



***On the move in Global Delivery Chains:
Labour Relations and Working
Conditions in the Parcel Delivery
Industries of Austria, Germany, the
Czech Republic and Hungary***

**SODIPER Synthesis Report
Work Package 6**

Author: Bettina Haidinger

*) This synthesis report is based on the four national research reports carried out by Bettina Haidinger (FORBA, Austria), Soňa Veverková (RILSA, Czech Republic), László Neumann and Márk Edelény MTA-PTI, Hungary), Hajo Holst and Ingo Singe (FSU Jena, Germany) within the SODIPER project

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Coordinator SODIPER:
Forschungs- und Beratungsstelle Arbeitswelt
A-1020 WIEN, Aspernbrückengasse 4/5
Tel.: +431 21 24 700
Fax: +431 21 24 700-77
office@forba.at
<http://www.forba.at>



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Trade unions and research institutes involved in SODIPER

- Österreichischer Gewerkschaftsbund – Gewerkschaft vöda, Austria
- ver.di – Vereinte Dienstleistungsgewerkschaft, Fachbereich Postdienste, Speditionen und Logistik, Germany
- Postás Szakszervezet (Postal Trade Union, PSZ), Hungary
- Odborový svaz dopravy (Transport Workers' Union; OSD), Czech Republic
- UNI Europa
- European Transport Workers' Federation (ETF)
- Forschungs- und Beratungsstelle Arbeitswelt (FORBA), Austria (coordinator)
- Friedrich-Schiller-Universität Jena (FSU Jena), Germany
- Magyar Tudományos Akadémia Politikatudományi Intézet (Institute for Political Science, Hungarian Academy of Sciences; MTA PTI), Hungary
- Výzkumný ústav práce a sociálních věcí, v. v. i. – Research Institute for Labour and Social Affairs, (RILSA), Czech Republic

INTRODUCTION AND RESEARCH METHOD

The EU-funded project, “Social Dialogue and Participation Strategies: Challenging Precarious Employment Relations in the Global Delivery Industry” (SODIPER) was a joint research and networking project of four research institutions (FORBA, FSU Jena, MTA PTI, RILSA) and four unions (OeGB-vida, ver.di, PSZ, OSD) in Germany, the Czech Republic, Hungary and Austria, in cooperation with two EU-level partners, ETF and UNI Europa. First, the project aimed at filling the gaps of knowledge on employment conditions on the fringes or at the end of commodity chains in the global delivery industry. This was accomplished by the research involved in the project, i.e. by gathering and exchanging information on employment and working conditions of drivers working for outsourced, seldom unionised firms or performing self-employed work. Second, the project intended to strengthen networking among traditional and emerging forms of workers’ unionisation along the sector’s vertical value chains as well as transnational cooperation among stakeholders in the different countries.

The Parcel and Express Service Delivery Industry combines a number of trends that currently redefine business strategies and work realities across the world. The SODIPER project not only examined the increasingly informalised labour relations and precarious working conditions in the sector. It also investigated trade union responses to globalisation, outsourcing, fragmentation and precarisation, which characterise business and employment trends in the parcel delivery industry. As such, it not only provides a detailed picture of the Parcel and Express Services Industry in the four countries, but also first-hand insights into current struggles to organise workers and to improve working conditions.

This synthesis report uses empirical evidence about employment conditions and labour relations in the parcel delivery industry of the four partner countries (Austria, Germany, the Czech Republic and Hungary). The basis of the synthesis report are four research and four union state-of-the-art reports compiled in the respective countries. The research was carried out as part of a joint project between researchers and trade union representatives from the four countries. All national research reports indicated a weak state-of-the-art regarding work and employment among the global competitors in the parcel delivery industry. Therefore, the research conducted within the project was a kind of “pioneer” work.

Although in the beginning the research process turned out to be troublesome in some partner countries due to a lack of couriers willing and able (with regard to their time constraints!) to participate in the study, the researchers succeeded in compiling very informative material using a variety of research methods. Besides a state-of-the-art compilation of literature on the global logistics sector and internet research on the respective firms involved in the express and parcel delivery industry, various kinds of empirical sources were approached, collected and used for the national reports:

- All in all, 31 semi-structured interviews with couriers – including self-employed drivers and workers employed by subcontractors – in the express and parcel delivery

industry formed one important source of information. The interviews were based on common guidelines prepared by the coordinating partner, FORBA, and adapted according to national specificities. Couriers were approached through members of works councils and with the help of unions. The Hungarian and Czech teams contacted employees during their work – on the street. The interviews were conducted face-to-face and via telephone.

- The Austrian team also used field notes from informal conversations with drivers conducted during two “direct actions” prepared and organised by vinda, the Austrian Transport and Service union, to feed its national report. In these field studies, more than 30 drivers were approached, asked about their working conditions and informed about workers’ rights.
- In Germany the researchers also conducted interviews with Human Resource Managers of parcel delivery firms.
- Furthermore, 17 interviews with members of works councils or unions active in logistics and parcel delivery firms as well as with staff representatives of the National Post were carried out. Works Councils in Austria and Germany, and mostly unions in the Czech Republic and Hungary represent the interests of employed persons on company level.¹
- Seven stakeholders and experts from labour interest organisations, employers’ associations, consultancy firms and public administration were interviewed.
- In addition, the project foresaw the organisation of country-specific workshops with the attendance of relevant stakeholders in the field, including managers, experts on labour law and the transport industry, works-council members and representatives of various unions. Findings and points of discussion compiled within the workshops were also part of the empirical material used for the national reports and consequently for the synthesis report.

The synthesis report is structured as follows:

First, the report outlines market size and trends in the development of staff numbers and turnover of parcel delivery companies, including postal service providers – the former national incumbents – as well as transnational companies in the four respective countries.

¹ The role of works councils and unions is differently – almost diametrically different – organised in each of the four countries under investigation. Two examples: In Austria, the Labour Constitution Act provides for the election of works councils in all companies of more than five employees, with all employees entitled to vote. At company level, works council members have clearly defined participation, information, intervention and supervision rights. Under the collective agreements negotiated annually by individual industry unions, they conclude agreements with their companies which may exceed – but not fall short of – the levels laid down by collective bargaining. They can seek the assistance of their trade union representatives for their deliberations. In the Czech Republic, by contrast, the Labour Code provides only limited possibilities of co-existing union representation and works council within one firm. Consequently, trade unions perceive works councils as a nuisance – if works councils are active at all. Works councils in the Czech Republic are rarely installed and are by law only equipped with very limited rights.

Second, the market structure of the parcel and express service provision is described. The core analysis of this chapter will reveal the vertical structuring of delivery chains in the sector as well as current challenges the sector is facing from a business perspective. Furthermore, practices of social dialogue characterising the parcel delivery sector will be outlined. This section also includes some background information on the role of recent liberalisation processes of postal services for employment trends and employment conditions in the sector.

The third chapter will describe and analyse drivers' working conditions as self-employed and employees along selected topics. The relation between formal and informal business and working arrangements, the increasing work intensification, the subtle complexity of the courier's job and couriers' experiences with solving work-related conflicts will be scrutinised. This will be done by a critical reference to the sector's business logic.

Finally, the empirical results will be synthesised into a compact picture of the sector and an outlook will be given on policy recommendations – be they union-oriented or regulatory – to improve the quality of work in precarious working arrangements in the parcel and delivery service industry.

1. THE MARKET OF PARCEL AND EXPRESS SERVICE PROVISION

1.1. Numbers and figures

The definition of the market for “Courier, Express and Parcel” (CEP) services and the estimation of its size is not without pitfalls in some of the countries under scrutiny. These services may be performed by postal service providers or by forwarding, storage and transport companies. Therefore, activities in the sector may be counted under different headings. Unfortunately, detailed figures on employment and turnover dynamics are incomplete since neither comprehensive surveys nor appropriate administrative statistical data on the sector (with the exception of Germany) are available. The data accessible reveals a continuous increase in turnover and shipments, with a temporary decline in the aftermath of the 2008 economic crisis. In the following, available country-specific data on the recent development of CEP services in Germany, Hungary, the Czech Republic and Austria will be presented.

According to the **German** State-of-the-Art Union Report prepared for the SODIPER project, shipments, turnover and number of employees rose constantly and significantly in the past decade. In particular the number of shipments increased steeply by 44%; turnover rose by 39% and employment numbers by “just” 15% – indicating a boost in labour productivity. This is mainly due to rising volumes in the B2C and C2C segment of the market, driven by the growth in e-commerce. For 2015 an increase to three billion shipments and a turnover of 17.3 billion Euro are expected (see Table 1).

Table 1: CEP services in Germany

Year	Shipments in million items	Turnover in million €	Employees
2000	1,690	10,050	160,000 (2002)
2008	2,230	13,800	
2009	2,176	13,270	
2010	2,330	13,980	185,000
2011	2,440		

Source: SODIPER German State-of-the-Art Union Report, p. 3,
http://www.sodiper.forba.at/reports/SODIPER_WP3-Union%20State-of-the-art%20Report-GER_de.pdf

The market for parcel delivery in Germany has been described as highly centralised (Kille & Nehm 2011: 3-4), with the ten biggest providers taking a 80-90% share of the market. Barriers for market entry of new competitors are high as networks are expensive

to establish and capital investment is high. All in all, however, 3,000 firms are operative in CEP services – in particular as subcontracting actors. The German SODIPER research report² points out that even though business is dominated by only five big players (DHL, Hermes, UPS, GLS and DPD), the German Monopoly Commission has evaluated the competitive situation in CEP positively. It praises job creation, points at increased business volumes in spite of decreasing prices and suggests similar positive effects if other postal services were to follow the CEP model (Monopolkommission 2009).

Table 2 below gives an overview of turnover, number of shipments, number of employees, if subcontracting is an issue and if company-based worker representation and collective agreements are at stake in the “Big 6” companies operative in parcel delivery in Germany. The overview indicates the key dominance of DHL, an offspring of the former state-owned postal service provider, Deutsche Post, in terms of turnover and number of shipments. At the same time, DHL is the service provider still employing relatively more employees in parcel delivery compared to its competitors. Hermes, for instance, at 300 million shipments a year (40% of DHL’s), relies on only 500 drivers with a direct employment contract (no more than 4% of DHL’s workforce in delivery). As will be discussed throughout the report, subcontracting is a main issue in the sector: in Germany around 3,000 firms are subcontracting partners of the top 20 service providers in parcel delivery. The German union organising the logistics and postal service sector, ver.di, estimates that around 34,700 drivers are working for subcontracting firms, 6,700 of them self-employed.

² http://www.sodiper.forba.at/reports/SODIPER_WP2-Research%20Report-GER_en.pdf

Table 2: The “Big 6” of German Parcel Delivery

	Turnover	Number of shipments	Number of employees (in parcel delivery)	Number of cars	Subcontracting	Works council or union/Collective agreement
DHL	3,200m (2009)	790m/year	18,000 (10,900)	-	Yes	Yes/EWC/ Company CA
DPD	1,305m (2009)	300m/year	7,500	7,000	Yes, “Systempartner”	Yes/EWC/ Regional CA
GLS	1.75m (2010)	363m	6,000-7,000	3,700	Yes	Yes/ no
Hermes	822m	300m	3,680 (500)	-	Yes, with 13,000 employees	Yes/regional CA
Trans-o-flex	505m (2009)		1,600	3,050	Yes, with 4,800 employees	No/no
UPS	1,400m (2009)		15,000 (6,000)		Yes, with 4,000 employees	Yes/EWC/regional CA

Source: SODIPER German State-of-the-Art Union Report, p. 4-5,
http://www.sodiper.forba.at/reports/SODIPER_WP3-Union%20State-of-the-art%20Report-GER_de.pdf

For **Hungary** we can observe a similar oligopolistic market structure with – besides the Hungarian Post – 6 global competitors active in CEP services. Interestingly enough, compared to the number of full-time employees employed with the Hungarian Post (36,800) all other competitors rely on very small workforces. According to the data shown in Table 3, market leading international companies with a staff headcount of just 69 to 212 have produced revenues of HUF 10 to 20 billion (34 to 68 million Euro), which indicates that most of the activities must be carried out by subcontractors.

The Hungarian CEP market is a closed and easily distinguished part of the logistics sector. Next to Magyar Posta (Hungarian Post Ltd.), large international companies are the key players. In the order of their 2010 revenue: DHL, Trans-o-Flex, UPS, TNT, GLS, Fed-Ex.³ The booked revenue of these companies, however, is not a pure indicator of performance in the CEP sector, as Trans-o-Flex and DHL earn a significant part of their revenues from providing logistics services to commercial and industrial companies.

The CEP market showed dynamic progress for the period 2004 to 2007, especially in the international segment. A downturn in turnover from 2007 onwards cannot only be explained by decreasing parcel numbers (-25%) following the economic crisis but also by fierce price competition as some of the competitors provide their services at

³ The data source is the top list for international CEP firms taken from the Book of Lists 2010-2011. The list does not include DHL Express Ltd., which generates a yearly revenue of HUF 10 billion (34 Mio Euro), and Trans-o-Flex, a subsidiary of the Austrian Post Ltd. with a revenue of HUF 20 billion (68 Mio Euro) according to the open depository of financial reports of Opten Informatikai Ltd. (www.opten.hu).

production cost and even below (Trans-o-flex Newsletter, Volume I, Issue 1). However, interviews with the couriers indicate an unbroken and dynamic increase in parcel count, particularly in the business-to-customer (B2C) segment for the delivery of books, CDs and DVDs.

Table 3: Worldwide Express Delivery Service in Hungary

	Total Net Revenue, in million Ft, 2010	Number of full time employees
Hungarian Post Zrt.	193,760	36,793
DHL Globál Szállítványozási Kft.	24,829	162
UPS Magyarország Kft.	11,160	n.a.
TNT Express Worldwide Hungary Kft.	8,202	213
GLS Hungary Kft.	6,924	86
FedEx Hungary Kft.	4,665	69
Ghibli Kft.	2,089	n.a.
World Courier Hungary Kft.	424	11
X1 Express Kft.	194	4
Gepárd Team Kft.	128	33

Source: Book of Lists 2010-2011, www.opten.hu

According to the Czech SODIPER Research Report, large multinational companies (DHL, TNT, FedEx, UPS) provide more than 90% of all express deliveries arriving to or leaving the **Czech Republic**. Relatively small and mid-sized companies try to compete with the said multinational companies via similar services and further services (e. g. express delivery and ensuring signatures on documents, ticket distribution, etc.). In addition, the sector is comprised of small companies with several employees usually serving large multinational companies or providing special services.

In **Austria** figures for the parcel and express delivery industry show a continuous increase in turnover and shipments. In 2010, according to Kreutzer, Fischer & Partner, a consulting firm, the number of transported parcels grew by 5.2% to 141.8 million pieces compared to the preceding year, resulting in a turnover of around 700 million Euro. The expansion is grounded on B2B (business-to-business) shipments. Despite increasing demand, average prices were under pressure, decreasing by up to 3%. However, due to the over-proportional growth of market segments with higher prices compared to those with lower prices, all over profit increased between 2009 and 2010.⁴

⁴ http://www.wirtschaftsblatt.at/home/oesterreich/branchen/logistik/logistiker-erwarten-stabilen-wirtschaftsaufschwung-439377/index.do?_v1_backlink=/home/oesterreich/branchen/logistik/index.do&_v1_pos=3.1, accessed on October 28, 2011, <http://www.kfp.at/kep%2Ddienste%2Din%2D%2F6sterreich%2D2011/de/47710/4775fd99fde541f18748329539db8e3a/>

Tables 4 and 5 show changes in turnover and annual profit for individual firms active in the express and parcel delivery industry in Austria between 2006 and 2008 before the effects of the economic crisis were noticeable. These tables indicate that providers are competing on price, putting a squeeze on profit margins: While turnover of the strongest competitors in parcel and express delivery increased (except for DHL), annual profits plummeted between 2007 and 2008. This is due to higher costs (e.g. fuel prices) and decreasing prices. Unfortunately, detailed turnover figures for single firms following the industry low of 2008 are only available for the market leader, the Austrian Post: we can observe that turnover in the company's parcel and logistics division rose significantly between 2008 and 2010 and has reached a level of 218 million Euro thanks to increasing internet purchases and rising market shares.

(http://www.post.at/en/downloads/EN_Jahresabschluss_Post_AG_2010_samt_Lagebericht.pdf)

Table 4: Changes in turnover 2006-2008, million Euro

	2006	2007	2008	Change 2007/2008
DHL Express (Austria) GmbH	170,920	176,716	116,913	-33.84%
TNT Express (Austria) GmbH	69,834	70,845	74,516	5.18%
Gebrüder Weiss Paketdienst GmbH	104,228	108,902	111,197	2.11%
General Logistics Systems Austria GmbH	53,961	56,516	57,816	2.30%
United Parcel Service SpeditionsgmbH	60,874	65,677	75,500	14.96%
Lagermax Paketdienst GmbH&CoKG	30,484	32,433	33,116	2.11%
DPD Direct Parcel Distribution Austria GmbH	87,047	91,675	92,029	0.39%
	2006	2008	2010	
Austrian Post/Division Parcel and Logistics in AT	199,000	181,600	218,300	

Source: Kammer für Arbeiter und Angestellte Wien 2010: 37-38, Österreichische Post AG: Jahresabschluss 2010, http://www.post.at/en/downloads/EN_Jahresabschluss_Post_AG_2010_samt_Lagebericht.pdf

Table 5: Changes in annual profit

	2006	2007	2008	Change 2007/2008
DHL Express (Austria) GmbH	12,486	8,930	3,366	-62.31%
TNT Express (Austria) GmbH	12,728	10,411	7,039	-32.39%
Gebrüder Weiss Paketdienst GmbH	9,334	8,777	8,325	-5.15%
General Logistics Systems Austria GmbH	3,502	2,872	1,778	-38.09%
United Parcel Service SpeditionsgmbH	1,105	1,049	962	-8.29%
Lagermax Paketdienst GmbH&CoKG	646	512	199	-61.13%
DPD Direct Parcel Distribution Austria GmbH	2,752	2,944	2,508	-14.81%

Source: Kammer für Arbeiter und Angestellte Wien 2010: 37-38

According to the **performance and structural survey** of Statistics Austria from 2009 shown in Table 6, the sector of postal and courier services (ÖNACE Code H53 from 2008 on, following NACE Code 641 until 2007) included a total number of 385 enterprises in 2009 (409 in 2008); one of them, the Austrian Post, is classified as “postal and universal service provider” (Post/Universaldienstleistungsanbieter). The rest is listed under the label “other postal and courier services” (Sonstige Post- und Kurierdienste). Of these – as is shown in Table 6 below – 336 enterprises employ less than ten members of staff and account for just two percent of the industry’s turnover. It is interesting to note that 43% of personnel in the smallest (with reference to employees) companies of the postal and courier services are *not* employed.

According to these statistics, in 2009 27,599 persons were economically active in the postal and courier services sector. Of these, 21,600 were employed by the Austrian Post (Österreichische Post AG 2010). Therefore, around 4,846 employees worked for the Austrian Post’s 14 biggest competitors (with staff numbers of between 50 and 249 persons) and 1,153 persons for those companies employing less than 49 persons. Thus, when it comes to estimating the overall number of employees working in the parcel and express delivery we have to take into account the 1,461 persons, particularly parcel deliverers, employed by the Austrian Post’s division Parcel and Logistics⁵ in 2009⁶ plus around 6,000 persons employed by companies providing “other postal and courier services”, in sum 7,461 persons.

⁵ Employees responsible for express delivery are not considered.

⁶ Rising to 1,508 employees in 2010.

Table 6: Postal and courier services: Performance and Structural Survey 2008, 2009 by number of enterprises, staff number, turnover and gross operating surplus

2009						
ÖNACE 2008	Classification according to number of employees	Number of enterprises	Staff number, annual average	Among these, employed persons	Turnover in 1,000 EUR	Gross operating surplus in 1,000 EUR
H53	Postal and Courier Services	385	27,980	27,599	2,420,749	231,443
H53	0-9	336	755	429	50,264	7,928
H53	10-19	16	205	192	117,256	5,237
H53	20-49	18	567	532	122,421	2,040
H53	50-249	10	G	G	G	G
H53	250 and more	5	G	G	G	G
H531	Universal Postal Services	1		21,600*)	G	G
H532	Other Postal Services	384	G	G	G	G
H532	0-9	336	755	429	50,264	7,928
H532	10-19	16	205	192	117,256	5,237
H532	20-49	18	567	532	122,421	2,040
H532	50-249	10	G	G	G	G
H532	250 and more	4	1,527	1,527	317,695	13,767

Source: Statistics Austria 2010, 2009: Performance and structural survey 2009; *) Österreichische Post AG 2010

Counting employees in the express and parcel delivery turns out to be tricky because the parcel and express delivery services may not only be subsumed under the heading of “postal services” but also as part of the haulage and transport industry. We can observe that employee numbers in light lorry transport companies with less than 20 employees for Vienna alone (shown in Table 7) are more than double (1,669) the number of those subsumed under the classification “other postal services” recorded by the Performance Survey of Statistics Austria mentioned above in Table 6 (621). This may be due to the fact that, first, not all light lorry companies are engaged in postal service provision but in the delivery of goods not classified as “postal services”. And, second, not all parcel delivery services are subsumed under the heading “postal service provision”.

Table 7: Employment trends in light lorry transport for Vienna, July 2010

	Number of employers	Number of employees
Total	493	2008
1-9 employees	448	1214
10-19 employees	34	455
20-49 employees	10	G
50-99 employees	1	G

Source: http://www.dietransporteure.at/fileadmin/DOWNLOAD-KT/Geschaeftsbericht_2010_KleintransporteureV4_low.pdf, p.5

A marker for the “boom” in the parcel and express delivery sector is the stock of light lorries, which rose continuously by approximately 3% per annum between 2006 and 2010⁷ and the rising number memberships with the Chamber of Commerce in light lorry transport. In 2010 8,474 light lorry memberships were recorded in 2010 for all of Austria. The fluctuation rate in light lorry transport is rather high and lies at more than 50% compared to a fluctuation rate of 17.9% in the total transport sector, indicating a very dynamic business field.⁸ In Vienna, light lorry transport is particularly developed and makes up 84% of memberships in the goods transport sector. According to the Vienna Chamber of Commerce, around 500 of the 2,721 light lorry transport firms registered in Vienna provide CEP services.

Table 8: Membership numbers in the Austrian and Vienna Chamber of Commerce, Goods Transport, 2010

Membership Annual Statistics 2010				
	Goods transport	Light lorry transport	Total	Light lorry transport, as % of total
Austria	7,397	8,474	15,871	53%
Vienna	529	2,721	3,250	84%

Source: <http://www.dietransporteure.at/index.php?id=430&L=mecvkejtlynago>, accessed on October 27, 2011Kap 1

⁷ The number of light trucks used for commercial purposes in carrying trade rose to 10,677 vehicles in 2010; a steep increase of 5.6% was recorded between 2009 and 2010 (Wirtschaftskammer Österreich Transport - Verkehr 2011: 43, 45).

⁸ http://www.dietransporteure.at/fileadmin/DOWNLOAD-KT/Geschaeftsbericht_2010_KleintransporteureV4_low.pdf, p.4, accessed on October 27, 2011.

2. BUSINESS PRINCIPLES AND STAKEHOLDER PRACTICES IN GLOBAL DELIVERY CHAINS

The figures and market trends in the parcel delivery sector outlined above indicated the scattered and multilayered structure of the parcel and express service industry involving multitudinous actors: A number of trades – haulage, postal service providers, light lorry transport – with diverging enterprise sizes operate in the sector. The single trades also have different labour and other regulations. What consequences these divergences have on labour relations and employment conditions at stake in the sector will be analysed in detail throughout the report.

Chapter 2 takes an in-depth look at business models and employment practices in the parcel delivery sector. It not only explains the “system” of the global delivery chain but also stakeholders’ (“global players” including former national incumbents as well as intermediary service partners) roles, interests and strategies. Furthermore, consequences of liberalisation processes in the postal service sector on working conditions and labour relations in the parcel delivery sector – as part of the postal service sector – will be discussed. Finally, a brief overview of the social-dialogue structures in place at company, sectoral, regional and EU level in the logistics and postal service sector shall be given.

2.1. The global delivery chain

A common thread of the sector for the four countries under scrutiny in the SODIPER project is the dominance of a dozen “global players”, corporations acting as general contractors in the provision of parcel and express delivery services. They are the contact points of customers (those purchasing the sending of parcels) and recipients (those receiving the parcel = the customers of logistics purchasers); the operational activities of parcel delivery, however, are outsourced to subcontracting entities, building a delivery chain with up to four chain links. At the bottom end of the delivery chain, couriers – as employed or self-employed persons – deliver parcels and express services. They are the ones who are in direct contact with customers and recipients. What is between these two chain-links – the deliverer/driver and the general contractor – differs depending on the general contractor’s business policies.

We can observe a general trend towards subcontracting in the parcel delivery industry in all the countries under investigation. This business practice is advantageous for service providers: It saves costs in terms of infrastructure, means of production (cars) and personnel. It helps to devolve business risks including the responsibility for workforce maintenance to small-sized subcontractors. Due to the soaring amount of parcels delivered, in the last decade the recruitment and organisation of drivers has become a challenge. As one works council member of a global service provider in Austria put it:

“It is not in the interest of the company to employ drivers. If they did, they would have to organise 180 drivers per day. Imagine that: 20 call in in the morning and announcing they are sick!” (AT_WCII)

Instead of a stable “fleet” of couriers delivering and picking up parcels, flexible services paid by piece and under short-term contracts are demanded.

Due to the fragmentation of service production and the use of subcontractors as an intermediate layer, the original service providers of parcel delivery no longer hold formal responsibility for the design of employment conditions. Instead, in this segment of courier work, contractual and substantive working conditions are designed by the multitude of small-sized entrepreneurs, i.e. subcontractors. Conditions have been de-standardised to a large extent; couriers in the subcontracting segment largely work beyond the traditional arenas of interest and employment regulation.

The German SODIPER research report emphasizes another aspect of outsourcing practices: the subcontracted couriers undertake the purchase of the vehicle and therefore bear a considerable part of the total investment for running a parcel delivery business. This is improving the return on investment for the service provider. An oversized fleet of company cars is not appreciated by the corporations’ shareholders. As one works council member from Austria puts it:

“The capital should not be stuck in the car.” (AT_WCII)

Figures indicating the rapid growth of the sector have to be interpreted by taking into account business strategies: The price-oriented competition for market shares takes place by squeezing labour costs: on the one hand labour costs are reduced by outsourcing labour and by re-defining labour contracts; on the other hand the introduction of new technologies to improve customer services and to accelerate productivity goes hand in hand with the rigorous control and tracking of labour processes, leaving little room for the individual structuring of work. We will come back to this issue in Chapter 3.

The operational structure of parcel delivery consists of an organisational centre and a chain of subcontractors. The two together make up a hub-and-spoke system. Two separate spokes feed this system: drivers servicing the backbone network (transport between hubs) and those providing the delivery and picking up of parcels from customers. The backbone network was not at the centre of the SODIPER research. In some cases, as with DPD, a franchise system is deployed and subcontractors are paying for brand use; in other cases a civil-law contract is signed, according to which the multinational enterprise purchases services from the subcontractor.

The figure below shows the various levels of transnational, country-specific and regional links in place in the delivery chain: “global players” – companies as multinational corporations – are operating subsidiaries at national level that are providing their services through so-called service partners and through a particular organisation of delivery. The structure of organising the work includes at least three actors. Besides the general contractor, there is a local subcontractor (service partner), a middleman (a further subcontractor) and finally the courier.

At the top end of the delivery chain, three types of business organisations can be identified: *first*, national branches of multinational corporations or franchisees with several partners throughout the country acting as general contractors; *second*, the National Post corporations (former incumbents) as one of the main players in B2C parcel delivery; or, *third*, medium-sized domestic companies covering a small size of the market.

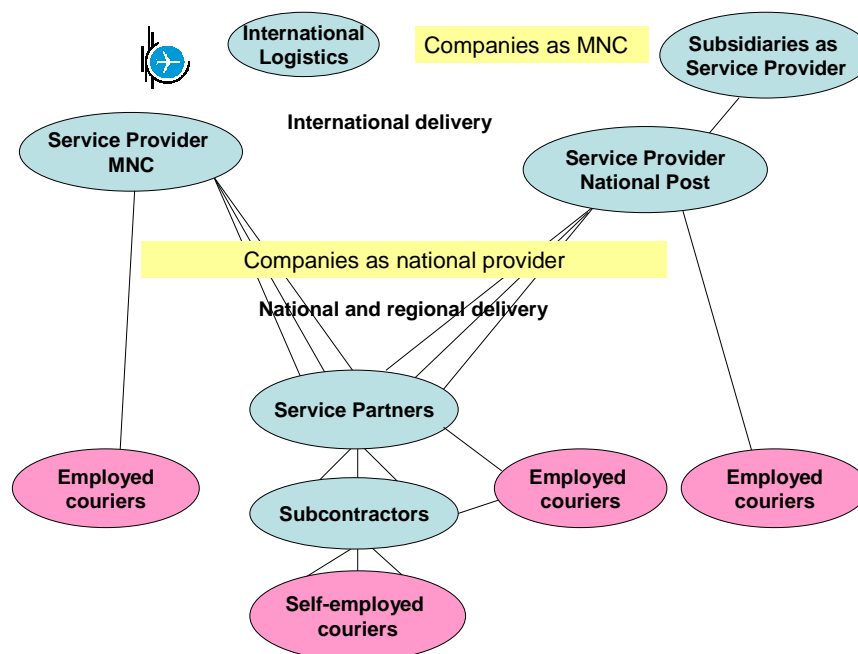
Following the top agents of multinational corporations the *next* link in the parcel delivery chain standing between the general subcontractor and the outgoing drivers are medium or small-scale firms. They – as service partners – are “commissioned” by the general contractors to cover a certain region. The general contractor signs a contract with the subcontractor for certain geographical locations (cities, districts or any other territorial unit). The subcontractor’s employees take care of sorting, delivering, collecting the parcels coming from the area and shipping them to the depot. As the sector is constantly growing, rising parcel counts cause an increase in the number of couriers. Therefore, the general contractor is dividing up the area among more subcontractors.

The service partners either employ drivers themselves for the delivery and pick-up of parcels or outsource the operative business to “sub-subcontractors”⁹ – usually very small-scale businesses. Facing continuous growth in the sector, these sub-subcontractors can recruit employees to carry out their work. In this case, the vertical structure is transformed into a pyramidal structure, with several layers or a chain of subcontractors: The “sub-subcontractors” either drive themselves, employ drivers or – once more – subcontract the delivery and pick-up of parcels to the fourth chain link: to a “sub-sub-subcontractor”.

Another option is a “horizontal” division of tasks: subcontractors specialize in executing various steps of business process, e.g. sorting as one task, collection and delivery as another task.

⁹ In Hungary, direct contracting to self-employed workers is seldom applied in order to avoid ‘fake contract’ allegations by the Labour Inspectorate.

Figure 1: Links in the Global Delivery Chains



2.2. Global players with incumbent history

The firms addressed as “global players” being the national and international service providers all are internationally operative. Their corporations are listed on international stock markets. Their operative business is often performed via limited companies being subsidiaries or franchise companies (e.g. DPD) of the corporation. This section shall summarise their role, function and dominance in shaping the industry’s business logic.

Depending on the country-specific history of the firms, they employ a relatively large number of workers in storage, logistics and the back office. Labour relations in the parcel and express delivery sector as part of the postal service and logistics sector are characterised by their manifold organisation. Besides a – more or less stable – core workforce, labour is outsourced mainly in two ways: on the one hand temporary agency workers gain importance particularly in storage and sorting; on the other hand subcontracting of delivery and collection is the rule.

Some service providers in Germany such as UPS and Hermes also employ drivers – though the majority of delivery and pick up service is outsourced. The distribution of parcels for the general contractors increasingly takes place through commissioning the service to “service partners” – as described and pictured above. These service partners are subcontracting firms negotiating tours and prices individually with the general contractor. Drivers, though “equipped” by the general contractor they are delivering for with uniform, technical devices etc., have little to do with the general contractor’s practice of industrial relations dialogue. One interviewed driver puts it like this:

“It’s a four-link-chain: you have 2, 3, 4, 5 bigger companies such as [name of the company] who are in direct contact to [name of the contractor] and then you have smaller disponents and then us. It is like a pyramid. I do not feel like part of an international company - nor fringe benefits and so on, though I am the person who is representing it.” (AT-DI4)

Also in other lines of business in parcel delivery the rationalisation of personnel, a growing pressure on workers’ performance and their flexibility is pushed. In Austria, for instance, the introduction of all-inclusive employment contracts¹⁰ or the augmentation of outsourced personnel – be it in subcontracting companies or through the hiring of temporary agency workers – is one method for reducing labour costs. In Germany, mid-, and mini-jobs, fixed-term contracts and a growing number of temporary agency workers are being deployed in the logistics sector. During the Hungarian national workshop, business representatives of multinational logistics companies explained that when being quoted on the stock exchange market, the revenue per head, which is greatly influenced by the number of own employees, is one of the most important factors for shareholder value.

In all of the four countries investigated, former national incumbents (Österreichische Post AG, Deutsche Post DHL, Česká pošta, Magyar Posta) themselves are the most important parcel delivery service provider. They are still holding a “privileged” position in terms of market coverage (B2C, C2C) by relying on “traditional” ways of distribution and in terms of employment conditions for deliverers. As will be outlined below, employment at the National Post accounts for more stable and formal conditions. However, this holds true only for employment conditions in the National Post’s country of origin and with decreasing tendency.

The Austrian Post, for instance, acts as both a contractor and employer for parcel deliverers.¹¹ Employees are subject to two different collective agreements depending on the date of entrance of the employee.¹² Due to pressure of the Post management, in 2009 a new collective agreement was implemented to – in the long run – make the Austrian Post more competitive on the market by downgrading labour standards. Between 2004 and 2009 the Austrian Post increasingly outsourced the parcel delivery to service partners due to cost calculations. The new collective agreement offering *deteriorating* employment conditions for new entrants compared to employees subject to the “old contract” was a cornerstone in regaining employment terrain in the market segment of

¹⁰ All-inclusive-employment contracts foresee the consolidation of overtime payment into a lump sum, and a very flexible handling of employees’ working time.

¹¹ It is still the most important provider in the parcel delivery with around 60 mio parcels delivered per year. 30% of this volume is distributed by parcel deliverers employed by the Austrian Post, 40% are delivered via the regular post delivery, and the rest (30%) is delivered through “service partners” of the Austrian Post.

¹² Service law for postal officers and Company (Österreichische Post AG) based collective agreement for persons employed after August 1 2009.

parcel delivery.¹³ Other reasons for the re-employment of parcel deliverers were, on the one hand, customer complaints about bad service, which reflected badly on the – up to then – rather good and reliable image of the Austrian Post. On the other hand, raids at the Postal distribution centre – where deliverers literally jumped over gates to escape – carried out by the labour inspectorate together with controlling bodies of the social insurance institution were crucial for the Postal management’s policy to check subcontractors’ business and employment practices in more detail.

In addition, the Austrian Post is running twelve subsidiaries, in particular in Eastern and South-eastern Europe, e.g. Trans-o-flex in Hungary and Slovak Parcel in Slovakia, for parcel delivery in the respective countries. Subsidiaries are of course not covered by the same relatively strong collective agreements regulating labour relations in the Austrian Post itself.

2.3. Intermediary service partners and other chain links

We are moving down to the next chain link: *Medium or small-scale firms* subcontracted or “commissioned” by the general contractors. Multinational firms conclude shipping contracts with companies that are strong enough in capital, agree to take over a certain minimum amount of parcels and can be trusted to serve a given geographic area. They stand in direct contact and negotiation with the general contractor regarding prices and the allotment of districts. Districts are divided among them; they organise the direct provision of parcels. The contract stipulates prices mostly per stop, in some cases per distance or parcel; allotted districts; rent fees for the scanner; directives regarding uniform, condition and appearance of the vehicle; fines if parcels are not delivered properly. Due to the high fluctuation of service providers and sub-subcontractors, the implementation of some of the stipulated directives is difficult. For instance, some of the vehicles on tour even do not carry the requested company logo. The high fluctuation also implies a seldom practiced common strategy to negotiate with the contractor. One interviewed Austrian subcontractor indicated:

“The subcontracting hauliers are too weak, too weak. Yes, we agree on a common strategy before the negotiations start. But in the situation itself, half of the hauliers backpedal again. Then you stand alone. These common strategies failed. This year I tried at least five times by myself to renegotiate the prices per parcel. I presented all the documents to prove how much fuel prices and other costs soared and to negotiate a higher price per parcel. And we speak about a price of 5 cent per parcel! In the last three years I did not come across any haulier who received one cent more!”(AT_DI6)

The interviewed haulier had to run his delivery business with a price of 5 Cent per parcel. According to his calculations, prices would have to quadruple to 20 Cent in order to pay off. The German union ver.di reports that while service contractors pay 0.-60

¹³ Between 2009 and 2010 the number of employees in the Austrian Post’s division Parcel and logistics went up by 3,2% to 1.508 persons. (Österreichische Post 2011).

Euro per parcel to subcontractors, at the end of the delivery chain only 30 cent per delivered parcel remain for the sub-subcontractor. General contractors are interested in high levels of competition among weakly – in terms of financial capital but also in terms of social capital – resourced subcontractors. What is more, as is shown in the German case studies, they actively fuel competition by “promoting” employed couriers to the ranks of subcontractors. Dependency (debt) and competition are used by core service providers to drive down subcontractors’ payments.

From a subcontractor’s point of view, it is not viable or even possible to provide this service employing people in standard employment (i.e. full-time) relationships under these economic circumstances. As a result, the subcontractor has to partially replicate the general contractor’s strategy and subcontracts services as well. A German subcontractor explains his deliberations:

“When we began, we directly employed our couriers, given two or three exceptions, ourselves. They were either marginally employed (...) or had part-time contracts. [...] Meanwhile I directly employ nine or ten couriers, on mini or midi contracts. The rest of the drivers are self-employed people (...) For me the enjoyable advantage of working with self-employed people is that I do not have any problems concerning sick pay, holidays and so on..”

Service partners label themselves as “de-facto subordinate employees” due to their lack of room for entrepreneurial manoeuvre.

The competitive pressure among subcontractors – as the intermediaries between contractors and drivers – is very high. Therefore, unfair business practices are common, including extensive working hours and work pressure at the expense of the drivers. Large numbers of start-ups as well as liquidations of companies are the rule in the sector. Besides, service partners are asked to provide delivery and collection services exclusively for one contractor and not to work for other contractors, which contradicts the freedom to conduct business.¹⁴

Even from the workers’ point of view, the high competitive pressure among service partners is evident and to some extent incomprehensible. As one interviewee from Austria puts it:

“The private parcel deliverers are literally at war with each other. The salesmen drive around poaching customers. In order not to lose these customers again they resort to extreme price dumping. I have often asked myself: Can this really be true? (...) And it’s logical: if the haulier himself is earning the minimum he can pay only minimum wages to the drivers working for him. For little money you have to give maximum performance. That’s not bearable for the workers, and the work becomes uninteresting over time if you cannot see any kind of improvement in your employment situation.” (AT_D11)

The German research team found that new start-ups in the sector are frequently founded by former drivers: to enter the sector as a businessman you have to at least own one light

¹⁴ See guidelines for haulage published by the Austrian Chamber of Commerce: <http://www.diekleintransporteure.at/downloads/Checkliste-Transportvermittlungsauftrag.pdf>, accessed on October 31, 2011.

lorry. In order to buy such a vehicle, drivers have to borrow money. This structural indebtedness serves as a crucial function for controlling market development, for undercutting prices and the perpetuum mobile of a “disciplinary regime”. The German research report indicates *“Most [new] business owners stem from the ranks of experienced couriers. This standard path into entrepreneurship impacts on the social composition of the group of business owners, the power dynamics of the subcontracting relationship, the structure of competition on the market for courier services and regulation of work and employment. (...) Due to the lack of financial resources, most new businesses start off with significant debts. Albeit formally independent business units, service contractors in practice resemble highly dependent “external departments” of service providers. Indebtedness is used by providers to both discipline single contractors and to put downward pressure on market prices.”*¹⁵

Finally, at the bottom end of the delivery chain stands the driver actually delivering the parcel. Contracts among service partners and drivers are often based on an oral agreement. They are paid according to their monthly performance and simply hand in a bill. Service partners can rearrange the route if drivers have too many or too few packages to deliver, every morning service partners’ disponents are present to supervise the loading and intervene if problems arise. Mostly, they themselves only drive if personnel are absent; they do usually not have a route of their own.

The remuneration (including benefits) of self-employed drivers (or small subcontractors) who employ other drivers fully depends on the agreement between the two of them, i.e. the “parent” company does not intervene in this matter. None of the self-employed messengers we addressed can influence the amount of his earnings – chances for bargaining are zero, in one of the respondents’ words in the Czech Republic: *“One can opt for signing the contract under these conditions, or leave.”*

We will come back to the drivers’ position in the delivery process in detail below. To outline the entire delivery chain and complete the picture of the delivery chain, a few sentences on this last chain link: Drivers can be *employed* under different collective agreements – depending on the country in focus – on company or sectoral level; they also might NOT be subject to any collective agreement. *Self-employed drivers*, on the other hand, negotiate districts and prices for the parcel delivery with subcontractors (service providers) or with sub-subcontractors. In Austria, they must be members of the Regional Economic Chamber; registration is obligatory and subject to fees, however no particular entrance conditions are required. In other countries, they just need a car to start their business.

2.4. Consequences of liberalisation processes in postal services

In accordance with the European Directives on the liberalisation of the postal market, the European postal market has been gradually opened to competing providers of postal services (Hermann/Brandt/Schulten 2007). The European legal framework (and thus

¹⁵ http://www.sodiper.forba.at/reports/SODIPER_WP2-Research%20Report-GER_en.pdf

also the full liberalisation of the postal service sector) shall be completely – all over Europe – implemented in national legislation by January 2013.

As early as the 1990s, following first liberalisation directives in order to enhance competitiveness within the European single market, parcel delivery (below 20 kg) was opened to the incumbents' competitors. (Smith 2005: pp.134) Together with efforts to complete the single market, especially the prohibition of anti-competitive behaviour and state aid, the liberalisation of postal services and privatisation of companies were crucial factors for alternative competitors' edging into a former (at least partly) monopolised market. As outlined in Chapter 1, the parcel market is served both by the haulage industry and by postal service providers. Boundaries between these two sectors have been blurred in the past 25 years accompanying postal liberalisation efforts.

Increasing competition and liberalisation changed both the logic of service production and the mode of industry governance in postal services. Up to the mid-1990s, service production was regulated by political concerns: on the one hand, postal services were universal services to be affordable and accessible for everybody; on the other hand, it was a publicly financed sector offering stable and decent employment conditions. (Hermann 2007) The profit motif as well as competition-driven regulation was virtually absent. This principle changed radically. Following the liberalisation of services everywhere commissions have been installed with more or less *pouvoir* for controlling and supervising the liberalisation process. They shall ensure and enforce – *inter alia* – the handling of complaints related to universal services, the approving of terms of service and fees for reserved postal services, or the reviewing of fees not subject to regulatory approval requirements in the field of universal services. Where the commissions do not interfere is whether the competitors in the postal service sector adhere to specific labour regulations or not.

Looking back on the past 25 years of postal liberalisation, we note that non-standard employment has been expanding rapidly in postal services, including parcel delivery. To different degrees, all employers (including the former incumbents in Germany and Austria) resort to temporary and part-time work, work on call, temporary agency work and so called “mini-jobs” to bypass provisions such as dismissal protection, holiday remuneration or sick leave (Doellgast/Greer 2007). The German research report summarises: “Various studies have shown that de-standardization does not only result in an increase of the institutional variety of employment forms, it also significantly impacts the quality of work and employment. De-standardization results in work intensification, growing wage disparities, the erosion of traditional temporal and organizational boundaries (Kratzer 2003) and increasing demands on employees' flexibility and mobility (Moldaschl/Voß, 2003).”¹⁶

At the same time, new competitors complained about being at a disadvantage compared to the former incumbents as they have to compete with the huge capacities of the National Post corporations. Potential competitors of the Austrian postal service, for

¹⁶ http://www.sodiper.forba.at/reports/SODIPER_WP2-Research%20Report-GER_en.pdf

instance, struggle with the situation that a large part of post boxes is still (in 2011) not available to them. As a result, the Austrian Post still accounts for the bulk of postal services. However, alternative suppliers have been catching up, in particular in the parcel and express delivery service.

An important impact of the liberalisation of postal services and the emergence of new competitors on the postal market including parcel delivery is the non-uniform wage and labour regulation. Due to the fact that postal services previously were a monopoly market, cross-sector collective agreements do not exist. In Austria, where most sectors and labour relations are still covered by collective agreements, all in all employees of postal service providers can be subject to 12 different collective agreements negotiated by four different unions.

Another consequence of liberalisation processes and the absolute belief in the blessing of competitive policies is that price is the by far most important factor for running a business. Quality standards rank but second. The price and the managed stops are the main criteria for commissioning a subcontractor. However, as independent tests of parcel and express delivery service providers reveal, price and quality (duration, of delivery, security, personal delivery, undamaged arrival of parcels, etc.) do not necessarily match. Some of the providers show deficits in their performance – despite high prices. According to a test carried out by “Industriemagazin” in Austria, of the 42 identical testing parcels 15% were delivered incorrectly.¹⁷ A similar test was carried out by the Chamber of Labour in 2009: here, 42% of parcels were not delivered according to the stipulated terms and conditions.¹⁸

2.5. Social dialogue structures at stake on company/sector/regional and European level

The precarisation of employment conditions in the parcel delivery industry during the past 25 years must be interrelated with the de-standardisation of labour relations and the decline of unions’ and works councils’ standing in this sector.

On company level the outsourcing of operational activities to smaller entities laid the ground for the weak labour representation in the sector. Small and medium sized companies often were not inclined to admit works councils or unions in their companies. In contractors’ companies managerial pressure has been used against unions’ and works councils’ protective strategies to preserve wage levels and jobs in order to stay competitive. In the area of workplace codetermination, a fragmented constellation is emerging.

¹⁷ http://www.industriemagazin.net/home/artikel/Paketlogistik/Der_grosse_INDUSTRIEMAGAZIN_Test_der_KEP_Dienste/aid/8132?af=Stories.Ressort, accessed on October 28, 2011.

¹⁸ <http://wien.arbeiterkammer.at/online/paket-zustellung-mit-pannen-47806.html?REFP=1761>, accessed on October 28, 2011.

Though under constant pressure, works councils and unions in former incumbents retained greater influence on work organisation and employment models than competitors' works councils, who are either non-existent or weak.¹⁹ In some cases multinational companies as well as small (family-run) businesses subcontracting for the service provider in all countries under investigation even show hostility towards unionisation and are threatening workers willing to form a works council or union within the company. None of the transnational corporations, such as DHL and TNT, operative in the logistics sector in Hungary do have company-based workers' representation, though, according to Hungarian Law, the instalment of works councils for companies with a staff above 50 persons is obligatory (however no sanctions are foreseen in case of non-compliance)²⁰. ver.di, the German union organising the logistics sector, defines three "cultures" of company-based workers' representation: (1) close cooperation between ver.di and WC since social partnership is part of the corporate culture (also from a historical point of view), (2) firms with WC structures and sporadic cooperation with ver.di and (3) firms opposing workers' representation. Therefore, union density in German logistics enterprises also oscillates between 10% and 70%. In Austria, some of the service providers, such as DHL and the DPD franchise partners, do have works councils. Drivers are part of the subcontractors' labour force and therefore these works councils are not in charge of drivers' representation.

On a sectoral level, a diversity of collective agreements (as in Austria) or the employers' unwillingness to engage in collective bargaining (as in Germany, the Czech Republic and Hungary) made it impossible for labour organisations to keep uniform wage levels and working conditions for the entire sector. Again the question arises: What exactly is the entire sector? Made up of a still better regulated postal service sector and the transport industry, which is characterised by high price and factor cost competition, a common strategy to keep labour standards is lacking.

Only **Germany's** ver.di, a merger product of several unions, represents workers in the entire "logistics sector". However, also in Germany bargaining coverage is in significant decline and a fragmented landscape of highly disperse firm-level solutions is emerging. ver.di only had marginal success in establishing effective representation structures in the new service providers. Firm-level agreements are expanding, each reflecting the alleged competitive situation of the depot (Brandt/Schulten 2008). Generally spoken, social partners in Germany agree on company-based agreements valid for the whole corporation in Germany and upon regional wage tariffs.

In **Austria**, five to six collective agreements are of major importance for the parcel delivery industry. Their application varies depending on the employer's business portfolio. Due to the relevance of vertical value chains in the logistics sector, we can observe a hierarchy in the application of the respective collective agreements: The

¹⁹ Union density at Magyar Posta: 55%; union density at DHL – Deutsche Post: 70%; union density at Österreichische Post AG: 85%; union density at Česká pošta: 45%

²⁰ For staff numbers between 15 and 50 persons, a single person as elected workers' representative is foreseen by the law.

collective agreement with the weakest labour protection and worst regulation of remuneration and working hours is the “light lorry transport” agreement (negotiated by the Transport and Service Union, *vida*, i.e. secretary of the road transport department, together with the Austrian Federal Economic Chamber and the Austrian Road and Transport Association). The respective collective agreement is predominantly applied to drivers working in subcontracting firms that provide outsourced services for a general contractor, mostly transnational corporations. Before outsourcing, these core service drivers were subject to collective agreements for employees working for forwarding agents or in goods transport. Still, these CAs apply to the remaining staff of the logistics multinationals. In addition, temporary agency work gained importance, in particular in storage and sorting.

In contrast to Austria and Germany, relations between both the Hungarian and the Czech unions with works councils are determined by non-cooperation. In Hungary, they are even in competition with each other or are pursuing diametrically opposed interests, when, for instance, they are confronted with “yellow” – company-friendly – works councils. In the Czech Republic, works councils have very limited rights and influence on company level, they mainly just inform employees e.g. about employers’ strategies, redundancies, etc. Unions, by contrast, have more competencies in representing workers.

In the **Czech Republic**, there are three relevant trade unions that could potentially organise drivers and/or other workers in the parcel delivery industry: the Trade Union of Transport (Odborový svaz dopravy, OSD), the Trade Union of Workers in Postal, Telecommunication and Newspaper Services (Odborový svaz zaměstnanců poštovních, telekomunikačních a novinových služeb, OSZPTNS) and the Trade Union of Workers in Transport, Road Management and Car Repair (Odborový svaz pracovníků dopravy, silničního hospodářství a autoopravárenství Čech a Moravy, DOSIA).

Higher-level (sectoral) collective agreements negotiated between trade unions and their employer counterparts cover all workers employed by companies who are members of the respective employers’ association, both union members and non-unionised workers. All three relevant unions (OSZPTNS, OSD and DOSIA) have signed higher-level collective agreements for their respective sectors (including the Czech Post and Telefónica O2 as well some activities of the multinational companies such as TNT, UPS, DHL). However, the sector agreements do not cover employers of less than 20 workers unless they are members of their respective employer association. Another problem is that unions do not have any power to check compliance with the provisions of the agreements, which can only be done by the State Labour Inspection Office (Státní úřad inspekce práce, SÚIP).

In **Hungary**, drivers – who are not employed by the Hungarian Post – are organised by a number of trade unions which are active in the logistics field. The only union organising drivers at the workplace is the independent warehouse workers union in DHL Supply Chain. Conversely, NeHGOSZ (Nemzetközi és Hivatásos Gépkocsivezetők Országos Szakszervezete) has individual members among the couriers employed by the subcontractors; however, it has no workplace organisation. This is explained by the fact

that NEHGOSZ defines itself as a service providing trade union (i.e. it provides services to individual members). This trade union strongly opposes self-employment among drivers. They are not the only ones: Most of the unions in all of the four countries do not feel responsible for self-employed drivers who are well represented in this sector. We will come back to this issue when discussing perspectives and proposals for more adequate labour representation structures in the final chapter.

Finally, we briefly want to outline efforts of strengthening social dialogue taken on **European level**. Two union confederations on European level (ETF/European Transport Workers' Federation and UNI Europa) are the two main organisations representing workers in parcel delivery. Besides their coordinating function among national transport and postal unions and lobbying activities on European level, they also initiate specific campaigns aimed at improving working conditions in the parcel delivery sector (e.g. Global Delivery Network). From a European point of view, a deepened transnational exchange and cooperation of national unions – be they transport or postal unions – is of crucial interest.

Other important “players” on European level are the European Works Councils. Their presence, significance and activities differ widely from corporation to corporation and from country to country. In Germany, for instance, the European Works Council of UPS helped to improve the relationship between UPS management and the German union ver.di. In the Czech Republic, by contrast, due to the absence of trade unions, most of the Czech Republic's EWC members in corporations come from middle-management or Human Resource Management and tend to be rather pro-management, not bringing in any added value or support for trade union activities. In the Czech context, the significance of EWCs consists rather in informing employees about the situation of the company in other EU member states than in representing employee interests.

2.6. Conclusion

Some trends can be seen from this overview of the developments in the express and parcel delivery market over the past two decades:

First, sector turnover has been increasing constantly but pressure is put on profit margins due to intensifying price competition at the expense of factor, particularly labour, costs.

Second, a dozen of global competitors with a relatively small number of employees stand in stark contrast to a huge number of small enterprises employing less than 9 persons and being subject to high fluctuation with respect to market entry and insolvencies. Business relations among the global players and small – often family-run enterprises – are grounded on a “delivery chain” comprised of the general contractor and several, up to four, chain links providing the operational services, such as sorting and shipping: Often former state-owned monopolist providers of postal services still dominate the parcel market and are expanding their services “abroad”.

Third, two sectors are “clashing” or merging in parcel delivery: the transport/haulage industry and the postal-service sector. Both have different legacies in union representation and in business development. Therefore, unions and works councils not only have to cope with decreasing interest and efforts of workers in unionisation within the sector but they also face necessities for cross-union and cross-national cooperation in a sector characterised by transnational ties in terms of labour relations and company structure.

Fourth, new technologies are used to increase the transparency of the shipping process (electronic and online tracking systems). Online technology becomes a crucial means of control of labour productivity for the core service providers. It helps to identify further possibilities for rationalisation and – by referring to its results – forms the basis of benchmarking and consequently of management’s negotiations with subcontractors. What this development means for the labour process as such will be elaborated in the next section.

3. WORKING ARRANGEMENTS IN EXPRESS SERVICES/ PARCEL DELIVERY

The following section will delineate what impact changes in the sector's business logic have on labour relations and employment conditions.

First some facts and figures on working hours, income ranges and on the type of working arrangements found in the four countries of the SODIPER research will be outlined.

Next, work organisation and quality of work will be scrutinised according to the specific working arrangements in different types of companies. We will identify marked differences but also remarkable similarities among persons working in parcel delivery with respect to work intensity, flexibility requirements and degrees of informality depending on the company's position in the global delivery chain.

A final section will give some insights into work-related conflicts that have been argued out in the sector and their more or less successful (depending on the point of view) solution strategies to cope with and solve them.

3.1. Facts & figures: employed and self-employed drivers

We are starting this descriptive analysis by briefly illustrating the daily routine of a majority of couriers in parcel delivery working for a subcontracting partner of the general contractor and service provider:

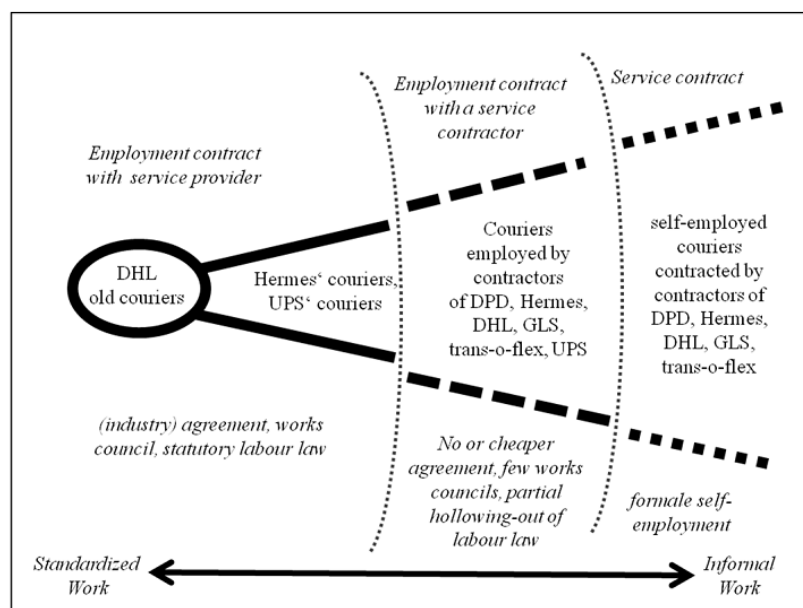
At 6 a.m., the courier has to be present at the service provider's hub. He (he is usually male) is sorts parcels, shovelling them into his light lorry. Until two o'clock, deliverers are on the road delivering parcels to customers; from two o'clock on couriers pick up parcels from business clients. These parcels must be delivered in time to the general contractor's regional hub, where they are loaded onto trucks and transported to the central hubs for international distribution. At 6 to 7 p.m. they are head home.

This is a delivery driver's "typical" working day. The research carried out in the four countries, however, discovered a variety of labour arrangements in place in the sector. Some are gaining importance, some are rather in decline. Labour arrangements framing the parcel delivery can be roughly classified into six different groups with different effects on work and employment relations:

- 1) Employment contract with National Post (old contracts)
- 2) Employment contract with National Post (new contract)
- 3) Employment contract with Service Provider
- 4) Employment contract with Service Partner
- 5) Self-employment with Service Provider
- 6) Self-employment with Service Partner

The figure pictured below was designed by the German research team showing three segments of courier work in the German parcel delivery industry. It shows that working as a courier oscillates between relatively standardised work arrangements covered by collective agreements on sectoral and company level and working arrangements characterised by a high degree of informality. What this informality might imply will be elaborated below. This classification also holds true for work and employment relations in the other countries under investigation.

Figure 2: The three segments of couriers in the German parcel delivery industry



Standardised work in the parcel delivery industry can be found at the former incumbents including workers subject to the “old” civil servant employment contracts but also workers under “new” contracts that have been negotiated between unions and management following liberalisation and partial privatisation of the national postal service providers. Still, labour relations in former incumbents are highly regulated and relatively well controlled by unions compared to those found at the competitors (often former incumbents from other European countries). Only in Germany, global logistics enterprises providing parcel delivery (still?) employ couriers themselves. In all other countries under scrutiny the operative business of delivering and picking up the parcels, and, in some firms, also the sorting process has been outsourced to service contractors.

In the figure above the segment of subcontracting or sub-subcontracting firms – small or medium sized businesses – is positioned in the middle. Labour relations here are arranged more flexibly and with weak or no collective agreement coverage. Still, couriers are subject to employment contracts.

The last segment, pictured on the right, is comprised of self-employed couriers, who are subject to the highest flexibility requirements and are not, or least, protected by labour law/labour code and other security regulations safeguarding the labour process of a courier.

The comparison, particularly in terms of wages, resulting from these three (six) classifications in courier work across countries is not easy. First, not everywhere comprehensive data was available; some data is not representative but only indicative for the sector and, second, a country's purchasing power should be considered – what will not be done within the report. Therefore, comparison can only be done with limited outcome and particularly addresses differences in working time, the employers' compliance with labour law and collective agreements, and the differences in wages/payment within countries.

3.1.1. *Salaries and working time*

Couriers in employment

Minimum payments and maximum working time and its arrangement are the two most important regulations stipulated in respective collective agreements and in labour codes. This is, however, just the formal side of the employment contract. Information on actual earnings stated by drivers differ widely.

To begin with, labour regulations at the National Post companies: In all countries under scrutiny, collective agreements are installed and controlled. Overtime is paid and working time does not exceed the maximum hours stipulated in the respective labour codes. Earnings in Austria and Germany at the former incumbents are better and employment contracts largely of a “standardised” nature, i.e. open-ended and full-time. In contrast, earnings at the Hungarian and Czech incumbents are lower in absolute terms compared to wages at the new competitors. If working time is considered, though, the disadvantages in terms of hourly wages diminish because hourly pay rises due to shorter working hours and overtime pay. In addition, fringe benefits are common at the National Post in contrast to new competitors.

Some figures may corroborate this summary:

When comparing overall collective agreements in place in parcel delivery in **Austria**, remuneration at the former incumbent, Österreichische Post AG, is best with a gross hourly pay of 32.08 Euro according to the NEW collective agreement in place. The worst remuneration conditions are stipulated by the light lorry CA. The latter offers a minimum hourly pay of 28,67 Euro, i.e. 3.41 Euro below that applied by the Austrian Post. Furthermore, breaks are not regulated or unpaid and there is no additional payment of night work.

Net salaries (except for postal workers) differ widely – depending on the seniority and on the subcontracting employer. What all have in common is that correct payroll accounting is hardly ever applied. Most of the employees are registered with the Social Insurance Institution, however often some of their wage components are omitted for reporting.

In **Hungary**, net salary in the private sector amounts to 100,000-190,000 HUF (350-650 Euro) in employment, including tax-free “envelope wages” of up to 100,000 HUF (350

Euro). At the Hungarian Post income amounts to 110,000-150,000 HUF (380-520 Euro) plus bonuses of up to 30,000 HUF (100 Euro) per month and in-kind benefits not available to employees in private sector companies. Tips were a significant component of the wage when the Post Office was still an important institution and postmen were on intimate terms with citizens.

In the **Czech Republic**, the average monthly gross wage in the Czech Post was 21,373 CZK (855 Euro) in 2011.

In **Germany**, the minimum wage tariffs in the CEP sector are between 7.90 and 13.50 Euro per hour, depending on the region or on the company where company-based agreements are valid for the whole corporation in Germany. However, tariff commitment has been declining for years due to employers' exit from employers' associations. Couriers at subcontracting entities on average earn 6 Euro per hour gross, facing very long working hours of up to 14 hours. Mini-, midi-jobs and fixed-term contracts are widespread in subcontractors' and service providers' employment arrangements.

A common strategy to save social security contribution is to register drivers just for **marginal (Austria) or mini/midi (Germany) employment²¹ or the minimum wage (Hungary)** – the rest is paid as a lump sum. In the case of marginal employment, in order not to lose social insurance coverage for pension and illness, employees sometimes are still registered as unemployed. To be underprotected at the minimum wage negatively impacts on the future pension and unemployment benefits of couriers. Nevertheless, this is not necessarily against the law since, for instance, in Hungary tax-free fringe benefits include paying drivers up to HUF 100,000 (350 Euro) a month for fuel saving.

Although collective agreements or at least some kind of labour contract exist and are applied, particularly subcontracting companies employing parcel deliverers only rudimentarily stick to the regulations stated in (collective) agreements. According to the informants of this study, the most common problem with adherence to collective agreements is the long working hours of up to 80 hours per week in peak times. As one interviewee from Austria puts it:

“I’m almost ashamed to say it, but I was working a minimum of 50 hours a week. In winter I sometimes worked 70 to 80 hours, if the streets were full of snow and some colleagues on sick leave. Then I really “saved” my boss when I drove around not only covering my own but my colleagues’ tours as well. Sometimes I began at 5 o’clock in the morning when loading time starts and drove until 10 or 11 pm until I was back in the hub. Sometimes I even slept in the car because driving home was not worth while.” (AT_D11)

The average **working time** of couriers in non-incumbent companies, according to their own indications, is 11-12 hours per day – compared to 8 hours working time for couriers

²¹ Minor employment in Austria or mini/midi employment in Germany are forms of employment with reduced social insurance contributions (and consequently entitlements) up to a specified maximum amount of income and with (in the case of Germany) less protection from dismissal.

in companies covered by AND sticking to collective agreements. Usually, they start at six o'clock in the morning and finish at five or six o'clock in the evening – however attendance sheets often do not reflect the actual working hours completed but only the terms of the contract – or even less. Not only are the working hours reported excessive, **overtime** as well as **per diems** for the time you are not working at your company site are either not paid at all or as lump sums or bonuses.

Self-employed couriers

Earnings differ according to the area, the momentary business policy of contractors and service partners; it depends on whether you own, are provided with or have to pay for the vehicle and other costs. In **Austria**, earnings vary between 1,100 and 1,800 Euro gross (when being provided with the car) to 2,400 to 4,500 Euro gross (when owning or paying for the vehicle). These earnings are gross figures, self-employed drivers have to pay social insurance contributions to the Austrian Social Insurance Authority for Business (SVA) to the amount of approx. 250 Euro/month, in some cases leasing costs for the car, the Economic Chamber membership fee of 140 Euro/year²² and income tax where applicable.

In the **Czech Republic**, self-employed couriers are paid according to the deliveries accepted by the customer or according to the number of stops. If delivery is not accepted, the delivery's distribution costs are charged at the driver's expense. Additionally, bonuses are paid or fines or maluses are imposed. Self-employed couriers' earnings differ widely between 35,000 CZK (1,400 Euro) and 60,000 CZK (2,400 Euro) per month. All self-employed drivers have to make advance payments for social and health insurance.

In **Hungary**, the net income of self-employed drivers can reach HUF 300,000 to 500,000 (1,000-1,700 Euro). The amount earned is purely dependent on performance (number of parcel collections and deliveries) plus tips of up to HUF 120,000 (410 Euro). Working hours are unbelievably high, at up to 15 hours a day.

The **German** example shows that hourly income is highly dependent on the number of parcels a courier can deliver per day, on his car's fuel and operating costs. Taking into account economies of scale the rule is: the more parcels can be delivered a day, the smaller the operating costs for delivery. Hourly income pre-tax varies between 0.05 (!) and 3.33 Euro. Solely working as a self-employed (under-utilised) courier cannot make you a living, making drivers reliant on other sources of income.

The national studies show that while the earnings structures of employed and self-employed drivers and among the four countries differ, a low hourly *net* wage can be observed for all of them: Excessively long working hours with relatively high payment are common in self-employed labour/business relations in the delivery service sector in the Czech Republic and in Hungary. In Germany, by contrast, researchers found examples of self-employed drivers working fewer hours, with an average hourly pay of

²² <http://www.diekleintransporteure.at/downloads/2009-07-Gewerbeanmeldung.pdf>

3.3 Euro or less. In Austria (net) earnings of self-employed and employed drivers have developed parallel, ranging between 1,100 and 1,800 Euro/month. Working hours are very long with up to 11-12 hours a day. The difference is that those employed do have the right and the chance to sue for overtime pay whereas self-employed workers cannot appeal to a labour court. Another commonality across countries: working at the former incumbents in Austria, Hungary and Germany imply relatively secure, standardised working conditions and salaries which are – taking into account that overtime is compensated for – relatively “high” compared to the competitors’ terms.

The next three sections will take a closer look at the quality of work and the inner logic of labour relations in the sector. First, relations between formal and informal business and working arrangements will be analysed. Second, aspects of increasing work intensification will be outlined and we will scrutinise who is doing, and what makes up, the job of a courier. And third, work-related conflicts and their more or less successful solutions shall be assessed, taking into account the role of unions, works councils and other institutions in these processes.

To put it in a nutshell: What couriers demand is quite basic – and starting from a really low level of claims: *“More money, more holidays and less working time!”*

3.2. Relation between formal and informal business and working arrangements

Couriers working in subcontracting entities of the delivery chain – either employed or as self-employed drivers – have to arrange their daily work in a very self-organised manner. They are solely responsible for the shipment of parcels – regardless of how many parcels need to be shipped, regardless of the traffic. If they do not manage to do this in time, fines are imposed. What is more, their employment and business relations are marked by rather informal than formal rules. Informalisation means that traditional institutions of regulation (i.e. collective agreements, workplace representation, labour law/health and safety provision) have lost their regulative capacity and that couriers must stick to rules they have little chance to co-determine.

These informal practices and arrangements have been found in all of the four countries investigated. We may differentiate between four features of informality in working and business arrangements in the parcel delivery industry. These are couriers’ weak power to claim rights and rules, unregulated working time, non-declared forms of payment, and finally couriers’ corroborative role in approving informalisation.

Weak power of claiming rights and rules

Contractual forms for defining working time, payment and other working conditions are often unrelated to couriers’ daily working practices. Labour relations are abused easily and commonly by employers. In “interpreting” labour contracts a strong element of informality appears. Employed couriers do hold “regular” contracts and are principally covered by laws governing dismissal, working time and workplace interest representation. In fact, however, these provisions have little binding character in this field and are often breached. Not only working time and payment turn out to be different

than stipulated in contracts. Employers also breach other employment regulations such as maximum working/driving time or required rest periods for drivers.

In Austria, for example, the research team came across an almost absurd case in Salzburg: a subcontractor installed a driver hired on a marginal employment contract and as a manager and went on to make him liable for losses of the firm. Although this company went into liquidation and the employee was able to get rid of the charges, the company “re-emerged” as a new limited company. These unfair business practices are not widespread; however, shifting the business risk to the workers – those who are at the bottom end of the delivery chain – is a common rule of the game.

For self-employed drivers, similar working conditions can be reported as for employed ones. However – and this makes an incisive difference – employees can THEORETICALLY claim their rights on the basis of collective and labour-law related agreements. This contestation usually happens after the termination of an employment contract.

One of the most severe problems from the self-employed drivers’ view is the high flexibility they are subjected to in terms of pricing and contracting conditions. Usually, deliverers are paid by parcel or by stop – depending on whether they have a large (with few stops) or small (with many stops) area to cover. But what actually determines the number of stops and consequently deliveries is the contractor’s order situation, which can fluctuate dramatically depending on the general economic situation as well as on the performance of competitors.

Contractors very, very often change already stipulated contractual conditions: new routes, new technical equipment, new instructions are imposed literally from one day to the other:

“Every day they invent another rule: a new scanner, new rules or that I have to do more stops even though this is not paid. Instead of 25 I suddenly was supposed to stop 40 times because they cut down on drivers. (...) The service provider negotiates something and then passes it on to us drivers. E.g. I have a certain route, suddenly I am told to take another area. Or I have to step in for somebody. Then I have to do his job as well, in addition to my bulk of work. Or sometimes the service providers withhold my money or invent some deductions.” (AT_DI2)

The drivers form a “flexible manoeuvrable means of production” compensating for increasing cost pressure which is put on “their” service partners. They are the ones who negotiate directly with the contractors. The risk of business fluctuation in parcel delivery and sometimes even the compensation for losses in other business divisions is entirely borne by subcontracting agents and consequently on the back of the last link in the delivery chain, the drivers. Payment levels, however, do not at all match the business responsibilities they take on and the workload they have to manage. At the same time, relevant parts of the business performance, such as the logos attached to the vehicles, the dress code and the orders themselves, are predetermined. What remains is little room for entrepreneur’s manoeuvre.

“It’s the system that we are self-employed although we do not have our own means of production. But the company is too big for us to change it. These are the rules

of these big companies. The couriers do not have a choice. If you want the work, you have to accept the rules. If not, you have to find another job.” (AT_DI4)

Very seldom, service partners succeed in agreeing in advance on a common strategy to confront and negotiate with the contractor. Just to keep the prices per parcel or to demand compensation for increasing fuel costs requires elaborated negotiating skills – which are often lacking. The contractor even tries to optimise the number of service partners to negotiate with: Too many negotiating parties aggravate and complicate negotiations but too few mean greater negotiation power on the subcontractors’ side and an increasing dependence of the contractor on few service partners. The weak results of negotiations are again borne by the drivers. Mostly, the subcontracting entrepreneur has no influence whatsoever on the contractual price, which is simply set by the general contractor. The Czech research team came across stories about the efforts of self-employed drivers (small service partners) to negotiate collectively with the contractors’ management: management meetings were organised, where self-employed drivers could voice their opinion but in the end working conditions never improved. Still, the contractor concerned (DPD) negotiates conditions with each driver individually and most drivers accept the conditions set by the company – if not, they are “free” to leave for another company or even another sector.

Endless working time

One particular and outstanding feature is the seemingly endless working time to be handled in the sector. *“Hours last from the first parcel to the last one”*, says one courier interviewed in Hungary. This is – for employed couriers– simply against the law. Apart from few exceptions of couriers holding an additional second job, working time in subcontracting entities regardless of employment status are very long, amounting to up to 15 hours per day (at least 10 to 12 hours a day) independently of whether the drivers have full or part-time contracts.

How can this fact be hidden? The attendance sheets generally used to register working hours hardly ever reflect the actual working hours completed but only the terms of the contract. Companies in Hungary, for instance, calculate working hours from the time of leaving the headquarters even though the employee starts work at least 90 minutes earlier to sort the parcels.

Interviewees also reported being coerced to sign work reports only stipulating 6 hours of working time a day even though they actually worked almost double that amount in reality. Part-time contracts are often a cost-efficient solution for employers to undercut the minimum wage required for full-time work and reduce social security contributions; the rest is paid as an informal lump sum. In the short run, employees too may benefit from this solution as their salary is relatively higher due to lower taxes but in the long run they lose out as they only receive social security benefits (pension, unemployment benefits) according to or less than the minimum wage.

As will be specified below, overtime, is rarely remunerated. In the Czech Republic a courier employed with DHL reported to be “paid” for overtime work by “stand-by” duty: the worker is at home but must be ready to jump in if required.

Agreements between the employee and the employer in Hungary informally stipulate carrying out the work for a fixed salary; i.e. the employee theoretically agrees to waiving compensation for overtime work in pay or days off. Correspondingly, employees are not contracted for their real working hours from 8am to 4pm but for “simply” carrying out the job.

In peak seasons, fixed-term contracts, temporary employment and various forms of midi, mini and subsidised jobs in collaboration with PES as well as simply undeclared work are used.

Delivery *postmen* can only reduce their working hours by means of an illegitimate practice: they simply omit delivering parcels but take them to the deposit post office, just leaving a note for the customer. This can also be done by couriers working for the competitors but, by rule, they have to make a second and third attempt at delivery to try and catch the customer at home personally. Actually, however, it is common practice to just leave the package with a neighbour or simply in front of the customer’s door – which is actually not correct according to the customers’ contractual provisions.

For workers at the incumbent National Post, the two factors fundamentally determining the working hours are the parcel count and the lack of staff, for there are never as many parcel delivery professionals as would be officially required. As a result, the parcel delivery personnel in Hungary, for instance, work overtime almost every day. In Austria, subcontractors are used to jump in at peak times of delivery. Compared with the couriers working for subcontracting firms, the significant difference lies in the correct compensation of overtime.

Per parcel, fines and tips: What will I earn tomorrow?

Self-employed deliverers actually perform piece work and are paid according to this logic:

“My payment is dependent on the stops and on the days I work. I don’t know how much I will earn tomorrow exactly. Because we don’t know our routes exactly in advance. I know in a range what I will earn. We calculate this at the end of the month. Every day we have our stops and so many days and in the end of the month we calculate how much we earn.” (AT_DI4)

Employees have a basic wage according to the contract or collective agreement in force. Additional *informal* payments – be it bonuses or penalties – are common forms of compensation in the parcel delivery sector in addition to the employed courier’s wage:

Informal payments ending up in couriers’ pockets include tips, commissions and lump-sum payments where actually correctly accounted wages per hour should be paid. The Czech research team came across wages consisting of a fixed basis and performance-based components depending on how many parcels have been delivered/collected or the supervisor’s satisfaction with a driver’s performance. This bonus makes up 30-40% of the wage. In Hungary such commissions have not been reported by the interviewees. The researchers concluded that this fact *“partially shows that tasks and parcel collecting norms are defined according to a long standing well-working practice that couriers tend to fulfil, since if they were not able to do so, they would be fired”*.

Tips – as non-reported components of the wage – are an interesting phenomenon in this sector. They seem to be rather less important in Austria and Germany but make up a substantial, if quite volatile, amount of the salary in Hungary. Respondents often indicated that the employer set their salaries at a low level based on the assumption that they would be getting tipped. The size of the tip is influenced by a number of factors. Corporate clients are much less generous than individuals. However, when, for example, post-paid packages are paid for in cash, the courier is much more likely to receive a tip. Other factors are the area of delivery and the season (Christmas). Interestingly – and this holds also true for the other countries under investigation – tips lost importance for postal deliverers since, due to increasing time pressure, postmen are no longer on intimate terms with citizens and the Post Office in general has lost much of its public prestige following the liberalisation of the postal sector.

On the other hand, informal monetary relations among couriers and their contractors also include penalties. Couriers have to pay fees and penalties for not adhering to formally or informally negotiated contract stipulations. General contractors impose fines in case of contract breaches, e.g. if an express delivery is not delivered in time or fines for not fulfilling certain quotas of daily delivery (“Benachrichtigungsquote”). These fines amount to up to 200 Euro (in Austria) and in many cases are deducted from the self-employed person’s income or even from an employee’s wage because, from the employer’s perspective, he is held responsible for this failure. This is, however, not compatible with labour-law regulations: the entrepreneur’s risk cannot be passed on to the employee by imposing fines on him. In the Czech Republic, when causing damage, the above mentioned bonus is reduced.

Fines (e.g. for breaching traffic rules) are often the result of “efficient” work on the part of the couriers. To cite two examples from Hungary: couriers (resulting from a high daily parcel count) do not have time to find a proper parking space. Or couriers are notified of remote collection points at such short notice that the slightest traffic disturbance can result in a delay which they try to remedy by exceeding speed limits. These fines are quite substantial – among HUF 15,000 to 300,000 (50-1,000 Euro) depending on the severity of the breach. Among the Hungarian interviewees, there was a courier who had to pay an entire month’s salary in form of a fine. From the couriers’ point of view these fines should be paid by the employer.

Complicity

“The informal constitutes both a threat to individuals as it leaves them rather unprotected, at the same time it is exactly this informality which allows workers to earn amounts of money that are at least sufficient to survive at a level that was seen to be superior to that of employment in other low paid jobs.”(SODIPER Research Report, Germany)

The German research team identified informalisation processes both driven “from above” and “from below”. Informalisation from above refers to the strategies of service providers who are deploying their contractual, economic and social power to externalise risks. This partially leads to crude exploitation and withholding workers’ rights by the

subcontracting employers. Informalisation from below in turn refers to the active participation of the couriers in this process:

“Working a way round working time legislation, non-registered forms of payment, subverting means of state control, and dubious contractual arrangements were not only accepted as being part and parcel of working in the business but also advocated by couriers. Only by this means it was possible for them to earn sufficient incomes.” (SODIPER Research Report, Germany)

Often business owners and their couriers stem from the same socio-economic or ethnic background (in Austria), therefore informalisation also includes forms of “complicity” besides direct exploitation or pure competition. Here, an apparent fraternisation between business owners and couriers can be found, e.g. concerning remuneration: both employer and employee are interested in not paying social security contributions if the the courier is registered as unemployed and thus already enjoys social insurance coverage. Here is some evidence from the German research report quoting a subcontractor:

“I know many who tell them [couriers]: ‘Listen, I don’t care about you being unemployed. Just get yourself registered as a self-employed person, here are your parcels and you will be able to make a good living out of this.’ This plainly does not work, it works nowhere. These days you cannot make a living by working solely as a parcel courier. Nowhere.”

We also have to take into account that not every “bogus” self-employed has been coerced to work as such. Couriers can also take advantage of self-employment because (e.g. in the Czech Republic) this allows them to pay lower social and health insurance and to optimise their earnings in terms of taxes. What is more, the subcontractor himself is often in a sandwich position, oppressed by the general contractor and thus not having the means to employ his couriers to decent wages. However the question remains: who gains why and to which extent from informalisation and self-employment?

3.3. Increasing work intensification

The second aspect for assessing the quality of work in parcel delivery is to take a look at the increasing work intensification in the sector. This trend has various consequences for the deliverers as such: first, they are supposed to deliver more parcels or make more stops in less time; second, analogue and technological surveillance also puts pressure on couriers’ performance levels; third, subcontractors and drivers have to endure higher competitive pressure and at the same time maintain reasonably friendly business, working and collegial relations among them; and finally, couriers not only are confronted with an increase in work load but also increasingly perform multi-tasking work which is widely undervalued and leaves the question: who is in the end doing this unrewarding job?

More parcels and stops in less time

The enormous **work intensity** – the delivery of a maximum amount of parcels in a minimum period of time – in the sector was named as one of the main burdensome issues by the interviewed drivers. Depending on the geographic area to be covered, a driver delivers up to 200 parcels every day and picks up another 150-180 in the afternoon.²³ As prices per parcel are held constant or even reduced for service partners, drivers have to deliver more parcels in the same time. In particular during peak times such as at Christmas or after a national holiday working hours exceed 12 hours and the number of parcels to be delivered rockets.

One interviewee in Austria, for instance, reported that the number of stops he was supposed to do suddenly rocketed from 25 to 40 stops, his daily earnings, however, remained the same (approx. 230 Euro/day). For the contractor and service partner, this meant higher productivity per driver, for the driver, the necessity to deliver almost the double amount of parcels in the same time. In Hungary many couriers reported delivering twice as many parcels as agreed at the time of signing their contract without an increase in their salaries.

Besides (or better in connection with) the high work intensity, another main problem announced was excess loading. According to a poll carried out by the Austrian union of transport and service workers, *vida*, 50% of drivers covered by this poll stated that their vehicles are overloaded almost on a daily basis. They do not and cannot check their freight weight. There are no scales available and provided. What is more, single “parcels” sometimes weigh more than a courier alone can carry:

“Every day I lift 1,500 kg, 800 kg are the minimum I deliver. There are parcels weighing 60 kg. You have really big items such as tables and washing machines to deliver. And I have to do it alone. There aren’t any colleagues available to help. They do not have time. Therefore I have to do it alone, not once but 6, 7, 8 times a day. (...) And you know they [the boss] lie about the weight. A parcel arrives with 20 kg and they write down 1 kg. Every parcel is weighted and then they write down anything: instead of 40 kg 8 kg, instead of 20 kg 1 kg. (...) The car is always full. Today it was so overstuffed that I had to call a colleague to help me. There was absolutely no space left in my car.”(AT_DI3)

The physically extremely strenuous work was bemoaned by many interviewed drivers. One interviewee showed a photo in evidence of the 80 kg parcel he had to carry on his own. Severe health problems with the locomotor system, in particular the back, are the consequence. Another interviewee praised the working conditions still dominating the National Post company, where parcel deliverers do not have to deliver heavy industrial-purpose parcels (such as machine parts, tools, spare parts, etc.).

Overloading is an expression and a “logic” consequence of the high work pressure put on the drivers. The more parcels they can jam into their vehicles and deliver in a certain

²³ This was the maximum amount indicated in Austria. On average, for one tour, depending on the district covered, approximately 70-100 stops have to be made in Austria; 80-90 (national Post) and 110 packages (self-employed drivers) in Hungary. In the Czech Republic, stops fluctuate between 60-230 stops in peak times, e.g. before Christmas.

time, the more they can earn. This logic can backfire on the workers, though: contractors take the increasing turnover of parcels as an argument to *decrease* the price/parcel to keep the service partners' earnings constant. They put pressure on drivers to deliver more parcels in the same time for the same amount of money.

Couriers neither have the time nor sometimes the financial means to check if their vehicles are roadworthy and have to consciously break traffic rules in order to stick to the demands parcel delivery requires. Some of the drivers confirmed that they are virtually forced to speed to get to a customer's place in time, particularly when delivering express parcels. If they fail to deliver express parcels in time or miss a pick-up they have to pay fines of up to 200 Euro. Just to underscore how different such work can be organised: In contrast to the couriers employed by subcontractors, postmen (not only in Hungary) have 15 minutes after collecting their vehicle's key to get to the vehicle and check if it is safe to enter traffic.

Surveillance: analogue and technological

Monitoring and controlling labour processes can be seen as one crucial means to increase work intensity. We can differentiate between two types of control:

First, contracts with drivers stipulate rules which must be observed. They relate to the car availability, company uniforms, punctuality and appearance of the driver ("shaven face"). It is checked whether the driver made his car available in time. To monitor sorting and loading halls are equipped with camera systems. DPD in the Czech Republic follows up deliveries by phone to check whether customers were satisfied with their services. Drivers can be and are fined for breaching these rules.

Second, time standards are set, e.g. for express delivery or 30-minute letter collection, how long couriers have to wait for a client, how long for packing, etc. These rules are electronically monitored via GPS and electronic handheld devices that report deliveries and collections to the centre. Furthermore, communication between customers and deliverers by SMS and phone can also be checked.

These rules and their technological and analogue monitoring definitely impact on working conditions. Even though drivers report not having a problem with being controlled since they have nothing to hide and, quite on the opposite, are relieved because they can no longer be accused of theft, the use of tracking devices implies the full control of the courier's working schedule. On the basis of evaluating this tracking information, strict guidelines for how long a certain step in the labour process has to take are imposed to optimise labour processes from the employer's point of view.

The use of scanning equipment also increases the transparency of a courier's work. Whilst in the past, this line of work contained some autonomy for drivers who had some discretion concerning the organisation of their daily routes or breaks, scanners and mobile phones permanently feed information on the courier's work into electronic systems. Each and every step/stop can be traced, electronic control allows employers to closely monitor their employees' work and verify employees' explanations of delivery problems (e.g. delayed delivery or collection of parcels, lost parcels).

Cooperation vs. competition among workers

The increasing pressure on hauliers and consequently on workers also leads to changing relationships among the workers. In the beginning of the parcel delivery boom 10 years ago stable employment relations went hand in hand with good understanding and mutual support among workers. However, when fluctuation augmented workers did not have the chance and time to get to know each other properly. The rapid exchange of staff hindered the development of mutual trust and collaboration in their daily working routine. At the same time working pressure increased, employees just tried to complete their own tasks and duties and get home quickly without performing “extra work” for colleagues in the face of the poor payment. An interview illustrates his experiences of reciprocal support among drivers before the “parcel boom” times:

“We had a rotation system of taking the non-delivered packages back into the hub. Then the others who did not have to drive back again could call it a day earlier and drive home immediately after delivering. This system made sense! One whole day a week I was on duty and collected my colleagues’ parcels and four days a week I left for home much, much earlier. That was really an interesting system. But when time passed this talking together and collaborating stopped.” (AT_D11)

The individualisation of drivers and their increasingly competitive relationship was also highlighted by the Czech research report: Contractors, in order to increase transparency, put out routes to tender. The company therefore encourages a competitive environment among drivers, since drivers’ competition enables it to push prices down and negotiate with each driver individually.

The Hungarian research report compares cooperative versus competitive behaviour among drivers in employment and self-employment. What changed for couriers when switching from an employed to a self-employed status was the form of cooperation with colleagues: Employed drivers “naturally” support each other in times of peaking package turnover. When being self-employed, on the other hand, “help” is of course paid for: An entrepreneur puts down everything in an invoice even when he collects a parcel for a colleague – thus the colleagues have a financial interest in helping each other.

Undervalued Multi-Tasking

“Every day [the contractor] invents new instructions, what we are supposed or not supposed to do. And they don’t think, they don’t think at all about the driver’s situation. Obviously, he does not know that he can close down his firm without drivers. You say this to him [points to the recorder]. I do not care. (...) With this system it is impossible. They have to think at least a little bit about the drivers. All drivers are exhausted when they call it a day and then I have to do all this bureaucratic stuff as well – where I drove, how many stops and, and, and. Every day, new problems.” (AT_DI3)

The job of a driver is widely considered a job without qualification requirements, a job literally everybody holding a driving licence can perform. Though few formal qualifications are required to meet the obvious job description of a courier (basic numerical and reading skills, driving license) the daily work of a courier is more than

simple and monotonous. Quite on the contrary, a parcel courier's work is multifaceted and undervalued. Couriers constantly multi-task, under permanent stress. They have to balance a wide range of contradictory demands from various actors (original service providers, subcontractors, state [police, customs, tax authorities] customers, road users) with few resources available to the individual driver. Employers/contractors expect them to handle ever rising numbers of parcels within ever tighter time schedules, to accomplish high rates of successful "first attempt deliveries", not to damage or lose parcels, to fully document delivery processes. Customers expect them to be friendly, punctual, well informed and careful with shipments. They have to adhere to traffic regulations and drive safely under extreme time pressure. Besides driving under very limited time resources, the driver has to sort and load the parcels, to control the logistics via the technical equipment, he is in direct and constant contact with the customers themselves, and he has to calculate and manage his business when working self-employed. The high staff turnover in the sector proves that many workers cannot, physically or psychically, or do not want to endure such strenuous working conditions. Workers complained that the job of a driver – though formally without qualification – does not have the valuation (in monetary and societal terms) it deserves:

"In the morning we have to sort the parcels, we have to load and scan them. That's quite a lot for one person to perform in such a tight time frame. And we are 12 hours under stress. At least 12 hours stress. And the time. It's really too much. And we do it daily. If you want to go on holiday it's often not possible. Because I do not have an income if someone else drives for me." (AT_DI3)

The high staff turnover is also due to the seemingly inexhaustible influx of drivers who do not know about the realities of a courier's job or who are in such a vulnerable and precarious economic situation to take on any job coming in. This lack of choice on the part of the driver and the large pool of replacement workers often leads employers to simply threaten drivers with dismissal in cases of contradiction or insistence. "Either you do the job – or not." At the same time, the permanent training of newcomers and their – of course in the beginning – lower productivity makes the established workforce valuable.

So, who is doing, enduring or appreciating this job? Research across the four countries showed some similarities but also many differences. In Hungary, the couriers almost unanimously reported that they "love their job". They enjoy driving, meeting people, the freedom of not having a boss to put up with. One respondent in Austria described the advantages of working as a self-employed and independent courier – compared with his experiences of discrimination as a migrant worker at his former employer – in the following way:

"You arrive in the morning, take your parcels and as soon as you leave the store you are your own boss. It's not important how you do your job, that's your business, it's just important that the job is done. That's what I like here. I mean it's not my dream job but I really had bad experiences with colleagues in my former job." (AT_DI2)

On the downside, being on your own, an experience the interviewees often describe as pleasant independence, also implies the individualisation of risk and of bargaining

power. Just the driver himself – as the prototype of the “Me Incorporated” – seems to and shall be responsible for his decent working conditions although drivers feel incapable and powerless to change the rules they have to put up with in their daily delivery routine. Again two voices from Austrian drivers:

“It’s simply your decision if you want to continue and your capability if you succeed in sticking to the rules or not. But as I see it nine out of ten persons are fed up with the whole system, with what he is supposed to do with the stress und the customers outside and with the continuously new instructions they impose on us. (...) But what can you do as a driver? It’s always the contracting company that tells us what to do. And they do not care. Then it comes down to the service partner or the subcontractor. If the drivers say we are not driving anymore, then they [service partners] are made responsible. The contractor feels indifferent; they just want their parcels to be delivered. Who and how, they do not care.” (AT_DI3)

“The scope of action is determined and you have to adjust to it. You have some kind of flexibility when arranging your route as long as the customers are satisfied. But the rules are given: The parcels you get in the morning just MUST be delivered at the end of the day.” (AT_DII)

In the face of this limited and individualised scope of action described by the drivers, who, at the bottom end of the delivery chain, often simply try to make their living, collective action is rare. The interviews however showed that the discontent with working conditions is very high: many reported intending to quit soon; others were complaining but saw no means and ways of intervention; some felt left in the lurch by organisations that could theoretically support them such as the Economic Chamber or the union.

Most Hungarian couriers interviewed are at least partially satisfied with their salaries compared to Hungarian wages in general and with respect to their qualifications. Still, they think the parcel count and the pace are too high in the light of the actual salaries. Respondents in the Czech Republic also appreciated their work as not being monotonous but positively demanding and innovative with respect to work procedures and the organisation of work. Though, career advancement from this position is practically impossible.

The Hungarian research team described the “typical courier” as coming from all walks of professional life, being male, young in age but not working in his first job, with secondary school qualification. In contrast to Hungary, Germany, and the Czech Republic, in Austria a substantial number of couriers have migrant background. Often their formal vocational education is much higher than what is required for working as a courier.

Therefore, dequalification of the workers employed and self-employed in this sector is an issue, in particular when it comes to the situation of migrant workers. 5 out of the 6 interviewees with migrant background with whom detailed interviews were carried out in Austria held a university degree (3 in business administration, one in agricultural and one in electrical engineering) but were not allowed or enabled to work in their profession in Austria. Reasons for this momentary or already long-lasting

dequalification process were manifold: language barriers, non-recognition of diplomas, having paused too long in the original profession, overcoming a transitory passage with this job as a driver before changing to another job or before moving along to another destination country. One driver explained his particular situation:

“My wife and I have completed university in [country of origin]. My wife goes to university now here in Vienna to get her diploma recognised. But we have too little money for me to do this as well. If you want your studies to be recognised you have to attend a German language course for two years and then you have to go to university for another two years. And this needs money. Therefore, one of us is working, the other is studying. That’s better. My wife attends university and I work for her. But for God’s sake we soon will leave. In [XY, country of destination] it’s much easier to find work – also without the recognition of your diploma. You just go to work and learn [xy, language] besides, in courses and on the job.” (AT_ID3)

Our research also showed that migrants without a work permit often resort to working as a deliverer on a self-employed basis. Since raids of company sites do happen, in some cases migrant workers without working and/or residence permit have been caught and ultimately deported.

3.4. Work-related conflicts and conflict solution

The last section of this chapter shall briefly highlight work-related conflicts we came across and their more or less successful individual and collective solution.

In the face of the massive non-compliance of drivers’ working conditions with the law and/or with decent work arrangements “successful” stories for improving drivers’ working conditions were the exception. Employed drivers have the “advantage” of being backed up by labour law or collective agreements, which can be enforced when addressing the labour court with the support of the union – if they are union members. Successes in controlling and suing for outstanding salaries have been reported. In some cases in Austria even a backdated classification of formerly self-employed drivers as employees could be achieved. This implied the back payment of salaries and social insurance contributions on the employer’s side.

Most of the interviewed drivers did not have any active contact to unions regardless of how content or discontent they were with their job conditions. When being asked if they would appreciate a union’s or other organisation’s active role in approaching and supporting them most of them were interested but sceptical. This scepticism was, on the one hand, due to the unions’ absence from the field so far; drivers were doubtful of the unions’ interest in supporting them. On the other hand, many saw themselves trapped in the sector’s logic and were sceptical about effective strategies for paving the way to decent working conditions. What is more, self-employed drivers who are content with their job did not want unions meddling with their business. However, almost all complained about the tight time standards set by contractors that cannot be met on the street in real life. Self-employed drivers are left to their own devices to an even greater

extent but self-organised collaboration and empowerment is hard to accomplish in such individualised and time pressing jobs.

Contractors' works councils interviewed usually know about the precarious situation drivers are employed in (if they are actually employed) in subcontracting entities. They are often in contact with drivers on a daily basis and witness the stress and enormously demanding working conditions the drivers are subjected to. In some cases, if drivers approach them in particularly vulnerable situations they talk to long-standing subcontractors they know well about the drivers' working conditions. However, little can be achieved, and if so, only in singular cases.

Facing the widespread non-coverage of collective agreements of subcontracting firms in the parcel delivery sector in Germany, Hungary, the Czech Republic and Austria (though here formally firms are subject to CAs) and the little negotiating range left at the individual level, it is not surprising that, as researchers, we just came across very few cases of employees' power to interfere into unsatisfactory working conditions. Still, there were some examples of collective conflict resolution despite a lack of representative bodies:

In Hungary, an employer intended to switch from a flat-rate salary to performance-based pay. The employees took this as a decrease in their salaries and planned to hold a wildcat strike on the day the measure was to be implemented. When the employer learned of this, he abandoned the plan to modify the salary system.

In another Hungarian case, night shifts which had previously been assigned to a single individual were distributed in a system of rotation where all employees could plan their shift duties in advance. In this case, the change was achieved by employees working together to verbally convince their employer that the reorganised nightshift was the best and most efficient solution for both the employer and the couriers. The interviewee literally said "*together, we managed to get our pleas heard.*"

With respect to self-organised unionisation in Austria, besides sharing activities in their spare time, one particularly successful industrial action was reported: After weeks of delay in paying Christmas remuneration, employees of a subcontractor gathered and jointly announced to refuse delivery if the employer refused to pay the missing sums of remuneration. Literally in the last second of this ultimatum, the payments were authorised. We do not know how common such practices of self-organisation are – therefore to spread the word about their effectiveness could be encouraging for others in similar situations.

A "success" story of organising the self-employed was told by one Austrian driver. The drivers managed to build a coalition among them in order to improve their conditions of remuneration against a sub-subcontractor who failed to pay his sub-sub-subcontractors (the drivers) in time. As a result, this third chain link was abolished, with the drivers themselves taking over the delivery area he had covered and negotiating directly with the service provider, a contracting partner of the transnational company.

4. CHALLENGING PRECARIOUS EMPLOYMENT RELATIONS IN THE PARCEL DELIVERY INDUSTRIES

The last section will offer some insights and raise some ideas, proposals and recommendations of how to challenge precarious employment relations and working conditions in the parcel delivery industry. We will outline three strands of future activities: First, the role of unions and their possibilities and limits for interference into the sector shall be discussed. Second, so-called “cross-strategies” and ways of strengthening social dialogue across the diverse forms of employment and the scattered forms of business relations typical of this sector shall be put forward, including the crossing of company boundaries and the blurring of national borders. Third, some suggestions to improve the regulatory framework shall be made.

The insights of this chapter result from research and union reports as well as from the discussions of country-specific and transnational workshops carried out in the course of the project as well as from the discussion of project results at the final conference in Vienna.

4.1. *What the unions could do*

The unions notice the growing importance of the delivery/postal service sector not only in terms of turnover and employees but also in terms of the problematic working conditions found in the sector. Awareness is rising that this sector could become an important field for union activities.

We identified the following points of entry for union intervention in the parcel delivery sector on national level:

First, efforts should be made to bring more works councils/unions into non-unionised firms serving as general contractors and into medium-scale contracting enterprises. Another “traditional” strategy could be to motivate and organise works councils in enterprises that already are unionised. An example of reviewing and strengthening works council activities is the *vida* initiative, “Wieder Stark!”. This campaign aims at raising motivation among works councils for becoming active (again) and at reaching specific goals agreed upon beforehand.

However, the reality in the sector is such that unions and works councils are hardly present and have not succeeded in putting a foot into the enterprises’ doors. Therefore, the traditional ways of unions to approach workers via works councillors should be complemented by recruiting strategies focusing on more direct information and action for/with the drivers themselves.

An example was an organising campaign initiated by the Austrian service and transport union, *vida*, in 2010 to reach and attempt to organise deliverers. One of the instruments deployed to inform and get the workers’ attention was the public announcement and

propagation of an international solidarity campaign with Turkish UPS employees who successfully founded a union.²⁴ The campaign was mainly nourished by enhancing the direct contact with drivers through personal talks and by two larger-scale actions in front of the UPS headquarters targeting UPS drivers. The direct confrontation with drivers showed that a good part of them were positive towards vida's offer of support. However, some formulated their fear of being seen in contact with unions by their employers and consequently being repressed or even dismissed. Employees of UPS subcontractors (!) reported the UPS management using binoculars to watch these interactions as well as attempts to intimidate workers after the first vida action. Another, of course time-consuming, instrument was the permanent, direct contacting of drivers "on the road". Union activists did not "wait" for the drivers and potential members to show up or call but kept accessing them at times the drivers had time to talk, for instance early in the morning, in the evening or virtually on the road, e.g. at petrol stations.

Another initiative for attracting new union members among the young workers and in non-unionised sectors has been put forward in the Czech Republic: Two new permanent positions shall be created within the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS) entirely dedicated to recruiting with the indirect aim to move from a "managing-the-decline" towards a more offensive approach.

Another (more logistic (!)) issue to effectively reach the target group is: How and where can workers be reached, in the face of lacking worksites where drivers could be met? A neuralgic meeting point is the distribution/logistics centre, often situated at the airport. The main problem here is how the continuity and sustainability of contacts can be maintained. Experiences show that personal contact and principally the back-up and commitment of the union to engage in organising the drivers are crucial success factors. One suggestion for informing drivers about union activities was to use electronic devices such as mobile phones. Another problem is WHEN workers could be approached. Many drivers work from dusk till dawn and do not have the time and energy to engage in organising activities. Another crucial factor is to provide multilingual information in order to improve access to migrant workers in the sector.

What unions have to take into account when targeting the parcel delivery sector was explained by the German research team: The active involvement of couriers in the bypassing and "creative recombination" of institutionalised regulation in Germany shows that collective agreements, workplace codetermination and basic labour law provisions do not automatically represent incentives for workers to join or even support union activities. In the case of parcel delivery, these institutions are not able to supply workers with a satisfactory material standard of living; even in existing industry agreements, wages for couriers and warehouse workers are low. As a consequence,

²⁴ http://www.vida.at/servlet/ContentServer?pagename=S03/Page/Index&n=S03_16.1.2.a&cid=1282637197673, see also State-of-the-Art-Union Report Austria, pp.13

collective agreements and the existence of works councils to enforce labour law does not in itself constitute an incentive for union membership.

What is more, many couriers have come to some kind of informal arrangement with the subcontractors that employ them. The original service provider is the “common enemy”. Therefore, clear conflicts of interest between employers and (direct) employees are hard to define, which makes traditional us vs. them approaches difficult. Should unions as a consequence encourage the formation of coalitions among themselves and subcontracting enterprises/associations of small-scale enterprises active in the parcel delivery industry? The “sandwich” position of subcontractors between general contractors and drivers is vulnerable as well. The increasing cost pressure they are exposed to by the general contractor reduces their profit margin. However, as competitors they – up until now – have not been willing to cooperate to put an end to the dumping of prices per stop or parcel.

Second, the organisation and support of self-employed couriers have been proposed, a suggestion met with ambivalence by the unions. In view of the restricted resources unions have at their disposal, they must set priorities in their activities. From an organisational standpoint, the unions are partly sceptical about the effectiveness of targeting the self-employed as a particular group. For one thing, they are not part of the original core clientele of unions, the employees. Other unionists see a big and increasing activation potential in the self-employed. One of the Czech union representatives mentioned that a fast growing number of workers (currently 1 million; a quarter of all jobs in the Czech Republic) work on a self-employed basis (not only in the parcel delivery industry). It is inevitable to access this clientele as well – not only for “moral” reasons but also to safeguard employment standards. The question arises of which structures unions have at their disposal to offer tailored services, counselling, interest representation, support in health & safety questions and legal advice to this specific clientele. One suggestion was to offer a platform for “gathering and organising” self-employed drivers hosted by a cross-sector union initiative in Austria. Another suggestion is the creation and/or provision of a platform for persons who are not (yet) union members to formulate their demands and organisation needs as a crucial step in attracting more commitment from drivers. The German research team is sceptical that organised collective action of workers in the sector could rise but rather expects collective action to be spontaneous, not built on union organisation and localised.

4.2. Cross-border, cross-company, etc. strategies

Ever more we see the traditional boundaries between industries/sectors disintegrate: Just-in-time, door-to-door, modal split and modal share are the key words of the new business of logistics - today everything revolves around logistics and supply chain models. Trade unions, in general, have not yet adjusted to this new reality – and keep sticking to the old principles of vertical representation of their constituency and membership policies. Therefore, trade unions are losing their power to influence policy making and decision-making processes involved in designing labour relations in the

sector. As a result, many workers remain without trade-union representation and social as well as working conditions are in a downward spin. There seems to be a need for trade unions to challenge these trends by diminishing the traditional barriers – be it country/national boundaries/frontiers or industry ones.

A major dilemma identified was the problem of transgressing company and institutional boundaries. Works councils naturally adhere to the interests of their company. How, then, can drivers be reached by works councils if they are not part of the core company structure? Which role do or can unions play to bridge these company-related gaps? And finally, how can the unions transgress their own boundaries of representation and also embrace self-employed drivers?

“As a works council member you are an employee yourself, as part of the company you should represent the company’s interest. You can’t have the drivers’ problems on your mind as well – they are not part of the company. But from my private perspective: that’s sheer madness what they put up with. If I see that the competition among them is really huge and they play off against each other – it’s their own fault. I have good relations with some drivers but I can’t help them and they know this. I represent my company and he is the service partner. I cannot act against my own company.” (AT_WCI3)

Cooperation within the corporation should involve holders of different forms of employment contract and take into account the roles of other types of workers within the general contractor’s business structure and their influence on working conditions in the entire business. An interesting example of the involvement of temporary agency workers in a general contractor’s works council’s agenda was outlined by the very same works council member quoted above: There have been good experiences with the incorporation of temporary agency workers as staff not directly bound to the firm they are actually working for. They are also entitled – under specific circumstances – to elect the works council at their workplace. This right strengthens both their position as external staff within the company and their ties to colleagues directly employed by the firm. The management watches the growing solidarity of core employees and temporary agency workers “like a hawk”. The works council therefore fears that the tasks temporary agency staff are performing (warehousing) will be the next to be outsourced.

Another company-based form of intervention is the works councils’ presence and influence via membership in a corporation’s supervisory board; however the issue of questioning and monitoring working conditions in subcontracting firms has not been taken up yet everywhere. In the face of further rationalisation and outsourcing of services – which clearly weakens the works council’s standing within a company due to the falling number of employees it represents and its obvious powerlessness in the face of redundancies – this strategy of intervention might become more important in the future, in particular on European level and in the transnational cooperation of works councils.

Another suggestion was to strengthen cross-corporation collaboration in a specific country of the works councils of global parcel delivery contractors. A concrete suggestion of collaboration raised was as follows: Company-external works councils

could step in as protagonists (e.g. XY workers' representatives in front of YZ headquarters) when direct information or action is planned for a specific company – unions or the working group (when active) could function as coordinator.

This would also imply better cross-union/cross-sectoral engagement: One of the main obstacles for organising is the concentration of trade unions on (formerly) state-owned companies (where the organising potential has already been exhausted) and perceiving private companies and new entrants as a threat. Therefore, it is important to explain that it is the companies that are in competition, not the workers or trade unions. Some effort has been taken in Austria to install a cross-sector working group including several unions involved in the parcel delivery industry to create medium-term supportive structures for drivers within the union (e.g. responsible person for drivers in the express parcel delivery industry, perhaps with migrant background); more exchange among works councils and unions about arising problems (including international exchange); and a multilingual internet page with simple information for drivers about their rights and possibilities to receive support.

From a European point of view, the issue of transnational representation and transnational union membership was raised: Workers involved in transnational activities need rules clearly indicating what social and labour legislation applies to them. Transport covers various modes and – at this stage it is difficult to develop a single rule stipulating which legislation should be applied as each mode developed its own logic and rationale.

Another way forward could be corporation-internal collaboration across companies (e.g. DHL with its subsidiaries across Europe; within the Austrian Post and its subsidiaries in Eastern Europe; among DPD Franchise Partners; etc.). The question of the cross-border influence of unions/works councils on the business strategies and practices of subsidiaries of transnational corporations was raised. For instance: Can the works council of the Austrian Post influence its subsidiary's (Trans-o-flex) labour relations and business practices by cooperating more closely and exchanging information with unions present in its subsidiaries in other countries.

Unions are challenged to support, counsel and organise employees as well as self-employed persons working in border regions or transnationally, for instance as commuters. Particularly in the transport sector, a “naturally” and per se mobile sector, transnational and cross-border cooperation among unions is an essential prerequisite for future union policy.

Transnational enterprise-based unionisation strategies include the establishment of European Works Councils in several transnational companies (such as DHL and UPS), Europe-wide campaigns such as the UPS campaign to support the establishment of a works council/union in Turkish UPS subsidiaries or the DHL campaign “Respect for Workers”. In addition, meetings of the supervisory board or shareholder meetings can be used to raise union-relevant issues.

The ITF launched an international campaign, the Global Delivery Network (<http://www.itfglobal.org/global-delivery/index.cfm>). It provides briefings on recent

developments in the sector. Activists of the network also prepare global agreements between a global company, such as Deutsche Post DHL (DP DHL) and a global union, like UNI Global Union or the International Transport Workers' Federation (ITF), on behalf of its members. The agreement covers labour aspects and workers' rights. The network's findings, proposals for action and international campaigns can and shall also be used on national level. It turned out to be very useful for information exchange about labour issues and labour struggles in global delivery to install a worldwide active body of representation and of voice in a sector which is dominated by transnationally operative companies using a variety of employment forms.

4.3. Improvement of the regulatory framework

Besides unionist action and (transnational) collaboration proposals, some important topics and suggestions related to the missing **regulation** of the sector are important to mention. The state can remain a key addressee when it comes to measures improving couriers' situation. Institutions in charge may control workers' driving times, unregistered payment, unethical wages, adherence to labour-law provisions, safe practice in transport (overloading), etc. Improved "technical" regulation could include the compulsory instalment of a digital logbook in light lorries (transport vehicles below 3.5 tons); the obligatory recording of working hours and rests; the implementation of the European working time directive into national law; the implementation of driving and rest period regulations on European level, etc. Working time should be newly regulated and better controlled: The maximum daily amount of driving and working time should be 10 hours and apply to both employed and self-employed workers. Finally, the piercing of the corporate veil for offences against national insurance law or labour law, analogous to Austrian regulations in construction, could better forestall social and welfare fraud and would put contractors in charge of their subcontractors' business conduct.

In general, the insufficient regulation of the postal services market and the ruinous competition on prices and costs is an issue to tackle. The postal as well as the transport sector shall be subject to stricter trade regulation. Therefore, a further idea is to restrict market entry for subcontractors. As virtually anybody can become an entrepreneur in the field, focal service providers can rely on a large reservoir of subcontractors-to-be and profit from the intense competition amongst them. Restricting access might entail that individuals need to pass some kind of test, proving certain skills and qualifications, before being allowed to operate as an entrepreneur.

In Germany, one core demand is the implementation of a minimum wage. Whilst ver.di and other unions have long argued for a minimum wage and the demand is finding growing resonance in the political sphere, CEP employer organisations are fearful that a lack of control would lead to serious enforcement problems. Some small-sized employers, however, think that higher labour costs resulting from the minimum wage would not have the desired consequences: focal service providers would not increase payment to subcontractors and these would then need to further subcontract work.

For Austria, where unions (still) have a strong foothold in collective agreement negotiation, the elaboration of one common collective agreement for the parcel delivery and express service industry replacing the different collective agreements valid for the sector was suggested.

Another suggestion was the clear definition of “bogus” self-employment: In Belgium, for instance, very strict rules and examinations are applied when registering as a self-employed to discover bogus self-employed: Persons who only have one contractor and therefore are economically dependent on this customer cannot be labelled as “self-employed” but are employees. At the same time, all economically active persons have to register either with an organisation for the employed or for businesses/the self-employed.

Finally, media campaigns on the situation of couriers, quality of delivery, etc. and the appeal to a critical public reacting sensitively to stories about abusive labour relations could be launched. In Germany, recent TV coverage and newspaper reports about working conditions generated a lot of public attention. Arguably, large sections of the public still hold normative orientations that make them judge employers’ behaviour in the sector negatively. At the same time, service providers are fearful of public criticism, efforts to deny responsibility and point towards subcontractors seemingly have little persuasive power. There might even be options for joint activities with subcontractors and their associations, first exchanges in Germany between ver.di and the associations of small-sized contractors have already taken place. As a consequence, quality certificates for good/socially acceptable working conditions (“mobifair”) could be implemented and Corporate Social Responsibility for contractor’s business practices expanded to customer’s (e.g. mail-order business) demand behaviour. However, unions are very critical of the effectiveness of voluntary and non-binding proclamations of companies.

SUMMARY AND CONCLUSION

“No, I don’t know what a union is. But what I know is that these rules are internationally valid: 8 hours working, 8 hours sleeping, 8 hours spare time [going for a walk]. That’s the normal life but here it is not like this.”

These is how a courier in Austria describes his basic idea of decent work and the relationship between couriers and unions in this sector. The SODIPER project compiled information on working conditions and prevailing labour relations in parcel delivery. Main sources for the research were interviews with couriers themselves in four European countries: Austria, Germany, the Czech Republic and Hungary. This outline will summarise main findings and draw conclusions for the improvement of couriers’ working conditions.

Price competition and four-link chains in parcel delivery

The market for parcel delivery has been growing considerably in recent years. This is the effect of increasing mail order business in the B2C segment but also resulting from a growth in B2B orders. Due to intensifying price competition at the expense of factor costs, pressure is put on profit margins and providers are struggling for market shares. In each of the countries covered by the SODIPER research, a dozen of global competitors including former incumbents of postal services are competing for market shares in the parcel delivery sector. They are the ones providing the international transport backbone and logistics. But the operational business as such – the picking up and delivery of parcels from and to customers as well as sorting processes – are carried out by formally independent medium- and small-sized enterprises. This business strategy can be generalised for all the countries in focus. The rationale behind this is to devolve risks, costs (infrastructure, means of productions) and flexibility demands down along the value chain. The delivery chain is made up of up to four-link chains:

First, at the top end of the delivery chain, transnational corporations, such as DHL, UPS, GLS, or contractors organised as franchise partners, such as DPD, or, last but not least, the former incumbents of postal services can be found. Few of them are still employing couriers. Instead, they award contracts to “service partners”. As the second link in the chain, these service partners are small- or medium-scale firms that directly negotiate contracts stipulating areas, prices, fines, appearance of vehicles and drivers for delivery and collection. Whilst they are formally independent actors, they in fact remain heavily dependent on the original service provider and hardly enter negotiations on an equal footing with transnational corporations. The next third link in the delivery chain is either the self-employed driver, the employed driver or again a smaller subcontracting entity hiring a few (self-)employed drivers for the delivery of the parcels. This means that the entire delivery chain can include up to four chain links – the last link in the chain being the courier himself.

Not only are business structures vertically fragmented, also working conditions and employment relations found within the single chain link differ substantially: they are

different for (1) postal workers and persons employed by the former incumbent postal service providers; (2) couriers directly employed by a competing service provider; (3) couriers employed by a subcontractor of the service provider and (4) self-employed drivers without employment contracts. Workers in each of these four groups are integrated into the institutions of work regulation to differing extents.

The first group benefits from highly standardised work and employment covered by collective agreements, protected by labour law and supported by works councils or other forms of labour representatives. The second group is – at least partly – also covered by collective agreements; however forms of precarious working arrangements including temporary agency work, part-time or fixed-term jobs do appear. The couriers employed by subcontractors in group 3 may be covered by collective agreements. Thus, e.g. in Austria sector coverage by collective agreement is obligatory, but in the other countries under investigation collective agreements are hardly ever applied to this group. In all four countries, regulations covering these employment relations are very often bypassed or breached. Finally, self-employed or otherwise precariously employed couriers are least protected by collective agreements, by labour law and by health and safety provisions. What is more, the diminishing regulative coverage of workplaces along the vertically structured delivery chain goes hand in hand with thinning workplace representation. In the case of self-employed couriers no proper representation at all – neither provided by unions nor efficiently by other, e.g. employer organisations – was found.

Informality, increasing work intensification, surveillance

Working conditions in more or less all segments of courier work can be characterised by three interrelating features: the importance of informal practices in arranging the labour process; growing work intensification in terms of both quantity and quality of work; and increasing surveillance/monitoring of the work process.

The informality of working and business relations in the sector is first expressed by the couriers' weak power to demand rights and rules. Contractual provisions for defining working time, payment, number of parcels to be shipped and other working conditions, such as break times and compensation for overtime, are often unrelated to couriers' daily working practices. Labour relations are easily and commonly abused by "interpreting" labour contracts to the employer's advantage. While employed couriers are, in principle, covered by labour law and have, if not the opportunity, at least the right to sue for claims, self-employed couriers are completely dependent on the contractual conditions dictated by the service provider and the general contractor.

Other aspects of informalisation affect payment and working time. Employees in the subcontracting segment in fact receive performance-based pay, as their work lasts from the first to the last parcel. This in practice means exceedingly long working days of 10 to 15 hours irrespective of (labour law) regulations related to working time, resting time, overtime and benefits. Working conditions are similar for self-employed couriers, though they bear the additional burdens and risks related to business fluctuation, vehicle

maintenance and business administration. Many couriers feel insufficiently remunerated for the tasks they perform. As the last link in the delivery process, couriers form a flexible and manoeuvrable means of production compensating for increasing cost pressure put on the intermediary service partners. Furthermore, informal payments topping up a courier's basic salary are common practice. Not only tips, as in the Czech Republic, and additional tax-free 'envelope wages' as in Hungary, but also bonuses often form an essential part of couriers' remuneration. At the same time, they are also forced to pay penalties – as informal payments into the other direction – if certain thresholds for business/workload performance are not met.

The German research team analysed these informalisation processes as driven both from below and from above. Informalisation from above refers to the strategies of service providers who deploy their contractual, economic and social power to externalise risks and save costs. Informalisation from below means that also the couriers themselves actively participate in finding ways around labour legislation, non-registered forms of payment, and subverting means of state control.

High work intensity has been described as a pressing issue everywhere, irrespective of employment/contract status. First, couriers are required to deliver ever more parcels and make more stops in less time. Second, couriers are also confronted with ever more multi-tasking work. Couriers' work is more complex than commonly thought. It is not only physically straining but also involves high levels of psychic stress. This is due to the fact that couriers have to balance a broad range of sometimes conflicting demands made on them in their daily delivery practice. Work overload, physical and psychic stress are the little surprising consequences of this demanding and multifaceted work. Third, the high competitive pressure among couriers impacts on the relationships and the non-existence of practices of mutual support among them. Finally, analogue and technological surveillance puts pressure on couriers' performance levels. Each and every step and stop can be traced. Electronic control allows employers and contractors to monitor workers' performance and optimise – meaning rationalise – delivery processes at the expense of couriers' scope for handling labour processes.

Challenges for improving working conditions

Proposing measures to improve couriers' working conditions should take into account the entire business logic. The main providers in parcel delivery are locked into extreme price and cost competition. In the end cost pressure is passed on to pressure on wages and deteriorating working conditions. Those at the end of the delivery chain – the couriers and intermediary subcontractors – have to put up with ruinous price competition. Therefore, couriers and subcontractors state they feel incapable of improving their working conditions if they want to stay in business in the face of competitors waiting to take over. This attitude might underestimate the power of these last chain links – however only when collective efforts succeed and intend to challenge these unfair and ruinous business practices. To put it bluntly: strike action would show immediate effects as parcels would pile up in depots and focal service providers would come under immediate pressure from clients. However, individualised work situations,

strong competition and lack of organisation speak against the proliferation of co-ordinated action. This is the bottom-up perspective.

During the workshops carried out throughout the project period stakeholders identified three scopes of possible intervention from an institutional point of view. Regional union activities, transnational cooperation, the addressing of self-employed or other precariously employed couriers by interest organisations and more and better provisions for regulating quality and employment standards in parcel delivery have been put forward.

Regional and national union activities must cope with the diversity of employment relations and collective agreement coverage in the sector. The regulations applying to parcel delivery not only include those of the postal service sector but also those for transport and haulage or for temporary agencies. Close cooperation between the unions in charge would be crucial. Furthermore, most couriers are employed by small and medium-sized companies, which per se are difficult to organise. Informalisation from below poses another severe challenge for trade unions. The mere existence of collective agreements apparently is not an incentive for the couriers to join a trade union. Finally, the phenomenon of self-employment and bogus self-employment is so widespread that unions must take these forms of working arrangements into account when thinking about the quality of work and labour relations in this sector. Thus, unions need to develop new instruments and strategies to approach and organise couriers.

The transnational character of the parcel delivery industry has to be addressed as well when thinking about organising activities in the sector. Transnational corporations as well as former postal-service incumbents expanding strategically abroad are the ones at the top end of the delivery chain imposing rules, business and consequently employment conditions on the subsequent chain links. Here, European works councils as well as the (regional) adoption of common international campaigns launched by European umbrella unions such as UNI or ITF will have to gain importance. Furthermore, also national unions and works councils at the national level should be interested in and intervene in business activities originating in their countries and impacting on working conditions in their corporation's subsidiaries abroad.

Finally, as a part of the entire logistics and postal-service sector the parcel and express delivery sector could be subject to more regulation and control regarding the adherence to labour law provisions, safe practice in transport (overloading), etc. Better (technical) regulation could include the compulsory instalment of a digital logbook also in light lorries (transport vehicles below 3.5 tons); the obligatory recording of working hours and rests; the implementation of the European working time directive into national law and an appropriate enforcement of it; the implementation of driving and rest period regulation at European level; the introduction of a minimum wage (Germany) or a collective agreement valid for the entire sector.

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