

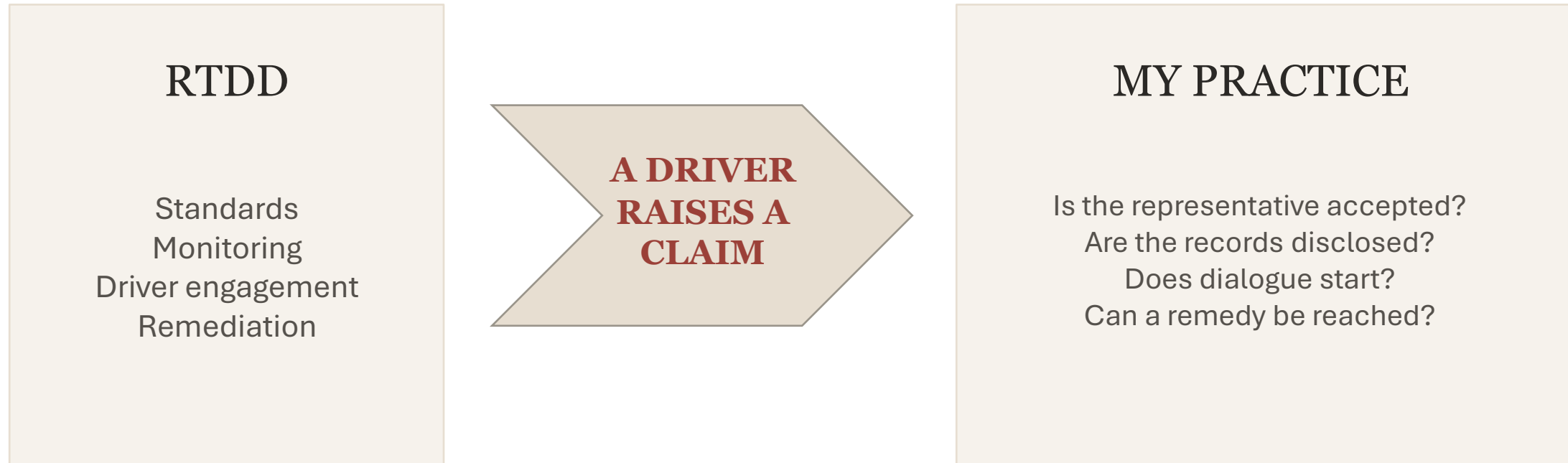
CROSS-BORDER LABOUR RELATIONS

Drivers' access to and acceptance of legal representation

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FROM DUE DILIGENCE TO ACCESS TO JUSTICE

RTDD has explained the risks, standards and monitoring framework.



The gap begins where a right must become an effective remedy.

THE LEGAL ROUTES ARE AVAILABLE

Only the essentials

01

POSTED DRIVER

Host-country remuneration may apply to qualifying operations.

02

HABITUAL WORKPLACE

The mandatory law of the country in which or from which the driver habitually works may apply.

03

DUTCH COURT

Where the work is (habitually) performed in or from the Netherlands, a Dutch forum may be available.

04

SUPPLY CHAIN

Dutch civil law and human-rights due diligence can bring the shipper into the discussion.

The challenge is not merely access to a court. It is meaningful access to a remedy.

REPRESENTING A FOREIGN DRIVER: TWO STAGES

01 GOOD-FAITH ENGAGEMENT

- Notify the claim
- Request payroll and transport records
- Seek recognition of representation
- Explore a negotiated and respectful solution



02 COURT PROCEEDINGS

- Establish jurisdiction and applicable law
- Obtain missing records
- Calculate and substantiate the claim
- Secure payment and enforcement

*The objective for the driver is resolution.
The effect of the employer's response is often delay.*

HOW CLAIMS AND LEGAL REPRESENTATION ARE MET

Observed responses range from silence to active escalation.

SILENCE

No substantive response to the claim or requests for records.

DENIAL OF REPRESENTATION

“The driver can only be represented by a lawyer in the employer’s country.”

POA BARRIERS

Repeated demands for separate proof that counsel is authorised.

EMPLOYMENT CONSEQUENCES

Termination or threatened termination after wage claims. “We needed to terminate the employment because our drivers demanded Dutch wages”.

CRIMINALISATION

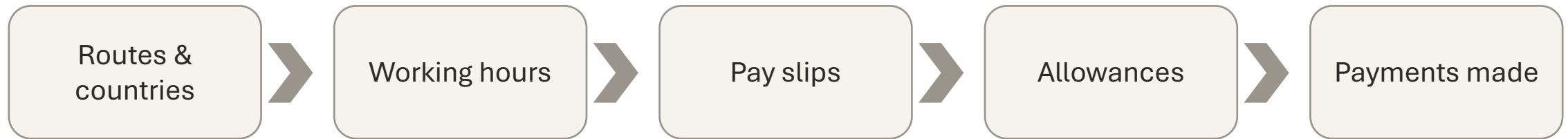
Civil and labour disputes reframed as criminal conduct by the driver.

IMMIGRATION PRESSURE

Threats involving residence status for third-country nationals.

The consequence is not only delay. It can also deter drivers from pursuing the claim at all.

THE CLAIM CANNOT BE CALCULATED WITHOUT THE DATA



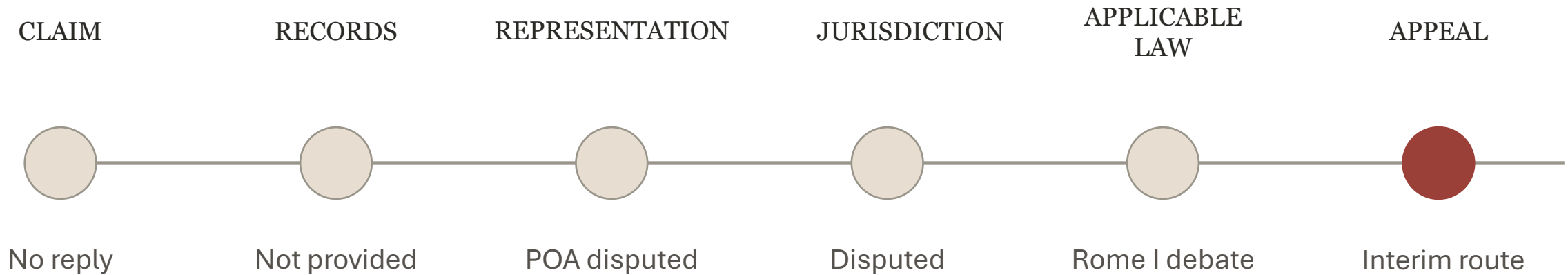
NO RECORDS

The driver must estimate the claim, start disclosure proceedings, or wait.

Information asymmetry becomes procedural leverage.

DELAY BY ACCUMULATION

Each step can be framed as procedural. Together, the wage claim disappears into the background.



At which point do we finally discuss the amount of wage due?

ILLUSTRATION 1: THE HUNGARIAN DRIVERS CASE

A labour claim followed by termination and prolonged litigation.

THE CLAIM

Ten Hungarian drivers claimed Dutch wages for international transport work connected with the Netherlands.

THE RESPONSE

The employment relationships were terminated after the claims were pursued.

THE PROCEDURAL EFFECT

Litigation is still ongoing, although it started in February 2014. Preliminary questions are now pending before the Court of Justice.

Several courts have ruled that the Hungarian drivers are entitled to payment according to Dutch standards. However, no payments were made so far. Legal costs are mounting.

The example shows that formal access to court does not guarantee timely access to wages.

ILLUSTRATION 2: FROM SPEAK-UP REPORT TO NO EFFECTIVE REMEDY

An anonymised case involving two non-EU drivers, a foreign carrier and a multinational customer.

THE CLAIM

- No full wage payment and disputed deductions.
- No pay slips, working-time records or daily-allowance statements.
- Vehicles and cargo were retained to secure the claims.
- Courts later refused to return the vehicles to the employers.

THE CUSTOMER ROUTE

- The drivers reported the matter through the customer's Speak Up channel.
- The customer conducted an internal review.
- The customer declined to share findings or documents, citing internal policy, confidentiality and data protection.

WHY REMEDY FAILED

- Without the findings, the drivers still lacked payroll and hours data.
- Counsel therefore requested access to personal data under Article 15 GDPR.
- After repatriation, one driver received a damages letter and was later asked to waive claims as a condition for new work.

No further response from the customer was received.

A Speak Up process is not an effective remedy if affected drivers receive neither the outcome, the underlying personal data nor practical remediation.

ILLUSTRATION 3: CHALLENGING JURISDICTION

From a wage claim to a jurisdiction and appeal track.

THE CLAIM

The wage claim was notified in December 2024. Dutch counsel for the Baltic transport company responded only that the Dutch court lacked jurisdiction. No records explaining the payments made to the driver were provided.

CUSTOMER ENGAGEMENT

The customer whose transport operations the driver performed was approached and asked to help facilitate dialogue and a practical solution. The customer did not respond to the request for assistance.

THE PROCEDURAL TRACK

The employer challenged Dutch jurisdiction. After the court **accepted jurisdiction**, the employer requested permission for an interim appeal. So far, after almost two years, the merits of the wage claim have still not been addressed. The driver still has not received the payroll and working-time records needed to complete the calculation.

The customer's position in the chain made it a logical route for attempted de-escalation, but the wage dispute continued in court.

ILLUSTRATION 4: CRIMINALISING THE DRIVER

From requests for pay records to criminalisation and bankruptcy.

THE CLAIM

The driver repeatedly requested pay records and outstanding remuneration. The available documents did not permit a complete wage calculation.

CUSTOMER ENGAGEMENT

Customers connected to the transport and cargo were informed and asked to help mediate. They did not respond to repeated requests for assistance.

Only after the driver retained his vehicle and load, a vehicle-finance party entered into an amicable settlement concerning release of the retained vehicle.

THE ESCALATION

Police reports and allegations regarding the retained truck, cargo shifted attention to alleged criminal conduct and retention rights.

The driver's conduct was treated as criminal and his residence status was revoked.

His employer was later declared bankrupt; the outstanding wages have still not been paid.

Third-party involvement created a route to resolve part of the operational dispute, while the underlying wage claim remained.

WHAT SHOULD THE TRANSPORT CHAIN DO?

01

ACCEPT REPRESENTATION

Use one standard digital POA. Ask again only for a concrete legal reason.

02

DISCLOSE THE RECORDS

Promptly provide pay slips, time data, route data, allowances and payment evidence.

03

PROTECT THE DRIVER

No retaliation, immigration pressure or criminalisation of a civil wage claim.

04

CREATE AN ESCALATION ROUTE

Shipper, supplier and employer should know who acts when a grievance is unresolved.

A grievance mechanism is effective only if the driver can use a representative and obtain a response.

Compliance without transparency is impossible

The problem in 2026 is not that drivers lack rights. The problem is that they have to litigate for years to obtain the documents needed to enforce those rights.

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