Branch survey on working conditions: Freight road transport

National report Austria

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1. Economic Characteristics

Freight road transport in Austria consists of two main fields of business activities: The first one is road haulage and the second is intra-firm road transport *(Werkverkehr)*. In the latter case, companies deploy their own truck fleets to transport materials or semi-finished goods from one plant to another, or to deliver goods to their sales outlets or final customers. Intra-firm transport occurs in almost every sector of the economy and accounts for the larger part of freight road transport in Austria.

On the other hand the economic structure of road haulage in Austria is characterized by a predominance of small companies with 20 or less employees accounting for 91.9% of all companies and approximately 35 per cent of total employment in the NACE 602. A substantial part of companies are very small companies with less than five employees (63.2%) and there are also a number of self-employed truck drivers. Generally, the smaller companies are concentrated in local transport, whereas the larger firms are engaged in international transport, competing with large German, Italian and Dutch companies.

In any case, road haulage has seen massive changes since the mid-1980s, when the Austrian high court declared proceedings unlawful where the issuing of freight road transport licenses was linked to an examination of the need for additional transport capacities. As a consequence of liberalisation, new companies were founded and existing companies extended their capacities by buying more and bigger trucks, fuelling competition and decreasing profits. This trend accelerated with Austria's entry into the European Union in 1995. According to the employer representative interviewed, prices dropped by about 25 and 30 per cent after 1995 as a consequence of increased international competition. The resulting concentration process can be seen in the long-term decrease in the number of companies in road haulage in Austria, while the number of trucks per company has increased. The far-reaching restructuring process can also be seen in the massive growth of bankruptcies in NACE 60-64 (transport, storage, communication), which has increased two-and-a-half times between 1995 and 2001 while the total number of bankruptcies for all sectors grew about 15% during the same period (NACE 60-64, however, is more than road haulage).

2. Labour Market Issues

The sectoral labour market in freight road transport is characterised by a small percentage of women and part-time workers, below average educational levels and very limited career opportunities, as well as by a predominance of regular permanent employment contracts. However, in relation with growing competition and falling freight prices the number of self-employed truck drivers and illegally employed non-EU-citizens has been growing in recent years. There are various forms of self-employment in the sector, with a number of legal procedures pending with the courts which will clarify whether these forms are legal or not. On the other hand, estimates concerning the number of illegal third-country-drivers differ considerably depending on the source they are coming from. The employer representative,

e.g., estimates that illegal third-country-drivers account for 10% of all truck drivers employed in road haulage in Austria, while union representatives believe that this might be only the "tip of the iceberg". In addition, for the past few years road haulage companies have also started to employ trainees from Hungary who are in Austria based on special inter-governmental agreements to complete training and learn German and use these trainees as professional truck drivers in international transport. All interview partner agreed that (false) self-employment and illegal employment of third-country-drivers increases pressure for those firms that still offers regular and fair employment contracts. In any case, there is a lack of professional truck drivers in the sector, but while unions assume that this is the result of low wages and bad working conditions, employer representatives criticise that drivers have to be 21 before they are allowed to work as professional truck drivers as at this point most young people have already decided for a different career.

3. Regulatory Framework

The regulatory framework governing freight road transport in Austria and other European countries is particular complex because international treaties (AETR) as well as European and national law are involved. Concerning national law, there are also different sources of legislation. This is the case because the regulation of working conditions in freight road transport has a broader impact on road safety and on the public in general. Some provisions exceed the sphere of traditional labour legislation and affect all drivers, regardless of their employment status. To make things even more complicated, road transport is not a separate economic sector with collective agreements of its own, including one for blue collar and one for white collar workers, as it is usually the case in Austria, but as mentioned before consists of road haulage and intra-firm transport, with the latter occuring in almost every sector of the economy. In any case the most essential provisions including mandatory driving time and rest periods are regulated in ECC Regulation No 3810/85 and were incorporated into national legislation and collective agreements after Austria joined the EU in 1995. In general working time legislation and collective agreements in Austria establish a normal working week of 40 hours. In the case of road transport however, special provisions allow for deviations up to the limits imposed by the EU regulations. The collective agreements also regulate collective wage rates, overtime payments and rebates for travel expenses.

All interview partners with the exception of the Ministry of Economy and Labour's labour inspectorate stated that existing regulations are not the primary problem but there is a serious problem of enforcement. Enforcement is split up between a range of different institutions including the labour inspectorate and the police and in the union's view fines are only marginal compared to the damage that can be caused by an overtired truck driver.

4. Quality of Work and Employment

The quality of work and employment in freight road transport in Austria must be seen in connection with the dominant form of payment. Although the social partners have agreed to a wage scale based on hourly wages, the majority of drivers are paid performance based wages or bonuses. According to a non-representative survey including 158 truck drivers in Austria, only 20% received hourly wages as listed in the collective agreement for road haulage.

Performance based wages and bonuses compel drivers to complete a particular route as fast as they can. This results in extreme and permanent time pressure, very long working hours of between 70 and 80 hours per week, a lack of sleep, and in some cases road accidents caused by overtired drivers. Although freight road transport accounts for less than 2% of total employment in Austria, 15% of fatal work accidents in 2001 occurred in NACE 6024. According to union representatives every forth truck accident in Austria is caused by an overtired driver. Not surprisingly, accidents with cars, truck and similar vehicles are the second major reason for occupational accidents in the sector. In relation with the payment systems, the major strains truck drivers are suffering from include "working under time pressure", "lack of sleep", "risk of accidents, risk of injuries", as well as and "traffic noise" and "lack of personal contacts" and "one sided physical strains" stemming from long periods of sitting still. The massive strains truck drivers are subjected to during their working careers – as one union representative has pointed out, in fact many truck drivers work double shifts during much of their working life – has an impact on the general health conditions of older truck drivers. In respect to invalidity pensions and early retirement due to reduced work capacity, "disorders of the skeleton, muscles and connective tissue" (again stemming from long periods of sitting still) are the main serious health problem in the sector. In any case, the share of NACE 6024 and transport workers in the total number of invalidity pensions and early retirement due to reduced work capacity has steadily increased over the last couple of years. However, especially with the abolishment of early retirements due to reduced work capacity, many older truck drivers are forced to quit international transport and look for a less stressful job when they get older.

5. Access to Social Protection

Because the Austrian welfare system imposes mandatory insurance for dependent employees, dependent employees are generally covered by health, unemployment and pension insurances. However, self-employed truck drivers are obliged to take out self-insurance and many of them do not do so to a sufficient extent. Illegally employed third-country-drivers are excluded from any insurance. However, dependent employees paid performance based wages and performance based bonuses often receive an official wage (calculated as an hourly wage) which is lower than their actual income. The lower official wage helps the employer to save social security contributions, but at the same time it means that drivers will receive lower sick leave, unemployment and pension payments (because payments from the funds depend on the official income of the worker).

6. Strategies, Policies and Instruments to Improve the Quality of Work

OSH prevention is mandatory in Austria. The time spent on prevention must account for at least 1.5 hours for non-office workers per year. 40% of the time is reserved for the safety inspector, 35% for the occupational doctor and 25% for further specialists. For companies with less than 50 employees – accounting for the large majority of companies in NACE 6024 – the national occupational health insurance fund AUVA offers health and safety specialists for free. In addition, companies with more than 10 employees are obliged to appoint health and

safety officers according to the total number of people employed. Observance of OSH prevention obligations is checked by the labour inspectorate.

7. Good-Practice Examples

Generally there are not many good-practice examples in the sector. One to which our interview partners have pointed repeatedly is a telephone service set up to help truck drivers after having caused or being involved in a road accident. They can call a 24-hour service where they receive psychological and general support. Experience shows that truck drivers suffer from massive psychological problems after road accidents, but nevertheless they are obliged to drive again the very next day – unless they are physically insured.

8. Social Dialogue and View of the Unions

Employer and employees representatives in road haulage confirmed that the relationship between the social partners are generally good. While union membership of blue-collar workers in road haulage only accounts for between 10 and 15% (compared to 40% on the national level) employer membership in the Chamber of Economy, which is responsible for the negotiation of collective agreements, is mandatory.

In any case, both employer and employee organisations demand for an improvement of the current enforcement situation and perhaps the establishment of one common control institution responsible for the whole sector. In addition unions would like to have higher fines to force employer to comply with existing regulations, while the employer representative pointed out that the current payment systems needs to reformed.

1. INTRODUCTION

The following branch study on working conditions in freight road transport in Austria by and large follows the guidelines provided by the coordinator of the national studies and by the European Foundation for the Improvement of Working and Living Conditions. We should note, however, how this study diverges in small ways from the guidelines. Either we have included additional data that is relevant to an understanding of the situation, or we substituted requisite data with alternative source material. Moreover, on a number of occasions we have placed more emphasis on different issues and background information gathered from our interviewees than might be expected. In our view, the information gained in interviews is of particular importance to understand the larger picture and the problem of working conditions in freight road transport in Austria.

The data found in this report is drawn from the principal publicly accessible data collections such as the Labour Force Survey, *Leistungs- und Strukturerhebung* as well as *Mikrozensus* (all publications of Statistik Austria). In addition, we used data from the Statisik Austria special evaluation of working conditions from 1994 (published in 1999) and commissioned a special evaluation of 1999 working conditions data according to all sectors and NACE 60-64. Additional unpublished data was provided by the national occupational health insurance fund AUVA and the blue-collar pension fund PVA. Generally data refers to NACE 6024, 602 and if not specified according to sub sectors to NACE 60-64, as well as to the occupational categories land transport workers and in a few cases transport workers. Reference data refers to all sectors or all occupational categories in Austria.

Of course we took the relevant literature into consideration – two of the most helpful sources were final papers from university students – and gathered information from expert interviews with employer as well as employee representatives, and with representatives from the Chamber of Commerce, the Chamber of Labour and the Ministry of Economy and Labour's labour inspection branch *(Arbeitsinspektorat).*

2. SECTOR CHARACTERISTICS

2.1. Economic Characteristics

Table 2.1.A: Turnover and sales

	2000	1999	1995
	In 1000 Euro		
NACE 602	7,591,032	6,455,032	4,949,801
NACE 6024	5,377,212	4,428,319	3,063,210
All sectors	424,522,991	381,123,823	345,999,750

Source: Statistik Austria: Leistungs- und Strukturerhebung – Produktion und Dienstleistungen 2000; Leistungs – und Strukturerhebung – Dienstleistungen 1999; Österreichisches Statistisches Zentralamt: Beiträge zur österreichischen Statistik – Produzierender Bereich und Dienstleistungsbereich 1995.

Remarks: Turnover and sales in NACE 6024 (freight transport by road) have increased by almost 75 % between 1995 and 2001.

Table 2.1.B: Volume of carriage in road transport

	1996		2001	
	Tons Nx1000	TKM	Tons Nx1000	TKM
National carriage	222,971.970	11,444,297	244,439.716	12,089,967
International carriage	23,382.114	3,546,792	31,483.895	4,810,794
Total	256,942.011	15,458,285	283,861.447	17,555,777

*TKM= tons per kilometre.
Source: Statistik Austria unpublished.

Remarks: Similar to the figures for turnover, the volume of carriage in road transport has also increased between 1996 and 2001. Total growth in tonnage carried over the five year period accounts for ten per cent. The growth in international carriage (in tons as well as tons per kilometre), however, has reached a staggering 35%. The increase in international carriage must be seen in the context of Austria's accession into the European Union.

Table 2.2: Number of companies and change

Number of companies	NACE 602	NACE 6024	All sectors
2000	9,135	5,019	205,462
1999	8,938	4,846	197,419
1997	9,046	4,666	189,108
1995	8,971	4,457	219,315

Source: Statistik Austria: Leistungs- und Strukturerhebung – Produktion und Dienstleistungen 2000; Leistungs – und Strukturerhebung – Dienstleistungen 1999; Österreichisches Statistisches Zentralamt: Beiträge zur österreichischen Statistik – Produzierender Bereich und Dienstleistungsbereich 1997 und 1995.

Remarks: Between 1995 and 2000 the number of companies in NACE 6024 increased from 4,457 to 5,019. However, as will seen in table 2.4.D over a longer period of 10- and 20-years, the number of companies has decreased.

Table 2.3.A: Percentage and number of companies according to company size 2000

NACE 602				
Company size (according to number of employees)	Number of companies	% of all companies	Number of persons employed	% of total employment in the sector
1-4	5,774	63.2	11,203	13.1
5-9	1,594	17.5	10,379	12.1
10-19	1,026	11.2	-	-
20-49	527	5.8	-	-
50-99	132	1.4	-	
100-249	68	0.7	-	-
250-499	10	-	-	-
500-999	1	-	-	-
1000 and more	2	-	-	-
Total	9,135	100	85,773	

Source: Statistik Austria: Leistungs- und Strukturerhebung – Produktion und Dienstleistungen 2000. Percentages according to author's own calculations.

Remarks: Companies with between 1 and 4 employees account for 63.2% of companies in NACE 602 (other land transport) while companies with less than 10 employees account for 64.7%. However, the latter only account for 25.2% of total employment in the sector. Unfortunately there are no figures, or at the most, very incomplete employment numbers for larger companies.

Table 2.3.B: Percentage and number of companies according to company size 1995

NACE 602				
Company size (according to number of employees)	Number of companies	% of all companies	Number of persons employed	% of total employment in the sector
1-4	6,065	68.0	10,928	15.5
5-9	1,449	16.1	-	-
10-19	873	9.7	11,137	15.8
20-49	426	4.7	-	-
50-99	112	1.2	-	-
100-249	38	0,4	-	-
250-499	6	-	-	-
500 –999	1	-	-	-
1000 and more	1	-	-	-
Total	8,971	100	70,439	100

Source: Österreichisches Statistisches Zentralamt, Beiträge zur österreichischen Statistik: Produzierender Bereich und Dienstleistungsbereich 1995. Percentages according to author's own calculations.

Remarks: Between 1995 and 2000 companies with less than 20 employees in NACE 602 (other land transport) decreased from 93.8% to 91.9%, while conversely companies with 20 or more employees increased from 6.5% to 8.1%. In particular, the largest companies, those with between 100 and 249 employees increased in frequency by 78.9% and those with between 250 and 499 employees by 66.7%.

Table 2.4.A: Turnover and sales

NACE 602				
Company size (according to number of employees)	Turnover and sales 2000 (in 1000 Euro)	As % of total turnover and sales in the sector (in 1000 Euro)	Turnover and sales 1995 (in 1000 Euro)	As % of total turnover and sales in the sector (in 1000 Euro)
1-4	699,060	9.2	568,751	11.5
5-9	738,843	9.7	-	-
10-19	-	-	892,361	18.0
20-49	-	-	-	-
50-99	867,733	11.4	-	-
100-249	-	-	-	-
250-499	-	-	-	-
500-999	-	-	-	-
1000 and more	-	-	-	-
	7,591,032	100.0	4,949,801	100.0

Source: Statistik Austria – Leistungs- und Strukturerhebung 2000. Percentages based on the author's own calculations.

Remarks: Companies with less than 10 employees, which accounted for 64.7% of all companies in NACE 602 (other land transport) and 25.2% of total sector employment, only account for 18.9% of total turnover and sales in 2000. In respect to the situation in 1995, comparable data is unfortunately very thin. The only conclusion that can conclusively be drawn from available data is that the share of companies with less than 10 employees in the total sum of turnover and sales has decreased from 11.5% to 9.2%.

Table 2.4.B: Trucks per company road haulage only 2000

Company size (according to the number of trucks)	Number of companies	Percentage of all companies
1	1,046	24.0
2	572	13.2
3	499	10.3
4	336	7.7
5	325	7.5
6	199	4.6
7	195	4.5
8	159	3.7
9	138	3.1
10	105	2.4
11-20	504	11.6
21-30	166	3.8
31-40	57	1.3
more than 40	94	2.5
Total	4,345	100.0

Source: Fachverband für Güterbeförderung – Wirtschaftskammer Österreich.

Remarks: Similar to the dominance of companies with 10 or less and 20 or less employees in NACE 602, the vast majority of companies in road haulage have 10 or less trucks (81%) and 20 or less trucks (92.6%).

Table 2.4.C: Trucks per company road haulage only 1990

Company size (according to the number of trucks)	Number of companies	Percentage of all companies
1	1,016	21.7
2	752	16.0
3	567	12.1
4	478	10.2
5	363	7.7
6	275	5.9
7	189	4.0
8	158	3.4
9	154	3.3
10	104	2.2
11-20	448	9.6
21-30	100	2.1
31-40	41	0.9
more than 40	47	1.0
Total	4,692	100.0

Source: Fachverband für Güterbeförderung – Wirtschaftskammer Österreich.

Remarks: Similar to the growing trend of companies with more employees, the share of companies with more than 20 trucks in road haulage has almost doubled from 3.9% in 1990 to 7.6% in 2000, and the share of companies with more than 10 trucks has increased from 13.5% to 19%.

Table 2.4.D: Number of companies and number of trucks road haulage only

Year	2000	1998	1996	1994	1992	1990	1985	1980	1972
Number of companies	4,345	4,200	4,109	4,768	4,798	4,692	4,580	4,975	5,564
Number of trucks	30,564	28,652	26,282	29,268	29,538	27,804	21,630	20,303	17,016

Source: Facherband Güterbeförderung – Wirtschaftskammer Österreich

Remarks: Whereas the number of companies in road haulage decreased by 7.4% between 1990 and 2000, the number of trucks increased over the same period by 10%. Especially interesting is the substantial fall in the number of companies following Austria's entry into the EU in 1995. The number of road haulage companies decreased from 4,768 in 1994 to 4,109 in 1996 and since has increased every year.

Table 2.4.E: Number of companies and number of trucks intra-firm transport only

Year	2000	1998	1996	1994	1992	1990	1985
Number of companies	16,962	17,292	18,567	18,144	18,009	17,434	17,120
Number of trucks	41,300	43,653	44,276	42,018	41,792	40,211	39,566

Source: Fachverband Güterbeförderung – Wirtschaftskammer Österreich

Remarks: The same development can be observed in intra-firm road transport although to a much lesser degree. The number of companies decreased by 2.7% while the number of trucks increased by the same figure.

Table 2.5: Number of closings: No data available

Remarks: Unfortunately, statistics from the Austrian Kreditschutzverband von 1870 do not include closings.

Table 2.6: Number of bankruptcies

	Year	
	2001	1995
NACE 60-64	204	82
All sectors	2,349	2,043

Source: Österreichischer Kreditschutzverband von 1870.

Remarks: The number of bankruptcies in NACE 60-64 (transport, storage, communication) increased a surprising two-and-a-half times between 1995 and 2001, while total bankruptcies for all sectors grew by 15% during the same period.

Table 2.7: Company status - public/private: No data available

Remarks: The vast majority of companies in road haulage are private companies. The one exception is the national railway company *(Österreichische Bundesbahnen)* which offers a door-to-door delivery combining railway and road transport. In intra-firm transport some of the former state owned industries had their own truck fleets, but most of them are privatised or about to be privatised. On the other hand, some public or semi-public institutions like the national broadcasting company *(Österreichische Rundfunk)* or national theatre companies as well as some of the larger communities may have their own trucks to carry equipment.

2.1.1. General Remarks: Economic Characteristics

Freight road transport in Austria consists of two main fields of activities: The first one is road haulage, consisting of regular road haulage *(Güterbeförderungsgewerbe)* and small road haulage *(Kleingüterbeförderungsgewerbe)* with trucks that do not weight more than 3.5 tons. The second category is intra-firm road transport *(Werkverkehr)*. In this case, companies have their own truck fleets to transport material or semi-finished goods from one plant to another one, or to deliver goods to outlet branches or end customers. Intra-firm transport occurs in almost every sector of the economy, including retailing as well as the metal industry. In fact, intra-firm road transport accounts for the largest part of freight road transport in Austria (there are 30,564 trucks deployed in road haulage compared to 41,300 in intra-firm transport). While sectoral categories like NACE 60-64 (transport, storage, communication), 602 (other land transport) and 6024 (road transport) do not necessarily include intra-firm transport (the approximately 4000 companies noted in NACE 6024 for the most part match the number of road haulage companies), the occupational category 'land transport workers' cover both, road haulage and intra-firm transport.

The economic structure of road haulage in Austria is characterized by the predominance of small companies with 20 or less employees accounting for 91.9% of all companies and approximately 35 per cent of total employment in the NACE 602 (companies with 20 or less trucks account for 92.6% of all companies in road haulage).[1] A substantial share of companies are very small companies with less than five employees (63.2%) and there are also a number of self-employed truck drivers. Generally, the smaller companies are concentrated in local transport and in small road haulage *(Kleingüterbeförderungsgewerbe)*. Since the 1990s these also increasingly include courier and express services, whereas the larger firms are engaged in international transport, competing with large German, Italian and Dutch companies.[2]

According to the employer representative, road haulage saw massive changes since the mid 1980s, when the Austrian high court declared unlawful the practise of issuing new freight road transport licenses only after an examination of the need for additional transport capacities.[3] Although road haulage is still a trade which depends on special permission from the authorities, since 1985 anyone can apply for this permission if he/she has passed a special exam and has a minimum amount of start-up capital.[4] As a consequence of liberalisation, new companies were founded and existing companies extended their capacities by buying more and bigger trucks, fuelling competition and decreasing profits. This trend was accelerated with Austria's entry into the European Union in 1995 and the subsequent abolishment of trade barriers against non-Austrian road transport companies. According to the employer representative prices dropped about 25 and 30 per cent after 1995 as a consequence of increased international competition.[5] In his view, the main victims of this development were medium size companies - the so-called

1 Calculations for the share of employment include a mix of numbers from 2000 and 1995.

2 Information stems from the interview with the employer representative.

3 The so-called Bedarfsprüfung.

4 Bewilligungspflichtiges Gewerbe.

5 Ibid.

Mittelstand - with between 10 and 40 trucks, which are too big to find a niche to survive and too small for international competition.[6] On the other hand, a small number of Austrian companies actually profited from internationalisation and expanded their business activities into neighbouring EU countries and into Eastern Europe.[7] As a result, the number of road haulage companies decreased from 4,612 in 1990 to 4,345 in 2000, while the number of trucks in use increased over the same period from 27,804 to 30,565. Similarly, the number of companies with more than ten trucks increased from 13.6% in 1990 to 18.9% in 2000. A reduced number of companies with more vehicles can be seen as an indicator of a process of economic concentration. The same process, although to a much lesser degree, can also be observed in intra-firm road transport. Moreover, the massive increase in bankruptcies, which have increased two-and-a-half times in the last five years in NACE 60-64 (transport, storage, communication) (while the total number of bankruptcies for all sectors grew by only 15 per cent), can also be seen as an indicator of significant economic restructuring.

2.2. Labour Market Issues

Table 2.8: Number of people employed and according to gender

	Men		Woman		Total
	Nx1000	%	Nx1000	%	Nx1000
1999					
NACE 602	69,757	84.0	13,304	16.0	83,061
All service sectors	668,738	54.2	565,920	45.8	1,234,658
1995					
NACE 602	59,676	84.7	10,763	15.3	70,439
All service sectors	680,999	53.2	599,078	46.8	1,280,077

Source: Statistik Austria, Leistungs- und Strukturerhebung – Dienstleistungen 1999; Österreichisches Statistisches Zentralamt: Beiträge zur österreichischen Statistik – Handel, Dienstleistungen 1995. Percentages based on own calculations.

Remarks: The percentage of women employed in NACE 602 (other land transport) is exceptionally small. From 83,601 persons employed in the sector, only 13,304 or 16 per cent are women – and that number has increased only slightly since 1995. In comparison, the share of female employment in all service sectors accounts for 46.8%. And the percentage of women working as professional truck drivers may be even smaller. In a non-representative survey, for which Walter Kremser left questionnaires and collection boxes in publicly accessible places in motorway service stations and other rest and waiting areas, he received

6 Ibid. According to the statistics, the share of companies with between 10 and 40 trucks fell slightly from 1994 to 1995 from 17.8% to 17.3% but increased since then to reach 19.1% in 2000.

7 Information stems from interviews with labour representatives.

158 responses of which four respondents were women, resulting in a female share of not more than 2.5 per cent (Kremser 1997:17).

Table 2.9: People employed according to age/seniority: No data available

Remarks: Although data concerning the age of employees is collected in the Austrian labour force survey, it is not specified according to economic sectors or occupational categories. However, in this case too, Kremser's non-representative survey can shed limited light on the age structure in the sector. The median age of the 158 respondents was 36.13 years, with 54.3% of the respondents being not older than 36, 74% not older than 42, and 90.5 per cent younger than 50 years (Kremser 1997:17f). Nonetheless, the results show a clear dominance of younger workers which should be taken with a note of caution because the respondents were mainly employed in international transport. Though they wish to work for a few years, make some money and then switch to a less stressful job (which is a common attitude among younger truck drivers), the evidence is that many remain in the sector. They might switch from the more stressful realm of international transport to the relatively more relaxed sphere of local transport when they get older – even if this means a substantial pay cut.[8] In Kremser's non-representative survey 46.8% of the respondents stated that they wanted to drive until they reach retirement age, 13.9% wanted to change within the sector (e.g. from international to national or local transport), 32.9% wanted to drive a few more years and than look for a new job and 14.6% would have liked to have already found another job (ibid. 39). In any case, many older truck drivers suffer from permanent exhaustion, fatigue and health problems because of the extreme strains they were subject to during the many years they spent on the road. (This fact is also apparent in number of invalidity pensions and early retirements taken due to a reduced work capacity in the sector, which will be discussed in more detail below). With increasing age, truck drivers have more difficulty bearing the time pressure and the irregular working, eating, and sleeping periods that come with international routes.[9] Some of the older drivers are forced to look for a new job because they can no longer pass the mandatory health checks which are due every five years, others are laid off because they can no longer compete with their younger colleagues.[10]

8 Information stems from interviews with labour representatives.

9 Ibid.

10 Ibid.

Table 2.10: Non-EU-citizens employed August 2002

	Men	Women	Total non-EU	total dependent employment	% of total dependent employment
NACE 60	5,637	222	5,859	138,412	4.2
All sectors	154,570	85,073	239,643	3,696,000	6.5

Source: Unemployment figures from the Austrian Labour Market Service (situation August 2002). Other figures from Statistik Austria Labour Force Survey 2001 and Leistungs- und Strukturerhebung Produktion und Dienstleistungen 2002. Attention: percentage figures are not more than estimations.

Remarks: Unfortunately there are no exact figures about employment of non-EU-citizens or so-called guest workers in NACE 602. However, from employment permits issued by the Labour Market Service and figures from national statistics, we have estimated a non-EU-citizens share of 4.2% which is significantly below the national average of 6.5%. However, this figure must be taken with extreme caution, since the numbers compared are from different statistical sets and thus not entirely comparable.

Table 2.11: Number and percentage of employees according to company size

NACE 602		
Company size (according to number of employees)	Number of persons employed	% of total employment in the sector
1-4	10,928	15.5
5-9	-	-
10-19	11,137	15.8
20-49	-	-
50-99	-	-
100-249	-	-
250-499	-	-
500 –999	-	-
1000 and more	-	-
Total	70,439	100

Source: Statistik Austria – Leistungs- und Strukturerhebung 2002. Percentages according to author's own calculations.

Remarks: Unfortunately employment numbers according to company size are very incomplete. Nevertheless, as mentioned above, the predominance of small companies with less than 20 employees is less noticeable with regard to their share of total employment.

Table 2.12.A: Dependent employees: fixed-term and permanent contracts and apprenticeship

	Dependent employees	Fixed-term contract		Apprenticeship		Permanent contract	
	Nx1000	Nx1000	%	Nx1000	%	Nx1000	%
2000							
Land transport workers	130.9	1.8	1.4	-	-	129.0	98.6
All occupations	3,200.5	136.1	4.3	120.5	3.8	2,944.0	91.6
1997							
Land transport workers	133.7	4.6	3.4	0.1	0.1	129.0	96.5
All occupations	3,110.9	134.1	4.3	71.4	2.3	2905.5	93.4

Source: Statistik Austria Labour Force Survey 2001. Österreichisches Statistisches Zentralamt: Beiträge zur Österreichischen Statistik – Labour Force Survey 1997.

Remarks: The vast majority of land transport workers are employed with regular permanent contracts. Only 1.4 per cent had fixed-term contracts in 2000, down from 3.4% in 1997. Apprentices play only a marginal role.

Table 2.12.B: False self employment

	Men		Women		Total	
	Nx1000	%	Nx1000	%	Nx1000	%
NACE 60-64	2.3	3.3	1.8	1.4	4.2	2.1
All sectors	26.4	1.3	13.4	0.9	39.8	1.1

Source: Statistik Austria Mikrozensus 2001. Special study "Duration and Structure of Working Time". Quoted in: Statistische Nachrichten 5/2002.

Remarks: According to a Statistik Austria special study, only 3.3% of employees in NACE 60-64 (transport, storage, communication) account as false employed. However, the share for male employees is significantly higher than for the average of all sectors (3.3% compared to 1.3%). Generally it seems to be rather difficult to survey the share of false self-employment since many self-employed persons may not be aware that the work they are performing is a type that would entitle them to a regular employment contract.

Table 2.12.C: Distribution according to self-employed and family workers white collar and blue collar workers, apprentices

NACE 602	Male		Women		Total	% of total employment
	N	%	N	%		
1999						
Self employed and family workers	6,732	75.6	2,177	24.4	8,909	10.7
White collar workers	5,805	50.5	5,697	49.5	11,502	13.8
Blue collar workers	56,825	91.4	5,324	8.6	62,149	74.8
Apprentices	396	78.9	106	21.1	502	0.6
Home worker	0	0	0	0	0	0
Total	69,757	84	13,304	16	83,061	
1995						
Self employed and family workers	5,409	79.6	1,390	20.4	6,799	9.7
White collar workers	5,417	53.1	4,791	46.9	10,208	14.5
Blue collar workers	48,496	91.5	4,487	8.5	52,983	75.2
Apprentices	349	79.1	92	20.9	441	0.6
Home worker	5	62.5	3	37.5	8	-
Total	59,676	84.7	10,763	15.3	70,439	

Sources: 1999: Statistik Austria: Leistungs- und Strukturerhegung Dienstleistungen 1999; Österreichisches Statistisches Zentralamt: Beiträge zur österreichischen Statistik – Handel, Dienstleistungen 1995.

Remarks: The majority of employees in NACE 602 (other land transport) are blue-collar workers. Blue-collar workers account for 74.8% of all employees, compared to 13.8% who are white-collar workers. On the other hand self-employed persons and family members make up 10.7% of total employment in sector which is slightly less than the 12.2% which is the figure for all Austrian sectors. Remarkable here is the high share of women among white-collar workers: Whereas only 8.6% of blue-collar workers are women, women account for 49.5% of white-collar employees. This can be taken as evidence that only a minority of women employed in the sector actually work as truck drivers. Instead the majority of women in NACE 602 work as administrative, clerical, or managerial staff. Of note is also that the share of white-collar workers has decreased from 14.5% in 1995 to 13.8% in 1999.

2.2.1. General Remarks: Labour Market Issues

This picture was confirmed by our interviewees, who assured that the vast majority of employment contracts in the sector are regular permanent contracts. However, our interviewees also noted that a growing number of drivers are working on their own account, based on controversial and perhaps illegal forms of self-employment, while the number of

illegally employed non-EU-citizens - so-called illegal third-country-drivers - has also increased. Obviously, there is no statistical information on the extent of illegal employment and estimates differ considerably depending on their source. The representative from the Chamber of Commerce, for example, estimates that the illegal employment of third-country-drivers accounts for between 10 and 15% of all drivers employed in the sector, while the representative from the *Fachausschuss für Berufskraftfahrer* fears that this may only be the tip of the iceberg. Union representatives pointed to a third atypical from of employment that has become increasingly important in recent years: the abuse of trainees from Hungary with special employment authorisations as professional truck drivers in international transport.

- Self employment: There are a wide range of forms of self employment in the sector and perhaps a substantial part, if not the majority, qualify as false self employment. One such type received particular public attention in Austria in early 2002. The so-called quiet partnership model was developed and deployed by one of Austria's largest road haulage companies with more than 1000 trucks – more than 400 of them located in Austria – and a yearly turnover of 196 Mio Euro.[11] In this model, the driver as a so-called silent partner acquires a share of the company by signing over his truck as company property. Since most drivers do not have their own truck, the owner of the road haulage company - through a legally separate firm - offers them rental contracts for trucks. Through this arrangement the truck remains the property and at the disposal of the company, while the truck driver officially becomes an independent entrepreneur, even if he receives the same orders from management as dependent employees do. Moreover, while dependent employees are paid according to hours or distances travelled, silent partners receive a share of profits, leaving them all the risks, but only a small part of the gains. According to the Austrian Chamber of Labour, after the deduction of taxes and social security contributions some drivers earned less than 56 Cents per hour worked.[12] To earn a decent income, drivers sometimes drive extremely long hours (thereby often disregarding mandatory driving and rest periods) of up to 404 hours per month. Based on the actual driving record of a former silent partner, the Chamber of Labour came to the conclusion that this particular person, who received 1,597.42 Euro per month before the deduction of taxes and social security contributions, would have been entitled to a gross income of 3,872.61 Euro per month as a regular employee according to the current collective agreement for road haulage employees in Austria.[13] As some former silent partners are currently suing the company, the courts will have to decide if the model corresponds to the law, or if it is an illegal attempt to circumvent employment legislation and/or to avoid application for mandatory haulage licences. Union representatives have also stressed that victims are not only drivers who are deprived of money, but also public health insurance and pension funds which lose contributions that would have been mandatory for regular dependent employees.[14] Self-employment is not confined to road haulage but also exists in intra-firm transport. The rate of self-employment in intra-firm transport strongly correlates

11 Salzburger Nachrichten, June 28, 2002

12 Ibid.

13 Arbeiterkammer Salzburg: Strafanzeige gegen Fa. Augustin (www.ak-sbg.at/augustin01.htm).

14 Information stems from interview with union representatives.

to the branch the driver is working in. According to the representative from the *Fachausschuss für Berufskraftfahrer* there are branches where almost 100% of the drivers are employed as regular dependent employees (e.g. retailing), while others with a comparable high percentage of self-employed workers (e.g. construction), where most building materials are carried by self employed drivers.[15]

- Illegal employment of third-country-drivers: While employer representatives assured us that only a small minority of road haulage companies in Austria employ third-country-drivers without employment permissions, union representatives fear the number is substantial and growing. As one union-representative explained: "We know of companies, especially in Burgenland and Southern Lower Austria, [regions very close to the Hungarian, Czech and Slovakian border] which have 30 trucks in their parking lot but only three official drivers." The employer representative recalled that Austrian road haulage companies initially were looking for third-country-drivers from Eastern Europe because of their experience and knowledge of many years of driving in the former communist states. However, at a later date employers were increasingly interested in third-country-drivers because they could offer them lower wages, which were still decent wages compared to general income levels in their home countries. Meanwhile employment permissions for third-country-drivers have become scarce in Austria and employers are now looking for new but not always legal ways of employing third-country-drivers – for example, by hiring them through Eastern European branches especially founded for this purpose. Through such arrangements third-country-drivers may drive trucks registered in Austria while officially being employed somewhere else. This makes it extremely difficult for the police to decide on the spot whether a particular third-country-driver requires an employment permission or not.[16] In any case, all interviewees have great hopes for the introduction of an uniform European driver permit verification based on EU Regulation 2000/0297 (COD) which will come into force in March 2003. After this date, all legally employed third-country-drivers must have an EU verified drivers licence. This should make control procedures much more effective. According to employer representative the introduction of EU driver licence verification is "a child of the Austrian social partnership". He and his counterpart from the HTV trade union organisation repeatedly travelled to Brussels to convince their own organisations on the European level to agree to this proposition.
- Employment of trainees from Eastern Europe: Based on bilateral agreements with neighbouring Eastern European countries, the Ministry for Economy and Labour issues special employment authorisations for the duration of between 6 and 18 month for trainees from Hungary. Trainees between 18 and 35 years of age have the possibility to complete training and learn German in Austria. However, according to the HTV trade union organisation, Austrian road haulage companies abuse such trainees as professional truck drivers. Between 20 and 25 companies employ 300 trainees as professional truck drivers, some of them deployed in international transport. Some companies operate almost

15 Information stems from the interview with the representative from the Fachausschuss für Berufskraftfahrer.

16 Information stems from the interview with representatives from the Chamber of Labour and Chamber of Commerce.

exclusively with Hungarian trainees. The trainees are paid considerably lower wages than would be required by the collective agreement, if based on kilometres travelled or tons carried.[17]

All interviewees complained that false self-employment and illegal employment of third-country-drivers generates enormous competitive pressure on those companies which offer their employees regular employment contracts. Employers prefer false self-employment and illegal employment of third-country-drivers because these are instruments that cut their wage bill. Lower wage costs are an important competitive advantage in the road haulage industry. Companies that pay wages according to the collective agreement have increasingly severe problems surviving in an extremely competitive market with persistently falling carriage prices. As the representative from HTV Lower Austria has pointed out: "Healthy companies are killed off by firms with illegal employment."

Table 2.13: Percentage of people employed according to educational level

	Primary School		Apprenticeship		Technical School		High School		Special College		University		Total
	Nx1000	%	Nx1000	%	Nx1000	%	Nx1000	%	Nx1000	%	Nx1000	%	Nx1000
Land transport workers													
Men	39.3	27.8	85.9	60.9	7.7	5.5	7.2	5.1	0.3	0.2	0.8	0.6	141.1
Women	2.3	30.3	3.4	44.7	0.7	9.2	0.7	9.2	0	0	0.5	6.6	7.6
Total	41.6	30	89.3	60	8.4	5.6	7.9	5.3	0.3	0.2	1.3	0.9	148.7
All occupations													
Men	416.8	18.8	1,085	48.8	181.1	8.2	331.1	14.9	33.3	1.5	173.5	7.8	2,220.3
Woman	421.2	24.8	542.6	32	263.6	15.5	302.1	17.8	60.7	3.7	107.2	6.3	1,697.4
Total	838	21.4	1,627	41.5	444.7	11.4	633.3	16.1	93.9	2.4	280.7	7.1	3,917.7

Source: Statistik Austria Mikrozensus Jahresergebnisse 2000. Percentage figures based on own calculations.

Remarks: The large majority of persons employed in the sector completed an apprenticeship as their highest level of education. However, the apprenticeship does not necessarily have anything to do with the truck driving profession they perform. Instead, most truck drivers have completed an apprenticeship for a different profession and switched to truck driving because they hoped to make more money. Professional truck drivers with truck driver certificates, on the other hand, usually completed their training while they were already working as a truck driver. Only a small minority of perhaps not more than few percentage points have actually finished a traditional professional truck driver apprenticeship (allowing them to work as professional truck drivers at 18 years of age, while drivers without professional truck driving certificates must be at least 21).[18] The table also shows a significantly lower rate of employees

[17] Information stems from interviews with union representatives and from ÖGB Nachrichtendienst No 3136, October 17. 2002.

[18] Information stems from interviews with labour representatives.

who have passed technical schools and high schools and an explicit lack of persons with higher education. The rate of employees with a university degree is 0.9% compared to 7.1% for all occupations surveyed. Interestingly, women employed in the sector have a better education than men: 7.6% have an university degree (compared to 0.6% of men), 9.2 completed high school (5.1% men) and even 9.2% a technical school (5.5% men). Again this can be explained by the fact that women mainly perform jobs in administration or management and rarely drive trucks. On the other hand, the low rate of employees with a higher education can be taken as evidence that career opportunities are limited. Truck drivers do attend supplementary training (e.g. safety driving training to acquire additional qualifications, such as a certificate for the transport of hazardous materials) but most drivers remain drivers unless they establish their own company. According to Konrad Hofer a typical truck driver career starts with driving building material to and from construction sites. With growing experience, drivers change to international transport, where they can earn more money, and then ends by switching to relatively more relaxed local transport routes (Hofer 1994:209f).

Union representatives complain that employers are not always interested in a well trained workforce, especially since drivers with professional truck driver certificates are entitled to a higher wage rate according to the collective agreement for road haulage. Moreover, some employers would even prefer it if their employees are not that familiar with official regulations in road transport (that are taught in training courses). However, not all employers have such an attitude. There are also examples of companies in the sector that put a lot of effort into training their drivers.[19] Representatives from the HTV trade union estimate that approximately 17,000 drivers have completed training as professional truck drivers or around 15% of all truck drivers in Austria. Official training was established in 1987. Since 1992 land transport is a regular occupation with official occupational status. Courses include 264 units and are completed with a final examination.

[19] According to Kremser, 3.2 per cent of his respondents completed professional training as truck drivers because their employers urged them to do so (Kremser 1997:31).

Table 2.14: **Occupational groups: The occupational group is land transport workers,** in the statistics we have seen no further specifications are made

Table 2.15: **Number and percentage of full-time/part-time workers**

	Part-time		Full-time		
	N	%	N	%	N
Land transport workers					
Men	3,900	2.9	132,300	97.1	136,200
Women	2,900	40.8	4,200	59.2	7,100
Total	6,800	4.7	136,500	95.0	143,300
All occupations					
Men	85,500	4.0	2,036,200	96.0	2,121,700
Women	489,200	31.8	1,048,300	68.2	1,537,400
Total	574,700	15.7	3,048,500	83.3	3,659,100

Source: Statistik Austria Mirkozensus 2000. Percentage figures based on own calculations.

Remarks: The share of part-time employees among land transport workers is exceptionally low. Only 4.7% of employees work part-time, compared to 17.7% in all occupations surveyed. The low rate of part-timers reflects the similarly low rate of women employment in the sector. On the other hand, the part-time rate of women is exceptionally high. Female part-timers account for 40.8% of total female employment in the land transport sector, while the comparable figure is 31.8 per cent in all occupations.

Table 2.16: **Unemployment in the sector**

	N	%
NACE 60-64	9,646	3.7
All sectors	154,020	4.0

Source: Statistik Austria Labour Force Survey 2001. N based on own calculations.

Remarks: The unemployment rate for NACE 60-64 (transport, storage, communication) is slightly less than the average unemployment rate for all sectors (3.7 to 4%). Unfortunately there is no information available in regard to the NACE 602 (other land transport) and NACE 6024 (road transport). Moreover, we could not find official data in respect to personnel turnover, but according to our interviewees and available literature it seems to be rather high. According to Kremser's unrepresentative survey, for example, 42.4% of the respondents only worked for ten years or less as truck drivers, and 75.3% for 20 years or less (Kremser 1997:35). On the other hand, our interviewees confirmed that there are a number of vacancies

in the sector and especially road haulage companies are persistently looking for workers. The Austrian Labour Market Service has registered 1,036 open positions for transport workers in December 2001.[20] According to union representatives, the lack of professional truck drivers stems from the low wages paid in the sector and from the poor working conditions, while employer representatives complain that young persons who did not complete truck driver apprenticeships – and this is only a small minority – must be at least 21 years old before they are allowed to work as professional truck drivers: "Until they are 21 most of them have already made arrangements to follow other careers."

2.2.2. Labour market issues: General conclusion

As outlined above, the majority of employment contracts in freight transport in Austria are permanent regular contracts. However, a growing number of truck drivers are working as self-employed and at according to estimates by the representative of the Chamber of Commerce about 10% of all truck drivers in road haulage are illegally employed third-country-drivers (estimates by labour representatives are even higher). At the same time, a growing number of road haulage companies use trainees from Hungary as professional truck drivers.

The labour market is characterised by a small percentage of women and part-time workers and by a lack of professional truck drivers. On the other hand, educational levels are below average and career opportunities are limited. With the exception of the increase in self-employment and illegal employment of non-EU-citizens, overall changes in the labour market are minimal.

[20] See: Der Arbeitsmarkt in Verkehrsberufen im Jahr 2001 www.wko.at/bsv/Internet/arbeitsmarkt.htm.

2.3. Regulatory Framework

Table 2.17.A: Relevant regulations

EU and international level	National legislation	Collective agreements
- AETR - European Agreement Concerning the Work of Crews of Vehicles engaged in International Road Transport. - ECC Regulation No 3820/85 and 3821/85 concerning driving time and rest periods and recording equipment plus subsequent amendments. - Council Directive 88/599/ECC - Council Directive 93/172/ECC	- AZG – working time - ARG – working time - ArbVG – work constitution - ASVG – social security - GSVG – social security of self-employed persons - AngG – white-collar workers - AschG – health and safety issues -ArblG – labour inspection branch - AuslBG – non-EU-citizens - AÜG – employment agencies - UrlG - vacation - KfG – traffic issues - StvO – traffic issues - GGB – hazardous materials	- Agreement between road haulage companies and the HTV trade union. - Agreement between road haulage companies and the HTV trade union for small road haulage (trucks up to 7.5 tons). - Further collective agreements including provisions for truck drivers in almost all sectors. - Company agreements

2.3.1. General Remarks: Regulatory Framework

The regulatory framework governing road transport in Austria and other European countries is particularly complex because there are international treaties (AETR) as well as both European and national law involved. With regard to national law, there are also multiple sources of legislation. This is the case, because the regulation of working conditions in road transport has a broader impact on road safety. Some provisions, for example, such as driving and rest periods, exceed the sphere of traditional labour legislation and affect all drivers, regardless of their employment status. To make things even more complicated, road transport is not an regular economic sector with separate collective agreements (one for blue collar and one for white collar workers, as it is usually the case in Austria). As outlined before, road transport includes road haulage (regular road haulage and small road haulage) as well as intra-firm transport *(Werkverkehr)*. The latter accounts for the largest share of road transport and occurs in all major economic sectors and most of these sectors have special provisions for truck drivers in their collective agreements. Thus the regulatory framework not only includes different levels of legislation and multiple sources of law, but also a wide range of collective agreements. However, there are some overriding provisions concerning the minimum age of drivers, driving time and rest periods, as well some basic statements on the wage contract that are specified in EEC Regulation No 3820 of 1985 and that were subsequently incorporated into national legislation and the majority of collective agreements after Austria's entry into the

European Economic Area in 1994 and the EU in 1995 (c.f. Weninger 2000). The most important measures are as follows:

- Article 5 of ECC Regulation No 3820/85 states that drivers of vehicles with a weight of more than 7.5 tons must be at least 21 years old, or at least 18 years if they have completed training for professional truck driving and obtained a certificate recognized by one of the member states.
- Articles 6 states that daily driving periods shall not usually exceed 9 hours but can be extended to a maximum of 10 hours for two days per week.
- Article 7 states that drivers shall observe a break period of at least 45 minutes after four-and-a-half hours' of driving. This break may also be replaced by three breaks of at least 15 minutes distributed over the four-and-a-half hours' driving period. Waiting time caused by traffic jams or by the loading of the truck do not count as break periods. Moreover, the driver must keep a daily rest period of at least 11 consecutive hours in each period of 24 hours. The daily rest period can be reduced to a minimum of 9 consecutive hours not more than three times in any one week, on condition that an equivalent period of rest is granted as compensation before the end of the following week (in case of a vehicle is staffed by 2 drivers, each driver must obtain a daily rest period of at least 8 consecutive hours during each 30-hour period). The daily rest period may be taken in 2 or 3 separate periods during the 24-hour period, one of which must be at least be 8 consecutive hours long. In this case the total length of the 2 or 3 daily rest periods must amount to a minimum of 12 hours. In the course of each week, drivers are obliged to take a weekly rest period of 45 consecutive hours. This period can be reduced to a minimum of 36 hours if taken at the place where the vehicle is normally based or the driver's home, or to a minimum of 24 consecutive hours if taken elsewhere. Each reduction however, must be compensated by an equivalent rest taken en bloc before the end of the third week following the week in question. Any rest taken as compensation for the reduction of the daily and/or weekly rest periods must be consecutive to another rest of at least 8 hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.
- Article 10 states that payments to wage-earning drivers, even in form of bonuses or wage supplements, that are tied to distances travelled and/or the amount of tons carried are prohibited, unless these payments are of such a kind as not to endanger road safety.

In order to enable the authorities to enforce the aforementioned driving time and rest periods, ECC Regulation No 3821/85 requires the installation of recording equipment in transport vehicles and an amendment from 1998 - ECC Regulation 2135/98 - demands the installation of new electronic equipment not later than 2004. Moreover, Council Directive 88/599/ECC from 1988 obliges member states to carry out regular and appropriate checks of drivers and their vehicles in the equivalent of at least one per cent of the total days worked by professional truck drivers in one year. Not less than 15 per cent of these checks must take place on the roadside and not less than 25 per cent at the premises of pickups.[21] Council Directive

[21] Control requirements were incorporated into national legislation with the Erlass Zl. 179.733/33-I/7/95 des Bundesministeriums für Wissenschaft und Verkehr.

88/599/ECC also requires member states to report control activities in the appropriate form to the Commission every two years (laid out in Council Decision 93/172/ECC).

The introduction of maximum driving time as well as minimum rest periods represented a step forward in the Austrian context, where § 102, Article 12, of the *Kraftfahrgesetz* (KfG), previously authorized the police to stop and prevent a driver from driving only in case of an "obvious overtiredness" (c.f. Weninger 2000:47). Of course this expression was very vague and subject to the interpretation by the officer on duty.[22] On the other hand, daily driving periods of up to ten hours (two times a week) and weekly rest periods of no more than 24 hours (taken outside the driver's or vehicle's base), were a step backwards compared to previous working time standards granted by the Arbeitszeitgesetz (AZG) and Arbeitsruhegesetz (ARG), as well as by the majority of collective agreements. These regulations generally imposed 8-hour days and 40-hour weeks - but they only affected dependent employees and thus excluded the bulk of self-employed truck drivers.[23] The EU norms specified in ECC Regulation No 3820/85 were subsequently incorporated into national working time legislation in form of special provisions for professional truck drivers (see AZG Chapter 4, §§ 13-17; and ARG Chapter 5a). These provisions generally confirm the stricter Austrian standards, but allow for deviations up to the limits imposed by the EU regulations based on collective agreements concluded between the social partners (c.f. Weninger 2000:38f). The vast majority of agreements now include EU-norms making EU driving and rest periods effective working time regulations in Austria.[24] The collective agreement between the HTV *(Handel, Transport, Verkehr)* trade union and the road haulage companies, for example, establishes a regular working week of 40 hours, but allows for a maximum working week of up to 55 hours averaged over a year (and a maximum of 90 hours in two consecutive weeks). Maximum working time in a single week can be up to 60 hours of which four hours must be spend for other activities than driving.[25]

The same agreement, covering the largest number of professional truck drivers in Austria, includes further regulations in respect to working time, overtime and payment issues. Working time counts toward total operating time, including preparation time as well as loading and waiting periods. The only exception is an one-hour meal break every day which is excluded from working time and is not paid. For hours in excess of the weekly 40 hour-limit, employers are obliged to pay an overtime rate of 150% of regular rates. For hours outside the regular working time schedule - that is between 5 am and 8 pm and after 3 pm on Saturdays - the overtime rate is 200%.[26] Generally, wages are based on an hourly wage rate agreed upon for different categories of drivers, depending on education, seniority and the size of vehicles they are driving, as well as the transport of hazardous materials. The collective agreement reassures Article 10 of the ECC Regulation 3820/85 which states that payments shall not be based on distances travelled or tons carried - unless these payments are of such a kind as not to

22 Information stems from the interview with the representative of the Chamber of Labour.

23 Ibid.

24 Ibid.

25 Excluding hours when drivers are waiting to be called in to work. See Kollektivvertrag für das Güterbeförderungsgewerbe 2000 Articles V and Va.

26 See Article V and VI.

endanger road safety. Beside regular wages and overtime supplements, the collective agreement also includes a detailed scheme of rebates for travel expenses.

Further relevant regulations include:

- *Arbeitsverfassungsgesetz (ArbVG)/*Law Concerning the constitution of work: This law regulates issues of collective representation including the conclusion and extension of collective agreements, as well as participatory rights within firms, the establishment of work councils and the conclusion of company agreements.
- *Allgemeine Sozialversicherungsgesetz (ASVG)*/General law concerning social security issues: This law regulates social security contributions, health insurance coverage, as well as entitlement to sick pay, unemployment benefits and pensions. Social security contributions are mandatory for dependent employees and are automatically deducted from the pay bill depending on the wage rate. Generally, dependent employees enjoy full social security coverage in Austria - although in case of unemployment benefits and pension transfers depend on the length of contributions.
- *Gewerbliches Sozialversicherungsgesetz (GSVG)/*Law concerning social security issues of employers and self-employed persons.
- *ArbeitnehmerInnenschutzgesetz (AschG)*/Wage earner protection law: This law regulates health and safety issues in workplaces as well as the appointment of health and safety officers.
- *Arbeitsinspektoratsgesetz (ArlBG)/*Law regulating the labour inspection branch's inspection activities.
- *Angestelltengesetz (AngG)/*Law concerning the employment of white-collar workers.
- *AusländerInnenbeschäftigungsgesetz (AuslBG)*/Law concerning the employment of non-EU-citizens.
- *Arbeitskräfteüberlassungsgesetz (AÜG)/*Law regulating agency work.
- *Urlaubsgesetz(UrlG)/*Vacation Law: Every dependent employee in Austria is entitled to a minimum of five weeks of paid vacation per year.
- *Kraftfahrgesetz (KfG) and Straßenverkehrsordnung (StvO):* These two laws regulate traffic issues in Austria. Of particular importance for road transport are general night and weekend driving bans for trucks with a weight of more than 7.5 tons. Such trucks are prohibited from driving between 10 pm and 5 am (StVO § 42 Article 6 to 9) as well as on Saturdays between 3pm and 12 pm and Sundays and on public holidays between 0 and 10 pm (StVO §42 Article1 to 4). The same provisions also include a long list of exemptions.
- *Gefahrengutbeförderungesetz (GGB)/*Law concerning the transport of hazardous materials.

2.3.2. The Problem of Enforcement

Generally our interviewees were satisfied with the regulatory framework governing road transport in Austria (proposals for change will be discussed further below). However, with the exception of one interviewee, all complained about serious enforcement problems. One reason

for weak enforcement is a far reaching fragmentation of control institutions and responsibilities in Austria. There are a number of different institutions with different means and different responsibilities involved. Inspections on the roadside including checks of driving records for example, are the responsibility of the police, while the labour inspection branch – a sub-department of the Ministry of Economy and Labour – exclusively makes checks within the firm. Proper registration for the deduction of social security contributions, on the other hand, is verified by agents of the social security system. For regular police patrols the complexity of the regulations at a glance are often too much and the labour inspection branch is understaffed.[27] With the exception of the representative of the labour inspection branch, the rest of our interviewees stated a lack of communication between the different institutions involved (the representative of the labour inspection branch on the other hand asserted that communication between the labour inspection branch and the police was excellent and information is exchanged on regular basis). A second reason for weak enforcement is the level of fines, which are comparably low in Austria. The laws regulating road transport are administrative laws and offences against administrative legislation traditionally call for smaller fines compared to offences against criminal legislation – even if the offences can cause massive damage including injury or death in the case of road accidents caused by an overtired truck driver. The Chamber of Labour is trying to prove that in some cases, where drivers were forced by their employers to disregard mandatory driving time and rest periods, the criminal offence of coercion is present.[28] The Chamber of Labour has taken on an expert in the law faculty at the University of Vienna, who confirms this interpretation, but the public prosecutor has not yet taken any action. In any case, low penalties make it more attractive for companies to pay fines and continue illegal practices than to comply with the regulations. Both, labour as well as employer representatives (but not the labour inspection branch) would like to have one central authority that combines all the existing jurisdictions and responsibilities for enforcing regulations in road transport, as is already the case in Germany. Labour representatives, moreover, would also like to have stronger penalties as seen in Germany and other European countries.

27 Information stems from interview with labour representatives.

28 Ibid.

Table 2.17.B: Freight road transport checks 2001

Number of drivers checked	**5,399**	
Number of working days checked	69,459	
Number of offences	3,535	
Reasons of offences:		
	N	% off all offences
Daily driving time	714	20.2
Weekly driving time	16	0.5
Biweekly driving time	6	0.2
No rest period	342	9.7
To short rest period	680	19.2
Daily rest period	689	19.5
Weekly rest period	32	0.9
Operating time	296	8.4
Recording equipment	760	21.5

Source: Ministry of Economy and Employment.

Remarks: Generally, in many if not the majority of road checks the police lay charges against drivers. The list of offences is topped by offences in connection with recording equipment, followed by the non-observance of daily driving time and rest periods. According to the representative from the Chamber of Labour, driving records present a particular problem. Although drivers are obliged to carry driving records for the preceding few days with them, they can avoid fines for non-observance of mandatory driving time and rest periods by presenting confirmation that they did not work on a particular day. Such confirmations are issued by employers and in fact employers often issue blank confirmation forms. In case a driver is stopped, he or she has to quickly fill in the form and present it to the police.[29] In any case, the Chamber of Labour hopes that this practice will be stopped with the introduction of electronic recording equipment in 2004. With electronic records the police will be able to check driving records for several weeks if not months and manipulation should be much more difficult.

[29] Information stems from the interview with the representative of the Chamber of Labour.

Table 2.17.C: Observance of mandatory driving time

	Very often	Rather often	Rather seldom	Very seldom/never
%				
Road haulage	35.8	35.8	18.7	9.7
Intra-firm transport	52.6	26.3	10.5	10.5
Number of truck drivers in the company:				
Below 10	26.7	44.4	17.8	11.1
11-30	49.0	26.7	20.0	13.3
31-50	55.0	15.0	15.0	15.0
51-100	41.7	33.3	25.0	0.0
More than 100	38.8	45.2	12.9	3.2
Companies with work council	53.6	32.1	8.9	5.4
Companies without work councils	27.7	36.2	23.4	12.8

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: Kremser's non-representative survey shows that regular observance of mandatory driving time is generally higher in intra-firm transport than in road haulage (52.6% compared to 35.8%) and that observance is better in companies with work councils (53.6% compared to 27.7%). Moreover, rare or non-observance is highest in companies with between 11 and 50 employees, where 28.3% of the respondents stated that they very seldom or never observe mandatory driving time (Kremser 1997:116).

Table 2.17.D: Observance of maximum weekly working time (60 hours)

	Very often	Rather often	Rather seldom	Very seldom/never
%				
Road haulage	29.3	38.4	23.3	9.0
Intra-firm transport	50.0	27.8	11.1	11.1
Work environment				
Number of truck drivers in the company:				
Below 10	25.0	38.6	29.6	6.8
11-30	29.6	40.9	20.5	9.1
31-50	52.6	15.8	21.1	10.5
51-100	25.0	41.7	8.3	25.0
More than 100	34.4	40.6	18.8	6.3
Companies with work council	40.8	37.0	11.1	11.1
Companies without work councils	26.6	36.2	28.7	8.5

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: The same is true in regard to the observance of maximum working time, although maximum working time is generally less strictly observed than mandatory driving time. Here too, observance is better in companies with work councils than in those without (40.8% compared 26.6%). However, rare or non-observance of maximum working time is highest in companies with between 51 and 100 employees (25%)

Table 2.18: Membership of employers organisations: 100%

Remarks: In Austria employers' membership in the Chamber of Commerce is mandatory and the Chamber of Commerce, although a body of public authority, is responsible for negotiating and concluding collective agreements. The reasons are related to the historical development of employers' representation in Austria. In contrast to other countries, in Austria only a small number of voluntary employer organisations negotiate collective agreements. Road haulage collective agreements are negotiated and concluded by the Chamber of Commerce subdivision *Fachverband für Güterbeförderungsgewerbe*.

Table 2.19.A: Membership of employees who are member of one of the unions in the sector and on the national level

Union membership	N	% (union density)
Blue-collar workers in road haulage	2,500	10 – 15
All sectors	1,421,027	40

Source: Austrian Trade Union Association (ÖGB) and Georg Eberl from the HTV trade union. Percentage figures are estimations.

Table 2.19.B: Work Council

Number of employees	% with work council
5-10	8.3
11-30	31.1
31-50	40.0
51-100	83.3
100 and more	65.6
Total	62.3

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: While employers's sector level collective agreements are negotiated by the Chamber of Commerce, for employees this function is carried on their behalf by the Austrian Trade Union Association *(ÖGB)* and its eleven branch unions *(Fachgewerkschaften)* including one particular union *(Gewerkschaft der Privatangestellten)* that represents white-collar workers. As outlined above, freight road transport includes road haulage as well as intra-firm transport and the latter occurs in almost all sectors of the economy. Road transport workers, thus, are represented by a variety of different branch unions, making it virtually impossible to determine total union membership and union density. Generally, union membership of road transport workers reflects total union density in the sector which means that union density is higher in the traditionally well organised sectors like the metal sector and weaker in traditionally poorly organised sectors like retailing. However, blue-collar road transport workers in road haulage are exclusively represented by the HTV trade union organisation (trade union for retailing, transport and communication). According to representatives of HTV some 2,500 blue-collar workers employed in road haulage are union members, accounting for between 10 and 15% of all eligible employees in the sector. Thus union density among road transport workers is exceptionally low. Union representatives note that many truck drivers become union members only when they are on the cusp of suing their employers and need legal advise from the union. In any case, all dependent employees in Austria are covered by collective agreements, irrespective of whether they are union-members or not. In other words: Even if only a small percentage of blue-collar road transport workers are union members, all

of them profit from the collective agreement concluded between the HTV and the Chamber of Commerce.

Company level agreements exist in the sector, but play only a minor role. Sometimes they are used to illegally undermine collective or legal standards.[30] Another problem are work councils: In Austria companies with at least five dependent employees have the right to be represented by a work council. As can be seen in table 2.19 almost two thirds of all companies qualify under this regulation, but only 8.3% per cent of companies with between 5 and 10 employees actually have a work council. The share of companies with work councils are highest for companies with between 51 and 100 employees (83.3%), but surprisingly it is lower for companies with 100 and more employees (65.6%). As mentioned before there is strong correlation between the existence of work councils in the observance of mandatory driving time and maximum working time.

Table 2.20: Number of collective agreements

Road haulage	Intra-firm transport
- Collective agreement for regular road haulage	- Most branch agreements include provisions concerning road transport workers in intra-firm transport.
- Collective agreement for small road haulage	

Table 2.21: Quality of work and employment issues: See table 2.17.A

2.3.3. Social Dialogue

Both the representatives of the Chamber of Commerce and the HTV trade union emphasise that there exists a good to fair relationship between the social partners in the sector. Negotiators are acquainted with each other for many years and appreciate that the respective counterpart is acting in good faith and that agreed upon regulations are usually followed. Union representatives have pointed out that those employers sitting at the negotiation table, are not those continually disregarding regulations. In a number of cases, employer and union representatives have even worked together – for example, when bills concerning traffic issues or driving bans are examined. In such cases, they try to develop common statements, because experience has shown that the impact on the government is much greater if the social partners deploy the same line of argument. Nevertheless, there were also periods when relations were more tense as in the mid-1990s when a new collective agreement was negotiated and the union threatened to blockade roads to push through their demands.

2.3.4. Changes

As outlined before, freight road haulage in Austria saw massive changes since the 1980s and in particular since Austria's entry into the EU in 1995. Increasing competition caused a

[30] Information stems from interview with union representatives.

concentration process which led to a decrease in the number of companies over the last 20 years, while the number of trucks per company increased. Austria's entry into European Economic Area and subsequently into the EU was followed by the incorporation and adoption of European regulations, especially of ECC Regulation No 3820/85 concerning mandatory driving time and rest periods. On the other hand, increased competition also led to an increase of (fake) self-employment and in the illegal employment of third-country-drivers confronting the authorities with growing enforcement problems.

2.3.5. Overall analysis and conclusion concerning sector characteristics: See 2.1.1, 2.2.1, 2.2.2 as well as 2.3.1 and 2.3.4

3. QUALITY OF WORK AND EMPLOYMENT

3.1. Physical working environment

Table 3.1: Ambient conditions

	NACE 60-64		All sectors	
	Nx1000	%	Nx1000	%
Weather conditions	106,0	41.7	881.2	23.8
Hot conditions (indoors)	65.4	25.6	1,048.2	28.3
Cold conditions (indoors)	32.2	12.6	502.1	13.5
Wet or humid conditions (indoors)	14.5	5.7	294.9	8.0
Dust	64.0	25.0	1,027.1	27.7
Dirt, grease, oil	57.2	22.4	810.2	21.8
Solid or liquid harmful or toxic substances	23.4	9.1	550.5	14.8
Vapours, gases, smoke	36.6	14.2	532.2	14.4
Industrial noise (caused by machinery, engines etc.)	49.1	19.2	769.3	20.7
Office noise (caused by phone calls, conversations etc.)	49.3	19.3	559.5	15.1
Traffic noise	110.8	43.3	594.1	16.0
Other type of noise	43.2	16.9	619.1	16.7
Vibrations	30.3	11.8	201.6	5.4
Draughts caused by air condition	30.5	11.9	382.6	10.3
Draughts caused by open windows	58.1	22.7	593.7	16.0
Passive smoking	46.5	18.2	527.0	14.2
Inferior air quality (stuffy air, bad smells, etc.)	37.1	14.5	643.5	17.4
Permanent artificial light or exposure to powerful light sources	49.4	19.3	1,033.1	27.9
Permanently closed windows/lack of windows	14.5	5.7	285.7	7.7
Exposure to electro-magnetic fields, radiation (X-rays, UV etc.)	26.7	10.4	313.0	8.4
Continuous customer contact	113.7	44.4	1,503.0	40.5
Lack of privacy	26.6	10.4	317.3	8.6
Lack of personal contact	12.1	4.7	116.5	3.1
Extensive contact with suffering, terminally ill etc.	6.5	2.5	238.9	6.4

Source: Statistik Austria Mikrozensus 1999. Special survey working conditions (unpublished).

Remarks: In regard to ambient conditions, examined in a special survey by Statistik Austria on working conditions in 1999, three issues stand out where employees in NACE 60-64 (transport, storage, communications) are especially concerned compared to the average of all employees. These issues include weather conditions (41.7% compared to 23.8%), traffic noise (43.3% compared to 16%) and vibration (11.8% compared to 5.4%). Another issue where results for NACE 60-64 are worse than for the average is the lack of personal contact (4.7% compared to 3.1%).

Table 3.2: Ergonomic conditions

	NACE 60-64		All sectors	
	Nx1000	%	Nx1000	%
Heavy, unwieldy tools	22.3	8.7	4729.9	12.8
Other heavy physical workload	58.8	23.0	1,076.0	29.0
One-sided physical strains	65.2	25.5	804.1	21.7
Repetitive manual tasks	32.9	12.9	417.3	11.3
Work requiring good manual dexterity and motor skills	1,203.4	32.4	56.3	22.0
Discomfort caused by working clothes/protective clothing or facilities	23.9	9.3	346.8	9.4
Monotony of work	15.9	7.8	337.7	9.1
Regular/extensive VDU work	22.4	11.0	1,129.4	30.5

Source: Statistik Austria Mikrozensus 1999. Special evaluation working conditions (unpublished).

Remarks: Concerning ergonomic conditions, workers in NACE 60-64 are suffering significantly more than the average of all employees from "one-sided physical strains" (25.5% compared to 21.7%). They are also suffering from more strains resulting from "work requiring good manual dexterity and motor skills" (32.4% to 22.0%).

Table 3.3.A: Risk of accidents, risk of injuries

	NACE 60-64		All sectors	
	N	%	N	%
Risk of accidents, risk of injuries	111,900	43.7	1,304,600	35.2

Source: Statistik Austria Mikrozensus 1999. Special evaluation working conditions (unpublished).

Remarks: Employees in NACE 60-64 are clearly more often affected by risks of accidents and injuries than average employees in all sectors (43.7% compared to 35.2%)

Table 3.3.B: Risk of accidents, risk of injuries

	Land transport workers		All occupations	
	Disturbing %	Not disturbing %	Disturbing%	Not disturbing %
Risk of accidents, risk of injuries	31.2	32.6	14.2	14.2

Source: Statistik Austria Mikrozensus 1994. Special evaluation working conditions. In: Fasching Melitta (1999): Arbeitsbedingungen in Österreich.

Remarks: More than double as many land transport workers state that risk of accidents and risk of injuries are "disturbing," than the average of employees in all occupations (31.2% compared to 14.2%).

Table 3.4: Number and percentage of employees who have access to specific equipment: No data available

3.1.1. General Remarks: Physical environment

Problems in respect to the physical environment include one-sided physical strains stemming from long periods of sitting in one position, as well as weather conditions, traffic noise and vibrations. Other relevant issues are the lack of personnel contact and high risks of accidents and injuries.

3.2. Work organisation

Table 3.6.A: Subject to work related strains – pace of work, work intensity

	NACE 60-64		All sectors	
	N	%	N	%
Working under time pressure	155,300	60.7	1997,300	53.9
Permanent high concentration	109,800	42.9	1,132,500	30.5
Unbalanced workloads	114.4	44.7	1,507.8	40.7
Regularly ordered involuntary overtime	38,200	18.8	741,000	20
Lack of optional short breaks	18,300	7.2	274,800	7.4

Source: Statistik Austria Mikrozensus 1999. Special evaluation working conditions (unpublished).

Remarks: In the Statistik Austria Mikrozensus special evaluations on working conditions (1999 and 1994) there are several issues that can be taken as indicators for the pace of work and work intensity. These issues include "working under time pressure", "permanent high concentration", "unbalanced work loads", "regularly ordered involuntary overtime" and "no

chance for short rest periods". While figures for "working under time pressure" and "permanent high concentration" and "unbalanced work loads" are clearly worse than for the average of all sectors, involuntary overtime and the observance of short rest periods seems to be slightly better in NACE 60-64 than for the average of all sectors.

Table 3.6.B: Work related strains are disturbing/not disturbing

	Land transport workers		All occupations	
	Disturbing %	Not disturbing %	Disturbing%	Not disturbing %
Working under time pressure	33.4	19.4	24.6	19.3
Permanent high concentration	11.7	29.9	6.0	17.6
Unbalanced work loads	13.8	25.4	10.7	21.6
Regularly ordered involuntary overtime	8.5	21.8	5.5	10.8
No chance for short rest periods	3.8	4.0	2.7	2.9

Source: Statistik Austria Mikrozensus 1994. Special evaluation working conditions. In: Fasching Melitta (1999): Arbeitsbedingungen in Österreich.

Remarks: The same picture occurs if land transport workers are compared with average workers.

Table 3.6.C: Lack of sleep

	Very high burden	Burden	Small burden	No burden
Lack of sleep	24.1	24.1	19.6	13.9

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: Kremser's non-representative survey shows that many truck drivers have problems getting enough sleep. Eighty per cent of the respondents stated that they suffer from a lack of sleep; 24.1% feel the lack of sleep as a heavy burden, another 24.1% as a burden, while 19.6% stated that it presents only a small burden and 13.9% think that it is no burden at all. For 22.8% of the respondents the lack of sleep has a "very negative" impact on their health, and 23.4% believe it has an impact (Kremser 1997:119). Permanent time pressure together with a lack of sleep and overtired drivers are often the cause for road accidents. According union representatives every fourth truck-accident in Austria was caused by overtired drivers.[31] Therefore the correspondingly high percentage of workers who are subjected to risks of accidents and injuries should not surprising.

[31] See ÖGB Nachrichten No. 3136, October 17. 2002.

3.2.1. General remarks: Work organisation

Although the above cited official statistics show that workers in NACE 60-64 (transport, storage, communication) and land transport workers more than average workers suffer from working under time pressure, the figures may even understate the situation of truck drivers in international transport. In Kremser's non-representative survey, 88% of the respondents stated that they suffer from permanent time pressure. For 40.5% of truck drivers, time pressure weighed very heavily, for 27% as rather heavy, 14.6% as rather not heavy, while only 8.2% declared that time pressure does not at all weigh heavily (Kremser 1997:141). On the other hand, 29.1% of the respondents believe that their health conditions will very likely suffer from time pressure, 34% believe there is a good chance that they will suffer, 12.7% believe this is rather unlikely and 9.5% see no impact on their health condition (ibid.) This picture was generally confirmed by our interviewees. However, labour representatives emphasised the connection between time pressure and the mode of payment, which will be discussed further below. Kremser also points to the problem of non-observance of mandatory driving and rest periods: Two thirds of the respondents declared that time pressure is a main reason why they regularly disregard driving and working time regulations (ibid. 79).

Table 3.7: Skilled work and ability to learn in and from the job/work: No data available

Table 3.8: Control in and over work: No data available

Remarks: Even if there is no data available about control over work, it seems that land transport workers enjoy a high degree of autonomy in their job. In fact this is one of the main reasons why people choose to become truck drivers. According union representatives, truck drivers often have problems returning to regular 9-to-5 jobs because they are not used to working under such close supervision.

Table 3.9: Relations with colleagues

	Positive	Mediocre	Negative
Relation with colleagues	51	11.9	34.3

Source: Non-representative survey including 158 tuck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: The majority of respondents in Kremser's non-representative survey experience relations to their colleagues as positive, with 11.9 per cent saying they were mediocre and 34.3 per cent as negative (Kremser 1997:110).

Table 3.10: Relation with management: Pressure from the employer

	Very often	Rather often	Rather seldom	Very seldom/never
%				
Road haulage	13.4	40.3	35.1	11.2
Intra-firm transport	10	30	40	20

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: For 40.3% of the respondents in Kremser's non-representative survey declared that they are "rather often" pressured by their employers, 13.4% declared that this is "very often" the case. Pressure by employers is higher in road haulage than in intra-firm transport. The Chamber of Labour thus wants employers in road haulage to issue official orders, written down on paper, so that drivers can prove that they were forced to complete a route within a particular timeframe.[32]

Table 3.11: Relations with clients and the public: No data available

Remarks: Again there is no data available. However, according to the literature and to our interviewees, truck drivers are often victims of harassment by the police or by border control officers (c.f. Hofer 1994; Kremser 1997).

3.3. Working time

Table 3.12: Regular weekly working time

Regular weekly working hours	0-11		12-24		25-35		36-40		41-59		60 or more	
	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%
Land transport workers	1.1	0.8	3.7	2.6	3.0	2.1	107.5	75.9	15.4	10.9	11.0	7.8
All occupations	70.7	1.9	307.6	8.3	259.3	7.0	2,612.7	70.7	244.7	6.6	201.7	5.5

Source: Statistik Austria Labour Force Survey 2001. Percentages based on own calculations.

Remarks: The vast majority of land transport workers (75.9%) have a regular working week of between 36 and 40 hours and that percentage is higher than the average for all occupations (70.7%). On the other hand, less transport workers than average workers work less than 36

[32] Information stems from the interview with the representative of the Chamber of Labour.

and more work more than 40 hours per week: In the former case 5.5% compared to 17.2% and in the latter case 18.7% compared to 12.1%. From this follows the conclusion that despite the high percentage of workers with a regular working week, completed weekly hours tend to be higher than those of average employees.

Table 3.13: **Regular working hours:** See table 3.12

Table 3.14.A: **Regular weekly overtime hours I**

Regular weekly overtime hours	Dependent employees	At least one (paid or unpaid) overtime hour per week	5 or more (paid or unpaid) overtime hours per week
	Nx1000	%	%
NACE 60-64			
Men	177.6	33.1	18.9
Women	50.1	20.0	6.8
Total	227.7	30.2	16.3
All Sectors			
Men	1,772.0	30	12.8
Women	1,331.7	21.8	5.6
Total	3,103.7	26.5	9.7

Source: Statistik Austria Mikrozensus June 2001. Special evaluation "Structure and duration of working time". Quoted in: Statistische Nachrichten 9/2002.

Remarks: Workers in NACE 60-64 (transport, storage, communication) work overtime more often than the average of all employees. In both cases men work overtime more often and for longer than women.

Table 3.14.B: Regular Weekly overtime hours II

	Regular weekly overtime hours										No overtime hours	
	1-2		3-5		6-10		11-15		More than 15			
	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%	N x 1000	%
NACE 60-64	5.7	2.4	31.1	13.2	29.4	12.5	12.5	5.3	12.6	5.4	144.3	61.3
Men	3.7	2.1	24.2	13.5	24.7	13.7	10.8	6	10.8	6	105.5	58.7
All sectors	98.9	3.0	385.8	12.0	314.2	9.8	121.2	3.8	122,9	3.8	2,157.5	67.4
Men	46.8	2.6	215.7	12.2	199.4	11.3	82.2	4.7	85.6	4.8	1,137.2	64.4
Land transport workers	2.3	1.8	16.2	12.4	16.5	12.6	6.5	5.0	9.5	7.3	79.9	61
All occupations	98.9	3.1	385.8	12.1	314.2	9.8	121.2	3.8	122.9	3.8	2,157.5	67.4

Source: Statistik Austria Labour Force Survey 2001. Percentage based on own calculations.

Remarks: While fewer employees in NACE 60-64 and land transport workers, than the average in all sectors, work between 1 and 2 overtime hours per week, slightly more than the average work between 3 and 5 overtime hours and substantially more between 6 and 10 overtime hours and between 11 and 15 overtime hours. However, the gap is the largest for the category of more than 15 overtime hours per week. Land transport workers put in almost double the amount of 15 and more overtime hours per week than average employees in other Austrian sectors.

Table 3.14.C: Shift work

	Number of persons employed Nx1000	Shift work, rotation, alternation of shifts				
		Regular %	Seasonal %	Sometimes %	At least sometimes together %	Never %
NACE 60-64						
Men	177.6	27.4	0.5	4.1	32.1	61.8
Women	50.1	11.5	0.5	4.4	16.3	73.8
Total	22.7	23.9	0.5	4.2	28.6	64.5
All sectors						
Men	1,772.0	17.2	0.7	3.0	20.9	73.8
Women	1,331.7	13.4	0.4	2.4	16.2	77.4
Total	3,103.7	15.6	0.5	2.7	18.9	75.4

Source: Statistik Austria Mikrozensus 2001. Special evaluation "Duration and structure of working time". Quoted in Statistische Narichten 9/2002.

Remarks: Employees in NACE 60-64 more often carry out shiftwork on a regular base than the average of all employees (23.9% compared to 15.6%). The difference is even greater for men: 27.4% of men in NACE 60-64 work shifts on a regular base compared to 17.2 for the average of all male employees (c.f. Wiedenhofer-Galik 2002:683).

Table 3.14.D: Unsocial working hours

	Evening shift 8 pm – 10 pm			Night shift 10 pm – 6 am			Saturday Shift			Sunday Shift		
	%											
	OF	SE	SO	OF	SE	SO	OF	SE	SO	OF	SE	SO
NACE 60-64												
Men	27.3	0.7	21.8	23.4	0.8	15.3	29	1.7	27	21.2	1.2	17.3
Women	14.1	0.6	13.1	7.7	0.4	5.1	18.5	1.2	17.8	10.5	1.1	8.4
Total	24.2	0.7	19.7	19.6	0.7	12.9	26.5	1.6	24.8	18.7	1.2	15.2
All sectors												
Men	19.1	1.2	20.4	12.6	0.8	12.8	23.9	1.3	25.8	15.4	0.9	15.2
Women	12.8	0.7	14.1	6.6	0.3	7.3	29.8	1	18.2	15.6	0.8	10.1
Total	16.3	1	17.6	9.9	0.5	10.4	26.5	1.2	22.4	15.5	0.9	12.9

OF= Often
SE=Seasonal
SO=Sometimes
Source: Statistik Austria Labour Force Survey 2001. Reference period are the last four weeks before the interview.

Remarks: Similarly workers in NACE 60-64 more often work unsocial hours than the average of all employees. For 24.2% of employees in transport, storage and communication, evening shifts are often worked compared to 16.3% for all sectors and 19.5% often work night shifts compared 9.9% for all sectors. In respect to Saturday shifts the results for NACE 60-64 equals the average for all sectors, while Sunday work happens slightly more frequently than in the average of all sectors (18.7% compared to 15.5%).

3.3.1. General remarks: Working time

Although the above cited statistics clearly show that employees in NACE 60-64 (transport, storage and communication) generally engage in longer working hours, and in particular, from longer overtime hours and from working unsocial hours in the evening and during the night than average employees do, the situation of professional truck drivers may even be worse. According to Kremser's non-representative survey of 158 truck drivers, mainly engaged in international transport, more than 50% of the respondents said they worked between 60 and 80 hours per week; 10% work more than 80 hours. Average weekly hours for all respondents in road haulage accounted to 71 hour per week, while in intra-firm transport the average was 56 hours per week (Kremser 1997:112f). Labour representatives confirmed that especially in

international transport working weeks between 70 or 80 hours are fairly common. As representatives from the HTV trade union noted: "Truck drivers are working almost twice as much during their working careers than average employees. Physical and mental strains on their bodies, are also twice as much as for ordinary workers. Thus it should not be a surprise that many of them are exhausted at 50. They are exhausted because they have worked twice as much." Even the employer representative confirmed that working hours are long in road transport. However, according to the employer representative working hours are long because waiting periods are counted as working time.

Table 3.15: **Number and percentage of employees who report to have access to working time arrangements**: No data available

3.4. Payment systems

Table 3.16.A: **Income level – median monthly gross income (in Euro)**

	Men	Women	Total
NACE 60-64	1,605	1,279	1,517
All Sectors	1,816	1,217	1,553
White collar workers			
NACE 60-64	1,812	1,330	1,537
All sectors	2,348	1,405	1,751
Blue collar workers			
NACE 60-64	1,540	1,010	1,501
All sectors	1,636	1,012	1,422

Source: Hautpverband der österreichischen Sozialversicherungsträger. Quoted in Wirtschafts- und sozialstaatliches Taschenbuch 2002. Chamber for Labour Vienna.

Remarks: Median income for NACE 60-64 is significantly lower than the median income for all sectors. The income gap is particular wide for men and especially for men employed as white-collar workers: Median monthly gross income for male white-collar workers in NACE 60-64 amounts for 1,812 Euro compared to an average of 2,348 Euro for all sectors. For blue-collar workers the figures are 1,540 Euro compared to 1,636 Euro.

Table 3.16.B: Wages according to collective agreement between road haulage companies and HTV *(Kollektivvertrag für das Güterbeförderungsgewerbe*) 2000

	Drivers for trucks with a weight of up to 3.5 tons		Drivers for trucks with a weight of more than 3.5 tons		Drivers with professional truck driver certificates (driving trucks with more than 3.5 tons)	
	Hourly wage	Monthly wage	Hourly wage	Monthly wage	Hourly wage	Monthly wage
A	5.7	980.65	5.8	1,005.79	6.0	1,030.94
B	5.8	1,005.79	6.0	1,030.94	6.1	1,056.08
C	6.0	1,030.94	6.1	1,056.08	6.3	1,091.26
D	6.1	1,056.08	6.3	1,091.26	6.5	1,118.94
E	6.3	1,087.55	6.5	1,118.94	6.6	1,144.09

Source: Collective agreement for road haulage in Austria 2000.

Table 3.17.A: Wage payment and compensation systems

Type of payment	Road haulage %	Intra-firm transport %
Hourly wages according to collective the agreement	20.9	45
Hourly wages plus performance bonuses	20.2	35
Fixed-sum	17.2	15
Fixed-sum plus performance bonuses	21.6	0
Performance based wages	17.2	5
Rest	2.9	0

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: According to Kremser's non-representative survey only 20.9% of his respondents engaged in road haulage transport were paid hourly wages as specified in the collective agreement. Another 20.2% receive performance bonuses in addition to their hourly wages. For 17.2% of his respondents in road haulage, they received purely performance based wages. The percentage of drivers paid hourly wages is higher in intra-firm transport. Conversely the percentage of workers paid on performance based wages is higher in road haulage.

Table 3.17.B: Average monthly income in relation to type of payment

Type of payment	Average monthly net income up to Euro						
	727.7	1090.1	1453.5	1816.8	2180.2	2543.5	More than 2543.5
	In %						
Payment according to collective agreement	0	2.9	17.1	45.7	28.6	5.7	0
Hourly wages plus performance bonuses	0	5.9	14.7	32.4	32.4	11.8	2.9
Fixed-sum	0	0	24.0	28.0	40.0	8.0	0
Fixed-sum plus performance bonuses	0	3.3	6.7	16.7	46.7	23.3	3.3
Performance based wages	0	4.6	0	18.2	59.1	13.6	4.6

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997.

Remarks: Drivers with performance based wages or performance-based bonuses tend to have higher monthly incomes than drivers paid according to the collective agreement or according to fixed sum payments.

Table 3.17.C: Income and Working time in relation the type of payment

Type of payment	Average weekly working time (in hours)	Average monthly net income (in Euro)	Average weekly net income (in Euro)	Average hourly net income (in Euro)
Payment according to collective agreement	63.37	1697.3	424.3	6.7
Hourly wages plus performance bonuses	67.7	1780.8	445.2	6.6
Fixed-sum	69.88	1751.4	437.9	6.3
Fixed-sum plus performance bonuses	72.52	1967.8	492.0	6.8
Performance based wages	74.35	1975.5	493.9	6.6

Source: Non-representative survey including 158 truck drivers conducted by Walter Kremser. Quoted in Kremser, "'King of the road' oder 'Prügelknabe der Nation'" 1997. Average weekly net income and average hourly net income based on own calculations.

Remarks: Higher incomes achieved with performance based wages or wages with performance based bonuses, are the result of longer working hours. Calculated on an hourly wage rate, differences between the different types of payments (with the exception of fixed payments which tend to be lower) are only marginal.

3.4.1. General Remarks: Payment systems

According to the collective agreement concluded between the Chamber of Commerce, sub-section road haulage, and the HTV trade union, wages are based on hours worked. In addition to regular wages, overtime amounts are mandatory for hours in excess of the regular 40 hour week as well as for night and weekend shifts; in addition rebates have to be paid for travel expenses (see regulatory framework above). However, labour representatives argue that many, if not the majority, of professional truck drivers in road haulage receive, at least in part, performance based payments for kilometres travelled and/or tons carried. According to Kremser's non-representative survey, only 20.9 per cent of the respondents employed in road haulage were paid hourly wages as specified in the collective agreement. There are a variety of different types of payments including hourly wages with performance based bonuses, fixed sum payments and purely performance based payments etc. Kremser, for example, found 24 different types of payments (Kremser 1997:146). In any case, many of the problems in the sector are related to what the representative from HTV-Lower Austria calls "racing driver's wages".

As a consequence of performance based payments, time literally becomes money and drivers are tempted to complete the route as fast as they can – resulting in the aforementioned permanent time pressure and the non-observance of mandatory driving time and rest period regulations. Although drivers paid by performance based wages tend to make more money than drivers receiving hourly payments, higher incomes come with a price. And the price are the extremely long working hours of between 70 and 80 hours per week. The result are overstressed and overtired drivers that present a serious security risk, as union representatives and the representative of the Chamber of Labour have emphasised in our interviews. According to trade union representatives it is no coincidence that so many of the accidents with trucks occur in the early morning hours ("Do people really think that professional truck drivers have suddenly forgot how to drive a truck? All of them are excellent drivers, they are simply overtired"). For labour representatives there is a clear relationship between performance based wages and road accidents. Theoretically, Article 10 of EEC Regulation 3820/85 (adopted in the collective agreement for road haulage) prohibits any payments related to distances travelled and/or the amount of tons carried (see regulatory framework above). However, the same provision also includes the somewhat ambiguous passage "unless these payments are of such a kind as not to endanger road safety".

In the view of union representatives and the Chamber of Labour it is clear that performance based wages always endanger road safety because they encourage drivers to disregard safety regulations. But this is not necessarily the opinion of the courts and experience has shown that the existence of performance based wages are rather difficult to prove since many companies in road haulage have two payroll accounts; an unofficial one with payments based on kilometres travelled and/or tons carried and an official one where the same payments are converted into hourly wage rates. Moreover, official on-the-book wages tend to be lower than the real ones, helping the company to save social security contributions, but with the long-term effect that drivers receive lower unemployment and pensions benefits. Unions call this practice "social fraud". According to Kremser's non-representative survey 48.5% of the respondents in road haulage are registered with lower wages than they really earn; in intra-firm transport the

share is 30% (Kremser 1997:147). In any case, the Austrian Chamber of Labour hopes that the passage "unless these payments are of such a kind as not to endanger road safety" soon will be abolished in an amendment to Regulation 3820/85 which is currently under discussion in Brussels.

Table 3.17.D: Payment of overtime hours

	Number of persons employed (with at least one overtime hour per week)	Payment with supplement	Payment without supplement	Compensatory time-off with extra-time	Compensatory time-off without extra-time	Unpaid
	Nx1000	In % (multiple answers possible)				
NACE 60-64	68.8	46.3	19.3	10.8	14.1	17.6
All sectors	821.8	42.6	14.7	9.9	19.1	18.9

Source: Statistik Austria Mikrozensus 2001. Special evaluation "Duration and structure of working time". Quoted in Statistische Nachrichten 9/2002.

Remarks: The number of employees in NACE 60-64 who receive overtime payments without supplement is 19.3% compared to 14.7% of employees in all sectors. On the other hand, the percentage of employees who receive supplements is slightly higher than the average (46.3% compared to 42.6%), while the percentage of employees who are not paid for overtime hours is slightly lower (17.6% compared to 18.9%).

3.5. Outcomes

Table 3.18: Work accidents 2001

	NACE 6024	All sectors
Number of work accidents	2,879	107,345
Fatal accidents	21	141

Source: AUVA – Allgemeine Unfallversicherungsanstalt. Unpublished.

Remarks: The frequency of fatal accidents within NACE 6024 is many times higher than in the average for all sectors. Whereas employment in freight road transport accounts for less than 2% of total employment, 15% of all fatal accidents in 2001 occurred in NACE 6024. Seventeen of the twenty-one fatal accidents in 2001 were road accidents. Labour representatives on many occasions have emphasized the connection between performance based wages, time pressure, long working hours, the lack of sleep and the number of road accidents caused by professional truck drivers.[33]

[33] Information stems from interviews with union representatives.

Table 3.19: **Professional categories with highest incidence of occupational accidents:** No data available

Table 3.20: **Main causes of accidents 2001**

NACE 6024		
	Number of accidents	Related sick leave (in days)
Trips, slips and falls	1089	28,958
Cars, trucks and similar vehicles	296	11,918
Being struck by falling and moving objects	305	5,496
Handling, lifting and carrying objects	302	4,360
Striking a fixed object	233	2,153

Source: AUVA – Allgemeine Unfallversicherungsanstalt. Unpublished.

Remarks: Here too, NACE 6024 differs from other sectors because of a high number accidents related to cars, trucks and similar vehicles.

Table 3.21: **Notified occupational diseases:** None

Table 3.22: **Morbidity in the sector:** No data available

Table 3.23.A: **Invalidity pensions (blue-collar worker only)**

	Tansport workers			All occupations
	Total	Men	Women	
Disorders of skeleton, muscles and connective tissue	253	246	7	3,584
Psychiatric disorders	89	82	7	2,516
Ischemic cardiovascular diseases	35	35	0	446
Other cardiac disorders	30	30	0	253
Cebro-vascular diseases	27	26	1	351

Source: Pensionsversicherungsanstalt der Arbeiter - unpublished

Remarks: The most frequent disorder leading to invalidity pensions among blue-collar transport workers are disorders of skeleton, muscles and connective tissue. Especially disorders of skeleton are typical for professional truck drivers who suffer from long periods of sitting in one position (see also Kremser 1997:195f). In addition, professional truck drivers suffer from a lack of exercise as well as from irregular and unhealthy nutrition. According Kremser's non-representative survey, 25.3% of the respondents experience irregular meals as

a strong burden, 27.9% as quite a burden (22.8% experience irregular meals only as a small burden, 15.8% as no burden and 8.2% are not affected; Kremser 1997:196).

Table 3.23.B: Development of invalidity pensions (blue-collar worker only)

	1997		1998		1999		2000		2001	
	N	% of all occupations	N	%	N	%	N	%	N	%
Transport workers	431	4.4	455	4.7	453	4.7	513	4.8	685	5.9
All occupations	9,882		9,726		9,672		10,730		11,630	

Source: Pensionsversicherungsanstalt der Arbeiter; unpublished.

Remarks: The number of transport workers with invalidity pensions as percentage of the total number of invalidity pensions of blue-collar workers increased from 4.4% in 1997 to 5.9% in 2001. There is a general increase of invalidity pensions in 2000 and 2001 following an announced reform of the pension scheme in 2001.

Table 3.23.C: Early retirement due to a reduced working capacity (blue-collar workers only)

	Transport workers			All occupations
	Total	Men	Women	
Disorders of skeleton, muscles and connective tissue	860	849	11	8,107
Psychiatric disorders	43	41	2	576
Ischemic cardiovascular diseases	47	47	0	379
Hypertonia	29	29	0	382
Other work accidents (except contamination)	28	28	0	258

Source: Pensionsversicherungsantsalt der Arbeiter; unpublished.

Remarks: As in the case of invalidity pensions, the most frequent disorder among blue-collar transport workers which leads to early retirement due to a reduced working capacity, are disorders of skeleton, muscles and connective tissue.

Table 3.23.D: Development of early retirements due to a reduced working capacity (blue-collar worker only)

	1997		1998		1999		2000		2001	
	N	% of all occupations	N	%	N	%	N	%	N	%
Transport workers	671	7.2	853	8.3	1,086	9.6	1,166	9.9	125	7.7
Disorders of skeleton, muscles and connective tissue, transport workers			594		780		860		87	
All occupations	9,320		10,238		11,302		11,822		1,628	

Source: Pensionsversicherungsanstalt der Arbeiter; unpublished.

Remarks: The percentage of transport workers retiring early due to a reduced ability to perform work among total blue-collar workers increased between 1997 and 2000 (from 7.2% to 9.9%). The general increase of early retirements and the subsequent drop in 2001 were the result of the abolishment of this particular pension scheme by the ÖVP-FPÖ government in 2001.

Table 3.24: Sick days related to work accidents

NACE 6024	All sectors
65,731	1,704,517

Source: AUVA – Allgemeine Unfallversicherungsanstalt. Unpublished.

Remarks: Whereas 1.4% of all employees were employed in NACE 6024, the sector accounts for almost 4% of the total number of sick leave days in 2001.

3.5.1. General remarks: Outcomes

The most notable outcome is the high share of fatal accidents in freight road transport. While the sector accounts for less than 2% of total employment, 15% of all fatal accidents occurred in NACE 6024. Moreover, a major cause of accidents are accidents with cars, trucks and similar vehicles and the major reason for invalidity pensions and early retirement due to a reduced working capacity are disorders of skeleton, muscles and connective tissue, stemming from long periods of sitting in one position. Generally the sector's share of invalidity pensions of the total number of invalidity pension has constantly increased in the last couple of years.

3.6. Access to social protection

Table 3.25: Number and percentage of workers guaranteed income when they are on sick leave

	Total employees	Dependent employees		Non-dependent employees	
	Nx1000	Nx1000	%	Nx1000	%
Land transport workers	141.7	130.9	92.4	10.8	7.6
All occupations	3,696.6	3,200.5	86.6	496.1	13.4

Source: Statistik Austria Labour Force Survey 2001

Remarks: Generally, for dependent employees earning more than 301.54 Euro per month, health, unemployment and pension insurance are mandatory according to the General Law Concerning Social Security Issues (ASVG). All dependent employees earning more than 301.54 Euro per month are thus entitled to sick leave payments, while employees under the marginal income limit (*Geringfügigkeitsgrenze*) have the possibility to take out insurance that includes sick leave payments. Self-employed persons can take out voluntary insurance granting them some benefits in cases they are hospitalised or can not leave their home. In these cases, however, sick leave payments are limited to 12 days per year, while payments for dependent employees and insured employees with marginal incomes continue for much longer. In the first 4 to 10 weeks in the case of blue-collar workers and 6 to 12 weeks in the case of white-collar workers, payments are made by the employer and account for 100% of the regular wage rate. Afterwards employees receive sick leave benefits from the social security funds varying from between 50% and 60% of their gross wage. Truck drivers with a lower official wage than what they actually earn – and there are many of them – may suffer a loss in sick leave benefits, especially if the sick leave exceeds the 4 to 10 week period. Illegally employed third-country drivers are excluded from sick payments.

Table 3.26.A: Number and percentage of workers guaranteed income when they are diagnosed to be disabled to work

Remarks: Entitlement to invalidity pensions is granted to all dependent employees earning more than 301.54 Euro per month. Employees earning less and self-employed persons have the possibility to take out voluntary insurance, while illegally employed third-country drivers are again excluded. Invalidity pensions for dependent employees and insured employees with marginal incomes are granted in three different cases:

- Due to their physical and mental condition, employees are only able to earn 50% of their regular income within the occupation they have trained in and for which they have official credentials. In addition, blue-collar workers must have worked more than half of the last 15 years in the respective profession.

- Due to their physical and mental condition, blue-collar workers will no longer be able to earn at least half of their previous income. This provision was passed to include blue-collar workers who were working in other professions than those they trained for – including the bulk of professional truck drivers that have trained for another job before they became transport workers (and if they have obtained professional training as truck drivers they have done so as a second education).
- Due to their physical and mental condition, blue as well as white collar workers are no longer able to earn at least half of the average income they have earned over the last 15 years. In addition, the disability must exist for at least 20 weeks and recipients must at least be 60 years old if they are men and 55 years if they are women (the threshold to receive early retirement pensions).
- In the case of self-employed persons, a pre-condition is that the insurance must have been in effect for at least 60 months within the last 120 months, unless they are older than 49. For the older self-employed the minimum duration of insurance increases another 12 months for each year of their age. If recipients are younger than 50, invalidity must implicate that they are not able to perform any other job. Older workers must not be able to perform a job equal to that they have performed in the last 60 months (and for those workers older than 57, if the worker is not able to be self-employed in a job which is the same as the one they last performed in the preceeding 120 months of the last 180 months).

The rate of pension payments depend on earlier income levels. Those truck drivers with a lower official wage rate than their real earnings, thus, receive a lower invalidity pension than they would have been entitled to if their employer would have paid the correct level of social security contributions. On the other hand, many self-employed truck drivers are not insured, and illegally employed third-country drivers are excluded.

Table 3.26.B: Early retirements due to a reduced working capacity

Until recently, dependent employees who have reached early-retirement age – 60 years for men and 55 years for women – could apply for early retirement due to reduced working capacity. Many older truck drivers who could no longer sustain the working output demanded from them, applied for early retirement due to a reduced working capacity. However, the new government which came into power in 2000 abolished this scheme in 2001. As a result, representatives from the HTV trade union have pointed out, many older truck drivers are now forced to finish their working careers as taxi drivers.

Table 3.27: Number and percentage of workers guaranteed income when they become unemployed

Remarks: In this case too, dependent employees with a monthly income above 301.54 Euro are entitled to unemployment benefits if they meet the following requirements: Employees must have been employed for at least 52 weeks within the last two years, for employees under the age of 25 the minimum duration of employment is 28 weeks within the last two years. Unemployment benefits depend on the previous income (calculated as an average of several weeks) and are granted for a duration of between 156 and 209 weeks depending on if the

recipient takes part in training measures (once more, truck drivers with a lower official wage than their actual income suffer losses in benefits). After this period, unemployment benefit ends and recipients receive unemployment assistance (*Notstandshilfe*). Dependent employees below the marginal income level as well as self-employed persons and illegally employed workers are excluded from unemployment benefits.

3.6.1. General remarks: Access to social protection

Due to mandatory health, pension and unemployment insurance social protection of dependent employees in Austria access to social protection seems to be quite satisfying. In contrast self-employed are not or only partly protected, depending on the extent of their self-insurance, while illegally employed third-country-drivers lack any protection. In the case of dependent employees, those who are paid according to performance based wages or bonuses and are registered within the social insurance system at a lower income than they really earn (to save employer social security contributions), receive smaller unemployment and pension benefits.

3.7. Conclusions on quality of work & employment

In respect to the work related strains professional truck divers are subject, two stand out as especially grave: The one is permanent time pressure and the other one long working hours, including unsocial hours in the evening and during the night. Professional truck drivers in international road haulage often work up to 70 and 80 hours per week. As one labour representative has pointed out, this is almost double as long as regular workers. The high stress levels and long working hours are closely linked to significantly increased competition and to performance based payment systems deployed in many road haulage companies in Austria, enabling workers to make more money in a comparable short amount of time (in relative terms), but with the price of high stress levels and long and irregular working hours. The long term consequences include permanent exhaustion, health problems, reduced ability to perform work, invalidity and in some cases road accidents caused by overtired drivers. Although NACE 6024 (freight road transport) accounts for less than 2% of total employment, 15% of all fatal accidents in 2001 occurred in this sector.

Another long term consequence are shattered family relations and divorces. According to Kremser's non-representatives survey, 57.6% of the respondents declared that they make it home once a week at best, 66% achieve this twice a week (Kremser 1997:103). For 27.8% of the respondents, the long periods of absence were taken as a very high burden, for 24.1% as burden, for 13.3% it was not a burden and 14.5% are not affected. The lack of time spent with their families was a very big problem for 43%, and for 31% seen as a problem. Conversely, for 15.8% the wish to get home as quick as possible very often presents a reason for disregarding mandatory driving time and rest periods; for 34.5% this is rather often the case (ibid.). Long periods of absence create major difficulties for family life. With a few exceptions, child care and household chores are handled by spouses. Because of the extreme strains they are subject to in their job, professional truck drivers often have problems meeting

their responsibilities as partners and parents. Not surprisingly, many of them have experience with divorce and relationship difficulties (ibid.).

4. STRATEGIES, POLICIES AND INSTRUMENTS TO IMPROVE THE QUALITY OF WORK & EMPLOYMENT

4.1. Regulations, collective bargaining and case law

The regulative framework including collective agreements governing road transport in Austria were already presented under section 2.3. The problem of enforcement was also discussed earlier. In respect to introduction of new regulations or amendments to existing regulations three stand out as particularly important. The first of these is the introduction of the European driver certification program (ECC Regulation 2000/0297 COD) coming into force in March 2003. All interviewees have great hopes that this new piece of legislation should make control of third-country drivers much more effective and solve the problem of illegal employment by non-EU-citizens in the sector. Second is the installation of new electronic recording equipment by 2004 (ECC Regulation 2135/98). Electronic equipment should make the checking of driving records easier and also importantly allow the authorities to check much longer periods, while making it more difficult to fake records. Thirdly, the Austrian Chamber of Labour hopes that in the amended version of EC Regulation No 3820/85 currently under discussion in Brussels the passage "unless the payments are of such a kind as not to endanger road safety" will be abolished so that the regulation clearly prohibits the payment of performance based wages or bonuses. As outlined before, labour representatives see performance based payments as a major threat and responsible of a series of further problems in the sector.

Table 4.1: Specific directives/regulations on the improvement of quality of work and employment in sector

Beside the measures discussed under 2.3 (regulatory framework) there are no further relevant regulations.

Table 4.2: Number of current collective agreements on issues of quality of work & employment

Besides the aforementioned collective agreements, there are no further collective agreements. All collective agreements touch the issue of quality of work and employment.

Table 4.3: **Specifications of the quality of work & employment issues in these collective agreements:** See 2.3 (regulatory framework)

4.2. OSH prevention policies

Table 4.4: **Mandatory health and safety officers**

Number of employees	Number of mandatory health and safety officers
1-10	0
11-50	1
51-100	2
101-300	3
301-500	4
5001-700	5
701-900	6
901-1400	7

Remarks: Companies with 50 or more employees are obliged to appoint health and safety officers among their employees. The number of mandatory health and safety officers depends of the total number of workers in the company. Health and safety officers are supposed to inform their colleagues about health and safety issues and to support safety and occupational health inspectors. Given the fact that 64.7 per cent of companies in NACE 602 (other land transport) are firms with less than 11 employees the vast majority of companies in the sector have no health and safety officers.

Table 4.5: **Preventive services on health and safety and services directed at the improvement of the quality of work and employment:** No data available

Remarks: Generally prevention services are mandatory. The time spent for health and safety prevention must account for at least 1.5 hours for non-office workers per employee and year and 1.2 hours for office-workers. For employees engaged in night work an additional half hour must be added. Total prevention time is divided up into different prevention subjects: 40% of the time is reserved for the safety inspector responsible for instructions in security matters (e.g. security of the workplace, hazardous materials etc.); 35% for the occupational health specialist to advise employees in occupational health issues; and 25% for further specialists (e.g. occupational psychologists). For companies with less than 50 employees - accounting for 97.7% of all companies in NACE 602 -, the national occupational health insurance fund AUVA offers health and safety specialists for free, while larger companies have to employ or rent them on their own account.

Table 4.6: **Inspection and enforcing organisations:** Labour inspection branch

Table 4.7.A: Means for enforcement regarding OSH

NACE 60-64: Health and safety inspections in 2000					
	Number of companies inspected		Number of employees affected	Number of exaltations	Assessments and consultations
Activities of the labour inspection branch	1,043		17,559	2,706	
	1-4	416			
	5-19	380			
	20-50	181			
	51-250	63			
	251-750	3			
Activities of occupational medicine inspectors				14	65
Medical examinations			212		

Source: Ministry of Economy and Labour. Tätigkeitsbericht des Arbeitsinspektorates 2000.

Table 4.7.B: Offences I

NACE 60-64	
Offences against technical and hygienic health and safety issues	
	Number of offences
General regulations, authorities and proceedings	380
Workplaces, construction sides, mining sides	423
Means of work	191
Electronic equipment and utilities	76
Hazardous work materials	1
Health monitoring	0
Work places and work operations	47
Preventive services	328
Total	1,135

Source: Ministry of Economy and Labour. Tätigkeitsbericht des Arbeitsinspektorates 2000.

Table 4.7.C: Offences II

NACE 60-64	
Offences against regulations protecting specific groups of employees	
	Number of offences
Employment of minors	5
Protection of pregnant women	38
Working time limits:	
- Daily working time	16
- Weekly working time	2
- Breaks	7
- Rest periods	2
- Working time records, duty of disclosure	51
General working ban (Arbeitsruhe)	5
Total	129

Source: Ministry of Economy and Labour. Tätigkeitsbericht des Arbeitsinspektorates 2000.

Remarks: Despite the impressive record of the labour inspection branch, labour representatives complain that the labour inspection branch is helplessly understaffed. Others have noted that labour inspectors sometimes lack the most recent technological equipment to accomplish their objectives – for example, equipment to monitor driving records.[34] As mentioned previously, employer as well as employees representatives would prefer the establishment of an independent control authority that checks all relevant issues in the transport sector, including working time regulations as well as health and safety issues.

4.3. Company strategies, examples of good practice

Since 1985 the *Fachausschuss für Berufskraftfahrer*, an association that combines representatives from most of the branch unions and the Chamber of Labour and initially was set up to organise professional truck driver training, deploys a mobile consultation service. Two members are permanently on the road in Austria, meeting truck drivers in motorway rest stations or border controls and offer them information concerning pay issues, travel expenses rebates, working time regulations, etc.[35]

Another good-practice example to which our interviewees repeatedly pointed to, is an emergency telephone number that exists since December 2001. Professional truck drivers

[34] Information stems from the interview with the representative from the Chamber of Labour.

[35] Information stems from the interview with the representative from the Fachausschuss für Berufskraftfahrer.

(personnel and non-personnel transport) can call this number after road accidents. The service, established in cooperation by a wide range of organisations including the HTV trade union, the Chamber of Labour, the Chamber of Commerce as well as the national occupational health insurance fund (AUVA) and the Austrian Association for Road Safety (VCÖ), is called "Emergency Call Team 44" *(Notruf-Team 44)*. Drivers receive psychological as well as general support. Surveys have shown that drivers are subjected to extreme psychological strains after being involved in and even more so after having caused a road accident and such strains usually last for between 4 to 6 weeks. Nonetheless, representatives from the HTV trade union have pointed out, drivers are obliged to climb in their truck and continue to work the very next day after the accident (unless they were physically injured). If needed, the emergency service arranges measures for long term support and looks for possibilities to cover those costs.

Years ago the Chamber of Commerce had offered safety driving courses for professional truck drivers, but as the employer representative notes, companies have started to independently organise such courses so that they became dispensable. According to the representative from the *Fachausschuss für Berufskraftfahrer*, companies that put special efforts into the training of their drivers include the retailing chain REWE Handelsgruppe and BP Austria. The latter offers special training courses concerning the transport of hazardous materials.

The HTV trade union organisation is organising truck driver meetings on a regular base (so-called regular's table). These meetings, open to non-union members, are used to present new regulations affecting truck drivers and to discuss problems.

4.4. Concluding remarks and discussions

Generally good-practice-examples seem to be rather rare in freight road transport in Austria. Health and safety problems in the sector, including most notably the risk of road accidents because of overtired truck drivers, are the result of non-observance of mandatory driving time and rest periods. The most effective way to improve the current situation is a better enforcement of existing regulations. In this sense, as the representative from the *Fachausschuss für Berufskraftfahre* has pointed out, if companies comply with existing regulations, they can already be said to be good-practice-examples.

5. ISSUES AND CHALLENGES

5.1. View of the employers' organisations

The representative from the Chamber of Commerce described the development since the mid 1980s as a process of increasing competition. Growing numbers, as well as size of trucks, have caused falling carriage prices especially since Austria joined the European Union in 1995. In particular, medium sized companies with between 10 and 40 trucks were the main victims of this development because they were too small too find a niche and to big to compete in an increasingly international market. Competition has forced employers to cut costs and a small number of companies do so by referring to illegal or unfair employment practices including false self-employment or illegal employment of third-country drivers. These few employers have received massive media attention damaging the reputation of the whole sector, while the vast majority of road haulage companies provide their employees with correct and fair employment conditions. Generally, the employer representative is of the opinion that the sector is not so bad in regard to the quality of work and employment situation as its reputation.

In respect to upcoming negotiations with the HTV trade union, the definition of working time will be an important issue. In the wake of increased competition and falling carriage prices, companies have growing problems maintaining the current regulation where total operating time, including waiting periods, is paid as working time. The employer representative would like to have a solution where waiting periods are excluded or do not fully count as working time.

5.2. View of the unions

Union representatives demand a more effective enforcement of existing regulations. This includes the establishment of a centralised authority that combines the means and responsibilities for controlling and enforcement of regulations in road transport in Austria (as it is currently the case in Germany) and the extension of penalties, including the threat of prison sentences, so that employers are forced to stop and change illegal practices. In the view of labour representatives, the payment of performance based wages and bonuses is an illegal practice which is responsible for a number of problems in the sector and therefore should be abolished. Other illegal practices include fake self-employment and the illegal employment of third-country-drivers as well as the widespread practice of reporting lower wages to social security funds than those really paid. Unions call this practice "social fraud". Social security funds are deprived of social security contributions and the employees in the long term suffer from lower sick leave payments, as well as unemployment and pension benefits.

The main difference between the employer organisation and the trade unions is that the employer organisation believes that only a few companies are so-called "black sheep", while

the unions believe that the majority and perhaps 80% of employers in road haulage in Austria disregard statutory and collectively agreed upon regulations.

5.3. View of the Chamber of Labour

The Chamber of Labour has a number of concrete requests including the abolishment of the passage "unless these payments are of such a kind as not to endanger road safety" from Article 10 ECC Regulation No 3820/85. The Chamber of Labour would also like employers to be obliged to issue driving orders in written form including a detailed description of the route and arrival times so that the driver can prove that he was forced to drive a particular route in a distinctive amount of time. Moreover, the Chamber of Labour for many years demanded the introduction of mandatory and European-wide professional truck driver training and the establishment of mandatory professional truck driver certificates.

5.4. Consent and dissent

Labour as well as employer representatives agreed that the enforcement of existing regulations needs to be improved. However, while employer representatives assume that only a small minority of employers in road haulage disregard existing regulations, union representatives believe that in fact the majority and perhaps 80% of all employers in the sector do so.

6. OVERALL DISCUSSION AND CONCLUSIONS

Freight road transport and especially road haulage experienced massive changes since the mid-1980s. As a consequence of economic liberalisation, road haulage companies expanded transport capacities fuelling competition but lowering carriage prices. Austria's entry into the EU and the subsequent abolishment of trade barriers to large international transport companies accelerated this process - as can be seen in the decrease of road haulage companies in the sector after 1995. In the wake of increased competition and decreasing profit margins, employers started to look for possibilities to save costs and one effective way to do so are perhaps cuts in wage compensation. Truck drivers have always suffered from extraordinary long working hours. Accelerating competition, however, encouraged employers to look for new payments systems to lower wage costs. According to Kremser's (1997) non-representative survey and in accordance with the information provided by the labour representatives, only about 20 per cent of truck drivers are paid hourly wages as agreed upon between the Chamber of Commerce and the HTV trade union organisation, whereas more than 60 per cent receive performance based wages or bonuses – even if ECC Regulation No 3820/85 requires that such payments do not endanger road safety. Performance based payments, say the trade union representatives, are the source of many of the problems evident in the sector including the non-observance of mandatory driving time and rest periods, non-observance of working time regulations, drivers driving extremely long hours (between 70 and 80 hours per week and up to 350 hours per month) under permanent time pressure and with a lack of sleep. The result are overtired drivers that present a serious health and safety risk not only for themselves, but for the public in general. Not surprisingly, 15% of all fatal work accidents in Austria in 2000 happened to be in NACE 6024 (freight road transport), while the sector accounts for less than 2% of total employment. According to representatives from the HTV trade union organisation every fourth truck accident in Austria is caused by an overtired driver.[36]

Beside fatal accidents, truck drivers suffer from "working under time pressure" and with respect to ergonomic conditions from one-sided physical strains caused by long periods of sitting in one position. Further problems stem from a lack of exercise and from irregular meals and bad nutrition. Not surprisingly the main cause of invalidity pensions and early retirement due to a reduced work capacity in the sector, are disorders of skeleton, muscles and connective tissue. Generally, many older truck drivers suffer from permanent exhaustion, fatigue and serious physical and psychological damages after working double 40-hour shifts over many years. After early retirement schemes for workers with a reduced ability to work were abolished in 2001, many of these workers who do not qualify for invalidity pensions but can no longer bear the strains that come up with driving international routes, are forced to finish their working careers as taxi drivers or in other less stressful but badly paid jobs. The Chamber of Commerce seeks to solve the problem by negotiating a new payment scheme that will not be performance based, but exclude waiting periods from working time. This should

[36] See ÖGB Nachrichtendienst No 3136, October 17. 2002.

enable those employers who comply with existing regulations to survive in a extremely competitive business environment, where fair employers are increasingly under competitive pressure from employers taking advantage of unfair and illegal employment practices.

Unfair employment practices include new forms of self-employment and illegal employment of third-country-drivers without proper work permits. Another possibility to circumvent regular employment contracts that is enjoying growing popularity among road haulage companies in Austria, is the abuse of trainees from Hungary as professional truck drivers. At the same time self-employed and illegally employed third country-drivers as well as drivers paid by performance based wages, present the main risk groups in the sector. While for dependent employees health-, unemployment- and pension insurance are mandatory and automatically deducted from the wage bill, self-employed drivers are obliged insure themselves and many of them fail to do so to a sufficient extent, while illegally employed third-country-drivers are excluded from any insurance and drivers paid by performance based wages or performance based bonuses often suffer from lower benefit rates because they were registered with the social security funds with an official wage rate that is lower than what they in fact earn (helping employers to save social security contributions).

Generally, our interviewees agreed that the improvement of the current situation depends on a stricter and improved enforcement of existing regulation: observance and compliance with mandatory driving and rest periods, maximum working time regulations and collectively agreed payments as well as correct payments to social insurance funds and compliance with health and safety regulations. The enforcement of these regulations are split up between a number of organisations including the police, the labour inspection branch and the social security system. Our interviewees asserted that the establishment of one authority combining all the existing means and responsibilities would make enforcement much more effective (with exception of the representative from the labour inspection branch). In addition, labour representatives would like to have higher fines.

Last but not least, a major problem in freight road transport are the difficulties in combining working life and private life. Many truck drivers make it home not more than once week, making a satisfying family almost impossible. Many truck driver children grow up without knowing their fathers/mothers and many truck drivers have sad histories of divorces.

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