

**EXECUTIVE SUMMARY**

# **NO-ONE LEFT BEHIND**

**THE COMMUTE:  
SAFE TRANSPORT TO  
AND FROM WORK FOR  
TRANSPORT WORKERS**



**This document has been prepared as an executive summary for the ITF strategy paper that was developed for the ITF women transport workers' committee by external consultant and OSH (occupational safety and health) expert, Susan Murray, in consultation with the ITF sections and affiliates. The full version of the ITF strategy paper is available separately.**

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The International Transport Workers' Federation (ITF) is a democratic, affiliate-led federation recognised as the world's leading transport authority. We fight passionately to improve workers' lives, connecting more than 730 affiliated trade unions from over 150 countries to secure rights, equality and justice for workers globally. We are the voice for more than 16.5 million transport workers across the world.

Woman motorcycle driver from Uganda. Source: ITF

# FOREWORD

**“On a public holiday I arrived half an hour late because there were no taxis available that day and they summoned me to a disciplinary process. Now I’ve had to ride my bike at 3am in a city where they kill you for a cell phone. I must go out and risk my life to try to get to my job quickly.”**

Woman bus rapid transit ticket seller, Colombia<sup>1</sup>

This worker’s experience from Colombia goes to the heart of why the commute is an issue of grave concern for transport workers, who face a number of health and safety hazards while travelling to and from work, wherever they work in the transport industry. Little or no attention is paid to the safety of transport workers who have to commute to get to work. This must change.

The recognition of the commute as integral to the world of work for the purposes of the International Labour Organization (ILO) 2019 Violence and Harassment Convention No. 190 (C190) was a major positive shift towards improved protections for workers.

While the inclusion of the commute in the scope of C190 should be celebrated, it must also be actively pursued into implementing legislation, policy and collective bargaining agreements at the national and local level.

The expanded scope follows an increasing number of examples of national state practice taking the commute into account to better meet worker realities of where violence and harassment occurs.<sup>2</sup>

Building on joint work on C190 with other Global Union Federations, the ITF published the C190 Transport Workers’ Toolkit, including a briefing on the commute, to support transport workers taking action to prevent violence and harassment in the world of work. Even though women workers are more at risk from gender-based violence and harassment, it impacts all workers and a holistic approach is crucial to strengthen this work.

Therefore, NO-ONE LEFT BEHIND takes this further and sets the scene to develop the International Transport Workers’ Federation’s (ITF) work programme for safe and healthy commuting for all transport workers.

Violence and harassment at work is an evident safety concern for transport workers and a vital occupational safety and health (OSH) issue. The world of work clearly cannot be safe without the absence of violence and harassment; much more is needed to ensure a holistically safe and healthy working environment.

Comprehensive OSH protections should also go beyond an outdated understanding of a physical plane of the workplace in order to cover the broader world of work, including the right to a safe commute. This would better reflect the modern realities of worker issues and increasingly relevant risks.

Commuting to and from work typically accounts for one-third of the trips made in cities.<sup>3</sup> The ITF and its affiliates are already organising to secure safe, accessible, and affordable public transport as a priority, to ensure the right to mobility for all and to enable transport workers to remain in work,

as well as for a managed and just transition from informal to formal public transport provision. Safe commuting for all transport workers alongside prioritising decent and affordable housing for transport workers convenient for their workplaces (to minimise the need to commute) are key campaigning issues, especially for women transport workers.

We demand that all workplaces introduce and implement strong holistic OSH regimes for all transport workers and integrate a gender transformative approach, including gender-based risk assessments for commuting to and from work.

This strategy paper is guided by the lived experiences, stories and invisible challenges of transport workers globally. With that foundation, the paper looks at a practical and yet transformative approach to the commute as an occupational health and safety issue.

It establishes what the ITF means by the commute, recognising the complexities of the transport sector, and includes calls for action for different actors who have duties and/or

interests in securing safe commuting for all, including those who have responsibilities for urban planning and public transportation planning and implementation:

- International financial institutions.
- National governments.
- Municipalities and local transportation authorities.
- Employers.

Trade unions working alongside these actors, and others such as employers' organisations, passenger groups, community groups and campaigners, public transport, housing and urban planning campaigners, women's/ gender rights groups, safety campaigners and disability<sup>4</sup> activists – is crucial to success.

Please share your bargaining and campaigning successes to help take forward safe and healthy commuting for transport workers!

Contact: [women@itf.org.uk](mailto:women@itf.org.uk)



A person sitting in a bus, Butwal, Nepal. Source: Unsplash, Ravi Sharma

# PAPER OVERVIEW

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The paper comprises several sections:

## **What do we mean by “the commute”?**

This section looks at how the commute is defined in ILO norms and explains how the ITF takes a broader view in the paper when defining the commute and demanding solutions, given the extremely varied nature of the transport and logistics industry, the specific needs of women transport workers and the unique position in the world of work occupied by transport workers.

## **Why is commuting an OSH issue?**

This section sets out arguments to support the contention that commuting must be recognised as being “at work” and managed accordingly.

## **Why must commuting be included in OSH management?**

There are different aspects that are key to the safety and health of workers who have to commute – including exposure to violence and harassment, exposure to infection, design of workplaces and surrounding infrastructure. Linking OSH with equality at work is crucial in the campaign for safe commuting.

This section highlights two recent legal developments at international level which can support the campaign for safe and healthy

commuting: C190 and the inclusion by the ILO in 2022 of a safe and healthy working environment in the framework of fundamental principles and rights at work – joining other fundamental principles such as the elimination of discrimination at work.

This section points to information about C190 which can assist negotiations and highlights the fundamental OSH conventions. The section also discusses the impacts of making OSH a fundamental right beyond the ILO, for example the UN guiding principles on Business and Human Rights, and refers to the ITF Supply Chain Principles.

## **Why is a gender-transformative approach to healthy and safe commuting important?**

This section highlights urgent issues around commuting for women in the global transport industry (with information from ITF and external surveys and reports to emphasise the case), for example:

- Lack of access to safe transportation to and from work, and exposure to violence and harassment as well as other hazards.
- Unsafe commuting is a barrier to women's employment, education and does not take account of women's disproportionate caring responsibilities.
- Under-representation of women transport workers means lack of recognition of their concerns.

## **Call to action: National governments**

This section lists a number of actions that governments can take including ratification of C190 and other ILO conventions, legislate to extend employers' OSH duties to the commute, extending workers' rights, including commuting accidents in workers' compensation schemes, enforcement and other relevant issues.

## **Call to action: International financial institutions (IFIs)**

This section outlines the ITF's priorities for IFIs when making lending decisions for transport projects, such as strengthening women's employment, ending violence and harassment at work and stronger labour safeguards including gender safeguards.

## **Call to action: Municipalities and transportation authorities**

This section focuses on the need to place publicly owned and funded urban transport at the heart of urban planning and adopting a gender perspective in the planning and design of urban infrastructure such as transport, housing, childcare. It also highlights ITF work on 'Just and Feminist Cities' and calls for action on the transition from informal to formal work, affordable fare structures and related issues.

## **Call to action: Employers**

This section lists a number of urgent actions that employers must take to protect the health and safety of transport workers when commuting, including adopting a gender-transformative approach to OSH and risk assessments. The section links to a risk assessment which lists practical measures that employers should take. There is also a section on multinational employers and supply chains.

## **Bargaining checklist**

This section lists a number of issues which can be considered by affiliates when planning campaign action. These lists are not exhaustive.

## **ITF affiliates take action**

This section gives examples of affiliate campaigns and successes around safe and healthy commuting.

## **Annex. Commuting and OSH risk assessment**

This outlines a basic risk assessment process, identifying some risk factors and suggested preventive action to be taken by employers (linked to the section on demands from employers). It also discusses a gender-responsive approach to risk assessment and the commute.



# WHAT WE MEAN BY 'THE COMMUTE'?

**“We are often ridiculed for saying ‘no’ to night duties or late-night shifts, but what we are saying ‘no’ to is the unsafe work situations that put us at risk of violence. We [women transport workers] have no issues with night duties, as long as we are as safe as men, and not molested and groped on our way back home from work.”**

Woman transport worker, India<sup>5</sup>

The Commute is defined in ILO norms (see Protocol of 2002 to Convention 155 [P155]) as the direct way between the place of work and either: (i) the worker’s home [principal or secondary residence]; (ii) the place where the worker usually takes a meal; or (iii) the place where the worker usually receives their remuneration.

This definition is set out in relation to fundamental ILO convention on OSH C155 of 1981, but in the specific and potentially limited context of a ‘commuting accident’.

Further, the nature of work is changing. Informal and non-standard forms of employment are increasingly prevalent and the definition of the workplace or the ‘world of work’ is more complex (as can be seen in the broader definition achieved in C190). As the understanding of the workplace evolves, the concept of the “commute” becomes less clear. This has always been the reality for transport workers.

## Core ILO Convention 155 on OSH:

- Applies “in the working environment”
- Lists “workplace” and “the working environment” separately (art 5[a])
- “Workplace” covers all places a worker needs to go by reason of their work, which are under the direct or indirect control of the employer (art 3[c])
- “Working environment” is broader than “workplace”
- Description of the working environment as “arising out of, linked with or occurring in the course of work”

For transport workers, particularly mobile transport workers, the line between workplace and commute may seem to be blurred because many transport workers are on the move as part of their job.



**A broader understanding of the commute only where this increases protection for transport workers:**

According to International Labour Standards, wherever the worker is in the working environment, the worker already has full OSH rights and protections.

Due to the atypical nature of much transport work, the working environment for some transport workers - for example those working on public transport - may extend into a context which, for a non-transport worker, might look like the commute. The ITF interprets the transport “working environment” broadly and inclusively for greatest worker protection.

In other transport workplaces, the complicated circumstances of the work itself means (at least some of) the commute has already been formally incorporated, by law, agreement or otherwise accepted, into the working

environment. This is often when transport work takes place over an extended period during which the worker lives at work, for example when seafarers “ship out” for many months and remain in an environment controlled by the employer.

Due to various and particular risks experienced by transport workers across the board, we argue OSH protections must accompany transport workers on their way home.

**The broad understanding of the “commute” in this paper aims to increase and make OSH protections more comprehensive for transport workers. Transport workers have highest OSH protections when “at work”. Nothing in this paper should be understood to “downgrade” what is already protected as the transport workers’ working environment or workplace broadly understood, to be interpreted instead as the commute.**



Passenger and ticket controller, Dakar, Senegal. Source: ITF



**Cabin crew** who are away on assignment from their home, or “base”, country where they are employed, are to be considered as at work, even during off-duty hours between shifts where the employer has no involvement in how staff spend this time in the host country.

Case law in the United States of America (USA),<sup>[1]</sup> for example, has found that a sexual assault that occurred in cabin crew’s hotel accommodation, booked and paid for by the employer, during a brief layover in another country could be considered a part of that airline crew’s work environment. The circumstances were held to be very different to when stationary employees go home at the close of their normal workday.

Airlines generally provide transportation between the airport and hotel accommodation, which would also be part of this continuous work environment.

The “commute” for cabin crew would then be limited to the journeys between going on- and off-duty at their “base” airport and their place of residence.



**Seafarers** mostly live and work in isolation and confinement on board a vessel fully controlled by their employer for the duration of their contract. The industry relies on a system of exploitation of unfair labour competition that sources seafarers from countries with low costs of living, meaning that ship owners profit from bringing seafarers from across the world to join a ship even while being responsible for this cost.

The Maritime Labour Convention (MLC) requires the employer to repatriate seafarers<sup>[2]</sup>, meaning arranging their return to their home country when their contracts expire and at no cost to the seafarer. Arranging for a return to a seafaring ‘hub’ in the home country is common practice and compliant with this international law.

Under ITF-approved collective bargaining agreements (CBAs), the place of embarkation/ repatriation is to be agreed, but is either the seafarer’s home, a place of original engagement or of substantial connection. But importantly, it is to be agreed on signing the contract. The employer is responsible for any disability or death caused by an accident or any cause “whilst in the employment of the company including... whilst travelling to and from the vessel”. The needs and reasonable requirements for comfort are to be considered and costs covered include travel, subsistence costs and wages during that time. The employer’s legal responsibility and the work environment effectively continues.

Unfortunately, failure to repatriate, known as the “abandonment” of seafarers by ship owners on their vessels, often without food, fuel, or pay, is all too common. The ITF has reported and resolved cases where seafarers have been trapped on board for years. Extreme restriction of movement such as this can be a direct indication of forced labour.

Due to the nature of the international work, far from home with a costly journey that could not reasonably be covered by the seafarer, and the grave risks of abandonment, what could have been considered a commute has been legally incorporated as an integral element to the work and conditions considered as standard in this industry. Greater coverage has been won via collective bargaining at the ITF international and local affiliate union levels.

Many seafarers working on vessels flying their own national flag also have strong, longstanding CBAs which require the employer to arrange and pay for the entire journey to the vessel from door to door. As seafarers are often at sea for several months, a commute of many hours even for seafarers sailing in national waters is common.

Considering the above, when seafarers leave the ship while docked in port to exercise their right to shore leave, returning to their ship to continue their assignment cannot be said to be part of the commute.



It is common in the **European Road Transport** industry for truck drivers to cross national borders to deliver goods across the region. Road transport providers often rely on 'posting' workers from eastern EU countries, and are increasingly hiring workers from non-EU Eastern European and Central Asian countries who drive exclusively in Western Europe.

For these workers, their truck is their mobile workplace. Wherever their various assignments take them – in the several weeks or months that many drive before returning home – becomes their working environment. The ITF is fighting severe and exploitative

conditions in European road transport. Drivers often spend months in the cabs of their trucks without access to adequate rest, cooking and sanitation facilities. Even in the cases where drivers are granted their legal daily rest and right to nights spent outside of their trucks, drivers in these posted conditions remain on assignment, far from home, and therefore “at work”. Arguably, a truck driver’s commute begins and ends at the location where they pick up or return their trucks. For some, therefore, this would begin after a return drive in the truck to their base country.

In cases where truckers are driven to their assignment (and vehicle) in a minivan or similar by an agent of the employer, this may equate to a cross-border commute provided by the employer. This journey, under the direct or indirect control of the employer, should be considered as being already at work with the workers entitled to full pay and OSH protections. But in any case, the prevalence of modern slavery-like conditions in the industry calls for strong OSH protections to be upheld during these cross-border journeys. Deception in relation to travel and difficulty in organising travel are each ILO indicators of trafficking of adults for labour exploitation, relating to deception in recruitment and abuse of vulnerabilities. This journey is an integral part of the work experience which sets the tone of engagement between the employer and isolated worker throughout their assignment.

[1] *Ferris v Delta airlines Inc.*, 277 F.3d 128, 135 (2nd Cir. 2001)

[2] Under Regulation 2.5.1.

# BARGAINING CHECKLIST

THIS IS NOT EXHAUSTIVE

## Collective Bargaining

Are women members included in negotiating and bargaining teams such as the health and safety committee, violence prevention and commuting policy development?

Are women's commuting issues identified prior to bargaining and included in the bargaining agenda?

Is there a workplace OSH policy on commuting?

Are appropriate, accessible, conveniently located and private changing facilities and sanitation and hygiene facilities provided for women and men who commute to and from work?

Where public transport is not available does the employer provide transport (for example a bus service) to and from work, particularly:

- For workers whose work starts or finishes at unsocial hours?
- To accommodate workers' childcare needs?

Is this transport provided for all workers, not just employees?

Are health and safety policies and procedures, including risk assessments, gender-responsive, including on the issue of commuting, and are women transport workers involved at all stages?

Is there a workplace policy covering violence and harassment including sexual harassment, and does it cover commuting? Are women transport workers involved in policy development?

Is there a workplace stress policy? Does it include commuting? Are women transport workers involved in policy development?

Does the union appoint Women's Advocates who are specially trained to support members who are survivors of violence and/or specific equality representatives?

Does the union support complaints about discriminatory commuting policies?

Are union members trained in tackling discrimination at work and on conducting equality/gender impact assessments including in relation to commuting hazards?

Are equality/gender impact assessments carried out on all OSH policies including commuting policies?

Is there a comprehensive policy on preventing infection (such as Covid-19) at work including commuting?

Has it been developed through joint discussions between the employer and the trade union?



## International Financial Institutions

Do IFIs consult and engage with trade unions throughout the lending process for transport projects – from the initial Environmental and Social Impact Assessment (ESIA) to project implementation?

Is commuting covered in the ESIA?

Please refer to the ITF's priorities for engaging with IFIs set out in the ITF's toolkit The Labour and gender-related safeguard frameworks of international financial institutions:

01. Strengthen women's employment and end the systemic exclusion of women from the transport and logistics industry.
02. Promote decent work, including terms and conditions that address decent work and labour rights in contracts with employers, including contracted operating companies and sub-contractors.
03. Incorporate measures in projects to end violence against women transport workers.
04. Include women in decision-making/ negotiating teams: women workers and their representative organisations must be consulted as stakeholders and their views taken into account in project design and labour and gender impact assessments.
05. Recognise trade unions as stakeholders.
06. Facilitate a just and worker-led formalisation from informal to decent formal work for women and men workers.
07. Strengthen IFI safeguards, especially in the area of labour and gender.

## National Law

### ILO conventions

Has your government ratified and implemented Convention 190 with the involvement of your trade union?

Has your government ratified relevant ILO health and safety and non-discrimination conventions? (See the section on 'Campaigning' below for examples).

Have these been effectively implemented into national law and policies?

### OSH Laws

Are there national occupational health and safety laws?

Does your OSH law have a definition of a commuting accident or incident?

Are employers required to report commuting accidents/ill health/injuries to a national reporting system?

If so, is the reporting requirement enforced by government agencies, for example the labour inspectorate?

Does your government take a gender-responsive approach to enforcement of health and safety laws including commuting?

### Anti-discrimination laws

Are there national anti-discrimination/ equality laws?

Do you have national law against violence including gender-based violence such as sexual harassment?

Does it require employers to protect workers during the commute and generally from third party violence?

## OSH research

Is research on women's occupational health and safety a priority for the government?

Does occupational health and safety research include injuries and ill health arising from commuting?

Are there opportunities to raise women's issues and include women worker representatives as part of dialogue with municipal, local, national and international government representatives, and as part of tripartite discussions relating to OSH and the commute?

## Campaigning

Do you have a union campaign on workplace OSH issues, including preventing violence in the world of work including when workers are commuting?

Does your union campaign on disability rights, including ensuring access to public transport for all?

Are women members aware of union campaigns and fully involved in their preparation and implementation?

Does your union provide training and awareness raising for representatives and members on violence and harassment at work and on OSH and commuting?

Does your union organise activities to support international action day campaigns? For example:

- International Women's Day (8 March)
- International Workers' Memorial Day (28 April)
- World Day for Decent Work (7 October)
- World Toilet Day (19 November)
- UN Day for the Elimination of Violence against Women (25 November)

## ILO Conventions

Are there opportunities to campaign for your government to ratify and effectively implement key ILO conventions? In particular:

- C087 Freedom of association and protection of the right to organise, 1948
- C098 Right to organise and collective bargaining, 1949
- C111 Discrimination (employment and occupation), 1958
- C183 Maternity protection, 2000
- C156 Workers with family responsibilities, 1981
- C155 Occupational safety and health, 1981
- C187 Promotional Framework for Occupational Safety and Health Convention, 2006
- C190 Violence and harassment, 2019

Campaign for your government to adopt the recommendations of R206 on Violence and Harassment as a route towards effective implementation of C190; and R204 Transition from the Informal to the Formal Economy Recommendation, 2015.

## Your community and safe commuting

Can your union establish and build links with NGOs, community groups, disability groups and passenger user groups and other interested parties to campaign for safe and healthy commuting and decent, accessible, safe, and affordable public transport?

Please refer to the ITF's Future is Public Transport campaign.

# ENDNOTES

01. <https://www.itfglobal.org/en/resources/impact-future-work-women-in-public-transport>
02. ILO Background Preparatory document C190, Report ILO 107 V(1)
03. C40 Cities, The Future of Public Transport: Investing in a frontline service for frontline workers, 2021
04. See also the ITF's Safe and Sustainable Railway campaign which includes demands for accessibility
05. ITF, Briefing on Violence and Harassment in Commute, 2019, for the 2019 International Labour Conference cited in ITF, Women in Public Transport

[WWW.ITFGLOBAL.ORG](http://WWW.ITFGLOBAL.ORG)

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