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Working Time Directive

The recent European Parliament vote to remove the opt-out clause from the Working Time Directive appears to have provoked an overwhelmingly negative reaction in the UK.

The clause allows employees who are content to work longer hours the right to opt out of European Union restrictions imposing a maximum 48-hour week.

The prospect of a compulsory 48-working week has caused some alarm in the UK. Business and industry groups have been queuing up to condemn a restricted working week variously as an attack on civil liberties, an economic straight-jacket and a restraint on trade.

Brendan Barber, general secretary of the Trades Union Congress, writing in this newspaper, has been almost a lone voice supporting the 48-hour week. Long hours, he says, are often down to poor management and an emphasis on time spent at work rather than on getting jobs done.

This observation can not be repeated enough. Forty-hours a week in an office, a shop or on a production line should be enough for anyone. A nine-to-five working day, with an hour for lunch – traditional office hours - amounts to a 35-hour working week. An 8 am to 6pm day amounts to 45 hours over five days. These are long days and there are still three hours to spare within the directive.

Thirty years ago, when I entered the workforce, there was less of an expectation among employers that people should work much more than a forty-hour week. When longer hours were needed, managers used to ask for volunteers with the promise of overtime pay. Before leaving school I worked regular Sundays, filling shelves in a supermarket, for double the usual rate. This was not a union agreement. It was the custom based on employee expectations. In the rush towards Christmas we worked all night for triple time.

When companies were paying those kind of rates they wanted their pound of flesh and they got it. We worked hard throughout the shift. Today some jobs still require constant application. But many office-based jobs have changed. People come to the office and some work gets done. Additionally there are the conversations around the water cooler, the trips out to the shop, the e-mails to friends, the web-searches for cheap flights to Florida. A lot of this stuff is tolerated because managers are doing the same. It helps to make the long days bearable.

This time stacks up. Managers don't complain because people in the office give them more flexibility – that's flexibility to be inefficient as Mr Barber suggested. Long hours spent in the office are less to do with productivity and far more to do with a cultural drift.

Those who complain about the 48-hour week should be reminded that working ever longer hours, a habit borrowed from the US, is a reversal of historical trends. As Juliet Schor pointed out in her book, *The Overworked American*, up to the late 1940s in the US, for nearly a hundred years, hours spent at work had been declining.

In fact during the 1930s Depression, the US trade unions came within a whisker of achieving a 30-hour week. Legislation was passed by the Senate but President Roosevelt scrapped the idea under pressure from employers. The employers believed that a big reduction in the pool of unemployed labour resulting from the reduction would increase wage costs due to competition for workers.

Such attempts at social engineering to avoid the curse of unemployment are seen as misguided in today's market economy where broadening competition has led to greater demand for jobs, particularly in the service sector and emerging technologies. At the same time globalisation has allowed more work to be sourced in cheaper labour markets, leading to the off-shoring of some employment.

While most of us in the UK, these days, work a 38 to 40 hour week, some 3.7m people regularly work more than 48 hours a week, says the TUC. Of these, it says, seven out of 10 would like to work fewer hours. Funnily enough the same proportion of businesses responding to a Confederation of British Industry survey said that removal of the opt-out would harm their businesses.

Employer bodies have always opposed attempts to shorten working hours. But are they overstating the potential damage that could be caused by the directive? Surely its intention is to stop the working week getting out of hand. My own belief is that most objections have less to do with a 48-hour week and more to do with the removal of our right to work the hours we choose.

This is understandable and might even be viewed as reasonable were it not for the fact that most people at work in the UK, according to a TUC survey, have no idea that they are opting out of the 48-hour week. Most have not even been asked to sign their willingness to opt out. Perhaps the emphasis should be changed to one of opting in. This would be closer to the old arrangement of managers asking for volunteers to work longer, so long as people are adequately paid for doing so.

Not all employers, it should be said, are eager for people to work excessive hours. At Richer Sounds, the Hi-Fi retailer founded by Julian Richer, employees are forced to go home if they work beyond their allotted hours. Working overtime or longer than a five-day week is regarded as an exception rather than the rule.

Mr Richer believes it is a mistake to equate working long hours with working hard. In his book, *The Richer Way*, he says: "The fault of many managers is that they don't know how well their staff are working. They couldn't tell you whether that person was doing a good job or not – the only thing they see is how long someone spends at their desk. That is a really prehistoric way of managing."

The US has the most competitive workplaces in the world according to the *World Competitiveness Yearbook*, but much of this success is down to a regime of far longer hours than anything worked in Europe. A survey released last week by Hudson, the US staffing company, found that nearly one in four US workers taking time off in the summer would check-in with their workplace most days while on holiday. Work is eating people's lives. What should be seen as a social good, too often has become a social disease. We overwork in the same way that we overeat and over-consume in our unbalanced lives. Super-sizing is as much to do with the workplace as it has hamburgers.

That said, I cannot see how restrictions on the working week could be enforced among those in the executive class who understand the unwritten rules that link promotion to availability. Will they log every minute on the Blackberry? Of course not.

And what about international flights? Should they be considered down time or work time? What about reading a newspaper. Is that work?

I don't want restrictions. But I would have more sympathy with employer bodies if they did more to promote real productivity, than persist with this sham of linking good work with hours. Bad practices sometimes result in bad law.

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