

## **Divided We Fall.**

Whatever happened to the campaign against the Working Time Directive and the ruinous price of fuel that started just before the general election? I personally attended one packed out meeting where contractors voted unanimously for 'direct action' so what exactly is the problem? Are the trade associations incapable of representing their members, has the industry failed to unite, is the legislation not as bad as was first feared or is it a combination of all three ?

The trade associations are run by full time staff who will never be as forceful on these issues as a contractor with his livelihood at stake. In fact if you look at the RHA website the very first page tells us *"Let the RHA handle the European RTD for you - £1 per week and you're sorted."* Visiting journalists will hardly be moved to attack the legislation by this little gem and the FTA website carries a similar message. There can be no question either that the industry has again failed to rally to the cause. As far as I can tell, almost all small and medium size firms remain strongly opposed to the legislation but the big boys are taking a more cynical view, knowing that they are better equipped to survive than most.

This brings us to the main issue, *"is the legislation as bad as was first feared?"* So far the answer would appear to be no. There are no major reports of goods failing to get through and, although a number of small firms are allegedly in the process of winding up, the bailiffs are not yet seizing or selling contractors' assets. However, the reason for the apparent lack of casualties is that few firms are bothering to comply with the legislation having been told that the authorities will be applying a *"light touch"* enforcement regime for the first year. Government will tell us that this is to allow the industry time to 'come to terms' with the legislation. However I can tell you that, having seen a *"light touch"* regime before with the Aggregates Levy it is nothing more than a cynical ploy to lessen organised resistance (which is also why owner drivers were given a short stay of execution) Whatever the politics of "light touch," unless the legislation is reversed, or the opt out restored, then it will undoubtedly start to bite and the pain promises to be considerable.

Apart from the additional trucks and drivers needed (and the inevitable deterioration in road safety with the influx of less experienced personnel) perhaps the most serious result will be the swift demise of owner drivers. There is no way that any one man, or woman, will be able to generate sufficient income from a single truck to start up and run their own business within a 48 hour working week. If they employ someone to boost their truck's earnings then they stop being self-employed and become employers. A serious step bedevilled with expensive and complex legislation and not one to be taken lightly. *"So what"* the big boys mutter ? *"We could do with*

*less competition and they would be better off driving for us anyway.*” Perhaps, but what about the long term implications ? Ask yourself how many successful haulage contractors started out driving their own truck ? An awful lot of them. And think about how their hard won experience equipped them to build successful enterprises. With this route into the industry cut off, consolidation will be the order of the day and road haulage will be forever changed. As I am no longer in transport it is for others to say if this is a good or a bad thing. However from my perspective as a quarry owner, 100% dependent on road haulage and with perhaps the cheapest freight on the road, it does not look good.

The UK haulage industry's biggest problem has always been its lack of unity. Although contractors proved their ability to bring the country to a standstill with the 2001 fuel protest, the action was not properly structured, the benefits gained were short-lived and the industry now faces even more serious problems. However there is now a lifebelt in the water if the industry has the wit to seize it. Despite what some would have us believe, the fight against the Working Time Directive is far from lost. Other industries have successfully resisted and only last month the EU move to withdraw the opt out across the board was successfully overturned due to concerted pressure on the UK Government by the CBI and others. The precedent is therefore established and has been greatly reinforced by the comprehensive rejection of the EU Constitution in France and the Netherlands. The EU will now have to go through an extended period of realignment with the emphasis on subsidiarity. This will increase the ability of individual nation states to set their own agenda and we would be foolish in the extreme not to take full advantage of this.

So there we have it. Although haulage contractors may be a tough breed, divided they are easy meat for the legislators. The most powerful and articulate people in transport are also the most likely to survive in some form or another. However if these people are not prepared to stand alongside those less able to defend themselves then there will be little left for the next generation in a once proud and diverse industry, bar to drive for large soulless multinationals.

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