Different Working Time Configurations: A Framework for Analyzing the Diversity of Working Time across Countries

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The last few decades have brought about an explosion of diversity in working time practices across the developed world. The once standard 8-hour day and 40-hour work week that emerged and reigned throughout much of 20th century has given way to an increasing variety of working time arrangements. Flexible schedules, where hours can vary daily or weekly, and non-standard work arrangements, such as fixed term, on-call, temporary, or part-time, are widely used at the workplace. In addition, we have witnessed the growth of zero-hour contracts that guarantee workers no weekly working hours, no reliable income, and require employees to work on very short notice with very unpredictable schedules, annualized hours contracts that allow for work hours to vary over a year, and working time accounts which allow employees to bank hours worked over a set weekly standard and draw on these accounts for paid time off.

As a vital element of the employment relationship, working time is deeply linked to changes in the labor market and intertwined with pay and rewards. As such, the duration and scheduling of work hours are closely connected to some of the most pressing economic issues, including wage inequality. In the United States, zero-hour contracts with unpredictable schedules foster unpredictable incomes. Nonstandard work arrangements restrict hours of work and often pay lower per hour rates than full-time jobs, contributing to the low wage sector of the economy. Nonstandard work arrangements also restrict access to full-time employment and benefits such as paid vacations, sick leave and premium pay for working at unsocial hours. This makes it difficult for individuals to move up the economic ladder and thereby furthers inequality within the labor market. Moreover, stagnating or declining wages for the vast majority of the workforce induces people to work more hours to maintain income. This increase in the labor supply further dampens wage levels, exacerbating the problem.
Working time is not just linked to our work lives but spans the boundary between work and family as well. In the United States, the increase in female labor force participation, the rise of dual earner couples, and the aging of the workforce have increased the desire by workers for working time practices that are flexible and fit their needs at different stages of the life course. This has spawned interest in work and family balance, flexible work hours, and employee control over working time. Yet, the 24/7 economy, the encroachment of work through technology into our non-work lives, the pressures to work long hours to compensate for low wages as well as longer and unpredictable work hours present strong challenges to effectively balancing work and family. Moreover, the ability of workers to achieve some degree of control over their working time and find working time options that meet their needs is in many ways reliant on the institutional environment and legal regulations within which people work.

When one looks beyond the United States, it becomes clear that very different realities about working time exist. Some emerging economies, e.g. Singapore and China, are not deregulating working time but seeking greater regulation of the standard working week to protect their workers from extreme long working hours and to introduce more efficient forms of work organization (Cao and Rubin in this issue; Lee et al. 2007). In other developed countries, standard working hours have been reduced to less than 40 hours (Cabrita and Galli da Bino 2013). This includes France which established a statutory work week of 35 hours in 2000. In some European Countries, workers possess the legal right to request variable work hours. Workers also have more choice across short working time practices that provide pro-rated benefits and equal pay per hour. Also, in some European countries workers are able to take paid and unpaid leaves during certain phases of their work lives; and labor unions and employers alter working time practices through negotiation. In addition, countries with lower wage inequality
and a smaller low wage sector than the United States are associated with shorter working hours for workers across the income distribution (Bell and Freeman 2001). The main reason for this is the lower pressure on low-wage workers to work more hours and the higher marginal tax rates for increasing work hours in countries with low wage inequality (Bosch and Lehndorff 2001).

The articles in this issue reflect these different realities. They highlight the diversity of working time practices across countries and the implications of these practices for workers and firms. The articles focus on a number of countries and are in some cases explicitly comparative. They examine a number of working time practices including weekly working hours, flexible work schedules, and part-time work. In their analyses, the authors show how the institutional context can have differential effects on working time practices and working time outcomes. For example, annualized hours contracts and working time accounts can be positive forms of flexibility for workers to vary work hours and take time when they need it. These practices, however, can also provide a means to shift risk to employees when they lack any control over their schedules and cannot access time banked in their accounts.

In this introductory article, we analyze the factors contributing to the diversity of working time practices and provide a framework for making comparisons across countries. Understanding this diversity requires an examination of labor market institutions and the mechanisms by which working time practices are established and sustained. As part of this framework, we articulate key working time configurations that have emerged across countries as a theoretical tool for advancing research on working time. These configurations are shaped by labor market institutions and regulations and act as a filter for employer and employee interests. These configurations arise out of the employment relationship where working time is contested terrain. Thus, we examine not only working time regulations but employment relations institutions such
as labor unions, forms of employee voice, and systems of social support in our analysis of working time across countries. In addition to working time regulations, employment relations institutions act both to constrain the choices of employers and employees and create working time options for both groups to act in their interests. It is our contention that understanding and accounting for the interests of key actors in the employment relationship is critical in analyses of working time.

Therefore, we analyze three configurations for establishing working time practices, namely unilateral, negotiated, and mandated. The unilateral configuration is characterized by employer control over working time; the negotiated configuration focuses on how negotiations between employers and employee representatives shape working time; and the mandated configuration is characterized by the strong role of the state in establishing working time regulations. These three configurations represent ideal types. Although most countries exhibit combinations of elements of all three configurations, our use of ideal types, nevertheless, provides a useful way to increase understanding of the structure of, access to, and outcomes from working time practices.

**Standard Working Time and the Drivers for Change**

Before we can examine the drivers contributing to the diversification of working time practices, we must first clarify the concept of standard working time as a point of reference for subsequent developments. In most advanced countries weekly working hours are standardized at around 35 to 44 hours per week which are worked from Monday to Friday mostly between 7am and 5 pm. (Bosch et al. 1994; Lee et al. 2007: chapter 2). A standard work week ensures labor is paid for contractual hours, workers receive a consistent income, and employees are protected
from working for unlimited duration. In addition, standard work hours and days provide
predictability and allow for reliable planning of private life. Deviations from the standard
working week and working at unsocial hours demand compensation for overtime and, in some
cases, result in restrictions of work hours during unsocial working time. In developed countries,
the additional overtime premiums are around 25% to 50% (ILO 2004: 2). In the United States,
the Fair Labor Standards Act of 1938 defines the full-time work week at 40 hours for workers
covered by the act, which are primarily nonsupervisory employees. Working more than 40 hours
in the week constitutes overtime that is paid with a 50% premium. These extra marginal costs of
unsocial hours and overtime have the effect of holding down costs by encouraging companies to
schedule most job tasks within standard working hours. Standard working time is also
characterized by hours paid but not worked, such as vacations, sick days, or public holidays.

The rise and dominance of standard working time was closely connected to the fight for
the 8-hour day and the subsequent institutionalization of a standard working week. Lehndorff
(this issue) outlines several factors that contributed to the normalization of an 8-hour work day.
Trade unions, other social movements, and political authorities pressured employers to institute
an 8-hour day at a time when standardization of industrial production was growing. A fixed
working time period fit with scientific management principles providing a boost to production
and encouraging employers to accept an 8-hour day. In addition, the reduction in working time to
an 8-hour day was consistent with a set of family values that would later be called the male
breadwinner model. An 8-hour day was seen as a way to provide the male wage earner with
sufficient income and leisure time, and liberate women from paid work to care for children and
the family. Throughout most of the 20th century, the concept of standard working time evolved
with compensation for overtime and paid time-off codified in collective bargaining agreements or initiated through legal regulations.

Since the late 1970s, however, supply and demand forces in the labor market have collided to alter the context that supported the standard working time model. Lean production systems and global economic integration and sourcing are encouraging 24/7 operations that require employees to work at times throughout the day and the night. Flexible manufacturing production systems are characterized by so many product variants that it has become too expensive to hold extensive inventories. Therefore manufacturers produce only to order in world-wide supply chains. As this production approach spreads across sectors, employers are increasingly seeking to adapt work hours to customer demand and less willing to pay expensive overtime premiums to deal with demand fluctuations. As a result, the old practice of holding inventory and reducing idle time in companies with long work hours is being replaced with flexible work hours linked to customer demand in just-in-time production systems.

The fine-tuning of work hours to demand is facilitated by the use of technologies that allow for better planning even in complex organizations and that make short-term changes in work hours viable. In the service sector, where demand widely fluctuates, the extension of shop-opening and service hours increases the risks of overstaffing in times of low demand and understaffing in times of high demand. Being able to track sales through point of sale technology makes it possible for employers to shift the risks of the market to the employees and hire labor only for the hours they need. This staffing practice leads to a high variety of employment contracts with variable work hours, unpredictable schedules, and weaker attachment to the organization e.g. zero hour contracts, temporary, on-call, and subcontractors.
Employee preferences have also changed over time. Working a fixed schedule and set hours does not provide opportunities to organize work hours on an individual basis. The rise of female labor force participation has led to a movement away from the male breadwinner model and increased the need to find new ways to reconcile paid employment and family life. In some cases this includes one partner working temporarily or permanently less than full-time. In other cases, couples make use of flex-time to adjust their daily work schedule, especially when both partners work full-time. Still the chaotic nature of raising a family in a dual earner household with unexpected sick children or elder care is increasing labor instability and raising the demand for more types of flexible schedules. Moreover, longer commuting time in urban areas, the combination of work and further education, and more individualized life styles with strong leisure preferences have also increased employees’ interest in working time that meets individual needs and in flexible work hours.

Another contributing factor that has had a very differential effect on working time across countries is the decline in binding employment standards, which were achieved through collective bargaining agreements, strong trade unions, and legal regulations. In the United States, the decline of trade union membership density since the 1980s has weakened labor power and hindered the ability of unions to negotiate new working time practices into collective agreements that balance the interests of employees and employers. Unlike in the past, U.S. trade unions have also not been an effective political force for federal policies to expand paid leaves and other forms of working time flexibility. The decline in trade union strength has also corresponded with deterioration in the social contract, which can be characterized as a set of norms around the employment relationship. These norms include the understanding that workers and employers have a responsibility to each other and to society as well as a commitment to the idea that both
workers and employers should have the rights, power, and capabilities to control their own destiny at work (Kochan 2000). These changes have left U.S. workers in a weaker position to demand working time policies that meet their needs and preferences. In contrast, other countries have not experienced as sharp a decline in trade union strength or binding employment standards, e.g. Sweden, Denmark, Norway, or Belgium. In these cases, trade unions remain in a strong position to negotiate working time practices that meet employee preferences and fit the changing work environment. In other countries, legal regulations on working time were used by the state to protect workers from long hours and low income, e.g. France, the new European Union-member-states in Central and Eastern Europe and emerging countries such as Singapore and China.

New forms of work organization, changing employee preferences, and the decline of trade union strength have created an environment characterized by great diversity of working time practices. As these labor market developments combine with national institutions and public policies, different configurations of working time emerge. We do not expect working time practices to converge around the old standard working time model, although such a working time arrangement still remains in some industries. Given employer interests in process flexibility and the diversity of employee time preferences, it is increasingly difficult to negotiate or legislate highly standardized working hours. The question before us is under what conditions a new working time standard might emerge and what such a standard would look like. For example, would that working time standard reflect the preferences of men and women for working time practices that adjust to their needs over the life course (children, training, elder care) or would that working time standard reflect segregation and exclusivity where some workers are trapped
in classifications that limit working hours (part-time or temporary jobs) and others enjoy flexibility that matches their needs and preferences?

**New Working Time Configurations**

From our perspective, the new working time standard will be defined by the ability of employers or employees to establish working time practices aligned with their interests and will depend on the extent to which those practices are unilaterally set by employers, negotiated by employers and worker representatives, or mandated by the state. Thus, the configuration or mix of working time practices that coalesces will differ based on the process by which it is established and whose interests are being accounted for or realized in the process. In this section, we propose and discuss three models or configurations that distinguish how working time practices are established and altered: unilateral, negotiated, and mandated. These three configurations do not operate exclusively in their pure form nor are they mutually exclusive. In most countries, we find a mix between the unilateral, negotiated, and mandated configurations, often with one type being dominant.

**Unilateral Configuration**

The unilateral configuration is characterized by employer control over working time. The employer establishes working time practices to fit its interests, which typically encompass flexibility in the use of personnel, labor cost considerations, productivity increases, and recruitment and retention of skilled employees. The structure of these working time practices, e.g. the duration of the working week, the scheduling of hours or the length of leaves, are set solely by the employer and may be revoked if the economy is weak or employees are easily replaced.
The unilateral configuration is most prominent in institutional environments with weak forms of worker representation. Labor union membership and coverage density tend to be low and bargaining structures are more decentralized providing employers with greater flexibility to shape working time practices to fit their individual interests. Other forms of employee voice such as works councils or rights to request a flexible schedule do not exist. In addition, government regulations about work hours, paid leaves, and full-time / part-time pay equality are absent or weak as well.

The working time outcomes generated by the unilateral configuration primarily depend on the strategies of individual employers. These strategies can follow a low road path where the employer is focused on cost and flexibility. For example, in many customer service organizations, employers are able to set schedules in increments of a few minutes to match customer demand. Thus, working time practices are highly variable and unpredictable for employees. Strategies can also follow a high road path where the employer is focused on recruiting and retaining skilled employees and takes into account the working time interests of these employees. This path is driven by conditions in the labor market. When particular occupations are in high demand, employers are more likely to use flexible working time arrangements as a means to help employees balance work and family roles; examples include flex-time, compensatory time, compressed work weeks, reduced hours, sabbaticals, or individual schedule adjustments that work in the interest of both employees and employers. The high road path within the unilateral configuration is typically seen among professionals who offer specific skills and possess individual bargaining power through their position in the market. This reliance on the labor market also means that good practices can disappear fast when employers are
changing business strategies or the labor market changes to a buyer’s market with a surplus of skilled workers.

In summary, the unilateral configuration is characterized by a high diversity of working time practices, is highly exclusive given that it focuses on a small and varying share of the workforce, and is relatively unstable as practices often change with changing labor market conditions. Moreover, the ability of employees to access working time practices is relatively weak and dependent on employers’ willingness to offer such practices. Since wages are also set unilaterally the income differentiation is high which creates pressures on workers to work long hours to compensate for low or discontinuous wages (Prasch 2000).

Negotiated Configuration

In contrast, the negotiated configuration is characterized by negotiations between employers and worker representatives. In this configuration, working time practices reflect the compromise of employer and employee interests achieved through negotiation with independent worker’s representatives. The negotiated configuration is most prominent in institutional environments that support collective bargaining. Trade-union density is high which guarantees strong employee bargaining power independent from government support and low income differentiation across the economy. Multi-employer collective bargaining and a strong coordination of collective bargaining between industries play a central role in shaping working time in the negotiated configuration. The high coverage of collective agreements ensures consistency in the duration of work hours and leaves, supports equal pay for part-time work relative to full-time, compensates work for unsocial hours, and provides employees the means to adapt the duration of working hours to their preferences in different phases of the life course.
Moreover, the institutional support for decent wages increases the options for adjusting work hours to individual needs.

In the negotiated configuration, unions and employers may agree on framework agreements about flexible working hours, but the concrete scheduling of hours must be developed at the company level according to the specific needs of the employees and employers. Union representatives with strong procedural rights to information, consultation and codetermination are able to influence working time schedules and adapt them to the specific needs of employees at the workplace. This influence is used to increase the predictability of schedules for employees. If the social partners agree, they may be allowed to deviate from working time legislation so that even legal regulations become subject to negotiation.

In summary, working time is standardized across the economy in the negotiated configuration, but differentiation exists between industries, depending on the level of coordination, the difference in bargaining power of unions across industries and the strategies of the actors. Low road strategies that are based on long working hours or unilateral scheduling practices at very short notice cannot be sustained. The negotiated configuration not only encourages a high stability of working time practices but also facilitates innovation, through negotiation, in flexible forms of working time that meet the needs of individuals and firms. The result is significant worker control over working time and a high degree of working time options to meet life demands.

*Mandated Configuration*

The mandated configuration is characterized by the strong role of the state in shaping the array of working time practices and options available to employers and employees. Governments in all nations have an interest in establishing working time standards for reasons of health and
safety, in order to protect workers from overwork, to improve productivity or to encourage higher birth rates. Examples of common regulations include maximum weekly hours, paid vacations and public holidays, premiums for excessive and unsocial hours, and rights to paid parental leaves or to request a flexible schedule.

The mandated configuration is associated with an environment where the state dominants employment regulation and dictates not only working time practices but other employment terms directly to employers and employees.\(^1\) Autonomous collective bargaining is weakly developed because of low trade union density or the strong resistance of employers to autonomous collective bargaining. The social partners concentrate their efforts in trying to influence political interventions in the labor market rather than to jointly develop standards by autonomous negotiations. Tripartite national agreements are often used for general working time issues in which the state drives the agenda for these agreements. In addition, the state can use the extension of multi-employer collective agreements to non-covered companies as a way to extend its influence. Low wage work is reduced by minimum wages and the extension of collective agreements which contain detailed sector specific working time and wage provisions. This multifaceted combination of direct and indirect intervention via state-enforced collective bargaining at different levels opens up many channels to influence working time practices.

In the mandated configuration, the state also takes the main responsibility for the enforcement and compliance of working time practices, usually through labor inspectors, and plays a major role in establishing working time standards and supporting employees in enforcing

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\(^1\) Only in the European union (EU) do we find the mandated configuration at the supra-national level with EU laws on working hours which are binding for the member states such as the working time directive that sets maximum weekly working hours, a minimum duration of four weeks paid vacation, and equal pay for part-time workers.
their rights at work. Derogations from the working standards set by laws or collective agreements are exceptional.

Sengenberger’s (1994) differentiation between protective and participative standards is helpful in understanding the differences between the mandated and the negotiated model. Protective standards, which unambiguously determine working hours and schedules, are more important in the mandated model than participative standards which just define the procedures and codetermination rights of worker representatives for decentralized negotiations. The inflexibility of centrally set standards and the lack of trust between social partners often prevent agreements on innovative working time practices at the plant level within the mandated configuration.

In summary, working time practices in the mandated configuration are standardized across the economy with collective negotiations weakly developed at the firm-level. Equal pay for less than full-time workers is guaranteed by law. Low road strategies based on low wages, long working hours or unsocial work hours without premiums are restricted. The stability of working time standards is generally lower than in the negotiated model since governments and their priorities often change in response to employment rates and yearly fluctuations in working hours.

Table 1: Structural Elements of Working Time Configurations

<table>
<thead>
<tr>
<th>STRUCTURAL ELEMENTS</th>
<th>Unilateral</th>
<th>Negotiated</th>
<th>Mandated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who sets work</td>
<td>Employers</td>
<td>Autonomous social</td>
<td>State</td>
</tr>
</tbody>
</table>

2 Sengenberger also mentioned promotional standards. In the field of working hours this would refer to training leaves which may help individuals in their careers.
<table>
<thead>
<tr>
<th>Level at which work hours are set</th>
<th>Micro (firm and establishment)</th>
<th>Multi-level (national, industry, firm, establishment)</th>
<th>Macro (national and industry)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extent of Coverage</td>
<td>Exclusive</td>
<td>Inclusive</td>
<td>Inclusive</td>
</tr>
<tr>
<td>Mechanism</td>
<td>Employers’ prerogative</td>
<td>Collective agreements</td>
<td>Law and extension of collective agreements</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Individuals and employers in high road companies</td>
<td>Autonomous worker representatives</td>
<td>Labor inspectors and “borrowed” power for union representatives and works councils</td>
</tr>
</tbody>
</table>

Table 1 provides a summary of the structural elements associated with the three working time configurations. In countries where unilateral configurations dominate working time decisions, employers set working time practices at a micro or firm level. This results in exclusive coverage with a limited set of employees able to access various working time practices. In contrast, autonomous social partners (unions, associations, and employers) establish working time at various levels in the negotiated configuration. These levels include agreements at the national, sectoral, or firm level. This results in more inclusive coverage of employees able to access working time practices. Similarly, in the mandated model a strong state sets working time policy at a macro level that results in broad inclusive coverage.

The mechanism and enforcement of working time also differ across the configurations. In the unilateral configuration, employers alone establish working time policies and employees access working time practices through employer established policies, individual negotiations, or through legislation, which tends to be weak in unilateral employment environments. Without strong worker representation, employees are often dependent on the court system to enforce what rights or access they have to working time options. In high road firms, employers themselves may ensure employees have access to policies particularly if they have a well-organized
personnel function and a supportive organizational culture. In contrast, working time practices are established through collective agreements in the negotiated model, and autonomous worker representatives enforce agreements. In the mandated configuration, working time policies are established by law or by extending collective agreements to uncovered sectors. Enforcement occurs by state labor inspectors or through social partners, who are given specific roles and authority by the state.

**Different Worlds of Working Time: Country Examples**

These configurations are typologies that emphasize the dominant form of establishing working time practices within countries. Although these configurations represent ideal types, they are not static and can account for a range of unilateral or negotiated approaches to working time. We acknowledge that no country perfectly fits into one of these configurations. In fact, most countries would be regarded as mixed types with different combinations of elements of all three configurations. For example, Europe is not a monolith of employee friendly negotiated working time practices or strong state intervention to support employees. Germany, for example, has elements of both the negotiated configuration, a weak mandated configuration in sectors where collective agreements and works councils are not present and only legal minimum standards apply, and a unilateral model where legal regulations about non-standard work are not enforced. A striking example for the unilateral configuration in Germany is the more than 7 Million mini-jobs[^3]. According to the European Union (EU) part-time directive and German law, these part-time jobs must be treated equally to full-time jobs, but in practice these laws are not enforced and most of the mini-jobbers receive lower hourly wages relative to full-time workers.

[^3]: These are jobs with a maximum monthly income of 450 € which are exempted from social security contributions and income tax.
and no paid vacations or sick leaves (Weinkopf 2014). China fits the mandated model, yet the lack of enforcement of labor standards across provinces encourages elements of the unilateral configuration as well. There are, however, countries which can be regarded as showcases which come near to each of the three configurations discussed above. Analyzing these countries is an effective means of drawing contrasts between approaches to working time and emphasizing the significantly different worker outcomes associated with working time configurations.

In Table 2, we compare three countries and discuss their differences in key labor market institutions as well as regulations and rights related to working time. The United States represents the unilateral configuration characterized by weak legal regulations of working time. Workers do not have legal rights to paid vacations, paid sick days, or paid parental leave. There is also no legal right to part-time pay equality on an hourly basis with full-time work, or the right to reduce working hours in one’s job. In addition, the U.S. is characterized by low coverage of collective agreements and high employer discretion. In contrast, Sweden is a strong example of the negotiated configuration. High trade union density and the centrality of collective agreements with respect to working time practices encourage negotiated solutions to working time issues. In addition, the strong role of collective bargaining is supported by legal regulations providing workers with legal rights for paid leaves and the ability to request shorter working hours or a more flexible schedule.

France represents the mandated configuration with its strong state and extensive legal regulations that cover most employees. Moreover, the state supports collective bargaining by extending collective agreements across sectors to ensure uniform standards across the labor force. In 2000, France mandated a 35-hour work week and in the latest economic crisis provided subsidies for partial unemployment and early retirement. It also provides workers rights to paid
leave, equal pay for part-time work, and the right to request shorter working hours. This institutional comparison across the three countries provides the foundation for a more detailed assessment of working time practices and outcomes in each country. Thus, in what follows, we focus on three types of working time practices that capture a broad range of working time issues in the literature and also in the articles of this volume to illustrate how the structure and outcomes of working time practices differ across countries. These practices include flexible work arrangements, such as flex-time, working time accounts, compressed work weeks, or telework. In addition, we discuss less than full-time work practices, such as part-time and temporary work as well as work sharing arrangements during times of economic crisis.

**TABLE 2: Working Time Configuration in three countries: Institutions**

<table>
<thead>
<tr>
<th></th>
<th>USA (Unilateral)</th>
<th>Sweden (Negotiated)</th>
<th>France (Mandated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor market Institutions</td>
<td><em>Exclusive:</em> Weak legal regulation of working hours, low coverage by collective agreements (12%)</td>
<td><em>Inclusive:</em> Strong legal regulation including most employees; deviation by collective agreements possible, high coverage by autonomous collective agreements (91%)</td>
<td><em>Inclusive:</em> Strong legal regulation including most employees; high coverage by extended collective agreements (92%)</td>
</tr>
<tr>
<td>Duration of weekly working hours</td>
<td>No legal regulation</td>
<td>40 hours, less for shift workers</td>
<td>35 hours</td>
</tr>
<tr>
<td>Paid vacations</td>
<td>No legal regulation</td>
<td>4 weeks minimum by law, mostly 5 weeks by autonomous collective agreements</td>
<td>4 weeks minimum by law, mostly 5 weeks by extended collective agreements</td>
</tr>
<tr>
<td>Paid public holidays</td>
<td>No legal regulation</td>
<td>Yes, by law</td>
<td>Yes, by law</td>
</tr>
<tr>
<td>Overtime</td>
<td>50% overtime premium for hours worked above 40 in a week. Hourly and limited salary</td>
<td>Maximum 200 overtime hours per year by law; 50-100% overtime premiums by autonomous collective</td>
<td>Maximum 220 overtime hours per year and overtime premium by law for all workers except managers</td>
</tr>
<tr>
<td></td>
<td>workers covered.</td>
<td>agreements</td>
<td>(cadres); 25% for the first 8 hours and 50% for the additional overtime hours per week</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Equal pay for part-time</td>
<td>No legal regulation by law (European directive) and collective agreements</td>
<td>by law (European directive) and extended collective agreements</td>
<td></td>
</tr>
<tr>
<td>Leaves</td>
<td>Unpaid family and medical leave affecting less than 50% of the workforce Parental and training leaves by law</td>
<td>Parental and training leaves by law</td>
<td></td>
</tr>
<tr>
<td>Entitlements to vary duration of weekly working time</td>
<td>No legal regulation</td>
<td>Legal rights to demand shorter weekly working hours for care, child-care, and training</td>
<td>Right to demand shorter working hours</td>
</tr>
<tr>
<td>Work-sharing in crisis</td>
<td>Employer discretion</td>
<td>Collective agreements</td>
<td>State subsidies for partial unemployment and early retirement</td>
</tr>
</tbody>
</table>

**Unilateral Configuration: The United States**

The unilateral configuration is dominant in the United States. The Fair Labor Standards Act (FLSA) is the backbone of U.S. labor standards. The FLSA was passed in 1938 and designed to discourage employers from scheduling long hours. It regulates overtime by defining a regular workweek at 40 hours and requiring that workers covered by the law receive a 50 percent wage premium for hours worked beyond 40 in a given week. The FLSA is consistent with the old standard working time model but has not keep up with the significant changes in the labor market over the last several decades. Although the U.S. Department of Labor recently included home care workers under the law, the coverage of the FLSA remains rather limited to workers paid hourly wages and a small subset of supervisors, who are below a salary threshold of $455 a
week. Approximately 60% of the overall workforce is covered. The coverage regulations essentially leave many low-paid supervisory employees vulnerable to long hours and overwork without premium compensation. In addition, the FLSA places no limit on overtime work and employers are not prevented from requiring workers to work overtime with little or no notice (Boushey 2011). At the other end of the work-hour spectrum, employers are also not required to provide employees with even one hour of work. Although the FLSA establishes a minimum wage, it does not legislate minimum hours, leaving workers paid by the hour vulnerable to unpredictable work hours and low and fluctuating earnings. Apart from the overtime provisions, the FLSA has little to say about regulating or encouraging particular working time and scheduling practices that would help employees balance work and family demands. No federal regulation provides U.S. workers the rights to paid vacations, parental leave, sick leave, or the right to request a flexible schedule.

Moreover, other government regulations of working time are relatively weak compared with other developed countries. Wage and hour violations are widespread with few penalties from government regulators and individuals lacking the power or resources to enforce regulations (Bernhardt et al. 2009). Unpaid family and medical leave is available to only about half of all workers with low wage workers disproportionately lacking access to job-protected leave. Some states, however, have passed legislation granting employees paid family leave, most notably California and New Jersey (Milkman and Appelbaum 2013). Looking across the country, the overall result is a patchwork of policies that sets rather low minimum standards and provides plenty of room for the parties at the workplace to establish working time standards.

In the United States, trade unions must win elections at the workplace to represent workers in collective bargaining. Where unions have won bargaining rights, employers must
negotiate over work hours, schedules, and paid time off, and compensation for overtime hours. Unions, however, represent less than 12% of the U.S. labor force and less than 7% in the private sector (BLS 2013a). Although union density in the public sector is 36 %, bargaining rights differ widely across states, contributing to weak and fractured bargaining power for worker representatives. Given their relatively weak bargaining power, U.S. unions are often on the defensive seeking to protect negotiated health care benefits and wage levels rather than focusing on innovative working time practices (Berg and Piszczek 2014). Examples of innovative working time practices do exist, but they require favorable labor market conditions to succeed (Berg et al. 2014).

Flexible Work Arrangements

This low-level of government regulation, weak enforcement mechanisms, and limited collective bargaining give employers a great deal of discretion in establishing working time practices. Nonetheless, flexible work arrangements can be created to benefit employer and/or employee interests. Flexible work arrangements are workplace policies and practices that give employees the ability to adjust when, where, and how they work in order to balance work and non-work demands. Common forms include leaves for health, care-giving, or personal reasons; flexible schedules such as flextime, telework, compressed work weeks, reducing and increasing hours, averaging hours worked over some time period; and working time accounts. The U.S. literature on flexible work arrangements consists of a number of studies that examine the adoption of formal flexibility policies at the organizational level (Goodstein 1995; Ingram and Simons 1995; Osterman1995; Milliken et al. 1998). Organizational size, sector, and economic factors are commonly associated with the adoption of work-life flexibility practices by
organizations. Much of this work shows that large organizations and public sector organizations are more likely to implement formal work-family policies. Large organizations are more likely to provide formal flexible work arrangements than smaller firms, which rely more on informal practices (Wood et al. 2003).

The nationally representative National Study of Employers conducted by the Families and Work Institute provides a revealing picture of the prevalence of flexible work arrangements across U.S. firms (FWI and SHRM 2012: 21-34). These data show the exclusive nature of access to flexible work arrangements in the United States. Employers were asked if their organization allows all or most employees access to particular flexible work arrangements. Only 27% of employers allow all or most employees to periodically change starting and quitting times within some range of hours and only 9% of employers allow this on a daily basis. 7% of employers allow all or most employees to compress their workweek, 6% to work some regular paid hours at home occasionally and only 2% allow all or most employees to work at home on a regular basis.

With regard to control over working time, 62% of employers allow all or most employees to have control over when to take breaks, but only 7% of employers allow all or most employees to have choices about and control over which shifts to work, and only 20% control over paid and unpaid overtime hours. While the majority of employers do allow all or most employees to have control over when to take breaks, this form control occurs once a schedule and work hours have been established. The vast majority of employers do not allow all or most employees to have control over their shifts or overtime hours. This is also the case regarding practices that reduce working time. Only 6% of employers allow all or most employees to move from full time to part-time and back again while remaining in the same position or level, and only 2% allow all or most employees to work part year.
These data show that employers limit flexible work options to employees and few offer flexible work arrangements to all or most employees. The survey also asked about the extent employers offer flexible work arrangements to at least some employees, but it was only 30% percentage points higher on average than employers that allow all or most employees access to such practices (FWI and SHRM 2012: 22-23). Thus, U.S. employers operate very selectively regarding access of employees to flexible work arrangements. Whereas flexible work arrangements can be employee-friendly, access to them is not guaranteed nor does it appear likely to the vast majority of working people. Rather, access is exclusive, and when employees are able to gain control over their working time, it tends to be temporal and dependent on changing labor market conditions.

Less than full-time work

Less than full-time employment arrangements in the U.S. fall within the part-time employment classification. The part-time classification can be defined as regular part-time with consistent hours and few if any benefits such as health insurance, retirement contributions, or sick leave. In the United States, part-time work is a classification defined by employees attached to jobs under 40 hours per week. Employers are able to treat part-timers unequally relative to full-time workers largely because there is no law preventing this. Thus, the average hourly earnings of all part-time workers in private industry is 53% of full-time hourly earnings. This ratio is slightly better among state and local government part-timers at 61% (BLS 2010). Several studies have demonstrated that female part-time workers in particular have lower hourly earnings than full-time female workers (Bardasi and Gornick 2008; McGinnity and McManus 2007). This
part-time wage penalty is of course affected by many factors, including worker, occupation, and industry characteristics.

In addition, as of March 2013, only 24% of part-time workers in private industry had medical care benefits available to them compared to 85% of full-time workers. Retirement benefits were slightly better with 37% of part-time workers in private industry having access to retirement benefits compared with 74% of full-time workers (BLS 2013). Part-time workers access to health care benefits may increase with the Affordable Care Act, but this will also come as an additional cost on relatively low hourly wages relative to full-time workers. The approach in the United States to part-time work as a classification with reduced benefits essentially traps full-time workers and makes it difficult if not impossible for them to reduce their hours because of the loss of health and retirement benefits. This benefit trap significantly limits working time options and hours flexibility for U.S. workers.

The rates of part-time employment in the U.S. has followed different trends by gender and marital status. Rates of part-time employment for married women ages 25-54 with a high school degree or more have steadily declined since the early 1980s, dropping from 31% to 21% in 2012. In contrast, rates of part-time employment for unmarried men and women ages 25-54 with a high school degree or less have increased. From 2001 to the present, these rates for women have increased from 15% to 26% and for men from 7% to 12% (Valletta and Bengali, 2013). Part-time work also varies across sectors and occupations. The highest rates being in the service and sales sectors as well as in low skill occupations. It is in these sectors in particular, where we see other nonstandard forms of less than full-time work, e.g. on-call and zero hour contracts. In these types of nonstandard employment arrangements, employees suffer from
similar unequal treatment as part-time workers and employers shift income risk to employees by heavily controlling and varying weekly working hours.

As discussed above, the unilateral configuration is characterized by management control over how schedules are established and modified. For workers in less than full-time or nonstandard work arrangements, this means work hours are often variable and very unpredictable. Henly and Lambert in this issue examine unpredictable working time as a key element of less than full time precarious work. Based on a sample of female sales associates at 21 nonunion stores of a national women’s apparel retailer in the U.S., Henly and Lambert focus on four sources of unpredictable working time: limited advance notice, day mismatch, last minute changes, and day instability. They assess unpredictable working time in a female-dominated occupation where part-time work is common and part-time staff do not have access to paid time off, health insurance or other benefits, and employers are not required to pay an overtime premium. Their results indicate that unpredictable working time contributes to increased work-life conflict, inadequate time for nonwork activities, and increased stress. They also find that some employee input into the scheduling process can reduce these negative outcomes. Moreover, from a comparative perspective, Carré et al. (2010) found that U.S. employees in the retail sector have substantially less control over their schedules than retail workers in five European countries, including Germany, Denmark, France, the Netherlands, and the United Kingdom. The type of unpredictable work scheduling described above has become common not only in retail work but also many other industries within the unilateral configuration (Lambert 2008).

*Work-sharing during economic crises*
Work-sharing or short-time compensation is another form of working time flexibility. Work sharing provides employers the ability to adjust work hours rather than eliminate jobs in times of economic crisis. In an environment where employers face few restrictions to layoffs, such as the United States, work-sharing is not a common practice. Nevertheless, the U.S. federal government recently passed legislation to encourage its use. The Middle Class Relief and Job Creation Act of 2012 includes provisions on work sharing that help states reduce their unemployment rates and save on unemployment insurance (UI) costs. Under work sharing, workers’ hours are reduced; employees remain employed but are able to receive pro-rated UI benefits for hours not worked. This approach not only benefits employees but allows employers to maintain trained employees and avoid the costs of hiring and training new staff once demand picks up (Woo and Baker 2012).

The take up rate of these work sharing programs is low. At its peak in June of 2009, there were only 153,000 participants nationwide, and the average work sharing claim was slightly more than one-quarter of a job (Woo and Baker 2012). The U.S. Department of Labor has stepped up efforts to promote work sharing through online resources that help states increase work sharing programs (DOL 2013). Whereas work sharing clearly has benefits for both employers and employees, it remains to be seen if government efforts to promote the program will lead to more use by U.S. employers.

**Negotiated Configuration: Sweden**

Sweden represents the negotiated model. Around 70% of all employees are organized in a union and 91% are covered by a collective agreement. From 1963 to 2008, the trade union density of men slightly decreased from 74% to 68%, but increased substantially for women from
48% to 74% over the same time period. Sweden is one of the few countries in which trade union density of women is higher than of men. Trade union density is higher in the public sector (84% in 2009) than in private industry (65% in 2009), which includes services that are characterized by strong employer demands for flexibility (Visser 2013). The high trade union density shapes trade union strategies that include promoting gender issues and the reconciliation of work and family not only through collective bargaining but also through politics where the trade unions’ organizing strength make them effective political actors.

Collective bargaining predominantly takes place at the industry level and is coordinated between union and employer peak organizations. In an effort to gain flexibility, industry agreements increasingly allow for more specific firm agreements between union representatives at the firm level and single employers (Visser 2013). The high trade density and the ubiquitous presence of powerful trade union representatives at the workplace guarantee the enforcement of labor laws and collective agreements.

The 1982 Swedish Working Hours Act provided a statutory 40-hour work week, set yearly with monthly limits for overtime (200 hours a year and a maximum of 50 hours per calendar month). The Act also contained a general prohibition on night work with a number of exceptions for capital intensive industries and many services. Overall, the Act is highly inclusive since it covers nearly all employees, including most managers. Only managerial executives, domestic workers, and seafarers are not covered. The latter are covered by specific legislation. The Working Hours Act can be regarded as a hybrid between public and private law since it can be wholly or partly replaced by collective agreements. In addition, as a member of the European Union, no Swedish collective agreements deviating from the Working Hours Act can create less favorable working time conditions to the employee than the minimum standards laid down in the
European Union Working Time Directive and other directives, such as the minimum number of paid vacations (20 days per year) or equal pay for part-time, which are mandatory for all EU members.

The first priority of Swedish unions after World War II was the reduction of weekly working hours and increased paid vacations. After they reached the 40-hour week and five weeks of paid vacation in the 1970s and 80s, they did not join the campaign of many European trade unions for a 35-hour work week. The main focus was instead on improving working conditions and increasing working time options for employees. Only a few industry agreements provide shorter weekly working hours for all employees. As early as 1974 the social partners agreed upon a central agreement to reduce working hours as compensation for the especially strenuous night and shift work. The length of working time is currently 39 hours for workers on shift work, 38 hours for workers on semi-continuous shifts, 36 hours for workers on continuous shifts, and 34 hours for workers on regular night work. Some industry and plant agreements provide even shorter working hours.

Flexible Work Arrangements

The approach to individualized working hours and creating flexible working time options go beyond what is possible for example in North America. The open nature of the Swedish Working Hours Act has encouraged the social partners to negotiate flexible working time arrangements at the industry and firm level if these arrangements are more favorable to the workers. In collective agreements, unions voluntary give up mandated standards such as the statutory 40-hour week in exchange for more attractive annual hour schedules with varying

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4 Shift systems refer to two shifts per day; semi-continuous refers to 2 or 3 shifts per day with or without weekends; and continuous shifts run 24 hours per day, 7 days per week.
weekly working time over the year. Thus, collective bargaining becomes a decentralized approach to creating working time standards and is successful because of strong union representation in nearly all workplaces, trustful relations with the employers, and the possibility to terminate the collective agreements and go back under the protective umbrella of the Working Hours Act. Moreover, unions have trust in their own capacity to negotiate with the employers on a level playfield and to meet increasingly individualized employee interests rather than fighting to maintain traditional idea of standard working time. For Swedish unions, new collective agreements open up the path for working time innovations.

In the public sector, the trade union focus is more on improving the working conditions and in the private sector more on cost savings through, for example, the annualization of working hours to save overtime premiums (Anxo 2013). Since the mid-1990’s, the industry agreement signed by the unions and employer associations in the manufacturing has almost completely replaced the Working Hours Act. This industry agreement covers about 600,000 blue- and white-collar workers (approximately 20% of the gainfully employed population) in various sectors (chemical, textile, wood, engineering, etc). Most industries covered by the agreement follow an annual working time norm. In the industry agreement, the social partners also agreed to a new ‘Life working time’ practice that allows for 0.5% of an employees’ annual income to be saved in a working time account. This savings can be used to take leave or reduce working time, or may be taken out in cash (except in the engineering sector). It has been calculated that this new choice between wages and leisure time may allow a working time reduction up to 50 hours per year by using the savings in one’s working time account.

Another example of the decentralized approach to working time negotiations is the 1997 agreement for approximately 250 000 employees in the public sector, which also replaces the
Working Hours Act. This agreement does not contain detailed regulations regarding working time schedules in order to not restrict the social partners at the local level in their negotiations of more flexible working hours. In fact the lack of detailed regulations in the central agreement requires social partners at the local level to negotiate working time schedules.

A European survey shows that Sweden and Denmark have the highest share of employees working in flexible working time arrangements. The most important forms in Sweden are staggered work hours\(^5\) and time banking systems which give the employee the opportunity to save hours and later take paid time off (Plantenga et al. 2010: 54). A Swedish survey shows that the ability to influence the planning of work hours is lower in manufacturing and also among front-line workers in services (Statistics Sweden 2012: 41). 66% of Swedish employees work the same number of days per week and 45% the same number of hours every day (Eurofound 2014) which means that flexible working hours are mainly used to adapt the hours to quite regular household time arrangements. The share of Swedes working long hours (48hrs+ per week) is among the lowest in Europe (1.7% men, and 0.4% of women in 2008) (Kümmerling et al. 2009) which means that flexible working time is not used by employers to increase working hours. Only around 6% of men and women report that they have difficulties combining their work with their family life and leisure activities. The share of those with children under 7 years of age that report difficulty is only slightly higher (around 8%) (Statistics Sweden 2012: 79).

*Working hours below full-time*

With increasing female labor market participation and the proactive support of a family-friendly dual earner model from the state and trade unions, the traditional standard working time

\(^5\) Employees start and finish at slightly different times.
in Sweden is being replaced by a new model of flexible work hours over the life course. Men and women usually work full-time but take leaves or work part-time temporarily during certain phases of the life course. The comprehensive Swedish entitlements for parental, training, or care leaves are regarded as universal civil rights and therefore mandated by the state. This is perspective necessary because the generous allowances for some of the leaves are financed through taxes. Since the 1970s, part-time work has been encouraged by the government as well as unions as a way to integrate women into the labor market. Part-timers are equally paid relative to full-time workers and are entitled to all social benefits on a pro rata basis. Movement from part-time to full-time work and vice versa is common because of legal entitlements to alter work hours for child care or further training as needed.

In 1974, the Swedish parental leave program was introduced. In the 1990s, the length of parental leave was successively extended from 6 to 16 months with a full job guarantee. For the first 390 days, 80% of gross earnings are compensated by the state up to an income ceiling of 445 000 SEK (€ 50 300) per year in 2013. Some collective agreements top up to 100% of gross earnings. Parents receive a flat rate of 180 SEK for the remaining 90 days. The leave can be taken until the child’s eighth birthday by working a shorter week over a longer time period. Leave entitlements for children are accumulated which give families with more than one child substantial working time options over a long period of time without substantial loss of income. To support a more equal gender distribution of child care, two months of the parental leave are individual entitlements for fathers and mothers that cannot be transferred. Most fathers take these two months of leave, yet in 2011 76% of the total number of compensated days was still taken by the mothers (Anxo 2013).
There are additional legal entitlements for parents to take paid carer’s leave for sick children and seriously ill relatives. Employees may take up to 120 days per year and per child, until the child’s twelfth birthday, and up to 60 days for the care of relatives. These leaves are also compensated at 80% of previous earnings (Anxo 2013). In addition, employees have the right since 1998 to take unpaid leave for urgent family reasons. The Individual Training Leave Act (1974) also allows employees from 20 to 54 years of age to reduce working hours or to take leaves for further training with the right to return to their previous job. There are no restrictions on the type or the length of training, and the training may be unconnected to the type of job.

Taking leaves to meet needs over the life course and moving in and out of part-time work are becoming standard options for employees at work. The old standard working time model has been replaced by the flexible work life standard for men and women. The more egalitarian distribution of working hours among those employed, relative to the U.S., contributes substantially to the lower income inequality in Sweden (Bjorklund and Freeman 1994). The new norm is not yet fully established. More women are still part-timers and take parental leave more often than men. Yet employees have many possibilities to adapt working hours to their preferences, and 80% of men and women regard the duration of their working hours as suitable (Statistics Sweden 2012: 42). With many working time options and the improvements in childcare and all-day schools, the share of Swedish women working part-time is going down. In 1981, 47% of Swedish women worked part-time, compared to 33% in 2012 (Anxo 2013). The parental leave system allows for an income-compensated temporary reduction of working time, thereby reinforcing women’s bargaining power and status as a significant breadwinner even when they are not temporarily participating on a full time basis in the labor market. Contrary to
many other European countries (Mateazzi et al. in this issue) part-time work in Sweden does not have long-term wage penalties (Bardasi and Gornick 2008).

**Working time in the crisis**

Contrary to continental European countries, such as Germany or France, Sweden does not subsidize the temporary reduction of working time in economic crises to prevent lay-offs. The Swedish welfare state was built around the idea to protect workers and not jobs which means that redundant workers receive active support for retraining. In the recent financial crisis, the Swedish economy especially the manufacturing industry was, however, severely hit. Therefore, the Union of Metalworkers (IF Metall) signed an agreement on temporary lay-offs with the employers’ association. According to the general agreement, employees could be temporarily laid off and keep their job with an income guarantee of 80%. If they worked four days a week, one day was unpaid. If they only worked three days a week, the company had to pay one of the two days off. Around 170 local agreements on temporary lay-offs were settled shortly after the general agreement. The agreement remained highly controversial within the Swedish trade union movement. Some unions refused to accept wage cuts in the crisis (Eurofound 2009). The agreements served to buffer the impact of the crisis. Around 35% of the decline of labor input in 2009 was due to the drop of work hours per employee, which was about the same percentage as in the Netherlands or Belgium and even more than in France with their highly state-subsidized short-time programs (Bosch 2011).

**Mandated Configuration: France**
France is a prototype of the mandated configuration. The state intervenes to protect workers through legislation or by extending collective agreements to non-union sectors. French labor unions are generally strong political actors but weak in terms of membership and workplace bargaining. At 8%, union membership density is among the lowest in the industrialized world. Density rates are higher in the public sector at 16% compared to 5% in the private sector (Amossé and Pignoni 2006). In contrast to the low union membership rates, coverage of workers under collective agreements is much higher at 92% (90% in the private and 100% in the public sector) (Visser 2013). In spite of declining trade union density, union coverage has increased in the last decades (Bosch et al. 2010). The strong role of the state in the regulation of worker rights, the extension of most industry-wide collective agreements to non-unionized workers, and the various legal rights to workplace voice, including works councils and the protection of elected trade union delegates against dismissals, can be viewed as a compensation for weak autonomous union power at the plant level, what we refer to as “borrowed power” in Table 1.

Flexible Work Arrangements and working time reduction

France has been very active in working time regulations. Since the 1990s, more than ten legislative initiatives on working time have been adopted (Lallement 2009). The adoption of the 35-hour work week in 2000, combined with 5 weeks of annual vacation and a large number of statutory public holidays, contribute to making actual working hours among the shortest in industrialized countries (Lee et al. 2007). The standard 35-hour work week adopted in France is the lowest in terms of statutory working time in Europe. Small firms are exempted and managers, or cadres, could opt for a maximum of 218 work days per year without limitations of the weekly working hours. To make shorter working hours with full wage compensation
acceptable to the employers and low-income workers, the state heavily subsidizes low wages by reducing the social security contributions for low-income workers\(^6\).

The laws on working time reduction enacted at the turn of the century have sought to stimulate collective bargaining in firms by devolving the determination of some aspects of working time to this level, in particular flexibility on working time arrangements (Labbé 1996; Dufour and Hege 2010; Lehndorff in this issue). In many companies the negotiations on the implementation of the 35-hour week and new flexible working time schedules were the first negotiations in these companies at all.

Yet as Lehndorff shows in this issue, the statutory approach to working time led to an average reduction of weekly working hours by two hours that, however, was not uniformly applied across all groups of workers. High skilled workers in particular have not seen their work hours drop as much as less skilled groups. Most parents and women have seen substantial working time reductions and as Lallement wrote, “it is undeniable that the big beneficiary of the working-time reduction has been the family” (2009: 41). The traditional reliance on externally set standards and the weak tradition of decentralized negotiation is in all likelihood the reason why French manufacturing companies used working time organization only half as much as a tool to increase labor flexibility as German manufacturing companies (Schief 2009).

Lehndorff (in this issue) also clearly demonstrates that establishing new working time norms are difficult to achieve through legislative mandate alone. Rather it is a long-term social process that requires the intervention of actors at various levels to embed new norms into the workplace and within households. This social process has, however, has been started in France.

\(^6\) In 2010, the reduction in social contributions for low-income workers amounted to around 23 Billion € (1.1% of the GDP). One study shows that between 400,000 and 800,000 jobs were created or sustained by this subsidy (Heyer and Plane 2012: 123).
Case studies show that many companies report not wanting to return to old working time patterns after the costly reorganization of their working time schedules to comply with the 35-hour work week legislation. The successive conservative governments in France did not dare to change the 35-hour norm directly but rather introduced several possibilities for deviating from the 35-hour rule. For example, extending the opportunities for overtime and increasing the number of working days for the “cadres” increased the share of men working long hours above the European average. This increase, however, could not reverse the overall reduction in working time, but did increase the diversity of working time schedules across groups of workers (Lee et al. 2007: 40).

Overall, the proportion of flexible working time schedules remains quite low in France compared with other European countries. In 2004, around 30% of workers (28.5% female and 29.8% male) benefited from some type of flexibility in their working time, such as flextime, which is the lowest rate among the twelve most advanced economies in Europe. This rate was substantially lower than in Germany or Sweden (Plantenga and Remery 2009: 26).

Less than full-time work

In compliance with EU directives, France provides for equal treatment between part-time and full-time employees. Part-time work has increased in France over the last 30 years from 8% of total employment in the early 1980s to approximately 18% in 2010. This is much less than in most other European countries because full-time work remained the dominant working time standard for an increasing share of women entering the labor market. The long tradition of providing affordable public child-care and the full-day school system facilitates the reconciliation of work and family and strongly influences working time preferences, especially
those of women. A European comparative research study showed that in typically part-time industries the share of part-timers was much lower in France than in Germany, UK and Japan in large part because the overall pool for part-time workers was smaller in France (Baret et al. 2000). Because of the full-time orientation of French women, part-time work is more often involuntary than in OECD average\(^7\). One quarter of part-time French workers would like to work more hours and this figure rises to 40% among young people in part-time jobs.

The French government tries to encourage part-time work, however, with limited success. Under French law, employees can change from full-time to part-time status while maintaining their social benefits prorated on the basis of hours worked. However, the agreement of the employer is required to authorize this flexibility. Another opportunity for flexibility in working time emerged in France in 2004 with the legal introduction of an individual right to training. Each employee is allowed to take paid leave for training, 20 hours per year cumulative for 6 years (max. 120 hours). The employer must, however, approve the employee’s request for leave. Use of this right has progressed slowly, from 1% in 2005 to 6% of total employees in 2009. The average duration of the leave in 2009 was around thirty hours.\(^8\)

*Work-sharing during the crisis*

In response to the crisis, France instituted a work-sharing program called *partial unemployment*. Workers eligible under this scheme maintain their contracts with their employers, reduce working hours temporarily, and receive unemployment allowances from the unemployment insurance funds. The partial unemployment scheme dates back to a tripartite national agreement from 1968. In the great recession of 2008, this agreement was renegotiated to

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\(^7\) [http://www.oecd.org/gender/data/percentageofemployedininvoluntarypart-timeemployment.htm](http://www.oecd.org/gender/data/percentageofemployedininvoluntarypart-timeemployment.htm)

avoid mass dismissals. The subsidies for hours not worked were increased and workers received 60% of their gross income (previously 50%). The maximum yearly entitlement to partial unemployment payments were extended from 600 to 800 hours per year and even to 1000 hours per year in some heavily affected industries, such as the textiles and automotive sectors. The social partners were able also negotiate improvements to these parameters if they so desired (Gautié 2011).

At the beginning of the downturn French firms made use of their internal working-time reserves and then shifted to partial unemployment with shorter working hours when these internal reserves had been exhausted. For example, firms’ initial response at the beginning of the downturn was to use up existing credits on working time accounts, to reduce overtime and to bring forward holidays (Liaisons Sociales 2009). Over time the number of employees on short time rose from around 46,000 in the second quarter of 2008 to 319,000 in the second quarter of 2009. The effect of partial unemployment in full-time equivalents is estimated at 9,000 to 11,000 individuals (de Brandt and Pavot 2009). Although the downturn was much more serious than the 1992-93 recession, the level of short-time working in the latest crisis was not significantly higher than in the earlier period of economic difficulty.

The decline in GDP in France was half that in Germany, but the increase in the unemployment rate was four times greater (+ 0.5% between mid-2008 to mid-2009 in Germany; +2% in France). The partial unemployment scheme, however, was much less used in France than in Germany in the great recession as in the crisis before. French firms have tended to use short-time working as a first step towards subsequent redundancies (Dares 2009; CEE 2009) and not to retain skilled workers. One reason for the lower take up in France was the lack of support by the social partners for this mandated working time scheme. In France there was much less pressure
on firms from work councils and trade unions in France compared to Germany to use short-term working (Herzog-Stein and Zapf in this issue).

Overall, the French approach relies heavily on standardized working time regulations from the state, mainly the 35-hour work week. Whereas labor unions and other forms of representation exist at the firm level, these actors tend to be weak negotiators. This along with the lack of trust between labor and management contribute to a lack of flexibility in working time practices at the workplace. Unlike the U.S., France does have an inclusive institutional environment that provides strong working time entitlements such as paid vacations, the ability to adjust work hours, and part-time equality with full-time work. The major challenge for France and the mandated configuration is making standardized norms – a kind of one-size-fits-all approach – penetrate into the workplaces, and even to the workers themselves, especially in a context where employee representatives have been losing ground for several decades and where employers are demanding greater flexibility to face external competition. In spite of these difficulties, the 35-hour work week has increasingly become the dominant norm in the French labor market nearly 15 years after its introduction. The introduction of the shorter work week resulted in mainly women shifting from long part-time to the new short full-time standard. In addition, a shorter work week makes work-life balance easier because of more non-work time and that is in itself a source of flexibility. The new revitalized working time model is, however, “less standardized” than the old standard of 40 hours per week because of a higher diversity of working hours across the economy.

**TABLE 3: Working Time Configuration in three countries: Outcomes Summary**

<table>
<thead>
<tr>
<th>Working Time</th>
<th>USA (Unilateral)</th>
<th>Sweden (Negotiated)</th>
<th>France (Mandated)</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Practices</th>
<th>Flexible work arrangements</th>
<th>Less than full-time work</th>
<th>Work-sharing in crisis</th>
<th>Working time standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Increasing unpredictability of working hours. Individual options only in high road companies</strong></td>
<td>Decentralized compromises with working time options for employees</td>
<td>Part-time mainly optional and normal spell in flexible work life; no negative employee effects</td>
<td>Equal treatment for part-timers but part-time often involuntary, some negative employee effects</td>
<td><strong>Fragmentation:</strong> Disappearance of the traditional standard working time model. More individualization of working time practices depending on bargaining power</td>
</tr>
</tbody>
</table>

In Table 3, we summarize the diversity of outcomes associated with the working time practices discussed across the three countries. Employer interests are driving working time change in the U.S., leading to fragmentation of working time across groups of employees. The old standard working time model is giving way to more exclusive access to flexible working time arrangements where the experience of highly skilled workers differs greatly from the less skilled. In contrast, Sweden demonstrates how under the right conditions, high trust between the
social partners and strong institutions, collective bargaining can lead to innovation in working time practices, individual flexibility, worker control and working time options that meet employee needs over the life course. This negotiated approach that balances the interests of employers and employees has contributed to work-life balance and supports the high rate of female labor force participation (Anxo et al. 2013). The mandated approach in France is effective in creating decent working time standards and has essentially led to a strengthening of a new standard around the 35-hour work week. By lowering weekly working hours, France has increased opportunities for better work-life balance, but has also created more diversity of hours across groups of workers because the new standards with a general working time reduction is less adapted to the specific and varying needs of families and individuals over the life course.

The articles in this issue cover a range of countries and working time practices. They reflect well the different working time configurations we find in the world. Cao and Rubin examine standard work hours in China and show what can happen to work hours when the enforcement of labor standards by the state is weak. They find that the probability to work standard working hours is particularly low among small firms and in more marketized Chinese provinces. Herzog-Stein and Zapf discuss the important role of unions and works councilors at the plant level in negotiating working time accounts, which were effective in safeguarding employment during the great recession in Germany. Garnero et al. focus on the part-time wage penalty associated with short and long part-time work Belgium. Their findings suggest that there is no part-time wage penalty associated with part-time employment in Belgium and that long part-time generates economic rents.

Mateazzi et al., in contrast, analyze the part-time wage gap for adult women in four European Union countries. They find that in spite of the European equal pay regulation
substantial part-time wage gaps exist in all four countries because of horizontal and vertical gender segregation in the labor market. They argue that the part-time wage gap for women depends not only on working time regulations but also on different welfare and gender regimes. Lehndorff examines the implementation of the 35-hour work week in France and draws comparisons with the German metalworking industry. He demonstrates that establishing a new working time norm around the 35-hour week is difficult to achieve through legislative mandate alone. Rather it requires the intervention of actors at various levels to embed new norms into the workplace. Based on a sample of US retail workers, Henley and Lambert show how unpredictable schedules negatively affect work-family conflict and measures ofemployee stress and strain. Lastly, Reynolds analyzes the impact of a spouse’s or partner’s stated preferences on an individual’s actual work hours, as well as the gap between spouses’ actual and preferred work hours. He finds that the preference tensions of couples about women’s hours are slightly larger than about men’s hours and that 20% of women who want to work for pay have partners that prefer they do not work. By shifting the focus from individuals to couples, Reynolds adds to our understanding of the gendered nature of labor supply decisions.

Conclusion

In this article, we examine working time through the lens of the employment relationship and the interests of various actors. We discuss how the decline in the old standard working time model has opened the door to greater diversity in working time. As the demands of employers and employees encourage new working time practices, we find the responses to these demands
differ substantially across countries. These differences reflect different labor market institutions and different power relations between labor and management.

In an effort to bring greater clarity to the wide range of working time practices found across countries, we compare three different working time practices, namely flexible work arrangements, less than full-time work, and work-sharing in the crisis. These practices are addressed by many of the articles in this issue which show the strong impact of different labor market institutions and actors’ strategies on working time practices. We develop three types of working time configurations, the unilateral, negotiated, and mandated, which demonstrate the importance of how working time practices are established. Our analysis of the U.S., Sweden, and France as prototypes of these configurations helps to explain why working time practices differ across countries and highlights the important role institutions play in shaping working time practices in alignment with employer and employee interests.

The different configurations lead to different outcomes for workers. The negotiated configuration (Sweden) that provides employees a voice in decisions about working time results in a high level of working time options for employees and a high degree of employee control. Greater innovation in working time practices is also prevalent in the negotiated configuration because social partners are equally strong at multiple levels in the economy and negotiations on working time schedules can be decentralized to the company level and adjusted to meet the needs of employers and employees. Negotiating about working time often leads to compromises that balance employee and employer interests and protects workers. This contributes to greater variety of working time options that are more likely to meet the needs of individual workers within business constraints. Examples of such working time options include the ability of
workers to adjust working hours for short and long periods of time, the ability to choose different work schedule options and to take paid parental and training leaves.

In the mandated configuration, the state seeks to provide working time standards that widely cover the working population. The French approach establishes quite favorable and highly inclusive working time standards for the employees such as the 35-hour work week, limits on the use of overtime, and provide five weeks of paid vacations as well as various paid leaves. Yet, the mandated model requires enactment at the firm and establishment level. The low trust between the social partners, their difficulties to negotiate compromises without the intervention of the state, and the weakness of trade unions at the plant level explain why standard setting at the central level has been pushed for by unions and the state. This lead to a less flexible one size-fits-all standard and compared to the negotiated model, a lack of flexibility at the company level.

In contrast, the unilateral configuration in the U.S. leaves control over working time clearly in the hands of management. Legal working time regulations have not been forthcoming to compensate for the decline in collective bargaining or modernized to cope with new needs, such as employee preferences for flexible working hours. In addition, flexible working hours are increasingly associated with the unpredictability of working hours, discrimination through lower standards for workers working less than full-time, and a shift of income risk to employees working part-time and nonstandard schedules. High skilled workers are more likely to find working time practices that meet their needs when employer strategies are focused on recruiting and retaining skilled employees. In contrast, lower skilled workers with excess supply in the labor market are unlikely to find their working time interests met by employers. The unilateral configuration, therefore, is exclusive and the quality of working time options vary widely across groups.
With regard to the breakdown of the traditional standard working time model, we find a heterogeneous picture. In the unilateral configuration (United States), only pockets of the traditional standard working time model survive and more generally has been replaced by diverse working time practices shaped by management decisions and individual bargaining power. The exclusive distribution of working time mirrors similar trends of inequality in the economy. The increasing wages of those at the top of the income distribution and the stagnation of wages for the vast majority of working people (Mishel and Shierholz 2013) have not only undercut norms of fairness within the labor market but increased the difficulties to earn a living and combine work and family life. The lack of wage growth creates a strong incentive to sacrifice time for money in an effort to maintain income. The result is often long work hours and/or unpredictable schedules that are not leading to growing economic prosperity or better control over one’s work and family life. Moreover, favorable labor market conditions are currently not empowering individual workers to demand more control over and access to working time options, nor are strong worker representatives present in the employment relationship to effectively balance working time interests at work. In the unilateral configuration, employers are able to shift many market-risks to employees, substantially reducing the options employees have to adapt work hours to individuals needs. The uncompromising nature of the unilateral configuration makes work-life balance much more difficult than in the two other configurations.

The working time practices in the two other configurations show that the traditional standard working time model can be transformed in a more balanced way within a strong institutional environment. In Sweden, a new working time standard is emerging, characterized by flexible work hours over the work life course with individual options to reduce working hours or
to take leaves during difficult transitions (parenthood, retraining, elder care). In France, the old concept of standard hours is being revitalized around a new shorter standard working week but with much less flexibility to adjust hours to individual needs than in Sweden.

Although most other countries are mixtures of the three configurations, the strength of our typology is that it provides the building blocks with which different national working time models are constructed. Thus, to understand the mixed types is crucial to understand the ideal types. Our analysis of working time demonstrates that employment relations institutions strongly influence how working time practices affect employees. Strong support for worker representation in the economy and the development of strong unions reinforces the negotiated model of working time, and leads to more inclusive coverage of workers, especially when combined with minimum working time standards established by the state. In contrast, more laissez faire institutional environments where the state is less willing to intervene and forms of worker representation are weak encourage greater exclusiveness, employer control over working time, and a more limited range of working time options.

Considering working time research, we encourage researchers to take into account the employment relations context and the role of institutions when evaluating the effect of working time practices at all levels on employers and employees. In addition, more attention should be paid to how working time practices are established and the interests they reflect. We encourage researchers to identify various mixed working time configurations and assess the reasons why various mixed types emerge and their implications for firms and workers. Other important questions include whether formal negotiated practices actually yield different outcomes for workers than similar informally and individually negotiated practices. How do different working
time practices in specific industries and occupations differ within and across working time configurations, and what models of working time are emerging in the developing world?

With regards to policy, our findings demonstrate the importance of increasing worker representation and voice at the workplace to ensure working time options that meet employee needs. This remains important especially in an era of union membership decline. In addition, we show the limitations of mandating working time practices by the state when labor unions and other worker representatives are weak. As U.S. policymakers and advocates wrestle with the idea of mandating paid family or paid sick leave, we would caution against relying too strongly on a mandated solution alone. While certainly an important act in establishing a core standard, paid family leave at the federal or state levels also requires strong worker representatives to effectively ensure access. Thus, in many respects working time policy still remains employment relations policy.
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