

AN ANALYSIS OF AETR ACT STANDARDS REALIZATION IN GLOBAL DOMESTIC AND INTERNATIONAL LOGISTICS

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Summary. The paper presents an analysis of research on the results of the Road Vehicle Drivers' Working Time Act (AETR) endorsement, which was carried out in selected shipping enterprises. The studies were conducted in a global view of domestic and international logistics. Numerous examples of violation of the act's standards were observed.

Key words: transportation logistics, standardisation of transport, drivers' working time, AETR Act

INTRODUCTION

The dynamic motorization development and heavier car traffic caused by the growing transport globalization, which appeared in the 1920s, combined with the constantly insufficient road's capacity and progressive impoverishment of communication and technical infrastructure have resulted in the constant growth of traffic intensity [Kozyra A. 2001, Krystek R. 2001]. The expenditure on road investments, drivers' education system and development of motorization culture is not keeping up with the growing number of vehicles and the resulting requirements [Podgórski C. 2001]. The next thing are progressive changes of legal regulations connected with road traffic rules, transport law, etc. [Szymanek A. 2001]. The initiated intensive courses for the so-called transport advisers, who are expected to follow the changing standards of transport both in the cargo and passenger transport enterprises, do not provide a solution as their number is definitely insufficient. This is the conclusion of the survey by the authorized administrative agencies, such as Police, Road Traffic Inspection or National Labour Inspection.

PURPOSE OF THE RESEARCH

The department of Power Industry and Vehicles, University of Life Sciences in Lublin has also joined the researches on the use of tacho records in order to analyze the traction parameters of vehicles and their energy consumption [Burski Z., Burski P. 2005, Burski Z. 2007 A, Burski Z. 2007 B, Burski Z. 2008].

The purpose of the following work is to analyze the realization of AETR act (Drivers' Working Time Act) standards in the global view of domestic and international logistics

RESEARCH METHOD

In the assumed research method, there were considered the results of road control conducted by the Road Traffic Inspection and National Labour Inspection in the years 2005- 2008, which concerned the observation of the standards of AETR act by the domestic and foreign hauliers, as well as the decree (EU) number 561/2006 from the 15th March, 2006.

I. The analysis of AETR Act standards realization in transport enterprises according to Road Transport Inspection

1. The results of AETR Act realisation in headquarters of transport enterprises in Poland in the years 2006-2007.

As a result of the inspections carried out on the premises of enterprises, transport inspectors reported over 30 thousands of violations in 2006 penalized according to enclosure to the road transportation act of 06.09.2001 (in 2007 the number of violation rose to over 65 thousand). Over 64% of the reported violations concerned improper use of recording devices (in 2007 it was over 66%). 32% of violations in 2006 and 2007 were connected with violation of the rules of working time, obligatory breaks and relaxation periods by drivers. Over 3% in 2006 and 1,4% in 2007 committed offences concerning the required licenses, certificates of non-profit transport or drivers' documentation. Figures 1 and 2 show the detailed structure of violations.

As a result of the inspections conducted in 2006 in transport enterprises, 370 administrative decisions were made to collect fines which amounted to the total of 5 341 thousand PLN.

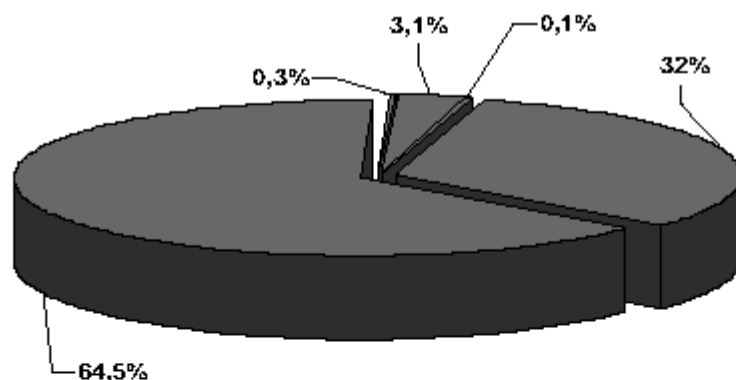


Fig. 1. The structure of violations reported during inspections in enterprises by Road Transport Inspection in 2006 (0,1% - ADR, 64,5% - not using the recording devices, 3,1% - licenses, certificates, drivers' documentation, 32% - the rules of working time and relaxation periods, 0,3% - other violations), (GITD 2007)

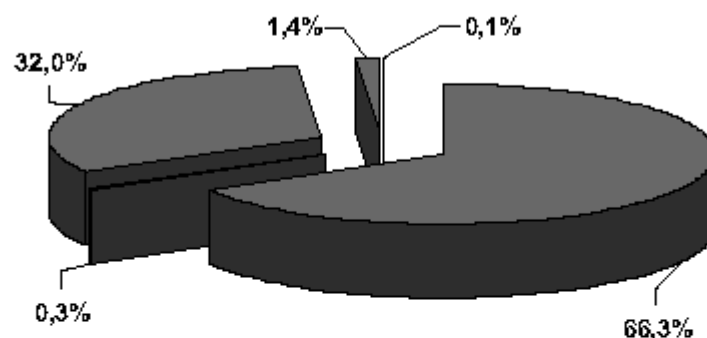


Fig. 2. The structure of violations detected during inspections in enterprises by Road Transport Inspection in 2007 (0,1% - ADR, 66,3% - not using the recording devices, 1,4% - licenses, certificates, drivers' documentation, 32% - the rules of worktime and relaxation periods, 0,3% - other violations), (GITD 2008)

As a consequence of the inspections performed in 2007 in transport enterprises, 483 administrative decisions were issued to collect fines which amounted to the total of 6 887 thousand PLN.

The results of AETR act realisation on the basis of road traffic control by Road Transport Inspection

The analysis has been presented in a graphic way, Figure 3-8.

As a result of controls, the inspectors reported 147 thousands of violations which were penalized according to the Road Transportation Act from 6 September, 2001 (Dz. U. from 2004, Nr 204, item 2088 with changes). More than 55% of the violations concerned violation of the rules of working time, obligatory breaks and relaxation periods by drivers, about 23% were connected with improper use of recording devices, almost 15% violations concerned the required licenses, certificates of non-profit transport or drivers' documentation. Refusal to pay the fares by the hauliers is more than 3% of total number of violations (Figure 3 shows the detailed structure of violations).

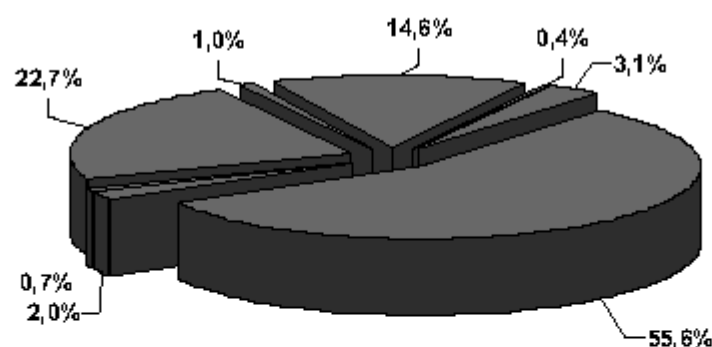


Fig. 3. The structure of violations detected during road controls by Road Transport Inspection in 2006 (2% - ADR, 0,7% - permissions, 22,7% - not using the recording devices, 1,0% - offences to road traffic rules, 14,6% - licenses, certificates, drivers' documentation, 3,1% - unpaid fares, 55,6% - the rules of working time and relaxation periods, 0,4% - other violations), (GITD 2007)

From the total number of over 81 thousand of violations connected with offences to the standards of drivers' working time, shortening of daily relaxation, lengthening of the driving time without a required break and daily driving time are the most common. The detailed list of working time violations is presented in Figure 4.

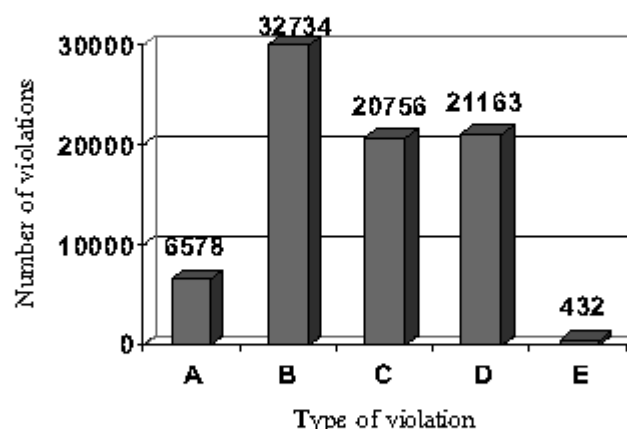


Fig.4. The structure of violations concerning the drivers' working time in 2006 (A- shortened weekly relaxation, B- shortened daily relaxation, C- driving without breaks, D- lengthened daily driving, E- lengthened driving in 2 weeks' time), (GITD 2007)

As to the observance of the rules of using the recording devices both by the drivers and enterprises, the examples of improper use of control devices or improper records are very frequent. Figure 5 presents the detailed list of the recorded violations.

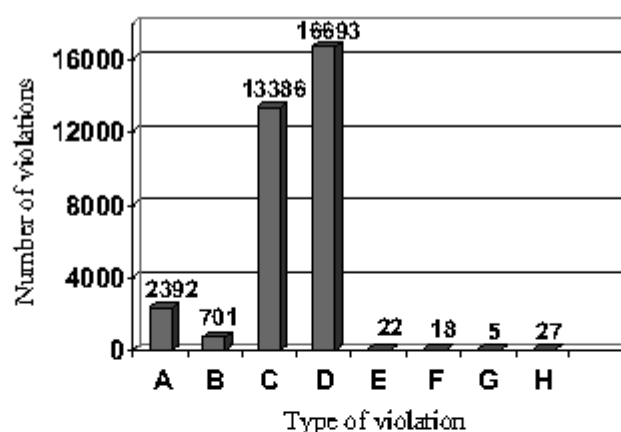


Fig.5. The structure of violations concerning the recording devices in 2006 (A- improper tachograph disc, B- prohibited interference into functions of tachograph disc, C- improper use of records, D- improper use of tachograph disc, E- lack of required road plan, F- lack of improper operation of digital tachograph disc, G- arbitrary interference into operation or records of digital tachograph disc, H- lack of paper in printer), (GITD 2007)

As a result of the controls in the year 2007, there were detected more than 148 thousands of violations penalized under the Road Transportation Act on 6 September, 2001 (Dz. U. from 2004, Nr 204, item 2088 with changes). More than 67% of violations concerned not obeying the working time regulations and obligatory breaks and relaxation by drivers, about 15% of violations were connected with improper use of recording devices, 12% - with the requirements of licenses, certificates and drivers documentation. Violations of not paying the fares for national roads by the hauliers constitute 3% of the total number (Figure 6 presents the detailed structure).

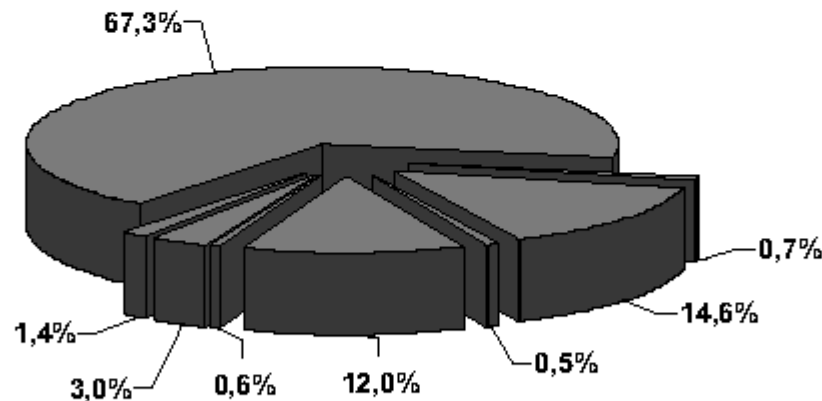


Fig 6. The structure of violations detected during road controls by Road Transport Inspection in 2007 (1,4% - ADR, 0,7% - permissions, 14,6 % - not using the recording devices, 0,7% - not admitting to road traffic, 12,0% - licenses, certificates, drivers' documentation, 0,4% - other violations, 3,0% - fares, 67,3% - the rules of working time and relaxation), (GITD 2008)

A like the year 2006, from the total number of violations, over 100 thousands were associated with not abiding by the regulations of drivers' worktime. The most frequent is prohibited shortening of daily relax, lengthening driving time without required break and daily driving time. Figure 7 presents the detailed list of violations as far as drivers' worktime is concerned.

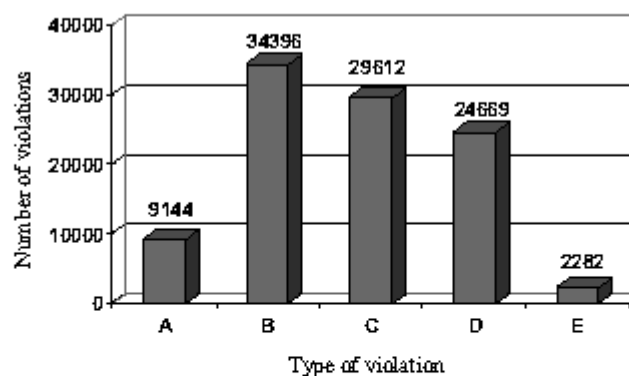


Fig. 7. The structure of violations concerning the drivers' worktime in 2007 (A- shortened weekly relax, B- shortened daily relax, C- driving without breaks, D- lengthened daily driving, E- lengthened driving in 2 weeks time), (GITD 2008)

Regarding the abiding by the rules of using the recording devices both by the drivers and enterprises, the examples of improper using of control device or the records are very often reported. Figure 8 gives the detailed list of the detected violations.

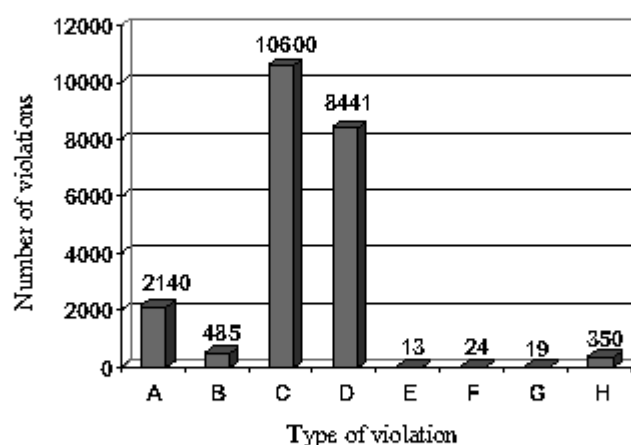


Fig.8. The structure of violations concerning the recording devices in 2007 (A- improper tachograph disc, B- prohibited interference into functions of tachograph disc, C- improper use of records, D- improper use of tachograph disc, E- lack of required road plan, F- lack of improper operation of digital tachograph disc, G- arbitrary interference into operation or records of digital tachograph disc's use), (GITD 2008)

II. Analysis of AETR act standards realization in transport enterprises according to National Labour Inspection

Table 1 presents the results of controls reported by the National Labour Inspection in the years 2005 and 2007. They were compiled with the research results from the first part of the year 2008.

Table 1. The number of controls in the enterprises and legal reactions (PIP-GIP 2009)

N.	Specification	Years		
		2005	2007	2008* *1/2 of a year
1.	Number of employer's controls	114	231	76
2.	Number of employees	15421	25000	6200
3.	Number of conclusions concerning detected violations AETR (total)	645	693	146 335** **legal advice
	a) to court	8	15	3
	b) to prosecutor's office	-	5	3
4.	Number of tickets	208	171	33
5.	Total sum of tickets	144500	156700	44700

Detailed characteristics of violations concerning the AETR Act.

As a result of controls carried out by inspectors of the National Labour Inspection in the analyzed time, there were reported the violations which worked a penal procedure. In particular they concerned:

- the irregularity in records of drivers' working time, such as lack of daily working time limits, the actual number of hours worked, lack of records of night drivers' working time, duty hours and overtime; in 2005 the unreliable record of drivers' work at 47,4 % of employers and no records for 19,3%. It caused 120 penal motions for 1945 people, while in 2008 there were 370.
- employment of workers with the violation of 11 hours daily relax standard (worktime at a level about 16-17 hours per day); in 2005 this violation was recorded in 55,3% employers, in 2007 there were 102 penal motion for 848 people, in 2008-21 motions for 285;
- employing drivers for more than 5 days a week, which caused overtime working (even up to 30 days off to keep the standard of 5 days working week; in 2005 this problem concerned 28% of employers, which brought 61 penal motions for 769 people in 2007 and 18 motions for 286 people in 2008 ;
- lack of the drivers' work regulations, defined by a collective labour agreement, or the statement of the working system; timetables and accounting time; in 2005 lack of the working system at 48,2% of employers and improper timetable at half of the controlled enterprises (49,1%); in 2007 lack of the working system was noted in 85 cases concerning 1463 people and infringement of system in 48 cases for 423 people; the analogous data concerning the first part of 2008 are: 9 motions for 494 people and 17 penal motions for 494 people.

Lack of drivers' working time system, errors connected with documentation caused that the inspectors reported higher than average acceptable limit of overtime hours per week, even over 39 hours. Consequently, in 2007 penal motions were applied to 41 enterprises (352 people) and at the beginning of 2008 to 11 enterprises (175 people).

CONCLUSIONS

An alarming level of life and health hazards in road traffic in Poland indicates its high position among the EU countries, in spite of 2% decreasing annual tendency [Kazyra A. 2001, Podgórski C. 2001]. A detailed characteristic of current road traffic safety has shown that the biggest hazard in road traffic in Poland is the excessive cars' speed. Every fifth accident was caused by speeding, which often resulted from not obeying the AETR Act by drivers. The detailed structure of the Act's standards' violation displayed that in the period of conducted studies in 2006-2008 the situation did not change significantly. However, there was a notable growth of the number of administrative decisions about fines, whose total value reached over 1 million PLN.

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ANALIZA REALIZACJI STANDARDÓW USTAWY AETR W UJĘCIU GLOBALNYM LOGISTYKI KRAJOWEJ I MIĘDZYNARODOWEJ

Streszczenie. W pracy przedstawiono analizę wyników badań związanych z realizacją umowy o czasie pracy kierowców środków transportowych (AETR) przeprowadzonych w przedsiębiorstwach spedycyjno-transportowych w ujęciu globalnym RP w logistyce krajowej i międzynarodowej. Stwierdzono liczne przypadki nie przestrzegania standardów ustawy AETR w tym zakresie.

Słowa kluczowe: Logistyka transportowa, standaryzacja przewozów, czas pracy kierowców, ustawa AETR