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**Research Report**

## Working time options over the life course: New Regulations and Empirical Findings in five European Countries

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# STUDY

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# WORKING TIME OPTIONS OVER THE LIFE COURSE

**New Regulations and Empirical Findings in five European Countries**

Edited by Christina Klenner and Yvonne Lott

## ABSTRACT

Employees in many European countries do have at their disposal various working-time options. Shorter working hours, leave options and flexible working-time arrangements enable employees to adjust their working time to meet their needs over the life course. The current study presents new national studies on working time options over the life course in five European countries. Laura den Dulk (the Netherlands), Dominique Anxo (Sweden), Sevil Sümer (Norway), Dorota Szelewa (Poland) and Hana Hašková and Renata Kyzlinková (the Czech Republic) report on the situation in their country. Christina Klenner and Yvonne Lott compare the results of the five studies and summarize the main findings.

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## Working-time options in Europe – Entrenchment of institutional differences or convergence?

Christina Klenner and Yvonne Lott

In light of longer (working) lives, increasing participation by women in the labour force, as well as generally growing expectations with regard to work-life balance and flexible working-time options, life-phase oriented working-time arrangements have found their way onto the agendas of several European countries and the EU. Research on work life courses and working-time options has been initiated (cf., e.g., Naegele et al. 2003, Anxo et al. 2006), political policies have been drafted and in some countries new legal rights have been granted.

Life-phase oriented labour policies should enable employees to work fewer hours or to make use of leave arrangements for temporary periods of time. Life-phase oriented labour policies are especially important for phases in which children or family members who are ill need to be cared for, but also as a result of the necessity for lifelong learning and more frequent job and career changes. In view of an extended working phase and later entry into retirement, protected options for temporary withdrawal from work during the “stress” phase of life – i.e., when starting a family and building one’s career coincide – should become a matter of course. The normalization of different working times at different points in the life course is also an important issue in terms of gender equality. Thus far, adjustments to working time have largely focused on women and have often had negative consequences for the career prospects of those who make use of them. Life-phase oriented working-time options for all employees would improve this situation.

Employees in many European countries do have at their disposal various working-time options – shorter working hours, leave options and flexible working-time arrangements – to enable them to adjust their working time to meet their needs over the life course. Up until now, little has been known about the conditions under which European employees feel they have legitimate cause to use these options in practice. To address this knowledge gap, “Life-Course Oriented Working Time Options: What Workplace Conditions Influence Their Use?” (Klenner und Lott 2016a, 2016b, Lott und Klenner 2016)<sup>1</sup>, a research project at the Institute of Economic and Social Research (*Wirtschafts- und Sozialwissenschaftlichen Institut, WSI*), was conducted from 2014 to 2016.

The current paper aims to place the results of this German study in the European context by considering new national studies in several European

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<sup>1</sup> The use of working-time options in Germany was examined in an empirical study, based on 121 interviews of employees conducted in six organizations.

countries. Five experts, scientists from the Netherlands, Sweden and Norway, and Poland and the Czech Republic, were asked to report on the situation in their country; the results are presented here.

The expert reports describe the current status of working-time options for life-phase oriented working-time arrangements offered in their respective country. They provide details on rules, stipulated in legislation or in collective bargaining agreements that apply to the options and flexible working-time arrangements, and also focus on interrelated issues of gender equality. The reports present the latest data on the availability of part-time work, parental leave, paternity leave and other employment breaks as well as results of national research on the utilization of these options. The expert reports also serve as updates on previous research (Anxo et al. 2006, Klammer et al. 2007). Above all, they focus on changes and trends in recent years for the country in question.

## 1 General findings

Differences in the welfare state policies and the prevailing gender norms of a country are reflected in differences in the scope of rules on working-time options. This is shown in the expert reports from the Netherlands, Sweden, Norway, Poland and the Czech Republic.

Universal rights for employees have been granted above all in Sweden, Norway and the Netherlands, and in these countries collective bargaining also plays an important role. Sweden and Norway can be categorized as social-democratic welfare states. In these countries, employees have a relatively high level of access to flexible working arrangements. By contrast, Poland and the Czech Republic – two countries that can be categorized as hybrid central and east European welfare states (also characterized as “minimally Bismarckian welfare states”, Keune 2010) – are in the lower mid-field compared to other European countries (Plantenga and Remery 2013: 80ff). Here, there tend to be company-based options aimed at specific employee groups and/or legal provisions for flexible working options that are either not implemented by companies or are seldom used. The Netherlands was long at the vanguard of life-course oriented working-time policy in Europe and has a variety of flexible working-time arrangements as a result. The Netherlands, along with Germany, can be categorized as conservative Bismarckian welfare states (Esping-Andersen 1990).

A high level of working-time flexibility in a country can go hand in hand with a high level of gender equality. When a country's government promotes egalitarian gender arrangements, and when that country's legislation is grounded in a vision of partnership in the division of labour in terms of paid work and care responsibilities, then there will be a wide range of working-time options, which will be generally available to employees, and will increasingly also be utilized by men. The prime example here is Sweden. A



significant association between universal and comprehensive working-time options, and a relatively high level of gender equality, can also be observed in Norway.

However, a variety of working-time options and a high level of working-time flexibility can also be associated with a lower level of gender equality. This is the case in the Netherlands (Plantenga und Remery 2013)<sup>2</sup>, where under the prevailing gender norms care is viewed as a woman's responsibility, and part-time work for mothers is the prevailing working-time model.

Poland and the Czech Republic, despite official promotion of equality for women in that was seen in socialist times, share certain characteristics of the male breadwinner work time regime (Mutari and Figar 2001<sup>3</sup>), i.e., the majority of employed men and women work fulltime for long periods of their lives and both countries have an orientation toward familialistic social policies (cf. Leitner 2003). The family is accorded central importance in child rearing and care, and there are few public (de-familializing) options for childcare. The temporary (or complete) departure by mothers from the labour market is commonplace – along with the well-known negative consequences for gender equality. Moreover, as a result of the traditions harking back to socialist times, employers tend to be reluctant to offer working-time options and to defer to the responsibility of the state in these matters.

The expert reports also show that the flexibilization of working time and rules on interruptions of employment in the observed countries are subject to an array of new rules and regulations resulting from various lines of reasoning (competitiveness, digitization and aging populations).

## 2 The five countries in detail

The *Netherlands* is today the country with the highest proportion of part-time work among women (77%) as well as among men (26%). There is currently a resurgence of interest in the compatibility of paid work and care, in the estimation of *Laura den Dulk* (Erasmus University Rotterdam). Modern information and communication technologies offer new opportunities for more flexibility, and the potential cost-savings associated with flexibilization are receiving more attention. At present, there is a push underway for “New Ways to Work” (*Het Nieuwe Werken*) in which flexibility in terms of time and location plays a large role, in that it is expected to increase both the organization's performance as well as the well-being of employees. Other forces driving greater attention to the compatibility of paid work and care are a product of government efforts that seek to support home care for family

<sup>2</sup> In terms of the European Institute for Gender Equality's Gender Equality Index (GEI), Sweden, at 72.2, is far above average. The Netherlands, too, in contrast to the findings of Plantenga and Remery, receives a high GEI of 68.5 (significantly higher than Germany's 55.3, which is close to the average rating of 52.9). With ratings of 43.7 for Poland and 43.8 for the Czech Republic, both of these countries have GEIs that are significantly lower than the EU average (EIGE 2015).

<sup>3</sup> The authors identified these patterns (“work time regimes”) when EU member states numbered 15, i.e., before central and eastern European states joined the EU (Mutari/Figart 2001).

members and to improve the economic independence of women. The government hopes to encourage women to work more hours, which can be facilitated by working-time options and flexible working times.

Working-time options are comprehensively regulated in the Netherlands. According to the Working Hours Amendment Act (*Wet Aanpassing arbeidsduur*), employees have the right to request longer or shorter working hours, and employers can only refuse such requests for serious business reasons. The Working Hours Act (*Arbeidstijdenwet*) provides the framework for flexibilization of the location and distribution of working time. Employers are to take employees' needs into account when determining working hours. Options for leave arrangements were successively expanded in the 1990s and consolidated in 2000 in the Work and Care Act (*Wet Arbeid en Zorg*). This legislation has provisions on maternity leave and parental leave, a short paternity leave, a 10-day care leave, emergency leave and a long-term care leave of 6 weeks. In 2011 the law on Modernizing Leave and Working Times added a series of additional options.

In the Netherlands, the effects of legislation and collective bargaining agreements generally interact: collective bargaining agreements can contain additional options, but they can also contain more limited options than the law provides in the case of a conditional rights. From 2009 to 2014, collective bargaining agreements included new rules for leave arrangements, some of which were for additional options, while others limited rights, especially the right to paternity leave for fathers. In some collective bargaining agreements, work leave arrangements were agreed that are not included in legislation.

Some leave periods are paid for by the employer, others by the state. For parental leave and long-term care leave, employees themselves bear the cost.

Use of leave arrangements varies depending on the type of leave, gender and income level. Leave for long-term care is very seldom used. The unpaid parental leave of 26 weeks was used by over half of eligible mothers and by nearly a quarter of eligible fathers (though there is a downward trend). The reasons for non-utilization are financial, but also include concerns about the effects on career prospects. Mothers taking the leave tend to be highly qualified and employed fulltime, and fathers doing so tend to be in the middle of the income pyramid.

In many companies, the company culture is such that women – in order to live up to the ideal of the good mother – are allowed to reduce their working time, but the use of working-time options by men is less accepted. Norms and unwritten rules at times conflict with the use of working-time options, which have often been ineffectively implemented in companies. Den Dulk also emphasizes the important role of managers and executives here. Following the financial crisis of 2008, their view of the use of working-time options changed: while still supporting use of these options in principle, they now tend to attach conditions, such as company-oriented flexibility and

reachability, to keep costs as low as possible. The few studies available on the use of working-time options in practice indicate that in many cases, the introduction of options was not accompanied by a corresponding change in company culture.

From a life course perspective, Sweden has an integrated and coherent system of time and income management. *Dominique Anxo* (Linnaeus University) explains that working-time policy in Sweden has primarily been seen as a means to create a better balance and conciliation between paid work and other social activities rather than a remedy to imbalances in the labour market (as in Germany). This shows in one of the highest proportion of employees (alongside Denmark and Finland) with schedule control (flexi-time) and the possibility to accumulate overtime for days off in the EU. As a consequence, the vast majority of employees are satisfied with their working time.

For Anxo, Sweden constitutes a good illustration of a regime of *negotiated flexibility* where the social partners are highly involved in the shaping of working-time options. Beside governmental regulations (statutory 40-hour working week, maximum overtime hours, prohibition of night work), the Swedish Working Hours Act (*Arbetstidslagen*) leaves the social partners free to negotiate and draw up industry-wide agreements on working hours. In the mid 1990s, the social partners concluded an Industrial Agreement with several changes on working time. A yearly working time norm and 'life working time' (0.5% of labour income per year can be saved in a working time account) were introduced. In 1997, the Swedish Agency for Government Employers (*Arbetsgivarverket*) concluded a collective agreement together with SACO (The Swedish Confederation of Professional Associations), TCO (the Swedish Central Organisation of Salaried Employees) and SEKO (the Union of Service and Communication Employees), which formulates the obligation of employers' to negotiate provisions regarding working hour arrangements.

According to Anxo, the Swedish experience shows that an increased range of statutory and/or collectively negotiated options for individual working-time adjustments over the life course have to be combined with income transfer mechanisms to prevent pronounced income reductions at particular life phases and limit their negative impact on subsequent earning development later in life (such as pension claims). A good example is the statutory parental leave system with a wage compensation of 80% of gross earnings (for the first 390 days). In order to further foster gender equality, a third non-transferable partner month was introduced in 2016. Moreover, within the framework of parental leave, shorter work hours are also encouraged and the transition back to full-time is guaranteed by law.

Anxo shows that as a consequence, mother's employment rate is, at over 90%, one of the highest in Europe. Nevertheless, increasing women's working hours has been the subject of political debate in recent years. Several tax reforms (reduction of marginal tax rates) have been implemented in

recent years with the explicit objective of increasing labour supply mainly at the intensive margins.

The Swedish experience highlights not only the role of legal provisions and empowerment, but also the importance of the specific conditions under which they are implemented, including employment guarantees, income compensation, and maintenance of social protection. Unfortunately, no empirical studies have been conducted in Sweden regarding the company characteristics associated with the use of various time options.

Despite Sweden's policies explicitly aimed at gender equality, Anxo notes that gender inequalities in time allocation and income development over the life course still persist. Like in other European countries, women still perform the bulk of unpaid housework and care activities, even though the male share of household and caring tasks has been rising in recent years in Sweden. Anxo therefore concludes that efforts still need to be made in order to reduce the gender gap in division of unpaid work in order to favour a more even gender distribution of time and income over the life course. This could be achieved with a gradual individualisation of the parental leave system, and further reduction of the gender wage gap and gender occupational segregation.

Similar to Sweden, *Norway* displays most of the characteristics of the "Nordic welfare model" with strong institutional support for social inclusion and universally formulated welfare policies to enhance social and gender equality. The Working Environment Act (WEA) regulates working conditions in Norway and is complemented by collective bargaining arrangements. In 2011, one goal of the Norwegian government was to increase workforce participation among older employees. *Sevil Sümer* (Uni Research Rokkansenteret) explains that working time arrangements were established in order to combine work and pension from the age of 62, without a reduction in pension benefits. This reform led to an increase in employment share among employees aged 62-64.

Sümer outlines that the institutionalisation of social rights and the focus on gendered divisions of family and domestic responsibilities have been part of wider gender equality policies in Norway. High quality and affordable public childcare facilities, together with good availability of after-school programs and more positive attitudes towards employed mothers have favoured mothers' full-time work. Comprehensive work-family policies, including full pay (49 weeks at 100% wage compensation or 59 weeks at 80% wage compensation) and shared parental leave combined with public childcare, are among the most significant measures supporting parents' employment.

Also, employees have the right to return to full-time work following a period of part-time work in the framework of parental leave. Moreover, there is a trend towards more working-time flexibility through individual and local working time agreements.

Sümer shows that, as a result, the gender time gap has decreased in the past decades: Since the 1970s, the number of actual working hours per week for men has fallen by almost seven hours, whereas (full-time) employment has increased for women. Norwegian fathers' use of parental leave has increased following the gradual extension of the fathers' quota. Fathers now participate more in housework and childcare. Also, a trend towards desegregation of the labour market has been observed in the past years. Nevertheless, similar to Sweden, gender discrepancies still exist regarding the allocation of paid and especially unpaid work. Parental leave and part-time work (rarely less than 20 hours in the prime working ages) are more often utilized by mothers than fathers. Very few studies address the role of company characteristics for the take-up of time options. Apparently, state intervention through collective, standardized arrangements supports fathers' take-up of parental leave.

Sümer, however, detects a trend towards a more neoliberal orientation regarding regulation of the labour market and a weakening role of the welfare state and collective bargaining in Norway. Current public childcare policy, for example, offers – in addition to subsidized day-care places for all children – a “cash benefit scheme” or “home care allowance” on the condition that use is not also made of a day-care place. In 2014, the partner months for fathers and mothers in the framework of parental leave were reduced, from 14 weeks each to 10 weeks each. These incentives might contribute to an increase of the gender discrepancies in the allocation of paid and unpaid work.

In Poland, the labour market is characterized by increasing flexibilization. *Dorota Szelewa* (University College Dublin) points out that working time has been flexibilized primarily in the employers' interest. In 2013, new legislation regarding working time was enacted which extended the working-time calculation period, i.e. the timespan for calculating hours worked used to determine the level of salary, from four to as long as 12 months. This new calculation system can be combined with the flexible working-time system and allows extending the basic daily working time to 12 hours and shortening the working time in the following days. Szelewa explains that with this flexibilization of working time, the employer can avoid costly overtime hours. The justification for making this policy change was Poland's economic situation and international competition. The new legislation is highly contested by the trade unions, which are working to reverse the changes.

Szelewa also shows that the increasing labour market flexibility has been accompanied by governmental support of “implicit familism” or “private maternalism”, i.e. a low level of support for families (e.g. privatization of care services) and by a dominant discourse of familism and the primary meaning of the woman's role as mother. Parental leave is a female connoted working time option: 32 weeks of parental leave are granted to employ-

ees, whereas the wage compensation (60% or 80%) depends on the wage compensation scheme that employees – obviously women – chose during maternity leave. In 2013, the Polish government introduced 26 weeks of additional parental leave in combination with six additional weeks of maternity leave. In 2016 the six additional weeks of maternity leave were transferred to parental leave. Whereas parental leave primarily addresses women, two weeks of paternity leave were introduced in 2012 with 100% wage compensation.

Szelewa further emphasizes that part-time work is rarely offered to workers. Because part-time is often unavailable at the workplaces, an increasing number of women are dropping out of the labour market after – in most cases – 52 weeks of maternity and parental leave. Whereas the vast majority of mothers make use of leave policies, very few fathers take parental leave. The introduction of two weeks of paternity leave in 2012, however, is having an effect: the majority of fathers nowadays use their individual and non-transferrable entitlement to two weeks of paid paternity leave. Empirical evidence of the role of company characteristics associated with the use and non-use of various time options is non-existent.

Due to its family policies and working time flexibilization, Poland is an example of very weak support for adult worker families in Europe with one of the top shares of employees working atypical work schedules, the highest share of shift workers and a very low share of employees with schedule control. Szelewa concludes that while the governmental goal is to improve employees' work-life balance, the policy reforms – the effects of which are yet to be seen – mainly focus on ameliorating the integration of work and family for women. Szelewa warns that such a one-sided perspective of family duties, with its neglect of men's care responsibilities, is likely to strengthen gender inequality in Poland.

In the *Czech Republic* most jobs are subject to traditional working-time rules, as the authors of the Czech study, *Hana Hašková* (Institute of Sociology, Czech Academy of Sciences) and *Renata Kyzlinková* (Research Institute for Labour and Social Affairs) show. Although the Labour Code (revised and expanded in 2006) allows for numerous different working times that employers can offer their employees, deviations from fixed working hours are seldom seen in practice. Three quarters of employees have fixed working hours that are unilaterally determined by the employer, with no possibility to change them.

Employees in the Czech Republic have long working hours (40) and they have de facto few possibilities to work less (11% of women and 3% of men work part-time). Those working reduced hours tend to be mothers of pre-school aged children and women who are close to retirement age and have health issues. The rules in place that govern working-time arrangements over the life course are actually rather generous. According to the Labour Code, employers must approve a request for part-time work or other suitable arrangement unless there are serious business reasons for not doing so. This applies to employees with a child under 15 years of age, as well as

pregnant women and employees with care responsibilities. In practice, however, this law is seldom enforced. One of the reasons for this is traditional gender norms. Policy makers and government leaders in the Czech Republic have long held to the idea that it is in the best interests of children when their mothers take leave for several years. Explicit familialism is characteristic of political discourse in the Czech Republic and has led to increasingly long periods of leave for mothers. Mothers are not encouraged to continue working after childbirth, and there is practically no political support for the idea that fathers bear responsibility for the care of their children.

In this context, there is little incentive for employers to initiate change. Though 60% of companies (according to company surveys) do offer part-time working arrangements, and around half of all companies offer some version of flexitime, the actual use of these options is in fact much less widespread. Furthermore, the options offered are usually not available to all employees, but only to specific groups of employees after the employer has carefully weighed the costs and benefits.

With this strong tradition of a full-time work culture, there is little pressure from employees themselves for different working times. This is in contrast to the fact that nearly a third of women and men would rather have shorter and more flexible working times. Parental leave is taken almost exclusively by mothers, though fathers are also eligible and could take leave from work to participate in childcare.

For trade unions in the Czech Republic, the integration of work and family life is not the top priority, and collective agreements (usually only in place at the company level) rarely cover working-time options.

In the future there might be a greater necessity for government and employers to embrace life-course oriented working-time policies, as a later retirement age is being introduced incrementally year by year. Moreover, the idea of more options for working time is something that foreign companies with subsidiaries in the Czech Republic, as well as EU-supported programs, often bring with them.

### **3 Outlook**

The question remains as to whether there is convergence in the observed European countries on the issue of working-time options and flexibility. At present this does not appear to be the case. However, the experts illustrate not only the differences in the status of working-time options and flexibility, but also similarities in terms of the contradictory tendencies of national working-time policies.

On the one hand, in countries where fixed working times have previously been the norm, such as Poland and the Czech Republic, there is a some movement toward more working-time options and (slightly) expanded rights, which could be used to promote life-phase oriented working-time

arrangements. There are signs that deviations from the full-time norm are becoming more acceptable (e.g., in the Czech Republic there is the revised legislation, and in Poland there is non-transferable paternity leave, which fathers are actually using). In these countries there is also evidence of increasing pressure to flexibilize the old working-time regimes.

On the other hand, in all the countries (with the exception of Sweden) there appears to be an effort to make flexible working times (even more) useful for economic purposes, i.e., to expand employer- or company-oriented flexibility, which – if at all – only coincidentally matches the flexibility needs of employees. The use of working-time options by employees is thus subordinated to business goals. This treatment of working-time policies, which is primarily aligned with the interests of employers or companies, imposes significant limitations on working-time options for employees.

Furthermore, the expert reports show that once options have been introduced, there is no guarantee that they will remain secure forever. Examples of this can be seen in the reduction of parental leave time in Norway and in collective bargaining agreements in the Netherlands, which at times limit the rights to leave arrangements provided for by law.

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# Working time options in the Netherlands

Laura den Dulk

## 1 Introduction

In recent decades, the Netherlands has seen increased interest in combining work and family, or – more broadly – integrating one's work with one's private life. The diversity of the workforce is increasing and the number of people who combine tasks is growing. Since the 1990s the Dutch government has introduced various public provisions to assist workers who combine work and family responsibilities, such as 16 weeks paid maternity leave, 26 weeks unpaid parental leave, and the right to adapt working hours (Den Dulk & Spenkelling, 2009). In addition, an increasing number of organizations in the Netherlands are including work-life benefits or working time options such as part-time work, flexible working hours, and enhanced leave arrangements in their HR policy and conditions of employment (Den Dulk & Peper, 2007; Den Dulk & Spenkelling, 2009). As in other countries, public sector and large organizations are taking the lead regarding the introduction of formal work-life policies/working time options (Den Dulk et al., 2012).

Recently, working time options and attention for the combination of paid work and care have received renewed consideration from policy makers and employers. Firstly, organizations were inspired by the introduction of ICT and communication technology to look at possibilities to introduce new ways of working (in Dutch: *Het Nieuwe Werken* or *HNW*). In times of economic recessions, organizations are looking for ways to save costs and to enhance productivity. According to Baane, Houtkamp and Knotter (2011) this new management concept is based on four principles: a) work anytime anywhere (e.g. people can work where and when they want), b) manage your own work (e.g. people should be responsible for their own productivity and should be steered on result, not on hierarchy); c) unlimited access and connectivity (workers should be able to access and share information freely) and d) my size fits me (workers work within flexible employment relations).

Many organizations embraced the ideas of new ways of working, including the government as an employer (Peters, Kraan & van Echtelt, 2013; Versantvoort & Kraan, 2013). Both the proportion of employees with a flexible contract increased during the last decade, as did the proportion of self-employed (16 and 10% respectively, 2012) (Van Gaalen et al., 2013). In addition, there is a growing proportion of organizations introducing time/spatial flexibility, which refers to the possibility to work from home, flexible office spaces (*flexplekken*) and flexible working hours. Time-spatial flexibility is often viewed as beneficial for both employees and employers (Peters, den Dulk & van der Lippe, 2009). Flexible start and finishing times

allows employees to gear their working hours to the obligations they have in the private domain, which may lead to reduced levels of negative work-home interference (Andersen et al., 2002) and higher levels of job satisfaction and commitment. Teleworking refers to working at home during at least part of employees' contractual working hours, usually with the support of information and communication technology (Nilles, 1998). In particular the number of people working from home has increased over the last few years.

Secondly, the reforms of the welfare state and in particular spending cuts in the health care sector will mean that the government is putting more pressure on citizens to provide informal care and to do voluntary work. There is a fear that this will result in combination pressure for many workers and in particular women (Merens & Van den Brakel, 2014). As a result there is renewed attention for the combination of paid and unpaid work and facilities that might support this, such as time/spatial flexibility. The recently accepted law on Modernizing Leave and Working Times, is another example of this trend. At the same time, the low rate of economic independence of many Dutch women remains an important policy issue. Partly due to the high rate of part-time working, economic independence of women is substantially lower than that of men. Policy makers have looked for ways to encourage women to increase their working hours, however since the economic crisis hit the Netherlands, the percentage of economically independent women has remained stable (Ibid). Working time options, like flexible working hours and teleworking are viewed as ways to increase working hours. In this report we will discuss legislation, collective agreements, and the use of these options within the Dutch context.

## **2 Availability and regulation of working time options: statutory provisions and collective agreements**

The Dutch government greatly emphasizes the shared responsibility of government, employers, and employees when it comes to developing facilities. Statutory provisions provide a basic level of facilities and social partners (employer organizations and trade unions) are encouraged to supplement these. Collective agreement arrangements can supplement the existing legislation by offering extras, for example higher payment or more flexibility. Collective agreements can also stipulate restrictions in the case of a conditional right. Below, legislation and existing regulation within collective agreements with respect to time/spatial flexibility and leave arrangements are discussed.

### **2.1 Time/place flexibility**

The Working Hours Amendment Act [Wet Aanpassing arbeidsduur] (2000) enables employees to submit a request to work more or fewer hours if they are employed by a company with ten or more employees, have been with

the company for at least one year, and their previous request was submitted two or more years ago. The employer can only reject the request if it can show that complying with it would create serious operational problems. In practice, part-time work is frequently used as a strategy for combining work with family responsibilities. Compared to other European countries, the Netherlands has a high proportion of part-timers: of women who work, 77% do so part time, as opposed to 26.4% of the men who work (Eurostat, 2012).

The 1996 Working Hours Act [Arbeidstijdenwet] provides scope for the introduction of flexible working hours that deviate from the standard 9 to 5 working day. The Working Hours Act stipulates that the employer, when determining work schedules, needs to take into account employees' responsibilities outside of work (care for children, family members and friends). The employer has to inform his employees about expected working patterns. Within collective agreements, employers and trade unions can agree the period of time the employer has in which to provide this information, and 42 of the 100 largest collective agreements in the Netherlands include such an arrangement (varying between 0-2 weeks' notice, 2-4 weeks and 4-8 weeks). In cases where no arrangement is made in a collective agreement, the employer needs to inform his employees at least 28 days beforehand about the expected work schedule (De la Croix et al., 2014).

Research among the 100 largest collective agreements in the Netherlands, that is, agreements that apply to industries with more than 10,000 employees and company agreements applying to 3000 or more employees, indicates that 28% of collective agreements include the statement that the employer is willing to take into account the personal circumstances of employees when determining work schedules. In addition, 31% agree that preferences of employees are taken into account as long this does not conflict with serious business needs. 61 agreements contain an arrangement that state that employer and employees consult each other about work schedules and three collective agreements include self-scheduling by employees (De la Croix et al., 2014).

With the Working Hours Act, the government also tried to encourage the introduction of flexible start and finishing times and the possibility to work from home (teleworking). More than half of the largest collective agreements in the Netherlands (59) include regulation about the period in which employees can vary their working hours. Moreover, 21% of the largest collective agreements include regulations about working from home. A majority of these collective agreements can be found in the service sector (De la Croix et al., 2014).

Currently, time/spatial flexibility is a popular topic within organizations and the public debate. In the Netherlands many organizations are engaged in the implementation of organization of work principles known as 'New Ways to Work' (Het Nieuwe Werken, HNW). These principles include time/spatial flexibility, leadership based on trust and knowledge sharing with the help of

ICT and communication technology (Baane et al., 2010). Although HNW has become very popular, most elements refer to HRM practices and ideas that have been the topic of policy debates and research for many years. Already in the 1990s the government developed legislation to encourage flexible working hours. The interest in the subject grew among Dutch employers after Microsoft's Bill Gates presented his ideas in 2005 on 'The New World of Work'. Within this presentation, the idea that modern ICT software is able to enhance the productivity of workers forms a crucial element. It inspired employers to think about the organization of work. Hence, what is new about HNW is the idea to incorporate different working principles in one overarching concept and the fact that many organizations, including the Dutch public sector, are willing to implement the principles of HNW expecting that this will increase both organizational performance and employee well-being (Baane et al., 2010). In addition, the idea of saving money on office space by encouraging working from home and introducing flexible work spaces (flex places) took off during the economic crisis.

## 2.2 Leave arrangements

Since the early 1990s the number of leave arrangements has been expanded, with the various options being brought together in 2000 in the Work and Care Act [Wet Arbeid en Zorg]. According to this law employed people with children are entitled to 16 weeks pregnancy/maternity leave, 4 weeks adoption leave, 2 days paternal leave, 26 weeks parental leave, 10 days short-term care leave (annually), emergency leave in exceptional personal circumstances, and (since 2005), 6 weeks long-term care leave. Recently, the law on Modernizing Leave and Working Times, submitted by the Minister of Social Affairs in August 2011 (TK 2010/2011), was accepted by parliament. This law includes the extension of paternity leave with three days unpaid leave; the possibility to take (short-term and long-term) care leave for household members other than a child or partner; the possibility to take long-term care leave not only in case of a life-threatening illness but in all cases in which long-term care is needed. This extension is related to the idea that (older) people should be able to live at home as long as possible and care is provided more and more by family and friends. It is connected to the discussion on the Participation Society in which all citizens who are able need to take responsibility for their own lives and communities. The government has a facilitating role (Merens & Van den Brakel, 2014).

The cost of leave arrangements (Table 1) is shared between employers, employees, and government. In the case of pregnancy/maternity leave and adoption leave, leave payments are made from public funds and the employer can use the wage costs that it saves to pay the wages of a replacement for the employee concerned. In the case of emergency leave, paternal leave, and short-term care leave, the employer is obliged to continue to pay the employee concerned.

Table 1 Statutory leave arrangements in the Netherlands, 2015

Pregnancy/maternity leave	16 weeks (fully) paid leave; leave commences from 4 to 6 weeks prior to the expected date of the child's birth; 10 to 12 weeks after the birth.
Parental leave	26 weeks of the weekly working hours for parents, step-parents, foster parents, and adoptive parents with a child aged below 8. With the employer's consent, leave can be taken in the form of a number of separate leave periods (a maximum of 3). This is unpaid leave.
Paternal leave	5 working days leave for the mother's partner; 2 days are paid, 3 days unpaid leave taken out of the parental leave scheme.
Adoption leave	4 weeks (fully) paid leave for both parents who adopt a child.
Long-term care leave	Employees with a seriously ill child, partner or parent are each year entitled to unpaid leave of up to six times their working hours per week. With the agreement of the employer long-term care leave can also be taken full time or less hours per week over a longer period to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organization's interests are seriously harmed. From 1 July 2015, it is also possible to take this leave for other people inside and outside the household who need care.
Short-term care leave	A right (subject to certain conditions) to a maximum of 10 days leave per year (twice the weekly working hours) in order to care for a sick child, partner, or parent. The employer is obliged to pay the employee's wages (70%).

Source: Ministry of Social Affairs and Employment, 2015

The cost of parental leave and long-term care leave must be covered by the employee. Until 2012 employees were able to use the life-course savings scheme [levensloopregeling] as a means of financing the time off work. The life-course savings scheme was introduced in 2006 and allowed employees to save part of their gross salary to finance a period of paid leave. In 2011, only 247,000 employees used the scheme compared to 230,000 in 2006. Several explanations are offered for the low utilisation of the life-course saving scheme. Firstly, researchers noted that people are

unlikely to save for a leave they are not sure they will take up. Moreover, Goudswaard and Caminada (2006) argued that the financial advantage offered by the life-course saving scheme was limited for large groups of workers, in particular for lower income groups. More specifically, the savings account scheme (spaarloonregeling) introduced earlier already allowed workers to save part of their gross salary and was financially more attractive for many workers. In addition, people had to choose between the two savings schemes, since they were not allowed to use both (Den Dulk & Van Doorne-Huiskes, 2008).

Overall in 2011, few employees used the life-course saving scheme to finance parental leave (6,5%) or long-term care leave (2,8%). The scheme was in fact used mainly by older employees so that they could retire early<sup>4</sup>. As of 1 January 2009, the period allowed for parental leave was extended from 13 to 26 weeks. The parental leave scheme also ceased to be linked to the life-course savings scheme. Between 2009 and 2014 parents were entitled to a parental leave tax credit of 50% of the statutory minimum wage. Nowadays this entitlement no longer exists. This happened in a context in which the policy attention for the gendered division of (un)paid work declined and childcare became more expensive.

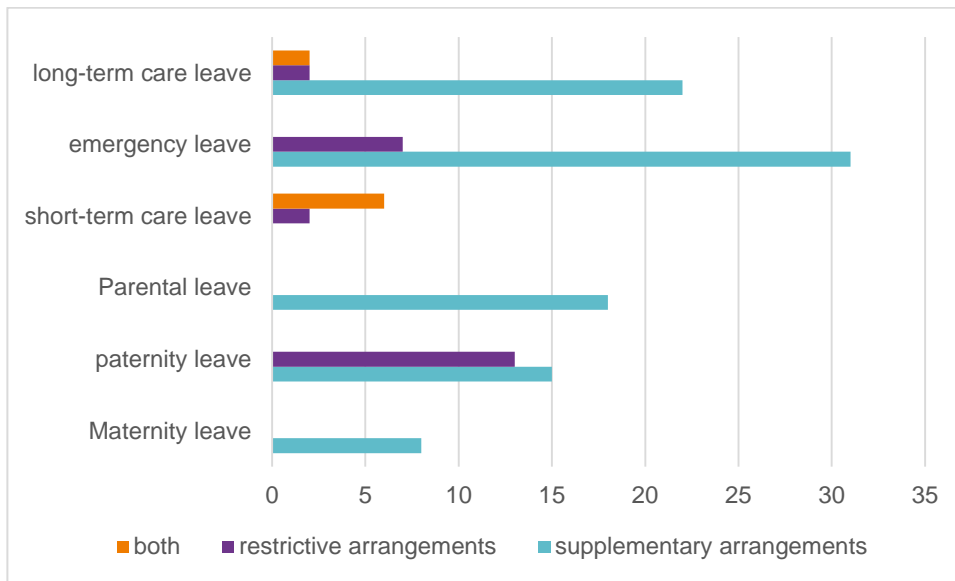
Between 2009-2014 there was an increase in attention to the combination of work and family life in collective agreements. This is in particular true with respect to leave arrangements. Figure 1 indicates the extent to which collective agreements include provisions (supplementary or restrictive) for various types of leave. Most collective agreements contain supplementary arrangements that extend the period of leave and/or offer (partly) paid leave. Restrictive arrangements are allowed within the legislative framework for some of the leaves, for instance paternity leave. In the case of paternity leave, 28 collective agreements restrict the entitlement by offering less leave or only unpaid leave. Also with respect to short-term care leave, the leave period is in some cases shorter or financial compensation is lower. With respect to maternity and parental leave, the collective agreements that were examined only consist of arrangements that extend legal entitlements (longer period or partly paid leave) (De la Croix et al., 2014).

Collective agreements can also include leave options that are not part of legislation: leave to care for a dying family member or friend (palliatief verlof), bereavement leave, buying or saving annual leave, and arrangements to support the return to work after a career break related to the combination of work and care. 2 shows that in particular, arrangements on saving leave and buying leave are popular within large collective agreements (60 and 68% respectively).

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<sup>4</sup> <http://statline.cbs.nl/Statweb/publication/?DM=SLNL&PA=71920ned&D1=a&D2=a&D3=0,&HDR=T&STB=G1,G2&VW=T>

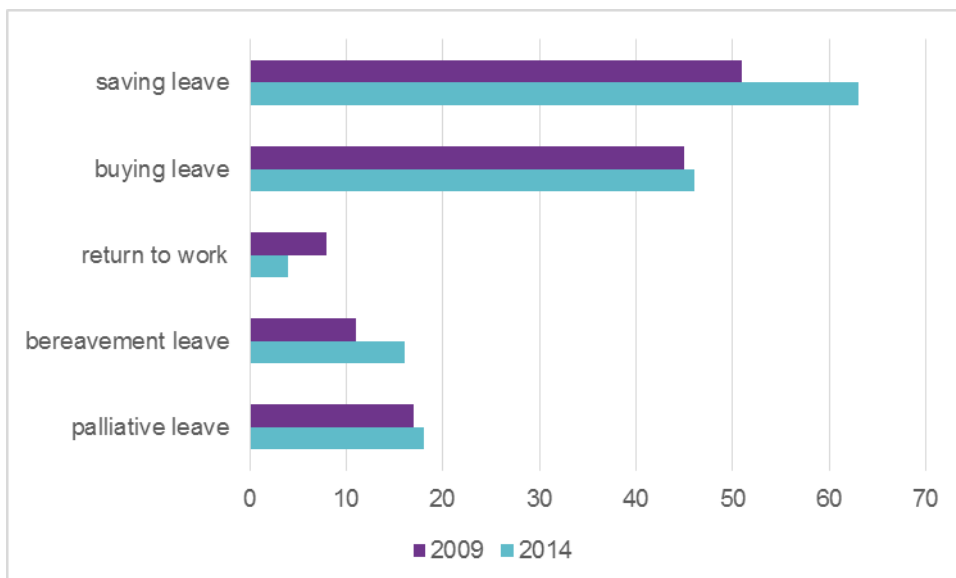
Figure 1 Percentage of collective agreements offering enhanced or restrictive leave arrangements, 2014



Source: De la Croix et al., 2014

This means that employees working under these collective agreements are able to save up a certain amount of days of their annual leave (between 3-27 days per year) to take paid leave at a later moment in time. In exchange for salary, employees may also be able to buy extra leave days (De la Croix et al., 2014).

Figure 2 Percentage of collective agreements with leave arrangements in extent of legislation, 2009, 2014



Source: De la Croix et al., 2014

Collective agreements in public administration and education most often include leave arrangements. Collective agreements in the transport and communication sectors are the least likely to include arrangements on this topic. In addition, collective agreements that apply to one organization or



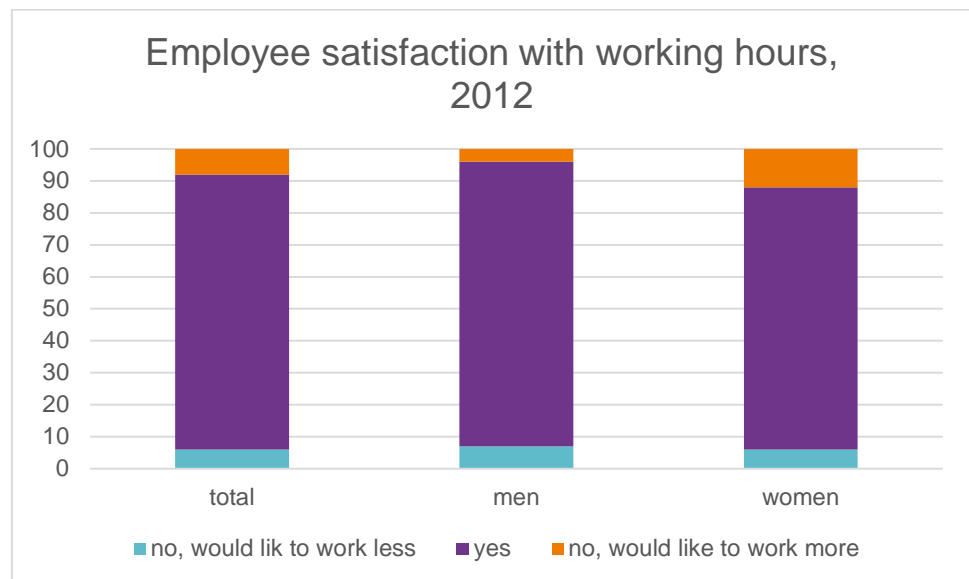
company more often contain additional leave and work schedule arrangements than collective agreements that apply to a whole industry.

### 3 Use of working time options

#### 3.1 Reduction of working hours

77% of working women have part-time jobs, compared to 26.4% of working men (Eurostat, 2012). This is by far the highest proportion in Europe. Most Dutch employees are satisfied with their amount of working hours, suggesting that part-time work is in most cases voluntary (see Figure 3). Although differences between men and women are small, a larger proportion of women would like to work more hours, while more men than women indicate that they would like to work less. In the Netherlands, women work substantially fewer hours per week than men do: on average 26.1 hours per week, compared to 37.6 for men. This difference in weekly working hours of 11 hours between men and women has remained stable since 1986 (Meren & Van den Brakel, 2014).

Figure 3 Employee satisfaction with working hours, 2012, percentage of employees



Source: Vlasblom et al., 2015

Education is an important determinant for both labor market participation and the average number of working hours per week: higher educated people are more active on the labor market and work more hours. Mothers with a partner work the fewest hours, young women with a partner and no children the most. Among men, fathers with a partner have the longest working week. Care responsibilities are the most important reason to work reduced hours, in particular among women. Childcare has become more expensive and the utilization of formal childcare has declined over the last few years

(Portegijs et al., 2014). In addition, with the introduction of the Societal Support Act (Wet maatschappelijke ondersteuning, Wmo), people in need of care have to draw upon their own social network first before being entitled to public care. As a result, informal care for others is likely to become a greater burden for many (female) workers. So far, research indicates that the proportion of people who care for others increased from 14 to 19% between 2004 and 2012 (Merens and van den Brakel, 2014).

There are two policy developments which are relevant to the time spent on paid and unpaid work by male and female workers and the role of working time options therein. Firstly, the government tries to find ways to encourage workers, in particular women, to increase their working hours. An important aim is to increase the economic independence of women and to make full use of their human capital. Increased time spent on paid work increases women's representation in top positions and contributes to the affordability of the welfare state. Secondly, the government wishes to reform the health care sector and increasingly expects people to provide informal care for others. Consequently, more and more people need to combine paid work with care responsibilities. To enable workers to do so, the minister aims to ease the combination of work and care by offering flexible ways of working, as well as affordable and high quality childcare. In addition, an equal division between men and women of unpaid work at home should help to increase women's time in paid employment. However, in 2012 and 2013 childcare costs increased for parents due to budget cuts. In 2014, this was reversed somewhat but the quality of childcare seems to be the focus of policy makers (Merens & van den Brakel, 2014). However, although having children is the most important reason for women to reduce their working hours, so far women are not inclined to work more hours once their children are older and generally remain in part-time employment (Portegijs & Keuzenkamp, 2008). Moreover, it is questionable whether the introduction of three days additional paternity leave will have a large effect on the division of unpaid work between men and women at home. The relative contribution made by men to care tasks in the home did not increase in the period 2005-2011 and women still spend substantially more time on domestic work and childcare than men do (29.7 hours per week compared to 18.7) (ibid.). Research does indicate that women would like to spend more time on paid work provided they are able to adjust working hours to their caring responsibilities at home and if they can work from home. Generally, this would mean on average an increase of 4 hours paid work per week (ibid.). However, as is shown in the next section flexible start and finishing hours did not increase as much as the possibility to work from home.

### **3.2 Working from home**

Teleworking refers to working at home during at least part of employees' contractual working hours, usually with the support of information and communication technology (Nilles, 1998). A distinction can be made between occasional and structural teleworking: working occasionally a day from home and working regularly one day or more from home respectively

(Peters & Wildenbeest, 2010). In the European context, the Netherlands is characterized by a relatively high proportion of teleworkers. The proportion of organizations in which one or more employees are working from home increased to 46% in 2012 compared to 21% in 2006 (van Echtelt et al., 2014). However, only one in five Dutch employees worked at home at least one day or more (Smulders et al., 2011).

Although all sectors show an increase in teleworking, it is most common in public administration, education, and business services. Within the private sector, increasing productivity is the most frequently mentioned reason to introduce teleworking. In the public sector more emphasis is placed on work-life balance, saving office space and being an attractive employer (van Echtelt et al., 2014). More generally, teleworking is viewed as supportive for the combination of paid work and caring responsibilities, increasing productivity and autonomy, and reducing sickness absence and stress. International research indicates that the ability to work from home supported by ICT, laptop and cell phones on the one hand increases actual average working hours (Kelliher and Anderson, 2010) but on the other hand offers the possibility to integrate work and personal life. Relevant for the latter is, however, the use of time management skills in order to avoid negative spill-over from work into the family domain (Fenner and Renn, 2010). Extensive teleworking may lead to social isolation and less co-worker and supervisor support and/or blurring boundaries between work and personal life (Peters et al., 2013; Versantvoort & Kraan, 2013).

Dutch research shows that men work more often from home than women and that it is more common among the higher educated. Teleworking is most prevalent among the 35-44 age group (41%). However, having children does not increase the likelihood of working from home. The most important reason to work from home is to finish work (43%). Combining work and family life is also a reason but mentioned less often (12%), as well as reducing commuting time (11%) Hence, working from home can be viewed as something for the elite, i.e. the highly educated male manager who works from home to finish work or to do overtime (Smulders et al., 2011).

### **3.3 Flexible working hours**

Flexible start and finishing times did not increase as much as the possibility to work from home: in 2012, 40% of employees reported being able to vary their start and finishing times, in 2002 this was 36% (Vlasblom et al., 2015). The national survey on working conditions in 2012 shows that men are more often able to determine their own working times than women. Access to flexible working hours is related to the nature of work and varies across sectors: It is more common in information and commerce, financial services and public administration than in education, the building industry, trade, and health care (Koppes et al., 2013).

### 3.4 Leave arrangements

Working mothers use parental leave more often than working fathers: in 2013, 57% of entitled mothers took leave, compared to 23% of fathers. The number of mothers taking parental leave is increasing, fathers use parental leave less often compared to 2011 (Merens & van den Brakel, 2014). Reasons for not taking parental leave even though people would like to do so are financial and career considerations. Some parents are not able to afford to take unpaid leave and others fear that doing so will have career consequences (De Vries & van der Mooren, 2011). In particular, highly educated, full-time working mothers use parental leave. For fathers, there is a curvilinear relation between income and making use of leave: the use of parental leave among fathers is the highest among those with an income between 20 and 30 thousand, fathers above or below this income group are less likely to take parental leave. This finding is related to financial and career considerations. Fathers in high-income groups may fear career consequences, while fathers with a relatively low income cannot afford to take up leave. In addition, for fathers the working hours of their partner are also relevant: they are less likely to use parental leave when their wife has no job or a small part-time job. For women, the number of working hours of their partner is less relevant, rather it is their own working hours and level of education that matters (Ibid.).

Long-term care leave is seldom used. In case leave is taken this is mostly annual leave, only 1% of men and 2% of working women used long-term care leave. In total, 17% of employees with sick family members took some kind of leave (Merens & van den Brakel, 2014).

## 4 Workplace culture and support of managers

Simply introducing working time options is not enough to create a supportive organization in which people feel free to use them. Flexible working time options like leaves and teleworking need to be integrated into an organizational culture that is aware of the responsibilities of employees outside their work. In many organizations, the idea of the ideal worker as someone who is always available and does not have any distractions outside work is still very present as an organizational norm (Kossek et al, 2011). The image of an ideal worker is nearly without exception characterized as male. In contrast, the ideal parent is characterized as someone who provides unlimited support at home and is always available for her children. The ideal parent is female and maintains this role regardless whether she is working outside the home or not. When these kinds of assumptions are part of the organizational culture, employers may consider it understandable that women reduce their working hours when they have children. Organizations are less inclined to grant men the use of working time options. And if they do so, the men may not be considered to be committed workers, which might harm their careers.

Shared norms, values, and assumptions form the basis for symbols and “unwritten rules” regarding how the work is done and how people should behave within the organization. When the standards and values within the organization conflict with utilization of working time options, policies are often implemented ineffectively and little use of them is made by the employees (Allen, 2001; Dikkers et al., 2007; Thompson et al., 1999). Because values and assumptions are taken for granted and underlie the way employees behave within the organization, they are very often not talked about or discussed and it is not easy to identify them and to change them. It is simpler, for example, to introduce a teleworking policy than it is to make the transition from a culture based on attendance to one based on management by output.

In order to get an idea of the extent to which the culture of enterprises and other organizations supports the use of working time options, the following sections discuss research on the attitude of management to the utilization of working time options. Research examining attitudes of direct supervisors and of Dutch top executives is discussed.

#### **4.1 Attitudes of direct supervisors**

In most work organizations, the normal procedure is for an employee who wishes to use a working time option is to submit a request to his/her direct superior. The employee must be familiar with the scheme, of course, and it is here that management plays an important role. A negative attitude on the part of the manager concerned may prevent an employee from submitting a request because the employee is concerned about the negative consequences this may have for his/her career. When an employee submits a request to utilize a working time option, it is his/her direct supervisor who decides whether or not that request should be granted. In the case of a statutory right, the role of the supervisor is limited to the actual practical arrangements for utilizing the scheme.

The manner in which managers respond to a request to utilize the work-life scheme is associated with the formal policy within the organization and the organizational culture. Managers assess requests in the light of the prevailing standards and values within the organization. The manner in which they respond to such requests may in its turn bring about changes in the organization’s culture or in fact maintain that culture. However, the organizational culture may also contain contradictory elements. An organization may consider its employees’ work-life balance to be important but at the same time associate employee commitment with attendance and working long hours. In such cases, the manager has to deal with contradictory signals and there is discretionary scope for individual managers, with factors other than the organizational culture or the formal policy determining their attitude (Den Dulk & De Ruijter, 2005).

When a manager has to deal with a request, he/she will consider the consequences for the work carried out in his/her department (Den Dulk & De

Ruijter, 2008). If an employee with specialist knowledge and expertise goes away on parental leave, for example, there may be a negative impact on the work of the department. The work of the employee concerned will need to be taken over by colleagues, or a replacement will need to be found. If there is little incentive within an organization for management to devote attention to the employees' work-life problems – either due to the lack of any policy in that regard or because of a conflicting organizational culture – then the consequences for the work will play a major role in the response of the manager dealing with the request. Who actually submits the request will then be relevant: is the employee concerned easy to replace or a “high performer” who the organization would like to keep? Is the employee male or female? The nature of the request may also play a role: does it concern short-term or long-term leave, or a one-off or permanent change in working hours (Den Dulk & De Ruijter, 2005, 2008)?

Research shows that it is managers within a supportive culture who respond most positively to requests from employees to utilize a working time option (Den Dulk & De Ruijter, 2005). Dutch managers in the financial sector respond more positively to requests from female than from male employees. When managers operate in an up or out culture with high time demands, we see that they deal differently with requests, thus leading to inconsistency in how the organization's policy is actually implemented. A manager of one department may respond positively to a request, while his/her counterpart in a different department may reject a similar request (Peper, Van Doorne-Huiskes & Den Dulk, 2009). This can lead to feelings of unfairness among the employees, and thus to calculating behavior. More generally, managers within an unsupportive culture seem to apply primarily a short-term approach to the utilization of working time options, rather than “cherishing” the organization's human capital in the longer term. This relates to the fact that many managers are concerned with demanding targets, intensification of the work, and limited support in implementing policies like parental leave or working from home (Den Dulk & De Ruijter, 2005, 2008; Peper, Van Doorne-Huiskes & Den Dulk, 2009). Research indicates that there is a wide variation in attitudes towards teleworking among managers, also among managers within the same organization. This holds true even when telework is formally supported by an organizational telework policy. With respect to working from home, managers may also fear a loss of control over their employees. A study among managers in the financial sector indicates that the type of work performed by employees is an important factor in managers' telework attitudes as well as the technical support and infrastructure and data-security issues. Some managers fear workers being sidetracked when working from home or that teleworking will have a negative impact on social cohesion within the department. Managers appear to be more positive about telework with regard to higher educated employees and those with highly valued skills (Peters et al., 2010). At the time of the study telework was not yet an institutionalized HRM practice in the organization under study. However, with the strong increase of teleworking within and across organizations in the context of the debate on new ways of working, this may have changed and teleworking

may have become a more common practice in organizations, at least among some groups of employees (highly educated knowledge workers).

## 4.2 Views of top executives

It is top executives – for example members of the executive board and CEOs – who determine the strategic policy of the organization and who play an important role as models within the organization as regards working time options. Top executives are able to facilitate or limit employees' access to arrangements; after all, they are the ones who determine whether formal policies are there as window dressing or are actually meant to support employees (Lee et al., 2000). An interview study conducted in early 2008 and the second half of 2011 investigated considerations of top executives in 13 Dutch organizations regarding working time options, such as parental leave, reduction of working hours, short-term care leave and working from home (Been et al., forthcoming). The time frame of the study is interesting since it studies the view of top executives before and during the economic crisis.

Findings indicate that the top executives in this study support working time options because either they find it intrinsically important, it is a statutory requirement to do so, or because they perceived it as beneficial for the organization from a cost-benefit perspective. Furthermore, results indicate that between 2008 and 2011, when the economic crisis hit followed by a period of recession, executives became more cost-aware in their considerations concerning working time options. Although they did not stop providing working time options, they did impose more conditions on employee use of such arrangements in order to reduce perceived costs. For example, by regulating days employees are absent, by blocking hours, by asking for reachability and flexibility in return. To moderate the perceived negative consequences of reduced hours, they set a minimum number of hours or days to ensure employee productivity. This minimum varied by position, with generally a higher number of work hours for higher positions. In addition, they regulated the days employees could take off to soften the perceived impact on customer services and to hide the work time reduction as much as possible from customers.

Hence, although the economic crisis and recession had few consequences for the prevalence of working time options in organizations, the considerations of top managers about these arrangements became more employer-led. Top executives were more concerned about how policies would affect their organization and they tried to avoid negative consequences by micro-managing. This meant that they increasingly set conditions to the use of work-life arrangements by employees to control possible negative outcomes for the organization. Top managers put the organization's interests first and wanted to maintain control of policies.

Furthermore, the study showed that when legislation was less specific, top managers used that freedom to set conditions for the use of existing poli-



cies so as to limit possible perceived negative consequences for the organization. Top managers still allowed employees to use working time options, but set limits on such use. This suggests that in order for working time options to find their way into organizations, top executives need to believe the organization can benefit or legislation should be very specific. The results of this study furthermore show that between 2008 and 2011, working time options became more accepted among top managers, although slowly. Hence, when government wants to accelerate working time options within organizations, it should either show top managers how their organizations can benefit or make it a statutory requirement. However, if government wants to ensure equal access to all employees, the relevant legislation must be very specific, because otherwise top executives are likely to use the existing leeway to bend the rules to suit their views (Been et al., forthcoming).

## **5 Concluding remarks**

Dutch employers are devoting increased attention to working time options. They are doing so in the context of the latest trend on the labor market, New Ways of Working (HNW). Attention to a life-course perspective has diminished, despite the potential this framework has to challenge the schema of the ideal worker embedded in the majority of Dutch organizations. The life-course perspective draws attention to the fact that workers have different caring responsibilities at different life stages. Although only a limited amount of research has been done on the practice of working time policies, there are indications that in many cases the introduction of policies has not been accompanied by a change in the organizational culture. Even though there would appear to be an understanding in many Dutch organizations of the need to balance one's work and one's private life, the model of the ideal employee is still often that of the male employee who is available full-time. Requirements regarding hours worked and careers continue to be based on that model and conflict with the utilization of working time options. When a culture based on attendance – with visibility and working long days being indicators of effort and commitment – continues to exist, employees are compelled to choose between their career and a proper balance between their work and their family responsibilities. It is likely that this becomes not only a question for working parents but also for other groups of employees providing informal care for others.

It should be noted, however, that there remain major differences as regards the sectors and the size of the organization where policies are present or not: there are leaders and there are those that lag behind. This is not only expressed in the presence of a policy but also differing views on the part of senior executives with respect to this issue. Differences between sectors may lead to tensions, create a problem of “free riders” between employers, and reinforce gender segregation on the labor market. If we are to make possible a more equal distribution of care tasks between men and women and ensure greater support from employers, specific attention needs to be paid to those sectors which are lagging behind.



To make full use of working time options, support from senior management is essential. However, the role of middle management is also important; in other words, the staff who are responsible for actually implementing and managing the policy. They can make an important contribution to a cultural shift, something that is in many cases necessary. If the signals are contradictory and if working time options do not form part of the organization's strategic policy, actual implementation will not be a priority and there will be a danger that every manager tackles things as he sees fit, applying a short-term approach rather than long-term win-win solutions. In addition, managers may help to set boundaries with respect to work (i.e. when work ends).

The key concepts when reorganizing the work would seem to be dialogue and the need to make discussion possible. Working time options must contribute to both the social and economic sustainability of work. There needs to be dialogue regarding win-win solutions in the context of public discourse, between the unions and employers' associations, and between employees and management within individual organizations. The debate on new ways of working may create an opportunity to do so. In the light of the debate around the participation society in which care of others is increasingly seen as a responsibility of individual citizens, a dialogue on how to combine this additional responsibility with paid work in a sustainable way is a highly relevant topic. An important challenge is to create cultural change regarding gendered assumptions and the division of unpaid work as well as to challenge the image of the ideal worker. Bringing a life-course perspective back into the discussion has the potential to contribute to the changes required to move forward.

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# Life-Course Oriented Working Time Options: The Swedish Experience

Dominique Anxo

## 1 Introduction

Like many modern economies, paid working hours have over the last half-century decreased significantly in Sweden. One salient feature of working time policy during this period was the creation of conditions for greater flexibility in individual working time over the life course while preserving firms' productive needs and competitiveness. Such a policy could not succeed without a broad and active co-operation between social partners. This move towards a negotiated flexibility as part of an economic policy fighting social exclusion and promoting gainful employment has been one of the focal points of working time policy in Sweden. While working time policy has been a key component of Swedish welfare policy, governments and the social partners have consistently refused to consider an across-the board reduction of working time as an effective means of combating unemployment. Working time policy in Sweden has consistently been seen as an instrument to create a better balance and reconciliation between paid work and other social activities rather than a remedy to imbalances in the labour market.

Not only is working time policy a major component of the Swedish flexicurity regime and employment system, with some of the most highly developed and flexible leave entitlements in Europe, it is also seen as an instrument to promote equal gender opportunities. The legal opportunities to adjust individual working time over the life cycle along with the development of public child- and elderly care has no doubt contributed to the marked rise of female labour force participation. Actually, the large palette of individual and reversible time options in Sweden backed by a complete employment guarantee gives extensive opportunities for households to adapt their labour supply and working time to various situations and commitments over the life course without large income loss.

## 2 The Statutory and Contractual Framework. Regulations of Working time: The Interplay between Statutory Policy and Collective Agreements

One of the basic fundamentals of the Swedish Model is a strong contractual tradition based on the existence of powerful social partners enjoying considerable autonomy from the public authorities. Social dialogue is institutionalized and well developed; regular consultations are held with the social partners and are considered as a key element in the government's actions on issues relating to employment and social policies. Swedish labour law is limited in comparison with labour legislation in other EU Member States, and it is for the most part 'optional', that is to say most provisions of labour market legislation may be, wholly or partly, amended by collective agreements. The contractual nature of labour market regulation coupled with high union density and coverage rate of collective bargaining<sup>5</sup> create a favourable institutional environment for the emergence of negotiated compromises aimed at balancing flexibility and security in the labour market and to better adapt the regulatory framework (statutory law) to firms' productive constraints and workers' preferences and needs as regard working conditions. Sweden constitutes, therefore, a good illustration of a regime of flexicurity and negotiated flexibility where the social partners are extensively involved in issues regarding education, vocational training and employment, and the regulation of working conditions and wage formation at the industry and local level.

A good illustration of this interplay between statutory policy and contractual arrangements in Sweden regards the regulation of working time. The Swedish Working Hours Act (Arbetstidslagen, SFS 1982: 673) appears to be particularly flexible and has, since the late 1950s, also left the social partners free to negotiate and draw up industry-wide agreements on working hours. Hence, the Working Hours Act is also optional<sup>6</sup> and can be partly or entirely replaced through collective agreements at the industry and/or plant level. Despite a statutory 40-hour working week, regulated maximum annual overtime (200 hours a year and a maximum of 50 hours per calendar month<sup>7</sup>) and a general prohibition on night work, a considerable number of exceptions and adaptations make allowance for the diversity and specific constraints of the different production activities. It should also be noted that the law does not stipulate a statutory maximum daily working time. Besides the obvious effect of protecting individuals not covered by collective bar-

<sup>5</sup> In spite of a decline in union membership during the last decade, trade union density remained high by international standards. In 2013, the Swedish trade union density was around 70% (Statistics Sweden, 2014) and the coverage rate of collective agreements attained 88% (100% in the public sector and 83% in the private sector).

<sup>6</sup> While the law is optional there are nevertheless certain mandatory provisions that apply to the working hours of young people (under 18 years of age). In 2005, the Swedish Parliament adopted several amendments to the Working Time Act in order to implement the European Union working time directive. The most important of these is the introduction of the so-called EC bar, which means that no collective agreement granting exemption from the Act's provisions may have the effect of creating conditions less favourable to the employee than the minimum standards laid down in the Directive.

<sup>7</sup> This limit is also optional and can easily be modified by collective agreements at the industry or plant level. Compensation for overtime (financial compensation or/and time-off in lieu) are regulated in collective agreements and hence may vary according to bargaining areas.

gaining and limiting the negative externalities coupled with longer hours, the optional nature of the law has encouraged the social partners to negotiate flexible working time arrangements at the industry or firm level.

The contractual nature of working time arrangement gives rise to disparities in the negotiated standard (usual) working hours between bargaining areas and different categories of employees. Generally speaking, collective agreements for blue-collar workers at the industry level prescribe shorter working hours for shift work and certain particular atypical and arduous types of work than in law, and regulate wage compensation (shift premium)<sup>8</sup>. For white-collar workers in the private sector, collective agreements generally follow the statutory provisions, although some industry agreements - as for example banking and insurance - have negotiated hours less than the standard 40-hours week (about 38.5 hours). Some collective agreements for public employees at the municipal level also stipulate shorter working hours and specify a system of seasonally adjusted working hours, with a contractual work week of 40 hours and 50 minutes from September to April and 37.5 hours from May to August. In certain bargaining areas, such as for example the health sector (nurses) and specific occupations (judges, engineers, architects, physicians, etc.), flexible working time such as flexitime are common and regulated via collective agreements often at the local level<sup>9</sup>. If allowed by collective agreement, individual agreements at the establishment level might also be reached regarding various aspects of working time. It must also be noted that collective agreements at a workplace also apply to those employees who are not members of a trade union.

While there seems to be a strong consensus against an all-round reduction of working-time, the same is not true of more decentralised types of working time reduction. Several collective agreements at the industry level and local level have moved towards more flexible working time patterns. Overall, an analysis of collective agreements in the last decade reveals that the social partners have wanted to give employees more scope in choosing between shorter working hours and pay rises. The pay award in many collective bargaining areas may be used locally to reduce individuals' working hours. Since the mid 1990s, the social partners have concluded an Industrial Agreement covering about 600,000 blue- and white-collar workers (approximately 20% of the gainfully employed population) in various sectors (chemical, textile, wood, engineering, etc.). These agreements entirely replace the Working Hours Act and several changes on working time were introduced. Nowadays, most of the bargaining areas encompassed in the Industry Agreement apply a yearly working time norm. Also an innovative

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<sup>8</sup> Working hours for shift work is regulated through collective agreements. In 1974 a central agreement was reached between the Swedish Central Employer Organisation (Svenskt Näringsliv) and the Swedish Trade Union Confederation (Landsorganisationen i Sverige or LO), the central organisation for blue-collar workers. According to the central agreement the length of working time is 39 hours for 2-shift workers, 38 hours for semi-continuous workers and 36 hours for continuous shift workers and 34 hours for night work. It must be also noted that the central agreement can be modified at the industry or plant level and that for certain bargaining areas the duration of working time for shift workers can be shorter. In the mining and quarrying industry underground workers have a 36 hours standard workweek

<sup>9</sup> Normal working time takes place normally between 08:00–16:30, but in several bargaining areas employees may benefit from a flexitime system. In this case the employees may normally start working between 07:00–09:00 in the morning and finish working between 15:00–19:00.

arrangement called 'Life working time' allows for 0.5% of labour income per year to be saved in a working time account. The savings account can be used to take leave or reduce working time, or may be taken out in cash (except in the engineering sector). It has been estimated that this account can give rise to a working time reduction of 50 hours per year. According to the same agreement, there is also the possibility of introducing a working time bank, which seems to be quite common within this bargaining area.

Since 1997, the Swedish Agency for Government Employers (Arbetsgivarverket) has concluded a collective agreement together with SACO (The Swedish Confederation of Professional Associations), TCO (the Swedish Central Organisation of Salaried Employees) and SEKO (the Union of Service and Communication Employees). This collective agreement also entirely replaces the Working Hours Act. The new collective agreement which concerns about 250 000 employees in the public sector (state level) does not include any detailed regulation on arrangement of working time. The purpose of this new agreement is to create incentives for introducing more flexible working hours at the decentralised level by favouring the conclusion of innovative local collective agreements. Each organisation in the public sector has nowadays not only the possibility but, in practice, the obligation to negotiate provisions regarding working hour arrangements.

Over recent decades, profound changes in the household and demographic structure have created new needs and also new challenges in modern industrial societies. The globalisation process and the intensification of competition have had a great impact on production methods and work organisation. Changes in consumer behaviour and product diversification have meant that an increasing number of enterprises have gradually abandoned traditional methods of production. The introduction of these new methods (just in time, lean production, etc.) has resulted in a gradual abandonment of traditional ways of adjusting employment and in a much more flexible organisation of work and working time. These trends mirror the transition from relatively standardized work organisation and working time patterns towards more complex and diversified structures. Overall, Sweden, like most industrialised societies, has since the 1980s experienced a marked trend toward diversification, decentralisation and individualisation of working time patterns driven both by companies' requirement for greater adaptability to market constraints but also by large societal changes (like for example the changes in the gender division of labour and the feminisation of the labour force). Against this background new and innovative working hour patterns have been negotiated and implemented in Sweden at the establishment/organisation level. Generally, we can say that, in the public sector, work environment and working conditions aspects have dominated the various reductions/reorganisation of working time while in the private sector the main motive for changing work patterns has been cost-minimising aspects (reducing for example the cost of overtime by setting yearly working time – annual working time) and productive efficiency aspects (lengthening of operating/opening hours, for example).

To sum up, besides the obvious effect of protecting individuals not covered by collective bargaining and limiting the negative externalities coupled with longer hours, the flexible nature of the working time law has encouraged the social partners to negotiate innovative working time arrangements at the industry or establishment level. One of the consequences of the contractual nature and, to some extent, of the consensual nature of Swedish industrial relations is therefore that working time policy is marked by a pronounced trend towards decentralising decision-making down to industry and even plant level.

### **3 Working time options across the life course**

The fact that Swedish working time regulation is characterised by large possibilities of adapting working time patterns to prevalent production needs and workers' preferences insures a certain flexibility (subsidiarity principle), though it does not guarantee per se good transition possibilities and working time flexibility over the life course. As far as Sweden is concerned, it is the combination of institutional and societal aspects, such as a permissive legal framework for leave of absence and the decentralisation of the decision-making process concerning working time, which insures smooth transitions during the life course and better reconciliation between paid work and other social activities (training, parenting, caring, leisure, etc.).

#### **3.1 The Swedish Parental Leave System**

The Swedish parental leave programme was introduced in 1974 (replacing the Maternity Leave legislation) and has obviously sustained the feminisation of the labour force and contributed to the changes in women's behaviour in the labour market. Since then women have ceased to withdraw from the labour market with anything like the same frequency as during the 1960s with the result that the employment rate of mothers of children less than 7 years old is among the highest among EU member States<sup>10</sup>. The change of the name also reflects the public authorities' desire to influence the division of labour between men and women and favour gender equal opportunities. The length of parental leave was initially 6 months but was successively extended to 16 months (480 days) in the 1990s with full job security on return<sup>11</sup>. In order to favour a more equal gender distribution of absence, a first earmarked non-transferable month for each parent was introduced in 1993, a second in 2002, and more recently in autumn 2015 the Swedish Parliament decided to introduce a third non-transferable month (the so-called daddy months). The level of compensation is 80% of gross earnings for the first 390 days. For the remaining 90 days parents receive a

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<sup>10</sup> In 2014 the employment rate of mothers of pre-school children (less than 7 years old) was 78.7%.

<sup>11</sup> The parent leave system is associated with a full employment guarantee and the employment contract is not suspended during the work absence.



flat rate of 180 SEK<sup>12</sup>. Parental leave offers considerable scope for flexibility, in that part of the leave can, for example, be taken over a longer period by working a shorter week with wage compensation. Generally speaking Sweden's parental leave schemes offer considerable scope for re-arranging working time. Parents may use their right to parental leave from the child's birth or adoption until its eighth birthday.

In Sweden, the law also enables parents to take paid care leave for sick children (120 days per year and per child, up to the child's twelfth birthday<sup>13</sup>, compensated at the same replacement rate as sickness benefit, which is 80% of previous earnings)<sup>14</sup>. Employees are also entitled to leave of absence or reduction of working time to take care of a relative (spouse, parent, sibling or child) who is seriously ill (60 days). The loss of income is also compensated at the same replacement rate as for sickness benefit. Since 1998, according to another law, employees have the right to take unpaid leave for pressing family reasons.

### 3.2 Training Study Leave Scheme

Statutory leave of absence is not confined just to parental leave and constitutes an instrument for coping with human capital obsolescence and is also a way of adapting and reducing working time across the life course. Since 1974, employees have been allowed to take career breaks to pursue training or further studies. The legislation on training leave is particularly flexible and gives individuals considerable leeway in their choice of studies. The Individual Training Leave Act (1974) had two aims; to encourage social and occupation mobility and to facilitate access to education for employees with the lowest levels of compulsory education. The Act is exceptionally liberal in allowing all workers with at least six months' service to follow training of their choice, with no restriction on either the type or length of training, which may, therefore, be in a field completely unconnected to the worker's job. The arrangements for taking leave are also very flexible: absence may be hourly (several hours a week combined with normal work) or taken in a block. As with the other forms of statutory leave of absence, the right to training leave is backed by a full employment guarantee; the employee is reinstated to his/her job with the same working conditions and the same pay. While the Act affords employees considerable leeway, the employer is nevertheless entitled to decide when the training shall start. However, training may not be deferred for more than six months without the express agreement of the trade union representatives. The employee may also abandon his/her course before completion and be reinstated in his/her job subject to varying periods of notice depending on the length of the course (two weeks to a month). While the training leave legislation offers no com-

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<sup>12</sup> Parents not in employment before the birth or adoption of their child are entitled to a flat rate of 180 SEK (1 SEK=0,11 Euro, 1 Euro=9,35 SEK)

<sup>13</sup> In the case of child disability, this right is extended up to 16 years old.

<sup>14</sup> It is interesting to note that the gender distribution of net days of absence for child sickness is more evenly distributed between fathers and mothers than parental leave: In 2014 around 40 per cent of all net days was taken by fathers (see Swedish Social Insurance Agency, 2014).

pensation for loss of income, a system of individualized non means-tested public grants and loans with highly subsidized interest rates and other repayment terms sustain the exercise of this right<sup>15</sup>. More globally, Life-long learning (LLL) constitutes an integrated part of the Swedish educational and employment systems. One feature of the Swedish LLL system is the extensive opportunities it provides to complete or enhance educational attainment after leaving initial education, either through adult education or through various training courses within the framework of labour market policy.

To summarise, we may conclude that the Swedish parental and educational leave systems have constituted an efficient policy instrument to increase individual working time flexibility over the life cycle and facilitated smooth transitions between domestic activities, training and the labour market. In Sweden, statutory leave of absence combined with the scope for individualising working time over the life cycle is therefore a means of balancing paid work with other social activities, of enabling a smooth transition across the life course and promoting a higher degree of gender equal opportunities.

### 3.3 Part-time work

In Sweden, part-time work (1-34 hours) is a crucial component of women's working life. As previously mentioned, the parental leave system and the law allow mothers and father to reduce their working time until the child's 8th birthday (and in some bargaining areas, up to the 12th birthday). In other words, part-time in Sweden is intimately connected to the parental phase and favoured by the above described legal framework regarding leave of absence.

Table 1: Part-time work in Sweden, 2014, 20-64 years old, Sweden 2014, in per cent.

Sweden	Women	Men	Total
Full-time	70.0	89.3	80.1
Part-time	30.0	10.7	19.9
1- 19 hours	5.1	2.8	3.9
20-34 hours	24.9	7.9	16.0

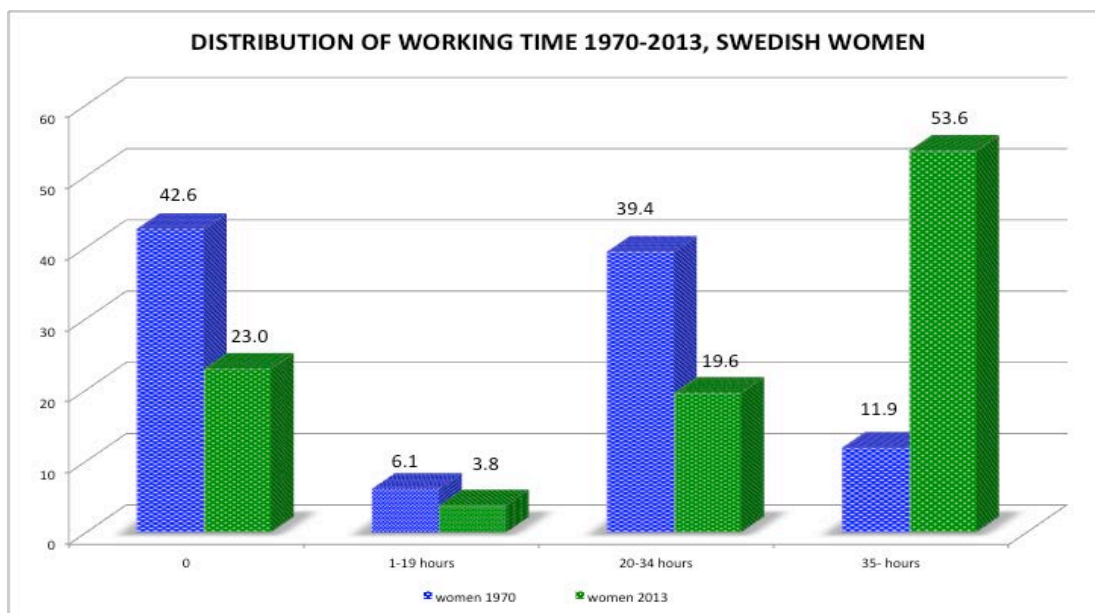
Sources: Labour Force Survey, Statistics Sweden (2014)

<sup>15</sup> The student financial aid programme comprises two parts: a grant system and a public subsidized loan. The Swedish grant system is universal, open to all students (20-54 years old) attending a college /university or adult primary or secondary education programme. A supplementary allowance is given also for students with children. The Swedish loan programme is also universal, with low interest rates (1,2% in 2014) and favourable conditions for reimbursement (annuity of 4% of previous earnings). The duration of the financial aid is limited to 240 weeks (12 semesters) for college and university, up to 120 weeks for adult upper secondary schools and up to 100 weeks for adults who need to complete compulsory schools. The financial aid amounts to around EUR 800 per month (grants: 35% and loan 65%).

Part-time work accounts for a relatively high share of female employment in Sweden (in 2014 around 30% of the female labour force worked part-time, almost 90% of part-time workers are women – see Table 1), but seemingly for different reasons in Sweden than in other industrial countries. The increase of part-time work during the 1970s appears neither to have been an alternative to unemployment nor connected with the imperative of flexibility and profitability of firms.

The nature of part-time work seems therefore different in Sweden than in other industrial countries. While in Sweden there are substantial legal opportunities to change working time over the life cycle (reversible time options), part-time work in several countries in Europe is frequently synonymous with job insecurity. In contrast to Sweden, the growth of part-time work in Europe occurred against the background of high unemployment where women have sometimes been subject to employers' short-run employment adjustment. Hence, part-time work is often concentrated in sectors with high employment rotation and short-term contracts. The incidence of involuntary part-time has been relatively low and the possibility to shift from part-time to full-time work and conversely seems not to present major difficulties. In some bargaining areas, such as for example the highly feminised health sector, collective agreements stipulate that before a decision to recruit new employees, the employer should first consider a lengthening of working time of currently employed part-timers. Part-time work in Sweden may be considered more as an historical transition from married women's inactivity towards a strategy, largely initiated by the government, to strengthen female labour market commitments. The development of part-time work among Swedish women that started in the early 1970s is symptomatic: in 1981 47% of Swedish women worked part-time, compared to 33% in 2012.

Figure 1: Modification in the distribution of working time, Swedish women, 1970-2013, in per cent



Source: Labour force survey (2014), own calculations.

Actually, part-time in Sweden, along with the various forms of legal absenteeism (such as parental leave<sup>16</sup>, see above), constitutes a means of regulating and combining household activities and paid work and promoting a more equal gender division of labour. As also shown in Table 1 and Figure 1, the share of marginal part timers (1-19 hours) is also low in comparison to several other European countries, such as Germany, the Netherlands or the UK (See Anxo et al., 2007). As also mentioned above, part-time possibilities within the framework of parental leave system constitute a reversible time option, the transition from part-time to full time and conversely being guaranteed by the law. It should also be noted that during recent years the orientation of the working time debate in Sweden has focused on ways of further increasing female working hours. Against this background, several tax reforms (reduction of marginal taxes) have been implemented during recent years with the explicit objective of increasing labour supply mainly at the intensive margins.

### 3.4 Other working time options

To the best of our knowledge, there have been no studies carried out in Sweden to map the use of other working time options such as flexitime or similar working time options. We will in the following make use of the most recent company surveys conducted by Eurofund (2015).

<sup>16</sup> As mentioned previously the parental leave system allows for income compensated temporary reduction of working time, thereby reinforcing women's bargaining power and status as a significant breadwinner even when they are temporarily not participating on a full-time basis in the labour market.

As shown by Table 2, the share of companies as well as the intensity in the use of flexitime arrangements is higher among Swedish companies compared to other EU member states (EU28). Alongside with Denmark and Finland, with more than 85% of companies using flexitime, Sweden displays the highest share of companies using this type of working time arrangement.<sup>17</sup> The same is true of the possibility for employees to accumulate overtime for days off. Around 90 per cent of the companies surveyed indicate that their employees may accumulate overtime, a figure significantly higher than the average in the EU28, and the highest after Finland.

Table 2: Flexitime and the possibility to accumulate overtime for day offs in Sweden and the EU27, share of companies and intensity in the use of these working time arrangements, in per cent.

	Flexitime	
	Sweden	EU27
Share of companies using	86.4	68.8
Share of companies with all employees having the possibility to use the working time option	33.5	22.6

Note: Questions: Do employees have the possibility to adapt the time when they begin or finish their daily work? (flexitime).

	Accumulated overtime for days off	
	Sweden	EU27
Share of companies	90.0	72.0
Yes, it is possible for all employees	71.0	53.5
Yes, it is possible for some employees	18.9	18.0

Note: Questions: Is it possible for employees to use accumulated overtime for days off? This can be full or half days.

Source: Eurofound (2015) and own calculation

### 3.5 Individual selection and barriers to working time options

As previously mentioned, the current working time options and leave of absence across the life course are regulated by collective agreements at the industry or company level (working time options) or by statutory regula-

<sup>17</sup> Looking at the share of employees with flexitime arrangements, 42% of companies report that all their employees benefit from flexitime in Finland, followed by Sweden with 34% and Denmark with 28%.

tion (leave of absence). As also previously mentioned, the provisions regarding working time apply even for employees who are not members of a trade union. In Sweden, the coverage rate of collective agreement is high (85% in the private sector and 100% in the public sector). Furthermore, the fact that Sweden displays a high union density and a strong involvement of trade unions at the local/firm level regarding working conditions insures that the legal and collectively agreed provisions regarding inter alia working time are respected and do not give rise to some form of discrimination. It should also be stressed that the current leave of absence and the embedded derived reversible working time options constitute a universal and individual citizen right and employers have no legal possibility to refuse to give access to these rights.

To the best of our knowledge, no empirical studies have been conducted in Sweden regarding the individual and/or company characteristics associated with various time options. The same applies to potential barriers. In our view, the fact that working time options such as part-time, flexitime or the use of parental leave, for example, are still disproportionately used by women is more the result of the prevailing gender contract than the outcome of some form of employer discrimination.

The current parental leave system is one of the few social/citizen rights that is not fully individualized<sup>18</sup> As mentioned previously, in order to favour a more equal gender distribution of absence a first earmarked non-transferable month for each parent was introduced in 1993, a second in 2002 and a third will be introduced in January 2016. This rule constitutes, therefore, a strong incentive for fathers to use their right to parental leave for at least 60 days. The gender division of parental leave remains, however, unevenly distributed: in 2014, more than 80% of all fathers took parental leave, but around 75% of the total number of net compensated days was taken by mothers. The incidences of fathers taking parental leave and the average duration of the father's absence have, however, continuously increased since the introduction of the parental leave system: from 1% of compensated days in the mid-1970s to 25% in 2014 (corresponding to around 80 working days of absence, see Swedish Social Insurance Agency 2013 & 2014 and Figure A1 in the appendix).

It should be emphasized that the resilience of a traditional gender division of labour has dynamic implications in terms of career prospects, expected life cycle earnings and also welfare development over the life course. Labour supply and working time adjustments made in connection with the parenting phase typically imply penalties in terms of reduced career and wage development over the subsequent working life. It is also still largely women who make these adjustments, and in part the penalty incurred in career and wage evolution is because it is a gender 'signal' of women's deviation from the standard employment relationship. Men incur these penalties when they deviate too, presenting a further obstacle for those men

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<sup>18</sup> The recent Swedish policy and political debate focuses on the advantages and disadvantages to fully individualize the system of leave of absence.

who would prefer to deviate from the standard employment relationship at different stages in their life course (See Albrecht et al., 1998). As stressed above, men's take-up rates in the parental leave system or part-time arrangements remains low although progress has been made in some areas, including the gradual individualisation of the parental leave system (with the above-mentioned introduction of a second non-transferable fathers' month in the early 2000s, see also Figure A1 in the appendix). The issues of how to raise men's take-up rates of extended leave and other working-time adjustments over the life course is therefore a crucial political issue and could provide a policy instrument for reducing gender inequality in the division of labour and income development over the life course.

Regarding leave of absence for education and training no study has been conducted to assess the potential barriers among various sectors or occupations for benefiting from training leave. As with parental leave, training leave is an individual right guaranteed by the law and employers cannot refuse an employee who wishes to participate in training or education. As with parental leave, the employer is obliged to re-integrate the employee in the same job after the completion of training/education. In 2005/2006, Statistics Sweden (2007) conducted a comprehensive household survey on the participation of adults in education and learning (Statistics Sweden, 2007): 73% of the Swedish population aged 25-64 years participated in formal and non-formal adult education over a twelve-month period (2005/2006), with female employees having a higher propensity to participate in training than their male counterparts (76% versus 70%). If formal education is excluded the participation rate amounted to almost 70%<sup>19</sup>.

## 4 Working time - a life-course perspective

Over recent decades, Sweden, like other modern societies, has experienced major changes affecting the life course of individuals. Even though the traditional tripartite sequencing of life trajectory (education-employment-retirement) or the sequencing of life-critical phases (singlehood, consensual cohabitation/marriage, parenting, empty nest, etc.) remains predominant, Sweden has experienced a rescheduling in the timing of traditional critical events, an increased instability (separation/divorce, unemployment) as well as a growing heterogeneity of life trajectories. In other words, the sequencing of life stages as well as life trajectories has become less predictable and more heterogeneous. There have also been significant changes in the timing of transitions at the two ends of the age distribution, with the gradual postponement of entry into the labour market due to lengthening periods of education<sup>20</sup> and earlier exit, associated with early retirement and reductions in the pension age. This has shortened the period of "active working life". The various reforms aiming at reducing annual working time have also rein-

<sup>19</sup> Using the last wave (2013) of the Eurofound company survey, we found that 92% of companies declared that some their employees received paid time off to undertake training during the last 12 months (compared to 77% in EU27. Around 35% of companies in Sweden reported that more than 80% of their employees received paid time off (compared to around 20% in EU27).

<sup>20</sup> According to Anxo et al., (2010), the median age of entry into tertiary education in Sweden is 22.5 years and the median age of graduation is 29 years old. Today around 45% of a cohort continues to tertiary education.

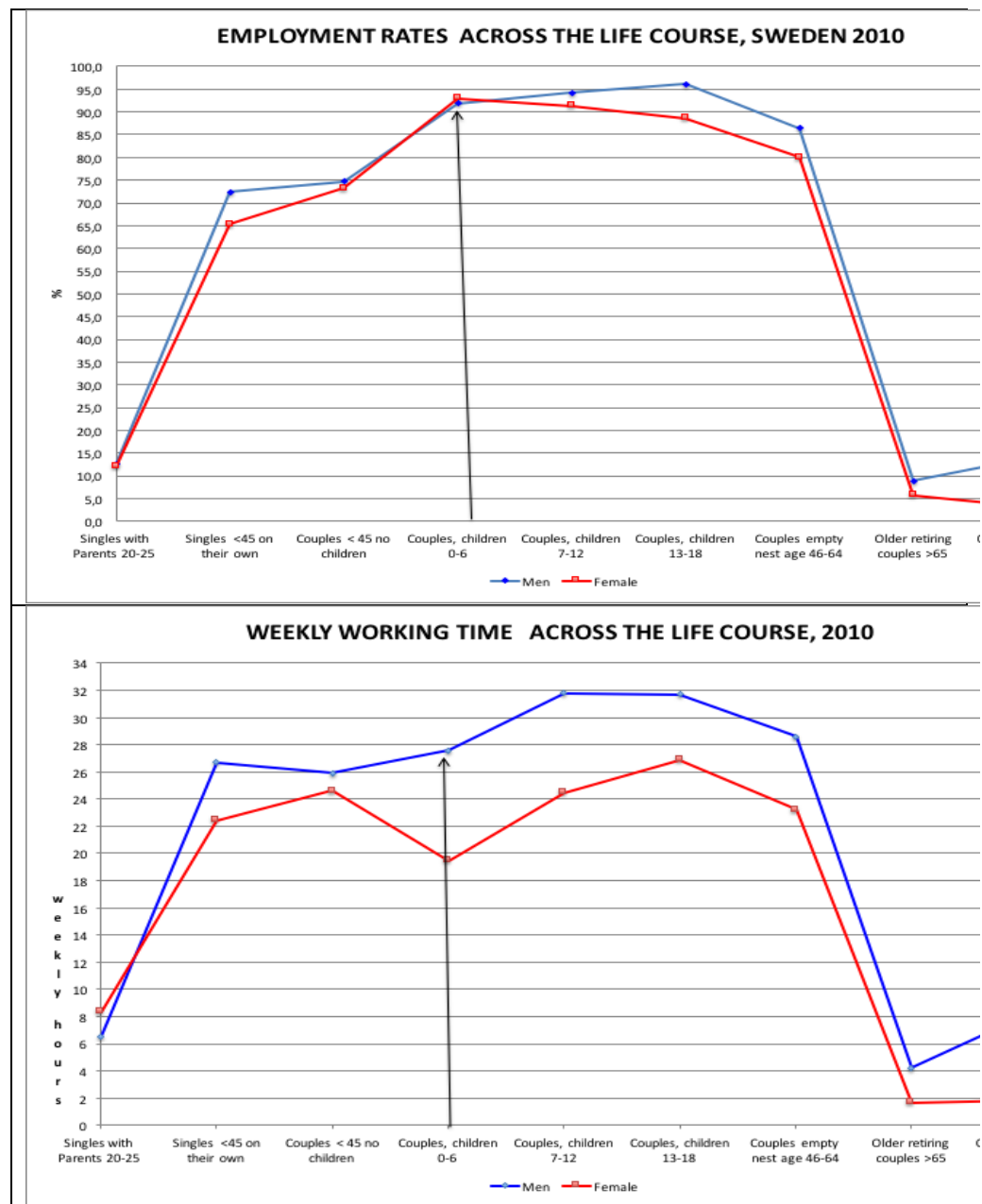
forced the reduction in time spent on paid work (see Table A1 in the appendix). If we take into account the large increase in life expectancy, the time devoted to paid work has dramatically decreased during the last half century. This trend applies particularly to men. In recent decades the time allocated to paid employment during the lifetime has increased considerably for women, which partly offsets the reduction for men. Time devoted to housework has also been reduced due to the growing availability of goods and services offered in the market and/or provided by the public sector (outsourcing). Technological progress and increased capital intensity in home-produced goods and services have also contributed to increasing productivity in the home sector and to reducing time spent on domestic activities. Households contain fewer children, and so the total time devoted to childcare has fallen (even if the time-intensity per child is higher than in earlier historical periods). Hence, globally, Sweden has during recent decades experienced a large increase in “leisure time” over the whole life course (See Anxo et al., 2007).

### **Disparities in the gender patterns of working time profiles over the life course**

In order to map the profile of working time of men and women at different points in the life course we have selected a range of household categories coinciding with widely experienced transitions and phases in the life course as a basis for comparative analysis, as detailed in Box 1 in the appendix. (See Anxo et al., 2006, 2007 and 2011 and 2013 for further details). Although our approach is not longitudinal and based on cross-sectional survey and register data (2010 time use survey), the approach is enough to serve as a heuristic device to identify the gender differences in the patterns of labour market integration, working time and income level across different household types.



Figure 3: Employment profile (upper panel, employment rate in per cent ) and working time profiles (lower panel, weekly working hours) over the life course, Sweden, 2010



Explanation of Figure 3: The selected household categories are young, childless single adults who are still in or have left the parental home (transition out of the family and to adulthood, the two first categories in the x-axis), union formation (cohabiting couples without children, third category), parenting in two-parent households (differentiating couples according to the age of children, fourth-sixth categories), mid-life 'empty nest' couple households (middle-aged couples without cohabiting children, seventh category) and older couples or singles in the transitional period to retirement (the last two categories). (See Anxo et al., 2006, 2011 and 2013, and Box 1 in the appendix for further details).

Source: Statistics Sweden (2013b): 2010 – Swedish time use survey and own calculations.

One of the most salient features and persistent trends in Sweden has been the increased feminisation of the labour force and the related shift from the single male breadwinner household towards the dual-earner household. By international standards, Sweden is characterized by high employment rates at the two ends of the age distribution, high employment continuity over the life course, and relatively low gender disparities in labour market integration (see Figure 3, upper panel). In Sweden, neither marriage/couple formation

nor childbirth impacts on women's employment rates, with the latter even positively related to female labour market participation. It is also interesting to note that children have, in contrast to other EU member states, no lasting echo effects on women's labour supply. The main impact of childbirth is a temporary reduction of working hours to long part-time hours while children are young (pre-school children), see Figure 3, lower panel.

Even though the extent of universalism and the degree of de-commodification of the Swedish welfare state remains high, the level of income compensation in the parental leave system is, as mentioned previously, not independent of the individual work history and job experience<sup>21</sup>. Since the amount of income-related benefits is based on the income during the six months immediately preceding the birth of the first child, this system of income replacement constitutes a strong economic incentive for parents to be gainfully employed and work full-time prior to childbirth. This benefit system has, therefore, a great influence on working time patterns for presumptive parents. Typically, young childless cohabiting employed women work full time before childbearing in order to maximise their income level during parental leave. Also worth noting is the fact that their working time increases smoothly in order to maximize pension benefits after retirement<sup>22</sup>. Compared to other European countries, the considerable opportunities to adjust working time over the life course, through the above-described forms of income-compensated legal rights to absenteeism (parental leave, leave for sick child or relatives, training leave, etc.), along with complete employment guarantees and reversible reduction of working time, together allow flexible management of work and family constraints. Globally, this strategy appears to be an efficient tool to secure women's labour market integration, foster employment continuity and improve gender equal opportunities.

In spite of the reduction of the gender employment gap over recent decades, it must however be stressed that gender inequalities in time-use persist. At the household level, the reduction of men's paid working time has been partially compensated by the increase in female labour supply but the bulk of unpaid housework and care activities are still predominantly performed by women, even though the male share of domestic production has increased during the last decades (see Anxo, 2008 and Anxo et al., 2011). It should however be stressed that while it may be true that the gender division of unpaid work remains traditional in Sweden, the gender gap in unpaid work and leisure time is among the lowest among modern societies.

A more equal gender distribution of educational attainment, lower gender wage differential and limited earning loss related to childbirth are important

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<sup>21</sup> To be entitled to the 80% level of income compensation, a period of employment during the 34 weeks before the birth of the child is required.

<sup>22</sup> It should also be stressed that the Swedish pension system take into consideration the diversity in patterns of labour market integration over the life course and the uneven distribution of risks by limiting the cost of necessary work interruptions linked to parenting, care activities, or involuntary employment disruptions such as unemployment, disability or sickness. The time that workers devote to higher education, to small children or to national military service, as well as absence due to unemployment and sickness, also gives rise to pension rights. In other words, future entitlements to a pension are currently not only related to work history and earnings but are also linked to other forms of activity and periods of benefit receipt, including parental, unemployment, sickness and partial disability benefits.

factors explaining the higher and more continuous participation of Swedish women and the relatively lower gains to specialization in home and market work in this country compared to other modern economies. The specificity of the institutional set up, along with the societal environment in Sweden – in particular, the employment guaranty and the high level of earnings compensation associated with the prevailing flexible parental leave system – contributes to strengthening the bargaining power of Swedish women and hence explains why we observe a relatively more equal gender division of labour in this country. Even though children tend to reinforce gender specialization and strengthen the unequal gender allocation of time, the effect in Sweden seems to be essentially limited to young pre-school children (See Anxo et al, 2011).

## **5 Debate on working time**

The motives for reducing working time have changed over time. The first Swedish Working Hours Act (1920) introduced the eight-hour day, essentially to combat the detrimental effects of long working days on the physical and mental health of workers, the high incidence of occupational injuries, and to regulate and harmonise employers' working time practices (See Table A1 in the appendix for a list of reforms). Improved working conditions and rising incomes wrought a change in the nature of the debate on working time in Sweden. Arguments based on health and working conditions were gradually replaced by the issue of how productivity gains and economic growth will be shared between leisure and consumption.

Since the 1970s, working time policy in Sweden has primarily been seen as a means to create a better balance and reconciliation between paid work and other social activities rather than a remedy to imbalances in the labour market. The wide range of individual preferences as regards the reduction and flexibility of working time points in the direction of more flexible adaptations of working time over the life cycle. The need for flexibility, reflecting various household situations and working conditions, cannot be satisfied only by standardized or statutory regulations giving little room for individual differentiation. Hence, according to Swedish social partners and public authorities, both economic efficiency and the heterogeneity of individual preferences require more working time flexibility, that is differentiation and variability in working time patterns, across the life course.

Since the late 1980s several surveys have been conducted that analyse preferences regarding the organisation and reduction of working time, and economic and social dimensions of working time (See for example SOU 1995 and SCB 2012). The results of these various surveys are interesting in several respects and clearly illustrate and reflect the general orientation of Swedish working time policy. Firstly, these surveys reveal that a large majority of employees are satisfied with their current working time (both the duration and distribution of working time) and work-life balance possibilities.

Table 3: Working time preferences, dependent employees (16-64 years old). The following question was asked: "Are your current weekly working hours or working time schedule suitable or would you like to have shorter or longer working hours?"

	Share of employees reporting their current working time durations are suitable (%)	In favour of a reduction in working hours (%)	In favour of an increase of working time (%)	Share of employees reporting their current working time schedule is suitable (%)
All	78.5	16.9	4.8	89.2
Men	81.7	14.8	3.5	91.4
Women	75.1	18.9	6.0	87.0

Source: Statistics Sweden (2012)

According to the most recent survey carried out by Statistics Sweden (SCB 2012), around 78% of the respondents reported that they were satisfied with their current working time (see Table 1 above). Around 17% of the respondents would be in favour of a reduction while less than 5% would be in favour of a lengthening of the working time. Some gender differences are also worth noticing: a higher proportion of men are satisfied both with their current working time duration and schedule and a higher share of women are in favour of both a reduction (18.9 %) and a lengthening of working time (6 %).

The various surveys conducted during the last two decades also reveal the varied mix of individual preferences as regards the arrangement and reduction in working time. Questioned as to the level at which any future reduction of working time should be negotiated, a majority of respondents expressed a marked preference for the decision to be decentralised and left to the individual. The wide range of individual preferences for ways of redistributing, reorganising or reducing working time is itself a plea for more flexible and accommodating working time arrangements. While all-round, across-the-board reductions of working time were unquestionably needed in the past, it would appear that in Sweden today, workers' aspirations are better served by statutory and/or collectively negotiated options for individual working-time adjustments over the life course (negotiated flexibility).

It should also be emphasized that since the 1930s the social partners and the various governments have been systematically opposed to a general reduction of working time as a means of resolving unemployment (work sharing strategy). There is therefore in Sweden a broad consensus among stakeholders and decision makers that unemployment depends on other factors than the length of the standard workweek and that there is no clear-cut correlation between countries' level of unemployment and the length of working time. The impact of a statutory reduction of working time is, inter alia, highly dependent upon the conditions under which it is implemented

and also upon the strategy of the players involved. In other words, the conditions under which a general statutory reduction of working time might have a long-term impact on employment and unemployment are very restrictive. Labour market imbalances have been and will be essentially addressed through employment and active labour market policy. As in the past, the pace of reform on working time in Sweden will be determined by economic growth. The thrust of working time policy will continue to be impelled by the political resolve to expand the individual opportunities for arranging and adapting working time across the life course and by further decentralisation of decision making procedures down to plant level. The high unionisation rate, the nature of Sweden's industrial relations and the increasing heterogeneity of individual preferences would seem to suggest that is the right direction to take.

## 6 Conclusion

The overall trend of the last half-century towards reduced working time on a weekly, yearly or lifetime perspective common to most modern societies has also been the case in Sweden. We have been able to observe several distinctive features of Swedish working time regime and policy. Besides the obvious effect of protecting individuals not covered by collective bargaining and limiting the externalities coupled with longer hours, the flexible nature of the Working Hours Act has encouraged the social partners to negotiate innovative working time arrangements at the industry or plant level. One of the consequences of the contractual nature and, to some extent, of the consensual nature of Swedish industrial relations is therefore that working time policy is marked by a pronounced trend towards decentralisation to the industry or even plant level and general trends towards differentiation and individualisation of working time patterns.

Working time policy in Sweden has primarily been seen as a means to create a better balance and reconciliation between paid work and other social activities rather than a remedy to imbalances in the labour market. From a life course perspective, Sweden displays an integrated and coherent system of time and income management over the life course. Sweden constitutes a good illustration of a regime of negotiated flexibility where the social partners are largely involved in the shaping of working time options ensuring their social legitimacy. The large palette of individual reversible working time options in Sweden, backed by a complete employment guarantee, generous income replacement rates and extended public childcare facilities, gives extensive opportunities for households to adapt their labour supply and working time to various situations and commitments over the life course without large income loss.

In spite of the major reduction in the gender employment gap over recent decades, gender inequalities in time allocation and income development over the life course persist. Actually, the bulk of unpaid housework and care activities are still predominantly performed by women, even though the male share of household and caring tasks has been increasing over recent

years. Efforts still have to be made in order to reduce the gender gap division of unpaid work in order to favour a more even gender distribution of time and income over the life course. A gradual individualisation of the parental leave system, further reduction of the prevailing gender wage gap and gender occupational segregation appear to be good policy instruments to address the remaining gender disparities and foster gender equal opportunity.

Reconciling employment with changing family commitments and other considerations such as life-long learning, welfare and health aspects requires policies which support a more flexible adaptation of time and income over the life course. Hence, more reversible time options that secure individual entitlements to make labour supply adjustments over the life course appear to be a good policy instrument for reconciling employment with other responsibilities, events and risks over the life course. The Swedish experience shows also that an increased range of statutory and/or collectively negotiated options for individual working-time adjustments over the life course have to be combined with income transfer mechanisms to prevent pronounced income reductions at particular life phases and limit their negative impact on subsequent earning development later in life (such as pension claims). The Swedish experience highlights not only the role of legal provisions and empowerment (civil rights) but also the importance of the specific conditions under which they are implemented, including employment guarantees, income compensation, maintenance of social protection, etc. In this sense they illustrate the linkages and interrelated effects of various institutions such as the educational, care, employment, and social protection systems in shaping individual life trajectories and limiting social exclusion.

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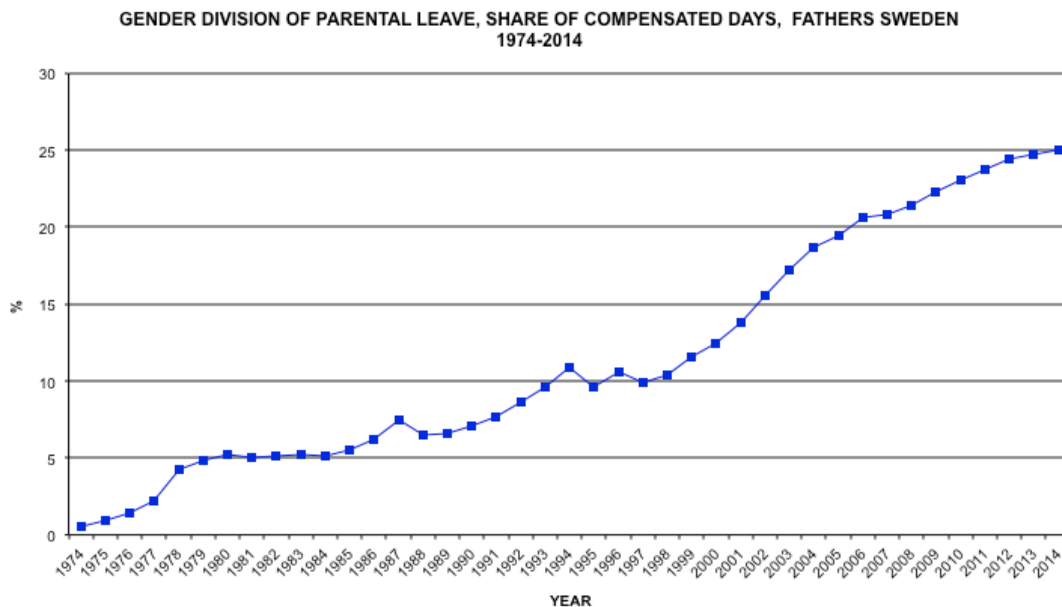


## Appendix

Table A1: Milestones in the reforms of working time

Date	Statutory and contractual measures
• 1905	• Metallurgical industry agreement: 57-hour week
• 1919	• Statutory 48-hours week (8-hour work day). White-collar workers not covered
• 1938	• Statutory paid holiday: two weeks
• 1951	• Introduction of the third week's paid holiday
• 1957	• Statutory 45-hour week achieved in three successive reductions of one hour each (1958-59-60)
• 1963	• Introduction of the fourth week's paid holiday, beginning in 1964/65
• 1966	• Collective agreement between the Trade Union Confederation LO and the Swedish Employer's Confederation SAF. Working week reduced to 42.5 hours
• 1970	• Statutory 40-hour week. Achieved by reduction of 1.25 hours in 1971 and 1.25 in 1973
• 1974	• Parental Leave Act
• 1974	• Training Leave Act
• 1975	• Lowering of pension age to 65 years
• 1977	• Introduction of the fifth week's paid holiday
• 1995	• Introduction of one non-transferable month in the parental leave system (one "daddy" month)
• 2002	• Introduction of two non-transferable month in the parental leave system (two "daddy" months), extension to 480 days of parental leave

Figure A1: Gender division of parental leave, share of fathers, net compensated day, Sweden 1974-2014.



Source: Swedish Social Insurance Agency (2015), own calculations

**Box 1: Stylised household life-course typology**

**Single and childless young people**

1. Single persons (18-35 years), living with their parents or relatives
2. Single persons (under 46 years), without children

**Childless couple households**

3. Younger cohabiting couples (woman under 46 years), without children

**Couple households with resident children**

The age of the youngest child is used to indicate the nature of parental responsibilities across the life course, from the intense nature of pre-school childcare through to the different needs and demands of children as they grow up and become more independent.

4. Cohabiting couples with youngest children (age of children is under 7 years)
5. Cohabiting couples with young children (age of children 7-12 years)
6. Cohabiting couples with teenage children (age of children 13-18 years)

**Older couples without children living at home**

7. Midlife 'empty nest' couples without resident children (woman aged 64 years)
8. Older cohabiting couples without resident children (woman aged 65 years or older)

**Older singles**

9. Single persons (aged 65 years or older), without resident children

Source: Anxo et.al (2006, 2007 and 2013b)

# Life-Course Oriented Working Time Options. The Case of Norway

Sevil Sümer

## 1 Introduction

### 1.1 Norway: The Social and Institutional Background

Norway displays most of the characteristics of the “Nordic welfare model” with strong institutional support for social inclusion and universally formulated welfare policies to enhance social and gender equality. The dominant role of the welfare state in the provision of health care and education, a large public sector, active labour market policies to promote full employment and relatively high union density (around 52 %) characterise the overall Norwegian labour market. The Norwegian labour market is highly regulated, seen in international perspective, and the Working Environment Act applies to all types of employment, both temporary and permanent. Another key characteristic of the Norwegian labour market is women’s high participation rates, despite significant gendered segregations. In Norway, women’s economic independence and political participation have long been recognized as key to gender equality and have been promoted as part of a wider egalitarian social agenda (Sümer et al. 2014).

Institutionalisation of social rights and focus on gendered divisions of family and domestic responsibilities have been part of the wider gender equality policies in Norway. Equality policy as a welfare policy relates to both “the scope and quality of welfare services, such as kindergartens, after-school care schemes and institutionally-based care for the elderly, and the individual welfare rights, such as parental leave, leaves of absence to care for a child, time off to breastfeed, the right to a leave of absence if a child or child minder is ill, and the right to a leave of absence to care for next-of-kin (NOU 2012b: 19).”

Comprehensive work-family policies, involving fully paid and shared parental leave combined with public childcare, are among the most significant measures supporting parents’ employment. Currently public childcare policy is to provide subsidized day-care places for all children, whilst also offering the alternative of a “cash benefit scheme” or “home care allowance” on the condition that use is not also made of a day-care place. The Norwegian Work Environment Act lays down parents’ right to reduced working hours, unless it is of serious inconvenience to the employer, and about half of all employed mothers work part-time. The employee reserves his/her right to return to full-time work following a period of part-time work.

## 1.2 The Labour Market and Working Time in Norway: General Characteristics

In 2014 the labour force comprised 68 per cent of women and 74 per cent of men aged 15 to 74 (Statistics Norway, SSB 2015). Unemployment rate has been relatively low in the past decade (3.5 % in 2014).

Norwegian women have high part-time rates and part-time work is common at all stages of the life-cycle, not only when the children are young (Rønsen & Kitterød 2010). In 2013, 34.7 % of women in the age group 20-66 worked part-time. It is customary to divide part-time work into short part-time and long part-time categories. Short part-time is defined as 1-19 hours per week, while long part-time is 20-34 hours.

The official agency Statistics Norway publishes analyses of changes in the labour market in its Labour Force Survey (LFS). The figures show that while only 47 per cent of women worked full-time in 1980, the corresponding figure had increased to 60 per cent in 2013. The percentage of men in full-time employment remained steady at just under 90 per cent, and those who work part-time are mainly students (SSB 2014: 12).

Table 1. Employees (15-74 years), by pattern of working time in the main job, per cent

	2011	2012	2013	2014
<b>Both sexes</b>				
Employees total	100.0	100.0	100.0	100.0
Ordinary hours	67.3	66.8	66.8	67.7
Outside ordinary hours <sup>1</sup>	32.7	33.2	33.2	32.3
<b>Males</b>				
Employees total	100.0	100.0	100.0	100.0
Ordinary hours	71.0	71.3	69.5	71.2
Outside ordinary hours <sup>1</sup>	29.9	28.7	30.5	28.8
<b>Females</b>				
Employees total	100.0	100.0	100.0	100.0
Ordinary hours	63.5	62.2	63.9	64.0
Outside ordinary hours <sup>1</sup>	36.5	37.8	36.1	36.0

<sup>1</sup>Regularly work outside Monday to Friday 6 am to 6 pm.

Source: Statistics Norway, Labour Force Survey, 2015 (SSB 2015).

In 2014, almost 33 per cent of all employees reported working outside regular working hours (that is outside the 6 am - 6 pm period) and more women regularly work outside ordinary hours (see Table 1). The gender difference with regard to work outside ordinary hours is related to the fact that this

kind of work is widespread in human health and social service activities – where women are highly overrepresented. The majority of employees working inconvenient hours have shift work. Out of the 426 000 women who regularly worked outside ordinary hours, 213 000 worked in human health and social service activities. In 2013, 51 per cent of the employees in human health and social service activities worked outside ordinary hours and women are strongly over-represented in this industry (SSB 2015).

Since 1972, the number of actual working hours per week for men has fallen by almost seven hours, from 44 to 37. Weekly working hours for women fell slightly until 1983, as the growth in employment at that time was mostly in part-time work. Since 1983, there has been higher growth in full-time employment, and the average number of working hours for women has increased by two hours, from 29 to 31.

The Norwegian labour market is segregated by gender (both horizontally and vertically) although there has been a trend towards desegregation in recent years (Ellingsæter 2013). Men often work in professions in which long hours are common and reduced hours discouraged, whereas women are concentrated in professions with shorter hours and more part time work (Rønsen & Kitterød 2010: 5). The possibility of having flexible working time is highly dependant on type of profession. Those working in the health and care sector report having less control over their working times. In general, it is most common to have flexible working time options in professions that demand higher education.

Despite the increasing educational level, male and female career paths are still quite traditional. Typical female professions are preschool, primary and lower secondary school teachers, nurses and cleaners. Typical male professions are tradesmen, building and construction workers, drivers and engineers. Approximately one-third of those employed work in the public sector; 48 per cent of women compared with only 19 per cent of men.

A comprehensive report from Statistics Norway with the title “Working Time: Patterns and Developments” summarizes the most important trends in working time in Norway (Bø et al. 2008). The report shows that there has been a reduction in average working time since the 1950s as a result of various reforms and an increase in the prevalence of part-time work. A report from European Observatory of Working Life summarizes the general working time patterns in Norway as follows:

“The reported average weekly hours spend at paid work and the proportion of people working more than 48 hours in Norway is one of the lowest in Europe, and has shown an overall decrease during the last ten years period. The proportion of employees working part time is high in a European setting, particularly among women” (EurWORK 2009).

At the same time, there has been a significant redistribution of the workforce from the primary and secondary to service industries. There are fewer gender differences in time-use today compared to 1970: women use more

time for paid work and cut down significantly their time spent on housework. Men had the opposite change in time-use but their increase in time used for housework does not match women's reduction.

Time-use surveys show that there have been considerable changes in time use in Norway: Time spent on leisure activities has increased by approximately one hour, while household work has decreased by approximately three quarters of an hour per day. Personal needs, such as sleep and meals, have decreased by one quarter of an hour. There is no clear change in the time spent on paid work in the past decade, although there have been significant changes since 1970s. The share of men doing paid work on an average day decreased from 64 per cent to 48 per cent from 1971 to 2010. Among women there was an increase from 32 per cent to 39 per cent during the same period (Vaage 2012).

## **2 Availability and Regulation of Working Time Options**

Employees in Norway are entitled to flexible working hours provided that this can be accomplished without substantial inconvenience for the business/organization. The Working Environment Act (WEA) regulates the working conditions in Norway and it applies to all land-based operations with employees. (An English translation of the Act is available for download at: <http://www.arbeidstilsynet.no/lov.html?tid=78120>). Collective bargaining arrangements can and often do complement the regulations of the Act. There is a trend towards more flexibility of working time through individual and local working time agreements (Seip et al. 2013). The Working Environment Act defines working hours as time when the employee is at the disposal of the employer.

Section 10.2 in the Act lays down the basic premises of working hour arrangements:

- (1) Working hours shall be arranged in such a way that employees are not exposed to adverse physical or mental strain, and that they shall be able to observe safety considerations.
- (2) An employee who regularly works at night shall be entitled to exemption from the working-hour arrangement that applies to the employee group if such exemption is needed by the employee concerned for health, social or other weighty welfare reasons and can be arranged without major inconvenience to the undertaking. An employee shall be entitled to flexible working hours if this may be arranged without major inconvenience to the undertaking (WEA 2015: 25).

There are limits for how much an employee can work per 24-hour day and per week. These limits are laid down in the WEA, but may also be regulated by the employment contract and by collective agreements (Arbeidstil-

synet 2015). The limits prescribed by the Working Environment Act for normal working hours are: 9 hours per 24 hours / 40 hours per 7 days

If one works shifts, nights or Sundays, normal working hours are 38 or 36 hours a week. The duration and disposition of the daily and weekly working hours must be stated in the employment contract.

The normal working hours may be calculated on the basis of a fixed average. This means that you may work more than the limit for normal working hours during certain periods in exchange for working correspondingly shorter hours during other periods. Calculation on the basis of a fixed average may be agreed in writing between the employer and the employee, laid down in a collective agreement between the employer and a group of employees or practised in accordance with a dispensation granted by the Labour Inspection Authority.

Upon agreement between the employee and the employer and for a period of up to one year, working hours may be distributed as follows: 9 hours per 24 hours/ 48 hours per 7 days.

However, the average number of hours in the period must not exceed the statutory limits for normal working hours.

The working hours can also be decided through an agreement between the employer and employees' representatives in an undertaking bound by a collective pay agreement. For a period of up to one year, working hours may be distributed as follows: 10 hours per 24 hours / 54 hours per 7 days

However, the average number of hours in the period must not exceed the statutory limits for normal working hours. Nor may extended working hours be worked continuously for more than eight weeks.

Time worked in excess of the statutory limits for normal working hours shall be regarded as overtime. Overtime is only permitted when there is an exceptional and time-limited need for it and therefore cannot be used as a permanent arrangement.

Total working hours must not exceed 13 hours per 24 hours. Nor must total working hours exceed 48 hours per 7 days. Overtime work within these limits may only be assigned to employees who are willing to carry it out. Exceptions from the rule for total working hours may be agreed, but it is not permitted to work more than 16 hours during a 24-hour day.

Those who work overtime are entitled to a supplement of at least 40 per cent of the agreed hourly pay. It is not permitted to agree a lower percentage rate. Time off in lieu of overtime may be agreed on an hour-for-hour basis. However, time off in lieu of the minimum overtime supplement of 40 per cent may not be agreed. This shall be paid (WEA 2015).

In collective agreements, more favourable terms are often agreed than the minimum entitlements provided by the Act. Examples for more favourable conditions are overtime supplement higher than 40 per cent or entitlement to overtime pay for work in excess of the agreed working hours (e.g. in excess of 37.5 hours, and not 40, which is the statutory limit for normal working hours).

### **3 Life-Course Oriented Working Time Options**

The Working Environment Act has clauses that define rights to reduced working hours for specific life-course related needs.

Examples of situations in which this may be the case include failing health, care for family members, extraordinary burdens and care for young children up to 10 years.

Reduced working hours can be in the form of shorter workdays, fewer workdays per week or periods of time off during the year. The employer is obliged to grant requests for reduced working hours where a reduced working hour arrangement does not entail major inconvenience for the employer. The inconvenience must be considerable for the employer to deny an employee the right to reduced working hours, and must be assessed on a case-to-case basis. The employee must notify the employer in writing well in advance of the date on which the employee wishes the reduced working hours to take effect (Arbeidstilsynet 2015).

#### **3.1 Measures for Older Workers**

Section 10.2 of WEA states that “an employee who has reached the age of 62 or who for health, social or other weighty welfare reasons so needs, shall have the right to reduction of his/her normal working hours if the reduction can be arranged without major inconvenience to the undertaking.” When the agreed period of reduced working hours has expired, the employee has the right to resume previous working hours. A key goal of the Norwegian pension reform of 2011 was for older employees to remain in the workforce. One element of the reform was the opportunity to combine work and pension from the age of 62, without a reduction in pension. Analysis based on data from 2012 shows that the share of the population in employment increased more among those aged 62-64 than those below the age of 62 (Claus et al. 2014).

Faced with a rapidly aging labour force, increasing the labour supply of older workers has become an important goal for European countries. Offering additional leave to older workers with the option of withdrawing a contractual pension (contractual early retirement pension AFP) has become a wide-spread retention measure in Norwegian companies.



Offering additional leave in the final phase of working life may help older workers to reconcile work and leisure, thus reducing the burdens which may push older workers out of working life early. A recent study (Hermansen 2014) shows that working in a company offering additional leave for older workers reduces the relative risk of 61- and 62-year-olds withdrawing a contractual pension in the next two years of their employment.

### 3.2 Parental Leave

Parental leave has a central place in the interaction between the labour market, family and the welfare state. It plays a significant role both in the project of gender equality and the well-being of parents and children (Gislasson & Eydal 2011). Transition to parenthood is a critical point in the life-course and the segregations and inequalities in the labour market are inherently related to gendered divisions of unpaid work. Policies designed to structure parents' use of parental leave are indeed working, but limitations and opportunities in the workplaces create heterogeneity in parental leave practices (Lappegård 2008).

As a result of well institutionalised parental leave policies, the share of employed mothers increased from 74% in 1991 to 81% in 2005. In addition to this, more mothers are working full-time as 54% of working mothers are employed in full-time positions.

In Norway, the total benefit period for parental benefit in the case of a birth is 49 weeks at 100 per cent coverage or 59 weeks at 80 per cent coverage. Three of the weeks in the shared period are reserved for the mother in the three weeks leading up to the due date. She may choose to start drawing parental benefits up to 12 weeks before her due date. In the case of adoption, the benefit period is three weeks shorter than in the case of a birth (NAV 2014).

In 2014, the paternal quota and maternal quota were reduced, from 14 weeks each to 10 weeks each, but the total benefit period for parental benefit in the case of a birth is the same. In the case of adoption, the benefit period is 46 weeks or 56 weeks, respectively.

The parental benefit period is flexible. It can be postponed or combined with employment. Parents may choose to draw parental benefits in combination with part-time work, i.e. so-called "graduated parental benefits" (Gradert uttak). Graduated parental benefits make up the difference between part-time work and full-time work. Parental benefit payments are reduced in proportion to how much you work, so that you can distribute your parental benefit payments over a longer period of time. The rate is calculated on the basis of your preferred coverage rate (100% or 80%). The total amount paid is the same, regardless of whether you claim graduated parental benefits or full parental benefits.

Employees who care for children are entitled to leave of absence insofar as it is necessary to attend to a child when the child or child minder is ill, and to take the child to the doctor or other examination when the child is sick. The right to leave of absence applies up to and including the calendar year in which the child reaches the age of 12. The following rules apply to the duration of such leaves of absence:

- Up to ten days per year per employee (15 days if the employee has care of more than two children)
- Up to 20 days per employee for children with a chronic illness or disability
- The number of days is doubled for sole providers  
Special rules apply when children are hospitalised and in connection with life-threatening illnesses.

The employee is entitled to care benefit from the employer if the employment relationship has lasted for at least four weeks (earning period). Care benefits from the employer are calculated pursuant to the same rules as sick pay and correspond to 100 % of the basis for sick pay. The Norwegian Labour and Welfare Administration (NAV) can provide care benefits in cases where the employee is not entitled to receive care benefits from the employer, provided the employee has had at least four weeks' employment before the absence.

Each parent of a child under 12 years has a right to 10 days leave per child per year when children are sick, or 15 in total if they have more than two children. Single parents have the right to 20 or 30 days a year respectively. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit (Brandth & Kvande 2013).

## **4 Use of Working Time Options**

Statistics show that men have the longest workdays while women have the most unsocial working hours. This is related to the fact that most women work in the health and care sector where shift-work is usual. The sectors that have most unsocial working hours and shift work are: hotels and restaurants, health and care, and transport. Part-time work is most common for women with less education. Around 75% of those who work part-time are considered as "voluntary".

Data from the EU LFS (2004) show that in Norway, among men and women aged 25-49, about 40% reported that they have some degree of flexibility regarding their working hours. People with higher-ranking, better-paid jobs are more likely to have greater flexibility. Among male employees 32.1% reported working-time banking compared to 26.8% among female employees. The conditions for time banking are laid down by employment contracts and agreements between managers and employees: 30.2% among men and 24.3% among women reported that they could 'take hours

and full days off'. This is a high rate compared to the average proportions in the EU countries (6.5% among both men and women) (Statistics in focus 96/2007).

Differentiating between public and private sector, the highest proportion of overall flexibility regarding working schedules was reported by government employees (EurWORK 2009). On the other hand, people working in the health and care sector, where women are overrepresented, report lower levels of flexibility in their working time options.

In 2014, men had an average of 49 days on parental leave while for women the average was 113 days<sup>23</sup>. Around 13 per cent of those who used parental benefits received graduated benefits. One in four fathers and one in twenty mothers preferred graduated benefits. Graduated benefits give the opportunity to combine part-time work with parental leave and thus lengthen the total leave period.

Norwegian fathers' use of parental leave has increased following the gradual extension of fathers' quota. The shareable part of the parental leave is mainly taken by mothers. A number of empirical studies using Norwegian data have investigated the determinants of use of parental leave by fathers (e.g. Brandth and Øverli (1998); Brandth and Kvande (2001)). These studies suggest that a father's leave can be the outcome of two bargaining and adjustment processes, one between him and the mother and the other between him and his workplace. These studies found that higher paternal income and longer working hours were negatively associated with the use of paternity quota (Brandth and Øverli, 1998) but positively associated with mothers' working hours and income (Brandth and Kvande, 2001). Fathers did not use paternity quota if mothers worked part time and did most of the housework.

Brandth and Kvande (2001) observed that most fathers used only the compulsory period of leave and that taking flexible leave was inhibited by considerations of its impact on men's working lives. They suggest that state intervention through collective, standardized arrangements provided the necessary legitimacy for taking paternity quota leave from work.

Using data extracted from the FD-Trygd database, which contains information about the total Norwegian population aged 16-67 years, Naz (2010) analysed the determinants of fathers' use of parental leave. She finds that fathers opt to take leave if mothers work full time and have higher education or a higher income than their partner. Fathers also take leave if mothers' income and education is equal to fathers' income and education. However, the time demands created by the number of pre-school children have negative effects on fathers' use of leave. The effects of mothers' relative income, education, working time and number of pre-school children are more important for the use of gender-neutral leave by fathers as compared with leave up to the paternity quota.

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<sup>23</sup> The figures are available on the website of The Norwegian Labour and Welfare Administration (NAV), which publishes statistics on the use of different benefits and working time option at: [nav.no](http://nav.no).

Norwegian fathers face high expectations for involvement in the care of their offspring and are offered relatively generous parental leave rights when they have small children. However, a study exploring whether fatherhood affects men's contractual and actual working hours, with a particular focus on the possible effects of the number and ages of children, concludes that men's contractual working hours are hardly affected by their parental status (Dommermuth & Kitterød 2009). Although fathers are expected to spend a good deal of time on family tasks, they are still the main providers for most couples in Norway. One reason for this is that the Norwegian labour market is strongly gender segregated. Typical male professions are usually better paid than typical female occupations, and also have less part-time work and longer working hours (ibid: 432).

"Hence, there is no evidence that men rearrange their work contract when they become fathers. However, it seems that men do curtail their actual working hours to some extent when they have small children, particularly if they have only one child. The opposite is true for men with older children, who have slightly longer actual working hours than non-fathers. The fact that fathers with small children modify their actual working hours partly reflects their take up of parental leave, but also that they restrict their working hours in other ways, probably by intensifying their workdays and working less long hours"(Dommermuth & Kitterød 2009: 432).

High quality and affordable public childcare facilities, together with good availability of after-school programmes, more positive attitudes towards employed mothers and more explicit political expectations of continuous full-time work for all adults have facilitated mothers' full-time work. The fact that fathers now participate more in housework and childcare may also be an important factor (Kitterød et al. 2013).

## **5 Restricted Use of Working Time Options**

In general, research on restricted use of working time options with a life-course perspective is scarce. The existing studies document that employees who work irregular hours and have no flexibility over their working hours report difficulty in combining work and their family/private life (Olsen & Dahl 2010).

There is a large body of research on the prevalence and characteristics of various types of part-time jobs in Norway (e.g. Kjeldstad and Nymoen, 2012). Although most part-time work represents a voluntary adjustment and part-time jobs show few signs of marginal employment, a considerable percentage of part-time working women might prefer longer hours if the circumstances were right (Rønsen and Kitterød, 2010). Nevertheless, part-time work may entail poorer career prospects, less challenging work and less favourable working conditions (Abrahamsen 2002). Longer spells of part-time work may also reduce women's human capital, and result in lower income and old-age pension, relative to full-time work. However, women in

their prime working ages in Norway rarely work very short hours, i.e. less than 20 hours per week.

A study by Kjeldstad and Nymoene (2012) investigating the job characteristics of different types of part-time employment and their patterns of gendering shows that the most prevalent and female-dominated type is voluntary long part-time work. Voluntary short part-time work is less gendered, representing marginal labour force affiliation. Involuntary part-time is strongly associated with temporary contracts and migrant status and affects women to a greater extent than men.

A study by Rønsen and Kitterød (2010) investigating women's satisfaction with their working hours documents more contentment among senior managers and professionals than among teachers, nurses and other health and social workers. The researchers explain these differences in the following way:

“As the latter occupations are characterised by less autonomy, stricter time schedules and more non-standard working hours including shift and rota work, lack of flexibility may be one reason for the lower contentment in such jobs. This assumption is supported when we control for working-hours arrangement in the model. The estimated effect of shift and rota work then turns out strongly negative, and the former differences between the occupational groups disappear. Finally, we observe a positive development over the period studied, which indicates that contentment increases in business cycle upswings, and some regional differences that probably are due to variations in the cultural and normative climate” (ibid: 26).

The international research project entitled “Gender, Parenthood and the Changing European Workplace” (shortly, Transitions) studied how factors at different levels – national, organisational and personal – influence the situations of mothers and fathers employed at specific workplaces (Nilsen et al. 2009; Sümer et al. 2008). To understand the specific workplace contexts in which employees negotiate the transition to parenthood, case studies in one public sector and one private sector organisation were conducted in Norway. The study showed that the possibility of working reduced hours was an often used and debated practice. Many mothers had experience with part-time work throughout their life-course and there were different views on this practice. While some considered this to be a good way of finding more time for the family, others argued that part-time work can actually lead to more stress and have negative impact on career prospects. Some of the part-time employed women mentioned attitudes of being less committed to work if you work part time for a longer period of time. Some felt they missed out on important everyday information in the workplace, while others mentioned the lack of career opportunities if employed part-time. Those who reduce their working hours either think of this as a temporary solution for their current life-phase, putting off their ambitions at work for a while; or see this as a way of putting the family first, by cutting off their career plans for good (Sümer et al 2008).

The Transitions study documented that policies that support work-family reconciliation (especially parental leave, sick child leave, flexitime and opportunities for part-time work) are well defined in Norwegian legislation and are formulated as universal citizenship entitlements. Employees demonstrated good knowledge of their rights and existing work-family policies were extensively used and appreciated (Sümer 2009). The same study also showed that there are important differences between the public and private sector organisations with respect to use of reduced working hours and flexibility (Nilsen et al. 2009).

Increased flexibility and possibilities of working from home also contribute to the blurring of work-family boundaries. The “greedy” new jobs that rely on new technologies demand 24/7 availability and consequently it becomes more and more difficult to separate working and leisure time.

## **6 Importance of Working Time Issues**

Segregations in the labour market and different working-time options have been important research themes in Norway. However, studies that specifically apply a life-course perspective are rare. Research on the effects of working time and its implications for sickness absence or work-family reconciliation are scarce (Olsen & Dahl 2010).

A recent comprehensive report (in Norwegian) with the title *Working Time: Dilemmas and Challenges* (Olberg & Nicolaisen 2013) highlights that working time is an important topic on the public agenda in Norway as it affects the welfare of workers and their families, the competitive advantages of the firms, and the quality of the services offered. “Lack of time, stress, unsocial working hours and the time squeeze” are often-used concepts in public debates (Olberg & Nicolaisen 2013: 7). Proposed changes in the Working Environment Act, which will have consequences for the regulation of weekend work, extended working time, and compressed working weeks, are hot topics on the social and political agenda and are widely discussed among trade unions. The major organisation for employers (NHO) supports the proposed changes in the Act, while trade unions are against and actively involved in the discussions.

The Norwegian Research Council (NFR), the Norwegian Confederation of Trade Unions (LO) and the Confederation of Norwegian Enterprise (NHO) have all recently funded research projects on working time and results are published on their websites. The Central Bureau of Statistics, Statistics Norway, publishes updated statistics and analysis reports on the characteristics of the labour market. These studies have mainly focused on gendered segregations in the labour market; immigrants in the labour market; working patterns of parents with small children; use of parental leave and cash-for-care; and women’s higher rates of part-time work, sickness absence, and their consequences.

Moreover, the high prevalence of part-time work among women, voluntary vs. involuntary part-time work, and differences according to work sector and working time of the parents of small children have been important topics on the agenda. Proposed changes in the Norwegian Work Environment Act that are related to temporary work contracts, overtime and working on Sundays were high on the social agenda throughout late 2014 and early 2015. Fighting involuntary part-time work is high on the political agenda in Norway and employers are urged to offer full-time work to those who want it. The trade unions, Norwegian Research Council and the Ministry of Labour have financed various research projects in this field in the past decade. Statistics Norway collects data on time-use through a time-use survey each decade and we have comparable data from 1971 to 2010.

The proposal for changes in the Work Environment Act to make it easier to hire employees on temporary contracts resulted in a political strike as protest on 28 January 2015. The three largest unions (LO –The Norwegian Confederation of Trade Unions–, Unio and YS) representing 1.5 million workers, called for a political strike against the government’s proposed amendments to the Act under the motto “Protect the Working Environment Act.” (<http://www.lo.no/language/English/News-articles/Protect-the-Working-Environment-Act/>)

The Norwegian Parliament accepted the proposed changes to the Working Environment Act in March 2015 and they have been in force since July 1, 2015. The possible consequences of these changes are debated among scholars (Arbeidslivet 2015). It is clear that they will result in more variation and flexibility regarding working time options. In general, the trend in Norway is towards a more neoliberal orientation regarding regulations of the labour market and a weakening role of the welfare state and collective bargaining. In this context, new research should look into the consequences of these changes, as well as variations in working time options applying a life-course and gender perspective.

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# Working Time Options in Poland

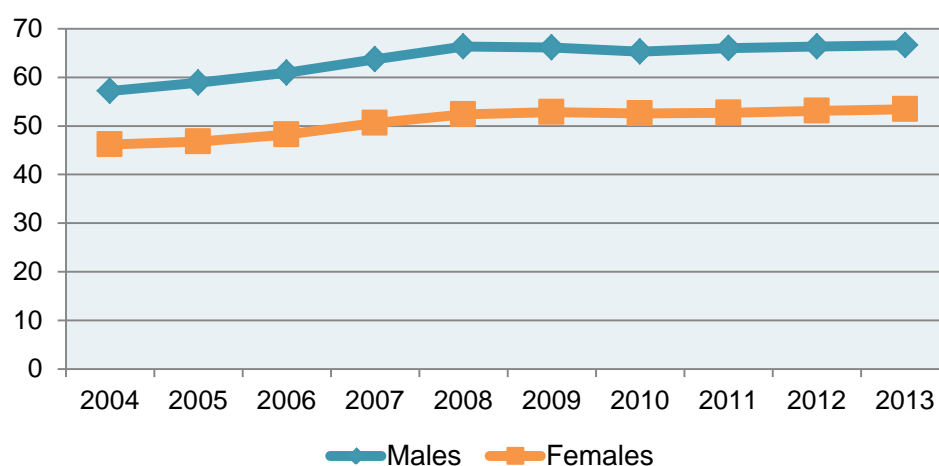
Dorota Szelewa

## 1 Introduction

In 2009 Poland was the only country without an output fall, with the GDP still growing and only representing a slight slowdown. In other words, while most of the countries noted at least 2% to 5% in the decrease of their GDP (17.7% in the case of Latvia), Polish GDP still increased by 1.6%.

Compared to 2004, the employment rate for men in 2013 increased – from 57.2% to 66.6%, i.e. by more than nine percentage points. At the same time the female workforce increased by seven percentage points from 46.2% in 2004 to 53.4% in 2013; therefore apart from a general increase in employment rates, the gender employment gap slightly increased from 11 percentage points in 2004 to more than 13 percentage points in 2013 (see Figure 1).

Figure 1: Employment rates of men and women in 2004 and 2013, population age 15-64.



Source: OECD Labour force statistics.

Furthermore, even though Poland did not experience the economic crisis to a critical level, the increase in unemployment rates for both men and women in the period between 2008 (w: 8.1%, m: 6.5%) and 2013 (w: 11.2%, m: 9.8%) is quite apparent.

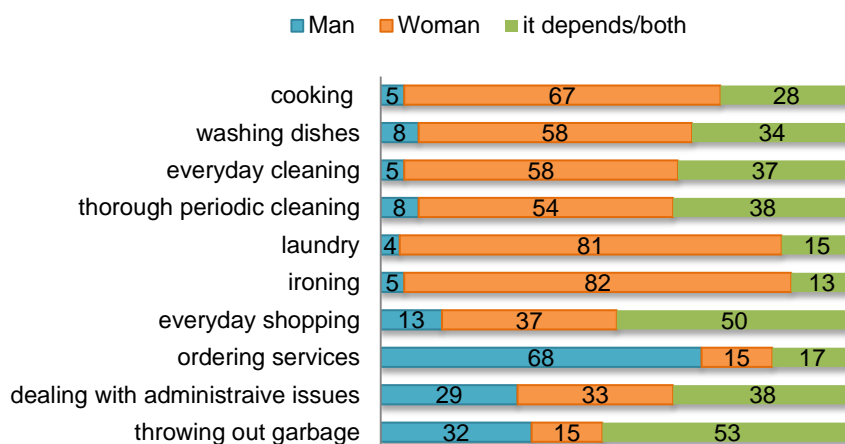
Just as the unemployment rate was falling from the mid-2000s, the share of temporary contracts was rapidly increasing, though this began a bit earlier, in the early 2000s, peaking in 2006-2007, then falling slightly, but in general the indicator varied between 25 and 28 per cent. Currently, Poland has the highest share of fixed-term contracts among all the EU countries. At the

same time, women use temporary contracts almost to the same extent as men do – while 29.3% of men worked based on fixed-term contracts in the last quarter of 2014, the same indicator for women equalled 28.1% (Eurostat). Other forms of atypical employment include Civil Code contracts (2.3% of employees and 24.3% of persons looking for a job), and self-employment (7% of all employees) (Czapiński and Panek 2014). Another important feature of the Polish labour market is the relatively low share of part-time employment – 6.9% of all employees. The indicator for the EU-27 is more than three times higher and amounts to 19.6% for 2014. At the same time a gender gap can be observed here as well, which is characteristic for most of the Western European countries (more in section 4.3.4).

While women do not have equal access to paid employment, they do the lion's share of household chores. According to a survey among Poles, more than a half of Polish citizens agree that taking care of domestic duties should be a woman's domain (CBOS 2013). Interestingly, this opinion prevails even if the man is economically inactive – and if the opinion is followed in practice, non-working men do not take over domestic chores from their female spouses. The time budget survey conducted in 2013 showed that women devote almost twice as much time as men to domestic chores (w: 4'24, m: 2'21 on average, daily), while the opposite was true for time spent on personal hobbies (w: 0'25, m: 0'45 on average, daily) (GUS 2014a). Furthermore, while only 56% of men engage in any activities connected with the preparation of meals, among women the indicator equals over 90%. As a result, even if women have on average a lower employment rate, women have less free time than men.

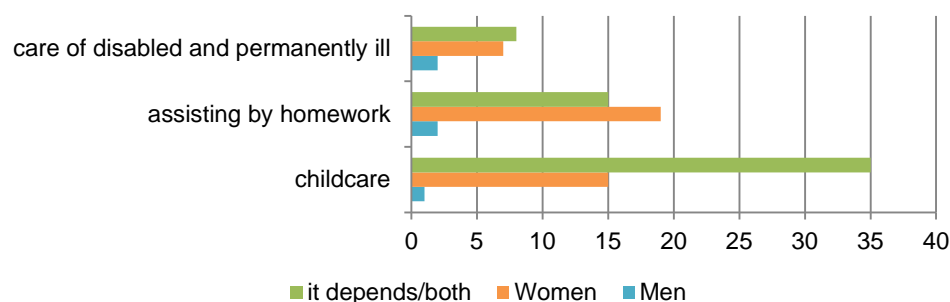
The feminization of domestic work is clear within the gender division of labour with regard to domestic chores: in the case of such daily duties such as laundry or ironing, the percentage of women who say they are the only performers of these duties exceeds 80% (5% in the case of men).

Figure 2: Gender division of labour within the family/couple, figures in percentages.



Source: GUS 2014a.

Figure 3: Gender division in care of dependent family members.



Source: GUS 2014a.

The lack of gender balance in employment and in informal work directly affects gender outcomes for the access to social benefits, and might seriously impact the economic security of female pensioners.

## 2 Working time regulations in Poland

### 2.1 General regulations on working time

In principle, working time cannot exceed 8 hours a day and an average of 40 hours for an average week used as a basis for calculating working time. Any day can be a working day, except for Sundays and days legally stipulated as holidays. For some categories of workers, the working time regulations can be different from the sole regulations of the Labour Code, e.g. disabled workers, whose weekly working time limit cannot exceed 35 hours, and a daily limit – seven hours. When it comes to protected groups of workers, the daily working time cannot exceed eight hours. This means that in some working time systems, in the situation of a shortened working time, they will receive remuneration as if they worked full time (i.e. they receive a salary for periods when they did not work). The following categories are protected: employees working in the conditions exceeding the maximum stipulated norms, pregnant workers, workers taking care of a child up until the age of four (the latter can express their consent to lift the protection clause, according to their own need and circumstances).

Another set of regulations concerns work during night hours (9 pm to 7 am). Firstly, pregnant workers, youth workers and workers taking care of a child up until the age of four (with the possibility that the latter category might agree to lift the clause), cannot be employed at night time. Secondly, additional pay is granted (20% of the minimum salary hourly rate). The night-time regulations apply if a worker performs their work for at least three hours at night, or when at least 25% of the working time in the calculation period takes place during night hours. If the work is physically or intellectually demanding, it cannot take place for longer than 8 hours during the night period. Working conditions with regard to such posts need to be agreed upon with a company's trade union representative, and if there is no union,

with staff representatives (selected by staff) and with consultation from a medical doctor.

Workers are entitled to at least 11 uninterrupted hours of rest during each day, which means that during every working day, no more than 13 hours can be devoted to work. At the same time, an uninterrupted 35 hours (including the above-mentioned 11 hours) of weekly rest must be available. A shorter (although no less than 24 hours per week) rest period can be available to managers (running a company on behalf of an owner), rescue workers in action and in the case of change of shifts.

It is possible to work on Sundays and other holidays only in legally stipulated areas. These include (among others) continuous operations, transportation, work shifts, but also cases when the sole working days stipulated in employment contracts are Friday, Saturday, and Sunday. Employees who work on Sundays should have at least one Sunday free every four weeks (except for those whose work schedule covers Fridays, Saturdays and Sundays). In principle, it is strictly forbidden to work on Sundays or on holidays in retail trade, except for the situation where such activity is essential for the individuals' needs. In practice, this means that the retail trade is available on Sunday. The categories of employees who cannot work on Sunday are the Labour Code workers, irrespective of their role. This in turn means that owners, as well as those employed on the basis of the Civil Code, can work on holidays.

Breastfeeding breaks, 30 minutes twice a day, are included in the working time as well. A mother breastfeeding more than one child is granted two 45 minute-long breaks.

Within the working day arrangement, an additional break might be introduced, up to 60 minutes per day, which can be used for private purposes (see also section 4.8). Such a regulation needs to be included in a collective agreement and is not counted within the working time (and is therefore unpaid).

Lunch breaks are not a common practice in Poland, although they are found in some workplaces. However, an employee might submit a request to be granted such a break as a short leave of absence (on a regular basis) that would then be worked off in a regular manner.

When an employee is late for work, (s)he might still have a chance to work extra time to catch up and this can be done via overtime. However, as a rule, the employee does not receive payment for the time of a non-justified absence from work.

In the case of stoppage that is caused by the employer, time spent at work counts as working time. If the daily working time is longer than six hours (within a period of 24 hours), a worker is entitled to at least a 15-minute break. However, in the case of the daily working time being shorter, the law guarantees no break.

When justified by the nature of the work, the employer might introduce working time regulation that includes a break between two blocks of work. The break cannot exceed five hours and it is not included in the working time; however, it is paid at 50% of the stoppage rate (a basic wage level without any additional elements of remuneration). Since 2013 change of the Labour Code, the scope of this regulation has been expanded in terms of types of companies. Also, while previously such working time regulation had to be implemented through a collective agreement, now it should be agreed in either a collective agreement, with a trade union, or a typical representation of workers in a given company.

It is also possible to reduce working time to less than eight hours for those who work in arduous or dangerous conditions either by establishing more breaks included in the working time or by establishing a reduced standard working hours. For workers performing a monotonous or fixed-pace job, additional breaks are established.

A specific situation concerns on-call time, where work outside of regular hours applies. In such cases, only time when the work is in fact performed is included in the working time. At the same time, the on-call time working time cannot interfere with legally stipulated daily and weekly resting periods. A worker is entitled to an equivalent rest time, or if this is not possible, the financial equivalent. If such an equivalent is not specified in the contract, a worker is entitled to 60% of an hourly or monthly rate (depending on how the contract specifies the salary).

Work regulations, including free days, cannot be changed unilaterally, i.e. without the consent of the trade union organizations that signed them. In the case that no agreement is reached during negotiations, an employer can regulate this issue unilaterally. However, the consent of the unions is not necessary in the case of individual working time. Here, a change can be introduced two weeks after notification. The Labour Code provisions do not specifically regulate the possibility of using time accounts or time banking. However, such ways of work time organization can be specified in collective agreements. Solutions such as individual time bank accounts are not covered by the Polish legal system, although the new, extended working calculation period might be regarded as functionally equivalent to time accounts.

Since 23 August 2013, new legislation regarding working time has been part of the labour market regulation. The main part of the new legislation concerns the extension of the working time calculation period, i.e. the timespan for calculating the hours worked for the purpose of calculating the level of salary, from four up to 12 monthly periods and the possibility to introduce the flexible working time system<sup>24</sup>. Before September 2013, the extension of the working time calculation period concerned only three sys-

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<sup>24</sup> Ustawa z dnia 12 lipca 2013 roku o zmianie ustawy – Kodeks pracy oraz ustawy o związkach zawodowych [Act of 12th of 2013 amending the act – Labour Code and the Act on Trade Unions], Journal of Laws 2013, item 896.

tems: basic, interrupted and task-oriented working time systems. In principle, after this reform, the conditions justifying the extension of the reference period to 12 months are very general and the scope of circumstances justifying the introduction of this new system is very wide.

As a rule, the length of the working time calculation period should be included in a collective agreement, work regulations (mandatory in firms employing more than 20 workers), or in the notification for staff. Whenever a trade union organisation does not agree on the extension of the calculation period, or such an organisation does not exist, it is possible to introduce such measures in the case of the equivalent working time system providing a labour inspector is notified. The equivalent working time system may be applied when it is justified by the nature of work and its organization. The employer may extend the basic daily working time to 12 hours, and then shorten the working time in the following days.

This applies to three or four-month calculation periods. In the case of 12-month calculation periods, the consent of the employees is required, either in the form of collective agreements or in the form of other agreements negotiated with trade unions, or in the form of agreements with the staff representatives in companies where unions do not exist. In the first case, the usual principles regarding collective agreements apply (especially regarding unanimity). In the second case, the selection of staff representatives is not stipulated by legal regulations; therefore, it takes the customary (not formally regulated) form. The extension need not apply to all workers; but also to selected categories. A similar procedure also applies to other working time systems, however, in the weekend system, all issues are regulated by an employment contract, so there is no need to include such regulations in a collective agreement.

The flexible working time allows for flexible scheduling of working hours. In practice, it might work as follows: during working days, the beginning of such a day can be variable and it is the employee who decides about it. Alternatively, an employer can indicate the time range during which a worker should perform the work, but it is the employee's decision when to start his or her work. This way, an employee can start work earlier on the next day than would be possible in the classical time system, which might lead to squeezing the resting time. The flexible working hours together with the new calculation system allows employers to schedule the working time so that it reduces the possibility of taking overtime, as those working hours that previously counted as overtime (fixed working hours plus overtime), can be now transferred to the (main) working time (thus benefiting employers).

## **2.2 Part-time work**

The Polish Labour Code makes few references to part-time work. In general the employee that performs his or her work part-time is protected against discrimination, as the employer "must not establish their work and



remuneration conditions in a manner that is less favourable in relation to employees performing the same or similar work full time” (Art. 29 of the Labour Code). Moreover the employee should have equal rights with regards to establishing and concluding the employment contract, working conditions, promotion opportunities and access to training. The length of the annual leave for a part-time employee is proportional to the working time of the employee. Part-time work (“praca w niepełnym wymiarze”) is also understood as “reduced working hours” and available for women (parents) after using family-related leave (see also section 3.5.)

### **2.3 Overtime and holiday**

In principle, overtime is allowed in specific situations (such as rescue action), but there is also the general provision referring to an employer’s needs in the Labour Code. The refusal to work overtime can be a basis for the termination of a work contract as a serious violation of the rules. Parents taking care of children under 4 can work overtime only if they express their consent. At the same time, overtime is not allowed for pregnant workers and youth. The overtime is limited by a requirement of daily rest (11 hours). The weekly working time including overtime cannot exceed 48 hours in a calculation period, while the yearly limit of overtime equals 150 hours. The yearly limit can be altered (upwards and downwards) in collective agreements or other forms of agreements; however, the 48-hour weekly limit cannot be exceeded.

Only workers employed on the basis of employment contracts are entitled to paid holiday leave. Those workers who are in the beginning of their careers are entitled to 1/12 of the yearly leave base with each month worked. The paid holiday leave is granted in the normal working period, given the work schedule and whether an employee works full- or part-time. Since 2013, the length of the leave is no longer decreased if an employee used parental leave in a given year. The reference period for calculating the level of payment during a holiday leave is three months preceding the leave, or, if the salary displayed significant variation, twelve months. If the leave remains unused and the employment contract is terminated, a financial equivalent should be paid out.

The right to leave is granted with the beginning of each calendar year, if a worker remains in employment. The length of leave is based on the total length of employment of each worker. If the total employment is less than ten years, an employee is granted 20 days of paid leave. If the employment is longer than ten years, 26 days are granted. Importantly, periods of education count as a part of employment. Accordingly, the period of basic vocational education counts as three years of employment, secondary vocational education as five years, and general secondary education as four years of employment, while post-secondary but not tertiary education as six years. Finally, the tertiary education contributes to 8 years of employment history. Also, other periods are treated analogically, such as unemployment with a benefit granted, military service, etc. In practical terms it means that

university graduates have (at least initially) a longer leave. Employers can offer longer leaves, if regulated by internal company agreements. In the case of part-time workers, a proportion of full-time employment is used as a basis for calculating the period of leave. In principle, leave should be used as one period, unless an employee indicates otherwise. The length of a single leave should be at least 14 days continuously. An employer is legally bound to grant a leave to a worker returning from a parental leave, as well as other leaves (maternity etc.).

## **2.4 Increase in the retirement age**

The Polish pension system underwent a major overhaul in the late 1990s. The pension reform meant a shift from a defined benefit to a defined contribution formula, and the introduction of a multi-pillar structure, with a funded component. The reform assumed introduction of a unitary retirement age for different work/sectorial categories. While faced with social protest, the first major step in this direction was taken in 2009, when the possibility of early retirement was marginalised (for more information on early retirement and its use, see section 4.3.4). The recent increase of the retirement age is another phenomenon with a significant impact on how the labour market functions. In 2013, the retirement age for men was increased from 65 years to 67 years, to take effect gradually by 2020. As for women, their retirement age was increased from 60 to 67 years, to take effect incrementally by 2040. Trade unions filed a complaint at the Tribunal Court, which ruled that increasing and levelling the retirement age of men and women is constitutional.

## **2.5 The role of trade unions and debates on working time**

The recent changes to the Labour Code constitute a de facto confirmation of various kinds of departures from the classic regulations (the flexible working time system), but also introduce new regulations that are welcomed by employers and fiercely attacked by the unions (the extended working time calculation period). They coincide with changes taking place in other sectors of the Polish welfare state, namely increasing the retirement age to 67 years. This is why the reversal of these changes, along with increasing the minimum wage, are the flagship demands of the union movement.

The first serious discussion regarding the extension of the working time calculation period took place before the enactment of the so-called anti-crisis package (2009). It was argued within the Tripartite Commission that an extension of the working time calculation period would allow companies to adjust to fluctuating demand. However, the labour side argued that a proposed solution (applying not only to companies in dire straits) would serve as a way of maximising profit at the costs of workers.

The availability of flexible working time in connection with the extended working time calculation period has been presented by the government as the solution especially to the problem of work-care reconciliation. However, given the lack of available childcare and after-school places and growing atypical opening hours of schools, such justification seems relatively irrelevant.

Furthermore, the justification for making this option available irrespective of the microeconomic and macroeconomic situation and after 2013 has been international competition. Both employers and government representatives, on the grounds that Poland is gradually losing its competitive advantage, argued for it. However, no sound research has been provided on the issue so far. Rather, it seems to be an example of the classical argument of employers who push for more flexibility on the side of workers, to enable more effective (and less costly) use of employees that will yield additional gains. Also, trade union representatives maintain that in companies without union organisations, the protection of employees against worsening working conditions is weaker. Among other issues, the introduction of the extended calculation period in the agreement between the employers and the government contributed to a serious social dialogue crisis. As a result, all three union confederations left the Tripartite Commission in 2013.<sup>25</sup>

In short, the role of trade unions (and employees' representatives more generally) in shaping the flexible working time arrangements seems pivotal. On the one hand, working time arrangements need to be negotiated with employees' representatives and included in a collective agreement or work regulations. However, when such representation does not exist (which is especially true of smaller firms in the private sector), the employees do not have to be consulted. Further, whenever the representation exists, their capacity to stop flexibilisation is relatively weak.

### **3 Family-related leaves and work-life balance issues**

In comparative studies on childcare and work-life balance, Poland has often represented the case of the weakest support for adult worker families (Szelewa and Polakowski 2008; Saxonberg and Sirovatka 2006; Glass and Fodor 2007). More recently, policies aimed at improving the work-life balance became one of the new government's goals (also related to the demographic shift), but it is unclear whether the new measures will lead to a more developed system of working time options.

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<sup>25</sup> Following the introduction of the extended working time calculation period, NSZZ Solidarność submitted a complaint to the Constitutional Tribunal (which was declined without judgment) and to the European Commission. In the latter complaint, the union argues that the maximum period of 12 months is against the provision of the Working Time Directive 2003/88/EC. More specifically, Solidarność argued that the Directive provides the maximum of 6 months, which can be extended to 12 months only in specified conditions: collective agreement or a country-wide agreement. The especially controversial issue concerns the extension of the period for professions such as fire-fighters or security guards, but also pregnant workers.

### 3.1 Pregnancy, maternity and paternity leave

In Poland the pregnant worker is allowed absence from work if she needs to undergo necessary medical tests or procedures. The employee is obliged to obtain a relevant medical certificate to show to the employer (the medical procedures should only be related to her pregnancy and no other conditions or illnesses) (Nowacka 2014).

Each pregnant employee, regardless of employment history (social insurance contributions), has the right to take 20 weeks of maternity leave<sup>26</sup>. This is the basic maternity leave; in the case of multiple births the duration of the leave is extended. While on maternity leave, the mother receives maternity benefit that amounts to 100% of her previous wage. There are two options for the mother with regard to the benefit level. First, if she decides to take a further 32 weeks of parental leave (see section 3.2), she can elect to receive 80% of pay for the whole period of maternity leave, additional maternity leave and parental leave (together 52 weeks: 20+32). The second option is to take the benefit with the full wage coverage for 20 weeks of maternity leave, and then 32 weeks of parental leave benefit at the level of 60%. Important note: until 2016 three instead of two schemes were available for use during the first year of the child's life: a basic maternity leave of 20 weeks, additional maternity leave of 6 weeks and 26 weeks of parental leave. From 2016 a scheme for uninsured parents is also available for the whole first year of the child's life (section 3.2).

Fathers are also eligible for a paternity leave for the duration of two weeks and the leave must be used within the period of 24 months after childbirth (12 months until 2016).<sup>27</sup> The right to use paternity leave is their own individual and non-transferrable entitlement. Conditions for eligibility are the same, as in the case of maternity leave, and the level of paternity leave benefit amounts to 100% wage replacement. The leave was introduced in 2010, first as a one-week leave that was extended to two weeks in 2012.

### 3.2 Parental leave

The most significant change in parental leave arrangements took place in 2013, when the government introduced 26 weeks of additional parental leave. The new scheme, together with two maternity leave schemes existing at that time (the basic one and the additional scheme 20+6), have been perceived and used as "one year of maternity leave". Since 2016 the leave was extended to 32 weeks: it was the result of the reform of 2015 that liquidated 6 weeks of additional maternity leave and transferred those 6 weeks on the top of parental leave's original duration. The leave is extended to 34 weeks in case of multiple births.

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<sup>26</sup> Legal basis: Labour Code of 26 June 1974 (and subsequent amendments) and the Act of 25 June 1999 on cash benefits from social insurance in case of illness and maternity (and subsequent amendments).

<sup>27</sup> Legal basis: Labour Code of 26 June 1974 (and subsequent amendments) and the Act of 25 June 1999 on cash benefits from social insurance in case of illness and maternity (and subsequent amendments).

All employees eligible for maternity or paternity leave are also entitled to six months of parental leave that is open to both parents, though the government did not reserve time only for fathers (thus, no individual and non-transferable entitlement for fathers/the other parents). The level of parental leave benefit is either 60% of the previous wage - if the mother took maternity leave with the full income replacement benefit, or equals 80% - if such was the rate of the maternity leave benefit. Parental leave can be used in four parts, each lasting a minimum of eight weeks and the parents may share the leave – in this case each parent is entitled to a maximum of 13 weeks of the leave. If divided the parts of the leave must be taken one after another, except for 16 weeks that might be used after a longer break. Overall, parents should use the leave until the child is six years old. Additionally, it is possible to combine the leave with paid employment: the duration of the leave is prolonged accordingly.

From 2016 a new scheme was introduced for the parents of newborn children who are uninsured and for this reason, not entitled to maternity and parental leave benefits. The new policy is addressed to unemployed persons, students, farmers and persons employed on the basis of Civil Code contracts. Each mother of a newborn child is be entitled to a monthly allowance of 1000 PLN (about 245 euro) for 12 months.

### 3.3 Childcare leave

After the expiration of parental leave, working parents are eligible for further leave, until the child is four years old, i.e. childcare leave.<sup>28</sup> The leave's maximum duration is three years (36 months), and if the parent meets the income criteria, then he/she is eligible for a childcare leave allowance that is a variation of family allowance labelled as "family allowance supplement for parents taking care of a child at home" and the maximum payment period is 24 months. Unlike the other two schemes, which are based on the principle of insurance, childcare leave allowance is funded by the state budget (from general taxation), and paid for by local government. The level of allowance has remained the same for more than decade and amounts to 400 PLN (about 95 euro), while the income threshold has recently been slightly increased and equals 547 PLN (137 euro) per family member per month.<sup>29</sup>

More recent changes include the extension of the entitlement to the parents employed on some civil law contracts and the self-employed if they take care of the child personally (before 1 October 2013 this leave was granted to those employed on contracts regulated by the Labour Code) and reserving one month out of 36 months for the individual and non-transferable entitlement for each of the parents (intended as a "daddy quota"). The latter

<sup>28</sup> Labour Code of 26 June 1974 (Polish Journal of Laws of 1998, No. 21, item 94, as amended, art. 186).

<sup>29</sup> The basic institutional shape of the scheme comes from the period of state socialism – the leave, as such, was introduced in 1968. Women were entitled to 12 months of additional leave for taking care of a child under two. In 1972 the duration was prolonged to three years, during which the child could not be older than four years of age. Women could take the leave if they had six months of previous employment; a man could do it only in few cases, when it was impossible for a woman to take care of the child. There was no financial compensation for the break in employment until 1981, when the extended leave allowance was introduced. It was income tested from the beginning.

change was introduced in order to comply with the Parental Leave Directive. It should be noted, though, that no payment was attached to this new entitlement. Such a solution (only one month out of 36 and unpaid) is unlikely to influence men's behavior.

### 3.4 Childcare leave for sick children

Childcare leave and allowance for sick children had already been introduced in the 1950s, with some further changes, usually extending the scope of entitlement, as well as the level of benefit and the child's age.<sup>30</sup> Currently, a parent is entitled to take a leave to take care of a sick child under 8 years of age (14 years if the child is disabled) or to take care of a healthy child in the circumstance of an unforeseen closure of a nursery school, kindergarten, or school, with a higher age limit – up to the child's 14th birthday. The allowance is paid at 80 per cent of earnings for up to 60 days per year.

Another variation of the leave is a kind of leave on the grounds of force majeure<sup>31</sup> – but does not even require giving justification (apart from the fact that the leave is used to take care of a child at home). The maximum duration of the leave is two days per calendar year, for taking care of a child up to 14 years of age (with full wage replacement).

### 3.5 Flexible and reduced working time options (part-time)

The possibility to adjust working time to family needs was guaranteed by the Parental Leave Directive, which states “flexible time arrangements make it easier for parents to combine work and parental responsibilities and facilitates the reintegration into work, especially after returning from parental leave.”<sup>32</sup>

According to the Labour Code, a worker returning from childcare leave can request reduced working hours, up to ½ of full-time, however, the specific organisation of working time (selection of particular days-off, flexi-time) is the decision of the employer (though the employer might also agree to the specific request of the employee). Both parents cannot use reduced working hours at the same time, but they can exchange the options between themselves.

If the employee is asked to work overtime by his/her supervisor, and this is in compliance with the Labour Code and the conditions as provided by the employment contract then it has to be complied with. Just to reiterate, it is forbidden for the employer to ask disabled or pregnant workers to work

<sup>30</sup> The Act of 25 June 1999. On cash benefits from social insurance in case of illness and maternity (Polish Journal of Laws of 2014, No. 0, item 159, as amended, art. 32).

<sup>31</sup> Applicable statutory basis/current regulation: Labour Code of 26 June 1974 (Polish Journal of Laws of 1998, No. 21, item 94, as amended, art. 182).

<sup>32</sup> Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.



overtime, while employees with children under the age of 4 might refuse to perform such work and they need to actively express their consent (preferably in writing).

However, the employer is allowed to ask for the performance of overtime under the circumstance of the “special employer’s needs”. The employer is limited, though, by certain additional rules: the minimum time that each employee should have for rest (per day/night), which is 11 hours; 5 hours limit of overtime work during one day/night, working time cannot exceed 48 h per week on the basis for calculation or the limit of 150 overtime hours per year, per one employee.

The employee has the right to submit a request for a short leave of absence for handling private matters. This leave, indirectly, might also be used for taking care of family issues (though it is not designed for this particular purpose). If such leave is used, the employee works the time off, while adhering to the time limit for rest, which stands at 11 hours per day/night.

According to a recently conducted survey, flexible working time is one of the most preferred solutions for the better reconciliation of work and care for parents with children (more than 50% of both men and women) (Czapiński and Panek 2014). This is followed by the expressed preference for more accessible care services for children under the age of 7 (37% of women and 32% of men).

## **4 Working time arrangements and working time options use in Poland: existing research**

The research studies on working time and life-course in Poland are very scarce, especially with regard to empirical research and thorough data collection and analysis. There are, though, several studies that touch upon the use of working time options. It must be noted that the most important factors influencing the use of working time options, especially those related to work-life balance and/or adjusting working time to the life-course, are the policies available at the workplace and the options provided by the employers.

### **4.1 Work organization and atypical working hours**

The Institute of Labour and Social Issues in Poland issued one of the most recent and comprehensive studies on policies concerning working time in 2014, entitled “Working Time. Trends and Prospects in the New Economy” (Strzemińska and Bednarski 2014). In their contribution Bednarski and Głogosz (2014) focus on the Polish experience. The authors based their analysis on the results of a qualitative survey (interviews) conducted among 30 employers and 30 employees in three sectors of the economy: wholesale and retail trade, administration and social security, as well as health

care and social assistance. The research identified findings in the two basic dimensions of working time policies: the type of employment contract and organisation of working time.

As far as work organization is concerned, the researchers found the public sector to be the least internally diverse and more or less fixed (working hours approximately 7:30 am to 3:30 pm). At the same time practices of job-sharing or individual working time are not popular. The characteristic feature of the work organisation in private companies is so-called “spontaneous flexibility”, i.e. responding to an urgent situation at the workplace (and required by an employer) with a sudden change of schedule. Often, there is a silent agreement to work at home, if necessary (without any compensation). Moreover, the employers often use non-standard forms of employment in order to avoid the norms of the working time, as set out by the Labour Code. This version of employer-centred flexibility makes both the employers and employees expect that the process of working time flexibility might lead to increased job insecurity.

When comparing the scale of atypical work schedules across Europe, Fagan (2014) presents data for four types of such schedules: night work, work on Saturdays, work on Sundays and the shift system. Poland is at the top of the list with regard to the percentage of establishments providing atypical work schedules in two categories: night work (25%) and the shift system (44%), the latter only being preceded by Croatia (with 45% of such working places).<sup>33</sup> Furthermore, 52% of individuals worked on Saturdays, and 28% on Sundays, though the research of Tyrowicz et. al. (2015) suggests even higher percentages: 74.2% on Saturday and 50.5% on Sunday. According to 2/3 of the employees, they had no influence on the starting hours of their work. Finally, a similar percentage had influence the schedule of breaks.

Although the Polish labour market is characterised by long working hours, the overall number of working hours has been declining (Tyrowicz et. al. 2015). This dynamic is driven by the decreasing number of individuals having multiple jobs, but also by declining overtime work. The authors argue that in situations of additional demand, the adjustment tends to take the form of additional employment rather than overtime. The Eurofound’s data indicates that long working hours in Poland are due to legal standards (it is worth noting that one can observe a divide between new Member States and the old ones). 12% of workers stated that they worked overtime. At the same time, the authors point out that shift work is more extensively used in Poland than in other countries (3rd place in the EU ranking, with approximately 30% of workers). The shares of workers who never worked atypical hours within four weeks preceding survey for given types of atypical work are: at home 91.4%, in the evening 60.2%, at night 79.4%. Atypical working hours are positively associated with services, the private sector and higher education. The working time of 72% of workers was exactly 40 hours a week, with 18% working more, and 10% working less than 40 hours a

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<sup>33</sup> The results of another survey indicate that, first, approximately 35% of employees worked overtime (Tyrowicz et. al. 2015).



week. The longest working time is observed in construction and agriculture, while the shortest is in non-market services. In contrast to the 'old' EU member states, in Poland individuals with vocational education work longer compared to persons with higher education.

#### **4.2 The use of an extended calculation period and flexible working time**

As of May 2015, 1577 companies were listed as using an extended working time calculation period, mostly in manufacturing and retail trade. The most popular period of calculation is 12 months (Tyrowicz et al. 2015).

While presented mostly as a cushion against seasonal demand variation, 60-65% of employers indicated that the extended calculation period did not affect the level of employment. One third of the employers argue that the new regulation, probably thanks to cost containment (lower costs due to a lower number of overtime hours), prevented them from the reduction of employment. Importantly, in only 10% of companies did employees block the extension of the calculation period.

When it comes to flexible working time, it is more popular in the private sector (38%) than in public sector (25%). It is common to use this instrument in small companies, such as restaurants or hotels. The majority of workers covered by such instruments find them useful (70%).

The research by Tyrowicz et al. (2015) indicates that in approximately 15% (public sector) to 20% (private sector) of establishments, the working time is regulated unilaterally – that is solely by the employer. Also, it is the employer who proposes such solutions.

The sectors in which extended working time calculation periods are found are mining, hotels and accommodation, and manufacturing. When it comes to the least often use (compared with the average) of extended periods, these are: education and public administration. In practice, the flexible system to a larger extent serves the employers' needs rather than helping to accommodate for the various needs of the employees – one in eight workers declares that the schedule was constructed according to his/her needs. One may argue, therefore, that the flexible working hours system serves as a shift system without restriction on the daily work and leisure limits.

#### **4.3 The use of selected working time options**

Though there is no research that would directly diagnose the restricted use of working time options in Poland, there are several studies that shed some light on the situation of employees with regards to how available working time arrangements are and how they respond to the employees needs.

### 4.3.1 Use of flexible working time options

Poland is one of five countries in the EU that provides only very limited opportunities to work flexitime or individual working time: while only about three per cent of Polish women between the ages of 25-49 use these two forms of work (4% flexitime and 1.2% individual), the same average indicators for the EU equal 65.3% and 14.9%, respectively (Baranowska-Rataj and Rynko 2014). Also, the self-assessment of the workers is quite significant: one in three workers indicate problems with reconciling work with their private life (Tyrowicz et. al. 2015). The recent survey on working time with relation to parental responsibilities was carried out in 2010 and the Central Statistical Office published its results in 2012 (GUS 2012). The research was conducted as a module survey of the Labour Force Survey "Reconciliation between work and family life", added as a result of commitments of the Member States outlined in Commission Regulation No. 365/2008 of April 23, 2008 and Commission Regulation No. 20/2009 of January 13, 2009.

As far as the general findings with regard to working time and schedule are concerned, the survey report demonstrates that 87% of employees have fixed work schedules, while only 1.7% of respondents work according to an individual work schedule. Only 4.6% of the employees have flexible work schedules based only on the monthly number of working hours. Only 10% of women in the ages of 25-49 use any form of flexible working hours, which is one of the lowest scores in the whole European Union. Similarly, one in ten women could work from home at least from time to time. About one third of employees working part-time use some form of flexible working time, however, a great majority of all employees work full time: only 3.9% of male and 9.2% of female employees that participated in the survey worked part-time.

Age, sex or education level does not significantly influence the use of working time options. Interestingly, there is no difference between men and women with regard to the possibilities of changing their work schedule in unpredicted family circumstances: around 40% of them do not have such an opportunity (w: 41%, m: 39%). Being an employee of the public sector (public: 45.0%, private: 38.2%) or working in the rural area (rural: 44.7%, urban: 38.6%) slightly increases the flexibility in this situation of force majeure, but the only situation that makes a bigger difference in this case is part-time working: only 27.1% of all employees working part-time (as compared to over 40% of full-time workers) cannot adjust their work schedule when they encounter an urgent family situation.

A few smaller indicators of flexibility for women stem from the fact that the share of female employees is the highest in sectors with the least amount of flexibility like social assistance and care services (82.1% workers are female), and education (79.1%). The sector of "public administration and national defence" is characterised by having the least leeway in terms of the possibilities for adjusting working time to the needs of employees. This is another sector where women represent more than 50% of all workers.

When comparing occupations, it turns out that the highest degree of flexibility (with regard to family circumstances as the reason for adjusting working time) is observed among the representatives of the public authorities, such as government officials and higher ranking civil servants: only 26.8% of this group of employees experiences the lack of flexible working time in the case of family issues. The second occupation group with the highest degree of flexibility is skilled agriculture, fishery and forestry workers (32.7%).

#### **4.3.2 Use of leave for family reasons**

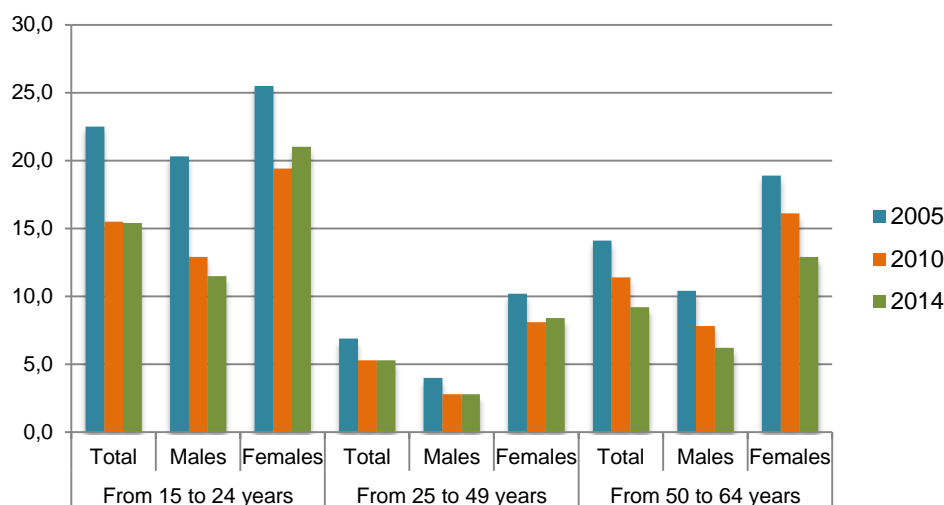
Furthermore, the authors take a closer look at childcare with relation to work schedules and the general organisation of the parents' working time. The female respondents were asked about their use of childcare leave (as only 1.2% of fathers use the scheme). Childcare leave is an unpaid scheme, unless the parent meets the income criteria (see also section 4.5). Therefore, 38.4% of women used at least one month of childcare leave, including those who took at least one year of the leave (33.9%) and those who were still on the leave at the time when the survey was conducted (20.7%). Among those who used the scheme, there were more women from urban (41.2%) rather than from rural (34.1%) areas. While younger women tend to use smaller amounts of the leave, the likelihood of using the leave among women in their 30s increases, and then decreases among women at the age of 40 or more. When the level of education is taken into account, it turns out that women with lower education levels are least likely to use childcare leave.

As far as parental leave is concerned (the new scheme), only 1.5% of the fathers decide to take part of the leave, while almost all (insured) mothers use maternity leave, followed by parental leave, for a total of 52 weeks of leave (data of the Ministry of Labour and Social Policy). Finally, a majority of the fathers use their individual and non-transferrable entitlement to two weeks of paid paternity leave now, while shortly after introducing the scheme only 7% of all fathers did so.

#### **4.3.3 Use of part-time employment/reduced working time**

As mentioned in section 1, Poland has a relatively low share of part-time employment. What is even more interesting is that the share of part-time employees among women in prime working and childbearing age (25-49) is actually much lower than among younger women (Figure 4). Polish women mainly work full-time in their prime working age.

Figure 4: Per cent of employees working part-time, according to age, 2005, 2010, and 2014.



Source: Eurostat labour market database.

In this sense, in contrast to the trends in Western Europe, the situation of women in their prime age does not seem to influence their employment status with regards to working full or part-time. At the same time, however, the Ministry of Labour and Social Policy have currently reported that the number of women who have not taken up paid employment after childbirth is growing. With the number of women giving birth being quite stable, around 380 000 per year, whereas in 2008 around 40% of all women did not enter gainful employment (or did not return to work, or discontinued employment in another way), in 2013 this figure increased to over 60%.

After the 2000s, the mean age of women giving birth to a child increased from 26.1 in 2000 to 29.2 in 2013 (GUS 2015). The mean age of women's giving the first birth to a child increased from 23.7 to 27.2 respectively (GUS 2015). Simultaneously, the highest number of children was born to women aged 25-29 (over 35 000 births per year) and 30-34 (about 27 000 births), while fertility decreased dramatically for the age group 20-24 between 1990 and 2013. Thus, the age group that is most probably affected by the work-life balance issues are women between 25 and 35.

In addition to lower rates of part-time employment in the youngest group, there is a gender gap in hours worked (men working longer hours than women) for all age groups; the gap is the largest in the age group 15-24. Finally, while 19% of men at the age of 15-24 are employed on the basis of Civil Code contracts, almost one third of all young female workers have Civil Code contracts.

The Central Statistical Office's survey revealed more information about the use of part time work/reduced working time (GUS 2012). Reduced working time is an alternative solution, used by 12.7% of respondents taking care of a child under eight years old. More women (22.5%) than men (3%) decided to use this option, while 9.8% of all female respondents quit their jobs to take care of the child at home. Among women these were more often the

inhabitants of rural (25.7%) rather than urban (20.3%) areas. Furthermore, among women employed in agriculture, forestry and fisheries, almost half use reduced working hours, the same as the option used by more than 20% of managers (high-ranking executives). Figure 4 presents more detailed data in relation to the occupations performed by the respondents.

Figure 5: The per cent of men and women being able to reduce the amount of their working time in order to care for the youngest child up to 8 years old by performed occupation.



Source: GUS 2012, p. 67.

Furthermore, the researchers asked both men and women about their decisions with regard to the work schedule or resigning from employment that were not only related to the need to take care of a child or an adult person, but also - to the lack of care services or the level of fees. In general, as stressed by the authors of the report, “the number of women taking care of children up to 14 years of age and partially or entirely resigning from work due to unavailability of care services is 20 times higher than the number of men” (GUS 2012, p. 73). Thus, 14.9% of women indicated the lack of care services or the high price of services as the reason for their economic inactivity.

The restricted use of part-time work in Poland (also by women) is of a financial character – decrease of the overall family income resulting from part-time work makes the overall financial situation of the family unsustainable (Baranowska-Rataj and Rynko 2014). On one hand, the most important reason for restricted use of part-time employment is that this form of employment is hardly available, on the other – among all women working part-time, 41% would prefer to have a full-time job (ibid.).

#### 4.3.4 Use of early retirement

As a consequence of the 1998 pension reform, various routes to early retirement have been gradually removed. Still, there are some measures which allow for earlier retirement. First, there is a pre-retirement benefit,

which can be obtained given sufficient contributory period and age. It is available to older workers who have been affected by group dismissals, or the bankruptcy of a company. In the year 2013, 139 000 Poles received such benefit. The second possibility is the so-called partial pension, which was introduced in parallel to the incremental increase of the retirement age to 67 (from 65 to 67 by 2020 for men and 60 to 67 by 2040 for women). It is also based on the sufficient number of contributory years. As this instrument is currently applicable to men only, the number of beneficiaries is marginal. The third possibility is a special compensatory benefit for teachers who cannot retire only based on the 30 years of seniority (and without the stipulated minimum retirement age - such a possibility existed before 2008). The instrument assumes seniority and a given age and as well is used very rarely (1,163 individuals in 2013). The fourth instrument is the so-called bridging pension, which replaced early retirement for individuals working in hazardous conditions. This type of benefit was drawn by 8 200 Poles. The fifth possibility covers miners, who can retire earlier given the record of work underground, and uniformed services (military etc.), who can retire after 25 years of service (applies to new entrants, before 2013 it was 15 years) (ZUS 2014).

## **5 Conclusions and recommendations**

The Polish labour market is characterised by increasing flexibility. This process takes two parallel tracks. First, the Labour Code has been amended in a way that aligns with the general flexibility postulates of employers. While it can be beneficial for workers as well, it seems the main purpose of such changes is to benefit employers, especially with respect to lowering labour costs (avoiding overtime). Second, the use of atypical contracts is growing, providing significantly lower levels of regulation between two parties, but also significantly lower levels of protection. Here, the vast majority of aspects described in this report do not apply.

Therefore, it is essential that the protection of atypical employment converge with the Labour Code regulations. While this process is very slowly taking place, it seems more reasonable to eradicate the abuse of such contracts altogether. Thus, I would suggest two basic policy directions:

1. More collective agreements should be established, both at a company and at a branch level. While the agreements at a company level cover bigger entities, they are completely missing in the micro-companies sector. This is related to limits regarding establishing a company union organisation (10 workers are required). At the same time, the risk of workers from some companies with no union organisation, who remain under inferior regulations, would be reduced.
2. The role of the Labour Inspectorate should be strengthened. Currently, this institution remains underfunded, while the complexity of the labour role, and the scale of non-compliance, is growing. Non-compliance with the labour law should be met with stronger financial sanctions. Finally,

the activities of the Inspectorate should go beyond the scope of classical employment. All individuals in the labour market should have a minimum of protection against abuse on the side of the employer (including the working environment norms, holidays, etc.).

Until recently, the Polish model of family policy has been perceived as the case of “implicit familialism” or “private maternalism”, i.e. the low level of support for families has been accompanied by the privatization of care services, and the dominating discourse of familialism and the primary meaning of the woman’s role as mother. Childcare policies, especially, have undergone some serious reforms during the last few of years. First, the number of weeks available for maternity leave has been gradually increased from the mid 2000’s. Second, the new parental leave scheme was established in 2013 that considerably contributes to family support during the first year after childbirth. Third, the father’s entitlements were extended, when two weeks of paternity leave were introduced, and one month of the childcare leave was reserved as an individual and non-transferable entitlement for each parent. Further reforms plans include introducing more flexibility in the work schedules of parents returning to work after family-related leaves, as well as the opportunity to use parental leave in parts and until the child reaches school age. Altogether, it seems that the reforms should increase the work-life balance for parents and contribute to a more gender-balanced division of work at home. And there are certain achievements, such as opening the possibility for parents to adjust their working hours to the needs of family life or the possibility to combine parental leave with professional work. This picture would, however, be only one-sided, as the mode of implementation of these solutions might seriously undermine the goals that the reformers are trying to achieve.

Therefore, there are two main deficiencies of the system, even after the reforms. Firstly, the reform in its present form might contribute to persistence of a gendered character of the division of work within the family. The introduction of an additional scheme of parental leave, though, represents an increase in support and is based on the solutions from the Nordic countries, in reality functions like an extension of maternity leave, mostly because the new entitlements are family-based, and thus, there is no individual entitlement for the father. Hence, the maternalist turn of the policies in Poland is likely to strengthen the traditional division of work within the family (although it is too early to test such an assumption with data). In the light of such a substantial extension the two weeks of paternity leave are insufficient to effectively change the situation for women, disproportionately burdened with both professional and domestic duties.

Accordingly, I would make the following recommendations with regard to work-life balance policies:

1. The parental leave system needs to involve fathers to a greater extent, by reserving four or eight weeks out of 32 weeks of the parental leave only for the fathers, and the father’s quota should come with adequate financial compensation (wage replacement). This

might be achieved, also, by extending the existing two weeks of paternity leave to at least one month.

2. The existing legal provisions with regard to the protection against dismissal of parents coming back from family-related leave prove to be insufficient, as there is a growing share of mothers who are either dismissed shortly after they come back to work after maternity/childcare leave or that remain economically inactive after childbirth. This means that state institutions, and especially labour inspection, should pay greater attention to the situation of employees with children at the moment they return to work or anytime when the period of the leave expires. There should be stronger sanctions for employers in the case of unlawful dismissals or those cases of dismissals that raise doubts in terms of their legal grounds.
3. It is necessary to reform the system of support beyond parental leave, i.e. leave schemes and working time options for persons taking care of other family members (spouses) or parents. Like in the case of work-life balance policies at the workplace, the existence and then the use of working time options should be enforced more effectively, including by labour inspection.

The basic factor that might contribute to the categorization of the groups using parental leave is the fact that labour markets in Poland are segmented, with a large portion of employees working in precarious segments of the labour market. Until this situation changes, even strengthening labour inspection or implementation of the law, in general, would not improve the vulnerable situations of many employees. In the longer term, though, the diminishing working-age population might contribute to reforms in the direction of a more employee-friendly work environment.

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# Life-Course Oriented Working Time Options in the Czech Republic: What Workplace Conditions Influence Their Use?

Hana Hašková and Renata Kyzlinková

## 1 Introduction to the labour market in the Czech Republic

In the Czech Republic (CR), both the general unemployment rate (even with regard to gender and age) and the long-term unemployment rate are lower than the EU averages; this is not true, however, in the case of the unemployment rate of people with low qualifications. People in the CR who have a low level of education are in a much worse position than their EU counterparts.<sup>34</sup> With regard to gender differences in unemployment, while among men and women aged 20-24 there is almost no difference in the unemployment rate, among those aged 30-39 the unemployment rate of women is more than double that of men, which has to do with unemployed mothers trying to return to the labour market. And it remains higher even among people aged 40-54 (Czech Statistical Office, 2013).

In the CR, the percentage of workers working on fixed-term contracts is lower compared to the EU average, but the figure is increasing, especially among women.<sup>35</sup> In contrast, the percentage of self-employed is higher in the CR than in the EU-27.<sup>36</sup> The share of people working on the basis of fixed-term contracts is greater among people with low qualifications (in particular, in trade and services), the disabled, and people in smaller companies. Two thirds of workers with fixed-term contracts have this kind of contract because they were unable “to find work with a different type of contract”. In addition, fixed-term contracts are associated with transitional phases in a person’s working career, in particular in the case of school-leavers and graduates, mothers caring for children and people of (pre-) retirement age. These characteristics suggest that these jobs are more typically held by people who are marginalized within the labour market and may have to do with recurring experiences of unemployment in the life course (Hora, 2009a; Dudová, Hašková, 2014).

In many respects, the labour market in the Czech Republic (CR) is still an industrial-era labour market with traditional work relations (Hora, 2009a, b). Variable hours of work, such as shift work, night work, and irregular regimes of work set by the employers for operational reasons, which can have a negative effect on work-life balance, are more common in the CR

<sup>34</sup> See data by Eurostat at [http://portal.mpsv.cz/sz/politikazamest/trh\\_prace/rok2013p1/anal2013p1.pdf](http://portal.mpsv.cz/sz/politikazamest/trh_prace/rok2013p1/anal2013p1.pdf).

<sup>35</sup> See data by Eurostat, Labour Force Survey at <http://ec.europa.eu/eurostat/web/labour-market/statistics-illustrated>.

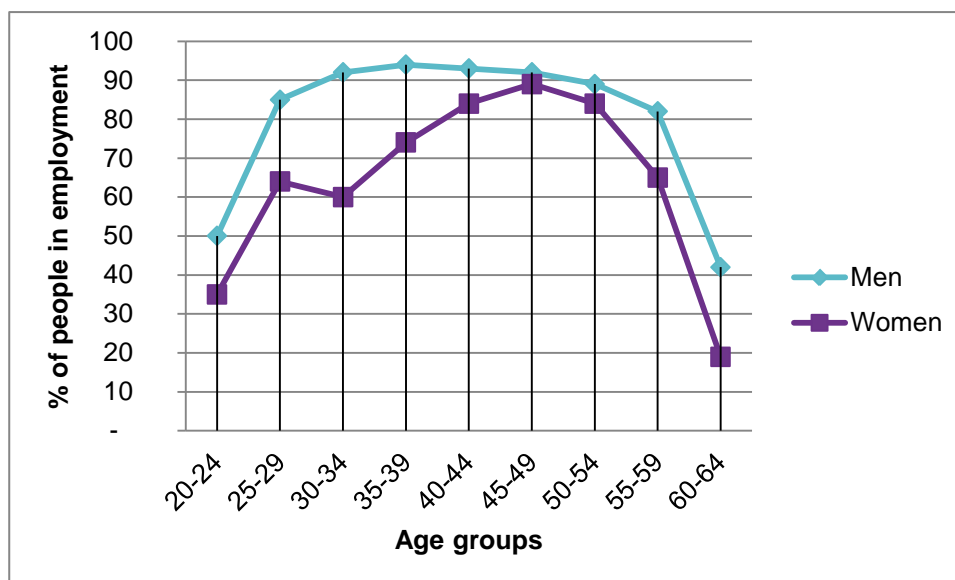
<sup>36</sup> See data by Eurostat at [http://portal.mpsv.cz/sz/politikazamest/trh\\_prace/rok2013p1/anal2013p1.pdf](http://portal.mpsv.cz/sz/politikazamest/trh_prace/rok2013p1/anal2013p1.pdf).

than is the average for the EU (Kyzlinková, Dokulilová, 2007). These forms of work regimes are typical in manufacturing.

Employed men and women in the CR both have a higher number of hours worked in employment per week compared to the EU averages. The percentages of men and women employees who claim to work more than ten hours a day at least once a month highly exceed the EU averages (Lehmann et al., 2015).

The Czech model of women’s employment is characterized by a high employment rate among mothers of school age children but one of the lowest employment rates in the EU among mothers of pre-school children. Women’s employment participation rate decreases during family formation (age 30 to 34), but almost reaches men’s employment rate at the age of 45 to 49 (Figure 1). In addition to the CR, the lowest employment rates among mothers with children under 3 years and the biggest difference between the employment rate of mothers and women of the same age without dependent children under the age of 15 are similarly observed in Slovakia and Hungary in the EU (OECD, 2014). This model of women’s labour market participation has actual economic and social consequences and risks for women, e.g. in terms of their career prospects, their risk of unemployment, and their wage and income trajectories (e.g. Maříková, 2005).

Figure 1: Age employment profiles, 2013 (Czech Republic)



Source: OECD Family Database 2014; Chart LMF1.4.A.

Unlike mothers of small children, fathers of children under the age of 7 represent one of the groups of people that work the longest hours in the CR (in terms of hours worked at a person’s main employment). They are also

among the ones who are most unhappy about the number of hours worked in an employment per week and would like to reduce it (Hora, 2009b).

The Czech Republic ranks among the European countries where women spent a relatively high amount of time on household work – on average more than 23 hours a week. Czech women still perform the majority of household work and care in Czech households. Women devote on average twice as much time to household work per week as Czech men and perform the majority of domestic activities (Chaloupková, 2005). Men have slightly more leisure time than women during all phases of the life. Moreover, men do not feel the shortage of leisure time as often as women. In case of women, (the feeling of) the shortage of leisure time increases particularly in connection with (child) care responsibilities but also with sharing a household with a partner. Interestingly, lone mothers spend approximately the same amount of time on paid work but an average of two hours and 16 minutes less per week on household work than partnered mothers. In case of care work, lone mothers spend only 9 minutes more per week than partnered mothers (Maříková, 2014; Life Course Survey 2010<sup>37</sup>).

The degree to which employers introduce work-life balance measures varies across institutional contexts (e.g. den Dulk, 2001; den Dulk et al., 2010). The liberal welfare regime provides the strongest incentives for employers to implement extra-statutory work-life measures. Generally, greater employer involvement tends to lead to greater differentiation of access to work-life measures for different groups of employees, and to a certain amount of instability of these measures owing to economic fluctuations. The degree of state support was found to be negatively related to employer involvement. Hence, well-developed public work-family provisions (such as those in Scandinavian countries) were shown to diminish the likelihood of employers assuming an active role in the development of work-family support. The weakest employer strategies in support of employee work-life balance were observed in Europe's post-socialist countries, despite the fact that many post-1989 governments substantially reduced state support for work-life balance (ibid.). Given that only a small amount of research on this issue has included the post-socialist countries of CEE and that these countries do not have the same type of welfare system, it remains to be seen how work-life provisions will evolve in this region and what the role of various actors in offering these provisions will be. Indeed, after 1989, different CEE countries embarked on different welfare-system paths (e.g. Szelewa, Polakowski, 2008; Saxonberg, Szelewa, 2007), while, to some extent, basing their strategies on differences that existed even before 1989 (e.g. Saxonberg, Szelewa, 2007; Hašková, Klenner, 2010; Hašková, Saxonberg, 2016).

The CR is usually classified among CEE countries with an explicit familialist policy model (e.g. Szelewa, Polakowski, 2008; Saxonberg, Sirovátka, 2007). There could be more pressure on employers to implement extra-

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<sup>37</sup> See data from a survey Životní a pracovní dráhy 2010 (Life course Survey 2010) at <http://nesstar.soc.cas.cz/webview/>.

statutory measures in institutional environments of explicit familialism in order to make up for the shortcomings of public policy. International comparative research shows though that public policy shortcomings are not the only factor that prompts employers to get involved in shaping work-life balance policies. As well as different organizational characteristics, other influences on employer strategies may include societal beliefs, norms and expectations regarding, for example, whether employers should be involved in formulating and offering work-life balance measures, or whether mothers of small children should be employed at all (e.g. den Dulk et al., 2010; Kossek, Lewis, Hammer, 2010; Plantenga, Remery et al., 2005). All these aspects will be dealt with in this report.

## 2 Previous studies

In the CR, life course studies are usually not linked to studies on working time arrangements. Life course studies mostly focus on changes in the timing, sequencing, spacing and meanings of life transitions in various domains of (mainly private) life, especially reproduction and partnership.

In contrast, studies on working time arrangements provide, in particular, a static overview of the availability and use of different working time arrangements (by some population groups), without any (systematic) application of the life course perspective. In addition, from the wide range of possible working time arrangements, these studies usually focus on some of them only. In some cases, these are studies that provide examples of good practices used in countries where flexible working time arrangements are more firmly anchored in the corporate reality and have a longer tradition, and their aim in particular is to determine how best to apply similar practices in the CR (e.g. Kotíková, Kotrusová, Vychová, 2013; Formánková, Vohlídalová, Dudová 2011).

Recently, a number of studies were published that deal with life course changes in the CR in a relatively complex way (e.g. Chaloupková et al., 2010; Křížková et al., 2011; Hasmanová Marhánková, Kreidl et al., 2012; Hašková et al., 2014). The studies do not cover working times throughout the life course or life course policies; however, the information they provide may be related to these topics in some aspects. This includes findings about the increasing stratification of life courses and gendered refamilialization in the CR, which implies a shift away from policies that give women incentives to combine paid work with caregiving and towards policies that undermine women's (continuous) employment. Both of these processes have a significant impact on the life course, work trajectories and the possibilities for achieving work-life balance in some groups of the population in the CR.

Chaloupková et al. (2010) highlighted the postponement of life transitions to an older age in the CR. Hašková (2011) and Křížková et al. (2011) identified the structural, institutional and cultural factors and social mechanisms that contribute to the increasing length of time that mothers remain without

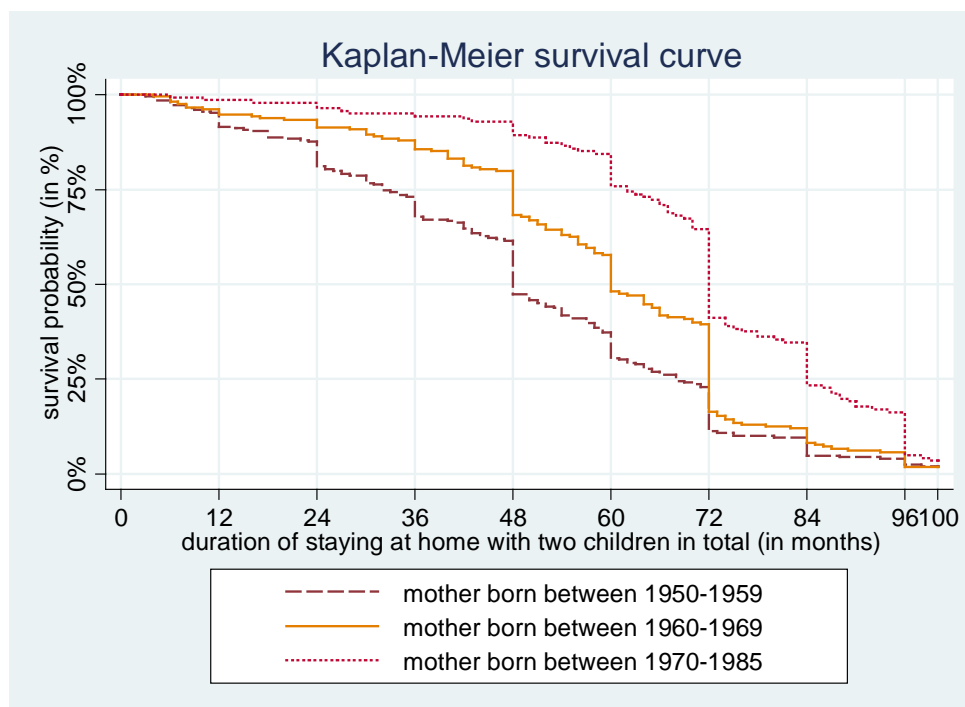


a permanent job after having their first child and revealed the widespread practice of mothers on parental leave or at home taking on occasional work. Hasmanová Marhánková, Kreidl et al. (2012) pointed to the strengthened social stratification of life courses in the CR. Hašková et al. (2014) identified the processes of individualization, gendered refamilialization and globalization, including the socially stratified impacts of the economic crisis, to be important factors contributing to the increased stratification of life courses in the CR.

With regard to the social stratification of life courses, refamilialization is reflected in the following differentiation of the female population: while mothers from all educational groups stay at home with each child much longer than in the past (see below), an increasing number of women with a better position on the labour market are remaining childless/ childfree and an increasing share of women with the lowest level of education have no experience with employment at all. The strengthening of the male breadwinner model during the phase of the life course when people have small children probably contributes to the fact that an increasing number of men with low education and experience of unemployment remain single. Low educated people face numerous uncertainties in their private and working lives that tend to reinforce each other (e.g. Kyzlinková 2013; Hasmanová Marhánková, Kreidl et al. 2012; Hašková et al., 2014).

Contrary to the previously accepted idea that in the CR refamilialization began after 1989, mothers' and children's cohort comparisons prove its roots lie in the 'normalization' era of the 1970s-1980s. The 'normalization' period started after 1968, when Warsaw pact troops came to the CR to stop the democratization processes there and the government tried to appease the public by introducing numerous family measures (such as extending additional maternity leave and introducing maternity allowance) in the hope that people would focus on their family life rather than public issues (Hašková, Saxonberg, 2016). Since then the number of months that Czech mothers stay at home with each child has increased and the practice of not returning to work between individual births has increased, too (see Figure 2 and Table 1).

Figure 2: Kaplan-Meier survival estimates: the number of months Czech mothers of two children spent 'at home' with their two children in total, by the mother's year of birth



Source: Life Course Survey 2010 in Hašková (2014).

Figure 2 shows that the younger the generation of Czech mothers born since the 1950s, the longer they stayed out of the employment with their children. While more than half of mothers born between 1950-1959 stayed 'at home' with their two children in total no more than four years, and almost all of them no more than six years, only about 10% of mothers born between 1970-1985 stayed at home with their two children no more than four years and almost a quarter of them remained 'at home' more than seven years.

Table 1: Status of the mother at the birth of her 2<sup>nd</sup> child (in %)

Mothers' year of birth	1940-1949	1950-1959	1960-1969	1970+
Caring for the 1 <sup>st</sup> child, at home	40	57	65	77
Employed – in work	59 (90 % FT)	42 (97 % FT)	32 (96 % FT)	18 (90 % FT)
Unemployed	0	0	2	4
Other	1	1	1	1
Total	100	100	100	100

Source: Gender and Generation Survey 2008 in Palonciová (2011).

Note: FT = employed full-time.

This doesn't mean that the post-1989 development of family policy and changes in the labour market did not contribute to the increase in time Czech mothers remain at home, providing all-day care to their children, or that remaining at home does not have radically different consequences for mothers after 1989 (e.g. in terms of unemployment, obtaining only fixed-term work and increasing the gender pay gap). However, in order to understand gendered familialism in the CR it is important to identify its roots.

Although the main focus of research on work-life balance and working time options in the CR is directed at studies of the phase of life in which mothers are caring for small children, there has recently been more frequent funding of a growing number of studies looking into the ability to (combine paid work and) care for the elderly (see e.g. Svobodová, 2006; Dudová, Volejníčková, 2014). The results of these research studies indicate that caring for ageing family members is usually left to individual women (given the underdevelopment of the sector of services for adults who are not self-reliant). Working women must combine care for ageing family members with a full-time job, even though most of them would prefer a part-time job or flexible working hours instead. A study by Dudová (2014) shows that women who quit their job to look after an elderly parent before they themselves become eligible for an old-age pension can expect to receive a lower pension as a result. Moreover, if the woman's parent dies before the woman reaches retirement age and is eligible for an old-age pension, she may face longterm unemployment.

The situation is especially difficult for those women who care for both elderly parents and young children. Almost half of them have to take annual leave to be able to care for their family members (Kotková, Bosničová, 2014). Although this group of women is currently not very large, it is expected to grow. The so-called “sandwich” situation occurs when an individual has to fulfil the needs of caring for the younger generation (mostly children) and the older generation (mostly parents). This is more commonly the case of mothers who postponed motherhood and whose mothers also became mothers later in life. The sandwich situation can be extremely difficult for women who do not have siblings or whose siblings moved away. The burnout syndrome resulting from the need to provide care is primarily observed among people whose family structure is extended vertically (as opposed to being extended horizontally) (Hagestad 2009). As life-expectancy increases (and not so much the disability-free period of life expectancy), as major life transitions are being postponed to later ages, and as the intensity of fertility drops, we are now witnessing what can be called the verticalisation of family structure, which, in itself, influences the distribution of care requirements.

### **3 Availability and regulation of working time options**

Working time and its specific regulations are stipulated in the *Labour Code* (Act No. 262/2006 Coll.). In the last two decades, there has been increasing pressure to achieve more flexible working time regimes exerted both by employees and employers. The *Labour Code* adopted in 2006 reflects the requirements of more flexibility and this trend has been further strengthened in subsequent amendments. The 2006 *Labour Code* introduced an essential change in stressing legal freedom by introducing the rule that “everything which is not forbidden is allowed”. The establishment of less rigid employment relations means not only increased opportunities for flexible working time arrangements aimed at achieving a work-life balance, but also an increased flexibility that has a negative impact on some employees in terms of their current work-life balance and/or in terms of negatively impacting income and social security later in their lives. As illustrated further, employers offer flexible working regimes for a better work-life balance mainly to those persons who have a stronger negotiating position on the labour market. In addition, as summarized by Anxo et al. (2006), the expansion of different working time arrangements may result in gender, social or age discrimination if the social protection and tax systems do not take into account working time changes over the life course.

Basic forms of working time options are defined in Czech labour regulations. Additionally, individual work contracts or internal rules may provide for specific working time regimes. Czech labour law does not obstruct the introduction of flexible working regimes. Surveys of employers have shown that only a small number of employers see legislation as the main obstacle for introducing flexible working regimes (LMC, 2011; Haberlová, Kyzlinková, 2009; NVF, 2011a). Experts agree though that the *Labour Code* does not support the use of these regimes. To demonstrate this, let’s look at the

example of job sharing: current legislation provides for cases when employers may use part-time contracts to employ several persons to share one job, but there are no provisions that explicitly deal with working time sharing, job description etc. (Kotíková, Kotrusová, Vychová, 2013).

The *Labour Code* stipulates a standard working time of 40 hours a week and defines the conditions for shift work (a maximum of 12 hours in one shift), part-time work, as well as overtime work. It also defines a working time account and flexitime, as well as the conditions for night work, standby duty and the relation between working time and resting time, both for irregular and regular working time regimes. It also stipulates the conditions and minimum duration of paid leave (4 weeks for full-time employees), maternity leave (28 weeks; 37 weeks in the case of twins), parental leave (until the age of three of the child) and situations when the employers are obliged to grant the employee paid leave.

The following working time options are available in the Czech Republic. All of them, with the exception of a compressed working week, job sharing, home-working and teleworking, are explicitly named and regulated by the *Labour Code* adopted in 2006:

- *Flexitime* (§ 85 of the *Labour Code*) with set “core” working hours that are mandatory for all employees while the remaining working hours are worked as needed. There is no stipulation as to precisely how many hours constitute “core” working hours. The amendment to the *Labour Code* (Act No. 365/2001 Coll.) provided for flexitime being used both for regular and irregular working time regimes;
- *Working time accounts* (§ 86-87 of the *Labour Code*) by which the number of working hours can be increased or decreased if a set number of working hours is worked within a set (so-called balancing) time period. Working time accounts may only be introduced by a collective agreement or – in places of employment with no trade unions – working time accounts may only be introduced by an internal regulation. Working time accounts may not be introduced for some types of jobs. The balancing time shall comprise a maximum of 26 consecutive weeks. This period may be prolonged to a maximum of 52 weeks only by a collective agreement;
- *Overtime* (§ 93 of the *Labour Code*): the total amount of overtime cannot exceed 8 hours a week on average in a time period that may comprise 26 consecutive weeks at most. This period may be defined as a maximum of 52 weeks only by a collective agreement. Part-time workers cannot be required to work overtime. For working time accounts, overtime work amounting to 120 hours may be calculated as working time only in the immediately subsequent balancing period if this is provided for in the collective agreement;
- *Part-time work* (§ 80 of the *Labour Code*) is work that is shorter than 40 hours a week;

- *Night work* (§ 94 of the *Labour Code*);
- *A compressed working week* by which a full-time job can be worked in fewer working days (e.g. four-day working week);
- *Job sharing* is a work schedule in which several employees share one full-time job;
- *Home-working and teleworking*: although this is not a working time option in itself it can be used to eliminate the time necessary to commute to work and, thus, is conducive to a better work-life balance.

The *Labour Code* stipulates that employers are obliged to comply with a request to perform part-time work or another suitable working time arrangement from an employee if the employee is caring for a child under the age of 15, is pregnant or can demonstrate that he/she is providing long-term care for a person considered moderately or completely dependent on the help of another physical person, unless serious operational circumstances prevent this. However, this stipulation is not enforced in practice. Employers commonly refer to operational circumstances in order to deny such requests, although the given circumstances could easily be adjusted (Formánková, Vohlídalová, Dudová 2011). However, some curtailment of these practices on the part of employers may occur as a result of a ruling by the *Czech Supreme Court* of 9 July 2014 that persons caring for a child under the age of 15 are entitled to part-time work and the employer must accommodate their request.

Recently, there have been discussions related to political debates on supporting the employability of mothers about possible financial support provided to employers offering part-time jobs; however, fears were also expressed that active support of part-time schemes for certain groups of the population might, in the long run, put these population groups at a disadvantage in the labour market. Indeed, there is no regulation in the CR that guarantees the possibility to return to a full-time job after the circumstances have passed that made the employee seek a part-time arrangement change. With the strengthening meritocratic principles in the system of retirement pension payment, there has been a debate about how part-time work would be reflected in the retirement pensions of those who choose this option.

As far as work contracts are concerned, the *Labour Code* (§ 39 of the *Labour Code*) defines an *open-ended contract* as a standard contract but enables also *fixed-term contracts*.

*Parental leave* (§ 158-160 of the *Labour Code*) has a significant impact on the participation of the majority of Czech women in the labour market in a specific period of their lives, with a long-term impact on the development of their working careers and incomes. In the past, it was impossible to combine gainful activity while on parental leave and receiving a *parental allow-*

ance as the limit on the amount of income persons receiving a parental allowance could earn was very low. According to the law, parental leave may be taken up to the age of three of each born child, i.e. parental leave is for three years after the birth of each child (or longer if allowed by the employer). In 2004, the income limit for persons receiving a parental allowance was abolished. However, a person receiving the parental allowance could place their child in day-care facilities for only very limited number of hours. If their child attended day-care for longer hours, the persons became ineligible for parental allowance. Consequently, it was virtually impossible for mothers to perform regular gainful activity and receive the parental allowance at the same time. Thus, mostly only occasional work was possible for mothers receiving a parental allowance. Since 2008, parents choose the period of time in which to collect a parental allowance, choosing between two to four years, with a longer payment period resulting in a lower amount per month, so that all parents receive the same amount regardless of the duration of the payment period. Since 2013, it is no longer monitored whether a child over the age of two uses day-care facilities while a parent collects a parental allowance. However, the shortage of places available in day-care facilities means that parents of children under the age of three, and in some places under four, have to rely on the help of grandmothers or private babysitters for care.

It has been already noted in reference to Western European countries that although parental leave has a positive influence on the participation of women in the labour market, long leave coupled with a lack of daycare has a negative impact on women's participation in the labour market (Morgan, Zippel 2003). According to Oliver (1991) and Goodstein (1994), the stronger the policy pressures and the more managers see them as congruent with the (economic) interests of the organization, the more consistent their strategies are with these pressures. In the opposite situation, i.e. when policy pressures are low and managers see a disparity between these policy pressures and the interests of the organization, they try to avoid these pressures, refuse to accommodate them, and manipulate them (Oliver, 1991).

The CR has this very combination of long leave and a lack of daycare, coupled with weak policy pressures. Less than one half of mothers return to their previous employer after parental leave, which is a very low figure in a European comparison. In the CR, many companies do not fully comply with the legislation on parental leave and parents lack capability to exercise this right (Riedmann, 2006; Kuchařová et al., 2006; Hašková, 2011; Plasová, 2012).

Mothers who do not return to their previous employer do not do so primarily for the following reasons: (a) they choose not to; (b) they are offered a position there that corresponds to their work contract, but is unacceptable for another reason (e.g. there is no option to work part time or to adjust the beginning or the end of working time); (c) the employer terminates the person's employment on the grounds of redundancy and offers the employee

financial compensation; (d) the organization ceased to exist (Kuchařová et al., 2006).

Mothers of children most commonly make use of the total amount of parental leave, which is three years, and only a small portion of employers in the CR offer some parents on parental leave occasional work (30% according to Plasová, 2012). Qualitative research among employers shows that employers in the CR typically view a mother's departure for parental leave as her departure from the organization altogether (her position is usually filled by another employee). Owing to the trend of postponing motherhood, employers expect to reach a return on investment into young female employees before they go on parental leave (Plasová, 2012). Since the early 1990s, the age of mothers at the birth of their first child has risen in the CR from 22 to 28 years.

#### **4 The interplay among the state, collective bargaining and companies**

Industrial relations in the CR are to a large extent legally based on the *Labour Code*. National work legislation has also been shaped by key social partners negotiating at regular tripartite meetings and during focused negotiations of trade unions and the representatives of employers with Parliament and the government (in particular, with the Ministry of Labour and Social Affairs). The representatives of social partners also comment on proposals for work legislation within the intersectoral consultation process.

Work relations in the CR are further shaped by collective bargaining at lower levels. Collective bargaining in the CR mainly occurs at the corporate level. It is estimated that higher-level collective agreements cover only one fourth of all employees.<sup>38</sup> Although the 2006 *Labour Code* significantly increased the possibilities of regulating industrial relations in collective agreements, in terms of their importance, collective agreements at all levels are only complementary to the existing labour legislation.

The position and the bargaining power of trade unions in the CR are rather weak in international comparison (Formánková, Vohlídalová, Dudová, 2011); their current influence is closely linked to the rightwing-leftwing government orientation. In the 21<sup>st</sup> century, the actors in social dialogue at a higher level have virtually remained the same in the CR, as have the main topics of collective bargaining. They still focus on wages, the total number of working hours, annual leave over and above the *Labour Code* and social benefits, such as lunch vouchers and supporting employee leisure activities. Trade unions in large companies with more than 250 employees are the most successful in the CR (Hála, 2010). In small and medium-sized enterprises the position of trade unions is very weak. In addition, trade union membership in the CR has been gradually decreasing since the mid-

<sup>38</sup> See <http://www.odbory-online.cz/pravni-poradna/kolektivni-pracovni-pravo/kolektivni-vyjednavani/uzavirani-a-rozsirovani-kolektivni-smlouvy-vyssiho-stupne/1035-3/pravni-uprava-uzavirani-kolektivni-smlouvy-vyssiho-stupne>.



1990s (Veverková, 2014). Trade union density has also been decreasing in many other European countries; however, at present, trade union density only amounts to 13.4% in the CR, which is one of the lowest figures in Europe<sup>39</sup>.

In 2006, when the new *Labour Code* took effect, a change occurred in the content of company-level collective agreements (CCA). Since 2007, statistics have been collected on the existence of regulations governing flexible working time in company collective agreements. Such regulations were found in approx. 16% of CCAs in 2007. Statistics from 2013 show that flexitime is increasingly becoming the subject of collective bargaining at company level. There is evidence of flexitime and its conditions being regulated in almost one fourth of all company collective agreements recorded by the Ministry of Labour and Social Affairs. In particular, flexitime is regulated in the CCAs of trade unions of employees in telecommunications and postal services, financial and insurance services, transportation or science and research (50-60% of CCAs in 2013). These are mainly subjects in the tertiary economic sector. A large share of CCAs with flexitime regulations can also be found in CCAs negotiated by the *ECHO* trade union, which is focused on the energy and chemical industry (44% of CCAs), or by the *Trade Union Association of Railway Workers* (58% of CCAs). The new concept of working time accounts defined in the 2006 *Labour Code* was monitored in statistics only in the years 2007–2009. Working time accounts are regulated in approx. 5% of CCAs.<sup>40</sup> In 2014, only 0.5% of CCAs regulated conditions for homeworking and no collective agreement dealt with conditions for job sharing or working without a permanent “work desk” (as in previous years) (Čornejová, 2014).

With regard to the link between the *Labour Code* and collective agreements, the *Labour Code*, while regulating some concepts related to working time, refers to the need to consult on specific measures with trade unions or to describe specific measures within a collective agreement. It means that employers are obliged to negotiate some matters with trade unions. In particular, the *Labour Code* provides that the employer must consult on collective working time regulations, overtime exceeding 8 hours a week on average in 26 consecutive weeks, and their possibility to require night work and work during non-working days with the trade unions. An *Act on Collective Bargaining* (Act No. 2/1991 Coll.) governs collective bargaining between trade unions and employers or their organizations, whose aim is to conclude a collective agreement.

Since the accession of the CR to the EU in 2004 and the approval of the *Labour Code* in 2006, working time options have increasingly become a topic in the debates of social partners, as well as of collective agreements. As demonstrated by Veverková (2014), however, the wording of provisions related to working time options in collective agreements is often very

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<sup>39</sup> See OECD Labour Force Statistics available online at [http://stats.oecd.org/Index.aspx?DataSetCode=UN\\_DEN](http://stats.oecd.org/Index.aspx?DataSetCode=UN_DEN).

<sup>40</sup> The data is derived from the *Working Conditions Information System* (ISSP) at <http://www.mpsv.cz/cs/3360>.

vague, specifying neither activities that will lead to the set objectives, nor potential sanctions for not respecting the set obligations. Although the creation of adequate conditions for reconciliation of work and private life of employees is one of the long-term targets of collective bargaining espoused at the headquarters of the *Czech-Moravian Confederation of Trade Unions*, they have not succeeded in bringing the issue to collective bargaining at lower levels and collective agreements. *The Czech-Moravian Confederation of Trade Unions* admits in its evaluation of the achievement of the goals set out in its program for 2014 that trade unions are not successful in negotiating conditions that support the use of different working time options in collective agreements, and that this field has not been an integral part of collective bargaining in the CR. According to Veverková (2014), generally, the lower the level of collective bargaining, the more conservative and more traditional are its topics. She also notes that different working time options are usually discussed with regard to achieving work-life balance in specific life phases only, especially when caring for a pre-school child (for women) or when reaching pre-retirement age.

## 5 Use of working time options

Three quarters of employees in the CR have a working time that is strictly set by the employer and that cannot be changed (secondary analysis of EWCS 2010 data<sup>41</sup>). 13% of employees in the CR have a flexible working time and/or the possibility to have a certain amount of influence on its structure. There is also some flexibility present in systems in which the employee may choose between several working time options firmly set by the employer. At the time of research, this option was available to 8% of employees. Fewer than 5% were completely free to set their working time arrangements. Employees in Scandinavian countries and countries west of the Czech state borders have on average more possibilities to influence the distribution of their working hours than employees in the CR. By contrast, employees in other post-socialist countries of Central and Eastern Europe (CEE) and southern European countries have on average fewer possibilities to influence the distribution of their working hours than employees in the CR (ibid.). The Czech Republic thus occupies a middle range position with regard to employee-oriented flexibility. Working time adjustments are less possible in public institutions, where 81% of employees had working time schedules firmly set by the employer. Only 74% of employees had a firmly-set working time in private organizations (ibid.).

The possibility to influence working time is the same for men and women (Formánková, Vohlídalová, Dudová, 2011; EWCS 2010). However, there were statistically significant differences depending on age. Younger employees (up to 35 years of age) more often had jobs where they could freely select their working time (8%). In contrast, positions where working time was strictly set by the employer, without any possibility to change it, were

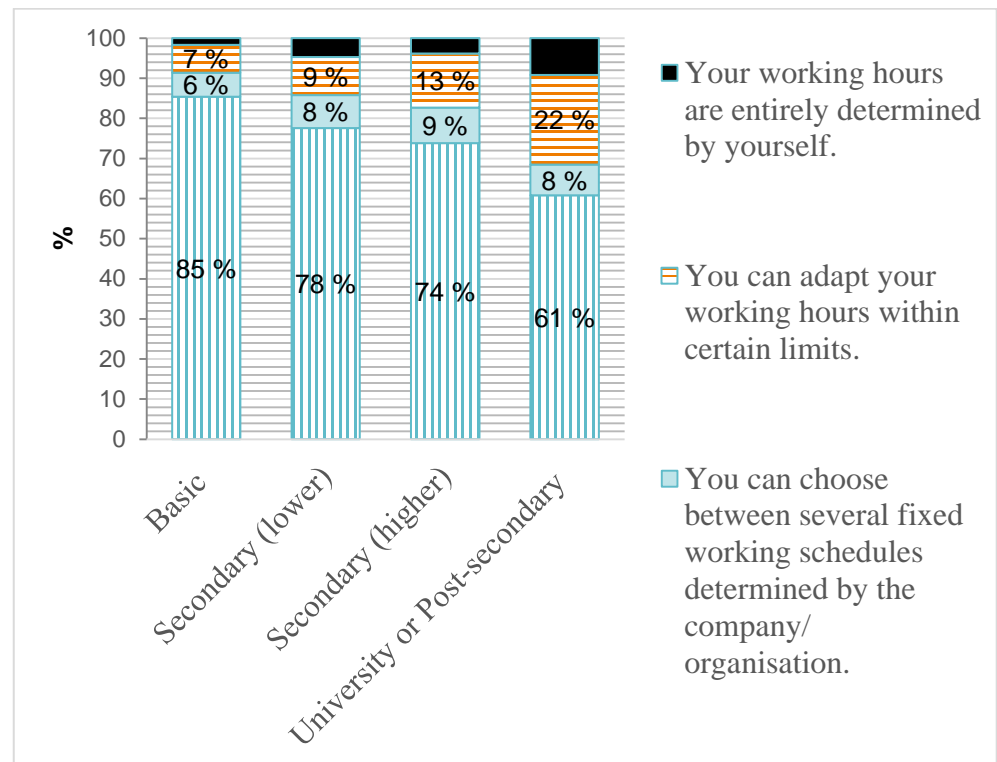
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<sup>41</sup> The *European Working Conditions Survey 2010* (EWCS 2010) is an international survey carried out by the Eurofound. See <http://www.eurofound.europa.eu/surveys/2010/fifth-european-working-conditions-survey-2010>.

relatively more often taken by employees from the oldest age category (50 years of age and older – 82%). This could reflect higher flexibility of working hours in “newer” jobs and positions in general. Jobs in ICT sector might illustrate this, as it is obvious that employees of younger age prevail in this sector.

Education levels and thus presumably also the nature of a person’s work were also observed to influence the possibility to make changes to working time schedules. While about one third of employees with post-secondary or university education could adapt their working hours to their needs entirely or within certain limits, the figure was less than 10% among employees with only basic education (EWCS 2010). In addition, employees in managerial positions have more autonomy in establishing their working time. It should be noted, however, that employees’ time investment in work is large with working time autonomy. Plasová and Válková (2009) showed that in a group of men with greater autonomy in setting their working time the average number of hours they worked in a week was also greater. The same trend is observed among women, except in the cases where the greater autonomy is used by women with young children to negotiate fewer working hours.

Figure 3: Freedom to set working time schedules, by education (Czech Republic, in %)



Source: European Working Conditions Survey 2010. Authors’ analysis.

Interestingly, there was no relationship found between satisfaction with work-life balance and the level of autonomy in establishing one’s working time. Plasová and Válková (2009) believe this may reflect the fact that

some people may prefer a regular fixed working regime to which other activities must be adjusted rather than having to frequently plan their working time and other activities. Recently, Maříková (2014) studied the relationship between working arrangements and work-life satisfaction. The author showed that people more often feel that working-life factors interfere with their private lives as opposed to private-life factors interfering with their working lives. Factors that make it difficult to combine work and private life depend on the phase of the life course. For example, while a fixed working time increases work-life satisfaction among people without dependent children, it decreases work-life satisfaction among parents of dependent children. However, some factors, such as health, influence work-life satisfaction in every life phase. A higher estimation of one's health is associated with greater satisfaction with one's work-life balance. Moreover, women more often have problems with work-life balance than men, with the exception of the period after the children have left the parental home (Maříková, 2014).

According to the AD-HOC module of the *Labour Force Survey 2010*, it was mainly women with a pre-school child who were able to make individual adjustments to their working time. The shares of various working time options used were virtually the same among mothers with school-age children and women without dependent children.

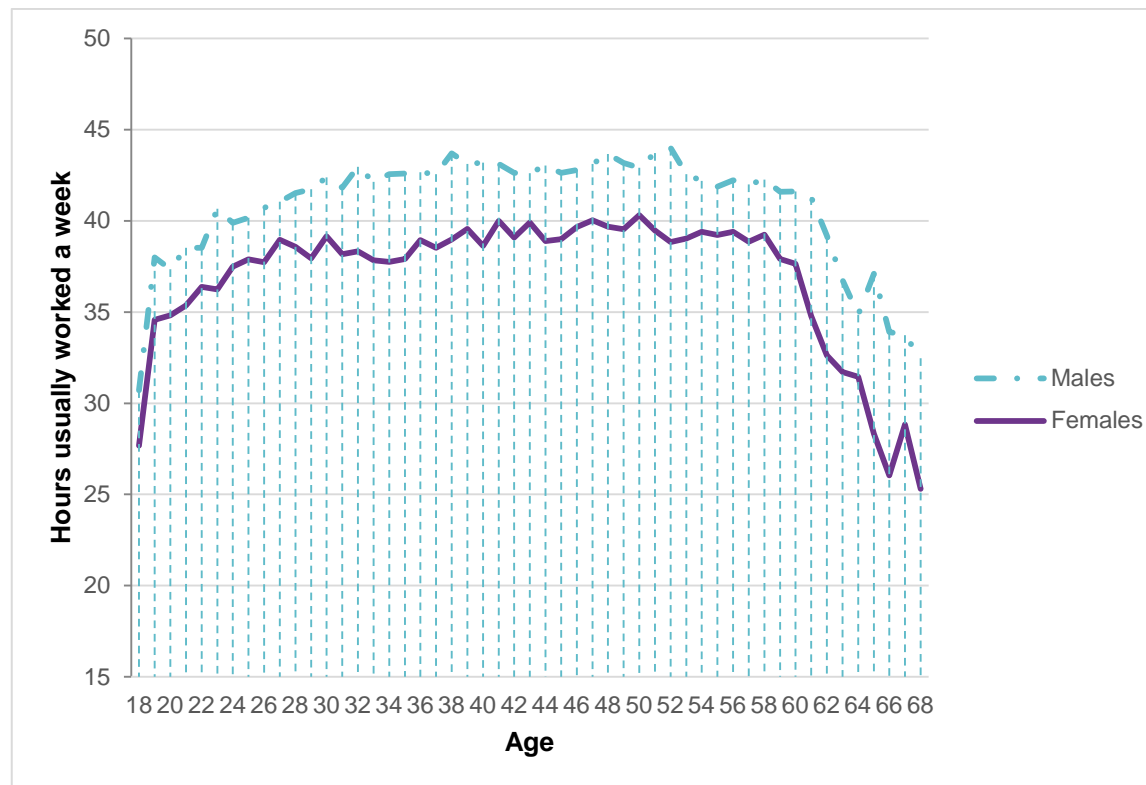
Although there are cases of individual adjustments to working hours among mothers of young children, the *Care 2013*<sup>42</sup> survey showed that they do not often seek these adjustments from their employer in order to achieve work-family balance. Approximately every fifth employed mother requested adjustments to their working time, e.g. a compressed week or flexible working time (Palonciová et al., 2014) and less than a quarter (24%) of employed mothers with a pre-school child were seeking part-time work. Part-time work, in general, is not widespread in the CR. Full-time employment is most common for women and men over the life course (see Figure 4). Only 11% of employed women and 3% of employed men work part-time in the CR. While the percentage of people who work part-time has traditionally been low in most post-socialist countries, currently only Bulgaria and Slovakia have a smaller percentage of people working part-time than the CR.<sup>43</sup> The CR ranks among countries in which people with part-time employment work on average more than one half of full-time working hours (Formánková, Vohlídalová, Dudová, 2011).

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<sup>42</sup> Czech questionnaire survey Care 2013 studied mothers with at least one child aged 1-5 years (N=710; quota sampling) in 2013.

<sup>43</sup> See data by Eurostat at [http://portal.mpsv.cz/sz/politikazamest/trh\\_prace/rok2013p1/anal2013p1.pdf](http://portal.mpsv.cz/sz/politikazamest/trh_prace/rok2013p1/anal2013p1.pdf).

Figure 4: Average number of hours usually worked per week during the life-course in the main employment, by gender (Czech Republic – only people in employment)



Source: Labour Force Survey 2nd Q2013. Authors' analysis.

One reason for the small number of part-time workers is that employers usually offer part-time work only to specific groups of employees (LMC, 2011). The largest shares of people working part-time are workers with disabilities, employed mothers with small children, unqualified workers and elderly employees (see Table 2). Part-time work is most commonly seen among workers with the lowest level of education and in companies with the lowest numbers of employees. Part-time work that is the result of having several jobs is not very common in the CR (Hora, 2009a).

Table 2: Groups of employees with relatively large shares of part-timers (Czech Republic)

Workers with disabilities	38 %
Employed mothers with children under the age of 7	18 %
Unqualified workers	16 %
Workers above the age of 55	13 %
Workers with basic education	8 %
Employees in companies with up to 10 employees	8 %

Source: Data from Hora (2009).

As far as the age structure of part-time workers is concerned, part-time work is most common among elderly workers, in particular women, while it

is least common (less than 5%) in the 40-49 age group (Formánková, Vohlídalová, Dudová, 2011). The use of part-time work arrangements among women has two peaks: we see its higher incidence (in connection with motherhood) at the ages below 35 (12%) and over 50 years (13%). In contrast, the percentage of part-time work among older men over 50 years is relatively low (5%) (Labour Force Survey 2<sup>nd</sup> Q 2013).

Part-time work arrangements among men are most commonly used for health reasons and for educational reasons. Among women, part-time work is most commonly used because of the need to provide (child)care, because the woman cannot find a suitable full-time job, for health reasons and least often for educational reasons (Plasová, Válková, 2009).

In sum, part-time work is used to reduce the workload in specific periods of the life course in order to achieve a work-life balance in the CR; however, at the same time, this form of work is excessively common among people whose education and qualifications rank them among marginalized groups on the labour market.

In the CR, the majority of workers refuse to work part time (with the exception of mothers of pre-school children) before they reach statutory retirement age. In contrast, part-time work is very much appreciated after retiring (Šlapák, 2010; Vidovičová, 2012). A study by Kotrusová and Kyzlinková showed that three fourths of people of pre-retirement age would like to work part-time while simultaneously receiving a pension (Kotrusová, Kyzlinková, 2011). According to the data of the *Czech Statistical Office*, only about 11% of retirees up to the age of 70 work, of which only about every second retiree works part time (Nývlt, 2013). In particular, people with higher education, people living in cities and people in non-manual professions work and intend to work after retiring (ibid.). At the same time, education and health are the most important factors that influence whether retirees work after retiring (Czech Statistical Office, 2012).

## **6 Restricted use of working time options – obstacles in companies**

The *Labour Code* provides employers with relative freedom of action in introducing flexible working options in corporate practice. However, the *Labour Code* does not provide for practical procedures on how to achieve organizational changes. Organizational changes related to flexible working options are more difficult to implement in large companies because they need to be accepted at various hierarchical levels of management. In contrast, small companies experience problems with integrating them into internal corporate rules. A survey carried out among employers (LMC, 2011) shows that the majority (84%) of Czech companies do not have any rules related to offering and implementing flexible working arrangements. In most companies, working time options are dealt with individually, on a case-by-case basis. A research study carried out among employers (NVF, 2011a,b) confirmed the absence of flexible working options in internal corporate

structures. Rules concerning the offer and use of flexible working time options were more frequently implemented in the public sector, in larger companies and, in particular, in foreign companies (NVF, 2011a,b; LMC, 2011).

As far as wages are concerned, flexible working time options do not present an extra burden for employers. But part-time options may be avoided by employers due to the larger administrative and organizational burden they may place on bookkeeping and the organization of work. An economic burden can be seen in the increased costs per post (space, IT, working equipment) and the increased costs of communication among employees (Formánková, Vohlídalová, Dudová, 2011). Employers who offer working time accounts have to maintain employee working time accounts and wage accounts, which is also regarded as an administrative burden. In addition, experts suggest that working time accounts are linked to economic risks for companies due to the short balancing period (ibid.). The balancing period for working time accounts agreed in company collective agreements in 2014 lasted 49.5 weeks in average (Čornejová, 2014).

The experience of human resources managers<sup>44</sup> reveals stereotypes in the reasoning of managers and a so-called latent mental barrier where reasons for requesting working time adjustment other than motherhood or for the purpose of study are considered unimportant. Most commonly, working time adjustments for the purposes of work-life balance are granted to mothers of young children (Skálová, Sokačová, 2011). A survey carried out among employers (LMC, 2011) showed that only a small number of companies offer flexible working time options to all employees. In particular, men may feel disadvantaged when requesting working time adjustments for the purposes of work-life balance, esp. part-time work, as employers usually offer part-time work only to mothers, older employees (in retirement age), workers with disabilities, and students (LMC, 2011).

## **6.1 Discrimination when using working time options**

Formánková and Křížková (2009) suggest that working time regulations made at the request of the employee are considered to be a certain kind of a work benefit that is usually compensated by a reduction in other benefits (e.g. a company notebook or car, even if the person is entitled to have one in his/her working position). Vohlídalová and Formánková (2012) demonstrated though, using 2005 statistical data, that parents of minors working part-time did not have reduced access to the majority of work benefits monitored in the research such as paid and unpaid leave, longer annual leave, insurance contributions or the opportunity to increase one's qualifications, with the exception of lunch vouchers. Labour legislation allows this even if lunch vouchers are one of the important and commonly used benefits in the CR. According to their analysis, parents working part-time had the option to work from home or use flexitime even more often than parents working full-

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<sup>44</sup> See <http://www.flexibilni.cz/> - Platform to support flexible work organization "flex@work".



time. Neither Czech data from the 2001 *Household, work and flexibility* study (Štěpánková, 2003) nor the analysis of the 2007 *Labour force sample survey* data (Hora, 2009a) confirm the results of some foreign studies suggesting that the hourly wages of part-time workers are lower than those of full-time workers.

However, research performed by Haberlová and Kyzlinková (2009) shows that employers are convinced of the disadvantages that result from part-time working arrangements. Nearly one third of employers believed that employees working part-time have poorer career prospects within the company than those working full-time. This conviction was more pronounced in the private sector than the public sector. 14-16% of company representatives admitted that part-time workers had poorer access to further education, their employment was more insecure and they had fewer entitlements to employee benefits. The level of feminization in the company was found to be an important differentiating factor. Employees with part-time and full-time arrangements were considered more equal in companies in which women made up the majority (ibid.).

In addition, Vohlídalová and Formánková (2012) showed that overtime worked by people working full-time is usually compensated in wages, including extra pay (39%), while in the case of people working part-time the compensation is usually in the form of time off in lieu (34%) or there is no compensation (23%). This might be one of the reasons why people working part-time consider themselves to be victims of discrimination in terms of wages statistically more often than people working full-time. In addition, they more often judge their living standard as bad (21% compared to 11%) and feel higher job insecurity (ibid.).

## **6.2 Characteristics of companies promoting or hindering the use of certain working time options**

It is possible to obtain a picture of how willingly employers in the CR introduce different working time options and what the barriers to the use of flexible instruments of working time organization are from three surveys carried out among employers and managers.<sup>45</sup> Although these surveys are four years apart and they have different features of representativity, the basic tendencies observed in how employers approach the issue of flexible working arrangements are similar in all three surveys.

Quantitative surveys conducted among employers and managers (LMC, 2011; Haberlová Kyzlinková, 2009; Plasová, 2012) show that part-time arrangements are offered by approx. 60% of companies in the CR, however, in most cases only to some groups of employees (see results of LMC, 2011 above). While part-time schemes are offered by a relatively large share of

<sup>45</sup> (1) A representative survey among employers in the CR (1019 employers) from 2007. See Haberlová, Kyzlinková (2009) and Plasová (2012). (2) A survey of the use of alternative working arrangements in companies active in the Czech labour market (855 managers and HR managers; quota selection) from 2011 (LMC, 2011). (3) A study of employers' views of the use of alternative working arrangements in the Central Bohemian and Pilsen regions in 2011 (NVF, 2011a,b).



companies, in reality they are used by very few employees. Part-time arrangements are more common in large companies and in the insurance, finance, public administration, health care, and education sectors. In contrast, part-time schemes are significantly less common in sectors with a low representation of women such as industry, transport, and communications.

Plasová (2012) suggests that the availability of part-time arrangements is influenced by the fact of whether employers face a problem finding highly qualified employees. The results show that part-time schemes are more commonly used in organizations where this issue is more pronounced.

The most important factor influencing the implementation of various working time options (namely part-time, flexitime, job sharing and working from home) is whether the employer considers them suitable for the organization. The chance of these working time arrangements being implemented is also greater if employers believe that it is advantageous for the employees; however, this factor is far less significant (Plasová, 2012). Employers consider all these working time options to be more advantageous for employees than for the organization, with flexitime being the most acceptable, followed by part-time work, job sharing, and work from home, which is the least acceptable (ibid.).

More than 80% of employers believe that work from home is mostly associated with disadvantages. Therefore, only about 15% of employers enable working from home and, moreover, this option is available only to selected employee groups. Thus, in organizations that enable working from home, only about 1% of the labour force uses this option (modal value). Working from home appears to be used equally by men and women (ibid.).

Research carried out among employers shows that 45-52% of companies offer their employees the option to use flexitime. Data suggest that if a company offers flexitime, its employees use this advantage to a larger extent than the other alternative working time arrangements. According to LMC (2001), this is true, in particular, for small companies, where the performance of employees is more monitored. Flexitime is more often offered by larger companies though. Flexitime is less often offered to employees of public institutions and in the non-profit sector (health care, education, social care). It is also less common in companies that predominantly employ people with low qualifications. Among private companies, flexitime is less common in the construction sector (Haberlová, Kyzlinková, 2009). Plasová (2012) adds that it appears to be used equally by men and women. Moreover, according to research carried out by the *Association of Small and Medium-Sized Enterprises*, 38% of companies use working time accounts (AMSP, 2009).

Research conducted by LMC (2011) and NVF (2011a,b) confirms that companies are not very eager to encourage the further development of various working time options. According to LMC (2011), 75% of companies do not plan to take any measures in this respect and according to NVF (2011) the figure is 96%. Two thirds of employers believed that part-time

schemes are disadvantageous for their companies and every second employer considered flexitime to be disadvantageous irrespective of the fact of whether the company had introduced the concept or not (Haberlová, Kyzlinková, 2009). The most frequently cited obstacles hindering the spread of flexible working time options are administrative reasons and more complicated managerial communication. Legislative obstacles were only occasionally cited as a reason.

In a representative survey conducted among employers in 2007, Plasová (2012) analyzed the willingness of employers to accommodate a hypothetical request of an employee for a working time adjustment for family reasons. 95% of employers in the CR would grant such an employee a day off and 80% would do so repeatedly. In reality, only 18% of employers are found to offer a day off. A similarly high discrepancy is observed between the actual offer of requalification (or other auxiliary) courses for parents after parental leave (24.6% employers) and the declared willingness to accommodate such a request should parents file it (almost 80% of employers). Part-time work, a change to the beginning of working time and the prolongation of parental leave would most probably be accepted by more than 70% of employers. In contrast, more than 80% of employers would refuse requests for homeworking and more than 70% of them would refuse requests for covering the costs of day care. In addition, a large share of employers were not willing to accommodate a hypothetical request for different work, unpaid leave for 1-2 weeks or unpaid leave for 1-2 months made in order to be able to care for a family member. Between two fifths and one half of employers would refuse these requests. However, in a 2005 European comparison, Czech companies offered their employees the option of taking periods of long-term leave to care for older, ill or disabled persons, and for further education slightly more often than what was then the European average (but slightly less often than the then EU average for any purpose other than care and study) (Anxo et al., 2007).

In terms of the characteristics of the companies that were least willing to accept requests for adjustments for family reasons, Plasová (2012) identified that these are mostly small organizations with a majority male workforce. By contrast, she identified middle size companies with 51 to 100 employees, most often in the public sector, as the most willing in this respect.

Plasová (2012) explained the fact that she did not find many company characteristics influencing the availability of various working time options as due to the very individual nature of agreements employers have on working time regimes with individual employees. Like Křížková et al. (2011) and Formánková and Křížková (2009), Plasová concludes that employers in the CR do not conceal the individual nature of the agreements they have on working time regimes or that they expect some concessions or responsiveness on the part of employees in the sense of *quid pro quo*. The assessment of the costs and benefits to the employers varies not only among organizations but also among different positions and employees within one organization.

### 6.3 Managers and climate

Generally, there are not many studies in the CR analysing the impact of (company) climate, work councils, trade union units or managers at different company levels on the use of working time options. However, existing studies claim that managers at different company levels are not progressive in terms of the different working time arrangements they offer, trade union units are rather passive in this respect, and employees themselves are not active in asserting their requirements and are unaware of their rights (Křížková et al., 2009; Formánková, Vohlídalová, Dudová 2011).

Plasová (2012) suggests that the fact that employees do not have high expectations from their employers in terms of supporting work-life balance is because expectations are largely directed at the state as historically the guarantor of social welfare in the region.

A qualitative study by Křížková et al. (2009), who compared conditions for combining work and care in international companies with branches in the CR, showed that there are important differences between the working-time practices the studied companies followed in their home country and in their Czech branches. It stressed the importance of the following factors that contribute to these differences: welfare policy, parenthood (motherhood) ideologies, organizational culture, the activity of actors, the organization's experience with having parents as employees, and the role of trade unions in negotiating working-time options at the organizational level. More specific research results are provided, e.g. in a case study by Sloboda (2007), which compared the conditions of parenthood in the Czech and the German branches of a large international company. Based on documents and semi-structured interviews with HR managers, trade union/work council representatives and parents working in these branches, complemented by a brief questionnaire mapping the family-friendly measures offered in the company, Sloboda (2007) notes that while HR managers in the Czech branch stressed that it was impossible to adjust working times for operational reasons, the German branch was able to provide its employees performing the same operations with the option of part-time work and enabled changes in shift duration. While the German branch provided financial support for day care at municipal facilities and managed to negotiate a change in the opening hours of these facilities, Czech managers referred to the role of the state or to the individual responsibility of parents (mothers) in this respect and did not see themselves as being involved in any way.

Managers in both branches, the German and the Czech one, declared that parents had the right to return to work beyond the legislatively stipulated period of parental leave. However, the representative of the trade union in the Czech branch talked about the practice of not offering shift selection or part-time work to mothers returning from parental leave, thus forcing the person to resign by agreement owing to difficulties with reconciling the work with childcare responsibilities. The German organization, in contrast, allowed part-time work, even in line production, while the Czech organization allowed only partial homeworking for those in top management. While

German managers advocated support for equal opportunities between men and women and a family-friendly approach, Czech representatives expressed their fears that any advantage provided to parents and women would lead to the discrimination of others.

Plasová (2012) suggests that employers in the CR believe that any support for childcare facilities is an extraordinary measure that can only be considered in organizations employing a large number of mothers. This was confirmed by the results of a representative survey carried out among employers in 2007, where these measures were more commonly associated with larger companies. At the time of data collection, fewer than 3% of organizations in the CR offered company child-care facilities and approximately 7% of organizations granted an allowance to cover the costs of child-care services (ibid.). The *Act on Child Groups* approved in 2014 may bring some change as it aims to support employers in operating child-care facilities.

Den Dulk et al. (2010) pointed out that it is not possible to rely on employer involvement in providing conditions conducive to work-life balance if post-socialist governments in CEE step back and leave employees with little support for work-life balance. They also noted that if business case arguments gain importance in the region, employers might become involved in the provision of work-life arrangements. Like in the liberal regime, however, employer involvement driven by business case arguments is likely to engender new labour market inequalities. This observation seems to apply in the context of the CR. Research shows that employers in the CR provide work-life balance arrangements on the basis of individual agreements after having considered the costs and the benefits related to a given position and a given employee.

Anxo et al. (2006) stress the importance of social partners, who could use institutional pressures to stimulate employers to develop work-life balance arrangements and integrate them into internal organizational structures. Social partners may also exert pressure to get various actors involved in developing policies that ensure that social protection and tax systems reflect different working time arrangements, so that the use of different arrangements does not produce inequalities. In addition, the agenda of the Czech non-profit sector and (to a lesser extent) that of trade unions are affected by European structures and funds, which could influence the dissemination of new ideas among individual countries. For example, at present, there are projects in the CR designed to support particular employment policies (e.g. age management, diversity at the workplace) that are co-financed by the *European Social Fund* and bring together employers and representatives of the non-profit civic sector, educational institutions, trade unions, or organizational structures of the state.

## 7 Restricted use of working time options – individual restrictions

Since working hours are long in the CR compared to Europe, only 9% of employees in the CR would like to work longer hours than they do at present. Within Europe this percentage is lower only in Austria. Only young people up to the age of 35 express the desire to increase their working time. It is clear that the availability of shorter working time options in the Czech labour market is insufficient compared to other EU countries. Just under one third of women, and also of men, would like to have shorter working hours, even if it meant a lower income. And as many as half of the employees who stated that their working time is out of balance with their family or social obligations would like to work fewer hours even if it meant a lower income. However, shorter working time would also be appreciated by those who are able to successfully reconcile their private and working lives. One fourth of men and 28% of women expressed such a wish (EWCS 2010).

People of pre-retirement age usually do not consider working part-time since they are afraid that this form of work would reduce the amount of their pensions, even though the difference in the amount of pensions for people who worked part-time for up to 5 years before retirement and those who worked full time is rather small (even when different income groups are taken into account). Health is a major reason for part-time work in the pre-retirement period; as many as one half of men working part time gave this reason for doing so (Kotrusová, Kyzlinková, 2011).

It can be assumed that the need for part-time work is strongest in the period of caring for a preschool child. The arrangements for paying the parental allowance may be changed once in every three month period so that mothers and fathers can take turns in caring for their child; however, fathers usually do not exercise this right. The percentage of fathers out of all the people who receive parental allowance has remained stable at 1% (Saxonberg, Hašková, Mudrak, 2012). The reasons are the societal belief that it is necessary (or better) when young children are cared for by their mothers, the fact that men usually have a higher income, which the family does not want to lose and would were the man to take parental leave, and the above-mentioned attitude of employers to work-family arrangements as primarily aimed at mothers (ibid.; Plasova, 2012).

Mothers who take longer parental leave tend to be women with lower education and women who are convinced that long-term intensive maternal care is essential to the healthy development of a child. Women whose partners advocate a traditional domestic division of labour between men and women also stay longer at home. Conversely, women with higher education stay at home with children for a shorter period of time. A representative survey conducted in 2010 shows that more than 60% of mothers choose the three-year option for collecting the parental allowance. The most common rationale given for this choice was family policy: The three-year option was financially the most advantageous, kindergartens accept children only

from the age of three, the right to return to the previous employer is legally guaranteed for three years, etc. The four-year option was selected by (or given to) fewer than 30% of mothers, but as many as half of women with basic education. The wish to enjoy time with one's child was the main reason given. However, a large percentage indicated fear of unemployment as the reason or responded that they did not choose this option but that it was the only possibility for them (e.g. if the woman was unemployed before having a child). The two-year option was most frequently chosen by women with high education and the main reason given for this was their financial situation. They are the ones who lose the most opportunities on the labour market and the most money while on parental leave. From this overview we can see the structural and institutional conditionality behind the choice of parental allowance duration (Hašková, 2011).

A study by Paloncyová et al. (2014) shows that the majority of women with children between the ages of 1 and 5 in the CR welcome the three-year parental leave under current conditions. While the majority of mothers of children between the ages of 1 and 5 would prefer to stay at home with the child and not engage in any gainful activity until the child's first birthday (88% of mothers) and between the child's first and second birthday (77% of mothers), almost one half of mothers would like to work by the time a child is between the age of 2 and 3 (24% occasionally, 17% part time and 5% full time). Fewer than 20% of women do not want to have any paid work until the time a child is between the age of 3 and 4, with preferences shifting at this point towards stable work (31% full time and 33% part time) as opposed to occasional work (17%). The majority of mothers would like to work full time by the time all their children are older than 4, although almost one third of mothers believe that the ideal choice would be part-time work and another 10% would prefer only occasional work by the time a child is between the age of 4 and 6.

The fact that the availability of part-time work options is far from mothers' wishes is one of the reasons why the CR is one of the EU countries with the largest share of economically inactive women with children under the age of 6. Although the single-breadwinner model of couple families is on decline in Europe, and it is rarely seen among couple families in which the youngest child is aged 6-14 in the CR, it is the dominant model among couple families with a child younger than that in the CR.

Plasová (2012) analysed the extent to which part-time work schemes are used by parents of pre-school children in the CR and showed that a barrier to the use of part-time work options for some mothers is that they cannot afford to work just part time. This is even more significant in the case of fathers of pre-school children who are far less interested in working part time than mothers of pre-school children. Less than 1% of fathers of pre-school children work part time. Part-time work may be financially disadvantageous under certain circumstances because of the minimum basis used to calculate the contributions to compulsory health insurance. If the gross salary of a part-time employee is lower than this minimum basis the employee has to pay the difference. Thus, the percentage of income that low-

salary part-time employees have to pay in the form of compulsory contributions is ultimately much higher than for full-time employees. Daněk (2013) presents an example of a part-time employee with a gross salary of CZK 5 000. In this case, the compulsory contribution to health insurance is as high as 14% of the gross salary while it is only 4.5% in the case of full-time workers.

A secondary analysis of EWCS 2010 data showed that part-time work impedes the career prospects of mothers of young children. While two thirds of mothers of children under the age of 7 who worked part time did not agree with the statement that they have good prospects of career development in their employment, this opinion was shared by only one third of mothers of young children working full time. The extent of autonomy is virtually the same in the case of mothers of young children who work part time and full time. However, it is clear that women with young children working part time feel more undervalued than women working full time. More than one half stated that they have skills to cope with more demanding duties. In contrast, more than one half of women working full time believe that their skills correspond with the character of the work they perform. It can be concluded that women with children under the age of 7 who work part time after parental leave have less of a chance to make use of their skills and qualifications than women who return to a full-time job.

The limited use of part-time work options in the CR may also be the result of the fiscal system, which, in fact, supports the economic inactivity of mothers rather than their (part-time) work (Kalíšková, 2012; Jahoda, Šinkyříková, 2011). This also had to do with the “tax reduction for a dependent spouse”, which was not offset by any tax reduction for a working parent. In this respect, some changes may be expected as a result of the above-mentioned *Act on Child Groups* which stipulates that if a parent is using a pre-school child care facility, a yearly amount (equal at a maximum to the amount of the minimum wage) used to pay for a pre-school childcare facility is tax-deductible (up to CZK 8 500 for 2014, i.e. approx. EUR 307).

## **8 Importance of working time issues**

What gets most media attention in the CR with respect to working time options is the availability of part-time jobs, home office arrangements and flexible working hours that can be (co-)scheduled by the employee. In the media, employees are depicted as the ones who would be interested in such work arrangements; employers are the ones who reject these working time options, especially due to the limited opportunities to check on employees working in such schemes. Those who make such arrangements possible are referred to as enlightened employers with an innovative approach and as socially responsible.

Part-time jobs are discussed, not just by the media but also at the level of the government, mainly in relation to work-life balance and the work re-integration of mothers. The current government’s policy plan explicitly

states that the government will address the shortage of kindergartens and part-time jobs in order to increase work-life balance. ANO, one of the government parties, has even suggested social insurance rebates for 6-12 months for employers who create part-time and shared jobs to motivate mothers to return to work following parental leave. The media debate sometimes draws a link between the choice given to mothers between various working time options and increasing the fertility rate, with the objective of offsetting population ageing.

There is almost no discussion in the main Czech media of supporting part-time jobs (or other working time options) for fathers to allow for more time for care and for more participation in family life of fathers. After many years of right-wing gender-conservative Ministers of Labour and Social Affairs in the CR, the current social democratic Minister of Labour and Social Affairs is known for her positive attitude to feminism, public child-care services and a quota for fathers taking on parental leave. Some progress should be expected in these areas.

While part-time jobs and home-office work tend to be almost exclusively associated in the media with the work-family responsibilities of mothers, flexible working hours are also associated with the preferences of the young generation as well as women with various care responsibilities. This is where we can see a shift from seeing working-time options as a way of achieving a work-family balance for mothers to seeing flexible working hours as a way of achieving work-life balance throughout the life of the current generation of young people.

The government's active employment policy focuses on at-risk groups, which are understood as women with small children, young people, people of pre-retirement age, people with low qualifications, people at risk of social exclusion, people with health disabilities, and in some programs people with care responsibilities in general. The current government's policy plan includes the objective of providing a temporary exemption from social insurance premium payments (these are to be paid by the government) for 12 months in the case of employers who refrain from cutting staff numbers and who, at the same time, employ people who are specifically at risk in the labour market and who were registered as unemployed before they were hired.

In recent years, governmental measures in collaboration with non-governmental organizations and with the support of the *European Social Fund* have started to promote age management in company governance. One of the relatively large initiatives in this area is the *METR* project,<sup>46</sup> the objective of which is to disseminate a strategy of sharing jobs as a way of promoting the inter-generational transfer of skills, with a focus on groups at risk in the labour market. Within the framework of implementing age management in company practice there are also projects that support combin-

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<sup>46</sup> See <http://fdv.mpsv.cz/p/cinnosti-fdv/projekty/21-sdileni-pracovnich-mist-jako-forma-podpory-dalsiho-vzdelavani-a-transferu-kompetenci-mezi-pracovniky-domaci-a-zahranicni-zkusenosti>.



ing working for income with caring for an ageing family member, or combining working for income with caring for an ageing family member and adolescent children at the same time, including, for example, the creation of specific retirement plans for the gradual phasing-out of work combined with retirement pensions.<sup>47</sup>

In regard to shared jobs, flexible working time and part-time jobs, the media also reflect the governmental program supporting the creation of socially beneficial jobs. Within this program, an allowance is paid for up to one year to those employers who employ a person registered at the *Labour Office* for whom no other work placement may be found.

An ageing population and a gradually rising retirement age will result in an increase in the percentage of working people in older age groups. The retirement age of men is 62 at present while for women with two children it is just under 60 years of age. According to recent legislation seeking to raise the retirement age, level the retirement age for men and women and abolish the retirement age differentiation for women (which reflects the number of children they raised), by 2030 the retirement age should increase to 65 years of age for men, and the retirement age for both men and women should be 66 years and 8 months in 2041. Children born today should retire at the age of 73, since the 2011 legislation failed to set a ceiling for the gradual increase of the retirement age. Given the consensus across the political spectrum that it is necessary to set a ceiling on the previously introduced gradual increase of the retirement age, it can be expected that the retirement age of the cohort of children born today will be lower than 73. Nevertheless, it may be expected that the rising retirement age will require much more developed working time policies (including long paid, unpaid and partially paid leaves, career breaks, arrangements allowing for working time reversibility, etc.) that will enable people to engage in employment with regard to their health but also to the health and needs of their family members.

Originally, in terms of the distribution between paid and unpaid work in the life course, the life phase of the “third age” or “young old age” was characterized as a time when people are released from their family and work responsibilities and get some time for themselves (see e.g. Laslett 1991; Neugarten 1974; Baltes and Smith 2003). It can be assumed that in the context of an ageing population, a rising retirement age, the verticalization of family ties, refamilization trends in the CR, and enduring gender inequalities in the amount of time spent caring for family members, the “third age” will entail a greater burden of responsibilities, especially for women. It will be a challenge to identify and implement such life-course oriented working-time policies that will not increase income uncertainty and insufficiency but will contribute to gender equality and a work-life balance over the life course.

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<sup>47</sup> See e.g. project “Between care and work: Equal opportunities for men and women 45+,” supported by European Social Fund. Available online at <http://www.esfcr.cz/projekty/mezi-pec-i-a-praci-rovne-prilezitosti-zen-a-muzu-ve-veku-45>.

There is also a question of how retirement possibilities and pension amounts will be affected by the prolonged absence of Czech mothers from the labour market due to maternity. This can lead, in the case of mothers with higher education, to a drop in their life-long earnings owing to their acceptance of lower job positions and, in the case of mothers with lower education, to their long-term drop-out from permanent work relations (and engagement in short-term precarious forms of work only). In reaction to the recent change in how old-age pensions are calculated, whereby the amount of a person's pension was made dependent on life-long earnings rather than on the level of income earned during the pre-retirement years, some future implications for mothers' work-life strategies can be foreseen. Alternatively, due to the pace of changes in political debates and real measures introduced in the area of the old-age pension schemes in recent years, it is possible that owing to the unpredictable duration of the (new) pension scheme provisions they will have no impact on mothers' work-life strategies.

## 9 Summary

The CR's labour market is characterized by long working hours and relatively extensive time flexibility arrangements that have a potentially negative impact on workers' work-life balance, such as shift work. By contrast, working time options that could help workers achieve a work-life balance are infrequently offered in the CR. Three quarters of workers in the CR work working hours where the beginning and end of the working time is strictly defined by the employer and the employee has no possibility to influence start and finish times. The share of part-time jobs is one of the lowest in the EU. Alongside the large number of hours at work per week among both men and women, the unavailability of various working time options is one reason for the dominance of full-time employment over women's life course with a long absence from the labour market during their children's pre-school years.

Although under the circumstances of explicit familialism it might be expected that there would be increasing pressure to introduce extra-statutory measures at the level of organizations in order to compensate for public policy shortcomings in the area of supporting the combination of work and care, this is not the case in the CR. International comparative research studies show that the formulation of employer strategies is also influenced by organizational characteristics and social expectations. In the CR, employers are not yet seen as stakeholders with co-responsibility for work-life balance conditions. However, the *Act on Child Groups*, which was passed at the end of 2014, is shifting employers towards the role of co-responsible stakeholder in the area of providing for child-care. Time will tell whether this role is taken up by organizations and which ones take the lead. The company child-care facilities that have been put in place so far and the observations made regarding organizational factors affecting the commitments of employers in this area may lead to the conclusion that this will concern mainly large organizations, which will strive to encourage employee-

mothers to return to work early, whether owing to a perceived workforce shortage in a given area, or owing to upfront investments made in female workers, which means that this will also concern organizations with a larger number of women in management positions.

Czech labour law defines some forms of working time options and employers are allowed to set up specific working time arrangements in individual labour contracts or in internal rules. Surveys among employers show that only a small number of organizations include the offer of various types of working time options in their internal rules. Specific working time options are mostly negotiated in individual agreements, often on a *quid pro quo* basis. Workers in the CR are not very active in negotiating specific working time arrangements to achieve a work-life balance and the lack of provisions stipulating working time options in internal organization structures is undoubtedly a factor in this.

From the perspective of organizational factors, internal rules on offering and using specific working time options are more often found in the public sector, larger corporations and international companies. Part-time jobs are offered most by employers, followed by flexitime and working time accounts, while working from home is offered least. Part-time jobs are most often found in organizations with a large number of women workers and particularly in those organizations that suffer from a shortage of qualified workers. The strongest factor influencing the availability of working time options has turned out to be whether the employer perceives a particular type of working time arrangement as either advantageous or disadvantageous for the organization.

Trade unions are not a strong player in the area of negotiating specific working time options and life-course oriented working time policies. First, this is not a priority interest of trade unions, and second, the strength of trade unions in the CR is relatively low owing to the low trade union density in the CR and to the emphasis being placed on corporate-level collective bargaining. New concepts (e.g. age management) and examples of best practices associated with the real possibilities of using specific working time options or other forms of employer support for the ability of staff to achieve a work-life balance at various life phases and over the life course are to some extent making their way into organizations in the CR both through pressure from abroad, in the case of international companies, and through governmental programs and associated project activities by non-governmental organizations supported by European funds. So far, life-course policies have not become an integral part of the discourse on working time and life-course oriented working time options have not become an integral part of the working time reality in the Czech Republic.

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