

# CONTESTING TIME: INTERNATIONAL COMPARISONS OF EMPLOYEE CONTROL OF WORKING TIME

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The authors hypothesize that three broad factors affect the degree of workers' control over the timing and the total hours of their work: the institutional and regulatory environment within the country, labor market conditions, and management and labor union strategies. Drawing from their interviews in 2000 with managers, public sector policy-makers and administrators, and union leaders, as well as from previous literature, they illustrate how these factors actually affected working time and employee control over working time in the United States, Australia, Japan, Germany, Italy, the Netherlands, and Sweden. Their comparative analysis shows that in some countries, employers and labor unions negotiated contracts that increased employee control over working time and provided employers with greater flexibility; in others, employee control over working time remained unevenly distributed across the occupational spectrum.

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Work arrangements that reflect employers' requirements for greater flexibility and employees' desires for job security and a better balance between work and life responsibilities are changing today's workplaces. The prevalence of work arrangements with flexible working time such as part-time work, telecommuting, compressed workweeks, annualized hours contracts, and time banks has increased sub-

stantially since 1990 in the advanced industrial economies (Bettio, Del Bono, and Smith 1998).

Despite the growing importance of flexibility policies and practices, relatively little research has focused on firms' behaviors and motivations in adopting them. Nor has research explored the tension between employer and employee control comparatively across countries. The purpose of this article is to provide a stronger foundation for the development of public policy and private practice by examining employee control over working time in seven countries. We define "employee control over working time" as the ability of *individual*

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A data appendix with additional information, including interview transcript selections, is available from the first author at the School of Labor & Industrial Relations, Michigan State University, Kedzie Hall, 4th Fl., East Lansing, MI 48824-1032 (email: bergp@msu.edu).

workers to increase or decrease their working hours and to alter their work schedule. Moreover, we contrast individual control over working time with collective control, which may have a positive or negative effect on individual control. In addition, we draw on information collected from firms, public sector policy-makers and administrators, and unions. Based on that material, we develop a framework that distinguishes between control over the duration and timing of work hours. Our framework also emphasizes three broad determinants of variation in the extent of employee control over working time: the institutional and regulatory environment within the country, labor market conditions, and management and labor union strategies.

We begin by briefly discussing what is driving changes in working time across countries. We then outline our framework. Finally, we report results of our study of seven countries to illustrate how the three factors in our conceptual framework actually affect working time and employee control over working time. We describe cases in which employers and labor unions have negotiated contracts that increase employee control over working time and provide employers with greater flexibility, as well as cases in which employee control over working time remains unevenly distributed across the occupational spectrum.

### **International Developments in Working Time**

Working time was a central focus of policy initiatives and collective bargaining in the European Union (EU), Australia, and Japan during the 1990s. In the EU countries and Australia, changes in working time are largely driven by two considerations—employers' demands for flexibility in scheduling work to better match work schedules to variations in demand for labor, and employees' interest in protecting or creating jobs. Collective bargaining agreements in Germany, Italy, and Australia have frequently reduced employees' work hours at the enterprise level while providing employers with greater flexibility in schedul-

ing work through innovations such as annualized hours of work, time banking schemes, individual working time contracts, and flexible starting and finishing times (Bettio et al. 1998). In the Netherlands, expanded opportunities for a new type of part-time work began with a 1982 agreement between the employers' federation and the leading unions (Nickell and van Ours 2000), and culminated in passage of the Adjustment of Hours Act, which, since July 2000, has facilitated individual reductions in weekly working time. In France, the government enacted a reduction of the standard workweek from 39 to 35 hours in June 1998, with an effective date of January 1, 2000, for companies with more than 20 employees and January 1, 2002, for those with 20 or fewer (Freyssinet 1998).<sup>1</sup> The goal of the legislation was to increase employment through a substantial, widespread, and immediate reduction in employees' hours and to promote a trade-off of fewer weekly hours of work for greater flexibility for employers in scheduling work.

Only recently have limited and temporary reductions in weekly hours, flexible starting and finishing times, job sharing, and opportunities to work from home emerged in these countries as a means of enabling individual employees to navigate their work lives and personal lives. Partly as a response to the demands of female employees and union members, company policies with respect to flexible work arrangements are being reshaped to accommodate individual employees' needs for flexibility.

In Japan, in contrast, the discussion of flexible working time has, since the beginning of the 1990s, been framed in terms of what constitutes a comfortable life style (Imada 1997; *Japan Labor Bulletin* 2000). The Japanese do not feel rich, Imada (1997) argued, because an over-emphasis on work

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<sup>1</sup>Some changes in the law, providing greater flexibility for smaller companies, were introduced in September 2002 (Personal correspondence from Professor Jeanne Fagnani, University of Paris).

and long hours has made it difficult for many Japanese to enjoy family life. The balance between work and family has been a focus of public policy because of Japan's low birth rate and aging population and the government's desire to encourage further increases in women's participation in paid employment.<sup>2</sup> More recently, the persistence of unemployment and a sluggish economy has led Japanese companies and policy-makers to embrace greater flexibility in enterprises, including more flexible work schedules, as a means of revitalizing the workplace and the economy (*Japan Labor Bulletin* 2000).

In the United States, the hours of prime-age workers increased in the 1980s and 1990s to the point that U.S. workers now work more hours per year than do workers in any other industrialized country, averaging 1,978 hours per year (ILO 1999 2001). Middle-class parents in dual-earner households worked a total of 3,932 hours in 2000, equivalent to more than two full-time jobs in most European countries (Mishel, Bernstein, and Boushey 2003, Table 1.27). As a result of employers' pursuit of greater workplace flexibility and employees' interest in balancing work and family responsibilities, the way work is accomplished and scheduled is changing. The standard 40-hour workweek is disappearing in many occupations: professionals regularly put in extra hours to meet deadlines, and many hourly employees are required to work overtime or evening hours (Golden 2001; Golden and Figart 2000). Often, the trade-off for managers and professionals is greater control over when and where work takes place, reflected in the growth of flexible starting and finishing times and tele-

commuting for these employees (Appelbaum and Golden 2002). For many U.S. workers, however, the need for flexibility and control over work time means accepting part-time or contingent work arrangements.

### Explaining Variations in Employees' Control over Working Time

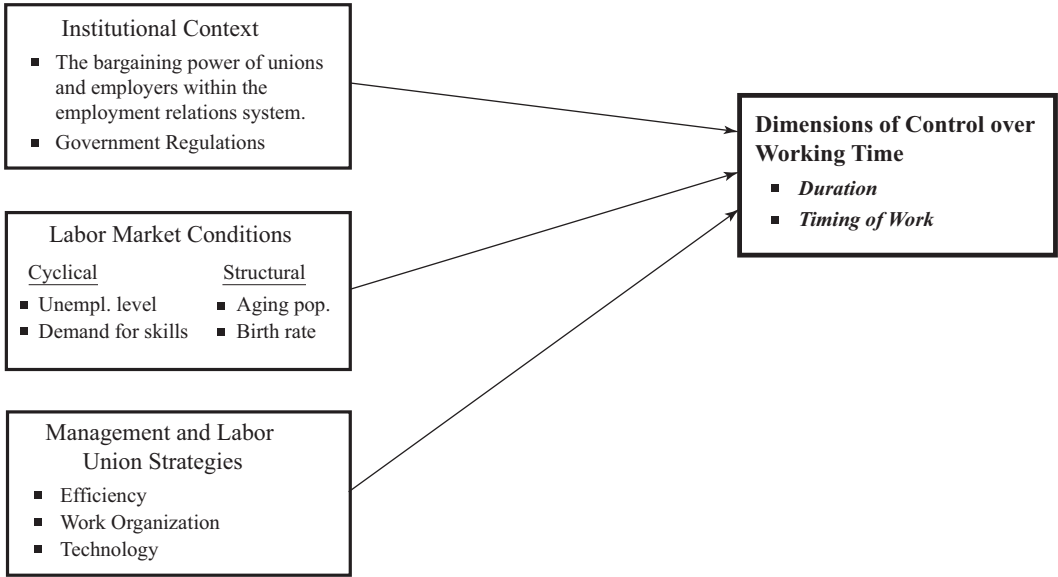
There is a large variety of flexible forms of working time. In the United States, these include flextime, job sharing, telecommuting, part-time work, and compressed workweeks. Flexible arrangements in other countries include employment contracts that specify an annual sum of hours and that permit variable weekly working time or the averaging of weekly working time over short periods, typically three months but ranging up to one year. Some work arrangements, such as part-time work, are structured differently among countries, depending on how much control employees have in negotiating part-time arrangements with their employer.

While the use of these work arrangements is often seen as a way to increase working time flexibility for employers as well as employees, convenient flexibility for the employer may not be in the interest of the employee, and schedules that allow workers to respond to personal or family matters on short notice can cause significant organizational problems for firms. The extent to which the interests of either group are served by these arrangements is determined largely by the degree to which employees or employers have control over their working time. The ultimate goal of policy in this area is to find flexibility arrangements with some form of shared control that serve the interests of both groups, or that at least promote the interests of one without harming those of the other.

Working time consists of two main dimensions—duration of work and timing of work. Control over the duration of work hours concerns the established maximum daily, weekly, or annual hours of work, and whether one has the ability to increase or decrease working hours. This type of con-

<sup>2</sup>Women make up 40% of the work force in Japan, and 57% of female employees are married (JIWE 1999:1–137). The proportion of dual earner households and single-parent families is increasing in Japan as elsewhere, and workers need more flexible schedules and greater control over work time in order to manage work and care of children and the elderly (Sato 2000:5–10).

Figure 1. Framework for Examining Control over Working Time across Countries.



trol is often reflected in the availability of part-time jobs or in the ability to reduce hours of work in a full-time job. Control over the timing of work refers to when, during the workday or workweek, work is performed. These two dimensions of control define a work schedule. Employees enter into an employment relationship with employers and agree to work within a certain schedule or day and hour combination. We define employee control over working time as the ability of *individual* workers to alter their work schedule. Total control refers to a situation in which the employee works whatever schedule he or she would like and can change it at will. Total lack of control refers to a situation in which the employer can unilaterally change the day-hour combination. Employee control is in essence a relative term: an employee generally has more or less control over working time relative to the extremes.

Three broad factors affect the degree of control individuals have over working time: the institutional environment within the country, labor market conditions, and man-

agement and labor union strategies. Figure 1 outlines the relationship between these factors and employee control over working time.

Institutions governing employment relations play a key role in influencing the relative bargaining power of employers and employees over the control of working time. The strength of unions and their position within the employment relations system influence their ability to negotiate work schedules that benefit employees. Strong unions or works councils can be instrumental in monitoring working time at the establishment level and in ensuring that workers are able to take the paid time off that they have accrued when they need it. Individual control over working time will be increased to the extent that collective agreements provide employees with opportunities to select among a variety of working time options that fit their individual needs. In contrast, where employers exclusively determine when employees can take time off or when they can be required to work overtime, employee

control over working time is severely restricted.

In addition, government regulations can directly influence the control workers have over working time by limiting evening and weekend work and by mandating maximum daily, weekly, or annual work hours. Moreover, laws regulating shop-closing hours, particularly in Europe, indirectly affect employee control over working time by restricting the scheduling options available to certain workers, particularly women, who may want to increase their hours.

Labor market conditions vary across countries and directly affect the relative bargaining power of employers and employees. We divide this factor into cyclical and structural categories. The level of unemployment in the labor market can create excess demand for certain occupations or skill shortages (or both) that improve the bargaining position of employees who request more individual control over work time by altering work hours or schedules. This type of bargaining power can be particularly important to white-collar professionals, for whom there is less standardization of working time than for most other workers, and to unions negotiating greater collective control over working time. In addition, increased wage inequality within the labor market and slow real wage growth may increase the preference of those at the low end of the labor market for opportunities to increase hours in order to gain income. Structural conditions such as birth rates and an aging population also can affect the labor market dynamics of countries and influence public policy toward working time. In countries with low birth rates and an aging labor force, governments often use public policy to support increased personal and parental leave as well as flexible work schedules to encourage women to enter and expand the labor force and to help them balance work and family responsibilities so they are not discouraged from having children. In addition, an aging population may contribute to structural skill shortages in the labor market, which can influence employee bargaining power.

Management strategies also affect the structure of working time and the extent of employee control over working time. In response to competitive conditions, firms may use working time as a strategic resource to lower cost or increase efficiency. For example, some work schedules allow firms to match labor input to demand more efficiently. In addition, management and unions may negotiate certain types of work schedules as part of work reorganization that gives workers greater autonomy. For example, organizing workers into groups or teams with increased autonomy and decision-making power is sometimes linked with the ability of the group or individuals to schedule their own working time (Lehndorff 2000). Also, efforts by management to integrate digital technologies into the work process can lead to more flexible work arrangements and affect employee control. Technologies such as cellular phones, pagers, hand-held devices, email, and personal computer Internet access can provide workers greater control over the location and timing of work. Alternatively, such technologies may fuel employers' expectations that employees are always available to deal with work matters.

These three factors—institutional environment, labor market conditions, and management and labor union strategies—combine differently across countries to shape working time and the extent of employee control over working time. In countries characterized by less government regulation of the labor market and weak collective bargaining institutions, competitive conditions in the labor market have a greater influence on the extent of employee control of working time and managers have more power to shape working time. In this case, we would expect those workers with skills in high demand or in tight labor markets to be more successful in negotiating work schedules that meet their needs. At the same time, we would expect relatively low overall levels of employee control over working time across all occupational groups.

On the other hand, more government regulation of the labor market and strong

collective bargaining institutions in countries mute the effect of competitive labor market conditions that would increase the power of employees in certain occupations to negotiate particular work schedules. Thus, in this case, we would expect to find more uniform, collectively negotiated working time that affects all workers within a firm or industry, rather than small groups of workers negotiating flexible work arrangements by exercising leverage gained through their labor market position. This collective negotiation of working time increases *collective control* over working time, which may or may not diminish *individual control* over working time. In addition, government regulation in the area of working time may grant individuals certain rights to demand from firms reduced hours or alternative work schedules. To the extent this is the case, we would expect employees to exercise more control over their working time.

These factors also combine differently across industries or regions within countries. Management strategy may have a particularly strong effect in one industry but not another. Similarly, regional labor market conditions may have a particularly strong influence in one country but not another.

### **Cross-National Differences in Employees' Control over Working Time**

We illustrate how these three factors affect employees' control over working time by drawing on our study of seven countries. We gathered information on working time in Germany, Sweden, the Netherlands, Italy, Japan, Australia, and the United States during the summer and fall of 2000. We visited these countries, conducted site visits at for-profit companies and at hospitals, and spoke with government officials, academic experts, unions, employers' associations, managers, and worker representatives about work and family policies and practices, including working time. In all, we conducted 208 interviews, 184 of them outside the United States. Our interviews

were recorded, transcribed, then analyzed using QSR Nud\*ist, a qualitative data analysis program. We developed coding schemes in QSR Nud\*ist that sorted interview information along many categories, including working time, flexible work schedules, and employee control over working time. We analyzed the information on working time within and across countries to ensure that we were covering a wide range of work schedules with different forms of employee control over working time and to identify patterns.

Our goal in structuring the interviews was to be able to discuss the same set of issues with several individuals representing different perspectives and interests. This allowed us to triangulate their responses and check their accuracy. When possible, we also sought to validate information collected in the interviews by comparing that information to published legislation, data, and reports. This paper makes use of the variety of information gathered in the course of this study, including company interviews, published papers, and background interviews with policy-makers, managers, and union officials. When information that came from our own interviews is relevant, we discuss it in the text. The countries selected vary in terms of their institutional settings, and capture a range of work-life and working time policies and practices.

In this section, we discuss working time policies and practices in various countries to show how each factor in our framework (institutional environment, labor market conditions, and management and labor union strategies) affects employee control over working time. Although each factor is present and has an effect on working time in each country, we limit our discussion of each factor to those countries that best illustrate the effect of that factor on employee control over working time. We include the working time practices in the United States in the discussion of each factor in order to highlight the differences between the United States and other countries.



### Institutional Environment

We begin with a discussion of the policies of the European Union, which is having a profound effect on labor and working time policies across Europe. Next, we contrast the institutional environments in Sweden and the Netherlands, which tend to have strong effects on working time and employee control, with the institutional environments in Australia and the United States, which tend to have weaker effects.

Some general distinctions can be drawn between European Union and non-EU countries in our sample. Through the use of directives, the EU has set standards for working time that guide the development of national laws governing work arrangements in EU countries. The 1993 EU Directive on working time has encouraged greater working time flexibility in Europe and has established standards for annual paid leave and for averaging weekly work hours. In addition, the 1997 EU Directive on part-time work sets a standard of equal treatment for full- and part-time workers within Europe. Moreover, in contrast to the other countries examined in this paper, these EU countries share a set of values that respect the role of labor as a stakeholder in the business enterprise. This is reflected in the high union density and coverage found within most EU countries, the important role collective bargaining plays at the workplace, and the various forms of legally mandated employee participation across EU countries.

This situation contrasts with that in the United States, where the property rights of individuals and corporations are given much greater weight in corporate law and governance. The collective control of labor unions over working time is much weaker and labor union density much smaller. Labor union density is less than 13.5% of the work force in the United States, compared to a weighted EU average of 30.4% (Carley 2001). Moreover, employees have no legal rights to participation in workplace decisions in the United States, Australia, or Japan. Any participation at the workplace is granted at the

discretion of the employer or won in collective bargaining.

In this environment, management strategy drives working time practices. To the extent that the types and structure of working time are negotiated through collective bargaining, the amount of control employees have over working time will be the result of bargaining power and trade-offs made during the bargaining process. For example, employees may pursue multiple goals, inducing a series of trade-offs. These goals include job creation, employment security, and income security through overtime opportunities, as well as greater control over working time. Management's own desire for flexibility as well as control over the work process will lead to trade-offs in bargaining that affect the extent to which employees actually exercise control over their working time. How much bargaining power each side possesses and is able to use for various goals will also influence how much employees control their working time.

Therefore, given the relative strength of labor unions and the legal environment in the European Union, we would expect organizations in EU countries to structure working time in a way that balances employer and employee interests. We would expect employees to have more collective control over working time in EU countries than non-EU countries because of the rights of participation and collective representation at the workplace enjoyed by most EU workers. We would also expect certain workers in high-demand occupations to have some control over their working time as employers structure working time to recruit and retain these workers. And we would expect management strategy to play a stronger role in countries such as the United States, Australia, and Japan in determining the extent to which employees control their working time.

*Sweden.* Government regulations and collective agreements are the primary factors that affect working time in Sweden. Laws set standard and maximum working hours, while collective agreements, at the industry or local level, establish the struc-

ture and rules of working time. In Sweden, the Working Hours Act sets the standard workweek at 40 hours. Maximum annual overtime is limited to 200 hours, and there is a general prohibition of night work. In addition, another law mandates five weeks of annual vacation to be paid by the employer. In Sweden nearly 80% of the work force is unionized and 90% of establishments are covered by a union contract (Berg 2001, 2002). Centralized bargaining structures and high union coverage reduce the effect of labor market conditions on employee control over working time and can diminish individual choice and control, but can also increase collective control over working time.

The important role played by the collective bargaining parties in establishing work arrangements allows them to structure these arrangements to meet the specific needs of their particular industry. This results in variation in the structure of working time across sectors, contrary to what one might expect in a highly unionized country.

Overall, the working time reductions in the 1998 engineering sector collective agreement total 1.5% of wage costs. In exchange for this reduction in working time, employers obtained the right to freely allocate six weeks of working time a year (European Industrial Relations Observatory 1998). Thus, employees gave up control over six weeks a year in exchange for working time accounts that provided them with greater flexibility and paid time off during the rest of the year. The paper industry negotiated similar working time accounts in 1998.

Like the engineering sector, the textile and apparel sector agreed in 1998 to a three-step reduction in weekly working time of 36 minutes. The agreement, however, allows workers at the local level to trade all or part of this working time reduction for additional pay increases. The retail trade sector also reduced working time in 1998. Employers and unions agreed to reduce the average weekly working time from 40 hours, averaged over a reference period of one year, to 38.25 hours over a period of 10 weeks. In addition, overtime can be com-

pensated either in the form of time off (between 1.5 and 2 hours for each hour of overtime) or in the form of monetary compensation (Anxo and Nyman 2001).

These collectively negotiated agreements regarding working time accounts illustrate how employer and individual employee interests can be reconciled. Employers gain some flexibility in allocating working time to meet variations in labor demand, while employees are able to choose their compensation for overtime work in the form of paid time off or monetary compensation.

The Swedish government has also granted workers the right to reduce hours around the birth or adoption of a child and then later increase hours. This provides workers across the Swedish labor force with options that might only be available to a select group of highly skilled employees in other countries. This type of government regulation in combination with consultation rights through labor unions gives workers in Sweden a significant degree of control over their working time relative to workers in other countries.

*The Netherlands.* Working with labor unions and employers, the national government of the Netherlands has passed several laws to increase the flexibility of working time and give individuals more choice with regard to their working time. One of the key objectives of the Working Time Act of 1996 was to increase the role of labor unions and employers in matters of working time. The Act sets standard norms with regard to working time issues, but allows firms to deviate from these norms by collective agreement. The decentralization of working time has encouraged innovation in the work schedules of what are, or were previously, full-time jobs. Working time practices within the Netherlands include working time accounts, annual hours of work contracts, sabbatical leaves, part-time work, job sharing, and 35- or 36-hour workweeks.

For example, in 1997, the chemical firm AKZO-Nobel and its various unions negotiated an agreement that provides employ-



ees eight extra days off a year to be taken at the employee's discretion. Workers are then free to "sell" all these days back to AKZO-Nobel in exchange for a wage increase of 3.2%. Alternatively, workers can allow AKZO-Nobel to decide on the timing of their extra eight days off. These workers are granted an extra four days off (12 in total), and end up working a 36-hour week on average.

In 1999, the Dutch social partners reached an agreement establishing a framework for further individualization of the terms of employment. This agreement allows unions and employers to designate a series of benefits that can be exchanged for each other. For example, the retail firm KBB allows employees to exchange holidays and bonus pay for various leaves, additional money, or further subsidies for child care expenses (van het Kaar 1999). These types of agreements demonstrate that it is possible through collective bargaining to deal with some of the difficult trade-offs that occur when making working time more flexible. Workers who prefer to work more and earn more are able to do so, and those who prefer to work less are able to benefit from working time reductions.

Perhaps the primary and best-known form of flexible working time in the Netherlands is the mainstreaming and expansion of part-time work opportunities. There exists a stronger preference for part-time work on the part of both men and women in the Netherlands than in other countries. In 1998, 18% of employed men worked part-time, compared with 6% in the EU-15 countries. However, it is still mainly women who hold part-time jobs. Among employed women, 68% work part-time in the Netherlands, compared with 33% in the EU-15 (Eurostat, Labour Force Surveys, cited in Nickell and Van Ours 2000).

The promotion of part-time work originated as a measure to create jobs and reduce unemployment in the 1980s. In the tight Dutch labor markets of the 1990s, however, it functioned to match labor demand and labor supply—to give employers flexibility, expand the pool of workers from which employers recruit, and help employ-

ees meet their goals for work and family balance.

Two laws regulate part-time work in the Netherlands. The Equal Treatment Act of 1993 specifies that part-time work must be treated the same as full-time work. This means part-time employees, based on their hours worked, receive wages, benefits, and training opportunities comparable to those of full-time employees. The Act reflected the treatment of part-time work in many collective bargaining agreements prior to its passage, and foreshadowed the 1997 European Union Directive on the equal treatment of part-time and full-time workers.

In addition to the concept of equal treatment, the recently passed Adjustment of Hours Act (also referred to as the Part-Time Employment Act), which went into effect in July 2000, provides workers with the legal right to periodically request reductions or increases in weekly working time. It is an option that mainly benefits workers with full-time jobs (rarely mothers) who want to reduce their hours on their current job. Unless the employer can show a business reason why this is not possible, the employer is required to honor the request. The law passed despite the objection of employers, who were able to win some concessions. Employers can refuse to provide part-time jobs if they can demonstrate that honoring the request will create a large problem for the company, but the burden of proof is on the employer to make this case. In addition, employers with 10 or fewer employees are exempt from the law.

The Equal Treatment Act provides part-time workers with some protection against low-quality and low-wage jobs, while the Part-Time Employment Act provides workers, primarily those previously in full-time jobs, with an opportunity to exercise control over the duration of their working hours. However, it does not address the timing of work, which employers, in principle, still control.

*Australia.* In Australia, throughout the 1990s, casual employment expanded and working time variation increased across

companies as a result of increases in the power of employers in the employment relationship and the decentralization of collective bargaining. Prior to the 1990s, collective bargaining outcomes were largely determined through a compulsory arbitration system that operated at the federal and state levels. Wages and employment conditions were established in national and industry "awards" set by industrial tribunals, which received input from employers and labor unions. Bargaining was fairly centralized under this system, with uniform standards across industries and occupations (Davis and Lansbury 1998).

In the 1990s, Australia passed several laws encouraging enterprise-level agreements and weakening the power and reach of the national award system. The result has been a decentralization of bargaining and more variation in working conditions across companies. The intended purpose of these changes was to promote lean and team-oriented work practices. An examination of more than 4,700 enterprise agreements negotiated in the mid-1990s found, however, that the major issue actually addressed in these contracts was changes to working time that gave employers more control over hours and schedules in exchange for wage increases for employees (ACIRRT 1999).

For example, the awards previously set the number of casual or part-time workers a company could employ or the maximum number of hours worked. Following reform legislation, this is no longer considered one of the 20 topics included in awards. Part-time and casual work limits are now negotiated on an enterprise basis. According to the Australian Bureau of Statistics (ABS), "Between 1988 and 1998, both the proportion of people working part-time hours and the proportion working at least 45 hours per week increased. As a result, the proportion working 35–44 hours fell from 42% to 36%" (ABS 1999). In addition, the proportion of the work force working very short hours increased over this time period (ABS 1999). Much of this growth in short hours of work has been among casual workers, defined as employ-

ees who have no annual vacation leave or sick leave benefits, who now represent about 27% of the Australian work force (ABS 2000a).

Increased employment of casual workers, nearly two-thirds of whom work part-time (ABS 2000a), is one way Australian employers have gained flexibility in matching working time to service or product demand. Casuals work variable hours and are scheduled to work when employers need them most. For employers, they are an inexpensive option compared to regular part-time workers, who enjoy annual leave, sick leave, and other benefits on a pro-rated basis. Unlike in Europe, where the European Union is promoting non-discrimination between part-time and full-time workers, in Australia casual employment is an arrangement geared more toward flexibility for employers than toward employee control over working time.<sup>3</sup>

In many Australian workplaces, the enterprise collective agreement specifies a standard workweek for full-time employees of 38 hours. Full-time employees typically work 40 hours a week and accrue a rostered day off (RDO) every four weeks. The RDO is a form of compensatory time-off that can provide employees 12 extra paid days off a year. Although RDOs are prevalent in enterprise agreements in many sectors, the number of employees in the economy as a whole who have access to them has been shrinking. In 1995, 28% of all employees were entitled to an RDO. This number had

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<sup>3</sup>Despite the prevalence of casual work, many companies still use regular part-time work arrangements, in which pay and benefits are pro-rated and training and promotion opportunities are available, to retain and attract valuable employees. Leading Australian companies support part-time careers for professionals in law, nursing, consulting, and construction engineering. For example, Blake Dawson Waldron is one of Australia's largest law firms. Since the late 1980s, flexible work arrangements have been a key part of its strategy to recruit and retain staff. As of March 2001, 58 secretarial staff participated in job-share arrangements nationally. Four senior partners and 22 senior associates at the firm work part-time (eowa 2001).

dropped to 20% by 2000 (ABS 2000b). This has had the effect of reducing the flexibility and control workers have over their working time.

Despite the gains in control over work time made by some groups of employees, mainly professional women with skills in high demand, workers generally have less control than in the past. As a result of the changes in the employment relations system in the 1990s, Australian unions have lost power. Under the awards system, unions concentrated their power at the national and state levels to influence industrial tribunals, rather than at the enterprise level. The lack of organization, sophistication, and experience at the enterprise level is a serious problem for unions, since this is where much, if not most, of the collective bargaining now takes place. In addition, the decentralization of bargaining has moved Australia closer to the U.S. employment relations model and away from the European model. Working conditions and working time vary a great deal across employers.

Whereas in the early and mid-1990s unions focused on coping with the recent decentralization of bargaining structures and the loss of bargaining power, they have recently started a campaign for reasonable work hours, focusing on reducing working time. In comparison with the United States, some Australian workers still enjoy substantial control over working time. Permanent part-time workers have pro-rated benefits and leave arrangements; shorter average work weeks result in additional paid leave for some workers; and vacation and leave policies surpass those offered in the United States. In contrast, the growth in casual work in Australia illustrates how some employers are gaining hours flexibility without increasing employee control over working time.

*The United States.* In the United States, the Fair Labor Standards Act, employer discretion, and collective bargaining shape the structure of working time. The 40-hour workweek, with overtime premiums calculated on a weekly basis, is entrenched in the

federal Fair Labor Standards Act, and there has been no movement by either employers or unions to reduce weekly working hours. Control over working time rests largely with employers, who decide whether to offer flextime or part-time work and under what conditions. Demands by employees to reduce or increase working hours or increase the flexibility of working time depend for their success primarily on employers' willingness to agree to these demands. Unions potentially could provide a means to increase worker control over working hours and scheduling, but only a relatively small portion of the work force is organized and working time has not been a high bargaining priority.<sup>4</sup>

As a result, these institutional forces have led to fairly modest flexible work arrangements in the United States. The proportion of U.S. workers who report having the ability to alter their daily starting and ending times of work through some type of flextime arrangement increased from 15% to 28% between 1991 and 1997. Little further progress has been made. In 2001, 29% of workers had this type of flexibility, but only 11% worked for companies with formal flextime programs (U.S. Bureau of Labor Statistics 2002). Most of the workers with access to flextime tend to be managerial and professional staff who obtain this benefit at the discretion of their employer on a case-by-case basis (Golden 2001). Compensatory time that allows employees to accumulate time off for hours worked above the daily or weekly standard is available to public sector employees. However, there is often no time frame in which managers must permit these hours to be used, and employees often cannot take time off when they need it.

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<sup>4</sup>The Communications Workers of America are an exception. Their contract with Bell South in 2000 limited involuntary overtime assignments for any individual to no more than 10 hours per week during 7 months of the year and to no more than 15 hours overtime during the other 5 months. The contract also prevents managers from forcing workers to work consecutive six-day weeks (CWA 2000).

### Labor Market Conditions

In this section, we focus on the experiences of the United States, Italy, and Japan. In each of these countries, labor market conditions such as excess supply and demand for labor, birth rates, and female labor force participation rates affect the type and structure of working time and the control workers have over working time. In the United States, labor market effects significantly influence employee control over working time because of an institutional environment with weak collective bargaining structures, low government intervention, and relatively high employer discretion over staffing and scheduling. In Italy, strong regional differences in labor market conditions affect the options employees have to control their working time, and in Japan, labor market conditions are driving policies to encourage more flexible forms of working time.

*The United States.* As described above, the institutional environment in the United States provides workers with limited options to reduce their work hours and gain flexibility over their working time. For the vast majority of workers, the most common means of obtaining flexibility and control over work time is by accepting part-time or temporary jobs with reduced hours. The quality of these jobs is suspect. There are no restrictions against the unequal treatment of part-time and full-time workers in the United States, and these jobs tend to be lower paid per hour and to offer few benefits. Half of all part-time jobs in the United States are found in just a handful of industries, most of which pay relatively low wages (Wenger 2001). In addition to part-time or temporary jobs, workers might seek out companies that offer more flexible schedules that fit their needs. However, in organizations where flexible work arrangements exist as company policy, employees' ability to use them usually depends on supervisors' willingness to grant flextime, reduced hours, or telework options to employees (Rapoport and Bailyn 1996:1–41). In the absence of employment laws governing rights to reduced hours or flexible sched-

ules in the United States, the power employees have to obtain flexible working arrangements is largely dependent on the demand for their individual skills in the labor market or their particular value to the employer.

This was made clear at a U.S. financial services company, where we conducted a series of interviews with managers and employees. This non-union company employs 560 people, mostly professionals, including programmers, data analysts, and sales associates. The company offers a benefit package to attract young people and create a high-commitment work environment. Benefits include four weeks of paid maternity/paternity leave, flex-time, discounts on health club membership, stock options, and a paid sabbatical leave of six months every four years. The average employee works a 45-hour workweek. Although employees can reduce their weekly hours to 30 and still retain benefits, less than 1% of employees do so, whether by working less than full-time, working as temporaries, or telecommuting. Because there is no formal company policy governing access to flexibility practices, the ability of employees to work a reduced hour schedule or telecommute depends on the willingness of individual supervisors to approve such an arrangement. Our interviews with employees show that only senior employees (those with over five years' tenure) who have established their ability to be productive are likely to get approval for part-time work or telecommuting. The women in our focus group who were working less than full-time or telecommuting felt a strong need to impress on their managers that they could get work accomplished. While the company prefers a work force that is all full-time, they will use flexible arrangements on a selective basis in order to retain experienced employees.

*Italy.* In Italy, labor market conditions play a particularly important role in structuring flexible working time across the country. Overall unemployment in Italy rose steadily between 1970 and 1998, peaking at 12.3% of the labor force (Gori and Simoni

2000). However, the north and south of Italy experienced two very different types of labor market conditions in the latter half of the 1990s—full employment in the north and an unemployment rate in the south of about 20%. As a result, in areas of high unemployment, workers are more interested in securing full-time work and increasing earnings than on negotiating favorable work schedules that would give them more control over working time. Thus, despite strong unions, in areas of high unemployment employers have more control over the work schedule. The result has been an extensive de-standardization of work schedules, although average weekly hours have remained remarkably constant (Gori et al. 2000).

For example, in the early 1990s an automobile company located a new assembly plant in an area of southern Italy with a 30% unemployment rate. Our interviews revealed that the company negotiated a work schedule with the union that includes weekly rotating shifts and a standard average workweek of 40 hours. The workweek is averaged over a three-week period. The standard schedule is 6 days the first week (48 hours), 6 days the second week (48 hours) and 3 days the third week (24 hours). There is no work on Sundays. Whereas this schedule provides workers with 4 days off every third week, they must work two long weeks, while rotating shifts, to obtain this time off.

This schedule requires management to overstaff the plant by hiring 6 people for each work team rather than the typical 5 in order to run the plant 48 hours a week while employees work, on average, 40 hours a week. This increased staffing was important for the union during negotiations and illustrates the priority of employment and income over working time flexibility in regions with high unemployment. The company benefits from the schedule because it can operate the plant on Saturdays as part of the regular schedule without paying overtime, and it can depreciate the equipment more quickly.

In northern Italy, where it is difficult to find available workers, companies have

implemented flexible work arrangements as a recruiting tool. A recent agreement at the metalworking firm Sierra SpA in northern Italy introduced a form of part-time shift work aimed at helping workers reconcile work and family responsibilities. The 2001 agreement launched a one-year experimental project that has been successful so far. Under the plan, part-time work of 30 hours a week is distributed over five days from Monday to Friday in three shifts. These shifts are 6:00 a.m. to 12:00 p.m., 12:00 p.m. to 6:00 p.m., and 6:00 p.m. to 12:00 a.m. With this shift schedule, the company was able to recruit women over the age of 40 who were not previously in paid employment (Paparella 2001).

*Japan.* Japan has an aging society and declining birth rate and, therefore, a strong interest in increasing female labor force participation (Goto 2001). These developments have been the driving forces prompting governmental policy to encourage flexible working time that would enable women to combine motherhood and employment more easily. Amendments to the Labor Standards Law in Japan in the first half of the 1990s made working time more flexible. These amendments focused on two innovations for full-time employees: the discretionary work scheme and the averaging of weekly working hours.

The discretionary work scheme modifies the method of calculating hours worked for specific white-collar professionals engaged in “discretionary work” (Araki 1996). Implementing a discretionary work scheme requires the consent of individual workers and the support of a joint worker/management committee.

We conducted interviews at a publishing and educational resource company in Tokyo, which provides an example of how the discretionary work scheme is used in practice. The “super-flextime” scheme at this company was introduced in 1994. It provides workers with some control and flexibility in setting their schedules. Employees are free to set their own daily working hours between 7 a.m. and 10 p.m. as long as they work the required number of hours



per month. In general, however, the discretionary work scheme is not widely used among companies. In 1997 (the most recent year for which data are available), only 1.4% of enterprises used a discretionary work scheme (Japanese Institute of Labour 2001). More generally, a 1996 Ministry of Labour survey found that 8.7% of workplaces had introduced one or more of the following measures: shortened workweeks (7.1%), super-flextime schemes (1.4%), or schemes for arranging starting or finishing times (3.2%) (JIWE 1999:27).

Averaging weekly working hours was permitted through amendments to the Labor Standards Law in 1994 that allowed employers to average working hours to a maximum of 52 hours a week and 10 hours a day over a period no longer than one year. The employer is required to formalize this work arrangement under a worker-management agreement with a union or other worker representative group (Yamakawa 1998). Employees also have to give their individual consent (and have the right to refuse) to average their weekly work hours. However, they may be unwilling to resist employer demands, particularly during times of high unemployment. In 1997, about 36% of all enterprises were averaging weekly working hours, affecting 21% of Japanese workers (Japanese Institute of Labour 2001).

In addition to super flextime and averaging weekly working hours, which provide flexibility for full-time employees, nonstandard forms of employment have increased in Japan. The proportion of part-time and dispatched (temporary) workers increased from 21% in 1995 to 26% in 2000 (Sato 2001). Some workers choose to work part-time or as regular dispatched employees for the convenience and the shorter hours. This is especially true of young, unmarried male part-timers, about half of whom are students, and of married, female, or elderly part-timers. However, for other workers, primarily female dispatched workers and young, unmarried, female part-timers, nonstandard employment is a second-best option chosen when they cannot secure regular employment (Sato 2001). Unlike in the EU, in Japan part-time and dispatched work-

ers do not have legal guarantees for the same promotion and training opportunities as regular employees.

### **Management and Labor Union Strategies**

In this section, we concentrate on how management and labor union strategies in Germany and the United States affect employee control over working time. In Germany, management and labor union strategies expressed through the collective bargaining system play a major role in establishing the type and structure of working time across industries and occupations. By contrast, management strategy drives many of the working time practices in the United States.

*Germany.* In 1984, IG Metall, the German metalworkers union, successfully negotiated a reduction in the standard workweek with employers. IG Metall viewed a shorter workweek as a job creation strategy. By reducing the time worked by individual workers, the union reasoned that companies would be forced to increase employment to maintain production. The effectiveness of reduced working time as a job creation strategy is outside the focus of this paper and remains a subject of debate (see Layard, Nickell, and Jackman 1991; Hartog 1999; Seifert 1993; Stille and Zwiener 1997; Hunt 1999).

The effect of the 1984 agreement between IG Metall and the metalworking employer association (Gesamtmittel) was significant in that negotiations on working time reduction spread to other industries. By putting the issue of working time on the table, German unions, in effect, encouraged employers to examine working time as a means of gaining workplace flexibility in exchange for job growth or, in most cases, safeguarding employment (Seifert 2000). Throughout the late 1980s and 1990s, working time was a source of flexibility to employers, and more recently it has been a means for employees to balance work and life responsibilities.

One of the most widespread flexible forms of working time in Germany is the working time account. These accounts al-

low employees to accrue paid time off for working excess hours. Because workers are often required to work excess hours during periods of strong demand, they must give up some control to acquire work hours over which they have more discretion. The price of accruing hours in a working time account will vary depending on the duration of the average workweek and whether any premium is attached to the excess hours worked. If the average workweek is 35 hours and hours over 38 per week are banked at a premium rate, substantial work hours can be accrued by working less than a 40-hour week. This contrasts with the accrual of excess hours in countries or industries where the standard workweek is 40 hours.

In Germany in 2000, 78% of all private sector establishments offered some form of working time accounts to their employees. Thirty-four percent of private sector establishments offer a combination of working time accounts and variable working hours linked to fluctuations in demand. Moreover, in the metalworking sector, 23% of all establishments negotiated plant agreements that provide for medium and long-term working time accounts. Since the mid-1990s, flexible working time in the metalworking industry has become the norm (Promberger 2001).

Perhaps the most visible work arrangement in Germany is the flexible workweek. The most famous example is Volkswagen, where, in 1993, IG Metall negotiated a standard workweek of 28.8 hours in a successful effort to save jobs. During our interviews at Volkswagen, we learned that when demand is weak, workers may work a schedule of four 8-hour days for 9 weeks, followed by a week off. This distribution of working time results in an average of 28.8 hours a week over the 10-week period, and workers are paid each week for 28.8 hours. When demand is strong, the company can require workers to work five days a week. The schedule of nine 40-hour weeks on the job and one week off then results in an average 36-hour week. During 2000, workers averaged 33 hours a week. Hours above 28.8 are credited to the employee's "working time

account," and hours above 35 hours are banked at a premium rate. During slack periods, employees can draw down these working time accounts and take time off. With the agreement of the supervisor, employees are able to use hours accrued in these accounts to take time off for personal reasons. Alternatively, they can collect additional pay at the end of the year for the hours in their working time account. They also have the option of transferring hours in this "short-term" working time account to a "medium-term" or "long-term" account that can be used to take various types of leave.<sup>5</sup>

The process of negotiating flexible workweeks by sector and through plant agreements between labor and management has led to great variation in the structure of these arrangements. For example, the period over which the workweek is averaged is set anywhere from three months to a year. The extent to which employees have control over the use of their working time accounts also varies within contracts. Some contracts explicitly say that workers have "the right" to take the time, whereas other contracts say that "employees' wishes for time off will be considered" (Bispinck 1998).

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<sup>5</sup>Volkswagen recently negotiated a set of company agreements with IG Metall, the German metalworkers union, for a new VW subsidiary, Auto 5000 GmbH. Relative to other Volkswagen employees, this new company's employees will work under a different set of conditions and will receive lower pay. The average weekly working time for all employees will be 35 hours, which is the collectively agreed weekly working time in the metalworking sector. The maximum weekly working time will be 42 hours, and individual working time accounts will be set up for each employee. Work will be organized in teams within the facility. Performance targets and the personnel needed to fulfill them will be jointly determined by management, the works council, and the work team. If certain shifts are not able to meet their product and quality targets, the employees will be obliged to work overtime. This will be paid only if the performance shortfall is the responsibility of the employer. This agreement essentially creates a two-tier employment system within Volkswagen and introduces greater working time flexibility to automobile production (Schulten 2001).

There is evidence that some employees make extensive use of their working time accounts to alter their weekly working schedules or take time off to deal with personal or family issues (Promberger 2001; Seifert 2003).

*The United States.* In the United States, employers often use flexible work arrangements to signal to the labor market that they care about employee needs for flexibility and work–family balance, to broaden the pool of workers from which they can recruit in tight labor markets, and to improve retention. Flexible working time options make companies more attractive to women and men who value control over work hours and schedules. The initiatives are almost always undertaken at management's discretion.

A large professional services consulting firm in the United States faced a 22% annual turnover rate in 1993. Although women made up 50% of new hires, the company had difficulty retaining them. On average, only 5% of partners were women during 1980–1992. During our interviews, we learned that in 1994 the company introduced several initiatives for the retention and advancement of women, including flexible schedules and the option to work less than full-time. An internal survey of employees in 1996 found that 89% of employees on flexible schedules (134 employees) would have left without them and 200 experienced new hires cited flexible schedule options as an important reason for joining the company. By 2000, turnover had declined to 16%, and the percentage of female partners had increased to 14%. Twelve women on reduced workload schedules made partner while on those schedules.

More often, companies that adopt flexible working time policies make them available to employees on a selective basis. Moreover, employees may be unwilling to avail themselves of options for flexibility or reduced hours because they believe this will limit their opportunities for advancement and may increase their vulnerability to being let go should the company undertake a restructuring initiative.

Another example comes from a U.S. financial services company where we conducted interviews. This company began an initiative in the mid-1990s to increase the diversity of its work force. An important component of that initiative focuses on work–family balance. A task force established a process for implementing telecommuting in the technology division of the company. The technology division includes technology support, system development, programming, and network administration. The process begins with a request to telecommute from either the employee or manager. If the request is accepted, the employee receives training on setting up an ergonomically safe home office, how to manage time effectively, and how to access resources and accomplish tasks from home. Managers also receive training in how to manage workers remotely. At this company telecommuting means that employees will work a 40-hour workweek, spending two to three days working from home.

Managers at this company made clear that every employee has the right to request permission to telecommute, but a manager can turn down the request. Being able to telecommute depends on the employee's work ethic and the characteristics of his or her job. Thus, even when employers in the United States want to signal current and future employees about their openness to flexible work arrangements, they are frequently reluctant to give up control over who can adjust their work arrangement. Even when companies have such policies on the books, very few employees can actually avail themselves of more flexible schedules.

## Conclusion

Our comparative analysis shows that while control over the duration and timing of work remains largely in management's domain, employees in certain countries have gained some control over working time. These gains have occurred where employees have increased their bargaining power through collective bargaining, government

legislation, or labor market conditions. These factors, as well as labor union and management strategies, contribute to country differences in the degree to which employees control their working time.

In countries with extensive collective bargaining, high labor union density or coverage, and labor representatives who are focused on working time issues, employees have increased collective control over working time. This collective control is evident in Germany, Sweden, and the Netherlands, where unions and works councils have negotiated reductions in working time and alterations in the structure of working time. In some cases, such as Sweden and the Netherlands, collective bargaining has also increased the power of individuals to make choices between reduced hours or more income. However, even in countries with strong involvement by labor representatives, employers have been successful in negotiating flexible working time to their benefit, which allows them to effectively match labor supply to demand and reduce or eliminate overtime premium pay. While employees may have input into scheduling through union and works council representatives, supervisors and department managers must still approve schedules and the use of paid time off. In short, employment relations institutions in EU countries, such as Germany, play a key role in increasing the flexibility of working time and in monitoring the administration of working time accounts by employers; however, employers still retain much of the control over the structure of working time and the timing of paid time off by employees.

In countries such as the United States, where collective bargaining in the private sector is not widespread and labor institutions are weaker, employees rely largely on their position within the labor market or their value to a particular employer to gain bargaining power and control over working time. This power, however, is unequally distributed across occupations and is temporary, since labor market conditions change. Professionals with valuable skill sets have more control over working time

and more flexibility than do less skilled occupational groups.

In addition, where labor institutions are weak, employers tend to set the type and structure of working time with little negotiating power or control placed in the hands of employees. Moreover, where employers drive the structure of working time, the distribution of flexible forms of working time tends to be narrow, reflecting employer interests. This serves to restrict employee choice of various flexible work schedules and employee control over working time.

Employees have also gained some control over working time through government legislation. In addition, EU directives that give employees the legal right to demand schedule changes have further enhanced employee control. These rights provide legal backing to employee requests for alternative work arrangements. In addition, they shift the burden to the employer to demonstrate that alternative work arrangements that benefit employees cannot be accomplished. Although employers can still deny a flexible work arrangement when it is harmful to the business, this right, when combined with factors such as strong labor representation or valuable skills, can be a powerful force for achieving work schedules that fit workers' needs.

If flexible forms of working time are to benefit both employers and employees, more attention must be paid to the issue of control over working time. While other countries around the world have taken steps that increase employee control over working time, the United States has relied primarily on market forces to provide workers with some control. This has resulted in a relatively low level of control, limited flexibility in working time, and an uneven distribution of control over working time across occupations. Given the importance of an employee's control over working time to his or her well-being and to organizational performance, the study of the conditions under which people are able to obtain such control is likely to take on added urgency in the years ahead.

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