

Philippines: Rough roads: The exploitation of Filipino truck drivers in Europe

Wednesday 7 September 2022, by [SANTOS Ana P.](#) (Date first published: 18 June 2022).

Some EU countries have rigid human trafficking laws that don't recognize other forms of labor exploitation, such as the case of these migrant truck drivers, leaving them unprotected and vulnerable

AMSTERDAM, The Netherlands - Randy remembers feeling paralyzed by dread. He could not shake off the thought: "That could have been me."

One of Randy's colleagues had a road accident while driving along the snowy streets of Belgium. Their employer checked his colleague out of the hospital the very next day and forced him to drive again.

"Alam kong sobrang stressed 'yung kasamahan ko: kulang sa tulog, madaming utos na i-deliver. Palagi pang galet [ang amo namin]. Switzerland, France, Germany - kailangan mag unload. Hataw talaga. Wala kang magagawa," said Randy, who asked that only his first name be used.

(I knew my colleague was very stressed. He lacked sleep because there were so many deliveries. Our boss was always angry. We would unload [our cargo] in Switzerland, France, and Germany. Everything was rushed. We couldn't do anything about it.)

Randy, 51, had been driving under those same working conditions.

Migrant truck drivers like Randy are cornered in Europe's transport industry. Unscrupulous employers profit from a sector bleeding from a shortage of truck drivers and plagued by the uneven implementation of regulations across the borders of the European Union.

These employers maximize profits by undercutting wages and subjecting drivers to exploitative working conditions. Rigid human trafficking laws that do not recognize other forms of labor exploitation, such as the case of these migrant truck drivers, leave them unprotected and vulnerable.

Randy's employer, Mustapha To'ma, rigged his tracking device known as a tachograph so he could bypass mandatory rest times and keep driving. Country landscapes blurred into each other as Randy crossed the borders to make yet another delivery. He fought off fatigue and the loneliness of being isolated in his truck.

The road accident met by his colleague was a turning point for Randy. Something had to be done.

Randy and eight other Filipino truck drivers decided to file a case of human trafficking against their employer, Mustapha To'ma, owner of King's Transport. They alleged unfair wages, excessive driving hours, deplorable working conditions, and verbal abuse.

In September 2021, the office of the public prosecutor in the Netherlands ended a nearly three-year

investigation into their case and dismissed their complaint.

"I feel like we were thrown away, that we weren't listened to. Like what we went through didn't mean anything," said Randy about the decision.

Unfortunate and unfavorable, but not slavery

Rappler reviewed the individual case documents where Randy and eight other Filipino drivers recounted the conditions under which they were made to work from 2017 to 2018.

While details varied, the men had common complaints of being made to use faulty or disabled trackers to bypass mandated rest times, and thus drive long hours. They were not given accommodation allowance and were forced to live in their trucks. They were paid less than what they were promised. One complained of verbal abuse. Another complained of being threatened to go to work even after he had figured in a road accident.

Rappler also reviewed the decision of the Dutch public prosecutor. The decision described the drivers's working conditions as "unfortunate and unfavourable," but that there was insufficient evidence to prove human trafficking for the purpose of labor exploitation.

"Not everything bad that the employer does against their employees is human trafficking. Human trafficking is very severe and is like slavery. The conditions that the drivers were working under are not slavery conditions," said Els Martens, the public prosecutor who penned the decision.

King's Transport and its owner, Mustapha, faced no consequences or penalties. The Dutch government has no jurisdiction or authority to sanction a company established in Poland.

It is this seemingly small detail that allows hauling companies across the European Union to exploit the vulnerability of migrant truck drivers with impunity.

King's Transport was set up as a "letter box" company in Poland. The "letter box" business practice allows transport companies to [reduce costs and circumvent labor laws](#) by establishing companies in a European Union member state with low wages while operating only in countries where wages are higher.

King's Transport was established as a "letter box" company in Poland, but operated exclusively in the Netherlands, Germany, France – among the wealthiest countries in Europe.

In 2020, Rappler reported on the case of alleged human trafficking of Filipino and Sri Lankan truck drivers employed by Danish transport giant, Kurt Beier. Like King's Transport, Kurt Beier used various means to circumvent a basic rule of employment: a worker must be paid a salary corresponding to the wage laws in the country they work in.

Kurt Beier had hired the Filipino drivers in Manila through a recruitment agency. The workers first traveled to Malaysia and applied for a work permit from Poland, where Kurt Beier had established a shell office as a subsidiary.

The drivers entered Europe through Poland, but never worked in Poland. They drove mostly in Denmark and were paid only a fraction of the €1,500 to €2,500 (P84,000 to P140,000) salary a Danish driver would be paid for the same job. One driver reported that he was only given a €50 (P2,800) food allowance.

The drivers were not given accommodations and forced to live in their trucks. [A tip to the Danish](#)

[police led to their rescue](#) at the border of Germany and Denmark, where they reported to have been living in “slum-like” conditions with no proper toilets or heating.

In August 2021, the Danish authorities [cleared Kurt Beier officials](#) of all charges of labor exploitation. The company was fined 100,000 Danish kroner (\$14,400 or P753,600) and its CEO, Karsten Beier, 25,000 Danish kroner (\$3,600 or P188,400) for violating Denmark’s building code.

Like the Netherlands, Denmark does not have specific laws that criminalize labor exploitation.

According to labor rights groups, what constitutes modern-day slavery becomes hazy and vague when international laws that define the cross-border nature of human trafficking have no corresponding criminal code for prosecution in national laws.

“When we think of ‘slavery,’ we have images of people being locked up. But you don’t have to be locked up to be trapped into working under exploitative labor conditions,” said Eefje de Volder, adviser on labor exploitation for the NGO Coordination Centre for Human Trafficking (CoMensha).

Backbone of the supply chain

An estimated 3 million truck drivers form the backbone of the European economy, transporting goods from shipping ports and delivering them across borders. Truck drivers move about 75% of inland freight through the 27 countries that comprise the European Union.

They drive along the same endless roads, but disparities in salaries separate them.

A driver hired from low-wage countries in Eastern Europe and the Philippines can be paid as little as €500 (\$560) doing the same job a Western European driver would be paid an estimated €3,000 (\$3,380) for.

“Exploiting drivers makes for a profitable business case for bad employers,” said Edwin Atema from the Federation of Dutch Trade Unions (FNV), which represents truck drivers in the Netherlands.

Atema took Rappler to one of the many parking lots that line the highways that stretch from the port of Rotterdam, the largest seaport in Europe. About 40 to 50 trucks were parked as drivers took a rest from hauling anything from vegetables and Dutch tulips to aviation parts.

“Not a single trucking company here is following rules,” said Atema.

Pointing to a truck licensed in the eastern European Baltic state of Lithuania, Atema said, “You will never see this truck driving in Lithuania.”

On weekends, when drivers are mandated by law to take rest days, these parking lots become camping sites. Truck drivers clean themselves up in petrol station bathrooms or portalets. During cold European winters, they cook inside their trucks. At night, they curl into the cabins of their trucks to sleep. When the weekend is over, they pick up and deliver a new load.

Dashed hopes, shattered dreams

Knowing how to work a steering wheel and maneuver his way around the tight gridlocked streets of Manila was Randy’s ticket to carving out a living.

Randy had been dreaming of driving big trucks ever since he taught himself to drive his father’s jeepney as a 10-year-old boy growing up in Leyte, central Philippines. From Leyte, Randy chased

higher-paying trucker jobs in Saudi Arabia and Qatar.

In 2015, after five months of working in Qatar, Randy saw a Facebook post about an urgent need for drivers in Europe, offering €1,200 (\$1,350) per month – three times what he was making.

Just about a year earlier, [a monstrous typhoon](#) had battered the Philippines, flattening Randy's home, leaving him with "no job, no house, no life."

Randy thought about what the pay bump could do for him and his family. He sent a message with little expectation but much hope that working conditions and salaries in Europe were better.

"Hindi ko akalain magkakaganito," he said. (I had no idea things would turn out this way.)

With their human trafficking case dismissed, Randy now faces having to go back to the Philippines and the economic hardship that he had tried to escape.

Their case prompted Dutch parliamentarians to file a [motion](#) to broaden the definition of labor exploitation in the Netherlands and make it easier to prosecute worker abuse.

These legislative changes instigate the much-needed reforms in the transport industry but might come too late for Randy.

Currently, their case is under appeal, but Jeroen Maas, lawyer for the drivers, remains apprehensive. "The chance of a favorable outcome is very slim, even though the case has attracted the attention of Dutch Members of Parliament," said Maas.

"The government does not seem to be sensitive toward their situation, solely because they do not qualify as 'trafficking victims' due to the definition of the specific crime in the Dutch Criminal Code," he added.

"Napaka-unfair. Napaka-unfair talaga," said Randy. (It's unfair. It is just so unfair.)

Ana P. Santos

[Click here](#) to subscribe to ESSF newsletters in English and/or French.

P.S.

Rappler

<https://www.rappler.com/newsbreak/investigative/exploitation-experience-filipino-truck-drivers-europe-part-1/>