

**Tripartite Meeting on Labour and Social Issues
arising from Problems of Cross-border Mobility
of International Drivers in the Road Transport Sector**

Geneva
23-26 October 2006

**Conclusions on Labour and Social Issues
arising from Problems of Cross-border
Mobility of International Drivers in the
Road Transport Sector**

The Tripartite Meeting on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector,

Having met in Geneva from 23 to 26 October 2006,

Adopts this twenty-sixth day of October 2006 the following conclusions:

Introduction

1. In an increasingly globalized economy, international road transport plays an important role and makes a significant contribution to economic development efforts. In this regard, the rights, welfare and dignity of international drivers should be promoted through their organization and the practice of social dialogue.

Theme 1 – The impact of deficiencies in infrastructure, facilities and procedures at border crossings on road transport operations and the working and living conditions of international drivers

2. Delays due to deficiencies in infrastructure, facilities and control procedures at problematic border crossings can have a negative impact on the living and working conditions of drivers as well as on socio-economic progress, international trade, tourism and transport. They can turn waiting areas into a magnet for crime and the sex trade, create security risks for drivers and, consequently, their families, vehicles and cargo, and disrupt communities in the surrounding areas. This affects the issue of health protection of drivers and general road safety. A means to improve the living and working conditions of international drivers at problematic border crossings is through social dialogue and transport facilitation across international borders.

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3. Governments along with employers and workers and their representatives in the road transport sector have a mutual interest to work together to reduce the negative impact of any such deficiencies.
 4. Measures that could be implemented in this respect include:
 - providing adequate border crossing infrastructure and facilities, both in quantitative and qualitative terms;
 - relocating border crossings that are situated in inappropriate locations (e.g. centre of towns);
 - improving the quality and increasing the capacity of access roads to border crossing;
 - establishing/constructing appropriate facilities for sanitation, food and beverage, supplies, rest, communication, lodging and legal entertainment, vehicle repair and other emergency services as well as parking facilities, and establishing harmonized minimum standards for such facilities;
 - establishing policies for affordable pricing for the use of facilities or purchase of goods and services at border crossings;
 - achieving better cooperation between frontier authorities and all relevant parties using the borders, and the application of new technologies and innovative management systems;
 - achieving simplification of procedures, timely communication of any change of procedure requirements, progressive minimization of documentary requirements and rationalization of controls, for instance through the use of risk management processes and ICT; and
 - where appropriate, adopting and implementing relevant international and United Nations conventions relating to border crossing formalities.
 5. The responsibility for the improvement or relocation of infrastructure, and for the implementation of appropriate management systems and procedures at border crossings, primarily lies on governments.

Theme 2 – The impact of deficiencies in border staffing standards and border officials’ conduct on road transport operations and the working and living conditions of international drivers

6. Deficiencies in border staffing standards and in the conduct of border officials exist in numerous countries; however, differences in the nature and degree of such deficiencies should be taken into account when addressing this issue, avoiding a one-size-fits-all approach.
7. Joint efforts by governments, employers and workers and their representatives at national or border crossing level involving neighbouring countries could address pertinent areas of concern that include:
 - promotion of appropriate processes for the selection and recruitment of border officials;

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- the provision of up to date information to education and training of officials on both sides of a border crossing to help them to develop appropriate cognitive, language, attitude and ICT skills;
 - provision of sufficient and qualified staff;
 - the motivation of border officials through appropriate pay and working conditions, and the provision of technological or other means to enable them to perform their duties in the best possible manner;
 - improved harmonization and coordination of procedures and practices on both sides of border crossings through bilateral, multilateral or regional agreements or by following the same international standards or joining the same international Conventions;
 - provision of timely border crossing information by governments to international drivers and their employers and suitable training of international drivers by their employers on border crossing procedures;
 - the elimination of situations, such as long delays, that could foster corrupt practices;
 - campaigns against corruption targeting all parties that could be involved in a corrupt activity;
 - exchange of information on good practice, including codes of conduct for border officials, international drivers and other parties involved in border crossing procedures and on various relevant agreements regarding border crossings.
8. The creation or strengthening, at various levels, of tripartite border-crossing monitoring and facilitation bodies, with representatives from all parties involved from both sides of problematic international borders, could help member States to understand and address current or persisting problems.

Theme 3 – Visa processes and controls and their impact on road transport operations and the working and living conditions of international drivers

9. In the absence of special arrangements for the purpose, the process for the application for the issuance of visas for international drivers in the road transport sector can involve long periods of idle time as well as onerous and numerous documentary and other requirements that result in considerable financial and time losses to both the drivers and their employers. This can also restrict the ability of international drivers to enjoy regular or continuous employment. Under certain circumstances, particular visa conditions may, in addition, limit drivers' ability to complete assignments abroad or find themselves in breach of their visa conditions. Among other negative effects of this problem is the stress and frustration that drivers experience during the process. All these evidently have a negative impact on road transport operations and the working and living conditions of international drivers.
10. While acknowledging the right of governments to take all appropriate measures regarding the issuance of visas to safeguard national security or to protect against other risks, governments, employers and workers and their representatives recognize the need to facilitate the process in a way that would be compatible with the special status of international drivers, as is the case in certain other transport modes.

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- 11.** Options that might be considered for streamlining the provision of visas for international drivers include:
- measures to optimize existing visa-issuing arrangements;
 - consideration of other means by which visa arrangements might be improved (for instance via the provision of information to consulates by employers and/or their associations);
 - the issuance of multiple-entry and/or longer term visas to international drivers at reasonable cost;
 - the promotion of regional and subregional solutions to reflect local circumstances; and
 - consideration, where appropriate, of whether or not some form of drivers' identity card might be a cost-effective means of facilitating access to visas for international drivers. By way of an example, the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) might provide useful lessons.

Theme 4 – HIV/AIDS: A workplace issue for international drivers at border crossings

- 12.** International drivers are among the most vulnerable categories of workers to HIV/AIDS due to the particular conditions of their work. Their vulnerability to sexually transmitted infections (STIs), including HIV, substantially increases at border crossings where unduly long delays are experienced. Combined with any serious deficiencies in infrastructure and facilities and stress, the risks to HIV/AIDS become even greater as these factors create a situation where drivers may be exposed to risky behaviour.
- 13.** Transport enterprises are also at risk because of the negative impact on their workforce. Inevitably, this situation has a negative impact on national economies and consequently on the whole world. Hence, in parallel but also in combination with other ongoing and planned programmes to combat HIV/AIDS at broader levels, there is a need to address this particular case at cross borders as a workplace issue at sectoral level so that the specificities of the international road transport sector and those pertinent to border crossing would be best addressed. However, the interrelation between the origin and destination of the road transport journey, the communities along that route and around the border crossings, as well as the family and social circle of international drivers and the location of the border crossing, should not be overlooked. For these reasons, the issue of HIV/AIDS at border crossings should not be treated as a localized problem and in isolation to the broader HIV/AIDS issue but as a complementary activity that focuses to a particular sector and location. Thus, the collaboration and coordination between a large number of organizations, agencies and programmes is essential.
- 14.** Against this background, governments, employers and workers and their representatives have stressed their renewed commitment to jointly address this issue and agreed to promote the tripartite sectoral approach when addressing the issue of risks of international drivers to HIV/AIDS at border crossings. Pertinent measures could include:
- promotion of the sectoral approach to HIV/AIDS;
 - promotion of the thesis that HIV/AIDS is a workplace issue;

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- promotion of the tripartite approach in addressing the issue in which, in addition to governments, employers and workers, other stakeholders would be included (communities, NGOs, etc.);
 - promotion of the relevant ILO standards, particularly the ILO code of practice on HIV/AIDS and the use of the ILO guidelines on HIV/AIDS for the transport sector,¹ special attention being made to the principles outlined, including those that refer to stigmatization, non-discrimination, gender equality, social dialogue, confidentiality, no screening for employment, continuous employment and prevention;
 - development and distribution of appropriate sector specific training materials targeting the drivers as well as transport companies and their managers and delivery of appropriate training workshops;
 - encouraging the employers to provide HIV/AIDS awareness and prevention education and training of international drivers. Encouraging the introduction of HIV/AIDS training module into the general professional driver training curricula. International drivers should also make themselves available for such training;
 - removal of cross-border related factors that may influence the behaviour of drivers, such as excessive delays (and therefore the reasons for such delays) and the lack of appropriate infrastructure and facilities;
 - establishment of centres for voluntary counselling and testing and other services pertinent to HIV/AIDS at border crossings;
 - appropriate awareness raising campaigns, including campaigns for establishing the appropriate status of international drivers vis-à-vis HIV/AIDS;
 - establishment of appropriate partnerships and synergies with other programmes;
 - fund-raising to support pertinent activities;
 - constantly consulting evaluations of hazards pertinent to the issue and taking actions accordingly; and
 - establishing, updating and communicating information on relevant programmes and experiences.

Theme 5 – Improvement of cross-border traffic and its socio-economic consequences; general discussion of other issues not covered under other themes

15. Cross-border road transport is essential for the development of trade, regional economic integration, tourism, social development, wealth creation and distribution. It also impacts on the welfare of international drivers. Governments, employers and workers and their representatives have a mutual interest in mitigating any possible undesired direct or indirect effects of cross-border traffic.
16. Although situations arising from any future increase of traffic cannot be fully predicted, based on past experience, it can be assumed that these might lead to:

¹ ILO: *Using the ILO Code of Practice on HIV/AIDS and the World of Work: Guidelines for the transport sector*, Geneva, 2005.

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- negative environmental impacts on neighbouring communities and the environment at large as a result of additional pollution;
 - deteriorating road safety and health conditions of areas neighbouring to border crossings;
 - an increase in sexually transmitted infections (STIs);
 - development of negative attitude of public towards the road transport sector and international drivers; and
 - an increase in demand for well-trained drivers, resulting in an insufficient supply of such drivers.

17. Measures to eliminate or mitigate the negative effects could include:

- improvement of road infrastructure, including provision of access and approach roads to border crossings that bypass residential areas of communities;
- provision of high-quality road transport services, complemented by campaigns and other public relations activities to gain public's acceptance of the road transport sector and to develop a positive attitude towards international drivers;
- improvement of drivers' conditions of work and training with a view to attracting new entrants to the profession;
- development of a common definition of the professional international driver;
- development and implementation of regional and/or international agreements for border crossing infrastructure, facilities and procedures;
- facilitating access to multiple-entry visas with longer periods of validity;
- elimination of illegal employment practices and illegal transportation; and
- establishment of procedures that would safeguard the human and labour rights of international drivers in the road transport sector, including freedom of association and the right to bargain collectively.

Theme 6 – Follow-up activities

18. The Meeting is part of the ILO's Sectoral Activities Programme, one of the purposes of which is to develop an international tripartite consensus on sectoral concerns and provide guidance for national and international policies and measures to deal with related issues. In this respect, the Governing Body decided that among other, the Meeting would adopt conclusions that include proposals for action by governments, employers' and workers' organizations and the ILO and to make proposals for follow-up activities by the ILO.

19. On the basis of the discussions held during the Meeting on themes 1 to 5, and with due consideration being given to human aspects and differences that might exist between different countries or regions, the proposals for action by governments, in close liaison with employers and workers and their representatives are to adopt:

- appropriate dialogue frameworks on border-crossing issues as described in paragraph 8 above;

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- adopting and promoting appropriate border crossing facilities as described in paragraph 4 above;
 - considering establishing a common definition of international drivers;
 - implementing effective ways for combating HIV/AIDS and STIs at border crossings (refer to conclusions of theme 4);
 - promotion of the UNECE International Convention on Harmonization of Frontier Controls of Goods, 1982, and the International Convention on the Simplification and Harmonization of Customs Procedures, 1974 (Kyoto Convention) and their effective implementation;
 - promote best border-crossing practices for customs and documentary controls, as described in paragraphs 4, 5 and 7;
 - devise and implement a mechanism that would effectively attend to emergency situations that may arise from problems encountered by drivers at border crossings;
 - encourage south to south as well as north to south cooperation for addressing cross-border related issues; and
 - encourage new and strengthen existing subregional initiatives pertinent to border-crossing issues.

20. The proposals for action and/or for follow-up activities by the ILO are:

- promote through tripartite pilot projects best practices at selected problematic border crossings, and promote a framework of guidance in liaison with social partners;
- to assist ILO member States to give effect to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with a view to improve social and labour conditions in the road transport sector;
- to seek recognition for the status of a special category of workers of professional international drivers, who should not face any unreasonable impediments to their ability to cross international borders;
- to welcome visa-free regimes, where they exist, and promote the options for streamlining the provision of visas to international drivers, as envisaged through the measures proposed in paragraph 11;
- to consider to make appropriate ILO budget allocations, as well as to act as a facilitator together with the social partners for securing funds from donors and partnerships for the implementation of projects pertinent to border crossing issues, including HIV/AIDS; and
- to assist governments, employers and workers and their representatives to design and implement joint/tripartite sector-specific programmes and to develop sector-specific training and other materials pertinent to risks of international drivers of HIV/AIDS and STIs at border crossings.