosis. Prevention measures should include the modes of HIV transmission and how to protect yourself from transmission, including universal precaution, accident and hazard prevention measures, etc.

**Workers with an occupational risk of HIV transmission** should be provided with specific training, personal protective equipment and post-exposure prophylaxis. When occupational transmission of HIV has occurred and a direct link can be established between the occupation and HIV transmission, it should be recognized as an occupational disease or accident, in accordance with national procedures and definitions and a reference to the List of Occupational Diseases Recommendation, 2002 (No. 194).

#### *B.1.1.7. Social dialogue*

All actions taken on HIV in and through the world of work should be based on cooperation and trust among employers and workers and their representatives, and governments, with the active involvement of workers living with HIV.

#### *B.1.1.8. Prevention of new HIV infections is a fundamental priority*

It is a fundamental priority to prevent new HIV infections in all actions taken in and through the world of work. Prevention

information should include the modes of HIV transmission and encourage confidential voluntary HIV testing (VCT) with pre- and post-counselling. It should be adapted to national conditions, the type of workplace and take into account gender, cultural, social and economic concerns. All prevention measures should be accurate, up to date, relevant and timely and be made available and accessible in a culturally sensitive format and language through the different channels of communication available. They should aim to help men and women to understand and reduce the risk of all modes of HIV transmission and understand the importance of changing risk behaviours related to infection. Prevention measures should include access to all means of prevention, including availability of male and female condoms.

Prevention measures should also promote the protection of sexual and reproductive health and rights of men and women.

All awareness-raising activities should emphasize that HIV is not transmitted by casual contact and a person living with HIV should not be considered a workplace hazard.

#### *B.1.1.9. Access to treatment, care and support measures*

All workplace health interventions should be linked to public health services. All workers, their families and dependants should be entitled to health services and should benefit from full access to health care. This should include access to free or affordable voluntary counselling and HIV testing, antiretroviral treatment with adherence education, information and support, proper nutrition consistent with treatment, treatment for opportunistic infections, sexually transmitted infections and other HIV-related illness, including tuberculosis, support and prevention programmes for persons living with HIV, including psychosocial support.

#### *B.1.1.10. Dispute resolution procedures for alleged violation of the rights enumerated in Recommendation No. 200*

When existing measures against employment-related discrimination in the workplace are inadequate for providing effective



protection, these should either be adapted or new ones be put in place to ensure an effective and transparent implementation.

An easily accessible dispute resolution procedure should be made available for any alleged violation of the prohibition to request mandatory HIV testing or screening and any breach of confidentiality of HIV-related information.

## **Appendix C**

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### **ILO Declarations, Conventions, Recommendations, codes of practice and guidelines relevant to the road transport sector (non-exhaustive list)**

#### **A. Declarations**

ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998

ILO Declaration on Social Justice for a Fair Globalization, 2008

ILO Centenary Declaration for the Future of Work, 2019

#### **B. Conventions**

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Protocol of 2014 to the Forced Labour Convention, 1930

Employment Policy Convention, 1964 (No. 122)

Workers with Family Responsibilities Convention, 1981 (No. 156)

Minimum Wage Fixing Convention, 1970 (No. 131)

Protection of Wages Convention, 1949 (No. 95)

Night Work Convention, 1990 (No. 171)

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

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Maximum Weight Convention, 1967 (No. 127)

Violence and Harassment Convention, 2019 (No. 190)

Chemicals Convention, 1990 (No. 170)

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Radiation Protection Convention, 1960 (No. 115)

Private Employment Agencies Convention, 1997 (No. 181)

Employment Service Convention, 1948 (No. 88)

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

Workers' Representatives Convention, 1971 (No. 135)

### C. Recommendations

Equal Remuneration Recommendation, 1951 (No. 90)

Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

Minimum Age Recommendation, 1973 (No. 146)

Worst Forms of Child Labour Recommendation, 1999 (No. 190)

Employment Relationship Recommendation, 2006 (No. 198)

Protection of Wages Recommendation, 1949 (No. 85)

Night Work Recommendation, 1990 (No. 178)

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

Violence and Harassment Recommendation, 2019 (No. 206)

HIV and AIDS Recommendation, 2010 (No. 200)

Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

Social Protection Floors Recommendation, 2012 (No. 202)

Promotion of Cooperatives Recommendation, 2002 (No. 193)

Employment Injury Benefits Recommendation, 1964 (No. 121)

Collective Agreements Recommendation, 1951 (No. 91)

Migrant Workers Recommendation, 1975 (No. 151)

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

#### **D. Codes of practice and guidelines**

IMO/ILO/UNECE Code of Practice for the Packing of Cargo Transport Units (CTU Code) (2014)

Guidelines on occupational safety and health management systems (ILO-OSH 2001)

Code of Practice on workplace violence in services sectors and measures to combat this phenomenon, 2003

ILO Code of Practice on safety and health in ports, revised 2016

General principles and operational guidelines for fair recruitment, 2016

ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), 2017

Guidelines for a just transition towards environmentally sustainable economies and societies for all, 2015

## **E. Other international instruments and processes**

ILO Guiding Principles on the access of refugees and other forcibly displaced persons to the labour market, 2016

United Nations Guiding Principles on Business and Human Rights, 2011

United Nations European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport, 2006

United Nations Model Regulations on the Transport of Dangerous Goods

WHO Global Plan for the Decade of Action for Road Safety 2011-2020

IAEA Regulations for the Safe Transport of Radioactive Material, 2012

OECD Guidelines for Multinational Enterprises, 2011

## Appendix D

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### **Example of a safe driving plan**

A safe driving plan should:

- a) state the name and address of the employer and road transport chain party, if any;
- b) include the jurisdiction and period covered by the safe driving plan;
- c) provide the addresses of the pick-up and delivery locations for the transport service;
- d) include information on the CMV driver, including on their driver's licence, and on the vehicle's inspection;
- e) propose a travel plan, with time frames and distances for each leg or stage involved in the provision of the transport service;
- f) include instructions on how the CMV driver should inform the employer or road transport chain parties of any circumstances that make compliance with the safe driving plan impracticable;
- g) include instructions for the CMV driver to manage their fatigue, to ensure the safe completion of the road transport service.

## Guidelines on the promotion of decent work and road safety in the transport sector

The road transport sector is strategically essential to social and economic development and ensures passenger and freight mobility across jurisdictions and countries. It makes an important contribution to economic growth and job creation. Road infrastructure investments and operations have strong impacts on other sectors of the economy.

Yet, every year, some 1.3 million people are killed and up to 50 million people are injured on the world's roads. Commercial vehicles are involved in approximately 10 to 22 per cent of all road crashes. Road traffic fatalities are the leading cause of death for young people aged 5 to 29 and road traffic injuries are the eighth leading cause of death globally. In addition to the human suffering they cause, road traffic deaths and injuries impose significant societal, economic and financial losses.

The *Guidelines on the promotion of decent work and road safety in the transport sector* were adopted by a meeting of experts in September 2019 and draw upon the expertise of the representatives of governments, employers, workers and other participants. The Guidelines apply to commercial motor vehicle drivers providing road freight and long-distance passenger transport services. The scope of the Guidelines does not include any distinction by employment status or level of remuneration, including with respect to informal operations. They bridge a gap between protecting the general public and the living and working conditions of all commercial motor vehicle drivers.