

Written evidence submitted by Unite the Union (RDF0028)

Introduction

This response is submitted by Unite the Union, the UK and Ireland's largest trade union with 1.2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, energy generation, chemicals, transport, local government, education, health and not for profit sectors.

In the arena of transport Unite represents over a quarter of a million members in all transport modes, making it the largest transport union in the UK. Unite's current membership in the Passenger Transport and Road Transport Commercial, Logistics & Retail Distribution sectors Unite's membership is 145,000.

Long-term and short-term challenges to the effective functioning of the road freight supply chain

Demand for HGV drivers has been outstripping supply for some time but the pandemic has exacerbated demand for haulage drivers juxtaposed by a serious shortage of supply of drivers. Decades of government inaction and a number of regulatory failures which we will discuss in this response have led to the current challenges.

The culture of driving down terms through benchmarking and outsourcing as well as an growing dependency on agency drivers and bogus self-employment has resulted in pay that does not reflect the skills, knowledge and qualifications needed to do the job, resulting in the current labour gaps in the industry. These labour gaps are causing interruptions across all stages of the supply chain.

The level of regulation drivers must follow is almost unprecedented. Unite has called on the Government to simplify the rules for UK drivers in order to maintain safety whilst applying common sense. Without exception, when we have asked drivers the number one issue impacting their job is the clash between driving and working time rules, specifically the 6 hour working rule.

The Driver and Vehicle Standards Agency (DVSA) is a cornerstone of the road transport industry and plays a vital role in ensuring safety standards are maintained on UK roads. However Unite has seen a reduction in funding of DVSA with the obvious result being an increase in the number of employers who are prepared to push the boundaries of the law. The DVSA must be properly staffed, funded and equipped to enforce transport laws and regulations and for suitably robust sanctions to be applied to those operators who choose not to meet these standards.

The potential effects of the Government's policies and regulations on the efficient operation of the supply chain, including cabotage rules and drivers' hours;

Cabotage rules

Unite has observed the impact of cabotage rules and subsequent relaxation of these in the car delivery sector, Unite witnessed how this created an opportunity for low cost foreign operators to exploit a busy time in the industry which led to undercutting and race to the bottom and exploitative practices across the industry.

Unite noted and reported that during this time restrictions for car transporters were not being monitored and recorded sufficiently resulting in under supervised inexperienced drivers entering the UK with no monitoring from the authorities.

Cabotage changes continue to undermine UK haulage companies and are impacting UK HGV drivers and also foreign drivers, many of whom are being exposed to exploitative practices¹

The free-for-all of the cabotage market within road haulage, which allows for non-UK registered hauliers from continental Europe to run empty for longer, should be replaced with a planned and intermodal freight strategy based on environmental and economic efficiency.

Drivers' hours

Recent temporary extension of driving hours in the sector which the Government relied on to tackle the driver shortage is having a cumulative effect on driver fatigue. Increased hours are continuing throughout the autumn and winter months where we have longer periods of darkness and

poorer weather. According to RoSPA driving in periods of darkness is particularly dangerous when combined with poor weather and road conditions² and Unite is concerned these contributory factors coupled with the relaxation of essential driving hours regulations for haulage drivers will cause an increase in road accidents involving HGV drivers.

The current Government trend of extending and relaxing regulations in the sector will have a negative impact on working conditions and safety standards. These are band aid solutions rather than long term or indeed long term solutions.

The effectiveness of Government policy in supporting recruitment, retention and a diverse workforce in the road haulage industry;

The lack of government policy on recruitment or retention has facilitated the current labour shortage in the sector. Unite welcome the recent Government pledge of financial support to those entering the industry as an attempt to remedy the driver shortage crisis, but there must be fundamental change for those already working in the industry in order to retain new entrants as well drivers who have given years to this industry whilst working in extremely difficult conditions.

The road haulage industry has a predominantly white, male and middle aged workforce. Neither employers nor the Government have taken significant steps to address the lack of diversity in the sector. Unite is calling on the Government to commission a detailed research project to look at recruitment of underrepresented groups in the road haulage industry. Additionally the Government must also commission an inquiry into why drivers are leaving the sectors in such high numbers. With the skills broadly comparable between bus drivers and HGV drivers, comprehensive work must be done to investigate why there are significantly more women and BAEM bus drivers than HGV drivers. Unite for diverse groups but better for all workers in road transport.

The potential effects of the Government's policies and regulations on road safety;

Relaxation of driving regulations

As discussed above (see section on drivers' hours), the constant relaxation of HGV driving rules will inevitably have an impact on road safety, especially as the Government has failed to carry out an impact assessment of any of the relaxations.

Working Time Directive

Regulations on working time have been so far diluted that it has become strikingly easy for employers in the sector to reduce break periods which has contributed to rising fatigue levels for HGV drivers which pose a significant threat to road safety and health and safety of drivers and all road users. Loopholes in the Working Time Directive, in respect of periods of availability, have promoted a 'long hours' culture in the sector which our members in the road haulage sector have told Unite is a significant reason why many are leaving the sector. A 2019 Unite survey of lorry drivers revealed 74% of respondents identifying long hours had had an impact on their physical health; 50% stated long hours had impacted on their mental health and 81% said they felt regularly fatigued at work.

As part of the Road Transport Working Time Directive, periods of availability (POAs) were introduced. Whilst Unite recognises there may be legitimate reasons for drivers booking POAs, we are aware of many companies instructing drivers to book excessive POAs to extend the working day. This practice only serves to continue the long hours culture in the industry which puts our members and other road users at risk by increasing fatigue.

Infrastructure, including roads, ports and airports, with a particular focus on capacity, resilience and interoperability;

Infrastructure

Within the *Global Competitive Index* produced by *World Economic Forum*, the UK ranks 23 for quality of road infrastructure³. Additionally a CBI survey found that 68% of businesses are not confident that road infrastructure will improve in the coming years⁴.

The privatisation of our road network including commercialisation of the Highways Agency which has now been rebadged as Highways England as a so called "go-co" Government owned, contractor operated company, makes no economic or environmental sense. It places a key part of our infrastructure in

the hands of companies seeking profits. Road pricing cannot operate in isolation from an integrated transport policy, including an understanding of the role of the road transport industry as part of a wider integrated transport policy including cycling and walking.

In its first year of operation the HGV levy raised a total £192.5 million in revenue, with £46.5 million from foreign-registered vehicles and £146 million from UK-registered vehicles. Revenue raised by the HGV levy is paid into the Consolidated Fund. It is not specifically ring fenced for transport infrastructure. Unite believes the Government should ring fence HGV levy revenue in order to create a safe and sustainable transport infrastructure which improves, repairs and expands our roads and to provide much needed new parking and rest facilities for drivers and increased infrastructure for the charging of electric vehicles to improve air quality through reducing harmful nitrogen emissions

We need long-term planning in road and transport infrastructure, which will produce a modern integrated and sustainable transport system for all – a strategy that recognises the importance of transport to society, the economy and the environment, as well as the key role played by transport workers.

Unite is calling for a transport strategy that includes:

- A commitment to investment;
- A fundamental shift away from further privatisation and deregulation;
- Decent employment standards, equality and protection from violence for transport workers;
- A sustainable transport system and a ‘just transition’ for all transport workers.

Facilities

There remains a chronic shortage of adequate resting facilities for HGV drivers across the UK which forces drivers to park and rest in unsuitable locations. The Government has so far failed to deliver on its May 2018 commitments to increase lorry parking spaces. In order to comply with driving and rest rules HGV drivers need somewhere to park. Local councils have the responsibility to fund lorry parking facilities but lack the funding to do so. Resultantly local councils have restricted locations where drivers can park, forcing HGV drivers to park up in unsafe areas with poor toilet and resting facilities. Unite has

found evidence of a correlation between the lack of available toilet and resting facilities for HGV drivers and fatigue. A 2018 Unite survey of lorry drivers revealed over 60% of HGV drivers feeling more tired after sleeping in their vehicles at the side of the road, in a layby or in a service station car park⁵.

Unite is calling for minimum standards for facilities for professional drivers to be developed in consultation with trade unions who represent HGV drivers, employers and providers. Unite believes that minimum standards and the development of an inspectorate that includes facilities provided by private providers and those provided by operators/employers will improve standards across the country. Unite does not believe that public funds should simply be given to existing private companies to improve their facilities. These private companies, many of whom have made significant profits, have failed to provide appropriate facilities, and should not continue to receive public subsidies. We further believe that much stronger sanctions must be applied to companies that refuse drivers access to on site facilities.

The effect of border procedures on road freight;

In 2018 the Government spent tens of millions of pounds on Operation Brock on the M20. The 2019 Operation Brock rehearsal exposed the lack of consultation with drivers and the local community which resulted in an unrealistic and unrepresentative operation with only 89 out of 150 lorries attended the rehearsal. Resultantly, a year later in Christmas 2020, the pandemic exposed the weaknesses in capacity and infrastructure on the M20 in Kent when France closed its border following a Covid spike in the UK, leaving 5,000 lorry drivers to spend Christmas sleeping in their cabs⁶. Time and again Government decisions and lack thereof in respect to infrastructure, road planning and capacity are having catastrophic consequences for lorry drivers and the supply chain, and it is small wonder so many drivers have left the industry.

In previous discussions with the DfT as well as Unite submissions to DfT consultations, Unite has raised concerns over the lack of drivers' voices involved in any parts of border planning ahead of the end of the Brexit transition period. Unite requested involvement with the Kent Resilience Forum to offer our support in looking for solutions to the practical problems faced by HGV drivers in the area, yet time and again the DfT have made decisions without including the views of workers and worker representatives. Where

Unite have been invited to participate in forums, these have been to address problems that have emerged years after we had raised our concerns. An example of this is the current crisis of chronic HGV driver shortages.

In January 2020, following the end of the UK's transition period, there were severe concerns about Kent being choked with lorries unable to get across the Channel. As a consequence Kent county council was given extraordinary powers, for six months, to ban lorries from parking in laybys and on roads. Drivers could only legally park at services and lorry parks which in turn became chronically overcrowded, causing extreme tensions and other problems. If lorry drivers didn't comply with the rules, they were met with heavy handed sanctions which included having their vehicles clamped and fined even though they had to take breaks to be legally compliant. Lorry drivers have to abide by strict regulations which limit how long they can drive before they must take a rest. Lorry drivers reported being faced with a 'Hobson's choice' of parking illegally or breaking the driving time regulations by driving for too long.

Unite members reported the extent of overcrowding at service stations near the Dover port which meant they regularly forced to park overnight on double yellow lines on slip roads on the entrance and exit to service stations, in coach parks and petrol garage forecourts. According to our members, overcrowding was so severe that fights had broken out between drivers as they are unable to move their vehicles which have got blocked in.

Although scenes like these must never happen again, Unite fears they will as on the UK side of the Channel many of the gateway ports, such as Felixstowe, Tilbury and Dover simply do not have the road or rail infrastructure required for the prolonged border checks and inspections.

Workforce skills, training and development;

Unite welcomes the current DVSA review of Driver CPC (DCPC), Unite members attended the DCPC Review stakeholders forum in November 2021, and we have sent additional evidence to the Transport Select Committee. Many of our members in road haulage do not see the value of the current DCPC where drivers will sit through the same module repeatedly that may have no real link to their jobs. Whilst we would not support a move to an examination as part of the DCPC it is clear that the participation model is not adding value for drivers. Unite believes that each DCPC module should include an assessment to

confirm the participant has fully understood the module. DCPC modules should also be industry and job specific so that drivers can see that the subject matter is relevant to them.

Currently the cost of DCPC is erroneously placed on the driver. This is vocational training that is legally required to do the job. It is Unite's view that DCPC training must be paid for by employers, through government subsidy if necessary, and carried out in work time. As part of the existing DCPC regime professional drivers are required to undertake five days of training every five years in order to demonstrate that they are fully competent to drive their vehicles. Currently it is the responsibility of the driver to keep their CPC up to date, which can be prohibitively expensive, with drivers reporting that it costs them up to £4,500 to undertake the training. Unite also believes that CPC training must be undertaken during work time and that the employer must pay for the training and pay the worker while the training is undertaken.

Unite appreciate the increase in funding for the LGV Cat C+E Apprenticeship but it has taken two years to gain approval for this apprenticeship and gain a realistic funding level.

Decarbonising road freight;

Decarbonising road freight is a huge and expensive job. Unite is concerned that this cost should not be mitigated by drivers in the industry or used to cut pay and impact working conditions.

The Department for Transport 'Road to Zero' strategy has failed to provide for a just transition which protects and sustains employment. Unite echoes the concerns raised by IndustriAll Europe, the Society of Motor Manufacturers and Traders (SMMT) and the European Automobile Manufacturers' Association (ACEA) that emission reduction targets are unachievable without a serious transition strategy. Unite's transport strategy supports technology which minimises the polluting effects of transport and endorses cleaner fuels and electric vehicles, without detriment to workers.

Manufacturers for the road haulage industry have been road testing 'platooning' whereby multiple HGVs travel in convoy, controlled by the lead vehicle. In 2016 the first European cross-border experiment in platooning saw six semi-autonomous trucks drive from Germany to the Dutch port of

Rotterdam. In 2017 the UK government announced £8.1 million for platooning trials on UK motorways. The trial was to be carried out in 3 phases, with the first focusing on the potential for platooning on the UK's major roads, following by track testing and road trials in 2018. Unite members in road haulage have direct experience of this and are negotiating with employers on these developments

The rush to market for AVs, is happening faster than government policy and law makers can act. Unite is clear that there are significant safety implications for driverless vehicles and the union calls on the UK government to work with trade unions, and the automotive and transport industries, to craft a strong regulatory regime to oversee the eventual use of autonomous vehicles on public roads.

In July 2021 the Government announced plans to deliver a zero emission freight and logistics sector. These included:

- Consulting on the phase out dates for the sale of all new non-zero emission HGVs
- Plans to demonstrate zero emission HGV technology on UK roads
- Stimulate demand for zero emission trucks through financial and non-financial incentives
- Support efficiency improvements and emission reductions in the existing fleet
- Support and encourage modal shift of freight from road to more sustainable alternatives, such as rail, cargo bike and inland waterways
- Progress measures to transform 'last mile' deliveries

To date Unite has not been informed or indeed invited to discussions around these proposals. We are particularly interested in what the modal shift from road freight to 'sustainable alternatives such as rail, cargo and bike' will mean for workers in the road haulage industry and what also the measures to transform 'last mile' deliveries.

It is Unite's view that fuel efficiency in road haulage is being used to bully lorry drivers with constant monitoring every second of the day on MPG, this is placing additional stress on the working lives of lorry drivers.

The extent to which the Transport Select Committee's previous recommendations on haulage, including those set out in Skills and Planning in the Road Haulage Sector, July 2016, HC68, were (a) pertinent and (b) unheeded.

Little if anything has been done to further the TSC's 2016 recommendations. Five years have passed and the sector along with its supply chain are seeing the cost this inaction in the chronic HGV driver shortage.

December 2021

Endnotes

¹ VNB-ITF-IUF Report on European road transport: Pandemic of exploitation in European trucking. June 2020. [Link](#)

² RoSPA: Road Safety Factsheet: Driving at Night. June 2017 <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/driving-at-night.pdf>

³ World Economic Forum: *Quality of road infrastructure 2019*. <http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/#series=EOSQ057>

⁴ Infrastructure Intelligence: *'Crunch time' for restoring business and public confidence.2017* <http://www.infrastructure-intelligence.com/article/oct-2017/crunch-time-restoring-business-and-public-confidence>

⁵ Unite: *Lorry drivers' lives being placed in danger due to long hours and lack of facilities, Unite warns*. April 2018. <https://www.unitetheunion.org/news-events/news/2018/april/lorry-drivers-lives-being-placed-in-danger-due-to-long-hours-and-lack-of-facilities-unite-warns/>

⁶ BBC News: Kent lorry chaos: Thousands of lorry drivers spend Christmas in cabs. 25th December 2020. <https://www.bbc.co.uk/news/uk-england-kent-55445809>