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WORKING TIME

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Note

from the editors

Recently, the public institute for protection at work and occupational medicine in Germany (*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin*) reported on work related overload caused by long working hours. One in eight people indicated that they suffered from long working hours and one out of two is suffering from fatigue, exhaustion or back-pain.

It is more than justified to point to long working hours as a serious issue; it is, however, just one (major) aspect of today's working time reality. From the early beginnings of the workers' movement, fighting for working time regulation and shorter working hours was a core issue. Fighting exploitation focussed on the two main and most obvious aspects of exploitation: intensity and extensity of work. Encasing working hours in rules and regulations has been one of the unions' success stories and, finally, this success opened up possibilities for cultural diversification.

The transition to flexible working hours was the employers' answer to the reduction and regulation of working time regimes, not as a clear concept but as a growing tendency that is manifest in thousands of different ways. What unions in Europe did not realize at an early stage is the acceptance by people who, in a socially and culturally differentiated society, wish to have more flexibility in organising their work and life. Neither did unions recognize the new options and possibilities, driven

by new forms of work organisation and technology. The challenge of the future will be to balance the needs and wants of employees with the demands of employers.

The consequence has been a relatively strong defensive posture by European trade unions concerning working time issues over the last decade. Of course, here and there we have witnessed progress as, for example, the 35-hours week in France. Nevertheless, the main result of unions' categorical rejection of flexibilisation, which carried on regardless, was merely the decomposition of existing working time regimes and standards.

CLR News has repeatedly paid attention to working time aspects and discussions. This issue deals with the topic as well and provides insights on various levels. Gerhard Syben, Linda Clarke and Chris Kelley report from the perspective of the construction sector. The decomposition of working time regimes appears to have been accompanied by a devolution of negotiations from unions and their representatives towards direct negotiations between the company and individuals. Maybe our power of imagination is not capable of imagining what the possibilities of future work will be like: without offices; as forms of bogus self employment; in crowds or in new

forms of cooperative work arrangements. Maybe the distinction between work and leisure time will be blurred, as discussed in Jörn Janssen's contribution.

However, the latter aspect, the transition to flexible working hours and the decomposition of working time regulations, is relevant for society by and large and depends in part on a wider public debate. In this respect, the discussion about the revision of the European Working Time Directive (Wiebke Warneck) as well as the ongoing discussions in the Belgian trade union movement (Thomas Miessen) are relevant. The latter aspect also illustrates that it is possible to build a new momentum for change. Just recently, on 20th October, there was a conference at the European Parliament that brought together scientists, civil society, politicians and trade unions to discuss working time and its relation to burning societal issues like unemployment and refugees. We must also expect further technological transformations, such as robotisation and digitalisation. The debate is likely to go on under such changed auspices.

Rolf Gehring
Stephen Schindler

Gerhard Syben

REGULATION AND REALITY OF WORKING TIME IN GERMANY - the Example of Branches represented by IG Bauen-Agrar-Umwelt

In Germany in recent years there has been a new debate on working time (cf. Seifert 2014). It was provoked by new union initiatives as well as by new proposals made by the political actors to reduce and reorganise working time. The new debate at the same time represents a remarkable shift in key issues.

As a consequence of the industrial dispute in the 1980s about the request for a 35-hour-week in the metal working and electrical industry, working time was intensively discussed. After a solution was found and widely accepted at enterprise as well as shop-floor-level, the issue was no longer a subject of public interest. However, whereas in the 1980s the redistribution of employment and the creation of jobs through a reduction in individual working hours as well as the forms and consequences of employers' demands for flexibility were at the centre of the discussion, today it is the time sovereignty of employees and work life balance (cf. Seifert 2014). A new touch to the discussion is also that the compatibility of job and family is no longer seen as a problem for women only, but as well as one for men. Young fathers in particular increasingly claim more time for their children and this is also true for the construction sector (cf. Syben 2014).

At the same time the framework for the discussion of working time has changed. Real working hours are more and more often increasing above the level agreed in collective agreements, in particular for well qualified male employees. Also part-time jobs are increasing and are mainly held by women. Many employees are unsatisfied with their real working time: some would like to work shorter, while others would like to have more working hours (cf. Seifert et al.

2016). Moreover – due to demographic reasons – it is proposed that everybody should work until 67 or 70 years of age (cf. Absenger et al. 2014).

However, until now there has been no systematic information on working time in those industries organised in the German construction workers' union IG Bauen-Agrar-Umwelt (IG BAU)². Thus, the study presented here is the first attempt to analyse collective agreements on working time and to survey its reality in these industries. The study was undertaken in spring 2015. Included were 21 collective agreements in 14 industries concluded by IG BAU. To learn about the reality of working time, an online-inquiry among *Betriebsräten* (works councils) of the industries named was undertaken, in which *Betriebsräte* from 197 enterprises took part. A sufficient number of answers were received from enterprises from the construction industry, construction material industry and cleaning services. The report on the study was published by IG Bauen-Agrar-Umwelt (Syben 2015).²

Despite particularities, general social norms of German society are valid

Working time regulation in most industries represented by IG BAU has to take into consideration particularities that are not found in other industries (such as one-off-production, seasonal and weather dependency, project-type orders, etc.). Furthermore, these industries are dominated by small enterprises and a low degree of unionisation and bodies representing workers in the work place. Nevertheless, the social partners in these industries have agreed to let employees participate in social progress concerning work and working time. Collective agreements in these industries represent the same standards common in the economy in

1. These are besides the construction industry, the construction material industries, building and industrial services and the „green industries“, like agriculture, horticulture and forestry.
2. See also <http://www.baq-bremen.de/de/publikationen.html>. This report is until now only available in German.

general – even if they differ in detail and consider the interests of employees differently. This is true for the three main aspects of working time, too: length (per day, per week), position (during the day), and allocation (during the year). Most collective agreements analysed for the study stipulate a week of 39 hours, to be executed according to 8h from Monday to Thursday and 7h on Friday. In some industries the working time agreed differs between East and West Germany, in others between winter and summer. Some collective agreements determine a minimum working time duration per week in order to guarantee a certain level of wages even in times of low activity (whether due to weather or market conditions).

Due to the nature of the industries, most collective agreements contain various forms of regulation concerning flexibility. Longer or shorter working hours on a day or in a week can be balanced inside a fortnight, a month's or a year. In most enterprises „working time accounts“ are used to monitor flexible working time. In most cases, limits are agreed for maximum overtime (mainly 150h) and maximum “under-time” (mainly 30h).

In all cases, the establishment of working time flexibility has been bound to stabilisation of payment: Despite unsteady working hours during the year, the monthly wage paid is always the same.

However, the empirical survey showed that the reality of working time in the industries named differs widely from what was agreed in collective agreements.

Long working hours, work outside regular working hours and flexibility have become the norm

In the construction industry the collective agreement determines a 41-hour-week in summer and 38-hour-week in winter. In reality, 41 hours and more per week are practised by more than 80 per cent of enterprises in summer and by

nearly one half in winter time. In collective agreements in all the industries looked at here, regular working time is determined as from Monday to Friday. In reality, no work at the weekend is stated for less than one third of the enterprises included in the study in the construction industry and in the construction material industry, and for not a single enterprise in the cleaning services. However, in half of the enterprises with work at the weekend, this seldom happens and involves only a minority of the workforce, whereas, in the other half, work in one day of the weekend is often or regularly the case.

The main forms of flexibility of working time practised in the enterprises taking part in the survey are on the one hand a short-term balancing of time (i.e. over one or two weeks) in order to make up for delays due to project or weather conditions. On the other hand, it is a balancing of working time within the frame of one year, controlled by a working-time-account, as practised by nearly 40% of all firms who participated in the survey. In most cases, the specification, agreed in the collective agreements is used and a maximum of 150 hours overtime work and a maximum of 30 hours under-time-work is practised. Compensation for overtime-work is mainly given by leisure time rather than by additional payment. In 60% of the enterprises participating in this survey, employees have the choice between these two possibilities, in nearly 36%, the use for leisure time is determined. In fact, leisure time is not be used only to balance a deficit of working hours, but also for personal needs, including additional holidays. However, a holiday longer than one month was rarely reported. The control of the working-time-account (who decides on the "asset") in more than one half of enterprises is undertaken by consensus between employee and employer superiors respectively. In one quarter, it is the employee only, as reported by *Betriebsräten* answering the questionnaire for this survey.

Subject articles

To take personal time needs of employees into consideration today is an aspect of up-to-date human resources management (HRM). Not at least, it has become more and more necessary in order to be able to recruit qualified personal. It is interesting that enterprises do not procure agreements with unions or *Betriebsräten*, which would oblige themselves to offer leisure time for personal needs to employees, but in reality agree to make concessions to them in case of a need to care for children or elderly relatives, in particular for single parents, and, not at least, for participation in further education and training. *Betriebsräte* who answered this question nevertheless remarked that these concessions are quite often made arbitrarily and seem to be a measure of good conduct.

In general, working time policy at the level of the enterprise is occasionally or regularly an item to be discussed between employer and *Betriebsräten*. More the 83% of *Betriebsräte* responding said that this is occasionally or regularly an item to talk about between them and the employer.

Impact of the use of information and communication technologies

The use of information and communication technology is sometimes said to be at the origin of the elimination of the boundaries between working time and leisure time, to the detriment of the latter. However, extensive working time around the clock through using e-mails, internet, and mobile phones was reported by only a smaller number of *Betriebsräten*. But, obviously there is a remarkable difference between the nature of jobs: availability 24/24 and 7/7 seems to be linked, as well as restricted, to two kinds of jobs. One is standby services in cases of emergency; the other is for employees in medium and higher ranks; it was not reported for construction workers on site.

Some of the *Betriebsräte* who answered this question added an interesting remark. From their point of view, some colleagues try to be available to meet the requirements of the job because they feel that this will attract particular honourable mention from the employer.

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THE CHANGING SIGNIFICANCE OF WORKING TIME IN THE BRITISH CONSTRUCTION INDUSTRY

'A great example of a time-work industry'

Up until the Second World War the main issues confronting building labour in Britain were the length of the working day and piecework. Indeed throughout the nineteenth century labour struggles were bound up with attempts to establish a regular nine hour working day and standardised payment by the hour, meeting with such success that by the end of the nineteenth century this was the established wage form, built into all local working rules (Clarke et al 2012). The result was a high degree of standardisation of wage rates within and between localities, facilitated in the first place by the 1891 Fair Wages Resolution, that trade union standard rates and conditions should apply on all government contracts and there should be no subletting (Bercusson 1978). Then from 1896 collective bargaining was encouraged by the Conciliation Act, providing a voluntary framework for employers and trade unions to regulate locally wages and conditions of work. By 1926 negotiation of collective agreements on a national scale took place through the National Joint Council for the Building Industry (NJCBI), consisting of employers' and workers' representatives. These collective agreements for the industry included craftsman, labourer and apprentice rates, hours of work, extra payments, overtime, night gangs, travel, walking and lodging allowances and other local practices such as site facilities and tools (Ministry of Works 1950). In this way, until the second-world-war the building industry in Britain was described as a 'great example of a time-work industry', with a uniform rate for the whole country and a fixed differential between craftsmen and labourers (Cole 1918: 113).

The challenges to a time-based wage structure

All this changed after the war with the acceptance of payment-by-results (PBR) in 1947 by the National Federation of Building Trade Operatives, in return for a wage increase. Operatives were also guaranteed a basic minimum rate of pay for a 32 hour week, and though this remained low it did mean the establishment of a regular system of employment in the industry throughout the year and that employees could no longer be dismissed because of bad weather, the breakdown of plant, non-arrival of materials, etc. The actual length of the working week was 44 hours, as agreed in 1920, which was not reduced to 42 until 1961 and to 40 hours in 1966. The agreement on a guaranteed working week also went together with annual paid holidays, administered through a process of stamps and contributing to what was to become a striking feature of the post-war situation - the development of the 'social wage', which meant the increased importance of indirect payments in the wage package, including for sickness and old age.

The acceptance of PBR was to have a devastating impact on the wage structure, which increasingly ceased to be based on hours worked and the skills or qualifications of the workforce but instead on output or task-work. This was facilitated by the mushrooming of what was known as the 'lump', a form of wage contract where the contractor hired on a labour-only basis and paid workers an agreed lump sum for an agreed amount of work. As the lump spread and incentive bonus rates undermined the time-based wage structure, to represent up to 100% of the wage, the regulated wage based on a set working week was undermined and a serious wage drift developed (Allen 1952; Handy 1971).

Throughout the 1970s and largely as a result of the growing importance of bonus payments, which were usually negotiated by trade union shop stewards at site level, earnings diverged more and more from the collectively agreed rates negotiated by the unions at national level. Thus

while the agreed weekly craft rate was £20.20 in 1972, average earnings were nearly double this, at £36.59; just four years later, in 1976, the agreed rate had doubled, to £41.20, but remained very much less than average earnings for construction of £65.80. These figures both reflect the diminishing relevance of the national agreement to operatives at site level and reveal just how difficult it was in this period for the trade unions to keep up with rising inflation, which in Britain averaged 13% throughout the 1970s, standing at over 20% in 1973 and peaking at 25% in 1975. In these circumstances the carefully constructed social wage was threatened with dismantlement; for example, the numbers on the holidays-with-pay scheme, which paid 21 days annual holidays on the basis by then of 47/48 working weeks of stamps, declined between 1980 and 1990 by 40% (Clarke and Janssen 2016).

The (non) implementation of the European Union Working Time Directive

At the time when the Working Time Directive was introduced throughout the European Union, therefore, the employment situation in the British construction industry was already fraught and the implementation of collectively agreed employment and working conditions, including a regular working day, considerably challenged. In 2003, for instance, those classified as 'self-employed' under the Construction Industry Scheme, which represents a special tax status or employment subsidy for those who are 'self' rather than 'directly' employed, represented 37% of the workforce. Today almost half (924,000) of the two million strong workforce belong to this category, whilst 91% of the 251,647 firms in the industry employ less than 13 employees, over 50% have under three employees and the larger firms have largely ceased to employ operatives directly. An unknown number too come under agencies.

Self-employment was already well-entrenched in the industry at the time when the European Union Working Time

Regulations were adopted in 1993 as a health and safety matter via the Cooperation Procedures, allowing for a qualified majority vote and thus mandatory in Britain despite all the government objections. These regulations stipulate a maximum 48 hour week averaged over a 4 (now 12) month reference period, a minimum 11 hours consecutive rest in 24 hours (making for a maximum working day of 13 hours), a minimum 35 hour consecutive rest period per week (in principle Sunday), a rest break after 6 hours consecutive work, 4 weeks paid annual leave and no payment in lieu, average night shifts of 8 hours in the 24 hour day with a right to transfer to day work, and the adaptation where possible by employers of working time patterns so as not to be detrimental to the health and safety of workers.

For Britain, which (unlike many other European Union countries) had no legislation relating to working time till that time, only what was written in non-statutory collective agreements, this represented a major transformation and change to the labour market. It was not, therefore, surprising that the British government contested that working time should be considered a health and safety matter at the European Court of Justice, which subsequently affirmed the original decision, forcing the implementation of the Working Time Directive in 1998. However, because of this challenge, the UK was allowed to make changes to the original stipulations through exceptions for particular occupations and through introducing a mutual voluntary agreement, known since then as the 'opt out', which could be varied for the individual or by collective agreement. That this was allowed, including for an industry as dangerous as construction, has contributed in no small way to disillusionment in Britain with the ability of the European Union to support the rights of workers, as hours of work have subsequently even increased, with workers often needing to work long hours to earn a living wage.

The example of Heathrow Terminal 5

The consequences of the 'opt out' for working time in Britain have proved to be nowhere direr than for the construction sector. As 65 hours per week maximum is permitted for those who 'opt out', a 50 hour plus working week has subsequently become commonplace, especially on London sites. In the construction of Heathrow Terminal 5 (known as T5) between 2003 and 2008, for instance, a site regarded as exemplary for its employment and working conditions as well as trade union involvement, overtime was normal and 50 hours plus per week very frequent (Clarke and Gribbling 2008). The 'opt out', allowing operatives to work more than the stipulated 48 hours per week, was generally applied on the site, though hours worked and rates did differ for different occupations. Added to this, T5 was notoriously difficult to get to - travelling could be two hours or more per day - and workers would also wait up to half an hour to get on to the site. To compensate for this travel time to site in terms of pay, 'locals' received a travelling allowance, though only for five days instead of the seven days for a 'traveller'. Even for white collar workers employed for a 40 hour week, this travelling time could be a problem in recruiting personnel. It is therefore difficult to imagine many local people with family responsibilities, above all women, able or prepared to work and travel so many hours and in this sense the site appeared to be structured for an itinerant male workforce rather than a local one, an aspect then supported through the incentives given to those classified as 'travellers' in the pay structure. Site hours were 7am to 7pm on weekdays and 7am to 4pm on Saturdays and thus structured to encourage long working hours.

The implications of unregulated working time for the construction industry in Britain

Given the 'opt-out', therefore, the ultimate determining factor for working hours rests on local authority building controls, site working hours, and the shift patterns set up. Officially recorded average weekly hours in UK construction

are 46 for those who are directly employed, exceeding by far the European Union average of 40 hours, whilst overtime averages 5 hours per week; working hours are rather less for non-manual than for manual construction workers, but are still much higher than the average for all sectors of 39 hours. These are, however, only average figures for those directly employed; working hour and indeed earnings statistics for those classified as 'self-employed' do not exist. Workers on many construction sites work far in excess of this average, have little choice but to sign the 'opt out' and to be classified as 'self-employed', and are potentially vulnerable to exploitation. This is especially the case for migrant workers who work, on average, more hours than their local counterparts.

Nor is it easy for trade unions to be effective in combatting this, given that less than 15% of employees in construction belong to a trade union and that the collective agreement coverage rate is not much higher than this. One consequence is that the industry remains extremely exclusive, with women representing only 0.3% of the manual workforce. Such long working hours and virtually non-existent part-time work make it impossible to reconcile work and family needs. In this respect the regulation of working time in construction in Britain, which cannot be separated from issues of equality and health and safety, is imperative, including for the self-employed and autonomous workers. How is it to be achieved, especially given the recent Brexit vote and given that, as shown here, the traditional standard working week was tied up with a time-based collectively agreed wage?

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COLLECTIVE CUTS IN WORKING TIME: WHAT DOES THE BELGIAN TRADE UNION MOVEMENT THINK?

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A collective cut in working time involves reducing maximum full-time working without loss of wages. In this way it allows full-time workers to work less while earning the same salary. It can be implemented in different ways: cutting the length of the working day, reducing the working week, granting additional paid holiday.

In Belgium the demand for reduced working time without loss of earnings is a longstanding one in the trade union movement, and one that has often got results: the 8-hour maximum working day and the 48-hour week were won in 1921 through strike action following the 1914-1918 First World War; the first week of paid holidays was won after the general strike of 1936; the weekend break and 5 day working with a maximum of 45 hours followed the 'Saturday strikes' of 1955.

Thanks to trade union action, we have moved progressively away from a situation where, during most of the 19th century, working time was not regulated by any law or collective agreement, and where weeks of 60 to 70 hours and 12-hour days were common, often without holidays. Since 2003, in contrast, the average maximum week is fixed at 38 hours and since 1973 every worker can claim a minimum of four weeks paid holiday.



Subject articles

First and foremost, trade unions see reducing working time as a means of improving workers' quality of life, through making the working day shorter and less hard. But during periods of economic crisis and rising unemployment cutting working time has also been seen as a way of sharing the available work to help fight joblessness. Since the mid-1970s the economic context and the balance of forces have, however, become less favourable to trade union demands. The pace at which working time has been cut slowed down, and the advances in the area became rarer, even if the unions were still able to get the 39-hour week in 1999 and the 38-hour week in 2003.

Today, several factors make it possible that we will see renewed collective bargaining over the reduction of working time. Both unemployment, which has only rarely fallen below 8% since the mid-1970s, and the growing numbers of involuntary part-time workers (often without a wage big enough to live decently) make the case for work sharing through a reduction of working hours of full-time workers. This would 'free up' these hours to be taken up by part-time workers who want to work more and by the unemployed (working less to allow others to work more). Furthermore, while much work is still hard and many workers want to have a better balance between their professional and private lives, shortening working time would improve working conditions and the workers' quality of life.



As a result, Belgian trade unions have put the collective reduction of working time as a key demand, both at the national and European levels. This is why, at the last ETUC (European trade union confederation) congress in Paris in September-October 2015, the three Belgian unions

(CSC, FGTB, CGSLB) supported by French trade unions, called on the European Union to encourage 'a collective reduction in working time without loss of pay' with 'compensatory recruitment'. And they demanded that 'a debate should be launched, first within the ETUC, on issues related to the volume and share of available work', noting that 'more and more workers don't have enough work while others experience stress arising out of the workload and too many overtime hours'.

Overall, we can see that the issue of working time reductions is back at the top of the agenda in Belgium. This has sparked growing interest in the media over recent months, while several left and centre parties (PS, Ecolo, PTB, Challenge) are publicly in favour and are potential allies of the trade unions on this question.

At the same time, moving in the opposite direction, the federal government, a coalition of four right and centre-right parties (MR, Open VLD, CD&V, N-VA) want to allow overtime working without insisting on the hours being recuperated in regular working time, in reality permitting working hours to go up.

The challenge for Belgian trade unions is thus to put reducing working time back on the collective bargaining agenda at national, sectoral and company levels and at the same time to mobilise against the government's proposals that go in the opposite direction. This is the challenge of the mobilisations initiated by the trade unions of which the huge national demonstration attended by 70,000 people on 29 September 2016 was an important step.

Christopher
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A MATTER OF TIME: CHANGING WORKING HOURS IN SWISS CONSTRUCTION

"Yeah, of course people getting cheated out of their wages is a problem. Wage-dumping is real. And I mean, people deserve to get paid wages they can live from. But you know what? I'll tell you where another big problem is – where they really get everybody, even legally: working hours. Time. Squeezing you there. (...) And in the end, time is money, right?"

Andreas, 51, construction worker: "Whether in the wider service sector, the manufacturing industry or in construction, it is a truism that ever since the beginning of industrial capitalism the question of working hours has represented a defining column of capital-labour, employee-employer relations (Thompson 2009). It is thus of no surprise that it is also one of the most contested fields within the greater labor world, especially in times of political-economic uncertainty such as today."

While the above straightforward, plain-spoken testimony to the growing challenges of labor in the 21st century could probably have been taken in a number of economic sectors, this particular quote was provided by Andreas. Andreas is a veteran construction worker with over 35 "years of service" in the Swiss construction industry. And while indeed, "squeezing" employees out by expanding as well as flexibilizing working hours are developments that can be found throughout today's labor world, understanding the particularities thereof in Swiss construction² means on the one hand considering labour-capital relations embedded in the

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industry's collective labour agreement (CLA) but also looking at the changing structural characteristics of the industry itself.

A Matter of Interests

As referred to above, understanding the dynamics of working time means looking at the concrete labour-capital relations in which they are embedded. In the case of construction in Switzerland, this means looking at the collective labor agreement between unions and employers that has shaped and been shaped by both conflict and cooperation since it was first signed in 1938. The CLA is negotiated between the unions Unia and Syna on the one hand, and the Construction Employers Association on the other. Among other things, the contract defines minimum wages, paid holiday time, working hours and is also connected to a second contract guaranteeing early retirement at the age of 60. Declared generally binding by the state, the terms of the agreement are thus obligatory for all companies operating in Switzerland.

The CLA is re-negotiated after the end of each contract period, which is usually around three years. Hardly surprising, besides wages and early retirement, working hours has historically been one of the most fiercely contested issues by both unions and employers – and remains so today. Starting out with a 48 hour week when the CLA was first signed in 1938, the unions managed to constantly reduce working hours to 45h – 46.5h in 1962 and then finally to an average of 40,5h in 1990. Parallel hereto, paid holiday time was also constantly increased and today entails five weeks or six weeks for workers over 50.

While the collective labour agreement was indeed born out of conflict, many of the achievements of the post-war era, including those concerning working time, must to a large

2. This article takes as its focus the main construction trades, which represent the heart of the industry and are responsible for creating the framework and outer shell of buildings, roads, canals, tunnels, etc.

Subject articles

extent be contextualized in the so-called “30 glorious years” (Pedrina 2012). During this era of a booming post-war economy, and especially in the parallel political context of the Cold War, employers were willing to concede on sometimes significant issues – even without the threat of strikes.

However, with recession and crises again returning to the economic horizon and neoliberalism slowly starting to grip political-economic discourse in the 1980s and 1990s, attacks on labor rights started to reappear. The main construction trades were no exception and in it, neither was working time. While employers did not attempt to do away with the CLA itself (and had little reason to do so as its minimum standards simultaneously guaranteed a certain stabilization of the market) nor raise weekly working hours per se, they have set their minds on attempting to *flexibilize* working hours.

Looking at today’s agreement, the CLA defines a framework of 2,112 annual working hours or a weekly average of 40.5 hours. Local paritarian commissions made up of union representatives and employer representatives, responsible for overseeing the enforcement of the CLA, then define their own regional working time calendars according to the seasonal particularities of the region. Such calendars define the length of working days for each individual week of the year with the goal of enabling workers to better plan their daily lives and family responsibilities. Companies can hand in their own work calendars provided that they do not violate the general range defined by the CLA and the respective local paritarian commission. So while the working hours in the wintery fifth week of the year may be kept at a low of 37.5 hours, a hotter week in August could have up to 45 hours.

Any hours worked beyond the hours laid out in that particular week of the calendar consequently count as overtime. Overtime must either be compensated by the month of March of the next year or paid out with a supplement of 25 percent. They must, however, immediately

be paid out with 25 percent if the overtime worked surpasses the limit of 48h a week, 20 hours of overtime a month or a sum total of 100 hours of overtime per year.

Yet, while the unions have indeed throughout the years managed to negotiate lower working hours as well as overtime supplements, today's system is nonetheless already rather flexible. This flexibility can take on a number of forms.

First of all, while Saturday is in fact not considered a work day, it is possible to "spontaneously" impose work on Saturdays given that it is notified and justified to the local paritarian commission. These hours must, however, be paid out with a supplement of 25 percent.

Secondly, despite the existence of work calendars designed to enable employees to better plan out their private lives, employers can in fact repeatedly change these throughout the year, given that they stay in the general realm of the contract. This is usually done in the case of unexpected bad weather preventing construction work. In such cases, lost hours due to bad weather can be divided up onto the following weeks. Alternatively or in addition, such lost hours may also be deducted from one's overtime balance amassed over the past year (if done before March when overtime must be paid out). So in other words, if Andreas and his entire crew cannot work due to snow and ice, which most workers would see as an *entrepreneurial risk*, they either work the lost hours off another day or they are deducted from the overtime they most probably amassed during the long summer days of the previous year.

What this means over the year in the seasonal construction industry, is that working days are expanded into the evening and onto Saturdays during the hot summer months, yet tend to be flexibly reduced in the winter, when the cold temperatures, snow and ice make construction work slow, dangerous and certain tasks even impossible.

Thirdly, and this can be decisive given the mobile character of production in construction, travel time does not count as working time. While it must be paid out if it surpasses the duration of 30 minutes, the time itself is not included in the annual 2,112 working hours. Thus, depending on the location of the site, this can lead to extremely long working days, especially in the summer. We will take a closer look at this below.

Nonetheless, despite this already existent flexibility, employers continue to call for a further flexibilization of working hours. These calls have so far not touched the question of overtime supplements, not least because in the protected domestic market of construction these costs can be passed on. But employers have called for an even greater flexibilization of the work calendar in order to enable them to integrate a greater range of minus hours and overtime.

Changing Time(s) in a Changing Industry

What all this actually means for the diverse actors involved in the Swiss construction industry, however, requires not only looking at the contractual-legal framework provided by the CLA, but bringing that into discussion with structural developments occurring in the sector.

Like its counterparts in other countries, the Swiss construction industry displays a number of structural characteristics connected to inherent properties of the construction labor process itself (Bosch & Zühlke-Robinet 2000). One of the most relevant ones to our discussion is that, while the market itself is a domestic market, production is mobile in the sense that it is carried out at the place of future 'consumption', i.e. wherever the building-, road- or tunnel-to-be is located. In this sense, workers must commute each day to their "travelling factories" (2000: 14).

Not least due to this mobile production, for a long time construction in Switzerland was (and to a certain extent

continues to be) dominated by regional companies operating in their own areas. As such, the question of how to deal with the time and costs of these daily voyages to the “travelling factories” remained rather obsolete. However, the past years have seen a trend emerge seeing companies expand their areas of operation, leading to a certain trans-regionalisation of the industry. As such, it is common to see companies from diverse parts of Switzerland now taking over contracts in different cantons and cities. And while this mostly concerns the larger companies who carry out work in densely populated urban areas, this general trend is certainly taking on momentum.

As Marcel, a worker from inner Switzerland sums it up: “I used to have a commute of around twenty minutes, now I get up at 4.30, leave the house at five and drive about an hour and a half to get to Zurich. That part is ok though. Leaving the site around 17.30h is the drag. Then I’m in traffic for the next two and a half hours and home at eight. Every day.”

Since travel time beyond 30 minutes is paid out, yet does not formally count as working time, many workers have working hours that would in fact far surpass the legal maximum. In the extreme, this can even mean commutes of more than six hours a day in total.

Of course, this transregionalisation must be seen in connection to a second development within the industry: a fierce dynamic of price and time pressure that has continued to escalate since the mid-1990s. Since the “re-empowerment” of capital in the era of neoliberalism (Harvey 2011: 131), cutting costs and speeding up production in order to raise profits has become an essential part of any company’s *modus operandi* if they wish to survive. This trend has not escaped Swiss construction and has had massive effects on both companies and their employees (Kelley 2014a, 2014b). On the level of working time, this development is articulated in a number of ways.

Subject articles

On the one hand, it is generally reflected in shortened deadlines in construction contracts and connected to that a growing culture of speeding up the work process. Less people are assigned to a certain task with less time given. On the other hand, a trend towards regularly expanding the work week onto Saturday and in the case of larger, high profile infrastructure sites even into the night can also be seen. Saturdays and night shifts are sometimes even part and parcel of construction tenders.

Furthermore, in order to ensure that these shortened deadlines are actually adhered to, penalty fines have become a common instrument to be found in construction contracts today. Not surprisingly, the threat of such fines (or the lure of bonuses) are a constantly looming menace which construction management passes on down to foremen and workers.

As Marco, a highly-qualified and experienced “five star foreman” from inner Switzerland, who commutes to central Zurich every day, puts it: “I’m not complaining, really. I love my job and I’m proud of what I’ve accomplished after a day’s work. But what we are doing today, with all the deadlines – it’s crazy. And every day you have contract penalties hanging over your head like a guillotine – god only knows why they [site management] agree to those. (...) ‘Public interest’ – so they say.” While working Saturdays and night shifts can indeed in some cases be plausibly explained by public interest, such as the renovation of an important traffic junction, the reasoning behind others is often hard to comprehend. “Why does an incineration plant have to be finished in half of the normal building time, when the old one is still in operation?!”.

Due to the synchronous production process in construction, in other words the necessity of a high degree of team work, the developments described above are to a large extent a burden carried collectively. However, at the end of the day the question of precarising working times cannot be treated

separately from the wider precarisation of work itself unfolding in Swiss construction today. As part of the afore mentioned surge towards cutting prices and shortening building times, the use of cheaper and more flexible labor has now created a workforce that is increasingly divided into various sub-groups such as permanent workers, temporary workers and subcontractors – all with very particular and sometimes different employment realities, including working hours.

For example, workers temporarily employed through a personnel agency are paid, in contrast to permanent employees with their monthly wages, an hourly wage. Thus, as a result of the seasonality of the industry, this then sees temporary workers employed throughout the spring, summer and fall, yet often let go again come winter. As such, many temporary workers attempt to amass as many hours as possible in the summer. On the other hand, however, many permanent workers with an annual calendar of 2,112 hours despise the long hours, Saturdays and often unexpected overtime keeping them away from their families and making their lives only semi-plannable.

Thus, it becomes clear that the question of working hours is not necessarily a clear cut one of “too many” or “not enough”, but one that is at least partially dependent on one’s place in the process of production. And in today’s fractionalised construction industry, this question is far from a semantic one. As such, central to understanding the development of working time in Swiss construction means recognising it as a question of interests directly connected to other key questions hanging over the industry today: from employer to employee, but also from precariously hired temporary workers to steadily employed permanent workers.

Perspectives of Time in Swiss Construction

As outlined on the pages above, the question of working time in the Swiss construction industry can only be answered ambiguously. On the one hand, the CLA in construction is one of the most progressive agreements in the country. It has rather high minimum wages, comparatively low working hours, over-average holiday time and early retirement at 60. On the other hand, however, it displays a rather high flexibility concerning working hours, overtime and travel time. This is especially relevant during the late hours and Saturdays during summer, but also during the snowy, icy winters when workers often pay for lost hours with their overtime. And with the trans-regionalisation and precarisation of the industry, this flexibility has become all the more potent.

That being said, a number of events do stand out in the recent history of the CLA suggesting the possibility of defending and in some cases even improving regulations concerning working time. On the level of the length of working life, a 2015 dispute about the financial future of the industry's early retirement scheme produced some of the largest worker mobilizations of the last ten years. Lead by the largest and most active union, Unia, the unions were able to defend early retirement at 60. Furthermore, on a local level, Unia has in a number of regions been campaigning for a fixation of the work calendar. This would then prevent the calendar from being arbitrarily changed during the year. Besides being a prime example of the ability of a union to reverse working time flexibilisation in an otherwise neoliberally dominated labour world, this would also pave the way for solving the problem of lost hours during winter, which is closely connected to the work calendar.

In the harsh political-economic context of today, however, far reaching achievements will hardly come free. In this sense, yesterday's fight for the 8-hour day will continue to unfold today, while perhaps in a different form, setting and demand.

For if we assume that when dealing with the question of working hours we are touching upon generally opposing class interests, we must keep in mind that, as construction worker Andreas aptly put it, but also as historian E.P. Thompson (2009) reminded us decades ago: "time is money".

"And do you know what?" Andreas continued, "it's going to get worse. You'll see. It's just a matter of time. Unless we do something about it."

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THE EU-WORKING TIME DIRECTIVE

Working time and its limitation is a fundamental right protecting the health and safety of workers.

At a European level the right to working time limitation is guaranteed in the Charter of Fundamental Rights of the European Union and more detailed rules on working time are to be found in the Working Time Directive 2003/88/EC concerning certain aspects of the organisation of working time.

In Article 31 on fair and just working conditions the Charter states that “every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave”.

Working time was first regulated in 1993 with a view to legislating and ensuring minimum working conditions at European level regarding the organisation of working time and was replaced by the current directive in 2003. The legal basis is today's Article 153 I TFEU improving the level of protection of the health and safety of the workers. The standards of this directive are binding for all Member States and they are minimum standards; they can be improved at national level.

The Working Time Directive regulates some key issues, such as breaks, daily and weekly rest, a maximum working time limit per week, paid annual leave and night work. The Directive foresees a maximum weekly working time of 48 hours on average, including overtime; a minimum of four weeks paid annual leave; a rest break if the working day is longer than six hours; a minimum rest period of 11 consecutive hours in each 24-hour period; a minimum uninterrupted rest period of 24 hours plus 11 hours' daily rest and a maximum of eight hours' night work, on average, in each 24-hour period.

This directive offers a lot of flexibility through different derogations for certain sectors and on the basis of collective agreements.

The major deficiency in the Directive is the so-called “opt-out”. This derogation by individual consent is one of the most problematic parts of the Directive, as it opens the way for the employer to ask the workers to agree to work beyond the weekly maximum 48 hours’ limit and in this way skips over health protection.

The Working Time Directive was and is the source of a lot of case law by the Court of Justice of the European Union, among others, on the issues of on-call work and annual leave. The Court very clearly establishes that it is working time when workers are on-call at the work premises. The Court is very clear as well in stating that the entitlement of every worker to paid annual leave must be regarded as a particularly important principle of Community social law from which there can be no derogations.

The European Commission tried already twice to revise this Directive - without success. The questions of revision always turned around the opt-out, the on-call duty and the extension of the reference period (the period in which the average maximum working week of 48 hours needs to be respected) beyond the current four months through legislation. When revision was envisaged last time in 2010 the European social partners had accepted to negotiate changes to the Directive, but could not find a solution as the viewpoints were too far apart. Therefore, the negotiations broke down at the end of 2012.

Since 2014 the Directive was subject to an impact assessment; public consultation was closed in March 2015. So far the response to this public consultation has not been made public. The political decision on the issue is awaited in the Commission work programme for 2017.

Subject articles

Today the issue of working time is discussed from various angles by workers and their trade unions: the reduction in working time, the availability of workers all around the clock due to new technologies, insufficient working hours not allowing workers a decent living, and work-life balance.

Discussion

WHAT IS WORKING TIME?

Jörn Janssen

In casual discussions about working time it is often assumed that everybody understands it the same way. Distinctions are normally made between daily and weekly working time. Annual working time is usually reduced to a matter of the number of paid holidays. Working time as a proportion of lifetime tends to be perceived in terms of the age of retirement, hardly as punctuated by periods of unemployment.

At a more formal level statistical surveys provide data of paid working time in terms of individual averages per day, week, or year, at regional, national or sectoral levels, divided by occupation, employment status, age, and gender including changes from year to year. Again we do not question how working time is measured.

It is always implied that paid working time can be and is measured in the same way. The traditional industrial standard measure for wage earners was the time spent on the premises of the workplace between clock-in and clock-out minus agreed breaks. In more general terms this was the number of hours under the control of the employer, unless travel time was included in working time. Alternatively, working time of salaried staff might be measured according to the same principle rather in terms of days than hours. According to this definition, unpaid work does not contribute to working time and, conversely, inactivity during working time is not deducted.

Can it be assumed that these standards determining the assessment and measuring of working time have remained unchanged? In other words, has the relationship between work and time remained the same over the last century or generation? For instance, has work not been condensed or expanded in relation to paid time? Has the kind of work not changed, for instance increasing the amount of mental at the

Discussion

expense of physical work, requiring more mobility instead of being fixed to a particular locality, more responsibility and independence instead of supervision and instruction? Some such changes appear in fact in working time statistics, such as the increase in the proportion of salaried staff and the decline in the proportion of unskilled workers. But much remains hidden behind the figures and raises the questions of the contents and relevance of working time, of what is actually measured through the amount of time, and, ultimately, if all work can be measured and controlled on a time scale.

Most recently we have become confronted with new forms of employment under the auspices of digitalisation, such as crowdwork, collaborative or sharing economy, platform labour, etc., as for instance provided by Uber taxis. Under these regimes the time spent in providing and being available or not to take on paid services, on the one hand, or work, on the other, is virtually indistinguishable. Similarly, working online from home as an alternative or addition to working at an employer's workplace undermines any form of control with regard to overtime or time-off.

In a press release of 2 June 2016 the European Commission set out 'A European agenda for the collaborative economy' supposed to "make an important contribution to jobs and growth in the European Union"¹. The critical response of Jan Drahokoupil and Brian Fabo in the ETUI Policy Brief No 5/2016² on 'The platform economy and the disruption of the employment relationship' is explicit on the risks for the workers under these conditions "to be picked by a customer like a product from a catalogue."³

1. ec.europa.eu/news/2016/06/20160602_en.htm

2. 5/2016, ETUI, Brussels, ISSN 2031-8782 (pdf)

3. See also: Christophe Degryse, *Digitalisation of the economy and its impact on labour markets*. ETUI 2016.

These new forms of employment are rapidly expanding and eroding in particular payment according to working time, “while remaining stuck in the trap of precarious, stigmatized, dead-end employment.” This is why the ETUC passed a resolution on digitalisation ‘towards fair digital work’⁴ on 8-9 June 2016. The resolution recognises that “Crowdworking ... is rapidly increasing ... undermining or circumventing minimum wages, working time regulation, social security, pensions schemes, taxation, etc.”⁵ Among other issues it claims new “rules on working time.”⁶

All these developments need to be kept in mind and possibly specified in debates about working time across all sectors including, as we read in Christopher Kelley’s article in this issue, in particular the construction industry.

4. <https://www.etuc.org/documents/etuc-resolution-digitalisation-towards-fair-digital-work>

5. Ibid. p. 8.

6. Ibid. p. 9.

Review Essay

Jörn Janssen,
10 August 2016

Luke Sinwell with Siphwe Mbatha: **The Spirit of Maricana. The Rise of Insurgent Trade Unionism in South Africa.** Pluto Press, London 2016, 208 pp., Paperback, ISBN 9780745336480, £ 18.-.

This review is not about a book on labour relations in the construction industry, except in so far as it tells us the details about the emergence of the 'Association of Mineworkers and Construction Union' (AMCU) in South Africa. But what is important for CLR is that this detailed account of the insurgency in a global centre of the mining industry extends and substantiates Immanuel Ness' article in the last CLR-News on 'Transnational Statutory Coordination of Wage and Employment Conditions', as well as the review of his book on 'Southern Insurgency'. In other words, we want to underline that the labour movement cannot achieve much unless it confronts global capital in every sector including the construction industry.

This book is exceptionally extraordinary. First, Luke Sinwell has carried out the research in cooperation with Siphwe Mbatha who 'knows the mining communities in Rustenberg like the back of his hand' (p. 71). Thus it is a unique example of what is known as participatory research and dominantly presenting transcripts of interviews with activist in the uprising. Secondly, the miners' demand of living wages is raised in opposition to the 'National Union of Mineworkers' (NUM) and the 'African National Congress' (ANC) in an 'unprotected' uprising. Thirdly, the unfolding of the industrial action is implicitly a process of formation and transformation of labour organisation. Fourthly, the uprising was directed not just against an individual employer or national employer organisation but against global capital. It was, therefore, a prominent subject of international media reporting.

This review is not the place to retell the events in the South African platinum mining industry culminating in the uprising

of 2012 to 2014. A few highlights must suffice to provide an impression of this unique episode in the history of global labour relations.

'The three largest platinum mining companies in the world' (p. 142), Anglo American Platinum' (Amplats), Impala Platinum, and Lonmin, are exploiting the largest known platinum reserves in the world in the North-Western Province of South Africa around Rustenberg. Given the virtually unbearable working and living conditions of the migrant rock drill operatives (RDOs) in these mines it seems almost the ultimate case of confrontation between labour and capital. As the National Union of Mineworkers (NUM) did not support the miners' demand for a living wage, the strikes were 'unprotected' and, therefore, a legitimate reason for the mass dismissals of workers, such as 3,300 workers in September 2013 at Amplats. The mass demonstrations confronted the state under the majority rule of the African National Congress (ANC) and its police force, whilst the management of the unions refused to negotiate with representatives of the workers. The first unprotected strike began in January 2012 at Impala and ended in March with a wage increase for RDOs from 5000 to 9000 South African Rand per month. In April-May of the same year, workers of Amplats went on strike for R16.070 per month. Lonmin miners finally joined strike action on 11 August occupying a mountain in Maricana. After a number of confrontations with the NUM and the refusal of the mining companies to negotiate with speakers from the worker committees on 16 August, the police stepped in and shot dead 34 miners. Nevertheless the strike continued until 18 September when, under the threat of the military South African Defence Force, the Lonmin miners accepted a 22 per cent pay rise and returned to work whilst strike action at Amplats continued until November 2012.

As most miners had now joined the 'Association of Mineworkers and Construction Union' (AMCU), this new union supporting their demands was eventually recognised by mid-2013 at Amplats and Lonmin. As the demands of a wage

increase were far from satisfied, a new strike coordinated between Amplats, Impala and Lonmin started again on 23 January 2014 under the auspices of AMCU. This became the longest strike in the South African mining industry lasting until 24 June 2014. The result was a pay rise of R1000 per month over each of the next three years (p. XXVI), not nearly the 'living wage' of R12.500 per month claimed at the beginning of the strike. Makhanya, the main 'leader of the contemporary mineworkers' movement between 2012 and 2014' (p. XVIII), initially a member of the workers' committee and later of the AMCU, assessed this stage of the dispute: 'Yes, we have won the struggle of the living wage, but we didn't win the struggle of the working conditions. We're still working in the conditions where it's not good for the mine or for the human being. ... So meaning we still have to fight, we still have a long way to go as the mineworkers.' (pp. 160f.)

What appears, at first sight, as a unique case of an uprising in a specific location, is at the same time a compelling exemplary case in the general transformation of global labour relations. We shall focus on three aspects:

1. The control over natural resources has become the crucial target of international capital investment and concentration. The locations of these resources are typically at a great distance outside the existing centres of manufacturing and urbanisation, dependent on migrant workers and mobile capital. Hence, the regulation of wages and working conditions tends to be weak or simply absent.
2. The traditional structures of labour representation tend to reproduce themselves within established rules and environments and to be imposed on new members and conditions. Strike action is always considered to be the last resort in bargaining and disputes with employers. Often embedded in legal frameworks traditional trade unions have to respect and even to enforce law and order also against their labour constituencies. Given the developing

nature of productive labour relations, established organisations become restrictive against new movements and their representation, such as workers' committees and 'unprotected strikes'.

3. The governments of the nation states are inherently subordinate to global private capital. They have to provide favourable conditions for productive investments within their respective territories in order to improve or at least maintain the living conditions of their respective population. Uprisings against these investors are, therefore, faced with the police or even military forces as in the case of the Lonmin miners in Maricana.

The location, the active union organisation and the political suppression of the miners' uprising in the South African platinum belt represents in fact a confrontation between capital and labour typical of the present transformation of this relation across the world. The view of this book from inside the movement is a lesson for workers everywhere, not just in South Africa. The platinum miners' uprising was a matter for the global labour movement.

Reviews

Rolf Gehring

Eurofound (2016), **Working time developments in the 21st century: Work duration and its regulation in the EU**, Publications Office of the European Union, Luxembourg.¹

EUROFOUND, the European Foundation for the exploration of working and living conditions, has collected data on working time and its developments for more than 15 years. In 2016, the foundation published this pool analysis for the first time. It compares the institutional framework of working time regulations, agreed working times and actual working times and covers the EU-member states and Norway. Furthermore, the analysis distinguishes between women and men and presents specific data for five sectors of economic activity, including construction, and discusses trends and their drivers. The main questions addressed were:

- What are the main trends?
- How far do these trends reflect macroeconomic and social developments?
- Are actual working-time developments appropriate to changes in social life?

Concerning the institutional framework, the study proposes to distinguish between four models:

- Pure legal system,
- Adapted law,
- Negotiation model, and
- Unilateral model.

These models are considered as significant even though each country shows some features of each. The distribution of the models is:

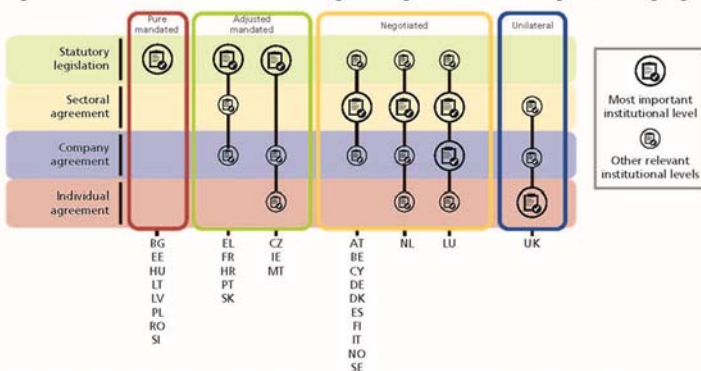
- Most central and eastern European countries have 8 hours/40 hours regulated by law. In these countries extra regulations for specific occupations are traditionally common, for example 6 daily working hours for workers

1. <http://www.eurofound.europa.eu/publications/report/2016/industrial-relations-law-and-regulation/working-time-developments-in-the-21st-century-work-duration-and-its-regulation-in-the-eu>

exposed to noise, vibrations or extreme temperatures. The coverage of collective agreements in these countries is extremely low – between 7% and 23%.

- In five South European countries, collective agreements have mainly the role of organising legal provisions and deviations. The level of negotiation is mainly the economic sectors, but also the larger companies.
- In the Czech Republic, Ireland, and Malta a similar legal framework exists as in the five South European countries. But adaptations and deviations are mainly regulated at company level or in the single work contract.
- The function of the law in 12 other countries is mainly to set the framework for nationally binding collective agreements. The company level is the level to organise the actual regime of working hours. In Belgium and Spain agreements at regional level and for sub-sectors play a stronger role. Both countries have a very high coverage of collective agreements. In Sweden, the law is dispositive and regulated practically through national sectoral collective agreements. Models for work-life balance and flexibility are negotiated at local level. The model in Luxembourg is marked by different relations in terms of the levels for legal, collective and company agreements between sectors. However, with some 60% coverage, collective agreements play the strongest role.

Figure 2: Main institutional levels of working time regulation and working time setting regimes



Source: Authors' own design based on information from Eurofound's Network of European Correspondents.

- Only in the UK is the individual contract most important. In practice the European law on working time (48 hours week) plays only a marginal role. Collective agreements need to be recognised by each individual company and the institution of generally binding agreements is not known in the UK.

The authors state that the „in melius“ principle is common and the “in pejus” principle is very rare. Systems are marked as relatively robust and changes during the period covered by the research are not significant. There is nevertheless a general trend towards the lower level of regulation and a remarkable increase in the possibilities to deviate from legal provisions.

Social partner influence in the law setting processes:

Interesting is also a chapter discussing the role of the social partners in the law-setting process. Again, the authors work with four different models in which they distinguish between direct and indirect participation. In nine countries the social partners are directly involved. They partly have the right to propose law themselves. However, those systems are under political pressure and in part not actively used. In Belgium and Spain regular meetings between social partner organisations and the government take place and social partners are invited to comment on legislators’ initiatives. 10 countries have tripartite structures to prepare legislative action.

Many countries have laws setting a 40 hour-week working time. 48 hours with overtime is often the limit. Equally a maximum of eight hours for night work is common. Legal weekly working hours are higher in some countries: 50 in Hungary, 52 in Austria and 60 in Sweden. Reference periods are set by law but deviations in collective agreements are possible in most countries and the report claims an increasing tendency to use this option of longer reference periods.

When discussing changes in collective agreements between 1999 and 2014, the authors underline the vagueness of the data base. Furthermore, many countries in central and eastern European countries only have very weak structures and coverage by collective agreements. Nevertheless, we find a remarkable reduction in collectively agreed working hours in Slovakia and in the Czech Republic. A clear increase in working hours in Portugal is related to the undermining of collective agreements caused by austerity measures.

The report considers actual working hours for the period 2004 to 2014. During this period, the gap between agreed and actual working hours is relatively stable but the differences from one to another country are remarkable. A stronger trend towards over-time and less conformity with collective agreements is evident for countries with unilateral systems.

Some of the current challenges discussed in the publication are the growth in unregulated working time regimes and unpaid working hours. Some measures introduced with the crisis are now permanent and unfavourable for workers. Against the background of the crisis, trade unions see a general trend towards a loss of influence in working time policies though they continue to focus on using working time reductions as an instrument for labour market policies. At an individual level, there is a higher demand for working time regimes that provide a better work life (family) balance.

In their conclusions, the authors claim, amongst other things, that regulated working time is relatively stable. The European Working Time Directive has had a particularly strong impact in central and eastern European countries. Actual working time is lower in countries with stronger structures of collective bargaining and in countries where working time is legally defined, and a general and strong trend towards higher flexibility is apparent.

To sum up: I think the study is a strong one in terms of data collection and in its descriptive parts, especially when describing specific aspects and the structure of single countries. The parts of the survey discussing the relation between economic and social developments and their impact on working time developments and regulation are less convincing. The analytical framework is too restricted to working time, without analysing, let alone describing, developments in other social spheres such as cultural and social life, the globalisation of economic activities, or new working time regimes established in collective or company agreements. The four models for the institutional structure of working time regulation reduce the complexity of the systems and permit us to draw a core distinction, which in turn allows us to draw conclusions about the weaknesses and strength of single systems. The publication is useful for everyone dealing with working time and provides some useful information for the ongoing discussion about the – possible – revision of the European Working Time Directive.

Ernst-Ludwig
Laux

WSI Report Nr. 19, November 2014, **'Arbeitszeiten in Deutschland, Entwicklungstendenzen und Herausforderungen für eine modern Arbeitszeitpolitik'** (Working Times in Germany, Tendencies of Development for a modern Working Time Policy). Düsseldorf, 72 pp., http://www.boeckler.de/wsi_5066.htm

A collective of experts on wages and working time has documented the development of working time during the last 30 years in Germany in a WSI Report of November 2014. They have described the present state as well as put forward tendencies and demands for the future. Though this publication is already two years old, the report's present and future strategies are still topical and may be helpful for everybody interested as well as for national trade unions. All sectors, in particular services, are taken into account, but as

construction with all its secondary trades is shifting into these areas, the proposals can also be applied to this sector.

At present working time is witnessing a revival, though a very ambiguous one. After the financial and economic crisis of 2008-9 with its subsequent Euro crisis in some countries:

- Working times have expanded,
- Unemployment has been rising enormously,
- Wages have been cut drastically and many employees, especially in Southern Europe, now have multiple employments in order to feed their families.

Parallel to this development of recent years, the IT revolution has made its full impact on the labour market. The flexibilisation of working time is already almost the standard form in opposition to the traditional 40 or 35 hour week that had been the focus of trade union demands and actions for many decades. In addition, young employees are increasingly interested to obtain family-friendly working times, on the one hand, whilst avoiding working time restrictions and having a free choice of place of work, such as working from home, on the other. Recent statistical surveys have shown that in Germany the same amount of overtime hours has never before been carried out and that only 50% of these have been remunerated. More and more frequently work is carried out under relations of self-employment or bogus self-employment under which the observation of working time standards again plays a completely different role. Work on-call is significantly increasing as a means for companies to reduce permanent employment contracts.

Generally it is a fact that the delivery of working time is very difficult to define and to remunerate. As a result, it is more and more the 'work' itself or the 'achieved result' that is being paid and the relationship between employer and employee is being transformed into a free contract relation between so-called 'equal' partners.

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Most recently in public discussions there has been more and more reporting that the increasing flexibilisation of work and permanent availability have in particular produced heavy social and health strains ('burn out'). Furthermore, an increasing polarisation of working time between men and women ('gender time gap') is being observed, which, in turn, has considerable effects on family conditions.

Of course, according to the conclusions of the authors, solutions have to be found, differentiated in relation to specific sectors and workplaces, as already being discussed under the term 'work-life balance'. These address in particular

- Increasing space available for time sovereignty,
- Reducing time dependency from enterprise planning,
- Restructuring the relationship between working time and content,
- Equitable distribution of paid work between genders,
- Allowing changes in working time in the course of life as well as
- Providing and securing employment.

Altogether this represents very good reading and is useful as a basis for further conceptualisation of working time.

Ernst-Ludwig
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Reiner Hoffmann and Claudia Bogedan (Hg.): **Arbeit der Zukunft, Möglichkeiten nutzen – Grenzen setzen** (The Future of Work, Take Advantage of Chances – Set Limits). Campus Verlag, Frankfurt 2015, 520 pp., ISBN-13: 978-3593504513, € 29,90.

Once again all are talking about a completely newly oriented and structured world of work in which the internet and world-wide interlinking of work processes play a great role. There is a talk about 'Industry 4.0' and a 'Third Industrial Revolution'. 'Sharing instead of owning' and 'family friendly working time' are the needs of the hour.

The German Trade Union Confederation (DGB) in common with Hans-Böckler-Stiftung (HBS) are responding to this current discussion with a newly founded commission 'Arbeit der Zukunft' (The Future of Work) in which well-known trade-unionists and scientists closely associated with trade unions are asked to work out in the next two years perspectives on how trade unions might react to this situation through wage and social policy.

The president of the DGB Reiner Hoffmann and the former head of the HBS research foundation Claudia Bogedan edited an anthology a few months ago on the subject of 'The Future of Work', published by Campus Publishers. This highlights very many aspects of future working conditions in Germany but also the increasingly dominant interlinking of work in Europe and the whole world.

About 30 trade-unionists and scientists close to trade unions describe very impressively the changes in work presently faced and the resulting working and living conditions for many sectors. Again and again they raise the exciting question: how can trade unions respond to this situation, are there possibilities for trade unions to protect the employees at all and to safeguard their working conditions?

In this volume Reiner Hoffmann has produced '11 theses for the shaping of future work' and the complete board of the DGB has put forward 'demands for a new order of work' (Forderungen für eine neue Ordnung der Arbeit), which may serve very well for active trade unionists and workers' councils as a basis for speeches and discussions with employers.

This is not the place to refer to individual contributions in the book, but I would like to confirm that on these over 500 pages all those interested and active in trade unions obtain a brand-new picture of the future of work, which is sometimes breathtaking – even for me after decades of trade union work

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– but opens up a prospect of what we are or might be facing. The 500 pages are clearly divided into subject areas and treated respectively. Whoever wants to delve into the possible future of work and to participate competently in many discussions has to read this book. It is hard work reading but also provides useful information.

In 'Mitbestimmung' Nr. 4 of August 2016 the president of the European Commission, Jean-Claude Juncker, greatly praised the book and pronounced his support for the content personally and for the whole Commission, literally: "The Commission under my leadership wants to enforce the social column of the EU. For this reason I understand Reiner Hoffmann's book 'The Future of Work' as an important contribution. I would like to say: "You ought to recognise them through their deeds, words alone have never given enough to eat to employees and their unions."

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