

Review of recent industrial relations developments in Japan, USA, Brazil, China and India

Working Time and Industrial Relations

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November 2007

The institutional framework: legislation and collective bargaining

In the United States, the institutional framework pertaining to working hours bears little resemblance to many other advanced economies. The relevant legislation is relatively sparse at the federal level, although a number of states have recently introduced measures that have had an impact on working hours. The two main pieces of relevant legislation are the Fair Labor Standards Act (FLSA) of 1938 and the Family Medical Leave Act of 1993.

The Fair Labor Standards Act (FLSA) and Collective Bargaining

Working time in the United States is shaped mainly by federal legislation, primarily the Fair Labor Standards Act (FLSA) of 1938, as well as collective bargaining. The FLSA established 40 hours as a normal working week for nonsupervisory employees, and made time-and-a-half the standard hourly rate of pay for those hours worked over the 40-hour standard.

The FLSA, however, does not mandate any paid holidays or paid sick days. These benefits remain “matters of agreement between an employer and an employee (or the employee's representative).” <http://www.dol.gov/dol/topic/workhours/holidays.htm>. See also, <http://www.chicagofed.org/publications/economicperspectives/2003/3qeppart2.pdf>, page 25).

However, the influence of collective bargaining on working hours has declined steadily over the last several decades, which has clearly affected the capacity of workers to shape agreements with employers on paid holidays and sick days. Therefore the weakening of collective bargaining and the lack of any legal entitlement to paid holidays and sick days are two important features of the work time environment in the U.S. Today just 12% of workers are covered by a collective agreement, and just 7% in the private sector. In 1983, about 1 in 5 workers in the United States was a member of a union. By 2006, only 1 in 8 workers was a union member. In 1983, about 1 in 6 private-sector workers was in a union. In 2006 the share had fallen to about 1 in 14. It is worth noting, however, that unions in the U.S. have not made the reduction of working hours a priority. This is particularly true of the last 25 years when unions have generally been preoccupied with defending what they have won at the bargaining table, but it was also true during the early postwar period when unions were in an altogether stronger bargaining position. (source) There is still a “union differential” in the sense that union members generally get more paid sick days and vacations than nonunion employees, but this differential is perhaps not as evident regarding the actual numbers of hours worked. Still, according to the BLS’s National Compensation Survey, 60% of union members had short-term disability insurance through their employers in 2006, as compared to only 35% of nonunion workers – meaning that union members are more likely to be compensated while unable to work through illness or injury, or on family leave following the birth or adoption of a child. (<http://www.bls.gov/ebs/>)

Workers not covered by the FLSA

Another important feature of the working time environment is that limited reach of the FLSA. Roughly 27% of U.S. workers fall outside the FLSA which means that, for a large group of workers, working time is effectively unregulated. For FLSA covered workers, however, the standard working week is 40 hours. Overtime pay is mandatory at time-and-a-

half in excess of 40 hours. Non FLSA-covered workers are defined in Section 13(a)(1) of the FLSA, and include employees employed as bona fide executive, administrative, professional and outside sales employees, certain computer employees, contractors, vendors, and external consultants. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. The number of workers covered by “white-collar exemptions” has increased significantly in recent years. A GAO study in 1998 disclosed that somewhere between 19 and 26 million workers were already overtime exempt and more recent studies show that this number is inching upward. (source) Workers outside the FLSA also tend to work longer hours. The GAO study revealed that more than 44 percent of these exempt employees worked over 40 hours per week. (www.gao.gov/archive/1999/he99164.pdf)

Public Sector

The working hours situation in the public sector is somewhat different. The public sector includes the federal government, state governments, city governments, county governments, other government organizations, municipalities, public universities and public colleges — in other words, employers who are funded by tax revenues or governments rather than selling products or services to make a profit. For some categories, the FLSA allows public sector organizations to grant compensatory time off ("comp time") in lieu of overtime pay. Workers in these categories may accumulate up to 60 hours of comp time at any given point in time, anything more than this is paid at time and a half. The FLSA allows compensatory time for overtime work as long as there is an agreement from the employee. An employee’s decision to accept compensatory time off in lieu of cash overtime payments must be made freely and without coercion or pressure. For private sector employers it’s not permissible to pay non-exempt employees "comp time" in lieu of cash for overtime worked – the statute on compensatory time applies only to public employers (<http://www.dol.gov/esa/regs/statutes/whd/0002.fair.pdf> See 29 U.S.C. 207(o)).. <http://www.dol.gov/elaws/flsa.htm>

State Laws Affecting Working Hours

Certain state overtime laws provide more protective coverage than the FLSA, most notably California's. Under the California Labor Code, an "employee" is "[any] person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay, whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation, and whether the service is rendered on a commission, concessionaire, or other basis." In California, overtime is due after 8 hours per day or 40 hours per week unless an alternative workweek of no more than 4 days of 10 hours was established prior to 7/1/99.

(<http://www.dol.gov/esa/minwage/america.htm>)

A number of states have recently passed laws to mandate sick pay for workers, and they are indicative of growing pressure on government to address the "care crisis" in the U.S.

These measures and the political energy behind them are discussed in the final section of this report.

Maximum Hours

U.S. law is silent on the issue of maximum daily or weekly work time and, therefore, there is no maximum for overtime hours. However, specific industries, such as trucking and aviation, are subject to safety regulations about how many hours an employee can work. For example, a driver may drive up to 11 hours over a 14-hour period, followed by 10 hours off duty. This off duty time can be spent sleeping, or split by spending 8 hours sleeping and 2 hours off duty. A driver may not work more than 70 hours in 8 days or 60 hours in 7 days. The 70-hour clock may be reset if the driver takes a 34-hour break from duty. In the case of minors between 14-16 years old, they may not work during school hours or after 7 p.m. And although they make work up to 40 hours when school is not in session, they are only allowed 18 work hours during school; they may also work until 9 p.m. during the summer months. New guidelines now limit the number of hours that

medical residents can work. Starting this year (2007), all 7,800 medical residency programs must comply with new limits on work hours. Guidelines issued by the Accreditation Council for Graduate Medical Education include limiting resident hours to a maximum of 80 hours a week.

Maximum daily and weekly working time/reference periods for calculating WT.

For the purpose of calculating paid overtime under the FLSA, the normal working week is 40 hours. However, the BLS and other government agencies regard 35 hours to be full time work, and anything from 1-34 hours to be part time work. <http://data.bls.gov/cgi-bin/surveymost>

Working time flexibility: overtime, long daily work hours

In the private sector, there is no legal and/or institutional framework covering flexible work schedules or working time accounts. However, companies are free to introduce flexible working schedules as they see fit. BLS data (most recent being in 2004) show that while more than 1 in 4 workers can work a flexible schedule due to the nature of their jobs, only about 1 in 10 are enrolled in a formal, employer-sponsored flexitime program. Workers in management, professional, and related occupations were among the most likely to have a formal flexitime program (14.2 percent). Workers in production, transportation, and material moving occupations were the least likely to have a formal flexitime program (5.9 percent). (See: BLS, Workers on Flexible and Shift Schedules in 2004 Summary. <http://www.bls.gov/news.release/flex.nr0.htm>)

In the IT sector flexitime practices are more common. Workers can vary their schedules, such as working a compressed workweek of four 10 hour days. Other workers come in early such as 5 or 6 am (0500 to 0600) and leave in the mid-afternoon or come in late and therefore leave late. In the U.S., flexitime generally applies only to white collar workers, and the type of flexible arrangements is often determined through individual negotiation between an employer and employee, and not through state or federal legislation. In the event of white collar workers putting in extra hours of work, the Department of Labor

states that it is permissible for employers to pay “overtime”, but time-and-a-half is not required in these instances. Employers are also permitted to offer compensatory time instead of paid overtime. The DOL's Field Operations Handbook, Section 22b01, states that extra compensation may be paid for OT to an exempt employee on any basis. The OT payment need not be at time and one-half, but may be at the workers normal hourly rate of pay. http://www.dol.gov/esa/whd/FOH/FOH_Ch22.pdf

Part-time work.

The Fair Labor Standards Act (FLSA) also does not address part-time employment. Whether an employee is considered full-time or part-time does not change the application of the FLSA. This is a matter generally to be determined by the employer. Part time workers are protected by the FLSA in terms of being entitled to the statutory minimum wage, but the law is silent with regard to the remuneration of part timers vis-à-vis similar full time workers.

The law is also silent regarding break times in the workplace. There is no federal legal requirement for employers to give employees coffee breaks, although short breaks of less than 20 minutes are common. While the FLSA does not require an employer to provide meal or rest breaks, many states have laws requiring employers to provide breaks for employees after a certain number of hours. For example, Colorado requires employers to provide a 30-minute meal period if the employee works more than five consecutive hours. Colorado employers also are required to give employees a ten-minute break after every four hours of work. In California, special break rules apply to employers in several different industries. For example, workers in the motion picture industry must be given a meal break of at least one half-hour (but not more than an hour) following six hours of work. Another meal break must be given six hours after the previous one. On the other hand, California workers in the lumber and wood industry must be given a 30-minute meal break between the third and fifth hours of work.

Employers are generally not required to compensate employees for bona fide meal periods. These typically are for 30 minutes or longer. During meal periods, the employee must be

completely relieved from duty.

http://hrlibrary.bna.com/hrlw/2000/pes_display.adp?fedfid=701083&vname=hrfapay&wsn=240&searchid=2610683

Non standard hours (evening and night work, weekend work, shift work)

U.S. employers with continuous operations usually schedule a day shift; a second or evening shift, often referred to as the swing shift; and a third or night shift, often referred to as the graveyard shift. To reward employees for working less desirable second and third shifts, employers typically pay a premium rate, known as a shift differential, on top of employees' usual pay rates. The premium can consist of a flat cents-per-hour bonus or a percentage of hourly earnings.

Employers also use different types of shift schedules to staff continuous or extended-hour operations. With “fixed shifts” employees are assigned to the same shift on a long-term or permanent basis, whether it be the day, evening, or night shift. The term fixed refers to the status of the employee on the shift, not the shift itself. The hours of a fixed shift can vary according to business requirements. Some workers work “rotating shifts” where an employee works a given shift—day, evening, or night—for a set interval of time before being switched to a different shift. Eight-hour shifts are the standard-length shift in most industries. They can be fixed shifts or rotating shifts depending on management's requirements. Extended shifts are regularly scheduled shifts lasting 10 or more hours. Extended shifts can be fixed or rotating.

http://hrlibrary.bna.com/hrlw/2000/split_display.adp?fedfid=687493&vname=hregcdconcat&fn=687497&jd=a0a0m6y6n8&split=0

As for weekend work, under the FLSA hours worked on Saturdays or Sundays only accrue time and a half if the worker has worked more than 40 hours for the week. Extra pay for working weekends or nights is a matter of agreement between the employer and the employee (or the employee's representative). <http://www.dol.gov/elaws/faq/esa/flsa/005.htm>

Maternity, parental and long-term leave.

The Family and Medical Leave Act (FMLA), passed into law in 1993 during the Clinton Administration, covers maternity/parental and medical leave in the U.S. Under this law, companies with at least 50 employees must let employees take up to 12 weeks of unpaid leave a year to care for a new baby, a sick family member or their own medical problems. Both men and women are allowed to take leave in connection with the birth of a child, and the leave must conclude within 12 months of the child's date of birth. Employees are required to provide employers with 30 days advance notice of the intent to take maternity leave and a date of return to the workplace. The employee's healthcare benefits will be continued during this period. If an employee is a key employee (a highly paid employee with substantial authority within the company), he or she does not have to be reinstated to his/her position upon return if it would substantially disrupt the functioning of the company. The employer must notify the individual of his/her status as a "key employee" in response to the employee's notice of intent to take FMLA leave. Employees are eligible to take family leave only if they have worked for the company for at least 12 months (need not be consecutive) and have worked 1,250 hours (roughly 25 hours per week) in the preceding 12 months. Employees may choose — or employers can require them to use — accrued paid vacation or personal leave to cover some or all of the maternity leave they take. Upon return from maternity leave, the employee must be restored to the original position he or she held or an "equivalent" — which means virtually identical to the original job in terms of pay, benefits, status, and other conditions of employment.

The reach of the FMLA is, however, quite restricted. The 12-month service rule; the fact that businesses with less than 50 employees are not required to offer leave; and the exclusion of workers who work less than 25 hours a week, means that 53% of private sector workers are not covered by the Act, according to the Department of Labor's data for 2005. <http://www.dol.gov/esa/whd/FMLA2007Report/Chapter11.pdf> And of those eligible for leave there is evidence to suggest that a high percentage of these workers chose not to take the full twelve weeks of maternity leave because they could not afford to be without income for the duration. One survey reported that this applied to 2.7 million

workers during 1999-2000. According to one advocacy group, "More than 60% of working mothers return to work in less than 12 weeks, and more than half of them don't receive any pay during their maternity leaves." (See: MultiState Working Families Consortium, *Family Values at Work: It's About Time!*, September 2007.

<http://www.9to5.org/familyvaluesatwork/FV@workReport.pdf>

The FMLA mandates various forms of leave that are used more often by female than male employees. Advocates for working women maintain that the FMLA makes women more expensive to employ than men, and thus employers will engage in subtle discrimination against women in the hiring process, discrimination which is much less obvious to detect. As discussed below, over the past year efforts have been made by unions and public interest groups and Democratic Congressional leaders to expand the law to cover more employers, make more workers eligible, include more reasons for job-protected leave and even mandate paid family and medical leave. Employer groups, however, oppose FMLA expansion and would much prefer to see existing regulations tightened then extended, particularly regarding definitions of "serious health condition" and "intermittent leave."

Early/phased retirement.

Employers wishing to lay off workers routinely offer early retirement as an alternative to laying off younger workers. However the Age Discrimination in Employment Act (1967) prohibits mandatory retirement in most sectors, with phased elimination of mandatory retirement for tenured workers, such as college professors, in 1993. Mandatory retirement based on age is permitted in the case of executives over age 65 in high policy-making positions who are entitled to a pension over a minimum yearly amount. Therefore early retirement plans are only legal if the employee is offered a chance to stay on, keeping things as they are, or retiring early with under a plan that leaves the employee better off than before. In early retirement situations, the employee must also have a genuine choice to reject or take the offer, the early retirement offer must be in writing, the employee must have 21 days to decide, and seven additional days to revoke.

Recent trends in working time

Yearly and Weekly Working Hours

In contrast to most of the EU15 and Japan where working hours are trending downwards, the number of hours worked in the U.S. has remained fairly constant (at times even risen slightly) during the last decade or two. In the 1970s, European and U.S. workers worked roughly the same amount of hours per year, but since then the U.S. has been on a different track in terms of both weekly and annualized hours of work. The situation is summed up by Altonji and Oldham:

In each decade of the 1960s, 1970s, and 1980s, vacation time mandated by law in European countries rose by an average of one additional week per decade, while in the U.S. and the United Kingdom vacation time continued to be determined solely on the basis of employer policy or private labor union agreements. ... This divergent trend in vacation legislation is mirrored in the trends of the amount of vacation taken in Europe and the U.S. Throughout the postwar years, vacation time in Europe grew, while growth in vacation time taken by Americans slowed after the 1970s. This is reflected in the fact that Organization for Economic Cooperation and Development (OECD) estimates of annual hours for the U.S. actually shows a slight growth between 1979 and the late 1990s. (Joseph G. Altonji and Jennifer Oldham, "Vacation Laws and Annual Work Hours," *Economic Perspectives* 3Q, 2003, p. 23, <http://www.chicagofed.org/publications/economicperspectives/2003/3qeppart2.pdf>)

According to the OECD, the average annual hours for U.S. workers was 1,804 in 2005, considerably higher than the EU15 average. <http://www.oecd.org/dataoecd/53/15/36900060.pdf> The FLSA sets the normal working week at 40 hours, but survey data from 1999 indicate that 86% of full time employees covered by a collective agreement and working in medium and large establishments work 40 hours per week or more. (Agenda for Shared Prosperity, Briefing Paper #189, May 2007, page 3). The average weekly hours for all workers is 33.8, down slightly from 10 years ago when 34.5 hours. (BLS, September 2007)

Vacations, Holidays and Sick Leave

The relatively high number of hours worked annually by U.S. workers has been attributed in part to the fact that the law does not mandate any paid holidays. As noted above, the FLSA, now almost 70 years old, "does not require payment for time not worked, such as vacations, sick leave or federal or other holidays. These benefits are matters of agreement

between an employer and an employee (or the employee's representative).”

<http://www.dol.gov/dol/topic/workhours/holidays.htm>. See also,

<http://www.chicagofed.org/publications/economicperspectives/2003/3qeppart2.pdf>, page 25)

Workers in private industry were eligible for 8 paid holidays per year, on average. Part-time workers and workers in occupations with hourly pay averaging under \$15 tended to be eligible for fewer days of paid holidays than were workers in other categories, according to the BLS.

The number of days of paid vacations increased with length of service. After 1 year of service, workers were eligible for 9 days of paid vacation, on average; after 25 years, this number increased to 19 days. Days of paid vacation available to workers also varied by worker, establishment, and geographic characteristics. For example, after 1 year of service, most union and nonunion workers were eligible for the same number of days, whereas, after 25 years of service, union workers enjoyed 5 more paid vacation days, on average, than nonunion workers. Those in occupations with hourly pay averaging under \$15 were granted less generous vacation benefits at all levels of service. Workers in large establishments also earned more vacation days at all levels of service.

The appears to be considerable variation across occupational groups: after 1 year, a 5-day yearly paid vacation was the most common among natural resources, construction, and maintenance workers as well as among workers in production, transportation, and material moving occupations. By contrast, employees in management, professional, and related occupations often received 10 or more days of vacation after 1 year. Longer paid vacations, such as those lasting more than 20 days, were offered to almost half of employees in management, professional, and related occupations after 25 years of service, while only 24 percent of workers in natural resources, construction, and maintenance occupations were eligible for so many days after 25 years on the job. (See:

<http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>, page 3-4)

The trend in terms of vacations and public holidays has remained somewhat static, with no increase in paid public holidays for many years. Moreover, as unions have grown less present their capacity to reduce working hours through collective bargaining has lessened. The pressure on employers in non-union settings to offer a number of paid vacations that's comparable to a unionized setting has also probably declined—although this is difficult to quantify. However, BLS data show that fewer and fewer companies offer their workers paid time off. In 1998, 5% of America's companies didn't offer paid vacation; by 2003, the figure had risen to 13%. Today 25% of workers get no vacation time, while another 33% only get a week, according to BLS data. Nearly half of all private sector workers have no paid sick days. Indeed, the United States is the only advanced industrial country that does not mandate paid vacations and paid sick days, and Americans who are afforded such benefits enjoy far less time off than their counterparts in other wealthy nations. (See David Moberg, *What Vacation Days? In These Times*, June 18, 2007). BLS data show that, overall, the average private sector worker in the United States gets 8 paid vacation days per year in 2006, although the length of service is an important variable.

<http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>

Low-paid, part-time or small-business workers typically get far fewer, sometimes no paid vacation days. The same holds for paid sick leave: 72 percent of the highest-paid 25% of private sector employees get paid sick days compared to only 21 percent of workers in the lowest-paid quarter. (9to5 reference needed here). Overall 48% of workers have no paid sick leave. Even when workers do receive paid sick days, they are often permitted to use them for their own health problems – not to care for a sick child or relative. A report produced by the Institute for Women's Policy Research in 2004 reported that only 30% of workers were authorized to take paid sick days for this purpose.

Several polls and studies confirm the “vanishing vacation” or “shrinking vacation syndrome.” According to the independent research group Conference Board, a poll taken in May 2007 showed that 60% of American workers had no plans to take vacation over the following six months. Forty percent planned to take a vacation, the lowest percentage in 28 years. In 2003, according to a Boston College study, 26% of America's workers took no

vacation time at all. (Studies cited by Mark Ames, *For U.S. Workers, Vacation Is Vanishing*, <<http://altnet.org/workplace/41404/>) And a survey by the Gallup Organization in May based on telephone interviews with a national sample of 1,003 adults found that 43 percent of respondents had no summer vacation plans. Another poll suggests that employees are handing companies more than \$21 billion in unused vacation days each year. (Expedia.com, cited by *USA Today* www.usatoday.com/money/workplace/2003-12-16-hours).

Analysts note that government data on hours worked often don't capture time put in off the job, such as during weekends, or after-hours work that many salaried employees do on laptops, cell phones and e-mail. They also don't capture the overall rise in hours put in by families. Combined weekly work hours for dual-earning couples with children rose 10 hours per week, from 81 hours in 1977 to 91 hours in 2002, according to a new study by the New York-based Families and Work Institute.

<http://familiesandwork.org/site/research/reports/main.html> A number of studies conclude, not surprisingly, that working hours are rising in part because of new technology, which makes it easier to work outside the office.

Trends regarding Part Time and Full Time work

There appears to be no noticeable shift towards part time work in the U.S. Male part time workers constituted 7.8% of the U.S. workforce in 2005, down from 8.5% in 1994, according to the OECD. Roughly 18.3% of women workers are part time, down from 20.4% in 1994. This contrasts with the EU15, where over 32% of women workers were part time in 2005. (<http://www.oecd.org/dataoecd/53/15/36900060.pdf>). In the U.S., part time work as a proportion of total employment stood at 12.8% in 2005, and women performed 68% of this work. BLS data show that, of those male workers working year round, 75% were full time, and for women the figure was 60%. These data show a clear movement of women workers towards traditional year-round and full time employment. In 1960 around one in three women worked full time.

<http://stats.bls.gov/cps/labor2006/chart5-6.pdf>

The movement of women into full time work has stimulated considerable discussion around the work-family balancing act performed by workers, particularly women workers with children. Advocates for more flexible and family-centered policies today speak in terms of a “care crisis” or “care deficit.” This crisis or deficit appears to be particularly acute for low waged women in the private sector. When children or elderly parents become ill and require care, the lack of social services and paid sick leave drives these workers out of the labor market and, in some instances, into poverty. A study released by the Project on Global Working Families based at Harvard and McGill universities confirmed that the U.S. is one of only five countries out of 173 covered by the study that does not guarantee some form of paid maternity leave; the others are Lesotho, Liberia, Swaziland and Papua New Guinea. (Study cited in: *U.S. workplace not family-oriented, Nation lags behind virtually all wealthy countries in work-life balance*, The Associated Press, May 22, 2007. See: <http://www.msnbc.msn.com/id/16907584/>)

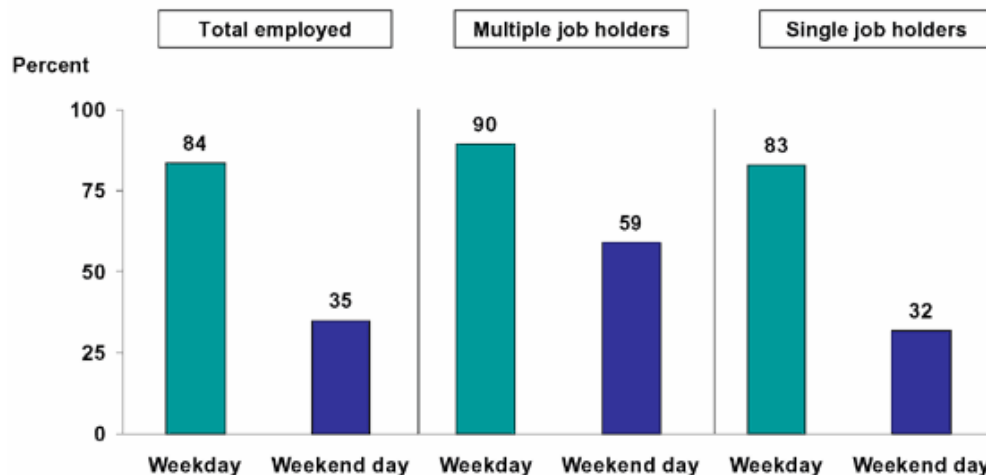
Low-income working mothers also appear to be still feeling the effects of the 1996 Welfare Reform Act, which eliminated guaranteed welfare, replaced it with Temporary Assistance to Needy Families (TANF) and set a five-year lifetime limit on benefits. Administered by the states, TANF aimed to reduce the number of mothers on welfare rolls, not to reduce poverty. By 2002 one in ten former welfare recipients in seven Midwestern states had become homeless, even though they were now employed. (See Ruth Rosen, *The Care Crisis*, The Nation, March 12, 2007 <http://www.thenation.com/doc/20070312/rosen/4>

Weekend Work

Through its Time Use Survey, BLS gathers data on the times of the week when workers perform their work. These 2006 data show that almost a third of workers working one job worked on weekends (32%) and a slightly higher percentage of all workers worked weekends also (35%) <http://www.bls.gov/tus/charts/work.htm> Current Population Survey data from ten years ago show that 23.3% of all workers worked on Saturdays and 14.3% worked on Sundays. The two sets of data are not easily compared, but they do point to an

increase in weekend work overall. <http://www.bls.gov/opub/mlr/2005/08/art4full.pdf> pp/5-6.

Percent of population who worked on weekdays and weekend days



NOTE: Data include all persons age 15 and over. Weekdays are defined as non-holiday weekdays. Holidays are included with weekend days. Data are annual averages for 2006.

SOURCE: Bureau of Labor Statistics

A clearer view of the changing patterns of work, and their social implications, is provided by Harriet Presser in her ongoing work on the subject. (See Presser, Harriet B. *Working in a 24/7 Economy: Challenges for American Families*. New York: Russell Sage Foundation, 2003.) Presser's examination of the data provided by the 2001 Current Population Survey and other sources shows that men are somewhat more likely than women to work nonstandard schedules, and minorities—particularly African Americans—are more likely to do so than non-Hispanic whites. Dual-earner married couples are especially likely to have at least one spouse working late or rotating shifts. In 1997, this was so for 28 percent of all such couples, but even more so for those with children: 35 percent of dual-earner couples with a child under 5 had a parent with such a schedule. (Rarely did both spouses work such schedules.) These percentages are yet higher among low-income couples, the families most likely to be under financial stress while juggling a difficult work schedule.

Weekend work among dual-earner couples is also very common. In more than two-fifths of all dual-earner couples, at least one spouse worked on Saturday or Sunday. The ratio was closer to one-half of all dual-earner couples with children under five. And again, low-income couples had especially high rates of weekend work. However, U.S. women workers are, along with their counterparts in several European countries, actually underrepresented among the weekend workforce. But for those women workers normally working 30 hours per week or more, weekend work is much more common and these women workers are actually overrepresented in the weekend workforce.

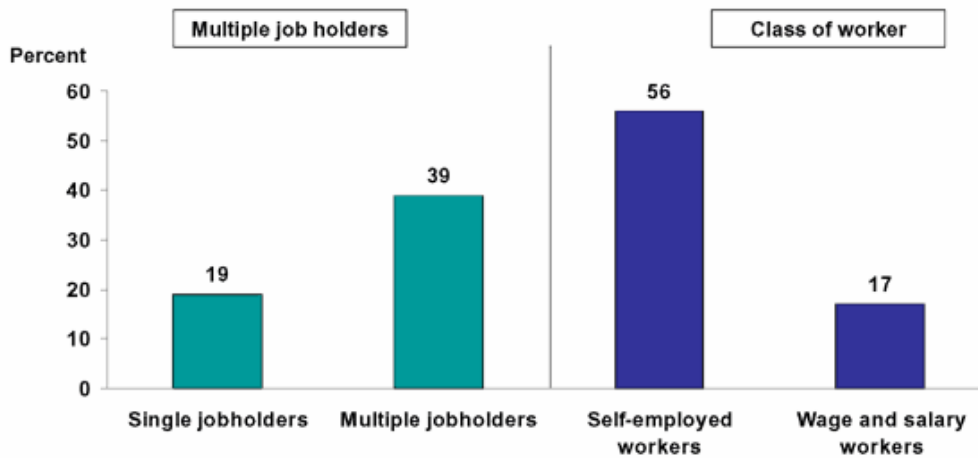
(<http://www.bls.gov/opub/mlr/2005/08/art4full.pdf>, page 50)

Presser notes that single mothers are more likely than married mothers to work at nonstandard times and to work long hours. About one-fourth of single mothers with children worked late or rotating shifts and more than one-third worked weekends. For single mothers with children under age five, these ratios were one-fourth and two-fifths, respectively—and still higher for those with low incomes. (See also, Harriet Presser, *The Economy that Never Sleeps*, Contexts, Vol 3, No. 2, Spring 2004. See also Harriet Presser and Janet C. Gornick, *The Female Share of Weekend Employment*, Monthly Labor Review, June 2005)

Working from Home

The BLS's Time Use Survey also keeps track of employed persons who worked from home. These data show that home work is quite prevalent, particularly for self-employed workers, 56% of whom said they worked from home compared to 17% of wage and salaried workers who worked at home on an "average workday." Of course, these data would presumably not reflect the hours worked from home on a "non average" workday. However, BLS data also shows that, on the days they worked, 21 percent of employed persons did some or all of their work at home and 86 percent did some or all of their work at their workplace. Hours worked at home averaged 2.6 hours per day while hours worked at a workplace averaged 7.9 hours per day. Men and women were equally likely to do some of all of their work at home. <http://www.bls.gov/tus/charts/work.htm>

Percent of employed persons who worked at home on an average workday



NOTE: Data include all employed persons age 15 and over on days they worked. Data include all days of the week and are annual averages for 2006.

SOURCE: Bureau of Labor Statistics

U.S. Census Bureau (Oct 2004) data also show a trend towards more work being performed at home. In 2000, 19% of Americans did some or all of their work at home.

This is an increase of 23% from 1990 to 2000, and twice the rate of growth of the overall workforce. (source)

Working Outside 9-to-5 and Overtime

The BLS data show that 32% of U.S. workers are performing work or work related activities from 6 p.m. – 7 p.m., 22.5% are working after 7p.m., 18.1% after 8p.m. and 15.9% after 9 p.m. These data reflect the extent to which the traditional 9-to-5 working day has given way to different and more stretched working patterns, or greater diversity in work schedules. The growth of employment in retail and related services, and the lengthening of store and business hours, almost certainly contribute to this temporal shift in the nature of work. (For evidence of this, see: Harriet B. Presser and Janet Gornick,

Weekend Employment in High-Income Countries: A Comparative Analysis, Paper presented at the 2004 meeting of the Population Association of American, April 1, 2004)

Interestingly, although employment at nonstandard times is pervasive, fully one-third of the nonstandard jobs are concentrated in just 10 service-sector occupations, most of which are low paying: cashiers; truck drivers; sales people; waiters and waitresses; cooks; janitors and cleaners; sales supervisors and proprietors; registered nurses; food service and lodging managers; and nursing aides, orderlies, and attendants. Except for registered nurses, the median hourly pay for those in the same occupations who work at nonstandard times is about the same as or less than the pay for people who work daytimes and weekdays only.

According to a national telephone survey of 765 working women over the age of 18 survey commissioned by the AFL-CIO, and released under the title "*Working Women Say...*", more than one in four working women (28 percent) say that at least part of their working hours are in the evenings or on the weekends — and this is also true of women with children under 18 (26 percent). Women who earn less than \$25,000 are more likely to work irregular hours (42 percent), and nearly half of all women who are married or living with a partner say they work different schedules (46 percent). Among married women with young children, that figure rises to 51 percent.

<http://www.aflcio.org/mediacenter/prsptm/pr03092000.cfm>

Yearly and weekly working hours – women and men

As mentioned above, the average weekly hours for all workers is 33.8, down slightly from 10 years ago when 34.5 hours. (BLS, September 2007). The average weekly hours in the private sector stood at 33.9 in December 2006 down from 34.6 ten years earlier. In the good producing, mining and construction sectors—where full time male workers predominate—the average weekly hours hovered between 39 and 45 hours, whereas in retail the average was 30.4 hours, in business and financial services roughly 35 hours, and in education and health a little over 32 hours per week, and in leisure and hospitality a little under 26 hours per week. <ftp://ftp.bls.gov/pub/suppl/empst.compwhs.txt>. In the U.S., men

work an average of 40.4 hours per week, while women worked 34.2 hours on average.

<http://www.bls.gov/opub/mlr/2004/12/art1full.pdf>

Overtime and long daily hours (men, women).

Overtime trends in the U.S. tend to be a little unclear. This is partly due to the fact that so many workers' hours are effectively unregulated. Occasionally the BLS takes an in depth look at overtime, often observing that overtime rates go up as the economy emerges from a recession. (For example, see: <http://www.bls.gov/opub/ted/2000/mar/wk3/art05.htm>)

In 2006, the average full time worker worked 42.9 hours per week. Of the 139 million workers in the U.S., 38.8 million workers (almost 30%) worked more than 41 hours per week, and 25.2 million (just over 20%) exceeded 49 hours per week.

<ftp://ftp.bls.gov/pub/special.requests/lf/aat19.txt> An ILO study (2004-2005) on long working hours (more than 48 hours per week), situated the U.S. at the higher end of the scale for developed countries, with 18.1% of workers working more than 48 hours per week – a figure that's fairly close to the BLS' data. Those developed countries above the U.S. on the scale were the United Kingdom (25.7 per cent), Israel (25.5 per cent), Australia (20.4 per cent) and Switzerland (19.2 per cent).

http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_082827

Working time accounts (men, women).

Flexi-time [flexible entry and exit times] (men, women).

The most recent BLS data on flexible schedules (2004) show that over 27 million full-time wage and salary workers had flexible work schedules that allowed them to vary the time they began or ended work. These workers comprised 27.5 percent of all full-time wage and salary workers, down slightly from 28.6 percent in May 2001, when these data were last collected. The data show some significant differences in terms of race and gender of these workers. Men continued to be somewhat more likely to have flexible schedules than

women (28.1 and 26.7 percent, respectively), but the gender gap is not that large. However, flexible schedules were more common among white workers (28.7 percent) than among black (19.7 percent) or Hispanic or Latino workers (18.4 percent). The proportion of Asians who worked flexible schedules was 27.4 percent in May 2004. Among whites, 29.4 percent of men and 27.8 percent of women had flexible schedules.

Perhaps predictably, flexible schedules were most common among management, professional, and related occupations (36.8 percent). Within that occupational group, 44.7 percent of management, business, and financial operations workers were able to vary their work hours. Flexible schedules also were prevalent among sales and office workers (29.5 percent). In contrast, only 17.6 percent of natural resources, construction, and maintenance workers and 14.3 percent of production, transportation, and material moving workers had such flexibility. These data point to a (perhaps growing) class divide or blue-white collar split between those who can (or will) work a flexible schedule and those who can (or will) not. Of course, the nature of certain “knowledge” jobs lend themselves to flexible work schedules, whereas others do not. This, too, is reflected in the data. Among private sector employees, industries with a relatively high prevalence of workers with flexible schedules included financial activities (37.7 percent), professional and business services (37.6 percent), and information (34.9 percent). Industries with a relatively low prevalence of workers on flexible schedules included mining (22.9 percent) and construction (20.3 percent). (See also: BLS, Workers on Flexible and Shift Schedules in 2004 Summary. <http://www.bls.gov/news.release/flex.nr0.htm>). It’s important to note that BLS data exclude the self-employed. The BLS’s Time Use Survey shows that 56% of self employed workers worked from home.

Formal Flexitime Programs

As mentioned above, BLS data (most recent being in 2004) show that while more than 1 in 4 workers can work a flexible schedule, only about 1 in 10 are enrolled in a formal, employer-sponsored flexitime program, and that workers in management, professional, and related occupations were among the most likely to have this kind of formal arrangement

(14.2 percent). (See: BLS, Workers on Flexible and Shift Schedules in 2004 Summary. <http://www.bls.gov/news.release/flex.nr0.htm>)

In terms of the trends around flexitime it seems that, formal arrangements or not, there is some evidence from independent surveys that workers are moving in the direction of working from home—largely as a result of an increase in telework and telecommuting made possible by the expanded use of broadband internet. According to a 1,900 person survey by the Hudson Highland Group, in July 2006 already 29% of all employees work from home more than once a week, and the figure rises to 40 % among workers with children at home. (<http://www.hudson-index.com>., and <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/07-19-2006/0004399403&EDATE=>)

A survey conducted by the International Telework Association and Council (ITAC) found that the number of employed Americans who performed any kind of work from home, with a frequency range from as little as 1 day a year to full time, grew from 41.3 million in 2003 to 44.4 million in 2004, a 7.5% growth rate, with the greatest increase being reported by employees of small and medium-sized businesses (100 – 999 employees). A 2005 survey of 1,043 large employers by Mercer Human Resources Consulting found that 44 percent of U.S. companies offered at least some telecommuting options, up from 32 percent in 2001, although how many employees affected by these options is not clear from the data. JALA International, in association with ITAC, forecasts over 40 million teleworkers in the US by 2010. (See: For data of this kind, see: <http://www.ivc.ca/studies/us/index.htm>, and <http://www.workingfromanywhere.org/news/pr082107.html>;) Other studies tend to attribute the trend as more employee-driven, citing a growth in requests for flexible arrangements, formal or not. (See: http://www.kornferry.com/Library/Process.asp?P=PR_Detail&CID=2766&LID=1 Exactly how much of the trend towards flexible arrangements is dependent on broadband internet, which is both making flexible work possible while at the same time stimulating more demand for it, remains a question not yet fully answered by the available data.

Shift Work

BLS data show that almost 15 percent of full-time wage and salary workers usually worked an alternative shift in May 2004. By type of shift, 4.7 percent of the total worked evening shifts, 3.2 percent worked night shifts, 3.1 percent worked employer-arranged irregular schedules, and 2.5 percent worked rotating shifts. The proportion of full-time wage and salary workers on alternative schedules has fallen since May 1991. Men were more likely than women to work an alternative shift (16.7 and 12.4 percent, respectively). Blacks were more likely than whites, Hispanics or Latinos, or Asians to work such shifts.

The prevalence of shift work was greatest among workers in service occupations, such as protective service (50.6 percent)--which includes police, firefighters, and guards--and food preparation and serving (40.4 percent) and among those employed in production, transportation, and material moving occupations (26.2 percent). Alternative shifts were least common among management, professional, and related occupations (7.6 percent) and workers in natural resources, construction, and maintenance occupations (7.5 percent).

The proportion of workers on alternative shifts was highest in leisure and hospitality industries (38.3 percent), mining (31.9 percent), and transportation and utilities (27.9 percent). Shift work was less prevalent in professional and business services (7.8 percent), financial activities (5.4 percent), and lowest in construction (2.9 percent).

The BLS also examines some of the reasons for shift work. Its data show that over half (54.6 percent) of those working an alternative shift did so because it was the "nature of the job." Other reasons for working a non-daytime schedule included "personal preference" (11.5 percent), "better arrangements for family or child care" (8.2 percent), "could not get any other job" (8.1 percent), and "better pay" (6.8 percent). Many of those who worked night and evening shifts chose such schedules due to personal preference (21.0 and 15.9 percent, respectively) or because these shifts facilitated better arrangements for family or child care (15.9 and 11.0 percent, respectively). The vast majority of those with rotating, split, and employer-arranged irregular schedules reported the "nature of the job"

as the reason for working a non-daytime schedule.

Pay premiums for shift work are generally negotiated by unions. Some unions have negotiated reduced hours at full-time pay for people working late shifts, but this is rare and the pay premiums generally are not large. Workweeks for employees on extended shifts run no more than four days or nights at a time. According to the BNA, "Because many workers prefer to work longer shifts in exchange for more off-duty days or longer weekends, the recent trend has been toward extended 10- or 12-hour shifts."

http://hrlibrary.bna.com/hr/w/2000/split_display.adp?fedfid=687493&vname=hregcdconca&fn=687497&jd=a0a0m6y6n8&split=0

Maternity/Parental leave take up rates (men, women).

In assessing the trends around maternity and paternity leave, two considerations appear pertinent. The first is the trend around legally permitted leave under the FMLA, and the second pertains to nature of the arrangements being made between employers and employees, including policies and practices introduced by companies.

As mentioned above, the FMLA requires companies with at least 50 employees must let employees take up to 12 weeks of unpaid leave a year to care for a new baby, a sick family member or their own medical problems. The limited reach of the Act was referred to above: the 12-month service rule; the fact that businesses with less than 50 employees are not required to offer leave; and the exclusion of workers who work less than 25 hours a week, means that 53% of private sector workers are not covered by the Act.

The public perception of the FMLA is that it's better than nothing, but still inadequate. The unpaid nature of the maternity and paternity leave made available by the Act has had a clear impact on take up rates, but the data with regard to this are unclear. Several Department of Labor surveys have been conducted in order to gauge the effectiveness and impact of the FMLA, and also assess its limits, but the picture remains murky. Some data suggest 50 million workers have taken FMLA leave since 1993, others suggest 80 million.

Employers' organizations complain that the FMLA has been disruptive and intermittent leave taken by employees under the FMLA rarely shows up in the DOL database. (For a summary of these differing assessments, see: Department of Labor, 2007, <http://www.dol.gov/esa/whd/FMLA2007Report/Chapter11.pdf>)

Surveys conducted by employers' organization offer evidence that companies with over 100 employees are complying with the law almost 100%, but the picture is less clear for smaller companies. Some companies grant unpaid maternity leave even though they are not required by law to do so. One study reports that 53% of 100-employee companies said that they provided some pay during maternity leave, even though they are not legally required to do so, and 13% provide some pay for fathers on paternity leave.

<http://familiesandwork.org/site/research/summary/bwlssumm.pdf>

The BLS' employee benefits survey for March 2007 shows that 57% of workers were entitled to at least some paid sick leave as a result of company policies, but just 8% of workers were entitled to paid "family leave." <http://www.bls.gov/news.release/pdf/ebs2.pdf>

Long-term leave take up rates (men, women).

The BLS' National Compensation Survey, which looks at employee benefits in private industry, presents no data on long term take up rates of maternity/paternity leave. (See: U.S. Bureau of Labor Statistics, August 2007, Summary 07-05

<http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>

Early/phased retirement rates (men, women).

The U.S. workforce is getting older and the percentage of older workers who work full time is also increasing. Therefore the trend is for older workers to stay in the labor market longer as full time workers. The percentage of those aged 55 or older in the workforce increased from 29% in 1993 to 38% in 2006. (See Employee Benefit Research Institute, August 2007 http://www.ebri.org/pdf/notespdf/EBRI_Notes_08a-20071.pdf)

One factor driving this trend has been the shift in the private sector away from defined benefit pension plans into defined contribution benefit plans where workers are primarily responsible for their own contributions. This is generally making retirement, and thus early retirement less attractive. A growing number of older workers need to continue working in order to ensure some level of retirement security. Fully one third of men and women workers aged 55-64 years old receiving a private pension remain at work (2003 data). According to the Dept. of Labor, (USDOL 2003), 23% of employees in the private sector who participated in a direct benefit pension plan in 2000 were covered by plans that did not allow early retirement, and 67% were in plans that specified a minimum age requirement for early retirement benefits. For women, roughly 11.5% of women aged 55-64 had pension income throughout the 1994-2002 period, but one third remained in employment. The tendency for older workers to stay in the labor market is reinforced by the way the state pension system (Social Security) is structured, although a full explanation of the complexities involved is outside the scope of this report. (For a full explanation, see: Patrick Purcell, *Older Workers: Employment and Retirement Trends* Pension Research Council Working Paper, 2004 <http://rider.wharton.upenn.edu/~prc/PRC/WP/WP2004-11.pdf>) It appears that current law presents an obstacle to phased retirement, since pension legislation generally require workers to leave the company in order to receive benefits. Employer surveys often indicate that only 16% and 23% of companies have adopted phased retirement programs. (Studies cited by Purcell, *ibid.*)

Social partners' opinions and initiatives on working time

Organizations Representing Business

The opinions of business organizations on the issue around working time tend to differ significantly from those expressed by worker representatives, nonprofits, and NGOs advocating for working families. In general, business groups generally either support the status quo or prefer fewer regulations to those that already exist. There is, therefore, broad business opposition to any proposal that might extend worker entitlements.

Regarding further deregulation, business generally supported the Bush administration's efforts in 2003 to amend the FLSA's overtime provisions in the hope that the proposal to replace overtime with "comp time" would both introduce greater flexibility while at the same time reducing overtime costs. The proposed legislation sought to expand the range of job categories that would become "overtime exempt" by amending the FLSA. However, the proposal, named the Family Time Flexibility Act, failed to garner enough support in Congress. Under the proposal employer would not be required to pay non-exempt employees overtime for working more than 40 hours in a week so long as the employee works no more than 80 hours over a two week period. For example, a worker could be required to work 70 hours one week and receive no overtime compensation as long as they work 10 hours or less the following week.

Business organizations almost invariably maintain that it's better to allow companies to determine their own work time policies and practices—free from government interference and regulation. Some businesses, however, see themselves as pioneers of flexible work arrangements, depicting the measures they introduce as good for both companies and busy families as the realities of the "24/7" economy become ever more evident. Businesses have occasionally been known to be concerned about their employees' apparent refusal to take vacation days (even paid ones) due to them. But in general business organizations are not demanding legally mandated government solutions to either the "care crisis", or the social and personal problems associated with the stresses felt by dual earner or single parent families in particular. Rather, organizations like the National Association of Manufacturers (NAM) are keen to relieve the "burden of regulation", noting that "in today's market, every additional cost affects the entity's competitiveness and simply can not be ignored."

Business groups are therefore solidly against proposals to expand the reach of the FMLA in order to allow for some paid sick days, and are keen to correct the employee abuses that have purportedly proliferated as a result of the legislation. Regarding the FMLA, NAM notes that 30% of its member companies already provide paid maternity leave, and that the FMLA "has had the unintended consequence of creating an epidemic of absences and has profoundly undermined what had been America's 'secret weapon' in global economic

battles: the work ethic and productivity of the workforce.” (NAM, Feb 16, 2007, Comments in Response to Requests for Information on FMLA, http://www.nam.org/s_nam/bin.asp?CID=390&DID=238297&DOC=FILE.PDF)

The American Chamber of Commerce is also opposed to recent efforts to expand the FMLA, noting that “Employers have had the greatest difficulty with medical leave taken under the act, as opposed to family leave for the birth or adoption of a baby. Tracking intermittent leave (leave taken in small increments) and the expansive definition of a serious health condition are particularly troublesome. Under current DOL interpretations, even such common ailments as a cold can qualify as a "serious health condition." The regulations' lack of clarity has led to increased costs in replacing employees and a rise in litigation and paperwork.” (Chamber to File FMLA Comments, January 2007, http://www.uschamber.com/publications/magazine/2007/january/0701_4b.htm)

Joining NAM and the Chamber is the Society for Human Resource Management and the National Restaurant Association, and together these business groups have formed the National Coalition to Protect Family Leave. The coalition wants the Department of Labor to issue regulatory changes that would further define serious illnesses and reduce recording requirements. *Coalition Wants FMLA Reform*, Industry Week, July 1, 2005 <http://www.industryweek.com/PrintArticle.aspx?ArticleID=10447> Similar positions on work time issues, particularly paid leave, have been taken by small business groups like the

Small Business and Entrepreneurship Council which claims that, while employers would like to provide paid sick and family leave, small firms and new enterprises can not afford the costs involved.

<http://www.sbsec.org/home/index.cfm?CFID=692782&CFTOKEN=22529006>.

Unions, public policy groups and scores of grassroots organizations

For unions and various organizations that advocate for working families, U.S. business is making record profits on the backs of overworked and stressed out employees who are all too often unable to miss work through illness, in many instances have little or no vacation,

and are increasingly required to work hours that are simply not conducive to healthy family life or child rearing. Flexible work schedules exist, both formal and individually negotiated, but they mainly benefit higher-income white collar professionals. Paid sick leave is rare for low paid workers in particular, and too many workers must risk dismissal or a serious loss of income if they take time off to take care of children, relatives, or their own health.

Unions are playing an active role in changing this situation. Understanding that what can not presently be won at the bargaining table might be won in the political arena, unions have been quite engaged in reform efforts, particularly at the state level. In this effort, unions have committed resources and helped provide a broader reach to a network of nonprofit advocacy groups across the country. (For a list of these groups, see: <http://www.9to5.org/familyvaluesatwork/FV@workReport.pdf> page 38)

Government Initiatives - The Momentum for Reform - Congress

However, there are clear signs that the momentum for reform is growing and some change in laws affecting working hours seem likely in the next period at the federal level and are already happening at the state level. Two factors behind the trend is the growing level of public support for proposal for paid sick days and paid family and medical leave in particular, and the November 2006 political shift towards the Democrats both in Congress and in a number of state legislatures. (For one recent public opinion poll, see: http://npwf.convio.net/site/DocServer/Paid_Sick_Days_poll_slides.pdf?docID=2401)

Reducing the actual number of hours at work or working is not in and of itself a policy priority, although any changes in the law on paid sick days or family leave will probably have an impact on the overall working hours' picture.

At the federal level, since the FMLA was passed 14 years ago Congress has taken no action on work time or work-life balance issues. In every congressional session since 1995, bills have been introduced to expand the FMLA but these produced little of note. Presently, however, there are a number of bills before Congress that are seeking change. In June 2007

Senators Chris Dodd (D-CT) and Ted Stevens (R-AK) introduced legislation that will provide up to 8 weeks of paid leave to workers needing time off due to the birth or adoption of a child, to care for a child, spouse or parent with a serious illness or to care for their own serious illness—basically a strengthening of FMLA. The Family Leave Insurance Act of 2007 aims to establish a Family Leave Insurance Fund, through which employees, employers and the federal government share the cost of providing compensation during times of family crisis. <http://dodd.senate.gov/index.php?q=node/3953>

In March 2007 Democrats introduced the Healthy Families Act, a proposal that seeks to guarantee workers a minimum amount of paid sick leave. This bill would require all employers with at least 15 or more employees to provide seven days of paid sick leave (presently employers are not required to provide any paid sick leave at all) a year for full-time employees working at least 30 hours per week or 1,500 hours per year. A pro-rata amount of leave would be required for part-time employees working at least 15 hours per week or 750 hours per year. And in 2007 Senator Pat Roberts of Kansas introduced the Small Business Child Care Act, which would help employers provide childcare for their workers by way of state-administered but federally funded grants.

[http://thomas.loc.gov/cgi-bin/query/z?c110:S.228:](http://thomas.loc.gov/cgi-bin/query/z?c110:S.228)

Reforms at the State Level

Some of the impetus for the reform proposals before Congress around paid sick and family leave has been generated at the State level (which is also true of legislation to raise the minimum wage). Only one state—California—offered paid family leave, which was introduced in July 2004. Nearly all non-governmental employees in California (those who are covered by the current State Disability Insurance (SDI) plan or a substitute voluntary plan) are eligible to receive up to six weeks of Family Temporary Disability Insurance (FTDI) benefits over a 12-month period. FTDI benefits are funded through an increase in SDI contributions and serve as a wage replacement to cover periods where a worker is unable to work because of a need to care for an ill child, spouse, parent or domestic partner, or for the birth, adoption or foster care placement of a child. Employees are immediately

eligible for the program upon hire and can begin to receive benefits following a seven-day waiting period. (<http://www.auxillium.com/paidfamleve.shtml>)

Other states have introduced some lesser reforms. In 2005 Maine passed a law requiring employers with at least 25 employees to allow workers with paid sick days to care for a sick family member—in other words, the worker need not be sick themselves but can use her or his paid sick days to take care of a family member who is. A further five states have mandatory temporary disability insurance programs to cover income losses from short illnesses. And in November 2006, San Francisco voters approved the first mandated paid sick days in the United States. In March 2007, Washington State passed a family leave insurance program guaranteeing up to five weeks of partially paid leave to new parents—thus following the lead of California—and growing number of states are considering paid leave initiatives and several are likely to be introduced in the next year or two. The fate of federal initiatives, however, will rest in large part on the outcome of the November 2008 congressional and presidential elections.

N.C. Commentary

The debate on working time in the U.S. is being shaped by the growing perception that the laws and practices that presently exist do not meet the needs of workers and their families. The decline in collective bargaining coverage, as well as the inability of unions to deflect concessions and “cost-shifting towards those 15.4 million workers who are in a union and covered by a collective agreement, have both clearly contributed to this perception. In this debate, the EU is discussed as a region that better understands how to build a healthy and competitive economy while at the same time finding effective ways to help families. (See, for example, recent reports by the Economic Policy Institute, *Agenda for Shared Prosperity*, www.epi.org;))

Clearly, the political movement for paid sick and family leave has grown in recent years, and the changes in state and (perhaps) federal law may open the way to more substantive

changes in work hours and work-family policy. But for now reform efforts aimed at actually reducing working hours, extending paid vacation days and/or public holidays, or to make flexible work schedules subject to government guidelines remain much weaker by comparison. It seems reasonable to expect, therefore, that U.S. workers will continue to lead the advanced economies in terms of the numbers of hours worked, and flexible schedules will remain largely enjoyed by white collar professionals. One out of five employed Americans will continue work most of their hours outside the range of 8 a.m. to 4 p.m., and roughly one-third of employed Americans work Saturdays and/or Sundays – and the implications for child rearing, caring for children and other relatives, will continue to attract attention. (See, for example, Presser, op.cit.

http://www.contextsmagazine.org/content_sample_v3-2.php

While outside the scope of this report, the debate on health care reform and retirement security are also central work-life issues in the U.S. context, because health coverage and pension benefits are mainly employment-based. These are priority issues for work-family advocates and unions, and policies pertaining to health and pensions (and perhaps child care) are likely to change sooner than are those that pertain to working hours—although powerful business interests, backed by anti-statist movements like the Christian right, will oppose changes that are perceived to threaten the viability of business or lengthen the reach of the government.