



Revision of the Community legislation on the recording equipment in road transport  
(tachographs)

## **Unite Submission – March 2010**

### **Introduction**

This submission is by Unite the Union. Unite is the UK's largest Trade Union with over 1.5 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, local government, food, agriculture, education, health, not for profit and the transport sector .

Unite the Union's current membership in road transport, which combines our Passenger Transport and Road Transport Commercial, Logistics and Retail Distribution sections, exceeds 162,000. Unite is the largest trade union representing drivers, engineers, admin staff, inspectors and managers employed in the UK transport industry, with the vast majority of the organised workers in the sector in Unite.

Unite has obtained the views of our members through our lay member committees at national and regional level. Therefore Unite is in a unique position to submit a response to the European Commission on its 'Revision of the Community legislation on the recording equipment in road transport (tachographs)'.

**Question 1 - Is it important that equipment of different manufacturers functions in exactly the same way? Or should legislation focus on essential**

**requirements and give manufacturers more freedom to develop solutions and improve the equipment?**

Unite believes that it is important that equipment of different manufacturers functions in exactly the same way for ease of use, understanding and for transparency reasons for transport workers and their employers.

A standard design would hopefully stop employers being able to lean on manufacturers to design different types of equipment, which from our member's experiences cause's confusion and in many cases makes equipment less effective. For example due to employer's stipulations to manufacturers some tachograph screens show individual 22 and 23 minute breaks, as one 45 minute continuous break, which it clearly is not. This is an extremely important point when you consider the necessary required rest time that is needed by a driver in order to keep themselves, their vehicle and passengers or cargo safe according to the law.

Any standardised equipment must not drop out when the engine is off or the vehicle stationary because when a driver is at the wheel they are at work, so this must be adhered to in accordance with working time legislation.

**Question 2 - Should the legislation on the tachograph already foresee the integration of the digital tachograph into an open in-vehicle platform? If so, what other regulatory applications should be integrated in this platform (e.g. e-toll, recorder for accident investigation, e-call, speed control) and why? Would it be interesting for fleet management or other applications related to safety or security of transport, or to law enforcement, to have a real-time "tracking and tracing" function?**

Unite does not believe that legislation on the tachograph should already foresee the integration of the digital tachograph into an open in-vehicle platform.

Unite is concerned with how these other regulatory applications would be implemented by employers. As Unite has come across examples where employers have abused the use of the information that applications can provide in an attempt to discipline transport workers. In particular Unite feels that real-time "tracking and tracing" functions could give rogue employers more scope to abuse the system. There are also some unanswered questions with regards to a workers right to privacy at work, with some of the suggested applications.

Therefore the raft of suggested regulatory applications should not just be implemented in the way proposed. If employers wish to introduce new applications they must follow the normal workplace negotiating process and consult with the recognised trade union in order to determine what are the appropriate monitoring systems needed for that particular workplace.

In addition Unite is in favour of positive management of fleets rather than a negative management of fleets and the imposition from the regulator or employer that workers have done something wrong or need to be watched in some way, needs to be reversed.

**Question 3 - Should remote download of the digital tachograph be encouraged? Is a regulatory approach deemed appropriate in order to facilitate widespread introduction?**

In essence Unite does not have a problem with the option of remote downloading.

However Unite believes that is vitally important that a driver is still able to download manually themselves because deliberate conscious control around a drivers working time is essential and particularly for drivers who work for more than one employer.

**Question 4 - What is your practical experience? Are there any obstacles for speedy download of data?**

Our members tell us that in most cases it seems to work o.k. but it is not as quick as it could be due to a variety of different cards that have to be used in the process.

**Question 5 - How could the equipment be changed in order to make controls more efficient? Should the mobile control of moving vehicles be envisaged in order to reduce administrative burden for industry and enforcement bodies?**

Unite believes that the mobile control of moving vehicles is intrusive to driver's rights and Unite sees a vehicle driving by with the potential to load data as an invasion of drivers working privacy.

Penalties should be put in place when a driver has been using someone else's card in an attempt to get round working time restrictions.

**Question 6 - Is the current security level proportional? Can and should there be other sources of motion? Could the authenticated time/speed/positioning data provided by the future European "GPS" system, Galileo, be used as a second and independent source of motion to ensure security of data?**

Unite believes that Galileo would be an appropriate independent back up source of motion to ensure security of data. However any additional introduction of in cab technology could impact on the health of the driver. Studies have already proven it affects sleep and what other health implications would there be? With magnetic fields and increased radio/digital waves around a small work area over a period of time it could lead to illnesses.

**Question 7 - In case a vehicle is only occasionally used in the scope of Regulation (EC) No 561/2006, for example when exceeding from time to time the radius set in some exceptions, should it be possible to use different means of recording activities?**

Rather than come up with additional ways to get round the exceptions by using different means of recording activities, Unite believes the correct thing to do would be to change the legislation instead so the exceptions don't exist in the first place.

**Question 8 - Which option do you prefer? In case you prefer option 2: What are the most important issues for compatibility between a new generation of tachographs and the current digital tachograph, and what other parts of the equipment, apart from driver cards, should be compatible in your view?**

Unite believe that Option 2 with compatibility particularly for driver cards would be the best available option. If compatibility could not be provided for driver cards then a return to the old log book system would be the only remaining alternative.

**Question 9 - Should the legislation specify how new equipment has to be introduced in the field? Should a retrofit be possible, mandatory or take place in case of replacement of defective equipment? What are the essential steps for the introduction of new equipment? Should type approval for tachographs fall under the general type approval scheme for vehicles?**

Unite believes that retrofits should be tightly regulated so there is no room for misinterpretation of how retrofits should be carried out and defective equipment should be replaced within 24 hours.

**Question 10 - Should it be possible to carry out field tests before type approval is requested, while maintaining the same security standards? How should field test be limited (geographically, number of equipments, duration of the field test, etc.)?**

In principle, yes Unite is in favour of testing.

**Question 11 - Which option do you prefer and if you prefer option 2 or 3, for which parts: seals, downloading equipment, control equipment, calibration tools, etc.?**

Option 3, Community legislation – This would provide a ready made standard that can always be referred to in the event of any of the listed above situations.

**Question 12 - Is the current way of updating the specifications on the tachograph satisfying? Who should be responsible for the updating of the technical requirements? What is your preferred option?**

Option 2 is Unite's preferred option.

**Question 13 - Should the trustworthiness of workshops be improved? If so, how? How can conflicts of interest be avoided for workshops that are living from delivering services to individual clients but play at the same time an important role in the security of the recording equipment?**

An EU community wide standard for workshops on a quarterly basis is required.

**Question 14 - What kind of data should be entered manually by the driver? What kind of information should be recorded automatically by the recording equipment? Is it appropriate to record more precisely the location (via GPS or GNSS for example)?**

If Galileo can record locations then that is a possible option. Using a satellite system would help give standardisation and perhaps take away the problem of manual inputting not being specific enough.

However it would still need to be manually changed by the driver and any standardised equipment must not drop out when the engine is off or the vehicle stationary because when a driver is at the wheel they are at work, so this must be adhered to in accordance with working time legislation.

**Question 15 - Should the Regulation explicitly foresee the use of electronic data exchange on cards that are issued between card issuing authorities?**

Yes.

**Question 16 - Should the Regulation explicitly foresee warnings for the driver in order to enhance compliance with the legislation on driving times and rest periods? Should it be up to manufacturers' choice to offer such warnings as an optional tool, including additional warnings for other aspects than the continuous driving time?**

Unite believes that a warning should be in and it should be compulsory. In the event of changes to legislation there should be a mandatory obligation on the employer to calibrate the tachograph, at the first given opportunity.

It should be compulsory that manufacturers include warnings but it should be the employer's responsibility to keep these up to date. There will be short periods when the wrong information may be displayed due to changes in legislation. Again during these times it should be the employer's responsibility to put this right.

**Question 17 - Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation on recording equipment?**

Unite has encountered problems of tachographs registering vehicles that are stationary in traffic "as other work" even though the driver is still at the controls. The definition of driving is being "at the controls of the vehicle for the purpose of controlling its movement" so this should include times when the vehicle may not actually be moving. Whether this is a question of tachograph design or interpretation of the hour's rules is not clear.

**Question 18 - Would you like to propose other measures to make the recording equipment more user-friendly and to improve the reliability of controls?**

The equipment should be dashboard mounted as drivers currently have to look up to cancel warnings, which is clearly not safe. The equipment display should be lit up in high visibility because inputting tends to be done in the dark. The switches/buttons on the equipment display should also be lit up. The switches/buttons on the equipment display should be bigger than they are currently for ease of use.

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