

Working Time in the UK – Developments and Debates

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1. Introduction

The UK's working-time regime has comparatively weak statutory regulations and an uneven system of collective bargaining. This 'voluntaristic' or market-based model of flexibility stands in contrast to the more regulated forms of 'statist' or 'negotiated' flexibility observed in most of the other member states of the European Union (Anxo and O'Reilly 2000). The UK's voluntaristic flexibility model exhibits a dispersed distribution and polarization of working time. There are high rates of very long full-time and short part-time hours, it is common for both part-timers and full-timers to be working 'non-standard' hours (evenings, nights, week-ends) and there is a lack of a widely shared common standard in either the length or scheduling of working hours (Fagan 1997, 2001a, Rubery et al. 1998). The UK is distinctive among the EU member states for this combination of long full-time hours and a high rate of short part-time hours which produces one of the largest national gender gaps in working hours among the employed (Rubery et al. 1998, Anxo and O'Reilly 2000, Fagan 2004).

In 1997 a Labour government was elected in the UK, ending an 18 year period of Conservative rule. In the period since this change of government there have been some important policy changes, as well as continuities, which shape the UK's working-time regime. The European Union (EU) policy framework for employment policy has also been influential. EU Directives have triggered some pertinent legal reforms to working-time policy and the 'softer' policy regulation in the EU's European Employment Strategy – the so-called Lisbon Process – has added further impetus to the national agenda; particularly in relation to work-family reconciliation and the quality of women's working-time. While the broad contours of the UK working-time regime have not been radically altered by these policy measures there are some developments underway which may mark a modest shift in the trajectory of working-time options available and the associated working-time arrangements pursued by men and women within this institutional framework. This includes some early signs that a lifecourse perspective on working-time may be emerging in policy design.

Section two of this paper describes the working-time trends, patterns and preferences in the UK. Section three describes recent developments in the main features of the UK's institutional framework which shape the working-time options in place. The current working-time debates are reviewed in section four and conclusions are drawn in section five.

2. Working-time arrangements in the UK – trends and the current situation

Following the decline in annual and weekly working hours in the first part of the twentieth century, from the mid-1970s onwards there was a process of working-time

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reorganisation, destandardisation and intensification in the UK. This general pattern occurred in most industrial countries to a greater or lesser degree, as a result of the economic and political crisis of 'Fordism' and the ascendancy of post-fordist 'flexibility' (Bosch et al. 1994, Rubery et al. 1999, Messenger 2004).

A parallel development was the rise in women's employment during the childbearing years, and the demise of the single-earner 'male breadwinner' household as 'dual-earner' arrangements became more common for couples; typically with the woman working part-time (Crompton 2006). The steady increase in the female employment rate since the 1970s was set against a decline in the male employment rate associated with the combined pressures of prolonged education, earlier retirement and unemployment. Since 2001 the female employment rate has settled at 74%; only slightly lower than the male rate (78%)².

Much of this increase in female employment was in part-time jobs, and the rate of female part-time employment rose across several decades. Since the mid-1990s the proportion of employed women who work part-time has hovered at 43-44%, although in the recent period since 2005 the rate has dropped slightly to 41% by 2008. Part-time work among employed men has become more common, with a sharp rate of increase occurring from 1991-2 onwards, which coincided with the recovery from a period of economic recession. By 2008 10% of employed men worked part-time. Overall, part-timers constitute a large part of the workforce, hovering at 23-24% of all employed persons since the mid-1990s.

Part-time employment has long been associated with the onset of motherhood for women in the UK. This results from a combination of individual preferences and constraints on the working-time options for mothers. Many mothers prefer to reduce their paid working hours when children are young, associated with longstanding cultural norms which define 'good mothering' with a withdrawal from full-time employment (Duncan 2006). This normative position on motherhood varies within the population and is shaped by the interplay of their experiences, resources and the web of social relationships they are situated in (McDowell et al 2005). For example, Afro-Caribbean mothers consider full-time employment to be a normal responsibility for mothers in order to provide for their children (Reynolds, 2001). Another example is that women are more likely to favour employment when children are young if they hold interesting and well-paid managerial or professional positions (Crompton 2006).

The institutional constraints on employees' ability to combine full-time employment with care responsibilities are the limited options presented by the organisation of care services and leave options for those with children or elder care responsibilities, and the long hours expected from full-timers in many workplaces (discussed further in the next section). Thus in 2008 more than half of part-time employed women said the main reason they worked part-time was because they had childcare or other domestic responsibilities.

This increase in male part-time employment is associated with broader structural changes in the economy rather than a change in men's involvement in care responsibilities. These economic changes have steered a higher proportion of younger and older men into part-time employment. Firstly, there has been a rapid increase in the pool of students – men and women – seeking part-time employment due to changes in education policy which have created an expansion of higher education alongside cuts in student grants and the introduction of a student loan system. By 2008 one fifth of all part-timers were students. The incremental reforms to the 'New Deal' active labour market policies have increased the onus on the unemployed to accept part-time employment if full-time work is not available and this has also contributed to the increase in young and older men working part-time in private services (e.g. retail, hospitality and leisure services) in order to enter employment or to defer involuntary retirement following job loss. Hence one third of male part-timers are students

² Unless specified, the data cited in this paper have been calculated using the weighted UK Labour Force Survey data.

and another quarter is aged 55 years or older. The comparable figures for women are that 14% of female part-timers are students and only 9% are aged 55 years or older.

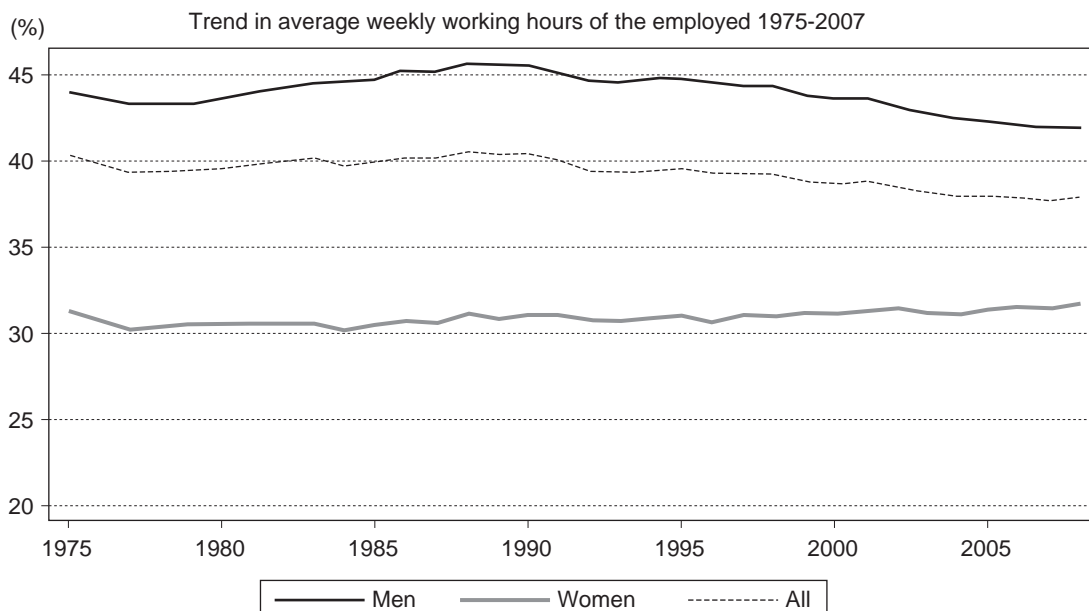
Figure 1a presents the usual average weekly working hours including overtime in the main job for the employed (employees and self-employed). Caution is needed when interpreting the data prior to 1984 due to some discontinuities in the time series, but nonetheless it is apparent that average hours have fallen for men from a peak at 46 between 1998-90 to 42 hours from 2005 to 2008. While some of this decline might be expected given the economy entered a recession in 1991-92, men’s average hours did not rise again as the economy recovered. Over the same period weekly hours for women averaged 30-31 until the end of the 1990s, after which the average crept up modestly to 32 in 2006 through to 2008.

When we exclude part-timers from the analysis it is evident that the average weekly hours for full-timers have also fallen over this period (Figure 1b). The main message to take from this figure, however, is the long average hours worked by full-timers in the UK. For men, average usual weekly full-time hours rose to hover at 46-47 hours in the period 1988-1999 followed by a modest decline to 44 by 2007 and 2008. By contrast, women employed full-time have worked an average 40-41 hours per week since the mid-1980s.

In the UK part-time employment is typically organised into short hour arrangements of 16-20 hours. This contrasts with the situation in some other countries where the hours are longer and more akin to a reduced hour arrangement (such as Sweden) or the more unusual example of Japan where being part-time primarily denotes a lower status rather than shorter hours (Houseman and Osawa 1998). The average hours worked by part-timers started to climb over the 1990s but still remain below 20 hours a week on average (Figure 2).

Figure 1. Trends in average weekly working hours (including all overtime) for the employed

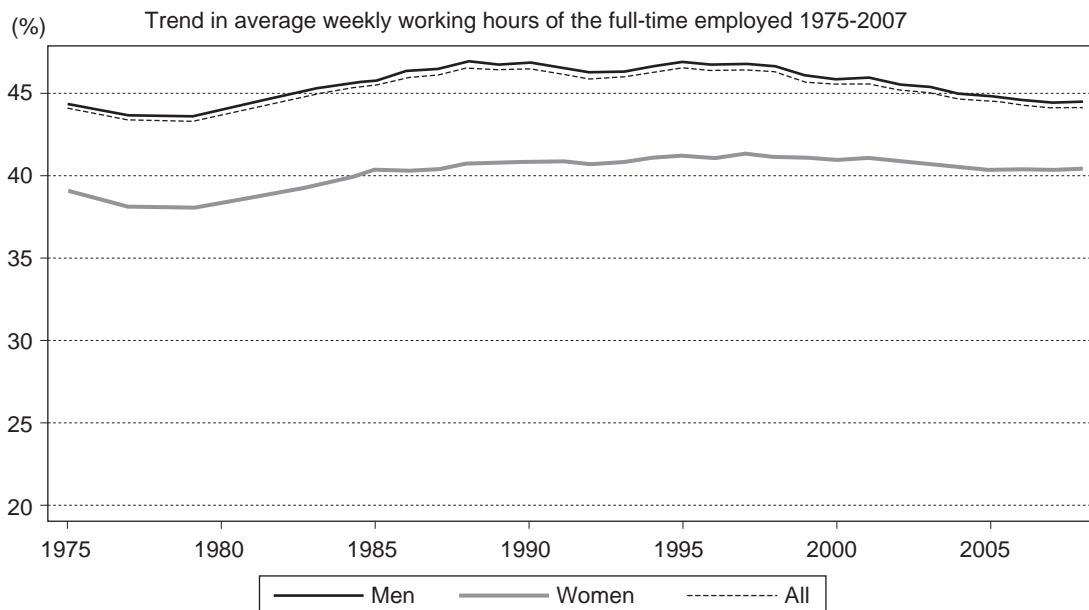
1a) All employed



Data: weighted UK Labour Force Survey Data: 1975, 1977, 1983-2008. Yearly- 1983-91, quarterly (March- May) - 1992-2002, January-March from 2003 onwards.

Mean Weekly working hours of men and women who were employed or self employed. Hours are defined as those usually worked in the main activity, including overtime. Caution is required when interpreting figures before 1984.

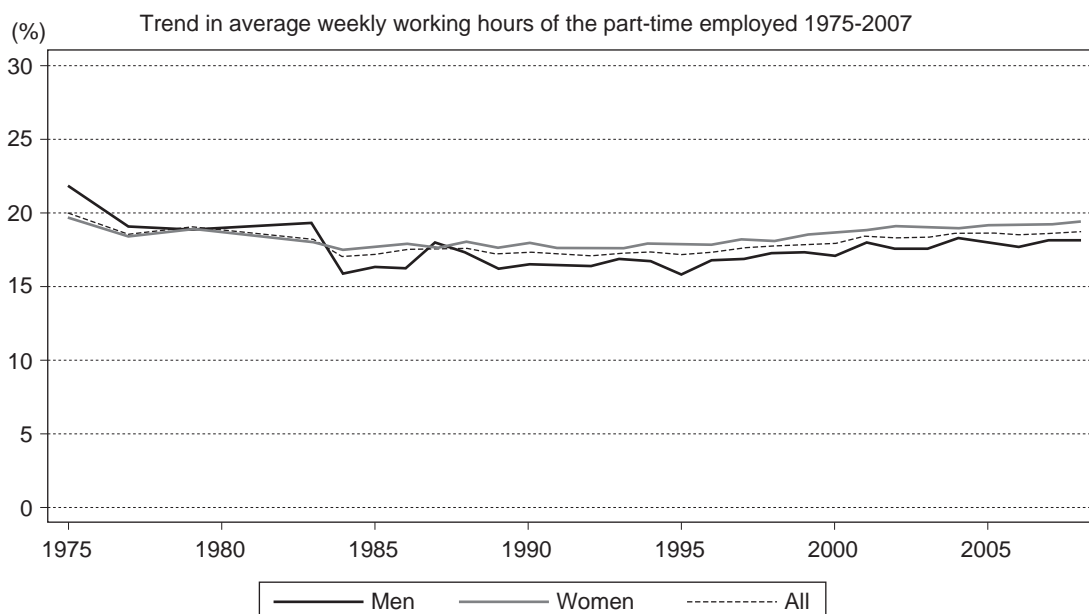
1b) Full-time employed



Data: weighted UK Labour Force Survey Data: 1975, 1977, 1979, 1983-2008. Yearly- 1983-91, quarterly (March- May) - 1992-2002, January-March from 2003 onwards. Employed or self employed men and women who declared they worked full- time (main job). Hours are those usually worked in their main job, including overtime. Caution is required when interpreting figures before 1984.

Note: Hours are those usually worked in the main job, including all overtime (paid and unpaid). Data are for the employed and self-employed. The distinction between full-time and part-time is a self-assessment of status (based on the main job). Source: UK Labour Force Survey.

Figure 2. Trends in average weekly working hours (including all overtime) for the part-time employed

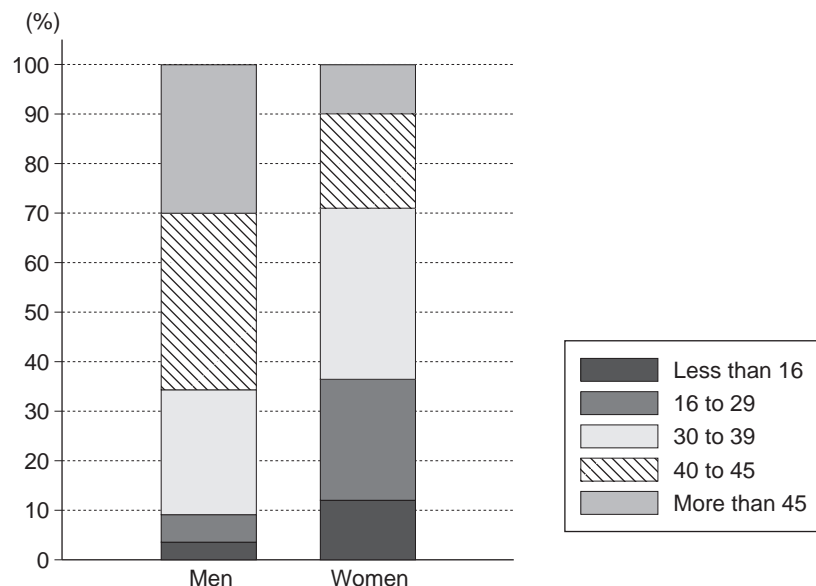


Data: weighted UK Labour Force Survey Data: 1975, 1977, 1979, 1983-2008. Yearly- 1983-91, quarterly (March- May) - 1992-2002, January-March from 2003 onwards. Employed or self employed men and women who declared they worked part- time (main job). Hours are those usually worked in their main job, including overtime. Caution is required when interpreting figures before 1984.

Note: Hours are those usually worked in the main job, including all overtime (paid and unpaid). Data are for the employed and self-employed. The distinction between full-time and part-time is a self-assessment of status (based on the main job). Source: UK Labour Force Survey.

Figure 3 shows the diversity in the typical length of the working week for the employed in the UK. Less than one third of employed people have working arrangements which fall in the ‘middle-ground’ of 30-39 hours. The figure reveals the high incidence of long hours working in the UK.³ In 2008 30% of employed men and 10% of employed women usually worked more than 45 hours per week. For men the rate was even higher between 1988 and 1997, fluctuating between 38-41%, after which the trend has been steadily downward. The proportion of women working these long hours rose from the early 1980s to reach 10% in 1994, and since then the rate has hovered at 10-11%. A working week of 40-45 hours is also common, particularly for men. At the other end of the distribution, 12% of employed women work less than 16 hours, down from 18% in the mid-1980s. Only 4% of employed men have such short working hours, even if the long-term trend has been upwards. Around one in three employed women has longer part-time arrangements of between 16-30 hours.

Figure 3. The variation in the average length of the working week (including all overtime) for employed men and women, 2008



Data: Weighted UK Quarterly Labour Force Survey April-June 2008.
Hours are those usually worked in the main job (including overtime) by employed men and women in the UK.

Working hours vary quite markedly with occupational category in the UK. Many of the men and women who work long full-time hours are located in managerial positions and some professions; mostly jobs which are well-paid. However long full-time hours are also common for men in the skilled trade occupations (e.g. construction) and some lower paid jobs (e.g. private security firms; transport). Overall, long hours are most common in the private sector and in non-unionised workplaces (Cully et al 1999).

Manual employees who work long hours are the most likely to say they do so for financial reasons, while managers and professionals usually emphasise their job commitment (although financial rewards may come later via promotion or bonuses). Those with the highest degree of autonomy over how they organise their work are the most likely to attribute long working

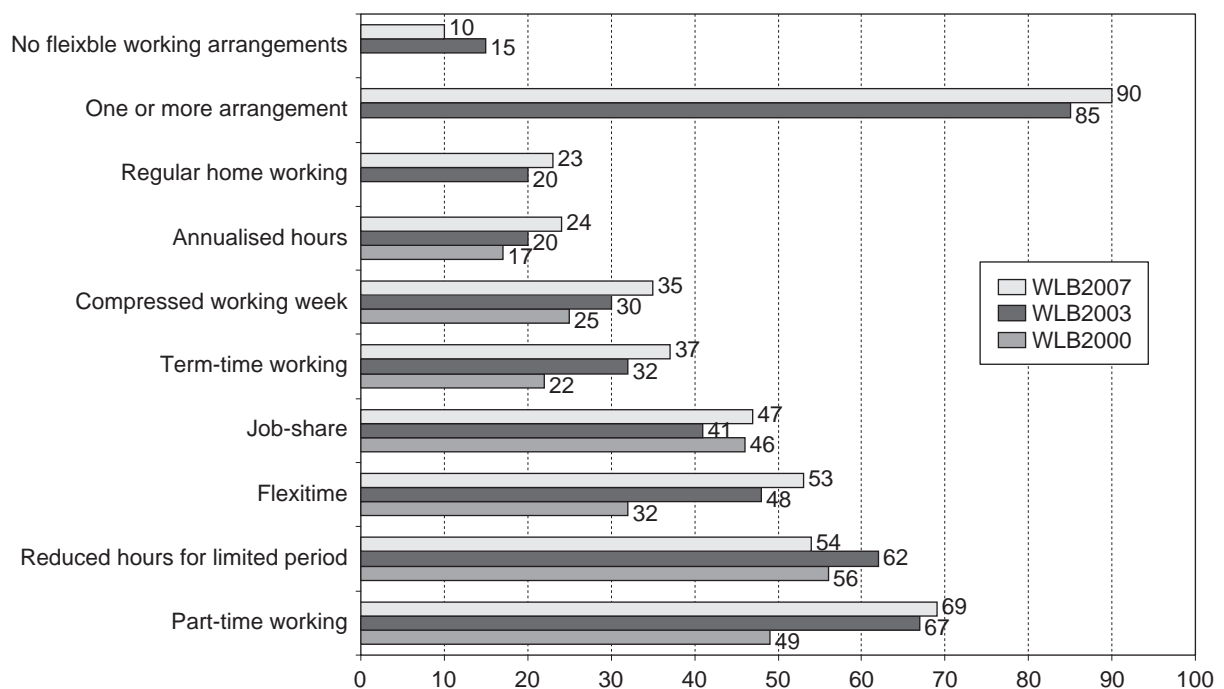
³ The high incidence of long hours working is also found when the self-employed are excluded from the analysis on the basis that their hours are not directly regulated by labour law or collective agreements.

hours to their job commitment, even after taking into account their occupational level (Cully et al. 1999). This indicates the double-edged nature of autonomy: flexibility and discretion can go hand-in-hand with a sense of obligation to work long hours when required to cover variable or persistently heavy workloads. Working long hours may also become a key element in competition for promotion in flatter and more individualised organizational structures (Crompton and Brockmann 2006).

Part-time employment exists in 83% of British workplaces, according to the 2004 Workplace Employment Relations Survey (Kersley et al 2006). It is disproportionately concentrated in the low-paid feminised activities of service and manual jobs (sales and customer service, hospitality, cleaning) often with very short hours (Women and Work Commission 2006). However, some part-timers hold higher-level and better-paid jobs: one fifth of female part-timers are in professional and associated positions, although part-time working remains rare for women who enter management or male-dominated professions.

A growing proportion of establishments offer flexible working options (such as flexitime, working from home, job shares) in Britain, illustrated for example, by the results from the government’s ‘work-life balance’ survey which was established in 2000 (see Figure 4). However, the availability and take-up of these working-time options varies (Cully et al. 1999, Kersley et al. 2006, Bell and Bryson 2005, Dex 2003). Broadly speaking, managers and professionals have the most discretion over when they start and finish – because their hours are not directly monitored or because they have formal flexitime arrangements – and they are also more likely to be able to do some of their work from home. Flexitime is common for clerical workers, particularly in the public sector and the financial sector. Conversely routine and manual workers are more likely to have their hours fixed by their employers, and shiftwork and part-time work feature more often in their schedules (see also Warren 2003). There are no occupational differences in the incidence of compressed weeks, jobshares or

Figure 4. Trends in the availability of flexible working arrangements offered in workplaces in the UK, 2000-2007



Source: Hogarth et al., 2001, Stevens et al., 2004 and IES/ICM, 2006 (Hooker et al 2007: Table 3.3).

term-time working (Kersley et al, 2006, table 6.24). Flexible working options are more common generally in the public sector, in large workplaces, where a union is recognised or where more than half of the workforce is female.

These occupational and workplace differences in working hours and access to different schedules cluster at the household level to produce pronounced class-based differences in the work schedules of dual-earner couples (Fagan 2001a, Warren 2003).

A 'satisfactory work-life balance' is a common aspiration for employees according to the British Social Attitudes Survey, although it is not ranked as the most important priority as often as having job security or interesting work (Bell and Bryson 2005). The survey also shows that substantial proportions of employees experience problems balancing work and home life, and that, in themselves, flexible working options do not substantially alleviate the pressures (Bell and Bryson 2005; p50). A good work-life balance depends on a number of workplace and domestic factors but long working hours have been shown to exert a significant and dominant negative effect and working-time autonomy offers only limited compensation (Fagan and Burchell 2002, OECD 2004).

There is a substantial mismatch between actual and preferred working hours for men and women in Britain. In 2008, 21% of employed men and 31% of employed women expressed a preference for a wage-adjusted reduction in their working hours by an average of 11 hours for both sexes according to the Labour Force Survey. Seven per cent said they would like to work longer hours at their current rate of pay. Earlier research revealed that the desire to work short hours is highest among those working very long hours while a sizeable proportion of part-timers want to work longer part-time or even full-time hours (2000a, 2001b, 2004).

3. An overview of the institutional framework which shapes the UK working-time regime

State policies, economic conditions and collective agreements create an institutional context or framework which shapes companies' working-time policies and the working-time options people face, the working-time arrangements they secure and their preferred working hours (Fagan 2001a, 2001b). The main components of the institutional framework which produce the national working time regime are (i) the industrial relations system (labour law and collective bargaining); (ii) the wage structure (earnings differentials, minimum wage regulation, working-time premia); (iii) the care and 'work-family reconciliation system (such as extended leave or reduced hours plus care services for children and elders); (iv) the incentive structure created by the combination of the social security and personal taxation system; (v) the education and training system and (vi) the family system (the gender-based division of employment and domestic responsibilities, inter-generational responsibilities, norms about what constitutes 'good parenting').

The election of the Labour government in 1997 brought a shift towards a more social democratic political agenda in the UK. There have been some important developments in the following areas of working-time policy: the introduction of statutory limits on working-time, developments in collective bargaining, the quality of part-time work, work-family reconciliation, the fiscal system, and 'active ageing'. There have also been changes in the higher education system which has expanded the pool of young people seeking part-time work, which was discussed above in section 2.

3.1. Statutory regulations on working-time

In 1998 the EU Directive on Working Time was finally incorporated into UK labour law in the *Working Time Regulation Act (1998)*. The UK government had waged a sustained campaign to oppose and dilute this Directive, and finally secured a voluntary 'opt out clause' which permitted individual employees to voluntarily work hours in excess of the 48 hour

average weekly limit established by the Directive. Despite this dilution the legislation was an important milestone because before this the limited statutory regulations which had provided some protection to certain groups of workers had been dismantled over the 1980s and early 1990s (Hepple and Hakim 1997). These groups included some transport workers connected with public safety, some low-paid employees covered by the Wages Council, limits on Sunday working due to restrictions on retail opening hours, and limits on the hours worked by youth and on night work for women (See Fagan 2000b for more detail).

The *1998 Working Time Regulations Act* introduced the following provisions which the Directive had established:

- Three weeks paid leave, increased to 4 weeks in 1999 (can not be cashed in for extra earnings)
- Daily and weekly rest periods (rest period after 6 hours, 11 hours rest in each 24 hour period, one day off in seven)
- Average of 8 hours per shift on night work
- A maximum 48 hour week – although ‘voluntary opt-put’ agreements between employer and employee are permitted
- An exemption for managers and professionals whose working time is ‘not measured or predetermined’ and are thus considered to determine their own hours
- Various derogations and exemptions for transport workers, seafarers and junior doctors which were subsequently addressed in a new Directive for these sectors agreed in May 2000 (EIROnline 2000a)

The new working time regulations offered basic protection for some of the most vulnerable employees, particularly manual and part-time workers. For example, an estimated 10% of the workforce gained from the introduction of a statutory entitlement to annual leave (IDS 1996). It also led to a steady reduction in the number and proportion of employees working very long hours in the subsequent period from 1998 to 2007 (TUC 2008).

There are some extensions pending. There are proposals under consideration to increase the statutory annual leave entitlement in the Work and Families Act. The latest important development is that on December 17th 2008 the European Parliament voted to remove the ‘voluntary opt-out’, thus signaling that the UK will be required to reform the legislation accordingly. No further detail is available at the time of writing.

3.2. Collective agreements and the regulation of working-time

Collective bargaining is an important but uneven source of working-time regulation in Britain. There has been a marked decline in trade union recognition and membership, encouraged by several legislative changes over the 1980s which reduced trade unions’ bargaining power (Millward et al. 2000, Cully et al. 1999). In 2007 just under half of employees (47%) worked in a workplace with a union presence and one third said their pay and working conditions were covered by a collective agreement (Mercer and Notley 2007). Union membership and coverage by collective agreements is much lower in the private sector, where 20% of employees are covered by a collective agreement compared to 72% of public sector employees. Representation is even lower in small private sector firms. This reduces the ability of unions to play their role in ensuring employers comply with the working-time law as well as negotiating agreements.

The agreements which are reached are usually negotiated at company level and incorporated within individual contracts, rather than as legally enforceable contracts between the employer and the union. There are no national, multi-industry agreements on working-time, although public sector agreements are often national or regional in scope. Working time remains the key negotiating issue after pay, especially in workplaces with large numbers of manual workers. For example, the reduction or reorganization of working hours was a

bargaining issue in 75% of workplaces with recognized unions in 1998, having fallen only slightly since 1990 (Millward et al. 2000, table 5.10).

In the last twenty years new agreements have mainly been reached on flexibility rather than working-time reductions. The most notable reductions were achieved by the engineering unions which secured a 37.5 hour week by the early 1990s (Richardson and Rubin 1994). Another important agreement is the 35 hour week in the banking sector, which is one of the private sectors with a reasonably highly level of collective organisation (EIROnline 2000b). In the public sector the 1997 'single status' agreement reduced normal weekly hours for manual employees from 39 to 37 to match the agreement for non-manual employees (this came into effect on April 1st 1999).

Overtime working – paid and unpaid – is extensive in the UK (Fagan et al. 2006). Few collective agreements set explicit limits on the amount of permitted overtime. Historically the traditional bargaining strategy of the UK union movement was to seek reductions in basic hours combined with overtime premia as a means of raising wages (Rubery et al. 1994). However, in many sectors, particularly those where unions are weak, working-time premia have been dismantled and consolidated into basic pay as part of the introduction of flexible working-time arrangements. For example, the extension of Sunday opening was accompanied by the erosion of premia pay for weekend working in the retail sector. Similarly, where annualized hours agreements have been introduced in manufacturing a major impetus has been to remove the rigidities and cost of overtime payments.

The Trade Unions Confederation has for several years been running a concerted campaign on working time geared towards more flexibility for employees and limits on long hours working (www.tuc.org.uk). A fairly new resource they can draw on for this is the government's *Union Modernisation Fund*, which social partners can apply to for support for various pilots and initiatives, including working-time innovation.

3.3. The quality of part-time work

Part-time work in the UK⁴ gradually gained formal equal treatment in labour law over the 1990s, following advances made in collective bargaining and sex discrimination litigation since the early 1980s (see 2000b for review). There is now equal employment protection for all those working 8 hours or more⁵. The EU Directive on *Part-time Workers*⁶ came into force in July 2000 which extended the principle of equal treatment and gave part-time workers in the UK the statutory right to equal treatment with comparable full-timers for hourly pay (including overtime pay for any hours worked above normal full-time hours) and equal (pro rata) treatment for all contractual entitlements, redundancy arrangements, pension schemes and training. Casual workers are covered by the regulations.

The main limitation of this law is that equal treatment relies upon the existence of a comparable full-time worker employed by the same employer under the same type of contract and on broadly similar work. Because of the gender segregated character of the labour market it is estimated that only one in six part-timers in the UK have a full-time comparator on these criteria (EIROnline 2000c). Furthermore, the main reason for the poor quality of part-time work in the UK is not unequal treatment with a full-time comparator at their workplace but that their employment is concentrated into the least regulated and lowest-paid sectors and

⁴ There is no legal definition of part-time work in the UK. People working less than 30 hours a week are classified as part-time in official statistics, and in practice this threshold largely corresponds with definitions of part-time work used in collective agreements and individual employment contracts.

⁵ The *1999 Employment Relations Act* extended employment protection (against unfair dismissal, redundancy compensation, maternity rights) to all employees after one year of service if they work 8 hours or more. The rationale for keeping the 8 hour threshold is to exclude very marginal, casual forms of part-time work, such as Saturday jobs for young people.

⁶ EU framework agreement on equal treatment for part-time work (97/81/EC).

workplaces. It is worth noting that there are no regulations setting a minimum (average) number of weekly hours for part-timers or a minimum length of a work period. This means that employers are able in principle to organize part-timers' working hours into short and fragmented work periods, without the obligation to provide paid rest periods or breaks.

The pay penalty for periods of part-time work is particularly pronounced in the United Kingdom both in terms of hourly rates for part-timers and the reduced progression in careers and earnings over the life course following a period of part-time work (Francesconi and Gosling, 2005; Manning and Petrongolo, 2005). The poor pay position of part-timers is a major underlying factor for the gender pay gap. The negative impact extends into low pension levels upon retirement, although the recent pension reforms (DWP, 2005, 2006) will eventually feed through to improve the pension situation of people with periods of part-time employment in their work histories.

As a reflection of their poor labour market position, part-timers were one of the main categories of workers to benefit from the introduction of the statutory *National Minimum Wage (1997)*⁷. Furthermore, the European Council's recommendation⁸ that the UK government should take action to reduce the gender pay gap prompted the Government to establish the 'Women and Work Commission'. This Commission made a number of recommendations for action to tackle gender segregation, extend training and improve the quality of part-time work which the government has implemented, accompanied by significant budget allocation. This includes, for example, a high profile fund for initiatives to promote the creation of high quality part-time jobs in senior positions, which will involve social partners (although the budget allocated was only one tenth of what was recommended by the Commission). However, a weakness of the recommendations was the lack emphasis upon changing the supply-side conditions of women's employment participation rather than on tackling the wage-setting mechanisms, for example improving firm's compliance with equal pay legislation (Rubery and Smith, 2006, Fagan and Urwin 2007).

The other major reform in relation to part-time work is the new 'right to request part-time or flexible working hours' as part of the work-family reconciliation package of reforms, discussed next.

3.4. Work-family reconciliation policy

There has been a suite of major reforms in policies and infrastructure concerning work-family reconciliation. This has been the major component of policy for advancing gender equality in employment. Part of the impetus for this package of reforms came at the end of the 1990s with the launch of the EU Employment strategy – the so-called Lisbon process – which, among other things, introduced a target to raise the female employment rate set and the associated subsequent Barcelona childcare target to expand pre-school services.

The *EU Directives on the Protection of Pregnant Women (1992)* and *Parental Leave (1999)* led to a series of incremental reforms over the 1990s which extended the length of statutory maternity leave and raised the financial compensation⁹, introduced a short period of paid paternity leave¹⁰, and gave each parent the statutory right to three months unpaid parental

⁷ Two thirds of the beneficiaries of the National Minimum Wage are women, particularly those employed part-time.

⁸ These are made in connection with the assessment of annual reports submitted by Member State as part of the Open Method of Coordination in the European Employment Strategy (the National Reform programmes; previously called the National Action Plans on Employment).

⁹ Since April 2007 the mother may take up to one year of maternity leave. Statutory maternity pay (SMP) is now paid for nine months [the 6 weeks at 90% of salary remains unchanged but the number of weeks covered with flat-rate maternity pay rises from 20 to 33 weeks].

¹⁰ Since 2003 fathers are entitled to take two weeks of statutory paid paternity leave around the time of the birth, paid at the same level as flat-rate maternity pay.

leave¹¹. There are proposals to extend paternity leave, some of which may be paid if the mother takes a shorter period of maternity leave and returns to employment after six months.

These improved rights to leave for parents have been accompanied by the introduction of a statutory '*right to request*' reduced or flexible working hours for parents. This new legal measure built upon the approach of the government's earlier 'best practice' recommendations as part of their 2000 'Work-Life Balance' campaign, which encouraged employers to increase the opportunities for part-time work, including the ability to switch from full-time to part-time hours. The *Employment Act (2003)* introduced rights for parents with children under the age of 6 years, or disabled children under 18 years to request reduced or flexible working hours. The *Work and Families Act (2006)* extended this provision to carers of adult relatives with effect from April 6th 2007. In May 2008 the government announced that this legislation is to be extended to parents of older children up to the age of 16.

Relatively broad flexibility options are available under the legislation, allowing employed parents to request reductions in working hours, changes in scheduling and the location of work. Employers must consider the request seriously, but can refuse on the grounds of one or more specified 'business reasons'. The rights which employees have under this legislation are weaker than those provided in the Dutch legislation on which it was modelled, for there are more grounds on which an employer can legitimately reject a request and the procedural grounds for appeal are much weaker (Fagan et al. 2006).

The 'right to request' had already started to take root in some organizations prior to the legislation on this matter, but requests increased following the introduction of the statutory right (See Fagan et al. 2005 for a review of the evidence). In the period 2003-05 14% of employees requested adjustments under this new right. One in three employed mothers (36%) with a child under six years old and just over one in ten (12%) of employed fathers made a request. Some employees not covered by the legislation also made requests and overall more female employees made requests than men (19% compared to 10%) (Holt and Grainger, 2005).

Government statistics show that most requests are fully accepted. The acceptance rate is higher for women than men; so not only are men less likely to make a request if they do so they are less likely to be successful. There is also evidence from tribunals of very modest requests being rejected outright by employers (Fagan et al 2006). The most common form of request is for part-time work, followed by later starting times or earlier finishing times. The type of adjustment requested is highly gendered: women are more likely to request part-time hours, while men are more likely to request flexitime. Take-up appears to be lower at senior levels and in jobs where long working hours are involved, indicating that the 'right to request' has done little to open up part-time working or more family-oriented flexibility in higher-level managerial and professional jobs. Qualitative research records that those mothers who had reduced their hours typically paid the price of putting their career on hold or coping with a workload which had not been reduced proportionately (Fagan et al 2008).

By contrast, the take-up rates of unpaid parental leave are lower. Parental leave is taken by an estimated 11% of employed mothers who returned to employment after maternity leave and less than 8% of fathers. The majority of both fathers and mothers who took leave did so for a week or less, which suggests that parental leave in the UK is mostly used for short-term care of sick children (Hooker et al 200, Smeaton et al 2006).

On balance, it is evident that the 'right to request' has had a positive impact on reconciliation options for parents and other carers; but these advances have been curtailed by virtue of the narrow design of the law and its reliance on individualised policy measures that are directed at carers. An individual right for all employees to request flexible work would

¹¹ Parents of children under the age of five are eligible for unpaid parental leave (introduced in 1999). Each parent can take 13 weeks leave per child, to be taken before the child's fifth birthday. A maximum of 4 weeks leave per year can be taken in respect of any individual child.

play a more effective role in securing a broader range of policy objectives including wider lifecycle issues than the 'work-family' agenda; such as active ageing or lifelong learning (Fagan et al. 2006).

These working-time measures have occurred alongside a rapid expansion of childcare services initiated by the *1998 National Childcare Strategy* (HMSO 1998). The focus of the expansion has been upon providing free part-time pre-school places. Full-time pre-school childcare remains very expensive, even with subsidies introduced for low-income families; and the supply and quality of full-time out-of-school care is uneven and also amounts to a significant cost for families with modest incomes. Hence, the overall logic of the childcare strategy to date has been to reinforce the 'part-time model' of maternal employment.

The new legal 'gender duty' placed on the public sector to promote gender equality in its policies and provisions (including procurement from the private sector) provides another stimulus for the development of working-time measures geared towards enhancing work-family reconciliation and women's advancement in the workplace.

3.5. The Fiscal system: social security and personal taxation

The main influence of the UK social security and tax system on working hours is found at low hours and earnings levels. In the taxation system there are no fiscal structures to deter long hours of work; rather the fiscal regime is a permissive one.

Since 1998 a series of budget reforms have changed the structure of employer and employee social security contributions to reduce a distortion which favoured the creation of short part-time jobs over ones with longer hours. Prior to these reforms there was a strong incentive for employers to design short hour part-time jobs – typically 15 hours or less per week – so that earnings were below a certain threshold (the Lower Earnings Limit). Such jobs produced significant non-wage cost savings in the form of reduced social security contributions for employers. It also meant that employees did not have contributions deducted from their wage but the disadvantage was they had reduced social protection entitlements. This reform removes some obstacles to the expansion of longer rather than short part-time hour arrangements.

However, there are still some fiscal incentives supporting the creation of jobs with short part-time hours, which tend to be of an inferior, more marginalized quality than part-time jobs with longer hours (Fagan and O'Reilly 1998). One modest one exists in the personal tax allowance which makes it possible to earn low (part-time) earnings before tax is deducted. More extensive and complex ones are created in the social protection system for the unemployed and low-paid. Since the 1980s the introduction and incremental reform of active labour market policies (the '*New Deal*') have placed job seekers under increasing requirements to be available to work part-time or full-time. At the same time, the earnings-related withdrawal of benefits as earnings rise in combination with the person taxation system creates high effective tax rates for many of the low paid employed which can create financial disincentives against their working longer part-time or full-time hours.

3.6. Active ageing

There is an emerging policy concern to promote 'active ageing' and prolonging the working life of older workers in response to the pressures of demographic trends and financing the pension, health and social care systems. The 2006 budget statement signaled the intention of the Department for Work and Pensions 'to work with employers to extend flexible working opportunities to older workers'. This policy development, in combination with the recent developments in work-family measures for adults with children or elder care responsibilities signals a nascent lifecourse perspective to working-time policy in the UK. However more radical changes to the organization of the pension system will be needed if a fully integrated lifecourse approach is to become embedded in the policy framework (Anxo et al. 2007).

4. Current working-time developments and debates

In light of the working-time trends and policy developments reviewed in sections two and three above there are several themes which dominate current working-time debates in the UK.

4.1. The long hours working culture and working-time norms

The trade unions have played a key role in keeping long working hours visible in public debates through media and information campaigns and in lobbying for the 'voluntary opt-out' to be rescinded. For example, their recent report identified signs of resurgence in the proportion working very long hours (TUC 2008). More than half of the long hours workers are white-collar employees who do not receive any overtime pay; the remainder is in skilled trades or lower-paid manual jobs where paid overtime is often a significant proportion of the overall wage packet. This raises two points of debate.

One point of debate is that many of the white-collar employees working long hours are managers and professionals who are defined as determining their own working hours and for which, therefore, the working-time regulations have little direct bite. Hence the question is how to shift organizational cultures away from the reliance upon long hours working for full-timers and the normative expectations placed on employees to work such hours; which also creates obstacles and penalties for those considering a switch to part-time hours in these occupations (Lewis 1997, Fagan et al, forthcoming). The counter argument, most commonly advanced by employers' associations, relies on the discourse of individual free choice concerning decisions to work long hours and ignores the way that norms and power relations in the workplace mould such choices.

The other point of debate is how to secure effective working-time reductions for low paid employees while minimizing income loss. Here, unsurprisingly, the unions have advocated a greater role for social partner dialogue to advance this process (Fagan et al. 2006) combined with measures to raise basic rates for the low-paid. However, the problem remains that there is no mechanism for social partner dialogue in the majority of private sector workplaces (see 3.2 above).

4.2. The poor quality of part-time work and the gender pay gap

It is generally accepted that the 'right to request' part-time or flexible work has increased the opportunities for employees with care responsibilities to secure adjustments without undertaking a new job search. However, what remains to be seen is whether this new provision, in conjunction with the other initiatives the government has commenced to encourage the creation of part-time working in a wider range of occupational positions (see 3.3 above), will help to lever a 'step change' improvement in the quality of part-time work. There are also other issues to monitor: whether the option for full reversibility (i.e. the ability to resume full-time working at a later stage) will become a reality given that there is no provision for this in the current legislation; and whether employees' ability to use this legal right successfully will diminish under the current economic recession.

4.3. Gender inequalities in working arrangements and the division of care responsibilities

The package of work-family reconciliation measures which have come on stream have made it easier for mothers to coordinate employment and care responsibilities but there are still pronounced gender inequalities. There is a pronounced gender gap in working hours and earnings rooted in the way that care responsibilities channel women into part-time working in Britain. There is a long-running academic and policy debate about whether the solution should focus on raising the rate of full-time working for women with care responsibilities, or on

improving the quality of part-time work, or a combination of both strategies. There is also a growing body of research which aims to understand the conditions under which fathers adjust their working-time arrangements in order to play a more equal domestic role (see Fagan et al. forthcoming for a review). A stimulus to this part of the debate has come from the way that some fathers have made use of their new 'right to request' reduced or flexible working hours plus the high take-up rate of the new paternity leave entitlement; in contrast to the low take-up by either sex of the unpaid statutory parental leave entitlement.

4.4. 'Active ageing' and working-time flexibility for older workers

This is a newer area of debate. On one hand, the demographic pressures mean that this is likely to grow in importance. On the other hand, the immediate economic problems in the economy may deflect attention from this pressing, longer-term issue of how to secure more flexible options and a prolonged working life.

4.5. 'Flexicurity'

The term 'flexicurity' is beginning to infiltrate UK policy debates¹², for example in the employment policy presented in the *2008 National Reform Programme* report to the European Commission. However, there is no explicit flexicurity policy statement informing UK employment policy debates. While there have been some pertinent reforms in relation to training, fixed-term contracts¹³ and part-time work these are not integrated or informed by a flexicurity framework. Instead the emphasis of the UK flexibility model remains centred on numerical and financial flexibility. Other key elements of flexicurity – functional flexibility, contractual security, income security – are the poor relatives in the UK.

5. Concluding assessment – research and policy issues

The UK working-time regime has for many years featured high rate of long full-time hours working and of part-time work; a pronounced gender gap in paid working hours; and where the part-time work incurs a large penalty for women's employment trajectory and earnings.

There have been quite a few changes to working-time policy since the Labour government came to power in 1997; including some new statutory measures regulating working-time, an extension of work-family reconciliation measures, the innovative 'right to request' reduced or flexible working for some employees and some voluntary initiatives designed to stimulate improvements in the quality of part-time work offered by employers. There has been an increase in the workplace availability of a range of flexible working arrangements although the most common form remains part-time working. There is also some early signs that a lifecourse perspective on working-time may be emerging in policy design.

Hence, while the broad contours of the UK working-time regime have not been radically altered by these policy measures there are developments underway which are expanding the range of working-time options available and producing some modest changes in the working-time arrangements pursued by men and women. Hence there has been a modest decline in the incidence of long hours working among the full-time, a slight lengthening of the average hours

¹² The term originates in Dutch debates, and broadly refers to efforts to achieve a new arrangement of labour law and social protection under which employees are expected to be more flexible on the labour market and at the workplace (in terms of hiring, working-time, redeployment etc.) and in exchange are provided with new, enhanced forms of protection.

¹³ The EU directive on fixed term contract workers came into force from July 2006 (in the sense that this is first date by which contracts could extend over four years). How this will be implemented in practice is not yet clear. The government and employers continue to resist proposals to introduce regulations to improve the employment conditions of temporary agency workers.

worked by part-timers, and an increase in the proportion of employees with flexible working arrangements.

However, these changes may remain modest rather than a sign that a more radical rearrangement of the UK's working-time regime is underway. This is because there is a continued political preoccupation with maintaining a 'flexible' economy (HM Government 2008) where the politically dominant model of flexibility is aiming to minimize labour market regulations, taxation and increases in public expenditure and a 'liberal' welfare state system of flat-rate universal benefits and assistance targeted at low-income families (Esping-Andersen 1990). Within this context working-time inequalities between women and men and between the well-paid and the low-paid are likely to remain (Anxo and O'Reilly 2000). Furthermore, the current economic recession may also act as a break on the take-up of new working-time options and on the recent expansion of such options offered by firms. The unemployment rate as of January 2009 had reached 6.5, which is the highest since 1999, and is projected to rise further as the recession deepens and to be disproportionately concentrated on young people. It is in this context that the current debates about curtailing long hours working, improving the quality of part-time work, promoting greater gender equality in working patterns, working-time flexibility for older workers and the current EU promotion of 'flexicurity' and a lifecourse perspective on working-time will unfold.

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Bibliography:

- Anxo, D., and O'Reilly, J. (2000) 'Working-time regimes and transitions in comparative perspective' in J. O'Reilly, I. Cebrián and M. Lallement (eds.) *Working-time Changes – social integration through transitional labour markets*, Edward Elgar.
- Anxo D., Fagan, C., Cebrián I., Moreno G (2007) 'Patterns of labour market integration in Europe – a life course perspective on time policies' *Socio-Economic Review*. 5,2, April.
- Bell, A., and Bryson, C. (2005) 'Work-life balance – still a 'women's issue'? in Park, A., Curtice, J., Thomson, K., Bromley, C., Phillips, M., and Johnson, M. (eds) (2005) *British Social Attitudes: the 22nd report – Two terms of New Labour: the public's reaction*, Sage.
- Bosch G., Dawkins, P., and Michon, F. (1994) *Times are Changing: Working Time in 14 Industrialised Countries*, Geneva: Institute for International Labour Studies (ILO).
- Crompton, R. (2006) *Employment and the Family: the reconfiguration of work and family life in contemporary societies*, Cambridge University Press.
- Crompton, R., and Brockmann, M. (2006) 'Class, gender and work-life articulation' in D. Perrons, C. Fagan, L. McDowell, K. Ray and K. Ward (eds.) *Gender Divisions and Working Time in the New Economy – changing patterns of work, care and public policy in Europe and North America*, Edward Elgar.
- Cully. M., Woodland, S., O'Reilly, A. and Dix, G (1999) *Britain at Work – as depicted by the 1998 Workplace Employee Relations Survey*, Routledge.
- DWP (Department for Work and Pensions) (2005) *Women and Pensions: The Evidence*, November. <http://www.dwp.gov.uk/publications/dwp/2005/wp/women-pensions.pdf>
- DWP (Department for Work and Pensions) (2006) *Security in retirement: towards a new pensions system*, White Paper, May. http://www.dwp.gov.uk/pensionsreform/pdfs/white_paper_complete.pdf
- Dex, S. (2003) *Families and Work in the twenty-first century*, Joseph Rowntree Foundation/The Policy press.

- Duncan, S. (2006) 'Mothers' work-life balance: individualized preferences or cultural construction?' in D. Perrons, C. Fagan, L. McDowell, K. Ray and K. Ward (eds.) *Gender Divisions and Working Time in the New Economy – changing patterns of work, care and public policy in Europe and North America*, Edward Elgar.
- EIRO (2000a) 'Extension of working time Directive agreed' *EIROOnline*, May <http://eiro.eurofound.ie/2000/05/>
- EIRO (2000b) 'Working-time developments - annual update 1999' *EIROOnline* February. <http://eiro.eurofound.ie/2000/02/>
- EIRO (2000c) 'Regulations introduce new rights for part-time workers' *EIROOnline*, May. <http://eiro.eurofound.ie/2000/05/>
- Fagan, C. (1997) *Absent men and juggling women: gender, households and working-time schedules in Britain*. Unpublished doctoral thesis. University of Manchester, UK.
- Fagan, C., for the European Foundation (2000a) *Gender and Employment Preferences in Europe*. Report to the European Foundation for Living and Working Conditions. www.eurofound.eu.int/publications/EF0145.htm
- Fagan, C. (2000b) 'Actual and preferred working hours: the UK report' Report to the European Foundation for Living and Working Conditions.
- Fagan, C. (2001a) 'The temporal re-organisation of employment and household rhythm of work schedules: the implications for gender and class relations'. *The American Behavioural Scientist* 44, 7, March, pp.1199-1212.
- Fagan, C. (2001b) 'Time, Money and the Gender Order: work orientation and working time preferences in Britain' *Gender, Work and Organisation* 8,3, July pp.239-266.
- Fagan, C (2004) 'Gender and working-time in industrialized countries: practices and preferences' in J. Messenger (ed.) *Finding the Balance: Working-Time and Workers' Needs and Preferences in Industrialized countries*, Routledge.
- Fagan, C., and O'Reilly, J. (1998) 'Conceptualizing part-time work: the value of an integrated comparative perspective' In O'Reilly, J and Fagan, C. (eds.) *Part-time Prospects: an international comparison of part-time work in Europe, North America and the Pacific Rim*, London: Routledge.
- Fagan, C., and Burchell, B., for the European Foundation (2002) *Gender, Jobs and Working Conditions in the European Union*, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Official Publications of the European Communities www.eurofound.eu.int/publications/EF0249.htm
- Fagan, C., Donnelly, R., and Rubery, J. (2005) 'Reconciliation of Work and Private Life in the UK' Report for the EU Expert Group on Gender, Social Inclusion and Employment [EGGSIE] to the European Commission's Directorate of Employment and Social Affairs (DG V) – Equal Opportunities Unit (G1), Brussels.
- Fagan, C., Hegewisch, A., and Pillinger, J. (2006) *Out of Time – why Britain needs a new approach to working-time flexibility*, research report for the Trades Union Congress, www.tuc.org.uk
- Fagan, C., and Urwin, P (2007) 'Gender mainstreaming in the UK: an analysis of employment policies from a gender perspective' Report for the EU Expert Group on Gender, Social Inclusion and Employment [EGGSIE] to the European Commission's Directorate of Employment and Social Affairs (DG V) – Equal Opportunities Unit (G1), Brussels.
- Fagan, C., Teasdale, N., and Walthery, P. (forthcoming) 'Work-family reconciliation, organizational culture and the 'right to request' part-time hours' Working Paper for the Network of Excellence 'Reconciliation of Work and Welfare in Europe (RECOWOWE)' (<http://recwowe.eu>)
- Fagan, C., McDowell, L., Perrons, D., Ray, K., and Ward, K. (2008) 'Class differences in mothers' work schedules and assessments of their "work-life balance" in dual-earner couples in Britain' in J. Scott, S. Dex and H. Joshi (eds.) *Women and Employment: Changing Lives and New Challenges*, Edward Elgar.
- Francesconi, M., and Gosling, A. (2005) *Career paths of part-time workers*, EOC working paper no.19, Manchester: Equal Opportunities Commission.

- Hepple, B., and Hakim, C. (1997) 'United Kingdom' in European Foundation (1997) *Legal and Contractual Limitations to Working Time in the European Union*. Luxembourg: Office for Official Publications of the European Communities.
- HMSO (1998) *Meeting the Childcare Challenge: A Framework and Consultation Document*. Cmd 3959. London: HMSO.
- HM Government (2008) *Lisbon Strategy for Jobs and Growth: UK National Reform programme, September*, London: HMSO (Her Majesty's Stationary Office), www.hm-treasury.gov.uk
- Holt, H. and Grainger, H. (2005) *Results of the Second Flexible Working Employee Survey*, DTI Employment Relations Series No. 39.
- Hooker H, Neathey F, Casebourne J, Munro M (2006) *The Third Work-Life Balance Employee Survey: Main findings*, London, Department of Trade and Industry, Crown Copyright.
- Houseman, S., and Osawa, M. (1998) 'What is the nature of part-time work in the United States and Japan' in O'Reilly, J and Fagan, C. (eds.) *Part-time Prospects: an international comparison of part-time work in Europe, North America and the Pacific Rim*, London: Routledge.
- IDS (1996) *Employment Europe*, issue 413, May.
- Kersley, B., Aplin, C., Forth, J., Bryson, A., Bewley, H., Dix, G., and Oxenbridge, S. (2006) *Inside the Workplace. First findings from the 2004 Workplace Employment Relations Survey*, Routledge.
- Lewis, S (1997) 'Family-friendly employment policies a route to changing organizational culture or playing around at the margins?' *Gender, Work and Organization*, 4(1)13-23.
- Manning, A. and Petrolongolo, B. (2005): The part-time pay penalty; Women's Equality Unit and London School of Economics; available from http://www.womenandequalityunit.gov.uk/research/part_time_paypenalty.pdf
- McDowell, L., Ray, K., Perrons, D., Fagan, C., and Ward, K. (2005) 'Women's paid work and the moral economies of care' *Social and Cultural Geography*, 6,2, April, 219-235.
- Mercer, S. and Notley, R. (2007) *Trade Union Membership 2007* Department of Business Enterprise and Regulatory Reform, Available at www.statistics.gov.uk
- Messenger, J. (ed.) (2004) *Finding the Balance: Working-Time and Workers' Needs and Preferences in Industrialized countries*, Routledge.
- Millward, N., Bryson, A., and Forth, J. (2000) *All Change at Work? British employment relations 1980-1998, as portrayed by the Workplace Industrial Relations Survey series*. London: Routledge.
- OECD (2004) *Employment Outlook 2004*, OECD, Paris.
- Reynolds, T. (2001) 'Black mothering, paid work and identity' *Ethnic and Racial Studies*, 24 (6): 1046-1064.
- Rubery, J., Deakin, S., and Horrel, S. (1994) 'The United Kingdom' in Bosch et al. *op cit*.
- Rubery, J., Smith, M., and Fagan, C. (1998) 'National Working-time Regimes and Equal Opportunities' *Feminist Economics* Spring 4/1, pp.71-101.
- Rubery, J., Smith, M., and Fagan, C. (1999) *Women's Employment in Europe: trends and prospects*. London: Routledge.
- Rubery, J. and Smith, M. (2006) *The UK Gender Pay Gap: Recent Developments*, Expert Group on Gender, Social Inclusion and Employment (EGGSIE) report for the European Commission's Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G1 'Equality between women and men'.
- Smeaton, D. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits. Survey of Parents 2005*, DTI Employment Relations Research Series No.50, London. Department of Trade and Industry. Crown Copyright.
- TUC 2008 'The return of the long hours culture' June, www.tuc.org.uk
- Warren, T. (2003) 'Class- and Gender-based working time? Time poverty and the domestic division of labour' *Sociology* 37(4): 733-742.
- Women and Work Commission (2006) *Shaping a Fairer Future*, Department of Trade and Industry, www.dti.gov.uk