

**BUS  
RAPID  
TRANSIT (BRT)  
AND THE**

**FORMALISATION  
OF INFORMAL  
PUBLIC  
TRANSPORT**

**A TRADE UNION  
NEGOTIATING GUIDE**



**OUR  
PUBLIC  
TRANSPORT**

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## PREFACE

This guide was commissioned from the Global Labour Institute (GLI) by the International Transport Workers' Federation (ITF) as a contribution to the ITF Our Public Transport (OPT) programme. OPT includes the objective to 'promote quality public transport and inclusive cities in Africa, including decent jobs, a just transition for informal workers, strong union representation and improved access to affordable mobility'<sup>1</sup>.

The GLI would like to thank all those who provided input and support in the preparation of this report, especially John Mark Mwanika (ATGWU, Uganda); Jess Whelligan (SOAS, University of London); Erick Manga (Institute for Development Studies, University of Nairobi); Bayla Sow, Claire Clarke, Stephenson Kisingu, Ali Howes and Alana Dave (ITF); and the team of academics and trade union activists who undertook the survey among matatu industry workers in Nairobi in 2017-18.

We would also like to thank all those who contributed to the workshops:

- BRT and Inclusive Planning for Sustainable Transport, Dakar, Senegal, 13-15 May 2019
- BRT Collective Bargaining, Nairobi, Kenya, 27-28 May 2019

Participants included the leadership and members of the Union des Routiers du Sénégal (URS), Fédération des Transports de l'UDTS, Transport Workers Union of Kenya (TAWU-K), the Public Transport Operators Union (PUTON) and the Matatu Workers' Union (MWU).

This guide particularly draws from:

**People's Public Transport Policy** (2019), produced by the ITF's OPT programme, including policy discussion papers on public ownership, public financing, employment and decent work and climate change. See [www.optpolicy.org](http://www.optpolicy.org).

**BRT Planning Guide** (2017), published by the Institute for Transportation and Development Policy (ITDP), an international non-profit organisation with roots in the environmental movement that has been at the forefront of advocacy for BRT. It is funded through grants from foundations and corporations, including major companies with commercial interests in public transport. The Guide is a comprehensive 1,000-page document with much technical detail on BRT business planning, operations, infrastructure and technology etc. It is evidently designed for transport planning specialists but contains useful information for trade unions with an interest in the introduction of BRT. See: <https://brtguide.itdp.org/branch/master/guide/pdf/the-brt-planning-guide.pdf>.

**Recommendation concerning the transition from the informal to the formal economy** (recommendation 204, 2015), adopted by the International Labour Conference of the International Labour Organization (ILO). See: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R204](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204)

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## INTRODUCTION

This guide attempts to develop policy options for transport unions to consider when planning negotiations with agencies on the introduction of BRT and formalisation of the informal transport industry. It is primarily designed for ITF affiliated transport unions in Africa and Asia where BRT is rapidly expanding, but is hopefully of value to all trade unions organising in urban transport.

### HOW TO USE THIS GUIDE

The guide is designed to be used as a briefing for trade union representatives, negotiators, educators and policy researchers faced with proposals for the introduction of BRT and the formalisation of the informal transport industry in their city. It is important that union negotiators have an understanding of the main issues and the policy assumptions behind the thinking of those advocating BRT – international institutions such as the World Bank, national governments and corporations, and policy research institutions in the transport industry.

Questions raised by BRT and formalisation can be complex and technical, and the guide attempts to be quite detailed and comprehensive as a reference, rather than proposing a step-by-step organising plan – which of course depends on the local industrial and political context.

The guide makes no assumptions on whether local union policy is to welcome or resist the introduction of BRT. None of us would argue against the urgent need for good quality, clean and efficient urban passenger transport in our over-crowded and congested cities, and all of us demand secure, good livelihoods for transport workers. BRT offers a technical solution that could be a significant contribution to this, along with other major infrastructure projects such as light rail, metro systems etc.

The problems are not primarily about technical design or engineering, but political, social and economic: the ownership and operation of BRT, the assumptions made by governments on economic viability and profitability, the relationship with informal passenger transport services, and – crucially – the extent to which transport unions and associations are centrally involved in negotiating a ‘just transition’ from informal to formal operations in a city-wide integrated passenger transport network.

### WHAT IS BUS RAPID TRANSIT (BRT)?

BRT is a public transport system designed to improve capacity and reliability in congested cities. It is based on dedicated road lanes that cannot be used by vehicles other than large buses operated by BRT companies. BRT involves building new roads, interchanges, terminals and modern stations along the routes. It is, in essence, a light rail system, but one using buses not trains.

All over the world, and in particular the Global South, major cities are encouraged by the World Bank and national governments to adopt BRT. They believe that BRT will ease congestion, increase efficiency, and reduce air pollution.

There are some complex factors involved in determining what constitutes a recognisable BRT system, including service planning, infrastructure, station design, communications and integration with pedestrians and other transport systems.

The Institute for Transportation and Development Policy (ITDP) developed a BRT standard, a worldwide evaluation tool to determine BRT best practice. According to the ITDP<sup>2</sup>, the five essential elements in BRT include:

- physically separated bus lanes allow buses to avoid congestion
- stations and bus lanes aligned to the centre of the street to avoid being delayed

by turning vehicles and vehicles dropping off passengers or goods

- fares collected off the bus, to avoid delays caused by passengers paying on board
- boarding from a platform level with the bus floor to make boarding faster and more accessible
- turn restrictions and bus priority at intersections to reduce delay at intersections from red signals

The BRT standard has a scorecard that attempts to evaluate planned and operational BRT systems based on 43 further criteria, giving a score out of 100 (see [www.itdp.org/the-brt-standard/](http://www.itdp.org/the-brt-standard/)).

## THE LOGIC BEHIND BRT

Why are the World Bank, governments and other agencies enthusiastic about BRT as a solution to the problems of urban transport?

Over the last few decades, governments have been unable or unwilling to provide adequate public transport services and have failed to regulate vehicle owners or control criminal gangs (cartels) that often dominate the informal transport industry. There are large numbers of vehicle owners, often organised into associations, who control routes with minimal government regulation or enforcement.

There are considerable amounts of money to be made in the industry, which attracts more people wanting to buy vehicles. This leads to **over-supply**, with the consequence of **congestion** and **competition**. There is no incentive or capacity to maintain or buy new buses leading to bad air **pollution**. Moreover, the workers have to compete with one another for passengers, suffering **unsafe conditions, long working hours, and precarious and unpredictable incomes**.

There is a need for the fundamental restructuring of public transport.

Transport planners are concerned with three main objectives:

1. **To remove competition from the street.** This requires **regular wages** for the workforce rather than the *target system* ([see page 30](#)).
2. **To reduce pollution and congestion.** This requires new and well-maintained fleets of large-capacity and energy-efficient vehicles. But **small owners cannot afford** large, environmentally compliant vehicles.
3. **To integrate the system** between different routes and modes of transport, where passengers can pay once for travel across the whole network. This requires a revenue-sharing mechanism between owners and transport companies<sup>3</sup>. This is clearly a far more complex exercise if informal services are included in an integrated system, not just in revenue-sharing but a much broader set of issues.

Governments have three main options for the reorganisation of public transport:

- light rail or tram systems, but the infrastructure is expensive
- radical regulatory measures to curb the use of private cars, but this is often thought of as politically impossible
- BRT

BRT is the preferred option for many cities because the capital cost of building the BRT infrastructure (road construction, stations, buses etc) is thought to be a third or even a tenth of the cost of building a light rail system. BRT can also be implemented rapidly, which makes BRT attractive to political leaders keen to achieve results within their election cycle.

In many countries, the implementation of BRT emphasises the engineering or transport planning issues, and pays little attention to the political, social or economic design of BRT: who should own it? Who should

operate it? How should it be paid for? Will it be affordable? What and how many new formal jobs will be created? What are the implications for the informal transport workforce?

**JUST TRANSITION TO A FORMALISED URBAN TRANSPORT INDUSTRY?**

The introduction of BRT presents an opportunity for the trade union movement to engage in a broader discussion with authorities about the transition from informal to formal employment in passenger transport.

Many transport planners argue that BRT needs to be introduced as part of a city-wide **integrated transport policy**. Yet it is often unclear whether this is limited to integration between BRT and other formal passenger transport operations (light rail, formal bus services etc), or comprehensive integration

with all passenger transport modes, including informal services. The more limited model of integration is primarily a transport engineering and design question (physical interchanges, integrated and centralised ticketing etc), but full integration with informal services requires a far deeper reform of the informal transport economy towards formalisation.

BRT will not meet all the passenger transport needs of a city, but in most cases replace current informal services on some of the main commuter corridors. Most routes will continue to be informal operations.

Nevertheless, BRT will have a significant impact on informal transport. BRT buses will have exclusive access to BRT lanes, banning other vehicles altogether. This will force other services to use other routes or share more restricted space on the side of the same roads as BRT.

**DART – Dar Es Salaam BRT** Credit: National Observer



Passengers are unlikely to only use BRT. Most will need to connect to BRT from standard bus, taxi or motorcycle taxi routes to and from their homes or workplaces. This requires interchanges and termini where **feeder services** connect with BRT.

Ideally, from a transport planner's perspective, BRT should be part of a new integrated **digital ticketing system**, where passengers pay only once for their journey involving BRT and its feeder routes. Such a comprehensive integrated system could require the removal of cash from the system, requiring informal operations to become cash free, and collect income from the BRT operating company based on an agreed revenue-sharing formula.

The introduction of BRT will have a significant **impact on employment**. It will directly create new jobs in the formal economy but may put a significant number of livelihoods at risk in the informal transport workforce. The recent *Labour Impact Assessment* of BRT in Nairobi commissioned by the ITF estimated that BRT may directly generate 5-6,000 new jobs, but approximately 35,000 livelihoods could be at risk<sup>4</sup>. The planned Nairobi BRT system is a large undertaking, with five separate lines, taking several years to construct and bring into operation, so the impact will be felt over a long period during which there may be measures introduced to mitigate against loss of employment. Moreover, the Nairobi population continues to expand, as will demand for transport over the next few years, which could generate further employment. Nevertheless, it is still a serious concern to the thousands of informal transport workers and their families depending on the matatu bus industry for their livelihoods.

Some proponents of BRT (e.g. the ITDP) argue that it can be 'employment neutral', whereby BRT drivers work shorter shifts and make equal or better incomes. In informal systems a single driver would work as many as 16 hours per day, but in BRT more drivers share the same vehicle. In addition, new employment

is created through new positions related to fare collection, administration, management, and security<sup>5</sup>. However, this is based on a very narrow definition of the informal workforce, simply looking at potential job losses among drivers. As the Nairobi research demonstrated, drivers form less than 25 percent of the total informal transport workforce affected by BRT. Moreover, there is evidence that the incomes and working conditions of the BRT workforce in Bogotá, for example, are hardly better than their informal counterparts, or even worse.

City authorities are very aware that owners of informal transport fleets can organise significant resistance against BRT if their commercial interests are at risk. Many have substantial political power, with links into government, police and the military. They are capable of causing severe disruption and delay to the introduction of BRT. For this reason, the World Bank and other institutions encourage governments to include owners in consultation and negotiation over BRT operations, including the offer of investment opportunities.

But what about the workers? If the introduction of BRT presents a threat to livelihoods, it also offers an opportunity for the improvement of public transport as a whole, if authorities recognise the need for an integrated system that includes the transition from informal to formal operations, and the formalisation of transport employment.

Most informal transport workers currently face deplorable conditions, with survival incomes, insecurity, grossly excessive working hours, major health and safety problems, corruption, organised crime and frequent violence.

With the introduction of BRT, trade unions representing informal transport workers have an opportunity to demand business models and technical designs of BRT infrastructure and operations that minimise the negative impact on employment, while at the same time introduce new measures towards formalised operations that provide workers

with secure living wages, decent working conditions and respect for labour rights.

The development of BRT has the potential to bring benefits for women public transport workers, eg by opening up new work opportunities in the formal sector and moving away from precarious informal work, by improving vehicle operation and safety to make driving work more attractive to women, and by offering more flexible work hours and patterns through platform work. However, many of the jobs that women typically undertake are informal and affected by the automation of ticket sales, in some cases resulting in job loss.

Too often women are considered primarily as users of public transport, with little attention to the issues facing the many women who participate in a variety of roles in public transport.

## GENERAL PRINCIPLES TO CONSIDER

- Before attempting to negotiate the introduction of BRT and the formalisation of public transport, it is important to be **well-informed**. Demands and proposals have much greater credibility when backed up with evidence.
- Unions could demand that governments and/or the World Bank undertake a **labour impact assessment**, to gather information about the informal transport workforce (numbers and characteristics of workers, occupations, issues including gender considerations etc) and estimate the potential impact of a BRT system on livelihoods. The World Bank and other lending institutions already insist on environmental and social impact studies: why not studies of the impact on employment? If this is not possible, unions could commission their own study - see for example the Nairobi Bus Rapid Transit: Labour Impact Assessment Research Report<sup>6</sup>.
- The ITF **acknowledges the need for change** and wants to be actively engaged in shaping a modern, accessible, efficient, affordable and environmentally sustainable public transport system and wants to **reduce private car usage**. Transport workers are among the worst affected by the negative health impacts of traffic congestion.
- The ITF **supports the introduction of new bus systems** as a means of achieving a more efficient and sustainable public transport system, but insists on the principle of **inclusive planning**, with women and men transport workers fully engaged in decision-making to ensure the mitigation of risks to livelihoods and a just transition from an informal to a formal



transport economy. Inclusive planning will also provide the space for discussion about different models of bus provision that best meet the needs of workers and communities.

- Negotiate the inclusion of terms in contracts between BRT management and operators that address **decent work and labour rights**, eg minimum wage, hours, facilities and gender equality measures, such as sexual harassment policies and promotion and training opportunities.
- **Many or most BRT systems in Africa have failed, are failing, or are likely to fail.** This is at least partially due to the overall business model encouraged by the World Bank, with public-private partnerships, whereby the government is the oversight agency and owner of the infrastructure, but private sector companies operate the buses, **without state subsidies**.
- Unions could consider the development of **alternative models** for the ownership, management and operation of BRT. This could be public ownership and public investment. Other solutions could be explored, such as cooperatives or not-for-profit companies with high levels of union and public engagement, but avoiding the trap that some unions have fallen into where they have established their own operating companies to compete in the private sector without subsidy and subsequently failed. Options could also include support for the modernisation of existing vehicle fleets towards more efficient and environmentally sustainable buses.
- It is important to **make the distinction between consultation and collective bargaining**. Agencies may wish to simply add trade union representation to a long list of 'stake-holders' with whom they may consult at times and places of their

choosing, rather than formally recognise the right to collectively bargain under a procedural agreement.

- It is essential that **informal workers themselves are directly involved** as union representatives in collective bargaining with the authorities, rather than union representatives with no direct experience of work in the informal transport economy. Maintain the principle of '*nothing about us without us*'.
- It is essential to **challenge the meaning of the term 'operators'**, widely used by transport authorities and planners. It is often used to describe anyone who is working in transport, and assumes that they have common interests, but in reality, is restricted to **owners** rather than **workers** in consultation and negotiation. Authorities must recognise that owners and workers generally have very different interests (perhaps with the exception of informally self-employed owner-drivers).
- Transport planners often prioritise the social, economic and environmental impact of BRT on **women passengers** over **women transport workers**. The issues clearly overlap, and indeed there is considerable potential for alliances between women passenger groups and women in unions and workers' associations, but it is essential that transport authorities do not use the former as a pretext to exclude the latter.
- It is also essential that unions represent, and that the **bargaining counterparts should understand, the full range of jobs and livelihoods** that depend on the informal transport industry, rather than just drivers and conductors, paying particular attention to **women workers**. The research in Nairobi, for example, revealed a large number of occupations dependant on the *matatu* industry.

## OCCUPATIONS OF WORKERS IN THE MATATU INDUSTRY, NAIROBI, KENYA

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- **ON-BOARD CREWS:**

drivers, conductors, squad drivers, squad conductors, kamagera drivers, kamagera conductors.

- **STAGE WORKERS:**

sacco supervisors, supervisors, sacco agents, owners' agents, stage attendants, callers (mananba), money changers, loaders / porters, vendors, shoe shiners, 'seat warmers' (piggaseti), side mirror menders, bus sweepers, police agents, traffic marshals, 'cartel' workers (bagations), boda-boda riders, tuk-tuk drivers.

- **SERVICE WORKERS:**

mechanics (routine vehicle services, brakes, tyre menders, welders, panel beaters, spare part dealers), technicians (sound engineers, video engineers, painters, lighting specialists, artists, tailors, upholsterers), support workers (petrol station workers, carwash workers, radarmen, night guards, food vendors, mpesa agents).

Source: Nairobi Bus Rapid Transit Labour Impact Assessment Report, 2019.

## RIGHTS AND RECOGNITION

The International Labour Conference of the ILO adopted a '**recommendation concerning the transition from the informal to the formal economy**' (recommendation 204), in June 2015, which included a number of important clauses relevant to negotiations with governments over the introduction of BRT and the transition to a formal transport economy (see Appendix 1).

The ILO is not a trade union organisation, yet it is the only United Nations agency where trade unions are represented at its annual conference and on its governing body - alongside employers and governments. ILO recommendations (and conventions) are the result of negotiations between the three constituencies. Although ILO recommendations do not have the same status as ILO conventions, they still perform a useful function when negotiating with government agencies.

Recommendation 204 places responsibility on governments to:

**ENSURE THAT THOSE IN THE INFORMAL ECONOMY ENJOY FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING, INCLUDING THE RIGHT TO ESTABLISH AND, SUBJECT TO THE RULES OF THE ORGANIZATION CONCERNED, TO JOIN ORGANIZATIONS, FEDERATIONS AND CONFEDERATIONS OF THEIR OWN CHOOSING.**<sup>7</sup>

Government agencies should therefore recognise that trade unions are legitimate, democratically-accountable representatives of the transport workforce, including informal workers, and that unions have the right to enter into collective bargaining over the introduction of BRT and the formalisation of the transport industry. Some unions may have direct, individual membership of informal transport workers, others may have partnership agreements with, or affiliation of,

non-union associations of informal workers that decide to negotiate through trade union procedures.

The first task may be to convince the authorities that informal transport workers have different interests and concerns than owners. BRT literature almost always refer to 'operators', which in practice limits their concerns to vehicle owners. Even when recognising the difference, concern is often limited to drivers, rather than the totality of the workforce dependant on the informal transport industry for their livelihoods.

### BARGAINING COUNTERPARTS

It may not be immediately obvious which institutions are the relevant bodies with which to seek recognition and collective bargaining rights – the *bargaining counterparts* – over the introduction of BRT and processes of formalisation.

At a relatively early stage in the development of BRT projects, governments are encouraged to establish **new city-wide transport authorities** with the power to oversee the introduction of BRT<sup>8</sup>.

These authorities have the central responsibility for the implementation of BRT, including:

- decisions on proposed BRT routes, feeder routes etc
- design of the BRT services (usually done by consultants) and preparation and management of operating contracts, including vehicle operations, fare collection, operational control, station management and maintenance, fare revenues collection
- producing the detailed engineering design and procurement plan for BRT civil works, including supervision of construction works, enforcement of contracts and monitoring progress
- system planning, including the project timetable, defining the BRT corridors, conceptual design of the infrastructure

- supervision of land acquisition and any required resettlement
- defining the operational aspects of BRT services, including oversight of service contracts
- financial administration, including the fares policy and revenue collection and determining the business plan and financial model
- communications (branding, public relations, user information, advertising etc)

Crucially, they also have responsibility for ‘industry transition’:

“ IN LOWER-INCOME ECONOMIES, WHERE EXISTING SERVICES ARE MANAGED BY PRIVATE INFORMAL OPERATORS, DEVELOPING AND IMPLEMENTING A POLICY FOR HOW EXISTING NON-BRT PUBLIC TRANSPORT OPERATIONS AFFECTED BY BRT OPERATIONS WILL RELATE TO NEW BRT OPERATING CONTRACTS IS CRITICAL TO PROJECT SUCCESS.

THIS INVOLVES USING THE SERVICE PLAN TO DETERMINE WHICH EXISTING PUBLIC TRANSPORT SERVICES ARE AFFECTED OR NOT AFFECTED, THEN WALKING KEY DECISION-MAKERS THROUGH THEIR OPTIONS WITH RESPECT TO HOW BEST TO INVOLVE THE AFFECTED OPERATORS. THIS IS NORMALLY BEST DONE BY PEOPLE WITH EXPERIENCE BOTH IN BUSINESS DEVELOPMENT, LABOUR NEGOTIATIONS, AND MANAGING COMMUNITY PARTICIPATION PROCESSES. IT IS NORMALLY A FUNCTION OF THE TEAM RESPONSIBLE FOR BRT OPERATIONS.”<sup>9</sup>

Typically, BRT authorities are not normal government departments, but public bodies governed by a board of directors, appointed by the city and/or national government, including politicians, civil servants, academics and technical experts.

“ THOUGH IT SOMETIMES OCCURS, IT IS GENERALLY NOT ADVISABLE TO INCLUDE PRIVATE TRANSPORTERS (EG VEHICLE OPERATORS) OR UNIONS DIRECTLY ON THE BOARD AS THIS IS LIKELY TO LEAD TO CONFLICTS OF INTEREST, SINCE PUBLIC TRANSPORT OPERATORS AND UNIONS ARE LIKELY TO END UP ON THE OTHER SIDE OF THE NEGOTIATING TABLE FROM THE BRT AUTHORITY’S MANAGEMENT.”<sup>10</sup>

These agencies will certainly be the focus of attention, but it may be necessary to identify **other institutions** with whom to negotiate – depending on the issue. These might include, government ministries, municipal government officials, police, vehicle licencing agencies, vehicle owners’ associations and others.

It is also possible to consider negotiating with local representatives of the **World Bank** or other lending institutions, such as the regional development banks, the European Union, or national agencies such as the Agence Française de Développement (AFD). These provide loans, grants and technical assistance to finance investment projects, such as BRT, and implement policy reforms intended to end inequality, reduce poverty and encourage social and economic development.

These lending agencies follow a set of procedures called a ‘project cycle’ for each BRT project that is financed:

## PROJECT FUNDING CYCLE

### IDENTIFICATION + PREPARATION

- Project identified
- Assessments triggered



### APPRAISAL, NEGOTIATION, APPROVAL

- Independent assessment
- Negotiations on the T&Cs
- Submitted for approval
- Finalised and signed



### IMPLEMENTATION

- Construction + operation
- Borrower implements
- Bank supervises



### EVALUATION

- Project results

Each stage of the project cycle offers unions the potential to intervene or raise demands, and ***the earlier the intervention, the better chance of being able to affect the course of the project.***

There are also **complaint mechanisms** where individuals, groups or communities (including trade unions) whose rights or interests have been, or are likely to be, affected by a BRT project supported by the bank may file a complaint. This could be, for example, refusal of the government to consult with workers whose livelihoods are threatened.

The World Bank, for example, has a grievance redress service (GRS)<sup>11</sup> to 'make the Bank more accessible for project-affected communities and to help ensure faster and better resolution of project-related complaints.' The process is open to all those who believe they have been affected by a Bank-financed project, including trade unions.

### NEGOTIATING PLATFORM

Once the authority has accepted that it needs to negotiate with the union, it will be necessary to formally establish a procedural framework under which negotiations can take place – the *negotiating platform*. This could, for example, be an exchange of letters that sets out the frequency and venue of meetings, the composition of negotiating teams, the setting of agendas, access to documentation etc.

It is important to bear in mind that the development of a BRT project can take several years, from inception, planning and financing, to construction and operation, depending on the scale of the system envisaged and the speed at which the government can deliver progress.

The earlier in the process that a trade union can establish recognition and a negotiating process, the more impact it can have on the fundamental principles and assumptions underlying BRT design and operations and the formalisation of the informal industry.

# BRT DESIGN AND OPERATION

## THE BOGOTÁ BRT MODEL AND ITS ALTERNATIVES

The dominant model for BRT implementation, promoted throughout the world, is the *TransMilenio* system in Bogotá, Colombia. It became operational in 2000 and was subsequently marketed to developing cities around the world by development banks and organisations such as the ITDP.

The Bogotá model is more than just a set of technical design standards. It includes a public-private partnership operating model, which is supposed to generate an international market for public bus services with no public funds for operating subsidies. Cities are encouraged to address the informality in urban transport by creating a market for purchasing bus services from large, private, in some cases international, companies. The government takes on the initial risk, guaranteeing payments to the private operators. The lack of public subsidy creates pressure towards high fares with the danger of excluding poor people, while simultaneously restricting the more affordable informal services on which they depend.

### ● Public-Private Partnership (PPP)

A PPP is a form of privatisation. It operates through a contract between a government and a private company under which a private company finances, builds, and operates some element of a public service and is paid over a number of years, either through charges paid by passengers (often called a concession), or by payments from the public authority, or a combination of both. In 2018, the UN concluded in a report on poverty and human rights that:

6 PRIVATIZATION OFTEN INVOLVES THE SYSTEMATIC ELIMINATION OF HUMAN RIGHTS PROTECTIONS AND FURTHER MARGINALIZATION OF THE INTERESTS OF LOW-INCOME EARNERS AND THOSE LIVING IN POVERTY.<sup>7</sup>

Yet, privatisation is encouraged across the globe, based on the belief that the tendering of public transport to private providers reduces costs and increases efficiency.

The weight of evidence challenges this assumption. Research on *TransMilenio*, for example, reveals that the operating company prioritised financial savings over good working conditions and service quality.<sup>12</sup> In addition, private operators often cherry pick the most profitable services. For example, a study carried out in India found that private bus operators appeared to be more efficient but noted that this could have been due to the operator's selection of more profitable routes, as well as cuts to the wages and conditions of its workers.<sup>13</sup>

According to the ITF's People's Public Transport Policy reports, the initial Bogotá BRT infrastructure was to a large extent financed through a fuel tax, and *TransMilenio* operates at near cost recovery. Despite a pro-poor subsidy scheme most of the urban poor are excluded from the system.

The total cost of the initial infrastructure of BRT was USD240 million. This was financed to a large extent through the fuel tax (46 percent), local revenues (28 percent), a credit from the World Bank (6 percent) and grants from the national government (20 percent).

For stages 2-4 in BRT development, Bogota also received USD360 million of climate finance through the Clean Development Mechanism (CDM) and the sale of Certified Emission Reductions (CERs) on the compliance carbon market. This was used for infrastructure measures (dedicated bus lanes and bus stations to support transfer to feeder services), and new and larger

buses with improved fuel efficiency per passenger transported. The CDM covered 10 percent of total project cost, the rest of the funding came from the national and regional government.

*TransMilenio* awarded concession contracts to private companies that operate the system and are responsible for fare collection. The bus operating companies are granted concessions for certain routes and paid on the number of kilometres they operate. *TransMilenio* sets the schedules and routes for the service. The private companies maintain their operations through fare collection.

As no public subsidies were provided to fund equipment acquisition or operation, *TransMilenio* is designed to recover 100 percent of its operational costs through passenger fares. Any increase in revenue from expanded ridership goes directly to the operators. In order to extract the maximum profits, the operating companies put a lot of emphasis on financial savings, which had detrimental effects on working conditions and service quality.

This system also led to high levels of transport poverty. In 2011, 66 percent of the households in Bogotá belonged to the lowest income ranges, with a household income of less than USD680 per year. These households spend more than 20 percent of their income on transport and in some areas this reached 28 percent. To address the issue of transport poverty, Bogotá introduced a public transit subsidy system. The subsidy amounted to a 45 percent discount for trunk services, and 53 percent discount for feeder services. It remains capped at 40 trips per month. However, research suggests that an estimated 68 percent of the intended beneficiaries of the subsidy system are still excluded.

This stands in stark contrast to the publicly owned and operated BRT in Quito, Ecuador where fare prices (USD0.25 per journey) are very low.

As part of Bogotá's 2006 mobility masterplan, an Integrated Public Transport System (SITP) was developed to complement *TransMilenio* with feeder services and further citywide bus routes operating in normal traffic. In addition to this formal public transport system, an informal bicycle rickshaw system (*bicitaxis*) operates in Bogotá. Research in 2013 found that around 8,000 people worked in the informal *bicitaxi* sector. In reality, the number of workers is likely to be much higher. Since 2004 there have been several attempts to regulate *bicitaxis*, but without success.

While *bicitaxis* are not allowed to operate everywhere (especially where formal transport routes exist) they are tolerated in side streets and feed into the BRT stations. *Bicitaxis* address a demand that is currently not, and unlikely to be, covered by the SITP even when fully implemented.

### ● **Crime and overcrowding**

By 2016, *TransMilenio* was the largest BRT system in the world, carrying 2.4 million people each day. It opened with considerable popular support in 2000 and received the first ever Sustainable Transport Award from the ITDP in 2005. Yet by 2015, polls showed that only 20 percent of Bogotá residents were positive towards *TransMilenio* due to high crime rates, over-crowded buses, and up to 45-minute waits at some stations during rush hour.

The old informal bus services still exist, and are cheaper than *TransMilenio*, but have reduced from 20,000 to 6,000 vehicles since 2000, and the city plans to eradicate them completely with further BRT expansion.

The current overcrowding is blamed on a general lack of infrastructure investment since 2004 as well as the original design specifications for the system. The system was originally designed to accommodate six people per square metre. In comparison, BRT systems in European countries such as Sweden are designed for two people per square metre.

## ● Ownership: infrastructure and operations

At the heart of BRT is the ownership of the infrastructure and operations.

Some transport planners and policymakers supporting the Bogotá model assume that **publicly owned transport** systems are characterised by 'low cost-effectiveness due to confused corporate objectives (service or profit?); low, sporadic or inappropriate investment; poor services'.<sup>14</sup>

**BUT UNIONS HAVE THE OPTION TO ARGUE FOR ALTERNATIVES, INCLUDING A DEMAND FOR PUBLIC OWNERSHIP. THE ITF BELIEVES THAT PUBLIC OWNERSHIP IS THE BEST FRAMEWORK FOR CREATING A GREAT PUBLIC TRANSPORT SYSTEM FOR PASSENGERS AND WORKERS, WHICH WOULD**

**MEET THE NEEDS OF SOCIETY AND THE ECONOMY AS A WHOLE, NOT JUST THOSE OF PROFIT-CENTRED SHAREHOLDERS.**

The ITDP BRT Planning Guide compares the institutions managing BRT systems in 40 cities. Of these, 15 cities had publicly owned BRT bus operations and 20 had publicly owned fares collection agencies.

Quito, Ecuador, was an early adopter of BRT starting its first corridor in 1995 and subsequently forced out the incumbent private operators to gain control over the corridor and instituted a publicly-operated service with low fares.

In reality, from the experience of Latin America, there are a variety of ownership models:

EXAMPLE OF INSTITUTIONAL MODELS FOR BRT SYSTEMS IN LATIN AMERICA <sup>15</sup>				
	Publicly owned and operated	Moderate participation of the private sector	Medium participation of the private sector	Large participation of the private sector
	QUITO, ECUADOR	MEXICO CITY	BOGOTÁ, COLOMBIA	GUAYAQUIL, ECUADOR
INFRASTRUCTURE <sup>16</sup>	Public	Public	Public	Public
TRUNK BUSES	Public	Mixed – revenue based on payment per vehicle kms	Private separate contracts - revenue distributed based on vehicle kms	Private separate contracts – revenue based on gross cost per passenger
FEEDER BUSES	Private	Non-integrated feeders	Private separate contracts – revenue based on gross cost per passenger	Private separate contracts – revenue based on gross cost per passenger
OPERATIONAL CONTROL	Public	Public	Public	Private integrated - revenue based on gross cost per passenger
FARE COLLECTION	Public	Publicly owned, privately operated	Private separate contracts (percent share)	Private integrated – revenue based on gross cost per passenger



There are of course **other options**.

In Dar es Salaam, Tanzania, BRT was run by a company established by the (informal) **bus owners' associations**. However, the system proved to be fraught with operational problems, and the government was seeking a new operator, and the CEO of the company accepted that it was difficult to run the system without subsidy.

In Lagos, Nigeria, and Accra, Ghana, the **trade unions** established companies to run BRT services, but these were less than successful. In Lagos, the government terminated the franchise agreement, and in Accra numerous problems led to the system making a huge loss.

In Johannesburg, South Africa, unions were involved in negotiating **shareholding** in the new BRT system for taxi association members and compensation for owners when their vehicles were scrapped, but instances of violent protests against the impact of BRT continue.

### ● **Operating contracts**

Irrespective of ownership, BRT operating companies will inevitably have some form of contract with the BRT authority. There are numerous sorts of contracts, which determine the business model of how the system will be operated. They could include, for example:

**Profit sharing:** an operator is paid a predetermined share of total system revenues, based on a pre-agreed-upon formula (usually linked to bus kilometres, customers served, or a combination).

**Service contract:** an operator is paid to operate a minimum number of kilometres of public transport services over the life of a contract anywhere as directed by the municipality. Revenues are owned by the municipality, though may be collected by the operator.

**Area contract (gross cost):** an operator is paid to operate a set of services within a zone, anywhere instructed by the municipality, usually by the bus kilometre or the bus hour. Fare revenue is owned by the municipality.

**Area contract (net cost):** a private operator provides a set of services determined by the municipal authority within a specified zone, and owns all fare revenue in that zone.

**Design-build-operate:** a concessionaire is given a long-term contract to design, build, and operate a public transport system. Contractor owns fare revenue.

**Route contract (gross cost):** operator has a license with a city authority to provide bus services specified by the municipality on a route or a particular route, but revenue is owned by the municipal authority.

**Route contract (net cost):** operator has a license with a city authority to provide bus services specified by the municipality on a route or a particular route and all fare revenue is owned by the operator.

**Unregulated entry with quality control:** a private operator can get a license to operate anywhere, any time, so long as the vehicle is the right type, and it is properly maintained.

**Unregulated entry without quality control:** a private operator can get a license to operate anywhere, anytime, with any quality of vehicle so long as the vehicle is the appropriate type<sup>17</sup>.

Assuming that the system is not operated by the state or non-profit public body, which form of contract is likely to be of most benefit to workers and passengers? Which form of contract has most potential for democratic oversight of BRT

operations? Which form of contract has most potential for the integration and formalisation of informal transport services?

**IT COULD BE ARGUED, FROM A TRADE UNION PERSPECTIVE, THAT THE PREFERRED CONTRACTS WOULD BE THOSE WHERE THE MUNICIPALITY RETAINS MOST FINANCIAL AND DECISION-MAKING CONTROL – A SERVICE CONTRACT, OR AN AREA OR ROUTE CONTRACT (GROSS COST), WHILE RESISTING THE DEVELOPMENT OF BRT OPERATIONS BASED ON DESIGN-BUILD-OPERATE CONTRACTS OR UNREGULATED ENTRY LICENCING.**

● **State subsidies and fare affordability**

Is BRT sustainable without state subsidy? Many transport planners, academics and lending institution professionals believe not. There is an obvious relationship between state subsidy, the affordability of BRT fares for passengers, and the need for governments to reduce debt. There is considerable debate among transport economists and planners on whether subsidies are necessary, and

whether a lack of subsidy inevitably means that fares are only affordable to middle-class commuters. Indeed, some argue that BRT systems should be deliberately designed to attract the middle-classes away from their cars and therefore avoid overcrowding and exclude the poor.

Some governments have recognised that BRT operations need subsidy. In Santiago, Chile, for example, subsidies were introduced in an integrated BRT system:

“ SANTIAGO DE CHILE CHANGED TRANSIT PROVISION CITYWIDE AND DESPITE THE INITIAL DIFFICULTIES, INTEGRATED OPERATIONS ARE WORKING AT AN ACCEPTABLE LEVEL OF QUALITY AFTER SEVERAL AMENDMENTS AND THE INTRODUCTION OF **OPERATIONAL SUBSIDIES**<sup>18</sup>

● **Despite the heavily promoted no-subsidy model of BRT, an analysis undertaken by the ITDP of 28 privately-owned BRT systems shows that half of them are subsidised.**

**Transantiago Bus, Chile.** Credit: Wikimedia Commons



BRT SYSTEM	CONTRACT TYPE	SUBSIDIES
São Paulo, Brazil	Area contract (gross cost)	<b>Subsidised</b>
State of Mexico	Design-build-operate	<b>Subsidised</b>
Puebla, Mexico	Design-build-operate	<b>Subsidised</b>
Rouen, France	Design-build-operate	<b>Subsidised</b>
Jakarta, Indonesia	Route contract (gross cost)	<b>Subsidised</b>
Las Vegas, USA	Route contract (gross cost)	<b>Subsidised</b>
Quito, Ecuador	Route contract (net cost)	<b>Subsidised</b>
Amsterdam, Netherlands	Route contract (net cost)	<b>Subsidised</b>
Ahmedabad, India	Service contract (gross cost)	<b>Subsidised</b>
Johannesburg, South Africa	Service contract (gross cost)	<b>Subsidised</b>
Santiago, Chile	Service contract (gross cost)	<b>Subsidised</b>
Cape Town, South Africa	Service contract (gross cost)	<b>Subsidised</b>
Paris, France	Service contract (gross cost)	<b>Subsidised</b>
Nantes, France	Service contract (gross cost)	<b>Subsidised</b>
Curitiba, Brazil	Area contract (gross cost)	<b>No subsidy</b>
Belo Horizonte, Brazil	Area contract (net cost)	<b>No subsidy</b>
Rio de Janeiro, Brazil	Area contract (net cost)	<b>No subsidy</b>
León, Mexico	Area contract (net cost)	<b>No subsidy</b>
Monterrey, Mexico	Design-build-operate	<b>No subsidy</b>
Bogotá, Colombia	Profit-sharing	<b>No subsidy</b>
Guanzhou, China	Profit-sharing	<b>No subsidy</b>
Lima, Peru	Profit-sharing	<b>No subsidy</b>
Pereira, Colombia	Profit-sharing	<b>No subsidy</b>
Cali, Colombia	Profit-sharing	<b>No subsidy</b>
Guayaquil, Ecuador	Profit-sharing	<b>No subsidy</b>
Mexico City	Route contract (gross cost)	<b>No subsidy</b>
Cambridge, UK	Route contract (net cost)	<b>No subsidy</b>
Delhi, India	Unregulated entry without quality control	<b>No subsidy</b>

Source: ITDP, BRT Planning Guide, 2017, p436

### ● Integrated or stand-alone?

BRT provides opportunities towards formalisation of informal transport. To achieve this, there has to be a city-wide vision and strategy for integrated public transport services, rather than simply building and operating BRT as a stand-alone system.

This requires that the authority responsible for BRT should also have responsibility for non-BRT services, which may meet resistance.

According to the ITDP, BRT authorities are not generally in charge of managing the licencing and regulation of the remaining informal transport services. Apart from the size and complexity of the task, the ITDP recognises that regulation of informal operations is an important source of revenue for municipal governments ('both licit and illicit') that would be threatened by BRT, and therefore need to be kept at arm's length, at least initially.

Nevertheless, the ITDP argues, it is important that the BRT authority be given the authority to cancel or reroute licenses on those routes where BRT will supersede informal operations. 'Forcing [licencing authorities] to comply with this mandate has frequently proved difficult', as experienced in Bogotá, Jakarta, Johannesburg and Cape Town.

The mayor of Bogotá had to fire several department of transportation heads in order to get the department to comply with TransMilenio's order to reroute or suspend certain route licenses that were made redundant by TransMilenio. In Jakarta, Indonesia, coordination on non-BRT route licencing between TransJakarta and the department of transportation was a continuing source of tension. In Johannesburg, Cape Town, and many other BRT systems, it has proved very difficult to coordinate the BRT and non-BRT services.<sup>19</sup>

Will there be an **integrated ticketing system** for BRT, feeder route and informal services not directly interchanging with BRT services? It is important to remember the number of workers who rely on ticket-selling for their livelihoods,

especially as it is one of the occupations that currently provide employment for large numbers of women.

BRT projects are very diverse in their scope and level of fare integration. There are examples of BRT without any fare integration with feeders or other transport modes (Mexico City, Beijing); BRT systems that gradually integrate with other services (Quito, Jakarta, Bogotá, Guayaquil); and BRT with wholesale restructuring and integration of fares (São Paulo, Santiago, León). Academic reviews of BRT systems recommend sequential implementation with clear integration, rather than to develop isolated corridors and attempt integration later in the process. The comprehensive systems in Santiago and São Paulo are particularly recommended.

Nevertheless, 'this approach faces significant opposition from incumbent operators and can be risky because of institutional or financial overreaching'<sup>20</sup>, and BRT authorities should 'attempt city-wide reorganisation of transit services only in areas where law enforcement is strong, informal transit is mostly under control, and there is significant public support.'<sup>21</sup>

The ITDP suggests that 'it may also be advisable in [the first phase] ... not to disrupt too many existing public transport routes that are not going to be incorporated into the new system. Negotiations with existing public transport operators are a delicate part of BRT planning, and it is generally advisable not to take on the entire private-sector transit industry at once... Corridors with a large number of existing separate bus operators will make the negotiations for reforming the system a lot more complex than corridors where there are only a small number of operators.'<sup>22</sup>

**IT IS CLEARLY IN THE INTERESTS OF WORKERS AND TRADE UNIONS (AND PASSENGERS) THAT THE AUTHORITIES UNDERTAKE COMPREHENSIVE REFORM OF PUBLIC TRANSPORT BASED ON INCLUSIVE PLANNING, AND THAT THE UNIONS HAVE A CLEAR VISION OF WHAT AN INTEGRATED SYSTEM COULD AND SHOULD LOOK LIKE, WHICH HAS THE FULL SUPPORT OF THE WORKFORCE.**

## BRT STRUCTURAL DESIGN

From the perspective of transport unions, the main elements to the infrastructure of a BRT system are **trunk routes, feeder routes, stations, terminals** and **depots**. Each of these have important design elements that will be critical to the livelihoods and working conditions of both formal and informal transport workers.

### ● BRT trunk and feeder routes

The core of BRT systems are the *trunk* roadways, along which large-capacity buses have exclusive and unhindered access. Some BRT services will run only up and down the trunk infrastructure. There are also *feeder* routes, which typically connect passengers from areas beyond the BRT network. The feeder routes can be operated by existing informal services or by non-BRT standard buses operated by the BRT company.

Some BRT systems allow the feeder routes to continue in parallel to trunk routes. Others force the feeder route customers to transfer to BRT buses at terminals or interchanges. In some cases, BRT buses move into mixed traffic lanes in the 'last mile' connection into city centres.

Allowing non-BRT buses to continue operating in parallel to trunk routes has the advantage that it does not force passengers to transfer against their will. But it may also decrease the numbers of passengers using BRT (especially if the parallel services are cheaper), which may undermine financial viability.

**FROM THE PERSPECTIVE OF THE INFORMAL BUS WORKER, BEING ABLE TO OPERATE IN PARALLEL WITH BRT SERVICES MAY REDUCE THE RISK OF JOB LOSS, ALTHOUGH THE NON-BRT LANES WILL ALMOST CERTAINLY BECOME SLOWER AND MORE CONGESTED, THUS REDUCING INCOME.**

Some designers of 'trunk-only' services assume that informal operators will automatically provide feeder services to

the trunk routes. If regulation of informal services is enforced and effective, this can bring passengers to the trunk system, though it normally forces customers to pay twice. If informal feeder buses are permitted to continue alongside the BRT buses, bus crews may be reluctant to stop at the BRT terminals and interchanges, which again will reduce BRT income and increase congestion in mixed-traffic lanes.

The Jakarta BRT system (*TransJakarta*) remained for many years a trunk system without a feeder. As a result, despite being one of the longest BRT systems in the world at over 172 kilometres, in early 2012 it carried only 350,000 customers per day and about 4,000 customers per hour per direction at peak times. Roughly two-thirds of all public transport customers using the *TransJakarta* corridors continued to use their former bus routes and operate in very congested mixed traffic conditions. While some operational improvements were made, and a few new direct services added, the system continued to operate at a loss.

Mexico City BRT (*Metrobús*) also operates a trunk-only system. Rather than allowing former bus routes to operate in parallel, it cancelled them, reducing mixed-traffic congestion and this increased passenger numbers on *Metrobús*. It is claimed that this was achieved without substantial negative impact on informal service providers who were able to operate on new routes between BRT corridors.

BRT systems in Bogotá, Curitiba, Rio, Lima and elsewhere provide fully integrated feeder bus services that connect to the trunk services in formal transfer terminals, providing a more comprehensive door-to-door service than the trunk-only services. In this case, a former bus route that overlaps the trunk BRT corridor for only part of its route is split into two services: a trunk service operating only inside the BRT system, and a feeder route that operates in mixed traffic.

In what the ITDP describes as ‘the best systems’, the BRT system operator manages both trunk services and feeder services under ‘professional quality of service contracts with private vehicle operating companies. Such feeder services are not operated by informal operators, but by modern companies, and they form an integral part of the BRT system, with consistent branding, fare systems, information technology, and other BRT amenities.’<sup>23</sup>

**THIS SUGGESTS THAT INFORMAL TRANSPORT OPERATIONS ARE NOT CAPABLE OF BEING FORMALISED AND REGULATED INTO RUNNING ‘PROFESSIONAL QUALITY’ SERVICES INTEGRATED INTO BRT, AS DISTINCT FROM ‘MODERN COMPANIES’. UNIONS COULD ARGUE THAT THE BRT AUTHORITIES SHOULD ESTABLISH REGULATION AND PROVIDE INVESTMENT FOR THE TRANSITION OF CURRENT INFORMAL SERVICES INTO A FORMALISED, EFFECTIVE AND EFFICIENT SYSTEM, RATHER THAN CONTRACTING OUT TO EXTERNAL COMPANIES.**

Extensive BRT systems with multiple routes (eg plans for BRT in Nairobi) are not constructed at once but are likely to be planned and built over several years, normally route by route. Unions should therefore expect to be included and engaged in negotiation over a long period – perhaps indefinitely – and gain valuable experience over time.

**THE IMMEDIATE QUESTIONS FACED BY UNION NEGOTIATORS ARE: WHO MAKES THE DECISIONS ON SYSTEM DESIGN, AND WHAT DECISIONS HAVE ALREADY, AND IRREVERSIBLY, BEEN TAKEN? CAN UNIONS HAVE ACCESS TO DETAILED PLANNING INFORMATION, SUCH AS MAPS AND PLANS? WHAT IS THE TIMETABLE FOR CONSTRUCTION AND START OF OPERATIONS? WHICH BRT CORRIDORS WILL BE CONSTRUCTED FIRST?**

**IT IS ALSO IMPORTANT TO KNOW WHO IS PROVIDING THE FINANCE, AND WHICH CONSULTANTS ARE INVOLVED. IN SOME OF THE LARGER BRT SYSTEMS, IT IS LIKELY THAT DIFFERENT LENDERS, DONORS AND CONSULTANTS WILL BE INVOLVED IN DIFFERENT ROUTES AND CORRIDORS, WHICH WILL COMPLICATE THE PICTURE. UNIONS NEED TO IDENTIFY THE DIFFERENT OPPORTUNITIES AND STAGES WHEN THEY CAN INFLUENCE THE PROCESS.**

## ● Stations

**Standard stations** normally have raised platforms aligned with bus doors, exclusively for the use of BRT. The station entrance has a fare collection area including sales kiosks (automated or staffed – see below) for purchasing tickets and validation, fare collection equipment such as fare gates and turnstiles, and system information.

**Transfer stations** (interchanges) also enable passengers to use other BRT trunk routes, feeder routes, informal operations (eg taxis) or other systems (eg light rail).

**Terminals** are the endpoints of BRT corridors. These are usually larger buildings that integrate feeder and trunk lines, and other services bringing passengers to or from outlying areas of a city.

The design of standard stations, transfer stations and terminals are critical for the livelihoods and working conditions of both BRT staff and other public transport workers affected by BRT, and an important factor in the formalisation of the informal transport economy.

The ITDP recognises that BRT depots should provide facilities catering to the needs of staff, such as drivers, mechanics, and administrative workers. These facilities may include showers and lockers, luncheon areas, and recreational areas. The workplace environment should be designed to allow drivers and other employees an opportunity to relax after or in between shifts, as well as



**Cafeteria for drivers and other staff at the TransMilenio Américas terminal.** Credit: Lloyd Wright

prepare prior to the start of a shift<sup>24</sup>, but this only benefits drivers directly employed by BRT.

**STATIONS AND TERMINALS ARE GENERALLY DESIGNED WITH THE BARE MINIMUM OF FACILITIES FOR BOTH WORKERS AND PASSENGERS. UNIONS COULD ARGUE FOR DESIGNS THAT IMPROVE WORKING CONDITIONS AND MAINTAIN EMPLOYMENT OPPORTUNITIES FOR BRT STAFF AND THOSE IN THE INFORMAL TRANSPORT INDUSTRY WORKING ALONGSIDE BRT. MOST IMPORTANTLY, ESPECIALLY FOR TRANSFER STATIONS AND TERMINALS, DESIGNS SHOULD INCORPORATE TOILETS, ACCESS TO FRESH WATER, SHELTER FROM SUN AND RAIN, REST AND CATERING AREAS, AND SPACE FOR VENDORS.**

● **Toilets and sanitation**

Planners argue that BRT systems rarely provide toilets at stations because it requires additional space, cost, utilities (electricity and plumbing) and maintenance.

Larger stations and terminals are sometimes equipped with toilets for passengers, which staff can use, with proper security. The ITDP agrees that it is essential to have restrooms for drivers at terminal facilities, so they can be comfortable while driving during their shifts. These facilities may be separate from those for passengers. Toilets are also essential for staff located at stations full time for maintenance and/or customer service.<sup>25</sup>

What is nearly always overlooked are the needs of the non-BRT staff, for whom transfer stations and terminals are also their workplace. Where informal buses are providing feeder services, for example the design of stations must include facilities for their crews as well as BRT crews and station staff.

**ACCESS TO TOILETS SHOULD BE A KEY DEMAND FOR UNIONS. THIS IS SUPPORTED BY THE ITF'S TRANSPORT WORKERS' SANITATION CHARTER THAT CALLS FOR SEPARATE FACILITIES FOR PASSENGERS AND WORKERS, AND ACCESS FOR INFORMAL WORKERS ON FEEDER ROUTES.**

**THE LACK OF SAFE ACCESS TO DECENT TOILETS AND OTHER SANITATION FACILITIES HAS A SUBSTANTIAL IMPACT ON THE HEALTH AND SAFETY OF MEN AND WOMEN TRANSPORT WORKERS.**

### ● Vending

Large numbers of informal workers are employed as vendors or hawkers on informal bus stages and stations to sell goods, food and services. BRT station design should include regulated space and facilities for these workers to continue to make their living, as well as provide popular services to passengers and other transport workers.

But BRT authorities or operating companies will almost certainly be looking to maximise the commercial opportunities of stations and terminals, and impose restrictive regulations or set high charges that exclude former vendors that have previously been making a living at informal bus stages. Some major BRT stations may be specifically designed to be integrated into high-end commercial enterprises. Lanzhou in north-west China, for example, built six underground shopping malls underneath the BRT corridor, constructed as part of the BRT project.

**UNIONS COULD CONSIDER DEMANDS FOR THE INCLUSION OF INFORMAL VENDORS IN DESIGNING STATIONS IN SUCH A WAY THAT INCLUDES WELL-ORDERED SPACE FOR THEM TO CONTINUE THEIR LIVELIHOODS WHILE IMPROVING THEIR WORKING CONDITIONS. MUCH CAN BE LEARNED FROM THE EXPERIENCE OF STREET VENDORS IN DURBAN, SOUTH AFRICA SUPPORTED BY**

**ASIYE ETAFULENI (AET), AN NGO DEDICATED TO CREATING URBAN ENVIRONMENTS THAT ARE BOTH SUPPORTIVE OF INFORMAL WORKERS' LIVELIHOODS AND CREATE VIBRANT AND CULTURALLY IMPORTANT URBAN SPACES<sup>26</sup>.**

### ● Vehicles

BRT is designed to introduce large high-capacity buses, capable of carrying up to 300 passengers, compared to 16-32 passengers in typical informal buses. The buses must be built to specifications demanded by the BRT system design, with platform level doors, built-in IT systems etc.

Numerous manufacturers produce BRT buses. Large systems, such as Bogotá and Mexico City, operate BRT buses from multiple manufacturers: Volvo, Mercedes and Scania. Curitiba's special bi-articulated buses are made by Volvo, whose South American bus manufacturing plant is located in Curitiba. China's BRT buses are often made by Chinese manufactures or through joint ventures, and in India, Tata has mostly cornered the BRT market. Chinese manufacturers, such as Xiamen-based Kinglong, supply buses for BRT in Xiamen, Guangzhou, Lianyungang, Zaozhuang and Lima, Peru.

There is political pressure to buy locally to support jobs in bus assembly plants. In Africa, many BRT buses are imported from South Africa, manufactured by companies like Real African Works (RAW), Iveco and Scania, although there are assembly plants in other countries. Some authorities commonly argue that locally manufactured buses do not adequately meet the specifications as demanded.

In Nairobi, the government announced in 2018 that the buses for the planned BRT system would be made locally, only to reverse the decision a few months later with an announcement that South African-made vehicles had been ordered. It is not difficult to understand this when shown the locally made Isuzu bus, which was clearly not up to advanced BRT standards.



Isuzu Nairobi BRT bus. Credit: Nairobi News



The **size of the buses** is important. The BRT authority and/or operating company will have to find a balance between smaller vehicles, which can operate at high frequency and

therefore reduce passenger waiting time, and a fewer number of larger vehicles, which reduce the number of drivers required and therefore reduce labour costs.



Dar Es Salaam bus interior. Credit: GLI

**NATURALLY, UNIONS SHOULD BE NEGOTIATING FOR A HIGH-FREQUENCY SERVICE THAT IS GOOD FOR PASSENGERS AND GOOD FOR EMPLOYMENT.**

## **BRT OPERATIONS**

### **● Minimum standards in operating contracts**

At the earliest opportunity, preferably a long time in advance of the start of BRT operations, unions should seek to determine open and ethical tendering and procurement processes for BRT operating and supply companies, and negotiate a set of minimum standards to be included in contracts, such as:

- trade union and collective bargaining rights to be fully respected by BRT operating and supply companies
- minimum (living) wages, maximum working hours and a ban on fixed-term and precarious employment contracts
- a ban on outsourcing of jobs in cleaning, catering, security etc
- gender equality measures, such as sexual harassment policies, and promotion and training opportunities
- priority access to training, reskilling and job opportunities for informal workers whose livelihoods are at risk
- promotion of equal opportunities for access to higher-paid transport occupations in order to promote and enhance women's employment in public transport
- relocation agreements and policy guidelines on job restructuring should also cover jobs mostly done by women, such as conductors and matatu stage vendors, and not only for drivers
- promotion, training and retraining opportunities should be included to support women of all ages into higher

paid work, such as in driving, supervisory and management positions, and roles created by new technology

It is essential to ensure that these standards apply throughout the supply chains of each contractor.

### **● Will BRT workers have full trade union rights?**

Members of SNTT, one of the ITF affiliates in Colombia, faced victimisation and disruption by employers when attempting to organise among BRT workers, including split shifts amounting to excessively long working days; organising shifts so that union organisers no longer see each other during their working day; imposition of unfair and arbitrary performance fines; and dismissal of union organisers. In the words of one SNTT Bogotá member: "They see the trade union as something malign, an illness."<sup>27</sup> (Porter 2014).

### **● Who will be the employer(s)?**

It is obviously essential to identify precisely who will be the employer (or employers) in the BRT system. It is very common for there to be multiple employers, with different contracts and sub-contracts, responsible for operating the buses, maintaining the infrastructure, ticketing, IT, operational planning, collecting and distributing revenue, security, and so on. In large BRT systems, it is also common for different companies to have contracts for different routes.

Unions may wish to demand that there is simply one employer with responsibility for all the BRT operations, although this would be highly unusual. It is clearly to the workers' advantage to minimise the level of subcontracting and outsourcing and ensure that the union can represent members in a single, collective bargaining unit.

### **● The workforce**

It is important to know at an early stage of planning **how many people will be employed in BRT** – directly and indirectly – and ensure

that the totality of the workforce is included, not just the drivers. These could include ticket sellers, vehicle maintenance engineers, road and station maintenance crews, vehicle and station cleaners, security staff, control room staff, managers and inspectors, catering staff, IT technicians and others.

At an early stage, it is also essential to establish the principle of **gender equality** in recruitment and training of all positions, including those more traditionally regarded as men's occupations, eg driving and vehicle maintenance.

The ITF and UITP<sup>28</sup> (International Association of Public Transport) have a joint agreement to strengthen women's employment in public transport. Many transport authorities, as well as private transport operators, are members of UITP. The practical recommendations for policies to strengthen women's employment, equal opportunities and promote decent work cover nine areas: working culture and gender stereotypes, recruitment, work environment and design, facilities (including sanitation), health and safety at work, work-life balance, training, pay equality and corporate policy.

**UNIONS COULD USE THE ITF/UITP AGREEMENT TO PUT PRESSURE ON THE EMPLOYER OR ON THE BRT PROJECT FUNDER BEFORE TENDERING CONTRACTS ARE AGREED TO DEMAND POLICIES**

**FOR WOMEN'S EMPLOYMENT AND DECENT WORK BENEFITTING BOTH MEN AND WOMEN WORKERS.**

● **On-board crews**

Most **BRT buses are driver-only**, with no conductor or other staff. While saving money for BRT operating companies, the lack of on-board staff can create serious problems for passenger safety and security, especially sexual harassment of women passengers. On-board staff are able to assist passengers, eg people with young children or luggage, people with disabilities etc.

**UNIONS SHOULD BE DEMANDING EMPLOYMENT OF ON-BOARD CREW IN ADDITION TO DRIVERS.**

**THIS IS ALSO RELEVANT TO THE EMPLOYMENT AND PASSENGER SERVICE BENEFITS OF SMALLER VEHICLES RUNNING AT HIGHER FREQUENCY, AS MENTIONED EARLIER.**

● **Station staff**

Transport planners normally assume that BRT stations are unattended. In theory, ticketing and entry gates can be automated, there are no facilities or amenities that require supervision, and passengers can get on or off the buses without assistance. But passengers need assistance in purchasing tickets or using the entrance gates; passengers and crew



**Dar Es Salaam station ticket seller.** Credit: GLI

need access to sanitation amenities; and vulnerable passengers need assistance in boarding and leaving the buses.

It is interesting to note that the state-owned Operations Management Company of BRT in Guangzhou, China, has eight to ten members of staff per station at all times, with about 500 station staff in total.<sup>29</sup>

**Security** is also a major factor driving the need for station staff. 'Fear of crime and assault is a motivating factor in the movement towards more private modes of transport, especially for women, the elderly, and other vulnerable groups. The close confines of crowded conditions provide the ideal environment for pickpocketing and other assaults on person and property.... The presence of uniformed security personnel at stations and on buses can dramatically limit criminal activity and instil customer confidence.'<sup>30</sup>

Stations also require **maintenance and cleaning crews**, normally working at night. The ITDP recommends that key parts of each station be serviced weekly and that any worn, defective, or damaged parts be replaced immediately, and that stations should be washed down and thoroughly cleaned every two weeks or monthly.<sup>31</sup>

**UNIONS SHOULD CONSIDER DEMANDS THAT ENSURE THAT THERE ARE MEMBERS OF STAFF IN EACH STATION AT ALL TIMES, PROVIDING SECURITY AND ASSISTANCE TO PASSENGERS AND WORKERS.**

### ● Training and recruitment

**THERE ARE KEY ISSUES IN THE RECRUITMENT AND TRAINING OF BRT WORKERS, PARTICULARLY TO ENSURE THAT INFORMAL TRANSPORT WORKERS WHOSE LIVELIHOODS MAY BE AT RISK ARE PRIORITISED FOR NEW JOB OPPORTUNITIES, AND TO ENSURE GENDER EQUALITY.**

BRT provides an opportunity for the replacement of exploitative informal jobs with

better, formal jobs, but women frequently face difficulties in gaining access to vehicle licencing and other forms of training, which is often dominated by men.

**IT IS ESSENTIAL THAT NEGOTIATIONS INCLUDE PROMOTION, TRAINING AND RETRAINING OPPORTUNITIES TO SUPPORT WOMEN OF ALL AGES INTO HIGHER-PAID WORK, SUCH AS IN DRIVING, SUPERVISORY AND MANAGEMENT POSITIONS, AND WORKING HOURS AND SHIFT PATTERNS THAT ACCOMMODATE WOMEN'S AND MEN'S FAMILY RESPONSIBILITIES, AND ADDRESS THE SAFETY RISKS OF EARLY AND LATE SHIFTS.**

**UNIONS CAN DEMAND 50/50 PARITY FOR MEN AND WOMEN IN ALL STAFF POSITIONS, INCLUDING DRIVING AND MANAGERIAL ROLES.**

It is important to recognise that there are sometimes complex issues related to training. In Tanzania, for example, informal workers received training, but the operating companies were under no obligation to employ them. In Bogotá, workers were excluded from training if they had unpaid fines or did not pass the medical test.<sup>32</sup> (Porter 2014).

### ● Procurement and tendering policies

**GOVERNMENTS SHOULD 'PROMOTE ACCESS TO PUBLIC PROCUREMENT ... THROUGH MEASURES SUCH AS ADAPTING PROCUREMENT PROCEDURES AND VOLUMES, PROVIDING TRAINING AND ADVICE ON PARTICIPATING IN PUBLIC TENDERS, AND RESERVING QUOTAS FOR (INFORMAL) ECONOMIC UNITS.'**<sup>33</sup>

Unions may wish to demand that informal workers and/or vehicle owners have an opportunity to operate BRT services. As described above, there have been examples of transport unions forming new companies designed to run BRT operations. More commonly, informal enterprises or associations of informal vehicle owners negotiate with the BRT authority to establish a BRT operating company.

In many countries, informal vehicle owners have considerable power, both on street power (ability to organise transport ‘strikes’ and protests) and political power in government, police and the military, political parties etc. BRT authorities are naturally very concerned to avoid conflict and may replace or amend open competitive bidding processes with direct negotiation to favour informal transport owners.

PROTESTS BY AFFECTED TRANSPORT OPERATORS WERE OBSERVED IN QUITO AND BOGOTÁ AND DURING AN EARLY PHASE IN SANTIAGO (DURING THE METROBÚS BIDDING PROCESS). STRICT ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER AND REPRESSION OF THE PROTESTS WERE SOMETIMES REQUIRED. FEAR OF PROTESTS AND UNREST HAS CAUSED CITIES TO INVOLVE INCUMBENT OPERATORS IN DIRECT NEGOTIATIONS (MEXICO CITY, LEÓN, JAKARTA) OR TO GIVE INCUMBENTS EXTRA POINTS IN THE BIDDING PROCESSES OR TO GIVE ENTRY BARRIERS TO OUTSIDE BIDDERS (BOGOTÁ, PEREIRA, GUAYAQUIL, SÃO PAULO).<sup>34</sup>

**UNIONS REPRESENTING INFORMAL WORKERS MAY BE FACED WITH A DIFFICULT DECISION ON WHO OR WHAT TO SUPPORT IN BIDDING FOR A CONTRACT TO OPERATE BRT. THERE MAY BE SEVERAL CHOICES.**

Some unions, especially those that include both workers and informal vehicle owners in their membership or have good relationships with them, may choose to support campaigns by the owners to become operators of BRT through direct negotiation, rather than an open tendering process. This could be based on an agreement by the owners to formalise previously informal employment arrangements.

Others might choose to support another bidding company that demonstrates a commitment to full union recognition, collective bargaining and good workers’ terms and conditions.

It is also possible that the union, with or without the involvement of informal vehicle owners, may wish to establish their own company or cooperative to run BRT, either through direct negotiation or through an open bidding process.

Alternatively, unions might not wish to support proposals from anyone, and choose to remain neutral in favour of a full, transparent and open bidding process, but perhaps with an agreement with the government agency that guarantees union rights and minimum employment standards in the operating contracts.

Trade unions could also campaign for publicly owned buses in line with the principle of public ownership and democratic control, including workers and communities. This was a demand of NUMSA in a strike last year in BRT in Cape Town.

## FORMALISATION OF INFORMAL PUBLIC TRANSPORT

ILO recommendation 204 specifically states that governments should:

‘... TAKE URGENT AND APPROPRIATE MEASURES TO **ENABLE THE TRANSITION OF WORKERS AND ECONOMIC UNITS FROM THE INFORMAL TO THE FORMAL ECONOMY, WHILE ENSURING THE PRESERVATION AND IMPROVEMENT OF EXISTING LIVELIHOODS ... AND RESPECTING WORKERS’ FUNDAMENTAL RIGHTS, AND ENSURING OPPORTUNITIES FOR INCOME SECURITY, LIVELIHOODS AND ENTREPRENEURSHIP DURING THE TRANSITION.**’

The introduction of BRT presents opportunities for the formalisation of informal transport, both in the creation of new formal jobs directly employed by BRT operating companies, and for the formalisation of the remaining informal transport as the result of a more comprehensive plan for a city-wide integrated public transport service.

It is firstly essential to understand if:

- the authorities accept that the introduction of BRT will put livelihoods at risk for significant numbers of workers in informal public transport
- BRT is planned in the context of a broader integrated system
- plans are in place to mitigate against the risk of substantial loss of livelihoods in the informal industry

**IF THE AUTHORITIES ACCEPT THAT THERE IS A SUBSTANTIAL RISK TO LIVELIHOODS, WILL DIRECTLY AFFECTED WORKERS (EG THOSE CURRENTLY DEPENDENT ON SERVICES CURRENTLY OPERATING ALONG THE PLANNED**

**BRT CORRIDORS) BE OFFERED COMPENSATION? WILL THEY BE GIVEN THE FIRST OPPORTUNITY TO APPLY FOR EMPLOYMENT WITH THE BRT OPERATING COMPANIES? WILL THOSE PHYSICALLY BEING FORCED TO RELOCATE (EG SERVICE WORKERS, STAGE WORKERS) BE OFFERED ALTERNATIVE WORKPLACES? WILL RELOCATION AGREEMENTS ALSO COVER JOBS MOSTLY DONE BY WOMEN, SUCH AS VENDING, CATERING AND TICKETING, AND NOT ONLY BUS CREWS?**

More broadly, for the city’s informal transport system as a whole, unions should consider some of the key issues involved in the transition to formal employment: reform of the **target system**, integration with BRT, tackling police corruption and organised crime, gender equality, occupational health and safety, employability and skills development, and access to information and statistics.

### REFORM OF THE TARGET SYSTEM

The informal transport economy throughout the Global South is dominated by the target system. Most informal urban bus drivers have to pay vehicle owners a daily financial ‘target’ – in effect a rental fee. This can be very substantial. Drivers have to collect sufficient fares each day to pay the target, in addition to the cost of fuel and the other many major outgoings (eg conductor’s wages, mechanics, police bribes, stage workers etc) before earning sufficient money to take home.

The target system means low and insecure incomes for all those workers who depend on the informal industry for their livelihoods. It forces drivers and conductors to work exceptionally long hours, leading to fatigue and accidents. It generates fierce competition between vehicles on the streets, driving corruption, criminality and frequent violence.

**TO FORMALISE THE INFORMAL PASSENGER TRANSPORT INDUSTRY REQUIRES REFORM AND REGULATION OF THE TARGET SYSTEM TOWARDS A PREDICTABLE LIVING WAGE WITH FORMAL EMPLOYMENT CONTRACTS, FIXED HOURS AND ACCESS TO SOCIAL PROTECTION.**

This may require new regulation, or (as needed in Nairobi for example) the effective enforcement of existing legislation, to ensure that vehicle owners are forced to accept their responsibility as employers and respect workers' rights.

In **Indonesia**, the Jakarta Provincial Government launched the *JakLingko* programme in 2018 to integrate the *Transjakarta* BRT system with informal *angkot* minibus services. According to a report from the ITDP in Indonesia<sup>35</sup>, this includes a transition from the target system to monthly salary payments for drivers with proper training, eight-hour shifts, and social protection payments from vehicle owners. The minibuses are to be obliged to only pick up and drop passengers at designated stops, with fares paid by 'smart cards' on the basis of unlimited travel on the BRT and *angkot* services in a three-hour period. *Transjakarta* pays the *angkot* owners on the basis of fleet mileage.

The ITDP has an important role in mediation between the 'operators' (it is not clear whether this includes workers) and the authorities, and stresses that the 'negotiation stage with operators is the most crucial stage in the reform' and 'rushing through negotiations and implementation will potentially lead to protest from one party, therefore communication must be done gradually and continuously. The ITDP reports that deadlock often happens when the authorities and operators cannot agree on the level of payment per kilometre. Crucially, the programme depends on **state subsidy**, and 'authorities have to accept and allocate government subsidy', but it is not clear whether this has yet been achieved.

## INTEGRATION WITH BRT

**UNIONS SHOULD DEMAND NEGOTIATIONS OVER THE DESIGN AND PLANNING OF FEEDER ROUTES, INTERCHANGES BETWEEN INFORMAL SERVICES AND BRT, AND BUS LANE ALIGNMENT AND INTERSECTION TREATMENTS (TO MINIMISE CONFLICT WITH INFORMAL SERVICES).**

These negotiations should include the design of BRT stations and terminals to ensure smooth and efficient passenger transfer between informal and BRT services, and in particular:

- provide shelter, rest areas, sanitation and water facilities for BRT and informal minibus crews
- provide opportunities for food vendors to operate safely and hygienically in close proximity for BRT and informal minibus crews
- build in design of trading space in main passenger areas for street vendors without obstructing passenger / pedestrian flows
- state support for the modernisation and upgrade of the informal minibus fleet to fuel-efficient / low emission / electric vehicles

## TACKLING POLICE CORRUPTION AND ORGANISED CRIME

**GOVERNMENTS SHOULD 'TAKE MEASURES TO PROMOTE ANTI-CORRUPTION EFFORTS AND GOOD GOVERNANCE.'**  
(ILO RECOMMENDATION 204)

Police bribery, extortion and corruption and organised crime are endemic throughout the informal transport industry. Daily payment of police bribes is so routine that drivers factor them in to their financial calculations, and many workers highlight police corruption as the most important issue.

Strong union organisation itself can reduce or eliminate police harassment. In Uganda the Amalgamated Transport and General Workers Union (ATGWU) reported that the widespread police harassment of *boda-boda* (motorcycle taxi) riders was virtually stopped entirely after their association joined the union, which threatened major disruptive action if the police harassment continued.<sup>36</sup>

Defeating corruption and organised crime is obviously dependant on the competence, capacity and willingness of the state to enforce the law. In the case of informal transport, this is frequently impeded by corruption and, in particular, the covert ownership of highly profitable fleets of vehicles by police, military and government officials.

**UNIONS COULD CONSIDER DEMANDS FOR NEW OR STRENGTHENED REGULATION AND ENFORCEMENT TO ENSURE TRANSPARENCY OF OWNERSHIP THROUGH VEHICLE LICENSING PROCEDURES; BAN POLICE AND GOVERNMENT OFFICIALS AND PUBLIC SERVANTS FROM OWNERSHIP OR LICENCE-HOLDING OF PUBLIC TRANSPORT VEHICLES; AND ENSURE THAT THE LOCAL OR NATIONAL GOVERNMENT AGENCIES RESPONSIBLE FOR THE REGULATION OF PUBLIC TRANSPORT HAVE AUTHORITY OVER TRAFFIC POLICE.**

## **GENDER INEQUALITY IN FORMALISATION**

**“ ENCOURAGE THE PROVISION OF AND ACCESS TO AFFORDABLE QUALITY CHILDCARE AND OTHER CARE SERVICES IN ORDER TO PROMOTE GENDER EQUALITY IN ENTREPRENEURSHIP AND EMPLOYMENT OPPORTUNITIES AND TO ENABLE THE TRANSITION TO THE FORMAL ECONOMY.” (ILO RECOMMENDATION 204)**

Women face major discrimination in the informal transport economy. The industry is evidently dominated by men, especially if you only count on-board crews. But a broader definition of the workforce to include all workers that depend on informal transport for their livelihoods reveals a much higher number of women, not surprisingly in the most precarious of jobs, eg street vending (including food vending).

**IT IS ESSENTIAL TO ENSURE THAT THE IMPLICATIONS OF FORMALISATION FOR WOMEN WORKERS ARE INCLUDED IN NEGOTIATIONS FROM THE VERY BEGINNING, AND THAT WOMEN UNION MEMBERS ARE INCLUDED IN THE NEGOTIATING AND BARGAINING TEAMS.**

In March 2019, the ITF and UITP signed a joint statement of recommendations: ‘*Strengthening Women’s Employment and Equal Opportunities in Urban Public Transport*’ (see Appendix 6). The statement contains recommendations that could form important trade union demands in respect of BRT and the formalisation of urban passenger transport.

There needs to be a ‘**just transition**’ for women transport workers in the move from informal to formal work, and unions should challenge the narrative surrounding ‘women’s work’ versus ‘men’s work’ in the workplace and ensure equal pay for work of equal value.

The union should consider and demand **affirmative action employment policies** that increase the gender diversity of transport workplaces, including ratios/targets for particular occupations like driving, promote non-discriminatory recruitment policies that directly target the recruitment of women, support women’s access to higher-paid roles in transport, and provide skills development and technical training to enable women to enter the transport industry and progress into higher paid and more skilled occupations.



**UNIONS SHOULD DEMAND CLEAR PROCEDURES AND GUIDELINES FOR REPORTING VIOLENCE AND SEXUAL HARASSMENT AGAINST WOMEN, TRAINING ON VIOLENCE AGAINST WOMEN FOR WORKERS AND MANAGEMENT, AND TAKE PRACTICAL MEASURES TO ADDRESS VIOLENCE AT WORK (EG GOOD LIGHTING, RADIOS, SAFE STAFFING LEVELS)**

When negotiating working hours and shift patterns, it is important to accommodate workers’ **family responsibilities**, and address the safety risks of early and late shifts, eg by providing safe transport to and from work.

**OCCUPATIONAL SAFETY AND HEALTH**

GOVERNMENTS ‘SHOULD TAKE IMMEDIATE MEASURES TO ADDRESS THE UNSAFE AND UNHEALTHY WORKING CONDITIONS THAT OFTEN CHARACTERIZE WORK IN THE INFORMAL ECONOMY; AND PROMOTE

**AND EXTEND OCCUPATIONAL SAFETY AND HEALTH PROTECTION TO EMPLOYERS AND WORKERS IN THE INFORMAL ECONOMY.’ (ILO RECOMMENDATION 204)**

Health and safety conditions are appalling for most informal transport workers.

Workers interviewed in the Nairobi survey<sup>37</sup> complained that exceptionally long working hours lead to fatigue, accidents, stress, back pain and widespread drug and alcohol use among on-board crews. Nearly 30 percent of the workers experienced chest problems as the result of fumes and dust. The working environment for most workers at bus stops and terminals (eg lack of sanitation, access to fresh water and shelter from rain and sun) in particular discriminates against women. Most service workers, such as mechanics, tyre menders and panel beaters either work at the roadside or at informal workplaces without facilities, and frequently without basic safety equipment.



Dar Es Salaam bus mechanic. Credit: GLI

**UNIONS COULD CONSIDER A RANGE OF DEMANDS TO BRT PLANNERS AND CITY AUTHORITIES FOR THE IMPROVEMENT OF HEALTH AND SAFETY CONDITIONS FOR INFORMAL TRANSPORT WORKERS. THESE MIGHT INCLUDE:**

● **Reform of the working environment**

The authorities should ensure that designated ‘stages’ (BUS STOPS, TERMINALS, motorcycle taxi and taxi ranks etc) have the minimum facilities needed by the workforce: **toilets, washrooms, access to clean water, rest areas, shelter from rain and sun, clean and safe facilities for food vendors.**

All workers should have access to **toilet facilities** that are clean, affordable, safe, accessible and not open to the public.

Separate facilities should be incorporated for women workers and workers should be involved in the design of these spaces to ensure they accommodate their needs. Regular, scheduled toilet breaks should also be incorporated.

● **Provision of workspace**

GOVERNMENTS ‘SHOULD RECOGNIZE THE IMPORTANCE OF SAFEGUARDING THE OPPORTUNITIES OF WORKERS AND ECONOMIC UNITS FOR INCOME SECURITY IN THE TRANSITION TO THE FORMAL ECONOMY BY PROVIDING THE MEANS FOR SUCH WORKERS OR ECONOMIC UNITS TO OBTAIN RECOGNITION OF THEIR EXISTING PROPERTY AS WELL AS BY PROVIDING THE MEANS TO FORMALIZE PROPERTY RIGHTS AND ACCESS TO LAND.’ (ILO RECOMMENDATION 204)



**Nairobi matatu mechanics.** Credit: GLI

Many informal transport workers need space to work, whether service workers (mechanics, painters, upholsterers etc) or stage workers (vendors, shoe shiners etc), but often these workplaces are highly insecure, with few amenities and vulnerable to harassment, disruption, and police and local government corruption. Very few have formal agreements with landowners or legal rights.

**UNIONS CAN PLAY AN IMPORTANT ROLE IN DEFENDING THESE WORKERS FROM THREATS TO THEIR WORKPLACE OR NEGOTIATING WITH LANDOWNERS OR CITY AUTHORITIES FOR FORMALLY RECOGNISED RIGHTS OF ACCESS TO SUITABLE LAND OR PREMISES.**

### ● **Vehicle and road quality**

Old and poorly maintained vehicles and roads are major contributors to health and safety problems for the workforce, as well as for passengers and the environment. Exhaust fumes, badly maintained brakes and tyres; flooded, broken and pot-holed roads are all serious hazards, as well as the cause of many road accidents.

It is in everyone's interest to have a modern, efficient and well-maintained vehicle fleet, but owners frequently choose not (or cannot afford) to invest.

**UNIONS CAN ARGUE FOR GOVERNMENT INVESTMENT IN FLEET MODERNISATION, AND TIGHTER REGULATIONS TO ENSURE THAT OWNERS TAKE RESPONSIBILITY FOR THE CONDITION OF THEIR VEHICLES. UNIONS CAN ALSO DEMAND NEGOTIATIONS OVER GOVERNMENT INITIATIVES TO MODERNISE VEHICLE FLEETS, WHICH OFTEN INVOLVES COMPENSATION FOR VEHICLES BEING PHASED OUT.**

In 2017, the government in the Philippines launched a programme to phase out the thousands of iconic jeepneys (minibuses), buses and other public utility vehicles that were over 15 years old, and replace them

with modern, more environmentally friendly alternatives over a three-year period. The diesel powered jeepneys are notoriously bad for air pollution. Transport unions, which represent small-scale owners as well as workers, were opposed to the programme, believing that small cooperatives and single-unit jeepney operators cannot afford to take on new loans to buy new vehicles, and that the government wanted to replace small operators with larger corporate-type franchisees. The programme was met with widespread opposition from jeepney owners, drivers and transport unions.

Unions have called for the adoption of an alternative action plan on the principles of *just transition*, which includes demands for:

- protection of drivers' livelihoods, and their right to work until retirement age – or if workers choose to leave the sector, they are given support and training opportunities
- transition from current informal individual operations towards cooperatives and collectives
- resistance to investment and domination from powerful politicians and big businesses

They are opposed to the indiscriminate phasing out of jeepneys, although concede that there is an urgent need to upgrade the fleet. They argue that there needs to be an adequate transition period, and more opportunities for workers' representation and presentation of sustainable alternatives.

More specifically, they argue for the remodelling of jeepneys with new engines to cut costs, rather than expensive brand-new vehicles, pointing out the important cultural and tourism value of the iconic jeepney. They also want an increase in government budgets for modernisation, and to establish a tripartite (government, financial institutions, unions) mechanism to reduce interest rates and lengthen repayment periods.<sup>38</sup>

## ● Labour inspection

GOVERNMENTS ‘... SHOULD HAVE AN ADEQUATE AND APPROPRIATE SYSTEM OF INSPECTION, EXTEND COVERAGE OF LABOUR INSPECTION TO ALL WORKPLACES IN THE INFORMAL ECONOMY IN ORDER TO PROTECT WORKERS, AND PROVIDE GUIDANCE FOR ENFORCEMENT BODIES, INCLUDING ON HOW TO ADDRESS WORKING CONDITIONS IN THE INFORMAL ECONOMY.’ (ILO RECOMMENDATION 204)

In many countries, labour ministries are so under-resourced and there are so few labour inspectors that a demand that labour inspections are extended into the informal transport industry may seem absurd. Nevertheless, owners of major bus stations have a responsibility to provide a safe working environment, and the owners are frequently local municipalities.

**IT IS POSSIBLE FOR UNIONS TO DEMAND THAT THE MINISTRY OF LABOUR INSPECTS MAJOR WORKPLACES AND HOLDS OWNERS TO ACCOUNT.**

## INFORMATION AND STATISTICS

GOVERNMENTS SHOULD ‘TAKE MEASURES TO ENSURE THE EFFECTIVE PROVISION OF INFORMATION, ASSISTANCE IN COMPLYING WITH THE RELEVANT LAWS AND REGULATIONS, AND CAPACITY BUILDING FOR RELEVANT ACTORS.

‘IN CONSULTATION WITH EMPLOYERS’ AND WORKERS’ ORGANIZATIONS, ON A REGULAR BASIS COLLECT, ANALYSE AND DISSEMINATE STATISTICS DISAGGREGATED BY SEX, AGE, WORKPLACE, AND OTHER SPECIFIC SOCIO-ECONOMIC CHARACTERISTICS ON THE SIZE AND COMPOSITION OF THE INFORMAL ECONOMY, INCLUDING THE NUMBER OF INFORMAL ECONOMIC UNITS, THE NUMBER OF WORKERS EMPLOYED AND THEIR SECTORS; AND MONITOR AND EVALUATE THE PROGRESS TOWARDS FORMALIZATION.’ (ILO RECOMMENDATION 204)

Reliable and authoritative data on the informal transport workforce is essential ammunition for collective bargaining. Few authorities collect comprehensive data on the informal economy, or if they do, it is not made easily available.

**UNIONS COULD CONSIDER DEMANDING NEW INITIATIVES FROM GOVERNMENT AGENCIES (EG STATISTICAL SERVICES) TO UNDERTAKE REGULAR SURVEYS AMONG THE INFORMAL WORKFORCE TO DETERMINE THE SIZE AND CHARACTERISTICS OF EMPLOYMENT IN THE INDUSTRY.**

Where this is not possible (perhaps because of the lack of government capacity in workplace surveys), unions could consider undertaking their own surveys, perhaps with the assistance of local academic institutions (eg the ITF Nairobi BRT Labour Impact Assessment).

## KEY UNION DEMANDS FOR BRT SYSTEMS

- Consider the development of **alternative models for the ownership, management and operation of BRT**. Unions have the option to argue for public ownership and public investment. Other solutions could be explored, such as cooperatives or not-for-profit companies with high levels of union and public engagement.
- Demand **BRT contracts** where the municipality retains most financial and decision-making control, eg a service contract, or an area or route contract (gross cost), while resisting the development of BRT operations based on design-build-operate contracts or unregulated entry licencing.
- Government authorities should undertake a comprehensive reform of public transport based on inclusive planning, with a clear vision of what an **integrated** system could and should look like, which has the full support of the workforce.
- Consider demanding that informal bus workers are able to **operate in parallel** (rather than just on feeder routes) with BRT services, as this may reduce the risk of job losses, although the non-BRT lanes will almost certainly become slower and more congested, thus reducing income.
- Unions could argue that the BRT authorities should establish **regulation** and provide investment for the transition of current informal services into a formalised, effective and efficient system, rather than contracting out to external companies.
- Unions must be involved in the **planning** around BRT from an early stage and have access to detailed planning information and timetables for construction and the start of operations. This will depend on who is financing the BRT system and which consultants are involved. In some of the larger BRT systems, it is likely that different lenders, donors and consultants will be involved in different routes and corridors, and there will be different opportunities for consultation, which will complicate the picture.
- Stations and terminals should be designed with good **facilities for workers and passengers**, including toilets, access to fresh water, shelter from sun and rain, rest and catering areas, and space for vendors. Facilities should improve working conditions and maintain employment opportunities for both BRT staff and those in the informal transport industry working alongside BRT. There should be **separate toilets** for passengers and workers. The lack of safe access to decent toilets and other sanitation facilities has a substantial impact on the health and safety of men and women transport workers.

## KEY UNION DEMANDS FOR BRT SYSTEMS

- Consider calling for the inclusion of **informal vendors** in designing stations in such a way that includes well-ordered space for them to continue their livelihoods while improving their working conditions.
- Demand the employment of **on-board crew** in addition to drivers.
- Try to negotiate smaller vehicles running at higher frequency, which is good for passengers and for employment.
- Consider demands that ensure that there are members of **staff in each station** at all times, providing security and assistance to passengers and workers.
- Demand that the informal transport workers whose livelihoods may be at risk are prioritised for new job opportunities and training.
- Demand the promotion, training and retraining opportunities to **support women** of all ages into higher-paid work, such as in driving, supervisory and management positions, and working hours and shift patterns that accommodate a worker's family responsibilities, and address the safety risks of early and late shifts.
- Unions can demand **50/50 parity** for men and women in all staff positions, including driving and managerial roles.
- Unions could use the ITF/UITP agreement to put pressure on the BRT employer or funder to demand policies for **women's employment** and decent work benefiting both men and women workers.
- Unions representing informal workers may be faced with a difficult decision on who or what to support in bidding for a contract to **operate BRT**. There may be several choices.
- Demand compensation for informal workers whose livelihoods are affected. Demand alternative work and workplaces for those forced to relocate (eg service workers, stage workers). Ensure that relocation agreements cover jobs mostly done by women, such as vending, catering and ticketing, and not only for bus crews.

## KEY UNIONS DEMANDS FOR THE FORMALISATION OF INFORMAL TRANSPORT

- The reform and regulation of the target system towards a predictable living **wage** with **formal employment contracts, fixed hours** and access to **social protection**.
- Demand negotiations over the design and planning of **feeder** routes, interchanges between informal services and BRT, and bus lane alignment and intersection design (to minimise conflict with informal services).
- Unions could consider calling for new or strengthened regulation and enforcement to ensure transparency of **ownership** through vehicle licensing procedures, eg ban police and government officials and public servants from ownership or licence-holding of public transport vehicles; and ensure that the local or national government agencies responsible for the regulation of public transport have authority over traffic police.
- The implications of formalisation for **women** workers must be included in negotiations from the very beginning, and women union members should be included in the negotiating and bargaining teams.
- Unions should demand clear procedures and guidelines for reporting **violence and sexual harassment** against women, training for management and workers on preventing violence against women, and take practical measures to address violence at work (eg good lighting, radios, safe staffing levels).
- Unions could consider a range of demands to BRT planners and city authorities for the improvement of **health and safety** conditions for informal transport workers.
- Defend informal workers (eg mechanics, painters, vendors, shoe shiners) from threats to their **workplace** or negotiate with landowners or city authorities for formally recognised rights of access to suitable land or premises.
- Unions can argue for government investment in **fleet modernisation** with tighter regulations to ensure that owners take responsibility for the condition of their vehicles. Unions also need to demand negotiations over initiatives to modernise vehicle fleets, which often involves **compensation** for vehicles being phased out.
- Although in many countries the labour ministries are under-resourced, it is possible for unions to demand **labour inspections** of workplaces and hold owners to account.
- Unions could consider demanding new initiatives from government agencies (eg statistical services) to undertake regular **surveys** among the informal workforce to determine the size and characteristics of employment in the industry.

## APPENDICES

### APPENDIX 1.

#### SUMMARY OF ILO RECOMMENDATION 204

ACCORDING TO ILO RECOMMENDATION 204, GOVERNMENTS SHOULD:	
TRANSITION	Take urgent and appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of existing livelihoods ... and respecting workers' fundamental rights, and ensuring opportunities for income security, livelihoods and entrepreneurship during the transition.
TRADE UNION RIGHTS	Ensure that those in the informal economy enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.  <i>(This re-states that informal workers have the same fundamental rights as workers in the formal economy, covered by ILO conventions)</i>
RECOGNITION AND REPRESENTATION	In designing, implementing and evaluating policies and programmes of relevance to the informal economy, including its formalization, ... consult with and promote active participation of representatives of membership-based representative organizations of workers and economic units in the informal economy.
OCCUPATIONAL SAFETY AND HEALTH	Take immediate measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy; and promote and extend occupational safety and health protection to employers and workers in the informal economy.
SOCIAL PROTECTION	Extend, in law and practice, to all workers in the informal economy, social security, maternity protection, decent working conditions and a minimum wage.
GENDER EQUALITY	Encourage the provision of and access to affordable quality childcare and other care services in order to promote gender equality in entrepreneurship and employment opportunities and to enable the transition to the formal economy.



CORRUPTION	Take measures to promote anti-corruption efforts and good governance.
BIDDING FOR OPERATING CONTRACTS	<p>Promote access to public procurement ... through measures such as adapting procurement procedures and volumes, providing training and advice on participating in public tenders, and reserving quotas for these economic units.</p> <p><i>(This is an important clause in relation to the ability of informal workers to bid for BRT operating contracts)</i></p>
INFORMATION PROVISION	<p>Take measures to ensure the effective provision of information, assistance in complying with the relevant laws and regulations, and capacity building for relevant actors.</p> <p>In consultation with employers' and workers' organizations, on a regular basis collect, analyze and disseminate statistics disaggregated by sex, age, workplace, and other specific socio-economic characteristics on the size and composition of the informal economy, including the number of informal economic units, the number of workers employed and their sectors; and monitor and evaluate the progress towards formalization.</p>
WORKING SPACE	<p><i>Promote local development strategies, including regulated access for use of public space.</i></p> <p><i>(This is particularly important for stage workers and service workers, such as vendors and mechanics)</i></p>
COMPLAINT PROCEDURES	Put in place efficient and accessible complaint and appeal procedures.
HELP FROM THE ILO	Governments and employers' and workers' organizations may seek the assistance of the International Labour Office to strengthen the capacity of representative organizations of those in the informal economy.

## APPENDIX 2.

### ITF PEOPLE'S PUBLIC TRANSPORT POLICY

THE ITF'S OUR PUBLIC TRANSPORT PROGRAMME ADVOCATES A SOCIAL MODEL OF PUBLIC TRANSPORT. THIS INCLUDES SPECIFIC POLICY PROPOSALS<sup>39</sup>:

1. PUBLIC TRANSPORT SERVICES MUST BE PUBLICLY OWNED AND OPERATED
2. IMPROVE AND EXPAND INTEGRATED PUBLIC TRANSPORT AND PUBLIC TRANSPORT JOBS
3. GUARANTEE DEMOCRATIC ACCOUNTABILITY IN THE PLANNING, DEVELOPMENT AND FUTURE OF PUBLIC TRANSPORT
4. PRIORITISE INVESTMENT IN PUBLIC TRANSPORT
5. PROMOTE PUBLIC FINANCE MODELS
6. CONSIDER FARE-FREE PUBLIC TRANSPORT
7. INTEGRATE DECENT WORK AS A CENTRAL OBJECTIVE OF SUSTAINABLE TRANSPORT
8. CONNECT QUALITY JOBS FOR QUALITY SERVICES
9. REGULATE EMPLOYMENT IN INFORMAL PUBLIC TRANSPORT
10. INVOLVE INFORMAL WORKERS IN THE FORMALISATION OF PUBLIC TRANSPORT
11. STRENGTHEN WOMEN'S EMPLOYMENT AND PROMOTE DECENT WORK IN PUBLIC TRANSPORT
12. END VIOLENCE AGAINST WOMEN TRANSPORT WORKERS
13. INTRODUCE TECHNOLOGICAL CHANGE IN A WAY THAT ADVANCES GENDER EQUALITY
14. INVOLVE WOMEN WORKERS IN PUBLIC TRANSPORT DECISION-MAKING
15. PUBLIC OWNERSHIP OF DIGITAL INFRASTRUCTURE FOR THE COMMON GOOD
16. CONSULT AND NEGOTIATE TECHNOLOGICAL CHANGE
17. CONTROL OF BENCHMARKING, MONITORING AND SURVEILLANCE TECHNOLOGY
18. CONTROL THE USE OF ALGORITHMS AND DATA BANKS
19. REGULATE MOBILITY AS A SERVICE
20. REGULATE ON-DEMAND PLATFORMS AS PUBLIC TRANSPORT OPERATORS
21. FACILITATE JOB MOBILITY AND PROVIDE TRAINING FOR WORKERS
22. USE AND SHARE DATA FOR THE COMMON GOOD
23. REDUCE WORKING HOURS AS PRODUCTIVITY RISES
24. REGULATE REMOTE CONTROL AND TRIALS OF DRIVERLESS TECHNOLOGY
25. GUARANTEE A 'JUST TRANSITION' FOR TRANSPORT WORKERS
26. ADOPT A 'WHOLE ECONOMY' APPROACH TO REDUCE TRANSPORT EMISSIONS
27. SUPPORT THE ELECTRIFICATION OF PUBLIC TRANSPORT
28. CAMPAIGN FOR ENERGY DEMOCRACY AND TRANSPORT DEMOCRACY

## APPENDIX 3.

# KENYAN TRANSPORT WORKERS' UNIONS JOINT POSITION PAPER ON BRT

### ISSUE AND POSITION

Kenya is at an advanced stage of rolling out the implementation of the Bus Rapid Transit system, an ambitious project that is aimed at improving capacity and reliability of public transport as well as decongesting Nairobi city. Transport workers in Kenya are cognizant of the need for this intervention, however, the decisions and plans being put in place are deficient of the critical voice and contribution of the matatu work force, who are key stakeholders. Exclusion of the participation and contribution of the matatu workers voices in the design and initial planning of the BRT is a mistake in strategy and a flaw of Article 184(1) of the constitution: that states national legislation shall provide for the governance and management of urban areas and cities and shall, in particular— (c) provide for participation by residents in the governance of urban areas and cities, and Article 27: where the Constitution guarantees equality and non-discrimination. Hence, public participation should ensure equality and non-discrimination. It would be a fundamental mistake if the roll out and implementation of the BRT project also overlooks the significance of involving transport workers.

### DETAILED BACKGROUND INFORMATION

Nairobi's public transport system is almost entirely within the informal economy. This informality is to the extent that most of the workers employed in the matatu industry do not have formal contracts, therefore they do not enjoy statutory benefits that come with formal employment including NHIF and NSSF. These workers are in highly precarious employment. Most are wholly self-employed, or on hourly or daily informal 'contracts'.

A recent research revealed that only a tiny percentage (3.9 percent) has any form of written agreement or contract covering their employment.

Furthermore, the industry is organized in form of SACCOs, who ideally are regulated in accordance to the NTSA operating of PSV legal notice 219. However, in reality the SACCO's are not in control of the fleet registered under them. Individual owners have continued to be in control of their vehicles, and only use SACCOs for compliance with the law. There are an estimated 10,000 14, 25 and 33-seater matatu buses in the system (Envag Associates 2012), along with a growing number of boda-boda motorcycle taxis and tuk-tuk three-wheelers.

Matatu work conditions and environment in Kenya is harsh and deplorable. It is characterized by long working hours averaging at between thirteen (13) and fifteen (15) hours per day (Khayesi 1997). Matatu Workers do not have access to social amenities including toilets and safe drinking water. This is a right provided for in chapter four of the Kenya constitution, article 43 (1) a , b, d and e; that every person has the right-- to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; to reasonable standards of sanitation; to clean and safe water in adequate quantities; and to social security.

Unemployment remains a sensitive subject in Kenya today. There is a total of 175 SACCOs and 6,000 vehicles that will be impacted by the BRT project. It is estimated that 35,193 jobs are at risk, if all BRT systems were to become operational, not including line 5

(Outer Ring Road / East Nairobi). Of these, the on-board crews account for 18,400 anticipated jobs at risk. These represent not much more than half the total. Vendors, food vendors, loaders, stage attendants, and boda-boda riders based at matatu stages are particularly at risk. BRT operations will create 5,760 new jobs.

The workers in Matatu sector in Kenya face exclusion externally on matters of representation, this is evidenced by the observed lack of direct representation of the workers voices in the decision making processes and plans under the Nairobi Metropolitan Area Transport Authority (NAMATA Bus Rapid Transit (BRT) system is an integral and highly prioritized part of the MRTS, designed to improve capacity and reliability in Nairobi city and surrounding counties. The workers voices are not included, despite the fact that there are over 70,000 people employed by the sector in Nairobi and over 300,000 nationally (Eshiwani, 2016).

Similar BRT projects have been done in the world, and more so in sub-Saharan Africa. Kenya can learn from some of the success factors in Nigeria and South Africa. In 2008 an evaluation of the Lagos BRT system had identified critical success factors that included “work undertaken to engage key stakeholders and ensure that they benefit, and a community engagement program that has worked to assure Lagosians that the BRT lite system is a community project created, owned, and used by them” (Mobereola 2009). The 2016 World Bank Project Performance Assessment Report on the Lagos Urban Transport Project specifically emphasized the importance of engagement with the National Union of Road Transport Workers (NURTW)

In South Africa, the minibus ‘Kombi’ taxi industry had many characteristics in common with Nairobi’s matatus. From the Johannesburg BRT project, a critical lesson is drawn on the importance of having a joint position by the different transport workers unions for the BRT initiative to minimize

controversies and gain success. The Institute for Transportation and Development Policy (ITDP) notes that “as in many places around the world, informal networks of taxi or minibus drivers are the primary providers of public transport in Johannesburg, and transition to a formally run BRT system would mean massive change and was sure to be controversial”. The centre of controversy remains the question of ownership of the buses, distribution and management of routes and representation of different workers segments in the control and management of the BRT.

## **PROPOSED SOLUTIONS REGARDING THE ISSUES**

Priority must be given to inclusion and representation of workers voices in the BRT process, from design to implementation. NAMATA must be deliberate in ensuring that within the structures of decision making, planning and implementation of the Nairobi BRT, the voices of transport workers are directly represented and heard. This will ensure that the underlying issues facing the transport sector as it were are contextually understood and proper and all-inclusive strategies put in place.

BRT operating companies must be compelled to give first consideration for employment to the over 35,000 workers whose jobs are at risk. For this to be realized, there needs to be transparency in the recruitment process, openness in information sharing of the number of jobs available, the number of employees required and the qualifications and other compliance requirements. This will give the current workers opportunity to adequately prepare to compete for these positions.

To secure these employment opportunities for the current workers, a program for retraining and capacity development of the workers is critical. The workers who are at risk of losing their jobs as a result of qualification and other requirements that may come with the BRT companies deserve the opportunity to be well

prepared to keep their source of livelihood in an indiscriminate and considerate manner. We propose a capacity development program be undertaken to prepare all workers to adapt to the changes and shocks that will come with the BRT

There should be a robust formalization and integration of the matatu industry, to complement the BRT system effectively and efficiently. The level of organization and support given by the government to the BRT operating companies should also be accorded to the matatu sector, so as to harmonize the growth and development of the public transport sector

NAMATA must in the same measure given to the BRT, ensure that the infrastructure development puts in consideration the upgrading and standardization of the link roads to the level of the BRT service delivery status. This includes organized stages, social amenities, well maintained roads, and security

**References:**

- i. **The Kenyan Constitution 2010**
- ii. **Nairobi Bus Rapid Transit Labour Impact Assessment Research Report 2019**

**March 2019**

## APPENDIX 4.

# ITF 2018 CONGRESS RESOLUTION: ORGANISING INFORMAL TRANSPORT WORKERS

### THE 44TH CONGRESS OF THE ITF, MEETING IN SINGAPORE FROM 14-20 OCTOBER 2018:

1. Notes the 43rd Congress statement that organising informal transport workers presents a “major challenge” and proposal to “implement a specific programme to train unions in methodologies for organising workers in informal transport operations”.
2. Notes the very positive achievements of the ITF’s Informal Transport Organising Project and the success of the ‘mentor union’ model of organising and congratulates the five mentor unions who led the project: ATGWU (Uganda), NCTU (Philippines), NETWON & ITWAN (Nepal), SNTT (Colombia) and SYNATRA (Niger).
3. Notes the success of affiliates in building mass membership of informal transport workers during the project, including:
  - More than 100,000 informal transport workers newly organised within ITF-affiliated unions across all unions participating in project activities.
  - Launch of three new unions representing informal transport workers.
  - Women leaders elected to represent informal women workers on national transport union committees in six countries.
  - More than 300 percent increase in trade union membership of women working in the informal transport economy across six countries.
- New constitutions and/or procedures inclusive of informal workers adopted by unions in six countries.
- New organising strategies specifically directed to informal workers adopted by 15 unions in nine countries.
- New Collective Bargaining agreements covering informal transport workers in six countries.
- Major victories against police harassment of informal transport workers.
4. Supports the demands of the Informal Transport Workers’ Charter, as adopted by the 16 ITF affiliated unions participating in the project evaluation workshop held 28 July 2016 in Kampala, Uganda.
5. Notes the importance of organised informal transport workers in the success of the Our Public Transport campaign, particularly in the introduction of Bus Rapid Transit systems in Africa.
6. Notes the impact of automation and digitalisation on the growth of informal and precarious work in the transport sector, and the opportunities to learn from informal workers’ organising strategies and skills in organising workers in the ‘platform’ economy in transport.
7. Notes the essential importance of union sustainability and self-reliance through the regular, efficient and accountable collection and administration of union dues.

**8.** Calls on the ITF to:

- Develop a long-term programme of support for union organisation among informal transport workers, building on the experience of the mentor unions and extending activities to include other countries and regions.
- Extend the ‘Visibility of Women’ component of the informal workers’ organising programme to strengthen informal women workers’ opportunities for more skilled and secure employment in transport, informal women’s representation and leadership, and initiatives to address violence and harassment against women in the informal transport workplace.
- Strengthen cooperation between and within unions representing informal and formal economy workers, particularly those organising in the context of digitalisation and automation.
- Recognise that road and urban transport have been the focus of informal organising so far and extend support to include informal workers from other transport sectors and their supply chains, notably in docks, railways, logistics, fisheries, and tourism.
- Support innovation in the collection, security and administration of membership dues to strengthen the sustainability of unions with mass membership among informal workers, including the use of mobile banking applications and membership administration software and training (the ‘Sustainable Unions Project’).
- Ensure that informal transport workers’ representatives are fully included in the ITF’s policy development and representation at a regional and global level with the key institutions concerned, including the World Bank, ILO, UNDP etc.

**Submitted by:**

- **Nepal Yatayat Mazdoor Sangh (NETWON), Nepal**
- **Independent Transport Workers Association of Nepal (ITWAN), Nepal**
- **Amalgamated Transport & General Workers Union (ATGWU), Uganda**
- **Public Transport Operators Union (PUTON), Kenya**
- **Matatu Workers Union (MWU), Kenya**
- **National Confederation of Transport Unions (NCTU), Philippines**
- **Shivsangram Taxi & Rickshaw Union (STRU), India**
- **Auto, Taxi, Private Transport Workers HMS Federation (ATPSTW HMS), India**

## APPENDIX 5.

### ITF INFORMAL TRANSPORT WORKERS CHARTER

In many parts of the world, transport – particularly urban passenger transport – is largely in the informal economy. The informal transport industry provides a meagre livelihood for millions of us yet denies us our basic rights and respect. We provide essential services to society and the economy, yet we are largely invisible to lawmakers, policymakers and city planners. We therefore demand:

#### RESPECT FOR OUR BASIC RIGHTS

1. Respect workers' fundamental rights – informal workers are workers too! Implement ILO Recommendation 204: concerning the transition from the informal to the formal economy
2. Revision of labour and employment laws to ensure that all workers, irrespective of employment relationships, have equal rights under the law

#### TRADE UNIONS, COLLECTIVE BARGAINING & CONSULTATION

3. the right to be a member of a trade union of our choice, with equal democratic rights and benefits as members in formal employment
4. the right to collective bargaining and consultation with national and municipal governments and related agencies on all issues and policies affecting transport workers
5. the right of informal transport workers to represent themselves to the relevant authorities through their unions and democratic associations, rather than others making representation on their behalf

6. access to financial support for informal transport workers to assist transition to improved transport systems and vehicle fleets
7. specifically, the right to collective bargaining and consultation on the introduction of Bus Rapid Transport (BRT) systems, anti-congestion measures, re-routing and fleet modernisation, to ensure:
  - a) formalisation of informal employment without loss of livelihoods
  - b) public (state or cooperative) ownership and accountability of BRT operating companies and franchises
  - c) democratic oversight of BRT planning processes
  - d) compensation to owners in compulsory vehicle phase-outs
  - e) affordability of transport for low-income passengers

#### RECOGNITION OF ALL WORKERS IN TRANSPORT ECONOMY

8. recognition of the wide spectrum of occupations and trades undertaken by large numbers of informal workers whose livelihoods depend on the transport industry and transport workplaces

#### RIGHTS OF WOMEN

9. recognition of the rights and livelihoods of women workers in the informal transport industry, including:



- a) an end to violence and sexual harassment against women
- b) an end to employment discrimination, and equal opportunities for training, skills development and access to higher-paid transport occupations
- c) adequate rest, sanitation and personal security facilities for women in transport workplaces
- d) affordable quality childcare and other care services
- e) equal pay for women and men
- f) access to free or affordable sexual reproductive services

### **HEALTH & SAFETY IN THE INFORMAL TRANSPORT ECONOMY**

- 1. the right to a safe and healthy working environment, including
  - a) enforced limits on working hours
  - b) enforced legal responsibilities of vehicle-owners in the maintenance and safe operation of their vehicles and the provision of adequate insurance to protect drivers in the event of accident, theft or disaster
  - c) adequate parking, rest areas, sanitation, shelter, lighting, and food preparation facilities in transport workplaces
  - d) provision of adequate protective clothing and uniforms
  - e) reduction in emissions harmful to vehicle operators, passengers and the environment
  - f) repair and upkeep of roads, including safety infrastructure

### **ACCESS TO SOCIAL PROTECTION**

- 2. the right to social security, health care, maternity protection, decent working conditions and a minimum wage
- 3. extend the coverage of social insurance to those in the informal economy and adapt administrative procedures, benefits and contributions, taking into account their ability to pay

### **END TO HARASSMENT, EXPLOITATION AND CORRUPTION**

- 4. the end to arbitrary harassment and extortion from police, military, border officials and other authorities, and protection from organised crime
- 5. legally enforced elimination of exploitative disguised-employment practices by vehicle owners, such as high day-rate rental charges to drivers and operators, resulting in excessive working hours and dangerous driving conditions
- 6. rises in tariffs and fares to compensate for rises in fuel prices
- 7. protection from exploitation of vulnerable people in transport workplaces, including women, children and people with disabilities

### **INTERNATIONAL RECOGNITION**

- 8. recognition of the ITF by international, regional and sub-regional inter-governmental institutions with responsibility for transport infrastructure development and regulation as internationally representative of informal transport workers, and the establishment of appropriate collective bargaining and consultation procedures.



## APPENDIX 6.

# ITF / UITP POSITIVE EMPLOYER GENDER POLICY

## JOINT RECOMMENDATIONS

### STRENGTHENING WOMEN'S EMPLOYMENT AND EQUAL OPPORTUNITIES IN URBAN PUBLIC TRANSPORT

#### INTRODUCTION

Women are central to urban public transport – as the majority of passengers and as workers in public transport. However, public transport remains a male-dominated sector, both from an employment point of view and also from the values that are embedded in its structure and provision. This can be evident in various ways including, for example, pricing structure and route planning.

There is growing evidence that women's employment is key to improving working conditions for everyone; when we remove barriers for women entering the industry and address health and safety concerns for women, for example by ensuring decent access to sanitation facilities, the situation is improved for all workers.

Nevertheless, there is a real under-representation of women in the transport industry. Globally women represent less than 15% of the public transport workforce, making the sector highly male-dominated, while the majority of passengers are women. This does not include informal transport workers, which can represent a significant portion of employment in the transport sector in some cities. While women are under-represented in the transport workforce as a whole, they are hugely over-represented in precarious and informal work in the transport industry.

For women working in public transport, there are a number of issues. We know that these issues – in particular sexual harassment and violence – can limit the attraction of jobs in the transport sector for women and break the retention of those who are employed in the transport sector, as well as undermining a positive working environment for all. This link was acknowledged in the ILO transport policy brief in 2013.

For these reasons the international social partners ITF and UITP have decided to join forces to contribute to reverse the trend and accelerate progress toward women's equality, gender balance, dignity and respect at all levels. Within this objective, ITF and UITP have developed a set of recommendations to encourage and support employers and trade unions to strengthen women's employment and equal opportunities, and promote decent work in the urban public transport sector worldwide. These recommendations are set out below and form the joint ITF – UITP positive employer policy on women's employment.

In developing these recommendations, the international social partners also acknowledge the WISE project by the European social partners that identified recruitment, working culture, health and safety, qualifications and training, wage equality and work-life balance as highly important for women's employment in the urban public transport sector. The ILO has also developed a framework 'Women's career cycle in the transport sector' (ILO, 2013).

As stated in the ITF/UITP Memorandum of Understanding, ITF and UITP are committed internationally to promote trade union recognition and the collective bargaining process in each country. We recognise that for women workers to achieve the rights outlined in this policy, effective trade union representation and collective bargaining is required.

ITF and UITP agree that strengthening women's employment and equal opportunities, and promoting decent work benefits the whole sector – employers, workers and passengers, men and women and government.

- Gender diversity brings innovation and different skill sets to the industry and workplace;
- Improving working conditions for women, improves conditions for all workers;
- The demographic change in some regions of the world means there is an ageing workforce and subsequent labour shortages;
- It is a matter of equal opportunities: an inclusive workforce means public transport is seen as a positive choice of employer;
- Gender diversity improves the functioning and efficiency of the service for passengers by better representing the diversity of the different categories of passengers;
- Employing more women results in safer public transport for women workers and passengers; and
- Access to jobs in the transport sector allows women to move out of poverty into productive work – to provide for their families, and communities and to contribute to the economic viability of their countries;

While this is important, we cannot solely make a business case for gender equality in the labour market. This is fundamentally a social justice, labour and human rights issue. By strengthening women's employment in urban public transport and promoting decent work, the industry will also be contributing to delivering the UN Sustainable Development Goals.

In order to create a public transport system that is safe, accessible and equitable, we need to ensure that women's voices – workers and passengers – are present during

the planning, policy-making, research, development and operation of our systems. This requires taking meaningful action to increase women's participation in this industry at all levels.

The main barriers for women's participation in the urban public transport sector can be grouped as follows, however it is important to note that these barriers are not separate issues and many have the same root cause:

- 1.** Education, training and access to information: women may not be encouraged to access personal, educational or professional experiences that would give them the necessary access and/or skills for an apprenticeship or non-traditional occupation. Women may have limited access to information about the different industry jobs that are available or may not perceive that they have the necessary skills, and as such do not see a role for themselves in the industry. Options or access to re-training may also be limited, due, for example, to sex discrimination – whether direct or indirect.
- 2.** Work organisation: (rolling) shift work, early morning / late night working hours, split shifts, weekend work – combined with a lack of safe transportation to and from work; isolation on the job; lack of consideration of work-life balance or reconciliation of work and private life requirements such as family/care work responsibilities.
- 3.** Work environment: lack of workplace and policy adjustments; lack of facilities (including toilets); inappropriate uniforms.
- 4.** Gender stereotyping and sex discrimination: gender-based occupational segregation is under-pinned by the myth that women are unable or physically unfit to perform certain duties, tasks or roles, and women and men are better suited to certain jobs. It is entrenched in different aspects of recruitment practices, the work environment and structure.

**5.** Violence and harassment against women: Urban public transport workers are exposed to physical and non-physical violence because of the jobs they do. Both women and men can be vulnerable, nevertheless women are likely to be more vulnerable in additional ways.

Women can sometimes disproportionately experience a negative impact on their working conditions, employment status and career opportunities when outsourcing occurs, as gender responsive workplace measures and policies are not always extended to outsourced companies. These industry developments should also be taken into account so that terms that address decent work and labour rights, in particular gender equality measures, are considered in contracts between transport providers, operating companies and sub-contractors.

**ITF AND UITP AGREE THAT IMPROVING AND SUSTAINING REPRESENTATION AND INTEGRATION OF WOMEN AT ALL LEVELS IN THE URBAN PUBLIC TRANSPORT SECTOR AND ITS EMPLOYERS, REQUIRES A PACKAGE OF ACTIVITIES AND MEASURES.**

Governments, employers and trade unions must play a pro-active role in increasing women's overall access to traditionally male-dominated transport jobs, but also in ensuring women have access to leadership roles. There is also a role for international financial institutions to ensure that transport projects actively address gender inequalities, occupational segregation and access to work.

This needs to go beyond simply setting recruitment targets, but also examining corporate policies, culture and leverage opportunities to identify how everything from wages to working conditions and access to all jobs, training and promotion can be improved for women. Any policy measures should include a holistic approach in order to change perceptions and attitudes, as well as provisions for monitoring, enforcement and

necessary amendments. Women should be involved in all aspects.

With this in mind, ITF and UITP believe that a strong policy on women's employment must address all elements of the ILO framework – 'Women's career cycle in the transport sector' (ILO, 2013). These include attraction, recruitment and selection, retention, career interruption, re-entry, and realisation of decent work.

And as part of our approach, and recognising that technology presents many opportunities, we must also consider the potential inequalities that may arise from the introduction of new technology in urban public transport, without significant policy intervention that ensures women's participation in the sector increases and does not further exacerbate gender-based occupational segregation.

Finally, ITF and UITP agree that these policy measures should be developed in cooperation with trade unions, including women union representatives and leaders. The fundamental principles of freedom of association and social dialogue should also be recognised and promoted in order to ensure decent work.

**ITF and UITP have identified nine key elements for a strong policy on women's employment and for each of those we have agreed some core recommendations:**

## **1. WORKING CULTURE AND GENDER STEREOTYPES**

While in some countries, it is very normal and generally accepted for women to work in driving positions in public transport, in many countries this is not the case. Working culture and gender stereotypes can create a significant barrier preventing employment of women in the sector, as well as deterring women from wanting to apply to work in the sector, and may be deeply entrenched in multiple different aspects of employment.

This can include:

- attitudes within the workplace or sector
- lack of awareness of available job or career opportunities
- lack of opportunities to develop the appropriate skills to work in the sector, (in particular for driving, technical roles or other roles traditionally dominated by men); and
- the expectation or need to balance work life and family responsibilities, including the lack of appropriate workplace policies to enable integration of family and caring responsibilities for all workers.

To address this, steps should be implemented to challenge established perceptions of transport work, and in particular the narrative surrounding ‘women’s work’ versus ‘men’s work’ in the workplace, and in society more broadly and culturally. Positive promotion of the sector and the important role it plays in society – including branding and advertising that appeals to women, such as the inclusion of images of women workers in workplace literature and use of women role models in jobs traditionally held by men – are important tools as part of this.

The gender diversity of transport workplaces should be increased by proactively addressing gender occupational segregation through, for example affirmative action policies and ratios/targets for particular occupations like driving.

Workplace training and awareness activities on equality and diversity for workers, managers and supervisors at all levels, will help to identify potential measures to address the attitudes and gender stereotypes that may be deeply entrenched in the sector as a whole, and within specific urban public transport workplaces.

## 2. RECRUITMENT

Companies need a recruitment policy with strategies that directly target recruitment of women, and which enable those involved in the recruitment process to ensure that processes are non-discriminatory and do not include conditions for employment linked, for example, to pregnancy, maternity, age, marital status or appearance. Proactive steps relating to recruitment may include the following initiatives:

- Non-discriminatory recruitment and selection processes that are fair to women (e.g. neutral job descriptions that do not reinforce stereotypes and recognise transferable skills);
- Public campaigns, education and awareness activities targeting women’s employment;
- Women-only recruitment days (e.g. to address misconceptions around work in the sector);
- Partnerships with employment agencies and programmes that target women (including women who are returning to the sector);
- Broadening of outreach (e.g. with NGOs, industry councils, schools) – to include positive promotion of the transport industry and the important role of urban transport in society;
- Consideration of quotas and targets to ensure women’s employment, including in contracts for sub-contracted work;
- Interview panels that include women, gender-neutral interview questions and selection, and training on unconscious bias; and
- Exit interviews when women workers leave the company so that patterns of gender inequality can be identified and improvements can be made.

### 3. WORK ENVIRONMENT AND DESIGN

Positive strategies to actively recruit women can make some impact, but it will also be important to address other issues and challenges preventing women from wanting to work in the sector (either applying for jobs or staying in the industry).

One aspect of this is making sure that the work environment and design reflect women's needs. Often, since the transport industry is male-dominated, little attention has been paid to the needs of women workers in terms of uniforms and the ergonomics of the vehicle they are expected to drive or work in. Women still have to deal with uniforms that are designed only with men's bodies in mind, which impacts on safety and dignity, and perpetuates a preference for men workers.

Examples of initiatives linked to work environment and design include:

- Provision of appropriate and proper fitting uniforms for women transport workers in different roles and for pregnant women;
- Establishment of joint union and company uniform committees with women's representation in order to test uniforms and make input to their design;
- Provision of proper fitting PPE – personal protective equipment (e.g. safety jackets, safety head gear);
- Provision of suitable tools and equipment that accommodate women's needs;
- Provision of adjustable work stations;
- Utilisation of body mapping to assess work environments and propose suitable changes;
- Visible displays that outline an employer's commitment to zero tolerance to violence from workers, managers, authorities and customers.

### 4. FACILITIES

Lack of safe access to decent toilets and other sanitation facilities can have a substantial impact on the health and safety of men and women transport workers.

Inadequate or a complete lack of facilities takes away a workers' dignity at work. Not having access to toilet facilities can cause a range of health problems, including serious life-long issues. And if there is no provision of separate facilities for women, this sends a clear message about how women are seen in the industry. Furthermore, a lack of toilet breaks and in particular regular scheduled breaks, which can be particularly important for women workers, compounds the problem.

It is therefore important that suitable and sufficient toilet facilities are provided for men and women at fixed workplaces but also on route (working with municipalities as appropriate), as well as provision of sanitary facilities, appropriate separate changing rooms, toilets and, where necessary, separate sleeping areas, break rooms and canteens.

Facilities should be clean, affordable, safe, accessible (e.g. during a shift change) and not open to the public. Separate facilities should be incorporated for women workers and workers should be involved in the design of these spaces to ensure they accommodate their needs. Regular scheduled toilet breaks should also be incorporated.

### 5. HEALTH AND SAFETY AT WORK

Decent work also means safe employment. There are gender-specific health and safety issues for women public transport workers including gender-based violence at work. Taking action to address these issues will mean better protection for women and men transport workers, as well as for the safety of the traveling public.

When we act to prevent and respond to violence against women at work, we give women's access to decent work a huge

boost. Ensuring that all workers are properly protected through collective agreements, prevention measures, legislation and policy with measures for education and training, and mechanisms for investigation and responding to complaints, is critical if we are to broaden women's recruitment, retention and participation in this industry.

Examples of initiatives include:

- Clear process and guidelines for reporting violence against women;
- Training on violence against women for workers and management;
- Implementation of practical measures to address violence at work (e.g. good lighting, radios, safe staffing levels);
- Implementation of women's advocacy programmes in workplaces;
- Consideration of safety when travelling to/from work and appropriate measures in place;
- Implementation of risk assessments for pregnant women and suitable alternative duties during pregnancy.

## 6. WORK-LIFE BALANCE

Long working hours and shift work can have an effect on workers' health and safety. But working patterns can also be problematic as awkward shift patterns raise challenges in relation to caring responsibilities.

Implementation of policies and facilities that allow integration of family and caring responsibilities for all workers – men and women – are therefore important. These can include negotiation of maternity-related provisions and other family-related rights such as paternity, parental leave, carers' leave, as well as provision of affordable childcare facilities.

Options for flexible working arrangements – for example, shift work, job share, part-time work, or reduced hours, should also be in

place to have choices regarding how work is organised. And equal rights status should be afforded for all. In terms of re-entry to the workforce, career break policies should be in place.

## 7. QUALIFICATIONS, TRAINING AND CAREER OPPORTUNITIES

Training and re-training is important as part of improving women's equal access to the industry, to provide them with the appropriate vocational skills to undertake different roles in the industry, but also to progress within the sector. Opportunities for training to support women of all ages when transport infrastructure is introduced or upgraded, or jobs are changed as a result of new technology, are essential to ensure that women stay in the sector. When developing and implementing training initiatives, employers should ensure women workers are represented so that training is gender balanced.

Education and training for workers at all levels (e.g. workers, managers and supervisors) and for both men and women, on equality, diversity, fundamental rights, women's health and safety, violence and sexual harassment at the workplace, is also important for women to stay in the industry.

Examples of initiatives linked to qualifications, training and career opportunities include:

- Skills development and technical training to facilitate industry entry and progression – for example, paid apprenticeships, on the job training, 'positive action training';
- Support for women's leadership and women's access to higher-paid roles in transport;
- Consideration of 'just transition' to support women transport workers and potential women transport workers of all ages – for example, in response to changes linked to automation and digitalisation, and support

for transition from informal to formal work for women workers;

- Introduction of coaching and mentoring or 'buddy' systems to complement formal training and re-training and ensure better access for women to leadership roles; and
- Retention of seniority or status (for example, following a career break);
- Unconscious bias awareness training for senior management

There should be equal access to training and validation of skills. Training content, training methods and the timing and location of training courses should also take into consideration the needs of women workers.

## **8. WAGE EQUALITY AND TERMS AND CONDITIONS OF EMPLOYMENT**

Our core recommendations on wage equality and terms and conditions of employment include:

- Equal pay for work of equal value;
- Fair assessment of work and equal pay audits; and
- Access to social security, maternity benefits, pensions;

## **9. CORPORATE POLICY**

On their own, implementation of different measures and targets is not enough. Monitoring and enforcement is also needed to ensure that policies are effectively implemented. For example:

- Written employment policies made widely available;
- Regular data reporting and planning;
- Equality audits and analysis of pay and conditions, and development of policies to address any gaps;
- Inclusion of effective and accessible grievance mechanisms; and
- Inclusion of a whistle blower policy.

As part of this it is vital that women are directly involved in the decision-making and monitoring.

### **FOLLOW-UP**

The international urban public transport social partners will promote these joint recommendations and identify employers and unions willing to implement the initiative as an example of good practice. As part of this process, the ITF and UITP will establish mechanisms to monitor and evaluate implementation of the policy and address any issues.



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