

WIDESPREAD EXPLOITATION IN THE EU ROAD TRANSPORT INDUSTRY: The Case of Central Asian Truck Drivers

The Road Transport Due Diligence Foundation (hereafter RTDD) advocates for the implementation of Worker Centered Human Rights Due Diligence in European road transport supply chains. RTDD was established in 2021 by trade union organizations, this is the first public RTDD report.

INTRODUCTION TO THE REPORT

Many European transport operators report a structural driver shortage in Europe. One way in which they try to solve the shortage is by recruiting drivers from Central Asia. Most of these drivers are formally employed in Eastern Europe and the Baltic States but drive almost exclusively in Western and Central European countries. Despite newly adopted EU regulations, these newcomers to the industry are systematically abused and, in many cases, work in conditions indicating forced labour.

The present report addresses four issues: (a) recruitment in the countries of origin, (b) the hiring and employment of Central Asian drivers in the transit countries where drivers are formally employed, (c) the working conditions in the host countries where the drivers actually work and (d), compliance with applicable regulations and legislation by employers, the role of public enforcement authorities and accountability within supply chains.

The report provides a glimpse of the inhuman situations the drivers encounter on daily basis as they work to keep the supply chains of Europe moving. Even though the EU has clear regulations, these drivers work within the EU like nomads for months on end, living in their truck cabins 24/7, going from one parking lot to another, outside of the rule of law. The transportation employers get away with severe labour and human rights breaches, though no company or enforcement authority should be able to claim that they do not know the reality on EU roadways.

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REMEDY ON STEROIDS: AN UNPRECEDENTED STRIKE OF DRIVERS

While writing this report, there were two unprecedented strikes on a German motorway parking lot close to Frankfurt: “Grafenhausen”. Hundreds of truck drivers from Central Asia and the Caucasus started to strike in April 2023, lasting five weeks. A new group of drivers from the same company started another strike in July for ten weeks.

These drivers worked for a consortium of transport companies called LUKMAZ-AGMAZ-IMPERIA in Poland, with a fleet of 1,000 vehicles. The drivers from the Grafenhausen strike worked with no information that they could understand as to their remuneration and had their payments withheld – in violation of applicable EU legislation. Many drivers faced verbal and physical abuse by their employers.

A driver from Uzbekistan: “They call us sheep and bleated like sheep if we asked for our money”



In the middle of the first strike, the Polish company owner came to Germany with 16 paramilitary and private military vehicles to physically break the strike and remove drivers from their vehicles. After a major Ger-

man police intervention, the drivers were protected from the company's tactics. In the end, the company owner and the paramilitary gangsters were arrested.

A driver from Georgia: "They always threatened to put us on the street and kick us out of our vehicle on a parking lot when we asked to get our money or to go home. The company showed us how they work when they came to the German parking lot with gangsters and a military vehicle".

In the first strike the drivers got their salaries after five weeks. The RTDD and the German trade unions DGB and Verdi, and the migrant workers counselling organization Faire Mobilität put pressure on companies who had cargo on the struck trucks. A new strike with drivers of the same company, and on the same parking lot, started in the summer. The drivers again contacted RTDD for assistance. RTDD investigations showed that the same German multinational companies were again involved as the customer companies at the top of the supply chain. RTDD informed the companies and urged them to remedy the situation. Since no serious steps towards remedy were taken, RTDD shared all available information on the case with BAFA – the public authority assigned with monitoring the German Due Diligence regulation that entered into force in January 2023. After a 10-week strike, the drivers got their money. In close cooperation between the RTDD and DGB, BAFA interviewed the drivers and a coalition of responsible companies in the supply chain stepped in to provide remedy.

The Grafenhausen "remedy on steroids" shows how crucial it is that human right breaches in road transport get more priority and that worker centred due diligence raises awareness that leads to systematic solutions.

SUMMARY OF FINDINGS

For this research, 166 truck drivers from Central Asian were interviewed. These numbers do not include the several hundreds of drivers interviewed during Grafenhausen. The majority of the drivers came from Kyrgyzstan (82). The second largest group was from Uzbekistan (50), and the rest from Tajikistan (20) and Kazakhstan (14).

RECRUITMENT AND ENTRY TO THE EU

All interviewed drivers paid fees, had faced high costs to start working or had these costs deducted after the employment started. The amounts ranged from US \$500 to \$4,500 and covered placement, administrative and travel fees, payments for PPE and costs for accommodation while drivers waited for documents in the country of employment. Drivers found their jobs either through local recruitment agencies, via social media advertising or through their own informal networks. Lithuania was the country of employment for most drivers.

EUROPEAN DRIVING AND RESTING TIME REGULATION

Almost all drivers exclusively live in and around their vehicles for months at a time. Although this is illegal, the employers had no interest in respecting the law. According to a substantial number of drivers, their employers even ordered them to manipulate their tachographs and provided them with false hotel documentation to prevent their employers being penalized in the event of inspections by public authorities.

To avoid recently implemented European law that orders employers to schedule work in such a way that a driver can return home or to the country of employment after four weeks, drivers were forced to sign documents stating that they didn't want to return home.

REMUNERATION AND ABSENCE OF TRANSPARENT DOCUMENTATION

None of the interviewed drivers had a clear understanding of the calculation of their hourly or monthly remuneration, social security benefits or their daily allowances. In the employment documents, references to salaries were vague. Only a small number of drivers said they received pay slips. When the RTDD Foundation examined these pay slips, they often appeared to be handwritten in which days of work were multiplied by the daily lump-sum amounts. None of the observed documents met the standard requirements on transparent and predictable working conditions.

ADVANCE PAYMENTS AND DEDUCTIONS

A pattern identified among all drivers is that they were not paid their remuneration on a regular basis. They received advance payments ranging from €145 (per week) to €1.200 (per month). Their actual remuneration was paid only as a final settlement when drivers returned to the country of employment after having been on the road for several months. However, they were not paid their full salaries because of several arbitrary deductions for unspecified reasons. Many drivers were forced to sign documents that they did not understand but turned out to be documents agreeing to those deductions.

LABOUR EXPLOITATION AND FORCED LABOUR

The situations in which the drivers found themselves are indicators of forced labour as identified by the ILO. The drivers live in and around their vehicles and work and live in isolation. They often start their employment with debt they assumed to take the job. They do not have access to transparent documentation on the terms and conditions of work. They are paid far below legal minimums and suffer arbitrary deductions. They fear deportation if they complain about their working conditions.

SUPPLY CHAIN APPROACH

This report shows that transport companies know where and how to find new populations of vulnerable drivers who often have no other option than to suffer their precarious situation and nomadic lives on European roads. Migration to them is not a choice but a necessity. Multinational companies and some transport companies have Codes of Conduct that include the prevention of labour exploitation and forced labour. Some are even members of the United Nations Global Compact initiative. This report shows the need to translate these policies into action that benefit the drivers who desperately need protection. Currently, companies are simply not held accountable. Public enforcement is not organized and operational transnationally at a sufficient scale.

Fundamental and systematic change is only possible with clear and effective supply chain due diligence strategies. Multinational customers contract transport

logistics companies who subcontract to smaller companies. The chain of subcontracting is often organized in multilayer structures across multiple borders. The result is that multinational customers know less and less about the reality of how and by whom their goods are transported. They often do not have specific transport policies in place and if policies are in place, the voice of workers is not included.