

Bd/K/EP

Bundesverband der
Kurier-Express-Post-Dienste e.V.



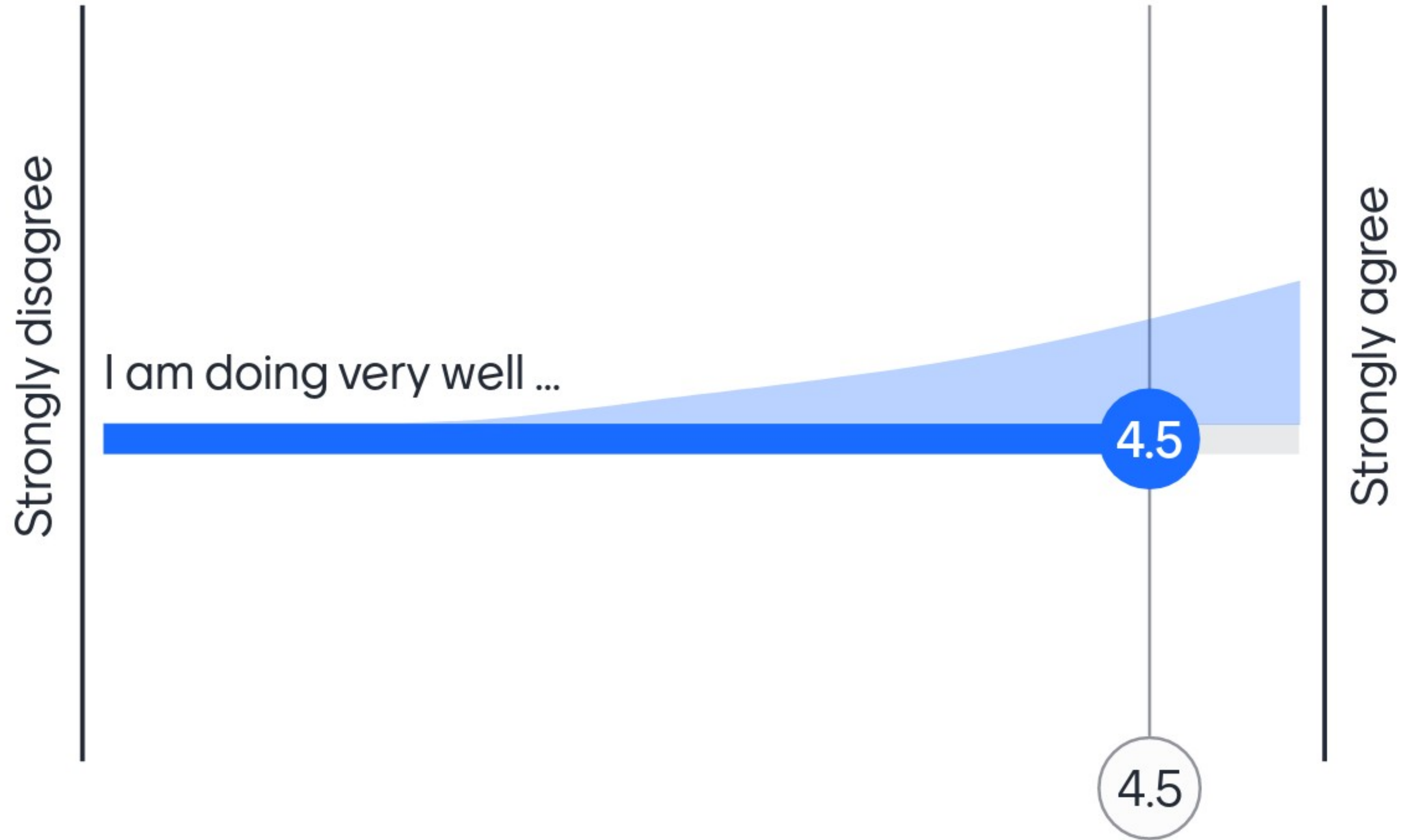
Challenges for regulating working conditions in the German parcel market

Andreas Schumann, 20th Königswinter Postal Seminar, 14.11.23

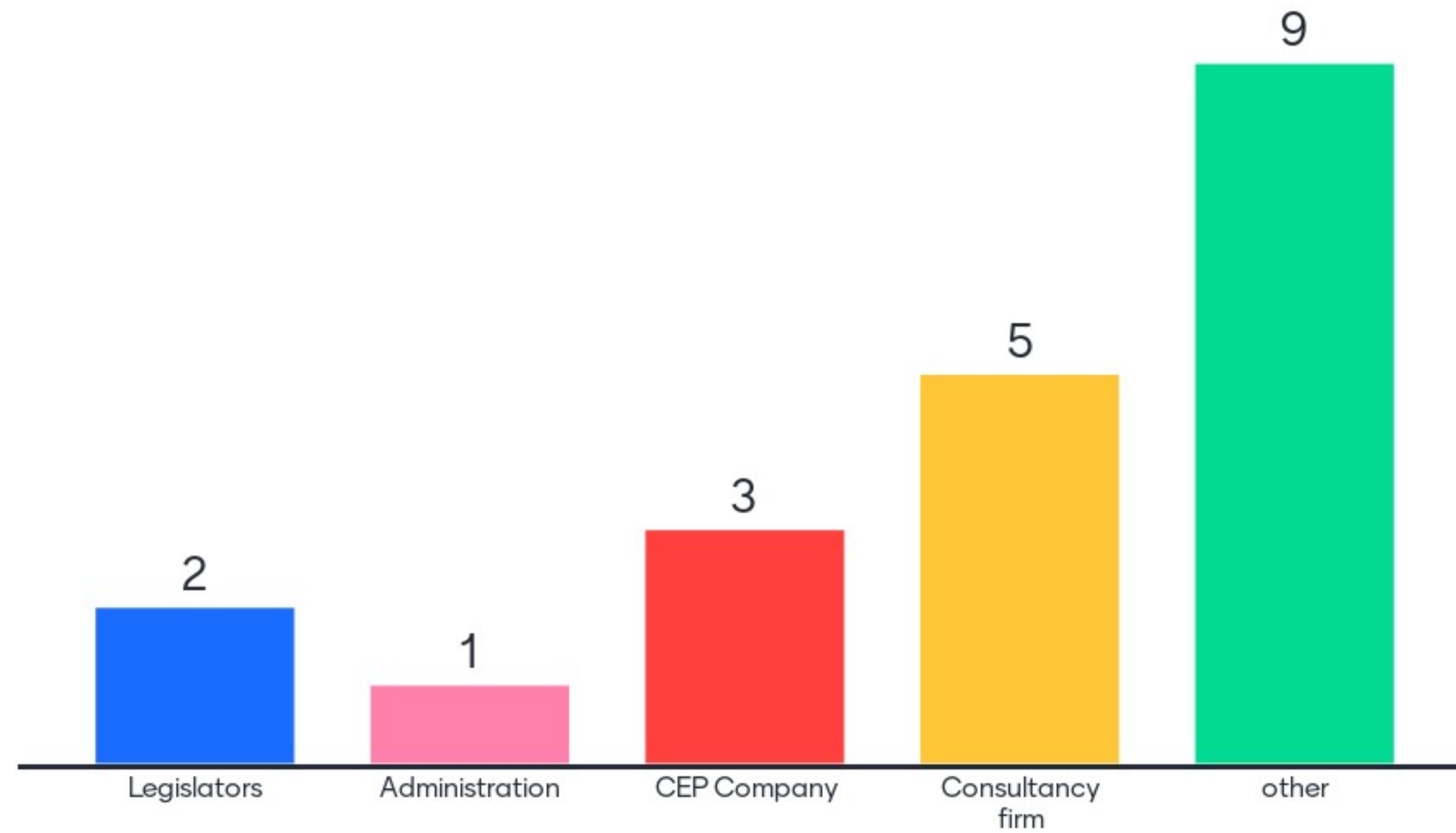


Instructions

How are you feeling right now?



Which group would you categorise yourself in?



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Challenges for regulating working conditions in the German parcel market

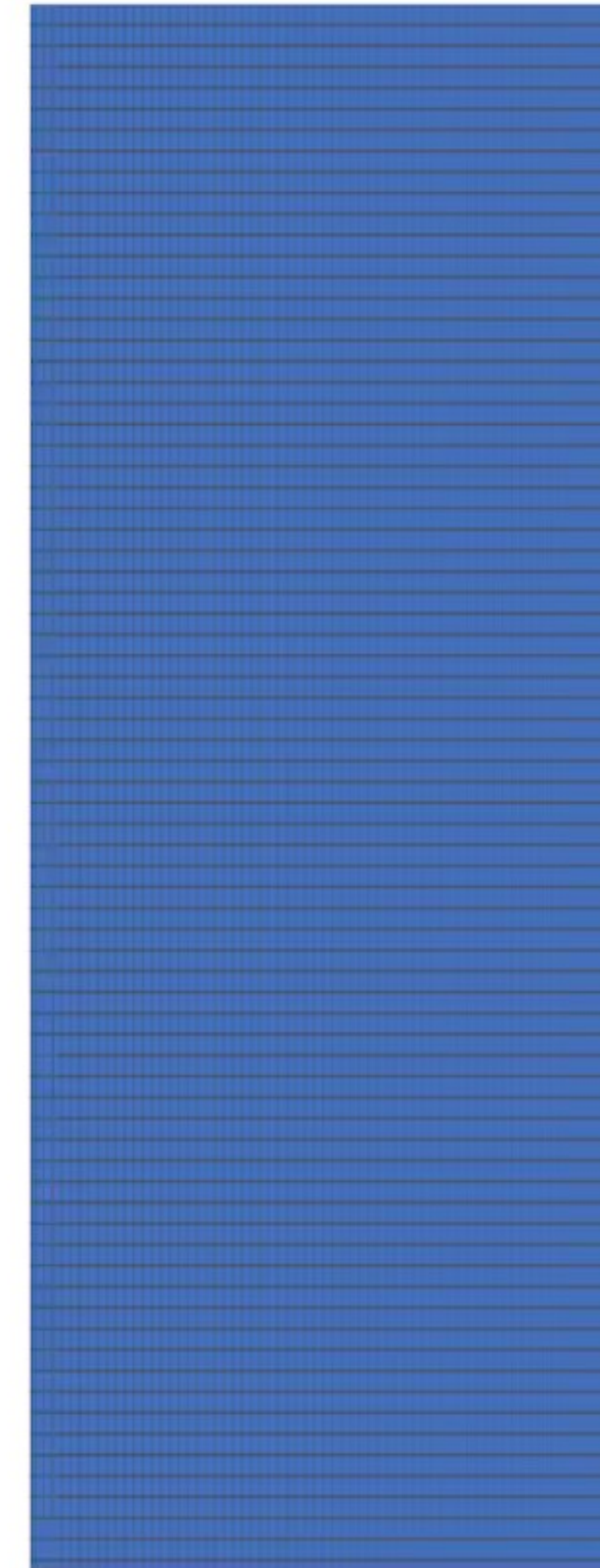
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Market shares throughout the CEP-Market



24 companies (80 % revenue)



12.000 SME (companies 20 % revenue)



Critical topics

- Illegal employment
- Misuse of social benefits
- Undeclared work
- Violations of minimum wage law
- Working time violation
- false self-employment
- Unauthorised temporary employment
- Violations of employment protection
- low-wage sector
- lack of collective bargaining
- lack of works councils
- Self-employed bogus self-employment / temporary employment
- reduce Subcontractors, subcontracting chains
- reduce inferior forms of employment

Critical topics

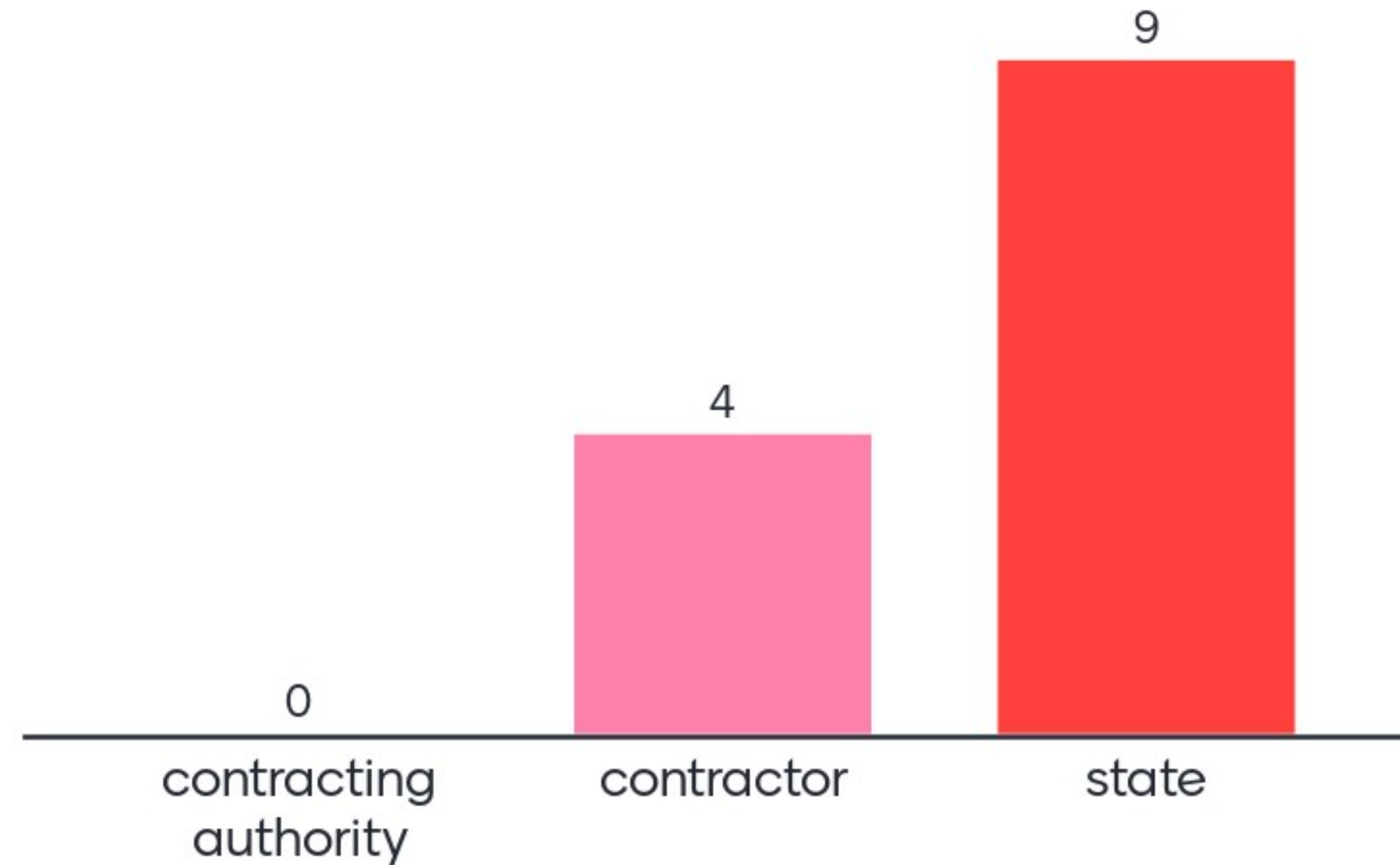
Violations

- Illegal employment
- Misuse of social benefits
- Undeclared work
- Violations of minimum wage law
- Working time violation
- false self-employment
- Unauthorised temporary employment
- Violations of employment protection

Desirable

- low-wage sector
- lack of collective bargaining
- lack of works councils
- Self-employed bogus self-employment / temporary employment
- reduce Subcontractors, subcontracting chains
- reduce inferior forms of employment

Which parties are responsible for the deficiencies in the market or should correct them?



Results of the customs audits

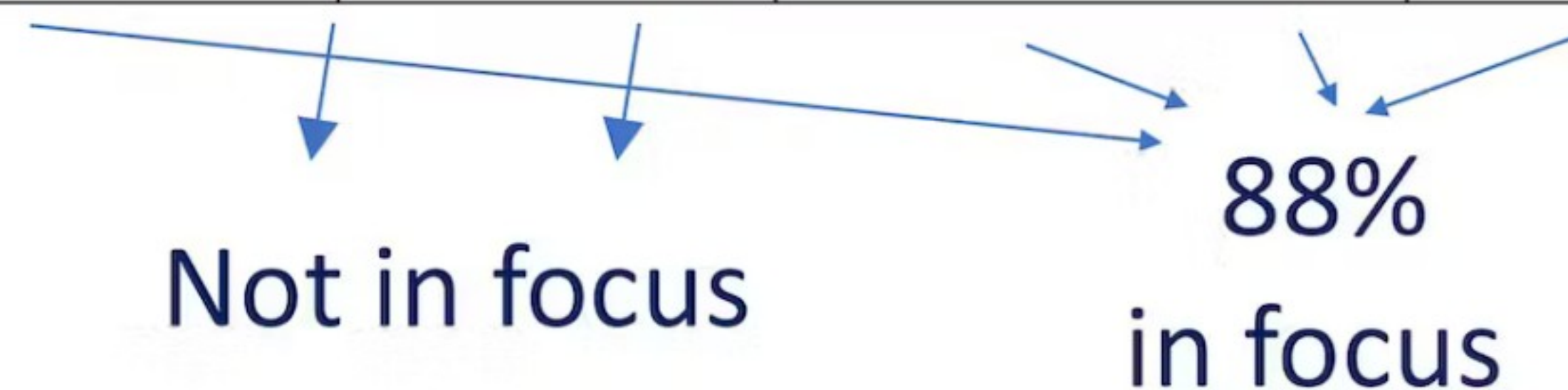
	minimum wages offences	Lack of work permit	false self-employment	Withheld social security contributions	Immediate obligation to report social insurance	undeclared work
Dortmund gesamt	26	4		25		
Münster		6				
Erfurt	12	1		4		
Köln	23				11	
Gießen		3				
Kiel	1	1				
Stralsund	18			3		
Braunschweig	4	2	2	11		
Darmstadt	5					
Düsseldorf	24		9	33		
Augsburg		3				
Bielefeld	12			3	12	
Duisburg	5					
Franfurt Main				21		
Itzehoe	6			1		
Landshut	5					
Osnabrück	1	2			15	
Potsdam	12	1	5		14	
Saarbrücken	6	2			15	26
Schweinfurt	3	7			12	
gesamt gemäß Filter	163	32	16	101	79	26

Results of the customs audits

447 negative control results for 5000 controls = 9%

of these

	minimum wages offences	Lack of work permit	false self-employment	Withheld social security contributions	Immediate obligation to report	undeclared work
gesamt gemäß Filter	163	32	16	101	79	26
	39%	8%	4%	24%	19%	6%



WORKING PAPER

Das HSI ist ein Institut
der Hans-Böckler-Stiftung

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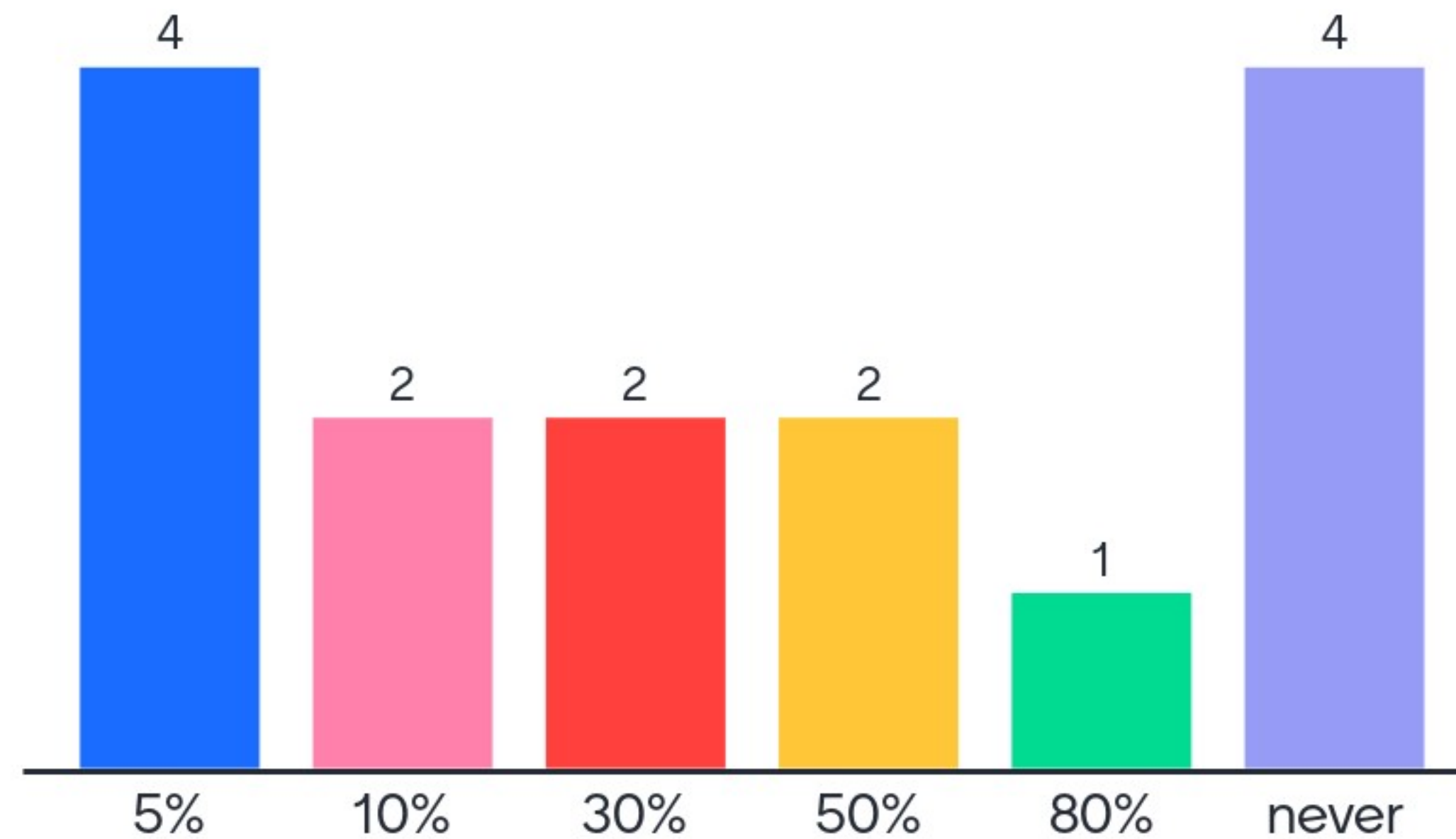
COMPATIBILITY OF A DIRECT HIRING
REQUIREMENT IN THE DELIVERY OF
PARCELS WITH CONSTITUTIONAL
AND UNION LAW

**VEREINBARKEIT EINES
DIREKTANSTELLUNGSGEBOTS
IN DER PAKETZUSTELLUNG MIT DEM
VERFASSUNGS- UND UNIONSRECHT**

Dipl. Jur. Anneliese Kärcher
Prof. Dr. Manfred Walser, LL.M.



At what rate of established violations should a ban on the use of subcontractors be discussed as a possible solution?



map of the laws

Postal Act

licence or notification obligations

parcel deliverers protection act

EU Mobility Package II

Working time recording

Undeclared Labour Act

Working Hours Act Supply Chain Due Diligence Act (LKSG)

EU-Minimum Wage Directive Minimum Wage Act

Whistleblower Protection Directive Works Constitution Act

Collective Labour Agreement Law

Critical topics | update existing regulations

Violations

- Illegal employment (not in focus)
- false self-employment (not in focus)
- Misuse of social benefits
- Undeclared work
- Violations of minimum wage law
- Working time violation
- Unauthorised temporary employment
- Violations of employment protection

- Working time recording - see EU Mobility Package II
- LKSG - implementation of human rights due diligence obligations
- Act to Combat Undeclared Labour - establishing cooperation with customs following detected violations
- Further development of licence and notification obligations - Parcel Carrier Protection Act - Prequalification - with a focus on critical topics

types of regulation

unregulated
market

voluntary
commitments

regulated
self-regulation

state
regulation

rules

prohibition



results - Blacklist



Cooperation with customs



Documents, Suspected cases

Define test criteria – prequalification & certification

- ✓ Ensure billing of all hours
- ✓ Implementation of immediate social insurance notification
- ✓ Risk assessment, company doctor
- ✓



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Fair CEP compliance label voluntary (as in the UK)

- Regular proof of implementation of legal requirements via audits e.g. voluntary use of digital tachograph for time recording
- Monthly data audit incl. traffic light system

Advantages for honest companies

less controls



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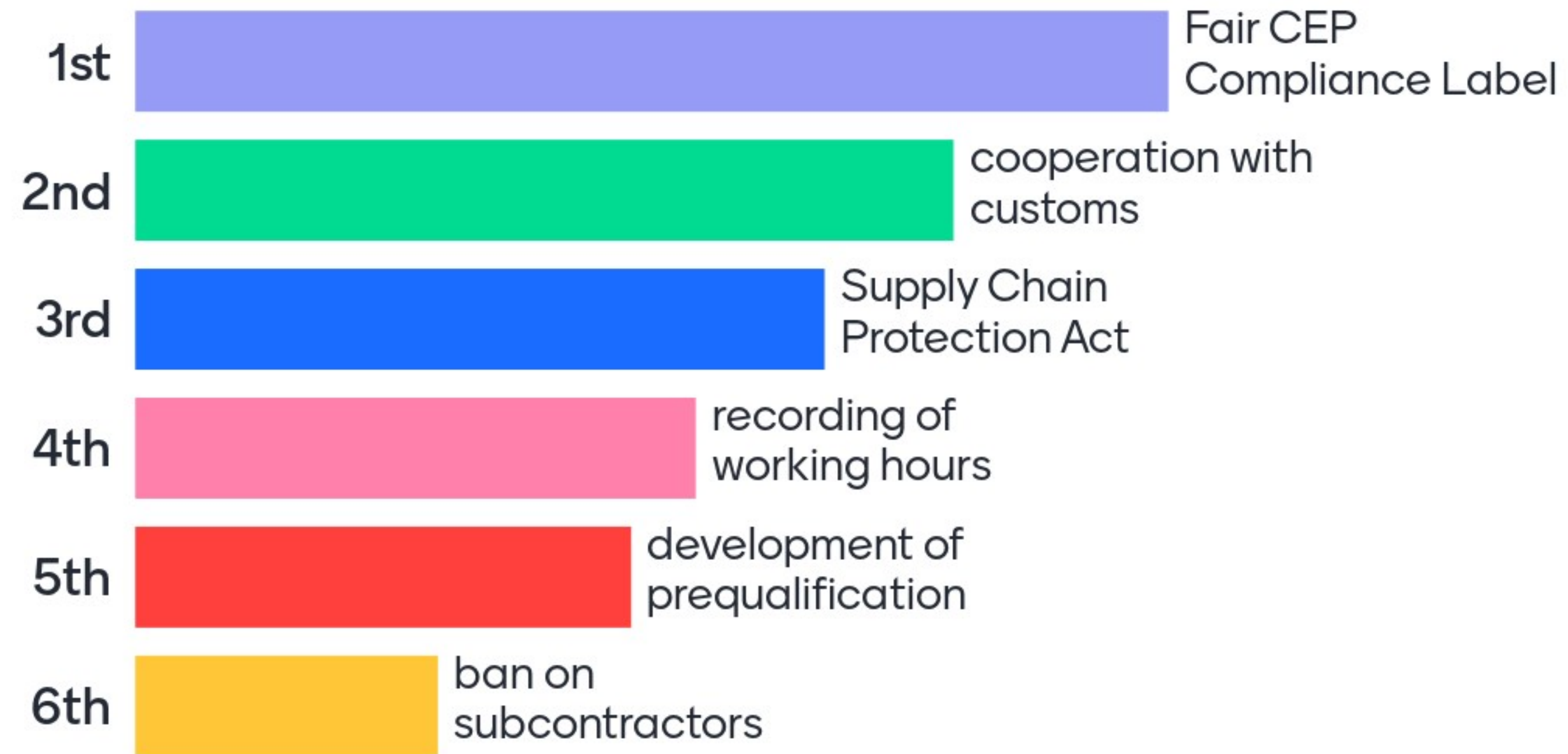
Supply Chain Due Diligence Act

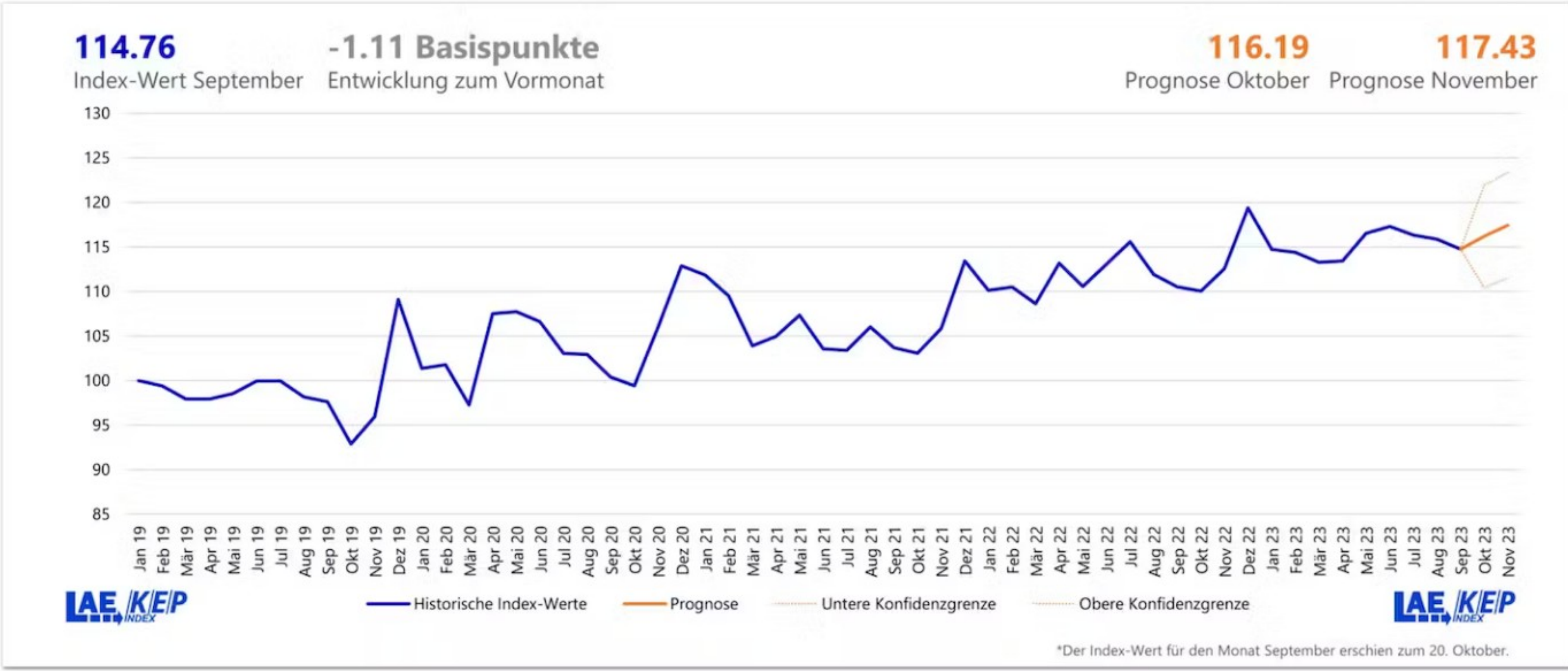
EU-Minimum Wage Directive

Whistleblower Protection Directive



What are the best approaches to improving working conditions in the parcel market?





The LAE CEP Index shows the current price development on the German CEP market on a monthly basis. Mit seiner Hilfe wird mehr Transparenz im Paketmarkt hergestellt.



#freeCEP

Ban on subcontractors
stop it!

Bd/K/EP  *for a free CEP market*