

# **Innovative Working Time Policy in the Service Sector <sup>1</sup>**

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**(Prepared for the Hans-Böckler-Stiftung)**

## **1 Aim of the investigation**

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

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

This applies in particular to the service sector. This is extremely heterogeneous due to different industries and activities. In contrast to public perception, it is characterised by rapid processes of change and adaptation, a high volume of work, atypical working hours and an increased blur between work life and private life.

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

- redesign and distribution of working time;
- life phase-oriented, gender and age-compliant working hours; and an
- organisation of working time promoting qualifications and continuing professional development as well as lifelong learning.

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<sup>1</sup> Summary of the study "Innovative working time policy in the service sector". The study was funded by the Hans Böckler Foundation.

As further explanations will show, the current responses of service trade unions provide a diverse pattern of policies and strategies for regulating and designing working time in the interests of employees. The focal points of current and successful collective agreements and company agreements extend to

- the introduction and use of flexible working hours (flexitime) and working time accounts,
- the limitation of overtime,
- the regulation of (often alternating) teleworking and mobile work, including increasingly a "right to disconnect" for teleworkers as well as information opportunities for unions with respect to teleworkers,
- the provision of sufficient time for further education and
- a flexible and self-determined transition from paid work to retirement.

It is true that the national and sectoral working time strategies pursued by the trade unions have many similarities and overlaps, in particular with regard to improving the work-life balance, limiting flexibility and the improvement of opportunities for the organization of working time by the employees themselves; however, this does not constitute a trend towards the convergence of working time policy concepts. This is not surprising given the heterogeneity in institutional frameworks and labour market issues between EU countries. Furthermore, the responses demonstrate that the initiative to organise and flexibilise working time is no longer solely the preserve of companies.

However, the responses also make it clear that there is still a gap between the programmatic demands regarding a modern and sustainable working time policy and the operational organisation and design of working hours in many sectors of the economy. That is why efforts to close this gap are a high priority for many unions, as also shown by the responses. On the one hand, it is about strengthening compliance with legal and collective working time norms and reducing the gap between actual and agreed working hours. On the other hand, in a number of countries it is also a question of bringing the employers and their associations to the negotiating table. This requires the ability of unions to mobilise their members and to signal their willingness to fight for their interests regarding the regulation and organisation of working time.

Surveying employees constitutes an important and supportive role in this context. Surprisingly, 16 of the surveyed unions said they were conducting surveys either on their own or in collaboration with research organisations. Surveys, whether nationwide, industry- or company-specific, help in mapping the operational working time realities and working time preferences of employees, as well as in formulating working time goals, collective bargaining policy negotiating strategies and designing models for working time.

The survey results can be summarised transnationally in a clear message: employees expect that collective bargaining and working time policies will help them to make working arrangements that will give them security and reliability, distribute working time more fairly and enable them to work and live their lives on their own responsibility.

The starting points of this study are a brief overview of current developments in working time in EU countries, as well as summaries of recent surveys of employees on their working time preferences and the institutional framework for working time development and design. This is followed by the evaluation of a survey of UNI affiliates and the report on trade union responses to changes in company working time requirements and working time preferences of employees. In addition, an analysis of selected recent collective bargaining approaches for the regulation and organisation of working time will be presented. Finally, initial conclusions from the analysis of current trends in the evolution of working time and experiences with new conceptual approaches to working time arrangements, in particular with new time options for employees, are put up for discussion.

## 2 The evolution of working hours in EU countries

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How have actual working hours of employees in EU countries evolved? How long do men and women work in each economic sector? Which Member State has the shortest working hours? Where do employees work the longest? These questions are answered by the European Union Labour Force Survey (EU-LFS).

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

### 2.1 No trend towards shorter weekly working hours

At first glance, the data on the usual weekly working hours of all employees indicates a slight reduction in average working hours for the 28 EU countries. But this impression is deceptive; it is the result of a growth in part-time employment, especially of women. The EU Labour Force Survey shows that there are major differences between the usual weekly working hours of women and men. This applies to both part-time and full-time employment. Men working part-time usually have shorter working hours than women, while men working full-time work much longer than full-time women. On average, across all EU sectors in 2017, the usual weekly working time of full-time male workers was 40.9 hours. The longest working hours were in the United Kingdom (43.4 hours), Greece (41.9 hours) and Austria (41.7 hours). At 38.3 hours, the usual weekly working hours of full-time male workers in Denmark was significantly shorter. It was thus slightly below that of full-time employees who worked 39.3 hours per week on average in the EU in 2017. Women had longer working hours in Eastern European countries (Bulgaria, Hungary, Poland, the Czech Republic) and Portugal (40.1 hours) and Austria (40.6 hours).

Differences in usual weekly working hours are also evident between individual economic sectors. In the area of wholesale and retail trade; repair of motor vehicles and motorcycles, the usual weekly working hours of full-time employed men in 2017 was 41.1 hours, compared with 39.7 hours for women. In the sector of financial and insurance services, the usual weekly working hours of full-time men range from 38.3 hours in Denmark to 42.9 hours in the UK. Both men and women in Austria have above-average working hours in this sector with 42.7 and 40.6 hours, respectively. In the information and communications sector, full-time employed men worked an average of 41.0 hours a week in the EU in 2017; Men had the shortest working week in Denmark (38 hours) and the longest working hours in Austria and the United Kingdom (42.5 hours each). Full-time women in this sector, as well as in 2017, averaged 40.1 hours per month across the EU. Women in Austria and Portugal had longer working hours in this sector (41.4 hours each).

### 2.2 Polarisation of working time

Another feature of the current working time landscape in the EU is long working hours. According to the *Sixth European Working Conditions Survey* (EWCS), conducted by Eurofound in 2015, the EU 28 has on average about 15.8% of its employees working long weekly hours (48 hours or more per week). It is mostly men (21%) and less often women (9%) who work long hours. About a third of respondents (32%) in the EU 28 worked more than 10 hours a day at least once a month. There are considerable differences between men and women and between countries. The average number of long working days is very high in the United Kingdom (3.6 days per month), Ireland (3.4), Sweden (3.1), Greece (3.1)

and Finland (3.0). The highest number of long working days was reported by those aged 35-49, an age group in which two-thirds are working parents and have significant care responsibilities.

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

### **2.3 Decreasing regularity of working hours**

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

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

## **3 Working time preferences of employees - Findings from recent surveys**

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

The preference for shorter working hours was expressed above all by those employees who have very long working hours. Overall, 65% of the EU average of 30% of employees who want to work less are in the group of those who work 48 hours a week or more. Similar findings arise with regard to the preference to work longer. While an EU average of only 13% of employees expressed a preference to work more hours per week, this percentage rises to 42% among those whose working week is a maximum of 20 hours. Finally, the preferences for both longer and shorter working hours are also closely linked to income and the family situation. More full-time employees with higher incomes often express their preference for reduced working hours. On the other hand, workers who work in short and

often involuntary part-time or atypical jobs and earn low incomes are more willing to work longer. In addition, surveys of working hours show that working time preferences change when children live in the home. Employees with children, especially women, often prefer a short full-time or part-time job to those without a child.

## **4 Institutional framework conditions of working hours evolution and design**

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However, the wide range of working time standards between EU countries, which is reflected in significant differences in both normal and actual weekly hours, is not due to differences in union priorities or assertiveness. It is the result of diverse institutional configurations of legal norms and collective bargaining as well as the interaction between the institutional actors of working time regulation. A Eurofound study on the evolution and regulation of working time has identified four different systems of working time regulation:

- Exclusively by legislation; Here the State has a dominant role in regulating working time standards.
- Legislation with a collective bargaining supplement: In this system too, government action dominates the regulation of working time. However, legal norms are supplemented by collective bargaining. This leads to regulations that tend to be more favourable for workers than the legal norms.
- Working time regulation through collective bargaining: In this system, standards for the duration, organisation, and location of working hours are usually the result of collective bargaining between employers and unions.
- Unilateral working time regulation: Legislation does not play a major role in setting working time standards; existing collective bargaining structures are highly decentralised. The duration and organisation of working hours are usually specified in the individual employment contracts.

Working time standards are almost exclusively regulated by law in eight EU countries (Bulgaria, Estonia, Latvia, Lithuania, Hungary, Poland, Romania and Slovenia). In another eight EU countries, including Greece, France, Portugal, Slovakia, the Czech Republic and Ireland, statutory working time standards are supplemented by collective agreements. In 11 EU countries, working hours are regulated by collective agreements, mostly at sectoral level. Employers and trade unions negotiate here and agree on arrangements for working time. Sectoral agreements are often supplemented by company-level arrangements on working time organisation. This applies to the Nordic countries (Denmark, Finland, Norway and Sweden) as well as to Austria, Belgium, Germany, Italy, Cyprus, the Netherlands and Spain.

## **5 Responses of service unions to working time-related challenges**

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How do trade unions in the service sector respond to challenges associated with the change to the working time landscape? Given the growing diversity of working time arrangements, can further adherence to uniform working time standards be a realistic goal for all employees? How do the unions try to reconcile the working time requirements of the employees with the working time requirements? Initial notes on the responses to these questions can be found in the results of a survey of member unions of *UNI Europa*. The study asked about changes in the duration and location of weekly working hours, trends in atypical working hours related to part-time work, shift, night and Sunday work, and the role

of working time and collective agreements as determinants of working time. Further questions addressed the increasing diversity of working time regimes, in particular the flexibilisation and differentiation of working time regulations. Further questions focused on working time models in favour of the promotion of continuing vocational training and the temporary care of family members. In addition, *UNI Europa* affiliates were asked about the main characteristics of new collective and operational working time regulations and models.

Questionnaire responses and feedback were provided by more than 20 *UNI* affiliates from 15 countries, including trade unions from Belgium, Bulgaria, Denmark, Germany, Finland, France, Ireland, Italy, the Netherlands, Norway, Austria, Poland, Switzerland, Sweden and Spain.

### **5.1 Dissolution of uniform working time patterns .....**

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

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

### **5.2 .... by increasing overtime**

An increase in overtime is reported by a total of 17 *UNI* member unions. Current analyses of the national statistical offices confirm this. Accordingly, 12% of all employees in Finland did paid overtime in 2016. In 2015, 19% of employees worked paid or unpaid overtime in Austria. Nearly a third of them did up to three hours of overtime a week, mostly paid. However, 17% of the overtime worked remained unpaid. In Germany, dependent employees did a total of around 828.7 million overtime hours in 2016. Of these, approximately 335 million were paid and approximately 493 million were unpaid overtime hours. Calculated on the basis of an average annual working time of around 1,638 hours per full-time employee, the total overtime volume in 2016 corresponded mathematically to around 1.1 million full-time positions. Unpaid overtime worked by employees in the Netherlands in 2013 was equivalent to an annual working time of more than 292,000 full-time jobs (40 hours per week). On average, employees in the Netherlands spent three unpaid overtime hours a week in 2013. This corresponds to a lost income of EUR 3,200 per employee per year or an annual "gift" to employers of EUR 20 billion.

In addition to the increase in overtime, the expansion of part-time work is also contributing to the increasing differentiation of traditional "normal working hours" and the dissolution of uniform working time patterns.

### 5.3 ..... as well as by atypical working hours

The evaluation of the feedback also shows that the trend towards atypical working hours is continuing. Shift work, night work, weekend work and, increasingly often, flexible working hours are indicative of atypical working time systems. Their expansion cannot come as a surprise given the growing demand for 24/7 availability. In this context, 10 unions report an increase in shift work. A similar picture emerges from the feedback on night work, which has been pointed out by 10 unions. Significantly more pronounced is the increase in Sunday work. In 2015, on average, 30% of European employees worked on Sundays.

### 5.4 Differentiation of company working time structures

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

This question was answered with an unreserved "Yes" by 19 unions. There are numerous reasons for this: a loss of power of action and enforcement, the introduction of flexitime (5 mentions), teleworking, on-call work, the introduction of working time accounts, extended operating hours, facilitating the approval of night work, the increase of part-time work, the change of working time laws and the increasing demands of employers on large groups of employees to be constantly available for work.

### Characteristics of Recent and Future Collective Bargaining Regulations for Working Time

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

Acquisition, payment and limitation of overtime	GPA-djp; FeSMC-UGT;
Leisure time' option (exchange of increase in income against more free time)	GPA-djp; ver.di;
Teleworking/home office	GPA-djp; F3C-Cfdt; TEK; Trade Union Pro; FABI; LBC-NVK
<i>Mobile work</i> (location. and time-flexible work)	GPA-djp; Syndicom; Trade Union Federation of Communication;
<i>Right to be unavailable</i> (the "right to disconnect" from email, smartphones and other electronic devices)	F3C-Cfdt; Syndicom;
Age-specific working time	ver.di; CNE; Finansforbundet; FNV
Time for further training	Syndicom; FeSMC-UGT; CNE; ver.di; HK-No; FGA Cfdt; GPA-djp; Trade Union Pro;
Balance between different working time interests	FABI; FeSMC-UGT (Finanz); ver.di;
Delimitation of <i>atypical working time</i>	FABI; HKN; FeSMC-UGT (Callcentre)
Strengthening of the binding nature of statutory or collective bargaining working time standards	FGA Cfdt; CNE
Gender balance	SETCa; Trade Union Pro; ver.di
Regulation of part-time work	TEK; SETCa; Syndicom

Source: own compilation on the basis of the survey

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

## 5.5 Ranking high on the collective bargaining agenda: Improvement of employees' time sovereignty

Efforts to improve time sovereignty in paid work have a long tradition in union working time policy. The primary aim of this objective is to improve the work-life balance. This is evidenced by feedback from six unions. In their working time policy, they assume that it is still difficult for many employees to reconcile the care of children or the care of relatives with



professional requirements. For this reason, their demands are directed towards realising more family-friendly working time arrangements. As such, in addition to the possibility of short-term exemptions, e.g. in case of illness of a child, also temporary and secured interruptions of work for periods of intensive care in the context of parental or nursing time as well as the extension of parental leave.<sup>2</sup> In connection with care obligations, many trade unions are demanding a right for the workers concerned, which allows them to temporarily reduce their working hours and then increase them again, for example, by switching from full-time to part-time and back without having to worry about career disadvantages. In addition, the feedback from seven unions calls for better opportunities for child and family care as well as extended maternity and paternity leave. They point out that an improved work-life balance through opportunities to reduce daily working hours must also be complemented by appropriate welfare state infrastructures and services (childcare, care facilities). Flexitime, working time accounts, teleworking and also a right to be unavailable are also listed as a tool for family-friendly working hours.

## **5.6 Breaking new ground: collective bargaining in favor of reconciling work and family life**

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

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

## **5.7 Social Innovation: The anchoring of working time options**

In retrospect, the regulation of normal working time and the implementation of the 8-hour day can be described as "institutional innovation". Time institutions such as regular closing time and weekends off work are owed to this. They have established collective standards and contributed to improving the quality of life of employees. In this context, newer collective bargaining regulations in the service sector are proving to be organisational and social innovations. They offer the choice between increased income or increased leisure time, and they promote the balance between professional and family time requirements. In addition, they enable the acquisition of new qualifications under learning-friendly time structures.

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<sup>2</sup> The concept of parental leave is not uniformly used in German-speaking countries. Its use in the broader text includes parental leave as well as maternity and paternity leave.

More time prosperity and improved opportunities in terms of spending one's own time are the objectives of newer collective agreements, which allow employees to choose between income growth or more leisure time. These include, inter alia, the collective agreement that the Railway and Transport Workers' Union (EVG) agreed with Deutsche Bahn AG in December 2016 in Germany, the collective agreement agreed between ver.di and Deutsche Post in the spring of 2018 with its "discharge period" and the collective agreement in the Austrian electrical and electronics industry with the "leisure option". These collective agreements give employees the opportunity to choose between higher income or more free time.

The choice models and leisure time options, as initial data on their use show, have aroused considerable interest of employees. In the context of their use, work organisation in companies and administrations, the presence of sufficient human resources, managerial behaviour and the involvement of workers' representatives have been found to be key factors, which favour the implementation of collectively agreed working time options, their use and positive effects on the relationship between work and private life. In this context, however, it must be considered that the human resources policies of many companies, as well as the performance expectations of executives, stand in the way of the use of working time options. For good reasons, it is therefore increasingly demanded during discussion to limit the veto power of superiors when using the leisure option and to strengthen the entitlement of employees by means of appropriate collective agreements.

## **5.8 Sufficient time for further education**

There is a broad consensus between governments, employers and trade unions about the need to facilitate the acquisition of skills and knowledge regarding digitisation. However, there is disagreement about how to organise and finance the necessary training measures. Many unions have taken this opportunity to review and update their positions on further training. They all agree that continuing education and training not only takes time, but must also become an integral part of future enterprise development. This is also confirmed in feedback on the questionnaire.

Agreement on a right to a certain amount of training time has meanwhile been reflected in many collective agreements. For example, the employees of the telecommunications company Swisscom are entitled to five days of training annually according to the new collective agreement signed in the spring of 2018. Previously, there was no such entitlement. A collective bargaining agreement between ver.di and the employers' association of insurance companies in Germany, which has been in force since the beginning of 2018, gives employees the option of a part-time training period of at least one month and a maximum of six consecutive months; that means that the usual weekly working hours will be reduced accordingly.

Elements of a preventive strategy for avoiding employment risks can also be found in collective bargaining agreements to promote further education in other European countries. For example, collective bargaining agreements for bank employees in Luxembourg have long included comprehensive regulations on company training and further education. As a result, the banks are obliged to prepare a comprehensive plan for further education in cooperation with the staff representatives and to keep them informed about its implementation.

Numerous collective agreements also pave the way for an institutional solution for the financing of continuing vocational education - they regulate the implementation of training and qualification funds. An example of this is the collective agreement concluded by Denmark's largest employee union (*HK*) with the Association of Danish Enterprises (*Dansk Erhverv Arbejdsgiver*) for the period 2017 – 2020. Other collective agreements include regulations that give employees more freedom of choice and more control over their professional development and personal development. Examples of this can be found in

collective agreements between Dutch unions and Achmea and Rabobank. The collective agreement with Rabobank not only provides for the possibility of educational leave for participation in further education courses. It also governs the provision and use of a training budget for each employee of the company. They can decide for themselves which measures they want to use for their professional advancement. It is assumed that the measures are work-related and do not serve hobby or leisure purposes. The training budget amounts to EUR 1,500 for the 2017 and 2018 calendar years. For the 2019 and subsequent years, it is EUR 1,000. If the budget is not used up over the course of a year, the remaining share can be added to the next year's budget. At the end of this year, however, an unused budget of the previous year expires. The collective agreement explicitly requires supervisors to give employees the opportunity to take part in further education measures of their choice.

## **5.9 Demographic development, collective bargaining policy and working time**

In many EU countries, collective bargaining in the context of demographic change is aimed at helping to create age-appropriate working conditions and giving older workers the option of a flexible and self-determined transition from work to retirement. Existing collective bargaining arrangements that allow older workers a flexible transition to retirement differ in their principles, ranges and institutional configurations. But they all share something in common: They are based on shorter working hours for older employees - so-called partial retirement - as well as a partial compensation for the income lost as a result of reduced working hours. In this way, health-impairing workloads should be reduced and older employees should be able to work longer.

An example of this is the collective agreement that the unions (FNV, VVMC, VHS and CNV) signed with Dutch State Railways (NS) in November 2017. According to this, as of January 2020, older workers can reduce their weekly working hours to 28 hours at the earliest five years before reaching retirement age (78% of the regular weekly working hours). However, their income does not decrease to the same extent; it is increased by NS to 89% of full-time income. Contributions to the pension insurance are paid according to a full-time income. To finance partial retirement, employees must contribute by putting in leave and overtime. An 'Inter-Generation Contract', which the service trade union ver.di agreed with Deutsche Post in the autumn of 2011, enables employees aged 59 and over to cut their working hours by half and switch to partial retirement. Partial retirement lasts at least 24 months and up to a maximum of 72 months. During this period, semi-retired employees receive compensation consisting of part-time pay and a basic increase paid by Deutsche Post; it corresponds to 79% of the previous net salary. This share will be increased by grants from a demographic fund up to 87% of the previous net salary. The fund started with an initial deposit of 20 million euros. This amount was financed once with a discount of 0.5% of the wage increase in 2012. Since 2013, Deutsche Post, as employer, has paid an annual amount of 200 euros into the fund for each full-time employee. The exemption regulations of the inter-generation contract can also be used for the care of close relatives, for an extension of parental leave or a sabbatical.

## **6 Conclusion**

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Working time in European countries has not become significantly shorter in the past two decades, but has become more diverse, more flexible and sometimes longer. There can no longer be any talk of a uniform pattern in terms of the duration, situation and distribution of working time. This development poses new challenges to trade unions. They have responded by adapting their collective bargaining and working time policies in accordance with the respective working time preferences of workers and the situation of companies. As a result of agreeing new and innovative rules on working time, workers in many European

countries have a wide range of options for organising their working time. In addition to shorter working hours, these include in particular flexible working time arrangements such as flexitime, working time accounts, partial retirement and part-time education, part-time and holiday options. Collective agreement and company regulations in favour of an individualised organisation of working hours are far from being fully enforced, yet they give large groups of employees new leeway in favour of flexibility and autonomy in the organisation of working time. Compared to conventional and rigid working time rules, they have clear advantages.

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

The exemplary analysis of new and innovative collective bargaining rules of working time shows that good progress has been made in the programmatic reorientation of trade union working time policy. However, the goal has still not been achieved; there is a gap between their demands and everyday business life that needs to be bridged. Employees repeatedly come up against operational obstacles if they want to make use of the working time options available to them. The reorientation of trade union working time policy, as initial studies on the operational implementation and use of working time options indicate, must therefore be flanked by a new personnel policy in companies and administrations.

### Working time regulations in collective agreements

Industries/Companies	Trade union	Term	Weekly/Annual working time	Maximum working hours/Overtime regulation
Banks (CP 310) (Belgium)	CNE	Since 2001	On average 35h/week or 1,620.6h/year	Normal working time may not exceed 37 hours. Time off is granted as compensation for the 35h week.
Retail (Denmark)	HK	2017 - 2020	37h/week	Overtime is limited as much as possible.
Financial sector (Denmark)	Finansforbundet	2017	Actual working time is 1,924/year; equivalent to 37h/week	48h/week, including overtime
Insurance industry (Denmark)	Finansforbundet	2017	Actual working time is 1,865.5 h/year, optionally 1,924h (with correspondingly higher wages/salaries)	Overtime should be limited as much as possible. There should be no systematic overtime for employees.
Deutsche Post (Germany)	ver.di		38.5h/week	
Retail NRW (Germany)	ver.di		37.5h/week	Overtime should be avoided if possible; it is only permissible under the Working Hours Act
Private insurance industry (Germany)	ver.di	Since 2015	38h/week	Maximum 10h/day or 47.5h/week
Building cleaning (Germany)	IG BAU	Since 2014	39h/week	
Financial sector (Finland)	Trade Union Pro	2016 - 2017	35 - 37h/week	Maximum 10h/day and 48h/week; in a period of 3 months, 37h/week should not be exceeded
Real estate sector (Finland)	Trade Union Pro	2017-2018	37,5h/week	10h/day or 50h/week; however the average working hours within a six-week period must make up a maximum of 37,5h/week
Retail (Finland)	PAM	2018 - 2020	Maximum 9h/day or 37.5h/week	Maximum 9h/day and 48h/week; exceptions are possible; the normal working time may not be exceeded in the compensation period (26 or 52 weeks)
Building management (Finland)	PAM	2018 -2020	7.5 - 8h/day or 37.5 - 40h/week	
Collective agreement for employees in technology companies	Trade Union Pro	2017	Maximum 8h/day or 40h/week	

(Finland)				
Industries/Companies		Collective Agreement Term	Weekly/Annual Working Time /Full-time Employees)	Maximum Working Hours/Overtime Regulation
Insurance industry (Luxembourg)	ALEBA	2018 - 2020	8h/day or 40h/week	Maximum working time 10h/day or 48h/week
Banking (Luxembourg)	ALEBA	2018 - 2020	40h/week	Maximum working time 10h/day or 48h/week
Sports sector (Netherlands)	FNV Sport	2016 - 2018	1,930h/year (38h/week on average)	
Universities (Netherlands)	FNV Overheid	2016 - 2017	38h/week	
Association of Cooperative Employers/Retail (Netherlands)	CNV	2017 - 2019	40h/week on average in the period of four consecutive weeks	Maximum of 9h/day
Dutch State Railways (NS)	FNV	2015 - 2017	36h/week (average)	Average working time achieved by 26 annual working time reduction days (WTV days)
Rabobank (Netherlands)	FNV Finance	2017 - 2020	36h/week	Maximum 45h per quarter
Association of Travel Companies (Netherlands)	FNV	2016 - 2018	Average 39h/week, in a period of a maximum of 26 weeks	
Collective agreement for employees in the Austrian electric and electronics industry	GPA-djp	2018	Normally 38.5h/week; up to 10h/day with flexitime	Working time corridor of 32 - 45h /week
Coop (Switzerland)	Unia	2018	41h/week	
Swisscom (Switzerland)	syndicom	2018	40h/week	
Department stores (retail, Spain)	UGT	2018	1,770h/year	
Energy industry (Sweden)	Sveriges Ingenjörer	2016	40h/week; 38h/week for shift workers	48h/week should not be exceeded in a half-year average

Source: own compilation based on the survey