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Innovative working time policy in the service sector: Responses to working time policy challenges by service sector unions

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Innovative working time policy in the service sector

**Responses to working time policy challenges
by service sector unions**

By Roland Schneider

Innovative Working Time Policy in the Service Sector

Roland Schneider

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Summary

The aim of the study is to examine how trade unions in the service sector in selected EU countries respond to new work-related challenges. In particular, those countries were considered where working time standards are mainly regulated by collective agreements. The starting points of the study are the dissolution of a formerly stable and regular distribution of working time through flexibly organised and increasingly atypical working hours and the discrepancies between desired working times of employees and their working time reality, which are expressed in the polarisation of working time between women and men and between different qualification groups, in the blurring of gainful employment and time off and in problems of reconciling work and family life.

The study is based not only on the evaluation of a written survey of member unions of UNI Europa, the European trade union federation of service unions, but also on the analysis of selected collective agreements. The focus in terms of content will be on new and innovative regulations for the reorganisation and distribution of working time, on a life-phase-oriented, gender- and age-compliant work-promoting design of working time and the promotion of further training and lifelong learning through collective bargaining and working time policy.

The documented and analysed collective agreements can be considered as organisational and social innovations. They offer many employees the choice between an increase in

income or an increase in time off, and they promote a balance between work and family time requirements. In addition, they enable new qualifications to be acquired under learning-friendly time structures. Thus, they not only form the basis for a redesign and redistribution of working time. They also improve the chances of a life-phase-oriented design of working time; this is especially true with regard to age-compliant work, but less so with regard to a fair distribution of working time between the sexes.

It was not possible to perform an adequate examination in terms of whether and how newer working time options are used by employees, whether they help to reduce existing company-related inequalities regarding the realisation of individual time preferences, and which factors and conditions promote or inhibit these. Many of the working time arrangements discussed are still in the first phase of their implementation.

However, the results of the study show that the gap between the programmatic demands for a modern and sustainable working time policy and the workplace-related organisation and design of working time has narrowed in many sectors and companies. Further reducing this gap is a high priority for many trade unions. On the one hand, they are concerned with strengthening compliance with legal and collective working time standards and reducing the gap between actual and agreed working hours. On the other hand, they are concerned with strengthening the working time sovereignty of employees in gainful employment. They expect that union collective bargaining and working time policies will help them to have work arrangements that will give them security and reliability, distribute working time more equitably and enable them to better reconcile work life and private life.

1. Introduction ¹

The number of weekly working hours for many workers in the economies of Europe has remained broadly stable over the last decade. On the other hand, for many of them, the situation and distribution of their working hours has changed considerably. A trend towards atypical working hours is apparent. Great changes also shape the distribution of working hours; instead of a once stable and regular distribution of working hours, flexibly organised and distributed working hours are increasingly being used. The working time landscape is more diverse, and company working hours have become more flexible and heterogeneous. At the same time, many employees are less and less able to realise their individual working time preferences.

The discrepancies between desired working times of employees and their working time reality, the polarisation of working time between women and men, and heavy workloads and stresses due to different situations and rhythms of working hours are challenging collective bargaining and working time policy of trade unions. There can be no doubt that current trends in working time development require a correction. Although collective bargaining arrangements on working hours still provide workers with important protection, they need to be supplemented by regulations and working time models that allow the working time requirements of each phase of life to be better aligned with actual working time.

This applies in particular to the service sector. In 2017, more than 140 million workers were employed in this sector in the 28 EU countries, including more than 49.6 million in trade, maintenance, transport, hospitality and catering. More than 24.7 million workers were employed in the provision of freelance, scientific, technical and other economic services.

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Together with the information and communications sector, this area has been a major driver of employment growth in the EU. The service sector is extremely heterogeneous due to different industries and activities. In contrast to public perception, it is characterised by rapid processes of change and adaptation, a high volume of work, atypical working hours and an increased blur between work life and private life.

This study is based on this reality. It documents and analyses responses from service sector unions in selected European countries to new challenges regarding working time policy. Particular consideration has been given to those countries where working time standards, as shown in detail in Chapter 5, are mainly regulated by collective agreements. The study is based not only on the evaluation of a written survey of member unions of UNI Europa, the European trade union federation of service unions, but also on the analysis of selected collective agreements. In particular, the main topics are new and innovative regulations for the benefit of a

- redesign and -distribution of working time;
- life-phase-oriented, gender and age-compliant organisation of working hours; and an
- organisation of working time facilitating continuing education and the acquisition of qualifications as well as lifelong learning.

We start with a brief overview of current developments in working time in EU countries (Chapter 3). This is followed by summaries of recent surveys regarding their work time preferences of employees (Chapter 4) and the institutional framework for working time development and design (Chapter 5). This is followed by an evaluation of the survey of UNI affiliates and a report on trade union responses to changes in working time requirements of companies and working time preferences of employees (Chapter 6). An analysis of selected recent collective bargaining approaches to the regulation and organisation of working time is presented in Chapter 7. Initial conclusions from the analysis of current trends in working time development and experiences with new conceptual approaches to working time design, especially with the launch of new time options for employees, are presented in Chapter 8.

2. Trade unions and working time regulation - towards a new working time policy?

The regulation and organisation of working time have always been very important to trade unions. Since their creation, they have been fighting for higher wages and improving the working and living conditions of their members. The limitation of daily and weekly working hours was an important focus of trade union action. Important milestones of successful union working time policy include shortening daily working time to ten hours and then eight hours, abandoning Saturday as a normal working day, enforcing the 5-day week or the 40-hour week, safeguarding and extending a paid annual leave by collective bargaining, which in many sectors in the EU currently ranges from four to six weeks, and not least the gradual reduction of weekly working hours to less than 40 hours in many European countries. In this way, the unions have contributed to more time prosperity for workers.

The successful reduction of working time, especially the departure from the 40-hour week, has left a lasting mark on European working time statistics. But it also meant that it was temporarily 'quiescent' about working time policy - a further reduction in weekly working hours was no longer on the agenda of unions. It seemed that the "*end of the road*" had been reached for working time policy. But the idea that working time policy had reached a standstill is inaccurate.

An in-depth look at the development of working time since 2000 shows that attention and controversy no longer applied to the duration of daily and weekly working hours, but above all to their location and distribution (beginning, end, breaks, shift work). Discussions and conflicts concerning the flexibilisation of working hours also appeared on the agenda in connection with the reorganisation of business processes and production processes. Shortening weekly working hours resulted in an increasing decoupling of individual working hours and business operating times. In response, many companies sought a more flexible

organisation of working time systems and use of human resources. It was argued that competitiveness would improve and that job security would be achieved by maintaining and extending business operating times. In fact, they were concerned with reducing the cost of operational adjustment to fluctuating demand. In the introduction of flexible working time regimes, many companies saw an appropriate means by which they could impose some of the burdens of time and organisational adjustment on employees, thus reducing their own operational and economic risk. For many employees, this initially led to a loss of time prosperity.

In light of expanded opportunities for organising working time, it is not surprising that flexible working time models as well as the expansion of evening, night and weekend work are on the increase. 'Normal working time', characterised by the 8-hour day and the 5-day week from Monday to Friday, is losing significance. The boundaries between paid work and time off are becoming increasingly blurred. And more and more often, the flexibilisation strategies implemented by companies conflict with the working time needs of employees. The flexible use of the working capacity of employees by companies contrasts with the preference of employees for working hours, which leave more time for raising children, caring for relatives, participating in further education and training, cultural and social activities, temporary time off work and for a gradual or earlier exit from gainful employment in old age.

Recent surveys of employees emphasise their request for more opportunities in terms of choice and design when organising working time, especially in favour of a temporary reduction of working hours. Likewise, the surveys reveal a high level of dissatisfaction with long working hours for full-time employees and with short working hours among many part-time workers. These findings point to conflicting working time interests between companies and employees as well as potential conflicts over the design of company working time models. They simultaneously pose new challenges to trade union working time policy. These are to limit the flexibilization

demands of companies and give employees more and better opportunities to realise their working time preferences.

Trade unions are facing new working time policy challenges

Recent programmatic and collective bargaining discussions within the unions show that workers' organisations are not afraid to face new working time policy challenges. An exemplary overview shows that trade unions in the services sector as well as in other sectors have taken steps towards a new and forward-looking working time policy. For example, the resolution passed by the Federal Forum of the *GPA-djp*, the highest body of the Union of Private Sector Employees, Graphical Workers and Journalists in Austria, launched discussions and campaigns on the subject of "*New opportunities for a new working time policy*" in 2015. The course for a new working time policy was also set by the delegates of the 4th *ver.di* federal congress in September 2015 with the adoption of a motion on "*Working time design and shorter working hours as collective bargaining and socio-political goals*". The motion summarises the outcome of a long internal union discussion on working time. It calls for a working time design that takes into account the working time preferences and needs of employees at different stages of their lives. Its mission statement is "*short full-time work for all*", which includes both a reduction in working hours for full-time employees and an extension for those part-time workers who wish to extend their working hours without making a transition to full-time employment (*ver.di* 2015). A similar objective was also pursued by the CNE Employees' Union in Belgium with the publication of a brochure in 2016 entitled "*Shortening working time - from utopia to reality. Working less, so that everyone can work and live better.*" (CNE, 2016).

In the context of the reform of legal regulations of working time in Luxembourg in 2016, the *LCGB*, the Christian Trade Union Confederation of Luxembourg, advocated that working time be designed so as to protect the interests of employees through the use of part-time work, telework and flexible working hours and the creation of new models for shortening working time, in particular time-saving accounts. Trade union working time policy is also experiencing

a transition outside the core members of the EU. For example, the member unions of ČMKOS, the umbrella organisation of trade unions in the Czech Republic, have recently called for a reduction of the weekly working time by 2.5 hours and an increase of annual leave to five weeks over the next four years. *Usdaw*, the union of workers in the retail, distribution and food manufacturing sectors in the UK, has published leaflets and brochures since 2016, informing its members about rights and opportunities for a more family-friendly organisation of working time. These included brochures such as *the right to request flexible working briefing* (Usdaw, 2016) or *Parents and carers: flexible working hours. Your say in working time arrangements* (Usdaw 2018).

However, the unions have done more than simply keep asking for a new working time policy. Through surveys, protests and organised strikes, they have managed to mobilise members, reinforce their demands and prepare collective bargaining for better working time arrangements. For example, in the summer of 2016, faulty household and company gas and electricity meters in Wales and England were temporarily unable to be exchanged, as unionised workers at the regional branch of energy giant *Eon*, supported by their union *Unite*, went on strike to protest against a weekly extension of working hours demanded by management and the associated deterioration in work-life balance. Similar concerns prompted *Nespresso* employees, along with their families and supported by their union, *Unia*, to go to the company's headquarters in Lausanne (Switzerland) in May 2018 to protest against management's plans to introduce a four-shift system and increase weekly working hours from 41 to 43 hours. Arguing that management's plans would affect the work-life balance and have a negative impact on their working and living conditions, they called upon management for negotiations with their union about a reorganisation of working time.

It is for good reason that the delimitation of daily and weekly working hours is considered an effective occupational health and safety measure and a prerequisite for healthy living and working conditions. Demands to turn back the clock and to extend working hours are therefore met with massive opposition and rejection by employees. A current example of this is the protests against the increase of maximum working time in Austria, for which a resolution has since been passed in the Parliament. The law on working hours amended without a parliamentary hearing and consultation makes it possible to extend maximum working hours to twelve hours a day and 60 hours a week. Under the motto "For a better life", more than 100,000 trade unionists staged a protest at the end of June 2018, declaring that the government was caving in to the working time policy demands of employers.

The above exemplary references to approaches to a programmatic and practical reorientation of union working time policy, not to mention current disputes relating to the regulation and organisation of working time, are far from complete. But they serve as a reminder that working time policy continues to be a contentious issue. In addition to trade unions and worker representation bodies, the powerful players in this field also include company management, employers' associations and state institutions (governments, labour inspectorates). Global competition in the markets, changes in corporate time economics, existing welfare state arrangements (industrial relations systems, occupational health and safety standards, labour market and social policies, etc.), as well as related and often conflicting interests, are becoming important determinants of working time policy. The extent to which and how opportunities for a balance between the working time preferences of employees on the one hand and corporate interests on the other can be reconciled depends on the working time policy actors' ability to act and interact, the legal and collective bargaining rules, and extended opportunities for participation of employee representatives and the workforce.

The aforementioned conflicts concerning the company organisation of working time as well as the reorientation of trade union working time policy share something else important in common: They are no longer based primarily on the goal of (further) reduction of working time for all, but they build on the experience of employees in managing time in work life and private life. They are receptive to their working time preferences and try to give them more opportunities in terms of choice and participation when it comes to arranging working hours.

In short: New trade union initiatives link working time policy with current social debate on improving the quality of life. Some of these initiatives, which represent a paradigm shift in union working time policy, are introduced and discussed in Chapters 6 and 7 of the text.

3. The evolution of working hours in EU countries

How have actual working hours of employees in EU countries evolved? How long do men and women work in each economic sector? Which Member State has the shortest working hours? Where do employees work the longest? These questions are answered by the *European Union Labour Force Survey* (EU-LFS). It is conducted on a quarterly basis by the national statistics institutes in the 28 member states of the EU as well as those of Iceland, Norway and Switzerland. About 1.7 million workers from all sectors and occupations are surveyed. The data collected on employment and unemployment includes information on both normal and actual working hours.² However, this survey is limited to taking stock of the duration of weekly working hours and the changes to them. No information is provided on company organisation of working time (location, extent or instruments of flexibility, options, etc.).

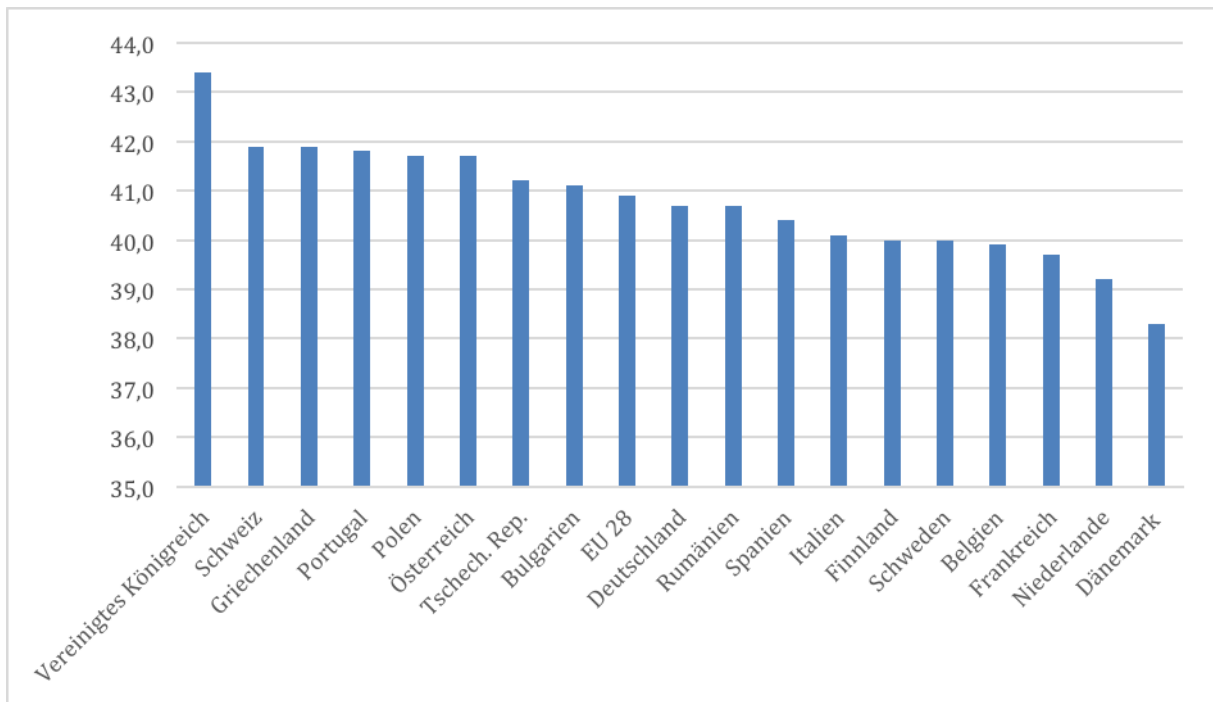
According to data from the EU Labour Force Survey, in 2017 dependent employees in all EU countries and economic sectors averaged normal working hours of 36.3 hours. That was just 30 minutes less than in 2008. The longest working week in 2017 was in Romania (40.5 hours) and in Poland (39.8 hours), while the shortest was in the Netherlands (29.2 hours) and Denmark (32.4 hours). In 2017, dependent employees worked within the usual weekly working hours for an average of 35.5 hours in Austria, 35.9 hours in Sweden, and 34.3 hours in Germany.

At first glance, the data on the usual weekly working hours of all employees indicates a slight reduction in average working hours for the 28 EU countries. But this impression is deceptive; it is the result of a growth in part-time employment, especially of women. This is most pronounced in Belgium (42.1%), Germany (46.5%), Austria (47.1%) and the Netherlands (76.4%). It's not only the part-time employment of women that is characterised by significant differences; their working hours differ markedly from each other. That being said, the average weekly working hours of part-time women in the EU between 2008 and 2017 have remained largely unchanged. But these sometimes mask contradictory developments. In some countries, including Belgium (+2.1 hours) and Germany (+1.6 hours), their usual weekly working hours have increased. In others, such as Portugal (-1.6 hours) and Denmark (-1.7 hours), on the other hand, they have fallen significantly.

A gender time gap unequal distribution of working hours between men and women

The EU Labour Force Survey shows that there are major differences between the usual weekly working hours of women and men. This applies to both part-time and full-time employment. Men working part-time usually have shorter working hours than women, while men working full-time work much longer than full-time employed women. On average, across all EU sectors in 2017, the usual weekly working time of full-time male workers was 40.9 hours.

² Survey recipients are asked about their normal working hours "How many hours per week do you normally work in your main activity, including regular overtime work?"

Figure 1: Average usual weekly working hours of full-time employees (men; 2017)

Source: Eurostat

The longest working hours were in the United Kingdom (43.4 hours), Greece (41.9 hours) and Austria (41.7 hours). At 38.3 hours, the usual weekly working hours of full-time male workers in Denmark was significantly shorter. It was thus slightly below that of full-time employees who worked 39.3 hours per week on average in the EU in 2017. Women had longer working hours in Eastern European countries (Bulgaria, Hungary, Poland, the Czech Republic) and Portugal (40.1 hours) and Austria (40.6 hours).

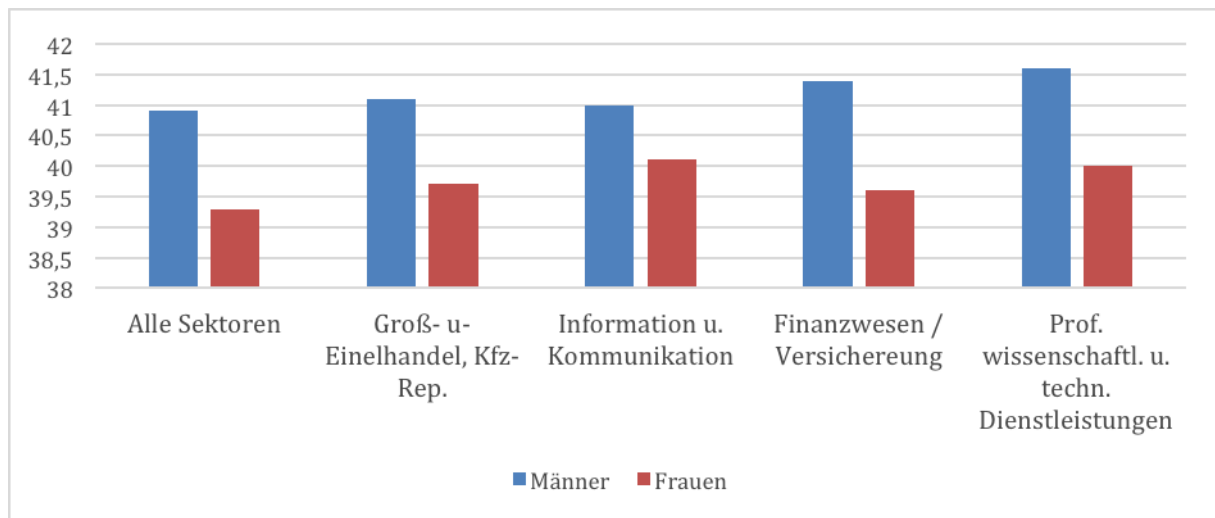
Differences in usual weekly working hours are also evident between individual economic sectors. In the area of wholesale and retail trade and repair of motor vehicles and motorcycles, the usual weekly working hours of full-time employed men in 2017 was 41.1 hours, compared with 39.7 hours for women. A similar pattern is also evident in the sector of financial and insurance services. The usual weekly working hours of full-time employed men in this sector range from 38.3 hours in Denmark to 42.9 hours in the UK. Both men and women in Austria have above-average working hours in this sector with 42.7 and 40.6 hours, respectively. There were also no substantial changes between 2008 and 2017 in the working hours of full-time employed men in the information and communications sector. In 2017, they worked at the EU on average of 41.0 hours per week in this sector; men had the shortest working week in Denmark (38 hours) and the longest working hours in Austria and the United Kingdom (42.5 hours each). Full-time employed women in this sector, in 2008 as well as in 2017, worked 40.1 hours per week across the EU. Women in Austria and Portugal had longer working hours in this sector (41.4 hours each).

No trend towards shorter weekly working hours

The usual weekly working hours in the sector providing freelance, scientific and technical services has for the most part remained unchanged since 2008. The usual weekly working hours of men in full-time employment in the EU averaged 41.6 hours in 2017. They worked much longer hours in the United Kingdom (43.2 hours), Austria (42.4) and Greece (42.2). The shortest working hours in this sector were for men (38.4) and women (37.2) in Denmark. The longest working hours were performed by women in Greece (41.4) and in Austria (41). Compared to other sectors of the economy, the field involving the provision of freelance, scientific and technical services, which includes legal and tax advice, auditing, business

consulting, research and development, labour recruitment and placement, security services and building management and cleaning, had the longest working hours.

Figure 2: Average normal weekly working hours of employees by economic sectors 2017 (full-time employees)



Source: Eurostat

Polarisation of working time between countries and different qualification groups

Data on normal weekly working hours from the EU Labour Force Survey refer not only to a growing diversity in the duration of weekly working hours between EU countries and between the economic sectors within these countries. Likewise, they indicate that the development of the usual weekly working time between 2008 and 2017 does not demonstrate a sustainable downward trend. During this period, trade union initiatives failed to significantly reduce working time standards. While in some countries, like Sweden, trade unions have made no effort to do so, in other countries, especially in Eastern Europe, they often lack the necessary tools and required policy instruments.

Another feature of the current working time landscape in the EU is long working hours. According to the *Sixth European Working Conditions Survey (EWCS)*, conducted by the European Foundation for the Improvement of Living and Working Conditions in Dublin (*Eurofound*) in 2015, the EU 28 has on average about 15% of its employees working long weekly hours (48 hours or more per week) (Eurofound 2017, p. 56 ff.). It is mostly men (21%) and less often women (9%) who work long hours. About a third of respondents (32%) in the EU 28 worked more than 10 hours a day at least once a month. There are considerable differences between men and women and between countries. The average number of long working days is very high in the United Kingdom (3.6 days per month), Ireland (3.4), Sweden (3.1), Greece (3.1) and Finland (3.0). The highest number of long working days was reported by those aged 35-49 - an age group in which two-thirds are working parents and have significant care responsibilities.

Long working hours are mainly found in high-end service sectors such as finance, corporate and technology services and information services, where highly skilled workers provide internationally tradable services. For them, the 40-hour week, which has long been overcome, continues to embody a working time standard that has yet to be realised. In contrast, the provision of personal services (childcare, care) is often linked to part-time work, low-skilled employment and low pay. The unequal distribution of actual working hours

between different qualification groups points to a split that has been becoming ever more apparent in the labour market - qualification-specific polarisation (Burger 2015).

Decreasing regularity of working hours

Regular working hours (equal number of working hours and working days, fixed start and end of daily work) characterise the day-to-day work of just over half of the respondents (56%), especially women between the ages of 35 and 49 (61%); regular working hours are slightly lower for men 50 years of age or older (52%). Overall, however, the regularity of working hours varies considerably. For example, a rather high degree of regularity in 2015 applied to only 43% of employees (three percentage points less than in 2005). There has been a significant increase in the proportion of employees with average regularity - from 19% in 2005 to 28% in 2015. By contrast, almost a third of employees reported a low regularity of working hours.

The decreasing regularity of working hours indicates that for many employees, working time arrangements are set by the employer and cannot be changed by them. Only about one third of them can adjust working hours within certain limits according to individual needs. And in cases where workers are free to choose working hours themselves, this is often at the price of delimiting working hours and free time. Working during free time in order to cope with work requirements is now done by a fifth of employees (22%) several times a month, and by 2% even daily.

4. Working time preferences of employees - Findings from recent surveys

National and international surveys of employees show that the majority (57%) are satisfied with their usual working hours. Employers and their associations therefore refer to this finding in debates on a reorientation of working time policy. This is in order to dismiss claims and proposals for a life-phase-oriented design of working time, for more selective working time or for employment law-related or collectively agreed entitlements to a temporary interruption of gainful employment. They ignore the fact that the actual weekly working hours of many employees deviate considerably from their personal workingtime preferences. Working time preferences are the result of the interaction of various factors, including company requirements, the duration of employment, income, sex, respective situation in life and age. However, as a rule, employees only have limited opportunities to actually have their personally desired working time become a reality. According to the latest European Working Conditions Survey (EWCS), only one sixth (16%) of employees are able to determine their working time by themselves.

According to this survey, the majority of employees (57%) are satisfied with their usual working hours (Eurofound 2017, p. 114 ff). However, about 30% reported that they would like to work fewer hours. This group showed both gender and age-specific differences. Thus, 32% of the men surveyed expressed a preference to work less; among women - of whom many work part-time - it was only 28%. In contrast, the different desired working hours among the age groups were more pronounced. While 32% of employees aged 35 and over expressed their preference to work shorter hours, this was only 25% in the group of younger employees (under 35). By contrast, a small group of workers, around 12% of those over the age of 35, expressed a willingness to work longer hours.

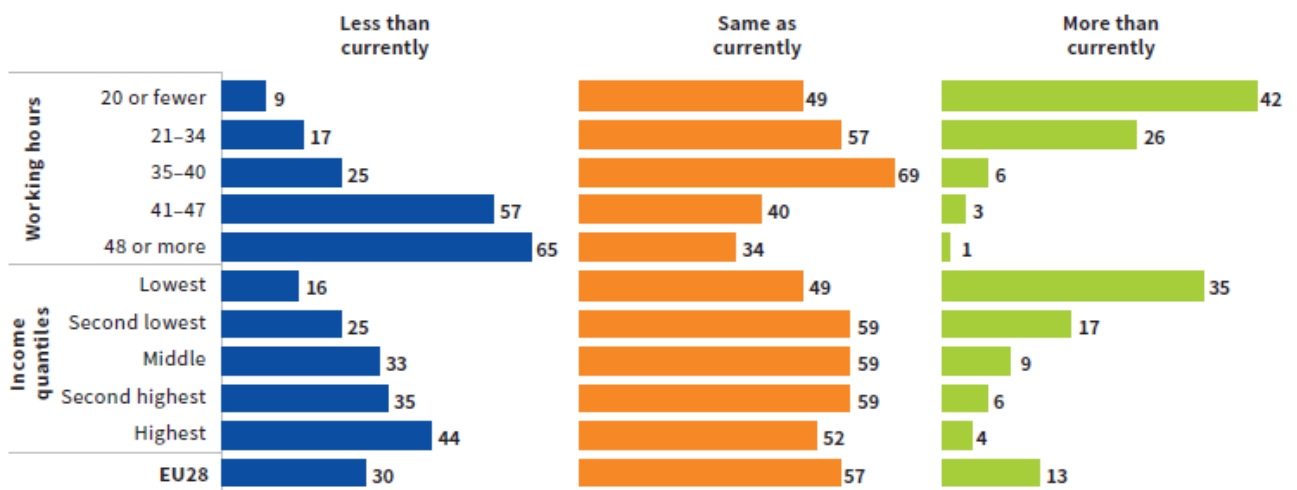
The preference for shorter working hours was expressed above all by those employees who have very long working hours. About 30 percent of the workforce in the EU wants to work less. However, of those working 48 hours a week or more, 65 percent want to work fewer hours. While an EU average of only 13% of employees expressed a preference to work more hours per week, this percentage rises to 42% among those whose working week is at a maximum of 20 hours. Finally, the preferences for both longer and shorter working hours are

also closely linked to income and the family situation. More full-time employees with higher incomes often express their preference for reduced working hours. On the other hand, workers who work in short and often involuntary part-time or atypical jobs and earn low incomes are more willing to work longer. In addition, surveys of working hours show that working time preferences change when children live in the home. Employees with children, especially women, often prefer a short full-time or part-time job to those without children (BAuA 2016, p. 93).

Given the willingness of 30% of employees to work shorter hours, it is surprising that four out of five employees (82%) on average in the EU reported a good work-life balance. In contrast, 18% rated the relationship between work and private life at the time of the survey as unbalanced and unsatisfactory. However, there are significant differences between countries, genders and age groups in the assessment of work-life balance.

Men reported slightly more often than women that their family and social responsibilities are affected by their working hours. In this context, it was found that the work-life balance of employees was considered good if one or more of the following conditions were met: no long working hours; the opportunity to take time off to deal with personal needs; regular and predictable working hours and the opportunity to work from home.

Figure 3: Working time preferences, working hours and income, EU28



Source: Eurofound (2017)

National studies indicate that employees' satisfaction with their working hours is significantly higher if they have a high level of individual time sovereignty and can influence and shape the circumstances relating to their working time. In addition, the degree of satisfaction is enhanced by health-favourable working conditions and requirements with a low level of stress, insecurity and mental pressure, while atypical working time arrangements due to unpaid overtime, shift and weekend work as well as a high work intensity reduce satisfaction with working time (Wanger 2017; Huemer, 2017). This also applies to flexible working hours, namely when they are unilaterally characterised by company requirements.

Flexible working hours, which allow working hours to be adjusted to non-working time requirements, are generally considered positive by employees. However, flexibilisation is often associated with an intensification of work and the extension of working hours in both work and private life. It often requires increased accessibility and availability at the start and end of the day and at the weekend, blurring the boundaries between gainful employment and

private life. For employees, regularity and predictability of working hours are important prerequisites for satisfaction with their working hours. If they are lacking, flexibilisation requirements unilaterally prescribed by a company are perceived as particularly negative because they are not only at the expense of private needs, but also at the expense of quality of life and work as well as health.

5. Institutional framework conditions of working hours evolution and design

The 2003 EU Working Time Directive constitutes an important basis for transnational protection of working time. Although not undisputed, it establishes the framework for national working time legislation in EU countries. The Working Time Directive sets minimum standards for maximum working hours, breaks to be respected, night work and holidays. According to this, the maximum weekly working time, which must not be exceeded within the prescribed balancing-out periods, is 48 hours, and the minimum rest time for employees per 24-hour period is 11 hours; the paid minimum annual leave is four weeks.

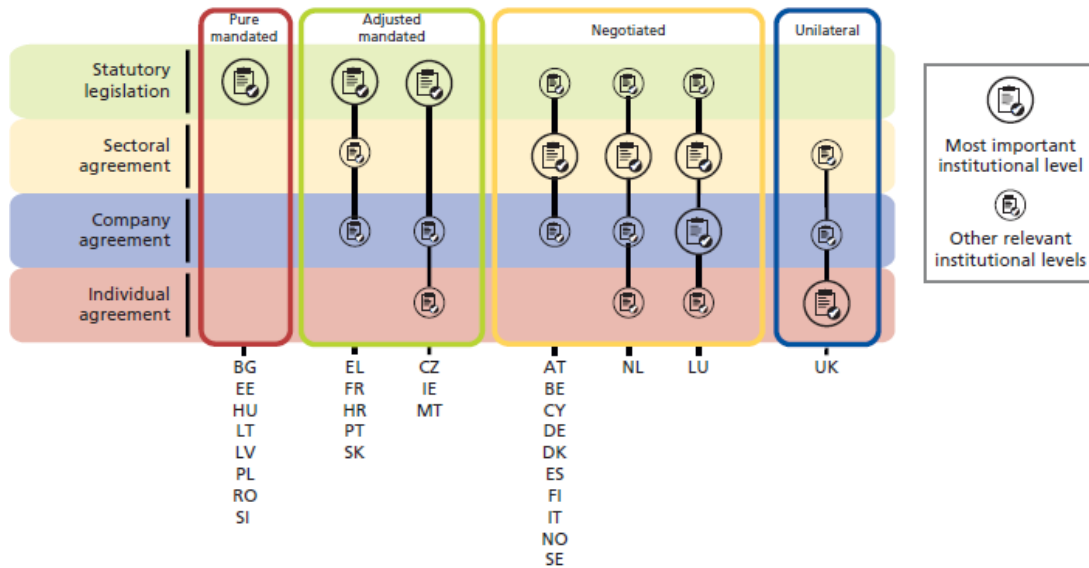
Since 2003, the minimum standards of the Working Time Directive in many EU countries have been undercut by national legislation and, often more effectively, by collective agreements. It is therefore no coincidence that in countries with a high level of unionisation and collective bargaining coverage, working hours are shorter than the EU average (Eurofound 2016). However, the wide range of working time standards in the EU, which is reflected in significant differences in both normal and actual weekly hours between the countries, is not due to differences in union priorities or assertiveness. Rather, it is the result of diverse institutional configurations of legal norms and collective bargaining as well as the interaction between the various institutional actors of working time regulation.

A study by the European Foundation for the Improvement of Living and Working Conditions study on the evolution and regulation of working time has identified four different systems of working time regulation:

- **Exclusively by legislation:** The State has a dominant role in regulating working time standards. Legal standards apply to the majority of employees; Collective bargaining and collective agreements concerning the duration of working time or working time arrangements are rarely found in this system.
- **Legislation with a collective bargaining supplement:** In this system too, government action dominates the regulation of working time. However, legal norms are often supplemented by collective bargaining. This leads to regulations that tend to be more favourable for workers than the legal norms. Supplementary collective bargaining takes place at sectoral or company level.
- **Working time regulation through collective bargaining:** Standards are mainly determined by collective bargaining, usually at the sectoral level. However, these can be further supplemented by agreements on working time organisation at the company level. In short: In this system, standards for the duration, organisation, and location of working hours are usually the result of collective bargaining between employers and unions.
- **Unilateral working time regulation:** Legislation does not play a major role in setting working time standards; existing collective bargaining structures are highly decentralised. The duration and organisation of working hours are usually specified in the individual employment contracts and tend to reflect the conditions set and offered by employers.

Working time standards are almost exclusively regulated by law in eight EU countries (Bulgaria, Estonia, Latvia, Lithuania, Hungary, Poland, Romania and Slovenia). The labour law not only regulates the standard working time (normally 8 hours per day and/or 40 hours per week) and the organisation of work, but also contains specific rules for specific jobs or categories of employees. Collective bargaining for working time regulation is rather rare.

Figure 4: Systems of working time regulation and their main institutional levels



Source: Eurofound (2016)

In Greece, France, Portugal and Slovakia, working time standards (in particular the maximum duration of working hours) are regulated by law. In addition, trade unions conduct negotiations at sectoral and company level with the aim of enforcing more favourable working time arrangements for employees. Legislation is also the most important institutional level in the Czech Republic, Ireland and Malta for setting working time standards, but unlike the Member States mentioned above, adjustments resulting from collective agreements are predominantly made at company level.

In another third of EU countries, legislation is still relevant for setting working time standards, but it merely sets the general framework for working time arrangements at sectoral or company level. The prevailing institutional level for collective bargaining is in these cases the sectoral level. Employers and trade unions negotiate here and agree on arrangements for working time. Sectoral agreements are often supplemented by company-level arrangements on working time organisation. This applies to the Nordic countries (Denmark, Finland, Norway and Sweden), where there is a long tradition of regulating working time through collective bargaining. This also applies to Austria, Belgium, Germany, Italy, Cyprus, the Netherlands and Spain, where regulation of working time mostly takes place on an industrial level.

In contrast, the United Kingdom is the only country where unilateral regulation of working time prevails. Working time, work schedules and the organisation of working hours are set by management for nearly two thirds of jobs. At sectoral and company level, collective bargaining on working time plays a role in only a few sectors, such as, for example, in industrial production or construction.

Collective bargaining on working time regulations in the banking sector and retail trade

A supplementary analysis of the systems of working time regulation in selected areas of the service sector reveals - in addition to deviations - a fundamentally similar pattern (Eurofound 2016, p. 27 ff). Collective bargaining in the banking sector, for example, is relatively well institutionalised, especially at the sectoral level. In almost half of the EU Member States, weekly working hours are defined and regulated by sectoral agreements within the (more or

less flexible) limits of legislation. The large number of agreements at sector and company level reflects the importance of collective bargaining in this sector. There are relatively strong employers' associations and unions in this sector, and most countries have a high level of collective bargaining coverage. However, in the banking sector too, the regulation of certain aspects of working time, in particular design of working time, is shifting from sectoral-level negotiations to company-level negotiations. The collectively agreed weekly regular working hours for employees in the banking sector in the EU-28 averaged 37.5 hours in 2016. The standard working hours for bank employees in Belgium, France and Portugal (35 hours) and in the Netherlands (36 hours) were shorter. Bank employees in Austria (38.5 hours), Germany (39 hours) and Luxembourg (40 hours) had longer collectively agreed working hours.

Collective bargaining is less influential overall in the retail trade than in the banking sector. The scope for action and impact of trade union collective bargaining in this sector is limited by the existence of many small businesses, a high proportion of female and young employees, often with marginal employment or on-call work, a high level of part-time work and consequently often low levels of organisation. Labour laws in half of EU countries therefore play an important role in regulating working time in trade. In contrast, working time in retail is regulated primarily by collective bargaining at the sectoral level in only 11 EU Member States (as well as in Norway). However, company-level agreements are less common in retail than in other sectors. The collectively agreed regular weekly working hours for retail workers in the EU-28 in 2016 averaged 38.5 hours. The collectively agreed working hours were shorter for most retailers in France (35.7 hours), Belgium, Denmark and the Netherlands (37 hours each). In contrast, there were longer collectively agreed working hours for retailers in Italy, Portugal and Sweden (40 hours each) (Eurofound 2017, p. 18ff).

6. Responses of service unions to working time-related challenges

How do trade unions in the service sector respond to challenges associated with the change to the working time landscape? Given the growing diversity of working time arrangements, can further adherence to uniform working time standards be a realistic goal for all employees? How do the unions try to reconcile the working time requirements of the employees with the working time requirements? Is it possible to identify core elements of a modern working time policy that provide answers to the unequal distribution of working hours in gainful employment? Do they meet the working time policy requirements of employees by switching between different employment and life phases? Do they reinforce their working time sovereignty and open up new options in favour of a life-phase-oriented organisation of working hours?

Initial notes on the responses to these questions can be found in the results of a survey of member unions of *UNI Europa*.³ In March and April 2018, the European Federation of Service Unions circulated a non-standardised questionnaire asking its member organisations, including trade unions from the trade, banking, insurance, information and communication technology, media, postal services and logistics, industrial cleaning and private security, to respond to questions on current working time policy developments, challenges and coping strategies. The study asked about changes in the duration and location of weekly working hours, trends in atypical working hours related to part-time work,

³ The following comments are based on trade union responses to the questionnaire, as well as an evaluation of the country reports of the European Observatory of Working Life of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) in Dublin since 2016 and the monthly Collective Bargaining Newsletter published by a research team of the Amsterdam Institute for Advanced Labour Studies (AIAS) in collaboration with the European Trade Union Institute (ETUI).

shift, night and Sunday work, and the role of working time and collective agreements as determinants of working time.

Further questions addressed the increasing diversity of working time regimes, in particular the flexibilisation and differentiation of working time regulations. Specific questions in this context focused on changes in company working time regulations. It should first be clarified whether and how working hours have changed as a result of the effects of the global economic and financial crisis of 2008/2009. The survey was particularly concerned with collecting information on recent agreements on working time at sector or company level. It was then asked how far modern agreements have been able to accommodate the preferences of employees for more family-friendly working hours, age- and ageing-appropriate working hours and a fairer distribution of work and time between the sexes. Further questions focused on working time models in favour of the promotion of continuing vocational training and the temporary care of family members. In addition, UNI Europa affiliates were asked about the main characteristics of new collective and operational working time regulations and models.

Moreover, the questionnaire also included information on the use of working time accounts, the possibility of temporarily reducing weekly working hours, and the options for choosing between increasing income or reducing working hours. Likewise, questions were asked about compliance with legal and company working time standards. In addition, member trade unions were asked to provide information on the performance and results of recent surveys on employee satisfaction with the duration, location and form of working time.

Survey on working time policy: Participating member trade unions of UNI Europa

Country/trade union	Sector
Belgium	
Centrale nationale des employés (CNE)	organises employees and managers from all private sectors, mainly in the French-speaking part of the country
LBC-NVK	organises employees and executives from the private sector in Flanders and Brussels
SETCa	union of employees, technicians and executives
Bulgaria	
Trade Union Federation of Communication (KNSB,)	trade union federation of employees in communications
Denmark	
Serviceforbundet	covers a wide range of occupations within the service sector
Finansforbundet	trade union of employees in the financial sector
Germany	
ver.di	services trade union
Finland	
Trade Union Pro	private sector trade union for employees, specialists, supervisors and executives

TEK	trade union of graduate engineers, architects and scientists
France	
F3C-Cfdt	La Fédération communication conseil culture (F3C); trade union of employees in communications, information and culture
FGA Cfdt	Fédération générale de l'agroalimentaire; trade union of employees in the agricultural and food industry
Force Ouvrier <i>UNION DEPARTEMENTALE</i>	Regional structure of FORCE OUVRIERE
Ireland	
Communication Workers Union (CWU)	trade union for post, telecommunications and call-centres
Italy	
FABI, Federazione Autonoma Bancari Italiani	trade union of bank employees
Netherlands	
FNV	Dutch Trade Union Federation
Norway	
Handel og Kontor	trade union of commercial and office workers
Austria	
GPA-djp	trade union of employees in the private sector, workers in the graphics and paper industry and journalists
Poland	
NSZZ "Solidarność Commerce	trade department of NSZZ Solidarnosc
Switzerland	
Syndicom;	communication and media
Sweden	
Sveriges Ingenjörer	Swedish Association of Graduate Engineers
Spain	
FeSMC-UGT	trade union of employees in the services and transport sector

Source: own compilation based on the survey

Questionnaire responses and feedback were provided by more than 20 *UNI* affiliates from 15 countries, including trade unions from Belgium, Bulgaria, Denmark, Germany, Finland, France, Ireland, Italy, the Netherlands, Norway, Austria, Poland, Switzerland, Sweden and Spain. Together they represent more than four million unionised workers in the areas of commerce, banking and insurance, the information and communications sector, the post and logistics industry, the publishing, printing and packaging industry, the media and entertainment industries, and the cleaning and security industries.

Although the feedback in a strictly scientific sense does not represent a representative sample of member organisations of UNI Europa, it provides a sufficient basis for the qualitative analysis of current working time policy developments, challenges and collective bargaining responses of the unions. On the one hand, with the exception of Bulgaria, France and Poland, this applies with regard to the unionisation levels in the countries studied. In 2016, they ranged from 18% in Spain and Germany to almost 70% in Denmark, Finland and Sweden. On the other hand, this applies even more to the extent of collective bargaining coverage, which indicates how many employees are covered by collective bargaining agreements. The degree of collective bargaining usually lies well above the unionisation level. In 2016, it ranged from almost 15% of employees in Poland to almost 50% in Switzerland and 56% in Germany to 90% in Sweden. Even higher is the collective bargaining coverage in France (98%) and Austria (95%) (Oesingmann 2016, p. 62).

Dissolution of uniform working time patterns

The data on the development of weekly working hours since the end of the 1990s confirms the previously outlined trend of the differentiation of working time structures in and between the countries of Europe. Twelve of the surveyed UNI affiliates from Belgium, Bulgaria, Finland, France, Ireland, Austria, Spain and Sweden reported a slight drop in working hours. Another eight affiliates, mainly from the retail, banking and cleaning sectors, report that weekly working hours have remained broadly stable over the last two decades. In contrast, responses from seven affiliates point to a partial increase in weekly working hours, particularly among employees in the financial sector, and communications, media and security personnel.

The collective agreements in the service sector regulate daily or weekly working hours and also include provisions on maximum working hours. There are considerable differences between the individual sectors as well as between the countries. For example, the collectively agreed weekly working hours range from 35 hours at banks in Belgium to 37 hours in the retail trade in Denmark and Finland up to 41 hours in Switzerland. The maximum weekly working time in many collective agreements is 48 hours. It is often stipulated in this context that the maximum weekly working hours must not be exceeded in fixed balancing-out periods. Increasingly, collective agreements also include regulations on annual working hours. Applicable regulations range from 1620 hours in the banking sector in Belgium to 1770 hours in retail trade in Spain and up to 1930 hours in the sports sector in the Netherlands.

.... by increasing overtime

An increase in overtime is reported by a total of 17 UNI member unions. Current analyses of the national statistical offices confirm this. Accordingly, 12% of all employees in Finland did paid overtime in 2016. The ICT sector had the highest share, at 13.6%, and the wholesale and retail trade was slightly below the average, at 11.3%. In the first quarter of 2017, Swedish employees spent 4.46 million hours working overtime, of which only 3.24 million hours were paid. Well over 60 percent of overtime was done by men. In France, almost half of employees worked overtime in 2015. On average, full-time employees worked 109 hours of paid overtime.

In 2015, 19% of employees worked paid or unpaid overtime in Austria. Nearly a third of them did up to three hours of overtime a week, mostly paid. However, 17% of the overtime worked remained unpaid. Around one fifth of employees aged 25 to 54 performed paid and/or unpaid overtime. Men worked overtime more often than women, who often performed unpaid overtime. In Germany, dependent employees did a total of around 828.7 million overtime hours in 2016. Of these, approximately 335 million were paid and approximately 493 million

were unpaid overtime hours. Calculated on the basis of an average annual working time of around 1,638 hours per full-time employee, the total overtime volume in 2016 corresponded mathematically to around 1.1 million full-time positions.

Overtime of up to five hours a week is part of working life for over 40% of all employees in Germany. About nine percent of all employees usually work for more than 10 extra hours per week; in the service sector it is even 12% (German Bundestag 2017). The situation is similar in Finland; there, in 2017, 11.5% of employees in wholesaling and retailing and 13.8% of employees in the science and technology sector and other services worked overtime. The Swedish Association of Graduate Engineers recently examined the number of overtime hours worked by its members. In 2011, 68% of them did an average of 12.2 hours of overtime per week; this corresponded to a volume of about 5,100 full-time jobs per year. It was found that there are significant differences in overtime between men and women and the different age groups. Unpaid overtime worked by employees in the Netherlands in 2013 was equivalent to an annual working time of more than 292,000 full-time jobs (40 hours per week). On average, employees in the Netherlands spent three unpaid overtime hours a week in 2013. This corresponds to a lost income of EUR 3,200 per employee per year or an annual "gift" to employers of EUR 20 billion.

Working time regulations in collective bargaining agreements

Industry/company	Trade union	Term	Weekly/annual working time (maximum working time/overtime regulation
Banks (CP 310) (Belgium)	CNE	Since 2001	On average 35h/week or 1620.6h/year	Normal working hours should not exceed 37 hours. Time off is granted as compensation a 35h week.
Retail (Denmark)	HK	2017 - 2020	37h/week	Overtime is limited as far as possible
Financial sector (DK)	Finansforbundet	2017	effective working time is 1924h/year; this corresponds to 37h/week	48h/week including overtime
Insurance industry (Denmark)	Finansforbundet	2017	effective working time is 1865.5 h/year, optionally 1924h (with correspondingly higher wages/salaries)	Overtime should be limited as far as possible. There should be no systematic overtime for individual employees.
Deutsche Post (Germany)	ver.di		38.5h/week	
Retail in NRW (Germany)	ver.di		37.5h/week	Overtime should be avoided if possible; it is only permissible under the Working Hours Act
private insurance industry (Germany)	ver.di	Since 2015	38h/week	Maximum 10h/day or 47.5h/week
Building cleaning /Germany)	IG BAU	Since 2014	39h/week	
Financial sector (Finland)	Trade Union Pro	2016 - 2017	35 - 37h/week	Maximum 10h/day and 48h/week; within a period of 3 months, 37h/week should not be exceeded
Real estate sector	Trade Union	2017-2018		

(Finland)	Pro			
Retail (Finland)	PAM	2018 - 2020	Maximum 9h/day or 37.5h/week	Maximum 9h/day and 48h/week; exceptions are possible; in the compensation period (26 or 52 weeks), normal working hours should not be exceeded
Building management (Finland)	PAM	2018 -2020	7.5 - 8 h/day or 37.5 - 40h/week	
Collective bargaining agreement for employees in technology companies (Finland)	Trade Union Pro	2017	Maximum 8h/day or 40h/week	
Insurance industry (Luxembourg)	ALEBA	2018 - 2020	8h/day or 40h/week	Maximum working hours of 10h/day and 48h/week
Banking industry (Luxembourg)	ALEBA	2018 - 2020	40h/week	Maximum working hours of 10h/day and 48h/week
Sports sector (Netherlands)	FNV Sport	2016 - 2018	1930h/year (38h/week on average)	
Universities (NL)	FNV Overheid	2016 - 2017	38h/week	
Association of Cooperative Employers/Retail (NL)	CNV	2017 - 2019	average 40h/week in a period of four consecutive weeks	Maximum of 9 hours per day
Dutch Railways (NS)	FNV	2015 - 2017	36h/week (average)	Average working time is achieved by 26 annual working time reduction days (WTV days)
Rabo Bank (NL)	FNV Finance	2017 -	36h/week	Maximum 45h per quarter

		2020		
Association of Travel Companies (NL)	FNV	2016 - 2018	Average 39h/week, in a period of a maximum of 26 weeks	
Collective bargaining agreement employees in the Austrian electric and electronics industry	GPA-djp	2018	usually 38.5h/week; with flexible time, up to 10h/day	Working time corridor of 32-45h/week
Coop (Switzerland)	Unia	2018	41h/week	
Swisscom (Switzerland)	syndicom	2018	40h/week	
Department stores (retail, Spain)	UGT	2018	1770h/year	
Energy sector (Sweden)	Sveriges Ingenjörer	2016	40h/week; 38h/week for shift workers	48h/week should not be exceeded in a half-year average

Source: own compilation based on the survey

All sectors and unionised industries are affected by a high number of overtime hours; an industry-specific pattern cannot be recognised. Nor is there a correlation with unionisation levels or the extent of collective bargaining coverage. This also applies to cases where overtime has remained virtually unchanged in the recent past - as reported by six trade unions. However, the feedback also indicates that the number of overtime hours following the 2008/2009 global economic and financial crisis has temporarily declined in many countries. Overtime - which is by no means always and everywhere paid - is also a major reason for the difference between collectively agreed and actual hours of work in many sectors. This is indicated by feedback from 11 unions. Nine of the organisations surveyed, on the other hand, confirm that the contractual and actual weekly working hours are largely in line, although this agreement can often only be achieved within the framework of longer balancing-out periods.

In addition to the increase in overtime, the expansion of part-time work is also contributing to the increasing differentiation of traditional "normal working hours" and the dissolution of uniform working time patterns. It is no secret that companies in the service sectors use part-time work to facilitate a flexible response to uneven and fluctuating demand during the day. This fact is convincingly reflected in the feedback from 18 member unions - all of them indicated an increase in part-time work. Two of them, SETCa in Belgium and TEK in Finland, are therefore calling for a limitation of part-time work as one of their future working time priorities. In Germany, the trade union ver.di demands that the existing right to part-time work be supplemented by a general right for part-time workers to increase their working hours in a return to full-time employment. Only five of the unions surveyed reported that there was no increase in part-time employment in their organisation.

..... as well as by atypical working hours

The evaluation of the feedback also shows that the trend towards atypical working hours is continuing. Shift work, night work, weekend work and, increasingly often, flexible working hours are indicative of atypical working time systems. Their expansion does not come as a surprise given the growing demand for 24/7 availability, which leads to extended working hours and the expansion of service activities in many areas, including business, healthcare, security, gastronomy, transport and communications. In this context, 10 unions report an increase in shift work; however, so far the increase has apparently only affected a small group of countries: Germany, Italy, the Netherlands, Norway and Spain. Trade unions from Austria and Switzerland reported a slight decline in shift work. Nine unions emphasised that there had been no change in shift work in their organisation. However, on average, shift work has increased across the EU-28; while the EU average of employees performing shift work was 17% in 2010, this increased to 21% in 2015 (Eurofound 2017, p. 53).

A similar picture emerges from the feedback on night work. Although the number of night workers according to the *Sixth European Working Conditions Survey* (EWCS) rose only slightly between 2010 and 2015, namely from 18% to 19%, 10 unions point to an increase in night work in their organisation. Service workers in Belgium, Germany, Finland, France, Italy and Spain were affected by this. However, the expansion of night work did not occur in all areas of the service sector. Responses from nine unions, including those from France, Austria and Spain, confirm this: they reported that there was no expansion of night work.

Increase of work at weekends

Significantly more pronounced is the increase in Sunday work. In 2015, on average, 30% of European employees worked on Sundays; this was 2.5% more than in 2005. In 2015, more than 10% of all employees worked at least three Sundays a month. Feedback from the

unions surveyed confirms the trend of increasing work on Sundays. In 13 cases they report an increase, and in six cases they report an unchanged level of work on Sundays. Individual country studies indicate that work on Saturdays and Sundays is more frequent in the service sector than in industry. In Germany, one fifth of employees (20%) regularly work on Saturdays; almost a quarter (24%) of employees work regularly on Sundays or public holidays. More than two-fifths (43%) of employees work regularly, i.e. at least once a month, on weekends (BAuA 2016). According to the French Ministry of Labour, around 44% of the workforce (10.4 million workers) in France were affected by atypical working hours in 2017; i.e. they worked in the evening, at night, on Saturdays or on Sundays. Saturday work was widespread; It affected 35% of the workforce (Dares 2018).

The expansion of Sunday work, especially in commerce, is usually closely related to changes in the legal regulations governing working hours. In Greece, for example, a pilot project was announced in 2014 that would allow shops in ten Greek regions, including the historic centres of Athens and Thessaloniki, to open on Sundays. As part of the government's budget, the UK Treasury Secretary proposed in July 2015 that larger businesses be opened on Sundays. In Hungary, a Sunday sales ban came into force in March 2015; however, it was revoked a year later.

The Macron Act of 9 June 2015 introduced new rules for Sunday work in France. It grants the mayors the right to choose 12 Sundays a year to open shops. In certain tourist areas, shops can even open every Sunday. In response to the legal changes, the unions have begun negotiating collective agreements on Sunday work at company level. Companies from various retail sectors have swiftly concluded regulations for their Paris offices. The flagship store of the Sephora cosmetics chain on the Champs Elysée, for example, is open daily until midnight, its employees receive a wage premium of 100% and additional financial remuneration to compensate for home travel and childcare. Marionnaud, a competitor of Sephora, concluded a similar agreement; it included a wage premium of about 115% for evening work. On the other hand, the employees of the Paris department store BHV voted against having the shop open and working on Sunday (Cabrita 2016).

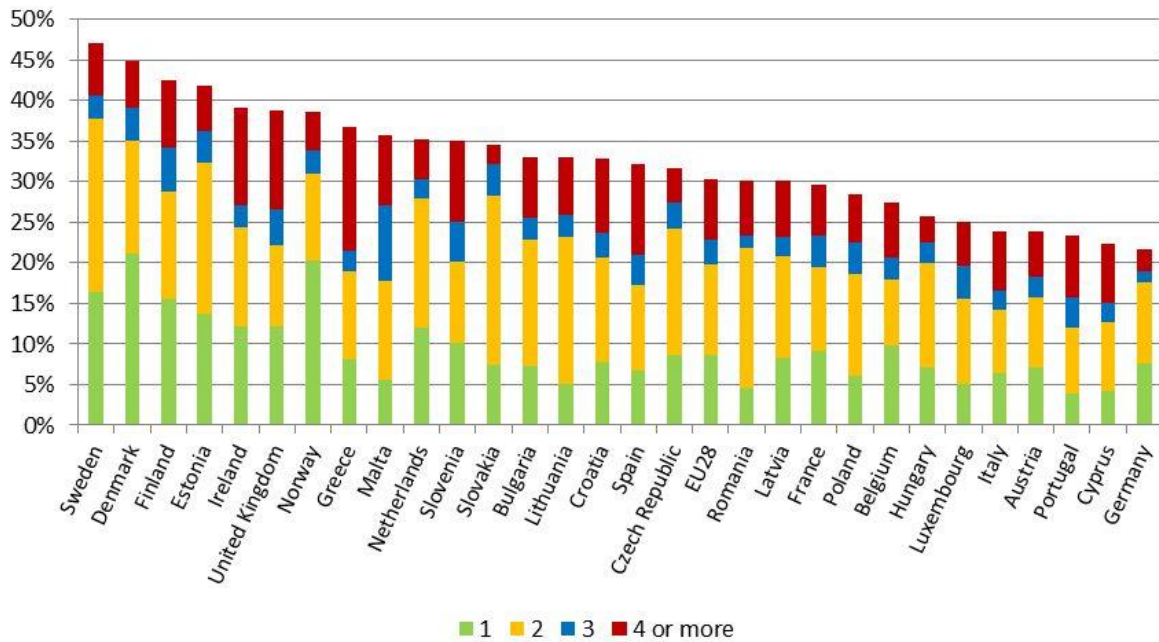
In Poland, amendments to the Polish Labour Act of 2014 extended the list of exceptions, allowing work on Sundays and public holidays. The backlash, however, the demand to abolish shop openings on Sundays and to return to having Sunday as a "day off", for which the Solidarity trade union (NSZZ 'Solidarność') campaigned, was not without consequences: A bill passed by the Parliament in November 2017 is having the effect of gradually closing shops on Sunday. It means that in 2018 shops may open only every second Sunday of the month, in 2019 they will be closed on three Sundays (on average) per month, and by 2020, all stores will be closed on Sundays. In Spain, a collective agreement agreed by the unions with the Association of Major Retailers in April 2017 stipulates that employees only have to work 34% of the total number of Sundays and public holidays per year (compared to 70% in the previous agreement), but at least on seven of these days per year (previously nine).

If one examines the work done on Saturdays and Sundays in terms of differentiation by industry, weekend work is most frequently seen in the hospitality, arts, entertainment and recreation, technical services, transportation, and retail industries. There are clear differences between the sexes and between the age groups: women work less frequently than men on weekends. Younger employees under the age of 30 work much more often on weekends than older workers aged 55 or over.

A similar picture emerges for Austria: In 2015, half (50.3%) of those actively employed in Austria worked occasionally or frequently in the evening, at night, on weekends or in shifts

or with changing working hours. Saturday work has increased considerably; more than a third (36.7%) of employees worked on one or two Saturdays a month in 2015. The distribution of atypical working hours is also highly industry-dependent. This is especially true in the case of commerce; more than half of the employees in this sector worked on Saturday in 2015. Saturday work is also prevalent in the provision of other services, affecting more than two-fifths of employees (42.7%) (Bock-Schappelwein et al 2017, p. 84). For that reason, some of the unions underline in their feedback the need to halt the further expansion of atypical employment.

Figure 5: Share of employees who work on Sundays - by frequency per month, EU28 and Norway, 2015



Source: 6th EWCS

The increase in atypical working hours has been accompanied in recent years by changes in the legal framework for working time regulation in many countries. The aim of these changes has been to facilitate and promote a comprehensive flexibilisation of working time. At the same time, governments have not shied away from accommodating employers' demands with their measures. An example of this is the "Law on viable and flexible work" in Belgium, the so-called Peeters Act, of March 2017; based on that, the previously legal 38-hour week will be replaced by an annual working time.

Under the new law, the weekly working hours can be temporarily increased to 45 hours, but over the course of the year a calculated average weekly working time of 38 hours should not be exceeded. In addition, according to the law, employees will be able to work up to 100 extra overtime hours in the future. However, the maximum working hours of 11 hours per day and 50 hours per week must not be exceeded. But overtime can be increased by a sectoral collective agreement to up to 360 hours per calendar year.

The law aims to make it easier for companies to adapt the duration and location of their working hours to fluctuations in demand. The unions have criticised this, arguing that the flexibilisation of working time would be unilaterally promoted in the interests of employers. They also fear that the transition from a weekly to an annual standard of working hours will have a negative impact on the work-life balance for workers.

However, the extension of atypical working hours is not exclusively due to changes in the legal framework for the duration and location of working time. It also occurred in countries where statutory working time standards have remained unchanged. The differentiation of working time structures must therefore be seen as "an expression of a systematic economisation of working time": With reference to growing pressure from competitors and rivals, companies are combining the reorganisation of business processes with the search for cost-optimal duration and distribution of working time, thereby changing conventional time regimes according to business criteria (Seifert 2007, p. 17 f).

Differentiation of company working time structures

In the course of company economisation of working hours, statutory and collectively agreed working time norms come under pressure. Increasingly, employers and their associations are calling for the eight-hour day to be abandoned in favour of a maximum weekly working time of at least 48 hours, as well as restrictions on the 11-hour daily rest period normally required under the EU's Working Time Directive. Supported by conservative politicians and neoliberal economists, they also call for a move away from national or sectoral collective bargaining in favour of company regulations. Even though they have not yet fully asserted themselves with these demands, there is still a general trend across Europe towards the fragmentation and decentralisation of collective bargaining and agreements. Opening clauses and exemptions (opt-out) have contributed to the importance of workplace negotiations on the duration, situation and organisation of working time. This is particularly evident in the unions' responses to the question of whether company working hours have become more differentiated and flexible in the recent past.

This question was answered with an unreserved "Yes" by 19 unions. There are numerous reasons for this: a loss of power of action and enforcement, the introduction of flexitime (5 mentions), teleworking, on-call work, the introduction of working time accounts, extended operating hours, facilitating the approval of night work, the increase of part-time work, the change of working time laws and the increasing demands of employers on large groups of employees to be constantly available for work. Exceptions to this development were reported in only two cases; they concerned employees in cleaning and security services in Spain - an area which is already largely characterised by atypical working hours.

Characteristics of recent and future collective bargaining regulations for working time

Topic/field of action	Trade union
Work-life balance	GPA-djp; Trade Union Federation of Communication; Trade Union Pro, NSZZ "Solidarność Handel; ver.di
Extended maternity or paternity leave	GPA-djp; Syndicom; Trade Union Pro; FeSMC-UGT
Better opportunities for child and family care	GPA-djp; FABI; FeSMC-UGT; ver.di;
Working time autonomy	FeSMC-UGT (security guards); NSZZ "Solidarność Handel; Syndicom; GPA-djp; FNV
Flexible working hours	GPA-djp; FeSMC-UGT; TEK;
Working time accounts	ver.di; CNE; LBC-NVK; Trade Union Pro; FNV; Finansforbundet; FGA Cfdt;
Acquisition, payment and limitation of	GPA-djp; FeSMC-UGT;

overtime	
Time off option (exchange of increase in income against more time off)	GPA-djp; ver.di;
Teleworking/home office	GPA-djp; F3C-Cfdt; TEK; Trade Union Pro; FABI; LBC-NVK
Mobile work (location- and time-flexible work)	GPA-djp; Syndicom; Trade Union Federation of Communication;
Right to be unavailable	F3C-Cfdt; Syndicom;
Age-specific working time	ver.di; CNE; Finansforbundet; FNV
Time for further training	Syndicom; FeSMC-UGT; CNE; ver.di; HKN; FGA Cfdt; GPA-djp; Trade Union Pro;
Balance between different working time interests	FABI; FeSMC-UGT (Finanz); ver.di;
Delimitation of atypical working hours	FABI; HKN; FeSMC-UGT (call centre)
Strengthening of the binding nature of statutory or collective bargaining working time standards	FGA Cfdt; CNE
Gender balance	SETCa; Trade Union Pro; ver.di
Regulation of part-time work	TEK; SETCa; Syndicom

Source: own compilation on the basis of the survey

According to the responses, the traditional patterns of duration, location and distribution of working time have changed, especially after the global economic and financial crisis of 2008/2009. Feedback from 16 of the surveyed unions clearly shows this. However, six unions, including three unions from France, report that the patterns of duration, location and distribution of working time have not changed, or have only changed marginally, since the global economic and financial crisis. The responses show that drivers and actors have changed the flexibilisation of working hours. While previous reductions in working hours could usually only be enforced in conjunction with flexibilisation concessions, workers and their unions are now increasingly confronted with employer demands for further flexibility and longer working hours. It is not without reason that trade unions from Germany, Italy, Poland, Switzerland and Spain also emphatically stress that collective bargaining policy must increasingly focus on the implementation of fair flexibility regulations in future - i.e. regulations that expand and strengthen the working time autonomy of employees.

The analysis of trade union positions and demands for flexibilisation of working time shows that, in contrast to an extension of working time, it is not simply rejected. Trade unions are aware of the fact that working time flexibility can be associated with risks to employees, especially when the duration and location of work are prioritised to customer needs and market fluctuations, leaving control of the use of working time options largely to the employer. Likewise, they know that there are also "positive" models of flexible working hours - models that allow employees to have more autonomy to decide on their working time. This fact is also reflected in the feedback from the unions on the questionnaire. In summary, their messages are: There is no automatism between increased temporal and spatial flexibility in work and an improved work-life balance. Family-friendly working hours

must at the same time allow for care work, family life and the professional development of both parents. Flexibility needs limits in favour of more time autonomy of employees.

Between improved time sovereignty in gainful employment and more time prosperity - key features of union working time policy

Working time sovereignty is designed to empower men and women to reconcile work activity with family or partnership commitments and social and cultural engagement. An indispensable prerequisite for this is the possibility of largely self-determined decisions by employees about the beginning and end of their daily working hours, as well as short-term work breaks and days off. In addition, conditions at workplaces in companies, in particular the organisation of work and performance requirements, must be such that the employees can actually take advantage of extended time margins.

Working time sovereignty is designed to give employees more say and scope over the duration, location and distribution of their working time. It allows employees to adapt their working time to private needs. It enables a balanced work-life balance and helps to maintain physical and mental health. Working time sovereignty must not lead to excessive demands, mental stress and unpaid overtime. It should contribute to a better quality of life. Working time sovereignty cannot be equated with flexible working hours.

In current discussions on working time policy by service trade unions, the demand for a further reduction of working time across the board high on list of priorities just in a few cases. Only three of the unions emphasised in their responses to the questionnaire that they continue to seek a reduction in weekly working time for all workers. However, it would be wrong to conclude that a further reduction in weekly or annual working hours is no longer in the domain of trade union collective bargaining in the services sector. This is evidenced by the above-mentioned trade union collective agreement with the Association of Major Retailers in Spain: it envisages a reduction of the annual working time by 1.5%, by 28 hours from the previous 1798 hours to 1770 hours from January 2018; salaries of employees are to remain unchanged. A reduction in working hours from 40 to 38.5 hours with full pay compensation was also achieved by the ver.di union in a collective bargaining agreement with DHL Hub Leipzig GmbH. According to the regulation agreed in February 2016, the weekly working hours of employees responsible for international cargo handling at the DHL global air hub in Leipzig were reduced from 40 to 38.5 hours in two steps between October 2016 and January 2018.

However, the feedback and responses of a large number of unions suggest that, following on from the diverse needs and demands of employees articulated in numerous surveys, their working time policies are geared towards facilitating a different way of dealing with time. The primary objective of the new working time policy is to improve and reinforce the time sovereignty and time prosperity of employees. Numerous trade unions are breaking new ground both conceptually and strategically, because in their discussions on a future-oriented working time policy, the concept of time prosperity has so far not been accommodated. Although the debate has time and again included reasoned arguments pointing to an impairment of individual time prosperity through atypical working hours and the delimitation of work and life due to the flexibilisation of working hours, so far only a few concepts of working time policy include improvement of employees' time prosperity as an independent objective.

Time prosperity should enable a better disposal of one's time, i.e. the use of one's own time should be largely self-determined. Time prosperity is not

primarily limited to having more time in terms of quantity. Time prosperity emphasises the primacy of the time-related needs of people over the economisation of daily life. Its extent is the result of an often conflicting process of social and personal reappropriation of time.

More time off instead of higher wages

New collective bargaining regulations are aimed at an increase in time prosperity, which gives employees the choice between wage increases or more time off. The collective bargaining agreement agreed between the Rail and Transport Union (EVG) and Deutsche Bahn AG in Germany in December 2016 opened up the possibility for employees to choose between higher incomes or more time off. In connection with the increase in wages agreed from January 2018, employees were given three choices: i) a 2.6% increase in income with an unchanged working week of 39 hours, ii) one hour less work per week, or iii) to increase the annual holiday entitlement by six days, with the same wages and weekly working hours.

This choice was well-received by the employees of Deutsche Bahn. According to the EVG, more than half of them (56%) decided to take 6 more days of leave instead of a wage increase. In contrast, over two-fifths of employees (41.4%) opted for a 2.6% wage increase. It is not surprising that the concept of the "*time off option*" has now found its way into numerous collective agreements. It gives employees the option of choosing between an increase in income or more time off; instead of a collectively agreed wage or salary increase, they can use a corresponding number of hours of additional time off.⁴ But what a lot of media in Germany celebrated as "implementing an innovative collective bargaining agreement" has long been a tradition in Austria - the arrangement of collective bargaining agreements with options for time off.

A working time model aimed at more individual time prosperity is the concept of "*Have your time*", which was put up for discussion by the service trade union ver.di in Germany. The concept is intended to open up new periods of time off for employees to exercise their personal, family and social interests. According to the underlying idea, they should be entitled, for example, to 14 days off (without a loss of income) per year - and this should apply equally to full-time and part-time employees. The volume of work freed up by the reduction in working hours of full-time employees should be used to increase the number of hours of part-time workers so that a move towards "short full-time employment for all" would emerge. In the case of a weekly full-time regular working time of 38 hours, 14 annual days of availability would mathematically mean a two-hour reduction in working hours per week.

Ranking high on the collective bargaining agenda: improvement of employees' time sovereignty

Efforts to improve time sovereignty in paid work have a long tradition in union working time policy. The primary aim of this objective is to improve the work-life balance. This is evidenced by feedback from six unions. In their working time policy, they assume that it is still difficult for many employees to reconcile the care of children or the care of relatives with professional requirements. For this reason, their demands are directed towards realising more family-friendly working time arrangements. As such, in addition to the possibility of short-term exemptions, e.g. in case of illness of a child, also temporary and secured interruptions of work for periods of intensive care in the context of parental or nursing time as well as the extension of parental leave.⁵ In connection with care obligations, many trade

⁴ Some of these regulations will be discussed in detail in the next chapter.

⁵ The concept of parental leave is not uniformly applied in German-speaking countries. Its application in the broader text includes parental leave as well as maternity and paternity leave.

unions are demanding a right for the workers concerned, which allows them to temporarily reduce their working hours and then increase them again, for example, by switching from full-time to part-time and back without having to worry about career disadvantages. In addition, the feedback from seven unions calls for better opportunities for child and family care as well as extended maternity and paternity leave. They point out that an improved work-life balance through opportunities to reduce daily working hours must also be complemented by appropriate welfare state infrastructures and services (childcare, care facilities). Flexitime, working time accounts, teleworking and also a right to be unavailable are also listed as a tool for family-friendly working hours.

As is evident from the feedback, it is not surprising given that the increasing replacement of uniform and rigid regular working hours by variable working hours is attracting a lot of attention in the case of trade unions. For example, UNI member unions from Belgium, Denmark, Germany, Finland, France and the Netherlands point out that both flexitime and working time accounts are important tools for employees to better meet their personal working time interests. Although flexitime and working time accounts are already widely used, on average only slightly more than 30% of employees in the EU have some or extensive control over their daily working hours.

Flexible working hours ⁶

Flexitime is the most common form of flexible working hours in addition to shift work. Its incidence in Austria was determined by Statistik Austria as part of the Labour Force Survey 2010. It was found that just under 20% of all employees, i.e. about 700,000 workers, in companies had a flexitime scheme. At 21.4%, the proportion of men here was slightly higher than that of women, 18% of whom worked under flexitime schemes. Flexitime is especially popular among salaried employees: 27.3% of them, or 532,000 employees, worked under flexitime schedules. Male employees accounted for 34.9%, while female employees accounted for only 21.4%. By contrast, only 5.1% (57,000) of female workers had flexitime arrangements. The frequency of flexitime increases in line with educational achievement, but is much more prevalent among male employees with intermediate, higher or university education qualifications than women. In Germany, by contrast, only about 10 percent of employees in 2010 were able to use a flexitime scheme to adapt the start and end of their daily work to their private interests.

In Switzerland, 61% of employees already worked in flexible working hours in 2010. They were able to adapt their working hours to their needs to a certain extent (44%) or even tailor them individually (17%). At the same time, 17% of Swiss employees worked flexibly without their working time being recorded and documented; among the highly qualified and senior executives this share was even 26%. It is not only in Switzerland that employees who use and do not record flexible working hours often work longer than contractually agreed. They also work much more often in their free time than anyone else. And they work more often even when they are ill.

Employees in the Nordic countries - Denmark, Sweden, and Norway - have had far more opportunities to use flexible working hours. More than half of the employees in these countries had flexible working hours as early as 2004; in 2015, this had already risen to well over 60%. Shares of employees with flexible working hours in the Netherlands, Finland, Austria and Belgium was also high in 2015; they ranged from 45% in Belgium to almost

⁶ Flexitime or flexible working time allows employees to decide on the start and end of their daily working hours within a prescribed time frame. Flexitime models usually include a core working time in which general attendance is required, as well as the flexitime periods before and after.

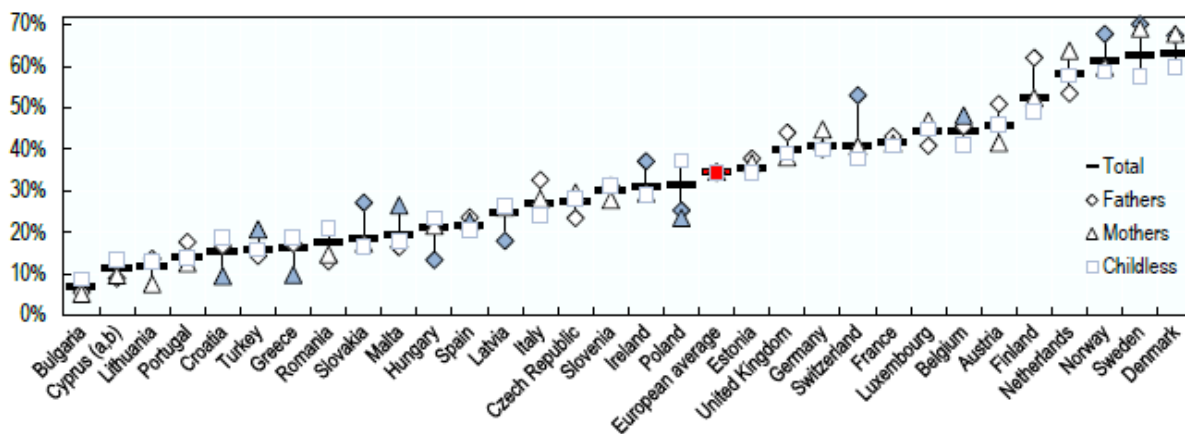
60% in the Netherlands. As an EU average, however, only just under 35% of employees had the opportunity to make use of flexible working time arrangements. By contrast, in eastern European countries, as well as in Greece and Portugal, few workers have the opportunity to organise their working hours flexibly.

Working time accounts

Working-time accounts - a form of "regulated flexibility" - replace the uniform distribution of regular working hours with their variable distribution and allow employees to work less or more; they extend scope for temporarily changing the duration, distribution and location of working time. This can be adapted to company requirements as well as the working time interests of employees. The proportion of companies in Germany that have established working time accounts has almost doubled from 18% in 1999 to 35% in 2016. The proportion of employees with working time accounts has risen from 35% to 56%. In the ICT and retail sectors, 36% of companies had set up working hour accounts, compared to only 26% in the field of financial and insurance services. Nonetheless, almost two thirds of employees in this sector have a working time account. Only half of employees in retail have such an account (50%), while less than half of the workforce (46%) in the ICT industry have one.

Working time accounts are used significantly less in the area of other services. Working time accounts are used much more frequently in larger companies than in smaller ones. In four of ten companies, the balancing-out period for working time accounts is between half a year and one year. This allows working hours to be adapted to short-term or seasonal fluctuations. A small proportion of companies in Germany have set up long-term accounts; it has stagnated at 2% for years (Ellguth, Gerner, Zapf 2018).

Figure 6: Figure: Working time sovereignty - employees with some or complete control over their daily working hours



Source: OECD/6th EWCS

An essential prerequisite for working time accounts is the recording of working hours, especially overtime as well as minus hours. However, employers are increasingly refraining from directly recording and checking working hours. Instead, they offer so-called 'trust-based working time' in which there is no fixed normal working time. Employees monitor their working time themselves - taking company circumstances into account. Abandoning the time clock, however, results in more overtime being performed without pay or compensatory time off. The absence of working time recording and monitoring in models of

trust-based working hours usually leads to the results of the work, rather than the working time, being monitored.

Limiting overtime

Supported by good arguments relating to labour market and health policy, many unions are calling for both paid and unpaid overtime to be limited. For example, the Dutch Federation of Trade Unions (FNV) is calling for a reduction in unpaid overtime in order to reduce unemployment. In Germany, ver.di demands overtime pay at a level that makes overtime much more unprofitable for employers than increasing employment. The collective agreement on salary and working conditions for banks and mortgage banks, agreed in Denmark in 2017, calls for limiting overtime as much as possible and emphasises that overtime should not be tailored systematically to individual employees. Overtime must be remunerated under the collective agreement - either by a time off allowance, which requires 1½ or 2 hours' leave for every hour of overtime worked, or hourly wage increases (plus 50% for the first three hours of overtime, thereafter and on Saturdays, Sundays and holidays a surcharge of 100%).

The consequences of increasing flexibilisation of working time, which are reflected in the differentiation of working time patterns, extend beyond the increase in atypical working hours. Atypical working hours require an additional effort from employees in terms of coordination. They are also associated with higher health burdens and also limit opportunities for participation in family and social life. This makes it clear that in many cases the opportunities for a self-determined use of flexible working time options by employees are still insufficient. As a study in five European countries has shown, flexible working time systems focus instead on the pursuit of business objectives (Klenner, Lott, 2016). Employees' needs for flexibility are mostly subordinate to these (Klenner, Lott, 2016). For employees, flexible working time systems, especially working time accounts, are often associated with new risks. Risks include the fact that in the course of using working time accounts the surcharge for overtime no longer applies and accumulated time credits expire. In order to prevent this, and in order to take advantage of the opportunities of working time accounts for employees, it is important for collective bargaining to regulate their uses and conditions (time recording, maximum limits, compensation periods, decision on use, insolvency protection, transferability upon termination of employment, etc.).

Breaking new ground: collective bargaining in favour of reconciling work and family life

Whether flexibility in working time has a positive impact on work-life balance, or whether it imposes on employees the burden of adjustment and the risks of overtime, work intensification and stress, is determined by the interaction of many factors. These include opportunities for self-determined working hours, the distribution of unpaid home and family work, the different gender identities of men and women, related role patterns in the workplace and in society as well as the institutions of the welfare state and the labour market. It has been shown that workers in countries with developed, universalist welfare regimes and high collective bargaining coverage are far more likely to be able to use working time flexibility and autonomy for their own purposes than in countries where a liberal welfare state regime promotes market solutions to social problems and the flexibility of working hours is unilaterally market-driven (Lott 2014). The varying functional differentiation of the welfare state and its institutions in the individual countries of Europe has a considerable influence on the extent to which employees, especially women, can make use of family-friendly working time arrangements.

An important prerequisite for a better work-life balance is not only to overcome the gap between men's and women's working hours, but also between the actual and preferred working hours of women. This is also seen by some unions, as responses to the questionnaire indicate. However, only three of the responding trade unions provided concrete indications of targeted collective bargaining measures to reduce the "gender time gap", the gap between the actual average working hours of women and men. In contrast, other unions - including Uni affiliates from Finland, Italy, the Netherlands, Austria, Poland, Switzerland and Spain - emphasise in their responses that extending parental leave, improving child and family care arrangements, and improving work-life balance have been and continue to be a major concern of collective bargaining.

Many collective agreements now include new and detailed regulations, such as the collective agreement for the retail sector in Spain, under headings such as "Work-life balance". In the case of the Spanish collective agreement, they include, inter alia, the right to unpaid leave and subsequent return to work, e.g. for the care of seriously ill relatives for a period of at least one month to a maximum of six months. A collective agreement on the subject of "Workplace equality between men and women" agreed in the spring of 2018 between French trade unions and Sodexo, a French food services and facility management company, provides, inter alia, for the possibility of unpaid leave to look after relatives for a period of three to six months (with the possibility of renewal up to one year).

Still on the increase: teleworking

Trade union efforts towards more family-friendly working hours are also expressed by demands for the regulation of teleworking. This is indicated by the responses of the unions from Bulgaria, Finland, France, Italy, Austria and Switzerland. In order to regulate teleworking and mobile work, numerous collective agreements and arrangements at company level have already been agreed in EU Member States. Its regulatory content covers the voluntary nature of a transition to teleworking, safeguarding the employment status and rights of employees performing teleworking and/or mobile work using information and communication technologies, issues concerning occupational health and safety, data protection and cyber security, the protection of privacy, the financing and provision of work equipment, and last but not least, a required qualification.⁷

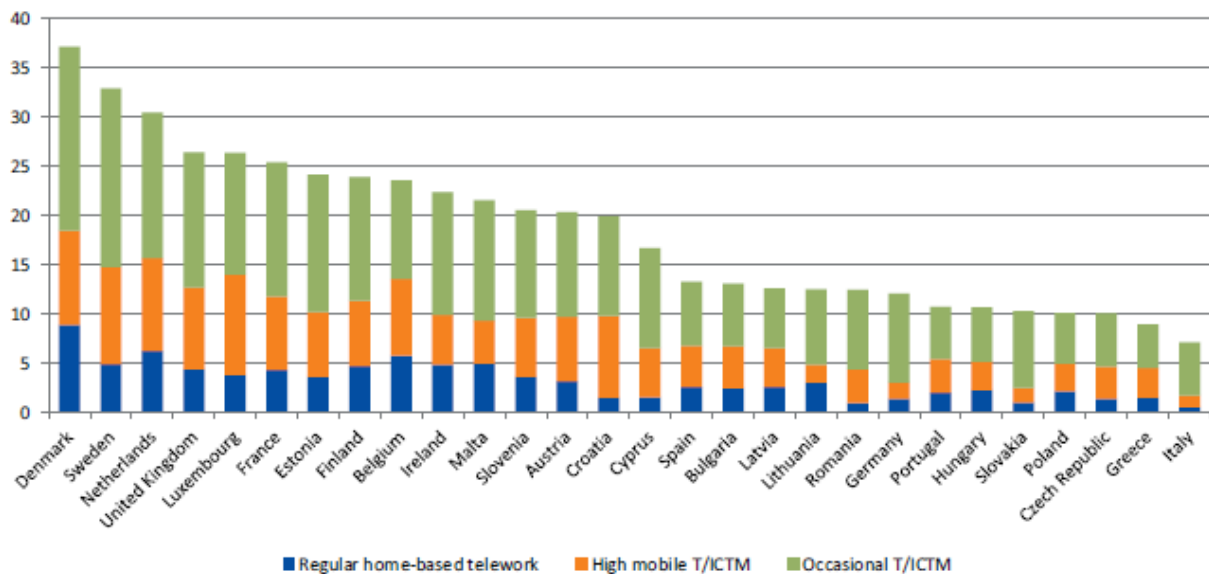
The European umbrella organisations of the service trade unions and employers of the banking industry, UNI and EBF, adopted a joint statement on teleworking in November 2017. It is emphasised therein that teleworkers - defined as those working outside an employer's premises - have the same basic rights and responsibilities as all other employees. At the same time, the statement emphasises that employers and teleworking employees have a shared responsibility for making teleworking safe and healthy. It also emphasises that teleworking should not be detrimental to participation in in-house company training and the use of career opportunities.

In Denmark, Finansforbundet, the trade unions for employees in financial services, has signed a teleworking framework agreement with the relevant employers' organisation. This forms part of the applicable collective agreement. It stipulates that teleworking may only cover part of the total working time - a maximum of 50% of the working time over a period of 13 weeks. In this way the relationships between employees and the company should be maintained both professionally and socially. For this reason, it has been agreed that teleworkers must have access to a workplace on the premises.

⁷ Teleworking refers to an activity involving alternation of work at home and the workplace. Mobile work means mostly regular work at changing locations, supported by modern ICT technology.

The teleworking collective agreement, agreed in 2016 between the union ver.di and the employers' association of telecommunications and IT companies in Germany, refers to alternating teleworking, mobile teleworking and teleworking in the form of mobile working. In addition to definitions of these different forms of work, it contains detailed regulations on working hours and their allocation, time recording, work equipment, data protection, accident insurance and liability. It distinguishes itself from other collective agreements on teleworking by agreeing on a dialogue between the collective bargaining parties. Between them, as the text says, "there will be meetings during the term of this collective agreement in which experiences and problems related to teleworking will be discussed." The talks will take place quarterly in the first year after the entry into force of the collective agreement and twice a year in the second year. Furthermore, and particularly important, its regulations create new ways of informing union members conducting teleworking: "Compensation is provided through electronic media to compensate for the diminished opportunities of teleworkers (...) to use trade union information services in the company." For this purpose, ver.di has been given the opportunity to store trade union information for the teleworkers autonomously on the intranet of the employer and to send emails to all teleworkers via the employer.

Figure 7: Proportion of employees in the EU-28 who perform telework/mobile ICT work according to frequency and country



Source: 6th EWCS

At present, the prevalence of teleworking and mobile ICT work in EU countries still varies widely. In 2015, significantly fewer than 15% of employees regularly or occasionally used these forms of work in 13 of the 28 EU countries. Teleworking and mobile ICT work have become far more prolific in Denmark, Sweden and the Netherlands. More than 30% of employees in these countries performed this form of work in 2015. However, even in these countries, the proportion of employees who regularly perform telework is still low. By contrast, the group of employees who occasionally use teleworking is much larger.

It ranges from 10% of employees in Austria to 18% of employees in Denmark. Available data suggests that teleworking and mobile ICT work are mainly performed by higher-skilled workers and occasionally by office workers. In addition, data suggests that women in

Europe use telework a little more than men; by contrast, men are much more likely to harness the potential of mobile ICT work than women.

However, it cannot be assumed that teleworking and mobile ICT work represent a general recipe for success on the road towards a better work-life balance. Firstly, it has to be taken into account that not all activities can be performed outside company premises. Secondly, most countries currently lack legal regulations on mobile work and teleworking. This has prompted unions on a number of occasions to call for a specific legal framework for teleworking as well as mobile work, with the aim of giving employees the right to choose their place of work and working time. One step in this direction is the Dutch law on flexibility in the workplace. According to this, since the summer of 2015, employees in companies with at least ten employees can apply for telework, but the employer does not have an obligation to grant such a request - contrary to other media reports. On the other hand, it contains a legal right for employees to agree to changes in working hours and their distribution. The same applies to the already mentioned Peeters Act in Belgium: It allows employees to apply for teleworking on a temporary basis under certain conditions, but the employer can reject the application. Employees therefore have no absolute right to occasional teleworking.

Information and communication technologies are not only driving the flexibility of working hours, but also of places of work. They open up new possibilities for gainful employment independently of the employer's premises and, as the example of teleworking makes clear, contribute to the dissolution of temporal and spatial structures of company-organised gainful employment. This is often in conjunction with the dissolution of traditional boundaries between work and private life. The individual lifestyle, the coordination of the areas of daily life - gainful employment, care work, family, living, time off, etc. - is thus exposed to increased organisational and design requirements.

Right to disconnect

Particularly problematic in this context has been the increasing need for constant availability. This pressure has increased significantly in recent years, as shown by surveys of employees on the quality of their working conditions in Germany. In a representative survey in 2011, 14% of employees responded to the question "How often are you expected to be available for work by email or by telephone outside normal working hours?" with "Very often", while 13% responded with "Often". In contrast, in 2017, 27% responded "Very often" and 29% responded "Often" (Institut DGB-Index Gute Arbeit/Good Work Index). A 2014 study on "Delimitation of work" conducted by the syndicom union in the Swiss telecommunications industry, in which around 3,500 employees were surveyed, revealed that in 2013 around 31% of respondents were expected to be quite frequently, very frequently or even constantly available to answer work enquiries outside normal working hours. And around 47% of those surveyed said that in 2013, outside normal working hours, they answered business enquiries quite frequently, very frequently, or even constantly (trade union syndicom 2015). From this syndicom derived a claim for a "digitisation with social responsibility". In a similar survey of executives (cadres) conducted in France by the consulting firm Deloitte in April 2015, 71% of respondents said that they read and processed their work emails in the evening or on public holidays; 76% reported that digital work equipment has a negative impact on their private lives.

Trade union demands for the protection of employees through temporal and spatial restrictions concerning the delimitation of work address this issue. In order to prevent large-scale work tasks being carried out during periods of time off, they demand a right to "disconnect". In their responses to the questionnaire, trade unions from the

telecommunications and media sectors in particular emphasise the need for such a right. In doing so, they are in line with workers' expectations that their demands for the reconciliation of work, family and social obligations are also accepted in teleworking and mobile work. It is for good reasons that the right to disconnect is now also the subject of collective agreements and company-level agreements. A recent example of this is a company-level collective agreement agreed between the management of the Spanish subsidiary of the French insurance company AXA and the relevant union in July 2017. It gives workers the right to turn off company phones, not answer business calls, and not process emails outside regular business hours. A comparable collective agreement for the employees of the Group in France, the parent country of the Group, was already agreed in 2012.

In France, unions have agreed numerous collective agreements that give workers the right to disconnect. For example, a collective agreement negotiated in 2016 with the Association of Wholesalers requires employees to disconnect digital work equipment from the network in order to comply with minimum rest periods. Employers should take appropriate measures to ensure that employees comply with this obligation. And in a collective agreement reached with the telecommunications company Orange in 2016 to deal with the risks of digital transformation in the company, which applies to more than 90,000 employees, it is stated that "respect for privacy and the right to switch off are deemed fundamental rights at Orange".

Meanwhile, in France, the "right to disconnect" is enshrined in labour law. Since the beginning of 2017, employees have the right to switch off electronic media and communication tools used for work after the end of regular working hours. The law applies to companies employing more than 50 employees. "The purpose of these measures," according to the Ministry of Labour, "is to ensure that rest periods and a balance between work and family and private life are respected."

Sufficient time for further training

In the course of advancing digitisation of the world of work, qualification requirements, job profiles and occupations are changing. This is why continuous vocational education and training is being discussed. There is a broad consensus between governments, employers and trade unions about the need for the acquisition of new skills in order to cope with digitisation. However, there is disagreement about how to organise and finance the necessary training measures. Many unions have taken this opportunity to review and update their positions on further training. They all agree that continuing education and training not only takes time, but must also become an integral part of future enterprise development. This is also confirmed in feedback on the questionnaire - sufficient time for further training is particularly high on the agenda of seven trade unions.

A right to a certain amount of training time to be made available to employees has meanwhile become part of many collective agreements. For example, the employees of the telecommunications company Swisscom are entitled to five days of training annually according to the new collective agreement signed in the spring of 2018. Previously, there was no such entitlement. A collective bargaining agreement between ver.di and the employers' association of insurance companies in Germany, which has been in force since the beginning of 2018, gives employees the option of a part-time training period. Many collective agreements also stipulate that the employer not only bears the direct costs of continuing education and training, but also pays the salary during continuing education; an example of this is the collective agreement that the trade union Union Pro has agreed with employers in the financial sector in Finland. This regulation corresponds to a common

pattern: The more job- and company-specific training measures are, the more likely it is that the costs are covered by the employer.

Numerous collective agreements also pave the way for an institutional solution in order to finance continuing vocational education - they regulate the implementation of training and qualification funds. An example of this is the collective agreement concluded by Denmark's largest union for salaried employees (*HK*) and the Association of Danish Enterprises (*Dansk Erhverv Arbejdsgiver*) for the period 2017 – 2020. According to this, companies have to pay an amount of DKK 820.00 (about EUR 110) per year and per full-time employee into a further training and qualification fund. It is designed to promote the further training of employees. Among other things, it provides financial support for employees to participate in the qualification measures of their choice. Under the collective agreement, employees who have worked for at least six months without interruption are entitled to two weeks' leave to participate in vocational training, taking into account the needs of the company. However, by no means do all collective agreements contain provisions for further education and training. It seems that there is still ample scope for collective bargaining support related to continuous vocational training.

New challenges for continuing and education and training are not only the result of digitisation and automation of business processes. Demographic changes and the collective ageing of societies also present new challenges in terms of continuing education and training. There are numerous studies and policy recommendations on the consequences of demographic change in the EU and its member countries and their management. These include publications by employers and trade unions, which use a variety of arguments and goals to promote a policy of "active ageing" to shape demographic change. It appears that this indicates a clear awareness of the problem by the parties involved in collective bargaining, employers and trade unions. However, numerous analyses show that this has only been of limited importance thus far in terms of company practice. For example, companies have neither extended their further training activities sufficiently to older employees, nor has their participation in training increased. Deficits are also evident in the required age-compliant design of work organisation and working time models.

Demographic change, collective bargaining policy and working time

So far, trade union collective bargaining policy has not been sufficiently successful at correcting this development in a way that is sustainable. A paradigm shift in state pension policy in many countries has also contributed to this. The move away from state support for early retirement in favour of longer working lives has been made without adequate consideration of whether older workers are also capable and willing to stay in employment for longer. The fact that many older workers still retire before reaching the statutory retirement age indicates that they are exposed to major health stress and workloads at work. Against this background, it is obvious that collective bargaining policy in the context of demographic change strives to allow older workers - despite changing institutional frameworks - to opt for a flexible and self-determined transition from work to retirement, while simultaneously attempting to contribute to age-compliant and ageing-compliant working conditions.

There are statutory and collective bargaining regulations in half of the EU Member States and in Norway that are designed to enable older workers to experience a flexible transition to retirement. These regulations differ in terms of their principles, scopes and institutional configurations. But they share one thing in common: they are based on shorter working hours for older employees - the so-called partial retirement - as well as a partial

compensation for the income lost as a result of reduced working hours. In this way, workloads that have an adverse effect on health should be reduced and older employees should be able to work longer.

The largest union in the Netherlands, the FNV, vociferously supports a flexible transition to retirement. It has criticised the Dutch government's decision to increase the retirement age, arguing that this discriminates against workers with physically demanding jobs that have an adverse effect on health. Instead, it calls for a regulation that allows for partial retirement by means of earlier retirement (with corresponding deductions regarding pensions) up to four years before reaching the statutory retirement age. This demand constitutes an important element of a collective agreement agreed between the unions (FNV, VVMC, VHS and CNV) with Dutch Railways (NS) in November 2017. According to this, as of January 2020, older workers can reduce their weekly working hours to 28 hours (78% of the regular weekly working hours) no earlier than five years before reaching retirement age. However, their income does not decrease to the same extent; due to subsidies by Dutch Railways it will be kept at 89% of full-time income. The contributions to the pension insurance scheme are paid according to a full-time income. In order to finance partial retirement, employees must contribute by introducing leave and overtime.

Challenged by the need to tackle youth unemployment effectively and at the same time to enable older workers to be employed for a longer period of time, the FNV submitted a proposal in 2013 for a generational pact between unions, employers' associations and the Dutch government. It suggested that action to tackle youth unemployment should be linked to measures to keep older workers in the labour market for a longer period of time. It has been proposed to provide older employees with part-time employment in the form of mentoring and training tasks concerning newly recruited young people. Up to the summer of 2017, unions in the Netherlands have been able to conclude generational contracts as part of collective agreements in the metal industry, in health care, with steel producer Tata Steel, and with some municipalities. At Tata Steel, the agreed generational contract, in force since 1st January, 2018, allows workers over the age of 60 to cut working hours down to 50%. Their income is not reduced in line with shortened working hours. Contributions to the statutory pension scheme to be borne by employees remain unchanged in order to obtain a reasonable minimum pension. The generational contract with Tata Steel runs until 31st December, 2022 and will be evaluated for the first time in January 2019.

In France, on the other hand, following massive criticism from the Court of Auditors, the attempt to use a generational contract (*contrat de génération*) with collective bargaining and state support to stabilise the integration of young people into the labour market and the employment of older workers was terminated in autumn 2017. Although the generational contract gave rise to numerous collective agreements, including with Manpower France, the French branch of one of the world's largest recruitment agencies, the effect of the support on employment fell far short of expectations. There was neither a large increase in the recruitment of young people, nor was it possible to stabilise the employment of older workers in a sustainable manner. In the autumn of 2011, a 'generational contract' that does not require public funding was agreed between the service trade union ver.di and Deutsche Post.

The generational contract was not only designed for employees who - like those who deliver parcels and letters - perform a physically demanding activity. It also gives young people in the company permanent employment after successful completion of vocational training. At the same time, the agreement makes it possible for employees aged 59 and over to reduce their working hours by half and switch to partial retirement. Partial retirement may not be for less than 24 months and it may not exceed 72 months. It shall end no later

than when the statutory retirement age has been reached. During this period, employees on partial retirement receive compensation consisting of part-time pay and a basic increase paid by Deutsche Post; it corresponds to 79% of the previous net salary. This share will be increased up to 87% of the previous net salary through grants from a demographic fund. The fund was set up with an initial deposit of 20 million euros. This amount was financed with a one-time discount of 0.5% of the collectively agreed pay increase in 2012. Since 2013, Deutsche Post, as the employer, has paid an annual amount of 200 euros into the fund for each full-time employee.

The prerequisite for partial release from work according to the generational contract, which also allows for time off in order to care for close relatives, for an extension of parental leave or a sabbatical, is the establishment of a so-called time value account according to the provisions of an additional collective agreement, the agreement on time value accounts from 2011. Such an account must be established on the basis of an individual agreement between Deutsche Post AG and the employee. The employee deposits part of his/her wages in the time value account, which is held in cash, as a credit balance. At least 2%, but no more than 30% of the taxable gross annual income must be deposited as a contribution to the time value account each year. However, payments can also be made by using at least 50% of the 13th monthly remuneration or at least 50% of the variable remuneration, and/or by putting in 100% of the holiday pay. The ability to deposit overtime or leave is excluded. The credit balance, which is protected against bankruptcy, serves to finance a partial release from work. The latter is regulated in a separate collective agreement, the *Collective agreement for age-compliant work*. Up to the summer of 2017, around 25,000 Deutsche Post employees had opened a time value account. And about 4,300 employees already take advantage of partial retirement.

A first interim balance

The current responses of service trade unions to new challenges in working time policy, as indicated by the feedback to the survey, can be summarised as follows: in, a diverse pattern of concepts and strategies for the regulation and design of working time in the interests of employees emerges. National and sectoral working time policy strategies pursued by the trade unions feature many similarities and intersections, in particular with regard to efforts of improving work-life balance, limit flexibility and enabling employees to self-determine their use of working time arrangements; however, this does not go hand in hand with a trend towards the convergence of working time policy concepts. Given the heterogeneity in terms of institutional framework conditions and labour market issues across EU countries, this is not surprising. Furthermore, the responses point out that the initiative to organise and flexibilise working time is no longer just the preserve of companies.

However, the responses also make it clear that there is a big gap between the programmatic demands regarding a modern and sustainable working time policy and the design and organisation of working time models at the company level. Therefore, efforts to bridge this gap are a high priority for many unions, as the responses show. On the one hand, it is about strengthening compliance with legal and collective working time standards and reducing the gap between actual and agreed working hours. On the other hand, in a number of countries it is also a question of bringing the employers and their associations to the negotiating table. This requires unions to be able to mobilise their members and to signal their readiness to engage in conflict on issues of regulation and organisation of working time.

Working time policy-related stocktaking and mobilisation tools: employee surveys

An important and supportive role in this context can be attributed to employee surveys. Surprisingly, 16 of the surveyed unions reported that they were conducting surveys either on their own or in collaboration with research organisations. The surveys conducted by trade unions are not always as comprehensive as those conducted by IG Metall in Germany in January and February 2017 as part of their working time campaign, which attracted around 680,000 employees, or those of Cfdt in France entitled "Let's talk about work" (Parlons travail), which was conducted in the autumn of 2016 and which received over 200,000 responses. But even smaller surveys, such as those of the syndicom union in Switzerland or the GPA-djp trade union in Austria on flexitime, help to take stock of working time realities and working time preferences of employees, as well as to formulate working time policy objectives, collective bargaining strategies and designing models for working time systems. The survey results can be summarised transnationally in a clear message: Employees expect that trade union collective bargaining and working time policies will offer them the opportunity to make use of working arrangements that will provide them with security and reliability, distribute working time more fairly and enable them to work and live independently.

7. Analysis of selected examples of innovative working time regulation and design

In politics and business, innovation is the key to success. The prevailing view is that innovation enhances the competitiveness of companies, driving productivity, growth and employment and contributing to social prosperity. Innovations, which the Austrian economist Joseph A. *Schumpeter* has described as the "Implementation of new combinations" of production factors for commercial use and that lead to new products, production methods and new markets, have been and mostly are reduced in public dialogue to the introduction of technical innovations, new products and production processes. This limited understanding of innovation ignores the fact that innovation is always embedded in a complex set of institutional and social conditions and processes. It also overlooks the fact that organisational and social innovations take place in addition to those that are technical. The limited understanding of innovation also fails to recognise the increasing significance of social innovation. These have long been described in social science and political science analyses as new ways to achieve goals, including new regulations and new forms of organisation, which are more effective at problem-solving than traditional practice.

As the European Trade Union Institute (ETUI) has recently shown that the concept of social innovation also allows to capture new approaches of trade union action. Accordingly, the concept is characterised by the fact that social innovations pursue new objectives and strategic action plans in dealing with existing problems or new challenges. "Innovative" in this regard means more than just a reorientation of action. It is not about a coincidental change in trade union action, but a deliberate action taken in response to a specific problem (Bernaciak, Kahancová 2017, p. 13). Examples of this can be found, inter alia, in the field of working time policy. Against the background of the changed working time needs of employees, the concept of life-phase-oriented working time policy can be regarded as a model example of social innovation. It is intended to provide employees with temporary short-time working breaks or breaks in gainful employment that can be used to better reconcile work and care, for training and the acquisition of new skills, and to reduce workloads and stress in the phase preceding the transition to retirement (Klenner, Lott 2016, p. 4).

Example of social innovation: life-phase-oriented working time policy

In order to enable workers to choose and organise their working time according to their needs, opportunities for flexible organisation, breaks and reduction of working time - working time options - are required. Flexitime arrangements and working time accounts open up new perspectives for the individual design of the location and distribution of working hours within operationally defined periods. As a rule, however, they do not allow working hours to be reduced permanently. Opportunities for shorter and varying working hours, on the other hand, are provided for the first time in *relief time* agreed in a collective agreement concluded in the spring of 2018 between the service trade union ver.di and Deutsche Post AG and the *free time option* agreed in Austria in 2013 under a collective agreement for the electrical and electronics industry.

7. 1 More time for life – "Relief time" and "leisure time option" as elements of life-phase-oriented working time policy

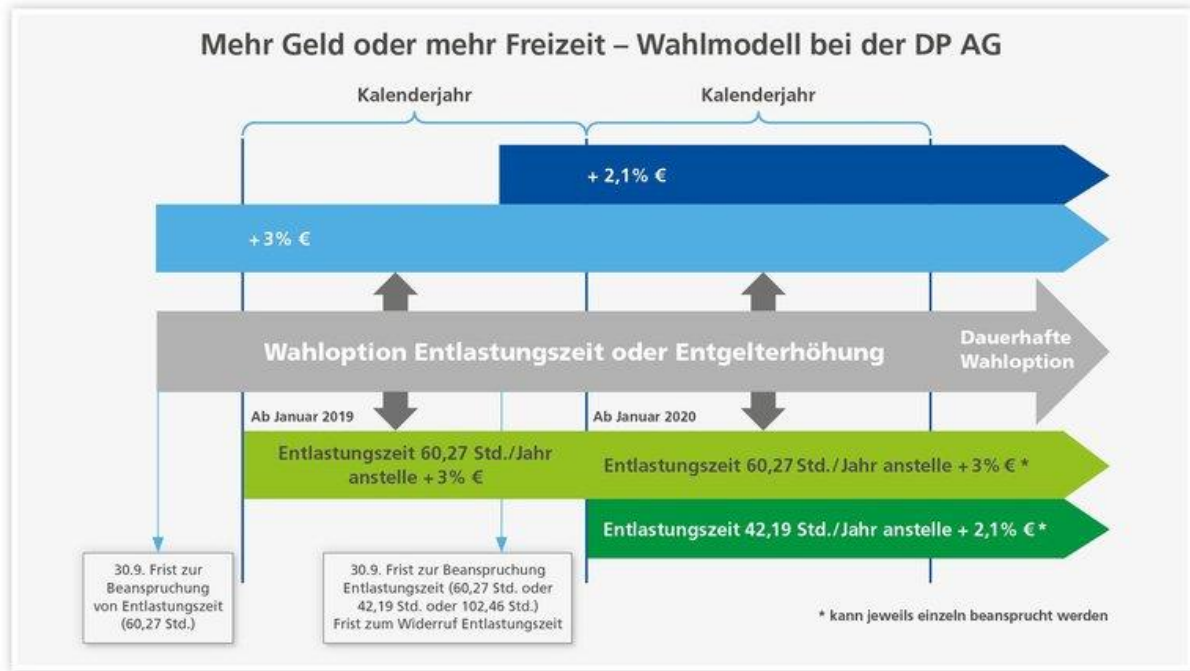
Discussions about the design of life-phase-oriented and gender-compliant working hours have not remained unaffected by consequences for the trade union collective bargaining and working time policy. In Germany, the organisational, shop floor and collective bargaining policy of the ver.di trade union, which has long included increased membership orientation, provides plenty of illustrative material. A current example of this is the preparation and conduct of the collective bargaining round at Deutsche Post AG in the spring of 2018. In terms of preparation, ver.di members were first surveyed in November and December 2017 about possible collective bargaining demands (wage or salary increase, shorter working hours, choice between an increase in income or more time off). This involved 36,920 ver.di members, split equally between men and women. Asked whether they considered the requirement for a collective bargaining increase of 5.5% for a term of twelve months to be appropriate, too high or too low, a total of 34% said they considered a higher demand to be justified. About 61% emphasised that the demand was appropriate.

At the same time, members were asked how significant the issue of "free time" was for them in connection with workload and how important it was for them to have the opportunity to choose between an increase in pay or more time off. With regard to their workload, 57% said that having free time to relax was "very important" to them and 23% said it was "important" to them. Asked whether money or free time was more important to relieve the burden of work, 28% responded that time off was a little more or much more important to them. 23% responded that more money was important to them. Almost half of respondents (49%) emphasised that both were important to them. The ver.di collective agreement committee took into account the results of the survey in its final formulation of the demands for the upcoming negotiations: It called for an increase of 6% in monthly salaries and training allowances for a period of twelve months, as well as for an option for employees enabling them to convert the pay increase agreed into "time off".

Innovative and contemporary: choice models and free time options

After three unsuccessful rounds of negotiations and the conduct of token strikes, Deutsche Post finally presented a set of negotiating proposals at the end of February 2018, which provided for both increases in pay and the required possibility of converting this increase into additional time off. Following a member survey on the outcome of the negotiations, the ver.di collective bargaining committee approved the negotiated result at the beginning of April 2018. In detail, wage increases of 3.0% were agreed from 1/10/2018 and 2.1% from 1/10/2019 and, in addition, a one-time payment of 250 euros for 2018.

Figure 8: Relief time elective model at Deutsche Post AG



Source: ver.di

An important component of the collective agreement is an option that allows employees to convert the linear wage increases into free time. Thus, employees can claim a period of relief instead of accepting the agreed pay increases of 3% and 2.1%. In the case of a full-time employee, 1% of the annual working time equals 20.09 hours. According to this, a collectively agreed wage increase of 3% corresponds to a relief time of 60.27 hours per year. A collectively agreed wage increase of 2.1% results in a relief period of 42.19 hours. As of 2019, the relief period may be claimed by all employees. It must be requested in writing by 30th September of the current year for the following year.

The extent of the relief time depends in each case on the regular weekly working time as specified in the employment contract (which is usually 38.5 hours). If employees opt for the relief time instead of the collectively agreed wage increase, then the chosen relief time shall apply until it is again 'deselected'; but at least for one calendar year. A waiver of the use of the relief period must be communicated to the employer in writing by 30th September of the previous year.

Depending on the extent of the relief time, employees may claim repeatedly time off for just one day or for consecutive days of leave from work. The remuneration continues to be paid for the exemption. Part-time employees receive the relief period on a pro rata basis. The relief time shall apply to the following calendar year in each case, if a relief period is claimed instead of an increase in remuneration. Since the regulation of the relief period has been introduced into the collective agreement for an indefinite period, it can also be claimed for later calendar years or even cancelled.

So far, only a few collective agreements have allowed for the opportunity to choose between a wage increase or a reduction in working hours. As in the case of Deutsche Post AG, these are usually collective agreements between a single company and one or more unions. Nevertheless, the concept of choosing between "more money or more time to live" is not completely new. In terms of collective bargaining policy, it was first discussed seriously in the spring of 2013 under the term "time off option" during the collective bargaining round in the Austrian electrical and electronics industry. While employers

wanted to allow the time off option as a tool for a flexible transition to retirement only to older workers over the age of 50, the unions called for the time off option to be incorporated as a collective bargaining instrument which should be available to all employees.

The time off option, upon which a compromise was eventually reached between employers and the trade unions Pro-Ge and GPA-djp, allows workers to choose between the agreed pay rise or a corresponding number of paid hours of time off. From the union's point of view, the free time option, as its representatives put it, "*is an innovative way of organising working time. Employees can reduce their annual working hours without changing their normal working hours.*" The wage increases of 2.8% to 3% (depending on the pay grade) agreed as of May 2013 enabled full-time employees to earn a monthly time off entitlement of at least 4.67 or 5 hours; the time off entitlement of part-time employees was proportionate to the length of their working time. In subsequent years, the time off option was always re-included in the collective agreement for the electrical and electronics industry. In 2015, the parties to the collective agreement approved a longer-term regulation; according to this, the time off option will remain part of future collective agreements in the electrical/ electronics industry up to and including the year 2025. According to the collective agreement, which will be effective as of May 2018, employees will have the choice between a wage increase of 3.1% and a monthly time off entitlement of 5 hours and 10 minutes (full-time employees).

The time off resulting from the use of the time off option is documented on a time account; the affected employees are informed about its status on a monthly basis. According to the current agreement, employees in the electrical and electronics industry may agree to use the time off option up to four times during their employment tenure instead of receiving a salary increase, but not more than twice before their 50th birthday. According to the 2018 collective agreement, the standard weekly working time in the electrical/electronics industry is 38.5 hours.

The time off option can be used to reduce the regular weekly working hours. But it can also be used flexibly on an hourly basis. It is also possible that the credit for additional time off in whole days is used up or compensation of a whole week is given. Finally, it is also possible to accumulate the volume of additional time off over several years on a time account in order to create the conditions for a longer period of time off. Thus, at first sight, the collectively agreed anchoring of the time off option seems to take into account the change in values in the economy and in society, which among young and qualified workers is expressed, inter alia, in a growing distance from gainful employment as a central life content and core of personal identification and a tendency towards the realisation of individual interests.

Obstacles on the way to using the time off option

However, numerous obstacles have to be overcome by employees and their workplace representatives on the way to using the time off option. The use of the time off option is linked to a variety of company and individual requirements. This includes the conclusion of an agreement between the works council and management to implement the time off option. The conclusion of such an agreement is voluntary and cannot be legally enforced. Employees can only submit an application for the use of the time off option after a company agreement has been concluded. In addition, the collective agreement stipulates deadlines, both for the conclusion of a company agreement and for the individual application for converting the salary increase into additional time off. According to the collective agreement taking effect from 1/ 5/ 2018, companies had time until 30/ 6/ 2018 to announce their intention to conclude a bargaining agreement and to conclude it by 15/ 9/ 2018. Employees

have an opportunity until 15/ 10/ 2018 to inform the company that they wish to use the time off option. If a bargaining agreement is concluded, they have the opportunity, until 15/ 11, to agree on the use of the free time option through an individual contract. However, only those employees whose wages or salary is/are above the collectively agreed minimum wage or minimum basic salary of 1,800.97 euros when using the time off option are eligible to apply.

In the meantime, initial examinations on experiences implementing the time off option are available (Gerold, Soder, Schwendinger 2017). They show that dedicated and assertive works councils are an important prerequisite for the introduction of new working time models such as the time off option. But even this has not always succeeded in enforcing company agreements on the use of the time off option. According to surveys of works councils, only just under 40% of companies offered their employees the possibility of a time off option. Company management in many companies prevented the introduction of the time off option. They justified this by citing high order backlogs and already existing high levels of time and holiday credit. Reference was also made to a shortage of skilled workers, a high additional administrative burden and, last but not least, the fear was expressed that the possibility of additional time off would affect adversely the motivation of the workforce. These arguments reveal a misjudgement by many company executives concerning the importance of working time options for the motivation and commitment of employees. They also prove that many company executives have not yet taken sufficient note of the signals of change in values in the world of work. In this context, works council members - when asked for suggestions to improve the implementation of the free time option - suggested limiting the veto power of superiors on the use of the free time option in the future and strengthening employees' entitlement be reinforced through appropriate regulations.

Who uses the free time option?

In contrast, the efforts of many employees to take advantage of the free time option may indicate a high level of interest in a life-phase-oriented working time policy. This is supported by a considerable application rate in those companies where an opportunity to use the time off option was granted following the conclusion of a company agreement. Although the number of these companies in the electrical and electronics industry initially remained limited in 2013 and 2014, a large group of employees submitted applications to take advantage of the time off option. According to information from works councils, the employee application rates for the initial offer of the time off option averaged between 10.5% and 16.9% (Schwendinger 2015). In total, 1475 applications were made to use the free time option in the first two years subsequent to the conclusion of the collective agreement. A considerable number of them were approved; however, there were big differences between companies; approval rates ranged from 31.5% to almost 95%. Thus, a total of about 12.5% of employees were able to use the time off option.

There are great differences between employees among those using the time off option. Initial experience suggests that men not only use the time off option more frequently than women but also in a different way. While women tend to use the time off option on a regular basis to reduce time-related stress and burdens in everyday life, men tend to save time credits and then use them coherently in the form of consecutive days - for family recreation, extended weekends or vacations, among other things. However, the free time option is rarely used for a longer breaks or for reducing weekly working hours. With regard to the age of employees taking advantage of the free time option, it is apparent that nearly half of them are younger than 40 (47%). At 29%, the proportion of users in the 41-50 age group is also high. In contrast, a quarter of users are 50 years or older. Unsurprisingly, it also shows that the time off option is mainly used by employees in the middle wage and salary groups (with an income of at least 2446 euros up to 3700 euros and above).

Working time options as a means of strategic human resources policy

The collective agreement "Pact for the Future 2.0", which the service union ver.di has concluded with ING-DiBa, a telephone and internet-based retail bank in Germany and a subsidiary of the Dutch ING Groep, and which has been in effect since January 2017, offers employees of the company numerous opportunities to use working time options. Thus, a "*DiBa Flexi-Time Basic*" offers the possibility of a short-term sabbatical of at least one and a maximum of three months duration, e.g. for travel. The "*DiBa Flexi-Time Extra*" can be used up to a duration of 6 months for the care of close relatives, for further training with a professional link to the financial services industry or to other job profiles relevant to the employer. It can also be used to participate in a social, environmental or other charitable project.

The working time options offered are used within a framework of temporary part-time employment. This lasts at least four and no more than twelve months when using the short-term sabbatical. A so-called 'block model' is being used in this context: First, the employee needs to 'bank' hours in order to build up the working time credit required for the time off from work; the 'savings phase' lasts at least three and at most nine months. During this period, the employees concerned continue to work in line with their previous regular working hours. This is followed by the time off from work period. The average weekly working hours for the entire duration of the part-time employment relationship equates to 75% of the regular working time previously. The salary is reduced during the save up and time off periods in line with the reduced average weekly working time.

The use of "*DiBa Flexi-Time Extra*" is also based on a temporary part-time employment relationship. For this purpose, the weekly working time can be reduced for a maximum of six months; its duration must be at least 15 hours per week. However, a 'block model' which includes a period of building up the working time credit as well as the period for time off from work. In this case, the weekly working hours will be reduced for a minimum of two and a maximum of six months. The reduced average weekly working time during the period of part-time employment equates to 50% of the previous weekly working time. During the saving phase required to build up the time credit, which lasts at least one and at most three months, the hours worked previously remain unchanged. If a part-time employment of six-month according to the DiBa Flexi-Time Extra arrangement is not sufficient because of a special or emergency situation of the employee, a part-time employment contract of up to twelve months can be agreed (*DiBa Flexi-Time Extra Plus*).

The gross monthly basic salary of employees who work part-time for a limited period in accordance with the *DiBa Flexi-Time Extra* or *Plus* arrangements is being increased by the employer by 20%, but not exceeding 100% of the previous gross monthly basic salary. After completion of the part-time employment relationship, the employment is continued under previous conditions (job guarantee).

The prerequisite for making use of one of the working time options is an uninterrupted period of employment in the company of at least five years. In the event that the employee and the employer are unable to reach agreement on the use of a working-time option, a joint committee, consisting of two representatives of each the human resources department and the works council, decides whether the employee is entitled to use the make use of the time off option.

Moreover, the collective agreement also provides for comprehensive measures by the employer to promote a work-life balance. These include, inter alia, a keeping-in-contact and re-entry programme for parents during paternity leave, the granting of a childcare allowance

subsidy (EUR 150 per month for children under the age of three, then EUR 100 per month until the age of six) and informative offers concerning day care for children during school holidays. For older employees with an uninterrupted period of employment of at least 10 years, the collective agreement opens up the possibility of a flexible transition to the old-age pension, based on a partial retirement provision.

Online, ING-DiBa proudly presents itself as an attractive employer. Its website, offering vacancies and directed at potential applicants, expressly refers to the collective agreement "Pact for the Future 2.0". It says: "ING-DiBa's success is thanks to our employees. And we want to support them. With that in mind, we have negotiated a Pact for the Future 2.0 with ver.di in order to provide new extras for the balance between work and private life." A subsequent link leads to an overview of the most important provisions of the collective agreement.

The ING-DiBa website illustrates that collective bargaining agreements help companies to attract, retain and motivate qualified employees. It also demonstrates that collective agreements can be used as a means to differentiate a company from its competitors.

7. 2 Designing working time to promote further training and the acquisition of new skills

In the context of the progressive digitisation of business and production processes and the change of skill and work requirements, particular attention is paid to issues of continuing vocational training. This applies not only to education policy, but also to collective bargaining. Regulations promoting in-company training are by no means new to those involved in collective bargaining, as evidenced by the large number of existing agreements. Nevertheless, no uniform pattern of collective agreements for continuing vocational training currently exists. But despite the significant differences between the existing collective agreements, they share a number of commonalities. These include, above all, agreements to determine a company's' skill requirements, to carry out and finance further training measures and also, more recently, increasingly an entitlement to educational leave or part-time training respectively. A prime example of this is the collective agreement for the private insurance industry in Germany.

The *Collective agreement on qualification* in the insurance industry, which has been in force since 2018, defines qualification as continuing vocational training aimed at

- the further development of professional, methodical and social competence of employees within the scope of the respective area of responsibility,
- dealing with the change in requirements in the respective area of responsibility, or
- the assumption of equivalent or higher-level tasks in other areas of the company.

At the same time, the collective agreement regulates the preparation and implementation of further training measures. Employees are entitled to a regular (annual) interview with the employer in order to determine whether and which individual training needs exist. This entitlement also applies to employees on parental leave and other inactive employment relationships, but not to the passive phase of partial retirement. Employees whose job is potentially endangered by the company's digitisation or automation projects are expected to need training.

As stated in the collective agreement, if "an individual need for qualification is determined together and this can be covered by a training measure and continued employment in the company is possible, the parties shall agree on the implementation of training measures. The employer shall accept proposals from the employee and include them in determining

the necessary qualification measures." The result of the determination of the qualification requirements must be suitably documented. After the agreed qualification measures have been completed, the employer and the employee shall jointly check whether the previously identified qualification requirements were covered by the measure. If this is not the case, the parties examine whether and how the continuing need for training can be covered. The employee can consult a member of the works council."

This collective agreement also gives employees the opportunity to use part-time employment of at least one month and not more than six consecutive months in order to participate in a training measure. During the period of part-time employment weekly working hours are reduced; however, during training, they must be at least 15 hours and must not exceed 30 hours. For the duration of part-time employment, salaries are adjusted to according to the reduced working time, i.e. training under part-time employment corresponds to a specific working time reduction without wage compensation. On the basis of a supplementary individual agreement, the part-time education can also be extended beyond 6 months.

Elements of a preventive strategy aimed at the avoidance of employment risks can also be found in collective agreements to promote further training in other European countries. For example, collective bargaining agreements for bank employees in Luxembourg have long included comprehensive regulations on company-specific training and professional development. To determine the need for further training, an annual interview between employees and their superiors needs to be conducted, followed by the preparation of a personal training plan. Further training should take place during working hours. According to the collective agreement, banks are required to draw up a comprehensive training plan in cooperation with staff representatives and inform them about its implementation.

In addition, the recently agreed collective agreement for bank employees in Luxembourg for the period 2018-2020 provides for the payment of a modest 'training bonus' if employees participate in further training measures outside working hours. This amounts to 250 euros for every 60 hours of further education. At the same time, the employer assumes the costs of further education. For this, as well as to finance other further training measures, the collective agreement provides for the provision and use of a training and further education budget amounting to at least 1% of the annual salary for each bank. As impressive as this budget seems to be, it is well behind what companies in the financial and insurance sector spend on in-company training in Europe as a whole. According to initial evaluations of the fifth European survey on continuing vocational training in companies (CVTS5), the total cost of in-company training in the financial and insurance sector in Austria in 2015 was 1.7% of staff costs, compared to 2.7% in Germany (Destatis 2017, p.53; Statistik Austria 2018, p.27).

Educational leave and personal training budget

There is a reason that the finance and insurance industry and the information and communication industry spend a lot of money on in-company training. Hardly any other economic sector is challenged by digitisation as much as the financial industry and the ICT sector. More recent collective agreements with companies in these sectors reflect this situation. In addition to a general promotion of workforce employability, they increasingly include schemes that give employees more freedom of choice and control over their professional and personal development. Examples include collective bargaining agreements between Dutch unions and Achmea Insurance and Rabobank, a cooperative bank that is now the second-largest Dutch bank.

The collective agreement that unions, including FNV Finance, have concluded with Rabobank in the Netherlands, offers the possibility of educational leave for employees in order to participate in continuing training. It runs from 2017 to 2020. Educational leave can be taken if the course content is related to the job performed. A further prerequisite is that participation has been approved by the supervisor. The company also covers the costs of the further training (course fees, exam fees, learning materials, travel and accommodation costs). The collective agreement assumes that job-oriented training usually takes place during working hours.

If this is the case, the employer shall provide half of the time required to participate as paid working time. The 'other half' must be provided by the employees, either by using holidays or by subsequent time off in lieu. The educational leave can amount to a maximum of 100 hours. Training outside working hours is recognised as working time and remunerated accordingly (either to the same extent in terms of time or as "overtime", with a surcharge of 16.3%). Educational leave can also be used to attend distance learning or to prepare for further vocational education and training. In this case, however, the first 50 hours of the programme must be provided from the participant's private time budget. Paid educational leave can be used for half of the remaining course hours, but with a maximum of 50 hours over a 12-month period.

The collective agreement also provides for the establishment of a training budget for each and every employee of the company. It offers employees the opportunity to decide for themselves which measures they would like to use for their professional development. The budget can be used to participate in continuing vocational education and training aimed at promoting and imparting knowledge and competences supporting a transition to another job within or outside the bank. Likewise, the budget can be used for personal development activities (workshops, coaching, career counselling). It is assumed that the measures are work-related and do not serve hobby or leisure purposes. The training budget for the calendar years 2017 and 2018 is 1,500 euros each. It is 1,000 euros for 2019 and subsequent years. If the budget is not used up over the course of a year, the remaining share can be added to the next year's budget. At the end of this year, however, an unused budget of the previous year expires. The collective agreement, which is of particular importance, expressly requires supervisors to give employees the opportunity to participate in the training of their choice.

Long-term accounts - (still) no catalysts of further vocational training

Long-term accounts, also often referred to as time value accounts, are based on employees savings for a credit, mostly in the form of money and less often in time, in order to lay the foundations for a longer period of time off that is also paid. They differ from working time accounts, which are most often governed by specific requirements regarding the periods of accumulating or withdrawing time credits as well as the credit balances. The limits for long-term accounts extend far beyond this. Unlike traditional working time accounts, long-term accounts are not primarily designed to make daily or weekly working hours flexible or to synchronise fluctuating company production requirements and employment. Long-term accounts can therefore have high time balances and very long balancing-out periods. Thus, from the point of view of designing and implementing life-phase-oriented working time policy, there is much to be said in favour of the establishment and use of long-term accounts. But their use has so far been limited in everyday operations; it is in no way in line with the lofty expectations of work and society that have been imposed upon it.

There are many reasons for the low prevalence and use of long-term accounts (Wotschack 2018; Seifert/Kümmerling/Riedmann 2013). These include, inter alia, often inadequate

regulation in collective bargaining agreements and company agreements, limited user groups and opportunities for use, insufficient time and financial resources for employees to accumulate required credits over a long period of time, concerns about longer-term disadvantages (reduced opportunities for promotion) and inadequate support from the company human resources policy. The burdens associated with accumulating time credits and impairing the work and family life balance also presumably complicate the dissemination and use of long-term accounts; especially when accumulation for longer periods of time off is associated with overtime. Another problem is that the guarantee and opportunity of taking time off are not sufficiently resolved for employees everywhere.

Existing agreements on long-term accounts emphasise as objectives the facilitation of the transition to retirement in the form of gradual retirement, the promotion of further vocational education and training, an improved work-life balance, and last but not least the opportunity to take medium- to longer-term breaks (sabbaticals). But the conflicting interests of companies and employees are often lurking behind these objectives. Long-term accounts are still a priority for many companies, as formulated by the Association of Companies in the Swiss Engineering, Electrical and Metal Industries, in terms of saving for early retirement and thus as a means to deal with ageing workforces. Only a few regulations explicitly oppose the use of long-term accounts for early retirement. One of the few examples of this can be found in the guidelines for the introduction of working time accounts developed by trade unions, including Trade Union Pro, with organisations of employers and lobbyists of banks in Finland. It is emphasised that it is not the primary purpose of working time accounts to allow time to be accumulated for the purpose of an exemption "shortly before retirement". However, the Guidelines do not provide any advice on other goals relating to the use of working time accounts.

Unfortunately, European comparisons do not provide reliable and comparable data on long-term accounts, their use and their users. However, company experience and initial national evaluations indicate that long-term accounts are mainly set up and used with the aim of promoting early retirement. Other forms of use, on the other hand, tend to be in technology companies with younger workforces. While long-term accounts constitute a useful tool for overtime use for these companies, workers' interests in life-phase-oriented working arrangements (family or sabbaticals) are at stake. However, in their attempts to exploit the benefits of long-term accounts, they repeatedly face superiors who intend to prevent longer periods of time off from work.

The findings regarding the connection between long-term accounts and company training also make sobering reading. The evaluation of a representative survey of companies in Germany in this regard has shown that the existence of long-term accounts favours the participation of men in in-company training. It has not been possible to establish a similar correlation relating to the participation of women in further training. The extent to which this may be the result of a lack of policy in terms of workplace equality and everyday care work remains unknown. This supports the assumption that a life-phase-oriented trade union working time policy must be complemented by labour market and family policies.

7.3 Result

The regulation of normal working hours and the implementation of the 8-hour day can be described in retrospect as "institutional innovations". Time-related institutions such as regular closing times and weekends off owe their existence to them. They have established collective standards and contributed to improving the quality of life of employees. In this

context, collective bargaining agreements and their stipulations concluded in the service sector and in part documented here prove to be organisational and social innovations. They offer employees a choice between increased income or increased time off, and they promote a better balance between professional and family time requirements. In addition, they enable workers to acquire new qualifications under learning-friendly time structures. Thus, they not only form the basis for a redesign and redistribution of working time. They also improve the chances of a life-phase-oriented design of working time; this is especially true with regard to age-compliant work, but less so with regard to a fair distribution of working time between the sexes.

It is not yet possible to offer a conclusive assessment of whether and how newer working time options are used, whether they help to reduce existing inequalities within companies and to put into practice personal time preferences of employees, and which factors and conditions thereby are helpful and which are inhibitory. Many of the working time arrangements discussed above are still in the first phase of their implementation. Initial experience with employees' use of the new time options, however, suggests that prevailing company performance expectations and requirements, and limited human resources, are presenting obstacles to increased time sovereignty. It has not always been possible to limit the veto power of superiors concerning the use of working time credits and to institutionalise procedures aimed at reaching compromises within the framework of collective bargaining. In the future, this will require an increased participation of employees as well as their workplace representatives.

8. Conclusion

Working time in European countries has not become significantly shorter in the past two decades, but has become more diverse, more flexible and sometimes longer. There can no longer be any talk of a uniform pattern in terms of the duration, situation and distribution of working time. This development poses new challenges to trade unions. They have responded by adapting their collective bargaining and working time policies in accordance with the respective working time preferences of workers and the situation of companies. As a result of agreeing new and innovative rules on the design and implementation of working time models, workers in many European countries have now a wide range of options for organising their working time at hand. In addition to shorter working hours, these include in particular flexible working time arrangements such as flexitime, working time accounts, partial retirement as well as (often paid) time off for further training, temporary part-time employment and holiday options. However, collective agreements and company agreements in favour of individualised working time schedules, are far from being fully enforced, yet they give large groups of employees new leeway in favour of flexibility and autonomy in the organisation of working time. Compared to conventional and rigid working time rules, they have clear advantages.

The implementation of innovative working time models has not only been possible because they respond to the different realities of life of workers and their changing working time requirements over the course of their life, but also because they take into account the different working time preferences of generations and sexes. It has been made possible above all by the fact that employees through their responses to surveys and through various actions - including demonstrations, work stoppages and strikes - have clearly expressed their working time needs and preferences. At the same time they have clearly rejected efforts by employers and governments to impose restrictions adversely affecting their working time sovereignty and their time prosperity.

The exemplary analysis of new and innovative collective bargaining rules of working time shows that good progress has been made in the programmatic reorientation of trade union working time policy. However, the goal has still not been achieved fully; there is a gap between union demands and everyday operational life that needs to be bridged. Employees repeatedly encounter obstacles in the workplace if they want to make use of the working time options available to them. In many instances, it is the hierarchy within companies that proves to be a disruptive factor in this regard. So far, little is known about the conditions under which and for which purpose employees are using new opportunities of organising working time. Future investigations shall focus on closing this knowledge gap.

It is known, however, that the organisation of work in companies and administrations, the presence of sufficient human resources, the behaviour of executives and the commitment of workplace representatives are decisive factors which facilitate the implementation of new working time options based on collective bargaining agreements, their use as well as positive effects on the work-life balance. In this context, it should be kept in mind that many companies' human resources policies, as well as managers' performance expectations, are often still based on the concept of the "ideal worker" - a male worker which is always available to its employer, works full-time and is on call to perform overtime - and that this constitutes a barrier to the realisation of working time options.

According to this understanding, shorter working hours, such as temporary breaks from work for family care or socio-cultural activities, are indicative of a lacking willingness to work and a low level of commitment to the employer. This understanding, however, overlooks the fact that problems in companies (high staff turnover, error rates and absenteeism) are not due to employees' working time demands, but to obsolete role models, obsolete forms of work organisation and organisational structures that are out of date. Supported by the application of market-oriented forms of management for in-company processes and the decentralisation of operational responsibility, this is usually expressed in an inadequate level of staffing. As a result, mechanisms can be set in motion, e.g. an additional burden on employees or groups of employees, that limit the use of working time options. Trade union collective bargaining and working time policies must therefore focus more on the link between flexible working hours, company performance requirements and working conditions. The aim must be to promote the use and acceptance of working time options by providing sufficient human resources and changes in work organisation.

"New working hours need a new personnel policy" - this is the conclusion of scientists in Germany who have recently summarised their research results on the implementation and use of working time options on the shop floor (Klenner, Lott, Seefeld 2017). In this context workers representatives have an important role to play as advocates of innovative working time policy. Their commitment, their support by the workforce and their assertiveness will determine whether greater use of working time options will be made, whether workers will regain their working time sovereignty, and whether time prosperity will increase in the future. In short: The incorporation of working time options into company practice, which take account of employees' working time preferences, requires assertive promoters.

As consistently confirmed by surveys in many countries, employees have high expectations in this regard. But it should be warned against exaggerated expectations: experience so far, especially in the Scandinavian countries, shows that a working time policy aimed at more options facilitating a better balance between work and family life, gender equality and age-compliant work, can only be achieved gradually and through a division of labour between collective bargaining and labour market and social policies of governments. This demonstrates that working time policy, which seeks differentiated rules in favour of

situation-related reductions in working hours over the working life, has not only become more difficult. It also needs to get a second wind in order to realise its goals.

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