



TRUCK DRIVERS IN EUROPEAN FREIGHT TRANSPORT

(NEW EUROPEAN RULES)



The European Union has recently granted new rights and obligations to truck drivers in the international freight transport sector that have taken effect at different times, the last of which is on 2 February 2022.

YOUR RIGHTS REGARDING REST PERIODS

- ▶ **Prohibition of regular weekly rest in the cabin (45 hours):** Regular weekly rest periods of at least 45 hours on the road must be taken in a suitable, gender-friendly location with adequate sleeping and sanitary facilities at the employer's expense. They cannot be taken in the cabin of a vehicle.
- ▶ **Reduced weekly rest:** A driver who is engaged in the international transport of goods may take two consecutive reduced weekly rest periods abroad provided that in a period of four consecutive weeks, he takes at least four weekly rest periods, of which two must be regular. The reduced rest periods taken in the two consecutive weeks must be compensated in the week after the second reduced rest period en bloc and attached to the front of the obligatory regular weekly rest period which the driver is obliged to take in the following week.
- ▶ **Return of a driver:** there is an obligation for the transport company to organize the work in such a way that a driver can return once every three or four weeks to his place of residence or to the operating establishment of the employer where he is normally stationed. This applies once every 3 weeks if two consecutive reduced weekly rest periods have been taken or once every four weeks if the regular and reduced weekly rest periods have been taken alternately.
- ▶ **Rest on boat / train:** the weekly (regular and reduced) rest may also be interrupted by boat / train, if there is a sleeping cabin, bed or sofa bed. Regular weekly rest may only be interrupted if the planned journey lasts at least 8 hours and there is a sleeping cabin in the train/on the boat.
- ▶ You may also **no longer be reimbursed in relation to the distance travelled, the delivery speed and/or the quantity of goods transported**, if road safety is compromised or encourages infringements.

YOUR EQUAL PAY RIGHTS FOR DRIVERS

1. *In the case of posting:* equal pay for drivers from another EU Member State. You are entitled to the minimum or collectively agreed wage in the Member State where you load and/or unload, provided that that wage is higher than the wage in his home country.
2. *In cabotage:* here too you are granted the same rights for the country where you operate.

Which remuneration in Belgium?

Gross minimum wage on 1/1/2022: 12,58 Euro / hour (+ 15 tons)

Attention: Working time is broader than driving your truck. Loading/unloading and bridging/availability must also be paid for.

In addition, your employer cannot pay your minimum wage in the form of expense allowances or nightly allowances. These must be paid in addition to the gross minimum wage.

- ▶ Your employer must also provide you with a pay slip every month so that you can check the working hours or any other hours yourself.
- ▶ Salary for Sunday work: 100% per payment of wages + recovery of hours
- ▶ Salary for work during a public holiday: 200% per payment + recovery of the hours



YOUR OBLIGATIONS AT A ROADSIDE CHECK

- ▶ When checking on the road, you must present the following documents:
 - A copy of the posting declaration in IMI submitted by the employer (on paper or digital)
 - Proof that the transport takes place in the host Member State, such as a consignment note (CMR, eCMR) or the legally required clear proof with all the mandatory particulars in the case of cabotage;
 - The tachograph data (indicating the country symbols of the Member States where the border was crossed).
- ▶ There is a double obligation: the employer must give the documents to you, and you as a driver must always be able to show them during the inspection.
- ▶ In case of roadside checks, you may contact your company/employer to provide additional evidence during the time of the check.

QUESTIONS AND/OR COMPLAINTS

Do you have a question or would you like more information? If you are worried or have a complaint, you can also contact the Belgian government services that exercise supervision.

However, it is important in case of doubts about your rights, or possible complaint, that you collect evidence of your activities. This is also the case if you may be officially employed by a letter box company in your country of origin, but you are in fact working for a Belgian employer. This evidence can then consist of a kept diary with your trajectories, photos of (e)CMR's, daily tachograph prints. Other examples of useful evidence: text messages/letters/e-mails or on-board instructions from the dispatch center or actual employer, contact persons, base of operations, colleagues, addresses, telephone numbers, wage payments, departure and return points, etc.

At the Federal Public Service Work / Labour Inspectorate:

Questions about your salary and working hours?

- ▶ By phone from Monday to Friday from 9am to 12pm and from 2pm to 4.30pm on the telephone number 02 235 55 55 (in Dutch) and 02 235 55 60 (in French and German)
- ▶ By e-mail to the Labour Inspectorate: info.tsw@werk.belgie.be (in Dutch) or info.cls@emploi.belgique.be (in French) or info.cls@beschaeftigung.belgien.be (in German) **or in any other language!**

Questions about safety at your workplace or in the event of an accident at work?

- ▶ By telephone or e-mail by regional directorate of the labour inspectorate: <https://werk.belgie.be/nl/over-de-fod/structuur-van-de-fod/arbeidsinspectie-ad-toezicht-op-het-welzijn-op-het-werk/externe?id=6550>

At the National Social Security Office: Questions about the applicable social security declaration?

By telephone, e-mail or by appointment in the provincial offices of the NSSO inspectorate:
<https://www.rsz.be/provinciale-kantoren> or 02 509 59 59

At the Federal Public Service Mobility: Questions about driving and rest periods / cabotage rules / return rules?

- ▶ https://mobilit.belgium.be/nl/contact/info_klachten

At the Social Intelligence and Investigation Service (SIIS): via the Fair Competition Hotline

- ▶ If you are not sure where to go and you wish to report social fraud, you can contact the Fair Competition Hotline: <https://www.meldpuntsocialefraude.belgie.be>

