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# DECENT WORKING TIME IN INDUSTRIALIZED COUNTRIES: ISSUES, SCOPES AND PARADOXES

# 1

*Jean-Yves Boulin, Michel Lallement and François Michon*

## 1.1 INTRODUCTION

Changes in working time and in the life course (its length, patterns and timetables) as economic and social issues – and even the stated objectives of working time policies – are, all things considered, very similar in the large developed economies. Trends in working time, related concerns and policies have knock-on effects upon one another, and explain these changes. Moreover, in the contemporary context of international competition due to globalization, each country is seeking explanations for others' success and trying to reproduce the “winning formula” at home. Although the issues in each country seem more convergent than ever, on closer inspection there are still considerable national differences, both in working time and in the ways of understanding the main issues of the moment and translating them into objectives and policy instruments. There is an interminable list of distinctive regional and national characteristics, particularly distinguishing the North American continent from Europe, the British Isles from continental Europe, northern from southern Europe and so on. So it is this mixture of shared and specific dynamics and concerns which at the same time marks the field of working time.

This chapter attempts to analyse the ways in which the trends and stakes of working time have changed during recent decades (section 1.2). The utility of the concept of “decent working time” will then be examined in the light of these changes, by emphasizing its heuristic contribution, and the perspectives and implications that the term suggests in respect of working time policy (section 1.3). The limits and even the paradoxes of such a concept when applied to a heterogeneous world of national spaces can thus

be stipulated. The paradoxes and contradictions of policies, in this case EU ones, will then be stressed (section 1.4). Finally, we will show how the notion of “decent working time” suggests some reconfigurations of these policies (section 1.5).

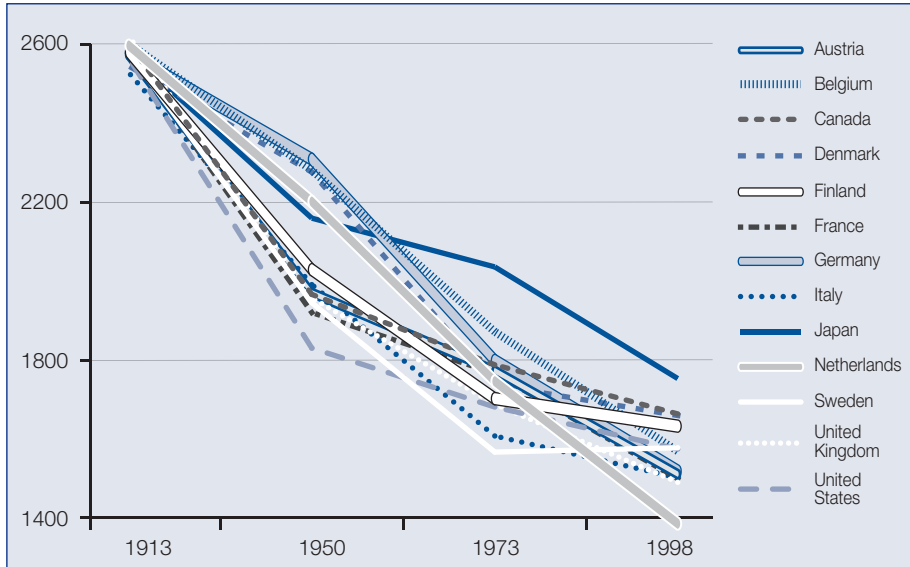
## 1.2 WORKING TIME: ISSUES AND POLICIES OVER THE LAST DECADES

Let us first note that the reduction of working time is a long-standing phenomenon. Estimates of annual working time put forward by Maddison (2001) trace the path covered since the early twentieth century: from roughly 2,600 hours per person in the years before the Second World War to between 1,400 and 1,800 hours now, depending on the country. Naturally, these estimates are approximate, especially those for the earliest period. The comparability of national data is highly problematic, but in regard to current levels, the long-term trend is incontestable (figure 1.1).

Economic prosperity plus sustained growth, whose stability seems assured, and full employment, characterize the 30 “glorious” years in industrialized countries between the immediate post-war period of reconstruction and the first oil crisis. In the 1960s and 1970s, the threat hanging over the economic future seemed to be that of labour shortages, entailing a growth bottleneck and destabilizing inflation. To make up for these shortages, new workforce seams were mined: immigration and the large-scale entry of women into the labour market. Working patterns simultaneously intensified, and shift work became more widespread in order to make better use of heavy equipment. On the other hand, a policy of improving working conditions appeared to be indispensable.

The observation of the hardships involved in “timed and repetitive” tasks imposed by assembly lines in the car-manufacturing industry in Europe and the United States nicely encapsulates the concerns of that era in the industrialized world, and the interest shown in the experiments in reorganizing labour engaged in by some American and Scandinavian car manufacturers to enrich work, increase the organizational autonomy of assembly-line workers, and break the mandatory alignment of everybody’s working patterns and timetables with the imperatives of a standardized form of organization. Such experiments were also aimed at reducing and reorganizing working time, but with a view to diminishing the hardship of the labour force’s working conditions. The range of concerns then was far smaller than that later attributed to working time policies. In particular, the objectives of “flexibility” lay within much more restrictive parameters than those of today. One such initiative was to implement individual flexi-time schemes – a

Figure 1.1 Annual hours worked per person employed (total employment), 1913–1998



Source: Maddison (2001).

system of time organization enabling each worker to obtain greater levels of personal satisfaction with his/her constraints and wishes, etc. by satisfying the time needs of individuals first – even though the restrictive parameters of labour force requirements (i.e. attracting new groups into the workforce) were always there (Rehn, 1972).

This “golden age” appears to have gone for good. The oil crises of the mid-1970s ushered in a new era. Due to uncertain growth and rising unemployment, the stakes had changed. The emblematic employment relationship of the period, that is, a permanent full-time contract and a job “for life”, at least in the large industrial firms, is now giving way to a large number of forms of atypical and more “flexible” employment contracts. The fight against unemployment and for job creation has dominated the political and industrial relations agendas of many European countries. The reduction of working time, followed by the organization and reduction of working time (the goal of reducing working time thus combining with that of flexible reorganization of work in order to improve productive efficiency) have been addressed in Europe as employment and work-sharing policies (Gauvin and Michon, 1989). It is hardly surprising that the economic and social stakes related to the issues of working time have been largely transformed as a result.

The requisite conditions for the success of policies for reducing collective working time standards have been talked about for a long time in continental Europe, in France and Germany particularly. A vigorous revival in job creation was initially expected, but this was slowed down by insufficient economic growth. Next, solid productivity gains were expected to ensue, despite the short-term contradictions between these objectives. It was hoped that the competitiveness jeopardized by increased production costs following the reduction of working time – which was nonetheless indispensable if the job creation effects were to be fully realized in the long term – would thus be restored. The debate in particular underlined the extent to which the pay-related measures accompanying the reduction in working time and its impacts on the organization and patterns of work are key elements in the effectiveness of such policies. On the other hand, for increasing part-time working, the objectives put forward were very different. These meant reducing the contradictions between career and family duties, and fostering women's engagement with the labour market.

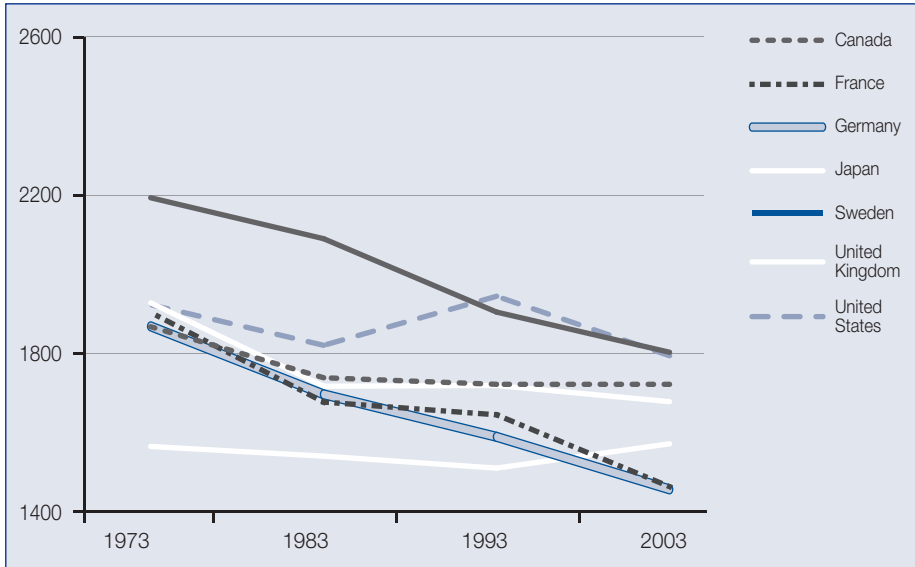
Yet at the end of the twentieth century, the long-term trend toward the reduction of working time slowed noticeably, especially in a few countries, the most notable of which were Canada, Sweden, the United Kingdom and the United States.<sup>1</sup> Europe, on the one hand, and the North American continent and the United Kingdom, on the other, are not really treading the same path. Moreover, the spectrum of working times is broad – apparently broader now than at the beginning of the century, if recent data are compared with Maddison's estimates (figure 1.2).

The very broad aggregate figures naturally hide a number of differences between countries, operating in one way or another. The annual working times *per person employed* quoted above, apart from the fact that they refer to all employees and non-salaried workers, including those on leave schemes, differ widely from one country to the next. These also include part-time workers. We know there was a rapid growth in part-time work in the final quarter of the last century. It grew at varying rates however, from one country to another. Consequently, the levels reached are not particularly comparable. In Europe, there is a world of difference between the levels observed in the Netherlands, the country that is a byword for part-time working, and southern European countries such as Greece, Italy, Spain and even France. This difference accounts for a considerable proportion of the reduction of working time witnessed over this period, using indicators for average annual working time that incorporate part-time work in several countries that have expressly

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<sup>1</sup> These long-term elements conceal several particular national distinctions. In Sweden, for example, the increase in annual working time heading towards previous levels is basically explained by a lengthening of working time for part-timers.

Figure 1.2 Annual hours worked per person employed (total employment), 1973–2003

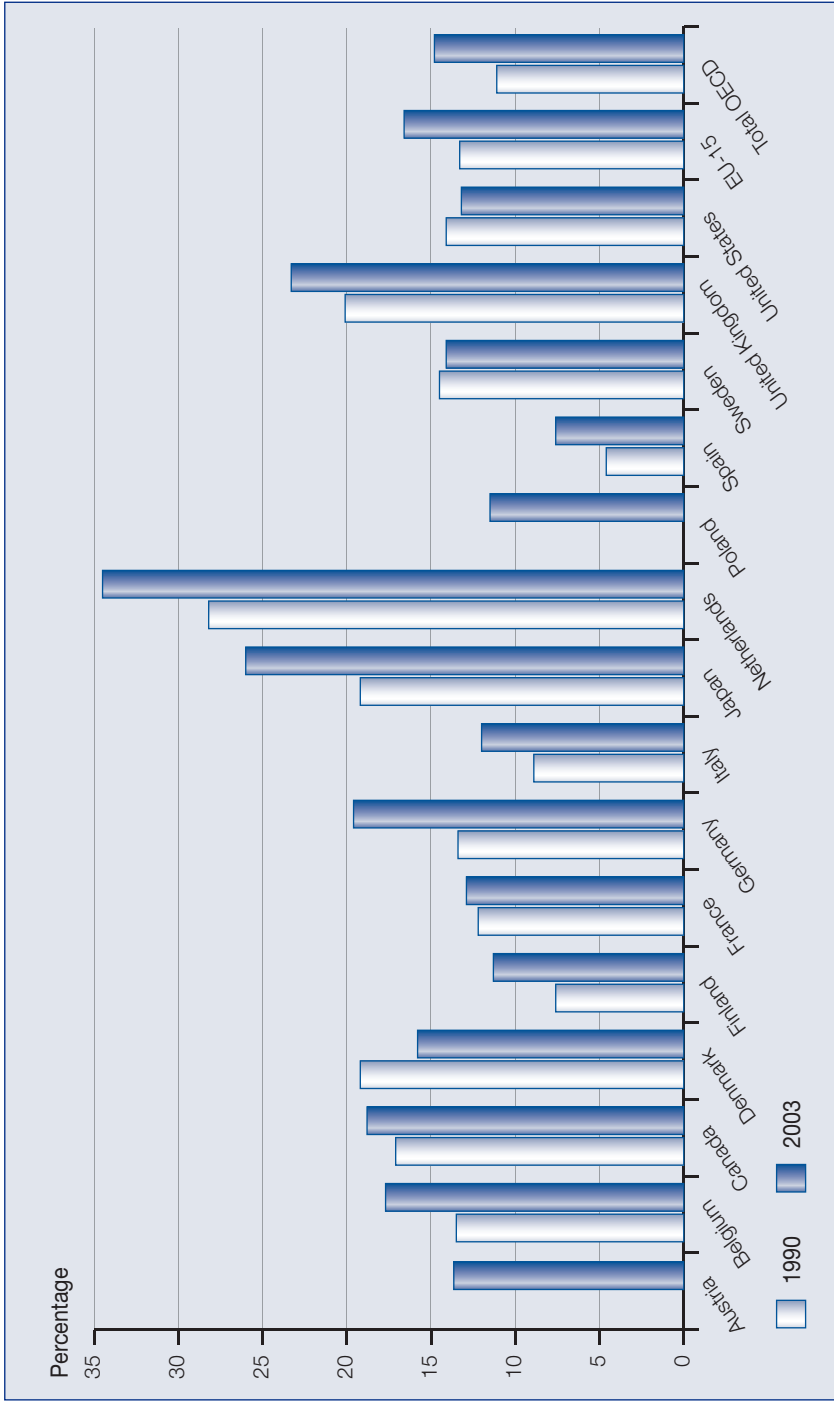


Source: OECD (1996; 2004).

chosen to foster its growth. For some, the entire reduction in working time recorded using such indicators can, in these countries, be explained by the growth of part-time working. In the 1970s and 1980s, then, the reduction of working time recorded is not always due to cutting collective working time. Two genuine national strategies of reduction of working time have been witnessed in Europe: fostering part-time employment (the Netherlands or the United Kingdom); and reducing full-time working hours (Denmark, France and Germany) (Bosch et al., 1994; 1997). Some countries accorded such high priority to one of these two strategies that they appear to be almost exclusive of one another (figure 1.3).

Now the strategic choices are definitely less clearcut. As early as 1998, the European Commission stressed the limits of a policy of reducing working time, and obviously preferred the expansion of part-time work and new forms of employment. The growth of part-time working, however, is only one aspect of the directions adopted, out of many. The crucial objective has indeed become that of increasing employment rates and improving the quality of employment, rather than reducing unemployment (Math, 2002). The priority previously accorded to the reduction of collective working time in the countries that had chosen this option are thus substituted by the priorities of more flexible and more individualized regulations. The individualized regulations whose

Figure 1.3 Proportion of part-time work in total employment, 1990 and 2003



Source: OECD (2004).

extension is sought have enabled more flexible and varied working times to be devised, such that everyone can manage them at their own convenience. Yet above all, these regulations are not focused solely on weekly working time, but address the whole of working life. Lastly, although the basic idea has been to relax collective regulations, and enable each individual to organize his/her own working time and career, the issue is opening the option to extend working time as much as it is to reduce it, even to the point of “working longer hours to earn more money”, as the slogan goes in France. The extension of weekly flexi-time schemes and annualized working time to enable greater levels of flexibility has already been propounded, but so have the broadening of overtime options, possible longer working hours, the availability of training time throughout one’s career, the postponement of retirement and so on.

Is the point always to provide more choices for workers? While there is growth in part-time employment, long working hours are actually making a comeback. This therefore produces a growing dispersion of weekly working times. Anxo and O’Reilly (2000) observe such a change over an 11-year period in Germany and the United Kingdom. Lee (2004, pp. 41–43) notes the sometimes astonishing frequency of working weeks lasting 50 hours and more, amounting to, for example, 20 per cent of American and Australian employees and 26 per cent of Japanese employees in 2000. Campbell (2004, p. 10) argues that, in Australia, “the trend towards longer hours is the dominant one for full-time employees. It is widespread and strong, spreading well beyond the ranks of managers and based on patterns of not just extended but often very extended and extremely extended hours.” If the growth of shift work and atypical hours (evening, night, weekend work, etc.) is added to the picture, the situation is obviously far from one in which a typical single model predominates with few exceptions – i.e. the same hours every day, weekends off, annual leave during the summer holidays, if, of course, we were to use a caricature to summarize this model.

The OECD (2004) shows that the United States now enjoys a basic competitive advantage over Europe: a far higher total number of hours worked per capita. The resulting discrepancy is allegedly a major determining factor affecting relative performance regarding economic growth. A total number of hours worked per capita includes not only employment data but also reflects demographic changes, and in some way measures the population’s productive performance. The growth in employment rates due particularly to the large-scale mobilization of women has had a positive impact on productive performance in Europe. Yet the longer period of education prior to accessing the labour market, the lowering of the retirement age, the increase in the amount of training received during one’s working life, mass unemployment and, lastly, unfavourable demographic changes have weighed in the opposite direction.



According to the OECD (2004), although time in paid work is associated with major economic and social challenges to the governments of OECD countries and working time policies still need to be activated, the current challenges are completely different. The reduction of working time is clearly no longer an instrument to be considered. On the contrary, increasing the population's productive performance is at the top of the agenda. Among the available instruments, working time flexibility is still highly favoured, but is this actually the type of flexibility that was envisaged by the OECD back in the 1970s?

All these overhauls of the organization of working time and time set aside for people's private lives have contributed to the high degree of organizational flexibility sought by companies, and are probably a more effective response to the inevitable fluctuations and contingencies of a workload now calculated down to the last detail. All of this simultaneously enables the economically active (at least we hope it does), and especially economically active wage earners, to achieve better trade-offs between their working lives, their income requirements and their out-of-work activities on one side, and their family and personal choices and constraints on the other. However, the path between the two is narrow, and is strewn with pitfalls. This is the path that the reforming zeal derived from the concept of "decent working time" attempts to clear.

### 1.3 FROM DECENT WORK TO DECENT WORKING TIME

Because in all of the "developed" countries, the turning point represented by the introduction of flexibility has had many pathological consequences for working and employment conditions, it is easy to see that, by remaining true to its mission, an institution such as the ILO might foster new research and actions in order to have its own input into the world of work across the globe, including the industrialized countries. The concept of "decent working time" was designed with this purpose. It reworks the ILO's concept of "decent work", applicable to all types of working environments, in order to address the issue of working time first in industrialized countries. However, it is hardly controversial to say that the same issues are raised in completely different ways in the developing world. Understandably and fortunately, pragmatism is holding its ground against reforming zeal on this point. Isn't this approach problematic, however, from the perspective of researchers anxious to retain their axiomatic neutrality? If the concepts of "decent work" and "decent working time" are used for heuristic purposes, therefore enabling the two ideas to be examined, the answer is a resounding "no".

### 1.3.1 “Decent work”

The concept of “decent work” was formulated by the International Labour Organization to refer to satisfactory working and employment conditions.<sup>2</sup> The term first appeared in the Director-General’s Report during the 87th Session of the International Labour Conference in 1999. The ILO’s stated goal was the possibility for both men and women to obtain “productive work under conditions of freedom, equity, security and dignity, in which rights are protected and adequate remuneration and social coverage are provided” (ILO, 1999a, p. 15). A further requirement was added: a “tripartite approach and social dialogue”. This means, as indicated in a later report (ILO, 1999b), that there should be a genuine freedom for trade union action, and a collective bargaining process without which a minimum level of regulation would be impossible. An initial stake of this semantic formula is, according to the ILO, to reveal a discrepancy between the reality of work and employment and individuals’ “aspirations”. The ILO calls this a “decent work deficit”, which may be attributable to “the absence of sufficient employment opportunities, inadequate social protection, the denial of rights at work and shortcomings in social dialogue” (ILO, 2001, p. 8). In other words, again, behind this “decent work deficit” stand realities as variable as unemployment and under-employment, precarious working conditions, various forms of mutually compounding discrimination, and the absence of basic social rights.

In distinguishing four pillars of “decent work”, the ILO was seeking above all to try to “normalize” working and employment conditions in the most varied workplaces, on a global scale: formal and informal economies, wage earners and the self-employed, the most modernized and the most traditional industries, men’s work as well as women’s, etc. The stated objectives are thus ambitious, and address subjects with different statuses. The first two sets of variables that inform “decent work”, that is, access to employment (including pay levels) and social protection (including working conditions), are the products of rules and practices that can be broken down and compared, but whose norms vary dramatically from one country to the next. This is precisely why the ILO acknowledges the premise that, in terms of job security and income, the minimum that could be expected for workers necessarily varies depending on the country’s level of and capacity for development. Workers’ rights (freedom of association, no discrimination in

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<sup>2</sup> The term “decent work” is difficult to translate. In English, “the word decent has quite a specific meaning. If you say, I have a decent job, a decent income, it is a positive expression – the job or income is good, it meets your expectations and those of your community, but it is not exaggerated – it falls within the reasonable aspirations of reasonable people” (Rodgers, 2002, p. 15). By emphasizing four constitutive dimensions of work and employment relations (employment, social protection, workers’ rights and bargaining), the ILO thus avoids the moral connotation that a clumsy translation might evoke.

employment, the rejection of all forms of forced labour, minimum age for employment, etc.) constitute a different type of norm since they make claims to virtually universal status, and the production of a range of differing rules is made conditional on the set of variables previously referred to. From this perspective, “social dialogue” is, in the opinion of the ILO, a prerequisite for “decent work”. Social dialogue is not only the benchmark for freedom of expression and the observance of rights, but it also facilitates the ways in which disputes are dealt with; has an impact in procuring greater social equity; and makes it easier to actually implement labour and job-related policies, etc.<sup>3</sup>

As Ghai (2002) argues, this “decent work” approach is above all a way of packing a concept with a set of longstanding ILO topics and concerns. Moreover:

The notion of decent work not only forces us to view work along all its different dimensions but also invites us to explore the relationships between these dimensions. Hopefully this should help bring out the complementarities and conflicts among the components of decent work more clearly than in the past (Ghai, 2002, p. 2).

In classifying these components of “decent work”, the ILO is not simply placing all the desirable objectives in the global workplace on the same level, but also setting out the necessary conditions for improvement to take place (material resources, law, social dialogue). Lastly, it is encouraging the establishment of hierarchies among the objectives to be attained for the actual implementation of “decent work”, based on the assumption that “the question of priorities must depend upon societal values, socio-economic institutions and levels of prosperity and wealth” (ibid., p. 3).

This is a crucial point. It implies, quite rightly, that for the promotion of “decent work”, priorities are not necessarily similar in every country, and there may even be an incompatibility of goals due to the specific characteristics of institutional configurations:

For instance, an agrarian regime characterized by a relatively equal distribution of land generally provides greater livelihood security and more even income distribution than one featuring a few large landowners and widespread

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<sup>3</sup> By late 2004, there were 76 contributions of various formats (reports, discussion papers, conference papers, web pages, book chapters, etc.) listed in the ILO’s in-house publications. Altogether, one-third were programmatic statements, dealing with general approaches to “decent work”, etc.; one-fifth included this issue in a national or comparative study, with a clear focus on Africa and Latin America (in terms of “decent work” deficits), on the one hand, and a slight inclination toward Scandinavian models on the other (which, in the case of Sweden, and the role of women in its labour market, emerge as potentially useful normative configurations). The rest of the work was thematic, with priority accorded to vocational training, poverty, the informal economy and gender. There were also more sporadic treatments of “social welfare”, “equality”, “pay”, “migration”, “illness” and “labour rights”.

landlessness and tenancy. Similarly, the presence of communal and cooperative institutions in some societies can provide an important cushion against insecurity and risks before the development of insurance schemes and social security financed by the state and employer (ibid.).

More generally, it is well understood that certain variables determine others. This is true for legislation and rules that derive from collective bargaining, as well as for available state funding and each country's dominant forms of socialization, which in turn are determining elements for the construction of local, regional and national forms of social solidarity.

Based on the argument outlined above, Ghai (2002) puts forward the theory that among the determining institutional variables, the most significant are: per capita income, sector-level structures, workforce employment status, public expenditure on employment as a proportion of national income and lastly, the public sector's role in the national economy. Based on this theory, he then constructs three models to which the concept of decent work can be applied. The first, the "classical" model, relates to the wealthiest nations (the United States, Western Europe and Scandinavia). Its characteristics are well known: high GDP; wage earning as the predominant form of employment; a poverty rate (i.e. the percentage of people with income worth below 50 per cent of the median income) oscillating between a little over 5 per cent (Finland) and more than 25 per cent (the United States); acknowledgement of the role of trade unions and the existence of collective agreements (with coverage rates of 25–90 per cent of employees), etc. The second model is that of the former "socialist" countries. Despite the diverse situations of the countries in this category, they share a level of national income that puts them in the middle of the world hierarchy, with their social security systems undergoing radical transformations and the rebirth of industrial relations. Lastly, there is the "development" model, the most heterogeneous in that it includes "the rest of the world", or more precisely the least wealthy nations. Here, the agricultural sector dominates the economy (employing 60–80 per cent of the active population); the informal economy is vigorous; the number of wage earners still very low and trade unionism still in its infancy; public expenditure on social welfare is much lower than in other countries; and poverty is a reality for a large segment of the population. Although rather contrived, this schema enables the conceptual "nail" to be hit on the head: like other general concepts such as wealth, education, culture, etc., "decent work" is relevant only if it can be adapted to a very broad spectrum of social contexts.

Only if this basic methodological imperative is kept in mind can the genuine significance of the few available indicators for characterizing

Table 1.1 Breaking down “decent work”

Components of “decent work”	Some possible indicators of “decent work”
Employment	<ul style="list-style-type: none"> <li>• Access to employment: activity rate, employment rate, unemployment rate.</li> <li>• Pay: proportion of the population below a relative income or absolute poverty line.</li> </ul>
Social protection	<ul style="list-style-type: none"> <li>• Proportion of national income spent on social welfare.</li> <li>• Percentage of employees covered by unemployment, sickness, old age, accident, and maternity insurance.</li> <li>• Working conditions: working-time indicators, prevalence of night work, prevalence of weekend work, prevalence of work-related accidents and occupational mortality rate.</li> <li>• Human development: mortality rate, malnutrition indicator, literacy rate, access to water, presence of secondary schools.</li> </ul>
Rights at work	<ul style="list-style-type: none"> <li>• Presence and prevalence of child and forced labour.</li> <li>• Prevalence of gender and ethnic discrimination (identifiable in terms of pay, career, etc.).</li> <li>• Freedom of association or lack of it (measurable by an index of civil liberties), unionization rate, coverage rate for employees by collective agreements.</li> </ul>
Employees’ representation and social dialogue	<ul style="list-style-type: none"> <li>• Right to negotiate or lack of it, percentage of workers covered by basic rights enshrined in legislation and collective agreements.</li> <li>• Rules facilitating economic democracy or lack of them.</li> <li>• Participation of social partners in national economic and social policy, or lack of it.</li> </ul>

national spaces (and even classifying them, as Ghai suggests) be assessed (table 1.1).<sup>4</sup>

One can easily get the feeling when reading this table that not all the indicators enjoy the same status: the ones that particularly relate to the last two components of “decent work” are thus difficult to compare with the other indicators. It is therefore a genuine intellectual challenge to find a formula to express decent work through these possible indicators of “decent work”. However, in the comparison of the 22 developed countries he constructs,

<sup>4</sup> For an even more exhaustive presentation and discussion of the issue of “decent work” indicators, see the special edition of *International Labour Review* (ILO, 2003) devoted to that topic.

Ghai (2002) picks up the gauntlet. In order to accomplish this goal, he begins by ranking the countries by each indicator used. He then adds up these rankings to obtain an overall “decent work” league table in which the leading positions are taken by the Scandinavian countries (Sweden 1st, Denmark 2nd, Norway 3rd and Finland 4th), followed by Australia (5th), Germany (6th) and Canada (7th). At the bottom of the league come France (20th), Ireland (21st) and Spain (22nd). The United States and Japan take joint 15th place. After having built up an overall economic performance indicator (growth of per capita income, growth and average inflation rate) for the 1990–98 period, the author juxtaposes the results with those for “decent work”. No significant correlation then emerges between the economic performance and “decent work” results.

From a researcher’s viewpoint, this typology is both useful and unsatisfactory. It is useful in so far as it provides a documented table of “decent work” performance by country, and in that it substantially validates the idea that certain national spaces (those in Scandinavia first and foremost) are able to put their particular ethical and social solidarity requirements into practice. However, it is unsatisfactory (and Ghai is fully aware of this) in that indicators and rankings can only squeeze the social breadth of the relevant countries and conceal, among others, the fact that “decent work” performance is perhaps above all the product of an interaction among institutions rather than the expression of a sum of actions and indicators.

### 1.3.2 *Time and “decent work”*

From the perspective of the ILO, Messenger (ed.) (2004) has suggested applying the concept of “decent work” to working time. The goal here is to critically examine, using “decent working time”, five dimensions of working time: its effects on health, the juggling of family life and work, gender equality, productive efficiency, and workers’ capacity to influence their working hours. By using this method, Messenger fully accepts the normative concern which calls, through greater knowledge of the practices relating to working time, for an improvement in the effects of working time on health and safety; the prioritization of “family-friendly” policies (priority given to family life rather than exclusively to childcare strategies); the use of working time as a lever for promoting gender equality; a campaign for more effective work–life balance that might allow the two birds of “decent working time” and “productive working time” to be killed with one stone; and lastly, for workers’ margins of autonomy regarding the control of their working time to be broadened.

As citizens, we can only approve and support this pragmatic concern. From a researcher’s perspective, however, several comments immediately come

to mind. The first is that the concept of “decent working time” grants an insight whose major advantage is to help understand a multifaceted subject in a synthetic form (the length, quality and distribution of working time, its consequences for employment levels, etc., are merely some of the relevant aspects). The question that arises, however, is that of the interaction between these components: are they actually completely independent of each other? Isn’t analysing and acting on one simply (directly or indirectly) the same as analysing and acting on another? So, for example, it is difficult to observe and study autonomy in the choice of working time without simultaneously raising the issue of the relationships between working time and family life, as well as gender equality. From this angle, the various components of “decent working time” do comprise, at least pragmatically speaking, a useful set that provides *a broad policy framework from which to consider how the goal of decent work can be advanced in the arena of working time* (Messenger (ed.), 2004). On another level, however, it is worth debating the way in which an apparently similar subject can, in different countries, contain different meanings, and consequently can be the foundation for policies with ultimately very different (potentially positive or negative) impacts, even when the original intention seems generous – e.g. increasing the numbers of men as well as women working part time in order to heighten male involvement in the domestic arena.<sup>5</sup>

Let us return to the first of the two points. The issue here is to extend the “decent working time” approach advocated by the ILO into a system, so that we can more effectively capture the multiple dimensions of time-related practices. To this end, we suggest submitting highly diverse national and subnational realities to an empirical comparison. Two areas of reflection seem to merit consideration. The first is the comparison of purely quantitative approaches to working time (e.g., daily and weekly working time, the proportion of part-time workers, etc.) with more qualitative measurements (e.g., working conditions, effects on health, etc.). The second calls for the opposition between work and employment to be taken into account, based on the understanding that, following Maruani (1994), we can define: (i) “work” as any human activity directed at the production of goods and services considered useful, as well as the set of conditions for performing this activity; and (ii) “employment” as the methods for accessing the labour market and the translation of labour activity in terms of social status and role. The intersection of these two areas suggests an avenue to explore, in the field of study opened up particularly by Supiot (1999), whose book contains elements supporting this

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<sup>5</sup> This raises the question of the relevance of “best practice”, which might be used to promote good employment conditions, equality and rights, but would need to be applied differentially, as so many areas would be involved, and also has some risks in that such practices may be viewed as a substitute for setting norms.

point (see also the contributions in this volume by Anxo, Boulin and Fagan (Chapter 4) and Rubery, Ward and Grimshaw (Chapter 5)).

Our second point concerns the cross-cutting nature of the various subjects that make up “decent working time”. We know that making international comparisons can by its very nature be a hazardous exercise. In terms of working time, Michon (2003) uncovered many difficulties and traps that are not easy to avoid whenever one is dealing with a large group of countries. It is, however, important to adopt a critical stance towards what appears to be obvious. Take the example of part-time work. The functions and implications of this specific form of short-hours employment differ from one social context to another. Using the same terminology now defined in Europe as a job involving 30 hours per week or less, regardless of the full-time working week, it covers “marginal” part-time jobs with very short hours (around 20 hours or less, virtually corresponding to a half-time job), which are by far the most numerous in some countries, and long-hours part-time jobs (almost 30 hours, corresponding to four-fifths of a full-time job), which are the norm elsewhere. What is there in common between France, where part-time working is seen, in the case of women, as a form of labour market peripheralization, and Germany and the Netherlands (and to a lesser extent the United Kingdom), where the connotation of part-time work is much more positive? In Germany and the Netherlands, part-time work is not viewed as an economic crisis-management instrument at the expense of one section of the active population, but as an instrument that, used as early as the 1950s and 1960s, enabled women to earn some independence by accessing the labour market in this way. A comparative analysis of “decent working time” forces us, it can be observed, to transcend the simple consideration of general indicators to get straight to the crux of social variations (e.g., the relative weight of the various institutions and the relationships between them; the weight of history; dominant forms of solidarity, etc.) in which working and employment time refer to highly idiosyncratic stakes, practices and policies.

A key component of decent work, the notion of “decent working time”, whose ideal-type contours have just been set out, cannot cover the same concrete realities and implementation conditions without reference to the economic and social development of the world’s various geographical areas. Moreover, its implementation cannot be extricated from the nature of the industrial relations systems, methods and conditions for industrial relations dialogue and even the values and representations attached to the various amounts of working time and time set aside for people’s private lives. As defined by the ILO, the concept of decent working time stands as a universal in terms of its structuring principles, but it is clear that today its implementation can only be achieved by taking into consideration the specific



situations of the various large groups of countries. The prevalent situation with regard to working time in what are now called the “emerging nations” (e.g., 7-day working weeks; 10–12-hour working days; child labour; very few paid holidays; pension provisions that are non-existent or not applied due to very low life expectancy in those countries, etc.) involves stakes which are of a different nature from those pertaining to developed economies.

## 1.4 PARADOX AND CONTRADICTIONS OF POLICIES TODAY

In the following argument, we shall confine ourselves to the analysis of the policies of developed countries<sup>6</sup> by examining the current trends in working time, i.e. first, which political stakes structure contemporary change, and then what questions these pose with respect to the concept of decent working time.

### 1.4.1 *Working time policies in Europe: Paradoxical precepts*

The paradoxical nature of current working time policy enacted in the EU can be seen in the objectives set by the European Commission for the revision of the European directive on working time (Directive 93/104, box 1.1). For the Commission (European Commission, 2004), a working time policy must:

- ensure a high level of protection of workers’ health and safety in terms of working time;
- afford companies and Member States greater flexibility in the management of working time;
- enable a better balance between working and family life to be achieved; and
- avoid imposing unreasonable constraints on companies, particularly on small and medium-sized enterprises (SMEs).

Although the goal of bringing all these criteria together can only be welcomed, one element of the revision plan immediately raises doubts regarding its feasibility. The Commission’s plan includes, among other things, the option of making employees work up to 65 hours per week, since the possibility of exemption from the maximum 48-hour week established in the 1993 directive can be activated by collective agreement or even by introducing it directly into an individual contract (the so-called “opt-out”

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<sup>6</sup> More precisely to the old EU-15, which is the subject of many of the contributions to this book.

### Box 1.1 The revision of the 1993 European Working Time Directive <sup>1</sup>

The European Union (EU) Working Time Directive sets the maximum weekly working time at 48 hours, including overtime, with this 48 hours being calculated as an average over a maximum 4-month period; a maximum of 8 hours' night work on average over a 24-hour period; a minimum daily rest period of 11 consecutive hours; a minimum weekly one-day rest period; and 4 weeks of paid leave per year. All EU Member States were to have incorporated these rules into their national statute books by 23 November 1996. In April 2003, Italy completed this process, becoming the last of the EU-15 members to have done so.

The directive allows two justifications for exemptions. The 4-month reference period used for the calculation of weekly averages can be extended to 6 or even 12 months by collective agreement. An "opt-out" clause grants employers exemption from the weekly maximum if employees agree this threshold. This exemption is now so widespread in the United Kingdom that almost one in five employees works more than 48 hours per week.

In January 2004, the European Commission planned to revise the directive with two objectives. The first was to redefine working time in order to respond to the problems generated by recent European Court of Justice (ECJ) rulings concerning the nature of "on-call" time. The second was to more effectively monitor the use of the two types of exemptions applicable to the calculation of average and maximum working hours. The proposals for revisions tabled by the Commission have been facing strong opposition from the Member States, particularly the United Kingdom. In these countries, it is now probably considered that the basic point is not to set boundaries, but rather to offer the broadest possible choices that would allow the entire range of economic and social needs to be met – i.e. short working hours (part-time work for example), but also very long hours. In many countries with relatively low wages, and more generally in areas of work that require low levels of skill and pay low wages, very long hours of work enable workers to improve their total earnings.

<sup>1</sup> Directive 93/104/EC, 23 November 1993. Cf. EIRO (2004), "Commission consults on review of working time Directive", EIRO on-line, <http://www.eiro.eurofound.ie/2004/02/feature/eu0402202f.html>

provision). Yet virtually all the available studies on the subject show that working long hours has negative implications for workers' health; that it compromises work-life balance; and lastly, since it is men who most often work such long hours, that it does not facilitate gender equality. This type of contradiction can be found in the three currently dominant trends regarding working time in developed countries.

### *The extension of working hours*

EU membership for ten new Member States, in which norms governing employment and pay are clearly worse than those in force in the 15 older Member States, has led to a trend towards an extension of working time in several countries, such as Germany, France (which is currently experiencing a challenge to the 35-hour week), the Netherlands, Sweden, etc. Although this trend is still confined to a few companies and industries that are facing the new stakes of economic competition in a more immediate way than others, it currently appears to be viewed by many developed countries as the most appropriate response to economic globalization. It does not encounter, for example, any legislative or collectively agreed obstacles any more than it runs counter to the dominant representations of a country such as the United States (Golden, Chapter 8, in this volume; Golden and Figart, 2000). This development then is part of a logic of cost competitiveness that aims to cut hourly labour costs, since very frequently the extension of working time is implemented without any increase in pay. Such an approach (the economic relevance of which this is not the place to discuss) heralds a break with the trend towards shorter working hours that had held sway in several European countries over the previous 20 years (see above). It also attests to a change in the nature of the instruments used for fostering economic growth, which, as far as the smooth running of the labour market was concerned, was assumed to be derived from the extension of the flexibility of working time and the development of a variety of forms of employment.

### *Work–life balance*

For more than a decade, the issue of work–life balance has been one of the significant elements in European policy impacting on the length and organization of working time through the adoption of directives and recommendations, some of which have become the subjects of prior agreements between the social partners (part-time work, parental leave). It has already been emphasized that this dimension of work–life balance has been grasped as basic to the EU policy guidelines adopted in Lisbon in 2000, then reiterated in subsequent summits (in Barcelona, Stockholm and Laeken): the development of a knowledge-based society and an increase in employment rates, particularly for women, but also for younger and older people. The inclusion of the latter two categories additionally allows the concept of social time to be extended to all the time spent outside work – not only time spent with one’s family. In practice, this institutional context has been a driver for the implementation of legislative provisions on parental leave or granting entitlements for changing to part-time hours (e.g., a Dutch law in July 2000

establishing a reversible option for moving from full- to part-time working; a 2001 law in Germany granting an entitlement for changing to part-time work). Collectively agreed provisions have also been negotiated in some sectors and companies offering employees the option of taking longer parental leave than the European basic norm (3 months); a temporary reduction in working time; and various working time modifications for family reasons (Den Dulk, 2001). In the United Kingdom, following several government initiatives aimed at encouraging the social partners to come up with “family-friendly” working time arrangements, the British Trade Union Confederation (TUC) launched a campaign in the late 1990s called “Changing Times”, which aimed at spurring unions to negotiate the establishment of working time options that would enable a greater degree of work–life balance to be achieved. This prospect of a better relationship between working and family life thus gave rise to a wide variety of methods for reorganizing working time which has increased the process of diversifying working time schemes: long paid leaves and possibilities for career breaks; part-time work; variable working hours; a compressed working week; job-sharing; teleworking; the annualization of working time; and work schedules based on school hours (European Foundation, 2002).

#### *Life-course working time policy*

The European Employment Strategy begun in Luxembourg and endorsed at the Lisbon and Barcelona summits has also contributed to the growing number of working time provisions fostering the idea of older people remaining in the workforce, and a proactive labour market policy (designed to increase employment rates) through concepts such as lifelong learning. De facto, a process is now under way in Europe of the “destandardization” of the life courses of employees who are experiencing sometimes involuntary “career breaks” (i.e. unemployment), but who can also take advantage of new working time provisions enabling them to train throughout their lives and temporarily get involved in other activities (care, voluntary work, leisure, etc.) via the emergence of new working time provisions such as the *Droit individuel à la formation* (“Individual Training Entitlement”) established in France in 2004 and the working time accounts in force in many companies in Germany, France, the Netherlands and Scandinavia (Boulin and Hoffmann, 1999; Naegele et al., 2003; Anxo and Boulin, 2005, 2006).

#### *1.4.2 Current trends in working time and decent working time*

These current trends in working time policy supplement rather than replace the policies in force over the last two decades that have contributed to the development of forms of reorganizing working time designed with the aim of

granting greater productive flexibility to businesses (see section 1.2). Even firms themselves have spurred the emergence of initiatives in terms of work–life balance, in so far as productive flexibility has resulted in the growth of atypical working schedules and new forms of working time (especially the annualization of working hours), which are generally imposed on employees. This leads to a growing interference that blurs the boundaries between working life and life outside work, and raises questions regarding the relationship between working time and other forms of social time.

From the point of view of decent working time, the current trends in working time policies in developed countries contain contradictory elements. Although the policies enacted to procure a balance between the various types of social time, such as life-course policies, are, depending on the conditions in which they are implemented, integral parts of a philosophy based on the concept of decent working time, the potential extension of individual working hours is on a collision course with this approach for at least four main and mutually compounding reasons.

First, the possibility of detrimental outcomes from recent changes in working time duration (i.e. longer hours), and even the reorganization of working time – in terms of worker satisfaction certainly, but first and foremost in terms of difficult working conditions and occupational health – is obviously a decisive issue (Golden and Figart, 2000; Askenazy, 2004). A recent Austrian survey has shown that levels of stress rise proportionately with increases in working time (European Foundation, 2004).<sup>7</sup> Van Echtelt (2004) demonstrates that, for employees, overtime is a source of time-related pressure, and difficulties arise from trying to reconcile occupational and domestic constraints; that this may, however, be fully compensated for when occupational tasks are such that they can procure personal satisfaction; and finally that, on the other hand, the negative effects of overtime are not compensated for by the financial benefits that overtime work provides. The OECD (2004) has pointed out that around 20 per cent of men work long hours in all of its member States, with some countries being particularly affected by this phenomenon (Iceland, Japan, Republic of Korea, Mexico, New Zealand, Turkey, the United Kingdom, etc.). Moreover, working time flexibility – which often used to go hand in hand with a reduction in working time – has also had negative impacts on workers' health, due in particular to the twin trends of the intensification and the “densification” of working time (i.e. the elimination of unproductive time during the working day). The

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<sup>7</sup> These findings come from the Austrian “work climate” survey (*Arbeitsklima-index*), which is based on a standardized survey of 1,800 respondents questioned in two interviews carried out over a 6-month period. It was commissioned by the Upper Austrian Chamber of Labour and carried out by the Institute for Empirical Social Research (IFES) and the Institute for Social Research and Analysis.

compounding effect of these two trends that seems to emerge with the development of extended working schedules may, from the perspective of working conditions, have disastrous effects. Studies carried out by the European Foundation for the Improvement of Living and Working Conditions (Merllié and Paoli, 2001; Boisard et al., 2003) stress the clear worsening of working conditions that occurred in Europe between 1990 and 2000, at the same time as the collective working week was being reduced and part-time working was on the rise. These same studies also demonstrate the diversification of working patterns; the growing importance of market constraints; and the demands placed on working time patterns by rigorous deadlines. It was argued for a time that contemporary forms of the reorganization of work had increased the autonomy of the people performing it and reduced the time pressures on them. However, no evidence of this can be found in the above-mentioned aggregate statistics. The pressure of deadlines and customer demands now seems to have replaced the pace of the assembly line – the very symbol of Taylorism and its excesses that were criticized during the 1960s and 1970s.

Second, long hours are an obstacle to attaining a work–life balance (see, e.g., Schor, 1991; Jacobs and Gerson, 2004). As the OECD (2004, p. 48) underlines: “The greatest difficulty in finding a balance between work and family life is very significantly linked to the presence of children in the household, to being younger and working longer hours or in more demanding jobs, or being self-employed.” The Austrian survey on long hours referred to above demonstrates the negative impact of long hours on work–life balance: 62 per cent of respondents working 20 or fewer hours per week rate their own ability to reconcile work with family life as “very good”, while only 39 per cent of those working between 35 and 40 hours and 29 per cent of those working more than 45 hours per week do so (European Foundation, 2004, p. 1). A DARES<sup>8</sup> study also shows that it is particularly the self-employed and managerial staff – i.e. those who usually work long hours – who experience the greatest difficulty in finding an adequate work–life balance (Garner et al., 2004). The findings in the two pieces of work referred to above converge in their indication that working atypical hours, most particularly at night, or having irregular or unpredictable working schedules makes achieving a good work–life balance more difficult. Clearly, here as well the compounding effect of the two trends is not going to help resolve the issue of the relationship between work and family life. The current trend in the context of a culture of long hours is to use services that assist in finding a good work–life balance to help alleviate these problems and to transfer the negative externalities of the organization of

<sup>8</sup> DARES is a section of the French Ministry of Labour that undertakes statistical surveys on employment conditions.

working time onto society as a whole, in the hope that time-related aspects of public policies at a municipal council level, whose objectives greatly exceed solely an adjustment function (see Boulin and Mückenberger, 2002), will enable these problems to be tackled.

Third, long working hours run counter to gender equality, and one might say counter to equality in general. As witnessed above, it is mostly men who work longer than 45-hour weeks, which also means that their contribution to educational and domestic tasks is still marginal in most developed countries (Gershuny, 2000). Because of this, women in many countries where schemes facilitating work–life balance are not very developed face a choice between engaging in paid work or bringing up children – a dilemma dramatically expressed in the decline in fertility rates in countries such as Spain and Italy. Unintended discriminatory negative effects on social equality stem from the fact that services assisting the search for a good work–life balance – for example, those that enable both parents to stay in the labour market, even when they have small children – are only accessible to those with higher incomes, which in turn consolidates the traditional division of labour at the foot of the social ladder.

Finally, long hours militate against both encouraging older workers to stay in the workforce and the prospects of developing life-course policies. Indeed, we know that it is those who have experienced the hardest working conditions, particularly in terms of hours or those who began to work at a young age, who leave or wish to leave the labour market prematurely.

## 1.5 RECONFIGURING WORKING TIME POLICIES BASED ON THE CONCEPT OF DECENT WORKING TIME

In respect of the current trends in working time, it should be stressed that neither work–life balance policies nor life-course working time policies are automatically rooted in the philosophy of decent working time. Many options offered to employees lead to gender discrimination and social inequalities due to the ways in which they are implemented and the systems of representation still dominant with regard to “downshifting”. Those countries in which parental leave and other career-break mechanisms are paid, and in which social welfare regimes include them, are few and far between (Anxo and Boulin, 2005). Similarly, male entry rates into these schemes are still low, even where there are accompanying incentive systems, such as in Sweden. The same observation can be made regarding men’s movement into part-time employment. As in the case with long-term leave, it is more the employers’ responses that are questionable, in that such a decision, when made by male employees, is perceived by the former as a sign of the latter’s lack of interest

in their jobs. The Act of July 2000 enabling Dutch employees to reduce or increase their working time thus seems to have been little used so far (see Fouarge and Baaijens, Chapter 6 in this volume). Similarly, studies show that the take-up rate for working time accounts at the employee's initiative is still rather poor, especially for long-term working time accounts (Eberling et al., 2004).

Should working time policies therefore be reconfigured to more effectively anchor them in the decent working time approach? This is one of the questions that this book attempts to answer. From reading what has already been argued, it appears that a prerequisite is to break out of the trap of paradoxical precepts – especially that of wanting to simultaneously increase working time and institute work–life balance policies. Additionally, it should be emphasized that the increase in per capita working time does not inevitably entail the growth of a long-hours culture. Research shows that, although a considerable proportion of full-time employees want to reduce their working time, in particular those working overtime, another group – most clearly those in “marginal” part-time work with very short hours – actually want to increase their hours (see, e.g., Bielenski et al., 2002). Moreover, a rise in employment rates (and thus in per capita hours) can also occur if individuals who are currently outside of the labour market are able to enter employment with working hours that are not minimal.<sup>9</sup> Any solutions must take into consideration the various situations prevalent in each country: where there is a high employment rate for all age groups, among both men and women, and for the various ethnic groups, the increase of working time for those working part time seems a heuristic avenue (this is true of the Scandinavian countries and, to a lesser extent, of the Netherlands). Alternatively, where employment rates are generally low, or low for particular age, gender or ethnic groups, their integration into the labour market must be sought (this is true of France, Germany, and generally among the European “Mediterranean-model” countries).

Obviously, however, things also depend on social contexts. In a study cited by the OECD (2004, p. 55), for example, Golden shows that American workers who want more freedom of choice regarding their working hours often have to agree to long, atypical or unpredictable hours (Golden, 2001). This finding seems paradoxical in terms of our observation that this type of timetable is incompatible with family life.

A second avenue to explore is the compatibility between productive and individual flexibility, which raises the twin issues effectively highlighted in the

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<sup>9</sup> As the OECD rightly notes, policies aiming to increase employment rates do not take into account the generally low number of hours worked by the members of under-represented groups when they are integrated into the active population. On the contrary, choosing the one-dimensional perspective of increasing the number of hours worked per member of the active population tends to neglect the determining significance of the extensive margin of labour supply (OECD, 2004).



1993 European Directive on working time, which “sets out the principle of adjusting work to mankind, which entails, on an individual level, that every person is in control of his/her time, and collectively, that collective time away from work be preserved” (Supiot, 1999, p. 127). These two issues are, first, the matter of workers’ independence in the area of time and the influence they can have on their working schedules and, second, the issue of finding out whether non-working time is included in the regulation of working time and at what level (e.g., national legislation, regional, sector, company, etc.).

If our starting point is the observation that workers who can exercise a degree of control over the organization of their working time mention fewer problems in finding a decent work–life balance (OECD, 2004),<sup>10</sup> the findings of the survey on working conditions carried out by the Dublin-based European Foundation for the Improvement of Living and Working Conditions (European Foundation, 2001) demonstrate how much remains to be done: around one-third of all employees state that the number of hours they work varies from day to day, and approximately one-quarter state that they work different days from week to week; a little over one in four men and women say that their hours change at least once a month, and only about half of this group is given more than one day’s notice of such changes; and, while 50 per cent to 60 per cent of all workers enjoy a degree of latitude in the choice of when to take breaks and paid holiday, only one-third say they actually have “control” over their working schedules. To respond to these power imbalances in terms of determining work schedules – which means, in the final analysis, reducing the employer’s authority and the employee’s subordination – we must look at which lines of inquiry enable us to make “chosen schedules” more widespread, and consider at which levels collective regulation of individual working time choices can be carried out. From this perspective, the law that came into force in the Netherlands as of July 2000 seems a fruitful path to follow, on the condition that the way in which it is to be implemented be specified at the sectoral level. Yet examples of companies in which genuine regulation of individual choice has been implemented show that collective bargaining can play its part in this area as well (Anxo and Boulin, 2006; Den Dulk, 2001). One further condition for greater autonomy being granted to employees in setting their work schedules and working patterns lies in the reconfiguration of social welfare systems in order that they include paid periods outside work as a part of the normal career path (as is true for parental leave in Sweden and other Scandinavian countries), and in order to confer

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<sup>10</sup> Yet this point is not corroborated by all the studies. Work carried out by Garner et al. (2004) suggests that “People who set their own hours flag up more problems than those whose working time is set by a company, whether shift-work or a timetable that may change on a daily basis” (p. 3).

practical content on the neologism “flexicurity”. From this point of view, the thinking currently being done in the Netherlands about the reconfiguration of the social welfare system from a life-course perspective deserves ongoing and more detailed attention (Leijnse et al., 2002).

If, as Alain Supiot emphasizes, “the personal needs and wishes of the workers must be addressed in the organization of work schedules” (Supiot, 1999, p. 136), this assumes, for example, the implementation of “policies aiming to reduce the opportunity cost devoted to work, via finer adjustment of work schedules to other daily activities” (OECD, 2004, p. 52). Such an approach means that working time and its regulation can be viewed from a societal perspective, with working time thus becoming one form of social time among others that has to be examined in terms of its relationship with other periods of social time. Legally speaking, this results in “considering time no longer solely as working time, like a measurement of the work/pay exchange, but also as a subjective experience, i.e. as part of the worker’s life course” (Supiot, 2001, p. 127). In terms of action, this shows the whole point of local time policies (or time-related policies decided on a municipal council level), is to demonstrate that regulation should no longer apply to every form of social time taken individually, but rather to the relationship between the various types of social time (Boulin and Mückenberger, 2002).

Lastly, the final question and an extreme ambition, but one for which we must indeed provide some tentative theoretical and practical answers: in a knowledge-based society, is time still a relevant indicator for measuring work?

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