

South Korea: ILO 'Road Safety and Decent Work' Guidelines and Korean truck drivers' fight for Safe Rates

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On 26 November, thousands of truck drivers in South Korea rallied in front of the Ministry of Land, Infrastructure and Transport (Molit). Their single demand was that the Korean government and large corporations recognise the relationship between a fragmented market, low transport rates and road safety and reach an agreement with representatives on Safe Rates - basic minimum rates guarantee "proper standard of living for owner truck drivers so as to prevent them from overworking, speeding, and overloading and thereby ensure road safety" (Trucking Transport Business Act, Article 2(14)).

Following passage of historic Safe Rates legislation last year, this long-held goal appears as if it may finally be within reach. The principle quoted above at the heart of the Safe Rates system was written into Korean law. Accordingly, this year, 'Road Freight Rates Safety Committee' (Safe Rates Committee) composed of transport company, client (cargo owner), and government-nominated public interest representatives was established to set fair safe rates for truck drivers for which clients are accountable. The Korean Safe Rates system is similar to systems in Australia, California, Canada and the Netherlands, which guarantee basic standards for transport workers and make companies at the top of transport chains responsible.

Korean truck drivers and their the Korean Public Service and Transport Workers' Union Cargo Truckers Solidarity Division (KPTU-TruckSol) have faced an uphill battle since even before the Safe Rates Committee was established, however. Intense debates have taken place about a proper costs model and how to determine payment levels. Clients reps on the Safe Rates Committee continue to propose unreasonably low rates hoping to make an agreement impossible and thereby destabilise the entire system. Meanwhile the government has refused to step up and play an active role as mediator. Throughout this time, Korean truck drivers have been engaged in a life-or-death struggle to defend their new Safe Rates system, involving several national mobilisations and a 24-hour strike last 18 October.

The day after the protest in front of the Molit, the International Labour Organisation (ILO) published 'Guidelines on the Promotion of Road Safety and Decent Work in the Transport Sector' on its website. The guidelines were adopted by a tripartite meeting of experts last month and are awaiting

formal approval by the ILO Governing Body in March 2020.

Developed with the goal of identifying “best practices in road transport safety with the objective of protecting the community and road transport workers from all health and safety hazards, preventing accidents and promoting safe and fair remuneration,” these seminal guidelines stress the impact that the “decent work deficits of CMV (commercial vehicle drivers) drivers” have had on road safety as a “public policy concern” and outline the “shared responsibility of governments, social partners and road transport chain parties to protect the public, passengers and other road users” from these problems (Guidelines, paras 7, 19).

The guidelines take as a point of departure the following assessments:

“The road transport industry is characterized and impacted by multiple supply chains and contracting chains which often lead to pressure on margins that can leave transport workers unable to exercise their fundamental principles and rights at work” (para 27).

“Workers in the sector, including dependent self-employed workers, are vulnerable as they often must absorb the costs of ownership, maintenance and other vehicle operating costs while they may not benefit from the protections provided to other workers” (paras 25).

In response to these systemic challenges, the guidelines put forth responsibilities and best practices that can be adopted by ‘transport buyers’ and other ‘road transport chain parties’, employers and governments to protect decent work and road safety and create a more sustainable road transport industry. Several key recommendations draw from the basic principles of the Safe Rates system. Specifically, the guidelines call for:

- “The improvement of supply chain management practices on the part of employers and road transport parties in order to help CMV drivers to achieve better work-life balance, such as by providing improved planning of transport operations, eliminating coercion and reducing occupational stress, eliminating pressure to engage in unsafe on-road practices” (para 49(h)).
- Establishment of “mechanisms to encourage predictable cost recovery for non-wage earning CMV drivers” based on recovery of variable and fixed costs, payment for personal labour at a fair rate, return on investment and payment of “both driving and subsidiary non-driving work activities” by governments in consultation with social partners and transport chain parties (para 76).
- The establishment of minimum wages for wage-earning CMV drivers based on similar principles (paras 78-81).
- The provision of an “adequate system of inspection that has the authority to conduct investigations on ‘chain of responsibility principles’” on issues related to payments and working and driving time (paras 82, 89).
- Social dialogue to achieve the goals of the guidelines involving governments, social partners and road transport chain parties (paras 130-132).

The timing of the struggle over Safe Rates in Korea and the announcement of the ILO Guidelines are in fact not a coincidence. Rather, both these developments are the result of concerted efforts by transporters to regulate supply chains and create industry standards that can protect safety on the one hand, and growing public awareness of the relationship between supply chain pressures, low transport rates and road deaths on the other.

By effectively putting the guidelines’ recommendation into practice, successful implementation of

the Safe Rates system in Korea would be a positive step forward towards the creation of a new transport industry paradigm &ndash one where powerful corporations cannot escape responsibility for working conditions and road safety simply by outsourcing or treating workers as independent contractors, where safety is treated as a goal not a costs, and where transport workers' lives are respected.

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https://kptu.net/english/detail.aspx?&idx=26862&bid=KPTU_PDSENGI-delegation-joins-5000-truck-drivers-push-safe-rates-pay