

The long road

hours of work in the transport industry

"Do you know the pressure, turmoil, worry in our work? There is nothing good about this job. We are forced to do this for money. We are two experienced long distance drivers (working together in one truck) with 30 years between us. It is very dangerous. I hate it. We have no recreation. We lost our family life. We are slaves on the road. We work a 22-hour shift at a time, four hours driving, four hours sleeping. No stopping. No proper rest. Sometimes we talk about the drivers we know who have died on this road. We know the places. We know their stories. There are times when we drive that we cry together about this life on the long road."

Deregulation and the 'free market' in South Africa's road freight sector are creating the conditions for an unregulated industry which threatens the health and family life of long distance truckers, and the safety of all road users.

The transformation of this sector is driven by the transport operators' competition for profits. Drivers' working time is central to this issue. There are fewer permanent jobs, with either longer hours or more intensive work, on a growing but ageing fleet of vehicles with increased carrying capacity. Existing legislation is inadequate, unenforced and unenforceable. Road traffic speed, maximum axle mass and working time

The health, safety and family life of long distance truck drivers are severely compromised by long working hours. Nick Henwood looks at ways of reducing working hours in this sector.

legislation are contravened by both transport operators and drivers.

Yet legislation which simply reduces the working time of truckers will not, in itself, address the problems. In fact, such legislation is likely to exacerbate the trend, fuelled by competition, towards unregulated working and driving time. The trade union negotiations for a 40-hour week in the industry must address a combination of road traffic and labour legislation. Drivers' demands should simultaneously address the definitions of different categories of working time and resting time, the conditions in which this time is spent, and the abolition of productivity payment systems linking wages to loads and kilometres travelled. Organised driver participation in the formulation of this legislation is crucial to its success.

Employment

Permanent employment in the road transport industry (private undertakings) has

declined by 15,2% from the highest level in 1989 (67 326 employees) to 57 093 in 1995, a loss of more than 10 000 jobs.

There are no statistics on the number of casuals and driver-owners, nor is there any information on the number of transport workers employed in other sectors. The 1994 October Household Survey found that there were 259 607 people working in the informal sector of the transport, storage and communication sectors.

Tonnage

Figures provided by the Central Statistical Services (CSS) do not reflect the total tonnage of goods transported by road, since those companies with in-house transport are not recorded. The total tonnage carried by private transport undertakings declined by 14% between 1982 and 1995.

In 1985, private transport undertakings accounted for 75,6% of all tonnage, with Transnet carrying 24,4%.

The CSS statistics show that the total tonnage carried by road has declined at a steady rate. Between 1984 and 1995, tonnage transported by both private operators and Autonet (Transnet's road transport division) dropped by 26,1%. This decline in recorded tonnage is not accounted for by the 9,5% increase in tonnage carried by rail during the same period.

There would appear to be a contradiction here. If one drives on South Africa's roads, one notices the increasing number of ultra heavy-duty vehicles.

Why is this not reflected in increased tonnage? The answer lies in a combination of the following. The growing number of 'informal sector' operators sub-contracted to transport goods. An increase in the 'in-house' tonnage transported. Increasing numbers of foreign-based transport operators. And unreliable CSS data.

Productivity

The transport industry faces a serious problem of productivity. Between 1985 and 1995, South Africa's truck fleet drove on average one third of its kilometres unladen. State initiatives to improve productivity have not addressed the problem of unladen kilometres. Instead legislation concentrated on increasing the carrying capacity of vehicles.

Amendments to the Road Traffic Act in 1991, increased the allowable overall length of a combination of inter-linking vehicles by two metres to 22 metres. This contributed to the 14,9% decline in the number of carrier units operated by private undertakings between 1989 and 1995. Productivity was addressed insofar as fewer truck tractors, drivers and assistants could transport an increased number of tons per trip. Between 1990 and 1991 employment in private transport undertakings declined by 19%, with the loss of 12 419 jobs. The total number of operating days also decreased, and the total number of kilometres travelled has increased. However, unladen kilometres remained approximately one third.

Role of the state

State transport policy since 1986 has concentrated on restructuring and privatising state-owned transport services and removing legislation which 'controlled competition'. While further research is needed on this subject, it is clear that deregulation has increased the pressure on drivers.

In 1986, 1990 and 1992 the state commissioned three reports on the transport sector. The reports made recommendations on daily driving time, resting time, and the installation of on-board computers, or tachographs, on vehicles travelling beyond a radius of 100 kilometres. They also recommended the

training of traffic officials to enforce driving time and duty time legislation. The Department of Transport decided, however, to set aside these recommendations, on the grounds that "the regulation of driving hours in the road freight industry can only take place if/when driving hours are regulated in the road passenger industry". (NDOT in *Traffic Digest*, 1996) Sections 50 and 53 of the Road Traffic Act (No 29 of 1989), which began to make provision for regulating driving hours, are also not in force.

State policy is that hours of work is a collective bargaining issue. There is an assumption that all drivers either have access to collective bargaining, or are covered by bargaining council (BC) agreements. There is a failure to identify that the hours of work of long distance drivers are central to public road safety.

The bargaining council

The National Bargaining Council for the Road Transport Industry (Goods) was established in 1995, following the 1994 national truckers' strike and road blockades. Despite the fact that the council was not registered, two national agreements were negotiated in 1995 and 1996, covering workers in different geographical areas. The employers were represented by the Road Freight Association, and employees by six trade unions, the largest of which was the TGWU, which has 24 000 members in this sector.

Centralised bargaining has taken place in

the context of an increasingly unregulated road transport industry. This weakens BC agreements, and even the minimum standards set down in the BCEA, which will not cover a growing number of drivers, including owner-drivers, drivers employed by small transporters (who are exempted from the agreement) and drivers employed by non-South African companies.

Employer's strategies

Private road transport operators have promoted the restructuring and deregulation of the sector since the late 1980s. Major unilateral changes have transformed the industry. On the one hand, a few major companies have moved to reinforce their dominance. On the other, an increasing number of small operators and owner-drivers have entered the market. The abolition of the permit system has made it impossible for large operators to compete with small operators in the flatbed freight transport industry. Increases in the cost of vehicles, tyres, fuel, parts and labour have exceeded tariff increases.

Some of the large operators have moved to capture 'niche' markets in specialised services. They have introduced specialised equipment for transporting specific goods, increased the carrying capacity of their rigs, reduced the number of permanent jobs and explored sub-contracting and owner-driver schemes. Increasingly certain maintenance functions, such as tyre management, vehicle maintenance and cleaning services are contracted out and full-maintenance lease agreements signed. Driver-owner agreements are being entered into with their own drivers. This shifts the capital expense, the responsibility and the risk of purchasing a new vehicle to the driver. It also enables a company to circumvent unionisation and BC agreements.

Survey

The starting point of this research was to interview 87 ultra heavy duty truck drivers hauling loads between the industrial centres of southern Africa (along the N1 and N3) between 24 April and 1 May 1996. The information in this article on drivers' experiences and opinions is gleaned from that survey.

Reducing down-time (whether resting time, layovers, breakdowns or maintenance) as well as the number of unladen kilometres travelled by vehicles are critical to employers' competitiveness. Employers' initiatives to improve productivity focus primarily on cutting labour costs, and the re-organisation and flexible use of labour in the industry. Fewer permanently employed workers are operating fewer carrier units, which have an increased carrying capacity. Idle operating days as a percentage of the total operating days have been reduced. The employers' initiatives to restructure are at the expense of drivers' working, driving and resting time.

Hours of work

Employers and workers in this sector have different definitions of working time. Drivers define working time as time spent on a trip – the entire time spent away from the depot, when the driver is at the employer's disposal.

The employers and the BC define 'driving a motor vehicle' as "all periods of driving, all periods during which (a driver)...is obliged to remain at his post in readiness to drive and any time spent by a driver connected with the vehicle or the load".

However, they define 'hours of work' as all periods during which "a driver is engaged in driving...and...on other work connected with the vehicle or the load", but specifically exclude any period of each day when the driver is responsible for the vehicle or the load, but is paid a 'subsistence' allowance.

This article adopts the view that drivers are 'at work' for the duration of their trip away from their home depot. Yet it is



Permanent employment in the industry is declining.

important to distinguish between *time at work*, *working time* (referred to internationally as *duty time*) and *resting time at work* in order to analyse how drivers spend this time. Working time includes all time spent driving, loading, unloading, liaising with clients, checking the vehicle and load, refuelling, attending to maintenance, tyre changes and breakdowns. But the definition of drivers' work includes responsibility for securing the vehicle and the load at all times.

The average daily working time of drivers surveyed was 17.9 hours. This corresponds with an analysis of drivers' answers to a different question, where they estimated that they spent an average of six hours a day resting.

The average driver therefore works three to four hours a day more than the legislated maximum (including overtime) in the council agreements. The A-agreement provides for a maximum of 15 hours per day, while the B-agreement provides for a maximum of 14 hours per day.

Driving time

Drivers interviewed claimed to have driven between 15 000 and 21 650 kilometres per month. With a speed limit of 80kph and an average speed of 60kph, these drivers would have to spend between eight hours and 11 hours 54 minutes per day driving, without a day off, for every day of the month.

The first report to the Department of Transport (1986) proposed a maximum of ten hours driving per 24 hours, and 48 hours driving in a seven-day period. The BC does not stipulate maximum daily driving times. By implication, this is equivalent to the maximum daily hours of work. Amendments to the BC agreement have to clearly stipulate daily, weekly and monthly maximum allowable driving time.

Driving is only one of many responsibilities a driver carries. Any regulation of drivers' driving time must take account of the fact that it is one aspect of drivers' work responsibilities. A breakdown of the working day of a 'European international truck driver' in 1987 calculated that actual driving time made up 57% of the 12,2 hours working period each day. Research by Hamlin in 1981 found that driving time comprised 55% of working time. Seventy-two percent of the drivers interviewed said they are not willing to work longer hours, or that it was impossible to find more hours in a day in which they could work. Forty percent would work longer hours if they were paid more money.

Limiting hours

Ninety-one percent of drivers supported the need to limit weekly working hours. Fifteen percent proposed a maximum of 12 hours driving per day, 7% 14 hours and 22% 16 to 17 hours. These proposals are surprisingly high, given the drivers' attitudes to the issues of work pressure, "

fatigue and accidents. It makes sense, however, if we take account of drivers' low basic wage and the high percentage of take-home wages linked to load/kilometre productivity. Drivers' demands for the reduction of working time is linked to increases in basic wages: "I can be glad if there is a law (limiting maximum driving hours), but I would fear to lose (money) from such a law."

The drivers who proposed limiting hours proposed three methods: tachographic equipment, union agreements and government legislation (including the adequate provision of traffic officers),

.. The development of working time/ driving time policies must take account of the fact that productivity-linked wages contribute to long dangerous working and driving time which threaten public road safety.

Collective bargaining on drivers' hours of work inevitably focuses on remuneration at the expense of health and safety. Drivers will also oppose and contravene regulations that reduce take-home wages.

Resting time

Neither of the council agreements defines resting time. Only the A-agreement makes provision for continuous resting time, though it does not define the conditions under which this rest must be taken. The B-agreement defines the conditions under which the rest period must be taken by stipulating that "an employee should not be required or permitted to work". The only reference to resting time in this agreement is "rest intervals of not less than ten minutes in the middle of the first and second five-hour work periods of the day".

Both provisions are contradicted by the agreement's definition of drivers' work, which includes "all periods during which he is obliged to remain at his post in readiness to drive and any time spent

connected with the vehicle or the load". The agreement defines a driver's work as continuous for the period for which he is responsible for his vehicle. Therefore, *during a trip away from the depot, drivers do not have a rest period where they are freed of their responsibilities and are not required to work.*

The survey found that drivers' average resting time was six hours per day. The minimum continuous rest period in the Agreement is nine hours in every 24 hours. In the European Community, the continuous rest period is 11 hours, which can be broken up so that at least one part of it is no shorter than eight hours. Unlike India, UK, Kenya and Ghana's state sectors, South Africa's BC agreements make no provision for continuous weekly rest periods.

Virtually all the drivers interviewed supported the need for a regulated daily rest period, though this was often linked to wage issues: "It would be safer if we could stop at about 9pm, but our wages are too low". The average daily rest period proposed was seven hours.

Time at home

The work process and working conditions have invaded and colonised the domestic, personal and social life of the long distance trucker.

Thirty-three percent of the drivers surveyed spent between 12 and 24 hours at home between trips. Twenty-three percent spent between one and two days at home between trips. Thirteen percent spent one night (eight hours or less) at home between trips. The average number of trips per month was 3,5, with the average trip lasting 14,5 days.

Drivers felt that the time spent at home is inadequate: "I have spent no time with my family for the last month."

The consequences are severe: "Working like this, one day you will come home and

find the wife and the children gone and a letter on the TV". Seventy-three drivers in the survey were married, with an average of 3,4 children and 5,3 dependants each. Yet they spend 87% of their time away from home each month. They were at home only 97,6 hours per month. A factory worker working maximum overtime and commuting for two hours a day would spend this amount of time at home every week.

Health and safety

Drivers' health and safety is influenced by all aspects of their working, driving and resting time, as well as the conditions in which they spend their trips. Drivers in the survey identified driver fatigue as the major contributory factor in ultra heavy-duty vehicle accidents. This was followed by management pressure to meet work schedules, and then driver recklessness and speeding.

Research on the correlation between fatigue and transport accidents is not conclusive. Investigations often limit themselves to examining the driving or resting time immediately prior to the accident. We would argue that the degrees of alertness or fatigue are cumulatively influenced by:

- the drivers' work process and pressure;
- the daily weekly and even annual time at work;
- time away on a trip;
- the absence of weekly continuous resting periods freed from working responsibilities.

It is clearly difficult to quantify all these factors and give them a casual status together with many other factors in a particular accident.

The survey revealed that 54% of the drivers claimed their employers' speed regulations exceeded the national regulations: "The employers push us to

drive at 100kph on the Cape Town/PE route, and they victimise the drivers who don't."

"We exceed the speed limit. The management say go faster, but not in a written way." Twenty-three percent of the drivers in the survey had previously been in an ultra heavy-duty vehicle accident. Thirty-six percent of the drivers had worked for more than 12 months without taking annual leave.

According to the Workmen's Compensation Commissioners' statistics, the transport sector has the highest accident severity rate of all industries in 1989 and 1990, and the second highest disabling injury frequency rate after fishing.

In 1995, there were 43 899 ultra heavy-duty vehicle accidents on South African roads, an increase of 14% from 1989. Just over a quarter (26%) of these were fatal.

Recommendations

Both the working time of long distance drivers and the conditions in which this time is spent are detrimental to workers' health and safety. Such conditions will not be automatically improved by the reduction of driving or duty time alone. A quantitative reduction in duty time, and the regulation of driving and resting time must simultaneously address qualitative changes to the conditions in which drivers work, and the abolition of productivity-linked wages.

To achieve a 40-hour week for the average truck driver interviewed would require a 73% decrease in the current hours spent at work per week.

Despite the recent establishment of the National Bargaining Council, the ability of organised transport workers to reduce their working hours and implement health and safety policies is weakened. State policy has allowed the 'free market' and

competition to dictate the conditions in which ultra heavy-duty vehicles and their drivers navigate South Africa's roads. The informal sector which is burgeoning in the industry encourages further erosion of workers' collective solidarity.

A BC or BCEA requirement of a 40-hour week on its own would exacerbate, rather than resolve the problem. Minimum standards can contribute towards regulation, but regulation for one part of the industry (permanently employed drivers covered by the BC) - while driver-owners and foreign-based drivers remain unregulated - would exacerbate the competitive pressures and trends which have resulted in the circumvention and contravention of existing working time agreements. Should the Minister of Labour vary or exempt individual drivers, companies and sub-sectors from the minimum standards, those who are regulated would not survive in the industry without sub-contracting, establishing driver-owner schemes, seeking exemption or contravening the law.

The health and safety of truck drivers, as well as public safety on the roads, depend on the regulation by a combination of both labour and road traffic legislation, of long distance truck drivers' hours of work and systems of remuneration. To secure minimum employment standards in long distance transport, workers should pursue two additional measures:

- *The regulation of all long distance commercial vehicle drivers' driving and resting time.* This is not merely a labour law but also a road traffic safety law. Road traffic legislation should provide for regulated driving time, compulsory installation of on-board recording devices, enforcement by traffic authorities and penalties for contravention.

- *Industry-wide negotiations for special minimum standards*, which take account of the peculiarities of long distance truck driving. Such negotiations can pre-empt ministerial exemption or variation. Special standards must not undermine the BCEA minimum standards. They are necessary to formulate definitions of different categories of working and resting time. They are required to formulate more complex regulations of the maximum daily, weekly and monthly working and driving time, as well as the minimum continuous and flexible daily, weekly and monthly resting time. Agreement on a 40-hour driving-time week could explore flexibility on when the hours are driven and address the question of other categories of additional working hours required for a driver to complete a trip.
- In addition, negotiations should focus on:
- the prohibition of productivity-based remuneration systems which encourage unsafe working hours;
 - the definition of working and resting time;
 - flexibility for drivers to decide when to work, drive or rest subject to the regulations;
 - the conditions in which drivers spend their time at work;
 - payment for *all* time at work and exploring different rates of pay linked to time spent either driving, working or resting whilst at the disposal of the employer;
 - recording, monitoring and enforcement of drivers' driving and resting time and penalties for contravention of BC agreements;
 - drivers' health and safety, as well as research and training;
 - double crew drivers, continuous driving and shift systems;
 - a regional treaty standardising the

driving and resting time of southern African countries.

In the absence of regulation we face unsafe working conditions, dangerous public roads, and competition that has the potential to spiral into chaos and conflict similar to the unregulated mini-bus taxi industry. Drivers have a choice: remain victims, or organise to intervene in the crisis of the employers' 'free market'. ★

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