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DG INTERNAL POLICIES OF THE UNION
- Directorate A -
ECONOMIC AND SCIENTIFIC POLICY

WORKING PAPER

SOCIAL REPERCUSSIONS OF AN OPT-OUT FROM THE PROVISIONS OF THE WORKING TIME DIRECTIVE

This study was requested by the European Parliament's committee on Industry, Research and Energy.

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- Directorate A -
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WORKING PAPER

ACCESS TO FINANCE AND VENTURE CAPITAL FOR INDUSTRIAL SMES

**“SOCIAL REPERCUSSIONS OF AN OPT-OUT FROM THE PROVISIONS OF THE
WORKING TIME DIRECTIVE”**

SUMMARY

AND

MAIN CONCLUSIONS AND RECOMMENDATIONS

(PROJECT NO IP/A/EMPL/ST/2004-30)

ALMENARA, ESTUDIOS ECONÓMICOS Y SOCIALES, S.L.

This report was prepared by Elizabeth Villagómez and Emma Oteo Antuñano from Almenara Estudios Económicos y Sociales, S.L. and are wholly responsible for its contents. The following experts provided various inputs and technical assistance

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The main objective of the present study is to prepare background material and advise Members of the EP Committee on Employment and Social Affairs on a number of social issues related to the European Commission proposed revision of the Working Time Directive concerning certain aspects of the organisation of working time.

The study provides information based on existing research and available statistical data on the consequences of long working hours on family life and it also analyses the effectiveness of the proposed reform in achieving reconciliation of work and family life and analyses the compatibility of the changes in the directive with equal opportunities policy.

It is important at the outset to understand and place the issue of working hours in general as a central piece in the flexibilization of work debate, and therefore linked to the process of restructuring vast areas of European economic sectors that must adjust to the demands of globalisation and competition.

In the first chapter an attempt is made to establish how long working hours affect family life (including fertility) based on existing literature on the subject and available comparable European data. Special consideration is given to working parents and working lone parents. Through this scan of literature and data analysis, it is established to what extent long working hours have effects on marriage and whether there is a correlation between long working hours and the rate of divorce. References to other aspects of the impact on family life (child-parent relations, family-community relations, etc.) are analysed in the following chapter which looks at reconciliation of work and family life.

MS with higher reported average weekly working times do not show consistently higher levels of divorce (in particular the Mediterranean MS and Ireland in the EU15).

However, there is a positive relation across the EU between longer hours and the percentage of the divorced working population. Working women from all countries have higher divorce rates than working men. Among the working population in general, divorce rates are higher than for the whole of the population. By groups of countries some relation between higher working hours and divorce do appear. These results are consistent in all three databases used in the report (ECHIP, ISSP and European Foundation for the Improvement of Living and Working Conditions Quality of Work surveys)

According to ECHIP data and the European Foundation surveys, women lone parents work longer hours than their counterparts in any of the households with children. The degree to which lone parents would be more exposed to “opt-out” situations or “on-call” jobs would need a much more detailed analysis which would require other type of analysis.

New organisation of work systems, which can reduce hours worked, have not been introduced on a wide scale. This is reflected in average working times being higher for all new MS according to Eurostat LFS data for 2004 (Eurostat, 2005) and the three data bases used in this study. These higher working hours in the new MS are not always due to men’s higher working hours, but also to women’s.

The conclusion to be drawn from the scan of literature is that long hours are incompatible with reconciliation of work and family life, and that the incidence of divorce may be linked to longer hours, but may also be due in a large extent to occupational segregation. Higher income of women also seems to increase the probabilities of divorce according to economic studies. Children might not be getting the same attention by working parents depending on their age. As to fertility rates, the literature points very weakly to long working hours and relates low fertility to the higher instability

in the labour market (high unemployment for women and high incidence of fixed-term contracts) (pp. 43-47).

The second chapter investigates how and to what degree this aim of compatibility of work and family life can be achieved or supported by the Commission's proposal. This report addresses the reconciliation of family and working life **at individual level**. This involves that such a reconciliation means, for each person, a relatively balanced distribution, in terms of preferences, of time devoted to paid work and family responsibilities, particularly of those responsibilities related to care of children and care of dependent adults. In accordance with this, for certain persons, the fact of having the possibility of devoting more hours to paid work and of reducing their devotion to family tasks and responsibilities will mean an improvement, while for others this improvement would mean just the contrary situation. Compatibility of working hours and family life that has been carried out extends beyond the number of hours worked in a week and must also include a life-cycle approach.

In the wider discussion of flexibilisation, new work organisation, reconciliation of working time and life cycle issues, and the need to protect community time from reductions intersect with the increasingly rejected gender division of paid and unpaid work. The adaptation of public times to the changing realities of private time is possible in order to solve the conflict that arises for many workers between work and family life. This conflict arises precisely from coinciding or insufficient times of public services whereby new work realities can be solved.¹. This continued move towards individualisation of the work contract also has an impact beyond the working place.

¹ This situation may give rise to a series of conflicts within the firm that can affect gravely efficiency and productivity, reducing the financial benefits of individualised contracts, flexible work forms and reinforce opposition to the reduction of working time.

According to the Supiot report (1998): “This development holds the potential to gradually dismantle all the community time patterns that governed life on and off the job (night-time rest, Sunday rest, midday break) and bring about the concomitant collapse of solidarities based on such patterns (trade union, family, neighbourhood)” (p. 61 of the Supiot report). In addition to this, as pointed out by Rubery (2005), the gender division of labour on which the solidarities around the customary time schedules are built are being increasingly rejected. Furthermore, she adds, “while institutions become outdated and need renewal, their removal through primarily individualised and employer driven policy will not spontaneously lead to new community time patterns that are both more in tune with the new gender divisions but also capable for sustaining community and social life”.

In Chapter III the fact that an increasing number of EU Member States (MS) opt-out of the application of Article 6 of the Working time Directive is analysed. Reconciliation of work and family life and its links to working time must be made in the context of flexibilisation and the introduction of new work organisation in firms. Women are in a weaker position in this process due mainly to occupational, sectorial and time (part-time/full-time) segregation.

The high level of working hours for both men and women in the new MS point to a series of issues which will make it more difficult, but not impossible, for the governments, workers and employers to adapt to the working time directive. In the old MS some countries which have may have customs of using over time to cover the peaks in demand or may be using it to adapt to more intensive modes of production, or those who have not modernised management and production will be more likely to use the opt-out.

A look at the difference in occupational and sectorial structures also reveal the difficulties in implementing the directive, of which the size of the enterprises also needs to be considered (from 30 to 40 per cent of employment across the EU25). In general, workers in the EU10+2 seem to have less choice about their working hours, breaks and holidays than workers in the EU15. And women in the EU10+2 also seem to have less choice than men.

In Chapter IV, the question of consistency between the proposed changes in the working time directive and with gender equality policy is analysed. An attempt to make clear links to the effects that the revised directive can have on EU gender equality policy is made. The working time directive and the changes proposed do not always work in the same direction as far as their potential positive effects on reinforcing equal opportunities and bringing about a higher level of reconciliation of work and family life are concerned. Time use is the basic cornerstone on which to build, but many other dimensions must be affected and addressed to realise and enhance those positive effects. In other words, reduction of time or regulation of time does not by itself bring about the more profound changes needed to increase women's hours of work and reduce men's (or increase men's unpaid care work and reduce women's).

More efforts and a series of changes in social security benefits are needed to increase the number of men who take up paternity leave. In addition to a sustained awareness raising campaign, individualisation of benefits, high wage compensations and flexibility in the way couples can use the leave.

Social security models have failed to adapt to new family structures, to the incorporation of women to labour market, and to the changes in the roles the members of the family now play in it. A country's strategy when aiming at increasing women's

employment, supporting care activities and promoting equal opportunities should take into account its basic starting point or baseline and its institutional framework.

Flexibilisation and new organisation of work can also bring new opportunities for firms to introduce reconciliation policies, albeit the entire firm, not just human resource departments must be involved in order to make it a success. This may mean important changes in corporate culture where human resource management is not only about recruiting and retention, but also becomes more integrated into the wider processes and decisions of the firm (p. 105).

In the present study the data offered and analysed as well as the existing research material scanned also points to the need to change the view that reconciliation is a woman's issue and to support the idea that working time is an essential piece to bring about a more balanced and equal time division between women and men that will allow greater opportunities to women in the employment and social arenas and that will establish men more firmly in the private arena with relation to their families. The exchange is not easy nor straightforward, attitudes must be changed in the firm and in the home and the systems that continue to assume a given familial model need to be reformed.

Flexibilisation and new organisation of work offer possibilities for firms to modernise and avoid opting-out of the limit imposed by the working time directive and also to implement reconciliation policies. The degree to which they will do this will depend on the pressures by workers or their representatives and also by competition not only of their service or product markets but also for workers themselves as demographic pressures reduce the pool of workers. As put by The Work Foundation of the United

Kingdom employers are being more and more pressured into being “employers of choice”.

The commitment to women’s human rights and equal opportunities is fundamental to understanding the gender dimensions of the proposed changes of the working time directive. Reconciliation of work and family life has become an increasingly important element of gender equality policy which is enshrined in the Charter of Fundamental Social Rights of Workers, is a commitment in the Beijing Platform for Action, and a fundamental piece in the European OMC in the area of Employment and Social Inclusion to reach the Lisbon targets. A generalised use of the opt-out can be very harmful to women as it may deter them from taking on jobs that require more hours and reinforce the current situation of lower pay and lower professional opportunities.

CONCLUSIONS AND RECOMMENDATIONS

Main Conclusions

- The working time directive can be seen by some as continuing a practice which is increasingly at odds with the new organisation of work, however, based on the data and information scanned for the present study the directive can also be seen as ameliorating the implications that these organisational changes are having on the use of time by women and men, in particular with the use of time which is basic for social reproduction and social cohesion.
- There is no definite evidence pointing to a direct relation between longer working hours and divorce in each of the individual MS. However, putting together all of the MS together there does seem to be a case for a positive relation between these two variables. Working women in all MS have higher incidence or higher probability of being divorced than working men. The difference in divorce rates between working men and women are highest in the countries with the lowest divorce rates (Mediterranean countries in particular). (Chapter I)
- Hours in the new MS are higher than in EU15. Working women in new MS work much longer hours. Women lone parents work longer hours than their counterparts in couple household with children. The pressure from the application of the opt-out for longer hours can put these women at risk of promotion opportunities and lower pay. (Chapter I)
- Working time and reconciliation of work and family life cannot be understood outside the flexibilisation and new organisation of work debate. Reconciliation is still considered a woman's issue (as it is found in various European Commission documents) and men have more scope to become increasingly involved in unpaid work. (Chapter II)

- Firms that only use flexibilisation of time and re-organise work accordingly, will not be enhancing the possibilities for their workers to reconcile work and family life. There are increasing examples of good practice and the beneficial effects to firms (in particular in the reduction of absenteeism and conflicts) that point to an integrated approach of flexibilisation and new work organisation (including the use of information and communication technologies) with more opportunities for workers to reconcile. (Chapter II and Annex III for good practice of reconciliation policies in firms and challenges for SMEs)
- Atypical working times such as night shifts and regular Saturday and Sunday work show higher levels of incompatibility between work and family life, however this is less so in the case of women than for men. Also, those with part-time work report higher compatibility. (Chapter II, pp. 67-69)
- The original focus of the directive on the protection of workers' health and safety is reinforced by linking the directive to the improvement of the reconciliation of work and family life. If reconciliation goes on unresolved it can increase workers' ill health if. It also has a high cost for firms in absenteeism and reduced productivity. Presenteeism (in all its forms) can also have higher costs for firms. (Chapters II and III)
- The most widely used form of flexible working time is part-time work. The workers under this regime, however, can have a number of disadvantages that should be addressed by legislation and that the working time directive can support. The main disadvantages are: lower pay, lower social security coverage, lower pensions at retirement, higher probability of working atypical hours and less control of the worker over her/his schedule. From a life-cycle perspective, part-time work may be

suitable for certain sectors of the population, but cannot be a permanent situation. (Chapters II and III)

- The increasing use of results-based work which tends to increase hours worked and requires increasing commitments from workers, not always accompanied by the corresponding pay, can reduce the possibilities of creating quality part-time work and force women into less promising career paths as they are faced with choosing family over work. (Chapters II and IV)
- Community time has a high risk of being diminished by long hours of work as well as family time. Although women are more likely to participate in community activities than men, except for union activities, higher hours and pressure to accept these higher hours in the absence of quality part-time work may have very negative consequences for social cohesion. (Chapter II, in particular pp.65-77)
- MS will very likely apply the opt-out to the health sector as a result of the court cases that have decided on the definition of working time when “on-call”. There is no unanimity in the positions of MS with respect to the changes proposed, but in general the opt-out is highly likely to be used in all MS (except Finland, from the MS who answered the Commission questionnaire, who wants it out) in some capacity or another. (Chapter III)
- The comparison of old and new MS points to the differences in institutional arrangements, as well as occupational and sectorial structures and the different uses of time that are now in force. These differences will be key in understanding to what extent the opt-out will be applied. The gender differences in these structures also points to the dangers that women can be pressured into taking higher hour jobs with the consequent loss of time devoted to their family and community

commitments or to take lower pay with bad quality fulltime and part-time jobs.
(Chapter III)

- The commitment to women's human rights and equal opportunities is fundamental to understanding the gender dimensions of the proposed changes of the working time directive. Reconciliation of work and family life has become an increasingly important element of gender equality policy which is enshrined in the Charter of Fundamental Social Rights of Workers, is a commitment in the Beijing Platform for Action, and a fundamental piece in the European OMC in the area of Employment and Social Inclusion to reach the Lisbon targets. (Chapter IV)
- A generalised use of the opt-out can be very harmful to women as it may deter them from taking on jobs that require more hours and reinforce the current situation of lower pay and lower professional opportunities. Although there is a trend for men to become more involved in unpaid care work, more can be done and should be done to equalise the conditions of women and men at work and in the home. (Chapter IV)
- Tax-benefit systems can be an incentive or a deterrent to women's entry and permanence in the labour market. They can also influence the decision to work less hours as in many countries taxing of the second earner can penalise women very heavily. (Chapter IV and in Annex VI specific policies for reconciliation by governments are included)
- The services that should be provided to families reside more in the extension in time of already existing services rather than entirely new services (Chapter II, p. 57)

Recommendations

- If it is still possible, to include reconciliation of work and family life in a more forceful way into the body of the directive
- A more thorough monitoring of the implementation of the working time directive should be in place at the European and the national levels. The role of the labour inspection should be strengthened.
- The indicators proposed by the French Presidency on reconciliation should be applied and used in addition to those being used for the monitoring of the OMC in employment and social inclusion. Special attention to those which measure advances in gender equality should be made.
- Support for the modernisation of SMEs should be of high priority so that the full benefits of lower working hours and more efficient management of human resources can be beneficial to both firms and workers.
- Institutions such as the European Foundation for the Improvement of Working and Living Conditions and the European Observatory of Industrial Relations which is under their coordination, the European Observatory on the Social Situation, Demography and the Family and the Directorate General for Employment, Social Affairs and Equal Opportunities should engage in further research on the issue, in particular on the flexibilisation and new working organisation on family and community life.
- Support local governments in re-arranging their services to support parents who work very long hours.

**“SOCIAL REPERCUSSIONS OF AN OPT-OUT FROM THE PROVISIONS OF THE
WORKING TIME DIRECTIVE”**

STUDY REPORT

(PROJECT NO IP/A/EMPL/ST/2004-30)

ALMENARA ESTUDIOS ECONÓMICOS Y SOCIALES, S.L.

This report was prepared by Elizabeth Villagómez and Emma Oteo Antuñano from Almenara Estudios Económicos y Sociales, S.L. and are wholly responsible for its contents. The following experts provided various inputs and technical assistance

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OBJECTIVES AND INTRODUCTION

The main objective of the present study is to prepare background material and advise Members of the EP Committee on Employment and Social Affairs on a number of social issues related to the European Commission proposed revision of the Working Time Directive concerning certain aspects of the organisation of working time. In particular, the study focuses attention on the following:

- the effect of long working hours on family life, in particular on the rate of divorce and fertility but also looking at how it affects working parents in general;
- working time and reconciliation of work and family life, in particular for working parents and working lone parents;
- the analysis of the opt-out article as used or likely to be used in different Member States (MS);
- and the consistency between the changes proposed in working time policy and gender equality policy.

The study provides information based on existing research and available statistical data on the consequences of long working hours on family life and it also analyses the effectiveness of the proposed reform in achieving reconciliation of work and family life. It also uses a scan of the reactions by government and social partners as well as other associations to the changes, in particular the opt-out article, to determine to what extent family issues or reconciliation of work and family life are being debated in connection to the proposed changes as well as the more general discussion that has taken place. A group of experts have expressed their views on the entire report and in

particular on the consistency of the changes in the working time directive with gender equality policy. The details of the methodology used can be found in Annex I.

It is important at the outset to understand and place the issue of working hours in general as a central piece in the flexibilization of work debate, and therefore linked to the process of restructuring vast areas of European economic sectors that must adjust to the demands of globalisation and competition.

Various European Union processes such as the Open Method of Coordination (OMC) for reaching the Lisbon targets in Employment as well as setting common objectives in the area of Social Inclusion are being linked to the reform of labour markets and social security systems in the context of globalisation processes and also of changing societies. In both of these EU processes we find gender equality and reconciliation of work and family life present as objectives that MS must address in the design of their policy and in the monitoring of progress. In addition, creating a more competitive and also a more socially inclusive EU is at the root of changes in the legal requirements of new MS, and indeed of accession States, including equal opportunities legislation and the directive on working time.

On the other hand, and equally important, are the issues which have been identified by those who are critical of these processes, arguing, for example, that inequality (income, gender, ethnic, time use and other) is exacerbated through the differentiated impact of globalisation and present macroeconomic policy on different groups of society. One of the explanations for this is that many a time the processes and the policy are conducive to diminishing role of the State, as well as limiting (directly or indirectly) the role of worker unions and reinforcing the position of employers. These criticisms should be taken into consideration, albeit in an objective light and should be used as an opportunity to strengthen the practice of dialogue and social responsibility for all the

stakeholders in society as parallel truths and realities are accommodated and addressed.

A flexible and well trained workforce is needed to address the demands for increasing competition, which in some cases this will mean longer or atypical hours of work. At the same time, reproduction of society can not be based on weakening time and resources at both individual and community level which are basic for social cohesion. Both of these realities are charged with complexities that the working time directive affects and addresses and are closely related to other EU processes and policies that will be duly indicated throughout this report, in particular the latest Commission documents on the New Growth and Jobs Strategy and the New Social Policy Agenda².

Moreover, another important process which is the harmonisation of social security systems at EU level, is a central piece in the effects that it can have on reconciliation of work and family life and indeed on the use of time over the life-cycle. A EU Parliament study has shown how these systems, many times in direct relation to taxing systems through which benefits are instrumented, can affect women's labour market participation in particular and how they also support the reconciliation of work and family life through the various leaves that they offer workers (or citizens at large) and support for care of dependent family members.³ The on-going reforms to these systems, including the pension systems go hand in hand with the more wider process of the new organisation of the work place and the new social realities affecting all MS in greater or lesser degree: increasing women's labour market participation, increasing men's participation in unpaid work, the ageing of society and new family forms.

² COM (2005) 24, SEC (2005) 192, SEC (2005) 193 and COM(2005) 33 final.

³ Study No. IV/2003/16/04 Commitment n° 3204/2004 "Social security systems in the EU and their impact on reconciling family life and work life", prepared by Almenara Estudios Económicos y Sociales, S.L.

CHAPTER I. EFFECTS OF LONG WORKING HOURS ON FAMILY LIFE

*“Nobody wants to do long hours, but with the basic pay being what it is I have to. I get home [on a Sunday] at 10 o’clock, the children are in bed, my partner has had a stressful time putting them to bed, and I should be relaxing but I find myself getting wound up. I try to talk to her but I don’t have much to say because I am fatigued. I wake up in the morning, make them breakfast and spend what little time I have with them, and I’m off to work again”
(Case study interview from “Working long hours. Volume 2 Case Studies” by the Institute for Employment Studies(2003) p.17)*

Introduction

In this first chapter an attempt is made to establish how long working hours affect family life based on existing literature on the subject and available comparable European data. Special consideration is given to working parents and working lone parents. Through this scan of literature and data analysis, it is established here to what extent long working hours have effects on marriage and whether there is a correlation between long working hours and the rate of divorce⁴. The final section also analyses the effects of long working hours on fertility. References to other aspects of the impact on family life (child-parent relations, family-community relations, etc.) are analysed in the following chapter which looks more specifically at working hours and reconciliation of work and family life.

Throughout this chapter, the main socio-economic changes identified in European Commission documents (both for EU15 and EU25) is the basic ground on which the analysis of the data is carried out as well as on the economic and sociological theory tools available for assessing these changes and the links between them. A series of socio-economic changes taking place in Europe were identified In the Delors' White Book, as a possible driving force for demand driven services and employment (the so

⁴ The rate of divorce in this study is calculated as a percentage over the working population, which is the population which is being analysed in the context of working hours. This rate is usually taken as people divorce per thousand of the entire population of a country.

called New Sources of Employment). Some of the most important changes that were mentioned in that document are:

- the reduction of working hours (which now seems to be reversing into longer hours),
- the mass entry of women into the work force,
- the ageing of European societies,
- and the generalised use of communication and information technology.

The complexity of finding a plausible answer for increasing divorce rates and the appearance of new family forms (in particular lone parents with children) should also be made in the context of these and other changes. More recently, the new Social Agenda makes a clear link and considers social policy, which addresses many of the effects of these changes, an essential pillar of the New Growth and Jobs Strategy⁵. However, reconciliation of work and family life and equal opportunities are not, in our opinion, very strong in these new documents (in Chapter IV this is dealt with in more depth).

From a theoretical point of view, one can use very sound economic, sociological and psychological explanations for family formation but not all of these fields offer uniform explanations when it comes to explaining family break-up. Indeed, the economic and sociological studies one finds are more centred on the consequences of new family forms (after divorce or separation of unmarried couples), but the economics literature, for example, has only of late entered into the economic causes for divorce but has an ample work on the consequences (property issues, pensions, etc.) In any case, the

⁵ COM (2005) 24 Communication To The Spring European Council Working together for growth and jobs: A new start for the Lisbon Strategy

effects of the changes in the wider macroeconomic, economic structure and social environment (including long working hours) have not been given excessive attention⁶.

In the following sections a look at the data bases is offered first and following a summary of the scanned literature is offered. Due to the lack of available comparable data of the EU15 and EU10 MS, three different databases are used: the European Community Household Panel (ECHP)⁷, the International Social Survey Programme (ISSP) database, and the Third European Survey on Working Conditions (2000 and 2001) carried out and analysed by the European Foundation for the Improvement of Living and Working Conditions, which in fact includes all of the EU countries including acceding countries, albeit in separate databases.

1.1 Working hours, divorce and family units: EU 15 countries (ECHP data)

In the following graphs (Graph 1 and 2) taken from the European Community Household Panel (ECHP) data related to the last wave in 2001, the graphic correlation between working hours and **divorce is shown as inexistent across all Member States**. In other words, **countries with higher reported average weekly working times do not show consistently higher levels of divorce**. However, some interesting patterns do appear and some further considerations can be made which are directly related to our question and reveal the underlying gender relations that should be taken into account when trying to establish a relation between long hours and family outcomes.

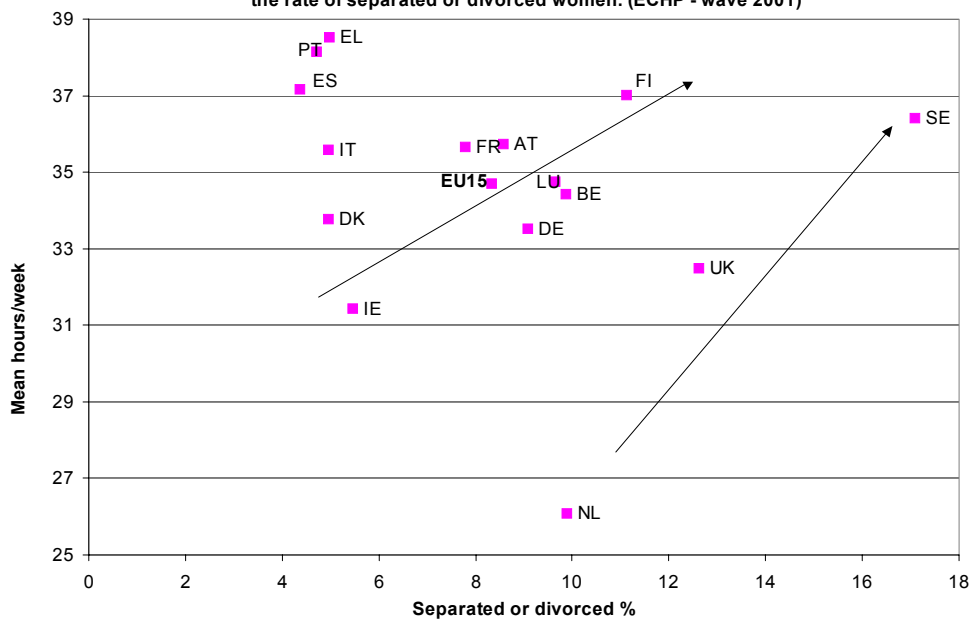
⁶ It is interesting to note that the European Observatory on the Social Situation, Demography and the Family has reviewed some very interesting pieces of research on work-flexibility and the family, and a few (only three that could be found) have covered the specific issue of working time or long hours and not always in direct relation to family break-up and more in the context of family-work reconciliation. In the following chapters these studies are referenced and some of their conclusions used. The most interesting of these have been carried out under the Fifth Framework Programme and, unfortunately do not cover all EU25 countries, but do cover some new MS.

⁷ Data available by contract ECHP/15/00/bis.

The hours are calculated as average weekly working hours in the main and secondary jobs, and including overtime. A different picture could emerge if part-time work, defined as those working below 35 hours per week were excluded, or if there was a differentiation in types of contracts and schedules (for example, Sunday and Saturday work, undefined start and finish times, etc.) However, given the time and the scope of this study this differentiation was not introduced at this stage. In the following chapters these different employment options are dealt with in more detail through existing research analysis.

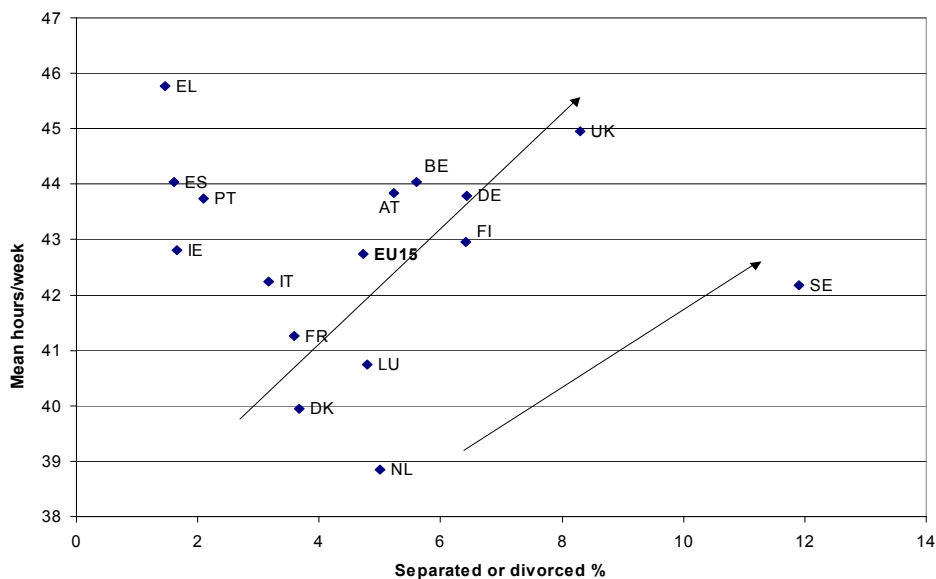
Turning now to the results of the data extracted from the ECHP, the first thing to notice is that working women from all countries have higher divorce rates than working men. Denmark, Sweden and Germany are the countries with the smallest differences between divorce rates of working women and men, while in the rest of the countries working women have nearly twice or three times higher divorce rates than their male counterparts according to this data base.

Graph 1. Mean for total number of hours working per week (in main and additional jobs) by the rate of separated or divorced women. (ECHP - wave 2001)



Source: EUROSTAT, ECHP, 2001 Final wave

Graph 2. Mean for total number of hours working per week (in main and additional jobs) by the rate of separated or divorced men. (ECHP - wave 2001)



Source: EUROSTAT, ECHP, 2001 Final wave

The case of Ireland, Spain and Greece as the countries with the highest differentials in divorce rates between working women and men is worth highlighting. The cases of

Finland, the UK and Sweden are also worth commenting as countries with the highest divorce rates, but where no straightforward relation to higher working hours can be established. The fact that the countries with longest working hours in the case of women (Greece, Portugal and Spain which are the countries with very low part-time jobs in general) have the lowest divorce rates and twice or three times the divorce rates of men, indicates the strength of cultural factors shaping gender relations that must be taken into account as well as different levels of *de facto* gender equality⁸ when interpreting labour market outcomes and individual situations.

Looking at the graphs by **groups of countries some relation between higher working hours and divorce do appear** (see arrows drawn in graphs), but these again are not entirely clear. In both the case of women and men, the four Mediterranean countries (and Ireland in the case of men) would seem to fall out of this positive relation between longer hours and higher divorce rates.

1.1.1 A logit model on the probability of divorce and working hours with ECHP data (2001)

On the other hand, taking all of the MS and analysing not only working hours, but other conditions of work and household situations another picture emerges. If a **logit model**⁹

⁸ In general, this is measured by various indicators such as larger wage-gaps, higher occupational segregation, representation in decision making posts (public and private), unemployment activity and employment rates and other indicators, such as those used by the UN in measuring gender equality, which include political and social participation.

⁹ See Table AI.1a and AI.1b in Annex II for table with full results. Two specifications are offered: in the first a variable indicating if there are children under 12 present in the household is used since this specification is present in all of the country cases. In the second specification, variables indicating the age of the child and the care of children have been used, but the following countries are excluded for lack of this information allowing the construction of these variables: Germany, United Kingdom and Luxembourg. Finally, it is important to point out that Sweden is excluded from both models as the ECHP is not comparable on all of the variables used with the rest of MS. Sweden has an ECHP from 1997.

for the working population, and for working women and men separately, is calculated¹⁰ the model does **give a positive and significant relation between hours worked and divorce rates when all of the countries are included**. In addition, and confirming the analysis of the previous graphs, **women have a higher probability of being divorced than men** which is interesting as we are considering only the employed population.

As expected, and corroborating various sociological studies on families, the probability of **divorce increases with age**, in this case up to 40 years of age when it tapers off for the whole of the EU15 population. This is the same for women, but for men, upon reaching 40 the likelihood decreases, which means that by this age men have probably re-married, whereas women maintain the same likelihood of being divorced. This results is confirmed in both model specifications.

It is also worthwhile highlighting that the **presence of children under 12 reduces the probability of being divorced or separated for men**, but does not reduce the probability for women. In the case of men, there are also other family characteristics¹¹ which seem to **reduce** the probability of being divorced or separated taking the presence of children between 12 through 15 as the reference: “Children under 12 in the household and pay for the children looked after” and “Children under 12 in the household and NOT looked after on a regular basis”. On the other hand, the probability of being divorced or separated is **not influenced** by having “Children under 12 in the household and NOT pay for the children looked after” in comparison with the presence of children between 12 through 15. Finally, Other cases in the family situations (which

¹⁰ The model has as a dependant variable being separated/divorced with value (1) and any other situation as value (0) and as explanatory or independent variables: age, hours worked, public or private sector, educational level, type of contract (both fixed/indefinite and full/part time), sector and occupation and the country.

¹¹ Which are linked to the ages of the children together with the involvement of parents in the care or the use of paid child care. These variables, to some extent the institutional and cultural approaches by which parents are balancing work and family responsibilities. They are included in the second specification of the model (Table AI.1b in Annex II)

are not specified) **increase** the probability of being divorced or separated compared to the presence of this same group of children.

In the case of women the situation is different: “Children under 12 in the household and NOT looked after on a regular basis” and “Other cases” are the only situation that **reduce** the probability of divorce or separation compared to having children between 12 through 15. Moreover, the situations of “Children under 12 in the household and Pay for the children looked after” and “Children under 12 in the household and NOT paying for the children looked after” in relation to the reference group **do not influence** the probability of being divorced or separated.

These results point to the complexity of the issue as these variables are also reflecting institutional arrangements and cultural behaviour with respect to the care of children. In any case, it seems that, in general, it is the presence of the children under 12 in the household which lowers the likelihood of divorce, whereas other family situations increase the probability for men and lower the probability for women.

Educational level in the first specification is not significant, but in the second specification men with **higher education** (with respect to those with less than secondary education) **have lower probabilities of being divorced, and for women there are no significant effects recorded.**

Working in the **private sector for women increases probabilities of being divorced** (in both model specifications). For men the results are not significant.

With respect to **part-time, the results are not statistically significant** taking persons with full time jobs as the reference, but it is interesting to note that in both model specifications the coefficients are positive for men and negative for women. In any case

this means that there are no differences with the reference population, that is to say, with workers in full-time jobs.

By sector of activity, the **probability of being divorced increases for women in industry and services** with respect to those working in agriculture (who work the highest hours by far). It seems that in services the probability is higher. For **men this is only confirmed for those who work in services**. As is analysed in Chapter 3, the conditions in the service sector (requiring full flexibility on the part of workers), and not so much the hours worked (which are higher in industry in most countries) can be a likely explanation for this outcome.

In the **occupations**, the probabilities of divorce are higher for the lower skilled occupations (although not always significant) compared to the highest level occupations which are the reference in this model. This is only confirmed in the first specification, but not entirely in the second where various family situations have been introduced¹². Also, there might be some correlation with the education variables.

Finally, the results for the countries in the model simply confirm the analysis of the graphs in the resulting higher and lower divorce rates. However, it is also important to point out that the specific weight of countries such as Germany and the UK which are not included in the second specification (due to incompatibility of the household variables defined by the ECHP, which also affects Luxembourg) can also be explaining some of the differences found in one and the other specification, which are mainly lack of significance, and not change of sign in the coefficients¹³.

¹² There are now on-going studies taking place linking household outcomes with work and flexibility (Project "Households, Work and Flexibility" under the Fifth framework programme). It is possible that the results in this simple logit model are pointing to these important linkages.

¹³ Other specifications of the model were run including leaving out the hours variable. Although no tests were conducted the results confirm the descriptive analysis and the basic model that is explained in this report.

However, applying the same model in each of the countries separately this relation can not be confirmed in all MS with the exception of Luxembourg, Greece and Portugal, and with lower statistical significance (only 90%). The results indicate that this positive relation between hours worked and the situation of being divorced or separated is observed only for all of the countries included together. The absence of this relation in each separate country indicates that the model specification used is inadequate at country level. These results point to the need of more studies on the issue in each of the countries. Other databases that we analyse below have more information than the ECHP on working conditions that can shed more light on this point.

However, the second thing to consider when looking at these numbers is that **causality can not be established so readily between higher working hours and higher probabilities of divorce/separation**. When looking at the graphs and numbers in the models one can also make a case for explaining more hours as a result of a divorce or separation. In the case of men because more of their time would be freed up to do so and because of their pension obligations, and in the case of women because, on average, they would need to work or to work more to support themselves and their children in the aftermath of a divorce or separation. There are at least four issues to consider:

- Long working hours cause problems that lead to divorce **or** problems that lead to divorce cause longer work hours
- Persons working long and irregular hours may differ from others, particularly in their family circumstances (i.e. “simple cross-family comparisons may not be a good indicator of the causal impact of work on families” Johnson, 1999).
- Financial security through the divorce process might be increasing hours worked and also these longer hours may increase probabilities of meeting new people
- There might be a problem of self-selection and unobservable characteristics (when modelling) might bias the results.

Section 4 in this chapter looks at evidence from a variety of reports which give support to the different hypothesis about causality and point to other effects of long hours on family life. In any case a longitudinal type study (observing changes from married to divorced) would need to be undertaken in order to attempt establishing causality, which in principle is possible with the ECHP. However, the main body of economic literature would advise against such an approach given that hours worked is in itself a variable used in modelling labour supply, and therefore a personal characteristic such as being divorced can be one of the variables explaining the total number of hours worked. It may well be (as some studies for the US show, Johnson 1999) that income is also an important element increasing or decreasing the probability of divorce, but again, wages also explain and are endogenously (or at the same time) determined by working time.

It is also important to note that the hours reflected in Graphs 1 and 2 above and 3 below include main and secondary jobs. Secondary jobs in their own might be a more important determinant of divorce than average hours worked. Although one could also think of undeclared work (as a second job) as another factor that could be influencing the number of hours away from the home and increasing the incidence of divorced persons. This might be more widespread in the new MS. However, the cross-country data does not seem to support this hypothesis and it only reinforces the position of Mediterranean countries as having the lowest rates of divorce and the highest level of undeclared work (see Graph A1a and Graph A1b in Annex II). Again, the cultural factors driving divorce rates can not be overlooked. It is important to underline here that in various studies about welfare systems in the EU always place the Mediterranean countries in models more centred on the family and extended family. Table 1 below shows the differences that can indeed be explaining these outcomes but that do not wholly correspond to the groupings that can be made from the graphs presented here.

Table 1 The four gender regimes				
	Male breadwinner or General Family Support	Separate Gender Roles or Market Oriented	Individual earner-carer or dual earner	"Gathering breadcrumbs"
Location	Continental Europe	Anglo-Saxon countries	Scandinavian countries	Mediterranean Europe
Reconciliation model	Combination	Choice	Continuity	Choice without support
Ideology	Husband= earner Wife= carer	"Flexible" division of labour Husband= earner Wife= ½ earner/carer	Shared tasks Father = carer-earner Mother= carer-earner	"Blurred" division of labour Father= earner Mother= carer/earner
Entitlement	Unequal among spouses	Differentiated by gender role	Equal	Unequal among spouses and among workers
Basis of entitlement	Principle of maintenance	Family responsibilities	Citizenship or residence	Principle of maintenance/ of need
Recipient of benefits	Head of household + supplements for dependants	Men as family providers; women as caregivers	Individual	Individual
Taxation	Joint Taxation Deduction for dependants	Joint Taxation Deduction for dependants	Separate taxation Equal tax relief	Individual Minor deductions
Employment policies	Priority to the main income provider. Flexibility for secondary earners	Segmented Full time/part-time	Aimed at both sexes Full time/part-time Public/private sector	Dualistic Core/periphery No flexible arrangements
Female labour force participation	Middle/low High discontinuity Short-time work	Middle/high High discontinuity Short/medium part-time work	High High continuity Long part-time work	Low High continuity Full-time
Sphere of care	Partial state involvement	Weak state involvement	Strong state involvement	Weak state involvement
Caring work	Paid component to caregivers in the home	Paid component to caregivers in the home	Paid component to caregivers in the home and outside the home	Unpaid
Political tendency	Corporatist/conservative	Liberal	Social-democratic	Corporatist-left
Source: León, M. (2002), Reconciling work and family: Impact on Gender and Family, based on Sainsbury (1999), Trifiletti (1999), León (2000) and Daly (2000).				

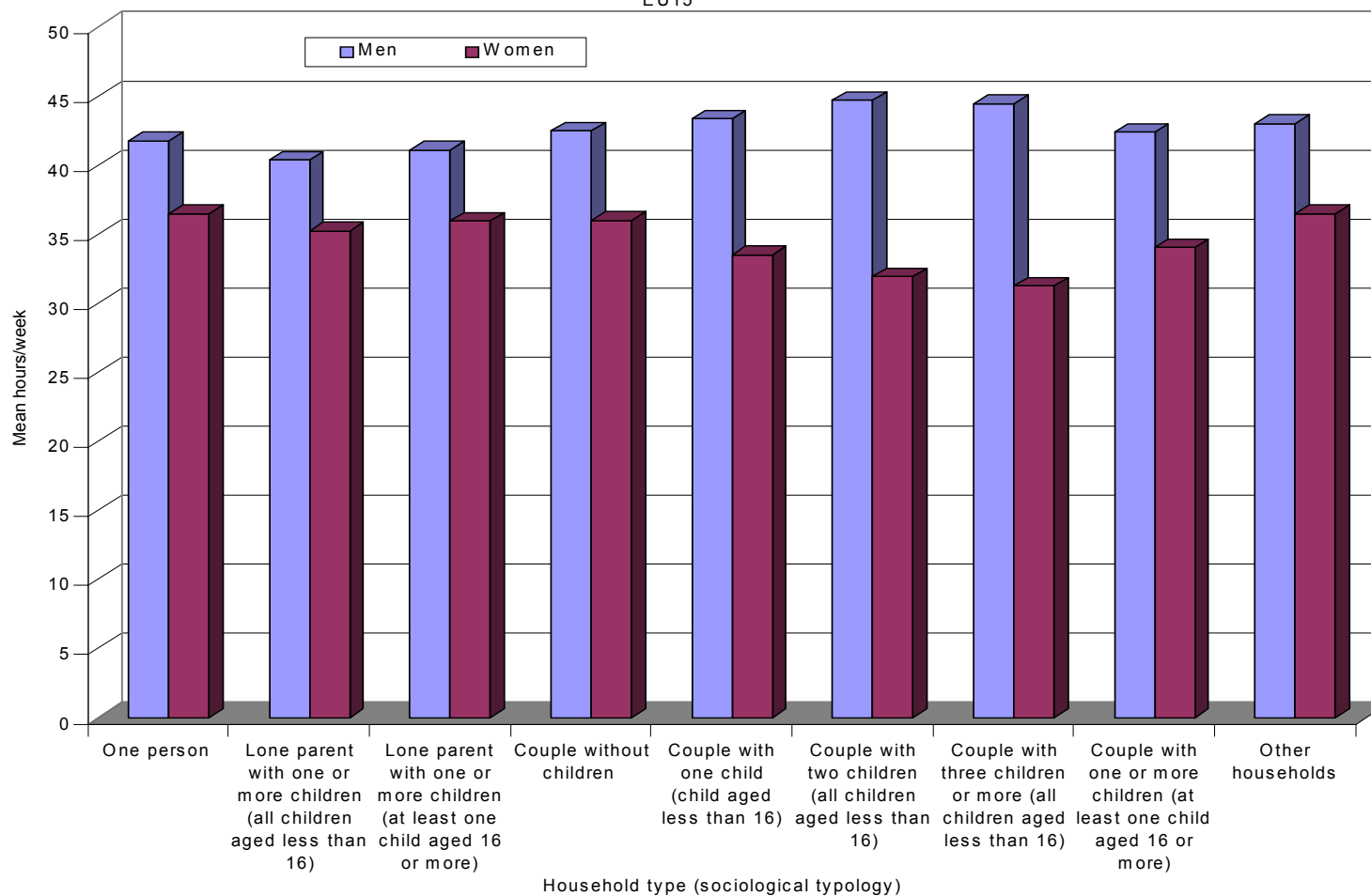
I.1.2 Working hours and different family situations in the ECHP

Turning now to the **situation of different families and their working hours**, Graph 3 offers information on average number of hours worked and type of family for the EU 15. In Annex II (graphs All.1 through All.15) all of the graphs for each country are included. The categories of household types which are used are given by the ECHP itself.

As expected, lone men parents work more hours under any of the categories than lone women parents (confirming the positive relation found above between longer hours and being divorced or separated). However, it is interesting to note that the differences in average working hours between men and women lone parents with children of any age are much smaller than those of men and women living in couples with children of any age. In fact the smallest difference between women and men is found in the category of lone parents with children over 16 years of age (4.6 hours) and the largest difference is found between men and women living in households of couples with three or more children under the age of 16 (13 hours), and which represent around 6% and 4% of all households in the EU15, respectively.

The graph also confirms a very well documented phenomenon of longer working hours for men as the number of smaller children increases and lower number of working hours for women, in the case of couples. Also, when children get older men work less and women increase their hours slightly. It is important to note that in the case of lone parents smaller children the same pattern is found. However, **women lone parents work longer hours than their counterparts in any of the households with children.**

Graph 3. Mean for total number of hours working per week (in main + additional jobs) (ECHP - wave 2001)
EU15



Source. ECHP 2002, final wave. Graphs by Authors.

However, this picture does change considerably when looking at each of the MS. As to the differences in the hours worked, the pattern in Graphs 1 and 2 are maintained in the United Kingdom and Greece for the longest hours for men, and in the Netherlands lower hours, where part-time work is more abundant and where the highest differences in working hours are found between women and men, along with the United Kingdom.

As far as the **pattern of longer hours for men and shorter for women as the number of smaller children increases in households with couples, only half of the EU15 countries conform to it** (Denmark, the Netherlands, France, Ireland, Italy, Germany, Luxembourg and United Kingdom). **All other countries** (Belgium, Greece, Spain, Portugal Austria, and Finland), seem to **conform to the opposite pattern for women (longer hours as more children arrive) and an unclear pattern for men**, except in the case of Greece where men do work longer hours as the number of smaller children increases. The information in Table 1 can serve, again, to explain to a certain degree these outcomes in the grouping of countries, but, again, does not correspond wholly to the patterns that could be expected.

In the case of **lone parents, the EU15 pattern of women lone parents working more hours as the age of the children increase** is found in 10 of the MS (Belgium, France, Ireland, Italy, Spain, Austria, Sweden, Germany, Luxembourg and United Kingdom). In the remaining countries, women lone parents actually work less hours as the age of the children increase (Denmark, The Netherlands, Greece, Portugal and Finland). Finally, as to the **pattern of lone women parents working more than their counterparts in households with couples and children**, there are also differences, but there is more consistency as only Italy and Ireland show a contrary pattern, albeit with very little difference between the two groups of women.

It is also important to remember that the **distribution of household types between working women and men is very different** outside the most common type which is couples with one or two children under 16 years of age (making up 20.74% of men and 19.7% of women living in this type of households in EU15). These differences should also be taken into account when interpreting the hours worked. In particular, the differences between men and women in the single or lone parent category are very large. Women making up 8 % of this type of household compared to 4% of men (adding both categories of children less than 16 and over 16). Furthermore, women with children under 16 years of age make up 2.45% of households while men make up only 0.68%. Working women and men living in households made up of couples with children is, in any case, the most numerous (over 50%) in practically all MS, with the exception of Sweden (39% working men and 41% working women living in this type of household). Table All.1 in Annex II shows the distribution by household type for each MS.

In addition to the analysis of hours, it is also important to take into account the position of lone parents in general in order to better understand the outcomes in terms of hours worked. As pointed out in the Eurostat publication “Household formation in the EU – Lone parents”¹⁴ the differences between MS are mainly due to the level of child-care provision, the degree of support available from within extended family, the availability of part-time work, and the extent of taxation and welfare support.

On average at EU15 level 70% of lone parents were working (using the one hour or more a week definition) and those not working included unemployed, discouraged workers or economically inactive. Across MS this varied from high percentages in Luxembourg (94%) and Austria (86%) to lows of 62% in the United Kingdom and 64%

¹⁴ Statistics in Focus, Population and social Conditions series, Theme 3 – 5/2004 authors Lehmann and Wirtz, Based on ECHP 2001 and LFS.

in Belgium. By sex, 71% of women lone parents aged 25-49 declared to be working as compared to 95% of men. This distribution seems to be constant across MS, with women being the majority of lone parents in all MS and with 86% of all lone parents at EU15 level¹⁵. However, compared to all persons working in that same age group, the figure for lone parents is 73% compared to 80%.

In addition, part-time work for lone parents in the 25-49 age group does not seem to be the main type of **reported** work. The average for the EU15 showed that 83% of all lone parents worked in full-time jobs, ranging from 98% in Portugal to 41% in the Netherlands. Again, due to the high percentage of women in the category of lone parents, there are no differences in the percentages or the country patterns between all lone parents and female lone parents in the age group. Compared to the population aged 25-49, again, women lone parents show a lower proportion working in part-time work than the EU average¹⁶. This **confirms our analysis of hours where lone women parents work more hours than women in couple households.**

At EU15 level, it seems that lone parents, in particular women, are working longer hours. A deeper analysis is needed to determine how lack of support for this group (child care, tax-benefit rules, etc.) can be explaining this situation in part, but also low wages. The degree to which lone parents would be more exposed to “opt-out” situations or “on-call” jobs would need a much more detailed analysis which would require other type of data¹⁷. As will be seen in the last section of this chapter, qualitative data (drawn from academic papers, interviews and case studies in various EU countries) seems to suggest that economic needs of

¹⁵ The importance of the 25-49 age group for lone parents is highly important as 86% of lone parents concentrate in this age group ranging from 95% in Belgium to 71% in Portugal. The paper reviewed here only looks at this age group in the rest of the analysis given the problems with sample size for the other age groups. In any case it is important to note that lone parents in the 50-64 age group are very high in Greece (23%), France (16%), Italy (15%), Portugal (22%), Finland (18%) and Sweden (14%).

¹⁶ Only in the Netherlands this does not hold.

¹⁷ Note that the Eurostat report used here indicates little statistical significance. In a number of characteristics that were extracted from LFS and ECHP data in the preparation of the report.

lone parents increase the probability of over-time. The fact that most lone parents are women, on the other hand, also increase the probability of jobs that are less protected (mostly in services and in occupations not covered by collective agreements) and that longer and more flexible hours (in some cases socially unfriendly) may be required of them. **A generalisation of the opt-out situation in MS, however, can put these women and their children at risk of social exclusion if the only other option is to take jobs with lower hours and lower pay that are combined with full flexibility of schedule on the part of the worker.** Worsening health due to the stress that this would cause in trying to juggle work and family or the effects of longer hours in themselves could also be the main channel whereby the risk of exclusion would be increased.

As to the **women in couple households who work less hours, again, the generalisation of the opt-out could also create a situation whereby better paying jobs and jobs with better career prospects are reserved to those who work longer hours.** The choice of longer hours for them can also lead to stress and other health related problems, given the existing household division of work and given the supply of (private or public) care and domestic services. In Chapter 2 the costs of this type of situation are analysed and in Chapter 3 the implications for gender equality policy are analysed.

1.2 Working hours, Divorce and Family structure: EU10 countries and comparison with EU15 (ISSP data)

In the case of the new MS it is important to distinguish between the Mediterranean countries and the Eastern European ones. In the case of the latter, one must take into account the extreme changes to which, in a very short period of time, societies and economies have been exposed to in every single area imaginable.

In both groups of countries, EU membership process (implementation of the *acquis communautaire*) brought about a series of changes in the legislation which have not been without controversy and posed a series of challenges in their implementation showing, in particular, the wide differences among them. Indeed, as will be analysed in the following chapter, not all of the governments of the new MS have responded, and those who have not homogenously, to the consultation of stakeholders that the Commission launched in 2004.

International studies on the situation of women in Eastern Europe point to the worse situation in terms of public services and high unemployment that followed from a very protected and full employment society. In this context, women's labour market position definitely became worse. Perhaps worse than unemployment, inactivity has increased substantially and this is reflected in lower employment rates most new MS, the incidence of informal sector or undeclared work has also increased. On the other hand their position with respect to men's has not registered large changes. As put in one of these reports "men and women [in the Eastern European region] have equal opportunities: equally few of them" (UNIFEM, 2004). Increase in men's mortality rates and disabilities (including alcoholism) due to various reasons may have also increased the number of women left with family responsibilities.

As to the changes in the economy, privatisation of state firms and increasing foreign investment in Eastern Europe, these have in fact created new opportunities, but only few can take advantage of such opportunities. New organisation of work systems, which undoubtedly reduce hours worked, have not been introduced on a wide scale. This is reflected in average working times being higher for all new MS according to Eurostat LFS data for 2004 (Eurostat, 2005). These higher working hours are not always due to men's higher working hours, but also to women's.

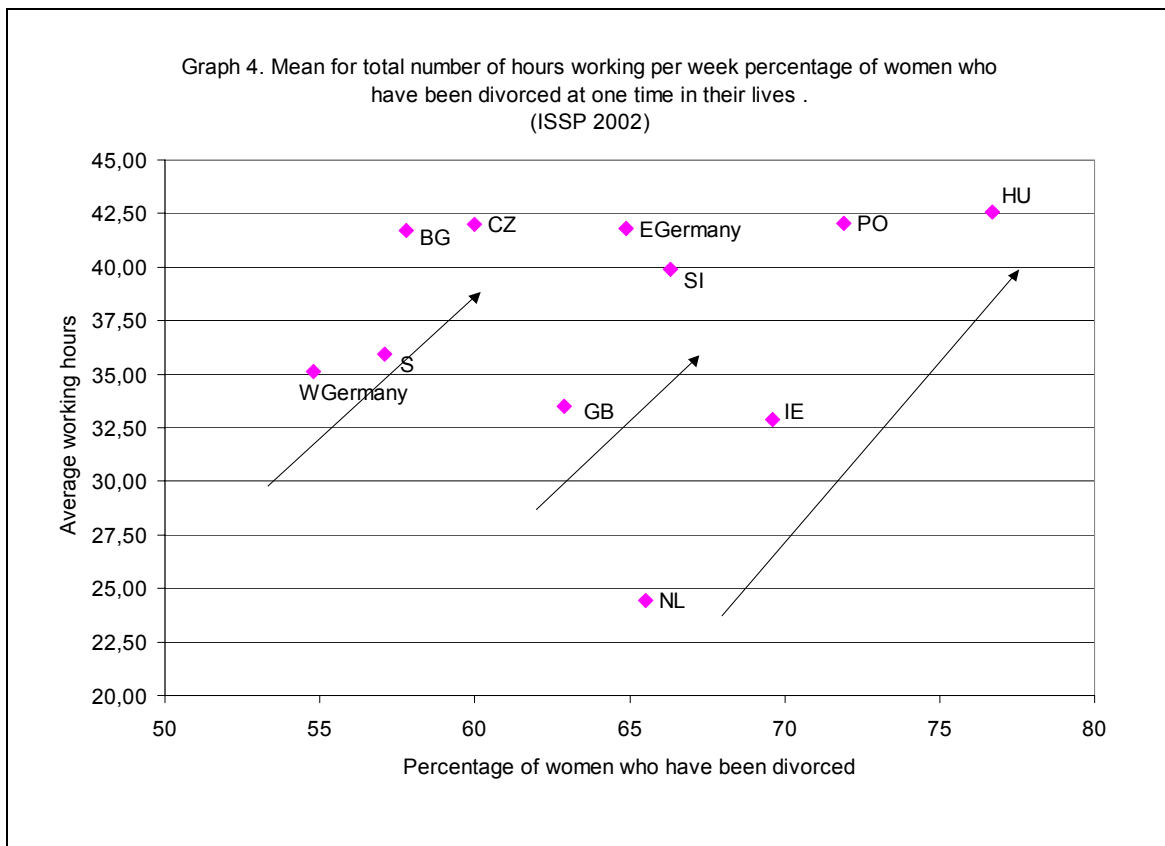
With respect to **Cyprus and Malta**, it is important to point out that in the latter, divorce laws were introduced only in 2001. In Cyprus, divorce has been legal for a longer time and the estimated rate is of 1.8 per thousand of the population in 2000. For these two countries the cross between hours and divorce in a single available database has only been possible in the European Foundation for the Improvement of Living and Working Conditions data, no other information in the same year for both variables is available. In any case, due to their cultural similarities with other Mediterranean countries and judging by the data on hours, one can say that their situation is probably very similar to the old MS countries from the same region (high hours of work and low rates of divorce).

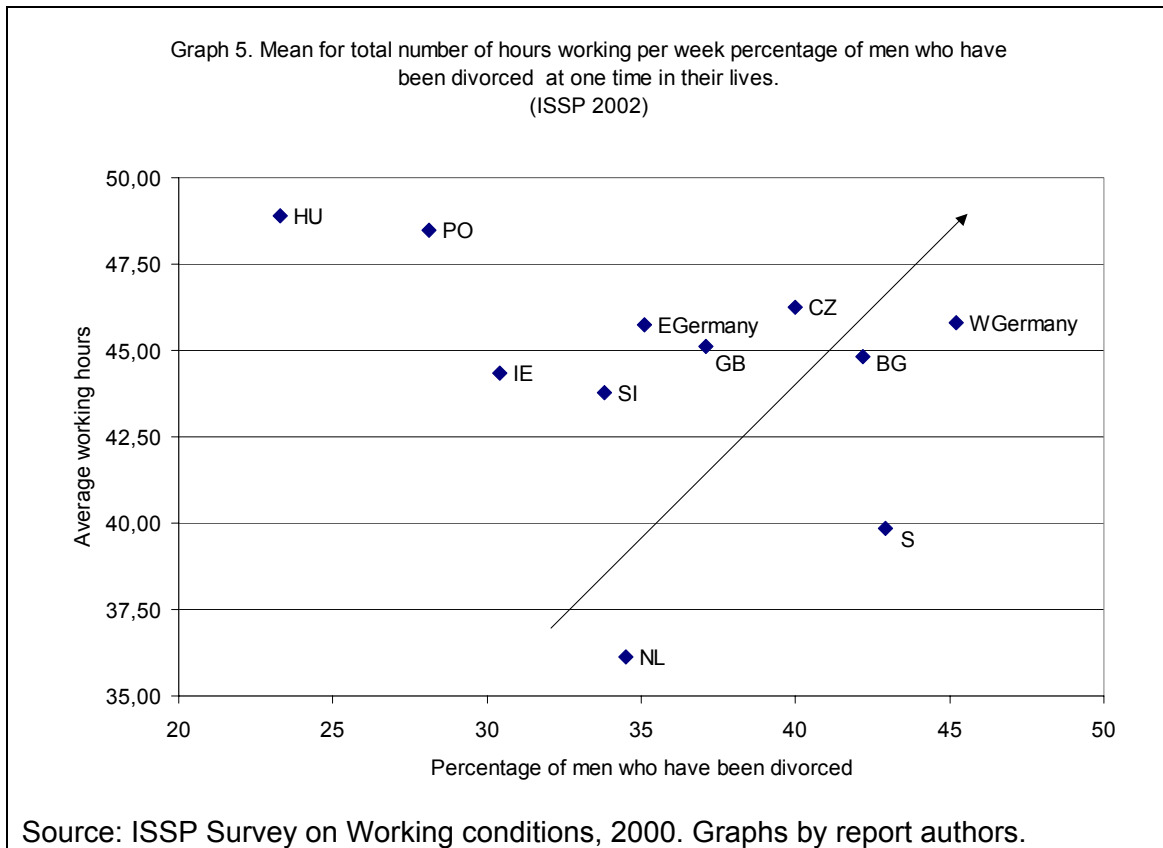
In this section the International Social Survey Programme (ISSP) data will be used. The ISSP “is a continuing annual programme of cross-national collaboration on surveys covering topics important for social science research. It brings together pre-existing social science projects and coordinates research goals, thereby adding a cross-national, cross-cultural perspective to the individual national studies. Thirty-nine countries are members of the ISSP.” (<http://www.issp.org/homepage.htm>). Seventeen of the countries are EU members¹⁸ or acceding countries. In what follows 10 of these countries will be analysed for which there was the same data for hours and divorce in the same survey for a recent year (Working conditions Survey of 2002).

In Graph 4 and 5 the relation between working hours and percentage of men and women who have been divorced at one time of their lives is shown. This is clearly different information from the one analysed in the previous section that reflected the figures for the population and showed divorce rates (as percentages of the working population). Also, the fact that persons are divorced at the time of the survey or present

¹⁸ Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, **(East and West)** Germany, Hungary, Ireland, Italy, Latvia, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden. The region of Flanders in Belgium and also Norway and Great Britain are part of the programme.

civil status, is different from the question of whether they have been divorced at one time in their lives. In addition, the number of hours worked are regular hours in the main job, and not in all countries the same question that includes overtime is used, so that countries like the United Kingdom (here only Great Britain data is obtained) the hours are lower than those shown before.





In any case the **results are the same: no relation between longer hours and divorce rates can be shown consistently across all EU MS**. It is also confirmed that the new MS show higher working hours and that **working women in these new MS also have higher probabilities of being divorced**.

Another very interesting issue that arises from these graphs, as it did in Graphs 1 and 2, is that there can be groupings of countries where a positive relationship between longer hours and divorce can be established, and which is clearer in the case of women than of men (see the arrows drawn in the graphs). However, given that divorce here is not measured as a rate but rather as the proportion of those who have been divorced at one time in their lives between women and men it would be very risky to make an analysis and to find commonalities among widely different countries (in the case of women, for example between the western part of Germany with Bulgaria, the

eastern part of Germany with Great Britain, or Poland and the Netherlands). As established by the logit model with ECHP data in the previous section, it is very probable that for the group of countries the relationship can be established, but not for each of the countries separately.

What does become clear from reading these graphs is that the difference in hours between the two sets of countries (EU15 and new and acceding MS) imply different work organization realities that already point to the problems that will be found in the new MS for the implementation of the working time directive which consistently show higher hours. In the case of women in new and acceding MS it is also very important to point out that, with respect to their counterparts in EU15, their hours worked are much closer to those of men. This has very specific implications for the reconciliation of work and family life in a context of reforming benefit systems and previously diminished or stagnant public services¹⁹.

As to the situation of hours worked by household type, the ISSP data does not include the same typology as that used in the ECHP, but similar information can be analysed and compared for the MS that are included in this database. Graph 6 shows average working hours for households classified by size. Again, it is important to remember that the information on hours is not wholly comparable as in some cases overtime work is included, but in all cases only hours in the main job are computed. Moreover, it was not possible to have separate data for women and men by household type.

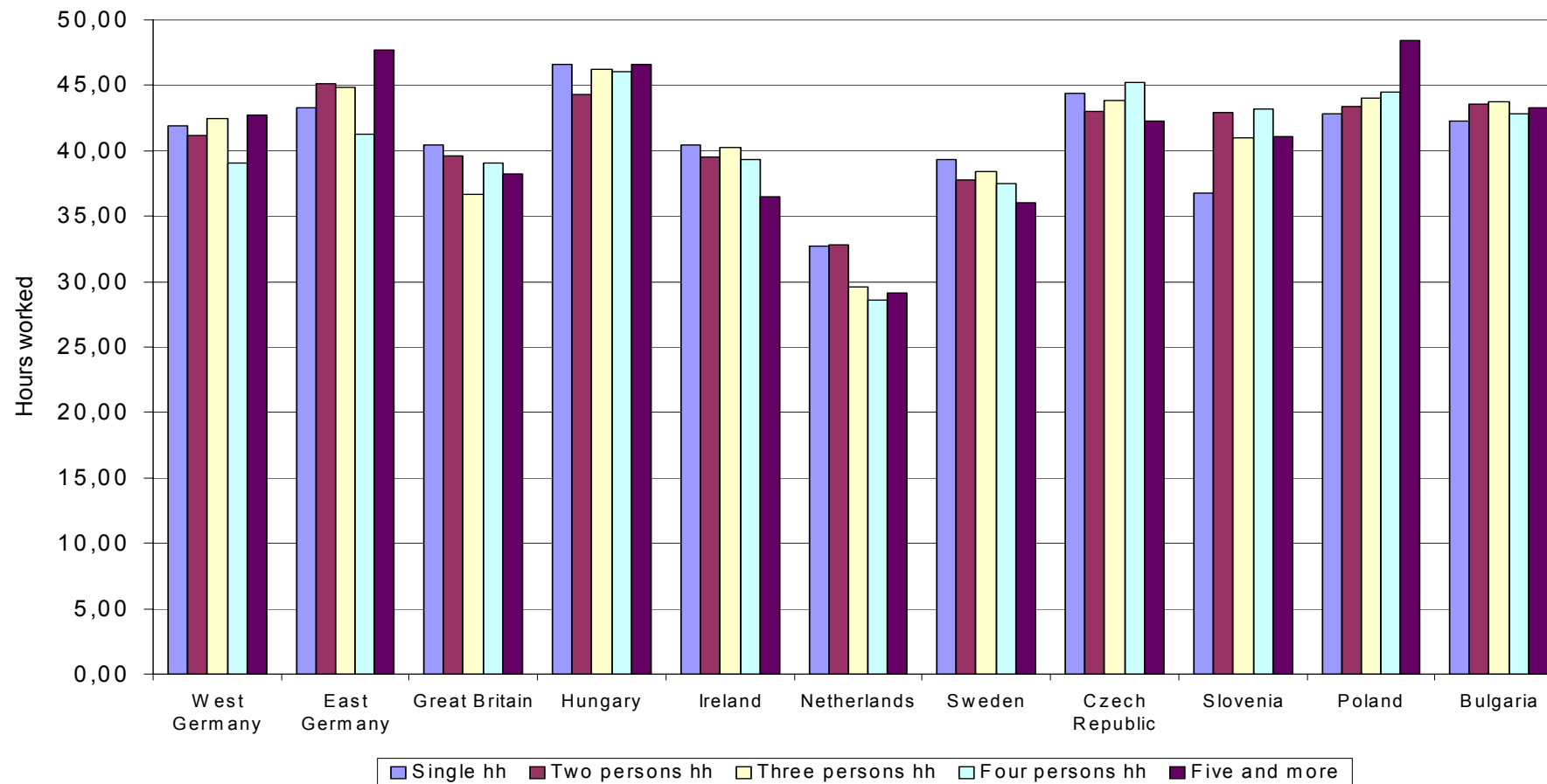
Although nothing can be said about the presence of children in these households, it is safe to assume that most of the households with three or more persons are couples living with children. Only in the case of Ireland and Sweden, and the Netherlands to a lesser extent, is the pattern of less hours worked in the household as its size increases

¹⁹ Decentralisation processes which are being implemented at the same time that structural funds and the social fund are being received by the new MS, are very relevant to these issues. They are of particular importance as it is the local level authorities who are mostly in charge of providing these type of services.

can be confirmed²⁰. This pattern is confirmed in new or acceding countries only to a certain extent in Bulgaria as the hours decrease only slightly as family size increases from three to four, but rises again slightly with five. In the rest of the countries in this ISSP survey the hours worked increase as the size of the household increases (in most cases from three to four), particularly in Poland and the eastern part of Germany from four to five members.

²⁰ We remind the reader that in the previous analysis this happens because women's working hours are reduced as the number of children under 16 increase, thus bringing down the average number of hours for the household.

Graph 6. Hours worked in main job by household type. Total.



Source. ISSP survey on working conditions. 2002 Graphs by report authors

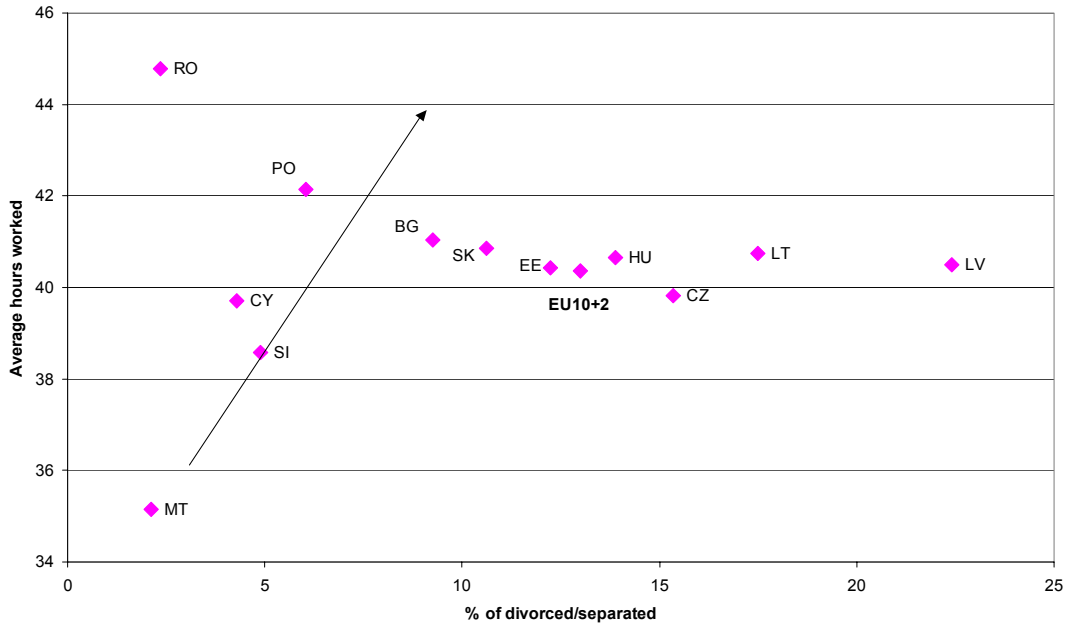
1.3 Hours and Divorce: EU 25 countries (Third European Survey on Working Conditions (2000 and 2001))

Another possibility of comparison between EU10+2 (and the two acceding countries Bulgaria and Romania) and EU15 countries on the issue of working time is the Third European Survey on Working Conditions (2000 and 2001) commissioned by the European Foundation for the Improvement of Living and Working Conditions. These surveys were taken at different times for the two groups of countries, but followed the same methodology, and are thus comparable.

In the first place, **it is confirmed that in the new MS longer hours are worked** (as in the results the ISSP and the Eurostat LFS mentioned in the previous section showed) **and that rates of divorce for working women in EU25 are higher than for working men except for the Netherlands and Romania, where the rates are lower for women according to this database.**

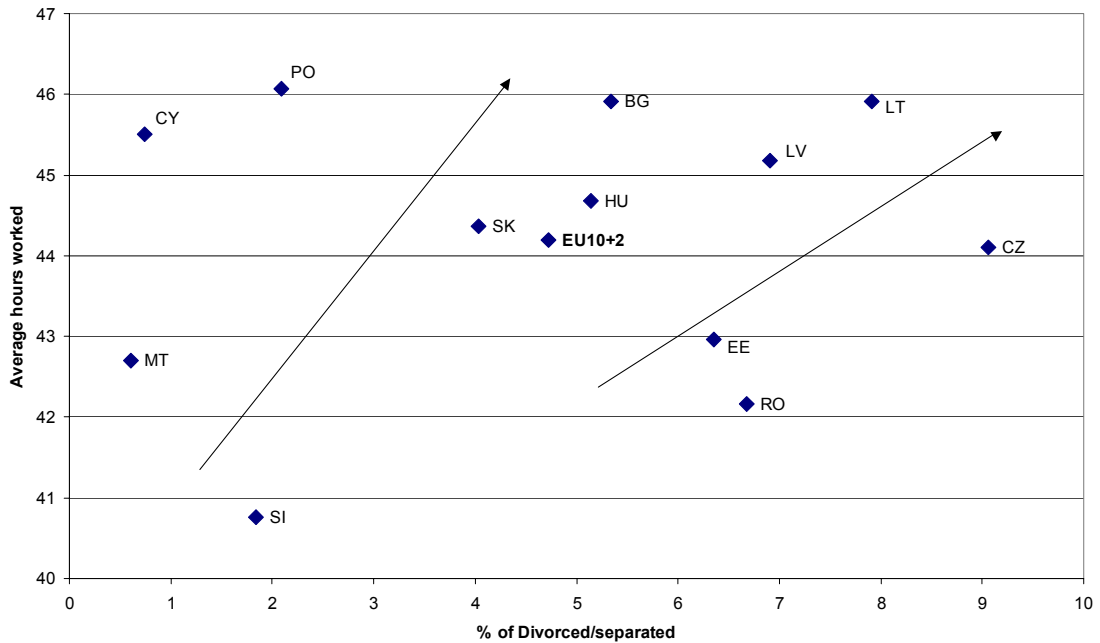
Graphs 7 thru 10 show that **the positive relation between hours worked in the main job and the rate of divorce/separation that has been calculated from the survey data** (as a percentage of those who answered to be in either of these situations of the rest of the population) **can be said to exist for groups of countries, although not individually, confirming the pattern found in the two previous sections. However, in the case of women in EU10 and the two acceding countries this positive relation holds only to a certain degree.** It is most interesting to note the tight position of several EU10+2 countries around the 40 hour level in the case of women.

Graph 7. Mean for total number of hours working per week (in main and additional jobs) by the rate of separated or divorced women. (2001, Third European Survey on Working Conditions)



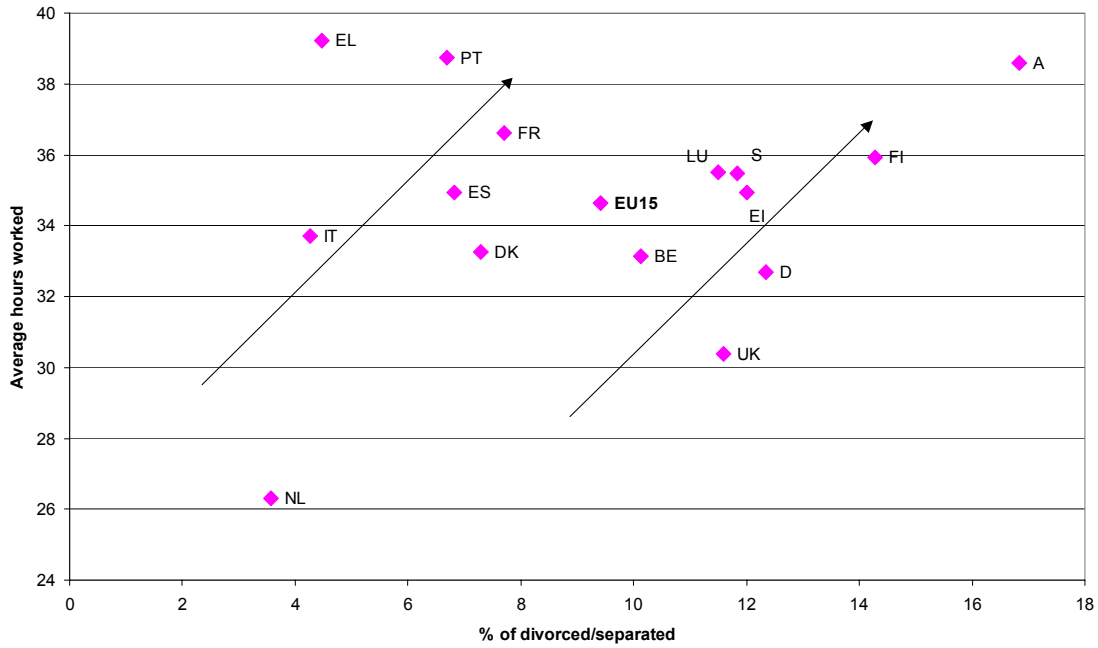
Source; European Foundation for the Improvement of Living and Working Conditions, graphs and calculation of averages by report authors, 2001

Graph 8. Mean for total number of hours working per week (in main and additional jobs) by the rate of separated or divorced men. (2001, Third European Survey on Working Conditions)



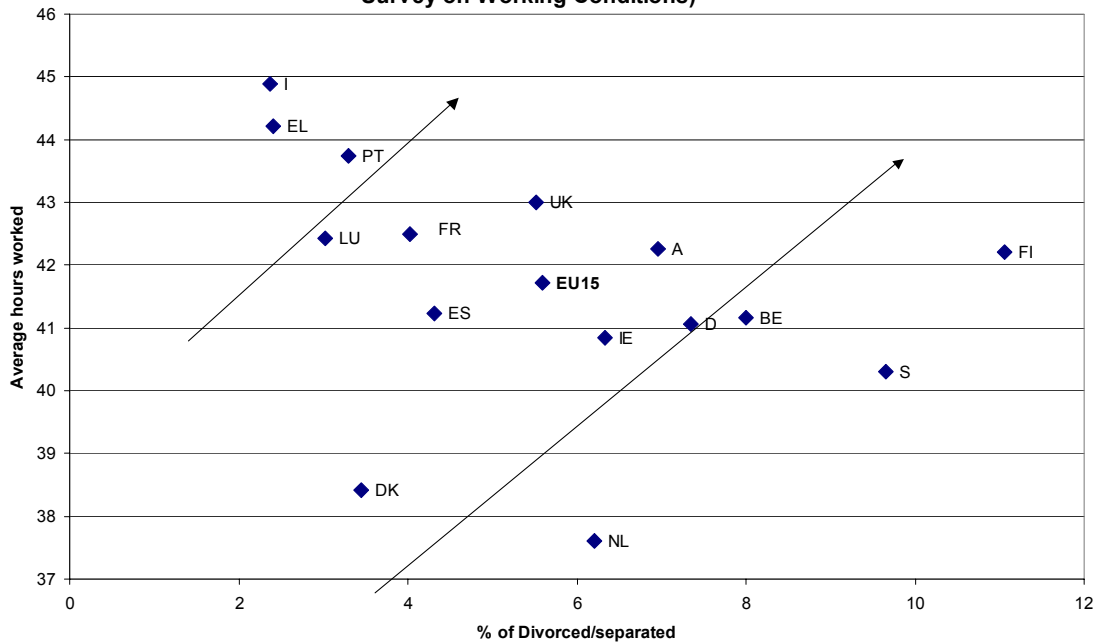
Source; European Foundation for the Improvement of Living and Working Conditions, graphs and calculation of averages by report authors, 2001

Graph 9. Mean for total number of hours working per week (in main and additional jobs) by the percentage of separated or divorced women. (2000, Third European Survey on Working Conditions)



Source; European Foundation for the Improvement of Living and Working Conditions, graphs and calculation of averages by report authors, 2000

Graph 10. Mean for total number of hours working per week (in main and additional jobs) by the percentage of separated or divorced men. (2000, Third European Survey on Working Conditions)



Source; European Foundation for the Improvement of Living and Working Conditions, graphs and calculation of averages by report authors, 2000

In clear difference to the ECHP data, Italy recorded the longest number of hours in the case of men, and a higher percentage of divorce is recorded.

This data source also offers information on the presence of children, size of household and questions on whether the person interviewed cares for and educates her/his children (the question is posed as “how often” do they perform this activity and the answers are given in discreet choice). Although the statistical problems of building a similar typology to that of the ECHP with this database go beyond the scope of this report, the two following tables (Table 2 and 3) are offered using the different dimensions of the EU15 and the EU10+2 countries separately.²¹ The tables show at the same time, for women and men separately, the different hours worked by the different types of households and by the frequency that women or men engage in caring for and educating their children²². The choice of the grouping of hours has been made following the one used in the publication of the gender analysis of the survey used here (Fagan and Burchell, 2002).

The household characteristics which are reflected in the table confirm the previous analysis with ECHP data that in the EU15 countries **the larger household and the higher the number of children under 15** (in the ECHP the age is under 16) **increases the proportion of women working shorter hours, especially hours below 30 per week**. In **the new MS** and acceding countries, it is also confirmed from the analysis on ISSP data that **the proportion of women working longer hours rises**

²¹ It is important to note that the questionnaires used in both groups of countries did not have the same choice of answers. The questions are the following:

How many people live in your household, including yourself, all adults and children ?

How many children under 15 are currently living at home?

How many people in your household have a paid job?

How many elderly persons are dependent upon you in your household?

How many handicapped persons are dependent upon you in your household?

In the case of EU15 countries only the first three were asked and so they are the only ones analysed here in order to compare outcomes with EU10+2 MS.

²² It is important to note that separated people also undertake this task. In the tables only those reporting to have children living with them in the household are considered. The analysis for all the population is carried out in the following chapter.

as the number of smaller children increases. Comparing household size and number of children, it is more the latter which tends to decrease women's hours of work than the size of the household itself in EU15 countries. The opposite is true in the case of women in the new MS, in other words, it is more household size rather than the presence of smaller children which increases shorter hours (albeit by very little amount). In any case shorter hours for women in the new MS (less than 40 hour of work per week) hardly exceeds 20% of the total while for women in the EU15 MS the proportion rises to 70% in the presence of children and 65% in households with 4 persons.

In the case of men, it is confirmed again that in the EU15 countries that the presence of children and larger households increases the proportion of men working longer hours, very long hours (over 48 per week) in particular. However, it is very interesting to note that there is also an increase in shorter hours, especially in 30-35 and 35-40 as the number of smaller children increases but by very little. In the case of new MS, men increase very long hours (over 48) in both cases where the family size increases and where the number of smaller children increase. There is a slight increase in shorter hours only in the case of family increasing from 2 to 3 members, but it is the number of smaller children which reduce more drastically the percentage of men in new MS working shorter hours. Again, this percentage of shorter hours does not reach 20% of the male population and is reduced to only 10% in the presence of more smaller children in the household. Graphs All.16 thru All.23 in Annex II show this information in graphic format.

Table 2. Proportion of working women by hours worked and various household characteristics and time use (percentages).													
EU15 MEMBER STATES							EU 10+2 MEMBER STATES AND ACCEDING COUNTRIES						
How many people live in your household, including yourself, all adults and children ?													
Hours	1	2	3	4	5	6 +		1	2	3	4	5	6 +
<20	7,93	7,69	11,12	13,94	13,02	20,47	100	7,64	4,43	3,91	5,25	5,46	3,63
20<30	10,61	14,08	17,56	16,92	18,32	11,00	100	9,14	5,79	7,00	5,53	6,77	7,80
30<35	9,06	10,56	10,54	12,38	11,91	12,57	100	2,85	7,60	5,76	3,99	2,53	3,11
35<40	32,42	31,12	24,15	23,32	20,83	15,80	100	3,66	5,75	3,48	4,81	2,95	4,78
40<48	31,29	27,57	27,66	24,52	25,09	28,65	100	52,17	59,89	59,17	56,20	57,38	44,13
48+	8,69	8,98	8,98	8,92	10,83	11,52	100	24,55	16,54	20,67	24,22	24,91	36,55
	100	100	100	100	100	100		100	100	100	100	100	100
How many children under 15 are currently living at home ?													
Hours	None	1	2	3	4 +			1	2	3	4 +		
<20	9,20	11,34	14,11	14,90	23,68		100	5,17	3,77	5,02	6,58	11,15	
20<30	13,43	16,64	18,09	23,38	16,70		100	6,81	6,40	7,12	2,59	0,37	
30<35	10,04	11,38	13,40	11,05	14,72		100	5,32	4,32	3,98	3,09	1,03	
35<40	27,57	26,94	24,38	20,66	14,53		100	4,43	4,00	4,96	2,24	2,29	
40<48	29,65	25,60	22,83	21,68	18,06		100	57,15	58,37	53,20	58,04	19,11	
48+	10,12	8,10	7,19	8,32	12,31		100	21,13	23,14	25,73	27,45	66,05	
	100	100	100	100	100			100	100	100	100	100	
How often are you involved in any of the following activities outside work ? CARING FOR AND EDUCATING YOUR CHILDREN													
Hours	Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never		Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never
<20	53,46	7,50	10,38	1,76	1,67	25,23	100	80,97	9,89	3,51	0,60	1,82	3,22
20<30	63,74	8,36	9,46	3,67	2,50	12,26	100	75,79	15,20	3,51	0,00	0,44	5,07
30<35	47,94	14,41	9,13	4,20	1,93	22,40	100	71,28	9,11	5,44	0,00	0,00	14,16
35<40	60,77	15,50	8,92	2,35	0,56	11,90	100	73,18	11,14	10,90	0,14	0,17	4,46
40<48	52,24	15,88	11,08	3,31	0,79	16,70	100	76,22	8,62	5,74	1,36	0,64	7,43
48+	43,72	19,56	13,04	3,68	1,23	18,76	100	47,03	10,83	8,60	5,25	1,07	27,22

Source: European survey on working conditions 2000 and 2001, European Foundation for the Improvement of Living and Working Conditions. Extraction of data and calculations by report authors

Table 3. Proportion of working men by hours worked and various household characteristics and time use (percentages).													
EU15 MEMBER STATES							EU 10+2 MEMBER STATES AND ACCEDING COUNTRIES						
How many people live in your household, including yourself, all adults and children ?													
Hours	1	2	3	4	5	6 +		1	2	3	4	5	6 +
<20	3,55	3,20	2,73	2,97	3,04	4,23		5,91	4,90	4,22	3,47	1,97	6,05
20<30	3,89	3,84	2,79	2,59	2,21	3,68		6,51	3,66	4,63	5,10	5,48	2,67
30<35	6,33	4,80	4,19	5,95	5,83	5,21		1,97	2,50	4,94	1,88	2,04	2,47
35<40	30,02	27,65	25,55	23,98	26,01	18,75		2,07	6,26	5,60	6,56	3,07	2,61
40<48	39,02	40,10	43,63	40,89	38,99	42,77		53,10	47,78	54,26	53,78	51,54	49,45
48+	17,18	20,42	21,10	23,62	23,92	25,37		30,44	34,90	26,34	29,21	35,89	36,76
TOTAL	100	100	100	100	100	100		100	100	100	100	100	100
How many children under 15 are currently living at home ?													
Hours	None	1	2	3	4 +			None	1	2	3	4 +	
<20	3,70	2,19	2,37	1,79	3			4,49	3,96	2,80	4,54	5,55	
20<30	3,77	2,37	1,95	2,67	2			5,19	5,10	3,10	4,89	1,09	
30<35	5,71	4,37	4,76	5,36	7			3,08	3,91	0,85	0,54	3,49	
35<40	26,02	26,35	26,15	27,95	23			5,61	5,66	4,51	2,35	0,32	
40<48	40,39	43,94	40,40	37,58	38			51,09	52,65	56,05	45,61	61,51	
48+	20,41	20,79	24,37	24,65	27			30,54	28,71	32,68	42,07	28,04	
TOTAL	100	100	100	100	100			100	100	100	100	100	
How often are you involved in any of the following activities outside work - CARING FOR AND EDUCATING YOUR CHILDREN													
Hours	Everyday for 1 hour or more	Everyday or every second day for less	Once or twice a week	Once or twice a month	One or twice a year	Never		Everyday for 1 hour or more	Everyday or every second day for less	Once or twice a week	Once or twice a month	One or twice a year	Never
<20	53,46	7,50	10,38	1,76	1,67	25,23	100	57,21	23,92	11,54	1,98	0,75	4,60
20<30	63,74	8,36	9,46	3,67	2,50	12,26	100	62,02	24,61	0,95	1,64	0,00	10,78
30<35	47,94	14,41	9,13	4,20	1,93	22,40	100	45,90	37,90	10,06	0,00	0,69	5,45
35<40	60,77	15,50	8,92	2,35	0,56	11,90	100	68,74	16,09	6,25	3,41	0,13	5,38
40<48	52,24	15,88	11,08	3,31	0,79	16,70	100	57,68	16,45	13,66	2,46	0,35	9,41
48+	43,72	19,56	13,04	3,68	1,23	18,76	100	49,64	14,56	17,13	6,30	0,94	11,44
Source: European survey on working conditions 2000 and 2001, European Foundation for the Improvement of Living and Working Conditions. Extraction of data and calculations by report authors													

1.4 Other data source and information on the links between long-working hours and divorce

The scope of the present study can not establish the relation between long working hours and divorce unequivocally, but it has gathered existing information and data on the subject instead. The following table (Table 4) reflects the main conclusions of scanned reports from different disciplines which present mixed results on the causality longer working hours => divorce or divorce=>longer working hours and on the effects of long working hours on family life more generally.

The first thing to note is the variety of approaches and of outcomes. It is also important to note that most of the literature to be found in the English language on this particular issue is centred on the UK experience, although other countries and European wide studies are becoming more common. Studies in Australia, Canada and the United States are also more common. **The main conclusion to be drawn from this scan is that long hours are incompatible with reconciliation of work and family life, and that the incidence of divorce may be linked to longer hours, but also due in a large extent to occupational segregation. Higher income of women also seem to increase the probabilities of divorce according to economic studies. Children might not be getting the same attention by working parents depending on their age.**

Moreover, only one study for Europe (Sweden) confirms that, indeed, increased female participation in the labour market and high occupational segregation can lead to a rise in divorce (Aberg, 2003). Moreover, studies for the US also confirm that occupational segregation can also have a differentiated impact as costs of extramarital search among married workers is reduced. Thus divorce increases for women/men working in occupations with higher proportions of men/women. However, cultural effects captured

in racial background (Asian and Hispanic in the US) radically reduce the probabilities of divorce. In the case of the EU these marked cultural differences among MS are already reflected in all the graphs presented here showing the relation between divorce and hours worked is not one and the same for all MS.

Table 4. Results from the scan of literature on longer working time and divorce				
Discipline/Institution	Type of data/analysis	Analysis of working time	Geographical scope	Results on Divorce and/or family life
European Foundation for the Improvement of Living and Working Conditions	Quality of Life Surveys	Yes, questions on activities in the household and questions on work-life balance are also analysed	EU25	10% to 20% of the population is affected by work-life balance problems. Those with small children report significantly more problems. Those working over 48 hours report more than twice the number of difficulties to reconcile work and family life. Very long working hours have a strong detrimental effect on possibility to fulfil family responsibilities.
Economics; Kodz, et al (2003)	Various UK surveys and firm case studies	Yes, directly and case studies from different sector firms	UK and for case studies France Germany and Sweden	Single parents, in particular women, ask for overtime work. Men working long hours do report higher problems in reconciling their work and family life. New family forms (divorce couples) can take advantage of the shared responsibility of children to improve their work commitments, given that these are foreseeable and do not require full disposition of the worker's time.
Select Committee on European Union, written evidence to the United Kingdom Parliament, Ninth report (European Working Time Directive)	Various reports submitted as written evidence on the effects of the directive	Yes	UK	Evidence that pointed to effects on family relationships and on reconciliation of work and family life:

			<p>Living to work report (Prepared by TNS for Chartered Institute of Personnel and Development): 45% of respondents indicated that work hours had put a strain on their relationships and significantly 11 per cent believed that it had contributed to their divorce.</p> <p>Also, this report recommends that working time and work-life balance policies be kept separate. According to their survey results half of those working more than 48 hours believed that they had the right balance between work and family life. But does not address what problems the other half finds.</p>	
			<p>The Equal Opportunities Commission sees the opt-out from the WTD in the UK as contradicting and limiting the legislation on the rights of workers to balance work and family life. In the written evidence presented it highlights research where firms with engrained patterns of excessive working hours amongst men, there was likely to be stronger gender segregation patterns between those roles that were performed by part time female workers and jobs done by men that involved longer hours (see papers summarised below that link higher segregation with increasing probabilities of divorce)</p>	
			<p>Working time Solutions Limited, based on its consultancy experience of helping companies adapt to the WTD stated that the removal of the opt out would bring about a series of benefits as it ended the overtime dependency of UK firms. Reconciliation of work and family life is very limited by the opt-out clause.</p>	
Sociology, Cousins and Tang (2004)	Questionnaire	Yes	UK, Netherlands and Sweden	All countries show fathers more likely to report conflicting pressures between work and family life. These experiences are related to the hours of work, but under different working time regimes

Journalism, Burgess (1997)	Interviews and some data analysis	Not directly	UK	Pattern of working lives removes men from their children, fatherhood is further curtailed
Sociology, Wajcman, (1998).	Interviews and data analysis	Yes	Australia	Working long hours was found to be endemic in managerial posts, Long hours were part of an ethos of loyalty and commitment to the corporation where the job consumed most waking hours and dominated almost all aspects of life for senior managers. For women, this often meant making choices between career and family which men were not forced to make.
Sociology (Aberg, 2003)	Firm level data	NO	Sweden	Women working in occupations with a larger fraction of male workers are more likely to be divorced
Economics (McKinnish, 2004)	Census data, econometric analysis on occupation and job integration. Models of marital search. Ordinary Least Squares method.	NO	U.S:	Segregation can explain higher divorce rates are the pool of either women or men at the workplace is larger. This reduces search costs.
Family counselling consultancy (Relate)	Cases handled by the counselling service	Yes, as one of the issues which are discussed in the counselling	UK	<p>The following comments were made as a reaction to the Office for National Statistics who announced that the number of couples divorcing in England and Wales was higher than at any time during the past 10 years:</p> <p>Long hours combined with Internet access was fuelling the search for extramarital relationships.</p> <p>The spokesperson for Relate explained that the changing role of women has affected the balance of power in the home and the long working hours also put a tremendous amount of pressure on relationships.</p>

Sociology (Cousins, 2002)	Specific survey on Households, Work and Flexibility under the Fifth Framework Programme	Yes	UK and Romania (other countries participated but they did not look specifically at who in the household)	<p>The men in the survey answered that they worked long hours to provide for their children, but wanted to be more involved. 40% declared to want to work fewer hours and 66% gave spending more time with their family as the reason.</p> <p>In Romania, men also answered that they do not have an option to change their working hours (especially those with temporary contracts and on flexible time) due to the needs at home. However, men here are less likely to engage in household work.</p>
Sociology (Zuzanek, 2001)	Time diary surveys	Yes, compared to other uses of time	Canada	Increased workloads have increased, rather than decreased parents' contribution to child care. However, quality and quantity are different depending on the age of the children. Younger getting more and teenagers less.
Economics, Johnson (1999)	Survey of Income and Program Participation, econometric analysis (Ordinary Least Squares method)	Yes, directly analyses long work hours and divorce	US	Workers with long hours (men and women) have higher educational levels and higher incomes than those who work fewer hours. On average, adding 10 hours to a husband's work week raises the probability of divorce by between one-tenth and one-half of one percentage point. Higher incomes from men reduce their probabilities of divorce, but it increases women's probabilities.

1.5 Long working hours and the possible effects on fertility

In the preceding sections some of the basic results that have been documented by research on women's labour market behaviour and the number and the age of children have been exposed. Higher number of children mean reduced hours for women and longer hours for men, although this European pattern does not always correspond to all countries, although in new MS the pattern for men is confirmed, but not so strongly for women, who on average work more hours than their EU15 counterparts. With respect to working time, women lone parents seem to be working longer hours than their married counterparts in EU15.

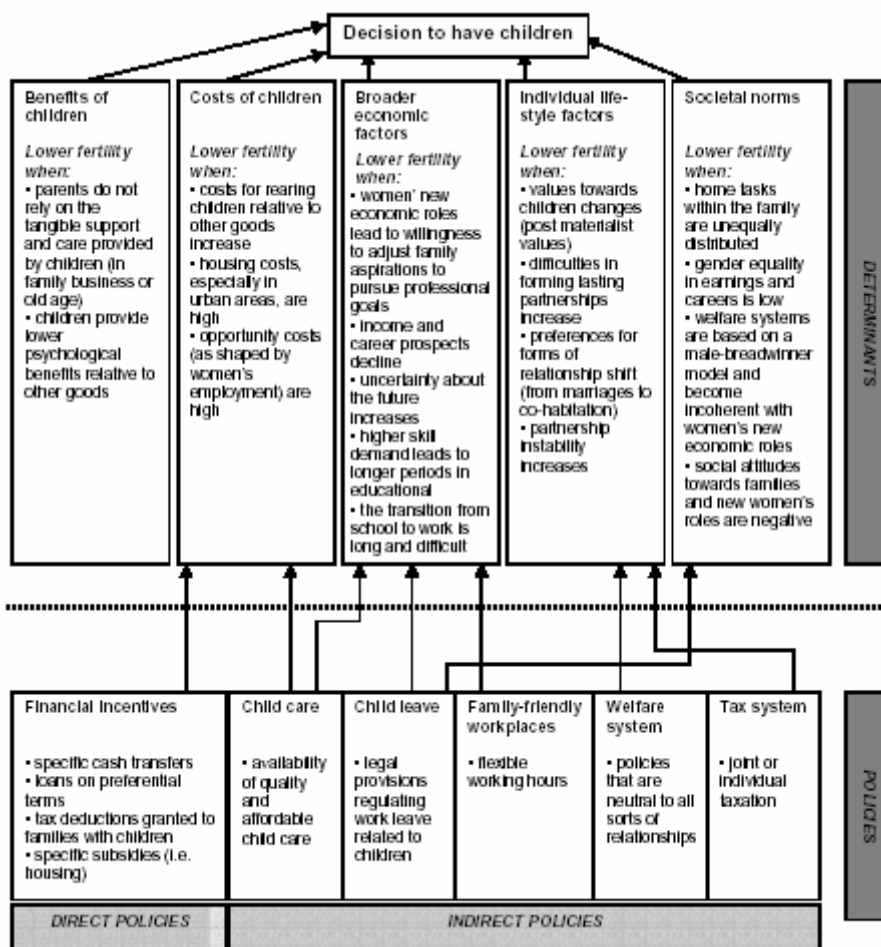
In this section the attention is drawn to the effects that working time might have on fertility. Again, the discussion should be centred on the flexibilisation of work and should also be linked to other policies, in particular to those that affect labour market participation such as taxes and benefits.

According to a recent OECD study (Sleebos, 2003) there are a number of determinants of reproductive decisions which can be identified and which are affected by direct and by indirect policies. In Figure 1 below, these determinants, policies and their relations are shown. Although many of the policies have been based on the "rational choice" models developed by the economist Gary Becker (1981)²³, other studies have focused on cultural and institutional constraints in which "rational choices" are made, but continue to make the analysis from the point of view of the costs and benefits of children. However, there are some that also take into account the changing gender

²³ This approach stated that the individual decisions to have a child were the result of the maximisation of utility subject to income constraints. Children are, according to this theory, goods that produce costs and benefits. According to this theory the decline in fertility in developed countries would be the result of children becoming more expensive goods relative to other goods. This theory has influenced policy to a great extent and is reflected in policies which aim to reduce the cost of children or increase women's income. More recent developments of this theory include concepts of "quality" of children and timing of births.

roles and “the emergence of post-material values in industrialised societies (such as individual self-realisation, satisfaction of personal preferences and freedom from traditional forces of authority)...” (p.32 Sleebos, 2003).

Figure 1. Reproductive decisions: proximate determinants and policy measures



Source: Sleebos (2003) OECD Social, Employment and Migration Papers, DELSA/ELSA/WD/SEM(2003)15

The figure shows that flexible working hours in family friendly workplaces are part of the indirect policies that can encourage women on the decision to have children.

However, we would add that reductions or limitations to working time would also have this impact, and would also affect individual life-style factors. This would go beyond family-friendly workplaces where the policies are taken only by firms since a cap on hours would be inducing these policies into firms²⁴. In any case, the OECD study does point out that the relationship across a selection of OECD countries between fertility rates and a composite index of work and family reconciliation policies (which includes extent of part-time, flex-time working, firm provided leaves, child care availability and maternal leave provisions) does not seem to be highly correlated. The study does not make a case for reducing men's working time and the effects that this would have on reproductive decisions.

Other researchers have focused on the fact that in OECD countries the correlation between the fertility rate and women's participation in the labour market has turned from a negative value before the 1980's to a positive value thereafter. Indeed, countries, such as Spain or Italy, have the lowest participation rates and fertility rates, while countries like Sweden have high rates of participation and fertility. If working hours are accounted for, there is a weak relation between shorter hours and higher fertility (Engelhardt and Prskawetz, 2002). These researchers however, do caution that it can not be determined to what extent countries with inflexible working hours can explain lower proportions of women from entering the labour market. Furthermore, other factors such as men's more unstable hold in the labour market coupled with high women's unemployment can also be attributing to lower fertility, as well as lower increases in wages. Also, the decline in fertility was accompanied by a decline in women's first marriage rates and by an increase in divorce rates.

24 As the evidence given by Working time Solutions Limited showed, based on its consultancy experience of helping companies adapt to the Working Time Directive in the UK, the removal of the opt out would bring about a series of benefits as it ended the overtime dependency of UK firms. According to this firm, reconciliation of work and family life is very limited by the opt-out clause

Another study focusing on OECD countries and also explaining the change in the relation between fertility rates and participation rates of women from negative to positive focuses on the impact of labour market institutions (Adsera, 2002). In this case the main cause for the reduction of fertility is, instability in the labour market (risk aversion in the main economic theory tool used to explain this outcome). The growth of unemployment, fixed-term contracts and self-employment (which are features of the Mediterranean countries which are mostly affected by this phenomenon, and where, we should add, some of the longest hours of work are recorded) are the main variables explaining lower fertility.

The Swedish Trade Union Confederation (LO), in the framework of report analysing Forms of Employment and Working Hours (2001) using the labour force surveys of Statistics Sweden also concludes that the increase of fixed term contracts in this country have affected fertility in a negative way. In fact, from 1983 to 1992 the total fertility rate in Sweden had been increasing, but has since then declined and picked up only slightly in the year 2000. According to this report, the statistics show that the decline applies to the first, second and third child and that the willingness to have the first child has diminished dramatically. Second children are less common and the third child has become much more unusual. Other research referenced in the report also point to the relation between increasing insecurity and the drop in the fertility rate.

In an article addressing taxation and family policies, Apps and Rees (2003) conclude that the positive relation between high fertility and high female participation in the labour market is a combined effect of tax and benefit systems. These researchers find that countries with individual, rather than joint, taxation and which support direct provision of child-care (instead of direct child payments) are more likely to have both higher fertility and higher participation rates. They further state that "The simple-minded

policy of using the tax system to reward households with larger families and punish those with smaller can have adverse effects both on equity and fertility” (p. 16). Increasing female participation is thus the key to increasing fertility, and not the contrary. This is an essentially important issue in new MS, where there has been a large share of women in child-bearing age which have abandoned the labour market.

The analysis of the surveys on Quality of life conducted by the European Foundation for the Improvement of Living and Working Conditions (Krieger, 2004) reveal that around a third of women in EU25 could be targeted for additional family support policies that would increase their fertility, as they indicated a higher desired than achieved fertility. This was especially true for women with higher education. However, these “family” policies should be increasing services that would help these women reconcile work and family life, as opposed to other possible policies such as restrictions or prohibitions on abortion, making divorce difficult, promoting marriage, etc.

The different reports summarised here do not establish a direct link between working time and fertility rates. However, there are strong indications that flexibilisation through the used of fixed-term employment is having a negative effect on fertility, as well as instability in the labour market in general. This type of employment is also more likely to have unusual working times and, as will be analysed below (pp. 68-69), this can have some negative effects on reconciliation of work and family life, but the impact on fertility has not been studied as such. In addition, the fact that women’s fertility has also changed in that women are waiting longer for their first child coupled with longer lives of parents put a big pressure on many families and especially women to care at the same time for smaller children and older parents.

CHAPTER II. WORKING TIME AND RECONCILIATION OF WORK AND FAMILY LIFE: FLEXIBILITY AND USES OF TIME

“...the Lisbon European Council of 23 and 24 March 2000 recognised that it was important to further all aspects of equal opportunities, including reducing occupational segregation, and making it easier to reconcile working life and family life, in particular by setting a new criterion for assessing performance in improving child care provision. It added that these measures among others should help to ensure that the proportion of women in work (at present averaging 51%) exceeds 60% by 2010...”
Point 6 of the Council Conclusions on the review of the implementation by the Member States and the European Institutions of the Beijing Platform for Action, Annex, 13841/00, SOC 437

Introduction

According to the European Commission (EC) proposal, the proposed revision of the Working Time Directive (Directive 2003/88/EC) is justified, among other things, in that it will improve reconciliation of work and family life. This chapter investigates how and to what degree this aim of compatibility of work and family life can be achieved or supported by the Commission's proposal. According to the working paper produced by the Commission services, the directive, in the context of Article 22(1), increases accountability and encourages collective agreements around the opt-out clause and is thus the vehicle through which this aim of reconciliation can be achieved. However, there is no direct mention of reconciliation in the directive proposal itself other than in the justification preamble.

This report addresses the reconciliation of family and working life **at individual level**. This involves that such a reconciliation means, for each person, a relatively balanced distribution, in terms of preferences, of time devoted to paid work and family responsibilities, particularly of those responsibilities related to care of children and care

of dependent adults. In accordance with the above terms, for certain persons, the fact of having the possibility of devoting more hours to paid work and of reducing their devotion to family tasks and responsibilities will mean an improvement, while for others this improvement would mean just the contrary situation. Furthermore, reconciliation should also include not only the preference in terms of time, but also in terms of career development and job satisfaction.

The scan of materials on compatibility of working hours and family life that has been carried out extends beyond the number of hours worked. In other words, it is also linked to the flexibilisation of work in general as was stated at the outset of this report. In the previous chapter, Table 2 showed already that many of the reports produced and evidence given around the benefits of reduced working time (in addition to the protection of health and increasing safety) have mentioned improvement in reconciliation of work and family life. The studies or experiences that have helped firms to adapt to the working time directive point to the need to move to new forms of work organisation which benefit both employers and employees.

On the other hand, these new forms of production do not leave the way society itself functions unaffected. Indeed, the introduction of new information and communication technologies, which are increasingly behind the changes in work organisation, open up opportunities and also raise challenges in the way people relate to each other, including members of families²⁵ and it also affects the way time is used individually and collectively. Therefore the question posed by the directive in relation to reconciliation of work and family life is looked at in this chapter from the wider discussion of labour flexibility. The main factors driving labour flexibility are reviewed, followed by a brief

²⁵ Hochschild (1997) points out that in the U.S. the divisions between home and work are becoming blurred and that values and traditions that were exclusive to the home have been transferred to the work place. In the homes, the concepts of efficiency and time use have crossed over from work. Although in Europe these changes can not be so easily confirmed, the trend towards choosing over family and work is becoming more marked (see for example Lehto and Sutela, 1999).

consideration on the development of the concept and its implications for working time as well as setting forth the links with reconciliation and with community time as well as making some considerations about gender relations. Part-time work and its implications in the context of flexibilisation, new work organisation and reconciliation is analysed and taking a particular look at women in this type of employment. In the third section, the costs of the conflict arising from reconciliation are addressed, highlighting the high health cost that it can have, as well as looking at the costs of long hours for firms. Next, the advantages and disadvantages of flexible work forms for works and employers are briefly reviewed. Finally some data analysis and existing research on working time, flexibility and reconciliation of work and family life and community time are offered.

II.1 Labour flexibility: main factors

There are various factors that influence the need to initiate new ways of organizing work that allows for a more flexible work time. These factors can be grouped into three types:

- ***Economic and labour market factors***
- **Demographic factors.**
- **Social and equal opportunity related factors.**

As to the **first of these factors**, in the current context in which firms operate, with globalised markets and increased international competitiveness, there is a need to modernize the organization of work. **New technologies** allow organizational changes to be made in the labour market. The commitment to new forms of work is crucial to the viability of the work society in the future. Another important aspect that we cannot disregard is the importance that **motivation** of workers has in the work place and its

effect on *productivity*²⁶. Having flexible structures in place that allow for workers to organize their own work has a direct affect on productivity. It assumes that a new commitment is necessary on behalf of firms, workers, their representative organizations and the public administration. This type of commitment is behind the increase in the trend towards individualisation of contracts, although, on the other hand, collaborative and teamwork techniques are used in order to achieve the results. However, the “collective” effort is not negotiated at this level.

In Europe, the steps taken in this direction are still weak in comparison to the US. Although a great many report and communications by EU bodies have been produced²⁷ and there are efforts initiated in some Member States (MS) and occasionally by some labour unions and firms. **The degree to which firms have adapted to these new work organisation systems is also a good indicator of whether MS will be more or less likely to apply the opt-out article.**

As to **demographic factors**, the ageing of the population in Europe is a fact. The current debates about the security and sustainability of pensions are present in all Member States. The extension of working life is one of the priorities within community policy objectives, not only to guarantee the viability of national systems of social security but also improve employment opportunities for older workers. The ultimate objective would be to maximize the individual capacity of each worker to remain within the labour market during their working life. The introduction of new forms of flexibility in work time is essential to be able to achieve this. In this sense the move away from

²⁶ Some firms in the United Kingdom have evaluated the influence of initiating investments in policies that favour family responsibilities. The conclusions reached are positive. For example, the Xerox firm has estimated a saving of one million pounds over a period of 5 years as a result of flexible maternity leave policies, which reduced work times and made work location more flexible thereby avoiding the exodus of professionals and the subsequent selection process. Lloyds TSB registered the lowest rates of labour absenteeism in the United Kingdom, which translates into a saving of 10 million pounds.

²⁷ See http://europa.eu.int/comm/employment_social/labour_law/publications_en.htm for a series of these reports and those of the European Foundation for the Improvement of Working and Living Conditions. In Chapter IV the evolution of the concept of reconciliation of work and family life is included.

standardised forms of working is accompanied by new forms and patterns of private lives, particularly for women. **Life-cycle of life-course issues thus become important for firms and workers who want to adapt both to the new production needs and to the new family needs.** The ageing of the population is creating a triple burden for many women who not only take care of their children, but also carry the main burden of elderly or sick family members.

Finally, very significant efforts have been made by different levels of government and at EU level to ensure that **equal opportunities** between men and women is not merely a legal provision but that it actually applies in reality. However, in order to ensure that there is effective equal opportunities in the work place it is still necessary to make progress in order to guarantee that employment is more compatible with family obligations, such as caring for children, elderly or dependant family members, in addition to equal pay and equal access to decision making posts.

Women have made enormous progress with regard to accessing the labour market over the last 10 to 20 years, however, there are still considerable differences between men and women in terms of employment and opportunities to progress in their careers. Work and family responsibilities are not spread evenly between men and women. There is an assumption among women that family responsibilities as a whole have negative consequences on their employability and expectations of employment. This can be explained by the absence from the labour market for extended periods and the consequent loss of income and negative consequences on their careers as well as reduced time (part-time in particular) which also carries these type of consequences.

In order to promote a greater balance and to boost female careers it is necessary to introduce new and more flexible ways to organize work time. This argument is strengthened by the fact, as mentioned before, that the majority of informal carers of

elderly people are women²⁸ as well as being the ones that in the majority of cases assume the care of children. In Annex III a sample of good practice in reconciliation of work and family life is made as well as discussing the obstacles that smaller firms have in adapting to these reconciliation needs.

According to the European Foundation for the Improvement of Living and Working Conditions, the **professional paths of men and women have been very different. Normally men develop their professional paths during their life time so that once they have completed their education they would take on a remunerated job and finally move on to a period of retirement. However, in the case of women the work path has been, and in many cases remains, very different because they are not completely integrated into the market as yet.**

The women's path usually contains several more phases, a first which is a period of education and learning, a second where she assumes a remunerated job, a third where she is busy taking care of her children and domestic responsibilities, that may or may not be compatible with part-time work. In the next phase, when her children are older, she could resume her role within the work place, a phase that involves joining the labour market again, skills and recycling training, part-time work or a limited number of hours and in many cases a job that involves no social security contribution.

These two paths are based on the distribution of tasks that exist in the traditional model where the public sphere is reserved to men and the private to women, who assume remunerated work within their means or the needs of society. Currently this model is rapidly changing. The proposed model that is currently taking shape is the following:

²⁸ Workers that leave their jobs as a result of not enjoying conditions that include a more adequate distribution of time in the labour market is excessively costly for firms because it results in a loss of skills and the investment made in them which leads to higher costs.

A first phase of education and learning, a second phase of training on the job or prior to beginning work, a period of remunerated work, a transition phase that incorporates flexible formulas such as leave, sabbatical years, part-time work or time for training and a last phase of retirement. All of this is accompanied, of course, by the placing of various measures at different levels of the public administration to care for children and dependant people. The needs and expectations of each individual at each critical moment, will influence the realisation of the path outlined here and complimented by a series of public resources. (European Foundation for the Improvement of Working and Living Conditions, 2003). Moreover, the issue between private and community time is very important to make and in section 5 below a data analysis is made of the implications of long working hours on community life.

In this respect, the role of the social partners, is crucial. In fact the progress made at a European level is evident²⁹. The reorganization of work and its adaptation to the needs of employers and each person on an individual level must take the life-cycle into account. **A “win-win” situation must prevail so that both sides can reach an agreement and finally reach a balance between their work and personal life.**

II.2 The context in which the concept of flexibility develops and implications for working time

Without meaning to be repetitive, factors such as the globalization of the economy and markets have meant that all countries must define a **new economic and productive**

²⁹ An agreement has been signed between the European Labour Union Confederation (ETUC), the Union of Industrial and Employers’ Confederations of Europe (UNICE) and the European Centre of Enterprises with Public Participation (CEEP) that incorporates all the recommendations of the European Union, which includes among others that which refers to parental leave and part-time work. In July 2002, ETUC, UNICE and CEEP signed a framework agreement regarding telework. Apart from other types of work organization, telework may prove to be the way to organize work that can be best adapted to the needs of both the worker and the firm.

order that effects the conception and organization of firms in all of its aspects. One of the characteristics of this new order is the great demand on firms to have the capacity to adapt quickly and rapidly to national and international competition.

The adaptation means in effect that firms must be prepared to change or redirect the production of new products as well as change their services to offer them on a continuous basis (or the 24/7 mode of production), as well as be able to incorporate changes both at a technological level as well as a process or work level. The need to change and adapt the legislative frameworks, as has been the case in countries within the EU where firms operate allowing this adaptation and removing the barriers that pose an obstacle to their capacity to respond, arises, in part, as a result of these demands. In this context, the main issue behind the EU directive on working time addressing the need for workers to have proper rest, to be safe at work and to improve living and working conditions must not be seen as an obstacle, but rather as an opportunity to adapt to these new models of work organisation. It is at this conjunction where the directive can indeed have a positive effect on reconciliation of work and family life. In other words, **reduction of hours in itself does not lead automatically to an improvement in reconciliation. Reconciling is increasingly understood to allow having more say over work times which adapt better to different family situations, which change along the life-cycle.** However, the pace at which different firms in different sectors and countries with very different institutional arrangements can implement the changes is one of the challenges that will require joint efforts at EU25 level and in combination with a number of other policy areas. This has obvious implications for the implementation of the working time directive, and is especially relevant to the lesser or greater use of the opt-out.

The initial concept of work flexibility arose from the needs of firms in the new competitive conditions and is aimed at increasing economic efficiency. It has, and continues to be, in many cases, a concept limited to work related flexibility.

In developed countries, the process of change in labour relations, that is the process of labour flexibility, has responded to both technological phenomena and work organization, which are complimentary. There has, therefore, been a coherence between the transformations that have taken place in production (from standardization to custom) and the changes in employment (from stable to adaptable to these transformations). Workers, their representatives and society as a whole have positioned themselves in a very defensive³⁰ manner with regard to these changes but are gradually adopting a more proactive attitude with a stronger disposition to negotiate. New paradigms are necessary to facilitate labour flexibility outside of current limitations. To do this **it is necessary to find a model that incorporates the needs of men and women and allows the productive process to be balanced with human needs.**

The focus of certain business policies that consider human resources and collaborative industrial relations as strategic factors to achieve higher levels of productivity, quality and competitiveness are those that are in-sync with the new focus of work time organization. However, the move towards more results based work, which is intrinsic to these new work organisation models, blurs the time requirements and can also lead to increasing differentiation of tasks within a firm and a workspace where workers with a more collectively protected employment relationship in terms of hours worked and pay work side by side with those whose employment

³⁰ This is because in the 80s and 90s, in the context of flexibilization that was identified with deregulation, labour rights and the organization base for workers were considerably weakened in the majority of countries. This process acquired dimensions that threatened to destroy a large part of the achievements made through the historical struggle of workers for control over employment conditions.

relation is individualised and measured and rewarded outside a time framework³¹. This continued move towards individualisation of the work contract also has an impact beyond the working place.

According to the **Supiot report** (1998): “This development holds the potential to gradually dismantle all the community time patterns that governed life on and off the job (night-time rest, Sunday rest, midday break) and bring about the concomitant collapse of solidarities based on such patterns (trade union, family, neighbourhood)” (p. 61). This report further considers that the working time directive, although it makes a case for collective agreements, is in fact a reinforcement of the individualisation of work which corresponds mainly to “the evolution of techniques (telecommuting, which shatters working space-time), the increased returns on capital (policy of increasing the service life of equipment) and public demand (demand for permanent availability of public or private services)” (p. 61).

Indeed, some examples in Europe, in particular in Italy and the Netherlands³², show that the **adaptation of public times to the changing realities of private time is possible and that the conflict that arises for many workers between work and family life arise precisely from coinciding or insufficient times of public services whereby their new work realities can be solved**. Although care for dependent family members (children and adults) are the usual services mentioned in the context of reconciliation, others such as transport (and transport time or commuting) are becoming increasingly important and in some cases (such as the UK) are indivisible from the problems and arguments for and against the use of the opt-out article. Again,

³¹ This situation may give rise to a series of conflicts within the firm that can affect gravely efficiency and productivity, reducing the financial benefits of individualised contracts, flexible work forms and reinforce opposition to the reduction of working time.

³² The Study by the European Foundation for the Improvement of working and living conditions gives detailed information about these very interesting initiatives, 2003pp 128-135 It is pointed out there that other MS such as France and Finland, but in particular Germany were starting to introduce these types of initiatives.

the implications that longer working time is having on the community are analysed in more depth in section 5 below.

In addition to this, as pointed out by Rubery (2005), **the gender division of labour on which the solidarities around the customary time schedules are built are being increasingly rejected.** Furthermore, she adds, “while institutions become outdated and need renewal, their removal through primarily individualised and employer driven policy will not spontaneously lead to new community time patterns that are both more in tune with the new gender divisions but also capable for sustaining community and social life” (p.4).

With respect to reconciliation of work and family life, these changes also have a considerable effect, that can sometimes be negative. In the UK report for the “Households, Work and Flexibility” project under the Fifth Framework Programme³³ the following result is highlighted: “With respect to employment patterns and childcare, the evidence also suggests that the UK working-time regime spills over into the home for those working households with dependent children. Part-time working for women in the UK does little to challenge the gender division of labour within the home and leaves caring responsibilities largely unchanged. However, there does appear to be a greater shift to more egalitarian family lives for those couples who both work fulltime and have dependent children.” (p. 13)

In Annex IV offers some information on the Typologies of labour flexibility according to the European Foundation for the improvement of Living and Working Conditions. As far as the impact of flexible uses of time and working time itself, the work by this same institution is reviewed in section 5 below.

³³ Cousins and Tang, 2002

There are other possibilities which are currently being widely used and which are used by firms or workers **depending on the legislation in each country, the demographic pressures, or the skills abundance or shortage:**

- part time work
- progressive retirement
- term time working
- working time accounts
- leaves
- other types of time arrangements

Here only part time work is analysed in more depth in the context of flexibilisation of work due to its high incidence across the EU, although less so in new and acceding MS. (The other possibilities, which are less widespread are described in Annex V). Part-time work contractually involves carrying out tasks during a certain number of hours, a number which is smaller than that corresponding to full time work. Part-time work is generally considered to be less than 35 hour weekly working hours while full time work is considered to be that which is greater than or equal to 35 hours, as stipulated in collective agreements or by law.

In practice, it can be structured in different ways and its distribution can be daily, weekly or over the whole year, according to the needs of the workers or the conditions of the business organization. It has been regulated in several countries. The regulation of part-time work is very different across MS. The **approach to hours based work behind part-time may be increasingly weakening as a result of the introduction of results based management and organisation**, in other words, there is less scope to develop quality part-time work. In addition, there is a tendency in legislation to strip down the conditions of full time work to equate them to part-time work, instead of scaling conditions of part- time work up to full time work (Rubery, 2004).

Furthermore, and of great importance for **women who are the overwhelming majority of part-time workers** in all EU countries, “there might be tendencies either to place part-timers on a different career track to avoid comparison of the time/effort relations between one group employed on an hours basis and one group employed on a results basis” (Rubery,2004). In case that these part-time workers are also subject to performance or results based work, their part-time status might actually become blurred and in effect they might be working more hours, and even fulltime hours, than contract specification by law or custom dictates with a correspondingly lower wage or salary.

From the life-cycle point of view, part-time work may offer both women and men possibilities or working and combining with other activities, such as studying or using more leisure time at the point of retirement. However, in the case of women most studies always show the degree to which this type of work time arrangement is in fact a choice for women or if it is conditioned by the lack of dependent care services, transport, a combination of these or other usually not observable variables in data bases used and analysis which is carried out.

II. 3 The conflict and costs arising from reconciliation of work and family life and costs from long hours of work (presenteeism and absenteesim)

Working long hours and the impossibility to reconcile work and family life have considerable effects on the physical and mental health of individuals and therefore have important impacts on health systems. Therefore, there are both

individual and social costs that can be associated with the conflict between family and working life³⁴.

In the case of the conflict between family and working life these costs at individual level come from effects on physical and mental health (stress, depression, de disincentives and dissatisfaction with life styles). The effects on employers are materialized in higher absenteeism rates, drops in productivity, the reduction of the satisfaction rate of workers and the deterioration of working relations. **The effects on the physical and mental health of individuals are an important issue that justifies further the inclusion of reconciliation in the body of the working time directive.**

One of the most extensive³⁵ studies carried out in this area of the costs of the work-family conflict is that of Duxbury, Higgins and Johnson (1999). In this study it is shown that in Canada this affects a significant percentage of workers (35%-40%). This percentage is greater in those cases which involve responsibilities related to the care of dependant people and **the percentage is always greater in the case of women** independently of the type of work they undertake or their responsibilities over dependant people. The results of the study confirm that **Canadian organizations and society are paying a high price** due to the existing conflict between family and professional life.

One of the most obvious costs to firms is the incidence of absenteeism. In this case there are complex links to both reconciliation of work and family life and also to long working hours in the context of flexibilisation which is being analysed here. Impossibility to reconcile can increase the use of sick leaves or other legal means to cover for the

³⁴ The approach of costs is already having an important place in the debate of the working time directive in the context of the SIMAP/Jäeger cases. The costs of applying the interpretation by the European Court of Justice of the "on-call time" definition have been given as a justification for one of the major changes to Article 2 of the directive.

³⁵ This investigation is the result of four ad-hoc surveys carried out between 1991 and 1998 and which gathered information from a total of nearly 30.000 workers.

lack of time provision to take care of family responsibilities. Different regimes of time use and wage determination in the same workplace can also lead to inter-worker conflicts that can lead to high absenteeism³⁶.

On the other hand, the phenomenon of presenteeism is the flip side of this story. There are two concepts of presenteeism in the literature scanned: sickness presenteeism and long hours presenteeism. By some estimates, sickness presenteeism costs US companies over 150 US billion a year - far more than absenteeism (Hemp, 2004). This study presents evidence from of a body of research showing that **less time and effort is lost if people stay at home rather than to attend work sick and not performing to the level required**, in other words there are high productivity losses. Although most of the studies in the EU have been centred the long hours presenteesim concept, the costs can be also very high as workers may be using company resources unproductively during this time (telephone, internet, office supplies, electricity, etc.). The evidence presented at the hearings on the working time directive at the UK Parliament, for example, cites the “culture” of overtime and long working hours as one of the most important obstacles to the implementation of the working time directive and the generalised use of the opt-out in this MS³⁷. In fact, one of the arguments used by trade unions in the UK is that in spite of long hours productivity there is not very high, the links to both types of presenteeism are yet to be studied in this and other EU countries.

In both cases, the results for women and men can be very different, again due to their different gender roles and depending on very concrete family circumstances. The fear of job-loss for lone parents, for example, can increase sickness presenteeism for both

³⁶ In this regard see the recent study carried out by the EC on conflict resolutions at the workplace can be found at:

http://www.europa.eu.int/comm/employment_social/labour_law/docs/disputeresolution_synthesis_en.pdf.

³⁷ <http://www.parliament.the-stationery-office.co.uk/pa/ld200304/ldselect/lddeucom/67/6702.htm>

men and women, but it can also increase long-hours presenteeism depending on the work-place culture. There needs to be further investigation into this dimension of the problem.

II.4 Flexibility: Advantages and disadvantages to workers and employers

Flexibility in the organization of work time presents advantages and disadvantages both for firms and workers. Among the advantages for workers, we find that the most important and essential one is to **ensure that there is a balance between family and working life because this will allow work hours to be adapted to the personal needs and circumstances as they evolve over the working lifetime.**

The different forms of flexibility in the organization of work make possible a readjustment of work times on an individual basis, something which is in the majority of cases a necessary prerequisite to reconcile family and work life. The majority of advantages and disadvantages that can accompany the introduction of different types of flexible work have been outlined in this chapter. Here only some of them are revisited or placed under larger headings.

Part-time work can, among other things, make possible taking *time out for education* during a person's life. In the longer term, the reduction of the number of hours worked, can also contribute to preserving health and efficiency at work. In parallel to this, it can also lead to an increase on the demands on the part of workers to adapt work times to their personal needs (see data analysis in section 5 below). On the other hand, it is accompanied by the **danger of social exclusion and marginalization** of those people that choose this option because normally part-time work is associated with low skilled jobs and in sectors with lower salaries.

As already pointed out, part-time work can also have **negative effects on a person's career**. In many cases it is accompanied by a loss of status perceived by men and by older workers and which they generally consider unacceptable, it also limits the options to undertake education and limits the development of skills. **Part-time work can be useful during certain phases in ones life, but not on a long term basis**, not the least because **it seriously limits the income that one will perceive during retirement**. This is in particular important for women.

Measures that involve more long-term calculation allow work time to be distributed throughout a persons working life. Some of the situations that are contemplated such as parental or educational leave cannot be applied in a flexible manner given that they require that certain requisites and conditions be fulfilled. Even though these types of leave might be accompanied by payment made to the Social Security, in many cases they do result in a loss of income perceived during retirement, in particular those requested for the care of sick people that do not require payment of employer contributions to Social Security.

It seems that these types of measures, as well as those based on the calculation of work time in a more global manner, are more appropriate. However, these measures are usually not made available to all staff but rather limited to certain employees and they also depend on the concept of work organization that exists within the firm.

The establishment of **flexible work conditions based on the firm's interests can increase the workers difficulties to organize their lives**. This is specially the case in those flexibility forms that are **on call or full availability**. These forms of organization can **pose special difficulties for women with children or who need to care for dependant adults**.

Employers could benefit from the different forms of time flexibility because it introduces flexibility and makes it easier for them to make adjustments to work time according to demand in such a way that allows them to make the most efficient use of their workers time and productivity.

As outlined previously, for the introduction of flexibility measures in work times to be effective and offer advantages for both workers and employers there needs to exist a win-win condition, that is, they must meet the needs of both parties, firms and workers. In this way, the commitment on behalf of workers to be efficient and motivated to do a good job will be maintained and employers will also maintain the availability of the measures.

Modern firms are faced with a harsh contradiction in the labour environment. On the one hand they require workers that can work independently, are responsible and are committed to their tasks and project within the organization. This requires a sense of belonging, something that seems difficult to achieve with no guarantee of continuity. There is an increasing appearance of the word “trust”, which is indeed a value more pertinent to the private or home environment than to the contract and money driven relationships at work (Hochschild, 1997).

On the other hand, they require flexibility and availability to change and adapt. This can mean internal job rotation or functional movement. It can also mean variable volumes of personnel, incorporating and removing personnel to and from the firm. In this last instance the use of temporary employment made possible by specialized third parties can, for example, be an option for substitute or peripheral positions. However, this cannot really be applied to those positions that will be filled by those that from the creative and thinking core of a firm, who in fact define its destiny and which the firm is unable to retain.

The term flexibility can mean many different things. It can refer to the freeing up of the labour characteristics of work relationships, whether it be in economic, social and/or legal terms, and can simply transform human resources into a factor that can enter and exit the work process as any other economic factor. Then everything can be considered flexibility.

If labour flexibility is understood to be an adaptive response to the changes in production and technology with the new work content, that involve a greater involvement on the part of the worker as well as greater autonomy, then it can be considered qualitative flexibility and it is more related to the new forms of work.

II.5 Some existing research and data analysis evidence

Finally, one of the databases that was used in Chapter 1 (Third European Survey on Working Conditions, 2000 and 2001) has been used here, as well as other analysis carried out on the same database, that document the relation of working time with family and community commitments.

In Table 5 below the results from the question in the survey on how well women's and men's hours fitted with family and social commitments outside employment is shown for the EU15 countries. In general, both women and men report satisfaction with compatibility of working hours and other commitments (80% men and 81% women). However, this is especially true of women with part-time jobs (defined here as less than 35 hours per week) of which 91% responded that compatibility went very well or fairly well (compared to only 81% of men who work part time). On the other extreme, 22% of men and 19% of women reported a negative situation. In both cases full timers were more likely to respond that working hours and other commitments were incompatible.

Looking at the answers to this question by parenthood and different working time situations (the second part of the table), confirms that parents in full-time jobs are less likely to find working hours and commitments compatible. It is interesting to note that women without dependent children show a greater proportion than women in part time jobs as reporting lack of compatibility with commitments. The study from where these results are drawn further states that: "The 'work-life' incompatibility was felt most by male managers; among women it was felt most by those in management and blue-collar craft occupations. However, overall, occupational status in itself is not strongly correlated with 'work-life' incompatibility...Rather, particular elements of work schedules are incompatible..." (p. 65).

Table 5. Compatibility of working hours with family and other commitments.

By gender and full-time/part-time status

%							
	Men			Women			All
	FT	PT	All	FT	PT	All	
Very well	29	37	30	30	52	39	34
Fairly well	49	44	48	50	39	45	47
Not very well/not at all	22	19	22	20	9	16	19
Total	100	100	100	100	100	100	100

By parenthood

%						
	Father	Men without dependent children	Mother, employed full-time	Mother, employed part-time	All employed mothers	Women without dependent children
Very well	27	31	27	50	38	40
Fairly well	48	49	48	41	45	45
Not very well/not at all	25	20	25	8	17	15
Total	100	100	100	100	100	100

Source: European Foundation for the Improvement of Living and Working Conditions, Gender, jobs and working conditions in the European Union, report written by Colette Fagan and Brendan Burchell, 2002, p.65

As analysed in Chapter 1 (Tables 2 and 3) longer hours reduce considerably the dedication that parents have on the care and education of their children, more for men than for women, even more so in the case of the new MS. When comparing full time and part time workers in the table above, these differences are confirmed. Part-time fathers in EU 15 show greater compatibility (3 percentage points) and part-time mothers even more (11 percentage points difference). Moreover, when analysing the volume of hours, those working 48 hours or more (beyond the limit imposed by the working time directive) show a marked difference from all other working-time categories as far as lack of compatibility with commitments outside work. While men and women working between 40 and 48 hours report the same level of incompatibility (around 23

percent), 42% of men and 36% of women working over 48 hours are counted as having a lack of compatibility with their family and social commitments.

However, as already analysed to some depth in the present chapter, flexibility might mean full commitment or full availability to the employer needs, which can have very detrimental effects on reconciling work and family life. Under this more negative side of flexibilisation, the following table reveals to what extent this is true. Those situations where unsocial days or hours are recorded (night, and regular Sunday and Saturday work), or where workers have a limited or no control over their working time (start and finish set by employer, shifts, and variability in the number of days) have much higher proportions of both men and women reporting incompatibility. However, it is interesting to note that women report lower proportions of incompatibility in any of the situations described.

Table 6. Lack of compatibility of working hours with family and other commitments by type of schedule.

Schedule	%		
	Men	Women	All
Daytime only	20	14	17
Evenings and/or nights	37	28	33
Varies own start and finish times	26	17	22
Fixes own start and finish times	14	9	12
Start and finish times fixed by employer	17	16	16
Start and finish times varied by employer	42	27	36
Does not work shifts	19	13	16
Works shifts	34	27	31
Same number of days each week	18	14	16
Variable number of days each week	33	23	29
No Saturdays	12	9	10
Regular Saturdays	35	25	31
No Sundays	16	12	14
Regular Sundays	45	30	39
Total	22	16	19

Source: European Foundation for the Improvement of Living and Working Conditions, Gender, jobs and working conditions in the European Union, report written by Colette Fagan and Brendan Burchell, 2002, p.65

With respect to the new MS, there has not been a gender analysis made yet of this same survey as thorough as the one referenced here to make a comparison. However, the main report analysing the results from the survey applied in new MS gives some interesting information³⁸. Although compatibility of working life with other commitments also showed a high percentage of workers in this situation, the percentage was less than the one obtained for EU15 (71% compared to 81%). Women in the new MS tend to be slightly less satisfied with their working hours and compatibility with other commitments than men. Women in the 25-39 year are the most dissatisfied (75%).

The report further explains that: "When family situations are considered, some groups are less satisfied with their working hours: the separated (42%), those unmarried and

³⁸ European Foundation for the Improvement of Living and Working Conditions, *Working conditions in the acceding and candidate countries*, report written by Pascal Paoli and Agnès Parent-Thirion 2003, p.59.

living with a partner (28%), the remarried (29%) and divorced (26%). In addition, the presence of children under 15, an elderly dependant or disabled person makes achieving a work-life balance more difficult: 20% of unsatisfied responses came from childless homes, 28% from homes with three children and 23-24% in the case of a dependant relative at home or a disabled person. Finally, when both parents contribute equally to the household income, satisfaction with working hours is below average (25% not satisfied).” (p.58) These results are particularly relevant taking into account longer hours are worked by both women and men in the EU10+2 countries and that the burden of the household is as unequally shared as in EU15 countries, albeit under different patterns as will be analysed below.

To end this section and chapter, the following tables (7 thru 10) have been prepared showing EU15 and the EU10+2 countries in relation to the frequency in the involvement in various family and community activities related to different categories of working time disaggregated by sex. The same working time grouping as used in the study referred to above was used for comparability.

Table 7. Involvement in community, household and other activities by working time for women, EU15, 2000 (percentages)

VOLUNTARY OR CHARITABLE ACTIVITY							
	Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never	Total
<20	1,62	0,73	10,16	7,77	13,96	65,76	100
20<30	1,00	1,07	6,98	10,88	13,06	67,01	100
30<35	0,58	0,97	6,72	8,76	15,53	67,43	100
35<40	1,09	0,51	4,16	7,72	14,84	71,67	100
40<48	0,70	0,91	4,96	8,47	15,55	69,41	100
48+	2,38	0,37	4,84	8,65	16,78	66,98	100
POLITICAL/TRADE UNION ACTIVITY							
<20	0,00	0,25	0,80	1,77	1,61	95,57	100
20<30	0,12	0,22	0,55	2,06	3,71	93,33	100
30<35	0,31	0,13	0,68	2,47	4,06	92,35	100
35<40	0,24	0,14	1,25	3,28	4,70	90,39	100
40<48	0,24	0,17	0,92	2,60	5,12	90,96	100
48+	0,16	0,05	0,81	3,39	6,08	89,51	100
CARING FOR AND EDUCATING YOUR CHILDREN							
<20	53,32	2,91	3,00	0,88	0,96	38,93	100
20<30	59,21	3,22	2,85	1,26	0,57	32,89	100
30<35	50,33	6,29	2,72	2,06	1,19	37,40	100
35<40	45,23	3,61	2,80	2,01	0,74	45,60	100
40<48	41,59	5,46	2,72	1,88	1,17	47,18	100
48+	43,12	5,34	4,56	1,78	0,99	44,22	100
COOKING							
<20	66,93	16,39	8,19	2,51	1,57	4,42	100
20<30	73,22	15,25	6,78	1,83	0,69	2,22	100
30<35	65,77	21,45	7,43	1,46	0,81	3,09	100
35<40	61,20	22,29	9,61	2,73	0,82	3,35	100
40<48	58,99	20,71	11,40	3,78	0,77	4,34	100
48+	64,47	17,16	9,59	2,68	0,62	5,48	100
HOUSEWORK							
<20	68,09	13,09	12,28	2,82	0,32	3,41	100
20<30	73,83	13,13	9,59	1,09	0,52	1,84	100
30<35	65,47	17,72	11,40	2,84	0,53	2,04	100
35<40	57,21	19,45	17,89	2,90	0,31	2,24	100
40<48	58,17	18,69	16,82	2,81	0,62	2,89	100
48+	64,11	15,62	14,16	2,03	0,42	3,66	100
CARING FOR ELDERLY/DISABLED RELATIVES							
<20	6,25	2,37	8,98	6,00	4,36	72,05	100
20<30	5,92	1,57	7,59	5,43	3,08	76,41	100
30<35	4,99	2,27	7,31	7,16	6,13	72,15	100
35<40	4,30	2,17	7,44	7,05	4,58	74,47	100
40<48	4,86	2,49	6,69	6,70	6,21	73,04	100
48+	6,18	2,53	5,15	5,46	4,65	76,03	100

Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors

Table 8. Involvement in community, household and other activities by working time for men, EU15, 2000 (percentages)

VOLUNTARY OR CHARITABLE ACTIVITY							
	Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never	Total
<20	1,87	0,62	6,24	8,16	12,31	70,81	100
20<30	2,29	0,76	8,61	12,65	11,06	64,64	100
30<35	1,21	1,48	4,59	9,02	15,81	67,88	100
35<40	1,54	1,12	6,90	7,32	11,57	71,55	100
40<48	0,99	0,97	5,77	7,82	12,32	72,13	100
48+	1,32	0,90	4,78	7,68	13,18	72,15	100
POLITICAL/TRADE UNION ACTIVITY							
<20	0,47	0,48	0,54	2,53	4,14	91,84	100
20<30	1,20	1,04	1,94	4,22	6,06	85,54	100
30<35	0,31	0,55	1,40	4,00	7,76	85,97	100
35<40	0,69	0,35	1,92	3,69	6,56	86,80	100
40<48	0,63	0,28	1,44	4,33	6,32	87,00	100
48+	0,86	0,22	1,41	3,65	6,39	87,47	100
CARING FOR AND EDUCATING YOUR CHILDREN							
<20	20,13	3,67	3,44	1,47	1,29	70,00	100
20<30	27,66	3,59	8,94	2,66	1,26	55,88	100
30<35	23,11	7,55	6,90	4,07	1,54	56,84	100
35<40	32,88	9,47	6,74	2,59	0,90	47,40	100
40<48	28,51	9,43	7,99	3,19	1,29	49,58	100
48+	25,50	12,29	9,33	3,52	1,29	48,07	100
COOKING							
<20	18,45	19,32	16,37	10,93	6,86	28,08	100
20<30	19,09	17,44	21,45	10,92	3,03	28,08	100
30<35	16,45	13,69	15,06	10,34	5,85	38,60	100
35<40	15,86	17,12	21,77	11,76	6,54	26,94	100
40<48	14,54	13,32	21,59	11,34	7,07	32,14	100
48+	12,88	12,16	17,69	10,71	6,88	39,67	100
HOUSEWORK							
<20	14,75	15,09	23,24	10,74	3,70	32,48	100
20<30	15,80	17,51	27,64	10,15	2,51	26,39	100
30<35	17,93	11,18	19,40	11,51	5,16	34,82	100
35<40	14,41	15,94	30,13	11,70	4,75	23,08	100
40<48	12,66	12,64	24,91	11,47	5,94	32,38	100
48+	10,75	9,93	19,68	11,83	6,44	41,37	100
CARING FOR ELDERLY/DISABLED RELATIVES							
<20	0,99	1,98	2,94	4,98	4,27	84,83	100
20<30	3,26	1,14	6,06	7,08	4,40	78,07	100
30<35	2,87	1,94	4,35	5,16	5,75	79,93	100
35<40	1,61	1,29	4,64	4,98	3,59	83,89	100
40<48	1,60	1,20	4,40	4,31	4,46	84,02	100
48+	1,85	1,19	3,29	5,35	3,87	84,45	100

Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors

Table 9. Involvement in community, household and other activities by working time for women, EU10+2001, 2000 (percentages)

VOLUNTARY OR CHARITABLE ACTIVITY							
	Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never	Total
<20	2,41	0,62	3,58	9,62	17,96	65,80	100
20<30	0,02	0,18	7,39	11,18	24,90	56,33	100
30<35	0,69	0,44	2,59	7,16	17,76	71,36	100
35<40	1,49	0,35	1,36	5,86	15,45	75,50	100
40<48	0,84	0,37	1,95	3,79	16,48	76,56	100
48+	0,34	0,45	2,04	5,31	14,93	76,92	100
POLITICAL/TRADE UNION ACTIVITY							
<20	1,28	0,96	0,10	3,55	4,99	89,11	100
20<30	0,70	0,00	0,94	1,43	5,79	91,15	100
30<35	0,96	0,13	0,56	2,24	4,06	92,04	100
35<40	0,03	4,52	0,14	2,94	3,86	88,52	100
40<48	0,40	0,15	0,27	3,11	4,98	91,09	100
48+	0,22	0,81	1,16	2,23	3,01	92,57	100
CARING FOR AND EDUCATING YOUR CHILDREN							
<20	49,29	8,35	4,03	0,48	3,46	34,40	100
20<30	48,88	8,60	4,66	2,73	1,76	33,37	100
30<35	39,10	7,47	9,54	0,71	1,37	41,81	100
35<40	50,57	8,26	10,34	1,02	0,52	29,29	100
40<48	48,27	8,88	5,79	3,80	1,19	32,07	100
48+	47,03	10,83	8,60	5,25	1,07	27,22	100
COOKING							
<20	59,29	10,15	12,30	5,28	1,04	11,95	
20<30	58,78	12,35	15,97	5,18	0,22	7,51	100
30<35	42,69	21,53	22,59	1,27	2,54	9,39	100
35<40	53,07	17,03	15,70	3,26	1,45	9,49	100
40<48	56,63	19,48	9,06	3,91	1,85	9,07	100
48+	40,16	13,23	14,00	6,62	2,63	23,35	100
HOUSEWORK							
<20	69,53	12,69	12,34	4,27	0,00	1,17	100
20<30	66,55	17,15	12,72	1,99	0,06	1,53	100
30<35	65,40	15,96	14,01	3,83	0,00	0,80	100
35<40	67,89	17,73	10,77	3,40	0,10	0,11	100
40<48	67,31	19,14	9,61	1,43	0,16	2,36	100
48+	57,21	15,53	17,25	3,50	0,46	6,04	100
CARING FOR ELDERLY/DISABLED RELATIVES							
<20	6,49	5,18	8,36	11,07	1,77	67,12	100
20<30	12,61	4,39	7,21	5,96	2,66	67,17	100
30<35	5,90	1,79	5,80	4,96	3,03	78,52	100
35<40	15,26	4,86	4,39	3,75	2,38	69,37	100
40<48	10,12	3,29	6,05	4,97	5,47	70,09	100
48+	12,08	3,46	6,30	6,51	3,60	68,04	100

Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors

Table 10. Involvement in community, household and other activities by working time for men, EU10+2001, 2000 (percentages)

VOLUNTARY OR CHARITABLE ACTIVITY							
	Everyday for 1 hour or more	Everyday or every second day for less than one hour	Once or twice a week	Once or twice a month	One or twice a year	Never	Total
<20	2,11	3,28	0,08	8,21	17,14	69,17	100
20<30	2,46	0,00	2,10	4,34	28,87	62,23	100
30<35	0,21	0,57	3,85	1,59	9,54	84,23	100
35<40	1,56	0,59	4,53	3,54	15,10	74,68	100
40<48	0,74	0,46	1,70	4,27	15,30	77,53	100
48+	0,35	0,33	1,36	7,99	18,21	71,76	100
POLITICAL/TRADE UNION ACTIVITY							
<20	0,00	0,13	0,84	2,10	4,26	92,66	100
20<30	0,03	0,00	0,82	2,04	8,49	88,63	100
30<35	6,54	0,57	0,21	4,24	2,73	85,71	100
35<40	0,42	0,02	0,40	4,67	6,22	88,28	100
40<48	0,33	0,06	1,51	4,74	5,32	88,04	100
48+	0,03	0,69	0,63	3,75	6,46	88,43	100
CARING FOR AND EDUCATING YOUR CHILDREN							
<20	34,06	16,04	10,10	3,09	1,96	34,75	100
20<30	49,95	15,56	1,81	1,95	0,00	30,74	100
30<35	34,54	19,51	6,28	0,74	0,46	38,48	100
35<40	43,14	11,07	7,06	3,10	1,65	33,98	100
40<48	38,27	11,24	10,32	4,01	1,32	34,83	100
48+	32,11	10,04	12,14	6,53	1,05	38,12	100
COOKING							
<20	43,64	8,95	9,16	14,15	1,29	22,82	100
20<30	50,51	14,86	20,47	4,21	1,05	8,91	100
30<35	35,10	5,76	13,23	6,74	14,89	24,29	100
35<40	41,11	5,82	18,97	9,20	4,93	19,98	100
40<48	27,36	9,18	19,60	13,30	5,34	25,22	100
48+	24,71	8,50	14,56	13,80	5,52	32,91	100
HOUSEWORK							
<20	40,60	22,04	21,07	5,87	2,26	8,15	100
20<30	54,29	17,96	18,65	5,35	1,56	2,20	100
30<35	35,89	10,51	30,83	9,79	1,41	11,57	100
35<40	37,69	19,02	19,86	10,34	4,48	8,60	100
40<48	33,05	15,67	24,64	11,38	3,03	12,23	100
48+	31,10	12,05	17,57	13,11	4,41	21,77	100
CARING FOR ELDERLY/DISABLED RELATIVES							
<20	11,79	6,49	6,60	5,63	6,90	62,59	100
20<30	8,82	4,02	8,04	5,32	1,94	71,86	100
30<35	1,91	0,50	13,74	2,91	0,54	80,39	100
35<40	2,28	2,65	4,22	2,66	2,88	85,31	100
40<48	6,03	3,03	5,13	5,48	2,86	77,46	100
48+	7,15	4,83	5,48	4,08	3,88	74,58	100

Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors

The main message from the analysis of these tables is that in most cases community time and family time are affected in the case of those who work more than 48 hours per week. The absence of men from these activities (higher proportion answering Never) is higher in most cases except for political or union activity, where women have less activity and is already a worrying result, independently of the hours worked. It is important to keep in mind at all times that the difference in actual hours worked in EU15 are much larger than in EU10+2 and that in general hours are longer in the latter. Also, those working fewer hours (less than 10 or less than 20) in the case of men are very likely to be very young or very old, while in the case of women the incidence among all age groups is higher.

Women are more likely than men to participate in charitable activities and less likely to engage in political or trade union activity. Those who work over 48 hours are actually slightly more likely to engage in union or political activities, except in the case of women in EU10+2 who are slightly less likely to do so.

Because the entire working population is included in the tables and no distinction is made between those who have children and those who do not, nor between those who have children and cohabit with them and those who do not, the results in the care and education of children category must be interpreted carefully. As expected (in comparison with the results shown in Table 3 in Chapter 1) the proportion of persons caring or educating their children at different time intervals is lower when the entire population is considered (and rises for those who answer Never). Those working the longest hours do seem to carry out this task in lower proportions than those who work 35 to 40 hours (and are more likely to be in family formation period).

As far as household chores are concerned, like cooking and housework men across EU25+2 are less likely to engage in these chores than women, but men in EU15 less so than men in EU10+2. In other words, men in EU10+2 seem to engage in these activities in a larger proportion than men in EU15. Also, men in the EU10+2 countries seem to engage in this type of activities more on an everyday basis than their EU15 counterparts. Those working the longest hours, men or women in both groups of MS, spend less time on these chores.

Finally, the caring for elderly or disabled relatives engages, in different degrees, around 20% to 30% of the working population across EU25+2. (as compared to 70% engaged in child education and care). It is an activity, however, which is carried out often as in the case of child education and care (every day, every other day or once or twice a week), except in the case of men in EU15 who carry out this activity more sporadically (once or twice a month or a year). Those who work the longest hours are less likely to engage in this activity in EU15. In EU10+2 this is not always the case when comparing to those who work less hours, there is quite a bit of variation both in the frequency in which the task is carried out and in the relation to the time available to carry it out. More investigation would need to be carried out as no clear pattern emerges.

The analysis of the surveys on Quality of life conducted by the European Foundation for the Improvement of Living and Working Conditions (Krieger, 2004) reveal that returning tired from work, rather than the time spent at work, was the reason why a higher proportion of persons had difficulties in fulfilling their family responsibilities. However, when the number of hours is used to measure difficulties in fulfilling family responsibilities, and in particular for those with children under the age of 3, the results are very conclusive. Those working over 48 hours report twice the number of people having difficulties reconciling work and family life than those who work less hours.

In Annex II a series of tables are included which reflect the involvement in training (outside work hours), sports, cultural and leisure activities (Tables AIII.1 thru AIII.4). The engagement in these activities can have a direct impact on increasing both individual and social welfare. The main conclusions from those tables are: that most of the activities are of a more sporadic nature, except for leisure activities which engage high proportions of men in EU15 on an every day basis for more than one hour, but that are affected negatively by longer hours; and that women are more likely to engage in training and cultural activities and that men are more likely to do so in sports and leisure. Longer hours on the whole do seem to curtail the engagement in these activities with a few rare exceptions, and again, some variety across frequency and time availability that deserves a more detailed investigation. Those who work longer hours, for example, might be more likely to carry out these activities in a more sporadic way than those who work less hours.

CHAPTER III. ANALYSIS OF THE OPT-OUT ARTICLE AND REALITY OF THE MEMBER STATES

“Laws that continue to consider working time as an objective reference, as a given in the system of working relations, will be rendered wholly ineffective by this move towards individualisation and heterogeneisation of time.

Moreover, a laissez-faire policy may endanger the continuity of the most elementary rules for the protection of workers and contribute to further weaken social bonds. To overcome this dilemma, time must be envisaged not only as working time, as a measure of the exchange of work for a salary, but also as a subjective experience, that is to say, as time in workers = lives”.(European Commission, Supiot report, p.63)

Introduction

Opt-Out (Article 22 of Directive 2003/88/EC): This chapter will deal with the fact that an increasing number of EU Member States (MS) opt-out of the application of Article 6 of the Working time Directive. The analysis will aim to shed light on the following points:

- Does this create an environment in which working long hours is increasingly common?
- How does this affect New MS?
- What comparison can be made between both Old and New MS who have opted out and those who have not?

In order to explore the answers to these questions, an analysis of the official reactions to the proposed are analysed first, followed by some data analysis which reconsiders some of the issues already explained in detail in Chapter II about flexibilisation and new working organisation patterns and introduces some additional data on hours by sector and occupation.

III.1 Official reactions to the proposed reforms

In the first place, official reactions to the changes in the opt-out are analysed. The Commission Document in which an evaluation of the impact of the modification to the directive³⁹ is made, already gives important information on the position of governments and of social partners. For the sake of simplifying the information found in that document, Table 11 summarizes the answers of MS as well as of employer and employee associations.

It is important to note that there is no unanimity across all the changes proposed. The only more or less unanimous positive answer comes from the extension of the reference period, although there are also some dissenting voices. There are various suggestions for the “on-call” definition and that in several cases it is linked with the opt-out option. In the case of Sweden it is not possible to understand one without the other. In general, both MS who are for and who are against the opt-out (except for the UK) claim health and safety as the major reason why it should be done away with altogether or restriction on its use be made clearer.

As to the reference to reconciliation of work and family life in the directive itself, most of the countries who answered the questionnaire did not include any comments on this issue. Those that do refer to this issue are overwhelmingly against the inclusion and see it as a separate issue that should be dealt with by other means or legislation. The notable exception is Austria.

³⁹ SEC (2004) 1154 Document de Travail des Services. Proposition de directive modifiant la directive 2003/88/CE du Parlement européen et du Conseil du 4 novembre 2003 concernant certain aspects de l'aménagement du temps de travail ***Evaluation d'impact approfondie*** {COM(2004)607 final}

Table 11. Summary of country answers to European Commission questionnaire on the reforms to the working time directive.				
COUNTRY	POSITION ON THE CHANGE IN THE REFERENCE PERIOD	POSITION ON THE CHANGE OF "ON-CALL" DEFINITION	POSITION ON THE OPT-OUT	POSITION ON WORK-LIFE BALANCE
Austria	The proposal of a one year reference period defined by legislation would be acceptable.	Should be regarded as working time (in line with the court decisions) but the maximum weekly working time of 48 hours should be extended in case of on call (the maximum should be precisely defined). The advantage of such a solution would be that on call duty could not be regarded as rest period.	Will use it for the health sector if a solution [on "on-call" time] is not satisfactory for Austria. In principle the opt-out should be kept but accompanied by an improved mechanism of protection of employees' health. It should only be used as an exceptional case.	Support for its inclusion.
Czech Republic	Directive should be reviewed in order to allow the extension of the reference period up to one year by law or collective agreement.	The definition of working time should be reviewed in as much that working time shall mean any period in which an employee is engaged in work for his employer	In favour of preserving the opt-out (with the existing guarantees) even though it does not intend to use it	
Denmark	It would be useful to allow for a legislative possibility to prolong the reference period up till 12 months.	Suggests amending the working time definition by introducing a new time concept ("inactive time") and permitting a postponing of compensatory rest within 72 hours.	Add explicit conditions for the use of the opt-out: in writing, separate from the employment contract, limited in time. It would be useful to link an opt-out agreement to the conclusion of a collective agreement.	
Finland		Based on the court cases on "on-call" (SIMAP/Jaeger), the effects for the hospital and other sectors (metal, private security etc.) would be very large. It would take at least six years for Finland to be able to conform to the court cases not to talk about the costs	The opt-out is not used in Finland and should be removed.	
France	The current provision on the reference period gives enough flexibility, provided that the French system of "equivalences" is not put at risk	Demands the possibility to exclude, at least partially, the inactive part on on-call time from the definition of working time and further flexibility concerning compensatory rest.	Suppression of the opt-out, provided some flexibility is given concerning the inactive part of on-call time	
Germany	Germany also argues that the current reference period should be extended.	Case law on SIMAP and Jaeger cases is a problem not only for the health sector but for all industries and services where on-call time is a necessity. Solutions to this problem should quickly be found on a European scale	Believes that the individual opt-out should be maintained, but measures should be taken to avoid abuse.	It is outside the scope of the WTD.
Hungary	Hungary considers that the extension of the reference period to 12 months by law will withdraw a key bargaining item from social partners and encourages the Commission to come with a more sophisticated amendment	Reconsideration of the Directive in the light of the case law. To comply with the ECJ interpretation is impossible in practice, at least in the foreseeable future.	Fully individual agreement does not seem to provide the necessary level of protection to employees. The individual opt-out should be based on specific national legislation or collective agreement.	It seems artificial to connect the balance work/family with the WTD.
Ireland	Open to extend the reference periods up to 12 months.	Explicit provision making it clear that on-call time, when the employee is not performing duties (inactive time) should not count as "working time". Furthermore, compensatory rest should be granted within a reasonable period of time	In the event of some sort of opt-out being retained, it is essential to have appropriate safeguards.	

Netherlands	NL is in favour of extending the reference period by law up to 12 months.	Possibility to determine by law or administrative measure, by collective agreement or by agreement between the social partners, in how far the inactive time during on call duties would have to be included in the calculation for the maximum working time. In this way the specific circumstances of a sector of profession can be taken into account.	NL does not have a position on the opt-out as it is of the opinion on the one hand that it is a free choice of employees. On the other hand it feels that too long hours are damaging to employee's health in the long term and that the opt-out disposes of this protection without limitations.	
Sweden		Possibility to opt-out should be removed. An individual worker has a weak position compared to an employer. There is a big risk that individuals are forced to agree to such clauses, which is very unfortunate especially as they concern protection for health. That more countries after Jaeger/SIMAP use this possibility is worrying. If the problems with on-call working time are solved, the need for the opt-out is gone. There is also a risk that the new MS will use the opt-out.		
United Kingdom	The UK would welcome the possibility to extend the reference period up to one year by law.	The UK demands a modification of the Directive on the definition of working time. The UK identified several possible amendments: create derogation as to the treatment of on-call time, create a new category of inactive time and amend the definition in order to make it clear that inactive parts should not be included in the definition of "working time". According to the UK, the Directive should also make clear that compensatory rest should be taken within a reasonable period.	The UK believes the opt-out should be maintained. The UK envisages changes either to national law and practices or to the Directive itself. The UK suggests some changes to the wording of the provision: agreement in writing, not with the employment contract, time limited, including the right to withdraw consent. The UK also suggests that the opt-out be agreed collectively, as well as individually.	Working Time Directive is not a suitable vehicle for this kind of measures.
Slovakia	Slovakia advocates the possibility to extend the reference period up to one year by law for certain sectors.	New definition of working time that would allow the provision of healthcare services and for the possibility to take compensatory rest within a reasonable period.	Wants the opt-out to be maintained	

Employer organisations	The employers to the national level share the opinions expressed by the social partners at community level very extensively. The demand to grant to the MS the possibility to fix by law a period of one year reference is quasi-unanimous.	With regard to the definition of the work time following the SIMAP/Jaeger jurisprudence, the contributions of the side of the employers are generally pronounced for the possibility to treat way differentiated the "inactive periods" of the work time.	The employers' organizations generally ask for the opt-out to be maintained , in any of its options: strictly individual, combining the individual and collective agreement or strictly by collective agreement. However, some of the national organizations ask the abolition of the present disposition or, at least, its replacement by a more precise disposition, imposing the collection and register of the data on health and security of the workers having chosen to work more than 48 hours..	With regard to compatibility between professional life and domestic life, the organization representing the workers generally sustains this objective, but don't wish that is widened the field of application of the guideline to matters outside of the protection of health and the security of the workers.
Trade Unions	There is unanimity in keeping the present provision. They argue that at present this reference period can be elongated to one year under collective agreements.	On the definition of the work time and the effects of the SIMAP/Jaeger jurisprudence, there is much opposition of the representatives of the physicians essentially (CPME and PWG, notably) to all modification of the guideline that would change the qualification of the time on duty, on duty with physical presence on the workplace and availability.	As for the opt-out, the union organizations reject its maintenance unanimously . The British union organizations, notably, submitted opinion very documented, aiming to show the abuses of this disposition and the negative effects on health and the security of the workers	Support for accountability mechanism in the directive on reconciliation of professional and domestic life. They attract attention to the negative effects to reconciliation by some of the reforms of the directive (notably the article 17.1 and the opt-out article)
<p>Source: SEC (2004) 1154 Document de Travail des Services. Proposition de directive modifiant la directive 2003/88/CE du Parlement européen et du Conseil du 4 novembre 2003 concernant certain aspects de l'aménagement du temps de travail Evaluation d'impact approfondie {COM(2004)607 final}. Prepared by report authors.</p>				

As to the answers by the EU wide and national social partners whose views are also summarised in the last two rows of Table 3, here it is also found that unanimity does not exist in favour of the opt-out as some national employer associations are also in favour of eliminating it or making more precise definitions for the recollection and monitoring of those who choose to apply it.

Unfortunately, although other civil society groups were also consulted, there is no information on the main conclusions from their answers to this particular questionnaire⁴⁰. By far, the most intense debate about the working time directive has been in the United Kingdom, followed by Germany and France (based on a scan of references in the various countries).

In addition, France, Germany, Netherlands, Spain and Luxembourg are preparing or have passed legislation to make restricted use of the opt-out in certain sectors, particularly in the health sector but have applied the opt-out already to sectors such as hotels and catering. In France the derogation of the Aubry Law is also now being debated. Cyprus and Malta, have immediately implemented the opt-out on a sector-wide basis when joining the Union. Slovenia applied the opt-out only to doctors. Estonia Hungary, Latvia and Lithuania have introduced changes in their laws for the health sector, in the aftermath of the SIMAP/Jaeger cases. Below some reactions to this are commented as well as developments in other countries, in particular in new MS.

It is very important to note that in the new MS in some of the debates that have been sparked by the introduction of the directive have centred more on wages than on

⁴⁰ It is quite striking, in any case, that the highest volume of answers received to the consultation questionnaire came from the UK (73 of the 161 or 45%). It is also important to note that only 15 of the 25 MS participated in some capacity, and that of these, six country governments did not give an answer. In three cases there is only one answer (from either employer organisation, employee organisation, and government).

working time. The issue of income has been addressed several times throughout this report. It is a central piece of understanding the rejection or acceptance by employees, whether unionised or not. In the case of the new MS, the very low wages of such professionals as doctors working in public and/or soon to be privatised health sectors is being debated much more than the issue of working time (some of the various on-line reports of the European Industrial Relations Observatory⁴¹, EIRO, are reviewed below)

The following data analysis aims to shed some light on the objective reasons why old and new MS might apply the opt out more extensively and also focuses on the situation of women. Also in the final section other reports and recent reactions and developments are summarised.

In connection with the preceding chapters, special attention will be given to the hours worked by women and men in different sectors, occupations and full-time/part-time jobs, since existing segregation patterns can give an idea of the impact that the changes in the opt-out can have in gender terms. Here the issue of part-time but also of how part time is used is of central importance. In chapters 2 and 3 the analysis already pointed out to the risks that part time can involve as it is more likely to be accompanied by higher atypical or unsociable time schedules.

Also, in order to provide some basis for answering the questions on the extent to which new and old MS will apply the opt out, a comparative analysis of some basic structural issues becomes necessary within the limits set by the nature of the present report.

The first thing to take into account when looking at the numbers presented below is the wide differences between MS in terms of economic sectors, wage setting mechanisms (in particular collective agreements that also include working time), labour market

⁴¹ www.eiro.eurofound.eu.int

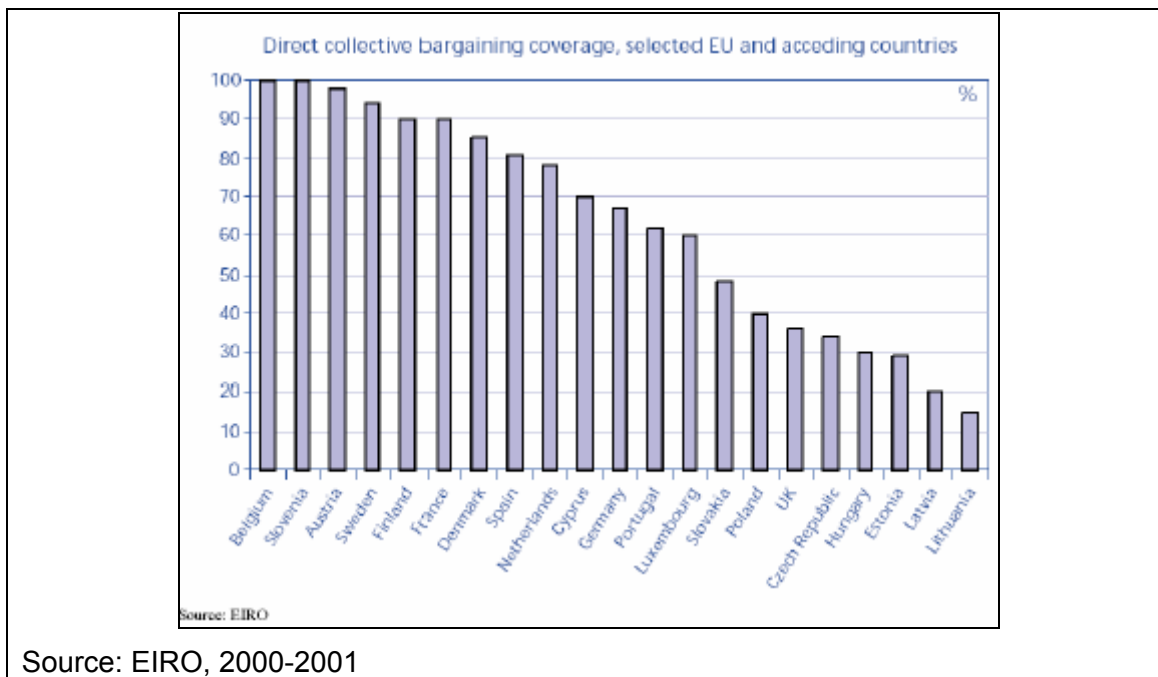
institutions, and even management styles. In the second place, the analysis of the countries that have, so far, been made in this report points to **two main differences between old and new MS: Higher proportions of people in new MS work longer hours and women in new MS work much longer hours than their counterparts in EU15. There are also differences in the engagement of men in unpaid house and care work.**

III.2 Analysis of the elements that can explain the likely use of the opt-out in MS

III.2.1 Collective bargaining coverage, labour inspection and the opt-out

The following graph (Graph 10) shows the level of direct collective bargaining coverage for EU25 for a selection of 20 MS. Clearly the new MS have less coverage than the EU15 except for the case of Slovenia and Cyprus. The United Kingdom is the only EU15 country which has a similar coverage to the majority of new MS reflected in the graph. This situation already points to the difficulties that new MS can have in transposing and implementing the directive, in addition to the longer hours which are already recorded there. However, not all of these MS have the same arguments as the United Kingdom, in particular employers, and also of small and medium enterprises who claim that the new restrictions put on the application of the opt-out will result cumbersome.

Graph 10. Direct collective bargaining in EU countries.



Source: EIRO, 2000-2001

With respect to the coverage of women, Table 12 presents the situation in a recent year (2001). Although in some countries, like Spain, the same coverage is reported, it is interesting to note that the majority of those who are covered by employee category are blue collar, where there is a much higher presence of men, compared to the white collar workers where women have a higher presence. In any case, women's presence in government jobs, which have a high union density, probably explains this result. In all the other countries the proportions of coverage between men and women and blue and white collar workers are pretty similar. However, in the case of Norway, the fact that only private sector is considered in the first two columns might also explain the differences with the last two.

Country	Coverage rate (unadjusted) (%)			
	Employee Categories			
	Men	Women	Blue-collar	White collar
Hungary	28	35	30	33
Luxembourg	52	48	51	49
Netherlands	77(a)	80(a)	Not applicable	

Norway	69(b)	84(b)	78	76
Slovakia	46	50	51	46
Slovenia	100	100	100	100
Spain	68	68	92	38
Great Britain	35	37	34	36
Source: EIRO, 2002, Collective bargaining coverage and extension procedures. Comparative study (a) Private sector only; (b) = 1998				

A second consideration to make will be the strength of the labour inspection services that will be monitoring implementation. Here there is very little, and not readily available data that can be offered. However, in the debate in the UK, there seems to point to gaps and obstacles in the work that inspectors can face in monitoring the implementation of the directive in the terms that each MS finally chooses to introduce.

III.1.2 Occupation, sectorial and time segregation

The following information is drawn from the analysis by the European Foundation of Living and Working Conditions based on the Third Working Conditions Survey (2000 and 2001) which allows the comparison of EU15 and EU10+2 countries.

In Tables 13 thru 16 the occupational and sectorial structures of EU15 and EU10 countries are shown. In the same way that very distinct differences were shown in terms of hours, here the different occupational and sectorial structures will also determine to a large extent the challenges that different MS will face taking the information as a synthetic indicator (although highly inadequate) of working conditions, size of enterprises and the hours worked.

From the analysis and information presented in previous chapters, the occupations that are more likely to have an “over-representation” of persons working long hours are in the managerial and highly skilled blue collar workers. In our case this would be the first column and the 6th and 7th columns in Tables 13 and 14. On the other hand, women

concentrated as service workers and also clerks, technicians and professionals, can be highly affected by part-time work (columns 4,3 and 2, respectively, in Tables 13 and 14). The largest proportion of men in both EU10+2 and EU15 are, in this case concentrated in the craft and related workers category. It is important to keep in mind that except for a few occupations and industries, the majority of workers are employed in smaller firms (38% and 44% respectively in EU15 and EU10+2 in firms with less than 10 workers and 33% and 35% respectively in EU15 and EU10+2 in firms between 10 and 99 workers).

Table 13. Occupational structure in EU10+2 and EU15 member states, women, 2000 and 2001 (percentages)												
Country	Legislators and senior officials and managers	Professionals	Technicians and associate professionals	Clerks	Service workers and shop and market sales workers	Skilled agricultural and fishery workers	Craft and related trades workers	Plant and machine operators and assemblers	Elementary occupations	Armed forces	Not stated	Total
EU10+2 countries												
Bulgaria	3,61	18,19	12,54	12,20	14,82	4,64	13,62	7,59	11,85	0,94	0,00	100
Cyprus	1,62	17,69	8,89	25,84	22,55	2,82	4,92	1,52	14,15	0,00	0,00	100
Estonia	10,62	18,62	16,28	8,46	15,89	3,46	10,13	3,65	12,58	0,12	0,20	100
Lithuania	5,80	18,76	11,01	8,02	15,31	12,69	13,08	2,03	13,28	0,03	0,00	100
Latvia	8,92	14,55	18,22	7,57	20,81	6,80	7,10	1,78	14,26	0,00	0,00	100
Hungary	5,44	14,60	16,65	15,45	16,46	2,04	14,85	2,31	10,56	1,64	0,00	100
Malta	2,42	11,33	15,54	19,21	23,82		2,16	21,78	2,99	0,75	0,00	100
Poland	3,09	12,74	20,50	12,97	14,51	17,67	6,95	1,56	9,93	0,09	0,00	100
Romania	6,42	13,38	5,58	4,47	9,13	13,25	26,06	9,55	8,77	3,39	0,00	100
Slovenia	6,69	20,75	15,85	15,42	16,29	1,18	9,72	2,96	11,13	0,00	0,00	100
Slovakia	3,67	13,15	23,93	10,86	18,77	0,91	13,36	2,94	12,40	0,00	0,00	100
Czech Repub	3,75	3,74	20,81	28,26	21,28	1,44	7,53	1,17	11,81	0,00	0,22	100
EU15 countries												
Belgium	9,05	25,41	11,49	22,75	15,94	0,61	3,61	2,31	8,83	0,00	0,00	100
Denmark	5,35	13,48	25,29	16,93	21,30	1,45	2,72	3,42	10,06	0,00	0,00	100
Germany	3,46	10,05	26,31	20,66	19,78	1,42	4,64	2,92	10,72	0,04	0,00	100
Greece	11,52	17,12	3,23	17,63	14,12	21,42	5,99	0,69	8,01	0,25	0,00	100
Spain	1,68	18,10	11,66	20,15	23,55	2,87	8,49	3,01	10,49	0,00	0,00	100
France	6,60	14,47	14,38	19,06	13,22	4,08	7,95	3,01	17,23	0,00	0,00	100
Ireland	7,65	10,08	17,91	25,06	19,22	2,67	3,30	4,47	9,63	0,00	0,00	100
Italy	7,28	21,67	3,53	24,30	24,63	2,32	2,12	8,61	5,55	0,00	0,00	100
Luxembourg	5,52	25,90	10,73	19,96	13,60	4,07	2,50	0,00	17,73	0,00	0,00	100
Netherlands	10,56	20,14	16,63	18,30	20,34	0,11	1,21	2,54	9,77	0,39	0,00	100
Portugal	6,75	7,32	7,18	16,24	18,78	7,77	10,46	8,93	16,51	0,07	0,00	100
Kingdom	10,99	18,79	6,80	27,29	24,17	0,00	1,92	2,15	7,90	0,00	0,00	100
Austria	5,51	15,29	23,07	17,15	16,17	5,96	3,49	3,17	10,20	0,00	0,00	100
Sweden	3,34	17,74	22,03	14,89	27,10	1,90	1,78	3,43	7,81	0,00	0,00	100
Finland	6,23	7,71	16,29	20,94	23,00	6,01	4,60	4,41	10,81	0,00	0,00	100
Source: Third European Survey on Working Conditions, 2000 and 2001. Extraction and calculation of percentages by report authors												

Table 14. Occupational structure in EU10+2 and EU15 member states, men, 2000 and 2001 (percentages)												
Country	Legislators and senior officials and managers	Professionals	Technicians and associate professionals	Clerks	Service workers and shop and market sales workers	Skilled agricultural and fishery workers	Craft and related trades workers	Plant and machine operators and assemblers	Elementary occupations	Armed forces	Not stated	Total
EU10+2 countries												
Bulgaria	8,70	6,34	11,99	1,01	13,25	12,46	16,05	18,86	10,15	1,19	0,00	100
Cyprus	3,88	9,10	12,46	5,75	14,04	4,22	22,35	12,53	13,45	2,21	0,00	100
Estonia	13,63	9,30	8,27	1,48	5,89	3,67	23,32	24,89	9,41	0,14	0,00	100
Lithuania	11,59	9,17	4,38	3,20	8,27	16,62	20,79	15,99	9,82	0,15	0,00	100
Latvia	11,19	7,56	8,97	1,92	6,51	10,30	20,91	18,74	13,51	0,39	0,00	100
Hungary	8,11	9,35	10,62	3,38	11,70	4,74	26,38	19,22	5,57	0,92	0,00	100
Malta	6,22	8,84	13,48	10,23	14,51	1,75	23,12	8,65	11,68	1,53	0,00	100
Poland	8,57	9,10	6,21	2,65	7,95	17,13	26,16	14,87	6,64	0,71	0,00	100
Romania	1,90	25,42	10,07	10,92	13,59	7,78	19,45	3,08	7,80	0,00	0,00	100
Slovenia	7,97	13,20	12,23	7,29	8,41	2,81	20,73	12,11	15,07	0,19	0,00	100
Slovakia	8,41	8,24	11,97	4,47	7,89	1,78	26,27	22,65	7,97	0,33	0,00	100
Czech Repub	5,12	8,44	16,70	6,87	11,42	2,63	31,26	7,59	8,40	0,88	0,70	100
EU15 countries												
Belgium	11,16	14,79	8,64	11,22	6,62	4,12	20,43	11,38	9,79	1,85	0,00	100
Denmark	8,37	11,13	10,84	8,27	10,67	4,30	20,26	11,25	14,16	0,73	0,00	100
Germany	7,85	13,66	15,35	7,33	4,80	2,86	27,97	10,96	8,30	0,91	0,00	100
Greece	10,08	8,47	6,99	7,24	10,19	18,07	21,58	11,12	4,67	1,59	0,00	100
Spain	1,51	9,13	14,44	11,91	8,73	6,29	29,35	10,71	7,92	0,00	0,00	100
France	9,70	9,48	5,25	5,42	13,84	6,96	22,00	14,27	12,46	0,62	0,00	100
Ireland	7,56	10,84	16,63	5,71	6,42	6,50	21,83	15,67	6,52	2,34	0,00	100
Italy	9,94	14,18	3,97	6,92	12,61	11,81	20,29	9,09	11,20	0,00	0,00	100
Luxembourg	5,11	9,91	19,24	14,53	7,85	2,34	19,48	14,28	6,27	0,96	0,00	100
Netherlands	12,84	14,78	17,77	7,55	7,30	3,51	18,08	10,32	6,58	1,26	0,00	100
Portugal	8,48	6,01	12,13	6,17	10,63	14,92	28,89	5,60	5,77	1,39	0,00	100
Kingdom	18,08	12,83	10,06	7,56	7,02	2,17	20,73	12,75	8,08	0,72	0,00	100
Austria	11,33	20,53	8,43	2,53	8,78	7,78	19,76	14,42	5,31	1,13	0,00	100
Sweden	6,51	13,08	18,53	7,45	8,56	3,24	21,13	17,90	3,02	0,57	0,00	100
Finland	8,48	11,58	11,19	9,21	5,69	6,52	26,68	12,34	7,79	0,53	0,00	100
Source: Third European Survey on Working Conditions, 2000 and 2001. Extraction and calculation of percentages by report authors												

Table 15. Sectorial structure in EU10+2 and EU15 member states, women, 2000 and 2001 (percentages)

Country	Agriculture, hunting, forestry and fishing	Mining and quarrying	Manufacturing	Electricity, gas and water supply	Construction	Wholesale and retail trade repairs	Hotels and restaurants	Transportation and communication	Financial intermediation	Real estate and business activities	Public administration	Other services	Total
EU15 countries													
Bulgaria	8,17	0,96	25,55	1,08	1,42	14,08	5,49	5,19	1,53	3,64	7,45	25,43	100
Cyprus	3,25	0,00	11,59	0,00	0,00	20,84	12,05	2,36	9,10	9,30	5,98	25,54	100
Estonia	4,72	0,32	21,25	0,99	2,42	15,70	5,05	7,62	2,17	6,08	5,24	28,46	100
Lithuania	14,16	0,00	16,99	1,00	1,01	16,67	2,34	4,76	1,73	3,20	3,75	34,39	100
Latvia	10,47	0,10	14,69	1,13	1,36	20,54	3,91	7,39	1,13	4,18	8,14	26,94	100
Hungary	3,54	0,70	22,11	0,99	2,25	17,29	4,15	4,70	3,48	3,85	7,75	29,18	100
Malta	1,13	0,00	26,98	0,58	0,00	13,43	9,07	5,40	5,15	1,70	4,19	32,37	100
Poland	17,80	0,61	16,89	2,00	2,45	15,31	2,28	4,07	3,25	3,82	5,38	26,13	100
Romania	39,65	2,65	19,39	3,71	6,74	6,95	0,97	7,24	0,66	1,63	4,23	6,17	100
Slovenia	7,17	0,17	29,22	0,26	1,75	13,84	4,71	4,68	3,24	6,44	7,73	20,80	100
Slovakia	3,74	0,66	26,20	1,57	1,81	17,21	3,36	5,90	3,23	3,48	8,15	24,69	100
Czech Repub	4,45	0,47	24,02	1,19	4,22	15,14	3,70	8,35	2,60	5,21	5,90	24,75	100
EU15 countries													
Belgium	1,27		10,00	0,26	1,93	17,91	3,21	3,43	5,19	7,06	8,02	41,72	100
Denmark	1,91		14,63	0,19	1,62	10,00	4,54	4,28	3,53	7,41	7,69	44,20	100
Germany	2,52		14,66	0,43	1,43	15,97	5,20	3,67	3,55	6,46	9,01	37,10	100
Greece	19,42		10,75	0,58	0,34	18,77	7,91	2,94	3,56	5,91	3,97	25,85	100
Spain	3,60		16,04	0,21	1,06	21,72	3,15	3,33	3,72	6,04	10,52	30,61	100
France	5,13		12,93	0,42	1,10	18,93	9,25	0,90	3,56	6,51	4,48	36,79	100
Ireland	3,26		13,31	0,22	1,20	14,59	4,02	3,49	3,41	7,23	8,27	41,01	100
Italy	3,40		15,84	0,24	1,05	16,88	8,62	4,39	5,99	9,03	3,24	31,34	100
Luxembourg	4,19		3,76	0,00	1,64	16,92	4,97	3,38	11,23	1,79	11,45	40,66	100
Netherlands	1,88		8,77	0,33	1,01	21,17	3,75	3,77	3,95	10,14	5,43	39,79	100
Portugal	9,69		23,74	0,08	0,85	16,10	7,10	1,62	1,28	4,11	6,99	28,45	100
Kingdom	0,65		7,50	0,00	2,22	18,57	7,51	3,78	3,95	10,00	5,63	40,20	100
Austria	6,03		12,06	0,50	1,46	13,08	4,60	4,52	2,66	7,57	5,66	41,86	100
Sweden	2,13		9,87	0,37	1,69	13,19	3,80	4,25	2,07	7,62	7,00	48,00	100
Finland	5,97		14,41	0,54	1,96	19,34	9,52	3,69	4,51	6,48	4,18	29,40	100

Source: Third European Survey on Working Conditions, 2000 and 2001. Extraction and calculation of percentages by report authors

Table 16. Sectorial structure in EU10+2 and EU15 member states, men, 2000 and 2001 (percentages)

Country	Agriculture, hunting, forestry and fishing	Mining and quarrying	Manufacturing	Electricity, gas and water supply	Construction	Wholesale and retail trade repairs	Hotels and restaurants	Transportation and communication	Financial intermediation	Real estate and business activities	Public administration	Other services	Total
EU15 countries													
Bulgaria	17,52	1,89	21,72	2,73	9,75	13,98	4,48	9,39	0,90	3,09	6,19	8,36	100
Cyprus	6,91	0,42	13,75	1,61	16,71	16,62	7,98	8,19	3,20	3,45	10,75	10,41	100
Estonia	9,16	2,95	24,88	3,22	12,97	9,92	0,98	13,05	0,78	7,42	5,99	8,68	100
Lithuania	22,75	0,69	20,18	4,25	10,85	10,77	1,20	8,97	0,35	2,45	7,02	10,52	100
Latvia	18,18	0,24	22,14	2,99	10,44	10,33	0,88	9,58	1,34	5,48	7,42	10,98	100
Hungary	8,76	0,50	25,89	2,76	10,71	12,23	3,04	10,80	1,24	6,57	6,32	11,19	100
Malta	2,00	0,83	21,63	3,01	9,93	14,51	6,56	8,71	2,96	5,15	10,47	14,23	100
Poland	19,39	3,28	22,13	1,60	11,52	12,96	1,19	7,98	1,97	3,23	5,27	9,47	100
Romania	50,16	0,64	17,93	0,19	1,04	9,52	1,16	1,97	1,04	0,89	3,70	11,76	100
Slovenia	11,67	1,51	30,94	1,99	8,53	13,01	3,13	8,49	1,81	3,50	4,46	10,96	100
Slovakia	9,66	1,64	25,54	2,80	13,26	8,41	2,75	10,22	0,53	4,63	7,32	13,25	100
Czech Repub	5,78	2,40	30,02	2,00	13,36	11,07	3,15	7,69	1,58	6,04	7,50	9,41	100
EU15 countries													
Belgium	2,86		26,48	1,51	9,85	12,41	3,72	9,49	3,88	7,34	10,57	11,89	100
Denmark	5,20		22,67	1,31	10,94	17,35	1,36	9,27	2,75	9,24	4,60	15,32	100
Germany	2,76		32,28	1,20	13,97	12,67	1,52	6,60	3,41	8,03	7,85	9,71	100
Greece	17,42		17,31	1,08	10,92	15,57	5,32	8,07	1,72	4,27	8,69	9,63	100
Spain	6,97		28,66	1,51	10,78	12,86	3,46	6,61	2,92	6,08	7,89	12,26	100
France	9,41		23,61	0,70	14,62	15,37	4,43	8,42	1,93	6,43	7,27	7,81	100
Ireland	5,36		24,25	1,27	10,62	12,72	2,56	8,79	3,05	9,94	10,19	11,25	100
Italy	12,79		22,07	1,16	13,31	12,69	5,33	6,72	2,24	7,20	5,82	10,68	100
Luxembourg	2,39		18,11	0,00	12,65	11,26	4,71	9,79	10,61	6,45	14,61	9,43	100
Netherlands	4,64		21,11	0,79	9,69	13,54	3,15	8,09	3,52	12,12	8,45	14,89	100
Portugal	16,97		25,12	1,21	18,76	12,10	3,83	5,59	2,23	3,18	5,01	6,00	100
Kingdom	2,55		28,32	1,27	10,88	12,65	2,24	8,88	4,77	10,54	5,94	11,95	100
Austria	8,08		28,50	1,98	10,18	9,31	1,09	11,66	1,72	10,23	4,93	12,33	100
Sweden	4,01		28,66	1,39	8,64	12,55	1,72	8,80	2,33	12,26	3,79	15,83	100
Finland	6,94		25,48	1,36	12,32	13,56	2,82	8,52	3,46	6,73	8,32	10,50	100

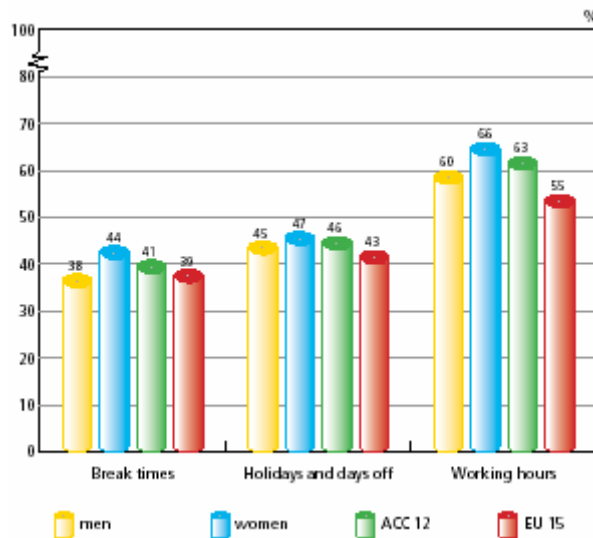
Source: Third European Survey on Working Conditions, 2000 and 2001. Extraction and calculation of percentages by report authors

In Table 17 the distribution between women and of part time and fulltime work (less than 35 hours and more than 35 hours respectively) is shown for EU15 and EU10+2. The smaller incidence in EU10+2 countries leaves open the question as to whether this type of work will begin to grow as time based flexibilisation is introduced in firms. The take up by women will also depend on the necessity (both in income terms and in terms of time needed for care and household responsibilities) that women will have in taking up these jobs. In EU15 member states where part-time work is still low this will also apply. Moreover, in the EU15 MS where part-time is low, other forms of flexibilisation such as definite term contracts point to other ways in which there can be negative consequences for workers, and in particular women, to advance in their careers.

Table 17. Distribution of working time between women and men in each member state (percentages)						
Country	Part Time			Full Time		
	Men	Women	Total	Men	Women	Total
EU10+2						
Bulgaria	3	7	10	49	41	90
Cyprus	4	7	11	55	34	89
Estonia	3	5	8	47	44	92
Lithuania	4	10	13	45	41	87
Latvia	4	8	12	47	41	88
Hungary	3	5	8	53	39	92
Malta	4	9	13	66	21	87
Poland	7	9	15	48	37	85
Romania	10	8	18	42	40	82
Slovenia	7	7	13	47	40	87
Slovakia	2	5	7	51	42	93
Czech Republic	3	7	10	53	38	90
EU15						
Belgium	7	18	26	52	22	74
Denmark	6	17	23	49	28	77
Germany	4	17	21	53	26	79
Greece	18	13	31	45	24	69
Spain	8	12	20	56	24	80
France	6	10	16	59	25	84
Ireland	5	15	20	50	29	80
Italy	6	15	21	55	24	79
Luxembourg	2	15	17	60	23	83
Netherlands	12	29	41	46	13	59
Portugal	3	10	13	52	35	87
United Kingdom	5	22	27	50	23	73
Austria	5	10	15	47	38	85
Sweden	6	15	21	46	32	79
Finland	3	16	19	54	27	81
Source: Third European Survey on Working Conditions, 2000 and 2001. Extraction and calculation of percentages by report authors						

Finally, in the following figure the extent to which workers in EU15 and EU10+2 have choice over their working hours, breaks and holidays is shown. As a whole, it would seem that in the EU10+2 countries women would have less of a choice over their working time and their rest periods (daily or over a year) than men. In comparison with EU15, all workers in EU10+2 countries seem to have less of a choice as a whole, in particular about working time.

Figure 1. Lack of choice concerning working hours, breaks and holidays, and women in EU10+2 and comparison with EU15



Source: European Foundation for the Improvement of Living and Working Conditions, *Working conditions in the acceding and candidate countries*, report written by Pascal Paoli and Agnès Parent-Thirion 2003, p.

In addition, **skills shortages** have been cited as one of the reasons why longer hours are used by firms and why the opt-out is being used more extensively in some MS than in others. However, increasing women's time and decreasing men's time in employment will also be subject in great part by the fact that women can not so easily move into occupations in which there is a skill shortage and in which men are more likely to work. Also, the transfer of men's time into the home will also require, in some cases, the attainment of specific skills by men.

III.1.3 Recent developments

An overview of the EIRO articles submitted by the national correspondents is highly illustrative of the type of discussions taking place at national level that can also shed some light on the possible turns that the opt-out can take in different MS. In the following paragraphs is a compilation of the summary of the articles that will be discussed at the end.

In **Austria**, “the Federation of Austrian Industry (IV) employers' organisation, with partial support from the Chamber of the Economy (WKÖ), demanded a relaxation of Austria's working time regulations, in terms of both legislation and collective agreements, and raised the idea of longer working hours. This initiative has received a mixed response, with the Minister for the Economy and Labour Affairs apparently undecided and trade unions strongly opposed”⁴². This took place in June 2004.

“During October 2004, a campaign for higher pay and shorter working hours launched by anaesthetists spread to other medical staff in **Latvia**, who are planning to cut their working time to a level they regard as being accordance with their pay and the law.”⁴³

“In September 2004, anaesthetists at **Latvia's** largest hospital launched a campaign for increased pay, threatening to cut their working hours drastically if their demands are not met. The campaign has been joined by anaesthetists from across the country”.⁴⁴

⁴² <http://www.eiro.eurofound.eu.int/2004/07/inbrief/at0407201n.html>

⁴³ <http://www.eiro.eurofound.eu.int/2004/12/inbrief/lv0412103n.html>

⁴⁴ <http://www.eiro.eurofound.eu.int/2004/12/inbrief/lv0412103n.html>

“In May 2004, the **Estonian** government approved the drafts of amended legislation on working time. The changes aim to remove contradictions between EU Directives and Estonian legislation in this area. The social partners take differing views of the amendments. This article reviews the current legislation and proposed changes, while also looking at the latest data on actual working time.”⁴⁵

“New legislation on the working time of healthcare employees comes into force in **Hungary** on 1 May 2004 (the date it joins the EU). Among other issues, the law regulates maximum working time and the complicated issue of on-call service in the healthcare sector. The reaction of organisations representing healthcare employees to the new rules has been somewhat muted.”⁴⁶

“In October 2004, a group of parliamentary deputies from the Communist Party of Bohemia and Moravia (KSCM) and **Czech** Social Democratic Party (CSSD) put before parliament a bill that would prevent larger supermarkets from opening at nights and on public holidays. The proposal was originated by the OSPO retail workers' trade union, which is concerned about working conditions in supermarkets.”⁴⁷

“In June 2003, **Germany's** minister for the economy and work, Wolfgang Clement, sparked a debate on working time by saying that Germans should work longer hours in order to help the economy. The comment came at a time when metalworkers are taking strike action in eastern Germany to reduce their working week from 38 to 35 hours. Meanwhile, recent research indicates that the 35-hour week is not as widespread in Germany as is often thought, though another study

⁴⁵ <http://www.eiro.eurofound.eu.int/2004/06/feature/ee0406102f.html>

⁴⁶ <http://www.eiro.eurofound.eu.int/2004/01/feature/hu0401104f.html>

⁴⁷ <http://www.eiro.eurofound.eu.int/2004/11/inbrief/cz0411102n.html>

finds that German workers have the shortest annual working hours in the industrialised world).⁴⁸

“In December 2004, **Spain's** Constitutional Court ruled that current regulations on the contributions required to obtain social security benefits discriminate against part-time workers, and also constitute indirect discrimination against women.”⁴⁹

“In late 2004, there has been much debate in Slovenia over a proposal made by some employers to change current legislation so as to allow employers to increase their employees' working time by 120 hours a year, half of it unpaid. The Slovenian Employers' Association wants to discuss such an increase in 2005 during negotiations over a new 'social agreement' . All trade unions are strongly against any such lengthening of working time, and the issue may lead to major conflict.”⁵⁰

This selection of very recent developments points to a range of issues that have been dealt with in this report in some depth. The call by employers and some governments for longer hours can respond to competition issues, but it is not clear that this leads to competitiveness, i.e. to raising productivity through the improved use of all factors of production. The issue of skill shortages, which has not been dealt with in great depth in this report, can also be behind the calls by employers. In terms of the situation in old and new MS, the high level of emigration which is currently taking place needs to be looked at carefully as skilled workers who leave the new MS for better wages in the west might have the perverse effect of elongating work hours there, although it is not entirely clear whether this will improve conditions for other workers in the receiving countries.

⁴⁸ <http://www.eiro.eurofound.eu.int/2003/06/feature/de0306109f.html>

⁴⁹ <http://www.eiro.eurofound.eu.int/2005/02/inbrief/es0502102n.html>

⁵⁰ <http://www.eiro.eurofound.eu.int/2004/11/feature/si0411302f.html>

The issues of pay are another are which has not been looked at in detail in the present report and in which many countries is closely related to the issue of overtime as a necessary supplement for many working parents. In a recent report by Eurostat⁵¹, it is found that 12% of women and 17% of men employees worked overtime in the Spring of 2001. This type of work was most prevalent among prime aged employees. Most of the unpaid overtime was worked by senior officials and managers, and professionals, while Machine operators and assemblers worked the highest proportion of paid overtime. By firm size, medium size and large establishments were the ones with the highest proportions of employees working overtime.

⁵¹ Statistics in Focus, Population and Social Conditions, Theme 3 11/2004, Population and Living Conditions, authors Vaguer and van Bastelaer, based on LFS data

CHAPTER IV. CONSISTENCY BETWEEN THE WORKING TIME DIRECTIVE AND GENDER EQUALITY POLICY

“The impact of hours’ polarization on women’s status and earnings in the labour market is to reinforce barriers to the progression of part-time workers, and more generally for people with caring responsibilities, who cannot sign up to the open-ended hours commitment that full time work in the UK can entail. The expectation that full time work involves working far in excess of contracted hours makes it more difficult for mothers to re-enter full-time work after maternity leave. Moreover, because women are more likely to continue to want to work part-time at senior levels and the prevalence of excessive hours in managerial posts acts as a strong disincentive for women to seek promotion [and decreasing their earning capacity].

Response to the Commission, to the Council, the European Parliament, The European Economic and Social Committee and the Committee of the Regions from the Equal Opportunities Committee of the United Kingdom

Introduction

In this chapter, the question of consistency between the proposed changes in the working time directive and with gender equality policy is analysed. An attempt to make clear links to the effects that the revised directive can have on EU gender equality policy is made. Bridging this first section and the following one, the importance of reconciliation of work and family life as a concept and as a commitment by EU MS is discussed. As a third point the differences in the advance of different MS in increasing men’s role in caring are looked at. Finally, the differences in approaches to tax-benefit systems and their influence on reconciliation are included. In this last point, the main conclusions from another EU parliament report⁵² are re-visited and expanded linking to the issue of working time in the context of new work organisation/flexibility.

⁵² Study No. IV/2003/16/04 Commitment n° 3204/2004 “Social security systems in the EU and their impact on reconciling family life and work life”, prepared by Almenara Estudios Económicos y Sociales, S.L.

IV. 1 Consistency between the directive and equal opportunities policy.

According to the Community Framework Strategy on Gender (2001-2005)⁵³, working time is included in the issues for which monitoring of the legislation and more knowledge are proposed. The specific actions that have been put forward in this document and that pertain to the working time directive to achieve this are the following:

1. Ensure the follow-up and assessment in the social area and the case-law amongst NGOs, the social partners, labour inspectorates and the legal professions (supporting programme).
2. Support awareness of the EU legislation in the social area and the case-law amongst NGOs, the social partners, labour inspectorates and the legal professions (supporting programme).
3. Support information and dissemination activities regarding EU social legislation, aimed at EU citizens (supporting programme).

In the most recent report of the EC on equality between men and women⁵⁴ the only reference to working time was the following: "The gap between average hours worked by women and men with children shows that women with children work 11 hours per week less than men with children in the EU in 2003". (p.12) This can be readily explained by the more extended part-time work among women than men although it does not hold true in all MS, particularly in new and acceding MS where the gap in hours is much smaller.

As to the actions that were stated, it does not seem that, in the case of working time *per se*, there has been much achieved. However, the support through the EQUAL initiative of reconciliation of work and family life projects and programmes, and adaptation to change under other initiative such as Article 6 initiatives, as well as other

⁵³ COM(2000) 335 final

⁵⁴ COM(2005)44 final

community initiatives can be said to have been somewhat successful in points 2 and 3 and to a lesser degree around point 1 as far as working time is concerned.

However, the analysis that has been carried out in the present report and other reports produced by various EU bodies shows that there are also other dimensions that can be explored. Here, for one, the analysis points to **longer hours for women lone parents with children**, and that the differences with men lone parents are much lower than in couple households. In the case of the new MS the differential in hours is much less, and the situation with regard to quality care services has deteriorated substantially in Eastern Europe whereas the situation in the new MS Mediterranean countries deserves more attention.

Another issue that has come up in this report, in the wider context of work flexibilization is that due to occupational segregation women might be in jobs that have less scope for career advancement and that part-time work also increases this risk⁵⁵. Occupational segregation is an issue that has been explicitly addressed by the European Employment Strategy but for which the results are disappointing. According to the most recent report of the EC on equality between men and women already mentioned, this is one of the issues where MS still have to make further efforts and where repeatedly the European Commission has made recommendations to MS in the context of the National Action Plans for Employment⁵⁶.

In addition, all EU countries (including the new MS and acceding countries) have signed the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) which explicitly obliges government to actively reduce inequalities affecting women and to protect their social and economic rights. The Beijing platform for action

⁵⁵ Also, the papers by Wacjman (1998), McKinnish (2004) and Aberg (2003) reviewed in Table 2 of Chapter 1 point to the importance in the link between occupational segregation and longer hours worked for some women that might be driving higher divorce rates.

⁵⁶ See the various Joint Employment Reports.

and the Beijing+5 follow-up also carry strong commitments by governments around these issues.

There is an important link to be made between the commitments that the MS and the EU bodies have made in the area of gender mainstreaming and the gender impact of the working time directive. Most of these commitments are included in the Beijing Platform, but also contained in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Community Framework. **The commitment to the full realisation of women's economic and social rights and indeed to gender equality can be seen as reason enough from the legal stand point to include a binding article with respect to reconciliation of work and family life in the directive itself rather its mention in the preamble. In particular to link the use of the opt-out by firms not only to a stricter control of hours worked, but also to the implementation of reconciliation of work and family life plans could have been included.**

However, as will be analysed in the sections below, the differences in the legislation of reconciliation and the role of tax-benefit systems as well as of public services to make this operative would require a much larger and coordinated effort that needs to be discussed and agreed to by all the stakeholders involved.

One should not forget that the working time directive had as an origin the protection of worker's health and safety. Extending it to also cover reconciliation of work and family life would not require a change in the philosophy of the directive and should be linked to the modernisation of firms and to the provision of public services in the EU without forgetting other pieces of legislation such the EU parental leave agreement and Directive. Mainstreaming gender, as it often happens, would require to take all of the different dimensions into account. There are,

however, the following issues to consider that do affect equal opportunities more directly⁵⁷:

- the opt-out clause in the working time directive allows employers to pressure workers, and in particular men, to work longer hours and thereby be less involved in family life. The pressure may come from offering higher wages or promotion only to those who work the longer hours (either through over time or through results based work). This situation might put further stress on both working men and women to reconcile their work and family obligations. This stress can lead to illness (the section on the costs of the conflict in Chapter II have already pointed to this fact). If this leads not only to illness but also to family break up, the risk of higher numbers of women and children exposed to situations of social exclusion and poverty can also increase. As was shown in previous chapters lone mothers work more hours and the pressure to work more or to be relegated to part-time work can put them on career paths with less pay and less career development.
- Linked to the previous point, the use of the opt-out by employers can deter women with children from working on a full-time basis or to choose not to sign opt-out agreements, in which case women might have to change occupations or career paths leading to fewer opportunities.
- A third consequence is that a lack of opportunities to work in quality or high level part-time jobs will increase if the full-time workers in these same jobs are required to work very long hours or variable hours. The conflict arising in a workplace from full-time workers receiving the same proportional wages as part-timers will be inevitable.

⁵⁷ The authors would like to thank Jill Rubery for this contribution.

- Finally, the increased difficulty in finding full-time work that does not require such long hours or finding quality part-time work as a result of the application of the opt-out will lead to a further concentration of women in lower level part-time positions and thus reinforce gender segregation. As will be discussed below and as pointed out in Chapter II, women in these type of jobs will have less pay, diminished pension entitlements and, depending on the system, also loose access to social security services and rights.

Moreover, this report has not dealt with the important issue of wages and how they are being determined in the new environment of flexibility. According to the most recent and comprehensive overview of the pay gap, **the differences in the use of time, paid and unpaid work, between men and women also explain the differences in income**⁵⁸. In this same work it is pointed out that women are not only punished in terms of wages for being the majority in occupations where there are more women than men, but also in lower paying sectors (in particular in services). Moreover, according to the various studies used in this overview at least 15% of the pay gap can be attributed to pure discrimination. As the present and other reports have shown (Chapter 3) the differences in hours between the different occupations and sectors are also substantial.

Another element of the wage gap which is linked to the issue of working time are collective agreements. Women are less likely to be covered by these given their occupational and sectorial segregation and also because they have a weaker negotiating position because of their overall lower presence in the labour market (see Table 12 in Chapter 3). In the new and acceding Eastern Europe MS, the issue of the gender wage gap should also be understood from the inherited wage structures, custom and use which still persist from the former socialist era taking into account that

⁵⁸ European Commission, Gender Equality Magazine, N° 11, 2001 (last of the series). P.10

the differences in working time are much lower in this region than in the MS of Western Europe.

In the previous chapters the position of women has shown some weaknesses in the context of the spread of new work organisation, in particular of various flexible time arrangements. The statistical analysis of hours, divorce and different family types have also shown that from a life-cycle perspective women are vulnerable in the move towards more flexible time arrangements and results based work given their present burden of unpaid care work. Women can also be at a disadvantage given the high occupational segregation in services (where there is more scope to time based monitoring and management) and also high segregation in working time arrangements (i.e. part-time work), not forgetting that lone parents seem to work longer hours. Also, the fact that working women have much higher divorce percentages than men is another issue that needs further study.

On the other hand, as was shown in Chapter 2, flexibilization can also offer opportunities to improve reconciliation of work and family life. To what degree the sectors and occupations (and indeed size of firms) that women are employed in can reap the benefits of these improvements has not been sufficiently explored. Moreover, the differences between women and men in acceding to different posts within the job hierarchy at the same time that flexibilisation of time and results based work is being introduced can actually benefit women in lower posts as far as accommodating family and work commitments is concerned, but it is not clear if the same benefits can be applied in higher posts.

The work by the Foundation for the Improvement of Living and Working Conditions (Fagan and Burchell, 2002) illustrates this point. At the EU15 level, white-collar managerial jobs (ISCO 1) and Blue collar craft and related manual jobs (ISCO 6 and 7)

reported the highest percentages among women and men of lack of compatibility of working hours with family and other commitments. It is in fact these two categories of occupations where the longest hours are registered for full-time workers in both the cases of women and men (pp. 58 and 66)⁵⁹.

In this context of various inequalities and disadvantages for women (but also for men who work longer hours), **the working time directive *per se* and the proposed changes can be seen as one of the vehicles through which men and women can, in principle reconcile their work and family commitments.** This reconciliation should be taken in the sense that women should, in principle be able to work more if they choose to (in those countries where the hours are very low) within the limits set by the directive, and men (and women in the new MS) less, or that women (in all MS) will devote less time to care activities and men (in all MS) will raise their unpaid care work.

However, a reduction in hours or a regulation of hours by law is insufficient to achieve this. The extent to which countries apply the opt-out article may be working against this beneficial effect if firms that apply the opt-out do not, at the same time, introduce reconciliation policies. Proper levels and opening hours of care services and other services (transport, schools, leisure, etc) are also an essential ingredient for this complex exchange of time to function.

Furthermore, changes in work organisation and flexibilisation of time need to be accompanied by changes in corporate culture and the involvement not only of human resource management, but of the entire firm. These changes have to do with the integration of human resource management into the decision making process of the

⁵⁹ For those in the White collar managerial jobs (ISCO 1), 30% of men and 21% of women reported lack of compatibility with working hours. In the Blue collar craft and skilled manual jobs (ISCO 6 and 7) the percentages reporting lack of compatibility with family and other commitments was 20% men and 21% women (p. 66). In terms of average usual weekly volume ISCO 1 men in full time reported **50.6 hours** (the highest of all occupations) and also the highest in part time (26.4 hours). Women in this same occupational status report 48.7 in full time and 25.8 in part-time. In the ISCO 6 and 7 the hours for men were 43.6 in full time and 23.9 in part time and for women 44.1 in full time and 22.3 in part time (p.58)

firm beyond recruitment and retention. Change in the organisation of work which are meant to increase productivity many times do not take into account important issues about team work, hierarchies and, indeed, salaries, which create conflict and may reduce the efficiency and cost reduction which is sought by a change in the way work is organised. Indeed, this can also be applied more widely not only to changes within a firm but also to restructuring, mergers, takeover and re-location.

This change of culture is even more important when introducing reconciliation of work and family life policies. In the case of SMEs and their particular needs, more and more examples of good practice are appearing across Europe that can be exchanged and applied (see Annex III), although there are still many obstacles and challenges to make it a generalised practice in this type of firms.

Changing behaviour of men and indeed women as to the division of labour in the home is also very much needed to achieve this aim. The demographic situation in the EU will continue to press for women's more steady involvement in the labour market -in spite of immigration and the breather that some new and acceding MS with younger populations have brought and the mobility propensity of their workers to old MS. The continued advances in realising equal opportunities, in particular advancing women's social and economic rights, will also continue to make pressure in this direction. The higher involvement of men in the caring economy (which is mostly unpaid) needs to be addressed. Men's possibilities for increased involvement in care and domestic activities are explored in the third section. Before this, in the following section an in-depth look at the evolution of the concept of reconciliation within EU institutions is carried out. This can shed some further light on the question of consistency between the directive and gender equality policy at the same time that it will serve to frame the issue of increasing men's role in caring.

IV. 2 Reconciliation revisited⁶⁰

Reconciliation of work and family life has been recognised by the European Parliament and European Commission as an important area that Member States should foster and facilitate to its citizens. The importance of this is not only related to the EU space, but has been identified as an important issue in a much wider context of globalisation (including the reduced intervention of the State) and the efforts worldwide, in particular by UN conventions and conferences, on the rights of women and gender equality.

Given the pressures on governments to reform their social security systems in the face of ageing, but also to reduce their spending and follow strict macroeconomic guidelines, these rights have been subsumed into the economic need for women to have an even stronger participation in the labour market in order to cover the costs. The employment of immigrant women in some of these countries to cover the caring needs in an informal setting is yet one more link in the globalisation chain, as is the payment of social security by immigrants working in formal jobs which in some countries have helped to record historical surpluses in the Social Security accounts (as is the case of Spain)⁶¹.

The idea of reconciliation of work and family life has had an interesting evolution in a variety of EU documents. From the Council proposals and recommendations on child care (1991 and 1992) to the most recent documents describing reconciliation models in small and medium enterprises, which are the major employers in Europe, the concept

⁶⁰ This section draws heavily from the Study No. IV/2003/16/04 Commitment n° 3204/2004 “Social security systems in the EU and their impact on reconciling family life and work life”, prepared by Almenara Estudios Económicos y Sociales, S.L.

⁶¹ In this context, the reconciliation of work and family life is an area where different social security benefits which have been reformed out of economic or demographic necessity, are having a decisive impact in realising women’s social and economic rights in the area of paid work. The final section in this chapter will deal with this important issue.

has gained importance. This has been both from an equality perspective as well as from that of reaching the Lisbon objectives.

The Charter of Fundamental Social Rights of Workers, adopted in Strasbourg Council in 1989 explicitly recognised the need for measures to allow women and men reconciliation of “occupational and family obligations” (point 16). This was followed by the inclusion of this concept in the Third Medium-Term Action Programme on Equal Opportunities for Women and Men (1991-1995) where the Commission also recognised the need to “reduce barriers to women's access to, and participation in, employment, by reconciling the family and occupational responsibilities of women and men”. Although council recommendation of 31 march 1992 on child care (92/241/EEC) further recognised the “sharing of occupation, family and upbringing responsibilities arising from the care of children between women and men” where not only government is responsible, but also social partners and all of those in charge of the structure and organization of work “to make them responsive to the needs of workers with children”.

The European Employment Strategy and the introduction of the National Action Plans for Employment on the basis of the new provisions in the Employment title of the Treaty, included from 1998 to 2003 a pillar on equal opportunities. Under this pillar those areas affecting gender gaps, reconciliation of work and family life and care services were to be addressed by Member States. However, it was recognized that gender is an issue that permeates all other pillars and that there are explicit links between employability, entrepreneurship and adaptability and equal opportunities that could not be ignored and that many had a direct impact on reconciliation of work and family life. In this sense working time, organization of work and training were particularly relevant. Under the new guidelines and recommendations of 2003 coming under three overarching objectives: full employment, quality and productivity at work, cohesion and an inclusive labour market, the gender equality guideline addresses the

reduction of gender gaps and reconciliation of work and family life. It considers both the need to encourage sharing of responsibilities, while it also makes an explicit call for the reduction of barriers to women's participation, in particular the need to cover demand for child care and for other dependants.

However, the New Jobs and Growth Strategy does not seem to give a very strong role to women nor sufficient importance to reconciliation of work and family life as a key element to move forward with the overall aims of the Lisbon Strategy.

“The need for urgent action is confirmed by the report from the High Level Group chaired by Wim Kok last November. It identifies a daunting challenge. According to Kok, “The Lisbon strategy is even more urgent today as the growth gap with North America and Asia has widened, while **Europe must meet the combined challenges of low population growth and ageing**. Time is running out and there can be no room for complacency. Better implementation is needed to make up for lost time”. Faced with this challenge Europe needs to improve its productivity and employ more people “, p.4, COM (2005) 24, bold letters by authors of the report.

Although women are mentioned once throughout this communication (half or more of the population of all countries) nothing is said about the needs to reinforce reconciliation or that it needs also to apply to men more widely. Reconciliation of work and family life is tucked away as part of the Youth initiative (??!!). This is a rather strange and turn a for the worse, in our opinion, as far as commitment to gender equality is concerned.

The Kok report itself claims the following:

“In order to make work a real option for all, more needs to be done to increase the participation of women. This calls for the removal of remaining tax disincentives to work, determined action to address the roots of the gender pay gap and the stricter enforcement of non-discrimination legislation. A better reconciliation of family and working life also demands the provision of availability, affordability and good quality of childcare and eldercare.” (p. 32)

Unfortunately, this influential report places the issue of reconciliation of work and family life as a “women’s” issue and fails to extend it to the need to include men.

In addition Council Resolution 2000/C218/02 of 29 June 2000 declares that the balanced participation of men and women in family and working life and in the decision making process are relevant conditions for equality between the sexes and that an integrated and global approach is needed in order to achieve this. The monitoring of measures through appropriate indicators and the involvement of social partners in the process are important advances spelled out by this resolution and that have influenced both the EES and also the European Social Inclusion Strategy. This resolution also calls on the European Community as employers to review their human resource policies but also calls on public and private sector workers and social partners at national and European level to “ensure balanced participation of men and women in family and working life, notably through the organisation of working time and the abolition of conditions which lead to wage differentials between men and women”.

During the French Presidency in 2000 a set of indicators was developed that are to be included in the future follow-up of the Beijing Platform for Action. “On the basis of replies given by the Member States and the European Institutions to a questionnaire, the French Presidency submitted a report containing information on the relationship between family life and working life, and proposed 9 qualitative and quantitative indicators”. (Council Note 13481/00 SOC 437, p.3. See Box 1 for the full list).

The most interesting characteristic of these indicators is that time use is the basic unit of measurement in 6 of the 9 indicators, the others suggest measuring quantity and quality of child care and care for adult dependants and one addresses, generically, “comprehensive and integrated policies, particularly employment policies, aimed at promoting a balance between working and family life”. **The importance of**

time use is at the heart of understanding the basic challenges of changing work cultures and attitudes that will enable men to reduce their inequalities in the sharing of family responsibilities and that will allow women to reduce their inequalities at work.

BOX 1. Family Life and Working Life. Qualitative and Quantitative Indicators

1. Employed men and women on parental leave (paid and unpaid) within the meaning of Directive 96/34/EC on the framework agreement between the social partners on parental leave, as a proportion of all employed parents.
2. Allocation of parental leave between employed men and women as a proportion of all parental leave.
3. Children cared for (other than by the family) as a proportion of all children of the same age group:
 - before entry into the non-compulsory pre-school system (during the day);
 - in the non-compulsory or equivalent pre-school system (outside pre-school hours);
 - in compulsory primary education (outside school hours).
4. Comprehensive and integrated policies, particularly employment policies, aimed at promoting a balance between working and family life.
5. Dependent elderly men and women (unable to look after themselves on a daily basis) over 75
 - living in specialised institutions
 - who have help (other than the family) at home
 - looked after by the family as a proportion of men and women over 75.
6. Normal opening hours of public services (i.e. local authority offices, post offices, crèches, etc) during the week and at weekends.
7. Normal opening hours of shops during the week and at weekends.
8. Total "tied" time per day for each employed parent living with a partner, having one or more children under 12 years old or a dependent:
 - paid working time,
 - travelling time,
 - basic time spent on domestic work,
 - other time devoted to the family (upbringing and care of children and care of dependent adults).
9. Total "tied" time per day for each employed parent living alone, having one or more children under 12 years old or a dependent:
 - paid working time,
 - travelling time,
 - basic time spent on domestic work,
 - other time devoted to the family (upbringing and care of children and care of dependent adults).

Source: Council Note 13481/00 SOC 437. Council conclusions on the review of the implementation by the Member States of the European Union and the European Institutions of the Beijing Platform for Action: relationship between family life and working life

This idea of reconciliation of family and working life as an equal sharing of paid working time and family seems to reflect also European citizens' preferences. Most women and men living together as a couple in the EU would prefer a more equal participation of both partners in the labour market, meaning that both men and women should have

access to jobs. However, even if most European women living in a couple (married or not) show their satisfaction with a dual family model in which both partners have a job, they show a very reduced interest for a full-time job and they are more willing to have a part-time job both for them and for their partners ⁶² (European Foundation, 2000).

However, a report from this same institution (Fagan and Burchell, 2002) points out that not only part time, but “non-standard” or unsociable working times “may offer alternative opportunities for the coordination of employment with family life. For example, some mothers with young children elect to work evenings or weekends if this means that other family members are available to take care of their children. Thus, **“respondents may consider that their work schedule is compatible with family life because it has been selected strategically in the context of having to arrange particular forms of childcare. In another context of more available childcare services then it might be the case that the types of schedules assessed as ‘family compatible’ would change.”** (p.30) A very large part of women respondents who had part-time work answered positively to this compatibility of time and family responsibilities⁶³ (91% summing fairly well and very well), while men also responded very positively (81%). However, when the dimension of schedules is introduced, the picture changes. The highest incompatibility of hours with working life for both men (45%) and women (30%) is regular Sunday work, and the second is the fact that start

⁶² Results obtained from the Survey on Employment Options for the Future, submitted in the working document “Combining family and work: work sharing among men and women” from the European Foundation for the Improvement of Living and Working Conditions.

⁶³ “A larger proportion of employed women report that their working time is compatible with family life... This is particularly the case for part-timers, many of which have elected to work part time in order to manage employment with the time demands of being a mother...Over 20% of employed men and 16% of employed women said that the time demands of their job were incompatible with their family life. Mothers who were employed full-time and all fathers were more likely to say that the demands of their jobs were incompatible with family life, and there was no gender difference in the distribution of their responses: a quarter said there was little if any compatibility. This lack of fit was less acute for men and women without dependent children, but it was mothers employed part-time who were the most likely to report that their working hours fitted ‘very well’ with their family and social commitments. Half of mothers employed part-time reported that their hours were compatible, however this leaves another half for whom part-time work did not provide such a good fit.” (p. 65)

and finish times are varied by the employer⁶⁴ (42% men and 27% women). So even in a context of a few hours worked (part-time workers are more affected by this schedule fluctuation), the extreme flexibility which is being asked of some workers does leave open the question about the limits that should exist of “on-call” working time as it is being changed in the directive.

This short review of the concept and history of reconciliation of work and family life as well as additional existing data analysis of how working time and the use of worker’s time by firms affects reconciliation points to the need to link the working time directive to this important issue. It has also served to gain further understanding of why reconciliation is NOT exclusively a woman’s issue, but indeed, a wider affair which includes men and the implementation or continuity of specific measures by governments, in particular around services supporting social reproduction.

IV. 3 Increasing men’s role in care:

The importance achieved by the reconciliation of family and working life in the EU’s political agendas can be explained, as shown in the previous section, by citizens’ (individual) preferences, towards a more equal sharing of time as well as by the need of increasing employment rates, especially for women, in order to move forward towards the European economic and social model.

In order to explore how and to what degree men’s roles in caring can be achieved, some data of the present situation as well as qualitative evidence are called for. If the approach to the reconciliation between family and working life as a more equal sharing of the time devoted to paid work and family responsibilities is maintained and if the

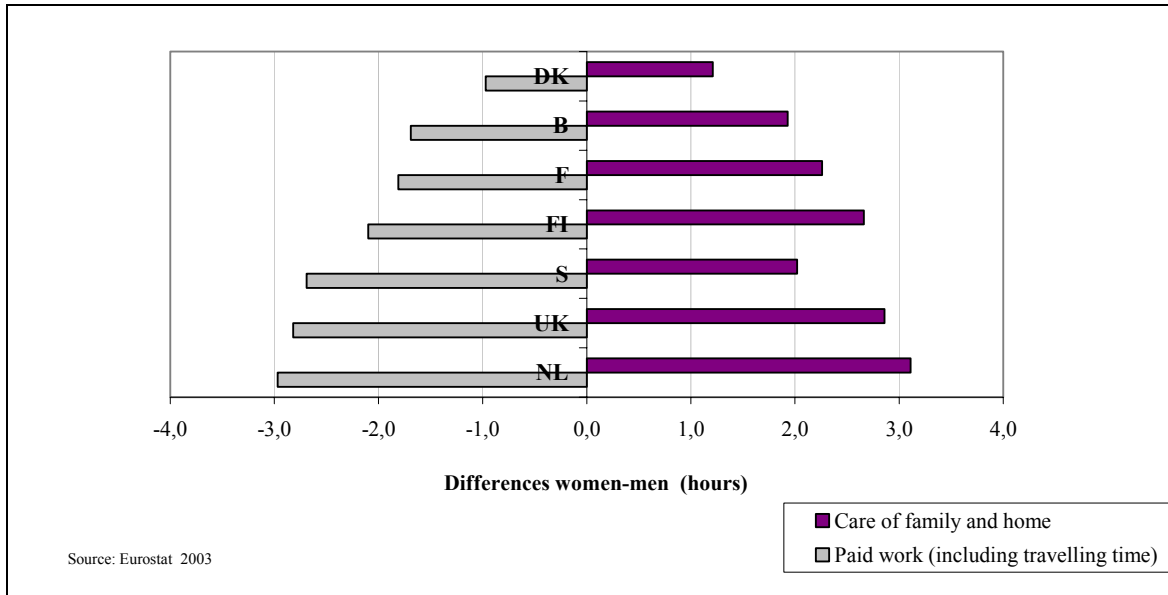
⁶⁴ This is followed by evening or night work (37% men and 28% women), by regular Saturdays (35% men and 25% women), and by variable number of days each week (33% and 23%).

“conflict” is defined as the non-coincidence, at individual level, between real and desired time distribution, then “tied” time per day is helpful in understanding one of the dimensions of this conflict (which is included in the French Presidency suggested indicators).

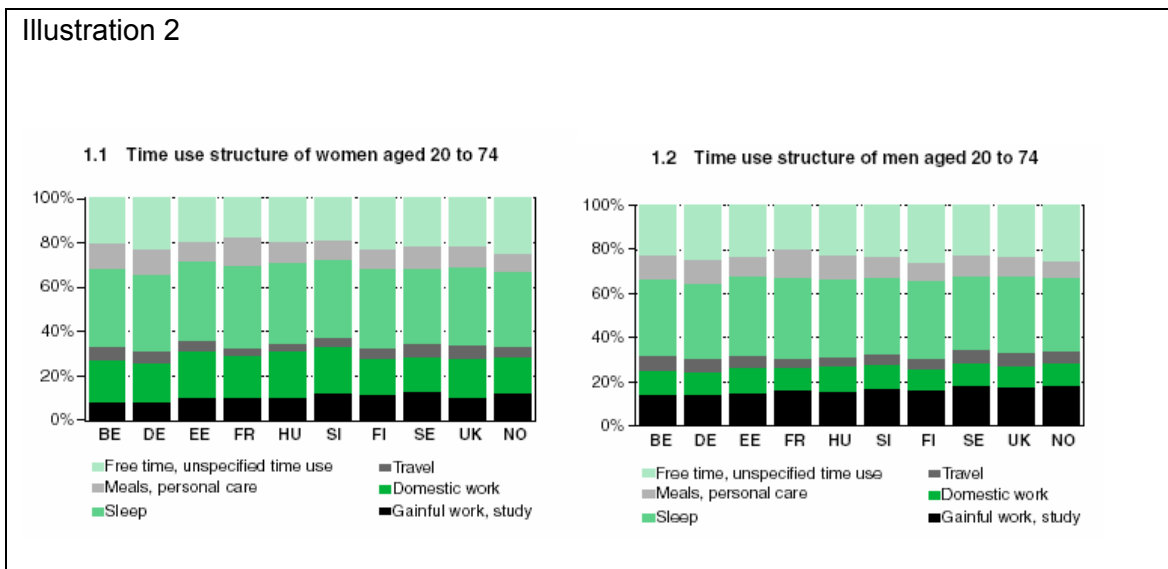
Sex differences in “tied” time per day⁶⁵ highlight that women devote more time to family and home care. On the contrary, their dedication to paid work is lower. Therefore, the development towards a better reconciliation, towards a more balanced time distribution, involves a higher participation of women in employment and a higher participation of men in family responsibilities. In addition to this, the differences in “tied” time between men and women in some countries (Illustration 1) suggest a positive relation between the women’s employment rate and a more equal time distribution between sexes. The latter is likely to be one of the pillars supporting the developments in reconciliation, although underlying cultural factors might make it difficult to obtain short-term achievements.

Illustration 1. “Tied” Time per day

⁶⁵ For a synthetic overview of these differences, please, refer to Eurostat (2003): *How women and men spend their time. Results from 13 European Countries.*



Another Eurostat report (2004) investigating further the use of time by women in men in the enlarged EU, confirm this situation where men are involved more time in gainful work than women. Illustration 2 reproduces here the graphs showing time distribution in each of the MS for which there was appropriate data. Note that only 10 EU25 member countries have been included in this report (due to the availability of comparable time survey data). It is important to note, however, that the difficulties in pooling together different data sources with different methodologies do require that these results be taken with caution.



Source: Eurostat, "How Europeans spend their time: Everyday life of women and men, 2004

The section that deals with domestic work in this same Eurostat report is particularly insightful. In the first place, women do around two thirds of all domestic work. Sweden shows the most equal shares and the new MS of Estonia, Slovenia and Hungary with the most unequal shares. Belgium, France, United Kingdom and Germany are between these two extremes.

Another very interesting piece of information given by these surveys is the type of tasks that men and women are involved in. Clearly women do housework and caring and men do maintenance and repair work. The division of tasks is very important to take into account in the context of reducing or controlling hours worked without the appropriate measures to change behaviour and increase men's participation in caring tasks.

In the expert report presented at the first Peer Review of the Reorganisation and Reduction of Working Time in France (Charpentier, 2000) some information was given on the use of the new free time that employees were making after a year that the Aubry law was introduced in 1998. Not surprisingly the result was that these same gender patterns found in the Eurostat study were further reinforced. Illustration 3 shows the disappointing but expected results. It is interesting to note, however, that in the area of looking after children women and men responded in the same proportion. In both cases 41% of respondents claimed that they were using their extra time to look after children. Spending time with family and friends was the only other activity in which women and men had a vary similar answer (around 40% each, slightly less for women).

Illustration 3

2. The use of new free time according to sex (based on a survey of the Robien agreements)

What use do you make of the extra free time gained by the reduction in working time?	Men	Women	Total
DIY, gardening	63	35	51
Resting	43	50	46
Looking after your children	41	41	41
Spending time with family and friends	39	40	40
Shopping	31	48	38
Domestic chores	21	50	34
Looking after yourself	25	41	32
Enjoying yourself	27	28	28
Dealing with administrative formalities	22	31	26
Sporting activities	28	15	23
Looking after your health	11	22	16
Associations	11	5	8
Travel	6	8	7
Cultural and artistic activities	7	5	6
Paid activity	3	3	2
Training, education	1	2	1
You have not gained any free time	5	2	4
Others	1	1	1
No answer	1	0	1

NB: The percentage total is higher than 100, as people can give more than one reply.

Source: MES-DARES, Louis Harris survey of employees, July 1999

Source: Charpentier (2000)

Among the indicators proposed by the French Presidency (Box 1 above) which at the moment can give an idea of any **change over the recent** years in the attitudes of men towards increasing their care activities is the proportion of men and women on parental leave (paid and unpaid) and the allocation of the parental leave among women and men. In Table 18 some data, albeit rather old, shows a selected group of EU countries and the take up of parental leave by men.

Table 18: National take-up rates of parental leave		
Country	% take-up by women	% take-up by men
Austria	90	1
Denmark	93	3
Finland	99	2
Germany	95	1
Netherlands	40	9
Norway	94	33

Sweden	90	78
Source: "Time out: the costs and benefits of paid parental leave", H Wilkinson et al, Demos, London (1997) .		

In the process of researching and writing the present report no recent similar table could be found. However, many reports were found citing the fact that Nordic countries had a higher take up rate of parental and paternity then all other EU countries. However. There are also reports that in the United Kingdom, for example, time off around the time children are born was taken off by men, but out of their annual leave time (Hudson, et al, 2004, p.14). In the United Kingdom paid paternity leave is provided by employers and the take up is universal, but it is only 5 days on average. In Finland, for example, it is mothers who take the maternity and the parental leave, although the proportion of entitled fathers who have taken their parenthood allowances has risen from 42% to 68% between 1990 and 2002. Almost all of these fathers use their right to paternity allowance only (14 days) and only a small number (as shown in the table above) receive parental allowance for 64 days (most recent figure at 2.6% in 2002 (Sutela, 2004).

The more general analysis of the parental leaves in themselves will be analysed in the following section which looks a the impact that tax-benefit systems have on reconciliation. Here the incentives and the obstacles that men can encounter in trying to decrease their working time and increasing their domestic unpaid work can be extracted from some of the studies scanned.

According to Smith (2002) four conditions can be cited in a cross country analysis as encouraging fathers to take up parental leave and that seem also to increase male care giving:

- Individual non-transferrable entitlement of the leave
- High wage compensation
- Flexibility in the way couples can use the leave
- Awareness raising campaigns to sensitise men to the issues

Another piece of work (Albrecht, *et al* 1999) using signalling as the main hypothesis, finds that men in Sweden taking up parental leave find themselves penalised in their **subsequent** earnings while women do not. They add however, that this is masked by the fact that in Sweden women take up a substantial amount of leave (i.e. employers already know that women will take long leaves and thus commitment by women is taken as low and this is reflected already in their pay). The latent discrimination against mothers however, has extended to young women in general. Other evidence also points to the loss of human capital accumulation as an explanation of the loss of earnings that can affect both women and men. The “commitment” argument used by firms to pressure men into not taking their leaves has also been documented in various studies. According to various studies employers’ attitudes are often quoted by fathers as an important reason for their low take-up rates (European Commission, 1998 and Sundstrom and Duvander, 2000).

Although the data used is old (1984-1989) and the circumstances have changed, another study for Denmark (Christoffersen, 1990) found that fathers did not take up parental leave for one or a combination of the following reasons:

- Mother still breastfeeding regularly
- Not economically viable for the family if the father rather than the mother taking the leave
- Father's work (in general) did not allow him to be on parental leave
- Family had not even considered the possibility of the father, rather than the mother, take the leave.

In this same study, as in many of the other studies cited before, other personal and workplace factors influence positively the take-up by the father: high education, public sector employment, employment in workplaces with high segregation (dominated by women).⁶⁶

IV. 4 Tax-benefit systems: Impact on reconciliation and the effects of changes in the organisation of work

Social security and taxes have direct and indirect effects on the participation of both women and men in the labour market and, thus, on the ways they reconcile their working and family lives. One of the reasons women may work in part time jobs or work less declared or formal hours can be attributed to the effect that the rules governing benefits and taxes. As mentioned previously, this section will attempt to make the link

⁶⁶ Although anecdotal evidence is not scientific and can be discarded at face value, there are two that the authors of the report would like to include here. One has to do with the triviality with which men (in connivance with their wives and employers) take paid opportunities to be with their children and the other has to do with the realities at the workplace that some men will find when they do take their leaves seriously. In Spain there have been cases where men are taking the new paternity leave arrangements provided by the new law on Reconciliation of Work and family life to increase their education (taking master's courses) or even travelling. In Denmark, fathers who take up their leave for extended periods can sometimes return to work and not see their salaries, but their promotion opportunities diminished (which is a case very well documented for women who take leave by Edin and Gustavsson, 2001, for example) For what these anecdotes are worth, they illustrate the importance of changing attitudes and even more important, that the changes will involve more widely firms and also governments.

between the main conclusions that were made in a previous EU parliament report⁶⁷ dealing with the influence of social security systems on reconciliation of work and family life and the issue of working time in the context of new work organisation/flexibility.

In that study not all of the benefits conforming the social security systems were analysed. Only birth and upbringing of children, training and work (namely unemployment benefits and training benefits), health and disability prevention, and aid to dependency (long-term care) were considered. Also only EU15 countries were taken into account.

One of the main conclusions is that **social security models have failed to adapt to new family structures, to the incorporation of women to labour market, and to the changes in the roles the members of the family now play in it.** A country's strategy when aiming at increasing women's employment, supporting care activities and promoting equal opportunities should take into account its basic starting point or baseline and its institutional framework. In Anglo-Saxon countries, where women's employment and opportunities are well established, it is care giving that needs attention, with more generous parental leaves and more extended provision of services, particularly among low wage workers. In Scandinavia and France, with excellent support to caregivers, but employers discriminate on the basis on care giving responsibilities, the objective must focus on women's employment, rather than simply their participation in the labour force, while continuing to make clear that men should be carers as well. Finally, in many of the European systems with women's low participation in paid work and high propensity to women's care work in the family, the

⁶⁷ Study No. IV/2003/16/04 Commitment n° 3204/2004 "Social security systems in the EU and their impact on reconciliation of family life and work life", prepared by Almenara Estudios Económicos y Sociales, S.L.

provision of services, leave protection that allow women's employment, and enhancement of employment opportunities must be built up (Orloff, 2002).

An income related insurance system linked to employment might be more successful in making work pay, but reproduces disparities between women's and men's paid work that reflect, for instance, on old-age pensions. On the contrary, **means-tested assistance is more accurate in terms of redistribution, though it can engender the so-call poverty trap, by deterring women from entering the labour market.** This is an important issue to take into account as new MS begin or are in the process of reforming their systems. It is very unfortunate that under pressures from international monetary institutions and, indeed, in the run-up to accession to the EU, many of these countries have already introduced means testing which is, in fact having this negative effect on women, particularly older women.

Whereas all EU15 countries foresee the possibility for the father to share parental leave with women, they are not entitled *individually* to this right. There are also indications that in some of the new MS this is also the case. This possibility does not guarantee his right to take up the leave, being subject to agreement within the family and, in any case, in detriment of the mother's right. Moreover, the right for the father to take up the leave simply does not exist when the mother has not previously worked. Very few countries count on a paternity leave, i.e exclusively for fathers, as an individual right. Longer leaves and higher reimbursement rates would besides enable more fathers to choose this option. Emphasis should be put on the need for measures to be adopted to ease transition from long parental leaves to gainful employment.

Countries favouring the option for the mother or the father to interrupt work or reduce working time in order to care after their children or other dependants should consider to complement them in order to guarantee a normalised participation in the labour market

after the leave or the reduction of working time. **It is important also in this context that the period spent caring after the child or other dependant is recognised in the social security contributions of the person, typically women, as a worked period. Although this situations may not affect or is affected by weekly hours worked, it can have an effect on the yearly calculation of hours, whether agreed individually or collectively and whether the opt-out is applied or not.**

There are great differences between the MS with respect to the number and types of services offered. Some studies have reported up to 136 types of service, whereby Greece lists only 4 and the United Kingdom 14 different types each. Not all the needs of families are satisfied, and there is evidence that there are very few services operating full time and few services for children with special needs (usually children with disabilities). It seems that the challenge lies on ensuring a wide range of reasonably priced high-quality and varied childcare services geared to local needs⁶⁸.

Again, linking working time with reconciliation is not a straightforward cause and effect. Firms and government need to be highly involved.

In countries where the beneficiary of long-term care is not the person cared but the carer, typically a female member of the family, two important issues arise in order to avoid the perpetuation of gender disparities: social security contributions during the period the carer is out of the labour market should be ensured; besides, measures to ease his/her transition towards the labour market once the need to care is over are needed. Attention should be paid if the benefit is means tested, so as to prevent the carer from entering the poverty-trap, especially among low-income. **Again, the issue of the periods to calculate working time and to ensure that carers, which are**

⁶⁸ European Parliament, Committee on Women's rights and equal opportunities (2004), Report on reconciling professional, family and private lives 2003/2129 (A5-0092/2004). Again, decentralisation processes and the involvement of local level governments in these issues is emerging as an issue of central importance.

typically women, can include this time as part of the period under which calculations are made is important.

The review of the social security and fiscal systems carried out in the study from which these conclusions have been drawn has pointed out that the family model that supported its design –a heterosexual couple in which the man used to take up gainful jobs, and the woman used to care after the family- has lost weight in all EU countries. The emergence of new social realities, such as the incorporation of women to paid jobs or the new forms of family (couples cohabiting, homosexual or single parent families) has not been accompanied by a quick and adequate answer of the social protection systems, which has resulted in their obsolescence.

In the present study the data offered and analysed as well as the existing research material scanned also points to the need to change the view that reconciliation is a woman's issue and to support the idea that working time is an essential piece to bring about a more balanced and equal time division between women and men that will allow greater opportunities to women in the employment and social arenas and that will establish men more firmly in the private arena with relation to their families. The exchange is not easy nor straightforward, attitudes must be changed in the firm and in the home and the systems that continue to assume a given familial model need to be reformed.

Flexibilisation and new organisation of work offer possibilities for firms to modernise and avoid opting-out of the limit imposed by the working time directive and also to implement reconciliation policies. The degree to which they will do this will depend on the pressures by workers or their representatives and also by competition not only of their service or product markets but also for workers themselves as demographic pressures reduce the pool of workers. As put by The Work Foundation of the United

Kingdom employers are being more and more pressured into being “employers of choice”.

Finally, it is important to keep in mind that tax systems can also be highly deterring for women to re-enter and remain in the workforce, or to work full time jobs due to the treatment of secondary earners in households. If the taxing systems are individualised this has a lower probability of being the case. However, the following analysis explains how this works. It is also taken from the study that has been used for this section.

The complexity involved by the choice of the contributing unit with regard to the family lies to a great extent on the juxtaposition of horizontal equity principles (equality on tax treatment for families with the same capacity to pay) and neutrality to the civil status of individuals. As it has already pointed out, the choice of an individual tax system or of a joint tax system means to a great extent the abandonment of one or another principle.

The joint tax system favours the principle of an equal treatment for families with equal capacity to pay but affects family decisions, mainly those related to the labour market. Other additional arguments, different from horizontal equity, concerning this system have an effect on the following aspects ⁶⁹:

- a) Decisions on the use of resources (and time) in the family are commonly taken jointly.
- b) The application of the tax is easier as it neither needs the allocation of ownership rights for assets generating incomes nor includes the complex treatment of intra-family donations.

Individual taxation, the consideration of each family member as an individual and independent tax-payer, is neutral to the decision of getting married although it affects

⁶⁹ Alvarez and Prieto (2003)

equity between families negatively. The arguments in favour of this system are focused on:

- a) Its neutrality to the civil status of the tax-payer and therefore, to the new types of family.
- b) Its non-discrimination of second income earners, meaning, in fact, that it is neutral to the decisions of married women's participation in the labour market.
- c) Its lower administrative costs.

In recent years, most of the EU15 countries have modified their tax systems towards the individual tax model and at present only four of the fifteen MS continue to use a joint tax model (Table 19). This evolution is due to a great extent to the fact that the individual model adapts better to the current social situation, with more families in which both partners are working and with a significant increase of new forms of family. Moreover, the need to correct disincentives to paid work for the second income earner, women in most cases, have been intensified.

Table 19. Evolution of tax systems for the personal income, 1970-1999			
	Taxation system		
	1970	1990	1999
Austria	Joint	Separate	Separate
Belgium	Joint	Joint	Separate
Denmark	Joint	Separate	Separate
Finland	Joint	Separate	Separate
France	Joint	Joint	Joint
Germany	Joint	Joint	Joint
Greece	Separate	Separate	Separate
Ireland	Joint	Joint	Optional/Joint
Italy	Joint	Separate	Separate
Luxemburg	Joint	Joint	Joint
Netherlands	Joint	Separate	Separate
Portugal	Variable	Joint	Joint
Spain	Joint	Optional	Separate (Joint)
Sweden	Joint	Separate	Separate
United Kingdom	Joint	Separate	Separate

Source: Employment Outlook from OECD (2001)

However, the taxation model for personal income does not determine in itself the incentives to paid work of other family members, different from the main income earner. Tax deductions and social benefits, however, do result in countries with different taxation models end up with taxing similarly the second earner's income.

The relevant variable for the participation of women in paid work is the average effective rate⁷⁰ of the second income earner. The analysis of this variable in MS allows us to point out some interesting aspects (Table 20):

- In most countries, the second income earner bears an average rate higher than the one that he or she would bear if they were taxed at individual level (if that same income should have been obtained in a single household). Only Greece, Finland and Sweden offer the same treatment as that given to an individual contributor. In the case of Sweden, this is even more favourable.
- The differential goes from 10% to 130%; that is to say, a second income earner may be obliged to pay 2.3 times the amount paid at individual level (Table 20).
- The tax differential also depends on the structure of the household income. In general, the discrimination of the second earner is higher whenever the difference between the incomes of both household contributors is higher. In case that both partners earn similar amounts, the tax treatment for the second earner is more neutral⁷¹ (see in Table 20 as the ratio between the average tax rates applied to the second earner, with regard to an individual treatment, is lower when a woman's income approaches 100% of Average Production Worker in all MS). This result points out the possibility that the discrimination of the second earner may be higher for those workers with a lower qualification, thus additionally penalizing the access of low-qualified women to the labour market.
- The taxation model, by itself, does not determine the discrimination of the second income earner. As we can see in Table 20, the treatment is similar

⁷⁰ Average effective rates show the average percentage of the actual tax paid per income unit. Unlike nominal rates, effective rates already consider all possible tax reductions (for characteristics of the family unit, for certain expenses and investments, etc.) that the taxed unit might apply.

⁷¹ This result is contradictory with those obtained from previous empirical analyses showing a lower discrimination when the second earner had a low income. From this, the incentive to part-time work for women was assumed.

in countries with different taxation models (for example: Germany and Belgium).

Table 20. Comparison of tax rates of single persons and second earners, 2000-2001 (1)						
	Women earning 67 per cent of Average Production Worker (APW), 2001			Women earning 100 per cent of APW, 2000		
	Second earner	Single	Ratio second earner/single	Second earner	Single	Ratio second earner/single
Austria	25	22	1,1	29	28	1,1
Belgium	51	34	1,5	53	42	1,3
Denmark	50	41	1,2	51	44	1,2
Finland	26	26	1,0	34	34	1,0
France	26	21	1,2	26	27	1,0
Germany	50	34	1,5	53	42	1,3
Greece	16	16	1,0	18	18	1,0
Ireland	24	10	2,3	31	20	1,5
Italy	38	24	1,6	39	29	1,4
Luxemburg	20	19	1,0	28	27	1,1
Netherlands	33	27	1,2	41	36	1,1
Portugal	17	13	1,3	20	18	1,1
Spain	21	13	1,6	23	18	1,3
Sweden	30	30	1,0	28	33	0,9
United Kingdom	24	19	1,3	26	24	1,1

Source: Jaumotte (2003)

(1) The relevant “marginal” tax rate for a married woman’s decision to participate or not in the labour market is the average tax rate on the second-earner’s earnings, defined as the proportion of these earnings that goes into paying increased household taxes. The husband is assumed to earn 100 percent of APW and the couple is assumed to have two children. This tax rate is compared to average tax rate for a single individual with same gross earnings as the second earner. The tax rates include employee’s social security contributions and are netted from universal cash benefits. But they do not include employer’s social security contribution, indirect taxes, nor means-tested benefits (except some child benefits that do vary with income).

In Annex VI a series of good practice examples with respect to policy are included. From the preceding discussion, however, and from the work referenced in previous chapters, the main issue to keep in mind about policies that can enhance reconciliation of family life and work is that women and men should be treated as individuals and that direct provision of services seems to have better effects than direct payments.

CHAPTER V. CONCLUSIONS AND RECOMMENDATIONS

Main Conclusions

- The working time directive can be seen by some as continuing a practice which is increasingly at odds with the new organisation of work, however, based on the data and information scanned for the present study the directive can also be seen as ameliorating the implications that these organisational changes are having on the use of time by women and men, in particular with the use of time which is basic for social reproduction and social cohesion.
- There is no definite evidence pointing to a direct relation between longer working hours and divorce in each of the individual MS. However, putting together all of the MS together there does seem to be a case for a positive relation between these two variables. Working women in all MS have higher incidence or higher probability of being divorced than working men. The difference in divorce rates between working men and women are highest in the countries with the lowest divorce rates (Mediterranean countries in particular).
- Hours in the new MS are higher than in EU15. Working women in new MS work much longer hours. Women lone parents work longer hours than their counterparts in couple household with children. The pressure from the application of the opt-out for longer hours can put these women at risk of promotion opportunities and lower pay.
- Working time and reconciliation of work and family life cannot be understood outside the flexibilisation and new organisation of work debate. Reconciliation is still considered a woman's issue (as it is found in various European

Commission documents) and men have more scope to become increasingly involved in unpaid work.

- Firms that only use flexibilisation of time and re-organise work accordingly, will not be enhancing the possibilities for their workers to reconcile work and family life. There are increasing examples of good practice and the beneficial effects to firms (in particular in the reduction of absenteeism and conflicts) that point to an integrated approach of flexibilisation and new work organisation (including the use of information and communication technologies) with more opportunities for workers to reconcile.
- Atypical working times such as night shifts and regular Saturday and Sunday work show higher levels of incompatibility between work and family life, however this is less so in the case of women than for men. Also, those with part-time work report higher compatibility.
- The original focus of the directive on the protection of workers' health and safety is reinforced by linking the directive to the improvement of the reconciliation of work and family life. If reconciliation goes on unresolved it can increase workers' ill health if. It also has a high cost for firms in absenteeism and reduced productivity. Presenteeism (in all its forms) can also have higher costs for firms.
- The most widely used form of flexible working time is part-time work. The workers under this regime, however, can have a number of disadvantages that should be addressed by legislation and that the working time directive can support. The main disadvantages are: lower pay, lower social security coverage, lower pensions at retirement, higher probability of working atypical hours and less control of the worker over her/his schedule. From a life-cycle

perspective, part-time work may be suitable for certain sectors of the population, but cannot be a permanent situation.

- The increasing use of results-based work which tends to increase hours worked and requires increasing commitments from workers, not always accompanied by the corresponding pay, can reduce the possibilities of creating quality part-time work and force women into less promising career paths as they are faced with choosing family over work.
- Community time has a high risk of being diminished by long hours of work as well as family time. Although women are more likely to participate in community activities than men, except for union activities, higher hours and pressure to accept these higher hours in the absence of quality part-time work may have very negative consequences for social cohesion.
- MS will very likely apply the opt-out to the health sector as a result of the court cases that have decided on the definition of working time when “on-call”. There is no unanimity in the positions of MS with respect to the changes proposed, but in general the opt-out is highly likely to be used in all MS (except Finland, from the MS who answered the Commission questionnaire, who wants it out) in some capacity or another.
- The comparison of old and new MS points to the differences in institutional arrangements, as well as occupational and sectorial structures and the different uses of time that are now in force. These differences will be key in understanding to what extent the opt-out will be applied. The gender differences in these structures also points to the dangers that women can be pressured into taking higher hour jobs with the consequent loss of time devoted to their family

and community commitments or to take lower pay with bad quality fulltime and part-time jobs.

- The commitment to women's human rights and equal opportunities is fundamental to understanding the gender dimensions of the proposed changes of the working time directive. Reconciliation of work and family life has become an increasingly important element of gender equality policy which is enshrined in the Charter of Fundamental Social Rights of Workers, is a commitment in the Beijing Platform for Action, and a fundamental piece in the European OMC in the area of Employment and Social Inclusion to reach the Lisbon targets.
- A generalised use of the opt-out can be very harmful to women as it may deter them from taking on jobs that require more hours and reinforce the current situation of lower pay and lower professional opportunities. Although there is a trend for men to become more involved in unpaid care work, more can be done and should be done to equalise the conditions of women and men at work and in the home.
- Tax-benefit systems can be an incentive or a deterrent to women's entry and permanence in the labour market. They can also influence the decision to work less hours as in many countries taxing of the second earner can penalise women very heavily.

Recommendations

- If it is still possible, to include reconciliation of work and family life in a more forceful way into the body of the directive
- A more thorough monitoring of the implementation of the working time directive should be in place at the European and the national levels. The role of the labour inspection should be strengthened.

- The indicators proposed by the French Presidency on reconciliation should be applied and used in addition to those being used for the monitoring of the OMC in employment and social inclusion. Special attention to those which measure advances in gender equality should be made.
- Support for the modernisation of SMEs should be of high priority so that the full benefits of lower working hours and more efficient management of human resources can be beneficial to both firms and workers.
- Institutions such as the European Foundation for the Improvement of Working and Living Conditions and the European Observatory of Industrial Relations which is under their coordination, the European Observatory on the Social Situation, Demography and the Family and the Directorate General for Employment, Social Affairs and Equal Opportunities should engage in further research on the issue, in particular on the flexibilisation and new working organisation on family and community life.

METHODOLOGICAL ANNEX

The methodology proposed for the development of the different tasks related to this study is based on two fundamental pillars:

- a) The use of existing information and documental data bases that will provide the basic data, the latest and comparable information on the issue of working time and its link to family and work reconciliation.
- b) A theoretical and practical approach that correlates or links the following aspects that will be addressed in the different chapters:
 - The situation of working parents and lone parents with respect to hours of work and access to services that help to reconcile work and family life in the different member states). Incidence of atypical working arrangements and working hours will also be explored. (use of European Household Panel and more recent selected country data which in principle will include Spain, United Kingdom and Hungary)
 - The increasing rate of divorce and increasing of working hours (effects on marriage). Existing research and existing data to establish degree and nature of correlation. (use of European Household Panel and more recent selected country data)
 - Comparison of different approach in selected and representative MS. Measures of productivity and competitiveness related to “opt-out” behaviour. Also, social dialogue “climate” with respect to reconciliation of work and family life. (Use of reports by European Foundation for the Improvement of Working Conditions on old and new MS on the issues of working and living quality; also EUROSTAT structural indicators series and reports by relevant EC DGs)
 - Quality of life and work related to the stress of reconciling work and family life by sex and different household situations. (Use of work by European Foundation for the Improvement of Working Conditions on old and new MS on the issues of working and living quality of life; research by EC)
 - Objectives and principles of EU gender equality policy and compatibility/consistency with proposed reform to working time directive. (Analysis of community framework for gender equality and other gender equality directives and recommendations)

The draft report, before being submitted to the EU Parliament has had a critical reading by five experts on EU labour markets, gender, quality of life and work and reconciliation of work and family life. Their comments and suggestions have been incorporated into the first draft.

The following table sets out the different sources of information that were used, the objectives and tasks to be performed, and the expected results.

SOCIAL REPERCUSSIONS OF AN OPT-OUT FROM THE PROVISIONS OF THE WORKING TIME DIRECTIVE		
METHODOLOGY		
Main sources of information	Objectives and tasks	Expected results
European Household Panel Survey	Establishment of a variety of correlations to be explored in the different chapters	Establish the situation of working parents and lone parents (hours of work and access to services that help to reconcile work and family life in the different member states). Incidence of atypical working arrangements and working hours will also be explored. The increasing rate of divorce and increasing of working hours (effects on marriage). Existing research and existing data to establish degree and nature of correlation.
European Commission reports from relevant DGs, EUROSTAT indicators, European Foundation for the Improvement of Working and Living Conditions reports and data		Comparison of different approach in selected and representative MS. Measures of productivity and competitiveness related to "opt-out" behaviour. Also, social dialogue "climate".
European Foundation for the Improvement of Working and Living Conditions reports and data. National reports and data		Quality of life and work related to the stress of reconciling work and family life by sex and different household situations.
Community Framework Strategy on Gender Equality 2001-2005 and European Gender equality legislation		Objectives and principles of EU gender equality policy and compatibility/consistency with proposed reform to working time directive

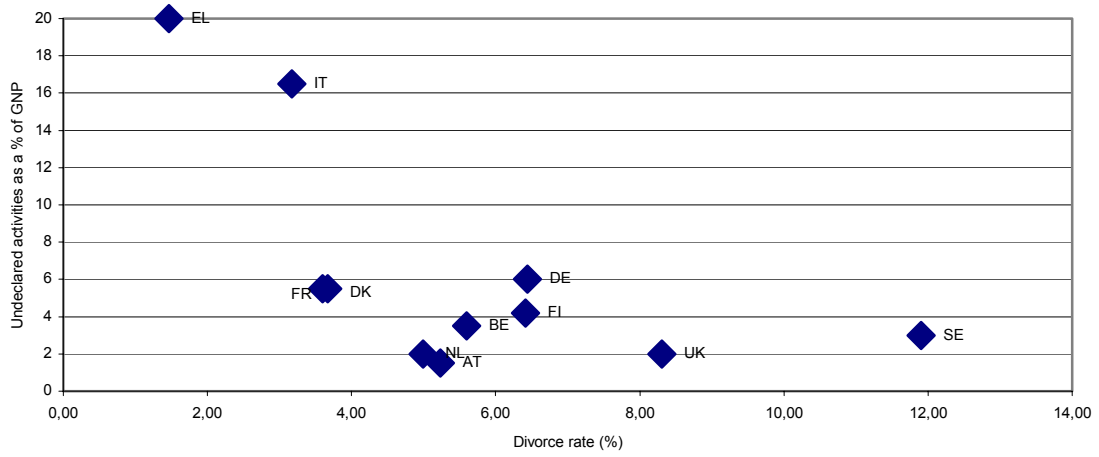
In addition to the data sources mentioned above, a brief exploration of the International Social Survey Programme Database which has comparable information for a number of countries on issues of quality of work, and family and changing gender roles (<http://www.issp.org/data.htm>).

ANNEX II: VARIOUS TABLES AND GRAPHS

Table AI.1a Logit regression on the probability of divorce (1st specification)						
	All		Male		Female	
	B	T-Stud.	B	T-Stud.	B	T-Stud.
Female (Male)	0,84	16,18				
hours working per week	0,01	4,36	0,01	2,83	0,02	3,59
Age (25-29)						
30-34	1,07	7,66	0,94	4,40	1,10	5,98
35-39	1,78	13,41	1,74	8,67	1,81	10,26
40-44	2,10	16,18	2,10	10,66	2,17	12,53
45-49	2,13	16,48	1,87	9,49	2,40	13,93
50-54	2,05	15,55	1,65	8,30	2,40	13,65
55 and +	2,09	15,49	1,52	7,46	2,59	14,35
Children under 12 in the household	-0,64	-10,56	-1,46	-13,76	-0,06	-0,85
Education level (Less than second stage of secondary education (ISCED 0-2))						
Second stage of secondary level education (ISCED 3)	-0,01	-0,15	-0,06	-0,59	0,01	0,11
Recognised third level education (ISCED 5-7)	-0,08	-1,09	-0,11	-1,00	-0,08	-0,85
Private sector, including non-profit private organisations (public sector, including parastatal)	0,06	1,12	-0,11	-1,30	0,15	2,29
fixed-term or short-term contract (permanent employment)	0,14	1,82	0,22	1,72	0,10	1,02
Part-time job (Full-time job)	-0,12	-1,23	0,25	0,88	-0,21	-1,77
Main activity (Agriculture)						
Industry	0,55	2,25	0,41	1,30	0,79	2,01
Services	0,83	3,39	0,70	2,23	1,02	2,59
Occupation in current job (White Collar Higher Skill)						
White Collar Lower Skill	0,19	3,22	0,16	1,48	0,18	2,32
Blue Collar Higher Skill	0,15	1,66	0,13	1,17	0,22	1,30
Blue Collar Lower Skill	0,39	5,29	0,40	3,85	0,29	2,71
Country (DK)						
NL	0,97	6,47	0,44	1,99	1,38	6,73
B	0,79	5,10	0,34	1,48	1,11	5,31
F	0,38	2,62	0,06	0,26	0,62	3,16
IRL	0,14	0,75	-0,57	-1,80	0,58	2,40
I	0,06	0,37	-0,15	-0,70	0,19	0,93
EL	0,02	0,11	-0,74	-2,79	0,52	2,41
E	-0,14	-0,89	-0,77	-3,17	0,33	1,55
P	0,17	1,15	-0,30	-1,28	0,46	2,29
A	0,75	5,05	0,41	1,87	1,03	5,12
FIN	0,74	4,27	0,19	0,67	1,05	4,70
D	0,68	4,89	0,44	2,21	0,85	4,41
L	0,90	5,97	0,42	1,93	1,31	6,22
UK	1,12	8,01	0,84	4,10	1,34	6,99
Constant	-6,61	-19,42	-5,52	-11,95	-6,70	-13,33
N	35690		20450		15240	
-2 log L. (*)	15408,98		6866,02		8353,95	
(*) Significance at 99%						
Source: Eurostat, ECHP wave 2001, calculated by report authors						

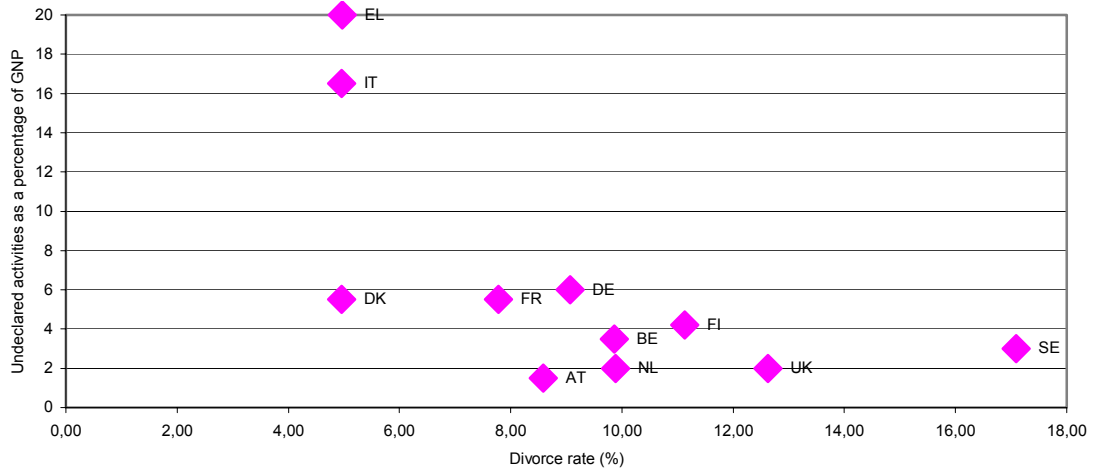
Table A1.1b Logit regression on the probability of divorce (2nd specification)						
	All		Male		Female	
	B	T-Stud.	B	T-Stud.	B	T-Stud.
Female (Male)	0,90	14,12				
hours working per week	0,01	3,93	0,01	2,51	0,02	3,44
Age (25-29)						
30-34	0,93	5,76	0,84	3,41	0,95	4,45
35-39	1,58	10,16	1,48	6,24	1,63	7,94
40-44	2,06	13,70	2,07	9,02	2,10	10,57
45-49	2,06	13,75	1,84	8,04	2,29	11,59
50-54	2,02	13,42	1,60	6,96	2,41	12,04
55 and +	1,97	12,51	1,23	5,09	2,59	12,41
Children in the household (between 12 and 15)						
Children under 12 in the household and Pay for the children looked after	-0,41	-2,92	-0,75	-2,65	-0,27	-1,63
Children under 12 in the household and NOT pay for the children looked after	-0,17	-1,00	-0,05	-0,17	-0,24	-1,17
Children under 12 in the household and NOT looked after on a regular basis	-0,51	-4,49	-0,80	-3,73	-0,32	-2,33
Other case	0,19	2,11	0,78	4,83	-0,24	-2,13
Education level (Less than second stage of secondary education (ISCED 0-2))						
Second stage of secondary level education (ISCED 3)	-0,06	-0,79	-0,38	-2,92	0,13	1,21
Recognised third level education (ISCED 5-7)	-0,22	-2,30	-0,47	-2,94	-0,07	-0,55
Private sector, including non-profit private organisations (public sector, including parastatal)	0,05	0,76	-0,15	-1,41	0,17	2,05
fixed-term or short-term contract (permanent employment)	0,29	3,30	0,36	2,48	0,25	2,31
Part-time job (Full-time job)	-0,06	-0,58	0,31	1,06	-0,14	-1,10
Main activity (Agriculture)						
Industry	0,76	2,59	0,57	1,49	1,06	2,28
Services	1,02	3,47	0,82	2,15	1,26	2,71
Occupation in current job (White Collar Higher Skill)						
White Collar Lower Skill	0,14	1,92	0,11	0,79	0,17	1,77
Blue Collar Higher Skill	0,18	1,56	0,12	0,83	0,26	1,30
Blue Collar Lower Skill	0,25	2,67	0,20	1,45	0,23	1,75
Country (DK)						
NL	0,91	5,81	0,17	0,71	1,44	6,75
B	0,80	5,08	0,25	1,08	1,15	5,42
F	0,38	2,53	-0,08	-0,37	0,66	3,30
IRL	-0,01	-0,03	-0,62	-1,94	0,39	1,53
I	0,05	0,32	-0,26	-1,15	0,21	1,00
EL	0,00	-0,02	-0,86	-3,18	0,53	2,44
E	-0,15	-0,94	-0,89	-3,59	0,35	1,63
P	0,14	0,94	-0,51	-2,14	0,51	2,53
A	0,75	5,01	0,39	1,74	1,04	5,15
FIN	0,73	4,24	0,18	0,62	1,05	4,65
Constant	-6,89	-16,70	-5,95	-10,29	-6,85	-11,50
N	26845		15001		11844	
-2 log L. (*)	10615,54		4429,725		6026,26	
(*) Significance at 99%						
Source: Eurostat, ECHP wave 2001, calculated by report authors						

Graph A1a. Relation between GNP percentage of undeclared work and rate of divorce. Men.



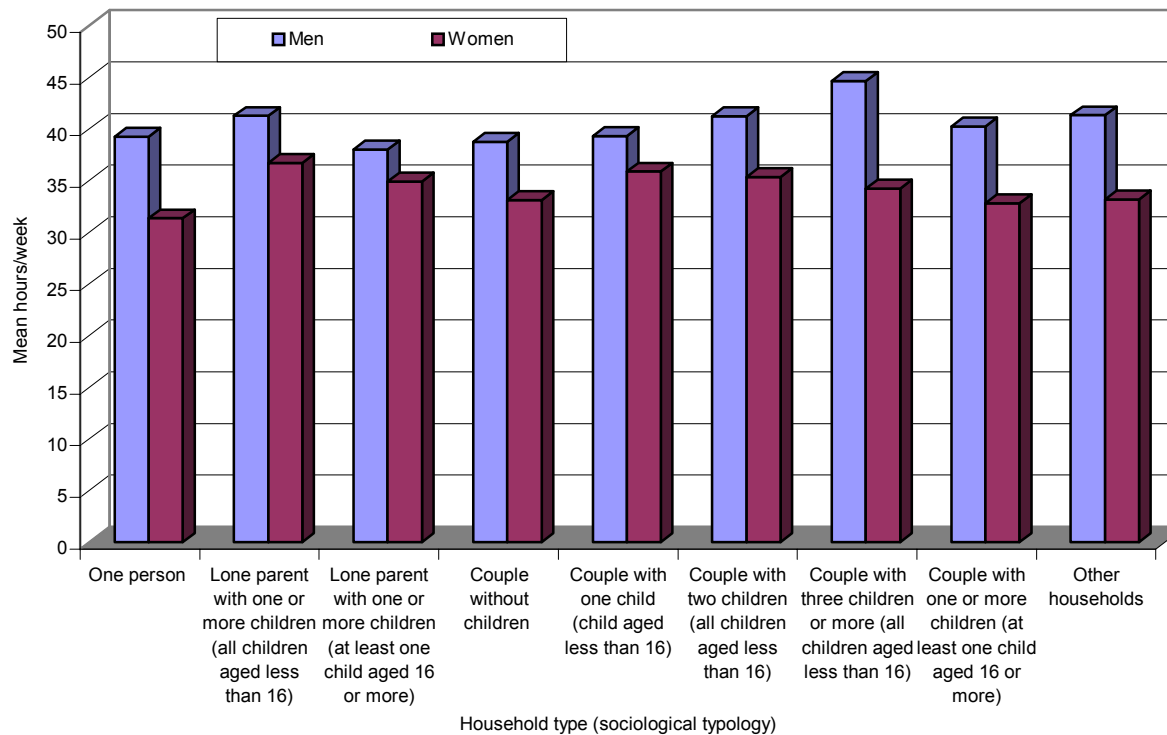
Source: ECHP, 2001 final wave and European Commission, 2004 Graph by report authors

Graph A1B. Relation between GN percentage of undeclared work and rate of divorce. Women

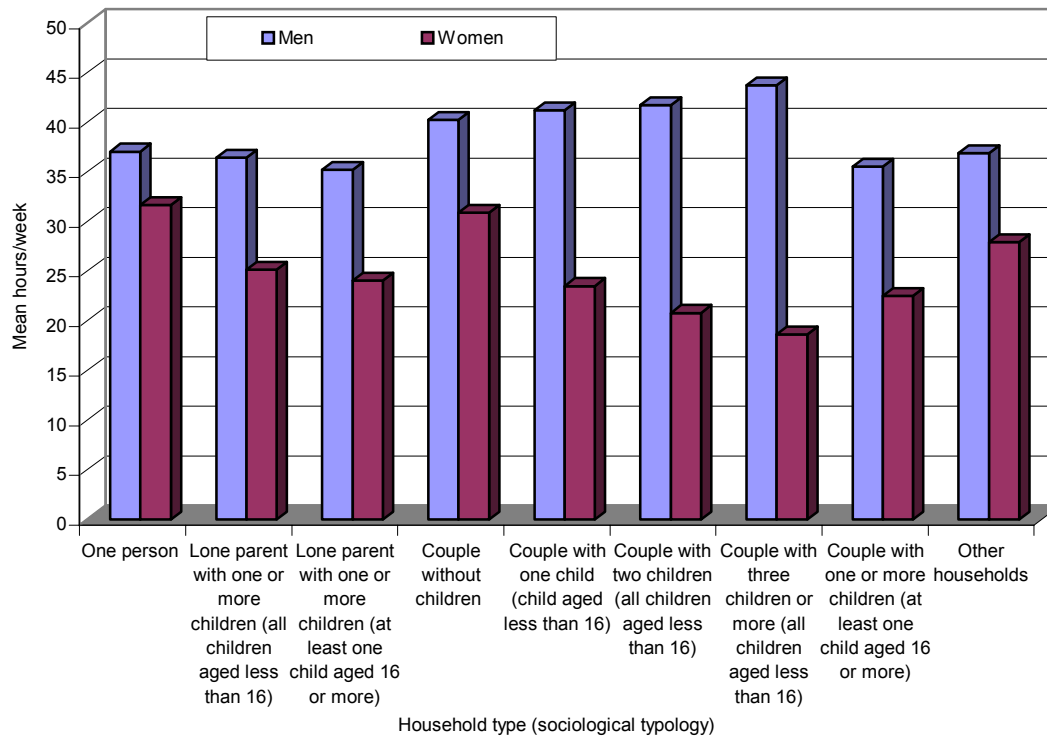


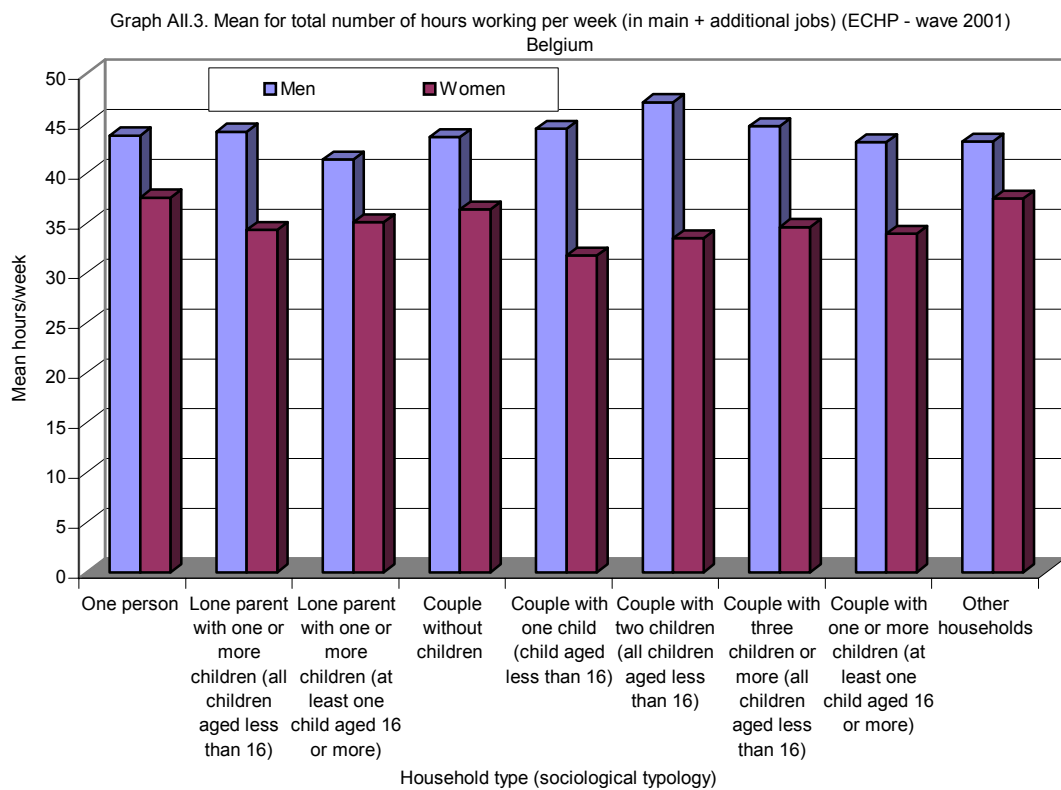
Source: ECHP, 2001 final wave and European Commission, 2004 Graph by report authors

Graph All.1. Mean for total number of hours working per week (in main + additional jobs) (ECHP - wave 2001)
Denmark

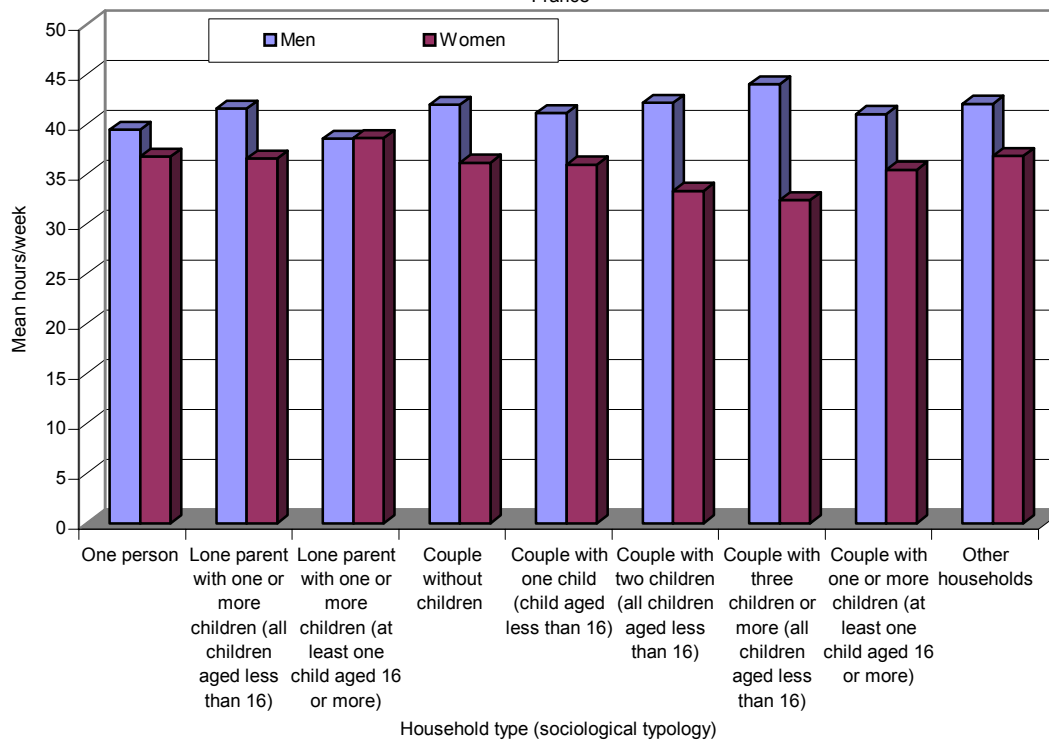


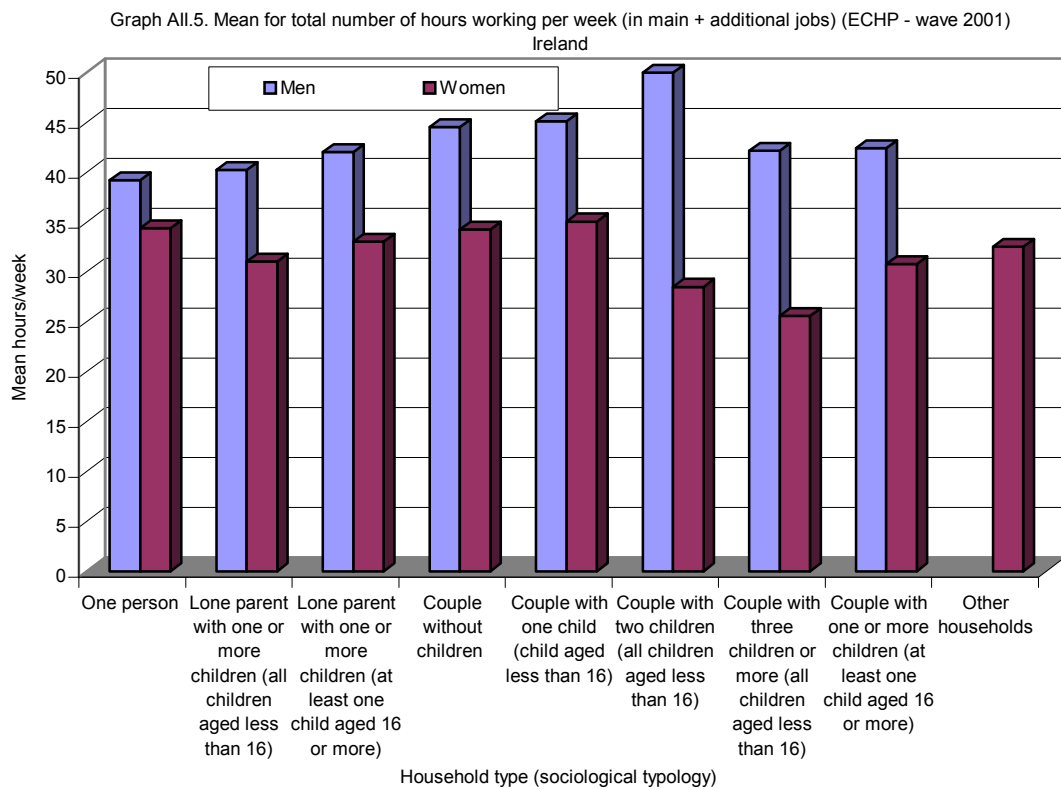
Graph All.2. Mean for total number of hours working per week (in main + additional jobs) (ECHP - wave 2001)
The Netherlands



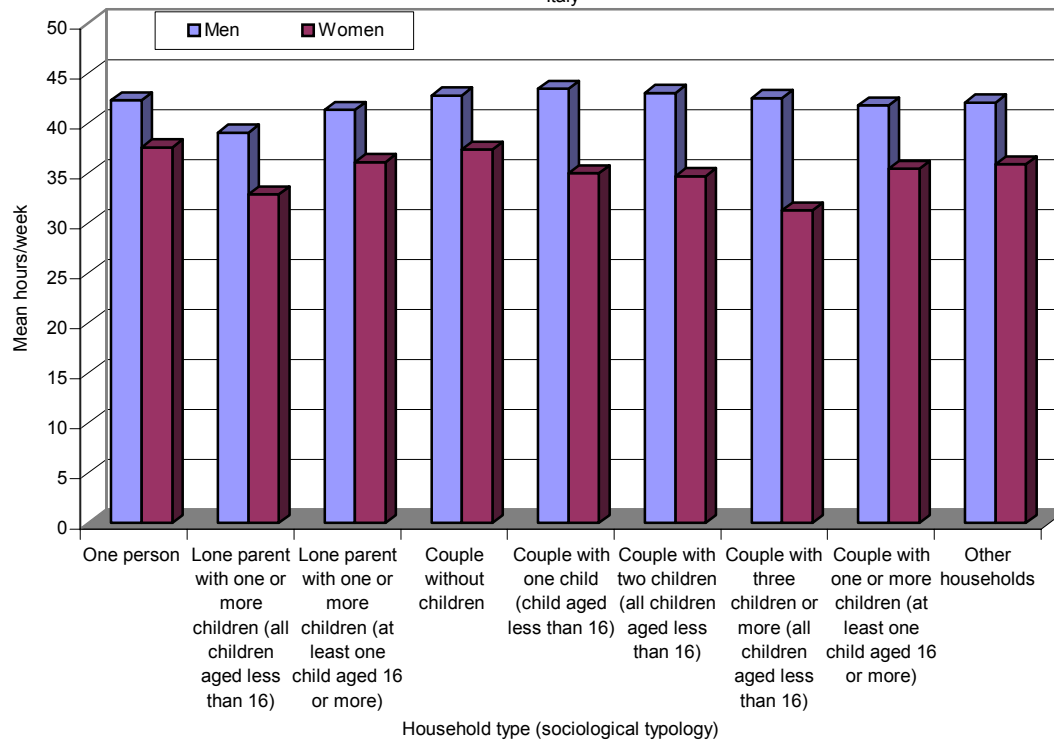


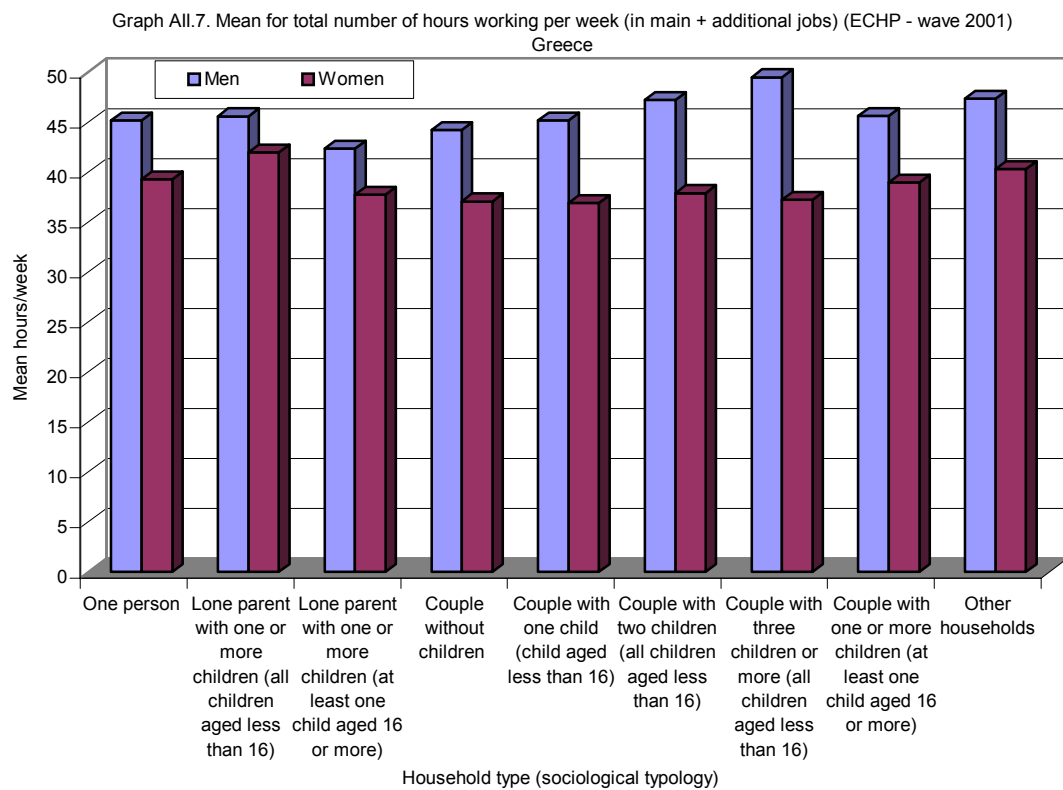
Graph All.4. Mean for total number of hours working per week (in main + additional jobs) (ECHP - wave 2001)
France

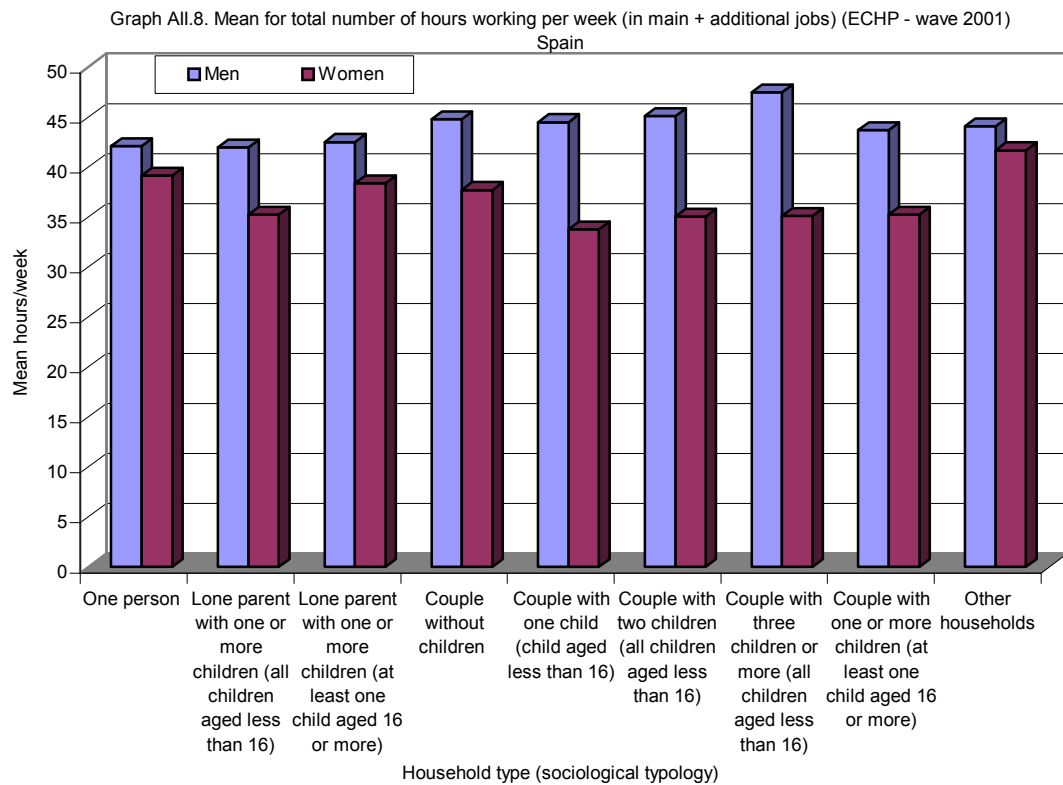


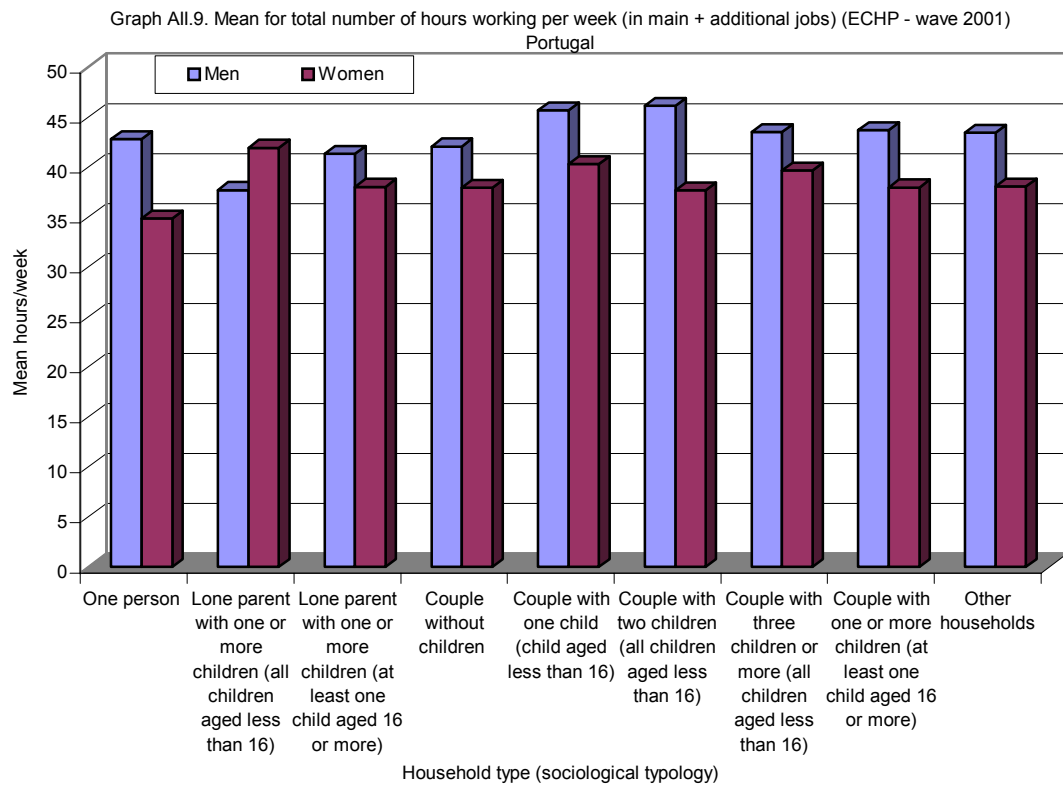


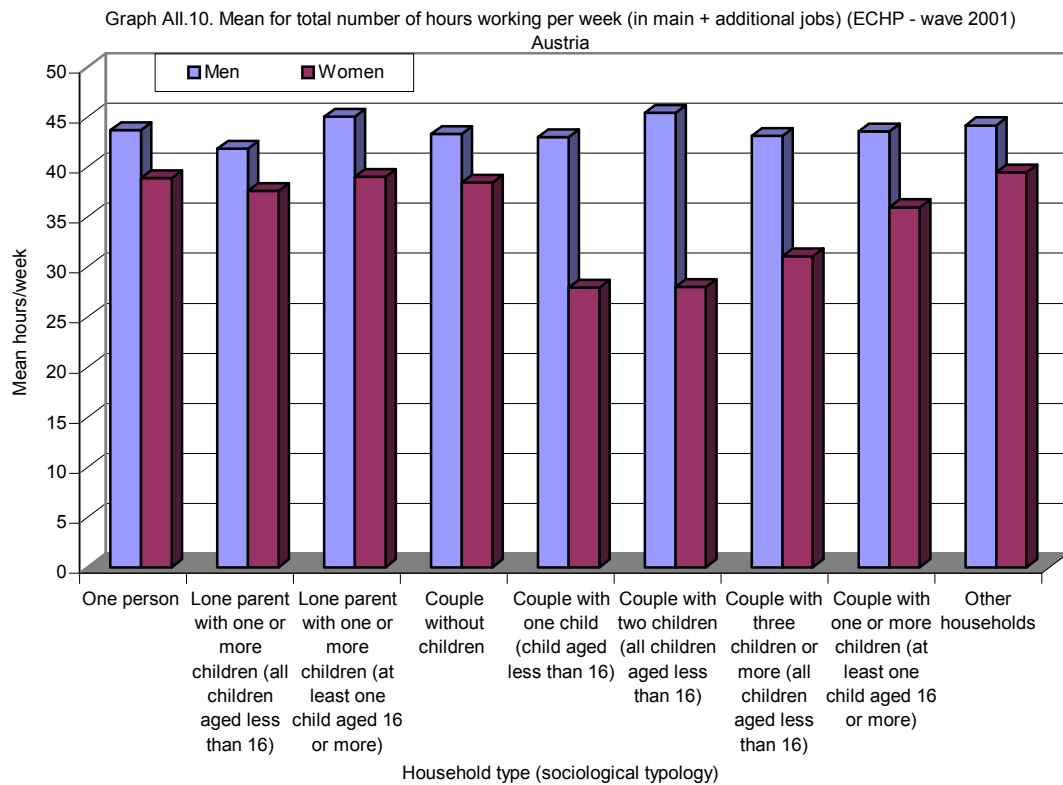
Graph All.6. Mean for total number of hours working per week (in main + additional jobs) (ECHP - wave 2001)
Italy

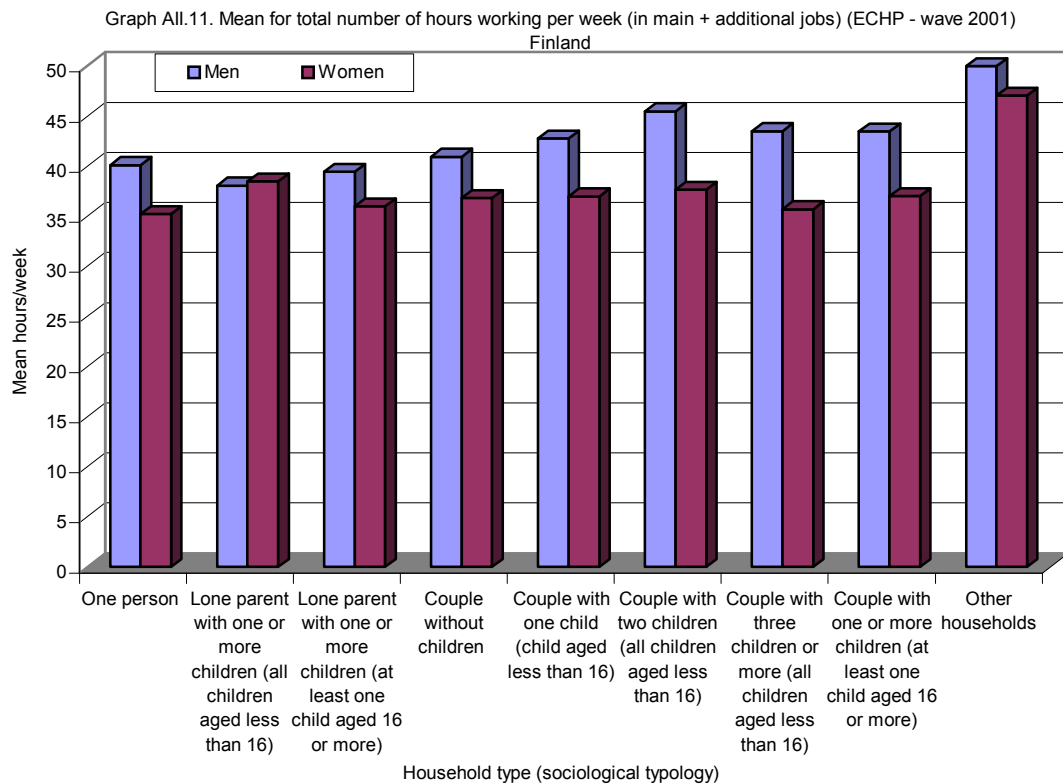


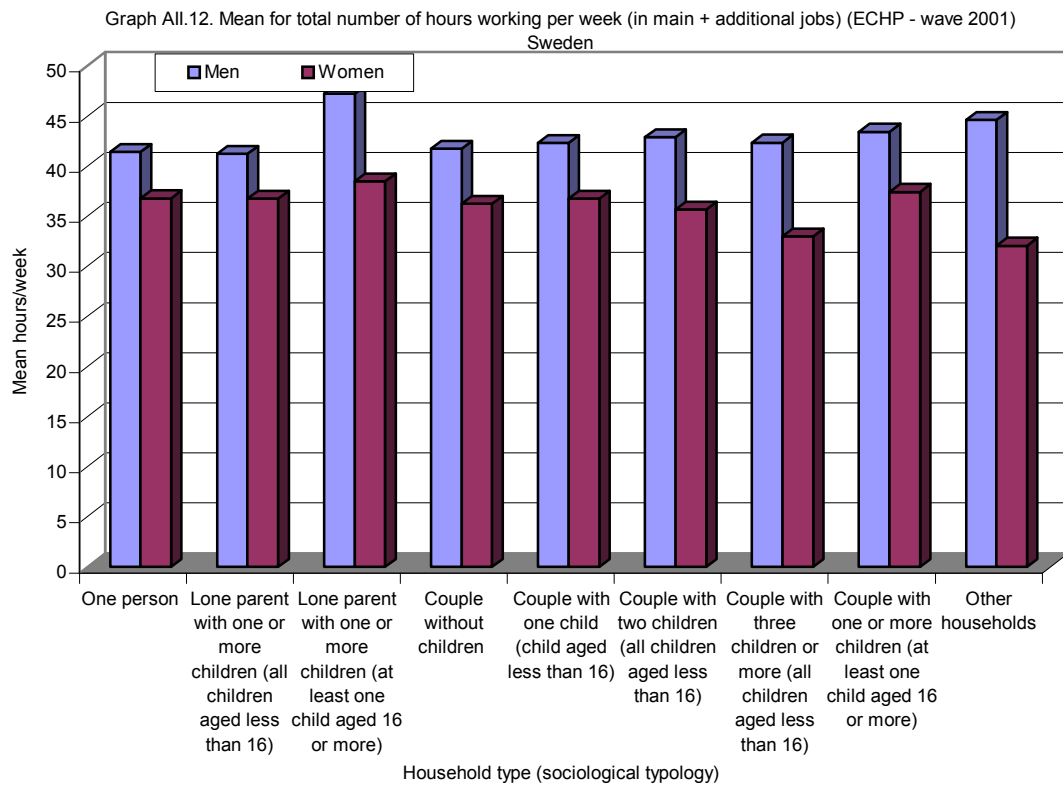


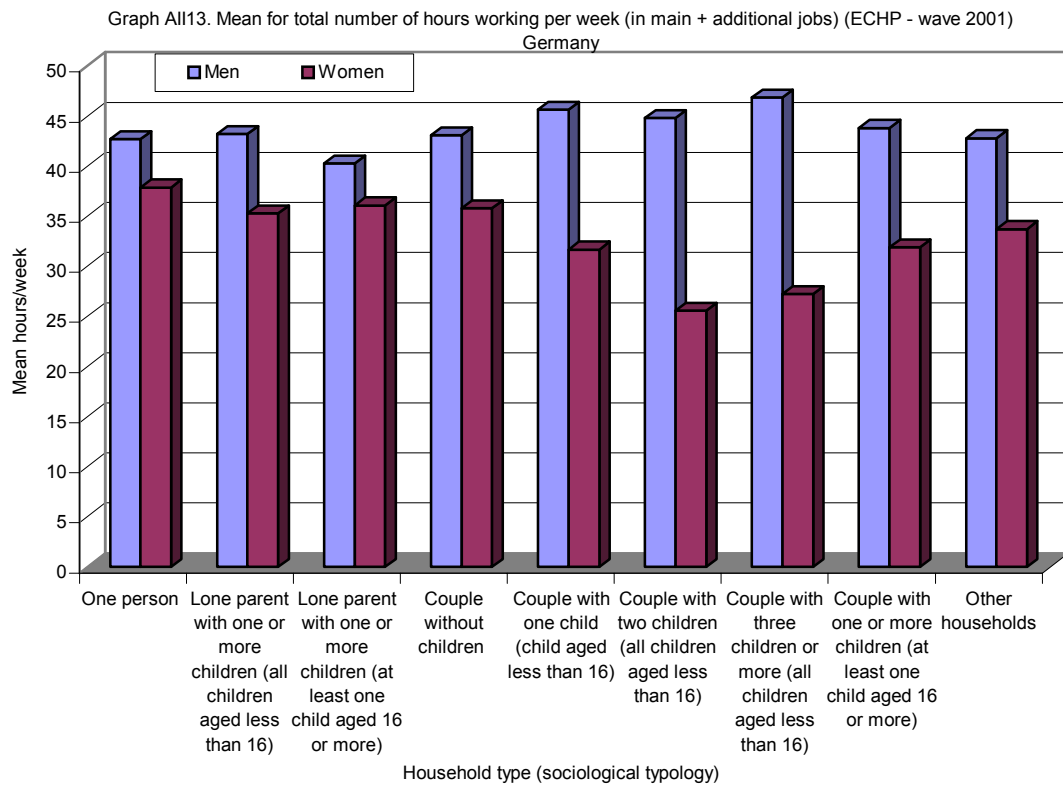


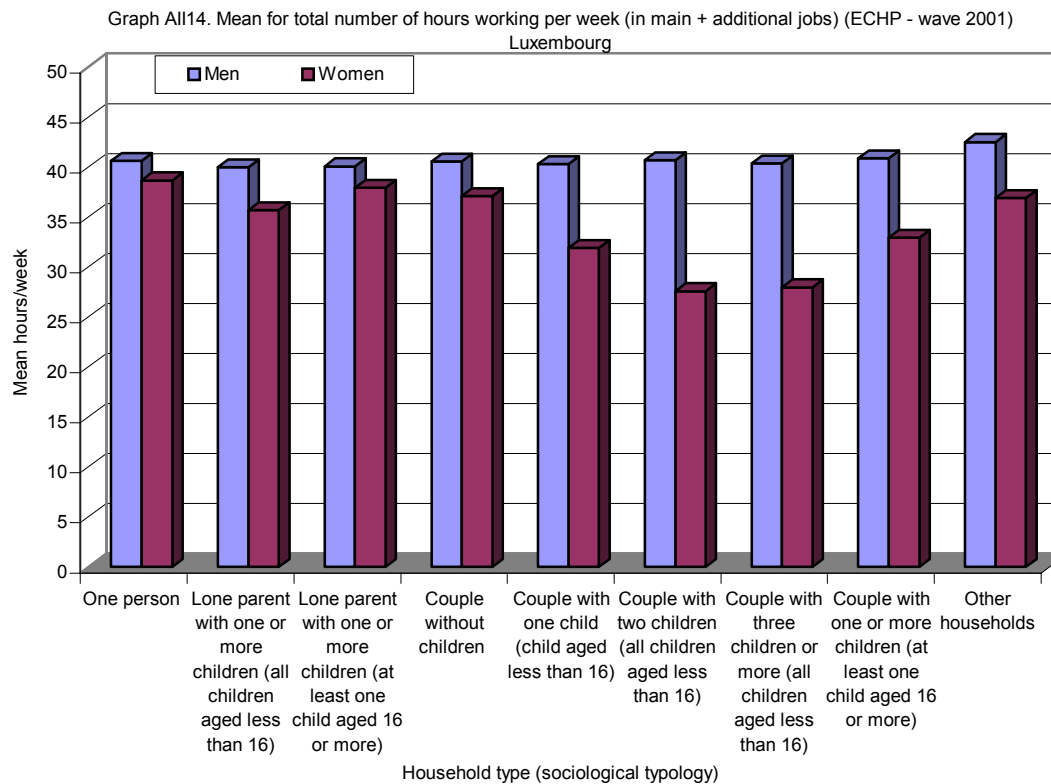












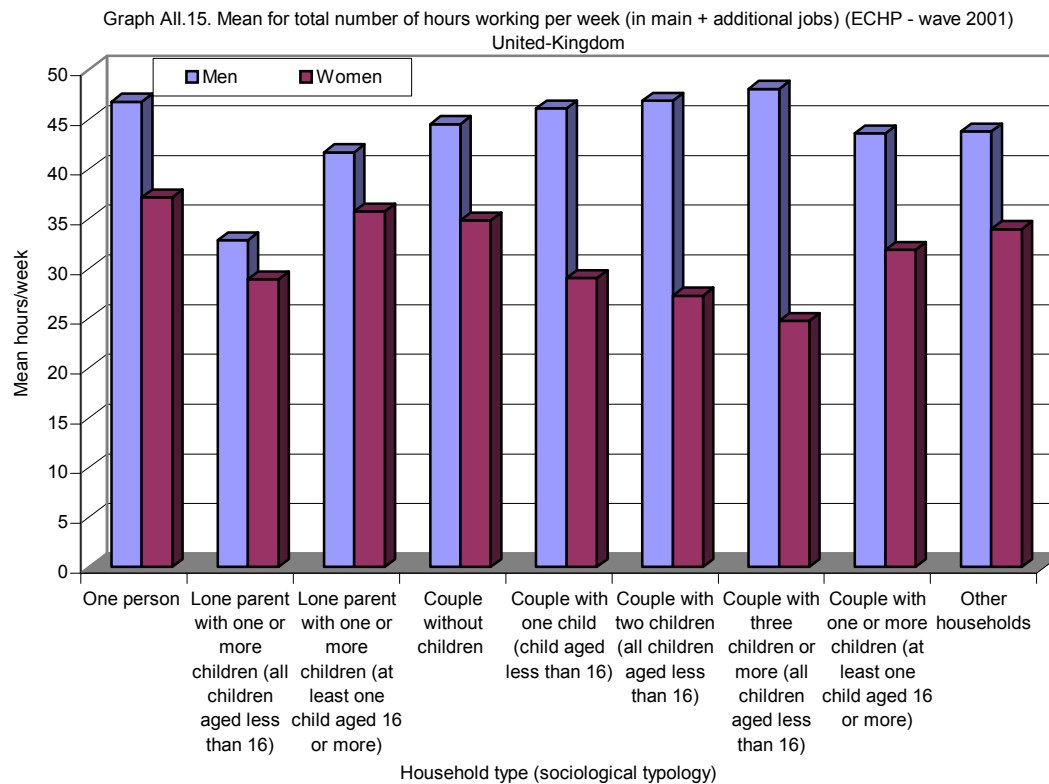
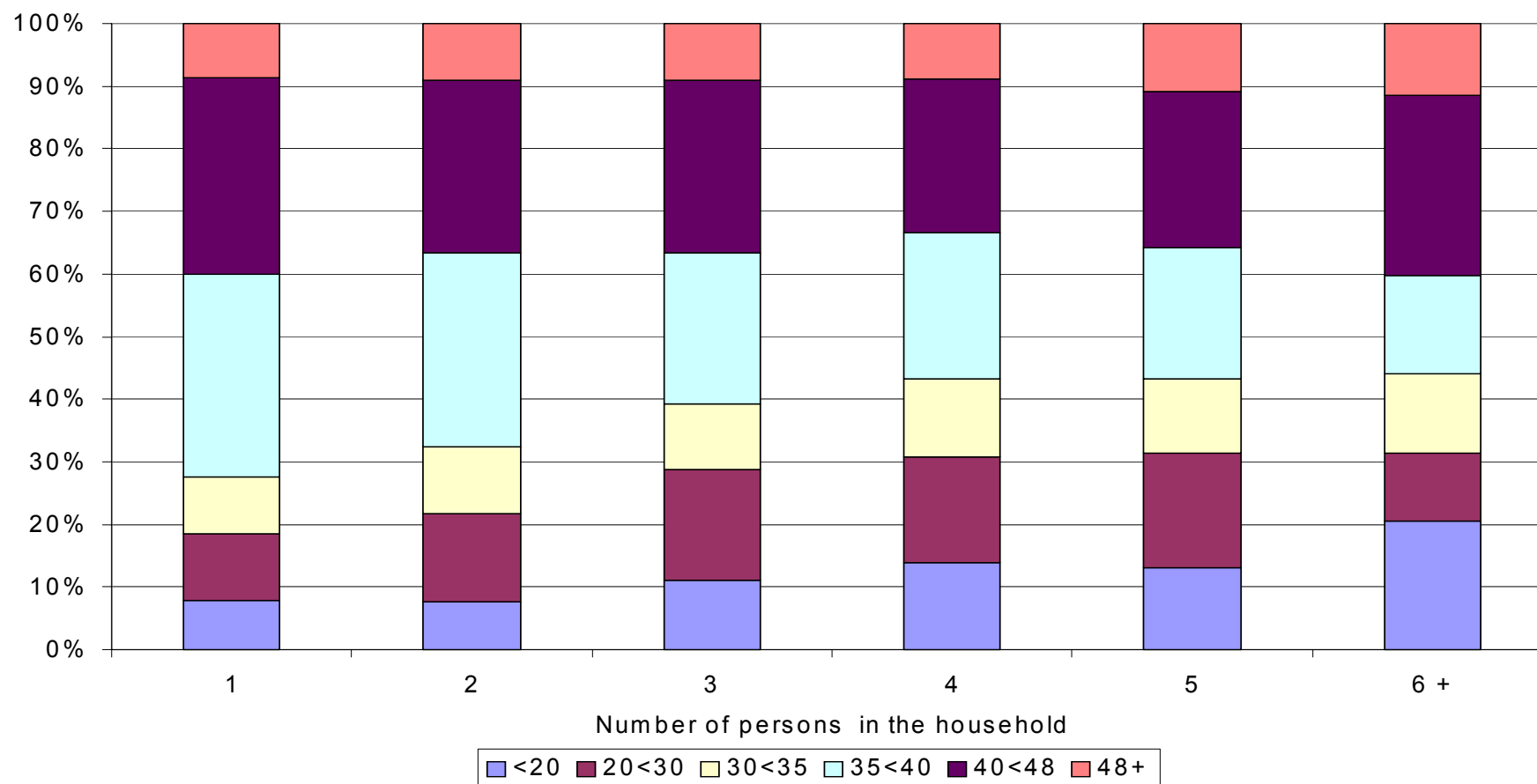


Table All.1 Household structure per country for working women and working men									
	One person	Single parent with one or more children (all children aged less than 16)	Single parent with one or more children (at least one child aged 16 or more)	Couple without children	Couple with one child (child aged less than 16)	Couple with two children (all children aged less than 16)	Couple with three children or more (all children aged less than 16)	Couple with one or more children (at least one child aged 16 or more)	Other households
EU15 Men									
EU15 Women									
DK Men	10	0	2	32	12	13	5	25	1
DK Women	7	2	2	33	11	14	5	24	2
NL Men	16	1	3	28	7	15	5	24	4
NL Women	13	3	4	29	8	14	5	23	1
BE Men	9	0	4	16	10	15	6	36	2
BE Women	8	2	6	15	10	16	7	34	2
FR Men	9	0	4	15	11	14	5	38	4
FR Women	10	3	7	17	11	13	3	32	4
IE Men	7	no value	10	4	6	11	8	45	9
IE Women	6	3	9	6	5	9	5	40	17
IT Men	6	0	7	8	11	11	3	44	10
IT Women	6	2	9	9	12	10	2	40	10
EL Men	4	0	5	10	8	14	2	45	12
EL Women	5	1	10	12	7	13	1	38	13
ES Men	4	0	6	9	6	10	3	45	17
ES Women	7	1	10	10	5	8	2	39	18
PT Men	2	0	6	10	9	9	3	43	18
PT Women	3	1	7	9	9	9	2	36	24
AT Men	11	0	4	10	9	12	3	36	15
AT Women	12	3	4	13	9	10	2	31	16
FI Men	17	0	3	20	8	12	7	27	6
FI Women	19	2	3	23	8	10	6	25	4
SE Men	29	2	1	28	8	13	4	14	1
SE Women	20	5	3	30	8	14	4	15	1
DE Men	17	0	2	15	8	9	3	40	6
DE Women	17	2	3	18	9	9	2	34	6
LU Men	12	0	4	18	10	12	4	33	7
LU Women	12	3	10	20	10	9	1	28	7
UK Men	10	0	5	25	9	13	5	28	5
UK Women	11	4	6	25	8	11	4	25	6

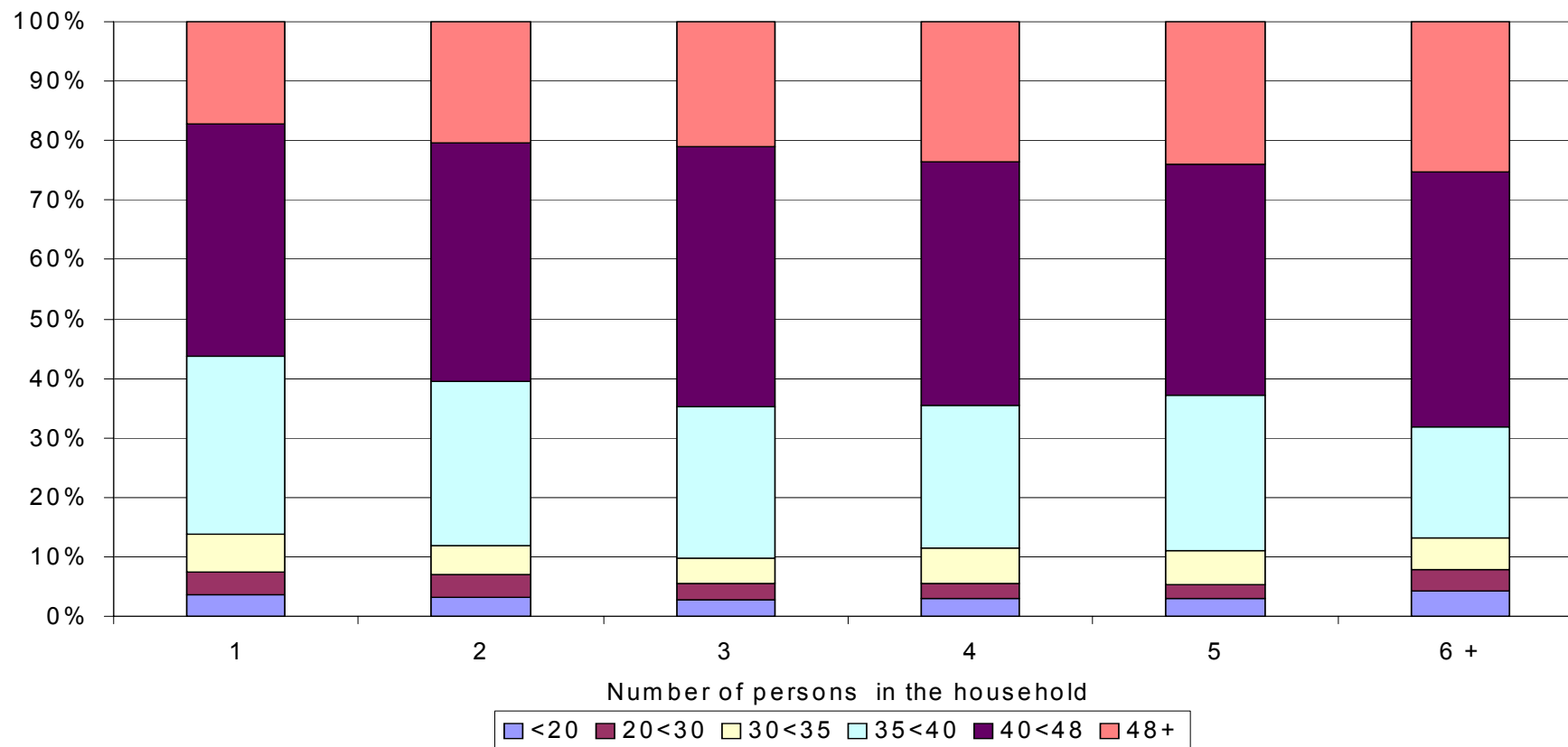
Source: Eurostat, ECHP- wave 2001. Data extracted and percentages calculated by report authors.

Graph All.16. Working time patterns by number of children in household, women, EU15, 2000



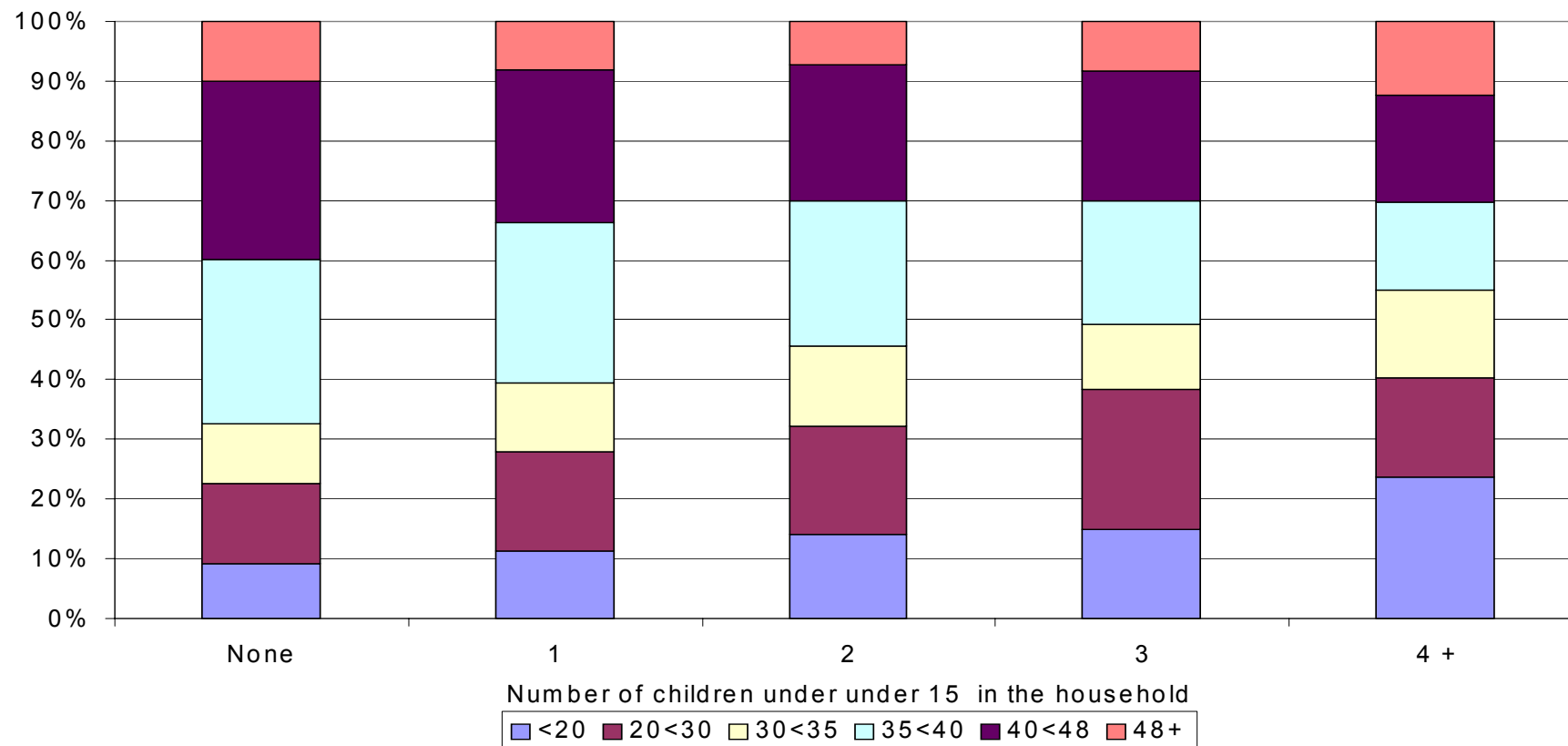
Source: Third European Survey on Working Conditions, 2000

Graph All.17. Working time patterns by number of persons living in the household, men, EU15, 2000



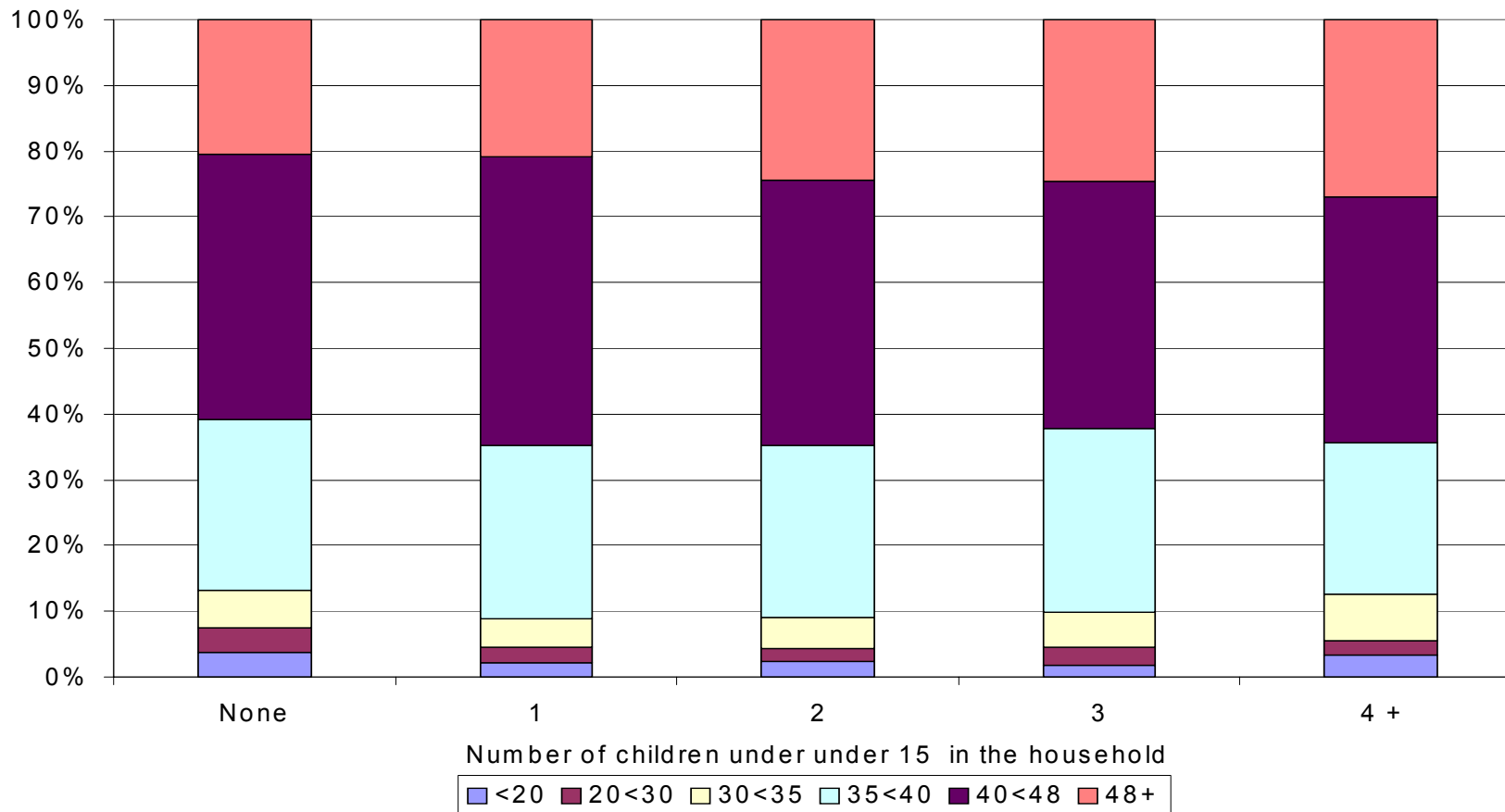
Source: Third European Survey on Working Conditions, 2000

Graph AII.18. Working time patterns by number of children under 15 in household, women, EU15, 2000



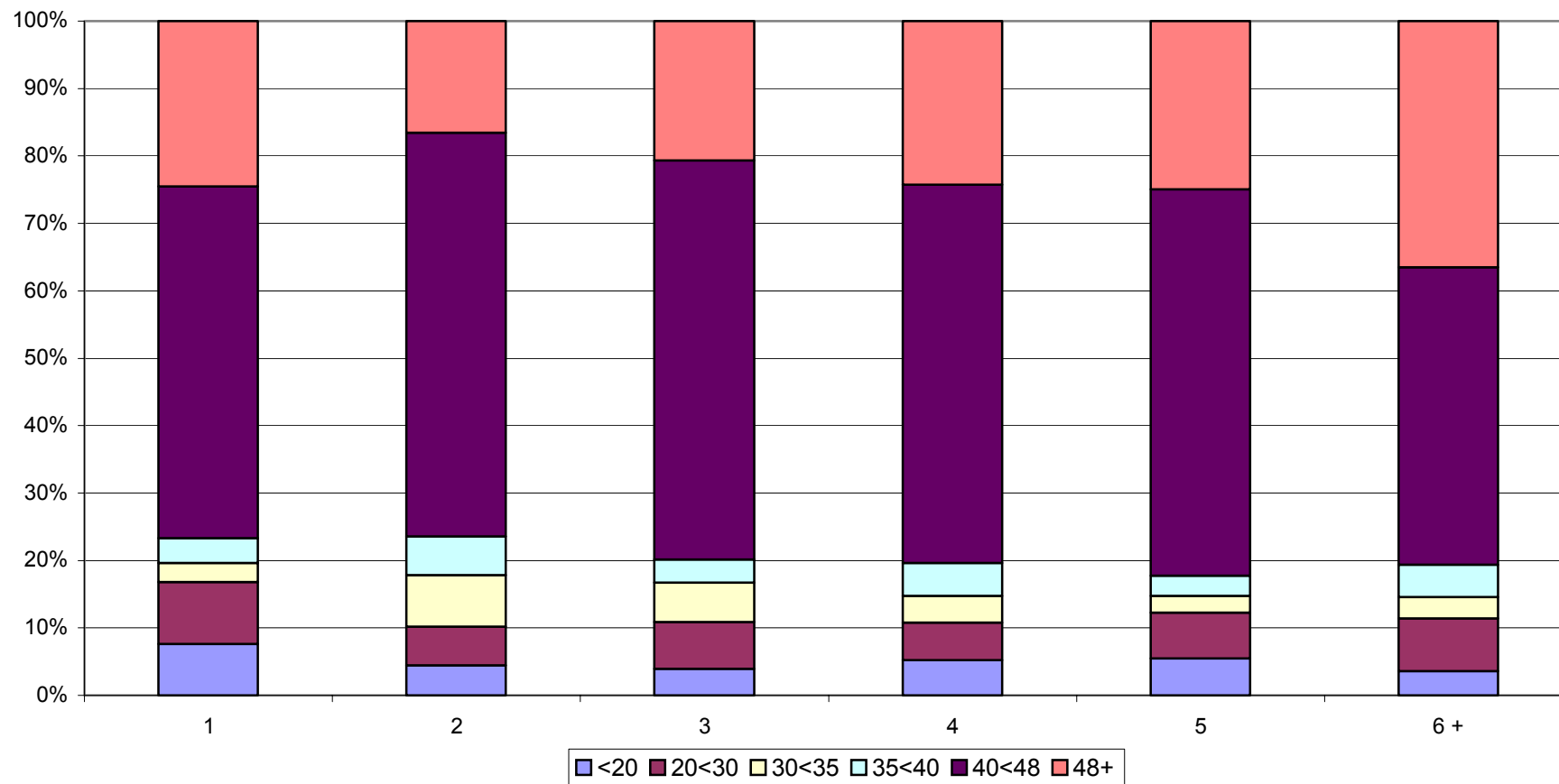
Source: Third European Survey on Working Conditions, 2000

Graph All.19 Working time patterns by number of children under 15 in household, men, EU15, 2000



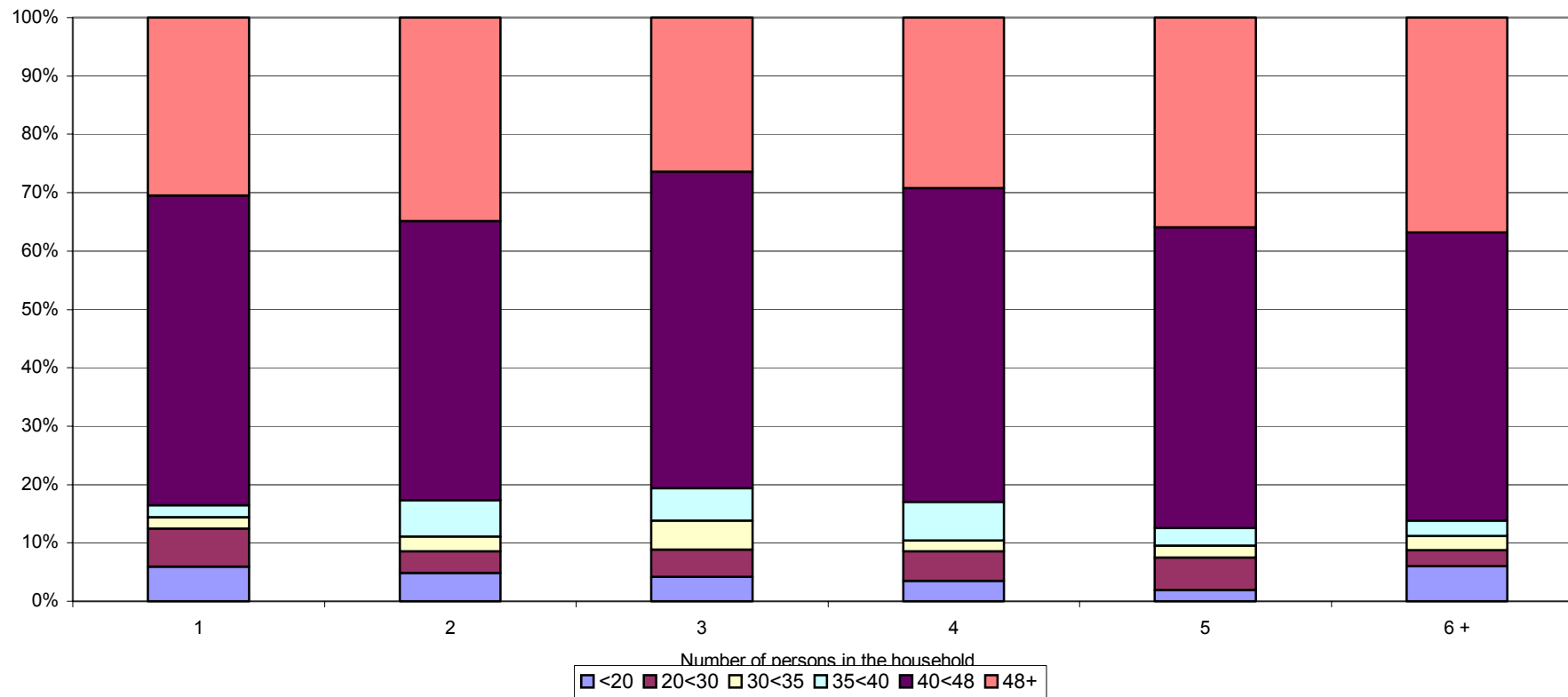
Source: Third European Survey on Working Conditions, 2000

Graph All.20. Working time patterns by number of persons in household, women, EU10+2, 2001



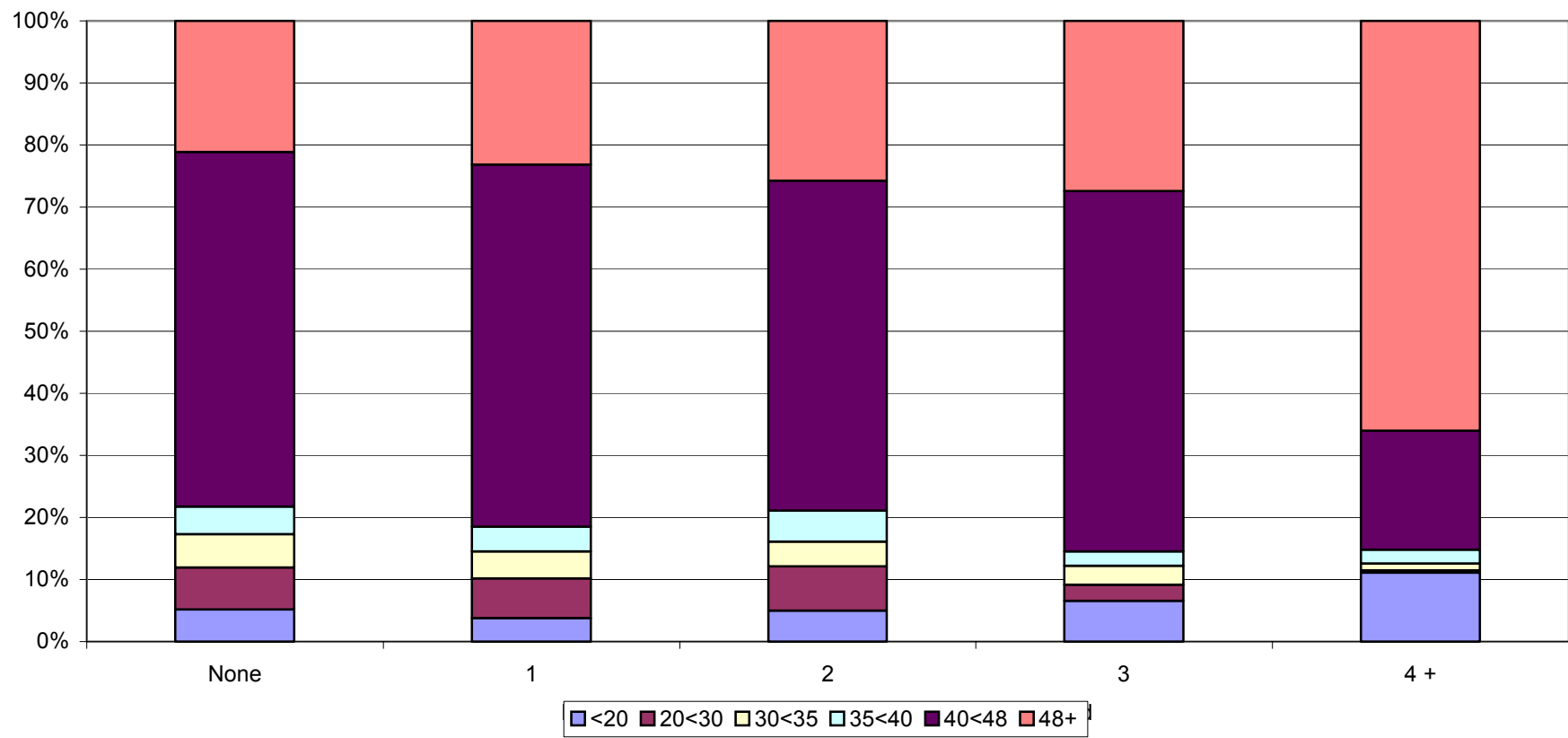
Source: Third European Survey on Working Conditions, 2001

Graph All.21. Working time patterns by number of persons in household, men, EU10+2, 2001



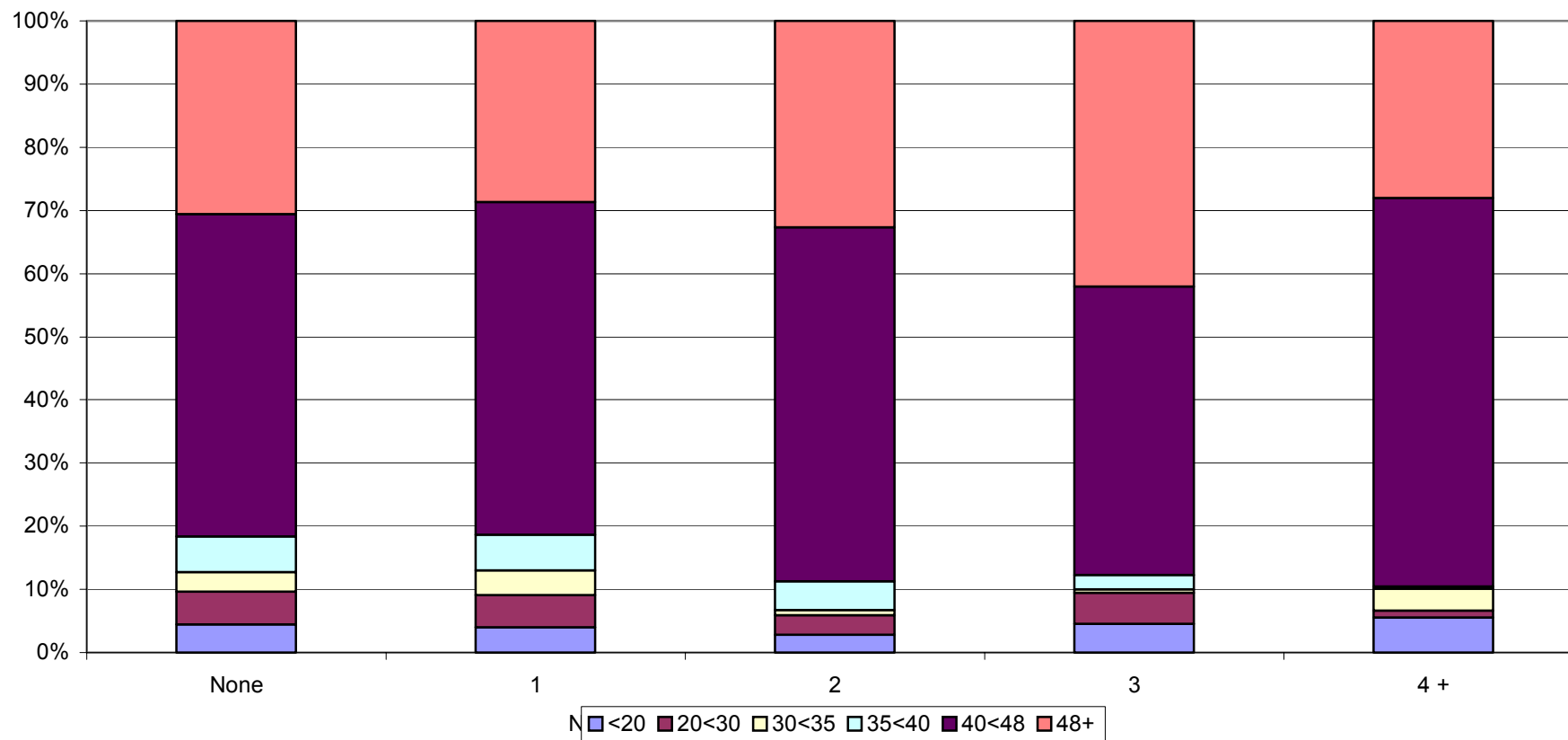
Source: Third European Survey on Working Conditions, 2001

Graph All.22. Working time patterns by number of children in household, women, EU10+2, 2001



Source: Third European Survey on Working Conditions, 2001

Graph AII.23. Working time patterns by number of children in household, men, EU10+2, 2001



Source: Third European Survey on Working Conditions, 2001

Table AIII.1. Involvement in community, household and other activities by working time for women, EU15, 2000 (percentages)							
TAKING A TRAINING OR EDUCATION COURSE							
<20	15,52	1,39	7,50	2,40	12,79	60,39	100
20<30	5,28	1,11	5,32	5,47	21,15	61,67	100
30<35	1,70	0,59	6,30	6,13	22,75	62,54	100
35<40	1,65	1,04	5,99	5,87	25,62	59,83	100
40<48	2,43	0,99	5,57	6,13	21,04	63,83	100
48+	1,53	1,21	3,29	6,89	18,64	68,44	100
SPORTING ACTIVITY							
<20	4,04	6,31	30,10	8,15	5,11	46,30	100
20<30	4,02	7,22	27,40	7,91	4,98	48,46	100
30<35	3,35	5,30	23,46	10,65	4,44	52,80	100
35<40	3,62	6,58	28,15	10,63	5,07	45,95	100
40<48	4,05	6,29	25,88	10,86	5,06	47,87	100
48+	4,34	3,93	18,43	8,80	5,28	59,21	100
CULTURAL ACTIVITY							
<20	2,06	2,24	11,01	23,96	14,41	46,32	100
20<30	1,94	2,21	9,78	25,98	15,05	45,04	100
30<35	1,19	1,66	10,55	23,79	20,58	42,23	100
35<40	1,57	1,91	9,85	27,20	19,00	40,47	100
40<48	1,92	2,40	11,35	24,29	17,50	42,55	100
48+	2,01	3,07	9,71	21,04	15,42	48,75	100
LEISURE ACTIVITY							
<20	10,70	9,22	37,90	17,68	3,64	20,86	100
20<30	10,88	10,55	35,33	20,56	4,56	18,12	100
30<35	8,59	9,57	32,20	22,33	6,70	20,62	100
35<40	7,65	8,47	34,88	21,36	6,39	21,25	100
40<48	7,30	7,79	34,13	21,63	6,46	22,69	100
48+	6,71	5,72	23,82	24,23	9,94	29,58	100
Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors							

Table AIII.2. Involvement in community, household and other activities by working time for women, EU15, 2000 (percentages)							
TAKING A TRAINING OR EDUCATION COURSE							
<20	1,68	1,50	3,26	3,25	30,50	59,81	100
20<30	1,72	1,43	3,09	10,49	32,27	50,99	100
30<35	2,94	1,89	5,71	5,45	31,36	52,65	100
35<40	0,94	5,06	3,20	4,67	20,53	65,59	100
40<48	1,53	0,70	2,07	5,50	24,08	66,13	100
48+	0,31	0,43	1,56	3,67	14,84	79,19	100
SPORTING ACTIVITY							
<20	9,92	1,53	11,95	12,80	6,97	56,83	100
20<30	6,54	10,18	10,78	10,42	8,48	53,60	100
30<35	5,94	3,16	14,25	18,94	5,50	52,21	100
35<40	3,62	9,90	16,38	16,65	7,36	46,09	100
40<48	2,82	4,69	12,12	12,07	9,14	59,15	100
48+	0,95	1,40	11,61	13,26	8,13	64,65	100
CULTURAL ACTIVITY							
<20	4,83	5,28	14,71	20,63	27,09	27,47	100
20<30	5,54	3,29	7,41	29,00	21,98	32,78	100
30<35	1,90	1,25	13,09	27,52	18,04	38,20	100
35<40	6,67	1,59	11,47	26,03	21,46	32,78	100
40<48	2,03	2,84	8,79	22,07	20,66	43,62	100
48+	0,83	1,20	5,53	20,37	15,75	56,33	100
LEISURE ACTIVITY							
<20	21,59	7,47	30,80	18,71	8,35	13,07	100
20<30	14,34	23,19	20,77	15,36	10,68	15,66	100
30<35	19,12	7,13	29,91	18,36	5,55	19,94	100
35<40	26,39	13,98	28,02	13,42	4,00	14,19	100
40<48	15,72	12,26	24,16	20,70	7,63	19,54	100
48+	7,36	8,48	16,34	23,57	12,13	32,12	100
Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors							

Table AIII.3. Involvement in community, household and other activities by working time for women, EU15, 2000 (percentages)							
TAKING A TRAINING OR EDUCATION COURSE							
<20	29,51	0,36	2,91	2,86	15,19	49,16	100
20<30	10,27	2,06	4,04	5,20	22,59	55,83	100
30<35	2,97	0,63	5,60	4,26	18,86	67,69	100
35<40	1,49	0,61	3,94	3,82	23,09	67,05	100
40<48	1,16	1,02	3,86	4,16	21,06	68,73	100
48+	0,82	0,49	2,95	6,07	19,42	70,25	100
SPORTING ACTIVITY							
<20	11,45	8,32	30,06	10,98	4,95	34,24	100
20<30	6,08	8,44	30,94	9,39	6,83	38,33	100
30<35	5,77	6,92	23,39	10,34	5,38	48,20	100
35<40	4,99	7,92	31,19	13,00	4,11	38,79	100
40<48	5,11	6,77	30,09	12,47	5,58	39,98	100
48+	3,66	5,32	24,92	13,72	6,68	45,70	100
CULTURAL ACTIVITY							
<20	2,56	3,19	13,71	23,00	14,87	42,68	100
20<30	5,43	6,16	16,54	19,35	10,62	41,90	100
30<35	3,07	1,29	10,21	23,15	16,32	45,97	100
35<40	1,91	2,18	10,06	20,78	17,34	47,73	100
40<48	2,17	2,12	10,74	18,48	17,90	48,59	100
48+	1,42	2,19	9,91	19,01	17,08	50,39	100
LEISURE ACTIVITY							
<20	20,36	9,60	31,64	15,95	5,49	16,96	100
20<30	16,03	11,74	35,13	17,58	3,77	15,75	100
30<35	12,26	8,86	37,94	17,25	6,56	17,13	100
35<40	10,56	10,31	39,58	18,56	4,60	16,40	100
40<48	12,22	10,22	35,81	19,06	4,93	17,75	100
48+	8,16	7,28	35,62	21,04	5,82	22,09	100
Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors							

Table AIII.4. Involvement in community, household and other activities by working time for women, EU15, 2000 (percentages)							
TAKING A TRAINING OR EDUCATION COURSE							
<20	2,03	1,27	1,30	1,17	21,86	72,37	100
20<30	4,01	4,38	5,51	14,65	24,58	46,87	100
30<35	3,54	8,99	2,78	13,87	12,74	58,08	100
35<40	0,51	0,33	2,32	3,61	21,27	71,96	100
40<48	1,07	0,62	1,75	5,10	24,36	67,10	100
48+	1,07	0,36	1,89	4,47	19,94	72,27	100
SPORTING ACTIVITY							
<20	4,44	4,13	17,77	8,95	15,18	49,53	100
20<30	2,29	4,93	11,30	15,44	3,53	62,50	100
30<35	3,77	12,49	23,86	15,26	4,83	39,79	100
35<40	1,66	3,97	27,88	12,54	6,57	47,38	100
40<48	3,24	4,46	14,14	16,05	9,19	52,91	100
48+	1,69	1,68	12,91	11,89	12,18	59,65	100
CULTURAL ACTIVITY							
<20	1,89	0,75	17,90	23,59	10,79	45,08	100
20<30	2,46	2,47	14,97	24,79	16,26	39,06	100
30<35	3,21	6,49	4,64	29,30	18,22	38,14	100
35<40	0,64	0,91	5,58	17,57	20,72	54,57	100
40<48	1,59	1,23	9,50	23,58	18,36	45,75	100
48+	1,33	1,34	6,80	20,16	17,97	52,41	100
LEISURE ACTIVITY							
<20	6,94	11,65	20,53	23,68	8,72	28,48	100
20<30	9,79	4,52	25,02	15,71	19,20	25,75	100
30<35	14,24	17,32	24,21	16,64	3,27	24,32	100
35<40	20,10	10,56	28,08	10,25	10,18	20,83	100
40<48	16,57	13,82	25,56	17,17	8,40	18,49	100
48+	8,12	8,75	24,38	20,51	12,12	26,11	100
Source: European Foundation for the Improvement of Living and Working Conditions, Third European Survey on Working Conditions 2000 and 2001, numbers extracted and calculated by report authors							

ANNEX III: GOOD PRACTICES WITH REGARD TO THE RECONCILIATION OF FAMILY AND WORKING LIFE. A BRIEF GUIDE FOR ITS INTRODUCTION

Introduction

At this moment we have an enormous amount of studies regarding good practices within the international arena that demonstrate their viability and certainty. There are many American, Canadian, Australian, English and German firms that have implemented holistic programmes for the reconciliation of family and working life.

In this Annex we will outline some of these experiences, paying closer attention to multinational firms because the fact that these experiences occur in the national arena means that their effectiveness has been more than proven in other countries.

In order to classify them we will differentiate them on the basis of the measures put in place, they may be by way of flexibility policies, exceptional policies, initiation of services or professional support.

All.1 Flexibility Policies

The introduction of flexible work formulas into the organization enables the reconciliation of family and working life to become a reality, in the best possible conditions and without excessive penalizations. It ensures that the person, man or woman, need not choose between their family and working life, as in many occasions occurs when these initiatives are not foreseen.

People's needs and possibilities change during their life times, they don't always require the same dedication. They vary according to each person's personal and professional circumstances. The introduction of flexibility policies allows for people to have at their disposal different opportunities to balance their family and work obligations at different times during their lives without this producing negative effects from the market.

The initiation of these policies requires a change, both in the organization of work as in processes and the measuring of results, based mainly on the achievement of objectives.

Below we will outline some experiences in this respect:

- **IBM**

<http://www.com/ibm/es/>

Teleworking⁷².

- IBM offers employees the most advanced technology to achieve maximum flexibility: portable computers, mobile telephones, Internet, video conferencing...The Madrid office is looking to open tele-offices on the outskirts of Madrid. The employee can work from home 80% of the time

⁷² Setting up the appropriate infrastructure that enables employees to work from home does suppose a high initial cost for the firm. It is also difficult to supervise work. On the other side, the employee also has several disadvantages, for one they are isolated with respect to the firm and their work colleagues, their secure conditions are reduced and in many cases so too the possibilities of a promotion. Very few collective agreements foresee teleworking.

Other Programmes

- **Programme Mobility.** With this programme 60% of their employees have access to sufficient means to work virtually from any location. 38% of these professionals work close to the client and have at their disposal portable computers which means that their trips are shorter and they spend less nights away from home, by using internet, e-mail and video conferencing.
- **Completely flexible⁷³ work hours.** IBM has no presence control over its employees; it evaluates them based on the achievement of their goals. They can begin their working day at home (connecting to Internet, reading e-mail and preparing for work) and travel to their work place when they feel it is appropriate.
- Establishing **Forums and means** on behalf of the firm for women to debate, propose ideas and monitor progress of actions developed. (In this respect there exists in IBM the European Board of Female leaders, formed by 17 women across Europe. Their mission, among other things, is to analyse the needs of women within IBM, study their progress, any blocks on this progress and offer solutions.)
- Implementation of a very usable **Intranet** where employees have at their disposal information and can request permissions, outline non-related labour situations or request assistance for education or health problems.
- **Substitution of employees** due to sick leave resulting from their own illness or illness of a family member, so that the rest of the colleagues in the team are not overly burdened. The return to their work position is guaranteed under most conditions.
- They have a right to a **sabbatical year** during which they continue to receive 25% of their salary and are still considered a member of the company.
- The possibility to undertake a **compressed working week**

- **Hewlett-Packard**

<http://welcome.hp.com/country/es/spa/welcome.html>

Work hour Flexibility

The start of the working day and the end can be modified within limits if time is needed to do other business outside of work. There is also work hour flexibility during lunch and for other special education needs.

Other programmes

- The firm allows for **flexibility** in the holiday **calendar**.
- One is allowed to **work from home**⁷⁴ or work **part-time**. During normal work times, employees do not work on Friday afternoons and during the summer

⁷³ With this means, employees assume the control over their work hours, introducing variations in their dedication based on the needs of the firm. The essential aspect is to allow people to freely choose when they want to enter and when they wish to leave thus reducing the level of delays and absenteeism at work. It also increases motivation and offers an incentive for hiring and retaining employees. This from is not appropriate in those job positions that require the physical presence of the employee.

⁷⁴ 45% of employees use this work form.

they undertake a full days work with no lunch break. There is also the possibility to have 20 Friday afternoons free per year.

- The **Programme on Diversity and Work life Balance** has been developed within the firm over the last 9 years and includes *the Programme of Health Management and Workaholics* (this programme enables a reorganization of time in those employees that work more than they should.)
- They have **Social Plans** such as *Pension Plans, Stock option plans, Medical Insurance and Life insurance.*
- They encourage **other beneficial actions** for employees such as subsidising meals, special prices for the purchase of hp products, access to “emergency credits” and subsidies for other sport activities such as the gym, sailing, basketball, football, etc

Alli. 2 Exceptional policies

Apart from the flexibility policies within work time organization, and which we are referring to throughout the previous units, firms can, in many cases, develop their own reconciliation policies based on the needs of their employees, as long as they are compatible with the company’s interests. This can be done by implementing special measures that improve the conditions offered by national or regional legislations, even in collective agreements.

The following experiences relates to this area :

VODAFONE

<http://www.vodafone.es>

Maternal/paternal⁷⁵ leave

- **Maternal leave⁷⁶** is extended from 16 to 18 weeks and one can request paid leave up to 15 days prior to the expected date of birth.
- Maternal leave in the case of a multiple birth is extended from the 18 weeks foreseen by the law in two more for each son or daughter from the second born within the same pregnancy. There is the possibility to bring forward the leave up to 15 days before birth.
- **Paternal leave⁷⁷** is extended from two to five days and if they need to travel it is extended to seven days.

Other programmes

- The **period of breast feeding⁷⁸** is extended from one to two hours daily during a period of twelve months without this leading to a reduction in salary. During the first year of motherhood, women can work from 9:00 to 15:00 hours.
- **Financial assistance for each child** between the ages of 0 and 4 years of 60 euros for child nurseries and other care.

⁷⁵ Spanish legislation does not recognize parental leave, only if the mother concedes a part of her maternal leave can the father take paid leave.

⁷⁶ Maternal leave in Spain has a duration of 16 weeks.

⁷⁷ Paternal leave has a duration of two days in Spain.

⁷⁸ Lactation leave for women in Spain has a duration of one hour daily during 9 months.

- **Paid leave** for those cases where a family member (up to second level) must remain in hospital
- **Child care leave** for a period of four years for the care of children during which the firm contributes to Social security for the employee whose return to his job position is guaranteed once this period is over.
- **Extending the leave of absence** for the care of children in cases of permanent or pre-adoption.
- **Leave of absence of one year for the care of family members** up to second level blood relations for those cases where family members who are sick or unable to care for themselves and are unable to undertake any paid activity. The worker will be substituted to avoid over burdening staff.
- In the case of **expatriate workers**, when movement is inevitable, the firm looks for work for the spouse and develops a plan for family integration. In some cases they establish a trial period in the destination for two to six weeks.
- *Pension Plans, life insurance and accidents as well as telephone offers for employees.*
- **Individual interventions** for workers with serious health, drugs or alcoholism problems.

All.3 Initiating services.

In this category we include services that a firm can offer with the objective of facilitating employees family responsibilities.

Mercadona

<http://www.mercadona.es>

Child care centres

- This food chain has two free child care centres in its logistic centre in San Sadurní d'Anoia open from 6:00 to 14:00 and from 14:00 to 22:00. It has a staff made up of a team of educators with different degrees and offers 7 units of school programmes per year. These child care centres have a room for psychomotor activity, toilets adapted to children of different ages, gardens and recreation areas. They are planning the inauguration of a fourth centre.

Other programmes

- **Life insurance for the worker.** In the case of death the spouse receives an annual salary and the possibility to work in Mercadona
- The payment of education and the possibility for the children of the deceased to work in the firm is offered.
- Commitment on the part of the firm to try to ensure that workers lives less than 15 minutes from their work place.
- Internal promotion policies.

All.4 Professional support.

In this category we include the programmes that the firm puts in place to attempt to minimize the consequences of the pressures and preoccupations that the family-labour conflict can mean for the workers.

In this category we can include the following experience:

Sanitas

<http://www.sanitas.es>

Health Programmes

- Programmes for psychological support and education for physical (gym open 12 hours) and mental (social skills, stress management, respiration...) health
- Possibility to undertake pre-birth preparation in the firms installations.
- Medical service for all workers.
- Ecological building with rest rooms.

Other programmes.

- Work hour flexibility policies, with leaves, leaves of absence, reduced work hours available for parents.
- Working week of 33h 20´ weekly.
- Vacation periods of 29 days a year.
- Employees do not work on Friday afternoons and in summer they work full days with no break for lunch.
- Favourable agreements with child care centres in the area for employees.
- Continuous training for the whole staff. Training is undertaken during working hours and they try to avoid meetings in the afternoons.
- Legal and fiscal advisory services for employees.
- Information resources for workers regarding child care centres, schools, domestic help etc.

All.5 Holistic Programmes for the reconciling family and working life.

In the initiatives described previously, we have pointed out some of the programmes that enabled the reconciliation of family and working life. However, we have been able to confirm that there were far more measures introduced and were not limited to one particular form.

In some firms there is a harmony between the strategy and company culture within the organization together with the objectives of reconciling family and working life. This is the case in the The Netherlands of the Koplopers Collection that we describe below.

The Koplopers Collection⁷⁹ are a series of firms that aim to lead the path towards diversity and balance between family and working life. The initiatives put into place by these firms can be grouped in the following areas:

Balance between family and work.

- Undertaking studies of university employees expectations regarding their work and careers analysing what they value and what they should change.
- Programmes focused on physical health in the work place. The possibility to undertake exercise and receive massages at work.
- Training for managers that includes modules on how to reconcile family and working life.
- Extra help for employees that have family burdens that are undertaking training programmes.

Facilities for child care.

- Specific budget on behalf of the firm for the care of children for all women employed.
- Undertaking studies to detect needs for child care
- Organizing summer camps for employees children.

Female access to management positions.

- Management development project with a pilot group of women that aims to ensure they be represented at all levels within the organization.
- Special career plans for women.

Work climate.

- A plan to identify and reduce work pressure and stress amongst employees.

Reorganization of the work day.

- Possibility to reorganize the work day either with part-time work or shared work.
- Child care facilities for men's children who work part time.

Work leave.

- Flexible exchanges between money and time. Time can be changed for money and vice versa.
- Leave duration of between three to six months for holidays and training.

Flexible Benefits.

- Flexibility for pregnant women regarding the choice of how they wish to spend the weeks prior to maternity leave, either working less hours or taking unpaid leave.
- Remuneration for the care of children within training programmes of people who work part time.
- Flexible work hours where the working day begins any time between 7:00 and 9:00 in the morning.
- Exchange of leave paid for income or income for additional leave to adjust work to people's needs.

⁷⁹ The Koplopers Collection. "Work/Life Balance: Examples of Companies".

AlII.6 Considerations for the implementation. The size of companies.

The size of companies does influence in the type of measures that can be adopted to encourage reconciliation. The fundamental difference resides in the possibilities that each company has to adopt reconciliation measures without altering their production and ability to assume the costs involved.

In the case of **small and micro-firms** each person is vital for its operation because their teams are small. In a large firm, it is easier to substitute employees and adapt work times because there is more personnel available for each job profile so they can substitute each other.

This fact is key when planning changes and choosing measures to put into place. However, the SME⁸⁰, has a key characteristic which is flexibility and is the main characteristic that favours reconciliation.

There are a series of elements that can favour or hinder the initiation of programmes that introduce flexible work forms in the small and medium enterprise and which is imperative to bear in mind for its formulation.

Positive or favourable elements	Negative or unfavourable elements
More efficiency and competitiveness	Greater dependency on the market.
The possibility of a more flexible organization of work.	Risk of exiting the market which is subject to globalisation processes.
Rapid adjustment to market demands	Less investment in New Technologies and business strategy.
More personal relationships within the core of the firm.	Work based on the premise of "just in time" depending on the rhythm outlined by the market
More participation and involvement of wage-earning personnel.	Long working hours which are incompatible with reconciliation.
Shared values, trust.	Less capacity for collective negotiation.
Training / investment in the person that works more time in the firm.	Greater responsibility or decision burden on employees, including those on sick leave.
More flexible hours and the possibility to reach agreements in relation to personal needs.	Less formal training.
More informal climate, less bureaucracy.	

The advantages of the small firm in relation to strategies that encourage reconciliation⁸¹ are as follows:

⁸⁰ The small and medium sized firm is expanding in Europe. Firms with no wage-earning personnel or up to 10 workers constitute 93% of all existing firm in Europe and employ a third of the whole working population. There are more in Italy and Spain while larger firms are more common in France and Germany. Small and medium sized firms are increasing their presence thanks to externalisation policies of larger firms in certain elements of productive phases or certain services.

- ⇒ The SME offers major opportunities for a more flexible organization of work. Work hours are more flexible and there are more possibilities to establish changing agreements based on personal demands.
- ⇒ The climate is more informal. Changes can be negotiated on an individual bases, requiring less bureaucracy and control.
- ⇒ Closer and more personal relationships facilitate the possibility to undertake constant negotiations within the firm.
- ⇒ There a wide variety of contractual forms used, the part-time version being more common than in larger firms.

In the case of **large companies** there are also a number of elements that can favour or hinder the initiation of programmes to introduce flexible work forms.

Favourable elements	Unfavourable elements
More security and stability, less dependency on market changes.	Greater rigidity in the establishment and realization of changes.
Greater investments in new technologies and business strategy initiatives.	Greater bureaucracy in the taking of decisions and less agility.
Greater negotiation capacity with workers and their representatives.	Greater complexity in the communication of changes.
Adjusted work time and with less dependency on market changes.	Less involvement and commitment from workers.
An offer of formal training	
Easier to substitute profiles with ones that have similar professional skills.	

The **elements** that exist and do **favour** the development of reconciliation actions, that should be taken into account when establishing these policies are the following:

- ⇒ The ability to invest in the realization of these changes.
- ⇒ The existence of an area within Human Resources that can lead these changes.

However they do have **favourable elements** at hand which are very important and which must be confronted at the beginning of the implementation of these programmes such as:

- ⇒ The need to formalize change.

⁸¹ As we have mentioned previously, within the course we have not made reference to those measures that the firm puts in place that do not affect the flexible distribution of time. These measures include, placing a nursery within the installations or subsidising a part of these costs, for example. It is very difficult for a small firm to directly introduce these types of initiatives, that encourage the reconciliation of family and working life, into place. They can, for example, finance a part of the costs for the employees.

- ⇒ Greater flexibility in the introduction of changes.
- ⇒ Difficulty in establishing informal agreements.

ANNEX IV TYPOLOGIES OF LABOUR FLEXIBILITY ACCORDING TO THE EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIFE AND WORK CONDITIONS.

The different types of flexibility outlined by the European Foundation for the improvement of Life and Work conditions is indicated in Table 2 below. They are basically the same as the ones use by ILO and OECD. The typology basically differentiates between internal and external flexibility and in both makes a distinction between quantitative and qualitative flexibility.

Table 2. Typology of labour flexibility		
	QUANTITATIVE	QUALITATIVE
EXTERNAL	<p>Employment</p> <ul style="list-style-type: none"> ▪ Indefinite contract ▪ Temporary contract ▪ Contract from temporary work agencies ▪ Seasonal contracts ▪ “ad hoc” work <p><i>numeric and contractual flexibility</i></p>	<p>Production System</p> <ul style="list-style-type: none"> ▪ subcontracting ▪ “outsourcing” ▪ Self-employment <p><i>Productive and geographic flexibility</i></p>
INTERNAL	<p>Work hours and payment</p> <ul style="list-style-type: none"> ▪ Reduction/adjustment of work hours. ▪ Part-time work ▪ Overtime ▪ Shift work ▪ Night and weekend work ▪ Irregular hours ▪ Changes in payment (individualization, variables,...) <p><i>Work time and financial flexibility</i></p>	<p>Work organization</p> <ul style="list-style-type: none"> ▪ “job enrichment” ▪ work teams/ partially self-employed ▪ multi-tasks/multi-skilled ▪ delegating responsibilities groups by project <p><i>functional and organizational flexibility</i></p>

Source. European Foundation for the Improvement of Living and Working Conditions. 2002.

Internal labour flexibility refers to the *different labour and work organization practices undertaken within firms, with their own personnel*, but which unblock the rigid distribution of workers to one job position and only one way of completing tasks. These

include initiatives **from multi-tasking to the annual distribution of work time**, in contrast to daily and weekly work times.

External flexibility refers to the practice of continually reducing and expanding staff within firms, whether it is making frequent use of contracts and dismissals, incorporating or removing personnel by way of third parties, subcontracting companies or temporary employment agencies. The externalisation of personnel is undertaken by firms that are specifically dedicated to providing “strategic” personnel solutions, whether they are long term or tactical or short term.

This classification differentiates between **quantitative flexibility**, considered a strategic option by firms that allows an increase or decrease of their staff whenever they need to, whether it be due to the seasonal character of their goods produced or services offered, differing production needs, the market situation or other causes.

Qualitative flexibility consists in the capacity to adapt as well as internal mobility in the firm and corresponds more to the concepts of “self-programmable” work, multi-tasking, reconversion and readjustment of tasks and job positions. This classification can be identified with the classification of internal flexibility previously defined.

ANNEX V OTHER POSSIBILITIES OF FLEXIBILITY IN TIME USE

There are other possibilities which are currently being widely used and which are used by firms or workers **depending on the legislation in each country, the demographic pressures, or the skills abundance or shortage:**

- part time work
- progressive retirement
- term time working
- working time accounts
- leaves
- other types of time arrangements

Part-time work has already been analysed in greater depth in Chapter II in the context of flexibilisation and the link to reconciliation and family life. Here the other possibilities are explored.

Different initiatives have been put in place in European countries to enable a **progressive or phased retirement**. It would be like a part-time job for elderly employees in order to make their participation in the labour market more attractive over a longer period of time. This possibility is more in tune with the life-cycle approach to reconciliation.

A similar option to part-time employment is **term time working**. The fundamental principal of this type of time organization is that the worker has the possibility to determine the duration of their work on a weekly or annual basis together with their income. Normally, work conditions are combined progressively given that this type of arrangement allows one to do so, in a way that incorporates the needs of the workers and there is also a balance with the needs of consumers. This work type is used in

professions and activities that require a high level of flexibility establishing always maximum work times weekly, daily etc.

In some countries **time accounts** are more or less widespread. In general, overtime is not paid but instead exchanged for free time. In practice, firms use models that include work time accounts. One can distinguish between **accounts that run over short periods** and long periods. Accounts that run over short periods, allow one to register the differences between the hours worked and the hours specified in the work contract. **Accounts that run over a longer period of time** are aimed at allowing for time to redistribute along the whole working life with certain limits on the credits and debits within a maximum period during which the account must be compensated. The extension of the period for compensation increases the possibilities of self-organizing work and personal life.

Working time accounts allow the payment of leaves of absence during which the work contract is still in force. Workers decide on how to make use of the time available in the accounts. This working type is appropriate in those job positions that are autonomous or independent of the rest or easily coordinated with others.

The flexibility of work time can also be fulfilled by way of temporary **leave**, where the needs of employees, their families and their specific situation are taken into account. This is linked to the life-cycle approaches that have been mentioned previously. Some types such as parental leave, leave to care for dependants or sick people, education leave or sabbatical leave, although in the majority of cases regulated, are all being affected by current reforms to benefit systems, including pensions. As a general rule, workers request the appropriate leave based on the State norm or the conditions within the collective agreement that they operate under. In principle the possibilities to adapt these to individual needs are quite limited, except in the cases where they are aligned

with those specified in the regulations. These three types of leaves are looked at in turn.

Workers are requesting on an increasingly regular basis, breaks in their career or temporary breaks if the conditions offered are sufficiently attractive. However, not all workers have a sufficiently high qualification level to gain access to these types of conditions. The so-called “Sabbatical year” was a privilege for university professors and later on for civil servants in the majority of European countries. Even though the number of workers that can request this has increased, employees in the private sector, in the majority of cases, cannot do this.

Even though there is a consensus in all Member States regarding the need to undertake training during the entire working life, not all workers are able to undertake training in certain periods and be paid at the same time. Indeed, training time as part of working time According to a recent

There are **other types** of working time arrangements that are worth commenting. These are extended in greater and lesser degree across MS. It is important also to point out that some of these might be more suitable for smaller enterprises, although this requires the availability of skilled labour and in some cases a good knowledge of communication and technology.

- **Shared work**

Sharing work with other employees in what is a peculiar form of part-time work is quite common in the United Kingdom. In this work from the worker has guarantees that their work will be undertaken by someone else when they are not working. Organizations need to look at this type of flexible work as a way to retain those workers whose skills would be lost if it were not possible to reach these sort of solutions. It does, however, pose difficulties. The skill profiles of workers must be adjusted and collaboration and

coordination between people that share a job position considerably reinforced. It can be undertaken on a daily, shift or even weekly basis.

- **Teletworking or working from home**

Working from home has many advantages for those people with substantial domestic responsibilities. In the majority of cases it tends to be part-time. This work from allows the tasks that it involves to be carried out from home and is usually accompanied by productivity based benefits. This option, while not allowing full time dedication to family obligations, does allow for improved organization. In the case of workers that do not have these obligations they are much more motivated and happy.

- **Concentrating work**

This option does allow more hours to be accumulated in less days and as such reducing the number of days worked. In this case it is necessary to analyse personal skills to assume the volume of work.

- **Staggered hours**

This option allows timetables to be adapted to people's needs and the job position with regards to the beginning of the workday, its finalization and the breaks during this time. This formula can be very applicable to those job positions that have low external demand. They also allow business hours in many firms to be extended by combining the needs and possibilities of workers.

ANNEX VI. GOOD PRACTICES IN POLICY FOR FACILITATING RECONCILIATION OF WORK AND FAMILY LIFE

AVI.1. Choice criteria

This annex is an edited reproduction of Chapter V in the European Parliament Study on Social Security Systems in the EU(15) and their Impact on Reconciling Family Life and Work Life⁸². It complements the previous Annex (V) which focused on the policies and measures that firms can implement to improve reconciliation of work and family life.

The selection of these policies is the result of the overview realised on the enormous amount of programmes, practices, and different social benefits related to the reconciliation of work and family in the EU-15. A previous task for the choice of good practices is the discussion and decision on the criteria that should guide the search for these good practices. Four criteria have finally been followed:

Benefits should incentive women's participation in the labour market and men's participation in domestic tasks. According to the definition of reconciliation of work and family lives used in this study, reconciliation means that, on average, women work more and men care more.

Which means that benefits should promote the existence of two earners in the family. As stated earlier in this study, economic independence of women is a necessary condition to attain that independent and relatively autonomous status that provides full access to power and influence that defines participation in democratic society (Kessler-Harris, 2001).

⁸² Study No. IV/2003/16/04 Commitment n° 3204/2004 "Social security systems in the EU and their impact on reconciliation of family life and work life", prepared by Almenara Estudios Económicos y Sociales, S.L

Fiscal policies and social benefits should be neutral with respect to the type of family, attending also to new family structures, particularly single parent families.

They should respond to an individualised model of social and fiscal rights and obligations and guarantee equality in access to rights.

Occasionally, some of these criteria could collide with others, so that a good practice may not fit all of them simultaneously. In general terms, the individualisation of fiscal rights and duties is considered a positive factor, because it does not hamper the existence of a second earner in the family, which is usually linked to the wife's access to a job. Moreover, the existence of certain in-cash benefits related to the income of the family may also deter women's participation in gainful employment, especially full time. However, these criteria might be relaxed in some very particular cases, where the disincentive effect on women's employment becomes senseless or come first in second term, due to objective circumstances. This would be the case, for instance, of single parent households, where the discussion about the second earner is senseless; or the case of beneficiaries of long-term care benefits, a good share of whom is formed up by older persons, most of them out of the labour market.

The "good practices" presented in this annex are examples of changes that are being progressively introduced in the social protection systems in order to adapt to the new social environment –such would be the case of the benefits for single parent families in France; these changes aim also to foster greater participation of men in family responsibilities –paternity leave in Sweden-; their objective may also be to reduce women's burden in the responsibilities of caring after their adult dependents –Austrian benefits and services in long-term adult care-; and to avoid the disincentives cash-benefits and fiscal systems may have on women's participation in labour force – Spanish benefits for care services for children under three or Finnish income tax.

However, among these “good practices” we have also chosen programmes and measures that aim to compensate, to a certain extent, for the disparities of women in the social protection systems, disparities originated in their lesser participation in gainful employment and in their more irregular professional paths. Such would be the treatment of part-time in Spain and of permanent disabilities in Ireland.

AVI.2. Spanish child care allowance: 100 €/month

Spanish working mothers with children under three years of age are now entitled to a tax reduction of 1.200 euros a year in their income tax bill. Alternatively, they can ask for an advance payment equal to 100 euro a month.

The most important features of this social benefit concerns:

It is an **individual** right to **women**,

Only **working** mothers are entitled;

Earnings have to exceed the minimum wage: the limit of this benefit is the contributions made to personal income tax;

Previous contributory work of at least 15 full days within the previous month or 30 part-time working days.

Critics have arisen with respect to the earnings bottom limit imposed as well as to the condition that the mother is occupied. The enhancement of the collective also to working women with lower incomes would be an important measure, with little additional costs, to compensate and help women working part-time, fixed-term with

frequent periods in unemployment, etc, who are with highest probability the ones not reaching the mentioned ceiling.

The enhancement of the measure also to unemployed women, though with higher costs, would be also an important step for helping them in their search for a job.

AVI.3. Benefit for single parent households in France

In France, single parent households, where only one parent with one or more children in charge, are entitled to an in cash benefit called “Allocation de parent isolé (API)” its aim being to guarantee a minimum income for this type of households.

This benefit can be received by any widow, divorced, separated in fact or by right or any single person living in France and who is pregnant or who is in charge of at least one child. This benefit is compatible with a paid work.

The maximum amount of this benefit amounts to approximately € 707.19 per month for a single mother or father with one child in charge and € 530.39 for a pregnant woman. For each additional child, this benefit is supplemented with € 176.80. These amounts are reduced according to the beneficiary’s resources.

This benefit covers a period of 12 months; but, if the children are less than 3 years old, this period is extended until the child reaches that age.

In our opinion, this benefit can be highlighted as a best practice because:

a) Single parent households are an increasing reality across Europe and they seem to show greater difficulties than other types of families. These difficulties are linked to the

limitations suffered by the parent who is responsible for the daily care of the children when he/she tries to access a job, especially a full-time job, long-life learning mechanisms or the continuation of his/her professional career. Lower working and training opportunities are exacerbated in some cases by the failure of the other parent to comply with the maintenance payment. As a result, single parent households show in the EU a much higher poverty risk than the average⁸³.

b) It focuses on a type of family - single parent households - which has not been the “referring” family model on which the design of social security and tax systems are based. For this reason, the answers of these systems are not always suitable for their realities, although in the last decades some modifications have been introduced in order to deal with this type of family in a neutral way.

AVI.4. Paternity leave for fathers in Sweden

In Sweden, one of the aims of family policies is to support the role of fatherhood. One of the measures introduced has been to encourage fathers to take parental leave. Parental leave in Sweden is payable for 390 days at 80% of parent’s qualifying income (a minimum of SEK 150/day is guaranteed) plus 90 additional days at a flat rate of SEK 60 a day. It has several features worth noting:

All these 480 days are divided equally between the parents, 240 for each one, i.e. it is about **individual rights**, though a parent may transfer up to 180 of her/his days to the other one. This would result in too few fathers having used his individual right to leave.

⁸³ Eurostat, *European Union Households Panel*.

In order to **force** fathers to take up his leave, there is a period of one month's paid paternity leave that the father is encouraged to take and **is not transferable to the mother**. This means that the father must take 30 days of the paid parental leave; otherwise the parents will lose their entitlement of compensation for that month.

It therefore does not discriminate against fathers, in the cases when the mother has not previously been in paid work, since it is the father himself who is entitled to take up half the leave period. Moreover, it **forces** fathers to take at least one-month leave, without the possibility to transferring to the mothers. From the employer's point of view, these two possibilities should contribute to place women and men in a more similar situation with respect to paternity.

Besides, the National Board of Social Security has run several advertising and information campaigns over the years in order to emphasise the importance of both parents claiming the parental benefit. Written material is distributed to all fathers highlighting the importance of early and close contact between father and child. All parents are invited to information meetings about the parental insurance scheme before having their child.

AVI.5. Part-time work in Spain

The employment contract is considered to be a part-time contract when the services rendered over a given number of hours per day, week, month or year is less than the working time of a comparable full-time worker or, barring that, less than the maximum legal working time. Social protection under part-time contracts is governed by the principle of establishing the comparability of part-time workers to full-time workers.

In order to promote the still limited use of this type of contracts, different regulations have improved the social protection part-time contracts entail for the workers. Accordingly, part-time dependent workers (i.e. not self-employed), regardless of the duration of working time, are protected against all situations foreseen for full-time workers. However, in order to ease their effective access to benefits, specific rules have been established: contributions to social security are based on the earnings actually perceived by the worker, be they ordinary or complementary hours (complementary hours cause similar contributions as ordinary hours); to determine the contribution periods necessary to provide entitlement to social benefits the equivalent of the hours actually worked by the part-time worker is calculated in terms of full days. To determine the **number of theoretical days of contributions**, the working hours are divided by five, equivalent to dividing 1.826 annual working hours among the 365 of the year. Finally, in order to ease the determination of minimum contribution periods and secure therefore entitlement to the retirement pension and permanent incapacity for work pension, this number of theoretical days of contribution is multiplied by a coefficient of 1.5.

Though part-time employment in Spain is underdeveloped compared to other EU countries, the reasons are to be found elsewhere⁸⁴, and such as it is protected in Spain, it could get a valuable tool not only to increase women's participation in the labour market, but also to foster men's participation in the domestic sphere, without disregarding the need for full and adequate social protection.

⁸⁴ It has been widely accepted that the reasons behind the low development of part-time in Spain lie on the changes in the definition of part-time that have affected the relevant legal regulations, the level of earnings, employment security, lower expectations of career growth, the prevalence of temporary contracts and the prevailing business culture. Gómez, S et al (2002), "Part-time work: its evolution and results".

AVI.6. Permanent disability benefit in Ireland

Active workers and workers under training, whenever they are secured, can be entitled to this benefit.

The amount of the permanent disability benefit depends on the level of disability, and it does not depend on the beneficiary's salary. The amount is increased according to the existence or not of children or dependant adults in the beneficiary's household. Furthermore, this benefit can be accumulated to other benefits.

As concerns tax treatment, it must be pointed out the establishment of a tax exemption limit and also that the tax treatment given to this income is conditioned to the type of household.

In our opinion, the following arguments can be considered in favour of the consideration of this benefit as a best practice:

1. The amount of this benefit is not subject to the contribution period or to the beneficiary's salary. Generally, when the amount is established taking into account those two conditions, working women receive lower amounts due to their lower average salary and to the higher number of interruptions along their working life. The risk covered by this benefit - a certain level of permanent disability - gives rise to material and moral costs both for men and women equally, and therefore, we consider positive that they receive similar benefits.

2. In addition to this, by allowing its accumulation with other types of benefits and above all, and by granting to this benefit a favourable tax treatment through the establishment of a minimum tax exemption, all these are facts are to be positively

valued, as the tax system strengthens the objectives of the benefit through a favourable tax treatment for it.

AVI.7. Dependency benefits in Austria

Social benefits devoted to the support of dependent situations in Austria include in-kind and cash benefits, through tax benefits ⁸⁵.

Residents who cannot carry out their daily life tasks can be entitled to these benefits. In the case of cash benefits, the beneficiary must have a need of care and help of more than 50 hours per month and this need must stretch out during six months, at least.

No age limit is established for being entitled to these benefits. And the two types of benefits (in-kind and cash) can be accumulated to other social or tax benefits.

Among in-kind benefits, the following services are included: home-help aids (qualified assistance, escort services, organized neighbouring aids, therapeutic mobility services, assistance to families and advice to family members, laundry, food and transport services), care services in collective premises, for example, day centres and home-nursing services.

We consider that some elements defining these benefits are arguments in favour of their consideration as a best practice:

- a) The condition of resident is enough for accessing the benefits. This condition improves the access for all citizens in need of this care.

⁸⁵ Federal agreement on tax benefits for long-term cares (Bundespflegegeldgesetz, BPGG)

- b) The non-requirement of a minimum contribution period in order to be entitled to this benefit allows that those collective groups who have had a lower participation in labour market along their lives can also have access to these benefits
- c) Tax benefits supplement in-kind benefits.
- d) These benefits are not subject to taxation, thus meaning a certain coordination among social and tax benefits.

AVI.8. Finnish personal income tax

As other EU countries, Finland has changed over the last 30 years its type of taxation system, going from a joint taxation system towards an individual one. This means that the tax unit is no longer the family but the individual. This consideration of every member of the family as an individual and independent tax payer has, at least, two positive advantages with respect to reconciliation of family and work lives:

Its neutrality as regards civil status and, thus, as regards new family structures;

Its non-discrimination as regards second earners, which means in fact its neutrality with respect to the decision of married women's participation in the labour market.

However, there are two additional criteria that support the election of the Finnish fiscal system as a good practice:

As already said, from the fiscal point of view, the key point when deciding women's participation into the labour market is not the type of taxation system but rather the average effective tax rate to be charged to the second earner. The Finnish system

treats identically two different persons with the same income, no matter if the first one is single and the second one is part of a family as the second earner (Jaumote, 2003). Another important issue is that this neutrality is not related of the income. This means in fact:

- Neutrality with respect to the choice between part- or full time employment;
- Neutrality with respect to qualification (and, therefore, with respect to potential earnings) of the second earner. It thus does not discriminate against low-qualified women.

Finally, Finnish personal income tax favours participation into paid work of both members of the family. Fiscal savings are greater when the income of the whole family is earned by both members than by only one (Jaumotte, 2003).

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