

# EU working time regime, work-family reconciliation, and gender equality:

Getting the balance right



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## INTRODUCTION

The proposed **right to request** flexible working arrangements for caregivers★ is a **major** development.

But, does it have the **potential** to **transform** the EU's **bifurcated** working-time regime, and facilitate gender equality?

★ Proposal for a directive on work-life balance, COM (2017) 253 final

“By providing parents and carers with greater choice in how to organise work and caring responsibilities [the Directive] will help avoid that they drop out of the labour market altogether. Moreover, ..., *improving the gender-balanced design of [work-life balance] arrangements can help rebalancing the distribution of care within the household.*”

EC, Proposal for a directive on work-life balance, COM (2017) 253 final

## Towards a ‘universal breadwinner/care parity’ model, and a recognition of a right to care?

Feminist labour lawyers have long argued that if care really recognized as an essential activity that is as valuable as paid labour to individual and social development, a different normative worker emerges as the basis for regulation. Work – and design of temporal norms – must be rethought with a worker-carer in mind.

(Fraser 1997, Fudge 2014, 2012; Conaghan 2014, 2006, Busby 2011)

## SO, can the right to request move us closer to this progressive vision?

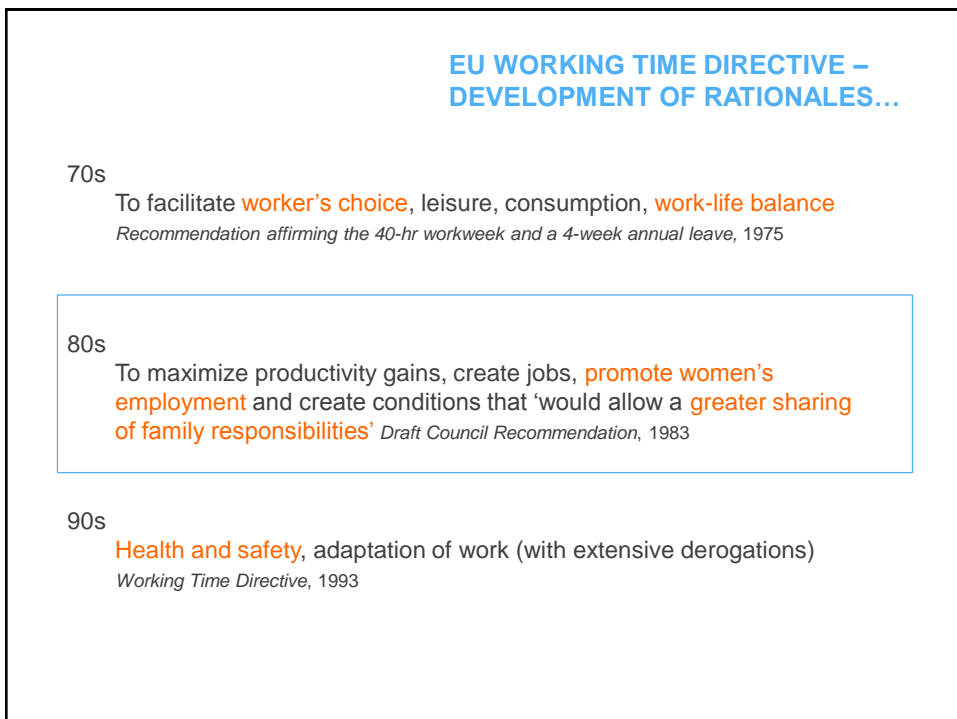
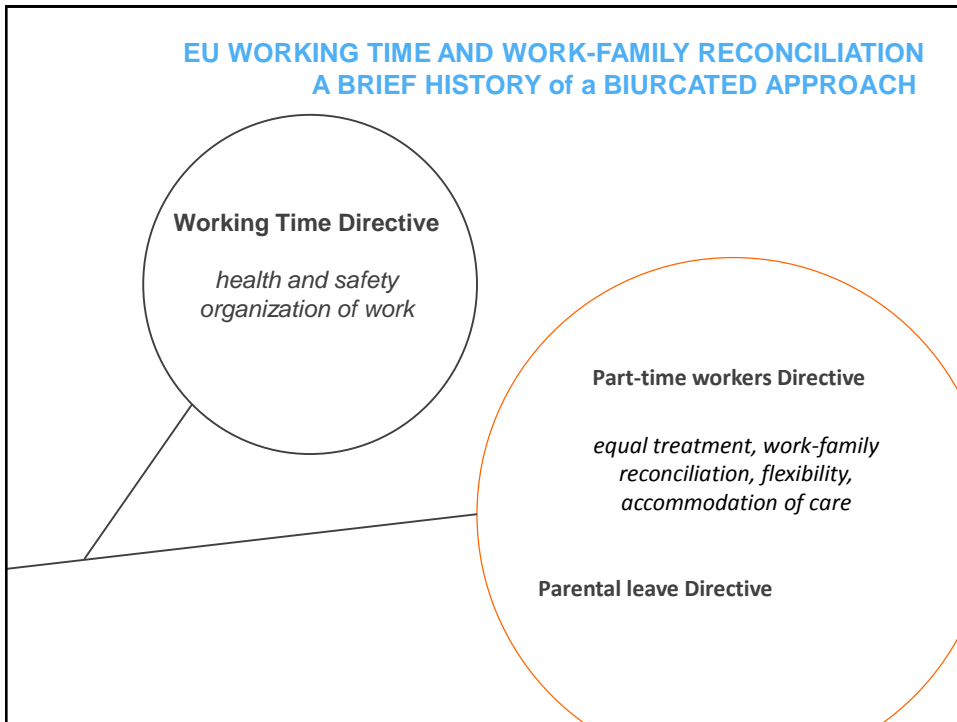
### My view:

It is a good start, but needs to be much more robust and bolstered by other rights to challenge gender-time gaps.

This is especially in light of current developments in work organization (both, quantitative and qualitative aspects of time).

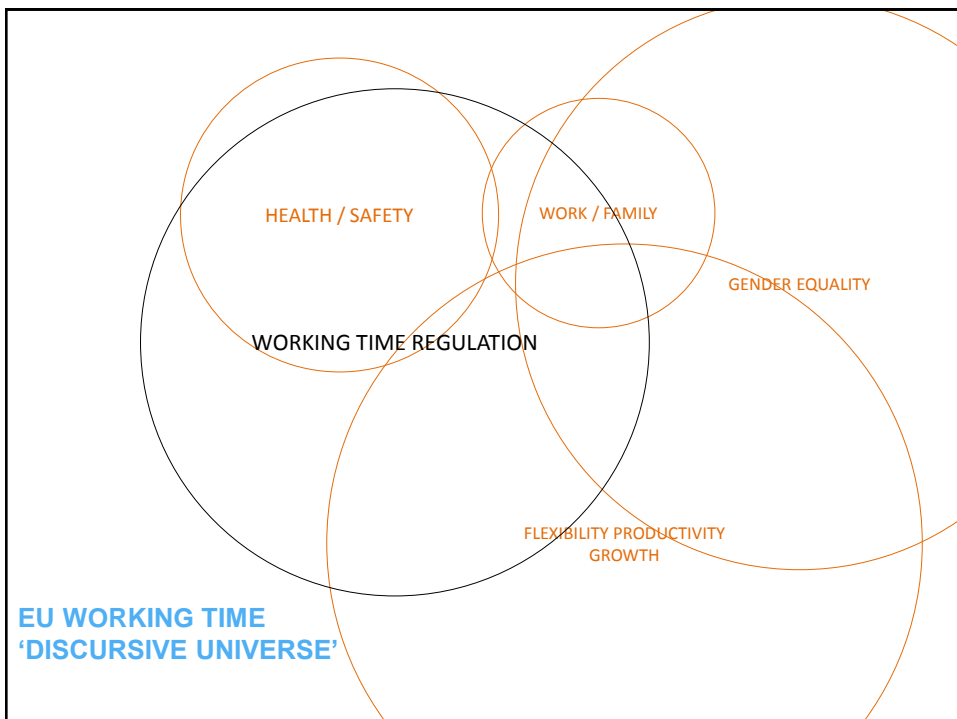
### OUTLINE

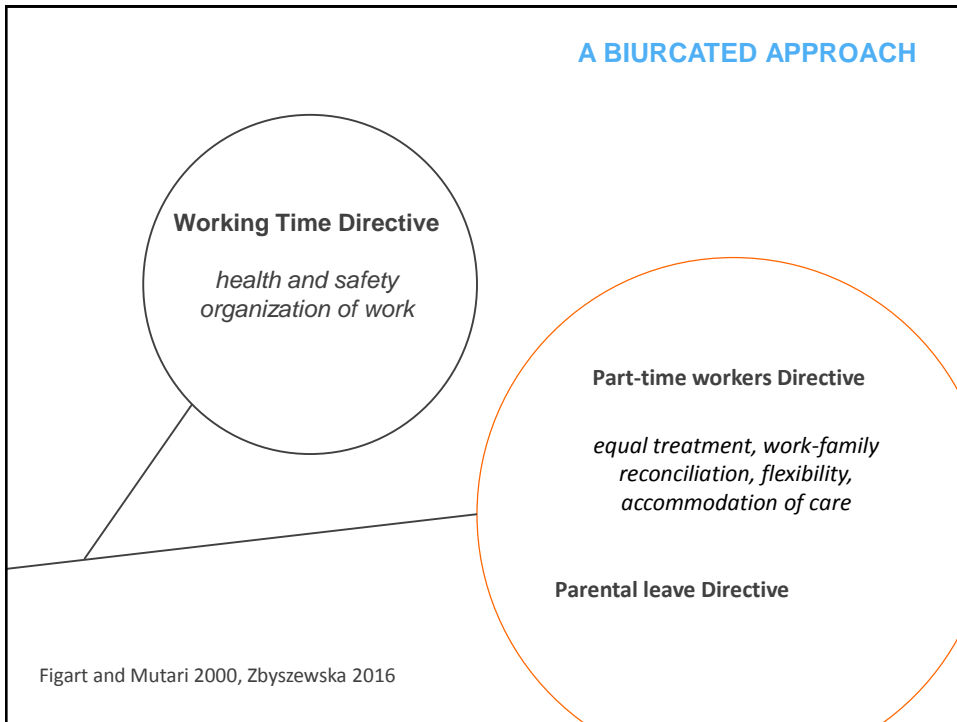
- 1) Working-time regulation and work-family reconciliation – A brief history
- 2) What works what doesn't work?
- 3) The enduring gender time gap and new developments
- 1) Right to request – assessment and recommendations



“The regulation of working hours is fundamental to society. It was one of the original trade union demands, and now lies at the heart of Social Europe. It is a key aspect of health and safety in the workplace, and recognizes that allowing people time to raise their families (‘the short-term and long-term reproduction of the labour force’) is vital to the interests of workers, societies, and economies. *And it is crucial to achieving gender equality at work.*”

ETUC, Position of the First Stage Consultation of the Social Partners at the Community Level on the Reconciliation of Professional, Private and Family Life, December 2006





## CURRENT PATTERNS OF WORKING TIME (EU28)

Current statistics (6<sup>th</sup> EWCS) reveal some positive trends but clearly demonstrate that the EU model of working-time regulation **has not challenged gendered time polarization** and patterns of work, and flexibility, still mostly determined by employers.

## CURRENT PATTERNS OF WORKING TIME (EU28)

Gradual decline in work hours  
 BUT, growth in short, involuntary part-time work  
 AND gender time gap still significant: **39.2 vs 32.7**

15.7% men and 6.2% women work 48+ hours  
 40% of self employed work 48+ hours  
 21% women work under 21 hours/week

More employees report control over working schedule  
 But, 70% still have little autonomy, and 64% no control

Source: Eurofund (2017)

## WORKING TIME, WORK-FAMILY RECONCILIATION & TIME REDISTRIBUTION

### What works?

- Limitations on excessive work hours
- Low polarization of work hours
- Flexibility (but not all forms)
- Predictability, regularity, control, autonomy

### What doesn't work?

- Excessive hours and atypical work
- Very short hours
- Lack of control and choice
- Intensification, boundary blurring

Sources: Eurofound 2016; Warren 2015; Fagan, Lyonette, Smith, Saldena-Tejeda 2012;  
 Masselot and Caracciolo di Torella, Hagevisch 2006; Crompton and Lyonette 2006, 2008;  
 Figart and Mutari 2000, 1998)

### QUALITY OF TIME, POROSITY, BOUNDARY BLURRING

An increasingly significant dimension of time is its **quality**.

Reduced work hours and flexible work arrangements may still pose a problem from the perspective of work-family reconciliation and overall wellbeing if the actual time of work is **intensified** and **boundaries between work and non-paid work time blurred**.

- Reduced hours can become intensive if workload not adapted.
- Tight deadlines, short lead times, customer demand contribute to intensification.

Sources: ILO (2017), Eurofund (2017), De Groof (2017)

### QUALITY OF TIME, POROSITY, BOUNDARY BLURRING

The ICT-enabled 'work anytime, anywhere' flexibility can be beneficial for work-family articulation.

BUT, also tends to:  
 extend total work hours,  
 lead to 'third shifts',  
 increase work at asocial times (18:00-24:00),  
 increase the likelihood of unpaid overtime (80%),  
 and can significantly intrude in personal life.

17% EU28 workers engaged in ITC  
 Generally report better work-life balance regardless of the above

Source: ILO (2017)



## CAN THE RIGHT TO REQUEST MAKE A DIFFERENCE? RECOMMENDATIONS

**A more robust right to request flexible work!**  
(paired with employer obligation to consider and grant but for demonstrable organizational disadvantage disproportionate to workers' benefit)

### Other possible rights:

to be informed of schedule changes  
to decline overtime work hours  
to disconnect?

### Remaining problems:

Working Time Directive 'opt-out' and derogations

## PUBLICATIONS

*Gendering European Working Time Regimes: The Working Time Directive and the Case of Poland.* 2016. CUP, Cambridge Studies in European Law and Policy.

"Reshaping the European Working-time Regime: Towards a Sustainable Model." 2016. Special Issue of *European Labour Law Journal* on Future Directions of EU Labour Law, ed. Jeremias Prassl.

"The European Working Time Directive: Keeping the Long Hours with Gendered Consequences." 2013. *Women's Studies International Forum*, Special Issue: The Unintended Gender Consequences of EU Policy, edited by Jill Attwood and Heather McRae, 39(1): 30-41.

"Regulating Working Time in the Times of Crisis: Flexibility, Gender and the Case of Long Hours in Poland." 2012. *International Journal of Comparative Labour Law and Industrial Relations* 28(4): 421-441.

### Blog Posts

"Reshaping the EU working-time regulation: towards a more sustainable regime." European Labour Law Network: Young Scholars Blog. 30 October 2015.  
<http://www.labourlawnetwork.eu/>

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