

No 1/2002

WORKING TIME IN CONSTRUCTION

CLR News

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Note from the editor

Once and a while your editor has an easy job.

With a network of collaborators from all over the world and sub-editors and review editors available to do the real job, CLR News has reached the stage of adulthood.

This is certainly the case for this year's first issue.

After a successful workshop in London on working time we can proudly present several articles on this main subject in CLR News 1-2002.

Linda Clarke acted as the sub-editor in the field and comes up with an introduction first. In her contribution she also gives an overview of the colleagues that came up with a report about the situation in their respective countries.

After reading the contributions one can only conclude that working time should be on top of the agenda of the European trade union movement.

Other contributions complete this issue.

We have the report of our workshop and the minutes of our General Assembly.

In these minutes you will find the list of items for CLR News in 2002. Next to the result of the survey that a CLR team is running at the moment in six selected CEE countries, we hope to come up with a number on vocational training and of course our annual Observatory. And as usual CLR News will stay an irregular, but steady quarterly in the years to come.

In the reviews we partly take on board publications and books that are related to the main subject.

Finally, your special attention for an open letter that a British shop steward, UCATT member George Fuller, wrote to his Labour government last year. George quoted parts of his letter during our London workshop and we do think that it is worthwhile to publish it integrally.

No need for me to stress once more that contributions from our readers are more than welcome.

Jan Cremers, 10th June 2002.

WORKING TIME IN CONSTRUCTION

Introduction

This is the first CLR News devoted to working time and, judging by the articles included here, it is high time for a volume to be devoted to such a complex, volatile and rapidly changing issue. For this reason a successful workshop was organised by CLR and took place in London in December 2001, with contributions from different countries and an interesting and wide-ranging discussion that is summarised here.

From Sweden and Denmark in the north of the EU to Switzerland, France and Hungary, changes in the regulation of working time have been introduced in order to achieve greater flexibility in the workplace: each of these is discussed in detail. In France, as assessed by Elisabeth Campagnac, the most extensive interventionist regulation has been introduced with the 35-hour week, aimed at reducing unemployment and extending labour market participation. This has also had important consequences for work intensity, work organisation and skills. Similar effects are apparent in the Swiss construction industry, as described by Hans Baumann. Indeed, the construction industry, given problems of winter working and wet weather, appears particularly vulnerable to extreme variations and manipulations in annual working hours, now increasingly the basis on which working time is assessed.

This is not to say that restructuring of working time has all been disadvantageous to the workforce. I visited Danish housing sites in the winter that are now 'wrapped up' for the finishing work to take place, with warm air blasting through. The measure adds 3% to building costs but has enormous savings in terms of reducing unemployment in the winter as well as the time required for concrete to dry. This is a very far cry from the British situation, described graphically in a letter by George Fuller to the government. Here the main problem is not so much how legislation is introduced and the impact it has, but implementation in the first place. Unlike the rest of Europe, Britain has never, until the Working Time Directive, regulated working time – and if the construction industry is anything to go by still seems set on

maintaining old practices and ignoring the law in place. That thousands of construction workers in Britain are not given holiday pay or wet-weather pay seems inconceivable in the rest of Europe. More and more individual cases of non-implementation are brought to employment tribunals, but these are not generalised and the European Court has not ruled on non-compliance.

The Swedish example is perhaps more positive, in particular in the search to integrate more women into construction through restructuring working time. It contrasts again strongly with the Hungarian situation, as described by László Neumann, though not specifically for construction, where the general weakness of the unions in the transition to a market economy has allowed amendments on working time to be made to the Labour Code that appear exclusively in the interests of employers. Completely outside regulation is a common practice found in countries like Bulgaria, where casual labour is employed 12 hours a day for seven days a week.

The disturbing effects of restructuring working time in the construction industry, including often long and stressful working hours in summer and extensive disputes between countries, point to the need for Europe-wide coordination of working time policy. The paper presented to the EFBWW Standing Committee on Building last November confronts this need with clear and far-reaching proposals for a working time policy, including:

- a normal retirement age of not over 60 and entitlement to earlier retirement;
- total annual working time not exceeding 1,750 hours;
- putting a stop to flexible working by setting maximum working times.

In presenting these detailed proposals here together with the exchange and debates on working time in a number of European countries, CLR News seeks to help stimulate and facilitate such coordination.

Linda Clarke
University of Westminster

**CLR Workshop on Working Time in the Construction Industries of Europe:
7th December 2001**

Participants

Linda Clarke (University of Westminster), Jonathan Green (UCATT), Tom Kelly (GMB), George Fuller (UCATT), Marcus Fairs (Building magazine), Jörn Janssen (University of Westminster), Georg Herrmann (University of Westminster), Sven Ljung (Swedish Building Workers Union), Jan Druker (University of Greenwich), Vasile Valentina (Institute of National Economy, Romania), Woytek Widera (Warsaw School of Economics), László Neumann (Institute of Political Science, Hungary), Annika Tagaküla (Forest Industry Trade Union of Estonia) Vassil Kirov (Institute of Sociology, Sofia), Stephen Gruneberg (University College London), Mijke Houwerzijl (University of Tilburg), Roland Herzog (GBI Switzerland), Hans Baumann (GBI Switzerland), Jan Cremers (GBIO, Netherlands), Sep Arkani (University of Westminster), Barbara Susman (University of Westminster), Sam Hägglund (Nordic Federation).

1. Introduction

JC introduced the workshop, pointing to differences in working time in different European countries, as is clear from collective agreements. In terms of overtime, for instance, this is regulated in many European countries in order to control or reduce overtime except in the UK. A survey of Dutch Works Councils found that working time was one of the top five issues inside companies.

2. Working Time in Switzerland

HB reported that in Switzerland there is a legal 45 hours, maximum 50 hours, but most workers are paid per month, not per hour. Effectively working time increased during the 1990s through overtime. At the same time part-time work increased, as in other

European countries. It has not been possible to realise better pay for bad weather and people were often sacked in the winter because they accepted flexible working time. Flexible working time has led to an increase in summer working. For instance, 75 hours flexi time can be worked without overtime pay so that many work longer than the rate fixed. Up to 2112 hours per annum can be worked, though the maximum is 1800 per year, generally negotiated with an employer, but this can be used arbitrarily. Thus there may be codetermination but they are still told not to work.

Trade unions are demanding a reduction in working time and will probably settle for 36 hours when the collective agreement is renewed next year. They demand a maximum working time of 46/48 hours including travel time, plus retirement after 40 years work on a construction site or reaching the age of 60. Reduction in life-time working time is one of the biggest demands. There is though a skill shortage in Switzerland so the union is in a strong position. Foreign workers and seasonal workers come under the same agreement and 60% of the membership of the union are now foreign workers. Every worker coming into Switzerland has to comply with Swiss conditions. Up till now it was Swiss construction companies employing, though three-quarters of the volume comes from foreign companies. Informal work is increasing and is now about 7%, mostly foreign workers working overtime illegally or illegal immigrants.

3. Working Time in Great Britain

GF explained that the British government has done little to support the payment of holidays under the Working Time Directive and there have been many employment tribunal cases. There are four unions competing for recruitment between themselves, which undermines what each is trying to do. The implementation of the Directive is not being monitored at European level. There is a fear of being sacked and there are so many subcontractors. UCATT estimates that 40% are not paid holiday pay though there is a legal liability to do so. The GLA, for instance, subcontracted to a firm called Stevenson, a gang master who didn't pay the wages. The British government itself does not conform to the law, and there is no penalty for non-conformity. Under

the Belgian system payments are guaranteed. And in Switzerland agreements are generally binding. For Terminal 5 BAA has stipulated no self-employment, that all should be covered by agreement and have to speak English, and that there should be a partnership agreement.

4. Working Time in Sweden

SL explained that in Sweden the employer has to give notice and that the unemployment rate is about 2%, though it is 10-15% in northern Sweden. A survey of working hours by the union showed that members would prefer a reduction in hours by making Friday shorter. One reason for proposing a reduction is to introduce more women. Sweden is undergoing a major reform of pensions, the permissible age for retirement still being 65. SL explained that the highest rate of unemployment is in the winter and that this is taken up by flexibility agreements.

5. Working Time in Europe

EFBWW is proposing 1750 annual hours. The autonomy of the social partners is vulnerable and there is a need for better coordination, including times of negotiation. In future it will not be possible for each country to go it alone; we have to merge together. At the last EFBWW meeting, it was decided to exchange all the results of collective agreements. The main problem is unregulated versus flexible working conditions.

SWITZERLAND

Bad Experiences with Flexible Working Time: the Swiss Construction Industry

Hans Baumann, Gewerkschaft Bau & Industrie (GBI-Building and Industry Trade Union)

Some important decisions lie ahead for Switzerland on the issue of working time: the Swiss people are shortly to vote in a referendum on the people's initiative to reduce working time proposed by the Swiss Trade Union Confederation (SGB). And in the construction industry, on 1.1.2002 one of the main collective agreements, the framework agreement for the construction industry, was renewed. The discussions for this focused not only on reducing working time but also on the controversial topic of flexible working-time arrangements, i.e. the organisation of working time. One of the most important demands of the workers was successful: reduction of the pension age from 65 to 60 for all construction workers on the basis of 80% of the final salary.

The introduction of the 40-hour week in major economic sectors during the 1980s resulted in an annual reduction in working time of about 0.7%. However, since 1991 this trend has petered out in Switzerland as in many other European countries.

<i>Working time trends in Switzerland</i> (normal, contractual working time)				
Year	All sectors	Engineering	Chemicals	Construction
1946	47.9	48.2	46.5	49.9
1960	46.0	45.9	44.0	49.1
1970	44.7	45.0	43.1	47.4
1980	43.8	44.1	42.9	45.6
1990	42.1	41.0	40.9	43.1
2000	41.8	41.0	40.8	42.1

In many cases working time increased due to the huge growth in – partly unpaid – overtime. The extremely high maximum working times in Switzerland, by European standards, have not gone down any further since 1976. The law lays down a working week of 45 hours in

industry and the office sector, and 50 hours in commerce. However, there are many exceptions and flexible working-time arrangements are increasingly exploiting the excessively wide margin for manoeuvre again. This is reflected in an increase in actual working hours per full-time employee:

<i>Actual annual working time per full-time employee</i>			
Year	All sectors	Construction	Hotel & Catering
1991	1888	1898	2023
1999	1935	1913	2108

Increase in part-time work

In practice, reductions in working time have exclusively been in the form of more part-time work, which in Switzerland is mainly carried out by female workers. Part-time employment could be regarded as a success if it were not for the fact that a large proportion of female part-time workers are employed on insecure and precarious terms. Part-time work is not always a freely-chosen option by any means, with a considerable amount of “non-voluntary part-time work”, as in Switzerland such institutions as child day-care centres and comprehensive schools are largely lacking, women are largely responsible for carrying out housework and in some jobs the increasing intensity of work would make a full workload impossible to sustain.

<i>Part-time work</i>				
Year	Women	Men	Total workforce	Proportion of women in total part-time employment
1992	51.8	7.7	26.6	83.6
1999	54.6	9.4	29.4	82.0

Not only does Switzerland therefore have a very high proportion of part-time work, but there is also a markedly gender-specific polarisation of working time. This is further emphasised by the substantial gap between male and female wages.

However, part-time work does not (yet?) play a major role on the construction site, although it does so in the building administration and planning departments.

Intensification of work

The reorganisation of plants and companies and flexible working time led to considerable intensification of the pace of work in the 1990s. Due to greater competitive pressure, the pace of work is increasing, breaks and further training opportunities are being reduced and working times increasingly geared to the volume of work. Also, for many wage earners, flexible production (just-in-time production) means that working times are less systematic and predictable. In extreme cases this leads to unhealthy, excessive working times, to work on call or to compulsory non-working periods. Various studies have shown that stress and health problems have increased hugely in recent years. For example, a study carried out in the canton of Geneva indicated that a frighteningly large proportion of construction workers become sick or disabled before reaching retirement age as a result of the arduous nature of the work and the long working hours in the summer. Reducing maximum working time and working times in general for health reasons is therefore not only appropriate but necessary.

These problems have been exacerbated by the increasingly irregular pattern of work over the week, month and year. Besides the high number of overtime hours (paid, unpaid and not even registered) today we are seeing an increase in evening work (sales, call centres, commerce, etc), Saturday working (banks, building, and parts of industry) and Sunday working (sales). While night work is not increasing in those areas in which night work is traditionally carried out, it is extending into new areas (banks, call centres and road building). If the overall working time is not reduced, then for these reasons the worker experiences health problems and there may also be an impact on family life, on social activities and on political activities. Not every hour of free time has the same value for the person concerned. Free time in the evening and at weekends has a higher value than during a week day owing to the biorhythm and to the pattern of social life. The irregular patterns of working time mean

that, despite all the fine words about life-long learning, further education opportunities during and outside working time are restricted.

Flexible working-time arrangements - a source of much conflict

The Swiss construction sector, in common with many other European countries, has complicated rules governing working time. The average working week is 40.5 hours. But different working times for the different seasons are negotiated in regional or company-wide working-time schedules. These range between 37.5 hours per week in the winter and 45 hours in the summer. In addition, firms are able to require their employees to work up to 75 extra hours per year without extra pay and to compensate this with time off during periods when order books are low or there is bad weather. But it is also possible to work additional “normal” overtime for which overtime premiums are payable.

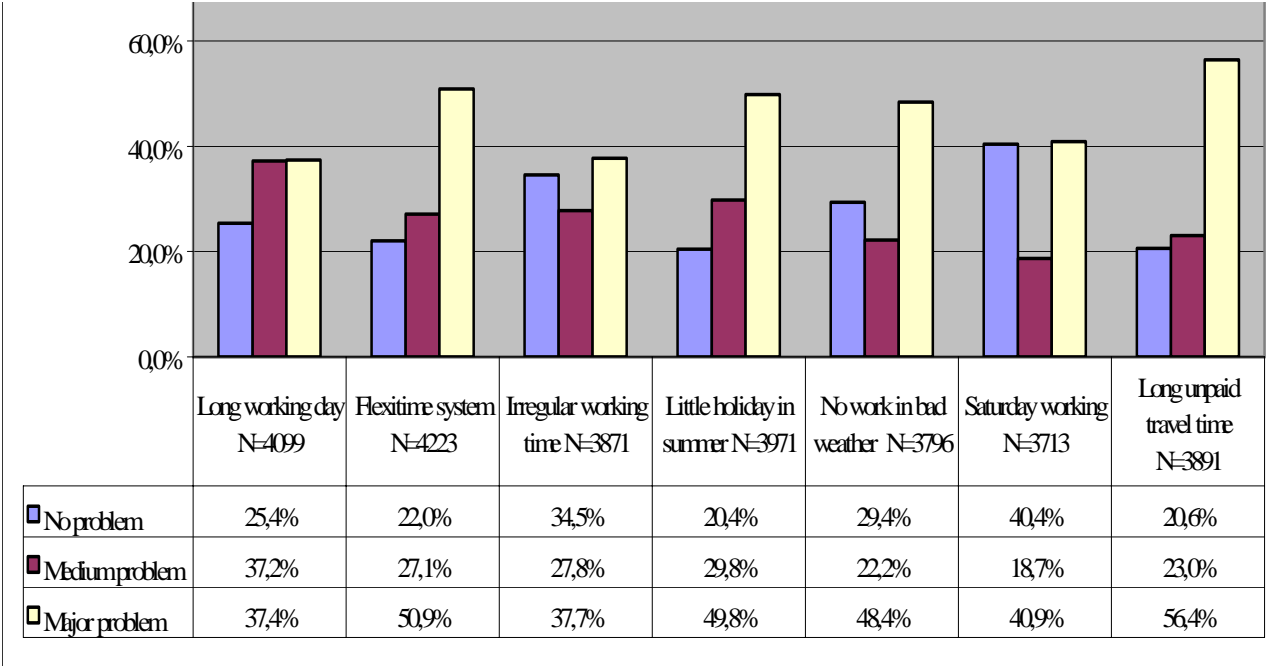
This rule is applied arbitrarily by many employers. Working times totalling 50 or more hours per week are no exception, even though the prescribed 40.5 hours as an annual average is observed. Furthermore, extra or “laid off” hours are often announced at much too short notice and the workers have little influence over the organisation of their working time.

The proclaimed objective of securing employment in the winter by means of flexible working-time arrangements is not achieved, or only to a small extent. In many regions of Switzerland, particularly in the mountainous areas, a proportion of construction workers continues to be made redundant during the winter months.

This has led to considerable dissatisfaction in the construction sector. In a wide-ranging survey, covering more than 4,000 building workers, and which the GBI conducted this year together with two researchers, it was the various aspects of flexibility that came in for particular criticism. This view resulted in over 50% of construction workers describing the special flexible working-time model (referred to in the table as “flexitime”) as a “major problem”. As well as the often long travel time to reach the building site, many of the respondents also

criticised the irregular working times in general and Saturday working. Those building workers with fewer qualifications have more problems with the flexitime system, according to the survey, than the more highly qualified, presumably because this last group has somewhat more influence over the organisation of their work.

Survey in the construction sector: working time problems

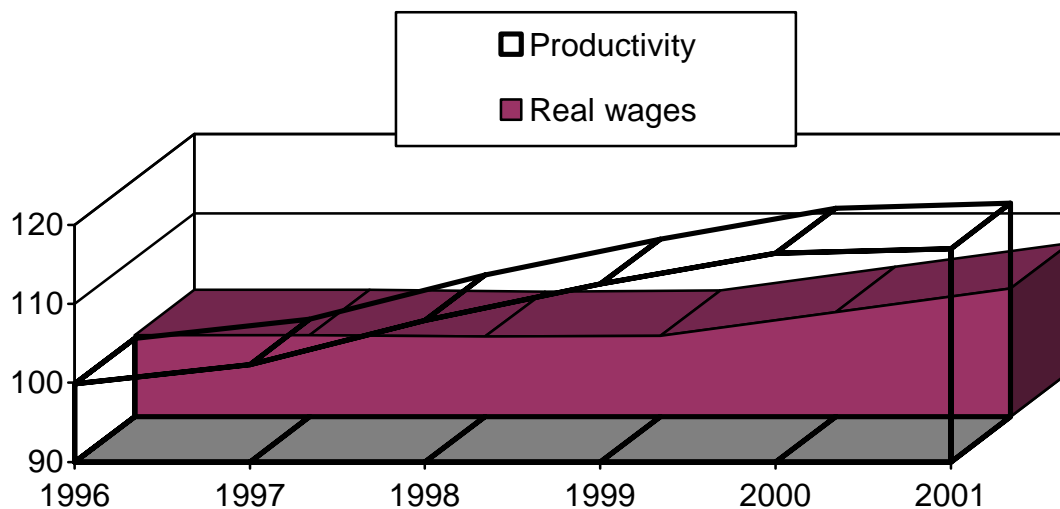


Higher productivity

Restructuring, the intensification of work and flexible working time have led to steep productivity increases during the 1990s, despite the economic crisis. But the workers have not benefited from this, either in the form of improvements to real wages or in shorter working hours. In this connection, the polarisation of the labour force and the potential for industrial conflict has increased during the same decade. That workers should be able to participate in the benefits of higher productivity, in the form of shorter working time and a greater say in their working time arrangements, is not only urgently required in the

name of justice but is also politically advisable. This is particularly true of the construction sector, where significant productivity gains have been made, partly as a result of the more flexible use of the employees.

Productivity (real construction activity per employee) and wage trend in the construction sector



The main thrust of trade union demands

In the light of this trend, there are five main trade union demands for Switzerland to be achieved in the coming years:

- *Reduction in maximum working times.* Maximum working times in Switzerland are far too high. The absolute maximum working time must be limited for reasons of health protection, accident prevention and social intercourse at least to the level laid down in the EU Directives (48 hours including overtime).
- *Restriction of overtime and extra hours.* In Switzerland a great volume of overtime (1999: 163 million hours) as well as extra hours is worked (almost as much as the overtime). Overtime in Switzerland is normally paid at too low a rate and the volume must be reduced. This can be achieved at the outset by limiting the

volume of overtime in collective agreements or establishing and reinforcing the obligation to pay enhanced rates for work carried out outside normal working time. In seeking to reduce maximum working time, including overtime, the SGB's working-time initiative is also aimed at achieving a legal restriction on overtime.

- *Part-time work must be assigned a higher status and placed on an equal footing with full-time work.* Only in this way will it be possible to create the conditions whereby part-time work is a genuine option, i.e. is the chosen form of working time by the individual, and the status of women in the labour market can be improved. A number of measures could be used to raise the status of part-time work:
 - Making even small part-time jobs subject to collective agreements;
 - Overtime premiums for part-timers as well;
 - Preventing part-time workers from falling through the net of labour and social insurance law;
 - No discrimination against part-time employees as regards further training opportunities.

- *Reduction of normal working time.* The reduction of working time is necessary in Switzerland because, apart from the UK, this is the country with the longest working hours in Europe.

<i>Normal working hours in Europe</i> (Average negotiated contractual working hours 1998)	
Belgium	38.6
Germany	40.1
Spain	40.7
France	39.7
Italy	38.5
Netherlands	39.0
Sweden	40.1
UK	44.0
EU (15 countries)	40.5
Switzerland	42.0

In order to ensure that the impact of the working-time reduction is not once again wiped out by increased productivity, it would be a good idea in most cases not only to convert the reduction into a daily reduction, but also optionally into more days off, for example in the form of a 4-day week or more days leave. However, the majority of workers will only support a reduction in working time if two factors are taken into account:

- Arrangements for policing working hours and the pace of work by works committees and the trade union must be improved so that the volume of work and the pace of work cannot be increased ad infinitum. The joint supervisory committees in the construction industry, responsible for supervising compliance with collective agreements, also have a role to play here. The new labour law makes additional provision in this regard, whereby firms have an obligation to show proof of working hours.
- The reduction of working time must be applied with full wage compensation. This is also particularly important for women, who are principally employed in the low-wage sector.
 - *Lifetime working time: flexibility and lowering of the retirement age.*

The guiding principle for the new retirement regime demanded by the trade unions is “40 years work is enough!” The Swiss parliament is currently discussing the 11th revision of the retirement law, whereby efforts are being made to introduce a more flexible, socially acceptable retirement age. According to the trade unions, the first as well as the second pillar of the retirement system, which is also governed by law in Switzerland, should be designed in such a way that men and women are entitled to a full pension after 40 years of gainful employment or organisational work.

Construction: Urgent limitation of lifetime working time and re-regulation

The trade unions have set out clear priorities for the on-going negotiations on the complete renewal of the construction industry collective agreement. The working-time issue is an explosive subject in this regard and also harbours the greatest potential for conflict in the discussions with employers.

From the survey of construction workers mentioned above, as well as improving the regulation of daily and weekly working time, absolute priority was assigned to reducing lifetime working time. Building work carried out at an advanced age causes great suffering.

The GBI claim of “40 years work is enough” applies to construction workers in particular. Should this not be possible by the legal route, an early-retirement solution must be anchored in the collective agreement, whereby construction workers can take early retirement after 40 years’ work or at latest at the age of 60, without sustaining any substantial financial loss.

The trade unions have already put the corresponding proposal to the employers.

The flexitime model with its excessively long working hours in the summer has not proved successful in Switzerland. After 8 hours, the risk of accident rises disproportionately and health is at risk. For this reason, working time needs to be “re-regulated” and the GBI seeks clear maximum working times per day and per week to be laid down in the collective agreement and which can be policed. As the time required to reach the construction site has not so far counted as travelling time and is only partly paid, this problem must also be resolved. The average working time should be 37.5 hours per week (or 1955 hours per year, including leave) and the maximum contractual working time in the summer should be reduced to 42.5 hours. In addition, an absolute ceiling including overtime and travelling time must be introduced. Saturday working in the construction sector must remain an absolute exception and - in emergencies – should be subject to premiums.

After years of unemployment and of decline in the number of jobs, the situation has today been turned around: skilled workers are again in demand in the construction sector and young people are hard to persuade to work in this industry. In order to make construction work more attractive, the right working conditions must be achieved. In addition to pay, the duration as well as, in particular, the method for calculating and organisation of working time play a major role.

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GREAT BRITAIN

PROBLEMS WITH THE PAYMENT OF WORKING TIME HOLIDAY PAY: open letter to Stephen Byers, Secretary of State for Trade and Industry

Dear Mr Byers,

I was UCATT Safety Representative at Canary Riverside for the workforce of brickwork subcontractor IW from November 1998 until the completion of the project at Easter 2000. At the peak of production IW's workforce was 200. When other subcontractors' workers are included, 600-plus workers were employed at any one time on the £330 million project – though the throughput of labour greatly exceeded this number. The workforce was much encouraged by the government's acceptance of the Working Time Directive. We looked forward especially to Working Time holiday pay. However, only a minority on the project received it and the same is true for many other workers across the building industry.

The project entailed building around 335 luxury flats, underground car parks, a four star hotel, casino and swimming pool, health club, etc. It was one of the largest and most prestigious projects of its type in the UK. However, the treatment of the workforce did not reflect this. Workers felt that the government should put an end to a position where companies like Bovis, one of Britain's biggest and most profitable construction companies, can preside over a myriad of 60-plus trade subcontractors many of whom robbed their workers of Christmas Working Time holiday-pay. Workers said "The government passes laws but the building employers just do as they please."

I believe that if a floor of rights is to be established in the industry, basic entitlements and legal rights must be taken out of competition between firms. To do this the government, both as legislator and as a chief client of the industry, must use its powers to ensure enforcement and form a much closer relationship with the workers and their trade unions. The suspicion must be dispelled amongst building workers – who are also voters – that the government has done all it's going to do to reform the building employers' labour market practices.

This credibility gap between what the government says it's going to do (not only on Working Time but on other building industry reforms) and what actually takes place on the ground can, I think, be judged by what took place at Canary Riverside.

1. Trying to get Working Time holidays

The Petition to Bovis Canary Riverside

The petition was launched in response to the lack of information from Bovis and its trade subcontractors about the Working Time Christmas holidays and after experiencing non-payment for Christmas 1998:

We the undersigned, working for the trade contractors on the above site, call upon Bovis Construction Management to ensure that all trade contractors on Canary Riverside comply with the current safety legislation and, in particular, regulation 13 of the Working Time Regulations. We call upon Bovis to take the necessary steps to ensure that workers' legal right to Working Time holiday pay this Christmas is met by the trade contractors and an end brought to the systematic denial of holiday pay to building workers.

Despite working full-time as a bricklayer, within a few days, during my half-hour tea breaks, I had collected 350 signatures – half the employees of various subcontractors. Many other workers would have helped me but they lacked the legal protection I had as safety representative and therefore risked victimisation by their employers. With more help almost everybody would have signed. The vast majority of signatories said they had not received any Working Time holiday money during the year, so they didn't expect any at Christmas either. (My own employer, IW, did pay Working Time holiday money after the intervention of UCATT during Christmas 1998 – though often not at the same time as our contractual holiday periods. At the time of the petition the IW workforce was down to approximately 50.)

Delegation meets the Bovis project manager

When the delegation of three bricklayers, a UCATT organiser and I went to present the petition (pre-arranged) the project manager kept us waiting for a quarter of an hour – half our lunch break. In his office the meeting started with a delegate pointing out that Working Time holiday pay was especially

relevant because of the winter weather. The project manager did not, however, see the weather as relevant and told the delegate to "keep quiet". When he was not obeyed the project manager jumped to his feet and declared the meeting over. But we remained seated and the meeting continued. We told him that, if Bovis did not take action, the majority of the workers would not be receiving Working Time holiday pay. It was a scandal. Bovis should be a good corporate citizen and get the trade contractors to abide by the law.

The project manager said he didn't believe the workers were not getting their Working Time holiday pay. But he did not take up a delegate's suggestion to check by asking any worker in the canteen.

The project manager then stated that all the subcontractors had signed a contract with Bovis that contained a clause stating that they would abide by the building industry's Working Rule Agreement (WRA). The project manager's point was that by signing such a contract the subcontractors were in compliance with the joint employers/trade union industrial agreement and must therefore be paying the Working Time holiday pay: Bovis had it sorted. We said his point on the trade contractors' compliance was contradicted by the facts on the ground. And yes, the WRA incorporates the Working Time regulations. But as these are a European Union Directive, their enforcement does not in fact follow from pre-existing industrial agreements.

In the meeting Bovis's project manager showed himself to be unacquainted with both the purpose and the details of the Working Time regulations and clueless about the Working Time holiday pay position of their trade subcontractors' employees. It was difficult to conduct a dialogue with him. It seemed clear to us that Bovis Project Management's senior staff do not give much thought or get much practice when it comes to industrial relations questions on their projects – at least not questions of enforcing workers' social protection law.

I told the project manager that we would be contacting politicians about the situation on the site: local MPs, the Secretary of State for Trade and Industry and members of the London Authority. We said the workers on the site felt that having a holiday lasting in many cases 11 days without holiday pay

amounted to a lock out and was not on. We felt we had the right to take protest industrial action on the issue.

Flawed 'solution' proposed

The upshot of the meeting with the project manager was that Bovis would co-operate with UCATT in getting Working Time holiday pay for any workers who were not receiving it. This was to be achieved by me (and when his diary allowed, the UCATT organiser) identifying these individuals during my two half-hour tea breaks (as well as take my necessary food, drink and rest). The individuals were then to be recruited into the union, the organiser would represent their case to their employer and, if necessary, they would fill in an application to take their employer to an Industrial Tribunal.

Going round the canteen tables after Christmas I found that workers who had not received Working Time holiday pay were in the great majority – but they were against following this course of action. They believed they would be sacked if they joined a union – let alone filled in an application for an Industrial Tribunal. The atmosphere on site was not helped by the fact that just after Christmas one of the brickwork subcontractors sacked 20 of his employees (bogusly employed as 'self employed') without notice or the owed Working Time holiday money. Workers in the canteen said that if their employers had signed a contract (agreeing to uphold the WRA) with Bovis Contract Management, then Bovis should enforce the contract. They also held that the government should take tough measures to enforce the Working Time regulations – otherwise they were just grandstanding as reformers for electoral purposes.

Sign away rights

After several weeks, however, some of these workers, employed by a brickwork subcontractor, agreed to join UCATT and if necessary go down the Industrial Tribunal road. After long drawn out negotiations between the subcontractor and UCATT, it appeared they would get their Working Time holiday pay. However, at the last minute the subcontractor presented its 'self-employed' workers with a form to sign, waiving their WT holiday pay rights. Most workers, believing that the alternative to signing was the sack and possible blacklisting, signed on the dotted line. Eventually UCATT persuaded this brickwork subcontractor to pay Working Time holiday pay to its 'self-employed' workers. But workers informed me that other Canary

Riverside trade subcontractors were pulling the same 'self-employment' strokes.

This form of 'self-employment' – not in compliance with the legal 'test of control' – breaks tax and National Insurance laws (losses to the Exchequer are counted in £ billions), yet Bovis promoted it.

Migrant workers

Large numbers of workers, as well as not receiving Working Time holiday pay, were further exploited: paid below the minimum labourer's rate under the WRA (£4.23 per hour in 1998).

Summary

Under this Bovis 'solution', enforcement of Working Time regulations was left to the unions. The Canary Riverside project was completed a few months after Christmas 1999 with the workforce dispersed and much Working Time holiday pay unpaid. The opportunity for a trade union safety representative and organiser to enforce social protection law in the teeth of resistance from this corporate giant and its myriad of subcontractors only existed for the duration of the project – or in reality towards the end, after months of struggling to establish trade union membership.

2. A history of hostile actions against the trade union – the only Working Time Regulations enforcement agency on Canary Riverside.

Since November 1998 when I was appointed UCATT safety representative I was the subject of various forms of attack from my employer, IW. These included at least three written final warnings of dismissal and several verbal warnings. There were also verbal assaults (using obscene language) and a threat to kill me. These attacks occurred when I asked IW directors questions (rarely having the chance to finish a sentence) about payment of Working Time holiday pay and when I tried to insist that the UCATT safety representative was informed of accidents, made as full an accident investigation as possible and took time to write a report. Co-operation from IW and Bovis safety officers – in compliance with the Health and Safety at Work Act – was very patchy. I believe I was excluded and harassed purely because I was a trade union representative but also for more concrete reasons, for instance in an investigation into a wall being blown over and

falling approximately seven floors into a working area (by pure luck nobody was killed). I recorded that 30-plus concrete blocks were involved (the IW and Bovis safety officers recorded only two) and I reported this 'near miss' to the Health and Safety Executive (HSE).

All warnings were quickly dropped when the UCATT organiser intervened and MPs were informed. The warnings were completely unjustified and trumped up, intended purely to harass, reduce effectiveness and force the UCATT safety representative off Canary Riverside. For most of the time I was the only trade union safety representative on the project, yet I was provided with no facilities. Very often I was put to work in isolated parts of the site where it was difficult for me to keep in contact with my fellow workers – and for them to find me if a health and safety problem arose. (On one occasion I was given a task working exposed to icy winds on the twentieth floor whilst all other workers were given jobs under cover.) Following an incident, my UCATT organiser demanded that Bovis bar the IW managing director involved from the site, this being the sanction under the WRA against anyone behaving as he did, acting in a threatening manner and bawling obscenities. Bovis did nothing.

From the beginning of the Canary Riverside project, the employers had no basic respect or any concept of partnership with unions around the industry's Working Rule Agreement or HSE laws applying to safety representatives. When UCATT first came onto the project, IW used foremen and office staff (who didn't usually use the canteen) to disrupt an organiser's canteen meeting as he sought to explain workers' entitlement to Working Time holiday pay. On the same day that bricklayers and hod-carriers were questioned by foremen as to whether they were union members, I was paid a visit by three directors and a foreman as I worked in an isolated part of the site. The managing director told me, in an intimidating, finger-jabbing, foul-mouthed manner, that I was not recognised as a union steward as my election had been "undemocratic". UCATT had sought unsuccessfully over several weeks to get agreement from IW to hold a recruitment and stewards' election meeting. Eventually UCATT had to hold a meeting without prior agreement; IW disputed the election result, but at the same time refused permission for another better-prepared meeting. Through all this Bovis has shown no sign of disapproval of the subcontractor's actions.

3. Sources of support at Canary Riverside

Support for the UCATT safety representative and the various safety and employment laws that are supposed to be jointly enforced by unions and employers came from:

- *The trade union*: the UCATT organisers.
- *Workers*: the friendly attitude of many of the workers – especially those who joined UCATT; the demands they made for safety; Working Time holidays and information on their rights and entitlements. Up to a point some middle management showed a co-operative spirit.
- *MPs*: the positive response of local MPs Jim Fitzpatrick (Canning Town and Popular) and Tony Banks (Newham Northwest) who, when requested at particular crisis points, asked Bovis "what is going on at Canary Riverside?"
- *Joint Sites Committee*: the knowledge that if I – the UCATT safety representative – was sacked I could probably publicise the fact by putting a picket on the site gate with support from the unofficial Joint Sites Committee.
- *Press*: interest (and potential for much more) shown by some journalists and sections of press.

4. A democratic Bovis!

In my opinion Bovis has not got the personnel, structures or corporate mindset for a co-operative relationship with workers or their independent trade unions or to respect the relevant laws enacted by government. I write this not only as a trade unionist but also as a voter and citizen. Bovis and its trade subcontractors abuse democracy. The laws we struggled to get enforced on Bovis Canary Riverside have legitimacy because they were enacted by MPs and MEPs elected by the people in their millions at the ballot box.

5. Egan partnership?

On Canary Riverside there was not much sign of 'partnership': workers are not treated as the firms 'most valuable resource' as advocated in the Latham Report under the Major government and now in New Labour's Egan report. Far from partnership, the structures and atmosphere on the Bovis project was much more akin to that of a totalitarian regime.

6. A Better Way Forward.

The government requires a strategic concept that includes reform of the labour market with its proposals for increased productivity and ecological sustainability. The government should stop treating the employers (the suits) as the sole voice and 'leaders' of the industry. It speaks volumes for the employers' leadership qualities that no worker on their building sites has yet heard of successive governments' reform plans. The building employers dominate but do not lead in the sense of gaining allegiance. The government should address the whole industry - but primarily the workers, who have been comprehensively excluded to date. The government should boldly propose a long-term deal or settlement in the building industry. This should spell out gains for workers coming from reforms as well as basic elements of the settlement. Elements of a settlement should include: a floor of rights, a constructive flexible labour market and anti-cyclical economic measures to ensure full employment. The governance of the settlement should be established in law and undertaken by the stakeholders – workers, employers and state – with strong powers for trade union representatives at site level. Without decisive moves along these lines, basic employment rights, human rights and democracy itself will be further undermined.

The government should make a much greater effort to win the hearts and minds of the workers for an industry-wide floor of rights and social protection. The government must give leadership to those who want a constructive flexible labour market where workers' standard of life and skills and commitment to the industry can grow and not be ground down, as in the present labour casualisation regime. It should assist in setting up democratic trade union/employers' institutions to uphold and administer a new settlement in the building industry.

Advertising: as a first step in an ongoing information campaign the Working Time holiday pay regulations should be extensively advertised in popular form through the media: TV, tabloids, etc – especially in the lead up to holiday periods. Replacing a very badly informed workforce with a well-informed one would inhibit the present swindlers.

Challenge stereotype: the government should show its commitment to the UK's construction workers by deprecating the degrading cowboy stereotype of construction workers.

Compulsory registration of firms and workers with the Holidays with Pay Board.

The Holidays with Pay Board is an existing joint body with representation on it from both employers and unions. It already has major responsibilities for paying out Working Time holiday pay and increasingly for pensions. It has an extensive database of firms and employers.

The building trade unions, the TUC, and the Labour Party have a policy in favour of registration. The Construction Industry Training Board has supported the idea in principle. Some large clients also see registration in a positive light. This consensus exists because it is recognised that big management contractors – like Bovis – do not exercise control over their myriad of subcontractors and labour agencies. Skilled workers are not being trained or retrained in anything like sufficient numbers. Apart from non-enforcement of Working Time pay and other social protection law, many other unlawful labour practices – such as bogus 'self-employment' – thrive. Young workers – potentially a big part of any future skilled labour force – are degraded by abysmally low, sub WRA pay rates and 12-hour working days. Registration – enforcing the floor of rights and training – could get rid of much of this.

Include all stakeholders. I have read several government papers on reforming the building industry, the latest being 'Towards a Sustainable Building Industry'. In all of these documents, building employers like Bovis are assumed to be almost the sole agents of change in the building industry. Any mention of site workers or their trade unions is very scant and appears tacked on. The government makes sustained efforts to persuade employers to their cause by any number of seminars in posh hotels. But workers get nothing – almost no site worker has even heard of this 'new building industry' and apparently no efforts are made to change this!

The workforce should be included as a main stakeholder. Through canteen meetings, use of the media and negotiations with trade unions, a long-term deal or settlement offering workers (men and women, black and white) much improved prospects should be hammered out. This is necessary if the government's reform targets on productivity, quality, environment and social exclusion are to be met.

Yours sincerely,
George Fuller

DENMARK

Fundamental changes in traditional agreements on working hours in Denmark

Elsebet Frydendal Pedersen, Technical University of Denmark

The Danish labour market is highly organised. Agreements have traditionally been negotiated and concluded between the unions and the employers' organisations. However, in more recent times the conclusions of collective agreements have been settled by intervention through the prevailing government. Ever since the very first collective agreements were signed, working time has been an issue for discussion.

Eight hours work, eight hours freedom and eight hours sleep. This claim has been one of the labour movement's demands for more than half a century. The demands were literally chiselled into the minds of the Danish labourer. Today the working hour agreement is a normal working week of 37 hours. However, "the Danes work more than ever", as the headlines in a newspaper recently stated. The occasion was the forthcoming collective agreement and the employers' demands for a more flexible working time agreement. The unions have on their part claimed a reduction of working time to 35 hours a week.

The situation is difficult because members in The Financial Services Union in their negotiations want and support the employers' wish for more flexible working time. A large majority stated in a survey that they find it very important that each individual can organise his or her working time in accordance with a flexible work schema. The model that is being negotiated now consists of a basic work period between 8.00 and 16.00 and a disposable time which can be placed at any time – day, evening or night. An example given is 4 hours work in the morning, and 4 hours at night. "This will allow the employer the opportunity to have a larger labour force during busy times of production and the employee time to dispose of in accordance with his or her living situation, being with children, etc."

The IT branch and their employers' union (PROSA) are also interested in more flexible agreements, although the latter see a danger in wide open flexibility. The arrangement could open up a situation where employees either knock the living daylight out of themselves or are forced to do so by the employer – a situation that has already resulted in a tremendous increase in stress-related breakdowns among union members.

The Federation of Danish Trade Unions has also opened up a discussion among its members on flexibility, partly inspired by its Swedish sister organisation, which is already operating with more flexibility not only in relation to working hours but also in relation to choosing how wage increases are given. The latter could, for instance, be an increase in wages now or could be a sum of money placed as a saving or pension.

The Danish Federation of Trade Unions has formulated its flexibility proposal in such a way that employees should be able to work, say, 55 hours a week in a period and then be able to take a longer period of leave, in accordance with the demands of their living situation. At the same time, the Federation stresses that basic agreements should be respected, “as the majority of workplaces under their field of responsibility still have to be regulated to protect the ordinary hardworking labourer.”

The General Workers Union has strongly opposed this opening up on the part of the Federation of Trade Unions. A recent survey among its members showed that every third member already works more than 37 hours a week and every tenth more than 48 hours a week. Only one in five does not work more than 37 hours a week. The explanation given for this situation is that Denmark has experienced an upturn in the economy and a need for labour and, following this, a decrease in the employment rate. In certain branches, however, systematic overtime has become the accepted way to increase basic income. Women are working more, that is fewer have part-time jobs than before. Parents with children under six years old have the most overtime. And 16% of operatives in the construction industry have, according to the survey, approximately 5 hours overtime, 4% up to 10 hours overtime and another 4% more than 10 hours overtime a week.

The agreement in the construction industry stipulates a 37-hour week, but with options for variations. Local agreements can be negotiated, though working hours should not extend higher than 46 hours a week. No notice needs to be given for overtime, only for staggered hours.

In construction the normal working day is 7-8 hours long, but with options for variation, with an average weekly working time of 37 hours over 6 months. For staggered hours no notice needs to be given, but compensation. Traditionally employees in the construction industry, especially on site, have been used to staggered working hours. These have been associated with certain work tasks such as finishing concreting or meeting the final production date. Many construction workers travel long distances to work to the temporary work place, adding sometimes considerably more hours to their general working hours.

In the 1990s, with the construction of the two big bridges, the need for construction workers led to a new organisation of work and working hours. Construction workers came from all over Denmark and stayed on the sites in camps, a combination of private caravans and simple huts. Construction went on around the clock and the working hours changed to 12-hour shifts and a four-day week. This resulted in a lot of money being earned, but also a fear of a high toll to be paid in terms of long-term wear and tear as a result of the increased workload. The employer has always presented short production times to the client as a competitive advantage. Construction workers have for their part traditionally been flexible in local negotiations in order to meet the final date. The general changes in working hours are, however, putting more pressure on this local situation. Added to this is the well-known fact that the pressure of work has increased all through production. "To-day we produce in 7 hours what we used to do in 10 hours just a few years ago". The construction workers' deputies consider that the employers are pushing them to the limit in their tendering and that the new working hour concept is part of this, although it should be added "in all fairness, that many of our own members also like the new working hours, as it allows them more time with their families - if they have one - in the week-end."

It can thus be concluded that fundamental changes in relation to working hours and work organisation towards more flexibility are already part of a new work concept. This represents a radical breakdown in relation to the understanding and organisation of the traditional labour market. On the one hand it supports the “need” for increased individual flexibility in a post-modern world where work and spare time are one. On the other, there are indications that the change in working hours adds to the general shift in the working environment towards a high increase in mentally straining factors whose long-term consequences are only little known today. This aspect will be addressed in another CLR News.

SWEDEN

Working Hours in the Swedish Construction Sector

Sven Ljung, Research Department, Swedish Building Workers' Union

Introduction

The issue of working hours and the reduction of working hours does not currently have a high profile in the Swedish construction sector. There may be several reasons for that. In the 1990s, the construction sector experienced the most significant downturn for several decades. At its peak, one-third of all building workers were unemployed. Wage increases were, for several years, lower than in other sectors. When market conditions improved, real wage increases were prioritised in relation to other improvements. With this background, it may be easier to understand that a demand for a reduction in working hours has not been a matter of top priority in recent years.

Building workers are predominantly paid wages per hour and not salaries per month. Thus, any reduction in hours of work will automatically lead to a reduction in monthly income if not compensated otherwise. Traditionally, among building workers, working hard and earning high wages has been important. In Sweden, construction workers are generally well trained and get a higher-than-average income compared with other blue-collar workers.

The weak demand for shorter working hours could have a gender-related explanation, although it is important to state that there is no empirical evidence for this. The degree of women among construction workers is very low and despite efforts to change this, very little progress has been made in recent years. However, the issue is on the agenda.

The general context

The issue of a reduction of working hours has been discussed in the Swedish labour market for almost two decades and the demand for a reduction has often been in relation to higher equality between men and women in their role as parents. The perspective of a reduction in working hours as a way of "job sharing" has not been that significant

in Sweden. One reason may be that unemployment rates generally have been lower than in continental Europe and unemployment programmes have often been extensive.

A working week of 40 hours has been prevalent in Sweden for a very long time and this is the maximum level stipulated by law. However, agreements in many sectors have reduced the actual level to around 38-39 hours a week. A 40-hour week should imply 1,880 hours annually, as employees have five weeks paid holiday by law. In reality, due to public holidays and collective agreements it may be just around 1,800 hours.

Further, there has been an ongoing question as to whether a reduction in working hours will come as a result of legislation or labour market agreements.

In general terms, there may be support for a reduction in working hours. However, there are significant discrepancies in the political discussion and there are no decisions yet.

- There is disagreement as to whether a reduction will come as a result of legislation or collective agreements.
- There is no consensus as to how reform should be financed.
- Will any available resources be used for overall reform or should a reduction in working hours for families with smaller children be given priority?

The construction sector

As described in the introduction above, working hours have more recently come onto the agenda in the construction sector. The topic can be either a reduction in working hours and/or more flexible working hours.

Flexible working hours have been discussed for several years in negotiations between the Swedish Building Workers' Union (SBWU) and the Builders' Federation. Basically, the employers want more "flexible working hours", which in reality means that working hours could be adapted to current demand or maybe even to differences through the business cycle. They do not want to offer any reduction in working hours.

The current major collective agreement in the construction sector includes a reduction of one working day per annum. Each employee will have to agree with the employer when to take the benefits of this day – either as one full day or partially on different occasions. Further days are expected to be included in future agreements and the collective agreement for plumbers already has an extension up to three days in 2004.

There is one exception to the rule regarding flexibility: The collective agreement for plumbers (a smaller group in the union) has for several years had an option for flexibility in working hours. In a 4-week period, working hours can be between 37 and 43 hours, although the average number must be 40 hours. However, this option has not yet been applied frequently, probably due to the fact that the employer needs to give 14-days notice in advance and to achieve the average 40 hours during four weeks, requiring a planning horizon of one month.

A reduction in working hours as a way of job sharing would probably not be efficient in the Swedish construction sector. We have high regional variations in unemployment between regions. In large urban areas like Stockholm, the unemployment rate is less than 2%. In those counties where the unemployment rate is highest, such as the northern part of Sweden, the average unemployment rate is 10-15%, with high seasonal variations. Thus, a general reduction in working hours would increase demand for building workers in Stockholm.

As part of the work to develop a long-term strategy regarding wages and working hours, SBWU has made a survey of members and is currently in the process of evaluating the results and the impact on future policy. However, some conclusions can be drawn:

- If there were to be a general reduction in working hours, most members would prefer to make Friday a shorter working day – instead of spreading the reduction over the week.
- A majority of construction workers do not have the opportunity to apply flexible working hours during the day. Most workers start working at a specified time in the morning.

- The support for introducing flexible working hours, where the worker decides himself when, within a specified time span, he starts/stops working, is lower than expected.
- The support for a system where you work more one week and less another week to provide a balance by the end of the month seems to be limited.

The result of the survey proves some significant results, but also gives evidence that there is a degree of uncertainty among members, which should support further dialogue.

Conclusions

- Working hours is on the agenda, but not yet a top issue.
- A general reduction in working hours in Sweden will take further time to achieve.
- Construction workers have so far prioritised higher wages versus a reduction in working hours. Recent agreements include some time at the employee's disposal.

The collective agreement for plumbers has the option of a variation between 37-43 hours, but its application has been quite limited.

FRANCE

The Experience of 35 Hours in France: The General Framework and the Case of the Construction Industry

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Different targets have been followed in France through the measure of working time reduction. The aim of this paper is to point out some of the experience of 35 hours in France and the main elements that we can draw from their application to the construction industry. The article begins with the legal and conventional framework, underlining that the 35 hours in France seems like an interventionist measure (designed in particular to develop employment). Then, through the case of the construction industry, I shall develop the idea that working time reduction plays an important role as a factor of negotiation and innovation in work organisation.

1. The legal and conventional framework: from the de Robien Law to the two Aubry Laws.

As in different countries, working time reduction has been designed first of all in the context of a crisis and as an answer to reduce unemployment. On this there are two opposing positions, which we can schematically call a 'liberal' and an 'interventionist' position. In many respects, the experience in France illustrates the latter. But, as in many countries too, the reform rests on law and national regulation, on the one hand, and on conventional and local agreements (sectors and firms), on the other.

The de Robien Law

The legal framework originates under the previous government (RPR-UDF) with the de Robien Law (1996). Its objective, in a time of crisis, was to encourage employers to reduce working time in order to maintain or develop employment by sharing it. The type of incentive supplied by the de Robien Law was a diminution of the employers' contribution to social insurance and welfare costs for any new people that they employed. For them, the social (welfare) costs were to be

taken on board by the public budget. The Law foresees two systems, that is:

- *offensive strategies*, in cases where companies create additional jobs. Here public support is strong, but the company has to maintain the new jobs over at least two years;
- *defensive strategies*, the purpose being to avoid lay-offs. Support from the public budget was equal to 40% of the employer's contribution to social insurance for the first year, then 30% for the next six years.

In the two cases the measures have to be negotiated, first with a workers' representative and then, once social agreement is obtained, the employer can get some public support. In total, 280,000 workers have been affected by the measures of the de Robien Law.

The Aubry Law 1 (1998) and 2 (2000)

The socialist government's overwhelming majority election widened the field of application of working time compression, always seen as a measure in favour of employment and of social solidarity (through work sharing), but also like a social conquest for most wage earners. At the same time, working time contraction is seen as an opportunity to renew industrial relations and to revitalise social dialogue in firms.

Two laws have been passed by the Minister of Employment, Martine Aubry: law Aubry 1 (1998) is like a transition towards 35 hours per week (annual calculation) and law Aubry 2 (2000) determines the framework for the length of working time. According to Aubry 2, the legal working-time duration is 35 hours from 1st January 2000, *but only for companies that employ 20 people or more*. For small enterprises employing fewer people the application of the law was planned to apply from January 2002. In the first phase, 8.8 million wage earners were involved in the application of the 35 hour week in large companies (130,000 agreements have been signed between enterprises and trade unions), but there are 1.4 million SMEs representing 7 million wage earners not yet involved, among them 81,000 SMEs, or 470,000 wage earners, that have already moved to 35 hours.

The expression ‘35 hours’ does not mean that enterprises have effectively to apply 35 hours a week, but that beyond this threshold and according to the modulation adopted the employer has to pay extra hours. The ‘modulation’ is a form of working time organisation, allowing the employer to use high and low periods of activity alternately over the year but respecting a total average equivalent to 35 hours a week. The annual maximum allowed is 1,600 hours a year. Some social insurance reductions are forecast for companies that sign an extended sectoral agreement and there are special dispositions for low wage workers.

Some measures to make the regulation more flexible have been taken for SMEs, including by the new Ministry of Employment under E. Guigou, delaying the final application until 2004 and allowing for progressive application of wage ‘majoration’ of between 35 and 39 extra hours. The regime of the first four extra hours for SMEs is the following:

The regime of extra hours for SMEs

Year	Annual number of extra hours	Start of calculation of extra hours	Wage majoration for extra hours
2002	180	From 38 th hour (or 1,691 st annual hour)	10%
2003	170	From 37 th hour (or 1,646 th annual one)	25%
2004	130	From 36 th hour (or 1,601 st annual one)	25%

Source: Department of Employment (Ministère de l’emploi)

But the law supposes a conventional agreement by sector and enterprise. The negotiations between employers and trade unions experienced a speeding up between 1999 and 2000, with the signing of agreements about working time compression. The two Aubry Laws in 1998 and 2000 about ARTT (Aménagement-Reduction du Temps de Travail) have made industrial discussions more vigorous in France, where conventional coverage is one of the most extensive. In total,

100,000 companies employing 7 million wage earners have moved to 35 hours. The necessary work reorganisation to win productivity gains also obliged employers and trade unions to meet regularly to find agreement. 30,000 agreements were signed in 2000.

2. 35 hours as a factor of negotiation and innovation in working conditions, autonomy and competences: the case of the construction industry

Two conventional agreements have been signed in the construction industry:

- one agreement for enterprises with fewer than 10 workers was signed in September 1998 by the union of craft and small enterprises (CAPEB) and then extended by the Department of Employment to enterprises of more than 20 workers. It was, however, just on a voluntary basis until 2002;
- the other agreement is for enterprises of more than 20 workers. In fact, a very small number of SMEs have applied the Aubry Law in general and also in the case of the construction industry.

One dimension of the 35 hours is that it appears also as a factor of negotiation and innovation in working conditions, autonomy and competences. But it is also difficult to refer only to this aspect without taking into account the real complexity of the issues and of the observed situation. In this aspect we can mention the results of an important research and innovation programme launched by the French Department of Construction (Ministère de l'Équipement) to study the modalities of implementation and the impact of working time compression on site organisation and working conditions. Several experimental projects launched by contractors have been studied and evaluated by different researchers, mainly sociologists or ergonomists.¹ These concern many large construction companies but also some SMEs and some craft organisation. The different lessons to be drawn are the following:

¹ The synthesis of these different projects is accessible (in French) on the web: <http://www.chantier.net/artt>

2.1 A large variety of working-time organisation is proposed by contractors to increase productivity or to make cost savings

The consequence of 35 hours is different for workers for whom it is based on a new work organisation and for those who simply have more leave (from 6 to 18 additional days off). In this paper we just focus on the former.

The different experimental situations reveal that a great variety of working time organisation has been adopted by construction companies, from four days of 9 hours per week (but the site stays open five days) to seven hours on 5 days or with the site still open for 6 days a week.

In the majority of cases, working time compression goes together with the development of the time rotation of workers or teams that takes several forms: moving forward the working time of some workers in the morning, with the others coming later but leaving the site later too, or by the constitution of two teams (morning and afternoon) on six days, or by the rotation of a fixed day off for the workers all through the week.

Team rotation means generally that the main contractors try to increase productivity by extending the use of equipment (especially the crane) and obtaining a commercial profit by shortening the time necessary for the delivery of the building. All contractors face the challenge of remaining competitive at the same time as reducing working hours without wage reductions.

But through this new time organisation the aim is also to reduce direct labour costs by saving on different bonuses, for instance the packed lunch bonus ('primes de panier' in French), the transportation bonus (in the case of working four days a week), or the payment of extra hours (by way of working hours modulation and shifts).

So for contractors different economic issues are attached to the different organisation of working time.

2.2 *The irreplaceable negotiation about the quality of working time organisation*

At the same time, the different projects show the difficulty for firms in implementing new working time organisation without previous negotiation and without maintaining a working time organisation that penalises the workers. Some experiences show a change in working time organisation over the course of the project and the search for improvement according to workers' demands.

A new element revealed by these experimental projects is the trend to delegate negotiation concerning working time organisation or shift organisation to the level of the working team or of individuals. Everything happens as if the enterprise, large or small, has to manage a contractual relationship – based on time negotiation – with each of its workers who are to run the new and flexible working time organisation. These local negotiations are below conventional negotiations or agreement at firm level; they are additional negotiations that show that the management (firm or site management) is more dependent on the workers' agreement to innovate in working time design.

But there is also a trend to 'institutionalise' the recourse to informal negotiation inside the team itself, such as, for instance, in the case that we followed and analysed (based on a 4-day week of 9 hours a day)², for the rotation of the day off of the different workers all through the week.

Nevertheless some of the new design of working time organisation means more fatigue (through long travelling times) and longer days far from home, in exchange for an extra day off a week. And sometimes the day off is spent just in sleeping.

2.3 *Delegation, competence transfer and new competence*

The third lesson that we can draw from these different experimental situation is that change in working time goes together with the

² Campagnac, E. and Doniol-Shaw, G. (2001) 'Quatre jours pour une organisation qualifiante', *PUCA*. See on the web (in French) www.chantier.net

development of delegation and competence transfer from the site hierarchy towards the local team. For instance, the experiment based on a 4 day week, with the site open over five 9-hour days, was based on the design of four levels of delegation of tasks and responsibilities:

- from the master foreperson to the foreperson (for instance, for supervision and daily planning correction);
- from the foreperson to the *traceur* (lay-out marker – who does the setting out), for instance for the checking and distribution of plans and the calculation and ordering of any materials, and from the *traceur* to his/her young assistant;
- from the foreperson to the different team ‘leaders’ (for instance, organising work inside the team and encouraging self-management for the day off and inner rotation, ordering tools and small equipment, etc.);
- from the foreperson towards the leaders and towards the workers (for instance, for the daily distribution of the cycle of planning for the new day to allow workers to pre-organise their work and give it more visibility).

Beyond competence transfer from the hierarchical level towards the team, these experiments have also been an occasion to develop new competences and to design learning organisations around autonomy and new missions to widen the field of intervention of the different people on the site. These new competences rest on more exchange and communication and go further than task polyvalence.

2.4 *Working time compression, job creation and wages*

The small scale of the site precluded analysis of the impact of 35 hours on job creation, this question being more at the heart of the legal framework and firm-level agreements. Nevertheless, the question of job creation and new recruitment appeared through different experiments. It seems to be difficult to compensate for the reduction of working time only by a competence transfer and an increase in the number of workers also appeared necessary, even if this solution is strongly limited by firms.

We cannot avoid the conclusion that in many cases the reduction in working time means work intensification so long as it is not accompanied by additional workers. This means that, in the worst situations, site workers have more liability, new responsibilities, but not sufficient time to fulfil them. In the same way, even if the site is not the relevant level at which to analyse the question of wages, this appeared pertinent in many situations, in particular because the organisation and design, with the modulation, means the end or the deep reduction of working hours paid as extra hours even if the presence on site (for instance, in the case of four days of 9 hours a day) is equivalent to that before.

All these experimental operations have been designed on the model of no extra hours paid. This means, with the wage moderation and the suppression of some bonus linked to the daily presence on site, a loss of earnings.

3. The first general appreciation of the impact of 35 hours

3.1 The impact of 35 hours on employment

3.1.1 At the origin of the reform: the importance of unemployment.

The unemployment and activity rate in France.

One of the main reasons for the government launching the 35 hours reform was the high level of unemployed people in France and especially the importance of young people's unemployment. In December 2001 there were 2.2 million unemployed (ANPE) or 2.4 million according to the Bureau International du Travail (BIT). Beyond strict unemployment, it is more generally the rate of inactivity that is very high in France and concerns in particular two categories of worker: those over 50 years old, on the one hand, and the young persons (20-25 years), on the other. A dominant aspect of public policy until recently has been to consider the removal of people over 50 from the labour market as an efficient solution to the problem of youth unemployment. But 20 years of such a Malthusian employment policy has brought the realisation that this solution was not efficient. Delay in the entry of young people into the labour market continues even with the premature retirement of a lot of the population over 50

years old. The result is that nearly 30% of the French population is 'inactive'. Unemployment is also deeply unequal in France in terms of regional and skills differences. For instance, executive unemployment is only 3%.

3.1.2 35 hours and the dynamics of job creation

In total, 1.8 million jobs were created in France between 1996 and 2001, higher than in most other countries. According to the European Commission, France has taken first place on the European podium for job creation since 1999. "*The French preference for employment*" has replaced the traditional "*French preference for unemployment*", according to the expression used 10 years ago by the Fondation Saint Simon.

It is difficult to explain job creation over the recent past through the impact of 35 hours alone. France also benefited from general economic growth, which from 1996 to 2000 has regularly been better than the average for the European Union. The best records have been those of the Netherlands, where growth over the past five years has never been under 3%; Spain, with GNP increases of 2% all the time; and France with 3% in 1999 and 3.6% in 2000. This trend did not present in France in 2001, when the result was 1.5%, or this year where it is approaching 0%.

3.1.3 The different corollaries

Job creation relates too to the different measures that often go with 35 hours, such as labour market flexibility, reduction in welfare costs for the low paid and specific measures for youth employment.

The dynamics of job creation do not necessarily have a direct and full effect on unemployment. If there was a fall in unemployment of one million after 1997, this rose again in the spring of 2001. Demographic vitality in France, too, meant that in recent years the potentially active population has increased annually by more than 100,000 people.

Another corollary of 35 hours is the impact of public incentives on the dynamic of job creation, including direct support to firms for recruitment with Aubry 1, or the importance of social insurance cost relief with Aubry 2. These have meant major public expenditure,

including also to support employment. The price to pay for this strong and protective State is also the high level of taxes and welfare costs, with consequences for the public deficit. The government, for instance, did not respect the contract when it decided to fund the 35-hour support from *Sécurité sociale*, the health regime paid for by both workers and employers.

3.2 The impact of the 35 hours on wages

According to OECD statistics, the bargaining power or household income of the French population increased on average by 2.6% between 1997 and 2000, double the rate of progression in Germany. At the macroeconomic level this is partly explained by job creation together with economic growth. In contrast, the level of wages did not improve a lot.

The labour cost of the passage to 35 hours for companies has encouraged wage limitation or moderation rather than a wage decrease. There has been an unprecedented increase in the hourly wage in constant francs (2.42% a year between 1997 and 2000) and a less important improvement in the annual wage. This increase in wage bargaining power has been stronger for the minimum wage (SMIC) because of the political support of recent years (+4% between 1995 and 1997). But this increase applied overall for people who continue to work 39 hours a week; for others, the gain of 32 euros a month is less than previous ones.

3.2.1 The impact of financing 35 hours on a public deficit

The additional costs linked to the 35 hours for 2001 was estimated by the government at 65 billion francs (0.7% of GNP), but some critics say that it could be higher in the next two years. In 2001 the French public deficit was 1.5% of GNP compared with 2.7% in Germany, but the situation of France is dynamically not so good. According to the Department of Employment, the budget cost of social charges (welfare costs) had fallen to 6.1 billion francs (0.5% of GNP); today it is 15.2 billion francs. The cost is therefore very high, though with some results: according to INSEE, 470,000 low-skilled wage earners were

recruited between 1994 and 1997. The question is how to generate public savings to compensate for the high budget deficit.

Examination of the measures taken in favour of employment underlines their interventionist character, and this is also always true with the 35 hours.

3.2.2 The traditional importance of social redistribution in France and its impact on labour costs

The French system of social distribution is one of the more developed in Europe. Social transfers (pensions and health excluded) are about 10% of GNP. According to some authors,³ the reduction of poverty in Europe depends first of all on the share of GNP devoted to social transfers and France is one of the most active countries in this field. Within the set of European countries, the French model of social protection redistributes nearly 30% of the national wealth, with a fall since 1996.

4. Conclusion

So, five years after the launching of the reform the debate is still open in France. The positive elements of the law are widely appreciated by people. Different surveys show that 35 hours are well appreciated by workers and that they have changed their way of perceiving work.⁴ The survey of the attitudes of French people concerning 35 hours⁵ showed large support (66%). But the question also is to know what impact 35 hours and all its corollaries may have on the position of France in international competition and, especially, in Europe.

In the pre-electoral context, the question of 35 hours gives rise to discussion. The right wing does not call into question working time compression, but it seeks to make it more accommodating. The government wants to defend this important social conquest, but some members do not hesitate to express their scepticism concerning the

³ Cohen Solal, Marc and Loisy, Christian (2001) 'Transferts sociaux et pauvreté en Europe', Dossier Solidarité et Santé, DREES No. 4.

⁴ For instance, in the construction industry, the enquiry led by CFDT, 'Les 35 h dans le BTP', *Vie Fédérale*, April 2001.

⁵ Institut CSA/Ministère de l'emploi et de la solidarité (2001) *L'attitude des Français vis-à-vis des 35 heures*, April.

extension of working time compression. One of the main elements of the debate concerns the economic effects and social costs of the reform and the way in which it locates France among other countries and other European countries.

Despite the diffusion of 35 hours without wage diminution, the economic situation has been under control until now. Nevertheless, beyond the positive aspects in terms of the free time won by workers or of 'flexibility' of work organisation with its impact on skills and competence, the 35-hour law could appear as a break for growth.

According to Eurostat, 9% of the active population in France was unemployed in January 2002 and between 1992 and 1999 France's position moved from third to eleventh among the fifteen European countries. Among the larger countries, France is less well ranked than Germany (8.1% in January 2002) and is in the lower ranks in Europe, with Italy and before Spain but very far from the UK and the smaller countries.

The OECD underlines the bill for tax relief and social tax reduction for public finance and the risk of a brutal increase in the minimum wage on the horizon in 2005. According to the OECD too, the annual working time of French wage earners fell from 1,550 hours to 1,500 between 1990 and 2000. If we include part time and leave, working time in France is one of the lowest among the larger countries, but is nevertheless higher than in Germany, the Netherlands and Norway. French people traditionally used to work less than people in other countries over their lifetime; now they work less time during the week. But according to a recent study by Goldman Sachs, once the impact of productivity is included the classification is more in France's favour. And so the discussion on the economic effects continues.

HUNGARY

Working Hours in Hungary

László Neumann

Following the collapse of the state-socialist regime, the new Labour Code (Act No. 22/1992) regulated the individual employment relationship and industrial relations. Although legislators aimed to confine the role of the law to setting the basic labour standards and giving the floor for collective agreements as well as the individual employment contract to provide more detailed regulations of working conditions, in working hour issues the labour law has been providing fairly detailed rules and it remained more important than the stipulations of collective agreements. Basically, collective bargaining is fairly decentralised in the country, its most important scene being the workplace (company or budgetary institution), while sectoral agreements are of marginal importance. At the workplace, determination of wages and working conditions is extremely individualised, and to a great extent relies on informal agreements sometimes breaching the law and even written contracts.

The 1992 Labour Code declared that the “legal working time” is eight hours a day, which may be specified by establishing a “time framework”, namely, the 8-hour normal working time should be kept only as an average over a reference period of two months. In the case of seasonal work the “time framework” can be extended up to one year. The law also established limitations on overtime: it could not exceed a total of four hours on two consecutive days. The upper limit for annual overtime was set at 144 hours but, with the provision of a collective agreement, it could be raised to 200 hours. Similarly, the law established meticulous rules on rest times, annual paid holidays, other types of leave, shift work and night work. For several issues the law authorised collective agreements to depart from the legal provision in favour of employees.

The 1995 amendment of the Labour Code put flexibility issues on the agenda and also wanted to increase the room for manoeuvring of collective bargaining by allowing deviations from the law to the

disadvantage of employees. Thus it made it possible to extend the period of the “time framework” up to four months by the stipulation of company level collective agreements and up to six months through multi-employer collective agreements. Similarly, the maximum of annual overtime could be increased to 200 and 300 hours by company level and multi-employer collective agreement respectively.

The main reason for making the 2001 amendment of the Labour Code was the transposition of nine directives of the European Union. Therefore, it brought about fundamental changes in the organisation of working time according to the 93/104/EC directive. Thus the law introduced absolute limitations for the daily and weekly working time of 12 and 48 hours respectively. The employee is entitled to two days rest following six consecutive days of work. The amendment introduced several new provisions for the protection of special groups of workers.

Following the logic of the 1995 amendment, the 2001 legislation not only further extended the role of collective agreements, but also provided that “the parties” of individual work contracts might agree on deviations from the law in favour of the employer. For instance, collective agreements and individual work contracts equally can establish a daily working time longer than 8 hours in the case of standby type jobs. In standard work settings, legal regulations, collective agreements and individual work contracts may define a shorter than 8-hour period as the annual working time.

Similar to the 1995 modification, a maximum four to six months long “time framework” can be defined by company collective agreement or multi-employer collective agreement respectively. It is a novelty of the law that collective agreement may stipulate annualised working time too, providing that the given work is a standby-type or uninterrupted work, or the workers are employed in shifts or perform seasonal work. The limitation on the amount of overtime has been raised: a maximum 200 hours can be required, but provisions of the collective agreement may increase this amount up to 300 hours.

In order to enhance flexibility in working time and in the venue of work, the new law introduced new rules for non-standard work

settings, such as standby service, posting, re-allocation (fulfilling tasks of another job position temporarily), and transfer (performing work for another employer). Also, working time flexibility can be increased by refraining from rest days. The compulsory two days of weekly rest may be given in an accumulated form once in a fortnight or once during the “time framework” applied. The accumulated weekly rest days may be given out once in a maximum 6-month period for jobs of a standby type, or uninterrupted work, shift work or seasonal work, based on the provisions of the collective agreement or individual work contract. Similarly, the compulsory 11 hours of rest between two consecutive work shifts can be shortened by contracts to 8 hours.

The new working time regulations not only provide employers with more flexible working time arrangements, but also seek to reduce the labour costs of flexible work schedules. The law lowered the wage supplements for night work and eliminated the earlier wage premium for additional assignments, unless collective or individual agreement preserve this reward for the workers’ extra efforts. With the use of a “time framework”, employers can save extra payments for overtime work and idle hours; no wonder trade unions charged that the bill was going to introduce “unpaid extra work”.

According to the 1999 statistics almost all company level collective agreements (97 %) deal with working hours, but only 16% specified a "time framework" in which the full working time had to be met within 2 to 4 month cycles. On the other hand, 82% of collective agreements included a provision that raised the upper limit of annual overtime that can be required of employees. These data allow for the conclusion that employers in Hungary preferred to stick to the traditional practice of overtime work rather than use flexible hours in 1998-99.

Surprisingly, following the 2001 amendment to the Labour Code, one cannot witness a collective agreement “modification boom”. An analysis of a small sample of collective agreements signed in 2002 shows that almost all repeat the most important new provisions, for instance, the 48 hour limit of the weekly working hours. Company agreements give detailed descriptions for organisation of working time in the case of different groups of workers. The function of these

agreements is increasingly becoming similar to a “Company Manual of Working Rules”.

As to annual working hours, the contracts often stipulate that the 20-30 minute break within the daily work accounts for paid hours. In certain “dangerous” job positions the agreements determine shorter than the 8-hour full working time, instead of limiting the daily length of time during which workers can be exposed to a health hazard. Also, the agreements sometimes identify the cases of extra holidays.

Concerning means of flexibility, the general use of 2-6 months “time framework” seems to be a novelty compared to the 1998-9 statistics. However, contrary to expectations, the recent modifications of collective agreements did not amount to a breakthrough in the working hours patterns. Almost all agreements are still making use of the 300 hours upper limit of annual overtime. Working time schedules often include shift-work, night work, split daily working time, flexitime in certain positions; this was, however, the case before the latest amendment of the law too. Several contracts limit the yearly days of re-allocation, posting, transfer and standby service, as well as define procedural rules for ordering such non-standard types of work. The new possibilities for accumulating rest days up to one month and shortening the rest time between work shifts from 14 to 8 to 11 hours also appear in certain companies.

Wage supplements for overtime, standby service, shift-work and night work are the traditional issues of collective agreements. The “price” paid by the employer in order to achieve flexibility may be higher than what is defined by law. Trade unions occasionally managed to negotiate for stipulations on extra wages for “additional assignments”; in some contracts the term of night work is redefined; somewhat higher wages for idle periods are agreed on; and even the period of shortened work hours for economic reasons may be limited.

Extract (“Summary: legislation and regulations through collective bargaining”) from the ILO Country Study 2002 in the Working Time and Work Organisation project, by P. Galasi, G. Nagy and L. Neumann.

What divides us? Nothing!

What unites us? Everything!

Karl Liebknecht in an address to French and German workers in the summer of 1914, shortly before the outbreak of World War I

Proposal for Europe-wide coordination of working time policy in the construction industry by the European construction workers' trade unions

1. Introduction

We in the European construction trade unions must coordinate the negotiated working time of the workers we represent in Europe. This is not only because it is an imperative of our times for a solidarity-based trade union movement, but because it will give us the means to tackle pan-European labour policy problems more effectively. The key objective of coordinating negotiated working time in Europe is already enshrined in the EFBWW's basic programme. However, so far we have not brought forward measures for achieving this objective. That must now change. The purpose of this paper is to give fresh momentum to taking seriously the idea of coordinating negotiated working time in Europe and putting it back on the European agenda of the construction unions. To this end, we need to review the decisive and momentous changes on the social, political and economic fronts during the 1990s and their extent as well as ascertaining what workers want concerning working time.

1.1 Political, social and economic change in the 1990s

The globalisation process set in train a transformation of the welfare state into a state driven by competition. Whereas before the 1990s, state, economic and social reforms – for which we had fought hard – generally led to improvements in material living conditions, such as a greater share in social and economic progress for workers, during the 1990s we were forced to witness an opposing trend in these reforms, despite our resistance and against a background of ongoing globalisation. In the all-out economy drive of European society, the state, economic and social reforms led to a profound recasting of the welfare state and to an erosion in the material achievements of workers. The working time issue was generally approached from the

angle of the so-called economic "market forces" and not from the viewpoint of workers, such as their desire for a shorter standard working week. Despite this trend, the average working week in EU countries went down from 39.9 to 38.6 hours between 1987 and 1998. However, this reduction is largely attributable to the changing composition of the labour force – i.e. the higher proportion of women and of part-time workers, and not to an actual reduction in standard working hours. More in-depth analyses therefore show that the actual number of hours worked in recent years has even risen significantly and not fallen at all. As before, there are considerable differences between the European States. The gap in annual working hours between the countries with the highest and those with the shortest working times in the construction industry still exceeds 300.

1.2 Working time preferences of workers in Europe

We will only be successful in coordinating working times in Europe if we are guided by what workers want. By that means we will increase the acceptance and chances of implementing the agreements we make. So what are the working time preferences of workers in Europe?

According to a study by the *Institut Arbeit und Technik* in Gelsenkirchen (Germany), the average European wants to work 4.5 hours less per week. Currently, workers in Europe have a 39-hour week – although with a range of up to 9.9 hours between individual countries. Also according to the study, there are considerable differences in actual and desired working time depending on the category of workers. For instance, the average actual working hours indicated for manual and non-manual workers are 37.7. This group of workers would like to work 3.7 hours less. Self-employed workers, on the other hand, work an average 48.2 hours per week. They would like to spend 9.8 fewer hours on their work.

In order to achieve these objectives the employment quota in Europe would need to rise by 11 percentage points to 74%, thereby reaching the level prevailing in the USA. As most workers want shorter working times, a European model could combine a high participation rate in the labour market with shorter individual working times.

As far as workers in the construction industry are concerned, they have clearly expressed their desire for, in first place, early retirement, more holiday and a shorter working day.

The findings of these surveys show that the workers have a detailed wish list when it comes to changes in working times, and the construction unions of Europe must take these up and implement them. Along with this wish list, the fact of record unemployment in the EU countries, as well as the estimate of the Basle-based Prognos AG that the volume of jobs will only increase slightly in Europe by the year 2010 due to steep productivity gains in companies, must also be taken into account.

2. Positive impact of the European coordination of working time policy:

- increased status and use of the European level as the negotiating level for the construction unions
- reduction in trade union competition
- prevention of competition on wages
- improved negotiating results for national unions:
stronger negotiating position for the national unions by increasing the scale of any collective refusal to work (potential threat)
- greater interaction and pooling of experiences between trade unions based on the joint approach to the policy area "bargaining policy"
- better information about employers in Europe
- creation of best practices for bargaining policy in Europe
- forestalling employers' tactic of playing workers off against each other
- joint approach to directing the trends for actual working time in Europe
- synergy effect and reduction in transaction costs
- preventing relocation of production facilities and the associated weakening of trade unions
- preventing social dumping and the downward spiral in working conditions
- reduction in health problems resulting from long working hours for workers

- standardisation and improvements in working conditions by bringing working conditions into line with the most favourable standard
- reduction in xenophobia and fear of competition
- positive employment effects, i.e. increased demand for labour

3. Key conditions for the successful implementation of a European coordinated working time policy

We must achieve our European objectives concerning working time by means of four different types of regulatory instrument: laws and regulations (at national and European level); the social dialogue; the relevant collective agreements; and plant agreements. For this purpose, the following points must be taken into account:

- ***Communication*** – *conditio sine qua non*

We must become considerably better at putting across our joint trade union objectives at European and national level. The primary aim here is not simply to pass on information, but above all to ensure that the target audience *understand* our aims and the advantages for workers.

- ***Joint action***

In order to implement our objectives, we in the trade unions must act together. The European dimension of our objectives must be clearly put across in the communication process so as to convey a picture of European trade union unity, which will increase workers' trust in us and put more pressure on employers. By taking concerted action, this will demonstrate our capacity for Europe-wide action to the employers and make it clear that we will not allow employers to play us off against one another in Europe.

- ***Coordinated bargaining schedules***

Bringing our bargaining schedules into line could greatly strengthen our negotiating position with employers. This would mean that employers would no longer be in a position to relocate production facilities temporarily from one bargaining area to another in Europe where no new wage rates are being negotiated. Such actions by

employers have made it possible for them to considerably reduce their vulnerability in industrial disputes until now.

- ***Coordinated European wages policy linked to productivity gains***

This means, for example, that European coordination of working-time reductions and European coordinated wages could be negotiated as overall packages. If working-time reductions and wage increases can be negotiated as an overall package, this will increase the chances of successfully implementing working-time reductions. The increased costs of an overall package of wage increases and working-time reductions linked to productivity increases would leave unit wage costs unchanged. This would have a very positive impact in the discussions at the general and technical level.

- ***the creation of a supervisory body to oversee compliance with our European working-time policy objectives***

Possible options here would be, for example, to hold a regular meeting or require a report to be prepared by the national unions and submitted to the EFBWW.

- ***Drawing maximum benefit from our European and national networks***

Political parties with trade union sympathies, citizens' initiatives and social and cultural associations can assist us decisively in achieving our objectives. Having our objectives promoted by such organisations underlines the need to implement our aims, as such organisations represent large groups of the population.

- ***Wide-ranging dissemination of our key objectives to the workers and the public in all available areas of the media***

4. Coordinating our demands

In the light of the declaration of principle by the European construction unions that was adopted at the EFBWW Congress in 2000, we propose that all construction unions coordinate their main demands concerning working-time policy and seek to achieve the following key minimum provisions in the forthcoming bargaining round.

- ***Lifetime working time***

Normal retirement age for workers in the construction sector should not exceed 60. Either the State pension system and/or negotiated early-retirement provisions should ensure that all workers are entitled to draw a pension from the age of 60 which enables them to enjoy a retirement with material security and to continue to have the same standard of living. Furthermore, the aim should be to have flexible solutions that allow workers to decide the exact time of retirement themselves (between 55 and 65). Special early-retirement models or partial retirement arrangements (part-time work for older workers) should be possible from the age of 55.

- ***Annual working time***

The total amount of working time during a year must not exceed 1750 hours (not counting leave, public holiday, overtime and days off for other reasons). This does not mean introducing annual working time as a flexitime model (see below)! Rather, it should be left to the national circumstances to decide where the main focus of working-time reductions should be. For instance, some trade unions may regard a reduction in weekly working time as a priority objective, or as in France seek to translate this requirement into law, while yet other organisations may put the emphasis on more leave, more further training time or more public holidays or "bridge" days.

- ***Putting a stop to flexible working by setting maximum working times***

The survey carried out by the ETUI shows a wide variety of working-time models with greatly differing degrees and also different systems of working-time flexibility. In most countries, however, the pressure to introduce flexible working has increased, so that the European construction unions must act together as a counterweight.

We propose as a joint demand that wherever flexible or variable working times are possible, the following basic conditions should be complied with. These conditions also apply where a fixed working time total has been agreed for the whole year, but where overtime may be worked to cover peak periods:

- maximum working time, including flexitime and overtime, should not exceed 45 hours a week or 9 hours a day;

- exceptions to this rule must be precisely defined in the collective agreements and/or agreed by the bargaining parties in individual cases;
- overtime must be limited to 100 a year.

In addition, there are the other points covered in the Declaration of Principle 2000, i.e. working-time reductions must not lead to a loss of income or an increase in extra hours worked and the collective bargaining must be subject to continuous evaluation. It is also clear that joint oversight of the objectives is only possible in connection with other material improvements. A joint approach to working-time policy therefore also calls for coordination of wages policy as the scope for dividing out the cake cannot be used up two or three times over.

REPORTS

CLR AGM minutes, 7th December 2001, University of Westminster

Participants

Linda Clarke (University of Westminster), Jonathan Green (UCATT), Tom Kelly (GMB), George Fuller (UCATT), Marcus Fairs (Building magazine), Jörn Janssen (University of Westminster), Georg Herrmann (University of Westminster), Sven Ljung (Swedish Building Workers Union), Jan Druker (University of Greenwich), Vasile Valentina (Institute of National Economy, Romania), Woytek Widera (Warsaw School of Economics), László Neumann (Institute of Political Science, Hungary), Annika Tagaküla (Forest Industry Trade Union of Estonia) Vassil Kirov (Institute of Sociology, Sofia), Stephen Gruneberg (University College London), Mijke Houwerzijl (University of Tilburg), Roland Herzog (GBI Switzerland), Hans Baumann (GBI Switzerland), Jan Cremers (GBIO, Netherlands), Sep Arkani (University of Westminster), Barbara Susman (University of Westminster), Sam Hägglund (Nordic Federation), Harrie Bijen (EFBWW), Vanessa Beck (WBS), Aurora Trif (SBU).

1. CLR Research Projects

The chair gave a brief report of the activities in the year 2001 (workshop on health and safety, demonstration of the prototype database on vocational training, the bulletin, the application of EU-subvention). CLR is still completely functioning without any subvention. Participation is based on proper contribution of the participants. In projects where CLR-members assist payments of travel costs and lodging are asked.

There are currently two CLR projects. The first is an EC-sponsored project on industrial relations in construction in the central and east European countries, including Hungary, Poland, Romania, Bulgaria, Slovakia and Estonia. (A project committee meeting on this is to be held later and the following day.) The second known as the dBuild project, is coordinated through the Dutch training organisation and involves classifying and mapping construction occupations, training, qualifications, etc.

2. *CLR News*

The advantages and disadvantages of an electronic version were discussed, it being generally agreed that a hard copy is also needed. All EFBWW unions receive CLR News but these are often not circulated and a strategy is required to increase circulation. We will continue with the circulation of free copies as long as the EFBWW is assisting us with the production and distribution. JC will investigate the possibility of Elsevier publishing CLR publications, including publishing GF's book.

It was agreed that CLR News 2002 should include the following themes:

1. *Working time*
2. *Training* (dBuild project)
3. *CEE Industrial Relations* (2 volumes)
4. *Observatory* (with CEE involvement)

Two more themes were mentioned but transferred to the year 2003:

5. *Union structuring* (Hans Baumann)
6. *Employment conditions/forms of employment*

3. Finances

- Basically the activities will continue without external financial support. The production and distribution of the bulletin via EFBWW. Workshop participation in future, without EU-support, will be based as usual on own contribution. Restitution of overhead to EFBWW is possible in the CEE-project.

4. New Activities

a) *the dBuild project* – could be part of EFBWW and FIEC web sites – so that anyone can enjoy the network.

b) *E/W industrial relations* aims to look at whether it is reasonable to enforce industrial relations at a sectoral level. In other words, the project explores the viability of enhancing the social dialogue through enforcement. If industrial relations represent the concerns of workers, this does not mean there should be autonomous sectoral organisations. The country reports on the project will be completed by the end of April and conclusions drawn by the end of June with a workshop in Brussels.

- c) *European firm.* A new proposed project on the European firm was presented, involving investigation at project level of 2/3 of the large joint venture infrastructure projects.
- d) *Process to Product.* Details of a current British research council-sponsored project exploring the relation between the construction process and the quality of the product were presented.
- e) *Women in Construction.* The book on women in the construction industry is progressing. Publication is to be sought in the first instance with ETUI and the book will focus on Europe but include also contributions from the USA, India and Africa.

Lafarge: Negotiations on a Health and Safety Charter

Already in 2000 the European Works Council of Lafarge set up a specific working party dealing with health and safety. From the beginning on the group decided to act on three different levels, namely:

- information activities
- practical activities on specific subjects
- to formulate a health and safety charter for Lafarge.

From the beginning on the management was co-operative and supported the work of this specific working party. Lafarge itself is interested to improve their health and safety management. On the one hand because Lafarge is intensifying its worldwide activities and thus faces different cultures and standards in the organization of workplace prevention and on the other hand because of an increasing number of fatal accidents within the company.

The working party created a small questionnaire to obtain an own impression and overview of specific aspects of the health and safety organization in the different plants. Based on this investigation the working party discovered that noise was a major problem in more or less every factory. At the last annual meeting the group presented its results and agreed with the management on activities against noise pollution in the whole group. In this connection management and worker representatives will co-operate, but both parties will carry out

its own activities. In this way the EWC will get a good opportunity to become visible for every worker as an active body.

Parallel with its practical activities the working party discussed the need and the envisaged character of a health and safety charter. Instead of aiming purely at accident prevention the group was in favor of a holistic view. Hence, the draft of the charter includes accident prevention, hazards from physical or chemical agents, the work organization as well as training activities and environmental questions.

A second object was to give a clear impetus to worker participation. Therefore, for every chapter, specific rights of workers are formulated. Among others worker have to be involved in risk assessments and they have the right to contact experts outside of the company without being threatened by any reprisals.

On the above-mentioned meeting the workers' faction agreed on the working party's draft and giving a green light to start negotiations with the company.

(Excerpt from the EFBWW newsletter for Health and Safety which is published bimonthly. Those interested to receive a copy of the newsletter can register at info@efbh.be.)

REVIEWS

Jean Gadrey: Nouvelle économie, nouveau mythe?

Paris 2000, Flammarion , 223 p., 95 FF.

After the burst of the dotcom bubble it was argued by some critics that, once again, the pertinence of fundamental deficiencies of good old capitalism had been proven in contrast to all those trendy prophecies of a “new” economy. Now, nothing to worry about? Nothing new, at the end of the day, with the “new economy”? Or shouldn't we take a second look at the "new economy" as a distinct feature of dominant trends in governance structures whose importance goes far beyond the ups and downs of the financial markets? The latter is, in a nutshell, the aim of the book "Nouvelle économie, nouveau mythe?" written by Jean Gadrey, professor of economics at the University of Lille/France. It will shortly be published in English (by Routledge) after being published in France right at the peak of the dotcom hybris. However, the change in the scene does not diminish the importance of this essay. Gadrey simply took the opportunity of the new economy boom to discuss some underlying changes in the functioning of contemporary capitalism.

It is the confrontation of myths and empirically founded theory on which, in line with the title of the essay, the emphasis of the essay is laid. The author shows how a discourse on a “new economy” could be established by selecting particular striking facts and extrapolating them without any proof. Modernity and progress were made to appear as synonymous with some unquestionable features such as capital market performance as the dominant benchmark, flexible labour and privatisation as basic preconditions, etc.. Gadrey illustrates the difference between an academic theory of an observable model of society in contrast to a myth.

Among many other things he discusses the impact of new technologies on economic growth and job creation and shows the overestimation of this impact. He does so without playing down potential positive impacts of new technologies as he carried out numerous international comparative empirical studies on the

reorganisation of service industries and companies to which he refers in various ways. Turning to the functioning of external and internal labour markets (with a particular focus on services), he shows that there are different ways to organise flexibility. This leads him to a review of market theory, emphasising not only the social embeddedness of markets but, more than that, the very nature of markets as social constructions: "A society has the markets that it gives itself." Thus, the regulation of markets is, as it has always been, inherent to their functioning rather than being an alien element. This is the theoretical background for a discussion, in the final chapters, of the major changes in modes of governance of firms, markets and states. Revisiting Galbraith's "technostructure" hypothesis, he argues that managerial control is now being pushed back by the control of private owners. However, it is not really the shareholders returning to power, as the myth tries to make us believe, but "the upper layers of financial capital". Gadrey describes a process of social reorganisation of markets which, in his view, both can and should be confronted with what he calls "precautionary principles" (which in fact are not principles in the strict sense but theoretical considerations on the nature and limits of markets) which can help to avoid the risks lying in the pursuit of a mythical free-market model.

Ironically enough, the author himself was a victim of one of the myths of the "new economy". Contrary to common belief, the job tenure is increasing in various major capitalist economies which may to some extent reflect the fact that commitment to a given employer is not necessarily decreasing (see for example World Labour Report 1996/7). Companies rely more and more on the knowledge of their workforce. Thus a great deal of current strategic management effort aims at employee retention. Indirect control exerted over employees, however, puts them into a much less powerful position, as compared to the myth of the dependency of companies on their "internal entrepreneurs".

There are many books and articles on particular aspects of the "new economy". However, not too many of them provide an analysis comprising economic, social, political, and ideological aspects which is both empirically and theoretically founded. Gadrey may be provocative for some readers but he makes his point. Moreover, the

book is well written and well translated. Far from being a hard-to-digest monograph, it is a good example of the art of writing an essay which makes it a stimulating read.

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Ultan Cowley: The Men Who Built Britain, A History of the Irish Navy.

Wolfhound Press, Dublin, 2002 (272pp)

That Irish workers play a significant role in British construction is something that is evident to all who pass by the all too frequent road works that are part of the daily landscape in the United Kingdom. An interesting exercise would be to ask those outside construction why this should be the case. I'm sure some interesting responses would be elicited! Undoubtedly those who work in the industry might provide answers that include the view that construction is less constrained by location than other livelihoods and that there is relatively little restriction for those who do not mind hard work, frequently poor working conditions and, sadly, serious risk to their safety. In such responses, I would be amazed if the word *craic* was not used. The best description of *craic* I saw appeared a number of years ago in *The Sunday Times* of the annual matchmaking festival Lisdoonvarna, which supposedly emanated from a desire by lonely farmers to find young brides, and which had become a good excuse for what was described as mischief and merriment; a bloody great piss up!

For those who know little about the Irish culture, Ultan's book provides marvellous insights into the reasons the Irish have traditionally accepted that they would need to travel to find work. Those willing to accept working outdoors were able to find employment in England carrying out seasonal farm work. The Great Irish Famine meant that those who had the strength and financial means saw emigration as salvation. Accordingly, the Irish provided '[a] highly mobile but transient workforce' which proved vital during

the construction of civil engineering works such as roads, canals and railways that accompanied the industrial revolution. Such was the origin of the legend of the navigators – navvies – who, using immense skill and strength, were able to produce rates of output that were, given the lack of mechanical tools and poor conditions, truly amazing. However, such feats were at a tremendous cost in terms of lives and serious accidents. Until the First World War, it was safer to be a soldier than a navvy.

What this text does is to provide a socio-historical perspective on why skills and dedication became so important to the great civil engineering works and, as a consequence, the term navvy is, to many, synonymous with the Irish construction worker. In what has resonance with the contemporary construction worker, Cowley quotes the English social historian, G.M. Trevelyan who states that ‘the navvies wandered about from one public work to another – apparently belonging to no country and having no home.... Working together, eating drinking and sleeping together.... Reckless alike of their lives as of their earnings, the navvies worked hard and lived hard’. As Cowley is able to convey, the tradition of working hard and playing hard (by drinking and fighting) has become part and parcel of the legend of the navvy. As those who know anything of the industry – particularly among groundworkers – will tell you, the public house plays an important part in the recruitment of workers (“Go to such and such a place and ye’ll get the start”). For the itinerant navvy the pub was the only place to socialise with those who would accept your company.

Cowley’s narrative of the way that the Irish have been involved in every civil engineering scheme in Britain is fascinating; the only exception being those that involved national security during the Second World War. As he describes, many of those who worked as navvies went on to become major contractors in their own right; the next time you see road works, look at the name on the side of the van. As such, this book shines a light into an area that, hitherto, has remained relatively unknown. This is not to claim that all Irish contractors are perfect. As my own father has always said after working for such firms, “The worst bastard is the Irish bastard!” Cowley describes similar experiences. Undoubtedly, though, the vast

majority of those who have worked as navvies did so willingly and happily. Consequently, this book provides a wonderful testimony to the efforts of those who helped build the infrastructure of Britain.

The Men Who Built Britain has as its concluding chapter 'The forgotten Men'. Cowley does this to compliment the excellent mixture of technical data, statistics (where they are relevant), and history of the contribution of the Irish navy in construction in order to draw attention to those navvies who have found that working hard and playing hard often means nothing to show at retirement; either in terms of money or family. As a result, there are many who when no longer fit to work drift into homelessness and chronic alcoholism. Tragically, it is common for many to end up unclaimed in morgues when they finally depart this world. If this book does nothing more than to prick the consciences of those who have the means to dedicate funds to assisting those unfortunate souls who live in the many hostels that are in every city, then it will have been a remarkable achievement.

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Jane Pillinger (2000) *Working Time in Europe: A European Working Time Policy in the Public Services*, Report 63 of the European Trade Union Institute, Brussels.

Working time has become a public service trade union priority as it can improve efficiency and the quality of life, redistribute work and increase individual choice and flexibility. This study aims to document existing national and European practices, determine linkages to other developments and frame a new European Federation of Public Service Unions policy on working time. There have been significant trends in Europe such as the long-term development towards reduced average hours, which have resulted in some countries in legislation as well as more far-reaching experiments. There have been European level, sectoral models but these should be built on to establish a European level social dialogue.

After an overview of the development of related European policies, the report uses the work of the European Federation of Agricultural Workers Union and the European Metalworkers Federation to outline what the future developments should be. This is mainly based on sectoral social dialogue although, in reality, the public services social dialogue has been restricted to joint statements. The main issues and perspectives with regard to working time are outlined. It is emphasised that time is a gender issue and - due to intense feminisation - particularly significant for the service sector. In countries where bargaining plays an important role in regulating employment conditions, equal opportunities are more developed. A variety of other issues are also raised, including whether a reduction in working hours actually results in job creation, as well as the national preferences in choosing higher pay or less hours.

Approaches to working time in the public services are described in some detail. An overview of legal provisions and developments in collective agreements is followed by a range of examples for schemes such as flexible work and flexible working time, part-time work, reductions in working hours, annualisation of hours, time banks and leave schemes. Unsurprisingly, cost, efficiency and quality arguments are more likely to convince employers of the beneficial effects. Overall, the contribution to equal opportunities must be questioned when considering the high proportion of women participating in many projects. Women do not necessarily benefit but could be further marginalised.

Based on collective agreements and Eurostat data, four sectors are selected for further scrutiny, namely Health and Social Services, Local and Regional Government, Public Utilities, and National and European Administration. The retention and creation of jobs in all four sectors have been the main driving force for using flexible and/or reduced hours. Flexibilisation is, above all, demanded by employers and negative side effects should be monitored, whilst good practices are shared. The importance of the Working Time Directive is emphasised, as initial results of experiments with different schemes are positive. It is worthwhile remembering that workers who have

been consulted and are happy with their working time are more likely to be motivated and productive.

This report is a good overview of existing working practices in public services across Europe. Unfortunately, no index is provided. Otherwise the report would be more accessible as a reference text to good practice examples.

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Emmanuel Mermet and Steffen Lehndorff (eds) (2001) *New Forms of Employment and Working Time in the Service Economy (NESY), Country Case Studies conducted in five Service Sectors*, Report 69 of the European Trade Union Institute, Brussels.

The objective of this report is to investigate the changes in employment and working time patterns in the service sector, more specifically in information technologies, banking, retail trade, the health sector and in elderly home care. At the same time, the aim is to determine the forces that are driving these changes. The report compiles qualitative and quantitative, micro- and macro-level research that was conducted in 10 European countries. The findings on each sector are reported on in isolation from each other as no overall comparison between the sectors or generalisation to services at large is attempted.

The case of information technologies compares Denmark, Finland, Germany, the Netherlands and the United Kingdom and is highly dynamic in terms of mergers, takeovers and employment developments. Labour shortages have resulted in experiments with part-timers, especially to attract more women into the industry. At the same time recruitment problems reinforce the high-pay and long-hours culture that exists in the sector.

Banking is exemplified by a comparison between France and Germany. In both countries there has been structural change, for example, in the training requirements, although in Germany the ‘dual’

system is still dominant. Call centres and internet activities are now important components of banks, providing new challenges to qualification and employment conditions.

The proportion of women in the retail trade is high in Denmark, Finland, France, Germany, Portugal and Sweden. Due to this overrepresentation in the service sector, women's attitudes and expectations vis-à-vis the labour market are of particular interest. Retail has been aiming at lean staffing and has consequently seen a major increase in the use of technology and part-time workers, although this is also accompanied by high employment turnover rates.

The health sector across Europe employs a significant workforce and is of particular interest in this context because it already uses non-standard forms of employment. As in the other sectors there is public pressure to reduce the cost of healthcare and this directly affects workers, especially as staff make for a large part of the costs. Nevertheless, staff shortages and an increase in qualification levels are a good basis for health workers from which to bargain. Hospital nurses working in the public health sector in Belgium, France, Italy, the Netherlands, the United Kingdom and Sweden are the focus of analysis.

In a related area of activity, that of elderly home care, the two broad areas in which changes can be summarised reflect the problems of most of the service sector. Alongside the increasing cost of services, both competition and improvement of standards are requiring a restructuring of delivery. These clash with demand related factors such as demographic pressure as well as changes in preferences of clients and providers.

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CALENDAR OF EVENTS

North European Working Environment Conference

From 9-11 September 2002 the Danish Working Environment Council is organising this conference in Copenhagen.

IFBWW Conference on Vibration

On November 22 and 23 the International Federation of Building and Woodworkers (IFBWW) is organising a conference on Vibration. The conference will take place in Vienna. The situation in the construction as well as in the woodworking and the forestry sector will be considered. The conference will focus on progressive prevention measures.

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