

Labos Current issues on labour law

Innovative cases on working time reduction
and flexible working time arrangements in Europe

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InnovaWorking

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Universidad
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*Innovative cases on working time reduction and flexible
working time arrangements in Europe*

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Introduction

This eBook, entitled *Innovative cases on working time reduction and flexible working time arrangements in Europe*, inaugurates the new Labos series, “Current Issues on Labour Law.”

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Is there a future for working time in the digital age?

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1. Time and work culture

The successive industrial revolutions or, if you prefer, the changes that have taken place over history have had the same hallmark: the growing, unstoppable and rapid technological development. Today, the production ecosystem is beginning to undergo a radical transformation. Like the economy itself, the company is becoming weightless and intangible, and the means of production are mutating with the incorporation of new systems and materials. New computer applications enable the management of massive data flows, algorithms help allocate resources more efficiently, and traditional activity sectors are facing disruptive forms of competition that blur the traditional image of markets. Robots and artificial intelligence applications are becoming a fundamental tool in the relentless pursuit of efficiency and productivity. The pace of expansion of the digital universe has become inconceivable ¹.

Working time is one of the many areas in which the impact of technological change is expected to produce profound transformations. “The human being is oriented towards time by nature, just like animals and plants”². This is an ines-

¹ Regarding these and many other issues related to this set of transformations, MERCADER UGUINA, Jesús R. *Algoritmos e inteligencia artificial en el derecho digital del trabajo*, Valencia, Tirant lo Blanch, 2022. More recently, *Algoritmos e inteligencia artificial en el derecho digital del trabajo*, in María Emilia Casas Baamonde (director), *Derecho y Tecnologías*, Madrid, Fundación Areces, 2024, pp. 335-373.

² JUNGGER, Ernst. *El libro del reloj de arena*, Barcelona, Argos Vergara, 1985, p. 10.

capable and irreversible factor in our lives. Human beings exist in the time of life or, in other words, “the quantity of time is the elementary arithmetic of existence”³. Hence the importance of the part that is devoted to work, and the part devoted to leisure activities, or non-work. The distinction between leisure time and work time is especially relevant when referring to work for others. In this case, “the binomial is formulated as time for me-time for others, and no longer as a mere distribution of one’s own time between work and leisure”⁴.

This duality permeates the understanding of the legal rules defining working time. Article 2 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time defines “working time” as “any period during which the worker is working, at the employer’s disposal and carrying out his activity or duties, in accordance with national laws and/or practices”, and considers “rest period” as “any period which is not working time”. Thus, the reality of time forms a binary system that rules out intermediate categories and makes it necessary to determine when a chronological unit belongs to one modality or the other.

Social understanding of this structural duality has changed throughout history. During the early stages of industrialization, employees were concerned about having sufficient time to recover from work, since most adult males spent most of their time at work (in 1850, an average of 70% of their waking hours were devoted to work)⁵. This dedication is linked to the idea that work is a good and laziness is a “social crime” causing danger to those indulging in it and to the community of which they are a member, and that everyone must pay their social debt and contribute to the development of the human species⁶. This idea continues to exist today. An example may be seen in the Spanish Constitution, which recognizes the “duty to work”, which is linked to the idea that “a dignified life can only be conceived as a life earned through work”, such that “the Constitution cannot be invoked to protect laziness”⁷. Leisure only appears on two occasions, and it does so as a commitment of the public authorities to favour its “appropriate use”.

³ CHABOT, Pascal., *Tener tiempo. Ensayo de cronosofía*, Madrid, Alianza Editorial, 2023, p. 25.

⁴ ALARCON CARACUEL, Manuel Ramón. *La ordenación del tiempo de trabajo*, Madrid, Tecnos, 1988, p. 13.

⁵ As BAUMAN, Zygmunt, *Trabajo, Consumismo y nuevos pobres*, Barcelona, Gedisa, 2000, p. 35, who also points out that at the time of publication of his work (1998) it was 14%.

⁶ LIPOPVETSKY, Gilles. *El crepúsculo del deber. La ética indolora de los nuevos tiempos democráticos*, Barcelona, Anagrama, 1998, p. 172.

⁷ DÍEZ PICAZO, Luis María, *Sistema de Derechos Fundamentales*, Madrid, Civitas, 2003, p. 431.

However, these ideas have been diluted. The formula, so valued in the 19th century, of “work was his life” has been replaced by “life begins after work”⁸. Since the 1960s, the golden age of economic growth, something has begun to change. Slowly, priority has been given to free time and, more recently, as preferences have evolved toward more individualized lifestyles, to greater flexibility in the working day. The advent of the mass consumer society and its norms of individualistic happiness have played a key role in this change. The gospel of work has been dethroned by the social valorisation of well-being, leisure and free time⁹; as a result of these ideas, working time has been changing as the length of the working week has been reduced, vacations have been lengthened and professional life has been shortened due to late incorporation and/or early exit from the labour market; simultaneously, part-time work has grown significantly. Moreover, over the last hundred years, the duration of working time has been somewhat standardized, homogenized, i.e., harmonized for the different categories of workers.

But along with these cultural changes, the world of work is undergoing truly transcendental changes, as we said at the beginning of these pages, aimed at achieving greater productivity and competitiveness. As early as 1930, Keynes predicted that, as a result of increased productivity, our working day would not extend beyond 15 hours a week in 2030, thus opening up a period of happiness for human beings. The father of modern economics said that in 2030, “each worker would have enough machinery to make him a superman compared to his grandfather a hundred years earlier”¹⁰. It is a world with fewer working hours, with a predominance of creative free time and no differences in income distribution. This dream of reformed capitalism did not take into account the exponential growth of the digital revolution that we are currently experiencing. And we are on that path... What will become of working time in the digital era?

2. Rethinking working time in the digital age

For some time now, production changes have led employers to gradually move away from a rigid and uniform working time system. Factors such as an increa-

⁸ LIPOVETSKY, Gilles, *El crepúsculo del deber*, cit.

⁹ Thesis anticipated in his day by RACIONERO, Luis, *Del paro al ocio*, Barcelona, Anagrama, 1990.

¹⁰ As summarized by HEILBRONER, Robert, *Los filósofos terrenales*, Madrid, Alianza Editorial, 2015, p. 427. In the work of KEYNES, John Maynard, “*Economic possibilities for our grandchildren*,” in *Essays in Persuasion*, Sarasota, Palgrave Macmillan, 2010, pp. 321-332. <https://goo.gl/7zhrvM>

sed uncertainty in the prices of production factors, manufacturing possibilities and product demand, which are linked to the emergence of new and adaptable industrial technologies, regulatory changes that have opened up new paths to work-life balance and co-responsibility, and, in this direction, the development of business practices that seek to emphasize workers' sovereignty over their working time, have all contributed to this. In short, if it is increasingly essential for companies to quickly adapt working time to the market and make the most of costly facilities, it is also necessary to take into account the demands of workers in terms of working time.

But, when defining the legal model for the organization of working time, labour legislation continues to be anchored in an industrial and face-to-face model that pivots on the position in a workplace that is not very well adapted to the new productive reality. This requires some in-depth reflection. Elements “such as the difference between presence and availability, the development of digital work formulas, with apparently permanent connection, telework or on-demand work, with notable availability of the worker of his activity and inactivity times, are good examples of the insufficiency of the rules provided in our system to regulate effectively and legal singular working days far from the traditional mould”¹¹. This reality forces us to take a look at the regulatory system and assess its inadequacies in terms of adapting to the transformations brought about by digital change.

2.1. Towards a mosaic of workers with different and more personalized work schedules

Over recent years, we have witnessed the expansion of formulas to address this change. What has been coined as “flexiworking” is a new way of working in which each employee can manage his or her schedule and work according to his or her needs. Business creativity has been great and continues to grow. In an attempt to achieve greater employee involvement and commitment, companies are incorporating new methods and ways of working that have even led to the creation of models of full availability, such as the unlimited vacation offered at Netflix. But it is clear that not all companies and their logics are the same. Thus, it is impossible to extrapolate solutions from one business model to another. In any case, if there is a common feature of these new circumstances, it is the

¹¹ DURAN LOPEZ, Federico, (Dir), *Las necesidades organizativas y productivas de las empresas y las respuestas del ordenamiento jurídico*, Madrid, IEE, 2025, p. 69.

commitment to the search for new forms of openness in the use of working time. This will form a mosaic of workers having different and more personalized schedules. Technological change will inevitably lead to the development of flexible collaborative formulas in which the agreement between company and worker will be essential when defining their design.

2.2. Redefining part-time work

Part-time work will also be of special importance. It is expected to reach a certain degree of importance not only due to the growing fragmentation of tasks, but also because of the effect of the decrease in needs related to the quantity and continuity of working time as a consequence of technological change¹². The legal regime for part-time contracts has been developed over the course of many regulations having distinct purposes. Its current structure is overly complex. For some time now, there have been calls for a new regulation that is easier to understand, more useful for the employer who wants to hire under a flexible time regime and attractive to both workers having other needs outside of work (training, work-life balance, etc.) and those wanting to work more hours.

A part-time contract with guarantees may be essential in defining the part-time contract of the digital era. The reworking of this contractual figure may involve the creation of a “flexicurity” part-time contract. This could be based on reinforcing the flexibility of labour rules for the organization of working time by establishing a variable part-time employment contract model according to company needs, focusing on the employment of young people, but subject to a reinforced regime of social protection that would prevent workers from being penalized in the development of their secure careers.

2.3. The death of overtime

From the point of view of flexibility, the regulatory framework offers various mechanisms that allow working time to be adapted to the variable or cyclical needs of the company. In the Spanish model, several formulas seek this objective: irregular distribution of the working day, overtime, complementary hours in part-ti-

¹² GARCIA RUBIO, Amparo, *El empleo y la relación laboral en el nuevo horizonte tecnológico: una visión transversal sobre los efectos de la digitalización*, Teoría y Derecho, 2018, n° 23, p. 61.

me work, fixed-term contracts and contracts due to production circumstances that permit these needs to be met. Undoubtedly, these are classic solutions which, however much they seek to adapt to these new scenarios, will prove insufficient.

One of the questions and doubts arising refers to whether or not technology will ultimately lead to the end of overtime. The truth is, today, the answer is “no”. The use of technology continues to be sought after by both companies and workers. For workers, it represents a system of additional income, making it possible to increase income levels, attaining levels in the standard of living that could not be reached with an ordinary salary. For the company, it is a means of absorbing the elasticities of product demand without resorting to hiring that is difficult to achieve given the immediacy of the need and the difficulty of finding qualified personnel to carry out the work.

Overtime is a clear mechanism of temporary labour flexibility, permitting companies to meet unforeseen and/or specific changes in demand, with immediacy and without incurring fixed costs. In order to increase job placement opportunities for unemployed workers, Spanish law is offering the possibility of “suppressing” overtime or “reducing” the maximum number of overtime hours for a specific period, either in general or for certain branches of activity or territorial areas. However, the Spanish government has not made use of this power of temporary suppression or reduction, aimed at the indicated employment policy reasons. The question is whether or not, in a model that tends to reduce working time, it is coherent to maintain an institution designed precisely for the opposite purpose.

2.4. The digital record of the workday

In addition to the objective working time, registration policies have been extended. The CJEU Judgment of 1 May 2016 (Case C-55/2018, Deutsche Bank) was based on the idea of the inseparable connection between working time regulations and those on worker safety and health. For this reason, the judgment declared that “national law which does not provide for an obligation to have recourse to an instrument that enables the objective and reliable determination of the number of hours worked each day and each week is not capable of guaranteeing, in accordance with the case-law recalled in paragraph 42 above, the effectiveness of the rights conferred by Article 31(2) of the Charter and by this directive, since it deprives both employers and workers of the possibility of verifying whether those rights are complied with and is therefore liable to com-

promise the objective of that directive, which is to ensure better protection of the safety and health of workers”.

Undoubtedly, in productive organizations in which face-to-face work with stable schedules is the norm, controlling the working day can be not only simple but essential to avoid extended working hours which, in many cases are not remunerated. But the current reality is much broader. In a globalized economic environment in which travel and the development of activities outside the company are constant and in which the results obtained are more important than service time, modern companies may return to classic time control systems. This regression may have an intense effect, precisely on those sectors of activity that are more technologically advanced.

However, the most recent trends show a predilection for these time tracking techniques, and they are betting on their technological enhancement. The Greek Ministry of Labour and Social Security has confirmed that the Digital Work Card will be fully implemented in the tourism and food and beverage sectors. In Spain, the latest regulatory projects are aimed at implementing these systems through digital means that guarantee their authenticity and traceability, the use of comprehensible formats, the establishment of documentary obligations and immediate accessibility and interoperability.

2.5. Individuals telework time management

The unstoppable expansion of telecommuting is also likely to produce major changes in our conception not only of place, but also of working time. Telework may likely become an observatory for gauging changes in the logic of working time. An example of this is the European Framework Agreement on Telework which reverses the terms by which the organization of working time usually works in labour relations, by giving prevalence to flexible time management by the teleworker: “Within the framework of legislation, collective agreements and applicable company rules, the teleworker shall manage the organization of his working time”. This has been found to be relevant, since it implies that the starting point or default situation is the worker’s right to flexibilize his/her schedule, that is, to alter the start and end time of his working time throughout the day and week ¹³.

¹³ GÓMEZ ABELLEIRA, Francisco Javier, *La nueva regulación del trabajo a distancia*, Valencia, Tirant lo Blanch, 2020, p.83.

3. Work less to work more: Will we be happier working four days a week?

But the axis around which the change in working time orbits is centred around the reduction of working hours.

The question of work sharing has long been a recurring theme in the social debate, not only as a means of reducing unemployment, but also in connection with the development of post-industrial society models in which technological change is transforming the general conditions of life and where the objective is not so much the desire to share the workload equally as it is to ensure a more egalitarian income distribution. “If work is lacking, let’s share it out”. Nearly 80 years have passed since philosopher Bertrand Russell wrote “*In Praise of Idleness*,” a diatribe against the morality of industriousness created by the idle classes. As early as 1932, Russell questioned why workers have less free time than before the introduction of machines: “If the ordinary wage-earner worked four hours a day, there would be enough for everyone and no unemployment. This idea shocks the well-to-do, because they are convinced that the poor would not know how to use so much leisure”.

The solutions created to address these new technological needs are diverse, but in order to propose effective responses, it is necessary to begin with a realistic view of the situation. Regarding the labour market, some questionable statements have been made with a certain nonchalance from an economic perspective: “Technological progress destroys jobs. If machines do the work, there will be fewer employed workers”; or finally, “the only solution to the problem of unemployment is the distribution of work. Only by reducing the working day will the employment opportunities of the unemployed improve”.

Behind the above statements is the so-called *lump of labour fallacy*¹⁴. Fallacies are incorrect, defective and misleading arguments, i.e., those that Aristotle claimed to only have the “appearance” of being arguments. But it is precisely their condition of “apparent arguments” that makes them fearsome sources of confusion. The idea that the quantity of labour is exogenously determined is one of the best-known fallacies in economics and yet is one of the most repeated in many employment policy proposals. Another name for the fallacy in question is the

¹⁴ SCHWARTZ, Pedro, *Las reducciones forzadas de la oferta de mano de obra para combatir el paro*, Cuadernos de Ciencias Económicas y Empresariales, 1979, nº 5, pp. 199-230. En el blog “*Nada es gratis*” la entrada, *Aprendiendo a sumar (I): La falacia de la cantidad fija de trabajo*.

“zero-sum fallacy”. In game theory, a zero-sum game is one in which the sum of the winnable good of all players remains constant. In other words, whatever one player wins is lost by one or more other players. The mistake is to believe that the amount of work is fixed, like a pie. So the point is to share the pie well so that there is enough for everyone. The trick (or the mistake) here is that there is no such thing as a fixed amount of work in advance, and jobs are created by investment according to productivity. If this were not the case, it would be sufficient to reduce working hours by law to put an end to unemployment altogether. The fact is, this “fever” for work sharing continues to extend across the industrialized countries, especially in Europe.

Forced to reduce the working week, the company may react in two different ways to maintain its competitiveness: to establish work methods and systems that increase the productivity of its workers; or to achieve a reduction in wages for those who accept it. The centre of the controversy revolves around the question of whether this formula, apart from having a neutral or even positive impact on company productivity, achieves the theoretically pursued purpose of job creation. Based on the evidence that this is linked to productivity and depends on production costs, which may be wage costs (unit labour costs) or others (taxes, social security contributions, financial costs, etc.), some consider that the working day has an influence on productivity. Others believe that the working day influences the final price of labour, so there must be a reasonable balance that allows the final product to be competitive and, therefore, profitable. This makes it difficult to accept the claim that people work less for the same pay and, at the same time, it allows new jobs to be created. Furthermore, the idea suggests that “measures aimed at considerably reducing the working day do nothing more than encourage double employment”¹⁵.

For those in favour of the measure as a job creator, this result will only be achieved if the reduction in working hours is tackled together with a reorganization of working time and productive organization that promotes productivity growth. Together with the necessary economic support for companies from the administration, this will allow them to assume the employment costs¹⁶. It is not unfeasible

¹⁵ SUPIOT, Alain., (Coord.), *Trabajo y empleo. Transformaciones del trabajo y el futuro del Derecho del Trabajo en Europa*, Valencia, Tirant lo Blanch, 1999, p. 128.

¹⁶ These questions have been the subject of reflection in the collective work, AA.VV., *El libro de las 35 horas*, Barcelona, Viejo Topo, 1998. Of special interest for the question raised is the article in this work by RECIO, Albert, *Reducción de la jornada de trabajo y empleo: interrogantes en torno a una consigna popular*, pp. 197 to 227.

to achieve the coordination of all of these variables through collective bargaining, which, beyond any law, is the essential key to creating employment by reducing working time, since this is the sphere of decision making that enables the adequate combination of the modality or form of reducing working hours, the volume of job creation, the use of public financial support and the role of wages¹⁷.

Ultimately, this “fever” for work sharing has spread throughout the industrialized countries, especially in Europe. In some countries, the reduction effect has been expressly and generally established for all workers. In others, however, the same annualized effect has been achieved through the use of various mechanisms such as part-time work, sabbaticals, long-term leaves for training, etc. Other countries, such as Greece, which have been sceptical of its aims, are increasing the working day to six days in industrial facilities and companies that operate 24-hour shifts on a daily basis. According to the Greek government, this is intended to facilitate the productivity in these companies during periods of increased workload, while maintaining the five-day working day as the norm.

In any case, the question that immediately arises is who will pay for the reduction in working hours¹⁸. A reduction in working hours without a reduction in wages is equivalent to an increase in the wage/hour received by workers. If this reduction leads to an increase in unit labour cost (labour cost in relation to labour productivity), the price of goods and services will rise, and companies will see their profits fall. This will translate into a drop in investment and higher unemployment. Similarly, if both working hours and wages are reduced, we would find ourselves in a situation opposite to the previous one, where the entire cost of job sharing would be borne by the workers. This has been called “one-class solidarity”.

4. A statute for non-working time?

Both current legislation and the case law of the Court of Justice of the European Union underline the idea that workers are not obliged to be constantly and uninterruptedly at the employer’s disposal and that, as we have seen, a differen-

¹⁷ PUIG, Fernando, *Tiempo de Trabajo*, Revista de Derecho Social, 1998, n° 3, p. 238.

¹⁸ On this point, the reflections of SALA FRANCO, Tomás, LAHERA FORTEZA, Jesús, *La transformación del tiempo de trabajo Hacia la jornada laboral semanal de 4 días?*, Valencia, Tirant lo Blanch, 2022, pp. 181-182, are of interest, where they show that “reductions in working time are not all the same and can be used well or badly from the perspective of job creation”.

ce exists between working time, in which the worker must be at the employer's disposal, and non-working time. The digital era promotes the creation of a complete, non-working time statute.

Along these lines, one of the dimensions of this statute includes the right to digital disconnection. This right attempts to guarantee respect for rest, leave and vacation time, as well as the personal and family privacy of the worker ¹⁹. Although regulated in some countries, this right is not regulated in EU law. No EU legislation specifically addresses the right to disconnection, although several legal texts address related issues, for example, the Working Time Directive, the Framework Directive on Occupational Safety and Health, the Work-Life Balance Directive and the Directive on Transparent and Predictable Working Conditions. In addition, the European cross-sectoral social partners have created autonomous framework agreements on telework (2002) and digitization (2020), which contain relevant provisions to be implemented in accordance with the specific "procedures and practices" of each Member State. Despite frustrated attempts such as the European Parliament Resolution of 21 January 2021 with recommendations addressed to the Commission on the right to disconnect, it is clear that the hyper-connectivity established by the modern digital transformation makes it necessary to carry out a very thorough reflection on the extension of this new right.

5. Towards techno working times

The challenges of the digital era may alter the traditional and not always well achieved aspects related to working time. Real-time demand, worker availability, flexibility in the execution of work, compatibility with similar jobs, respect for occupational health, leisure, necessary rest and digital disconnection, among others, are pressing realities that must be faced with pragmatism and, if necessary, with a greater diversification of working hours. This is where collective bargaining plays an essential role, as the ideal instrument for adapting to sectoral and (especially in this context) corporate particularities. Undoubtedly, this aspect of labour flexibility requires analysis and regulation in light of the new formulas for the distribution of working and non-working time that are capable of reconciling the interests of both parties. On the company side, attention

¹⁹ Regarding the right to disconnection in the context of the conception of work in the digital era, vid. CAIROS BARRETO, Dulce María, *Una nueva concepción del tiempo de trabajo en la era digital*, Albacete, Bomarzo, 2021, pp. 158-162.

should be paid to production needs with the immediacy required by the current economic model, which calls for diversification of working hours. On the labour side, it is necessary to guarantee a minimum predictability of the obligation to work and respect for maximum working hours and minimum rest periods.

But these times must also pay attention to those for whom everything is non-working time, with the progressive emergence of figures such as the “permanently unemployable”²⁰. This concept includes those who have been trained but have no chance of finding a job. This structural unemployment has been conceived as a form of exploitation, since it has been understood that “the exploited are not only those who produce or “create”, but also (even more so) those who are condemned to not “create”²¹. Regardless, the main objective of containing the unstoppable technological change is to make all social, economic and political agents fully aware of the devastating effects of the “technological tsunami” that is on the horizon. We can also speak of a “just transition” as the ILO does, but the challenge is to ensure that the transition between jobs created and destroyed in this process is as equitable as possible, in order to protect people and not jobs²².

The reality of the digital transformation is slowly and imperceptibly transforming our vital, social and economic habits to become a permanent part of our lives. Therefore, although a basic principle of human existence is the intellectual resistance to change, perhaps due to a desire for conservation and the insecurity that any alteration of the known brings with it, the truth is that our ability to respond to the challenges that we face must necessarily be assumed. The words of Carlos Fuentes ring true: “if we do not want to succumb to a single tyrannical model of existence, we must increase reality by offering alternative methods”²³. It is essential, therefore, to rethink working time in the digital era.

²⁰ I have dealt with the different dimensions of this problem in MERCADER UGUINA, Jesús R, “Reflexiones sobre la simultánea creación, destrucción y transformación del empleo en la era digital”, in MOLINA NAVARRETE, Cristobal (Dir.), *De la economía digital a la sociedad del E-work decente: condiciones sociolaborales para una industria 4.0 justa e inclusiva*, Pamplona, Aranzadi/Thomson Reuters, 2022, pp. 93-115.

²¹ ŽIŽEK, Slavoj, *Menos que nada. Hegel y la sombra del materialismo dialéctico*, Madrid, Akal, 2015, p. 1089.

²² TIROLE, Jean, *La economía del bien común*, Barcelona, Taurus, 2017, pp. 443-444.

²³ FUENTES, Carlos, *Geografía de la novela*, Madrid, Alfaguara, 1993, p. 225.

Innovative cases on working time reduction and flexible working time arrangements: findings of the InnovaWorking project

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1. Introduction to the InnovaWorking research

1.1. The InnovaWorking project: a dual approach to establish innovative proposals on the organisation of working time

The InnovaWorking research focuses on innovative working time experiences taking a dual approach. On the one hand, the research has analysed innovative agreements that provide for shorter working times. It appears that one of the dilemmas related to working time reduction theories is whether or not a reduction in working time implies a reduction in wages. It is clear that there are basically two ways that a reduction in working time can be achieved, according to current legislation. One is achieved in part-time work, and the other in full-time work. In the case of part-time work, the reduction in working time is accompanied by a pay reduction, whereas in the case of reduced full-time work, the pay remains unchanged. In this case, however, the employee works fewer hours due to a legal restriction related to the nature of the activity or due to a work organisation decided by the employer or the employee himself.

On the other hand, the research has focused on more flexible working hours, including hybrid and remote working practices. The extent to which these inno-

vative agreements contribute to a better work-life balance will be a central focus of the research. This may include a wide range of initiatives such as changes to shift work, annual leave and other new approaches to the organisation of working time. It has also studied the response of trade unions and employers to trends towards longer hours and problems created by zero-hour or low-hour contracts.

The research has attempted to investigate and analyse innovative policies on working time arrangements that have been negotiated between trade unions and employers in both the public and private sector. With this premise, the objectives of the project may be summarised in the following research questions:

1. What kind of innovative and best short-time work practices/flexible working time arrangements can be observed within European workplaces (specifically, in the six country studies)?
 - 1.2. What kind of hybrid and teleworking practices (combined with flexible working time arrangements) can be observed in the countries under study?
 - 1.3 At which level (company, sector or national) are these agreements negotiated?
2. What are the drivers, barriers, and consequences of the introduction of short-time and flexible working (including telework/remote work) arrangements?
 - 2.1. Under which circumstances do trade unions and employers argue for arrangements that reduce working time?
 - 2.2. What are the strategies of bargaining partners to negotiate short-time work practices?
 - 2.3. What is the underlying ideational motivation of social partners to argue for working time reduction?
 - 2.4. How has ideational motivation changed over time?
 - 2.5. How does it vary between industrial relations systems?
 - 2.6. What are the experiences of (organised) employers and employees, both in financial and non-financial terms, regarding short-time and flexible working practices?
 - 2.7. How does the legal system and institutional setting facilitate or limit the introduction of short-time/flexible work practices?
 - 2.8. How does the Human Resources/Personnel department cooperate to facilitate working time arrangement or to support reducing time?
 - 2.9. Is it mandatory to record working time in your country? Does it work?

In this chapter it is presented the overall comparative findings of the Innova-Working project. The paper is based on six case studies conducted by highly experienced academics and researchers in the field of industrial relations in these countries, together with additional literature and data sources. In the case in which no references to specific sources appear, the information has been taken

from the case studies of the InnovaWorking project. These case studies include: Finland: Aino Salmi, Garima Singh, Minna van Gerven (University of Helsinki) and Satu Ojala (Tampere University).

- France and the Netherlands: Nuria Ramos Martín (University of Salamanca).
- Hungary: Sára Hungler (Eötvös Loránd University).
- Ireland: Prof. Dr. Dagmar Schiek, Dr Mary Naughton, Artis Mazeiks (University College Dublin, UCD).
- Spain: Prof. Dr. Francisco Javier Gómez Abelleira, Ana Belén Muñoz Ruiz, Pablo Gimeno Díaz de Atauri, Jesús R. Mercader Uguina, Víctor Maneiro Hervella and Lourdes Sánchez-Galindo Más and (Carlos III University of Madrid).

One relevant goal of the research was to select the cases in an attempt to include a large number of sectors. However, most of the cases affect employees from one company and not all employees of the sector. In this sense, the cases selected for the InnovaWorking project include the following sectors:

Table 1. Sectors covered by InnovaWorking research.

Whole economy (managers)	
C	Manufacturing
F	Construction
G	Wholesale and retail Trade
H	Transportation and Storage
I	Accommodation and Food Service Activities (en)
K	Telecommunication, Computer Programming, Consulting, Computing Infrastructure and other Information Service Activities
L	Financial and Insurance Activities
P	Public Administration and Defence; Compulsory Social Security
Q	Education

1.2. Diversity of industrial relations schemes: different levels of state intervention, voluntarism principle and ineffective social dialogue

The European countries under review display an impressive diversity of institutional forms and paths of evolution in industrial relations. The countries involved in this project represent a variety of institutions in the collective bargaining regimes. This is of great relevance since the role of the collective agreement

in addressing working time reduction or flexible working time arrangements is a relevant issue in the InnovaWorking research.

We can group together the southern European countries, France and Spain, which are characterised by more state-regulated production and industrial relations regimes. Both countries have high collective bargaining coverage (94% in France, 91.8% in Spain), are dominated by sector-level bargaining and have a relatively higher state role in collective bargaining. Despite some processes of intensification of company-level bargaining or social dialogue at the enterprise level or the growth of formal opportunities to derogate from central regulations, sector bargaining was not displaced. Concerning the state's role in industrial relations, in France and Spain, the state has traditionally played an active role, directly intervening in the legal regulation of collective bargaining. In this sense, in these countries, labour laws play a crucial role in shaping working time flexibility within their respective contexts.

The second group of countries contains Finland and the Netherlands, revealing similar and high percentages of collective bargaining coverage (83.9% in Finland and 89% in the Netherlands). The biggest institutional difference between these countries lies in the fact that the Netherlands has a dual-channel system for worker representation. Although trade union density in Finland has been characterised by very high levels, this data has been declining over recent years in Europe. The declining levels of unionisation in Finland have been associated with the possibility, since the late 1980s, of joining an unemployment fund without joining a trade union. This departs somewhat from the so-called 'Ghent system'¹.

The Dutch system represents a model of a coordinated market economy with social partnership in which sector agreements are frequently made binding (by the Ministry) for all companies under their scope in that sector². In Finland, national collective agreements form an essential part of the Finnish industrial relations. Normally applicable collective agreement is binding for those employers who are members of an employer organisation and their employees who work in an area that falls under the collective agreement's scope of application. Generally applicable collective agreements bind all employers operating in the

¹ SALMI, Aino, KARVINEN, Suvi, VAN GERVEN, Minna, and OJALA, Satu, Finland fiche, InnovaWorking project, 2024.

² VAN DER KLUFT, Priscilla and RAMOS MARTÍN, Nuria, Netherlands fiche, InnovaWorking project, 2024.

field of the collective agreement in question. This means that employers who are not members of employer organisations are also obligated to follow the collective agreement. Generally applicable collective agreements establish a minimum standard of conditions that all employers must follow, and contracts having inferior conditions are invalid³.

In the third group of countries, the difficulties in negotiating innovative working time conditions appear to be more significant. This is the case of Ireland and Hungary. Regarding the low numbers of employees covered by sector bargaining, Ireland and Hungary are the two countries in our projects having low collective bargaining coverage: 43% in Ireland and 20-30% in Hungary.

Ireland presents a liberal market economy and a pluralist and fragmented industrial relations regime⁴ with an institutional framework based on voluntarism tempered by corporatist elements. Under voluntarism, collective bargaining depends on the strength of trade unions to convince employers to engage in negotiations. Correspondingly, the Irish Courts have not read freedom of association as guaranteed in the Irish constitution as comprising the right to bargain collectively and engage in industrial action, while also branding regulatory effects of collective agreements as potentially impermissible delegation of legislative powers.⁵ Accordingly, collective agreements do not bind the parties of the contract of employment without explicit incorporation in its terms. Yet legislation, last amended in 2015, allows giving legal effects to collective agreements by registering them as Registered Employment Agreements (REAs), which bind workers and employers whose organisations are party to the agreement. Further Sectoral Employment Orders (SEOs) as generally applicable statements of employment conditions may result from a process starting with an application by a representative trade union to the Labour Court and culminating in a ministerial order, which was accepted as constitutionally viable.⁶ Also, employers consistently refusing to engage with trade unions can be subjected to an investigation by the Labour Court potentially resulting in a recommendation for dispute resolutions.⁷ With a view to increasing collective bargaining, a special working group

³ SALMI, Aino, KARVINEN, Suvi, VAN GERVEN, Minna, and OJALA, Satu, Finland fiche, InnovaWorking project, 2024.

⁴ TROS, Frank, Comparative report CODEBAR project, 2022.

⁵ Irish Supreme Court *McGowan v Labour Court* [2013] IESC 21, [2013] 3 I.R. 718).

⁶ Irish Supreme Court *Náisinuta Leictracht v The Labour Court, Minister for Business and Enterprise, and Ireland* [2021] IESC 36.

⁷ More detail see SCHIEK, Dagmar; NAUGHTON, Mary and MAIRr, Paul, Country Fiche Ireland 2024, pp 6-8.

of the national Labour Employment Economic Forum on the future of collective bargaining was convened, whose recommendations constitute the base of the government's consultation on an action plan to promote collective bargaining.⁸ By contrast, in Hungary, although the formal structures of social dialogue exist and meet the technical requirements of democratic provisions, they are dysfunctional in practice at both national and workplace levels. The main reason is because these institutions are not used to fostering genuine discussion or debate, but rather, they operate in a top-down manner, with the central government taking cues from its strategic partners to shape employment policies. Another major difference between Hungary and Ireland is that the latter possesses no system of works councils based on the law or collective agreements between trade unions and employer confederations⁹.

Table 2: Characteristics of collective bargaining regimes in six European countries.

Country	Trade union density	Work Council	Collective bargaining-coverage	Dominant bargaining level	Legal working time limit
Spain	16%	Y	91.8%	Sector	40 hours per week
France	9%	Y	94% (98% including public enterprises)	Sector	35 hours per week
The Netherlands	16.3%	Y	80%	Sector	48 hours ¹
Finland	54.7%	N	83.9%	Sector	40 hours per week
Ireland	28%	N	43%	Company	48 hours ²
Hungary	10%	Y	20-30%	Company	40 hours per week

¹ Although most collective agreements negotiate approximately 38-40 hours per week.

² In view of the Organisation of Working Time Act 1997, the overall maximum of 48 hours per week is calculated within a 4-month reference period. This means that in individual weeks, the working time may be higher. The Organisation of Working Time Act also implements the exceptions provided for in the EU Working Time Directive (see also Country Fiche Ireland).

⁸ See <https://enterprise.gov.ie/en/consultations/consultation-on-irelands-action-plan-on-the-promotion-of-collective-bargaining.html> (28 April 2025)

⁹ PAOLUCCI, Valentina, ROCHE, William K, and GORMLEY, Tom, Decentralised Bargaining in Ireland, CODEBAR project, 2022, p. 15.

1.3. Is there an emerging debate on the issue of reductions in working time/ flexible working time arrangements?

The research points out that the French case has been a pioneer in the commitment to balancing professional and personal lives, albeit through different mechanisms such as the 35-hour standard working week and the explicit recognition of the right to disconnect. The French experience with the 35-hour working week, implemented through the Aubry laws, introduced significant changes to working time regulations and collective bargaining. This law reaffirmed the 35-hour working week and provided social partners with greater negotiation freedom, including flexibility in calculating working time annually and making separate arrangements for managerial staff. The key elements of the working time reduction included a substantial decrease in legal working hours, increased autonomy for social partners, reduced tax contributions, and enhanced flexibility for the company in arranging working hours.

In 1998, France introduced the 35-hour working week policy (Aubry Laws), in an attempt to lower unemployment and promote a better work-life balance for employees. By reducing the standard working hours from 39 to 35 hours per week, employees had more time for leisure, family, and personal activities, leading to improvement in well-being and quality of life. While its purpose benefits workers, it is essential to note that the impact of the 35-hour working week can vary depending on factors such as industry, company size and regional economic conditions¹⁰.

The Aubry laws themselves do not contain specific litigation procedures within their articles. They focus mainly on establishing the legal framework for working hours, overtime and related matters. However, litigation procedures related to disputes arising from the application or interpretation of the Aubry laws would typically fall under general labour law and employment law procedures. These procedures may involve mediation, arbitration or adjudication in labour courts. The code establishes procedures for mediating or arbitrating in disputes between employers and employee representatives, including those related to working time.

Spain is following the French example. In 2018, the right to disconnect was regulated in the “Organic Law 3/2018 of 5 December on Personal Data Protection

¹⁰ ASKENAZY, Philippe, ‘Working time regulation in France from 1996 to 2012 (2013)’. Cambridge Journal of Economics, pp. 323-347.

and the Guarantee of Digital Rights”¹¹. Currently, the Spanish Government with the support of its major trade unions, has approved a proposal to reduce the maximum working time to 37.5 hours in 2025. The mentioned proposal includes measures to enhance the working time register and the right to disconnect¹². The proposal has not received support from the business association (CEOE-CEPYME), which has adopted certain measures to halt the proposal. While the Spanish government is promoting a reduction of working time in the Workers’ Statute, some small and medium companies have applied it by negotiating with workers’ representatives (Software Sol) or unilaterally (Ephemera)¹³.

In certain countries (Finland and the Netherlands) some initiatives have arisen with regard to working time reduction, but they appear to be weaker than those of the Spanish case. Governments from both countries are more favourable to flexible working time arrangements. For instance, in Finland, despite all of the different developments in working life, full-time employment continues to be the standard type of work in Finland, as it was in 2018 (64.9% of employees aged 15–64 worked full-time). Some pilot systems including flexible and shorter working hours have been conducted in Finland, specifically in the 1990s. The issue was raised in 2019 in the Finnish media and beyond, when the previous Prime Minister Sanna Marin suggested the possibility of introducing a 4-day work week (or 6-hour working day). The idea received fierce opposition from the central employers’ organisation, the Confederation of Finnish Industries (EK, Elinkeinoelämän keskusliitto), and received intense interest from the Central Organisation of Finnish Trade Unions (SAK)¹⁴.

The Finnish reform approved in 2019 (the new Working Time Act (872/2019)) has focused on flexible working time arrangements that permit a wide range of flexible working time practices to be negotiated in the collective agreements. Some examples are flexible working hours, flexible working time and working

¹¹ See article 88. The right to disconnect is recognised for all employees, including remote workers. For those employees, article 18 of “Law 10/2021, 9 July, on remote work” regulates a very similar right to disconnect.

¹² The Spanish regulation recognises all employees’ right to disconnect. However, the legal framework does not include a set of administrative penalties if the employer does not comply with the explicit recognition of the right to disconnect (‘Le Droit a la Deconnexion’). In 2017, France included this right in its Labour Code.

¹³ GÓMEZ ABELLEIRA, Francisco Javier, GIMENO DÍAZ DE ATAURI, Pablo and MUÑOZ RUIZ, Ana Belén, Case study in Spain, InnovaWorking project, 2024.

¹⁴ SALMI, Aino, KARVINEN, Suvi, VAN GERVEN, Minna, and OJALA, Satu, Finland fiche, InnovaWorking project, 2024.

time accounts. Although flexible working time practices have long been a new norm, at least in professional and expert work, shorter working hours are not seen as a realistic opportunity in Finland. There was minor resistance from the employer organisations that do not perceive shorter working hours as desirable in a situation in which there is already a shortage of employees. In the larger picture, shorter working hours are considered problematic from the perspective of preserving the Nordic welfare state model¹⁵.

In a country such as the Netherlands, where part-time jobs predominate, it appears that relevant steps have not been taken to address working time reduction. In January 2021, several members of the Parliament introduced a legal proposal ‘Working where you want’ (‘Werken waar je wilt’), in an attempt to provide employees with more freedom in organizing the balance between working in the workplace and working from home. The proposal also attempted to enable employees to request adjustments regarding the workplace, working hours or employment duration. This legal proposal was not adopted by the Dutch Parliament despite the fact that it included several innovative approaches to working time¹⁶.

There is also an absence of a regulation on the right to disconnect. However, in several collective agreements, provisions on the right to disconnect have been negotiated, but in practice, compliance with the same is unclear. Some collective agreements have mentioned that the ‘right to disconnect’ enables employees to enjoy their free time without work interruptions. However, in practice, this is not often applied due to the employees’ lack of awareness. Employers are required to comply, and scheduling often reflects this compliance due to clear guidelines. Many employees, however, are unaware that receiving a text from their employer (outside of normal working hours) may be considered working time, and they

¹⁵ SALMI, Aino, KARVINEN, Suvi, VAN GERVEN, Minna, and OJALA, Satu, Finland fiche, InnovaWorking project, 2024.

¹⁶ ‘Werken Waar Je Wilt: Debat Samengevat’ (Eerste Kamer der Staten-Generaal, 12 September 2023) <https://www.eerstekamer.nl/nieuws/20230912/werken_waar_je_wilt_debat#p3> accessed 13 May 2024. Similar proposals have been made in the past but were withdrawn before enactment. In February 2009, GroenLinks introduced a proposal for a legal right to remote work, which was met with opposition, especially from employers’ organisation VNO-NCW, leading to the withdrawal of the proposal. In 2010, GroenLinks, in collaboration with CDA, made a new proposal to incorporate the right to remote work as part of the Wet Flexibel Werken. This proposal aimed to grant employees the right to adapt their workplace unless significant business or service interests of the employer were at stake. See: Van Gent I, ‘GroenLinks Maakt Initiatiefwet Recht Op Thuiswerk’ (GroenLinks, 13 February 2009) <<https://groenlinks.nl/nieuws/groenlinks-maakt-initiatiefwet-recht-op-thuiswerk>> accessed 31 May 2024 and Kamerstukken II, 2010-2011, 32889, nr. 2.

are unaware that workers are not obliged to respond when sent outside of their regular schedule¹⁷.

In the research, some countries were found in which the discussion on working time reduction is practically non-existent. That is the case of Hungary, where the direction taken has been to enhance the flexibility for companies exploring new atypical forms of employment. Despite legislative efforts to promote atypical work arrangements, their adoption has remained limited.

In summary, while many atypical forms of employment have gained international relevance over the past decades, Hungary has also taken steps to incorporate such models into its legal system. The 2012 Labour Code introduced several flexible employment forms into national legislation, creating the legal conditions for their application—even though their practical uptake remains limited. The new Labour Code of 2012 clarifies and simplifies the previous concepts and introduces new atypical forms of employment, such as on-call work, job-sharing¹⁸ or multi-employer work. As a major structural change in the Labour Code, certain atypical forms of employment are brought together in a separate chapter.

For Ireland, the COVID 19 pandemic has induced a series of recommendation and non-binding codes of conducts on remote and flexible working, but no legislative change (yet), beyond obligations to receive applications for flexible and remote work by parents and disabled persons.

¹⁷ VAN DER KLUFT, Priscilla and RAMOS MARTÍN, Nuria, Netherlands fiche, InnovaWorking project, 2024.

¹⁸ As part of the legal development process, the legal concept of job sharing, a specific type of part-time work was introduced into the current Labour Code in 2012. According to the relevant legislation, the employer and two or more employees may agree in the employment contract to share the duties of a job. In the event of the incapacity of one employee (e.g., illness, ordinary leave, childbirth and childcare, etc.), the other employee(s) who entered into the contract are obliged to fulfil the obligations arising from the employment relationship. The rules on working time apply *mutatis mutandis* to the organisation of working time, i.e., employees agree amongst themselves who will work when. In principle, the parties can also agree on fixed working hours or consecutive working hours. The Labour Code leaves the division of work to the parties but stipulates that if one worker is prevented from working, the other worker who has entered into the contract must carry out the task. The rules on informal working time apply to the organisation of working time, and employees are paid the same - although the law permits a different agreement. The employment contract should not specify the basic wage to be paid to each worker, but the basic wage to which all workers in the employment relationship are collectively entitled, HUNGLER, Sára, Case study in Hungary, InnovaWorking project, 2024.

2. Legal framework and collective agreements on flexible working time arrangements

The regulatory framework in force in the EU (mainly Directive 2003/88) and in the various countries that make up the EU seeks to strike a balance between the protection of the weaker party in the employment relationship and the needs of companies for organisational flexibility aimed at competitiveness and efficiency. To this end, the main feature of this regulatory framework is the establishment of maximum working hours and mandatory minimum rest periods.

However, the maximum working time is established in a time module or reference period of sufficient length to meet the needs of organisational flexibility. In Directive 2003/88, this reference period is 4 months. Thus, from the regulation contained in the Directive, it follows that the limitation of working hours is set at 48 hours for each 7-day period, in a reference period of up to 4 months. It is important to note that for the purpose of calculating the 48 hours, both ordinary and extraordinary hours are included. The extension of the reference period permits companies to allocate work to busy periods and less work to off-peak times.

In some national systems, these parameters may vary in a more protective sense for the worker. In Finland, for example, the legal working week is 40 hours while the daily working day is 8 hours, allowing the aggregation of several weeks in an annual period or, in some sectors, bi-weekly or tri-weekly. In Spain, for example, the work limit for each 7-day period is established at 40 hours, although the reference period can be much longer, up to one year. In addition, the possibility of performing up to 80 additional hours of work in the period of one year is contemplated. These additional hours are considered overtime. Obviously, such a broad reference period offers a higher degree of flexibility to companies, enabling additional working hours during certain periods of the year, provided that they are compensated with periods of less productive intensity at other times of the year.

As mentioned above, the general principles underlying these regulations are worker protection and the establishment of a reasonable level of business flexibility. Based on these premises, the social partners at the different levels of negotiation, or the companies unilaterally, or the individual agreements between the company and the worker, may establish an infinite number of variations.

It should also be noted that these variations may be motivated by business interests (e.g., adapting work to fluctuations in demand) or workers' interests (e.g.,

reconciling work and family life). In this regard, in the Irish case, legislation implementing Directive 2019/1158, while not creating employers' obligations to fully paid parental leave, the law set a floor from which to negotiate. It also created – without EU obligation - a general right to request remote or hybrid work for workers who have completed six months of continuous employment (Work Life Balance and Miscellaneous Provisions Act 2023). It is also important to bear in mind that broad areas exist in which the interest is joint, and it is here where the most sustainable formulas balancing labour welfare and productivity bear fruit.

The most obvious or basic of the variations in working time is the reduction in working hours. As we have seen, as opposed to the limit of 48 hours of work per week, national legislation can establish a lower maximum (for example, 40 hours per week plus 80 hours of overtime during the year, whereby, if prorated over the weeks of the year, the overtime would not reach 2 hours per week). A similar reduction can be achieved by means of a collective bargaining agreement. In Spain, for example, the national collective bargaining agreement for the chemical industry establishes a maximum annual working day of 1752 effective working hours in 2024 and 2025 and 1744 effective working hours as of 1 January 2026. These workdays translate into average working weeks of slightly over 38 hours in 2024 and 2025, and 38 hours in 2026.

Many companies are willing to compromise on the number of working hours in exchange for flexibility in the work organisation. Over the last few decades, working time flexibility has been at the top of employers' demands at the bargaining tables. The national collective bargaining agreement for the chemical industry in Spain provides an example of this trade-off: the reduction in working hours is combined with a system of flexibility in the distribution of working hours throughout the year. Obviously, respecting the minimum daily, weekly and annual breaks is imperative in any irregular working time distribution formula.

In addition to the mere reduction of working hours, another important variation is the establishment of 4-day work weeks. This formula is also possible under the current regulatory framework and can be produced in two ways: with a significant reduction in the total working day or without such a reduction.

In the latter case, an average working week of 40 hours results in a distribution of 10 hours of work per day (4 days). This number of hours is usually considered excessive. In Spain, for example, the daily work limit is 9 hours, although by col-

lective bargaining agreement or collective agreement between the company and the legal representatives of the workers, it is possible to agree on a daily working day exceeding 9 hours. This means of adopting the 4-day work week is not the most common, given the high number of daily hours resulting. For this reason, the 4-day week is usually accompanied by a reduction in the weekly working hours: for example, to 36 or even 32 hours. Thus, the average workday would include approximately 8 or 9 working hours, which is a much more acceptable figure than the 10 hours resulting from the alternative formula. In many cases, companies are willing to accept these reductions in working hours without any detriment to pay in exchange for productivity gains. These increases can result from improved work well-being, reduced fatigue and a sense, on the part of the employee, of participating in a work environment that considers their needs and aspirations. To some extent, a 4-day work week often times functions as an indirect formula for remuneration or compensation. In fact, it may be a hook to attract and retain talent. This is why these formulas tend to appear in intellectual and creative activities, much more so than in other activities where productivity is practically equivalent to working hours (e.g., security or office cleaning activities). This correlates with the fact that the largest reductions in collective bargaining hours occur in industrial sectors and in specialized, high-end services, and less so in commerce and the hotel and catering/restaurant sectors.

The desirability of a 4-day working week being accompanied by a substantial reduction in working hours may be dictated by the national regulatory framework itself. In the case of Hungary, for example, rest period regulations pose potential obstacles to redistributing workdays into a 4-day working week. In the case of Spain, as we have seen, the general rule is that the workday should not exceed 9 hours. In addition, considerations of safety (avoidance of accidents), labour welfare and, ultimately, productivity may make it unadvisable to accumulate working hours in a few days, unless accompanied by an effective reduction in the average number of hours worked per week.

The 4-day work week and the agreed reduction of working hours in the average week can be considered a win-win formula for both companies and workers. As shown by the case of the company Ephimera (Spain), a reduction to 32 hours of work distributed over 4 days a week has not led to a decrease in productivity. It has allowed for the maintenance of salaries and has positively affected labour welfare, workers' perception of the company, and the company's ability to attract and retain the human capital needed to be competitive in sectors such as cultural creation, advertising, etc.

Box 1. The Finnish case

These reductions are often deemed infeasible in sectors such as health and social care, low-wage service industries, and the restaurant and service sector. The nature of these industries, which rely heavily on hands-on, customer-facing roles and consistent service delivery, makes shorter working hours challenging to implement without jeopardizing operational efficiency or service quality (Ilsøe and Larsen, 2021). For example, in the restaurant sector, fluctuating customer demand necessitates adaptable staffing models that are incompatible with substantial reductions in working time. Similarly, in health care, staff shortages further complicate the feasibility of reducing hours. Productivity concerns also play a significant role, since these sectors operate with tight margins and high demand.

However, there is no one-size-fits-all approach. The best way to implement these formulas is through collective bargaining, not by law. The case of Finland, for example, highlights the difficulties faced by some sectors with very narrow margins in coping with a reduction in working hours without wages being affected.

There are several motivations for proposing schemes based on 4-day work weeks, with a reduction in weekly hours. For example, in the Netherlands, a proposal of this type is based on gender equality reasons. Specifically, the proposal of the Christian National Trade Union Federation (CNV) has this rationale.

Box 2. Case study. The Netherlands. Proposal by CNV

The main driver behind the proposal is that the current norm for full-time work leads to gender inequality. Twenty-eight (28) women take on additional caregiving responsibilities, limiting their availability for full-time jobs. In contrast, men typically have more time for full-time work. By reducing the standard working week, both men and women can share caregiving duties more equitably, promoting a more balanced division of labour.

As with advances in digitisation and robotisation, more work activities become based on cognitive, intellectual, creative and social requirements rather than mere physical effort or the fulfilment of simple routines, companies seem to choose to give less weight to the number of hours employees spend on work activity and focus more on what they ultimately produce. This leads to placing less importance on the number of hours worked.

In terms of the distribution of these hours, companies may also be more willing to give workers greater autonomy in the management of their hours. In this way, neither compliance with a strict timetable nor presence in a specific place is so important. This leads to an expansion of work formulas in which space and time are flexible. Logically, there may still be requirements to be present (but now more punctual or specific ones, for reasons that tend to be important and must be understood by the employee) and requirements to be available or active during certain time slots or on certain days and hours (for example, because joint meetings are to be held, a topic to be discussed, or customer needs to be attended to).

These developments, which can generally be considered positive or beneficial for employees, have raised new challenges, mainly two. The first is the differentiation between what is (and is not) work time. When work becomes more cognitively and socially intensive and less of a face-to-face or mere consumption of hours in a given place, the boundary between what is work and what is not work may be blurred. The new jobs on digital platforms, the requirements of availability or being able to be contacted during certain time slots, on-call time and other formulas frequently used in practice pose problems of demarcation, which have been addressed by the CJEU from a binary perspective: time is either work time or rest time, with no intermediate categories existing.

The second is digital disconnection. The problem arises precisely because of this blurring of the boundaries between work and rest. Theoretically, an individual is unavailable for work during his/her rest time. But in practice, this is difficult to ensure, since the formulas for organizing and distributing work time are based on flexibility, autonomy and non-presence and when the technical means that are currently available permit an almost permanent connection between com-

Box 3. **The French case study**

The laws in France acknowledge the right to disconnect due to growing concerns in the workplace regarding addicted behaviours regarding work. Studies show that many employees feel pressured to be constantly available. The recognition of the right to disconnect has been included in interprofessional agreements and has, in part, been acknowledged by the courts. In addition, various initiatives have been undertaken by companies and organisations to address this issue. However, reports and studies have highlighted the need for a legal framework to establish and protect the worker's right to disconnect, especially in the context of digital transformation in the workplace.

pany and employees (chats, emails, smartphones, etc.). Digital fatigue resulting from the continuous use of email or connections to company devices during different times of the week, over long periods of time, is a widespread problem. Some laws have attempted to limit this fatigue (France, Spain, etc.).

3. Innovative cases on flexible workingtime arrangements

3.1. Types of flexible working time arrangements

What is the meaning of flexible working time arrangements? The term flexible working time arrangements (FWAs) tends to be used to encompass a wide variety of activities, including, for example, practices such as remote working (from home, other company premises, etc.), reduced hours, different hours (either agreed, non-standard hours or discretion over working hours on a day-by-day basis) and compressed working time, where employees work their contractual hours over a fewer number of days than normal (e.g., a 9-day fortnight). Several other terms have also been used to describe these different working patterns. Some authors, for instance, use the term ‘alternative work arrangements’ to describe working patterns that offer temporal or spatial flexibility, including full-time hours worked at times that suit the individual, compressed work weeks and part-time and seasonal work. A different approach describes similar work patterns as ‘alternative work schedules’, and the phrase ‘distributed work arrangements’ has been used to describe working in alternative locations”¹⁹.

As the literature review suggests, flexitime and flexplace may be included within the category of FWAs. Furthermore, it may be considered to highlight distinct levels of flexibility. Some authors define workplace flexibility as “the ability of workers to make choices influencing when, and for how long they engage in work-related tasks”. Flexplace, referring to work location flexibility, can be distinguished from flexitime, since it refers to work scheduling flexibility. In the current research, we focus on flexitime, which implies employees’ autonomous handling of start, end, and break times according to their needs. The concept of flexitime can refer to any working time arrangement deviating from a traditional nine-to-five, 5-day-a-week office-only schedule. In its most restricted form,

¹⁹ KELLIHER, Clare, and ANDERSON Deirdre, For better or for worse? An analysis of how flexible working practices influence employees’ perceptions of job quality. *The International Journal of Human Resource Management*, 19 (3), 2008, p. 420-421.

flexitime is characterised by a present time range defining when employees may arrive in the morning (e.g., from 7 a.m. to 9 a.m.) and leave in the evening (e.g., from 3 p.m. to 6 p.m.). Employees are still required to clock in and out, work approximately the same number of hours every day, and take breaks at clearly defined times. In its extreme form, flexitime is characterised by the absence of managerial control over working hours, sometimes even of contractually fixed working hours or vacation days. This type of flexibility (referred to as trust-based working times arrangement) usually implies high spatial flexibility (e.g., employees work, partly, from home) and a shift toward pure results orientation. Results-based orientation means that the outcomes of an individual's work are evaluated, regardless of the time spent at work (i.e., face-time). We conceptualise flexitime availability as employees' control over working times, that is, the possibility to deviate from a default nine-to-five, 5 day-a-week Schedule"²⁰. While these practices represent different ways of working, here, the essential common theme is the choice offered to employees regarding how they work.

Although the term flexible working time arrangements includes not only remote work, but also other benefits related to the working time, remote work continues to be the most well-known category.

What type of remote work schemes are observed in the InnovaWorking project? Hybrid remote work appears to be the most widely extended type of flexible working time arrangement. Our research shows that it may work using the criteria based on units of days or half-days. As a general rule, remote work is organised in any of the following alternative options: 1) Full days: between 1 up to 3 days per week. 2) Half-days: up to 4 mornings or 4 afternoons. Nevertheless, some groups of employees are not offered the possibility of remote work. This consists mainly of those whose work cannot be performed remotely, mainly blue-collar workers. Furthermore, remote work suggests a major change in organisational issues since usually, it involves the delegation of human resources management in every area or department involved. In some cases, the new management department for remote work is called a *tribe*.

Although the most extended practice is hybrid remote work, some 100% remote work types have been identified within the framework of the InnovaWorking project. This may suggest a high level of flexibility for both parties of the employ-

²⁰ SPIELER, Ines., SCHEIBE, Susanne., STAMOV-ROßNAGEL, Christian and KAPPAS, Arvid, "Help or hindrance? Day-level relationships between flexitime use, work-nonwork boundaries, and affective well-being". *Journal of Applied Psychology*. 102(1), 2017, p. 67–87.

ment contract: employer and employees. In the research, it appears that at least two trends exist. On the one hand, the first trend is to offer this type of flexible working time arrangement to select groups of employees. In a progressive move to support employee well-being, the company allows certain groups to apply for 100% remote work based on personal circumstances such as long commutes, childcare or eldercare responsibilities. This policy ensures that employees faced with significant personal burdens can remain engaged and productive without being tied to the office. Employees can apply for this scheme if they can demonstrate that being physically present in the office would impose a disproportionate burden on their personal lives²¹.

Box 4. **DHL case study (Hungary)**

Its activity includes a range of shared services such as logistics, accounting, global trade compliance and global business services. It has positioned itself as a leader in Hungary by pioneering remote work initiatives tailored to modern employment needs. While such hybrid work models are more common across Europe, DHL stands out as one of the first in Hungary to implement flexible, scalable work arrangements for its entire white-collar workforce.

During the Covid-19 pandemic, the company implemented a hybrid work structure that allowed employees to work remotely for three days a week, with two days reserved for office presence. Employees have the freedom to choose one of their office days according to their preferences, with the other day is determined by the employer. Furthermore, employees are offered the option of 100% remote work if they provide evidence of family responsibilities that result in major difficulties in going to the office.

On the other hand, some companies offer the flexible work organisation, which means that most employees may carry out remote work at almost 100%.

Telework schemes may include a subcategory called Workation. The term “Workation” combines the words Work and Vacation. It refers to a teleworking scheme that allows employees to temporarily work from a different country. The application for the scheme is initiated by employees, and it enables them to spend more time in a selected destination country. The concept of “workation,” a blend of work and vacation, presents a promising solution to the retention challenge. While at first glance the idea of working while on holiday may appear coun-

²¹HUNGLER, Sára, Case study in Hungary, InnovaWorking project, 2024.

terintuitive, allowing employees to work from desirable locations—such as picturesque mountains or serene beaches—can offer several benefits. Studies have shown that this approach may enhance motivation, boost job satisfaction, and improve overall productivity. For IT professionals and those in creative fields, the opportunity to work in inspiring environments can be especially appealing and it may foster both innovation and engagement²².

The initiative assumes that during workation, employees work for the same quality and duration as if they were teleworking at home or working in the office. However, at the end of their working hours, they have more opportunities to take advantage of the leisure activities offered by their destination, spend more time with their family or simply relax and unwind in a different setting. The total stay abroad is approximately one month or less over a calendar year. In its pilot year, the company usually allows a maximum of four workation requests

Box 5. **Deutsche Telekom IT Solutions case study (Hungary)**

This is a subsidiary of the Germany-based global telecommunications giant Deutsche Telekom (DTAG). It has solidified its position as one of the leading IT employers in the country. Its workforce is approximately 5,000 employees. The company plays a pivotal role in Hungary's IT and telecommunications sectors, providing crucial support services across a range of operations, including software development, IT infrastructure management and system integration.

Workation is offered by this company. The total stay abroad is a maximum of 20 working days (= 28 calendar days) over one calendar year. In its pilot year, the company allows a maximum of four workation requests per employee per year. Workation is allowed in the EU and the US.

All internal employees are eligible, regardless of their nationality, including leased employees and third country nationals (however, in the case of the latter, they must have their own insurance (since the European Health Insurance Card (EHIC) is not available in their case).

One requirement is to have an employment contract with at least six months as of the start date of the workation. Concerning employees with fixed-term contract, the return date is at least one month prior to the planned expiry date of the current employment contract. All related costs and organisational tasks are assumed by the employee.

²² HUNGLER, Sára, Case study in Hungary, InnovaWorking project, 2024.

per employee over a single year. As for duties and work arrangements, working hours, benefits, number of holidays, responsibilities and expectations towards the employee are unchanged during workation²³.

Remote work may focus on the main tasks of employees that can be carried out remotely. In some cases, remote work may be used for new supplementary tasks. For instance, remote consultation in elderly care. Therefore, remote work in this sector, predominantly addresses operational efficiencies. The real test of social sustainability of such approaches may lie in scaling and integrating them into broader health care strategies, while recognizing that they serve supplementary roles rather than replacing direct, on-site care delivery.

In the research, it is essential to point out that remote work schemes are based on their practicality. This means that remote work is considered a right to attend to employee needs.

It is important to mention that remote work does not imply the disappearance of offices, which is referred to as a flex office. Employees have the freedom to choose to work at home or in the office. However, the flex office usually means that there are no special spaces reserved for employees.

Employers covered by the InnovaWorking project offer remote work for employees with high, medium and low-skill jobs. However, remote work is more common in high and medium-skill jobs. The Covid-19 pandemic prompted the consideration of the scope of remote work. In short, some companies have explored the possibility of extending remote work to new groups of employees both in the private and public sector.

Box 6. **Case study of the higher education sector (Ireland)**

In the higher education sector, academic staff have traditionally benefited from hybrid working arrangements, since they are generally free to perform their duties wherever they choose, with the exception of teaching and other in-person engagements. After the Covid-19 pandemic, strong demand by non-academic employees (professional staff) to maintain the flexibility of working remotely for part of the week was the basis on which an extension of this flexibility could be achieved at individual employer level.

²³ HUNGLER, Sára, Case study in Hungary, InnovaWorking project, 2024.

Box 7. **Case study Schneider Electric (Spain)**

That is a French company that operates in the metal sector. The company is located in different provinces in Spain and has a workforce of approximately 6000 employees. From a gender perspective, almost two-thirds of the workforce is made up of men, although Schneider Electric shows an evident initiative to achieve equal representation of both genders in all job positions.

At a national level, the IV State collective agreement for the metal industry, new technologies and services sector is applicable. It provides a brief regulation on remote work and the right to disconnect. Furthermore, Schneider Electric and trade unions have negotiated an agreement on remote work in light of the Covid-19 pandemic, and the issuing of a law on this matter in Spain. For its part, Schneider Electric has approved a policy on flex working (called Flex@Work) and a policy on Global Family Leave.

Remote work is organised in some of the following alternative options: 1) Full days: between 1 and 3 days per week. 2) Half-days: up to 4 mornings or 4 afternoons. It is applicable to white-collar employees. The majority of the workforce at Schneider Electric is white-collar. This contrasts with the majority of the sector, which consists of blue-collar workers.

The research shows that remote work does not only focus on IT companies. Some traditional sectors as the metal industry have also implemented it, considering that innovation is possible in the area of working time²⁴.

The research reflects a trend appearing in most of the analysed countries in which flexitime and flexplace are used jointly. As the study notes, flexitime and flexplace are sometimes carried out jointly or combined into a single policy. For example, telework policies that permit employees to work at an alternative location on non-traditional days/times extend over both temporal and physical work boundaries. The organisations that tend to offer flexplace policies (i.e., telework) also tend to offer flexitime policies²⁵.

In this sense, a group of flexible measures may be applied to all employees. Specifically:

²⁴ GÓMEZ ABELLEIRA, Francisco Javier, GIMENO DÍAZ DE ATAURI, Pablo and MUÑOZ RUIZ, Ana Belén, Case study in Spain, InnovaWorking project, 2024.

²⁵ THOMPSON, Rebecca, PAYNE, Estephanie C., and TAYLOR, Aaron, "Applicant attraction to flexible work arrangements: Separating the influence of flexitime and flexplace". *Journal of Occupational and Organizational Psychology*. Vol. 88, no. 4, 2015, p. 726-749.

- 1) Floating days: possibility of working on holidays and changing the day off to another date decided by the employee.
- 2) Possibility to buy extra holidays. Each employee is entitled to having up to five extra days for holidays. This may lead to reductions in wage.
- 3) “Step Up” has long been recognised for its innovative internal bonus system. It is a colleague recognition program that allows employees to reward one another for exceptional performance through the assignment of bonus points. These points can then be redeemed for various work-related benefits, adding an element of empowerment and positive reinforcement to the company’s internal culture. In some cases, the “Step Up” program has been expanded to offer even greater flexibility and benefits for employees. One of the most popular additions is the employees’ option to exchange their accumulated bonus points for extra paid vacation days. This new feature not only boosts morale but also gives employees more control over their time off, further enhancing their work-life balance.
- 4) Non-paid leave. Employees can request non-paid leave extending from fifteen days to two months. The company pays for the social security contribution for the mentioned leave.

In flexible working time arrangements, an implicit agreement is signed, based on the trust between the parties. According to this model, working time is not the main unit to assess the job. Task objectives are also main units.

The research points out different innovation models ranging from only remote work to more advanced models based on remote work combined with working time reduction or remote work as a whole type of organisational form. Models that appear to be more advanced usually began with the experience of remote work.

3.2. Drivers and barriers for the emergence of those initiatives

Consensus exists in the case studies with respect to the factors that have contributed to promoting flexible working time arrangements. Research reveals that exogenous and structural factors have served as drivers to address it. On the one hand, a relevant external factor was the Covid-19 pandemic, which has accelerated the acceptance of home offices, with many professionals enjoying the resulting flexibility and improved work-life balance. Prior to the Covid-19 pandemic, there were some related initiatives, but they did not cover certain employee categories (for instance, professional and administrative staff). The

Covid-19 pandemic was of key importance for exploring remote work for the first time. In some countries the growth of remote workers was an incentive to approve a new regulation on this issue.

On the other hand, some structural factors have offered flexible working time arrangements. In the Irish example, two higher education institutions, though reluctant to engage in collective bargaining on remote and flexible working, practically agreed to implement flexible and remote working based on trade unions arguments relying on government recommendations as well as pressures resulting from a tight labour market.

From the employee point of view, the main drivers for the introduction of short-time and flexible working (including telework/remote work arrangements) are the promotion of work and family life conciliation.

Although most case studies can be called 'best cases', they also provide information on the barriers and limitations of flexible working time arrangements. One of the most serious barriers relates to the risks associated with telework in terms of costs, control of safety and health requirements when working remotely, the risks of isolation and decreased creativity of the work-team. The findings of the Hungarian case are illuminating for the InnovaWorking research: "Concerning the home office project at DHL, the biggest challenge was to ensure a healthy and safe working environment. We started exploring the occupational health and safety measures during COVID-19, and the most ensuring is that we ask employees to take pictures of the workstations. However, this also means that the remote work option is only available from the employees' homes."

Furthermore, the InnovaWorking research reveals some obstacles for managerial posts. One sample of the obstacle is described in the French case: "According to the findings of the 'SUPERManagement' project, some issues exist with teleworking for managers and adaptation to teams. While over half of the respondents of the conducted survey (53%) indicate that they telework an average of 2 days per week, the survey results highlight that managers have more difficulty than their employees in using their telework days. They also tend to adapt to the telework days of their teams and spend more time in the office to see all the team members, who are not all performing work on-site on the same days".

Since the most acute period of the Covid-19 pandemic ended and workers in various sectors have resumed working on-site, there has been a push from em-

employers to reduce access to remote work. This was also visible in the workplaces under study. In this sense, where the power of trade unions is greater, pilot initiatives on flexible working time arrangements have continued to function well.

3.3. The role of social actors

Although different levels of involvement are observed in the research, the role of social actors is underscored in the case studies. Examples of three levels of participation (information sharing, consultation and negotiation) are found, as well as a combination of two or three of them.

Some cases reveal the collaboration between collective agreements (at sectoral and provincial levels) and company policies. It appears relevant that the sectoral (national) level establishes some general rules on this issue to promote flexible working time arrangements that may be completed at provincial or company levels.

A relevant issue is the role of trade unions to monitor the quality and transparency of the flexible working time arrangements. Here, the Spanish case describes the participation of trade unions as crucial for addressing how flexible working time arrangements may be very effective. First, they can reject pilot projects on a compressed work week when this may lead to worse working conditions for employees. Second, they can negotiate the agreement on remote work with the company.

Sectoral collective agreements may inspire the development of decentralised agreements on flexible working time arrangements. In France, explicit managerial clauses are included in national interprofessional agreements. These clauses, which address managerial relations in the framework of telework, appear more explicitly in recent national interprofessional agreements. As such, they can inspire more decentralised agreements. In this sense, the Finnish case points to a definitive statement: “Both sectors underscore the importance of collective agreements in ensuring that flexibility does not become a substitute for worker exploitation”. And when no agreement is reached, at least, certain means of defending employee interests shall be implemented. For instance, in the Irish case, the following is explained: “Where an employee requests blended working and their request is rejected, there is a grievance procedure, in which the employee in question can be represented by their union”.

Transparency of the process appears to be a key factor to generate trust between employees to request those types of arrangements. In countries where trade union power is limited, the works council was informed and consulted. This indicates that, at least to some extent, employees were involved in the decision-making process. Although it helps initiate the process, the lack of negotiation appears to be a problem that addresses personal employee needs or concerns. Regarding this, the Hungarian case is very clear: “One notable aspect of the implementation of flexible work schemes at both DHL and Schneider Electric in Hungary is the limited involvement of trade unions and works councils. Unlike in other European countries, where industrial relations are robust and trade unions have a strong presence in negotiating work arrangements, Hungary’s industrial relations landscape is relatively weak. Hungarian trade unions have historically struggled with low membership, limited bargaining power and minimal influence over decision-making processes at the corporate level. Consequently, the introduction of flexible work schemes at DHL and Schneider Electric was largely driven by corporate strategies rather than collective bargaining or worker representation”.

3.4. Impact

From the company perspective, the main obstacle to open the door to flexible working time arrangements is how those innovative changes may affect productivity. Evidence indicates that productivity has been maintained or even increased. The InnovaWorking research does not reveal a decrease in productivity. In this sense, the Spanish case points out the following: “In Schneider Electric, the assessment of the measures is very positive according to the survey and the interview with the trade unions (CCOO and UGT). Remote work does not imply a risk for the quality of the productive process. The productive process is remotely controlled. In addition, according to the union representative from CCOO, remote work has led to a major reduction of costs for the company, while constituting a relevant incentive for the employees”.

Although the employees have revealed that they can rapidly adapt to this model, according to the French and Irish cases, there are greater difficulties for those who are used to a command-and-control model. It appears that they may be having difficulty in adapting to managing a remote workforce. In fact, a major cultural change needs to be undertaken by companies if the objective of having more remote employees is established. Companies need to facilitate self-man-

agement by employees of their work and autonomous task performance, in order for them to successfully carry out their duties.

Furthermore, an unexpected impact on companies has been found. First, these types of flexible arrangements may be positive for recruitment and retention issues. In this sense, interviews carried out during the research reveal that the ability to work remotely is an increasingly important factor for job applicants. Second, employee satisfaction surveys show that staff is highly satisfied with this option, which provides significantly greater employee flexibility. In some cases, this has contributed to significantly reducing the number of employees relying on sick leave.

Interestingly, in countries where there is no statutory framework guaranteeing trade unions negotiation rights in the workplace, increased recognition of the opportunities offered by blended and remote working resulted in increasing opportunities to assert negotiation coverage. This is illustrated by the Irish case study: “In University A, SIPTU, which is the only union recognised by the university for consultation purposes, were presented with a blended working pilot document drafted by the HR department. As noted above, the pilot specified the allowance for remote working to apply across the university- one day per week. This fell far short of the mandate of a 50/50 split between on campus and remote working that SIPTU had received from their members through polling. Union representatives were also aware that University A’s pilot was the most prescriptive offering in the sector. The union pursued the 50/50 mandate with the employer and University A offered to allow employees two days of remote working for 21 weeks of the year. Seeking to improve on this offering, SIPTU brought a case to the WRC. As a result of negotiations under the auspices of this body, University A agreed to grant two days per week remote work for those who want to avail of it, a compromise acceptable to both sides.”

The issue of health and safety of employees appears to be ambivalent. Cases have shown that flexible working time arrangements improve employee mental health. One of the reasons is that employees are able to respond to personnel issues. Remote work may also help reduce exposure to a hostile environment (interpersonal conflicts at work, bullying, etc.)²⁶. At the same time, the perception of employees regarding those arrangements as something valuable may have a negative impact

²⁶ With potential positive impacts not only for these individuals’ mental health but also for the employer in terms of retention and reductions in absenteeism.

on their own health. Employees may voluntarily work more than the maximum working time and suffer psychological risk if they do not respect the minimum statutory resting periods. The experience of trade unions shows that when there is a flexible policy of working time it is necessary to enhance employee health and safety. The Spanish case describes this situation very well: “In short, these two relevant flex working measures implemented in the company, which are remote work and flexible schedules, imply both benefits and inconveniences: they contribute to the employees’ well-being, operating as an important incentive for them without hindering work performance; but, since the Company’s culture is focused on the autonomous working of the employees and the self-assumption of responsibility of their own duties, these measures may to end up leading to excessive working hours, which is self-inflicted by the employees themselves”.

Another beneficial factor focuses on the gender gap and the well-known difficulties to take on the management positions in the case of women. Certain case studies such as the Irish one have provided information on how the flexibility of those arrangements have led to part-time female employees requesting to be full-time employees. The benefits of remote working are reduced commuting time and increased compatibility with family arrangements. That innovative process plays an important role in the empowerment process of women. Those findings are explained in the Irish case: “Both male and female workers have indicated to their unions their preference for remote work because it suits their family arrangements. Parents have split the days that they are working remotely so that they can share responsibility for transporting children to and from school. Although remote work does not facilitate child care (...) having a presence at home can mean that workers no longer need to take a day off when their children are off school (...) To some extent, the move to remote work has ameliorated issues that SIPTU had previously sought to address by campaigning for a 4-day week. While a 4-day week remains a goal of the union and the wider labour movement, especially for those who cannot work remotely, for those that can access it, remote work provides some of the work-life balance benefits sought associated with reduced working hours.

4. Innovative cases on working time reduction

The InnovaWorking project analyses national and business realities of different types. In general, four main groups of measures are identified, appearing either independently or combined across the countries analysed.

First, various cases of working time reduction have been examined using different strategies. Alongside the pioneering Aubry Laws, which reduced the total weekly working time from 40 to 35 hours in France, some cases have introduced 4-day working weeks through collective bargaining. In the Netherlands for example, a mechanism has been established that does not impose but rather, enables a reduction for workers over the age of 55, upon request and adaptation to the company's production pace. In other cases, at the company level, this reduction has been adopted on a generalised basis, with both sustainable (Ephimera and Software ElSol in Spain) and unsuccessful or reversed results (Deutsche Telekom in Hungary).

Box 8. Case Study of the Construction & Infrastructure Collective Labour Agreement in the Netherlands

In the Dutch construction sector, the reduction of the working week for workers aged 55 and over was agreed upon in the Collective Agreement for Construction and Infrastructure, negotiated between the FNV trade union and employer associations from the sector. This agreement, in force from 1 January to 31 December 2024, grants these workers the right to reduce their working week to four days without affecting their pension entitlements or other employment rights. The measure aims to adapt working conditions to the realities of a physically demanding profession with an ageing workforce, since many of the workers enter the sector at an early age and face increasing difficulties in maintaining their workload until the statutory retirement age of 67 years.

The right to a reduced working week is not applied automatically but requires the worker to submit a request to their employer. Once the request has been made, the employer cannot refuse the reduction. They can negotiate the specific terms of its implementation, specifically the scheduling of workdays to minimise operational disruptions. The financial impact of the reduced working week on workers is mitigated through the use of accrued leave days, sectoral funds, and other compensatory mechanisms provided for in the collective agreement, ensuring that the reduction does not lead to a significant loss of income. The main challenge identified in implementing this measure has been the reorganisation of work schedules in a sector that relies greatly on teamwork and coordinated travel to construction sites. This has required operational adjustments. However, the agreement has been positively received, as it allows older workers to continue working under more sustainable conditions, reducing the risk of injuries and physical strain without compromising their financial stability.

Furthermore, various cases have been analysed in which, without modifying the total working hours, or in addition to their reduction, different forms of flexibility have been introduced. Alongside experiences with remote work and hybrid models, Finland stands out for its multi-tiered regulatory framework, where the general annual maximum working time scheme allows sectoral collective bargaining to establish tools that balance business production needs and worker rest periods, through mechanisms such as time banking. Furthermore, collective agreements include safeguards to limit the impact of zero-hour contracts, ensuring a minimum number of paid hours.

It should be highlighted that the impact of working time flexibility varies significantly depending on who has the power to modify the standard work regime. In cases where flexibility is used to adapt working hours to fluctuating market demand, such as in commerce and hospitality in Finland, it results in uncertainty for workers. This affects both personal and financial stability, making it difficult to anticipate how many hours will be worked and when. In addition, the necessity of ensuring economic sustainability may lead to multiple job situations, undermining the perception of flexibility as an advantage.

Although this does not strictly fall under part-time work or a formal reduction in total working time, it is essential to consider the generous transposition of the Work-Life Balance Directive. Paid parental leave, carer's leave, and similar measures allow workers to adjust their working time to family needs without financial loss. In Ireland, such measures have been negotiated and expanded through trade union action in key sectors such as banking and higher education. In the banking sector, the Financial Services Union (FSU) successfully negotiated an agreement with financial institutions to grant seven weeks of fully paid parental leave, significantly exceeding the minimum required by the directive. Similarly, regarding carer's leave, in certain sectors such as banking, unions have successfully negotiated up to ten days of fully paid leave, doubling the legal standard. These instruments have proven highly effective in facilitating the work-life balance without negatively affecting workers' financial security, since they provide flexible options for adapting working hours to family needs without requiring a formal reduction in working time. Furthermore, they have helped reduce the stress associated with the dual burden of professional and domestic responsibilities, contributing to talent retention in highly skilled sectors such as education and banking.

From the perspective of shared responsibility, a broader analysis of the cases studied suggests that more general measures tend to be more effective. While

generous leave entitlements for work-life balance are understandably valued by those with dependants or plans to have children in the near future, their impact on businesses must be assessed with caution. Managing absences may be especially challenging for small businesses, and their capacity to attract talent beyond those who immediately require such provisions remains limited. In contrast, sustained reductions in working time without a negative impact on wages are perceived as a more suitable incentive for workers of both sexes to devote more time to family life.

Special attention should be paid to the importance of effective working time management on workers' mental health. Excessive workloads, whether due to long hours or high intensity, may negatively impact stress and anxiety levels among staff, while increasing workplace accidents due to fatigue.

Therefore, it is important to note that working time reduction or flexibility measures can sometimes be counterproductive. If time banking or similar mechanisms allow workers to manage their own time, the desire to accumulate hours for future rest periods may lead to excessively long working periods. To avoid this, these mechanisms should be implemented in a structured manner, helping to reduce stress levels. The logic behind the ergonomic approach to working time adopted in the case of the public health and social services sectors (see Box 9) is especially noteworthy.

In the case of Finland, the measurable impact was especially significant, with a 20% reduction in workplace accidents. Similarly, in physically demanding sectors, targeting measures at workforce groups that are at greater risk has revealed promising results. In the Dutch construction sector, for example, allowing workers over the age of 55 to reduce their working week to four days without loss of pension rights has proven effective. Even with a cost-sharing arrangement between employers and employees under the 80-90-100 scheme, this measure has contributed to reducing absenteeism by alleviating physical and mental strain on workers.

It is also worth highlighting the importance, as demonstrated by some of the cases analysed, of clearly defining working time and rest periods. Properly structuring the right to disconnect protects mental health. It was in response to this precise issue that France introduced specific regulations on the matter. In this regard, it is important to clarify the scope and content of such measures to ensure their effectiveness.

Box 9. **Ergonomic Work Schedule Management in Finland**

In Finland's public health and social services sector, high workforce demand and staff shortages have driven the implementation of ergonomic shift planning and time banking systems to optimise work organisation and reduce the impact on employees' health. These measures have been developed through collective agreements and local arrangements, backed by studies from the Finnish Institute of Occupational Health.

Ergonomic shift planning ensures that employees have adequate rest periods between shifts and prevents consecutive shifts that increase fatigue risk. In cities where this scheduling method has been prioritised, a 20% reduction in workplace accidents has been recorded, as compared to regions with less regulated shift monitoring.

Time banking, regulated by collective agreements, allows workers to accumulate extra hours and convert them into rest days, adjusting their schedules to personal needs without compromising service coverage. These systems have proven especially useful in hospitals and long-term care facilities, where staff turnover is high.

The implementation of these measures has introduced the "Working Time Traffic Light Model", which categorises shifts based on their impact on workers' health:

- Green: Optimal shifts with sufficient recovery time.
- Yellow: Acceptable shifts with a moderate fatigue risk.
- Red: High workload shifts with insufficient recovery, associated with higher incidences of illness and workplace accidents.

Collective bargaining has played a crucial role in implementing these mechanisms, ensuring that the rules governing hour accumulation and rest periods align with sectoral needs without overburdening employees. However, if time banking is not properly managed, there is a risk of excessive hour accumulation, which can lead to stress, absenteeism and decreased motivation.

The Finnish case illustrates how adapting working hours through ergonomic planning and regulated flexibility can reduce workplace accidents and improve worker well-being in sectors with high workloads.

Finally, it should be noted that the implementation methods used for these measures have varied, and there is no clear correlation between the degree of negotiation and their level of success. The Spanish experiences of weekly working time reductions, mainly driven by business initiatives but later incorporated into

collective bargaining, have been successful. This success is largely attributable to the fact that these companies already prioritised time management as a tool for attracting and retaining talent within their human resources policies. In contrast, in Hungary, the unilateral approach of Deutsche Telekom failed to produce the expected results, since the planning did not align well with production needs. In other cases, negotiated initiatives have produced mixed results.

Rather than the distinction between negotiated and unilateral measures, the most relevant aspect is that working time reductions do not lead to an increase in overall workload or longer daily shifts, while also taking into account the diversity of roles and business units within a company. More hesitant approaches, such as the Lyon public sector working time reduction project, which was at least partially offset by a loss of rest days and extended working hours, also appear to have resulted in lower levels of participation. Only 300 employees opted in, well below the initial expectations.

5. Conclusions and the future of the work

In the last period, the discussion has been focused more on working time reduction than flexible working time arrangements. However, the InnovaWorking research suggests that a link exists between both of them. The innovative process of working time in the companies is often started with flexible working time arrangements. Pilot programs on working time reduction may be explored if the experience of flexible working time arrangements is functioning properly.

Flexible working time arrangements is a broad category that includes several possibilities for negotiators and companies. Some of these arrangements may be combined to increase the scope of employees covered. In this sense, it is recommended that the issue be addressed by legislators or considered in collective agreements, not only identifying flexible working time arrangements with remote work.

Types and patterns of innovation in working time in the six countries are influenced by collective bargaining structures. Strong collective bargaining schemes may increase the possibility of innovating working time arrangements. In countries having weak collective bargaining structures, increased difficulties are found with respect to introducing changes to flexible working time arrangements in the sector or in companies. It is important to emphasise that the selected cases on working time reduction are located in countries where the right

to negotiate collective agreements is recognised or protected by the law. In the other countries, the analysis has focused on remote work.

The case studies analysed reveal that the implementation of the 4-day working week relies on different approaches depending on the sector, worker profile and funding model. While in some contexts it has been used as a tool to attract and retain talent, in others it has been aimed at reducing work-related fatigue and extending professional longevity for certain groups. The presence of mechanisms for partial salary compensation or the reorganisation of working time are key factors in its acceptance and effectiveness. However, experience also shows that when working time reductions are accompanied by a redistribution of workloads without a real decrease in job demands, worker participation tends to be low, and counterproductive effects may result, increasing pressure on employees.

These findings offer some key conclusions with respect to conditions that favour the feasibility and sustainability of working time reductions. Evidence suggests that their positive impact depends on ensuring that they do not lead to work intensification, that they are adapted to sector-specific needs, and that their implementation is equitable across the company or professional group. The existence of well-designed regulatory frameworks or collective agreements facilitates the integration of such measures without creating inequalities or adverse effects on productivity or work organisation. Worker acceptance is also influenced by the maintenance of salary and social entitlements, as well as the recognition of the benefits associated with improved work-life balance and occupational health.

The right to disconnect takes on relevance when addressing flexible working time arrangements. Although some countries (France and Spain) have introduced legal developments, the right to disconnect is not yet a labour right protected at a European level. Furthermore, in some countries, such as the Netherlands, collective agreements are attempting to cover the legal void, by including provisions on the right to disconnect. However, in practice, compliance with the same varies between companies and there appears to be a lack of awareness of this area. Some southern European countries may serve as examples to contribute to the drafting of a right to disconnect within the framework of the European Union.

Case study on Finland: examples of innovative working time arrangements in the inflexible low-wage sectors

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1. Overview¹

Flexible working arrangements have regularly featured in the Finnish political agenda since the series experiments with flexible working hours in the 1990s (Anttila 2006). A notable example is the shortened workweek discussion in 2019, when former Prime Minister Sanna Marin proposed a 4-day work week, an idea meeting fierce opposition from the employers' organizations and business world (Kelly 2020). Efforts to introduce innovative working time measures have been pursued through both legal reforms as well as sector initiatives. This chapter focuses on such innovations in two low-wage sectors in Finland, 1) retail/service/commerce and restaurant sector and 2) the public social and health care sector. It describes the legal, political and sociological context of the Finnish working time arrangements and then (in sections 2 and 3) examines how working time flexibility is being implemented with these sectors in response to labor market dynamics and sectoral needs.

When it comes to regulating working time, Finland is steering clear. The Act on Working Time (872/2019) regulates the maximum limits of working time and the minimum limits of rest periods. The clauses of the Working Time Act allow some

¹ This chapter is synthesis and shortened version of the research report and country fiche of the Finnish case in the InnovaWorking project (DG Employment grant number 01126491) available at: <https://www.elforodelabos.es/innovaworking/>

degree of deviation from the regular working hours by Collective Agreements (CA). Working hours are a typical subject of CAs, negotiated by the employer/national level employer's organization and the national level employee's organization. CAs also include provisions on the possibility of local agreements specifically regarding working hours. The Working Time Act (872/2019) also allows for arrangements like annual working time systems, which average work hours over longer periods, enabling shorter workweeks or extended rest periods while maintaining overall productivity. Collective agreements often complement these provisions by permitting localized adjustments to working hours, particularly in response to employee needs such as caregiving or health considerations. Finland's legislative efforts, including the 2022 Family Leave reform, also support equitable parental leave sharing and reduced working hours during critical life stages.

Although the major legislation enables now better accommodation of flexible working practices, it is important to note that part-time work in Finland remains relatively low at 16%, with women more commonly working part-time, particularly in the service sector (Sutela, Pärnänen & Keyriläinen 2018). Rather, full-time employment remains the norm in Finland, with 64.9% of employees aged 15–64 working full-time in 2018 (Sutela, Pärnänen & Keyriläinen 2018). Furthermore, statutory maximum working hours in Finland are moderate, 8 hours daily and 40 hours weekly, with options for averaging hours over longer periods². The average collectively agreed weekly working hours in Finland (37.5 hours) are below the EU average 38,1 hours (Eurofound 2023).

Issues concerning working life, such as working time and place practices, are shaped by a long-standing tradition of tripartite collaboration involving the state and the social partners (employers and employees' organization) (Jonker-Hoffren 2019). The 'Nordic model' of industrial relations in Finland is characterized by the high level of organization among both employers and employees and their established role in the decision-making of labour markets (Kärrylä 2024, Strigén et al 2023). In recent years, Finland has moved from national-level agreements to sectoral and local-level agreements in collective bargaining (Sippola & Bergholm 2023; Liukkunen 2024). Currently, most agreements are made at the sectoral level between employer and employee organizations, while local-level

² Weekly working hours can also be organized to equalize to an average of 40 hours in a maximum of 52-week period without exceeding the daily maximum of 8 working hours. In addition, in certain occupations, working hours can be averaged to a maximum of 120 hours over a period of three weeks or to a maximum of 80 hours over period of two weeks. (Working Time Act 872/2019 5 §).

el agreements are formed between individual organized companies and trade unions (Ahtiainen 2024). These agreements are vital for redesigning working life today, for instance for establishing telework practices, as the regulatory framework for working time provides only a basis for implementing flexible working place practices (cf. The Working Time Act, 13 §).

The coverage of collective agreements in Finland remains high and in 2021, 88,8 per cent of all employees were covered by collective agreements (CAs). In the public sector, including the social and health care sector, CAs cover all employees. In the private sector 83,9 per cent of all employees were covered by CAs in 2021. In the trade sector 71,7 per cent of employees were covered by CAs and in the hotel and restaurant sector 83 per cent were covered by CAs in 2021. (Ahtiainen 2024) Trade union membership levels have been declining in Finland in recent years: in 2021, unionization degree was 54,7 per cent compared to the 60,2 per cent in 2017. In contrast to the overall decline of union memberships, in public services the level has risen 3,9 percentage points from 72,8 to 76,7 per cent in 2021. The private service sector on the other hand has the lowest rate of union organized members, 41,6 per cent. (Ahtiainen 2023)

2. How the case study emerged

Flexible working time arrangement are typically associated with higher-educated, professional and expert work, where employers accommodate their employees' wishes for autonomy concerning their work practices (Weideman and Hofmeyr, 2020; Davidescu et al., 2020). Employers also necessitate flexibility in the expert and manager work, for instance, working overtime in project work. Flexibility and flexible working arrangements, however, extend over the whole labour market (Brega, Besamusca and Yerkes, 2023). The Finnish case study focuses on "the other side" of the spectrum; examining how flexible working arrangements are designed and implemented in sectors, where employees traditionally have limited autonomy over their work practices, concerning both working time and place. The innovations in flexible working arrangements in these (inflexible) sectors can provide new insights how to balance the needs of the employer with those of employees in more sustainable way.

Specifically, the Finnish case study focuses on two cases on two sectors, 1) retail/service/commerce and restaurant sector and 2) the public social and health care sector. In these sectors, the combination of flexible working arrangements and

other working conditions present different challenges and opportunities than in the high(er)-wage sectors where flexible working time is generally advert to. The perceptions around flexible working arrangements are also likely to differ when looking from employees or employers' perspective (Zucconi et al., 2024; RWA, 2024; OECD, 2017).

The study involved an online survey (N=18) and interviews (N=6) with representatives from both sectors in (May-June) 2024, providing insights into the opportunities and challenges within these low-wage labor market segments and the innovations that have been created. The duration of the interviews was generally between 1-1,5 hours and the respondents signed the letters of informed consent prior to the interview, following the project agreements. The sample covered both public and private sector employment, both characterized by limited autonomy in work practices.

3. Measures adopted in the area of working time

The design and impact of flexible working arrangements varies significantly across different sectors. For example, in low-wage sectors such as retail or restaurant sector, flexibility often reflects the need to adapt to fluctuating consumer demand, with practices such as on-demand scheduling optimizing operational efficiency. On the other hand, in public service sectors, flexibility is often shaped by the need for workforce stability with the continuous provision of services. Furthermore, both these sectors face constraints, such as limited budgets and workforce shortages, which influence the extent and form of flexibility implemented reflecting the unique economic and institutional contexts of each sector.

The Finnish case study investigated these contrasting dynamics, examining how flexible working arrangements are designed and implemented in sectors where employees have limited control over their work practices. By focusing on the low-wage retail, service, and restaurant sectors alongside the public social and healthcare sector, the study explored how flexibility, though widely promoted, takes on different meanings depending on sector and whether it is driven by employer needs or employee preferences.

The service/retail/commerce and restaurant sector(s) are typically considered low-wage service sector work (Ilsøe 2016). In these sectors, flexible working time practices contrast sharply with traditional models of non-flexible working time

structures, where Monday to Friday, 9 to 17 working times are adhered to. In these sectors, part-time work and unusual hours are common and are frequently combined with low wages (Ilsøe 2016; Ilsøe, & Larsen 2021). In Finland, wages are based on collectively agreed wages, instead of statutory minimum wages. The combination of low weekly working hours and the timing of the working hours, delimits the flexibility for the employees. Additionally, work in these sectors is closely tied to employer-set physical workplace, opening hours, and service weeks (evenings, weekends, public holidays). This makes the sectors particularly relevant for analyzing employer-driven flexibility, regarding determining the conditions and forms of flexibility.

In contrast, the public social and health care sector in Finland differs from the service, retail, and restaurant sector, by obtaining full-time employment as the standard form of work, yet here too, the wages are low. With Finland's statutory rights for public services and ageing population, the need for care workforce is high (Yle, 2021), and this, combined with serious labour shortages, restricts reducing working hours or employee-driven flexibility and may increase pressures to extend the working time (Yle, 2019). Furthermore, relatively low wages of the nursing staff and the employees in the social care in the social and health care sector may push employees to work more hours to raise their income, particularly if they reside in the southern Finnish cities where costs of living are higher than rest of the country. Maintaining wellbeing and work-life balance is central in this sector, regarding the work pressure and the need to work overtime, shifts, nights, and weekends.

3.1. Measure 1: innovations in the service / retail / commerce and restaurant sector (s)

Previous research (Ilsøe 2016) and our findings from the interviews indicate that the retail, service, and restaurant sectors often involve less employee-driven flexibility. This sector recognizes the importance of addressing employee needs and has sought solutions to increase employee-driven flexibility. Flexible working arrangements in this context have demonstrated both financial and non-financial benefits, which aim at strengthening employee autonomy, improving wellbeing, and enhancing workload management. For instance, the introduction of innovations such as flexible full-time job models have offered part-time workers opportunities to achieve financial stability by increasing their hours during peak periods. This aligns with employee preferences for higher earnings and provides

operational benefits to employers in meeting fluctuating customer demand. Furthermore, working time equalization systems enable employees to balance peak and low-demand periods effectively, ensuring predictability and reducing stress.

Below we discuss these flexible working models adopted in the sector in detail, including flexible full-time job arrangements, working time equalization systems, and part-time work, highlighting their role in adapting to fluctuating labour demands and improving work-life balance for employees. These systems, while beneficial, are often shaped by collective agreements and labour market structures, which determine the extent of flexibility available to workers.

Flexible Full-Time Job Model

In the retail sector, the traditional employment model has evolved significantly due to fluctuating customer demand and labour requirements. This dynamic environment has prompted the adoption of a Flexible Full-Time Job Model, which is increasingly viewed by employers and employees as a strategic solution to both unpredictable labour demand, but also to respond to the employees' financial needs.

Under this model, part-time employees can receive a salary comparable to that of full-time workers by agreeing to a flexible arrangement through mutual consent (Eurofound, 2020). Typically, employees are required to be available for additional 'flexi hours' beyond their scheduled shifts, ensuring that they work the equivalent of full-time hours while accommodating demand. In other words, as part of the retail sector's collective agreement, flexible full-time work allows employees working less than 37.5 hours to still earn full-time wages, provided they take on additional shifts to meet the required hours (Das, 2023). In some cases, shifts can be announced with a minimum of 24 hours' notice, offering both employers and employees greater flexibility. This approach responds to the growing demand for greater autonomy over working hours among employees, a trend that has gained momentum as workers seek a better work-life balance (Lehtinen, 2021) and economic stability. However, despite the advantages, the model has yet to be universally implemented across the sector.

Nevertheless, the flexibility granted to employees in terms of their working hours is often limited by the labour market structures. According to the neoclassical model of labour supply, workers should be able to freely choose the hours they work at the equilibrium wage (Rätzel, 2009). However, in practice, workers are

constrained to choose between predefined “bundles” of hours and wages (Pekkarinen and Tuomala, 2020). Therefore, while flexible models aim to empower workers, labour market conditions may delimit the extent to which this flexibility can truly be realized. Moreover, for this to be effective, agreements between employees and employers must clearly outline the conditions under which flexibility is granted. The Working Time Act, for instance, allows for up to four hours of flexible time daily, but deviations from this can be made through collective agreements (Työsuojelu.fi, 2021; 2022). To avoid misunderstandings, social partners also suggest that it is advisable for such arrangements to be documented either as separate agreements or as clauses within employment contracts (Ammattiliitto Pro, n.d.). Interviews for the Finnish case study suggest that employers in these sectors are increasingly viewing this model as a viable solution that reconciles their fluctuating operational requirements with the need to provide employees a consistent income stream.

Working Time Equalization Systems

Working time equalization systems have become central to the flexibility strategies, employed in these sectors, where fluctuating demands require adaptable labour practices. These systems allow for the redistribution of working hours over predefined periods, ensuring that employees can work longer shifts during peak periods and receive compensatory time off when demand decreases. This flexibility not only caters to the operational needs of employers, but also aligns with the growing emphasis on work-life balance for employees (Isohanni & Karhonen, 2015).

According to Finnish labour regulations, the Working Time Act sets the maximum permissible regular working hours at 8 hours per day or 40 hours per week, with overtime defined as work exceeding these thresholds. However, the legislation permits the use of working time equalization systems, wherein work hours are averaged over an agreed period. For example, if an equalization period spans three weeks, overtime would be calculated based on work exceeding 120 hours over that timeframe (PAM, 2023). As one respondent explained this more precisely:

“Using the working time equalization system, a single work shift can be a maximum of nine (locally agreed upon 10) hours and a weekly working time of a maximum of 48 hours; in addition, six working days can be ordered per week. The condition is that the working time equalizes to the agreed average working time within a maximum equalization period of 26 weeks and that the working

week is an average of five days during the same period. Extending the equalization period to a maximum of 52 weeks can be agreed locally.”

This allows businesses to adapt working schedules to operational demands, while maintaining compliance with legal limits on working time. The appeal of this system extends beyond operational efficiency. Interviews suggest that younger workers, in particular, value the predictability that working time equalization provides, as it allows them to better anticipate their work schedules and plan personal activities. The ability to take time off during quieter periods contributes to improved work-life balance and reduced stress, fostering a healthier working environment (Isohanni & Karhonen, 2015; also PAM, 2023). This decentralized approach to labour agreements reinforces the principle of flexicurity (European Commission, 2007), where flexibility in working arrangements ensures that both businesses and workers benefit from tailored work schedules without sacrificing stability. Local agreements further enhance the flexibility offered by equalization systems, enabling both parties to align working patterns with business needs and employee preferences.

In essence, working time equalization offers a structured, yet flexible approach to managing labour demands of the sector. By allowing for the variation of work hours across specified periods, these systems support both employer operational needs and employee well-being, making them a crucial tool in modern workforce management.

Part-Time Work and Autonomy

Part-time work is not only common, but also fundamental phenomenon to the labour market in the retail, commerce, and restaurant sectors. The ILO Part-Time Work Convention, 1994 (No. 175) defines part-time employees as those whose regular hours are fewer than full-time workers. However, statistical definitions often set thresholds of fewer than 35 or 30 hours per week, depending on regional or sector-specific criteria. In Finland, full-time contracts in the retail sector typically involve 37.5 hours per week, with part-time work arrangements falling below this, often determined by individual agreements (Ropponen et al., 2022). The need for flexible work schedules is amplified by the fluctuating nature of customer flows, leading to approximately 45 percent of employees in these sectors working part-time, a trend mirrored across Europe, where part-time and temporary roles have become key drivers of workforce flexibility (European Commission, 2009).

In the Finnish retail and restaurant sectors, the unpredictability of customer demand necessitates a highly flexible workforce. Evening shifts, for example, make up a significant proportion of work schedules in these industries, especially restaurant sector, accounting for as much as 40–50% of all annual work shifts (Garde et al., 2019). This high demand for non-standard working hours underscores the essential role of part-time workers, whose availability during peak periods is critical to maintaining business operations. However, as Lindholm (2024) found in her study of restaurant employees, the reciprocal nature of flexibility is often crucial to worker satisfaction. Employees are more likely to remain committed when they perceive that their employers are accommodating their scheduling needs. Flexibility, in this sense, becomes a two-way street, benefiting both the employer and employee.

This rise in part-time work as a commonly occurring feature has emerged alongside broader changes in labour markets, where full-time, open-ended contracts are gradually giving way to more flexible and atypical forms of employment (Schoukens and Barrio, 2017). This shift allows firms to adapt more swiftly to volatile market conditions and changing consumer demands, particularly in retail and restaurants sectors, where staffing needs can vary significantly across the day and week (Jany-Catrice & Lehndorff, 2005). Interviews for the Finnish case study also suggest that many bigger firms, in particular, have adopted lean labour scheduling strategies, where the number of staff scheduled is closely aligned with fluctuating sales and customer volumes. In this context, part-time work has become central to managing labour costs, as businesses can adjust their staffing levels with greater precision (Price, 2004).

Beyond the operational benefits for employers, an important element of part-time work in these sectors is working time autonomy practices i.e., the ability of employees to exert control over their work schedules (Beckmann, 2016). The idea of autonomy is not merely a matter of scheduling convenience; it touches on deeper concepts of job quality, well-being, and employee agency. Studies (Zychová, et. al, 2023; Reinardy, 2014) suggest that the quality of work is fundamentally linked to the autonomy workers have, in shaping their work schedules while also fostering well-being, trust and motivation among the workforce (Appelbaum, 2000; Gallie, 2008; Bauer, 2004). Such arrangements can further help mitigate the pressures arising from competing demands at work and home (Chung, 2022; 2011). This is especially true for those who voluntarily choose part-time work for personal reasons, such as childcare or health concerns, for whom job quality often matches that of full-time employees (Lönnroos, 2016).

From a regulatory perspective, Finland's Employment Contracts Act mandates that part-time employees be given priority for additional work when a full-time position or extra hours become available (PAM, 2024). Employers are required to offer these opportunities equitably, ensuring that part-time workers have access to the same employment prospects as their full-time colleagues. This provision not only supports income stability for part-time employees, but also mitigates some of the negative aspects of part-time work, such as job insecurity and limited career progression. The law also provides recourse for employees who are denied these opportunities, allowing them to seek compensation for lost earnings, if their rights are infringed (*ibid.*).

Despite the operational advantages that part-time work offers employers, the expansion of part-time roles in some countries raises questions about the long-term sustainability of labour market flexibility. Firms that rely heavily on part-time workers to manage labour costs may inadvertently contribute to a workforce that is less secure and less invested in long-term career development (Hamermesh, 2021). Additionally, the prevalence of involuntary part-time work can go against the sustainability of such arrangements. Approximately 20% of Finland's workforce is engaged in part-time roles involuntarily (Eurostat, 2024 (EU - Labour Force Survey microdata 1983-2022); CEDEFOP, 2024), with the highest proportions among lower-paid occupations such as elementary workers, including cleaners and helpers (Eurostat, 2024). This pattern presents a duality in labour market flexibility: while optimizing labour costs, the reliance on part-time roles in especially sectors with a comparative lower pay might concurrently reinforce precarious employment conditions, presenting potential trade-offs (i.e., fair access to stable, well-compensated work) that are likely to shape employment equity and skill investment within these sectors (Hudson and Kelleberg, 2019; Caldbick et al., 2013).

Furthermore, it must be noted that in the trade sector, an average minimum working time must be agreed with a part-time employee. While variable working time contracts, including zero-hours contracts, are not commonly utilized due to collective agreement provisions, they are not outright prohibited. The regulation of variable working hours in Finland mandates that such arrangements must meet specific criteria to protect employees (Ministry of Economic Affairs and Employment, 2018; Tyosuojelu.fi, 2022). Employers are required to agree on minimum working hours with the employee, and any deviation must be justified by the genuine needs of the business (Employment Contracts Act 55/2001). There is also provision regarding days off.

Lastly, trials of work community-oriented shift planning are underway in companies in the trade sector. Especially in trade logistics, it has been possible to arrange regular working hours so that the working week mainly consists of three 12-hour days.

The Finnish working hours legislation still assumes that an employee has only one employment relationship. However, especially in the context of low-paid jobs, a person may have several, for example, zero-hour contracts. The employer's control does not extend to these working hours in any way. In a trade union representative's interview, it was considered problematic that employees might increase their earnings by working for multiple employers. In this case, one job does not provide livelihood, but several jobs are needed - the situation reminds us that low-wage work does not automatically provide sustainable working conditions –even in a Nordic country– since the pressure for changes in working hours is more likely upwards than downwards.

3.2. Measure 2: the innovations in the public social and health care sector

Collective agreements in Finland's public social and health care sector enable a variety of ways of arranging and agreeing upon working hours. Based on the interviews for the Finnish case study 2, in this sector, at least two key factors influence the implementation of flexible working time practice. First, the demand for labour is high, since the services, in many cases, operate round the clock and cover the essential services of society, such as the rescue services. Second, the social and health care sector is experiencing significant labour shortages. These shortages emphasize the importance of employer-driven flexibility in work schedules, as it allows organizations to adapt quickly to staffing needs, while potentially also supporting employee well-being. The innovative measures adopted to promote work time flexibility in response to these challenges include:

Annual Working Time Arrangements and Work Time Banks

In contrast to the retail and service sectors, the public social and health care sector in Finland operates under considerable pressures due to the constant, high demand for essential services (Turunen, 2024). To address these demands, flexible working time arrangements have been implemented, with Annual Working Time Arrangements and Working Time Banks being among the most prominent

measures. These systems enable employees to accumulate work hours over extended periods, offering them the flexibility to adjust their schedules based on personal needs and organizational demands.

Annual working time systems have proven particularly effective in managing the unpredictability of service demand (Anttila, 2006). They allow employees to take time off when needed without compromising financial security. This flexibility also supports the well-being of the workforce, for instance by preventing burnout and enhancing work-life balance, crucial in a sector that frequently faces labour shortages and high workloads (Finnish Institute of Occupational Health, 2020).

Furthermore, the concept of work time banks, provide employees with the opportunity to save and combine extra hours, earned leaves, or monetary benefits converted into time off. They are governed by both statutory provisions and collective agreements, giving employees the flexibility to manage work-life balance while addressing the sector's unpredictable demands. Here too, written agreements provide details on the aspects such eligibility, limits on saving as well as termination of such flexibility (YTK, 2023).

However, when not managed properly, workers risk accumulating excess time credits, leading to burnout, absenteeism, and diminished motivation (ILO, 2004). This risk makes it critical for such systems to be carefully regulated to avoid the negative outcomes of overwork while maintaining the necessary flexibility to ensure continuous service delivery.

(Ergonomic) Shift Planning

According to the Interviews, in the public social and health sector, shift planning has been introduced to enhance employee control over their work schedules. This system enables workers, particularly those in high-demand roles, to manage their personal and professional commitments more effectively. This approach focuses on improving work schedules to enhance both employee well-being and organizational efficiency, particularly in sectors that operate 24/7, such as hospitals, emergency services, and social care facilities. Research conducted by the Finnish Institute of Occupational Health (2020) underscores the impact of ergonomic shift planning on reducing work-related health risks. For instance, cities that invested more in inspecting shift ergonomics saw a nearly 20% reduction in occupational accidents compared to hospital districts where less time

was devoted to such practices (Finnish Institute of Occupational Health, 2020). Further, despite inconsistent implementation, one notably effective element of this framework introduced to address these challenges is the “Working Time Traffic Light Model”. This model was brought up by a respondent as a good example of a built-in tool for shift planning that pays attention to the health of the employees. The model categorizes shift patterns into three colours, namely, green, yellow, and red, based on their impact on employee health and safety. Green represents optimal shift patterns with sufficient recovery time, while red indicates schedules that pose significant risks, such as excessive night shifts or short recovery periods. This model aims to optimize shift schedules, balancing work demands with the need for rest and recovery, thus reducing the likelihood of stress, fatigue, and occupational accidents (Finnish Institute of Occupational Health, 2022).

In terms of practical implementation, shift planning involves tools such as participative shift scheduling, where employees have a say in their work schedules. Further, Local agreements also play an integral role in managing working time in this sector. These agreements facilitate customized shift arrangements tailored to the specific needs of various roles. For instance, workers in demanding positions may agree to extended shifts, such as 12 or even 15 hours, followed by longer rest periods. Such arrangements help establishments and employees manage their workload while ensuring that service levels remain consistent. Interviews suggest that the use of self-rostering has been particularly effective in meeting work life balance among employees by allowing them to choose shifts that best fit their personal needs, thus improving their work-life balance and reducing absenteeism.

4. Impact of the measures

The introduction of flexible working time innovations, shaped by labour agreements across both the sectors analysed, resonate with both employees’ and employers’ needs. These innovations have been designed to reconcile the dual pressures of fluctuating labour demand and the need for employee stability and predictability. They aim at shifting how work is organized and how work-life balance is managed in these sectors.

In the retail, service and restaurant sectors, flexibility has been pivotal in addressing the unpredictability of customer demand. Here, flexibility measures re-

spond to the highly fluctuating nature of customer demand. Employers in these sectors want to optimize staffing levels to match the peaks and lows of business activity. Many interviewees from this sector highlighted that while flexible working arrangements, such as the flexible full-time job model or working time equalization systems, were introduced to meet operational requirements, however, their design and implementation often reflected a top-down approach. This means that the design and implementation of these systems are often driven by the organization's needs, focusing on operational requirements. As a result, the workers may feel the systems may not fully address their concerns or improve their work-life balance effectively.

The flexible full-time job model, which allows part-time employees to receive full-time salaries in exchange for variable shifts, has provided a structured yet adaptable framework. This model meets the operational need for rapid labour adjustment while offering workers financial consistency. Yet, this same flexibility can present a double-edged sword. While employees gain control over their schedules, the reality of fluctuating shifts, sometimes announced with minimal notice, can add a layer of unpredictability to their lives. Despite this, the autonomy inherent in these models has been a step forward in offering employees, especially part-timers, the agency to negotiate better work-life integration, even if the benefits still lean slightly in favour of employer needs.

In the public social and health care sectors, the stakes tend to be particularly high at the moment of writing this study. In this sector, the demand for labour is constant and often strained by chronic staff shortages. The dynamics around flexibility measures seem to be somewhat more balanced i.e., they are both employer and employee-driven, with a noticeable focus (due to demanding profession) on worker's well-being and work-life balance. Unlike the private sector, where flexibility is tied closely to business needs, flexibility in the public and health care sector is worded by the respondents in this study, to stem from the need to manage the high and constant demand for services while ensuring that employees do not experience burnout.

Here, flexible working time measures like annual working time banks and shift planning have emerged as critical tools in ensuring that services are maintained effectively without stressing the workforce too much. Employees, particularly in high-stress roles such as health care, report significant improvements in job satisfaction when they are given control over their schedules. The sector exhibits a more balanced and rounded approach in its work, notably, "even in shift or pe-

riod work, you can somehow influence the timing with your own preferences,” which provides employees with a degree of autonomy in their schedules.

However, the employer’s tendency to optimize and minimize staffing leads to tight staffing levels and to the use of “on-call arrangements” with regularly employed staff, particularly where demand peaks for example in the mornings and afternoons. This approach where “being on call is cheaper for the employer” than to plan shifts with sufficient staffing leads to practices of regular staff working overtime on call arrangements. On the other hand, measures providing the employees the ability to manage longer shifts in exchange for extended rest periods has reduced some of the physical and emotional burdens of the job, providing a necessary buffer against burnout. However, there is a delicate balance to maintain. If poorly managed, flexibility can transform into an implicit expectation for employees to constantly adjust to shortfalls in staffing, stretching them too thin in critical periods.

At the organizational level, local agreements have been instrumental in driving and tailoring flexibility to specific needs in both sectors. For example, the Nighttime work arrangements which gave the opportunity to locally agree on the limits of daily working hours. These agreements, negotiated directly between employers and employees or their representatives, based on the local provisions of the sector-level CAs, allow for a customized approach to work time management, which has proven especially effective in sectors where uniformity in shift patterns is neither practical nor desirable. For employers, this results in a more dynamic and responsive workforce, capable of scaling labour efforts in line with fluctuating service demands without incurring the financial and operational burden of constant overtime. For employees, the ability to influence the timing and structure of their work fosters a sense of autonomy/agency, helping them to manage personal obligations while maintaining their professional roles.

5. General evaluation and conclusions

The implementation of flexible working arrangements in Finland, particularly within sectors like retail, service, and the public social and health care sectors, demonstrates different practices. In the retail and service sectors, innovations for flexibility tends to be more employer-driven, a necessity to meet fluctuating consumer demand. This system, while offering employees the potential for financial stability through e.g. flexible full-time job models, also introduces un-

predictability, which disproportionately affects part-time workers with unpredictability of short notice shifts, that can negatively affect job security.

On the other hand, in the public health and social care sectors, flexibility innovations tend to be more complex and on a surface level tries to balance employer and employee needs in labour intense environment. Systems such as working time equalization and ergonomic shift planning have been instrumental in safeguarding employee well-being in high-stress environments. However, the ever-increasing demands for care work, affected by Finland's aging population, pose a risk of employees, particularly given the chronic staff shortages in these sectors. Despite these pressures, the introduction of annual working time arrangements and the ability to influence work schedules have contributed significantly to employee satisfaction, suggesting that flexibility, when implemented with sufficient safeguards, can mitigate work-related burnout and enhance work-life balance.

The findings of this case study suggest that flexible working arrangements in Finland are an evolution to meet modern labour market demands. However, the success of these arrangements is contingent upon the ability to balance the needs of employers and employees. In the private sector, particularly in restaurant and service environments, the interviews suggest that there is a need for oversight, for example, for unchecked overtime or labour on demand. The public health and social care sectors face challenges due to chronic staff shortages. The interviews, however, suggest that structured flexibility, supported by collective agreements, can yield positive outcomes both in terms of operational efficiency and employee satisfaction. The broader challenge, moving forward, lies in adapting flexible work models to maintain social sustainability, increased autonomy of work, and practices that reduce any occupational health risks such as ergonomic shift planning.

Both sectors highlight the importance of collective agreements in ensuring that flexibility does not become a substitute for “worker exploitation”. As flexibility becomes more embedded in Finnish work culture, attention must be paid to how it is implemented and monitored to ensure it serves both the operational needs of businesses and the personal well-being of employees. The future of work, especially with technological advancements and changing work landscape, will require continued dialogue between employers, unions, and policymakers to develop systems that are adaptive, fair, and sustainable for all stakeholders involved.

From a perspective of sustainable work time flexibility, both sectors react distinctly to the arrangements based on operational imperatives, employee agency and broader long-term vision. In low wage sectors, the systems - while being operationally effective – may constrain worker’s agency and undermine tensions between income stability and job security. This may leave sectors juggling within fluctuating schedules, which challenges traditional work-life boundaries but also may raise questions about long term financial goals and income sustainability. Similarly, increasing flexibility through digitalisation (in the future), may not always address the core issues of job stability and workload management. Front-line workers continue to face demanding schedules that can lead to burnout, especially when flexibility does not translate into adequate support or if flexibility is translated into keeping wages inadequate for basic subsistence. Social sustainability of the innovative working time arrangements, in this sense, for both sectors, is not just about reducing or increasing hours to advance flexibility, but about creating stability at workplace with an environment where diverse needs can be met without undermining working capacities. Flexibility must not only address the immediate logistical challenges of scheduling but also incorporate broader considerations of job and life quality, including also mental health and work-life integration. Shifting family structures, marked by dual-income households, single parents, and multigenerational caregiving responsibilities, demand that work-time flexibility be robust enough to address these evolving realities while balancing operational efficiency. The true sustainability of flexibility lies in the ability to anticipate, respond to, and evolve with these complex trends, embedding adaptability into the very fabric of management practices.

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Case study on France: Pioneers of working time reduction

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1. Overview

This chapter explores the evolution of working culture in France in the last decades. In 1998, France introduced the 35-hour workweek policy (Aubry Laws), aiming to lower unemployment and promote a better work-life balance for employees. The idea behind this pioneer French legislation was that, by promoting the reduction of the standard working hours from 39 to 35 hours per week, employees will have more time for leisure, family, and personal activities, leading to improvement in well-being and quality of life. While its purpose benefits workers, it is essential to note that the impact of the 35-hour workweek can vary depending on factors such as industry, company size, and regional economic conditions.¹

Working hours and working-time arrangements are central aspects of the employment relationships and key of elements of the quality of jobs. In 2022, the average usual working week at European Union level was 37,5 hours. However, this varied across different EU countries. After the implementation of the Aubry Laws, the average working hours in France are between 36-39 hours, (according to EUROSTAT statistics).²

This research is centered around national legislation, specifically the French ‘Lois Aubry’. It will shed light on the key provisions, impact, involvement of

¹ ASKENAZY, Philippe, “Working time regulation in France from 1996 to 2012”, *Cambridge Journal of Economics* pages, Vol. 37, 2, 2013, 323-347.

² Eurostat, ‘How many hours per week do Europeans work?’ ≤ <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240530-1#:~:text=In%202023%2C%20the%20actual%20weekly,the%20EU%2C%20averaged%2036.1%20hours> accessed 12 June 2014.

workers' representatives, and the role of collective bargaining within these national legal frameworks. It includes legal initiatives, such as 'Le Droit a la Connexion' to highlight the recent innovative approaches to working time in France.

France's 35-hour workweek policy has significantly altered social relations, with varying effects across different sectors and demographics. This research underscores the importance of understanding the implications of reduced work hours on both working conditions and leisure time.

The French working time culture is characterized by a blend of legal norms, social practices and ongoing negotiations that shape the standard workweek and reflect the evolving dynamics of work-life balance in the country. As many other countries, France has seen its working culture evolve and despite the respect for traditions, change does happen in accommodating the needs of an industrial economy.³

In France a relevant policy to promote conciliation of working and family life is the explicit recognition of the right to disconnect ('Le Droit a la Deconnexion'). In 2017, France included this right in the Labour Code. This legal advancement along with the 35-hour workweek in France have shaped the country labour landscape, influencing societal attitudes towards work, and setting standards for labour rights and regulations.

Regulation of working time

In France, labour laws play a crucial role in shaping working time flexibility within their respective contexts. French labour law, influenced by the 35-hour workweek policy, regulates working hours to promote employee well-being and productivity. Over the years, France has enacted laws to progressively regulate working time for all categories of workers.⁴ One significant milestone in the history of working time in France was the implementation of the 35-hour workweek.⁵

³ "Work-Life Balance", *Business Culture*, 12 November 2019, <<https://businessculture.org/western-europe/business-culture-in-france/work-life-balance-in-france/>> accessed 10 May 2024.

⁴ CASAGRANDE, Agustín and COLLIN, Peter, *Law and Diversity: European and Latin American Experiences from a Legal Historical Perspective: Vol. 1: Fundamental Questions*, Max Planck Institute for Legal History and Legal Theory, 2024.

⁵ Loi n° 98-461 du 13 juin 1998 d'orientation et d'incitation relative à la réduction du temps de travail (FR)

The French experience with the 35-hour workweek, implemented through the Aubry laws, introduced significant changes to working time regulations and collective bargaining. This law reaffirmed the standard 35-hour week and provided social partners with greater negotiation freedom, including flexibility in calculating working time annually and separate arrangements for managerial staff. The key elements of the working time reduction included a substantial decrease in working hours, increased autonomy for social partners, reduced tax contributions, and enhanced flexibility for the company in arranging those working hours.⁶

The Aubry Laws aimed to reduce the number of working hours in France to address issues such as unemployment and improve employees' work-life balance.⁷ Many of the provisions from the Aubry laws are incorporated into the French Labour Code ("Code du Travail").⁸ The provisions of the Code were part of the broader labour market reforms implemented through the Aubry Laws.⁹ These Laws consist of two main pieces of legislation: Aubry I and Aubry II.¹⁰ Following that legislation, since 2002 most firms implemented the 35 hours full-time workweek. However, a few firms and industries have exceptions to the 35 hours rule and can implement a workweek between 35 and 39 hours.

The aim of the Aubry laws was to reduce the working week from 39 to 35 hours. In practice, employees could still work 39 hours, but some of the extra hours they worked (4 hours per week) are accumulated to be used in the form of a half or full day off (in French, this mechanism or device is called Réduction du temps de travail "RTT". Since the regular working week is set at 35 hours, all hours worked above this figure are considered overtime. In any case, the maximum number of hours worked in one year was set at 1,607 hours per year in 2005.

⁶ DE SPIEGELAERE, Stan and PIASNA, Agnieszka, *The why and how of working time reduction* (European Trade Union Institute, 2017, pp. 1-90).

⁷ BILOUS, Alexandre, "Law on the 35-Hour Week Is in Force", European Foundation for the Improvement of Living and Working Conditions, 27 January 2000. <<https://www.eurofound.europa.eu/en/resources/article/2000/law-35-hour-week-force>> accessed 31 May 2024.

⁸ Code du Travail, Dernière modification le 10 juillet 2024, [-Code du travail - Légifrance \(legifrance.gouv.fr\)](https://www.legifrance.gouv.fr)

⁹ For more detailed information on the Aubry Laws see: BILOUS, Alexandre, 'Law on the 35-Hour Week Is in Force', op. cit.

¹⁰ Law of reduction of working time, Aubry Law I, ('Loi n° 98-461 du 13 juin 1998 d'orientation et d'incitation relative à la réduction du temps de travail (dite loi Aubry)': <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000558109/> and Law of reduction of working time, Aubry Law II, ('LOI n° 2000-37 du 19 janvier 2000 relative à la réduction négociée du temps de travail'): <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000398162>.

Also relevant is the fact that company directors and executive managers are exempted from the application of the legislation on the working week of 35 hours. This exception applies to managerial employees who exercise companies' responsibilities, are autonomous in the decision-making process, and are remunerated in the highest pay levels of the company.¹¹ This exception is relevant concerning the measure 1 explained in the following sections. As Martín Puebla has explained, the problematic application of the legislation reducing working time to this type of workers lies in the fact that the managers ("cadres") do not constitute a homogeneous category of workers,¹² including several subcategories, the manager directors who participate in the strategical decision of the company, the managers integrated in a service, department, or work-team (the major category amounting to more than 50% of the managers)¹³ and an intermediate category, which is the one where there are more problems to calculate the duration of their working time. The inclusion of a worker with managerial functions in this last category takes place by reference in the applicable sector collective agreement or, when that is lacking, by the national collective agreement applicable to the "cadres". In the case of this last group the legislation establishes the general principle that these workers should also benefit from an effective reduction of their working time (Art. L.212-15-3 *Code du Travail*.) Usually, the reduction of working time of the managers ("cadres") belonging to this last group occurs through an individual agreement of *forfait*, including the maximum numbers of working hours or days agreed on a weekly, monthly or annual basis.¹⁴

The Aubry laws contributed to decentralizing collective bargaining, allowing negotiations between employers and employees at the company level, particularly regarding working time and flexibility.¹⁵ This approach allowed the social partners to determine the level of bargaining and the accompanying pay arrangements for reducing working hours. Additionally, these collective agreements recognized various forms of working time flexibility, providing a framework for

¹¹ See Code du Travail L.212-15-1 to L.212-15-4.

¹² MARTÍN PUEBLA, Eduardo, *La reducción del tiempo de trabajo en Francia*, Ministerio de Trabajo y Asuntos Sociales, 2006, pp. 111-114.

¹³ The regulation on working time, including the provisions regarding working time duration, rest time, holidays, and reduction of working time is applicable to the workers included in this second category. See MARTÍN PUEBLA, Eduardo, *La reducción del tiempo de trabajo en Francia*, ..., op. cit., p. 116. See: Loi n° 2003-47 of 17 January 2003 relative aux salaires, au temps de travail et au développement de l'emploi.

¹⁴ MARTÍN PUEBLA, Eduardo, *La reducción del tiempo de trabajo en Francia*..., op. cit., 118-119.

¹⁵ TROS, Frank (ed). et al., *Pathways in Decentralised Collective Bargaining in Europe* (Amsterdam University Press, 2023).

adapting to different workplace needs.¹⁶ Aubry I offered financial support for companies that engaged in negotiations to reduce working hours by at least 10% and recruited new employees, encouraging companies to participate in collective bargaining processes to implement these reductions.¹⁷ The Ministry of Employment was tasked with validating the outcomes of these negotiations, giving approval and temporarily authorizing innovations resulting from the collective agreements made under Aubry I law. This validation process ensured that the negotiated working time flexibility policies complied with legal requirements and were in line with the objectives of the legislation.¹⁸ Regarding negotiating collective bargaining, employers must comply with the labour code, and the applicable sector level collective agreements.¹⁹

Following the Aubry laws, there have been several legislative measures that have included nuances and exceptions to the 35 hours working week (article L3121-275 of the French Labour Code) or equivalent to 1,607 hours per year. Conventional provisions (collective agreement, branch agreement, company agreement or establishment/company agreement applicable in labour law) may provide for a working week of more or less than the 35 hours. In 2003-2004, some social security taxes were permanently reduced for all companies, and the quota for overtime hours was also increased to 220.²⁰

In 2007, during Sarkozy's administration, new legislation was adopted (Loi Travail, Emploi, Pouvoir d'Achat)²¹ which established a 25% bonus for overtime hours exceeding the 1,607 hours per year. It also promoted exemptions from income tax and social security contributions for workers for overtime pay and cuts in social security contributions for employers. In 2012, the revised 2012 Budgetary Law included the abolition of the exemption from overtime pay and reductions in social security contributions, except for companies with 19 or fewer employees.²²

¹⁶ Ibid p.18.

¹⁷ Ibid. p. 95.

¹⁸ Ibid. 96.

¹⁹ Flichy Grangé Avocats, "Employment Law France" (*L&E Global*, 12 April 2024) <<https://leglobal.law/countries/france/employment-law/employment-law-overview-france/>> accessed 18 May 2024.

²⁰ See: SOLANA GÁZQUEZ, Daniel J., "Jornada laboral: la evolución en Francia", *Actualidad Social Internacional*, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10.

²¹ LOI n° 2007-1223 du 21 août 2007 en faveur du travail, de l'emploi et du pouvoir d'achat <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000278649>

²² SOLANA GÁZQUEZ, Daniel J., "Jornada laboral: la evolución en Francia" ... op. cit. p. 5-10,

France therefore currently continues to consider the 35-hour work week as the reference for full-time employees. However, this does not mean that this is the work week for all workers in France. It is the reference framework, but subject to the conventional provisions included in collective agreements, which may consider that working time is more or less than 35 hours per week (calculated annually as maximum 1,607 hours). This means that a worker can exceed these annual hours, which will be calculated as overtime, holidays or days off.²³

Finally, a relevant legal development was the introduction of the “right to disconnect”, as part of the French Labour Law reforms, specifically by the Loi Travail or El Khomri Law. This Law was enacted in August 2016 and took effect on the first of January 2017.²⁴ The main goal was to ensure that employees have the right to disengage from work during non-working hours, promoting a better work-life balance and protecting their health and well-being. This legislation on the ‘right to disconnect’, requires organizations to forbid to managers and employees from sending or replying to emails after working hours. It aims to address the impact of digital technologies on the work-life balance of employees.²⁵ The ‘right to disconnect’ is linked to working time practices as it addresses the increasingly blurred boundaries between work and personal life, exacerbated by digital technologies. The legislation in France acknowledges the right to disconnect due to the growing concerns in the workplace about addicted conducts regarding work. Studies show that a significant number of employees feel pressured to be constantly available.²⁶ By acknowledging the impact of constant connectivity, the legislation aligns with broader efforts to manage and regulate working time practices within modern digital work environments.²⁷

The key role of collective bargaining

Concerning the role of the State in industrial relations, in France the state has traditionally showed an active role, intervening directly in the legal regulation of

²³ Ibid.

²⁴ LOI n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels.

²⁵ Eurofound, “Right to disconnect” ≤ <https://www.eurofound.europa.eu/en/european-industrial-relations-dictionary/right-disconnect> accessed 11 June 2024.

²⁶ Ministry of Labor, Health and Solidarity, *Impact study*, LGR, 2020, p. 235.

²⁷ Simmons-Simmons “What is the new French “right to disconnect”?”, Simmons-Simmons, 2017, <<https://www.simmons-simmons.com/en/publications/ck0bdjgs8esrg0b59w3wb1nk-r/110117-le-droit-a-la-deconnexion-questce-que-cest>> accessed 11 June 2024.

collective bargaining. In the French case, since the mid-1980s, successive governments' legislative reforms have prioritised company bargaining above sectoral collective bargaining.²⁸ This trend to decentralisation of collective bargaining can also be observed in several large sectors in France.²⁹

In the last two decades, several legal reforms have significantly modified industrial relations and the labour market in France. By weakening the individual and collective protections provided by the Labour Code, these reforms have increased the decentralisation of collective bargaining. "Since the 2000s, State interventionism in collective bargaining goes so far as to define a part of its agenda. Successive legislations have introduced the obligation to negotiate at sector level on various topics."³⁰ The employers' organisations have clearly supported the reforms, which meet many of their demands, while most of the unions are strongly opposed.

The French collective bargaining coverage rate is one of the highest among the OECD countries (94 per cent in the private sector and 98 percent including public enterprises).³¹ With low trade union density, the system shows high levels of employees covered by collective agreements. According to Muñoz Ruiz, Ramos Martín and Vicent, the high coverage level results from two factors: "First, collective agreements apply to all employees of a company covered by them, regardless whether or not they are trade union members. Second, and above all, bargaining coverage has been broadened by the general use of administrative extension of industrial agreements."³²

In the French case study one of the measures analysed is dealing with the reduction of the working week in the public sector. On that regard, it is important to

²⁸ MUÑOZ RUIZ, Ana Belén, RAMOS MARTÍN Nuria, and VICENT, Catherine, "Interplay state and collective bargaining, comparing France and Spain", in eBook: TROS, Frank (Editor), *Pathways in Decentralised bargaining in Europe*, Amsterdam University Press, 2023, pp. 143-178. <https://www.aup.nl/en/book/9789048560233/pathways-in-decentralised-collective-bargaining-in-europe>

²⁹ KAHMANN, Marcus. and VINCENT, Catherine, "Decentralised Bargaining in France", Country Report nr. 1 in the CODEBAR-project, 2023, 1-72, available open access at: Codebar - AIAS-HSI - University of Amsterdam (uva.nl)

³⁰ KAHMANN, Marcus. and VINCENT, Catherine, "Decentralised Bargaining in France", Country Report nr. 1 in the CODEBAR-project, op cit.

³¹ OECD/AIAS ICTWSS database, 2021. <<https://www.oecd.org/employment/ictwss-database.htm>>

³² MUÑOZ RUIZ, Ana Belén, RAMOS MARTÍN Nuria, and VICENT, Catherine, "Interplay state and collective bargaining, comparing France and Spain", in eBook: TROS, Frank (Editor), *Pathways in Decentralised bargaining in Europe*, Amsterdam University Press, 2023, pp. 143-178.

note that the legal status for public workers is distinct than that of employees in the private sector in France. Civil servants have a specific legal status, as they are connected to the general public interest. This special status also implies differences regarding collective bargaining.³³ The working conditions and terms of employment of civil servants are governed by statutory law.³⁴ However, collective bargaining exists in the public sector with differences concerning the legally binding character of collective agreements.³⁵ In 2008, the Bercy Agreement contributed to the expansion of the right to collective bargaining in the public sector.³⁶ Various agreements in the public sector followed then, ie. on pay scale, vocational training, and early retirement schemes.³⁷ As result of the gradual developments, beside negotiating on wages, civil servants could negotiate also on career development, occupational training, and other employment related topics.³⁸

As mentioned above, many of the provisions from the Aubry laws were incorporated into the French Labor Code. Several articles (within the Code) in the second part, Book II, Title III of the Code discuss the role of employee representatives in negotiating collective agreements, including those related to working time arrangements. As an example, L2231-17 of the Code outlines the rules regarding the composition of delegations representing different organizations in negotiations within a company, particularly in the context of labor unions and employers.³⁹ In some cases, collective agreements are negotiated at the sector level, involving representatives from multiple companies within the same industry.⁴⁰ These agreements can establish industry-wide standards and are providing a framework that individual companies must adhere to.⁴¹

³³ BORDOGNA, Lorenzo, “*Industrial relations in the public sector*”, Eurofound, 2007, p. 15.

³⁴ CHANUT Veronique. and ROJOT, Jacques., “Does Public Sector Collective Bargaining Distort Democracy – The Case for France” *Comparative Labour Law and Policy Journal*, Vol. 34(2), 2013, pp. 371-392.

³⁵ Ibid. 386.

³⁶ RAMOS MARTÍN, Nuria “Bargaining and social dialogue in the public sector in France: between transformation and stability” in KEUNE, Maarten, RAMOS MARTÍN, Nuria, and Mailand Mikkil. (eds), *Working under pressure: Employment, job quality and labour relations in Europe’s public sector since the crisis*, ETUI, Brussels, 2020, p.116.

³⁷ BORDOGNA, Lorenzo, ‘*Industrial relations in the public sector*’, Eurofound, (2007), p. 25.

³⁸ CHANUT Veronique. and ROJOT, Jacques., “Does Public Sector Collective Bargaining Distort Democracy – The Case for France”,... *op. cit.*, p. 387.

³⁹ Code du travail second part, Book II, Title III.

⁴⁰ Collective bargaining agreement of the pharmaceutical industry in France is applicable to companies whose activities relate to several grounds, these agreements apply to a sector and not just one company.

⁴¹ Code du travail L2261-6.

During the consultation process, workers' representatives have access to information and can provide input on these aspects of working time flexibility.⁴² Employers are required to provide information on several aspects of working time such as overtime, part-time work, scheduling and any measures aimed at facilitating employees' work-life balance. Additionally, workers' representatives can address or propose improvements to ensure fair and flexible working conditions for all employees.⁴³

The Code includes provisions to protect workers against abusive practices related to working time flexibility.⁴⁴ Employers have a legal obligation to ensure the health and safety of their employees, including when implementing working time flexibility measures. Workers' representatives and trade unions can raise concerns about the potential impact of flexible schedules on workers' well-being and advocate for measures to mitigate any risks.⁴⁵ The Code mandates the establishment of a health, safety and, working conditions committee (*Comite Social et Economique* – CSE).⁴⁶ While the CSE shares similarities with trade unions or workers' representatives in terms of employee interest and participation in decision-making processes, trade unions often have broader membership and may operate at the industry or national level. While CSE is specific to individual companies.⁴⁷

The Aubry laws regulate working time arrangements and emphasize the role of employee representation in negotiating collective agreements. These agreements can be at the company or sector level, establishing industry-wide standards. Workers' representatives have access to information and can propose improvements to ensure fair and flexible working conditions.

Regulation of working time has a clear connection with occupational safety and health at work. The establishment of health and safety protective measures and working conditions committees (CSE) is mandatory according to the French labour law.⁴⁸ Safety and health at work issues are often included in collective

⁴² Code du travail L2312-26.

⁴³ Code du travail L2312-26.

⁴⁴ Code du travail L3121.

⁴⁵ Code du travail L2312.

⁴⁶ Code du travail L2312-2.

⁴⁷ Code du travail L2312.

⁴⁸ See: Loi pour renforcer la prévention en santé au travail promulguée le 2 août 2021: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043884445>.

See also: RAMOS MARTÍN, Nuria, MERCADER UGUINA, Jesús and MUÑOZ RUIZ, Ana Belén et al. (2023), "Health and safety at work: achievements, shortcomings, and policy options." *EuSocialCit Working Paper*, March 2023. Doi: 10.5281/zenodo.8118960, pp. 112-117.

bargaining in France. As mentioned above, since the reform of labour law in 2017, a clear trend to decentralisation of collective bargaining can be observed in France. The reform of the system of collective bargaining has given a larger role to collective bargaining also in the area of OSH. However, according to recent studies, working conditions and OSH are not at the top of the list of topics on collective bargaining priorities. Instead, the social partners give priority to negotiating on other topics such as wages and working hours.⁴⁹

In France, there is an arrangement known as ‘forfait-jour’, allowing employees to have their working time calculated by the number of days worked per year instead of hours. This system provides flexibility but comes with limitations and requirements. It applies mainly to employees with significant autonomy and cannot exceed 218 days per year, though it can go up to 282 days with explicit agreement and compensation. Employees can receive daily and weekly rest, and their workload is monitored to ensure that it is reasonable. Both a collective bargaining agreement and an individual agreement are necessary for implementation.⁵⁰

Reduction of working time, “*Reduction du temps de Travail - RTT*” is a scheme, aiming to reduce weekly working hours. With this type of scheme, companies negotiate specific arrangements to accommodate operational needs. RTT maintains full-time status while reducing hours, with excess hours accumulating as paid leave. Implementation includes annualizing hours and negotiating collective agreements. The number of RTT days is determined by company agreement, either as a package or based on completed working hours.

2. How the case study emerged

This chapter provides an analysis of innovative policies on working time arrangements in the public and in the private sector in France. In this chapter two sub-case studies (measures) are addressed. Our research examines innovative agreements that provide for shorter or flexible working time, also covering hybrid and remote working practices. A central feature of this research is the aim to assess to what extent those innovative agreements or policies contribute to

⁴⁹ Ibid, 115.

⁵⁰ SMITH-VIDAL, Sabine, “Flexible Working Time Arrangements in France”, *Lexology*, 19 May 2014, <<https://www.lexology.com/library/detail.aspx?g=382f8e8d-75af-4a1c-b8d8-21171925daa4>> accessed 17 May 2024.

a better work-life balance. In this report the focus is on initiatives adopted in France in both the private and the public sector regarding flexible approaches to the organisation of working time. It also examines trade unions and employers' responses to flexible working time arrangements.

There are currently major challenges for companies and their employees, namely: the introduction of digitalisation, the impact of an ageing workforce and the need for urgent action to tackle climate change. Trade unions and employers are called to play a key role in addressing those challenges. Innovative changes to the organisation of working time can be part of the solution, potentially delivering increased productivity, improved work-life balance and well-being, more sustainable working practices and greater flexibility to the benefit of both workers and employers.

In the case of France, the first sub-case/measure focuses on the activities undertaken by the CFE-CGC (union of executives/managers, technicians, and supervisors) through a project aimed to developing management and work organization in light of the expansion of teleworking and hybrid working and auditing the evolution of managerial practices dealing with the risks and challenges of that model of work.

The second sub-case/measure focuses on the public sector: in particular, on innovative flexible working time arrangements/reduction of working time in the local and central administration sector (municipalities and ministries). From the research carried out, information has been extracted on the relevant initiatives undertaken by some municipalities of some major cities in France. For example, the Metropole of Lyon has implemented a plan for the 4-day working week of their employees. Also, at the ministries level in France, since the beginning of 2024, there are plans to undertake initiatives implementing pilots of a shorter working week.

3. Measures on reduction and flexible working time

3.1. Measure 1: assessment of flexible working time arrangements (telework and hybrid work)

The first sub-case study (measure 1) deals with an initiative regarding flexible working arrangements (telework and hybrid work) developed by the CFE-CGC.

CFE-CGC (*Confederation Francaise de L'Encadrement – Confederation General des Cadres*) represents professional and managerial employees.⁵¹

In this section we discuss the project 'SUPERManagement' carried out by the trade union CFE-CGC in cooperation with the Agency ANACT (*Agence Nationale pour l'amélioration des conditions de travail*). The 'SUPERManagement' project (*Savoir, Unir, Promouvoir, Entraîner, Reconnaître dans le MANagement*) aimed at supporting and equipping managers and their employees in the transformation of work organizations and included several studies.⁵² The 'SUPERManagement' project consisted of evaluating and developing management and work organization in light of the development of teleworking/hybrid working and auditing the evolution of managerial practices.

As mentioned before, the CFE-CGC is the national union of executives, technicians, and supervisors/managers and negotiates and signs agreements regulating the rights and working conditions for employees in the management sector.

This 'SUPERManagement' project (measure 1), based on an extensive survey with respondent managers in France, aims to support and equip managers and their employees with the skills necessary for the transformation of work organizations. The project consists of evaluating and developing management and work organization in light of the increase in teleworking and hybrid work and auditing the evolution of managerial practices. The project analysed dozens of European agreements on teleworking, and the place given to managers in this context. In the course of the project, the CFE-CGC also launched a two-stage survey (large masses then qualitative panel) among its federations and members to measure, among management staff in companies and administrations, their working conditions in teleworking, their perception, and the manager/managed relationship.

The project analysed the challenges and opportunities of telework and hybrid work, with the focus on the managerial functions and considered that a hybrid manager is one who works part of the time away from his workplace. All or part of his/her team teleworks at least one day per week. This configuration generates varied relational situations, the team being able to be entirely on site, entirely remote or in a hybrid format. The project is based on the hypothesis that these

⁵¹ CFE, 'Qui Sommes-Nous ?', <<https://www.cfecgc.org/cfe-cgc/qui-sommes-nous>> accessed 18 May 2024

⁵² These studies have been published in 2024 in a report and a guide for managers available at: <https://www.cfecgc.org/publications/nos-guides/supermanagement>

new working arrangements, particularly due to the use of digital communication tools, have impacts on the roles and uses of managers and aim to highlighting that impact.

Regarding innovative and best short-time work practices/flexible working time arrangements observed within workplaces in France, the trade union representative interviewed mentioned that there is a long tradition of reduction of working time in France due to the implementation of the Aubry laws since 2001. It is clear that the current legal system and institutional setting in France facilitate the introduction of short-time/flexible work practices.

In France, there have been some companies applying pilots on the four days working week and that, for managers in particular, (target group of workers of this trade union) that could lead to an intensification of work. Despite the fact that, for employees the 35 working hours week is applicable in France, managers (as an exception group) work sometimes up to 40 hours per week due to the fact the managerial position and tasks are difficult to undertake with reduced working time. Therefore, a reduction of working time for that group of workers needs to be well-designed with an innovative organisation of work, and well-informed decisions on the distribution of working time with the work-team, the potential impact of the intensification of work, and the due respect to the right to disconnect. That right is clearly and strongly regulated by labour law in France, as mentioned above.

Another important issue to consider when implementing shorter working time or reduction of working time, such as the four-day working week, is the need to clarify that the reduction of working time is not connected with a reduction in wages. Otherwise, there is risk for rejection of the measure among the employees, including the ones in managerial positions. By paying due attention to all the abovementioned factors this could lead to a “win-win” situation for the employer and the employee but the risks and the health and safety at work perspective, as well as the conciliation of work and private life, needs to be considered when designing those measures. According to the interviewee 1 (trade union representative 1)⁵³, social dialogue is potentially an effective tool to deal with those issues and negotiate innovative measures which can lead to success, also in terms of the key issue of the productivity of the workforce.

⁵³ Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30.04.2024.

According to the findings of the ‘SUPERManagement’ project, there are some issues with teleworking for managers and adaptation to teams. While more than half of respondents of the conducted survey (53%) indicate that they telework an average of 2 days per week, the survey results highlight that managers have more difficulty than their employees in using their telework days. They also tend to adapt to the telework days of their teams and spend more time in the office to see all the team members, who are not all performing work on-site on the same days.⁵⁴

Hybrid and teleworking practices (combined with flexible working time arrangements) are widespread in French companies. Regarding the drivers, barriers, and consequences of the introduction of short-time and flexible Working (including telework/remote work) arrangements, the interviewee 1 mentioned that this expansion of remote work (also in its hybrid format) has to do with the COVID-19 pandemic.⁵⁵ The health emergency led to the adoption of public health emergency measures by many EU member state governments, including lockdown. As this confinement measure entered into force, a large proportion of the workforce was instructed to stay home and continue to work remotely. As a result of the COVID-19 crisis, telework became the new reality for many employees in France (and in many other countries).⁵⁶ Therefore, the expansion of telework during the pandemic is, according to the interviewee, the major factor that led to a change of mentality of the employee. Especially high-skilled workers demand flexible working arrangements which often includes remote work (often partially). As there is a shortage of this kind of workers in strategic sectors, employers are re-organising the production and providing more opportunities for remote work, in part to avoid recruitment difficulties. Therefore, the ideational motivation of social partners to arguing and bargaining for flexible working time arrangements has clearly been affected by the experience of telework during the lockdown due to the pandemic. The employees have experienced the advantages and flexibility of remote working and hybrid work and are reluctant to change to full presential onsite work at the office. Companies and managers need to deal with these demands while preserving efficiency and productivity.

⁵⁴ See CFE-CGC, “SUPERManagement studies on the impacts of teleworking and the related managerial issues”, 2024, p. 7. <https://www.cfecgc.org/publications/nos-guides/supermanagement>

⁵⁵ Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30.04.2024.

⁵⁶ MUÑOZ RUIZ, Ana Belén, & RAMOS MARTÍN, Nuria, “Health and safety at work in COVID-19 times (BLOG)”, 2021. *EuSocialCit*, <https://www.eusocialcit.eu/2643-2/>

In the ‘SUPERManagement’ project several agreements regarding telework and remote work signed at various levels, company, sector or national were analysed. The interviewee 1 mentioned that there have been interesting agreements signed at company level, for example in the banking sector. Also relevant for the recommendations extracted on how to integrate telework in current company policies and properly address the risks associated with remote work are the provisions of the 2020 cross-sectoral agreement on digitalisation at work and the telework cross-sectoral agreement of 2005.⁵⁷

For companies the main drivers for the introduction of short-time and flexible working (including telework/remote work arrangements) are the need to be competitive, to attract high skilled workers, to promote conciliation of work and family life and to ensure health and safety at work, including compliance with the right to disconnect. Of course, there are challenges and barriers connected with the risks associated with telework regarding costs, control of safety and health requirements when working remotely, the risks of isolation and of a decrease in creativity of the work-team. That is why the ‘SUPERManagement’ project was developed by the CFE-CGC, in cooperation with the ANACT; to properly evaluate the consequences of implementing telework and remote work practices and to offer practical solutions for managers to those challenges. A main aim is to help trade union representatives to negotiate telework/hybrid work policies in their company agreements and integrate telework well in the overall organisation of work.

Regarding the strategies of bargaining partners to negotiate short-time and flexible work practices (telework and remote work in particular). For the CFE-CGC, the results of the conducted project are that they should focus their work on the following challenges:

- Putting people at the centre: the CFE-CGC maintains its priority of “people first,” highlighting health and sustainability values.
- Management and organizational transformation: the role of the manager is becoming crucial in this new professional landscape. Their financial, industrial or human resources decisions shape the world in which we live. It is important that they are trained, supported and inspired by leaders with a clear vision. Clear guidelines on how to deal with remote work-related issues is a crucial part of their professional development.

⁵⁷ Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30.04.2024.

- Social dialogue: in the face of rapid transformations, the need for mutual trust and adapted solutions serving collective well-being becomes essential.⁵⁸

Concerning the last point, a relevant finding of the survey of the ‘SUPERManagement’ project is that unionized managers who are members of the CFE-CGC stressed the advantage of unionism as a genuine way of acting on work organizations and providing, through the strength of the collective, support and a voice specific to managers. Not only does membership in a union provide them with personal support, but it also allows them to better perform their managerial functions: access to other levels of information and broader vision of the company.⁵⁹

The results of the ‘SUPERManagement’ study of managerial clauses in agreements and charters addressing hybrid work show interesting findings regarding the level at which these agreements are negotiated (company, sector or national), the content of those clauses, and the circumstances under which trade unions and employers agree on flexible and working arrangements such as telework.

Explicit managerial clauses are included in national interprofessional agreements. These clauses addressing managerial relations in the framework of telework appear more explicitly in recent national interprofessional agreements. As such, they have been able to inspire more decentralized agreements.

Several classic and innovative clauses on managers are found in branch, group, and company agreements. The role and means of the manager to manage telework are often provided for by agreements or charters around the following themes:

- the role and power of the manager in the individual and collective management of telework;
- the relational dimension between the manager and teleworkers;
- awareness-raising and training of the manager on the working relationship in a hybrid environment.

Some agreements supplement these themes with more specific clauses addressing: management of disagreements between the manager and the employee on

⁵⁸ See CFE-CGC, “SUPERManagement studies on the impacts of teleworking and the related managerial issues, 2024, p. 5., op. cit.

⁵⁹ Ibid, p. 7.

access to and progress of teleworking; support for managers by the human resources department; feedback from managers; integration and social cohesion; and performance and teleworking.⁶⁰

The role of the Human Resources/Personnel departments to facilitate teleworking and remote work is estimated as quite relevant in this context for a successful performance of the managerial tasks. However, there are, according to the trade union representative interviewed over this measure (interview 1), strong differences in the resources depending of the company dimension.⁶¹ Big firms have enough HR resources to assist managers but SMEs face more problems regarding this issue.

Experiences of employers and employees with regard to short-time and flexible working practices.

Among the main difficulties related to teleworking/remote work pointed by the ‘SUPERManagement’ study are the following:

When asked about the difficulties associated with teleworking, managers mainly highlight poor connection quality: (18%), a breakdown in interactions with their colleagues, (14%), a feeling of surveillance and control, (14%), and a large range of working hours (12%). Overall, it appears that the implementation of collective agreements in companies on teleworking partly eliminates the difficulties, without however erasing them. Face-to-face days appear to be an effective way to maintain team cohesion, foster collective emulation and carry out managerial actions. For managers, it appears that teleworking days allow for concentration time with better management and filtering of external requests to dedicate themselves to substantive tasks. Nevertheless, many of them express suffering from “hyper-connection” in the context of remote working. Moreover, managers indicate that it is sometimes more complex to make oneself understood remotely, as well as to detect subtle problems: professional or personal difficulties of employees, tensions, etc.⁶²

⁶⁰ See CFE-CGC, “SUPERManagement studies on the impacts of teleworking and the related managerial issues”, 2024, p. 8, op. cit.

⁶¹ Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30.04.2024.

⁶² See CFE-CGC, “SUPERManagement studies on the impacts of teleworking and the related managerial issues”, 2024, p. 6, op. cit.

One of the main recommendations derived from the project is the need to improve the training in hybrid management. 42% of the managers who participated in the qualitative part of the study say that they have not been sufficiently trained to lead their team in the context of remote work. That fact did not alter their trust in their employees, since only 6% of managers report “a source of concern” about their teams working remotely. In general terms the experience with teleworking is assessed as positive, since almost half consider that teleworking makes their teams more autonomous. Unsurprisingly, the main difficulty expressed by managers is that of preserving the collective dimension of working tasks, with 40% highlighting “the lack of social cohesion” in the context of remote work.⁶³

Another important finding of this project is the need to improve the training in use of digital tools among employees to improve their efficient performance in teleworking. While the rise of teleworking has required new digital tools (Teams, Zoom, document sharing, etc.) to facilitate communication, it turns out that overall companies do little to train their employees to use these tools, seeming to rely on internal mutual assistance from employees. Nevertheless, many managers say they are comfortable with digital tools and proficient in using them.⁶⁴

A relevant finding of the ‘SUPERManagement’ project is the pronounced rejection of the flex office. Among the 34% of respondents indicating that they work in structures that have implemented flex office (absence of a designated office workplace) - an often financially driven choice to reduce the m2 of offices with a direct impact on comfort and logistics - 78% consider overall that its implementation is not suitable.⁶⁵

Among SME/VSE managers a combination of digital and managerial challenges arises concerning implementation of teleworking in their companies. The observation seems clear after the analysis: companies must continue to strengthen cyber security and promote employee well-being in the context of teleworking, by emphasizing flexibility, communication and consideration to individual needs. Regarding IT security and the home working environment, business leaders/employers acknowledge that companies have not addressed this point sufficiently and the means implemented in the companies using teleworking remain very basic or at the reflection stage.

⁶³ Ibid.

⁶⁴ Ibid, p. 7.

⁶⁵ Ibid, p. 7.

Finally, employers recognize three major issues in the management of teleworking: governance, strategy, and relationships. They attach particular importance to improving relationships, by using approaches such as fluent communication, facilitation and conflict resolution. The employers acknowledge the need that training managers and employees is essential, with specific modules on hybrid work and IT security in a rapidly evolving digitalisation of the world of work. They seek to integrate flexibility further while being aware of the need to maintain effective performance, productivity, and cohesion within their teams.⁶⁶

1.2. Measure 2: pilots on implementation of the four-day working week in the public administration

The second measure studied are the existing pilots on implementation of the four-day working week in the public administration in France.

In France, in the private sector a few companies, such as the computer retailer LDLC (one of the first French private companies to adopt a four-day work week for all staff in 2021), are implementing the four days working week for their employees. After the expansion of remote work in the wake of the COVID-19 pandemic, the idea of reducing not working time (regular weekly working time is 35 hours in France already) but rather the number of days over which it is performed is gaining ground in France.

The public sector has also started implementing this model. In this section, attention is paid to several examples of that trend, focusing on the public sector pilots under implementation.

One of the first tests of the four-day work week for public employees has taken place in the Metropole of Lyon. Since September 2023, the Metropole of Lyon in France is applying (initially for a one-year trial period) an initiative of reducing the weekly working time of public employees. Participation in the pilot on a voluntary basis was offered to around half of the employees of this local administration, according to the public information provided by the Metropole. However, as indicated by the representative of the CFDT representative interviewed, only around 300 agents of the Metropole have joined the experiment.⁶⁷

⁶⁶ Ibid, p. 8.

⁶⁷ Interview 2 with trade union representative 2, Trade Union IntercoCFDT, carried out on 30.08.2024, online format.

The initiative foresaw a four-day or four and a half day working week without salary reduction. The three alternatives to the traditional five-day week foreseen by the pilot were: working four days a week, or four and a half, or alternating weekly between four and five days. The idea was to ensure that all full-time staff continue to perform work weekly for the 35 hours standard rule in France, while giving them more flexibility on the organization of the working time during the week.⁶⁸

The measure is designed as a flexible working arrangement. The main goals of this initiative were reducing absenteeism, facilitating conciliation of working and family life, and narrowing the gender gap. The scheme was introduced partly to benefit working mothers, who often take part-time positions in order to manage childcare, which had a negative impact on their income.⁶⁹ According to the estimates of the human resources department of this local administration, the option of a four-day week could enable some 900 female staff to return to full-time work and full-time pay.

There was one relevant condition for the participant employees who went down to four days. They earned fewer rest days under the RTT scheme, which compensated workers with paid time-off in exchange for overtime.

Another example of the reduction of weekly working day has taken place in the region of Picardy, where employees of an URSSAF fund (the regional organization in charge of collecting social security contributions) were offered the option of the four days working week since March 2024.

On February 2024, the former French Prime Minister Gabriel Attal announced that, from spring 2024 onwards, several Ministries will apply a pilot of four-day week for their employees. This pilot (of a year duration) aims to assess the impact of this modulation of working time, particularly with regard to the conciliation between professional and private life. A first assessment of the implementation of this model is planned for the summer of 2025 and it will be used to prepare for the “perpetuation or extension” of the experiment.

⁶⁸ PHELAN, J., French city of Lyon tests out four-day work week for public employees (rfi.fr), *RFI.FR*, 10/09/2023.

⁶⁹ SCHITTLY, R., “La métropole de Lyon va tester la semaine de quatre jours pour ses agents”, *Le Monde*, 11 May 2023, La métropole de Lyon va tester la semaine de quatre jours pour ses agents (lemonde.fr)

The General Directorate of Administration and Civil Service (DGAFP) explained in a note published on March 2024⁷⁰ that the pilot will be implemented without reducing the legal working time of 1,607 hours per year. The experiment will take place both in Paris and in the “decentralized” departments of the ministries (outside the capital) of the ‘Fonction Public Etat’. The DGAFP finalized the list of services ready to test the modulation of working time in May 2024 and was planning to launch the first experiments immediately. The modulation of working time will begin “no later than September 2024 for a period of at least one year,” according to the note of the DGAFP.

In addition to the four-day week, administrations will be able to test the four-and-a-half-day week or the alternation of four- and five-day weeks. The experiment will be deployed on a voluntary basis, but civil servants who have regulatory service obligations, such as teachers, or time cycles different from the traditional five-day week, will be excluded.

The objective of this pilot is to assess how the system would allow a large number of public employees and civil servants, and in particular those who do not have access to teleworking, to benefit from a reduction in the number of days worked with on-site presence. In public services welcoming users, the opening hours will not be reduced but can conversely be extended due to the presence of agents over a wider daily (hourly) range, according to the information provided by the DGAFP.

Main trade unions present in the public sector, in particular the CFDT⁷¹ and the CGT, have expressed their reluctance to the new pilots to be implemented at the Ministries. Some of the critical issues noted by the unions are summarized below⁷²:

The articulation with telework remains to be defined. For the CFDT, the experiments of the 4-day week must not lead to excluding telework for agents in the civil service.⁷³

⁷⁰ Direction générale de l’administration et de la fonction publique (DGAFP), “Note sur la mise en place de cette expérimentation dans la fonction publique de l’État”, of 22 March 2024.

⁷¹ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, conducted on 30.08.2024, online format.

⁷² See CFDT reaction to the DGAFP’s note, “Expérimentation de la semaine en 4 jours en administration centrale”, 3 April 2024, at https://finances.cfdt.fr/portail/finance/centrales-ecoles/actualite/experimentation-de-la-semaine-en-4-jours-en-administration-centrale-srv2_1355272

⁷³ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, conducted on 30.08.2024, online.

In order to allow for the conciliation of the four-day week with a time range not exceeding ten hours, the DGAFP note provides that “provisions may be considered such as the reduction of the number of RTT days at a fixed rate, at a level to be defined”. The trade union representative of the CFDT interviewed considers highly problematic that the new working model will lead to a reduction in RTT (accumulated rest days).⁷⁴

In central administration, the CFDT indicated to the General Secretariat that it has very reservations about this method of organizing work, already tested in particular at the Caisse des Dépôts et Consignations, without much success. As mentioned by the trade union representative of Interco-CFDT (Interview 2): without a reduction in working time, a four-day week leads to an intensification of work. That shorter working time is being set at almost 9 hours (to which commuting time needs to be added) and commuting times are often not insignificant in Ile-de-France and in the Metropole of Lyon (regions where the pilots are first implemented).

The trade union representative also expresses concerns regarding the potential impact of long working days on the employees’ health and on the managerial support for the employees included.⁷⁵ In particular, attention needs to be paid to the respect of the due resting time. The trade union representative considers that the current system applied in the context of the four-day work week pilot might lead to a reduction of rest periods and might clash with French and EU legislation on working time.⁷⁶

The CFDT recalled in its reaction to the DGAFP’s note that these experiments must be the subject of social dialogue before they are implemented, within the framework of the consultation bodies.

The abovementioned pilots have been presented by the French administration as likely to improve the quality of life at work. However, according to the CFDT, the fact that flexible working time can, in some cases, facilitate the conciliation of working and private life must not overshadow the need of any working time reduction policy to respect the applicable legislation regarding prevention of health and safety at work and working time (rest periods). According to the

⁷⁴ Ibid.

⁷⁵ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, online, 30.08.2024.

⁷⁶ Working Time Directive 2003/88/EC.

CFDT interviewee, the current design of the pilots does not seem to prevent health and safety risks related to the intensification of work.⁷⁷

4. Impact of the measures

Regarding the general impact of the legislation on the reduction of working time in France, the 2014 report by the Commission *d'Enquete* of the Assemblée Nationale examined the effects of the French legislation reducing working hours. It spurred significant reorganization of work groups and increased negotiations at all levels, fostering dialogue on work organization and time management.⁷⁸ The laws created around 300,000 jobs and shifted social relations, encouraging dialogue on previously taboo topics. The 35-hour week increased flexibility for some workers, with 57% experiencing more variable schedules yet maintaining predictability.⁷⁹ This shift in flexibility highlights the importance of understanding how reduced work hours can affect not only working conditions but also leisure time.⁸⁰ In any case, economists consider that this extra hiring/creation of jobs (estimated at around 300,000 jobs by the statistics service of the French Ministry of Labour) is mainly attributed to the drop in contributions that accompanied the reduction in working hours.⁸¹ Some experts have noted that the creation of new jobs was partly due to a favourable economic situation.⁸²

However, the impact of the 35-hour standard on the working hours of most workers was uneven. Very small firms were exempted from this workweek policy, and the proportion of workers exceeding the European 48-hour limit for weekly working hours continuously increased.⁸³ Various sectors such as healthcare, retail and many more were affected by the policy. Adaptation to the new regulations was complex and diverse workforce compositions had encountered challenges while maintaining operational efficiency. The annual calculation of hours and flexibility in the organisation of work had different effects at the two extremes of

⁷⁷ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, online, 30.08.2024.

⁷⁸ Assemblée Nationale, *Emploi, économie, modes de vie : réalités de la RTT*, No. 2436, 2014, p. 88.

⁷⁹ LEHNDORF, Steffen, "It's a Long Way from Norms to Normality", 67 (3) *ILR Review*, 2014, p. 838-863. <<https://www.jstor.org/stable/24369628>> accessed 18 May 2024,

⁸⁰ Ibid.

⁸¹ SOLANA GÁZQUEZ, Daniel J., "Jornada laboral: la evolución en Francia" ..., op. cit. pp. 5-10.

⁸² DUFOUR, Christian, "Reduction of working time in France: a lone knight", in *Collective bargaining on working time: recent European experiences*, KEUNE, MAARTEN and GALGÓCZI B. Eds., ETUI-REHS, Brussels, 2006, p. 99.

⁸³ LEHNDORF, Steffen, "It's a Long Way from Norms to Normality" ... op. cit., p. 21.

the working population. Managers and the liberal professions continued to work much longer hours and transformed the 35-hour workday into 10 extra days of holiday, a tangible improvement. At the other extreme, in less qualified positions or without managerial responsibilities, the effects were less tangible.⁸⁴ In general terms, some experts estimates that the greater flexibility of working time in exchange for pay moderation has been broadly endorsed by the French society.⁸⁵

The available studies seem to agree that legislation establishing a reduction in the weekly working time, in general terms, improved the quality of the reconciliation of family and work life.⁸⁶ However, in terms of impact on productivity: If we look at French labour productivity between 1975 and 2022, we cannot conclude that there was any impact in any sense of the reduction in the weekly working day in France.⁸⁷

The Aubry laws were experimental in nature, allowing for lessons to be learned from the initial phase of working time reduction to inform the development of subsequent laws. The phased implementation of the laws, with different deadlines for larger and smaller firms, created a natural variation in treatment. The government closely monitored and documented the implementation and outcomes, allowing researchers to evaluate the impact of the laws.⁸⁸

Impact of measure 1

The ‘SUPERmanagement’ project provides valuable documentary resources on teleworking and hybrid work, and recommendations on how to deal with innovative working arrangements for future company agreements. The project studied includes the specificities of SMEs, and recommendations integrating the specific issues of management and working conditions. The provided recommendations regarding telework, hybrid work, and the effective application in practice of the right to disconnect are put into perspective with the subject of working conditions, health and the new demands for meaning at work that employees are asking for nowadays, especially after the COVID-19 post-pandemic period.

⁸⁴ SOLANA GÁZQUEZ, Daniel J., “Jornada laboral: la evolución en Francia”... op. cit., pp. 5-10.

⁸⁵ DUFOUR, Christian, “Reduction of working time in France: a lone knight”... op. cit, p. 105.

⁸⁶ SOLANA GÁZQUEZ, Daniel J., “Jornada laboral: la evolución en Francia”... op. cit., pp. 5-10.

⁸⁷ Ibid.

⁸⁸ MEHERU, Ahmed, “Added Worker Effect Revisited: The ‘Aubry’s Law’ in France as a Natural Experiment”, *Review of European Studies*, Vol. 8, 2016.

The interviewee 1 for this measure highlighted that the pandemic has had a strong impact in the demand of telework and hybrid work arrangements and that the recommendations provided by the study are useful to provide answers to the desire for more flexible telework arrangements demanded by employees (who often consider teleworking as an acquired right) and the demands to return to the office by some employers. The recommendation tries to reconcile the growing demands for remote work with the needs of enhancing productivity, creativity, team-work, and respect of diversity and singularity of the workforce.⁸⁹

Impact of measure 2

The pilots on the four-day week in the Metropole of Lyon and in the Departments of Ministries in the Paris region could be expanded after the first one-year trial period if they prove successful. Concerning the first joint assessment of the measures by the administration and the representative unions, in the case of the Metropole of Lyon, the conclusions of the *'bilan'* are ready. The representative of the CFDT interviewed considered that the results of the pilot are not sufficiently satisfactory from the union's point of view. In particular, concerns about the elimination of several RTT days for the participants in the pilot and the intensification of work were mentioned as major problems.⁹⁰ The joint assessment of the pilot implemented in the Ministries of the Paris region will take place in 2025, after the trial period has expired. Therefore, for that second case, it is too early to draw conclusions on the effective implementation and the impact of the measures on the health at work and work-life balance of the participating public employees in the Paris region.

Previously, other public bodies have offered this possibility of working four days on a smaller scale, including the national pension fund CNAV, but the uptake was limited in that case, with some employees fearing that working longer hours four days a week could lead to an exhausting intensification of work.⁹¹

Even when some managers consider that this way of working is the future of work because it can reduce burnout, stress, sick days and turnover, without cutting on wages, trade unions are more cautious with this kind of pilots, especial-

⁸⁹ Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30.04.2024.

⁹⁰ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, online, 30.08.2024.

⁹¹ See SCHEFFER, Nicolas, "Le secteur public expérimente timidement la semaine de quatre jours", published on Le Monde, 12.04.2023.

ly in the public sector. They argue that condensing the same number of hours into fewer days, like at the Metropole of Lyon, could be counterproductive and hazardous for the safety and health at work of the employees, as the prominent unions CGT and CFDT put it. Therefore, both unions are proposing a further reduction in working time to a 32-hour working week in combination with the four-days working week scheme.⁹²

5. General evaluation and conclusions

In exploring the best innovative and flexible working time arrangements within French legislation and workplaces, distinct patterns and regulatory frameworks emerge, shaped by cultural norms, legal provisions, industrial relations, and employee representation. France is anchored in the 35-hour standard workweek, supported by legal rights such as the right to disconnect and ‘forfait jours’. This EU country has been pioneer in the commitment to balancing professional and personal lives, albeit through different mechanisms such as the 35-hour standard workweek and the explicit recognition of the right to disconnect.

The French legislation, notably the 35-hour workweek, establishes a robust structure for regulating working hours, overtime, and rest period. The 35-hour workweek created job opportunities, reduced work-related stress, and increased employee leisure time. Though, the adaptation process to working time reduction was complex, leading to operational challenges for diverse workforces.

Regarding working time arrangements France could be qualified as a “cooperative model” which promote engagement in tripartite dialogue but places greater emphasis on sectoral agreements and foster the role of works council and trade unions in shaping working time arrangements. Collective bargaining plays a crucial role in shaping working time regulation. In France, collective bargaining modifies and complements statutory working time regulations, facilitating company-level agreements that address the unique requirements of individual workplaces. However, this is not the case for the civil servants (*Fonction Publique*) in France, as pointed out by interviewee 2.⁹³

⁹² See the position of CGT and their proposals: Semaine des 4 jours : une fausse bonne idée ? | CGT and interview 2 with trade union representative 2, Trade Union Interco-CFDT, online, 30.08.2024.

⁹³ Interview 2 with trade union representative 2, Trade Union Interco-CFDT, online, 30.08.2024.

In parallel to the rise of flexible forms of work in the late 20th century, France has enacted laws to progressively regulate working time. France's latest legislation on the right to disconnect, along with the 35-hour workweek, have shaped societal attitudes towards work and influenced the role of human resources departments in facilitating and supporting flexible work arrangements and reducing working hours.

In conclusion, France exemplifies an innovative approach to flexible working time arrangements through various approaches. The legal framework and the collective bargaining system aim to ensure that working time policies are responsive to the needs of employees and employers. The impact of these legal provisions underscores the importance of flexible and well-regulated working time arrangements in fostering healthy, satisfied, and productive workforces.

Interviews

- Interview 1 with trade union senior representative 1, CFE-CGC en charge du secteur Travail: Organisation Santé, online, on 30 April 2024.
- Interview 2 with trade union senior representative 2, Interco-CFDT, online, 30 August 2024.

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Case study on Hungary: employer-driven working time innovation within institutional constraints

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1. Overview

The legal and sociological context of working time regulation in Hungary reveals a predominantly formalistic approach, where employer prerogative plays a central role in the determination of working hours. Hungarian labour law distinguishes between the contractual framework, which sets the maximum duration of work, and the employer's right of unilateral determination, through which the specific allocation of working time is defined. This legal distinction results in a regulatory environment in which the precise timing and structure of daily work are largely dictated by the employer, while the employee's duty of availability and performance is confined to the scheduled working hours.¹

Although labour law sets boundaries to protect workers from excessive demands, the employer retains broad authority to organise working time, including the possibility to impose extraordinary working time, within certain statutory limits. In practice, this power dynamic tends to favour the employer, fostering a culture where employees may feel compelled to be available beyond their contractual obligations, or conversely, to compress work effort into shorter periods without necessarily enhancing efficiency or reducing actual workload. The ambivalence between formal legal protections and informal workplace expectations reflects an underlying tension in Hungarian work culture.

¹ PÁL, Lajos, «A munkaidő megszervezésének alapintézménye – a munkarend.» *Munkajog*. 2020, no. 4, pp. 20–26.

The discourse on working time reduction in Hungary is shaped by two competing models: the introduction of part-time work, which entails proportional wage reduction, and the reconfiguration of full-time work to shorter hours without loss of pay.² The latter remains rare and legally complex, as it requires either employer-driven reorganisation or sectoral-level regulation, neither of which has gained substantial ground in recent years. As noted by Sipka and Zaccaria, the absence of a precise legal framework to determine what qualifies as working time leads to practical uncertainties, often resolved through judicial interpretation rather than through coherent legislative guidance.³

Although the 2012 Labour Code⁴ introduced several atypical forms of employment—such as job sharing, on-call work, and multi-employer contracts—these remain marginal in practice. This reform aimed to integrate a broader range of atypical forms of employment into the Hungarian labour law, aligning with the European Union’s flexicurity agenda and responding to post-crisis labour market dynamics.⁵ However, the uptake of these atypical forms of work is limited both by legislative ambiguity and by the absence of a strong tradition of collective experimentation with working time. While the code formally introduced a number of non-standard contracts, including on-call work, job sharing, and multi-employer arrangements, their uptake has remained limited. Remote work, which saw a temporary surge during the COVID-19 pandemic, has since stabilised at a low level, and part-time work continues to lag far behind the EU average. This stagnation may be attributed to both cultural attitudes and legal uncertainties surrounding these forms of work.

In Hungary, working time must be determined on a daily basis, and weekly working time arrangements can only be introduced within the legally permitted reference period, “which is limited to twenty-four weeks unless extended by a collective agreement. This legal rigidity leaves little room for structural innovations unless a collective bargaining framework is activated, which, as discussed

² KOZMA, Anna, “A csökkentett munkaidőben történő foglalkoztatás után igényelhető támogatás.” *Munkajog*, no. 2, 2020, pp. 44-50.; SIPKA, Péter – ZACCARIA, Márton Leó, “Részmunkaidős, szülő, nő: a több védett tulajdonságot is érintő közvetett diszkrimináció lehetősége a felmondásnál.” *Munkajog*, no. 2, 2020, pp. 33-39

³ SIPKA, Péter – ZACCARIA, Márton Leó, “Dolgozik és pihen? A munkaidő fogalmának bővítése az Európai Unió Bíróságának újabb ítélete nyomán, tekintettel a magyar joggyakorlatra.” *Jogtudományi Közlöny*, no. 9, 2016, pp. 449-457.

⁴ Act I of 2012.

⁵ PRUGBERGER, Tamás, “A munkaidő, a pihenő idő és a szabadság várható új magyar jogi szabályozásának kérdéséhez.” *Jogtudományi Közlöny*, no. 11, 2011, pp. 539-549.

later, is often absent or underutilised.⁶ Moreover, the structure of working time is primarily daily, with weekly arrangements permitted only within reference periods that are either unilaterally imposed (for up to 24 weeks) or agreed upon in collective bargaining.

This tension between formal regulation and practical implementation was brought into sharp focus by a recent judgment of the Court of Justice of the European Union (CJEU) in *Case C-477/21, IH v. MÁV-START*, which originated from a Hungarian court's preliminary reference.⁷ The case concerned the interpretation of the daily rest period under Directive 2003/88/EC, and its findings cast doubt on longstanding Hungarian labour law practice.⁸ The CJEU held that, for rest to fulfil its purpose under EU law, the worker must be afforded an uninterrupted period of rest immediately following the conclusion of their working time, during which they may entirely disengage from the work environment and recover from the physical and mental demands of the job. It further emphasised that daily rest must be granted immediately after the work period, regardless of whether a subsequent shift is scheduled. If daily and weekly rest periods are provided consecutively, the weekly rest may only begin once the daily rest has been completed, and the two are to be understood as cumulative, not interchangeable.

This interpretation is clearly at odds with a deeply entrenched understanding in Hungarian labour law, according to which the primary function of daily rest is to ensure recovery prior to the next working period rather than after the current one. The newly codified provision of the Hungarian Labour Code, which exempts employers from assigning a daily rest period if no work is scheduled for the following day (Section 104(5)), appears difficult to reconcile with the requirements articulated by the CJEU.

The Hungarian Supreme Court has clarified that employers must organise working time so that the weekly rest period—typically comprising Saturday and Sunday—is preceded by an uninterrupted 11-hour daily rest period on Friday.⁹ As a

⁶ FODOR, Gábor T. – TÓTH, Kristóf, “A négy hét, az négy hét – Gondolatok a szabadság munkaidőkeretben történő számításáról.” *Munkajog*, no. 3, 2021, pp. 45-50.

⁷ CJEU Judgment of 2 March 2023 (Case C-477/21, *IH v. MÁV-START*)

⁸ HUNGLER, Sára, “Alkotmánybírósági döntés a munkaidőkeretről és a rendkívüli munkavégzésről.” *Munkajog*, no. 3, 2021, pp. 57-60.; SIPKA, Péter – ZACCARIA, Márton Leó, “A munka munkaidő uniós jogi fogalma: a készenlét teljes tartama munkaidőkénti minősítésének dilemmája.” *Munkajog*, no. 3, 2021, pp. 51-56.; ROMÁN, Róbert, “A munkaidő és pihenőidő európai uniós és hazai szabályozásáról.” *Munkajog*, no. 7, 2007, pp. 385-394.

⁹ BH 2024.11.272: Kúria Judgment Mfv.IV.10.044/2024/6 on the obligation to pay wage supplement.

consequence, regular working hours may not be scheduled beyond 1 p.m. on Fridays without qualifying as overtime, which is generally subject to a 50% wage supplement in accordance with standard remuneration rules. Employees may also claim retroactive compensation for work performed during periods that should have been protected as rest time, going back up to three years. To align with these requirements, employers may opt to define weekly rest in hours rather than in calendar days. However, a more coherent and legally secure solution would be for the Hungarian legislature to amend the relevant provisions to bring domestic law into conformity with EU standards—a step that remains pending—. Current employer practices often allow for the scheduling of weekly rest without guaranteeing the requisite preceding daily rest, creating a direct conflict with both the Court of Justice of the European Union’s interpretation and the recent Supreme Court ruling. The incompatibility between domestic law and EU law in this context suggests that legislative amendment may be necessary to ensure compliance, rather than mere reinterpretation at the judicial or administrative level.

In contrast to international discussions on reducing working time, the Hungarian legislative framework appears to lean in the opposite direction.¹⁰ Instead of structurally promoting shorter working hours, the Labour Code allows for the voluntary extension of working time beyond statutory maximums through individual agreements. Pursuant to Section 109(2) and 135(3) of the Labour Code, the parties may agree to increase the annual ceiling for extraordinary working time—commonly referred to as overtime—from the default statutory maximum up to 400 hours per calendar year. This so-called “voluntarily undertaken overtime” must be recorded in writing, and the employee has the right to terminate the agreement at the end of the calendar year. Such agreements may be concluded at any point during the year, and are subject to proportional reduction based on the date of conclusion.

The legal possibility of extending annual overtime in this way reflects a legislative preference for individual bargaining mechanisms over structural working time limits. While the agreement must be made prior to the exhaustion of the default statutory limit, there is no prohibition against mid-year expansion of the allowable overtime threshold. This flexibility, however, is conditioned by general principles of good faith and fairness as outlined in Section 6(2) of the Labour Code. Moreover, the voluntariness of the agreement relates solely to the amount

¹⁰ FODOR, Gábor T., “Még egyszer a munkaidős szabályok uniós meg(nem)feleléséről – az Európai Unió Bíróságának a Syndicat des cadres de la sécurité intérieure ügyben hozott ítélete fényében.” *Munkajog*, no. 4, 2019, pp. 46-48.

of overtime that may be ordered, not to the act of ordering itself, which remains within the employer's prerogative.

Although collective agreements may regulate aspects of overtime —such as its compensation or the conditions of its deployment— they cannot fully preclude individual agreements on voluntary overtime. What emerges from this regime is a labour law environment that, while formally recognising limits to working time, nonetheless structurally facilitates its extension. It is also notable that the law permits these agreements to be concluded for indefinite durations, further entrenching an expansive understanding of availability. The only meaningful safeguard is the employee's right of termination at the end of the year, which underscores the enduring asymmetry of bargaining power, particularly in sectors or enterprises where union representation is weak or absent.

Another area where working time flexibility is assumed —but not legally ensured— is telework. Following the COVID-19 pandemic, the public and professional perception has often equated teleworking with increased autonomy, particularly in terms of time management. However, the Hungarian Labour Code imposes significant limitations on the practical implementation of flexible work through telework, revealing a disconnect between regulatory design and workplace realities.

One of the main legal uncertainties arises from the fact that the Labour Code does not explicitly recognise partial or hybrid telework. The law defines telework as a form of employment where the employee carries out their duties, in full or in part, outside the employer's premises. However, the prevailing interpretation has long centred on full-time telework, leaving hybrid arrangements in a regulatory grey area. Employers who wish to implement mixed models —such as working from home two or three days a week— are often forced to stretch the interpretation of existing provisions, at the risk of undermining legal certainty.

Moreover, the presumption that telework involves a flexible working time arrangement is not absolute. Although the law provides that telework is, by default, subject to an informal (i.e. unscheduled) working time regime, the parties to the employment contract may agree otherwise. In practice, many telework arrangements include clauses that reserve the employer's right to unilaterally determine working hours. This undermines the notion of employee autonomy and creates a situation in which the spatial flexibility of telework does not necessarily translate into temporal flexibility. As a result, telework may reproduce the structural

subordination of traditional on-site work, while offering only the appearance of greater freedom.

These ambiguities have created a compliance dilemma for employers. Many companies are struggling to reconcile employees' demands for continued flexibility—particularly in working time—with the legal constraints and uncertainties surrounding telework and home office.¹¹ In the absence of a clearer regulatory framework, some employers have chosen to curtail or eliminate remote work altogether, considering it a legally safer option than attempting to navigate the blurred lines between legal and de facto arrangements.

At the same time, companies that pursue innovative and generous interpretations of the existing legal framework—by, for example, incorporating hybrid telework models or informal home office arrangements—may gain a significant competitive edge in attracting and retaining talents. These employers demonstrate how organisational creativity, even within a rigid legal structure, can support greater flexibility in both space and time. However, such innovation occurs largely in a legal vacuum, relying more on employer initiative and employee trust than on stable regulatory foundations. Without legislative reform, the broad adoption of flexible time arrangements through telework will likely remain fragmented, conditional, and uneven across sectors.

Hungary's industrial relations landscape further complicates the prospects for working time innovation. Collective bargaining coverage is low, estimated at around 20 percent of the workforce, and largely confined to company-level agreements. Sectoral agreements play a minimal role, and the registration system for collective agreements is weak, lacking both transparency and enforcement. Research has highlighted the limited substantive value of many agreements, which often replicate statutory provisions without adaptation to local or sector-specific needs.¹²

The role of collective bargaining in regulating atypical work is minimal.¹³ According to recent surveys, only part-time work is addressed in more than a fif-

¹¹ PÁL, Lajos, «Az egyenlőtlen munkaidő-beosztás és a munkabér elszámolása.» *Munkajog*, no. 1, 2020, pp. 71-74.

¹² SZABÓ, Mercédesz Ibolya, «A jogharmonizáción túl – a munkaidő szabályozásának versenyképessé tétele.» *Munkajog*, no. 3, 2022, pp. 18-23.

¹³ SZABÓ, Imre Szilárd, «Az üzemi tanács véleményezési jogkörének lehetséges bővítési irányai, különös tekintettel a munkaidő-szervezés egyes kérdéseire és a harmadik országbeli állampolgárok foglalkoztatására.» *Munkajog*, no. 1, 2024, pp. 30-32.

th of collective agreements, while forms such as telework, on-call work, or job sharing are rarely regulated, despite their legal recognition. Even where such topics appear in agreements, their treatment is often superficial. Most collective agreements fail to engage with the regulatory gaps left by the law, missing the opportunity to develop tailored and meaningful working time arrangements.

In sum, Hungary's regulatory framework for working time presents a paradox. On the one hand, the Labour Code includes a relatively broad array of instruments for flexible or atypical work. On the other, the practical uptake of these instruments remains limited, reflecting institutional inertia, weak collective bargaining, and a work culture dominated by employer discretion. As a result, new and flexible working time arrangements in Hungary tend to arise not from legislation or collective bargaining, but rather from the isolated efforts of individual employers who are willing to experiment within the existing legal framework.

2. How the Case Studies Emerged

The three selected Hungarian case studies were chosen precisely because they stand out as rare and significant efforts to innovate within a national context that is structurally resistant to experimentation in working time arrangements. Each case presents a form of organisational creativity and strategic adjustment that contrasts with the limitations of Hungarian labour law and the weakness of institutional frameworks for collective labour relations.

First, as outlined above, the Hungarian legal environment does not actively promote working time innovation. While the Labour Code formally permits certain forms of flexibility —such as remote work, job sharing, or working time banking— it does so within a rigid structure that prioritises employer control and allows limited space for autonomous working time arrangements initiated by employees. Even telework, though legally recognised, is regulated narrowly, with no statutory recognition of hybrid models or home office as a separate category. Attempts to introduce reduced working time models under existing legal conditions typically face considerable obstacles, both procedural and interpretive. The prevailing emphasis on extending working hours through instruments like voluntary overtime agreements further reinforces a culture of long working weeks, rather than incentivising more flexible or balanced alternatives.

Second, the context is further shaped by the recent failure of a highly publicised four-day workweek pilot conducted by Magyar Telekom, one of the country's lar-

gest employers. The company initially launched its experiment in 2022 with 152 employees, expanding it to 300 following encouraging initial feedback. While employee satisfaction was remarkably high —90 percent expressing a preference to continue under the reduced schedule— the trial ultimately failed to deliver sustainable outcomes. According to Telekom’s internal evaluation, the model encountered significant barriers. For certain task-structured roles, particularly in technical maintenance and customer service, the compressed schedule impaired performance and disrupted workflow. Moreover, the intensified four-day regime proved incompatible with many employees’ personal lives, particularly for those with caregiving responsibilities, who found that longer daily hours eroded work-life balance rather than improving it. Organisationally, the asynchronous distribution of off-days created additional coordination problems within teams. The company concluded that the hybrid coexistence of four-day and five-day working arrangements posed long-term business risks and abandoned the experiment in early 2024. The case attracted national attention and underscored the structural incompatibility between current labour market institutions and the kind of universal flexibility models gaining traction elsewhere in Europe. It also served as a cautionary tale, dampening enthusiasm for similar initiatives among Hungarian employers.¹⁴

Third, although the Labour Code allows for the regulation of working time through collective agreements, the weakness of Hungary’s collective bargaining system significantly limits this channel. Unionisation rates are low, collective bargaining coverage is poor, and most agreements are company-level rather than sectoral. Existing research consistently finds that collective agreements rarely engage meaningfully with atypical or innovative forms of working time. The few exceptions tend to be isolated, unambitious, or reiterative of statutory provisions. As a result, the possibility of identifying well-functioning, collectively negotiated models of working time flexibility was extremely limited in the Hungarian context.

Against this backdrop, the three case studies included in this chapter were selected because they represent rare instances where working time flexibility has been meaningfully addressed. Importantly, all three companies —Deutsche Telekom IT Solutions, DHL, and Schneider Electric— are subsidiaries of multinational corporations with extensive global operations and substantial internal HR capa-

¹⁴ PRUGBERGER, Tamás – ROMÁN, Róbert, “A heti négynapos munkaidő bevezetésének a kérdése.” *Munkajog*, no. 7-8, 2023, pp. 483-488.

city. Each had the structural resources, legal advisory access, and organisational autonomy to adapt foreign models of flexibility to the Hungarian context. In all three cases, the initiatives were not homegrown responses to domestic regulation or social dialogue, but rather local implementations of strategies initially developed at corporate headquarters abroad.

This top-down dynamic is critical. It illustrates that in Hungary, meaningful working time innovation currently depends less on institutional reform or collective pressure and more on the organisational capacity of large employers to navigate legal constraints. These employers were able to reinterpret existing rules, stretch administrative categories, and in some cases operate in legally grey zones in order to respond to changing workforce expectations. Their efforts do not negate the structural limits of the Hungarian system, but they show that, under certain conditions, targeted flexibility is possible.

In selecting these case studies, the research aimed to highlight precisely this tension: the contradiction between a rigid national framework and the adaptive strategies of global employers operating within it. These examples offer not a blueprint, but a set of real-world experiments that may inform future efforts — either by other employers seeking to adopt similar models or by policymakers looking to build a more enabling legal environment for working time innovation.

3. Measures adopted in the area of working time

The following section presents three company-level measures that aim to introduce greater flexibility in the organisation of working time within the confines of Hungarian labour law. Each case illustrates how multinational employers have developed context-specific adaptations of broader corporate strategies to address employee expectations and operational demands without departing from formal legal constraints.

3.1. Measure 1: “Workation” – Flexible Cross-border Telework at Deutsche Telekom IT Solutions Hungary

The first case explores the implementation of a structured yet experimental remote work initiative —referred to as “Workation”— at Deutsche Telekom IT Solutions Hungary (DT-ITS), a major player in the Hungarian IT sector with a wor-

kforce exceeding 5,000 employees. DT-ITS has received repeated accolades as a top employer, thanks to its proactive HR policies and workplace culture focused on employee well-being and retention.

The “*Workation*” model allows employees to telework from abroad for a temporary period while maintaining full-time status and unchanged employment conditions. The program was introduced in response to evolving employee expectations, particularly among highly mobile IT professionals who increasingly seek international flexibility as a core element of work-life balance. At the same time, it was a strategic response to growing labour shortages in Hungary, which threaten the competitiveness of knowledge-based sectors.

Workation was initially launched as a pilot project, allowing employees to work from any EU country for up to 20 working days per year. The scheme is employee-driven —initiated by the individual and subject to managerial approval— and applies equally to permanent and leased workers with a minimum six-month tenure. Administrative staff and probationary employees are excluded, and the company retains the right to withdraw approval if the employee resigns before the scheduled period.

While the core employment relationship remains unchanged during the Workation (including salary, working time, and obligations), the practical implementation posed substantial legal and administrative challenges. All costs are borne by the employee, including travel, insurance, and accommodation. Although the initiative does not amount to posting under EU law, it required creative interpretation of domestic regulations —particularly in taxation and social security— to ensure compliance. For instance, travel days to and from the destination were not counted as working time or commuting, avoiding potential conflicts with insurance and rest-time regulations. HR officers admitted that certain provisions had to be “stretched” to make the scheme legally viable within Hungary’s rigid labour framework.

Despite these constraints, the initiative was successfully embedded into the company’s broader remote work policy. DT-ITS had already established a hybrid work culture, with employees expected to spend only one day per week in the office. This provided a practical foundation for launching *Workation*, but also raised concerns among some managers about maintaining productivity and team cohesion in the absence of regular physical presence.

The program's approval process involves multiple stages: consultation with a direct supervisor, submission to the HR Services team, and a review involving tax and labour law assessment of the selected country. Upon approval, a temporary modification of the employment contract is signed, and employees are required to provide a fixed address abroad. Illness or logistical disruption during the Workation period triggers mandatory return protocols or the reclassification of the remaining time as unpaid leave or annual holiday.

From an organisational perspective, the most significant burden has fallen on the HR Services team, which had to manage the legal, logistical, and tax-related aspects of cross-border remote work. Internal evaluations have already led to proposals to simplify the approval process by streamlining decision-making levels. Nevertheless, the pilot phase received overwhelmingly positive feedback, with the most common destinations being Spain, Germany, and France. Based on this, the program was formally adopted in 2024 and expanded to include non-EU destinations within the EEA and Switzerland.

Importantly, the Hungarian works council was consulted prior to the launch of the program. However, the legal framework in Hungary does not grant works councils co-decision rights equivalent to those in Germany, where the initiative originated. Thus, while the consultation met statutory requirements, it did not confer any formal influence on the design or implementation of the scheme. This institutional asymmetry may limit the scope for adaptation to local employee needs, particularly in areas such as eligibility or application procedure.

3.2. Measure 2: Hybrid and Remote Work Flexibility at DHL's Budapest Command Centre

The second case concerns the Budapest Command Centre (BCC) of DHL, the global logistics leader, which has implemented a structured yet highly flexible remote work model to meet the evolving expectations of its white-collar workforce. While DHL is a multinational with broad operational footprints, its Hungarian subsidiary's initiative stands out as a rare example of employer-led working time innovation in a legal and industrial context otherwise marked by rigidity.

The emergence of DHL's model is rooted in the pandemic-era reconfiguration of working patterns. Like many firms, DHL was compelled to adopt remote work during COVID-19. However, BCC has since moved beyond temporary arrange-

ments and formalised a hybrid model that now constitutes the company's standard working time regime. Under this system, employees work remotely for three days a week, while two days are reserved for on-site presence. Of these two office days, one is determined by the employee and the other by the employer—an 80–20 split that reflects a deliberate balance between flexibility and coordination.

This baseline model applies to the entire white-collar workforce at BCC, while additional layers of flexibility are offered to managerial staff, who are granted full discretion over their schedules. Furthermore, a special provision allows employees facing personal challenges—such as long commuting times, childcare, or eldercare responsibilities—to apply for a 100% home office arrangement. These differentiated schemes illustrate how working time can be adapted to diverse individual needs without compromising the core operational requirements of the firm.

Importantly, these arrangements remain tightly circumscribed in legal terms. Home office is only permitted from within the employee's residence, and a visual assessment of the workstation—typically through photographs—is required to comply with occupational safety obligations. As such, remote work remains spatially constrained despite its temporal flexibility. Moreover, these benefits are reserved for white-collar staff, as blue-collar employees—predominantly warehouse workers—are structurally excluded from such models. This has the potential to create a bifurcated workforce, particularly as only the blue-collar segment is unionised at BCC, whereas white-collar employees have no collective representation. The company's internal home office policy has thus been designed and implemented without union involvement.

While a collective agreement is in place at DHL more broadly, it plays no direct role in regulating working time at BCC. The absence of union participation in the design of flexible arrangements reflects broader trends in Hungary's industrial relations, where collective bargaining coverage is limited and concentrated primarily in traditional sectors or public enterprises. In the DHL case, flexibility has been achieved through managerial initiative and internal trust rather than negotiated agreements. According to internal interviews, mutual trust has been a cornerstone of the system's success, enabling the company to avoid rigid scheduling and formalised core/periphery time structures.

The company's internal surveys suggest that employees are highly satisfied with the hybrid model, and no measurable drop in productivity has been recorded.

Importantly, the 100% home office option has been taken up by a diverse range of employees, with around half of applicants being men—an indication of growing demand for family-friendly working time arrangements across gender lines, especially following Hungary’s transposition of the EU Work-Life Balance Directive.

The DHL case further illustrates the challenges that employers face when operating within a legal framework that remains largely indifferent—or even occasionally hostile—to new working time arrangements. The company has had to navigate regulatory gaps, particularly concerning the formal recognition of home office arrangements and the legal obligations surrounding occupational safety. Nevertheless, DHL has succeeded in creating a model that supports autonomy, retention, and organisational efficiency.

While the initiative demonstrates how corporate strategies can successfully adapt to employee needs, the lack of formal worker involvement raises questions about the long-term durability of such systems. Without mechanisms for collective voice or consultation, the sustainability and equitable evolution of these arrangements depend largely on employer goodwill and managerial discretion.

3.3. Measure 3: Flexible Remote Work and Sabbatical Options at Schneider Electric Hungary

The third case focuses on Schneider Electric Hungary, a major industrial and services firm with a substantial presence across multiple Hungarian locations and a workforce exceeding 1,200 employees. The company provides a particularly compelling example of a large-scale employer incorporating hybrid work arrangements, sabbatical opportunities, and employee-driven flexibility schemes into its core HR strategy. These developments emerged not only as a response to the COVID-19 pandemic but also as a strategic adjustment to address long-standing challenges in recruitment and retention in Hungary’s tightening labour market. Initially implemented as a crisis-management measure, remote work at Schneider Electric has since evolved into a permanent element of corporate practice. Employees are now permitted to work remotely for two days a week from any location within Hungary, with the remaining three days spent on-site. This 60–40 distribution was designed to respect legal constraints concerning occupational safety and taxation, which currently hinder cross-border remote work. Within these limits, however, the system allows considerable autonomy: employees can

choose their remote days, and the allocation of office days is coordinated informally by team leaders to maximise collaboration and avoid logistical conflicts.

What distinguishes Schneider Electric's approach is the integration of working time flexibility into a broader strategy of personal autonomy and well-being. Fridays have become de facto meeting-free, giving employees greater freedom to manage their time and workload across the week. Furthermore, employees are encouraged to work where they are most productive—whether at home or in the office—resulting in a fluid but coherent model of hybrid work that supports individual needs without compromising team cohesion or performance metrics.

In addition to hybrid arrangements, Schneider Electric has introduced a pilot sabbatical program for long-term employees. After three years of continuous employment, workers may apply for a sabbatical lasting between three and six months. Financial feasibility is ensured through a co-contribution model: half the salary is saved in advance by the employee through a “salary bank,” while the other half is funded by the company. This structure allows for extended time away from work without disrupting the financial stability of either party, further promoting work-life balance and personal development.

Another innovative feature is the expansion of the company's internal bonus system, “Step Up,” a peer-to-peer recognition platform that now allows employees to exchange bonus points not only for work-related benefits but also for additional paid leave. This mechanism provides another avenue for flexible time management and underscores the company's commitment to recognising informal contributions through formal entitlements.

Despite these extensive reforms, the design and implementation of Schneider Electric's flexible work policies occurred with minimal input from employee representatives. This mirrors a broader pattern observed in the other case studies: Hungary's weak industrial relations framework leaves limited space for co-determination or collective negotiation. Trade unions and works councils played no significant role in shaping the policies; instead, the company relied on top-down strategic planning combined with periodic feedback from staff.

Nonetheless, employee response has been largely positive. Interviews conducted as part of this study highlighted a high retention rate and strong internal morale. Management acknowledged that flexible arrangements—especially remote work—had become a decisive factor in attracting new talent and retaining

existing staff, particularly in technical and professional roles where competition is intense. Interviewees consistently emphasised that the flexibility to manage one's time and location was now integral to their perception of the employer, even more so than fringe benefits or compensation packages.

Importantly, while Schneider Electric explored and subsequently rejected the idea of a four-day work week, citing incompatibility with operational demands and employee expectations, it has pursued flexibility through other means. The company concluded that a rigid four-day model failed to accommodate the diversity of employee needs, particularly in relation to caregiving duties, school activities, and personal routines. Instead, it opted for individualised autonomy within a five-day framework—a model perceived by both employees and management as more responsive and sustainable.

In summary, the Schneider Electric case highlights a layered and adaptive model of working time flexibility that combines hybrid work, time banking, sabbaticals, and informal autonomy. It offers a corporate-led response to the limitations of Hungarian labour law, which currently lacks the provisions needed to support such initiatives systematically. Although questions remain about the sustainability of these models in the absence of stronger employee representation, the case nonetheless illustrates how flexibility in time and place can be institutionally embedded in ways that support both organisational and personal objectives.

Across all three case studies, the impact of the adopted measures reveals a common pattern: working time flexibility in Hungary is not the result of legal reform or collective bargaining, but rather the product of organisational initiative, shaped by the strategic imperatives of large multinational employers. While each company operated within the same constrained regulatory environment, they managed—through different degrees of legal creativity and internal restructuring—to establish meaningful, if partial, innovations in working time management.

At Deutsche Telekom IT Solutions Hungary, the “Workation” scheme served as a distinctive and highly visible benefit. Despite its limited take-up in absolute terms—27 participants at the time of reporting—the program carried both symbolic and functional weight. Employees valued the ability to combine professional duties with time abroad, whether for family reasons or leisure, and perceived the initiative as a signal of trust and progressiveness on the part of their employer. From management's perspective, Workation reinforced the company's employer brand and functioned as a targeted retention tool, particularly for younger and

highly mobile IT professionals. However, the implementation also exposed the limits of Hungary's labour law, as the scheme required reinterpretation of travel, insurance, and working time provisions that had not been designed for such transnational flexibility.

DHL's approach to hybrid work demonstrated a different form of impact. Rather than introduce a discrete program, DHL embedded flexibility into the routine structure of work through its 80–20 remote-to-office model. The key strength of this arrangement was its responsiveness to employee needs—especially the provision of full remote work options for those with caregiving responsibilities—without departing from the legal framework governing telework. Internal surveys suggested high satisfaction levels, and management attributed improved employee engagement in part to the trust-based design of the system. Yet the experience also underscored structural inequities: white-collar workers benefited from expanded autonomy, while their blue-collar counterparts, despite union representation, remained excluded. Moreover, in the absence of collective voice among remote-eligible staff, the evolution of the system depended entirely on managerial discretion, with little guarantee of continuity or enforceable rights.

Schneider Electric offered perhaps the broadest model, combining hybrid work with sabbatical opportunities and expanded time-banking schemes. These innovations—especially the option to exchange peer-awarded bonus points for paid leave—introduced new mechanisms for individualised time management within a standard five-day framework. Here again, the effects were both practical and symbolic. Flexibility became a cornerstone of the company's employer value proposition, helping to improve retention among skilled professionals and enhance the firm's appeal in a competitive labour market. Importantly, Schneider's approach demonstrated that working time flexibility need not be tied to the four-day model, which had proven unworkable in the Hungarian context. Instead, modular and individualised systems, supported by a permissive corporate culture and careful legal navigation, appeared more sustainable and inclusive.

Taken together, these cases confirm that flexible working time arrangements in Hungary remain the exception, not the rule. They are made possible by the organisational capacity of a small group of large employers and operate, at best, on the margins of the law. Their primary function is not to transform the labour market, but to address acute problems of retention, recruitment, and employee satisfaction within specific occupational groups. In this respect, they highlight the persistent gap between employee demand for autonomy and the structural

inertia of the national regulatory framework. Crucially, they also demonstrate that innovation in working time is not impossible in Hungary—but it is highly conditional on internal company initiative, supported by legal ingenuity and global HR infrastructure.

5. General evaluation and conclusions

This chapter has examined the scope and limitations of working time innovation in Hungary by analysing three selected company-level practices introduced by multinational employers. These case studies offer instructive insights into how, even within a legal and institutional environment that is structurally unsupportive of flexibility, meaningful if modest innovations can still be introduced—albeit under particular conditions.

The Hungarian legal framework remains primarily oriented toward traditional, standardised models of full-time employment. While the Labour Code does formally recognise some atypical employment relationships—such as job sharing, telework, or working time banking—these provisions are narrowly drafted and procedurally constrained. Most notably, the legislation does not support reduced working time as a policy direction. On the contrary, it enables the extension of working time through individually concluded agreements on voluntary overtime, potentially reaching up to 400 hours per year. Flexible working time is generally understood not as a right or entitlement, but as an arrangement to be initiated and managed by the employer. The Code offers few tools for employees to shape their own working schedules or negotiate for reduced or more autonomous arrangements.

In parallel, the Hungarian system of industrial relations provides little institutional support for innovation. Despite the theoretical potential of collective agreements to regulate working time, trade union density and collective bargaining coverage remain low, and even where agreements exist, they tend to reproduce statutory provisions rather than extending or adapting them. As highlighted in Part 2, the legal option to embed flexibility through collective agreements remains largely illusory due to the structural weakness of trade unions. Thus, the regulatory and institutional framework does not encourage working time experimentation.

In this context, the three case studies were selected not as examples of systemic innovation, but as illustrations of what is possible when companies opera-

te with substantial organisational resources and legal advisory capacity. Each of the selected firms —Deutsche Telekom IT Solutions, DHL, and Schneider Electric—forms part of a multinational corporate structure with access to internationally developed models and the capacity to adapt those models to local legal regimes. Their initiatives did not emerge organically from domestic legal or institutional incentives but were instead localised adaptations of global HR strategies. This fact is significant: it highlights that successful innovation in Hungary's working time arrangements currently depends on external impetus, legal creativity, and organisational autonomy —not on legal entitlement or institutional facilitation.

Nevertheless, the measures implemented within these firms —*Workation* scheme, structured hybrid work models, 100% remote options, sabbaticals, and time-banking mechanisms— have delivered measurable benefits. Employees report increased job satisfaction, improved work-life balance, and a stronger sense of trust and autonomy. From a management perspective, these tools have enhanced employer branding and improved retention in key sectors affected by labour shortages, particularly IT, logistics, and high-skill service roles. These outcomes are neither incidental nor negligible. They reveal that in a labour market where legal reform is unlikely in the short term and where collective bargaining offers little protection, well-resourced employers can nonetheless act as important laboratories for institutional experimentation.

What these case studies ultimately reveal is that, even in the absence of a supportive legislative or collective bargaining framework, companies can develop meaningful forms of working time flexibility through strategic initiative and careful legal interpretation. The absence of enabling regulation does not preclude innovation; it simply shifts the burden onto the employer. In all three cases examined, multinational companies were able to adapt their global policies to the Hungarian context without breaching domestic law —demonstrating that the existing legal environment, while rigid, still leaves room for structured experimentation.

These initiatives have not aimed to reduce total working hours, nor have they sought to challenge the standard full-time model. Instead, they have focused on improving how working time is scheduled, distributed, and managed —with particular attention to the autonomy of employees and the operational needs of the employer. The result, in each case, has been a significant improvement in perceived flexibility and work-life balance, especially among white-collar employees, without compromising productivity or continuity. These gains are not

merely symbolic: they contribute to employee retention, increase commitment, and strengthen the internal coherence of the workplace.

While the scope of these innovations remains limited by structural factors—most notably the weak role of social dialogue and the absence of sectoral bargaining—they nonetheless signal that employer-led flexibility can succeed, not only as an exception, but as a pragmatic response to labour market pressure and workforce expectations. These models are not transformative in a systemic sense, but they are highly functional in their specific institutional context. In that sense, they demonstrate that working time innovation is not solely a question of formal regulation, but also of interpretive and organisational capacity.

In conclusion, the Hungarian experience shows that companies willing to engage with the legal framework creatively, and to respond thoughtfully to the needs of their workforce, can implement working time arrangements that significantly enhance employee satisfaction and workplace efficiency. These examples may not alter the structure of national labour governance, but they offer a valuable perspective on what is possible within it.

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Case study on Ireland: bargaining for flexible work in higher education and Banking

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1. Overview

The organisation of working time in Ireland is mainly governed by the Organisation of Working Time Act 1997, which transposed the Working Time Directive (Directive 2003/88/EC). It was last amended in June 2023 with the incomplete implementation of the Work Life Balance Directive (consolidated version here). In line with Directive 2003/88/EC, the Act imposes minimum standards in the employment relationship relating to daily rest periods (s11), rests and interval break at work (s12), weekly rest periods (s13), compensation for working on Sundays (s14), maximum 48 hours working week (s15), regulation of night working (s16), zero-hour contract protection (s18) and entitlement to annual leave (s19). The maximum working time provision entails that in each period of 7 days employees are not to work more than an average of 48 hours, which is calculated over a reference period of 4 months, exceptions notwithstanding.

The actual working time in Ireland differs considerably by gender, and according to the world population review, relying on ILO Stat and OECD reports, is

*With research assistance by Artis Mazeiks. Research Assistant, University College Dublin, Sutherland School of Law.

34.7 hrs on average per week for men, and 29.6 for women, resulting in an overall average of 30.7 hrs a week.¹

In terms of flexible working arrangements benefitting employees, Ireland had introduced a right to request part-time work, including flexible part time work, for parents while implementing the EU Social Partner Agreement on Parental Leave with the Parental Leave Act 1998. The Work Life Balance and Miscellaneous Provisions Act 2023, implementing Directive (EU) 2019/1158 (the Work-Life Balance Directive), amends the Parental Leave Act, with the leave allowance increasing from seven to nine weeks in 2024. The Act also introduces paid leave for victims of domestic abuse (five days) and five days of unpaid leave for carers and parents of children under 12. Additionally, the outbreak of the Covid-19 pandemic brought about a significant shift to remote working, with 48% of employees working exclusively from home or all or some of the period from March 2020 to May 2021 (compared with around 6% in 2019).²

The Work Life Balance and Miscellaneous Provisions Act 2023 has also established the first steps towards a legislative framework for accessing remote and hybrid working for all workers. The Act creates a right for any employee to request remote or hybrid work, where they have completed six months of continuous employment with that employer, and their employer is obliged to consider this request. The Act also grants a right to request flexible working, though this entitlement is only afforded to employees with specified care responsibilities,³ and again is subject to the requirement to have completed six months of continuous employment. Flexible working arrangements which may be requested include part-time work, term-time work, job-sharing, flexitime, compressed working hours and/or remote working. These arrangements are envisioned as being time limited, in accordance with the period in which the employee is required to provide care.

While neither of these rights establish an entitlement to flexible or hybrid/remote work, they create procedural requirements which constrain the employer. An employer must consider and respond to a request as soon as is reasonably practicable after receiving it. In reaching their decision to approve, reject or al-

¹ World Population Review web site, accessed 19 April 2025, <https://worldpopulationreview.com/country-rankings/average-work-week-by-country#sources>

² Geary, John and Belizón Cebada, María Jesús, 2022. Working at home and employee well-being during the Covid-19 pandemic First findings from the UCD Working in Ireland Survey, 2021, University College Dublin.

³ Work Life Balance and Miscellaneous Provisions Act 2023, section 13B. <https://www.irishstatutebook.ie/eli/2023/act/8/enacted/en/print>

ter the request, the employer must have regard to not only their business needs, but also the needs of the worker and the requirements of the Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working (the Code of Practice) drawn up by the Workplace Relations Commission (WRC). The rights to request flexible working and remote or hybrid working are individual rights, and the legislation does not provide a role for trade unions or collective representative structures in the process for applying for or approving any such request. However, workers have a general right for a union representative to accompany them when attending a meeting with their employer, and as such can have a union representative present when making a request for flexible or remote working. A decision of an employer may be appealed internally, usually by the employer's typical grievance procedures, where an employee feels that their request has not been properly considered in line with the legislation or the Code of Practice.

As regards collective bargaining, the industrial relations system in Ireland⁴ is based on voluntarism in principle. Accordingly, employers and trade unions voluntarily engage in bargaining, while the state provides a supportive legal framework. In principle, collective agreements have no legal effect, and to become binding, their terms must be integrated into the contract of employment between worker and employer (Industrial Relations (Amendment) Act 2001, amended 2015). Collective bargaining in Ireland is largely decentralised to the company or workplace level and, as a general rule, agreements do not produce *erga omnes* effects - only the parties are bound by their terms.

Voluntarism in Ireland is tempered by corporatist elements introduced by successive governments from 1946 onwards. Traditionally, Joint Labour Committees could be established for sectors where collective bargaining was deficient, and issue Employment Regulation Orders (EROs), which were legally binding throughout the sector. Also, Registered Employment Agreements (REAs) could be established in all sectors, creating binding effects for collective agreements. The current state of affairs, after a succession of litigation challenges of the traditional system up to the Supreme Court, can be summarised as follows. REAs are only legally binding to workers and employers whose organisations are party to the underlying collective labour agreement. Thus, this is an option to make a

⁴ For more detail and references on the Irish industrial relations model see Dagmar Schiek, Paul Mair, Mary Naughton, Country Fiche Ireland, InnovaWorking Project August 2024, available <https://www.elforodelabos.es/wp-content/uploads/2024/11/Innovaworking-Country-Fiche-Ireland.pdf> (19 April 2024), pp. 6-8.

collective agreement legally binding without giving it *erga omnes* effect. The Joint Labour Committee framework still exists, and allows the adoption of ERO's, which only become legally binding after having been laid before the two houses of parliament on application by the Minister, who can refuse to use this option. The practical relevance of the system is limited, because employers can refuse to participate in the JLCs. In addition, 2015 legislation gave trade unions the option to apply for a Sectoral Employment Order (SEO), if industrial relations or wage levels are unsatisfactory in a sector. The SEO can ultimately gain legally binding effect by a government minister laying it before Parliament (both houses of the Oireachtas) (Industrial Relations (Amendment) Act 2015). Proposals to reform the system further, also with a view to enhance coverage of collective bargaining in line with the EU's Minimum Wage Directive, are presently subject of a government consultation.

Ireland has implemented the EU directive on information and consultation of workers by legislation in 2006, the Employees (Provision of Information and Consultation) Act 2006, last revised in 2019, generating the opportunity to create works councils or alternative systems of information and consultation of workers without a firm legal requirement of introducing those in every establishment. Although there is a default system for information and consultation in cases where negotiations fail, this is not implemented if no negotiations take place. Accordingly, there is no general system of works councils.

Ireland has only one trade union confederation, the ICTU, to which the majority of trade unions are affiliated. Ireland has a large number of unions but many of these have small memberships, with the majority of members concentrated in the Services Industrial Professional and Technical Union (SIPTU), Fórsa, Connect and the Irish Nurses and Midwives Organisation. Trade union density is 28%, compared with around 60% in 1980, with membership primarily concentrated in the public sector.⁵ Collective bargaining coverage is estimated at 43% as of 2021, an improvement from the OECD's 2017 estimate of 34%.⁶

Collective bargaining on working time is not the norm in unionised workplaces. Negotiations generally focus more on pay, pensions and leave, whereas an em-

⁵ Geary, John and Belizón Cebada, María Jesús. 2022. Union voice in Ireland First findings from the UCD Working in Ireland Survey, 2021, University College Dublin. 2022.

⁶ Ibid, and for OECD figure see OECD. 2024. Trade Unions: Collective Bargaining Coverage. OECD Employment and Labour Market Statistics (database), <https://doi.org/10.1787/data-00371-en> Accessed 19 April 2025.

employee's hours and place of work tend to be established in their contract and any variation of those terms is an individual matter to be addressed with their employer, though a trade union may represent the employee in those discussions. Within the public sector, terms and conditions for grades within most services-health, government departments, defence etc, are uniform across all workplaces and are established by national agreement.⁷ However, there is an exception in higher education. Universities, have a certain degree of autonomy in establishing pay and terms and conditions and there has been greater variation in staff pay and conditions, including working hours. While there are national protocols and frameworks on blended (hybrid) working and flexible working for the public sector, which trade unions influence through consultation and engagement with the government, within universities trade unions must also engage in local discussions to establish how these policies will apply.

From as early as April 2021, SIPTU, which organises all categories of staff within higher education, had been engaging on the issue of blended working as many of their members had expressed their preference for maintaining some form of hybrid working beyond the pandemic. The union established a working group with shop stewards and organisers from the Education sector to prepare a report on remote working, sharing the emergency policies on remote working that had been established by each institution as well as existing and draft local frameworks for remote and hybrid work. The purpose of the report was to better inform and prepare SIPTU for negotiations with government, and to act as a tool for shop stewards in negotiations on local policies.

In 2022, the Department of Public Expenditure and Reform published a Blended Working Policy Framework, prepared in consultation with trade unions and staff associations at the national level.⁸ Availing of blended or remote working does not change employees' general contractual entitlements in terms of pay, pensions, sick leave or their working hours. Each university designed a pilot policy for remote working which would apply for a year and either be revised or extended.

Ireland has a national protocol on flexible working flexible working and flexi-time (also referred to as flexi leave). As is the case with remote working, where

⁷ Interview, Trade Union 2, Organiser 2.

⁸ Department of Public Expenditure and Reform. (2022). Blended working policy framework for civil service organisations. Dublin: Government of Ireland, link to a download: <https://assets.gov.ie/220105/883557ca-1f12-40f9-800a-92aab540fc14.pdf> (19 April 2025)

an employee relies on these arrangements this does not alter their general conditions of employment. Flexible working allows employees to work their full contracted hours but to choose their starting and finishing time within specified bands. Flexitime allows employees to gain up to a day and a half in leave or time in lieu where they work beyond their quota of hours, within the appropriate time bands, over a specified period.

In 2019, SIPTU adopted a four-day week as one of its objectives, and this remains a goal that the trade union is working towards. Since the pandemic, the pursuit of hybrid working has been a more immediate focus and has allowed employees to gain some of the benefits of a four-day week (in relation to balancing child-care, commuting less) without the potential loss of earnings a reduced working week might entail. In the public sector context, one representative interviewed pointed out that working hours were extended during the Global Financial Crisis and have not been fully restored to their previous level. As such, calling for shorter hours allowing for a four-day week in higher education and other public services is part of a longer struggle over working hours and relates to not only winning improvements but recovering previous conditions.

Within public services, such as the higher education sector, trade union organisers and representatives engage on behalf of employees seeking to reduce their working time by moving to job sharing or part time work. Often, workers seek such a reduction to manage care responsibilities, and will want the arrangement to be time limited, so that they may return to their previous contract once their circumstances have changed. Such a change requires altering an employee's contract of employment and accepting a reduction in pay, pension benefits and leave. Where employees avail of job sharing (working 50%), their net income is not halved as the reduction in gross salary brings them into a lower tax bracket, which mitigates some of the financial impact.

Whether an employee can have their contract changed to accommodate a reduction in working time is not a collective issue but instead depends on individual negotiations. However, trade union organisers and representatives may negotiate on members' behalf. There is no legal entitlement for the employee to rely on, even in the wake of the Work Life Balance and Miscellaneous Act, workers only have a right to request such arrangements, which brings certain procedural protections as detailed above, but ultimately their needs will be balanced with those of the business.

This case study examines measures from workplaces in the higher education and banking sector which were developed in consultation and negotiation with trade unions, as well as the circumstances surrounding their adoption, and their consequences for workers and employees. In higher education, the measures examined are the blended working pilots shaped by the Services, Industrial, Professional and Technical Union (SIPTU) and the Irish Federation of University Teachers (IFUT) in two public universities. Two instruments are analysed in order to provide a spectrum of the level of entitlement within the university sector in general; one of the measures represents the most flexible blended working pilots, while the other began as the most prescriptive but has been renegotiated to improve workers' entitlements. In banking, the study focuses on the parent's leave agreement negotiated by the Financial Services Union (FSU) with Bank A and the paid carers' leave allowance negotiated with Bank B. Both banks operate nationwide.

2 . How the case study emerged

2.1. Measures in the higher education sector

In the higher education sector, academic staff have long enjoyed access to hybrid working arrangements. While required to be on-site for teaching and other in-person engagements, these workers are free to perform their other duties in the location of their choice. However, prior to the Covid-19 pandemic, this flexibility did not extend to professional and administrative staff. Although it was technically possible for many of these employees to perform some of their tasks remotely due to digitalisation, access to remote work was rare in higher education and the wider public sector. In most instances management was able to unilaterally impose policies providing those such opportunities. This resulted from the focus of Irish industrial relations on slightly tempered voluntarism.⁹

Government also signalled its commitment to promoting remote work, for example through publication of the report *Remote Working in Ireland*, in late 2019.¹⁰ But its implementation in the public sector was still on an exceptional basis until the outbreak of the pandemic, when the government required employees, whose work did not involve the provision of essential services to remain at home and,

⁹ See above, text surrounding footnote 4.

¹⁰ Geary, John and Belizón, María Jesús. Working at home and employee well-being during the Covid-19 pandemic, 2022.

if possible, to work remotely.¹¹ This development demonstrated to professional and administrative staff, who had previously been required to attend on site Monday to Friday, that a considerable proportion, if not all, of their role could be performed remotely. Further, during this unexpected introduction to remote work, staff experienced a range of benefits. Without a daily commute, employees saved time and money. Working from home was also more compatible with family commitments, such as bringing children to school or childcare facilities (once these had reopened), and other care responsibilities.

Members discussed these positive aspects of remote work with their trade unions, and many expressed their preference for remote working to remain available after the pandemic. At the same time, there were workers who had experienced difficulties while working from home, as alluded to above, due to issues such as isolation, difficulty concentrating in the home environment, or not having a suitable workspace. As such, some workers expressed a preference for working on-site full-time. In 2021, the government also published *Making Remote Work: National Remote Work Strategy*¹² in which it highlights the public sector's potential to lead by example and pledges that public sector employers will move to 20% remote work in 2021. Thus informed, in early 2021 trade unions began to mobilise to maintain access to remote work, and to entrench this as a right, whilst ensuring it did not become a requirement. Workers that did not wish to work remotely or did not have the facilities to do so should be able to continue attending on site every day and should not experience any penalty for doing so. By mid-2021, universities had begun to design pilot policies for remote working which would apply for a year, and either be revised or extended.¹³ Generally, universities recognise trade unions at the local level only for the purposes of consultation, but not for negotiation on these issues. Nevertheless, the trade unions have a right to be shown new policies that have potential impacts for their members and to propose changes.

¹¹ *ibid.*

¹² Making. Remote Work: National Remote Work Strategy, January 2021 – downloadable here <https://enterprise.gov.ie/en/publications/publication-files/making-remote-work.pdf> (19 April 2025)

¹³ These policies tend to apply only to professional, administrative, technical and support staff as academic staff already enjoy considerable autonomy in the organisation of their working time, since, as noted above, academic staff had in general enjoyed access to remote working prior to the Covid-19 pandemic and would continue to do so.

2.2. Measures in the retail banking sector

Directive 2019/1158 on work-life balance for parents and carers significantly influenced the emergence of paid parent's leave and fully paid carers' leave in Bank A and Bank B respectively. This directive created new entitlements for workers to five days of carers' leave annually, and to four months of parental leave for each child, during two months of which, in the case of each child, they should also receive an adequate payment. As the Directive 2019/1158 was being implemented, the FSU began to discuss how they could use the basic entitlements this instrument created as the basis for negotiating more generous parent's leave and carers' leave policies with employers. The content of this agenda was also shaped by the results of polling from members and by the Covid-19 pandemic. The majority of staff in both Bank A and Bank B were subject to the requirement to work from home and experienced benefits similar to those emphasised by workers in the higher education sector. Being at home increased employees' awareness of the amount of time they spent on care responsibilities, increasing demand for policies which take these responsibilities into account. In addition, around 10% of staff in the sector- those who work as tellers in bank branches, are unable to carry out any of their role remotely and to experience the benefits referred to above, meaning the FSU was mindful of negotiating policies that would bring improvements to employees' work-life balance and would apply equally to all. Further, around 70% of FSU members are women and the FSU's polling found that these types of policies were a priority for female employees. With all these factors in mind, the FSU sought to negotiate a suite of policies, which centred on the idea of wellbeing, and which all categories of staff could avail of.

3. Measures adopted in matter of working time

3.1. Introduction

In higher education, the measures examined are the blended working pilots shaped by the trade union SIPTU in two universities (measure 1 and 2), while in the banking sector the measures negotiated comprise paid parental leave and carer's leave (measures 3 and 4).

Measure 1, the blended working pilot in University A specifies university wide allowances for remote working. The baseline quantum is one day a week, plus an

extra day per week for 21 weeks of the year. However, as will be discussed below, the university has agreed to grant two days a week for those that wish to avail of it.

Measure 2, the blended working pilot for University B, does not prescribe the maximum or minimum time to be worked remotely, this is to be decided at the department level, to allow for local flexibility and to accommodate University needs. Where an employee requests blended working and their request is rejected, there is a grievance procedure, in which the employee in question can be represented by their union.

Measure 3, the parent's leave policy negotiated as part of an annual round of collective bargaining at bank A, provides for employees to receive seven weeks of paid parent's leave. The measure aims to enable parents to spend more time with their children without experiencing a loss of earnings. In removing one of the disincentives for taking parent's leave the measure also aims to encourage greater gender equality in the workplace and at home. Note the term parent's leave is used as opposed to parental leave because the Irish government transposed the requirement under Directive 2019/1158 to provide two months' parental leave subject to payment by creating a new category of leave, known as 'parent's leave', which is separate to the entitlement to unpaid parental leave. Parent's leave applies to parents of children under 2 years of age or, in the case of adoption, within 2 years of the placement of the child with the parent. Workers availing of parent's leave are entitled to 'parent's benefit', a weekly payment, to be paid by the Department of Social Services. These entitlements are set out in the Parent's Leave and Benefit Act 2019. Parent's benefit is set at €289 per week as of 2025. Employers are under no obligation under EU law or the Parent's Leave and Benefit Act 2019 to pay employees availing of parent's leave, but the measure negotiated by FSU provides that the Bank A will top up the parent's benefit up to the extent that employees taking parent's leave receive full pay.

Measure 4, an annual company-level collective agreement negotiated between Bank B and the FSU grants workers up to ten days of paid carers' leave each year. The Work-Life Balance and Miscellaneous Provisions Act 2023 provides employees with five days' medical care leave, in accordance with Directive 1158/2019. Under s6 of the legislation, employees may avail of the leave where they have a spouse, co-habiting partner, child, parent, grandparent sibling or a person residing in the same household in need of significant care for a serious medical reason. Bank 2 has

gone significantly beyond the legislation by granting 10 days of fully paid medical care leave (referred to by both the employer and the FSU as ‘carer’s leave’) annually. The policy is the most generous policy of its kind in Ireland as of November 2024. The measure is applicable to staff in a principal caring role for a dependent, with serious medical needs, who may be a child, parent, close friend or neighbour and as such covers a broader range of relationships than medical care leave. In addition, by covering neighbours and friends, the measure addresses some of the disadvantages experienced by people whose close and dependent relationships may be outside stereotypical family structures.

3.2. Measures in the higher education sector

In University A, SIPTU, which is the only union recognised by the university for consultation purposes, were presented with a blended working pilot document drafted by the HR department. As noted above, the pilot specified the allowance for remote working to apply across the university- one day per week. This fell far short of the mandate of a 50/50 split between on campus and remote working that SIPTU had received from their members through polling. Union representatives were also aware that University A’s pilot was the most prescriptive offering in the sector. The union pursued the 50/50 mandate with the employer and University A offered to allow employees two days of remote working for 21 weeks of the year. Seeking to improve on this offering, SIPTU brought a case to the WRC. As a result of negotiations under the auspices of this body, University A agreed to grant two days per week remote work for those who want to avail of it, a compromise acceptable to both sides.

University B’s HR department presented the unions organising in that workplace with a draft blended working pilot. Several months before, SIPTU had created a sub-group to discuss the issue which included trade union representatives and members that had accessed remote work prior to the pandemic. This group developed the union’s position on blended working- that the pilot should be as flexible as possible, allowing for local arrangements that suited specific categories of worker. Once they had seen the pilot, the sub-group identified the changes they would like to see, including an appeal process, where a worker’s request to work from home had been refused. Subsequently SIPTU suggested these changes in meetings with the other two unions recognised by University B for consultation purposes, IFUT and Unite, and all three unions agreed on the amendments that they would propose.

In the negotiations to improve University A's remote working allowance, union representatives could point to a number of benefits for the employer. First, that a majority of workers want to be able to work from home and that granting some access, where practicable, demonstrates appreciation and respect of those preferences can positively impact recruitment and retention. Second, representatives relied on the fact that productivity improved during the period where workers were entirely remote, and that the number of employees relying on sick leave reduced significantly. Workers with minor injuries and illnesses who would not have been able to work if they were required to travel were able to continue working from home. A similar trend had been observed in University B. The union could also point to more flexible pilots which were working well in other institutions as models for University A in its negotiations with university management.

In University B, while representation is divided among multiple unions, these organisations meet regularly and enjoy positive, co-operative relationships. As such they tend to adopt common positions on issues to be discussed with management. In the case of blended working pilot, most of IFUT's membership, were not affected by the measure, since academic staff, as noted previously, already enjoy considerable freedom to work remotely. Nevertheless, IFUT added its weight to amendments proposed by the other unions.

SIPTU also referred to the role of government policies on blended work and climate action in negotiations. Whereas government had signalled support for remote work prior to the pandemic, implementation, as discussed above, had been marginal and was management-led. But as noted above, in the National Strategy on Remote Work, the government specifies that 20% of work in the public sector should be remote by end-2021. This gives unions such as SIPTU a basis for arguing that providing allowances above 20% for professional and administrative staff in the university sector, is necessary to compensate for those staff who cannot work remotely and ensure that the target is met.

Union representatives noted the potential contribution to environmental policy in their negotiations with both University A and B. The government's Public Sector Climate Action Mandate targets reductions in car parking spaces and emissions. The union could therefore utilize these targets as an incentive for the universities to concede to their demands. The extent to which this argument resonated varied across institutions, depending on their strategic priorities. In University A, management were not particularly receptive, and for their part justified a limited

remote allowance with the need to maintain footfall. But in other institutions, management have been open to the idea that by maintaining access to blended work they can contribute to the achievement of broader organisational priorities.

Since the most acute period of the Covid-19 pandemic ended and workers in various sectors have resumed working on-site, there has been a push from employers to reduce access to remote work. This was also visible in the workplaces examined in the banking sector. In relation to the blended working pilots, this tendency was more pronounced in University A, where, at the level of the university, management sought to restrict remote working to one day a week, claiming that allowing professional and administrative staff a greater allowance would harm business on campus due to reduced footfall. However, SIPTU have provided evidence that the impact of allowing more flexible access to blended working on footfall would be very small in percentage terms. In University B, at the university level management was willing to implement a flexible pilot that allowed for local adaptation, as sought by the unions, but in individual departments managers have shown some reluctance to engage or have arbitrarily refused requests to work remotely on certain days. Union representatives attribute this to individual managers' discomfort with remote work.

3.3. Measures in the retail banking sector

Banks themselves have displayed a willingness to adopt more beneficial policies regarding working conditions. Employers are eager to demonstrate their progressive practices in areas such as work-life balance and mental health, as a means of promoting their public image. The content of discussions with trade unions representatives revealed that at the individual level, when engaging with the employer to seek accommodations for workers with particularly challenging care responsibilities, management tend to take a supportive approach and are willing to grant flexible working time arrangements such as compressed hours. This approach in relation to individual cases, as well as employers' willingness to agree to work-life balance friendly leaves may be based, not only on organisational values but also the fact that banks have a viable flexibility reserve that allows for increased absences.

While Directive 2019/1158, the Work Life Balance Directive, did not place any obligation on employers to provide fully paid leave (or in the case of carer's leave to double the yearly allowance), the law and its transposing legislation set a

floor from which to negotiate. Further, the introduction of parent's benefit under this directive signals an emerging norm that leave taken for care responsibilities must be compensated.

Though the unions did not encounter reluctance on the part of the employer to adopt or implement the paid parent's leave and carers' leave policies, there are certain practical impediments which delay the rollout of such measures. Implementing these kinds of changes in a large organisation can be slow due to the layers of adjustment required. For example, necessary changes to payroll and salary systems can take several months. In addition, such policies require the approval of the bank's governing body which only meets according to a fixed schedule.

4. Impact of the measures

4.1. Measures in the higher education sector

Those interviewed in the higher education sector highlighted the benefits that remote working has brought, referred to above, including reduced travel time and increased compatibility with family arrangements. Interviewees referred to employees' reluctance to lose access to remote work after the pandemic because they had reshaped their lives around it. Remote working has allowed some employees to move further away from their workplace, to where accommodation is more affordable, due to no longer needing to commute. Both male and female workers have indicated to the unions their preference for remote because it suits their family arrangements. Parents have split the days that they are working remotely so they can share responsibility for transporting children to and from school. Although remote work does not facilitate childcare- employees are working from home and cannot supervise their children, having a presence at home can mean workers no longer need to take a day off when their children are off school, either during holidays or due to minor illness. Beyond logistics, the additional time that parents are spending with children can have a positive impact on interfamilial relationships.

To some extent, the move to remote work has ameliorated issues which SIPTU had previously sought to address through campaigning for a 4-day week. While a 4-day week remains a goal of the union and the wider labour movement, particularly for those who cannot work remotely, for those that can access it, remote work

provides some of the work-life balance benefits sought associated with reduced working hours. Blended working has also benefitted workers with disabilities and chronic illnesses. For workers with disabilities, remote work alleviates the stress and discomfort often involved in the commute. For those with chronic conditions, their illness may have only allowed them to work reduced hours where they were required to attend on site, but with a remote work allowance some of these workers have been able to increase their working time and their income.

An interesting consequence of blended working highlighted by one of the interviewees was that while employees work remotely “office politics” is gone. They added that for many individuals the workplace is a hostile environment and being able to work off site reduces their exposure to these dynamics. This observation refers to the strain employees experience due to interpersonal conflicts at work, potentially up to and including bullying. While remote working may not entirely eliminate these issues, employees who experience hostility, exclusion or other difficult interactions with colleagues may feel more content and secure in the workplace, with potential positive impacts not only for these individuals’ mental health but also for the employer in terms of retention and reductions in absenteeism.

In University B, the employer hopes that the blended working pilot will help to address capacity issues as it advises employees who avail of it that they may have to give up their dedicated workspace. The degree of implementation varies across departments. Interviewees have criticised the idea of scaling back workspaces as there are cases where entire teams are required to attend on site once a week and cannot do so if there are insufficient workspaces for the team’s use. In addition, the reluctance on behalf of management, at the university level in University A and in some departments in University B to grant more than a minimal quantum of remote days, may indicate that blended working requires a cultural change on the part of managers. Workers have shown that they can adapt to this model rapidly. Indeed, evidence indicates that it has allowed them to be more productive. But managers used to a command-and-control model appear to be having difficulty in adapting to managing a remote workforce.

Some of the answers provided by workplace representative suggested that blended working has produced a degree of work intensification. In a workplace, employees generally have to walk further from their desk to use a restroom or make a cup of tea or coffee, meaning the natural moments of rest built into the day are longer. As noted above, productivity increased during the period of enforced

remote working and survey evidence from Geary and Belizón attribute this to workers having fewer interruptions when working remotely. In addition, workers were less likely to take sick leave when working from home.¹⁴

4.2. Measures in the retail banking sector

The interviewees did not have data on whether paid parent's leave at Bank B has led to an increase in staff availing of such leave, but they indicated that this was likely given that employees were aware of it. In addition, they indicated that the impact of such a policy on the workplace is more manageable in a large organisation such as Bank A, where an employee's absence on leave is more easily absorbed than in a small or medium enterprise where there may not be sufficient staff to provide cover.

It is difficult to assess the impact of the carer's leave and Significant Life Event leave agreed at Bank B as these only recently been adopted. But the fact that Bank B has set such a high standard in this area seems likely to improve conditions beyond the company, as the FSU will now be seeking a similar carer's leave policy in Bank A. One interesting impact relates to a broader issue identified in interviews affecting a growing proportion of the workforce who come from a migrant background. With the introduction of remote working, employees who have older dependent family members living elsewhere in the country could more easily care for them while working remotely, without the need to take any leave. But workers who have elderly relatives living abroad cannot take advantage of remote work in this way as Bank B is not tax resident in those jurisdictions. However, the introduction of ten days of carer's leave has allowed some workers to go abroad to look after parents and other family members experiencing illness. Further, union representatives emphasised how the inclusivity of the carer's leave policy, in applying to relationships beyond the family, and the fact that it can be applied to once off obligations, allows workers to provide care in situations where the normal caregiver is indisposed. Being aware of the policy and having access to the care policy has meant that employees are able to meet their caring responsibilities and to apply more of their annual leave towards rest and leisure activities.

¹⁴ See for example HUMPHREYS, Peter; FLEMING, Sile; O'DONNELL, Orla. Flexible and innovative working arrangements in the Irish public service, 1999; MCGINNITY, Frances; RUSSELL, Helen, "Work Rich, Time Poor? Time-Use of Women and Men in Ireland", *Economic & Social Review*, Vol 38 No. 3, 2007.

5. General evaluation and conclusions

The discussions with trade union representatives reinforced the assumption that Covid-19 has played a transformative role in the organisation of working time and place. Digitalisation provided the means for remote and hybrid work. While the Irish government had made repeated commitments to promote these arrangements, public sector employers were slow to roll out access. On an institutional level, the pandemic drove the mainstreaming of remote and hybrid working in both the public and private sectors. But the experience of working in this way, having more time at home and in many cases, more responsibility for the care of dependents, appears to have changed employees' attitudes regarding their work-life balance in a way which shaped the demands of unions in both sectors under study. In higher education, SIPTU mobilised to ensure that members were able to retain access to remote work, on a hybrid basis, and to retain the associated benefits in terms of work-life balance. The union proceeded from the basis that access must be based on choice, and that those who had experienced ill effects during the period of enforced remote working, or who did not have access to a suitable desk-space for this purpose, would be free to work on-site full time. In Bank A and Bank B, where hybrid working arrangements were maintained after the pandemic, the FSU sought to win workers new rights to paid parent's leave and carer's leave that would reduce the time squeeze they experienced balancing work with care responsibilities, whilst protecting them from financial hardship.

In the retail banking sector, both organisations under study have demonstrated a measure of genuine commitment to inclusive, work-life balance friendly policies and this was an area of negotiations in which unions encountered less resistance in comparison with pay increases. The measures examined from the retail banking sector form part of a broader suite of leaves and other accommodations available that management in Bank A and Bank B have either agreed to or unilaterally offered over the past number of years. This also raises the possibility that management in this sector are open to family friendly leave policies because they have a viable flexibility reserve and therefore conceding on these matters costs them little but allows them to extract union concessions in areas such as pay.

In the case of University A, blended working appears to clash with management's values and vision of the workplace. In practical terms, their objection was to how the drop in footfall would diminish the sense of the institution as an on-campus environment. But union representatives suggested this resistance was also shaped by unconscious fears around managing workers remotely. Due to the impasse

between the employer and the union, SIPTU was forced to move beyond local negotiations and take the matter to the WRC and managed to get the employer to a compromise that was acceptable to both sides, bringing the measure closer to the middle of the spectrum among blended working pilots in higher education, in terms of the flexibility and quantum of days permitted to workers.

The dispute at University B also indicates the high priority that workers place on access to remote work. Although remote or hybrid work policies in Banks A and B were not among the measures examined in this case study, interviewees across all four workplaces highlighted the contribution of remote or hybrid work to employees' work-life balance. Being able to work remotely has been transformative for many workers within both sectors, allowing them to move to areas that were previously too distant from the workplace, but which are better suited to their needs in terms of amenities, accommodation costs or social structure. It has reduced much of the friction associated with work, including commuting, organising transport for multiple family members and interacting with colleagues who are difficult or even hostile.

Union representatives in both sectors highlighted the importance of securing access to remote work into the future. In Banks A and B, the current policies on remote work were introduced unilaterally rather than through negotiations with the FSU and employers can abandon these policies at will. A representative from FSU indicated that they would prefer to have access to remote work established as an entitlement through negotiation. Representatives from both SIPTU and the FSU also referred to a trend, visible internationally and across sectors, of employers attempting to limit or withdraw access to remote and hybrid work, and specific acts by their own employers. On the international scale, representatives highlighted workers being brought back on-site to justify the continued payments of commercial rents, and companies in the US which are seeking to reduce workers' wages as a condition of working remotely. In Bank B, certain departments have begun to require increased attendance on site, while the reluctance on the part of University A to meet workers' demands around blended work is discussed above. In light of these developments, some union representatives claimed that maintaining access to blended or remote work was likely to be the next big fight in their workplaces. But in a broader labour movement context, a union representative from the higher education sector pointed out that much of the workforce cannot avail of remote and hybrid working, and that while the union is fighting to maintain access, they are cognisant of the need to push for more inclusive measures such as the four-day working week.

As noted above, the parent's leave and carer's leave measures negotiated at Banks A and B address the financial dimensions of work-life balance. Even with the statutory entitlement to parent's benefit, for most workers, availing of parent's leave entails a significant loss of earnings, while the right to medical leave does not include any form of pay. The agreements for fully paid parent's and carer's leave make these rights more accessible to workers. In Ireland as in many other countries, male workers have been less likely to take parental leave due to loss of income. Fully paid parent's leave aims to change this norm, as the FSU have stated, the measure was adopted to increase gender equality within the workplace and beyond. Paid carer's leave acknowledges the disadvantages often experienced by carers, who may find themselves taking annual leave or having to reduce their hours (and pay) to accommodate their responsibilities. While ten days per year may not be a sufficient allowance to allow them to avoid either of these eventualities, it may extend the time they can remain in full time work and will lower the quantum of annual or unpaid leave they need to rely on. It can also reduce the stress experienced by workers when a close relative or friend becomes seriously ill.

Interviewees attributed their pursuit of these policies to legislative change, polling from members and (relatedly) the preponderance of women within the union's membership in these workplaces and the need to pursue an agenda that meets their needs. On the one hand this can be read as assuming that women will rely on these policies more. But in fact, the FSU state that their intention was to address gender inequality, by mobilising for parent's and carer's leave policies that are attractive enough for all workers to avail of. Further, discussions with trade union representatives suggest that working from home has changed both male and female workers' attitudes to care and work-life balance. We may see a higher proportion of male workers pushing for these kinds of policies into the future, though this hypothesis would need to be tested through further research, potentially in a male-dominated sector.

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Case study on the Netherlands: flexible working time arrangements

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Acronyms

WFW	Wet Flexibel Werken
WAA	Wet Aanpassing Arbeidsduur
WWJW	Wet Werken Waar je Wilt
AOW	Algemene Ouderdomswet
FNV	Federatie Nederlandse Vakbeweging
CNV	Christelijk Nationaal Vakverbond
EU	European Union
VUT	Vervroegde Uittreding

1. Overview

This chapter explores the regulation of working time in the Netherlands, focusing on the influences of cultural norms, legislation, industrial relations, and employee representation. In the Netherlands, the Law on Flexible Working, ('Wet Flexibel Werken' - WFW),¹ empowers employees to request adjustments in their working hours, fostering flexibility and improved work-life balance. This legislative framework seems to adapt to employees' wishes for conciliation of working and family life, leading to enhanced motivation and productivity among them. However, it also presents challenges, such as reduced interpersonal relationships at the workplace.

¹ Stb. 2015/246

In 2016, the Dutch national legislation “Wet flexibel werken - WFW” was introduced to provide employees with more flexibility in their working arrangements. The law aims to promote a more flexible approach to working hours, location, and work schedules to accommodate the changing needs of employees and employers.² The WFW replaced the previous law, namely, the Adjustment of Working Hours Law (*Wet aanpassing arbeidsduur* - WAA).³ The WAA allowed employees to request adjustments in their weekly work hours. The WFW expands these provisions to include modifications to work schedules and work locations.⁴

The WFW was implemented to promote a healthier balance between work, care, and education, ultimately encouraging a culture where flexible work arrangements are embraced as the norm. Additionally, the legislation aimed to boost workforce participation and address impending labour shortages.⁵

While the WFW has been effectively implemented, COVID-19 has had a major impact on the Dutch way of working. During the peaks of the pandemic, working from home became the norm, and nowadays, the workplace is adapting to hybrid forms in many organizations. Developments in the legal field indicate that labour law is beginning to adapt to this change.⁶

The key provisions within the national legal framework regarding working time flexibility include the right to request adjustments, the request process, employer response, company size exemption, prohibition of termination, and evaluation requirement. These provisions aim to promote a more flexible working environment and ensure that employees can effectively balance their work and personal lives.

² Wet flexibel werken, Stb. 2015/246. Before that legislation a system for requesting changes in working time was already existing in the Netherlands.

³ In fact, the Netherlands was a forerunner on regulating the right of employees to request flexible working time and in prohibiting discrimination of part-time workers. Since 2000, the law on Adjusting working Time (*Wet Aanpassing Arbeidsduur*) recognized the right to request a shortening or lengthening of the weekly working time. See: RAMOS MARTÍN, N. “Egalité de genre: up- et downloading aux Pays-Bas” in VANHERCKE, B., VERSCHRAEGEN, G., GEHUCHTEN, P., & VANDERBORGHT, Y., (Eds.), *L'Europe en Belgique, la Belgique dans l'Europe: configuration et appropriation des politiques sociales*, Gent: Academia Press, 2011, pp. 169-177.

⁴ TEN HOUVE, Y., TALMAN, J., VAN MIERLO, J., and ENGELN, M., “Evaluatie Wet Flexibel werken, onderzoek voor het Ministerie van SZW” <https://www.beleidsonderzoekers.nl/wp-content/uploads/2021/02/P0166-evaluatie-wet-flexibel-werken.pdf>, Ministerie van Sociale Zaken, 2021, pp.1-105.

⁵ Ibid.

⁶ VEGTER, M., “Werken waar je wil(t)”, *Tijdschrift voor Arbeidsrecht in Context*, 1, 2021, pp. 14-17.

Under the right to request adjustments, employees are allowed to request adjustment in their working hours, time, or location under certain conditions.⁷ The following conditions outlined in the Law on Flexible Working include:

- Employees must submit their request in writing at least two months before the intended start date of adjustment, specifying the desired changes.⁸
- The request should include the desired extent of the adjustment, the preferred location, or the desired distribution of working hours over the week or another agreed-upon period.⁹
- Employees can submit a new request one year after the employer has either accepted or rejected a previous request, unless unforeseen circumstances arise.¹⁰
- Employers must engage in discussion with employees regarding their requests and consider them in good faith.¹¹
- Employers must approve to adjust the working hours or time schedule at the requested date and agree to the requested adjustment, unless there are significant business or service-related reasons against it.¹² Potentially valid business reasons are, for example: if there is no other staff member available to cover the employee's duties, if the proposed change creates scheduling issues, or if there is insufficient work or funding.¹³
- If the adjustment involves changing the distribution of working hours, the employer can modify the requested distribution if there is a significant interest that justifies deviating from the employee's preference.¹⁴

Through the request process, employees must submit their request in writing at least two months before the intended start date of the adjustment, specifying the desired changes.¹⁵ Employers must consider and respond to the employee's request within a specified timeframe, accepting or rejecting it with valid reasons.¹⁶ However, employers with fewer than 10 employees are subject to different regulations regarding the right to work time adjustments.¹⁷ Additionally, the Act prohi-

⁷ Wet flexibel werken art. 2(1).

⁸ Wet flexibel Werken art. 2(3).

⁹ Wet flexibel werken art. 2 (3)(a).

¹⁰ Wet flexibel werken art. 2(3).

¹¹ Wet flexibel werken art.2(4).

¹² Wet flexibel werken art. 2(5).

¹³ Wet Flexibel Werken art. 2 (9)(c).

¹⁴ Wet flexibel werken art. 2(7).

¹⁵ Wet flexibel werken art. 2(3).

¹⁶ Wet flexibel werken art. 2(3).

¹⁷ Wet flexibel werken art. 2(16).

bits terminating an employee's contract solely based on their request for working time adjustments.¹⁸ Therefore, protection against victimization is provided.

Lastly, the Minister of Social Affairs and Employment must submit a report to the Parliament every five years evaluating the effectiveness and impact in practice of this law.¹⁹ As part of this periodical assessment, a survey was conducted in 2021 based on questionnaires completed by employees who assessed the practical efficiency of the WFW.²⁰ The findings from this survey revealed a notable impact of the Corona crisis on employees' attitudes towards flexible working. Specifically, 32% of respondents indicated an increased demand for flexible working arrangements.²¹ Half of them expressed a desire for a change in their workplace, specifically referring to working from home.²² Interestingly, this need is most pronounced among employees who previously did not work remotely but could do so based on their role.²³

Article 2(15) of the WFW provides flexibility for deviations from the standard regulations under certain conditions, such as through collective agreements, regulations by competent authorities, or agreements with employees' representatives. Article 2(17) WFW addresses the application of deviations outlined in article 2(15) WFW and establishes guidelines for the duration of these deviations and outline the process for renewing deviations in case of modifications to the existing arrangements.

The WFW does not explicitly outline detailed litigation procedures within its provisions. While the law sets out the framework for requesting and implementing adjustments to working hours, workplace, or working time, it does not delve into specific litigation procedures for resolving disputes related to flexible working arrangements. The law emphasizes consultation, consideration, and written communication regarding flexible working arrangements. However, it does not provide specific guidance on formal litigation procedures.²⁴ In case of disputes or

¹⁸ Wet flexibel werken art. 3.

¹⁹ Wet flexibel werken art. 4.

²⁰ TEN HOUVE, Y., TALMAN, J., VAN MIERLO, J., and ENGELN, M., "Evaluatie Wet Flexibel werken, onderzoek voor het Ministerie van SZW" Ministerie van Sociale Zaken, 2021, p. 19, <<https://www.beleidsonderzoekers.nl/wp-content/uploads/2021/02/P0166-evaluatie-wet-flexibel-werken.pdf>> accessed 18 April 2024.

²¹ Ibid p. 22.

²² Ibid p. 9.

²³ Ibid p. 9.

²⁴ Wet Flexibel werken, Stb. 2015/246.

conflicts arising from the requests for flexible working arrangements or the implementation of such arrangements, employees have the option to pursue legal action through specific procedures. This may involve mediation, arbitration, or litigation through Dutch labour courts. Therefore, while the Act sets the framework for flexible working arrangements, any formal litigation procedures would be governed by broader labour laws and regulations in the Netherlands.²⁵

In January 2021, several members of the Parliament introduced a legislative proposal: ‘Working where you want’ (‘Werken waar je wilt’ - WWJW), aiming to provide employees with more freedom in organizing the balance between working at the workplace and working from home.²⁶ The proposal also aimed to enable employees to request adjustments regarding the workplace, the working hours, or the employment duration.²⁷ The core of the proposal was to amend the “Wet flexibel werken” (WFW) to reinforce the employer’s obligation to consider and grant requests for workplace adjustments from employees, provided these requests do not conflict with significant company or service interests.²⁸ However, despite including several innovative approaches to working time,²⁹ the WWJW proposal was rejected by the Parliament in the Netherlands in 2023.³⁰

²⁵ TEN HOUVE, Y., TALMAN, J., VAN MIERLO, J., and ENGELN, M., “Evaluatie Wet Flexibel werken, onderzoek voor het Ministerie van SZW” Ministerie van Sociale Zaken, 2021, 1-105, <<https://www.beleidsonderzoekers.nl/wp-content/uploads/2021/02/P0166-evaluatie-wet-flexibel-werken.pdf>> accessed 18 April 2024.

²⁶ Voorstel van wet van de leden Van Weyenberg en Smeulders tot wijziging van de Wet flexibel werken in verband met het bevorderen van flexibel werken naar arbeidsplaats (Wet werken waar je wilt), Kamerstukken II 2020/2021, 35 714, nr. 2.

²⁷ VEGTER, M., “Werken waar je wil(t)”, *op. cit.*, 14-17.

²⁸ CORNAX, M. M., ERKENS, M. Y. H. G., & PLUUT, H., “Werken waar je wilt? Een kleine gids: belangenafweging vanuit sociaalwetenschappelijk perspectief”, *Tijdschrift Recht En Arbeid*, 2023, 15(1), pp. 8-14. < <https://scholarlypublications.universiteit leiden.nl/access/item%3A3563005/view>>, accessed on 17 May 2024.

²⁹ Eerste Kamer, “Werken Waar Je Wilt: Debat Samengevat” (Eerste Kamer der Staten-Generaal, 12 September 2023) <https://www.eerstekamer.nl/nieuws/20230912/werken_waar_je_wilt_debat#p3> accessed 13 May 2024. Similar proposals have been made in the past but were withdrawn before enactment: In February 2009, GroenLinks introduced a proposal for a legal right to remote work, which was met with opposition, particularly from employers’ organization VNO-NCW, leading to the withdrawal of the proposal. In 2010, GroenLinks, in collaboration with CDA, made a new proposal to incorporate the right to remote work as part of the Wet Flexibel Werken. This proposal aimed to grant employees the right to adapt their workplace unless significant business or service interests of the employer were at stake. See: VAN GENT, I., “GroenLinks Maakt Initiatiefwet Recht Op Thuiswerk” (GroenLinks, 13 February 2009) <<https://groenlinks.nl/nieuws/groenlinks-maakt-initiatiefwet-recht-op-thuiswerk>> accessed 31 May 2024 and Kamerstukken II, 2010-2011, 32889, nr. 2.

³⁰ Eerste Kamer, “Eerste Kamer verwerpt Wet werken waar je wilt” (*Eerste Kamer*, 26 september 2023) <https://www.eerstekamer.nl/nieuws/20230926/eerste_kamer_verwerpt_wet_werken>, acces-

Another relevant legislation in the context of this research is the Law on Transparent and Predictable Working Conditions ('Wet transparante en voorspelbare arbeidsvoorwaarden')³¹, which is in force since August 2022 and it is implementing the EU Directive 2019/1152 on Transparent and Predictable Working Conditions. This legislation is addressing specifically employees with on-call contracts or irregular work patterns, so that they also get some more security and predictability in their working schedules.

In the Netherlands, flexible working arrangements are currently used extensively, with various systems such as the yearly hour system, "ATV"; flexible shifts "schakelrooster"; and reduction of working time "arbeidstijdverkorting". The yearly hour system allows for adjusting hours based on workload, while "schakelrooster" permits employees to control their shifts. ATV functions such as earned vacations days, offer flexibility in scheduling. While not legally mandated, ATV can be negotiated in collective bargaining agreements. Additionally, in several collective agreements provisions regarding the right to disconnect have been negotiated, but its compliance in practice varies between companies and there seems to be lack of awareness about it.³²

Moreover, in the Netherlands, it is legally mandatory to register working hours. Employers are responsible for maintaining accurate records of working hours. For jobs with consistent hours, detailed time tracking may not be necessary. However, for jobs with irregular shifts, it is essential to record start and end times accurately. If this is not done properly, the employer cannot provide evidence in a lawsuit or in case of an inspection by the labour inspection, which will benefit the employee in that particular case.³³

In the Dutch case, at the national level, the interactions between employers, employees, and the government are often coordinated through institutions such as the Stichting van de Arbeid and the Sociaal Economische Raad.³⁴ The Stichting van de Arbeid is the Dutch national consultative body comprising central organizations

sed 17 May 2024. The rejection was due to the votes against it by the factions of the political parties BBB, VVD, PVV, JA21, FVD, SGP, and 50PLUS, leading to the dismissal of the proposed legislation.

³¹ Law of 21 juni 2022, Stb. 2022/277.

³² According to the opinion of interviewee in Interview 5 – country fiche the Netherlands – 30.04.2024, trade union representative FNV.

³³ Information from interview 5 – country fiche the Netherlands – 30.04.2024, trade union representative FNV.

³⁴ AWWN, "Arbeidsverhoudingen" <<https://www.awvn.nl/arbeidsverhoudingen/>> accessed 18 May 2024.

of employers and employees. The foundation plays a significant role in shaping labour relations.³⁵ The Sociaal-Economische Raad (“SER”) is an advisory body where entrepreneurs, employees, and independent experts collaborate to reach consensus on important socio-economic issues.³⁶ The SER advises the government and parliament on socio-economic policy and facilitates agreements and covenants.³⁷

The main trade union federations in the Netherlands are the FNV (Federatie Nederlandse Vakbeweging) and CNV (Christelijk Nationaal Vakverbond). Both trade unions engage in collective bargaining, advocacy for workers’ rights, and collaboration with employers and government institutions to address labour-related issues.³⁸ They negotiate periodically with the employers’ associations on wages and other terms and conditions of employment, such as working hours, education and training, and pensions, *inter alia*. Both FNV and CNV primarily operate at the national level. However, they also have local branches in specific regions or municipalities.

Furthermore, within a company or organization, there are often works council that represent the employees’ interests and are involved with corporate decision-making. Works councils are mandatory for companies with 50 or more employees.³⁹

Table 1. Key actors in industrial relations in the Netherlands.

Key features	The Netherlands
National actors	<ul style="list-style-type: none"> – Government – Trade unions – Employers’ organization – SER – Stichting van de Arbeid
Local actors	National actors operate at regional levels as branches or representatives of the national organizations
Workplace actors	Works council
Trade union density	16,3% (2022) ¹
Collective bargaining coverage	~80% ²

Statista Research Department, “Netherlands: Share of Trade Union Members, by Industry 2022” (Statista, 18 April 2023) <<https://www.statista.com/statistics/1058805/share-of-people-who-are-members-of-a-trade-union-in-the-netherlands-by-industry/>> accessed 18 May 2024.

³⁵ Ibid.

³⁶ SER, “Wat Is De Ser?” <<https://www.ser.nl/nl/ser/over-ser/wat-is-de-ser>> accessed 18 May 2024.

³⁷ Ibid.

³⁸ FNV, “Over de Fnv” <<https://www.fnv.nl/over-de-fnv>> accessed 31 May 2024

³⁹ Ministerie van Algemene Zaken, “Wat Doet Een Ondernemingsraad (Or)?”, *Rijksoverheid.nl*, 24 April 2023, <<https://www.rijksoverheid.nl/onderwerpen/ondernemingsraad/vraag-en-antwoord/wat-doet-een-ondernemingsraad>> accessed 31 May 2024.

In the Netherlands, there are several options for decentralisation in the institutional context of the sector agreements. Often sector agreements regulate that companies can deviate from a certain number of stipulations in that sector agreement after consent/approval from the works council, such as about tailor-made regulations on working hours, working time schedules (and notifications of new timetables to the workers), on-call duties, collective holidays and rostered days off.⁴⁰

Very often sector agreements are made generally binding (by the Ministry) for all companies under their scope in that sector. In the Netherlands, the legislation foresees the option of a company to be excluded from coverage or having dispensation from the applicability of the sector agreement. It is possible for companies to request to the social partners in the sector for dispensation from the coverage of the sector agreement, or dispensation from specific provisions.⁴¹

In large sector collective agreement there are a limited number of issues where trade unions have to be consulted for decisions at the company level, ie. “If the company wants to introduce a (new) arrangement in shift work or working time schedules that deviates from legal standards or wants to elaborate the duration of working days above 8.5 hours, it is not the works council but the trade unions that have a bargaining position.”⁴²

Overall, the Netherlands is considered a leader in flexible working arrangements, with several notable practices observed. One such practice is the yearly hour system, where employees work more hours during busy periods and fewer hours when it is less busy, accommodating seasonal fluctuations.⁴³ Another arrangement is the ‘schakelrooster’, which allows employees to turn their shifts on or off as needed. Additionally, “arbeidstijdverkorting”, or short-time work, functions like vacation days earned through working hours applies for many employment sectors. Employees can use these days as vacations, either scheduled in advance or during periods of decreased workload. These arrangements are often established in consultation with the work councils.

⁴⁰ See JANSEN, N., and TROS, F., *Decentralised Bargaining in The Netherlands*, Country Report nr. 5 in the CODEBAR-project, open access on the project’s website: CODEBAR - AIAS-HSI - University of Amsterdam (uva.nl), 2022, 26-28.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, “Jaarurensystematiek: Het Afrekenen van Je Gewerkte Uren per Jaar”, *Direkt*, 13 November 2023, <<https://www.p-direkt.nl/informatie-rijkspersoneel-2020/financien/vergoedingen-en-toelagen/jaarurensystematiek>> accessed 29 May 2024

These flexible working arrangements are typically negotiated at the company level or incorporated into collective labour agreements (CAOs). National labour frameworks, such as the ATV, are broad in interpretation, providing flexibility for sector-specific application of agreements. The success of these arrangements depends significantly on how they are utilized at the company level, with the work council playing a crucial role in influencing working time arrangements. Employees have the right to request ATV days if it has been agreed upon in a collective agreement.⁴⁴

There is a need for further negotiation to ensure that the legislation on working time (the *Arbeidstijdenwet*⁴⁵, and the *Arbeidstijdenbesluit*⁴⁶), are effectively applied in practice. As mentioned above, collective agreements have addressed sometimes the ‘right to disconnect’ enabling employees to enjoy their free time without work interruptions. Employers are required to comply, and scheduling often reflects this compliance due to clear guidelines. However, many employees are unaware that receiving a text from their employer (also outside regular working hours) may count as working time, and that they are not obliged to respond if it was sent outside their regular schedule.

While there are not many legal barriers, most challenges arise at the company level, such as the availability of suitable remote working environments and personal circumstances. Common practices include creating schedules and maintaining adequate staffing levels to prevent unhealthy work routines. Employers need to align workloads with staffing levels to ensure employees can work in a safe and healthy work environment. Tight staffing situations can lead to unhealthy schedules, prompting trade unions to limit flexibility to protect employee well-being.

Trade unions and employers argue for working time arrangements to create a more attractive work environment for both parties. Shorter hours allow for more recovery time and stable schedules. For instance, the so-called ‘Generation Pact’ - ‘*Generatiepact*’ scheme enables employees approaching retirement age to work reduced hours while maintaining pension contributions, provided if it is included in their collective agreement.⁴⁷ Such arrangements are necessary as trade

⁴⁴ FNV, “Arbeidstijdverkortung & Arbeidsduurverkortung” <[https://www.fnv.nl/werk-inkomen/werktijden/arbeidstijdverkortung-arbeidsduurverkortung#/> accessed 29 May 2024](https://www.fnv.nl/werk-inkomen/werktijden/arbeidstijdverkortung-arbeidsduurverkortung#/)

⁴⁵ Stb. 2023, 156.

⁴⁶ Stb. 2020, 494 and Stb. 2015, 532.

⁴⁷ For further detailed information on how collective agreements deal with these arrangements see the MOSSOU, T., & RAMOS MARTÍN, N., “InnovaWorking Case Study on the Neth-

unions recognize that employees in very demanding and hazardous professions cannot sustain their workload otherwise. Additionally, the growing desire among younger workers for flexibility is acknowledged, with trade unions aiming to provide options for this. Reducing working hours positively impacts workplace satisfaction, productivity, and overall well-being, especially amid digital transformation and AI advancements. Adequate rest and recovery time can lead to lower absenteeism, reduced turnover, and improved recruitment prospects, benefiting both employees and employers.

Social partners advocate for reducing working hours for several reasons. It promotes attractive employment, helping to retain older workers and reduce absenteeism. Part-time workers might be willing to increase their hours if they have fewer days to work. Technological advancements and environmental concerns, such as reducing commuting and energy costs also support shorter working hours. Additionally, it allows for more efficient work practices and addresses the growing demand for caregiving and childcare. Making reduced working hours accessible to those on minimum wages, who cannot afford to work less without financial support, is also emphasized as a key issue by a trade union representative interviewed.⁴⁸

Flexibility is a vital aspect of Dutch working time culture, and it is highly valued in the Netherlands. Dutch workers appreciate the ability to adapt their work schedules to accommodate personal commitments. Some workplaces allow applicants to specify preferred work hours, ensuring better compatibility with private life. Such flexible schedules make attracting new employees easier and help retaining existing ones.⁴⁹ Flexible working arrangements are, therefore, extremely common in Dutch workplaces, with many employers offering options such as part-time work, flexible hours, and remote work.⁵⁰

Since the COVID-19 pandemic, hybrid and remote working has increased. Many companies have adopted hybrid models where employees split their time between working remotely and in the office, allowing employees the freedom

erlands” dealing with the collective agreement for the construction and infrastructure sector available at: <https://www.elforodelabos.es/innovaworking/>

⁴⁸ Interview 5 - delegate trade union FNV, online, 30 April 2024.

⁴⁹ BAKS, M., “Kom Op Werkgevers: Wees Eens Wat Flexibeler”, 2024, *Nursing*, pp. 40-44.

⁵⁰ ‘Work Culture in the Netherlands’ (NNRoad, 20 May 2023) <<https://nnroad.com/blog/work-culture-in-the-netherlands/>> accessed 30 May 2024.

to choose the most suitable work environment for their tasks.⁵¹ Some companies implement activity-based work practices, where employees can choose their work location based on the nature of their tasks. For example, working from home may be preferred for focused individual work, while using the office for collaboration and meetings. These practices offer employees greater autonomy and control over their work schedules while maintaining productivity and team collaboration.⁵²

The Netherlands is known for its high prevalence of part-time work. Of all the people employed, 4,5 million people in the Netherlands work part-time.⁵³ Part-time work is a mainstream feature of employment in the country. This culture of part-time work is supported by public policy and is mainly arranged on a voluntary basis.⁵⁴ This voluntary aspect of part-time work aligns with the country's emphasis on work-life balance and flexible working arrangements.⁵⁵

The legal system in the Netherlands does not pose barriers to implementing working time reductions and flexible working time arrangements. The existing Law on Flexible Working facilitates employees' ability to work part-time, although this differs from working time reductions initiatives. Overall, the existing legal framework in the Netherlands clearly supports both flexible working and the potential for reducing working hours.

2. How the case study emerged

The aftermath of the COVID-19 pandemic, combined with the ongoing process of digitalization, the impact of an ageing labour force, and the imperative to address climate change, will collectively reshape the way modern workplaces are structured.⁵⁶ These pressing concerns compel employers to adapt, creating

⁵¹ Tweede Kamer, "Kamerstukken: Stand van zaken hybride werken" (2022-3) 25883-425 [5].

⁵² Tweede Kamer, "Kamerstukken: Stand van zaken hybride werken" (2022-3) 25883-425 [5].

⁵³ CBS (Central Bureau of Statistics in the Netherlands), "Who Are Most Likely to Work Part-Time?", CBS, 14 December 2022, <<https://longreads.cbs.nl/the-netherlands-in-numbers-2022/who-are-most-likely-to-work-part-time/>> accessed 11 May 2024.

⁵⁴ POSSENRIEDE, D., and PLANTENGA, J., *Access to Flexible Work Arrangements, Working-Time Fit and Job Satisfaction*, Utrecht University, 2022, <<https://longreads.cbs.nl/the-netherlands-in-numbers-2022/who-are-most-likely-to-work-part-time/>> accessed 11 May 2024.

⁵⁵ Ibid.

⁵⁶ JAUMOTTE, F., "Digitalization during the COVID-19 Crisis: Implications for Productivity and Labor Markets in Advanced Economies", *IMF Staff Discussion Notes* No. 2023/003 Paper, <<https://www.imf.org/en/Publications/Staff-Discussion-Notes/Issues/2023/03/13/Digitalization->

work environments that not only attract employees but also sustain productivity. Moreover, the Netherlands faces a significant challenge in labour supply, with projected near-zero growth between 2026 and 2040.⁵⁷ To address these challenges, it is crucial for relevant stakeholders—including the government, trade unions, employers, and employees—to engage in negotiations and develop innovative working time measures.

This has led to a proliferation of flexible working time arrangements in many European countries. In the Netherlands in particular, there are several companies that have already implemented the four-day workweek or are experimenting with it, such as Achmea (insurance), Luscii (home monitoring for hospitals), Loyals (marketing), Donker Groen (gardening) and more recently the software company Afas which has implemented the four-day workweek since June 2024, while maintaining the same salary for its employees.⁵⁸ In addition, in the public sector many government agencies have adopted flexible working hours to improve health and safety and meet staffing needs and their employees often work with four-day workweeks. Moreover, the applicable CAO provides a budget to compensate for the costs of working from home.⁵⁹

This case study examines the implementation of two working time measures in the Netherlands: the four-day workweek under Article 6.5 of the Construction & Infrastructure Collective Labour Agreement and the 30-hour workweek proposed by CNV. Utilizing a mixed-methodological approach, including doctrinal and empirical research methods, the study combines desk research and qualitative interviews with a policy advisor, a member of the works council, a director in a trade union, and an employer in the construction sector.

During the -COVID-19 -Crisis-Implications-for-Productivity-and-Labor-Markets-529852> accessed 20 April 2024 p. 19.

⁵⁷ De Nederlandsche Bank, “Tight labour market calls for broad public debate”, *DNB*, 2023 <<https://www.dnb.nl/en/current-economic-issues/labour-market/>> [accessed: 20 April 2024].

⁵⁸ HOUTMAN, J. J., “Vrije dag bij winstmachine Afas ‘wordt geen gemeengoed’ in bedrijfsleven”, published in *het FD* on 12 June 2024.

⁵⁹ Rijksoverheid,, “Thuiswerkvergoeding en voorzieningen thuiswerkplek en/of verduurzaming woning”, *CAORIIJK*, 2022 <<https://www.caorijk.nl/cao-rijk/hoofdstuk-11/thuiswerkvergoeding-en-voorzieningenthuiswerkplek#:~:text=D%20thuiswerkvergoeding%20bedraagt%20momenteel%20%E2%82%AC,door%20uw%20werkgever%20voorgescreven%20manier.>> accessed 27 April 2024.

3. Measures on reduction and flexible working time

This section deals with research into the drivers, barriers, and consequences associated with one collective agreement in the construction sector, signed by FNV and a proposed working time reduction initiative, shaped by CNV of a 30-hour workweek instead of 40 hours. Most of the information for this research is collected through four interviews with professionals in the field of working time measures and trade unions, including a senior representative of FNV, a former construction employee and employer, and policy advisors of FNV. By providing research findings into the drivers, barriers, and consequences of two working time measures in the Netherlands, this case study aims to provide a clear overview of the effectiveness of such measures. In addition, this study seeks to explore new and flexible ways of organizing working hours to adapt to changing societal and economic realities.

3.1. Measure 1: reduction of working time for senior workers in the construction sector

The first measure is established in the Construction & Infrastructure Collective Labour Agreement, which allows employees in the high-risk construction profession aged 55 and older to request a transition to a four-day workweek.⁶⁰ This arrangement, detailed in Article 6.5 of the agreement, aims to accommodate the needs of senior workers while maintaining productivity and safety standards.⁶¹ To work four days a week, workers in the sector can use paid leave days, such as vacation days or holidays, or combine buying a certain number of leave days.⁶² The accumulation of the workers' pension, vacation days, and additional annual days off, remains the same as that of a five-day workweek.⁶³

The three drivers behind the implementation of the four-day workweek under Article 6.5 of the Construction & Infrastructure Collective Labour Agreement which was settled on 13 December 2023 and valid for the period between 1st of

⁶⁰ FNV, "Bouw en Infra CAO", 2024, < <https://www.fnv.nl/getmedia/0477f2bb-04f6-4a98-b3cb-6e5f85d736fe/488-bouw-en-infra-cao-2024-interactiefv29022024.pdf?ext=.pdf&dt=202404050739/47> > accessed 18 April 2024 p. 60.

⁶¹ Ibid.

⁶² FNV, "Vierdaagse werkweek 55-plus", 2018, <<https://www.fnv.nl/getmedia/c7e13eb9-135b-43e2-a908-be92db3367c8/vitaal-doorwerken-in-de-bouw-infra-nov-2018.pdf>> [accessed: 9 June 2024].

⁶³ Ibid.

January 2024 and 31st of December 2024, were rooted in longstanding agreements between FNV and employers.⁶⁴

Most workers in the construction sector begin working at age sixteen and there is just a small minority who make it to their retirement without physical complications.⁶⁵ This early start means that by the time these workers are approaching retirement, currently 67 years,⁶⁶ they have spent several decades engaged in physically demanding labour. According to an interview with a professional who has decades of practical experience in the Dutch construction sector, it is clear that the physical toll of construction work is very significant due to constant lifting, pushing/pulling, kneeling/crawling, bending, carrying, turning, and the repetitive nature of the work.⁶⁷ Only a small minority of these workers manage to reach retirement age without experiencing serious physical complications. The long hours, repetitive tasks, and often hazardous conditions contribute to a high incidence of work-related injuries and chronic health issues.⁶⁸

Another driver for working time measures for workers in construction is the aftermath of the Early Retirement Scheme (VUT) in the Netherlands. The VUT was particularly popular between 1975 and 2005.⁶⁹ The VUT allowed employees to retire early by providing an income from the time they stopped working until they reached the age for state pension (AOW) and additional pension benefits. The benefits under the VUT were funded by contributions from employers and/or employees who were still in the workforce. However, the VUT only benefited those who left their jobs at the designated age and not those who left earlier or continued working beyond that age.

The transition away from the VUT towards more flexible early retirement schemes underscored the need for adaptable and financially sustainable retirement

⁶⁴ Interview 1 with trade Union FNV, Director of the Construction Sector. (Utrecht, The Netherlands, 25 April 2024).

⁶⁵ Interview 3 interviewee has worked 35 years as an employee and employer in the construction sector. (The Hague, The Netherlands, 17 May 2024).

⁶⁶ Rijksoverheid, “AOW-Leeftijd 2024-2029”, 2021, <https://www.rijksoverheid.nl/onderwerpen/algemene-ouderdomswet-aow/aow-leeftijd-2024-2029>, accessed: 9 June 2024.

⁶⁷ Ibid.

⁶⁸ Inspectie Ministerie van Sociale Zaken en Werkgelegenheid, ‘Fysieke belasting in de bouw Veilig en gezond werken’, 2015, < https://www.arbowetweter.nl/system/files/veilig-werken-in-de-bouw-fysieke-belasting_2012_tcm335-330126.pdf>, accessed: 9 June 2024.

⁶⁹ Interview 3, interviewee has worked 35 years as an employee and employer in the construction sector. (The Hague, The Netherlands, 17 May 2024).

options. This historical context serves as a driver for the introduction of the four-day workweek measure for older construction workers. The four-day workweek, like the early retirement schemes, provides a way to reduce the workload for older employees while maintaining financial and pension stability, thus addressing both the well-being of the workers and the economic challenges posed by an ageing workforce.⁷⁰

FNV faced two concerns after the implementation of this initiative. Firstly, one challenge was the difficulty in accurately assessing the level of participation among workers in this alternative work arrangement. The absence of a formal reporting mechanism from employers to the FNV complicated the tracking process, as employers handle such arrangements directly with tax authorities, bypassing the involvement of the FNV.⁷¹ This lack of visibility into the use of the four-day workweek made it challenging for FNV to assess its effectiveness and potentially adjust the agreement.⁷²

Furthermore, an unexpected barrier arose from the fact that there is an informal practice within the construction sector, workers often coordinate their commutes to job sites, travelling together for convenience and cost-efficiency.⁷³ In addition, construction sites are often location-specific for a long time. Introducing staggered days off, such as Wednesdays or Fridays, disrupted this established pattern of collective travel and caused logistical issues for employers. However, the sector demonstrated flexibility in resolving this issue. By predominantly scheduling Fridays as the day off for workers aged 55 and older utilizing the measure, the sector ensured that the communal travel arrangements remained largely unaffected throughout the beginning of the week.⁷⁴

3.2. Measure 2: proposal for a standard full-time workweek of 30 hours

The second measure is a proposal of the trade union CNV to implement a nationwide reduction in the standard full-time workweek of 30 hours instead of 40

⁷⁰ Ibid.

⁷¹ Interview 1 with trade union FNV, Director of the Construction Sector. (Utrecht, The Netherlands, 25 April 2024).

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Interview 3 interviewee has worked 35 years as an employee and employer in the construction sector. (The Hague, The Netherlands, 17 May 2024).

hours for all workers, without having an impact on pay.⁷⁵ This initiative seeks to optimize work-life balance, enhance productivity, and mitigate burnout risks across the workforce.⁷⁶ Furthermore, this proposal focuses on addressing pressing societal challenges and improving the well-being of a significant portion of the workforce. According to CNV, 1.4 million workers are close to burnout or facing significant stress due to various factors such as combining paid work with demanding caregiving responsibilities.⁷⁷

The proposal of CNV, published on 14 December 2019, is to implement a reduction in the standard full-time workweek from 40 hours of work to 30 hours, for all employees in the Netherlands, without impacting income.⁷⁸ This initiative is intended to optimize work-life balance, enhance productivity, and mitigate burnout risks across the workforce.⁷⁹ Furthermore, this proposal focuses on addressing pressing societal challenges and improving the well-being of a significant portion of the workforce.⁸⁰

The ageing population in the Netherlands has created a gap in the workforce, particularly in senior positions. By reducing the standard workweek, the proposal seeks to create more opportunities for young people to enter the workforce and progress into higher roles more quickly.⁸¹

Various sectors are experiencing high turnover rates due to irregular schedules, limited employee input in scheduling, and overall dissatisfaction with current work conditions. The 30-hour workweek aims to make job roles more appealing and manageable, thus driving employee retention.⁸²

A main driver behind the proposal is that the current norm for full-time work leads to gender inequality.⁸³ Women take on more caregiving responsibilities,

⁷⁵ CNV, “30-urige werkweek”, 2019, <<https://www.cnv.nl/nieuws/30-urige-werkweek/>>, accessed: 18 April 2024.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ CNV, “30-urige werkweek”, 2019, <<https://www.cnv.nl/nieuws/30-urige-werkweek/>>, accessed: 18 April 2024.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Interview 2 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

⁸² Ibid.

⁸³ VAN GENNIP, K., “Kamerbrief over gendergelijkheid op de arbeidsmarkt” Ministerie van Sociale Zaken en Werkgelegenheid, 2023, <https://open.overheid.nl/documenten/ronl_81faf-0b369ece49dae1a6b122_175f9996a3465fe/pdf> accessed 5 June 2024.

which limits their availability for full-time jobs. In contrast, men typically have more time for full-time work. By reducing the standard workweek, both men and women can share caregiving duties more equitably, promoting a more balanced division of labour.⁸⁴ Additionally, the Netherlands faces an urgent societal issue with labour market shortages, partly due to the high prevalence of part-time work. The government has initiated the “Meer Uren Werkt” (More Hours Work) project, allocating 30 million euros definitively and 45 million euros conditionally to remove barriers to working more hours in social environments, organizations, and among part-timers.⁸⁵ Nonetheless, CNV views this initiative as insufficient and therefore advocates for a fundamental shift in the perception and structure of working time in the Netherlands.

Another driver of CNV’s proposal of a standard 30-hour workweek is the concern for the health and safety of employees. This argument is backed by the approach of the EU legislation to working time, as the Working Time Directive (since the first approved version in 1993) relies on the Treaty basis on safety and health at the workplace.⁸⁶ The structural reduction of working time proposed by the CNV’s proposal is designed to tackle several core issues. By allowing employees to work fewer hours without a reduction in pay, the proposal aims to improve overall work-life balance, reducing stress and burnout. The proposal is expected to make jobs more attractive, potentially increasing workforce participation rates, especially among those currently unable to commit to full-time hours due to caregiving or other responsibilities. The underlying assumption is that a well-rested and satisfied workforce will be more productive during their working hours, offsetting the reduction in hours worked. There are several examples of scientific proof that maintain an improvement in health after a reduction in working hours. For example, Bannai and Tamakoshi point out to the adverse effects of long hours on cardiovascular diseases, psychological issues, and reduced sleep quality.⁸⁷ Furthermore, another study showed that when nurses worked for six instead of eight hours a day, their sleep quality significantly improved due to the reduction in working hours.⁸⁸ People who work long hours are also more likely

⁸⁴ Interview 2 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

⁸⁵ Ibid.

⁸⁶ Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time [1993] OJ No L 307/18.

⁸⁷ BANNAI, A., and TAMAKOSHI, A., “The association between long working hours and health: a systematic review of epidemiological evidence”, *Scandinavian Journal of work, environment and health*, 40(1), 2014, pp. 5-18.

⁸⁸ PINTELON, O., “De echte analyse van het Zweedse experiment”, *Samenleving en Politiek* 2017 (2), pp. 65-70.

to smoke, be overweight, and drink.⁸⁹ More importantly, long working hours have a direct correlation with making mistakes at the workplace and other related accidents.⁹⁰

However, there are several drawbacks concerning this proposal. The difficulty of rehiring or reallocating labour among employees is one of the main obstacles to putting the 30-hour workweek measure into practice. Although *everyone* will work fewer hours, this proposal cannot be realistically implemented because there are many more young people than senior people, according to current demographic trends.⁹¹ This raises the possibility of a labour shortage, which could make it more difficult to execute the shortened workweek, particularly in sectors of the economy where there is currently a deficit in the labour supply.⁹²

Flexibility is essential across all sectors to address the unique challenges they face. For instance, sectors that rely heavily on continuous operations, such as healthcare and manufacturing, would need to develop specific strategies to maintain productivity while allowing for reduced working hours. Additionally, another significant barrier is the stance of the government. The current unpredictable Dutch political climate adds complexity to achieving the proposed changes, as government support and legislative adjustments are crucial for the successful implementation of the 30-hour workweek.⁹³

An additional difficulty of this proposal is that each sector addresses staffing issues by changing working or business hours in its way. For example, by hiring new staff, recruiting temporary workers, reducing hourly staffing levels, and eliminating understaffing.⁹⁴

Each sector also addresses overtime compensation in its way. Overtime pay rates are under discussion, as are the hours that count as overtime. In some sectors,

⁸⁹ DE SPIEGELAERE, S., “De kortere werkweek: vele wegen naar Rome”, *Minerva Progressieve Denktank Tijdschrift van het Steunpunt Werk*, 27(1), 2022, pp. 140-147.

⁹⁰ LANDRIGAN, C. P., “Effect of Reducing Interns. Work Hours on Serious Medical Errors in Intensive Care Units”, *The New England Journal of Medicine*, Vol. 351 No. 18, 2004.

⁹¹ KREMER, J., MUSKEE, G., BOK, B. and IMANDT, M., “De oplossing voor langdurige krapte is minder arbeidsvraag”, *ESB*, 108(4826), 2023, pp. 484-486.

⁹² Interview 2 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

⁹³ Interview 4 Coordinating Policy Officer for Government Inspections at the Ministry of the Interior and Kingdom Relations and Member of the Works Council of FNV (The Hague, 7 June 2024).

⁹⁴ Tijdens, K., “De 36-urige werkweek”, *Tijdschrift voor Arbeidsvraagstukken*, 12 nr. 3, 1996.

the employer's right to impose working hours is bought out with a high premium. In other sectors, the premium is lower, and employees have more say over their working hours.⁹⁵ In libraries, for instance, business hours were often being made more flexible, with some libraries starting to open on Sundays. The motivation behind this move was primarily to improve service, and it has received support from both employees and works for councils. Studies indicate that staffing needs are almost always met by the existing workforce.⁹⁶ Regular part-timers, for example, may temporarily increase their working hours, or additional temporary staff could be hired.⁹⁷

The first identified barrier to implementation of the proposal is the way current 80/90/100 arrangements are structured, such as the Collective Labor Agreement Hospitals 2023-2025 of the Dutch Association of Hospitals, which allows employees to work 80% of their hours while receiving 90% of their pay and maintain 100% of their pension contributions.⁹⁸ Lower-paid employees are experiencing difficulty with these agreements since they are only convenient to those who can afford salary reductions. This emphasizes the necessity of more inclusive contracts with the government to guarantee that all industries have customized adaptable work schedules that are affordable for every worker, irrespective of his/her salary scale.⁹⁹

The second barrier noticed is the possibility of an increase in work pressure due to the unpredictability and flexibility of working hours. When employees are faced with fewer working hours, there can feel pressure to complete the same amount of work in less time, which is the current situation for employees of the government that make use of the *Regeling Partiele Arbeidsparticipatie Senioren - PAS*¹⁰⁰ (translated: Partial Work Participation Scheme for Seniors).¹⁰¹ When using the PAS arrangement, employees reduce the average weekly working hours by 15.8%, without affecting their working hours. Salary, like the working hours, reduces by 15.8%. For the number of working hours reduced, they are on 'PAS'

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Collectieve Arbeidsovereenkomst Ziekenhuizen 2023-2025.

⁹⁹ Interview 2 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

¹⁰⁰ Interview 4 Coordinating Policy Officer for Government Inspections at the Ministry of the Interior and Kingdom Relations and Member of the Works Council of FNV (The Hague, 7 June 2024).

¹⁰¹ Collectieve Arbeidsovereenkomst Rijk 2022-2024 Bijlage 20: Regeling Partiele Arbeidsparticipatie Senioren (PAS).

leave and receive a PAS supplement. The PAS supplement is part of their monthly income.¹⁰²

This shift can result in a more intense work schedule, with a larger focus on productivity and efficiency. Employers could require employees to adjust their hours to accommodate peak periods or unexpected workloads, reducing the predictability of work schedules. This unpredictability can be particularly challenging for employees who rely on a stable and consistent schedule to manage their personal and family responsibilities.¹⁰³

The increased work pressure and unpredictability can also have adverse effects on employees' health and well-being. While a shorter workweek is theoretically designed to enhance work-life balance, the reality might be different if the work becomes more intense. Higher stress levels and irregular hours can lead to burnout, mental health issues, and physical health problems, counteracting the intended benefits of reduced working hours.¹⁰⁴

It will take sector-specific solutions to make the 30-hour workweek a reality. For instance, in seasonal work, when employment is contingent upon the season, different approaches must be taken to account for the varying labour demand.¹⁰⁵ There is sometimes disagreement over how overtime would operate in a 30-hour workweek. It may be difficult to manage workloads and pay staff appropriately as a result of this uncertainty. One flexible option for shift work could be paid breaks; for example, working seven hours instead of nine, consisting of eight hours of labour and one hour of unpaid rest. Careful planning and negotiation would be necessary to make sure that this modification satisfies the demands of businesses and employees.¹⁰⁶

In summary, while the 30-hour workweek proposal by CNV presents a promising solution to various labour market challenges, several barriers must be addressed to ensure its success. These include the need for rehiring and redistributing work, making flexible and inclusive arrangements across different

¹⁰² Ibid.

¹⁰³ Interview 3 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

¹⁰⁴ PIASNA, A., "Scheduled to work hard: The relationship between non-standard working hours and work intensity among European workers (2005-2015)", *Human Resource Management Journal*, 28(1), 2018, pp. 167-181.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

sectors, and securing government support. By addressing these barriers, the proposal could lead to a more balanced, productive, and satisfied workforce in the Netherlands.

4. Impact of the measures

Impact of FNV's measure 1

FNV is quite satisfied with the inclusion of this provision in the collective agreement (CAO) for this sector, particularly because it pertains to what is known as the 80/90/100 regulation.¹⁰⁷ This regulation allows employees in the construction sector to work at 80% capacity while receiving 90% of their salary and still accumulating 100% of their pension. This arrangement enables individuals to gradually reduce their workload in the years leading up to retirement without sacrificing their pension benefits. It is important to note that the specific percentages may vary depending on the specific sector, as seen in the Metal and Technology Collective Labour Agreement, which features a 60-80-100 provision.¹⁰⁸

One of the primary reasons for the success of this measure is the positive impact it has on the work-life balance of older employees. As workers age, the physical demands of construction work can become increasingly challenging. The four-day workweek provides them with a much-needed longer rest period, reducing physical strain and allowing more time for recovery. This arrangement not only enhances their overall well-being but also helps maintain productivity and there is a significant reduction in absence due to health issues in the sector.¹⁰⁹

The financial structure of the 80/90/100 regulation ensures that employees do not face a significant reduction in income or pension benefits, which might otherwise deter them from opting for reduced work hours. By securing 90% of their salary and full pension contributions, employees can enjoy more leisure time without financial worry, making this measure more attractive.

¹⁰⁷ Interview 1 trade union FNV, Director of the Construction Sector. (Utrecht, The Netherlands, 25 April 2024).

¹⁰⁸ Collectieve Arbeidsovereenkomst Metaalbewerkingsbedrijf Artikel 74 a. Generatiepact.

¹⁰⁹ Interview 1 trade union FNV, Director of the Construction Sector. (Utrecht, The Netherlands, 25 April 2024).

In addition to the immediate benefits for employees, the measure also reflects positively on employers and the industry as a whole. By supporting the health and satisfaction of their senior workforce, employers benefit from retaining experienced workers who might otherwise consider early retirement. This retention helps in maintaining a skilled labor force, which is important during a period when the workforce is ageing.

Furthermore, employers mention that the success of this measure is related to the fact that there is a reduction in working days and not working hours per day. Reducing the hours of work per day results in difficulty in planning in terms of transportation and machine leasing. Furthermore, construction workers usually plan a job for a certain amount of days, weeks, or months. Introducing a limit on working hours per day would put a significant burden on the sector in terms of scheduling.¹¹⁰

Impact of CNV's proposal

The positive consequences of implementing the 30-hour workweek proposal, according to CNV, are multifaceted and far-reaching. Previous research by CNV has shown that the 30-hour workweek enjoys significant support among the Dutch workforce. Nearly two out of three respondents believe that such a shorter workweek would enable them to reach retirement age in good health and reduce the incidence of burnout.¹¹¹ This potential reduction in burnout is particularly critical given the recent doubling of people on the verge of burnout due to the COVID-19 crisis, increasing from 11% to 21%. With hundreds of thousands of people struggling, a new balance in work-life dynamics would substantially relieve the pressure on employees.

If the 30-hour workweek is implemented, it is expected to lead to a decrease in burnout rates, lower absenteeism, and an improved work-life balance. Nearly half of the respondents in CNV's study anticipate that they would be more productive and efficient with a shorter workweek. This is because a better work-life balance allows employees to recharge, resulting in greater focus and productivity during working hours. The reduction in stress and fatigue, coupled with

¹¹⁰ Interview 1 trade union FNV, Director of the Construction Sector. (Utrecht, The Netherlands, 25 April 2024).

¹¹¹ CNV, "30-urige werkweek", 2019, < <https://www.cnv.nl/nieuws/30-urige-werkweek/>>, accessed: 18 April 2024.

more time for personal life, contributes to overall well-being, which in turn enhances job performance.

The economic upswing post-COVID-19 makes it a logical moment to transition to a 30-hour workweek. CNV argues that this is the perfect opportunity to implement such changes during the negotiations of collective labour agreements in various sectors. CNV representatives emphasize that the government should lead by example by reducing the standard workweek. Such a move would not only set a precedent but also encourage private companies to follow suit.¹¹²

Furthermore, a shorter workweek could help address gender imbalances in the workforce. By standardizing a 30-hour workweek, the proposal aims to provide a more equitable work structure, especially for those currently in part-time positions.¹¹³ This change could facilitate a better balance between men and women in terms of caregiving responsibilities and professional engagement. Practical trials in companies have already shown positive outcomes, with employees reporting increased happiness, efficiency, and productivity. Iceland serves as a leading example of the benefits of a shorter workweek, and CNV hopes that Dutch companies and the government will adopt similar practices.¹¹⁴

While the 30-hour workweek proposal by CNV has numerous potential benefits, some negative consequences need to be considered. One major concern is the potential impact on the economy due to labour shortages. With employees working fewer hours, businesses might struggle to maintain productivity levels, especially in sectors already experiencing a shortage of skilled workers. This could lead to increased operational challenges and potentially slow economic growth. Additionally, while the proposal to cut back to 30 hours suggests that reduced burnout and absence would lower costs for society, these benefits might take a long time to materialize. In the short term, employers may face higher costs due to the need to hire additional staff or pay overtime to cover the reduced hours, which could drive them to increase prices for goods and services. This compensation effect might not be immediate, potentially leading to economic strain and higher living costs, which could offset some of the intended benefits of the reduced workweek.

¹¹² CNV, “30-urige werkweek”, 2019, < <https://www.cnv.nl/nieuws/30-urige-werkweek/>>, accessed: 18 April 2024.

¹¹³ Interview 2 trade union FNV Policy Advisor Construction sector (online, 29 May 2024).

¹¹⁴ CNV, “30-urige werkweek”, 2019, < <https://www.cnv.nl/nieuws/30-urige-werkweek/>>, accessed: 18 April 2024.

5. General evaluation and conclusions

In conclusion, the two working time measures examined in this study highlight the need for innovative approaches to adapt to evolving labour market conditions in the Netherlands. The success of FNV's four-day workweek for senior workers demonstrates the benefits of tailored solutions that address specific sectoral challenges, while CNV's ambitious proposal underscores the potential for systemic change to enhance overall workforce well-being.

For these measures to be effective, ongoing collaboration among stakeholders, flexible implementation strategies, and supportive policies are essential. By addressing the drivers and overcoming the barriers identified in this study, these initiatives can significantly contribute to creating sustainable and attractive work environments in the Netherlands, ultimately benefiting both employees and employers.

The findings of this research reveal that the four-day workweek measure, targeting construction workers aged 55 and older, offers significant health benefits and work-life balance improvements but faces challenges such as the current labour shortages in several sectors of the Dutch economy. This measure is particularly relevant in physically demanding professions such as construction work, where workers often start their careers at a young age and face significant physical challenges, making it difficult for many to retire without suffering from any health issues.¹¹⁵

Similarly, the 30-Hour workweek proposal aims to enhance work-life balance, reduce burnout, and increase productivity across various sectors. However, its implementation is hindered by demographic trends, government stance, and sector-specific concerns. Despite its potential benefits such as including a more inclusive workforce and fostering gender equality in caregiving roles, the proposal encounters resistance due to concerns about economic feasibility and sector-specific adaptability.

The research conducted reveals a mixed picture regarding the validation of this last measure. While the measure/proposal of a four-day working week is seen as a step

¹¹⁵ See MOSSOU, T., *Applied Research ProjecY: Innovative Measures to Dutch Working Hours. A case study of CNV's 30-Hour Workweek Initiative: Redefining Work-Life Balance and FNV's Four-Day Workweek Measure under Article 6.5 of the Construction & Infrastructure Collective Labour Agreement*, THUAS, the Hague, 2024, supervisor: Stefania Marassi, p. 12.

toward better work-life balance and employee well-being, concerns about practical implementation, economic impact, and sector-specific challenges remain.¹¹⁶

Moreover, a main conclusion of this study is the necessity for tailored solutions to address sector-specific needs, such as seasonal work in agriculture and shift work in healthcare. Flexible implementation is necessary to accommodate working time reduction measures to unique work patterns. In the current context of workplace transformations, digitalization, ageing of the workforce, and ecological transition, stakeholders, (among them the social partners) are called to jointly develop innovative flexible working measures to attract and retain employees while sustaining productivity.¹¹⁷ This study also underscores the importance of government support and legislative adjustments for the successful adoption of these measures.

Interviews

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- Interview 2 with trade union FNV Policy Advisor Construction sector (online, 29 May 2024).
- Interview 3 senior employee and employer in the construction sector. (The Hague, The Netherlands, 17 May 2024).
- Interview 4 Coordinator Policy Officer for Government Inspections at the Ministry of the Interior and Kingdom Relations and Member of the Works Council of FNV (The Hague, 7 June 2024).
- Interview 5 - trade union representative FNV, (online, 30 April 2024).

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¹¹⁶ Ibid. p. 28.

¹¹⁷ See De Nederlandsche Bank, “Tight labour market calls for broad public debate”, *DNB*, 2023 <<https://www.dnb.nl/en/current-economic-issues/labour-market/>> accessed: 20 April 2024.

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Case study on Spain: company-level initiatives on working time reduction across sectors

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1. Overview

The legal, political and sociological context of the case study in Spain may contribute to understand why the case is innovative and which may be the role of the collective agreement. Moreover, the case arises in a time of change because the Spanish Government is trying to reduce the maximum working time in collaboration with the main trade unions (UGT and CCOO). A preliminary draft-law for the reduction of the maximum working time to 37.5 hours a week in 2025 was approved.

The regulation of maximum working time in Spain is the result of the collaboration of public regulation and collective agreements. In this sense, the main features of the culture of working time may be understood from the following parameters. In Spain, it is typical to work on a divided-day basis, meaning that there is a relatively long lunch break which usually takes place between 14:00 and 16:00. This results in a late departure from work (usually between 18:00 and 20:00), even though the work schedule begins early in the morning (usually between 8:00 and 10:00). However, on Fridays it is common to have a continuous schedule, meaning that work ends by 14:00 or 15:00. It is very common for the

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divided schedule to be modified over the summer months, becoming a continuous schedule: such as, from 8:00 to 15:00, with a short 15-30-minute break in the middle. Continuous working hours are highly desirable for most workers with the summer schedule being considered an “entitlement” or a “benefit”, usually established in collective agreements. Likewise, many workers with children request continuous working hours or to shorten the long lunch break in order to finish the daily working hours earlier to help balance their work and family responsibilities.

Types and patterns of innovation on working time is influenced by collective bargaining structures. Strong collective bargaining schemes may increase the possibilities to innovate working time arrangements. It is for this reason that fewer difficulties have been found in Spain to introduce changes on flexible working time arrangements in the sector or in the companies. It is important to emphasise that the legal resources (right to negotiate, collective agreements universally applicable) and instrumental resources (role of trade unions is recognised by the Spanish Constitution, articles 7 and 28)) are quite strong. In fact, the right to collective bargaining and the binding character of collective agreements are enshrined in the Spanish Constitution (article 37.1).

Spain has a complex dual-channel system of employee representation that is regulated in the Workers’ Statute, where both unionised and non-unionised bodies are provided with different powers and tasks. Although the most representative trade unions have the legitimacy to negotiate both at the sectoral and company level, it should be noted that there is a duplication of actors in the latter. This is so because both unions and works councils are entitled to negotiate. If both parties want to start negotiating, the union has the preference.

The regulation of working time appears in Articles 34-38 of the Workers’ Statute (WS)¹. The main features of this regulation are: (i) the maximum working week consists of an average of 40 hours, on an annual basis (1826 hours); (ii) the maximum working day is 9 hours, which may be extended by collective agreement

¹ Real Decreto Legislativo 2/2015, de 23 octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores. In the public sector, the minimum working time tends to be a weekly average of 37 and a half hours on an annual basis (1642 hours). The mentioned rule is applicable to the public sector at a national, autonomous, and local level. D.A. 144 Ley 6/2018, de 3 de julio, de Presupuestos Generales del Estado para el año 2018 and Resolución de 28 de febrero de 2019, de la Secretaría de Estado de Función Pública, por la que se dictan instrucciones sobre jornada y horarios de trabajo del personal al servicio de la Administración General del Estado y sus organismos públicos.

or by agreement between the employer and the employees representatives (ER); (iii) the maximum number of overtime hours per year is 80; (iv) the daily rest period between shifts is 12 hours²; (v) the weekly rest period is 36 uninterrupted hours; (vi) the paid annual leave is 30 calendar days per year; (vii) employees are entitled to 14 public holidays per year; (viii) night hours take place between 10:00 p.m. and 6:00 a.m.; (ix) irregular working hour distribution is permitted; and (xx) there are certain working time rights based on the employee's work-life balance needs, such as schedule adaptation, reduction of working hours, leaves of absence, etc. In addition, it is mandatory to register working time³. The organization as well as the documentation of the working time registration may be determined by the collective agreements or by the company, upon consultation with the workers' representatives.

Although the legislator tried in 2012 to decentralise collective agreements, collective bargaining traditionally takes place mainly at the sectoral level⁴. Sector-level agreements are concluded at the national level (for example, in the construction, banking and chemical sectors) or at the provincial level (for example, in commerce, the transportation of goods and passengers, and the bakery sector). The Spanish collective bargaining system may be considered a mixed system, with bargaining occurring at national, industrial, provincial, and company levels. This system has been criticized due to the "relative autarky" of the different bargaining units and its supposed "Canton syndrome"⁵. Company agreements are much less common and involve mainly large companies (in sectors like gas, oil, car manufacturing, air transport, research and development, etc.). The immense variety of sectors and companies justifies a lax regulation that can be specified by sectoral or company agreements. The specific schedule and days of work in the

² Collective agreements are not entitled to reduce this issue.

³ It should be remembered that the obligation to record working hours arose as a result of the lawsuit filed by the CCOO trade union against Deutsche Bank before the national (and then EU) courts and which led to the approval of Royal Decree-Law 8/2019, of 8 March, on urgent measures for social protection and the fight against job insecurity in the working day. See Judgment of the Court (Gran Chamber) 14 May 2019 (C-55/18).

⁴ In 2021, sectoral collective agreement recovered its leading position eliminating the applicative priority of the enterprise collective agreement regarding pay.

⁵ The basic principles of this system are regulated in the Spanish WS: legitimacy to participate in bargaining and plurality of subjects legitimated to negotiate; principle of self-determination of the bargaining unit; automatic general applicability of any collective agreement above the company level; principle of non-affection or non-concurrence (*prior in tempore prior in iure*); and "ultra-activity" of collective agreements.

MERCADER UGUINA, Jesús, "El fin de la prevalencia del convenio de empresa en materia salarial: ¿punto de llegada o de partida?", *Labos, Número extraordinario "La reforma laboral de 2021"*, vol. 3, 2022. DOI: <https://doi.org/10.20318/labos.2022.6643>, p. 127.

week are to be established at a company or work center level. The sectoral collective agreement has the competence to determine the maximum working time in accordance with the law. Collective agreements at an enterprise level may improve the conditions established at a sectoral collective bargaining level. There is currently a trend to reduce the maximum legal working time in sectoral collective agreements, especially at a national level. Negotiators have decided to apply the annual system to establish the working time. Overall, the working time duration ranges between 1700 and 1800 annual hours in the collective agreements.

Within the framework of Spanish employment regulations, there are several legal provisions that may facilitate a flexible use of working time. Article 34.2 of the WS refers to the possibility of establishing an irregular distribution of working time throughout the year, either through a collective bargaining agreement or an agreement between the company and the ER. This would permit agreement regarding a distribution of working time adapted to the employers' and employees' variable preferences or needs during each period of the year. Furthermore, Article 34.2 WS enables companies to unilaterally apply an irregular distribution of working time of up to 10% of annual working time, at their discretion, as long as they comply with certain legally required conditions: proper respect of daily and weekly rest periods and prior notice of 5 days⁶.

On the other hand, Article 34.8 WS establishes employees' right to request adaptations to the duration, distribution or organization of working time or on the way of rendering services (including remote work), for the purposes of work and family-life balance. Collective bargaining agreements may establish the terms of the exercising of this right. In the absence of any regulation, at the employee's request to implement any of the above adaptations, the company shall initiate a negotiation process with them, which shall last no longer than 15 days. If the company disagrees with the request, it must offer an alternative proposal or communicate its refusal to the employee, justifying its decision on objective reasons. The employee may file a claim against the company's decision before the social courts. If the employee's request is accepted or the parties reach an agreement in any other way, the employee will be entitled to return to the previous situation upon conclusion of the agreed period or when the causes motivating the request cease to exist.

⁶ Collective agreements are not entitled to reduce the mentioned period (Judgment of the Supreme Court of 14 March 2024, R° 96/2022) but they may increase it.

As in many countries, the Covid-19 meant the major milestone to enhance remote work in Spain. The Law on Remote Work (LRW)⁷ regulates remote work when it is performed on a regular basis; i.e., at least 30% of working time (or the equivalent proportional percentage depending on the duration of the employment contract) within a reference period of three months. According to the LRW, remote work is voluntary both for the company and the employee, and it requires a written agreement. Among other issues, this agreement shall specify the percentage and distribution between remote and non-remote work, if any, and the employee availability terms. The decision to carry out remote work is reversible both for the company and the employee. The terms of this reversibility may be established in the collective bargaining agreement or, failing that, in the remote-work agreement. The company shall pay for or compensate any expenses related to the equipment, tools, and means necessary for the execution of remote work. Collective bargaining agreements or other collective agreements may establish mechanisms to determine these expenses, along with their compensation or payment. They may also establish the specific positions and functions that may be performed remotely, the conditions to develop remote services, the maximum duration of remote work, or other additional content related to remote work agreements.

Remote employees are entitled to the same rights as non-remote employees, including those related to workday adaptation. Following the French example, the Spanish regulation recognizes all employees' right to disconnect, although unlike France the legal framework does not include a set of administrative penalties if the employer does not comply with this right.

Collective bargaining or company collective agreements may establish the specific positions and functions that may be performed remotely, the conditions to develop remote services, the maximum duration of remote work, or other additional content related to remote work agreements, as well as any other relevant issues (a minimum non-remote working time for remote employees, the exercising of reversibility, etc).

In terms of flextime, the possibilities of collective agreements have not developed in a generalized manner. Working time flexibility in collective agreements reflects a traditional approach. For example, working time flexibility tends to be scheduled in condensed working hours during the summer. While the Covid pandemic clearly made it possible to experiment with certain types of flextime

⁷ Ley 10/2021, de 9 julio, de trabajo a distancia.

such as remote work, since the pandemic, the general trend has been to work on-site, with some exceptions.

This legal and cultural context helps explain why Spain provides a favourable environment for companies willing to experiment with innovative working time arrangements. The coexistence of national and decentralised bargaining levels—combined with constitutional and statutory guarantees of trade union involvement—enables companies to explore different models while ensuring a minimum set of protections for workers. In parallel, the structure of collective bargaining allows a high degree of specificity, whereby working time regulation can be adjusted to the sectoral, territorial or company-specific realities.

Importantly, the Spanish framework supports both top-down and bottom-up approaches to flexibility. On the one hand, companies are entitled to introduce limited irregular distributions of working time unilaterally, provided basic safeguards are respected. On the other, workers also enjoy the right to request adaptations for work-life balance, triggering a mandatory negotiation process. These complementary routes help accommodate both business needs and individual preferences, fostering a dynamic environment for innovation in time organisation.

In this context, flexible and innovative working time practices can arise in any type of company, regardless of sector, size, or structure. The case studies selected in this report—each from a distinct sector and organisational profile—are a clear illustration of this. The following sections analyse these cases not as isolated best practices, but as examples of a broader capacity within the Spanish system to enable meaningful and adaptable changes in working time management.

2. How the case study emerged

The Spanish case study was designed to explore the diversity of pathways through which flexible working time arrangements are emerging in practice. In doing so, it seeks not only to document success stories but also to identify conditions, challenges and enabling factors that make such practices viable within the Spanish institutional and legal framework. The case study thus aims to offer meaningful insights into the concrete implementation of working time innovations, drawing from a spectrum of company profiles and working environments. For this purpose, three companies were selected: Ephimera, Software El Sol, and Schneider Electric.

The selection process was guided by a set of criteria intended to ensure analytical diversity rather than statistical representativeness. The key variables considered were: company size, sector of activity, degree of unionisation, type of workforce (blue- vs. white-collar), and the form in which flexibility was introduced (unilateral management decision, collective bargaining, or a mix of both). This strategy allows for an exploration of flexible time arrangements not only in companies that would appear naturally inclined towards innovation (such as those in the digital or creative sectors), but also in more traditional industrial settings, where change is often slower and more structurally constrained.

The case of Ephimera, a small-sized enterprise operating in the event management and creative services sector, provides valuable insight into how managerial leadership can foster flexibility in non-unionised environments. Ephimera's decision to implement a four-day workweek was made unilaterally by the company's management, motivated by a broad conception of employee wellbeing and a desire to facilitate work-life balance. The organisational structure, built on small, self-managed teams, allowed for an informal and consensual internal coordination of time-off. This case demonstrates that even small firms, often presumed to be less adaptable due to limited staff or operational constraints, can successfully implement innovative models of time organisation.

In contrast, Software El Sol, a medium-sized software company with more than four decades of experience, illustrates a different path. In this case, the proposal for reducing the workweek to four days originated from the company's management, but was later reflected and formalised in the company-level collective agreement. Although it was not a jointly initiated measure, the agreement received the full support of the workers' representatives and introduced a structured and balanced reconfiguration of working hours without reducing salaries. This approach illustrates how business leadership can take the initiative in driving innovation, while respecting the formal negotiation framework and ensuring that the changes are legitimised through collective bargaining. The company also demonstrates how internal differentiation (for example, between rotating and fixed shifts) can be managed within a flexible model, even in departments such as customer service where availability requirements are higher.

The inclusion of Schneider Electric, a multinational company in the metal sector, serves to broaden the scope of the case study and to test the feasibility of flexible working time arrangements in a more rigid institutional environment. The metal industry in Spain is characterised by a strong tradition of sectoral and provin-

cial collective agreements, a predominance of blue-collar roles, and generally less experimentation in working time matters. Nonetheless, Schneider Electric has managed to implement a range of flexibility measures, including remote work and flexible schedules, primarily through internal company policies and, in some cases, through negotiated agreements with trade unions. This case shows the co-existence of unilateral and negotiated approaches, and highlights both the opportunities and the challenges of internal flexibility mechanisms —particularly when such mechanisms are not always equally accessible to all categories of employees.

Taken together, these three cases reflect the diverse strategies through which Spanish companies are implementing working time flexibility in practice. They offer valuable lessons on how legal frameworks, managerial initiative, and collective bargaining can interact —sometimes complementarily, sometimes in tension— to shape new forms of work organisation. The case study thus does not aim to present a uniform model, but rather a set of distinct yet comparable experiences that reflect the real complexity of the Spanish labour market. By deliberately including companies of different sizes, sectors, and governance cultures, the study enhances its relevance and provides a robust basis for policy and practice-oriented conclusions.

3. Measures adopted in the area of working time

3.1. Measure 1: reduction of the working week to 4 days in the company (Firm level)

Software DELSOL is a company with over four decades of existence, dedicated to the development and support of software for small business management. In 2021, it was integrated into the Italian company TeamSystem.

Until 2017, Software DELSOL did not have its own collective agreement. In that year, following negotiations with representatives from two unions (FASGA - *Federación de Asociaciones Sindicales*, now called Valorian, and IDS), its first collective agreement was approved. This agreement established an annual working hours schedule of 1,726 hours for the years 2018 and 2019. The working hours were structured as follows: during the winter period (from 16 September to 14 June), Monday to Thursday it consisted of eight and a half hours of effective work, flexible between 8:00 AM and 7:00 PM, with a continuous working day on Fridays of 6 hours from 8:30 AM to 2:30 PM. The summer schedule, from 15

June to 15 September, comprised a continuous seven-hour working day from 8:00 AM to 3:00 PM. This collective agreement was initially valid until 31 December 2019, but negotiations for the subsequent agreement began on 3 February 2020. It is worth noting that the collective agreement itself provided for the continuity of its effectiveness for one year.

On 17 June of the same year, a new collective agreement was reached with the full support of the employee committee, now consisting of only the FASGA union (with five representatives) and four independent workers. This new collective agreement introduced a revised work schedule without a pay reduction.

According to the information provided by company personnel, the initiative for this reduction in working hours came from the company's management and was accepted by the workers' representatives during the negotiation process.

The new annual working hours were established at 1,495, distributed over a four-day working week. This entailed increasing the daily hours during the winter period to nine hours from Monday to Thursday while maintaining a seven-hour working day on Fridays. In the statistical report required by the labour authorities, the weekly working hours were established at 36 hours, representing a reduction of 4 hours from the previous agreement. The system involved shifts, although this first agreement did not establish specific regulations.

Analysing the distribution of working time in detail, it is seen that there is a reduction in working hours to transition from a five-day week to a four-day week. However, this is not a 20% reduction (which would simply be achieved by reducing one working day) but rather, it is slightly less than 14%. This result is achieved through a slight extension of the daily working hours and the elimination of additional rest days provided for in previous agreements (such as a day off for birthdays). In this way, an improvement in the work-life balance is achieved without decreasing salary, but with a smaller increase in the company's cost per hour.

The 2023 collective agreement offered notable improvements in all of its sections (related or unrelated to working hours), specifically mentioning a shift work system having three modalities:

Rotating shift: Employees have rotating days off each week from Monday to Friday.

Standby shift: Employees have rotating days off on Mondays or Fridays.

Fixed shift: Employees always have Fridays off.

3.2. Measure 2: reduction in working hours at Ephimera

Ephimera is a small company offering quality spaces for events in Madrid and Barcelona. They work hand in hand with a creative network to offer the best locations for conferences, congresses, meetings, press conferences, pop-ups, showrooms, product launches, etc. Not only does it provide the location, it also develops content in the spaces managed: devising the concept, developing the project, positioning it and creating a marketing plan. The company has approximately 20 employees. The workforce demographics are dominated by young, female employees. The professional profile of the employees is creative.

Employment relations in the company fall under the National Collective Agreement for Advertising Companies⁸, which, regarding working time, establishes that the maximum number of hours of effective work on a weekly basis shall be thirty-seven and a half hours from Monday to Friday. This is already a reduction as compared to what is established by law (40 weekly hours).

In April 2022, the company introduced a 4-day working week. Since then, the employees have worked 4 days a week instead of 5 days a week. This change entailed a reduction in weekly working hours. Since the introduction of this measure, employees have been working 32 hours per week, distributed over 4 days. Thus, the measure introduced by the company includes not only a change in the weekly schedule (from 5 to 4 working days) but also a reduction in the total number of hours worked (from 37.5 to 32 hours).

The measure was introduced unilaterally by the company's management, taking into account that the two owners publicly support the 4-day week at a general level.

According to the company representative interviewed⁹, the aim of the measure is to facilitate work and family life reconciliation. Here, the company representative accepts a broad conception of work-life balance, understanding that the day off can serve multiple personal purposes, including recreational and educational ones. The measure is situated within the general concept of employee well-being.

⁸ Collective agreement for companies in the advertising sector: <https://www.boe.es/boe/dias/2016/02/10/pdfs/BOE-A-2016-1290.pdf>

⁹ We interviewed Carmen Fernández Marinas on 22 May 2024. Carmen is a director of Ephimera.

The reduction in working hours is completely independent of other possible measures in place that are aimed at facilitating the reconciliation of work and family life (telework, hybrid work, adaptation of working hours, etc.).

From an organisational standpoint, each week the shifts are established for the upcoming week. The day off is not a fixed day of the week, but every employee selects the day off that they want. The usual procedure for allocating days off according to workload is by employee consensus, as opposed to imposition by management. Certain rules must be followed by all employees in order to ensure the functioning of the business. For instance, not all members of a team can choose the same day off.

3.3. Measure 3: consolidated Flex@Work at Schneider Electric

Schneider Electric is a French company operating in the metal sector. It is located in different provinces of Spain and has a workforce of approximately 6000 employees. From a gender perspective, approximately two-thirds of the workforce is male, although Schneider Electric implements an initiative to achieve equal gender representation in all job positions¹⁰.

The qualification of the workforce at Schneider Electric differs depending on the workplace. In this regard, there are three kinds of workplace, depending on the specific functions carried out: (i) technical offices, (ii) manufacturing plants and (iii) logistics centres. The workforce at the technical offices (essentially, the Madrid and Sevilla workplaces) consists mainly of white-collar workers, while almost all employees at the manufacturing plants and logistics centres are blue-collar ones. Notwithstanding this, the majority of the Schneider Electric workforce is white-collar¹¹. This contrasts with the majority of this sector, which mainly consists of blue-collar workers.

Concerning union representation, the leading trade union of Schneider Electric is CCOO, followed by UGT, ELA and LAB. These four trade unions attend a social dialogue roundtable (“Mesa de Diálogo Social”) in which different issues are considered at a company level. However, any agreements reached by this

¹⁰ We conducted two interviews with the main trade unions (interview 1 with trade union representative from UGT on 20 May 2024 and interview 2 with trade union representative from CCOO on 15 October 2024).

¹¹ Análisis Económico, Ambiental y Social, Grupo Schneider 2015-2018, CCOO, p. 18.

roundtable must be endorsed by each specific workplace representative for the purposes of its effective implementation.

Working conditions are regulated by sectoral collective agreements at national and provincial levels. The largest part of the collective agreements focuses on the provincial level, which represents approximately 62¹². Thus far, Schneider Electric has not negotiated a collective agreement at a company level. At a national level, the IV State Collective Agreement for the Metal Industry, New Technologies and Services Sector is applicable¹³. It provides a short regulation on remote work and the right to disconnect¹⁴. Furthermore, Schneider Electric and trade unions have negotiated an agreement on remote work. For its part, Schneider Electric has approved a flex working policy (called Flex@Work) and a Global Family Leave policy.

In the metal sector, the maximum working time is regulated by provincial collective agreements. No differences between professional categories (shift workers and technicians) are established in the area of working time. The maximum working time is established province by province (see table 1):

Table 1.

Provincial level	Maximum working time established in the collective agreement
Barcelona	1750
Madrid	1754
Navarra	1695
Sevilla	1759
Valencia	1744
Vizcaya	1708

In most of the mentioned provinces, the established maximum working time is very similar to the average of the metal sector (approximately 1749,93 hours per year in 2023)¹⁵. Collective agreements of the metal industry comply partly with

¹² La negociación colectiva en la industria del metal en 2023, Fundación Confemetal, 2024, p. 23.

¹³ IV Convenio colectivo estatal de la industria, las nuevas tecnologías y los servicios del sector del metal, BOE 12.1.2022, no. 10. See <https://www.boe.es/buscar/doc.php?id=BOE-A-2022-479>

¹⁴ Article 49 establishes that companies shall not impose disciplinary measures against employees who effectively make use of their rights to disconnect. Furthermore, collective agreements at a provincial and company level may increase the guarantees and limits against measures for monitoring digital rights.

¹⁵ La negociación colectiva en la industria del metal en 2023, Fundación Confemetal, 2024.

the proposal for working time reform, at least in 2024 (1759 in 2024 and 1712 in 2025, see table 2):

Table 2.

Provincial level	Maximum working time established in the collective agreement	Uneven distribution of working time
Barcelona	1750	80
Madrid	1754	10%
Navarra	1695	48 +80 ¹
Sevilla	1759	220
Valencia	1744	135
Vizcaya	1708	100

¹ The extra 48 hours are intended to facilitate company competitiveness. The extra 80 hours are intended to respond to variations in the production programs.

According to a trade union report, the evolution of the average maximum working time from 2012 (1755) to 2022 (1754) is not very relevant. Negotiators need the support of legislators to further reduce working time¹⁶.

Schneider Electric applied a consolidated flex working model many years ago. In this connection, Schneider Electric's work culture has been traditionally based on promoting the autonomy of employees (those who are white-collar, in particular) in the development of their duties, which is highly facilitated by this flex working model.

It appears that Schneider Electric often implements flexible working measures through company policies rather than by means of agreements reached with employee representatives. Although these company policies are focused on the employees' well-being and satisfaction and are therefore welcomed and highly valued by the workforce, according to a union representative, they may, at times, fail to foresee certain relevant issues or details regarding their implementation. This issue could possibly be avoided or mitigated if these measures were previously negotiated and agreed with the employees' representatives. In addition, this union representative states that, since they are subject to internal policies that have been unilaterally decided and applied by the Company, and not as a result of collective negotiation, these measures may not be respected by the managers in certain cases.

¹⁶ Nuevas formas de trabajo y distribución de la jornada en el sector metal, UGT FICA 2023, pp. 173-174.

A pilot experience on a compressed working week was attempted on approximately 80 employees (managers, technicians and financial officers) for six months. The experience concentrated the working time on four days per week (usually from Monday to Thursday), establishing a 10-hour workday combined with remote work. From the employees' point of view, one of the main negatives was the fact that the measure was a compression and not a reduction of working time. The measure was worse for those employees having family responsibilities and during periods with greater workloads. The debate over the reduction of the maximum working time was not raised.

In addition to the above, it was stressed that the mentioned measure was rejected by trade unions because a compressed working week implied a modification of daily working time. According to trade unions, prior negotiation and agreement with the employees' representatives was required, which had not taken place. In this connection, the employees' representatives were concerned about the harmful impact of a 10-hour working day on employee health and productivity. This is especially relevant considering that representatives were not properly aware of the terms of this pilot experience and were unable to monitor it.

Concerning remote work, although it had already been implemented prior to the pandemic, the agreement on this work was reached with the Covid-19 pandemic, which greatly promoted remote work, and with the issue of a related law in Spain (Law 10/2021, of 9 July on distance work)¹⁷.

As a general rule, remote work is organised in some of the following alternative ways: 1) Full days: from 1 to 3 days per week. 2) Half-days: up to 4 mornings or 4 afternoons. Nevertheless, some groups of employees are not offered the possibility of remote work. This is mainly the case with those employees whose work cannot be performed remotely. This refers mainly to blue-collar workers.

It should be pointed out that the company offers remote employees the opportunity to monitor psychosocial risks. Furthermore, remote employees should carry out training on risks inherent to their work tasks, remote work and the right to disconnect.

Furthermore, all employees except shift workers have flexible schedules from 7:00 to 10:00 in the morning and a flexible lunch break of up to 2.5 hours. There

¹⁷ The agreement was signed on 20 September 2021 by four trade unions (UGT, CCOO, ELA and LAB) and the company.

is no requirement to request this schedule and break. They may be informed in advance, or the measure may be justified. These (white-collar) employees have full autonomy to organise their own work.

A group of flexible measures are applied to all employees. Specifically: 1) Floating days: the possibility of working on holidays and changing days off to another day as decided by the employee; 2) The possibility of paying for extra holidays. Each employee is entitled to up to five extra days for holidays. This means a reduction of the wage; 3) Non-paid leave. Employees can request non-paid leave from fifteen days to two months. The Company pays for the social security contribution for this leave.

Regarding the aforementioned, certain concerns were mentioned by a union representative. For example, with regard to the “floating days” measure, it was noted that, although its request should be voluntary for the concerned employee, it could ultimately be misused by managers suggesting that it be requested by subordinates to adapt their working time to any productive needs arising.

Another relevant concern was that the possibility of paying for extra holidays may ultimately lead to a delay and increase in workload, resulting in work-related stress and reduced productivity.

In addition, Schneider Electric applies a Global Family Leave policy that offers, among others, Paid leave to care for the family (employees can request leave of up to two weeks to care for their family members) and Paid leave for the birth of a child (employees can request leave of up to a week for the birth of a child). These measures have been approved as company policy.

4. Impact of the measures

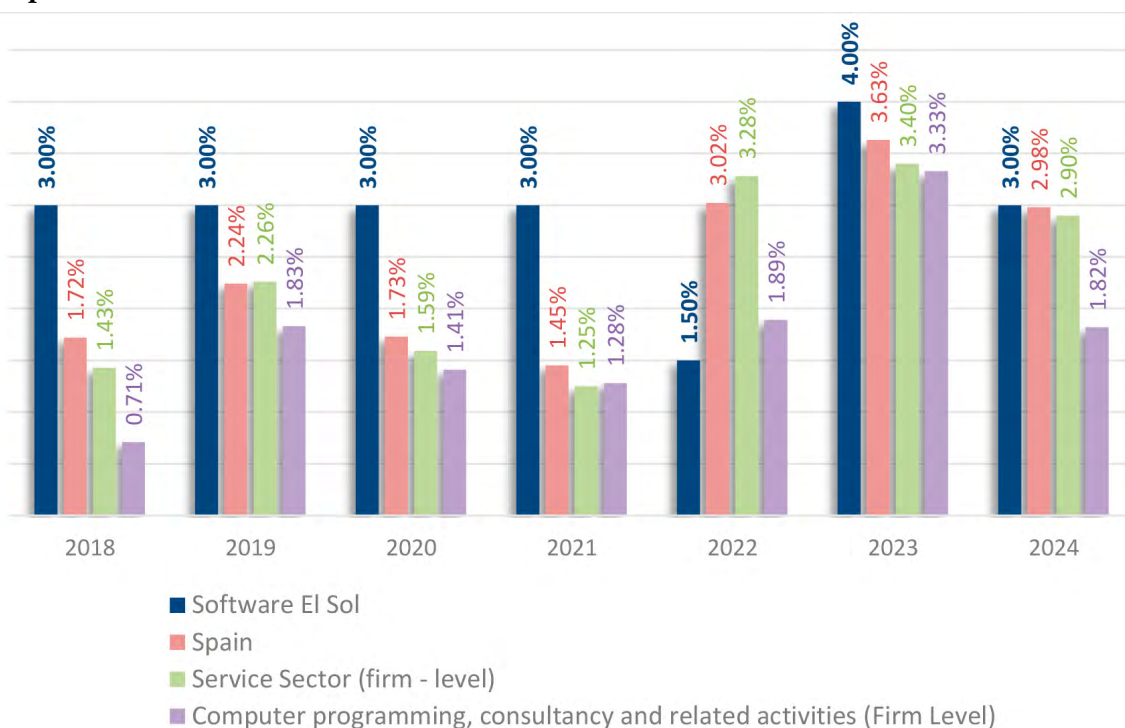
Software DELSOL

From an economic perspective, it should be noted that the salaries stipulated in the 2017 collective agreement, while similar to those from the state collective agreement applicable at the time, were based on a shorter work schedule (in fact, the state collective agreement for consultancy firms and market research and public opinion companies established a work schedule of 1,800 annual hours). This equates to approximately a four percent increase in hours as compared to the analysed company agreement.

The reduction in working hours did not lead to a reduction in agreed salaries for Software DELSOL; on the contrary, a 3% increase over the previous year's salary was agreed upon for 2020. This represents an increase of 18.9% in hourly wages.

Examining the evolution of the agreed salaries across successive company collective agreements, it is evident that, with the exception of 2022, they have consistently exceeded those stipulated in official statistics for other sectors. This trend is illustrated in the graph, which reveals increases in all years except 2022, surpassing both national collective agreements in Spain and sector-specific agreements within the “Computer programming, consultancy and related activities” sector (NACE rev. 2, code 62) to which the analysed company belongs. In fact, for the entire period from 2019 to 2024 (spanning the transition from a five-day working week to the most recent arrangement), the agreed increase has been 15.3% at Software DELSOL, as compared to 10.1% for its sector as classified under NACE rev. 2 at the two-digit level. See graph 1:

Graph 1



Additionally, it should be noted that the company asserts that this change has helped attract talent and has sustained revenue growth (22% in 2022). These results, however, should be viewed within the framework of a broader human resources policy that is aimed at employee well-being.

Nevertheless, these outcomes should be viewed with caution since its status as a pioneering company has significantly enhanced its corporate image, benefiting from media attention. In addition to its fundamentally technological work (which also facilitates concentrated work schedules), it should be highlighted that if this practice were to become widespread across all businesses, its impact on talent attraction would diminish since it would lose its “distinctive” nature.

The aforementioned statistical sheet also indicates that the size of the workforce has not been affected. In fact, while the 2017 agreement declared to cover 155 people, the 2023 agreement reports an increase to 189 individuals. During this period, with no conclusive evidence of causality, a notable advance has taken place in gender parity: the percentage of women in the workforce has increased from 44.5% to 49.2% over these six years.

From a work-life balance perspective, while it will always have a positive impact, this impact will be greater for employees having fixed or standby shifts due to their increased ability to plan their personal lives, as compared to those working on rotating shifts.

From the human resources management perspective, turnover (which was already very low) remained at similar levels. Although it is true that the workforce composition has become more gender-balanced over recent years, the reduction in working days does not appear to be the determining factor. Rather, it appears to be the result of the feminization of activities related to technological development. In terms of attracting talent, the company did notice a significant increase in job applications following the implementation of the four-day working week.

Ephimera

According to the interviewed company representative, the result of applying the measure has been satisfactory and has not caused any significant problems. Staff are happy with the measure. Remuneration has not been affected by the measure.

Schneider Electric

At Schneider Electric the assessment of the measures is very positive according to the survey and the interview with the trade unions (CCOO and UGT).

Remote work does not imply a risk to the quality of the productive process. The productive process is remotely controlled. In addition, according to the union representative from CCOO, remote work has led to a major reduction of costs for the Company, while constituting a relevant incentive for employees.

Consensus exists amongst trade unions that conclude that neither remote work nor the possibility of having flexible schedules have affected work performance. In fact, they facilitate employees to self-manage their work and perform their tasks in an autonomous way (which, as previously mentioned, is a goal of the work culture at Schneider Electric), successfully fulfilling their duties.

However, the experience of trade unions reveals that when there is a flexible working time policy, it is necessary to enhance employee health and safety. Employees may voluntarily work more than the maximum working time and suffer psychological risk if they do not respect the minimum statutory resting periods.

In short, these two relevant flexible working measures, remote work and flexible schedules, which have been implemented by the Company, result in both benefits and inconveniences. On the one hand, they contribute to the employees' well-being, operating as an important incentive without hindering work performance. However, since the Company's culture focused on the autonomous employee work and the self-assumption of responsibility of their own duties, these measures may ultimately lead to excessive hours worked, which may be self-inflicted by the employees themselves.

5. General evaluation and conclusions

As mentioned at the beginning, Ephimera implemented the 4-day working week as a form of management commitment to attract and retain human capital in a highly competitive industry. To date, the result has been very positive, with no negative impact being found on productivity or resource organisation. The fact that it is a small company means that organizational problems are, to a large extent, solved by the self-management of the teams.

The reduction of the working week to four days has proven to be a viable option for mid-sized companies. Even when there is a need to maintain activity over five (or seven) days a week, services may be provided through shifts. For this, it is essential to design the work time distribution system with flexibility so that,

depending on the personal needs of each group within the workforce, they can choose fixed shifts (Monday-Thursday or Tuesday-Friday) or shifts with varying days off. Moreover, without undermining the importance of negotiation, the experience of Software DELSOL shows that with adequate business leadership, an initiative from the company's management is sufficient. This type of initiative is unlikely to be rejected by the workers' representatives. Although the experience may be extrapolated to other companies, it is evident that the model will face more complications in smaller companies, where the distribution of time will be shared among fewer workers.

The example of innovative flexible working time arrangements in the metal sector reveals the collaboration between collective agreements (at sectoral and provincial levels) and company policies. It appears to be relevant that the sectoral level (national level) establishes certain general rules on this issue to promote flexible working time arrangements that may be completed at a provincial or company level.

In the metal sector, the role of trade unions was very effective in addressing the flexible working time arrangements. First, they rejected the pilot project on a compressed working week when it potentially caused worse working conditions for employees. Second, they negotiated with the company on the remote work agreement.

The case studies analysed also offer valuable insights into the gendered implications of flexible working time arrangements. While none of the measures were initially framed with an explicit gender equality objective, their effects on female workers—and their potential contribution to balancing work and care responsibilities—deserve attention.

The case of Ephimera is particularly relevant in this regard. The company has a predominantly young and female workforce, and the introduction of a four-day working week has been associated with improved well-being and work-life balance. Although the measure was not designed from a gender perspective, the possibility for each employee to choose a different day off each week facilitates individualised planning and has the potential to better accommodate family care duties, which are still unequally distributed.

By contrast, in Schneider Electric, the compressed workweek pilot—based on ten-hour working days—was perceived as problematic, particularly for emplo-

yees with caregiving responsibilities. Trade unions highlighted the risks of physical and mental overload, with potentially disproportionate effects on women. These concerns reflect broader debates about whether compressed schedules truly serve gender equality or may inadvertently reinforce structural inequalities.

Overall, the implementation of flexible working time models should incorporate an explicit gender lens to ensure that they support rather than undermine equality and inclusion goals.

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