

What About the Bosses?

Employers and Extended Hours of Work: Insights from Exploratory Research

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PART ONE:

AN OVERVIEW OF THE FINDINGS

Chapter 1: Employers and Extended Hours of Work: Insights from exploratory research

Research Approach

In June 2001 the ACTU lodged a claim with the Australian Industrial Relations Commission (AIRC) to establish new standards and leave entitlements for employees undertaking extended hours of work. Two agencies of the NSW Government, the Department of Industrial Relations and the WorkCover Authority, were particularly interested in finding out more about the role of employers and their attitudes to extended hours of work and how the claim might affect them. ACIRRT, University of Sydney was commissioned to undertake a small scale study into this issue.

Two questions were addressed in the study:

- (a) How do employers influence and structure current working time arrangements, especially those involving extended hours of work?
- (b) What impact is the claim likely to have on employers?

One of the major challenges confronting the researchers undertaking this project is that the literature on the topic of employers and working arrangements is, remarkably, very underdeveloped. Most studies come out of the economic literature. These, understandably, focus on relations between hours, prices and productivity. Very few actually examine employer behaviour directly. These studies primarily assume employers are merely neutral agents through which abstract relations between prices and quantities manifest themselves. A listing of just some of the economics literature is provided in the select bibliography attached to the end of this report. Even in the sociological and institutional political economy literature employer behaviour has rarely received close scrutiny. This situation may be changing. Earlier this year Goss and Adam-Smith (2001) published a paper that examined responses amongst UK employers to the European working time directive. This, however, was based on a survey of 416 companies with a response rate of just 12.5 per cent. In recent years Rubery and her colleagues have published a series of articles in which the notion of a 'working time regime' is developed. Employer behaviour is treated as integral to such regimes (see for example Rubery 1994, and 1998, and Fagan 1999). This rather limited research literature will be used to help illuminate the material collected for this project.

Given this situation this paper has a modest objective. To identify and explore the key issues that need to be examined if any comprehensive answer to the first research question is to be obtained. The paper is exploratory and does not purport to offer definitive answers. The research design has, consequently, involved making the best use of the limited secondary material that is available. More importantly it has built on some of the earlier research undertaken for the extended hours test case. Two studies in particular have been important. The work by Iain Campbell into

international comparisons provides an important point of departure (Campbell, 2001). Why do Australian full-time employees work some of the longest hours per week amongst the advanced industrialised economies? The project also builds on the *Fifty Families* study by Pocock et al (2001). While this study provides useful insights on the qualitative dimensions of employees' experiences of long working hours, we still know little of the perspectives of employers. What do they do and think about the situation?

While our research has been exploratory, our research design has not been arbitrary or ad hoc. To gain insights into employer attitudes and behaviour we have interviewed employers directly. To help generate information relevant to the current claim we have, wherever possible, focussed on interviewing employers covered by Awards associated with the claim.

In selecting which sectors to study our major criterion has been to gather information from sectors which, as revealed in the *Fifty Families* study and statistical reports prepared for the case (Buchanan et. al., 2001), had contrasting working time practices and arrangements. In particular we were keen to ensure that we examined situations in which the extra hours worked were separately paid for as well as those situations in which working extended hours attracted no additional income. In addition, where possible we also endeavoured to get a mix of employers who had 'broken the extended hours standard' that prevailed in their sector as well as a number of employers whose worksites were more mainstream in that extended were regularly worked.

This approach allowed us to explore a number of important questions:

- What differences, if any, exist between employers using skilled blue collar and employers of skilled white collar workers?
- How, if at all, do employers with 'shorter hours' differ from those operating on the basis of 'normal' extended hours in their sector?
- If some employers (and workers) have succeeded in reducing extended hours already, why can't other employers (and workers)?
- If reductions in hours are already possible, what role, (if any) is there for the development of new standards concerning extended hours of work?

Open-ended interviews were conducted with 23 employers over the phone between August and October 2001. Interviews were conducted on the basis of an interview protocol. Further details about the nature of the research methodology are provided in Attachment 1. Notes from each interview were written up. This raw material was then used to produce four 'sectoral' commentaries. These resulted in the following chapters:

- material from employers of strappers (Chapter 2)
- material from professional services and 'professional hours' employers (Chapter 3)

- material from employers and managers of blue collar labour (Chapter 4)
- material from the Victorian electrical contracting industry (Chapter 5).

The rationale for collecting and reporting information on these sectors was as follows:

- . From the statistics we identified two types of extended hours work setting: paid and unpaid. This usually coincided with blue and white collar work.
- . From the *Fifty Families* study we had worker information and we felt it important to get employer information from those employing blue collar workers and those employing professional/managerial workers
- . In examining the role employers play, we felt that it was important to examine ‘crucial cases’, that is limit cases that demonstrated the extent of what is possible in the current situation in terms of reducing extended hours of work¹. We used publicly available lists of successful ‘work and family’ award winners to help identify such cases.
- . We especially focussed on workplaces that claimed to have brought hours under control in industries covered by the Awards attached to the claim. In the blue collar area we chose to examine recent experiences in the Victorian electrical contracting sector because it offered an example of how hours had been brought under control by the use of collective instruments. Strappers were included in the study because their extended hours circumstance appeared to be the least regulated and most poorly paid.

This research design meant that many of the firms studied were amongst the best in the country in terms of management of working hours. Findings from these cases should not, therefore, be regarded as indicative of ‘typical’ practice. Rather they highlight both what is possible but also the limits of ‘the possible’ in the current situation.

Key findings

On the basis of the interviews conducted and the four sectoral studies we have identified eight key findings, each with clear implications for future research and policy development.

¹ Further details on the notion of the role of ‘crucial’ cases in qualitative research are provided in Clyde Mitchell, ‘Case and Situation Analysis’, *Sociological Review*, no.31, 1983. Examples of the use of limit case style of analysis come from philosophical theories of reading developed by Louis Althusser and Etienne Balibar, *Reading Capital*, New Left Books, London, 1970 (for example, Part I where they outline how Marx studies Ricardo very closely as the ‘limit case’ of liberal political economy). A similar concept of ‘limiting case’ is used by Pontusson in his study of social democracy in Sweden as a crucial test for the viability of social democratic politics. See J. Pontusson, *The Limits of Social Democracy: Investment Politics in Sweden*, Cornell University Press, Ithaca, 1992 (especially at p.162). A similar strategy was also followed in J. Kitay and R. Lansbury, *Changing Employment Relations*, Oxford University Press, 1997, pp.7-9.

1. *Employer perceptions of the nature of current working time arrangements can sometimes be less than fully accurate.*

Our first finding is methodological. Employers' perceptions about the hours of work of their employees are often different to what prevails and what their workers think. Differences between hours of work data collected from employers and that collected from workers have long been known to the users of ABS material. Data on paid overtime collected from employers and published in various wages catalogues, for example, have never corresponded with reports of hours worked by employees as published in the labour force catalogues. We found direct evidence of this amongst at least two of the managers surveyed. Greg, an OHS manager at a coal mine reported:

The survey was saying that they're averaging 9 to 10 hours a week [overtime] ... but have worked up to 20 hours per week. But predominantly, they're saying they're working 9 to 10 hours. Our overtime shifts run at 6 hour stretches. ... Now we haven't really got any great controls in place to actually manage that and that was something that we've identified through our risk assessment that we've undertaken just recently. (Greg)

At another site there was a direct contradiction between what one manager reported concerning working time and what one of his immediate subordinates reported:

Employer: My job's very much outcomes oriented. Now as you go through the organisation in various degrees other people's jobs it is really attendance based. They're just paid to be here and perform some duties while they're here, certainly when they go home all their duties are over and they don't have to think about things until they come back. (Jason)

Employee²: You think about it. When you wake up in the morning your alarm goes off and bang, straight away you think 'What's happening today?' [I am] switched on as soon as the alarm goes off. It shouldn't be. (Con)

Implication 1: Any study of the role and attitudes of employers in working time must, wherever possible, collect information on the situation from other sources to ensure the validity of information provided by the employer.

2. *There is a considerable diversity of views amongst employers on questions concerning working time.*

It is often assumed in debates on working time that there is an 'employer perspective' or 'point of view'. One of the most striking features of the 23 interviews with employers was the divergence of views about working time issues. They ranged from the classically narrow perspective, concerned with cost minimisation and control through to the broad minded and consultative. The following two quotes give a good insight into just how divergent employer attitudes can be on the simple issue of

² Taken from B Pocock et. al. (2001)

responding to employee preferences concerning working time. The first is from Jarrod, a horse trainer.

Interviewer: Why are your staff working these hours?

Jarrod: *'Because they couldn't get a job doing anything else.'*...

Interviewer: Do you think your workers are happy with their current hours of work?

Jarrod: *'Oh well if they're not I'll get someone else I s'pose'*

Interviewer: So they've never complained then?

Jarrod: *'If they complain I just replace them.'*

Simone, from manufacturing, held quite different views on the topic of responding to workers preferences:

Policies like flexible work options don't come at a huge cost. If you offer people the chance to job share or to work part-time ... they work that much better! Their mind isn't elsewhere. Companies like [company name] do this because we know that people are a lot more productive when you allow them to work in a way that enables them to meet all their other needs. (Simone)

The divergence of views was particularly apparent amongst employers in their views on the claim. One, for example, thought it would cause their industry, which they considered to already be on the brink, to crumble:

Well I may not [go out of business] but what it'll do is it'll escalate the costs and therefore make the industry more expensive and you get less people in it. (Jarrod)

Others were quite supportive of the claim.

I didn't have a problem with it. Firstly, because very few of our employees would get up to that level consistently so we'd never have to use it, so in that respect it's not a problem. The other respect is it seems fairly reasonable. The sixty hours is a lot and 48 is a lot of hours to work consistently and some relief should be given so I didn't have a problem with that. (Jason)

Importantly, many of the best practice/award-winning employers felt it would be of marginal relevance to them because they already had their hours under control.

So it's really hard for me to comment on that and say is it the fix for us because thankfully we don't have to worry about having to work over – was it 48 and what else? ... 12-hour days – bugger me! We would find – I couldn't comment on it because it wouldn't be applicable to us. (Alex)

Implication 2: Any study of employer preference and practices needs to be large enough to capture the full diversity of employer views before any strong conclusions are reached about the 'employer' perspective. Many employers are concerned about

longer term issues contributing to productivity growth and are not simply obsessed with control and cutting costs in the short term. For many, extended hours is a problem affecting productivity – not a potential basis for extracting more out of the workforce.

3. *Despite the divergence, some patterns in structures and practices were evident across the four sectors studied.*

The key feature of the strappers' hours of work was dictated by the nature of the industry. During the daylight hours racetracks are maintained if they are not being used for racing. This means they typically have to work split shift: 4am to 9am and 2.30pm to 4.30pm along with any race meetings throughout the whole week. Amongst professionals, it was common to 'work until the job is completed'. Amongst mainstream legal firms, for example, this regularly resulted in 10–12 hour days at least five days a week. Amongst blue collar workers extra hours were usually linked to extra income. The difference between the blue and white collar areas appears to be linked to the difference between time served and task-based contracts of employment (McCallum, 1999). The latter types of arrangements make it very hard to control hours of work.

Implication 3: Any analysis of working time practices of employers needs to clearly distinguish between employment contracts based on time and task. The latter make the control of working time by either managers or workers difficult.

4. *Deviations from underlying patterns are possible, but limited.*

While clear patterns are discernible – and indeed well known – it is important to note the existence of workplaces that do 'buck' the trend. Many work and family award winning workplaces fitted into this category. One of the most impressive was a consultancy that prided itself on keeping consultants' hours down to 35-40 per week. This appears to have been the result of a management team that took active responsibility for managing both workers and clients to achieve this outcome. As an employer and manager of a consulting firm, Richard uses his position to be able to negotiate appropriate working hours between his employees and the client, and as he has found, clients are accepting of reasonable working time arrangements:

I mean most of the consultants are pretty mature people and it's a matter of really working with your client and they've got to understand it that's the way it is. And clients are pretty – they expect value for money and they'll pay for what they get but often the client's expectations are to get more than what they are actually paying for and it's managing that expectation. I mean we've had situations where for example we've got arrangements with the client that we provide 7 and a half or 7 hours consulting a day on a particular assignment but they've got our staff working there you know 12 hours a day. We pick that up fairly quickly and then we actually go and talk to the client about it and say 'look you're not paying us for 12 hours a day. You're not paying us for that so therefore you're only going to get your 7 hours a day because that's what the arrangement is. That's what

the contract says. ' But they don't – they tend to want to push our staff harder and it's important – it just comes down to managing it. (Richard)

Another example, this time from a construction site, reveals that positive reforms are also possible in a classically blue-collar work setting. A construction group have been successfully working a shorter 5 day working week for some years now. The shorter working week came into practice when they won the tender to construct some public sector facilities. As part of the contract specifications, it was stipulated that construction was only to take place Monday to Friday. This condition was specified in the contracts with the main contractor and all subcontractors as well. Staff at this construction group were initially sceptical about the efficacy of this requirement as it meant a departure from standard working practices. But, as the issue was a condition of the contract, the construction group and all the subcontractors undertook the work on that basis. To the surprise of the group and many of the subcontractors, the 5 day working week proved more successful than anticipated. The group's management believed that their own staff and the staff of subcontractors benefited from an extra day of recreation on the weekend and were more refreshed, motivated, diligent and productive in their duties at work. As a result, productivity and work quality was higher and sick leave, health and safety incidents and accidents were lower.

Countless stories of this nature are covered in the interviews reported in Chapters 3 and 4.

Implication 4: Choices are possible but they only appear to prevail where there is an exceptional manager prepared to take responsibility for managing, at least in part, employees' social as well as their working lives.

5. *The forces limiting the broader diffusion of 'best practice' beyond a celebrated few cases are very powerful and may be intractable under current regulations.*

Three forces that limited the broad take-up of the best practice experiences were clearly evident in the sector studies. These were: client/customer demand; working time norms; and competition to 'succeed' at work and beyond. Typical examples of these were as follows:

(a) Client/customer demand:

- White-collar:

It really depends on the jobs that are going because we're at the beck and call of our clients depending on the sort of work they've got. (David, Consulting firm)

You won't see anything in our hours of work that reflect our attitude to work life balance because we're driven by clients' needs. If our clients' need to settle a matter well it just has to be done. (Meredith, Law firm).

- Blue-collar:

Because we're a company with a product – we rely on the demand. So sometimes those people – if there are issues etc, those people might work longer hours. ... Yeah responding to our customer needs. So if a product is going well – huge demand, overtime. (Simone)

- (b) Working time norms: employer and employee expectations:

We really manage our staff and our clients' expectations to make sure people aren't doing those sorts of hours. Because quite honestly some people will automatically work 12 hours a day because they think they should be. They just have this 'oh if I don't work 12 hours a day I might lose my job'. (Richard)

I think it might be an expectation when they come out of uni, oh they're going to have to give up their lives and work really long hours. (Monica)

- (c) Competitive pressure to succeed:

Yeah I think a lot are envious of colleagues who have moved into other jobs in town where they're carrying beepers, on call out all the time, working exceptional hours, being called back on Saturdays and Sundays regularly. And they're earning twice as much as employees in this industry and there's a little bit of envy there. ... They envy the money – they want to earn it. (Jason)

Implication 5: Any future study of employers and working time needs to address the powerful forces associated with customer/client demand, working time norms and competition to succeed defined in material terms. These forces will severely limit the capacity to achieve broader diffusion of good ideas at site or enterprise level to rein in extended hours of work.

6. *It appears that widespread diffusion of a dramatic change in hours of work is only possible on the basis of multi-employer or coordinated agendas.*

Arguably the most broadly based change in hours of work has been provided by the successful campaign to limit hours of work in the Victorian electrical contracting industry.

Prior to the changes initiated by the Electrical Trades Union (ETU), electricians on construction sites were working long hours, such as 60-hour weeks, like most other construction workers. Through enterprise bargaining the ETU introduced a standard 38-hour week with a cap of 10 hours overtime. This cap could be extended through negotiation with the union and the employer. Despite some concerns from both employers and employees the electrical industry in Victoria has coped with the working time limits, and in some cases benefited from improved safety and productivity.

The feedback obtained from employers was generally positive, however they did not want to see hours reduced any further from the 38-hour week. They also emphasised the need to maintain some flexibility in employees' working hours to be able to respond to clients' needs.

Implication 6: Any future study of effective policy responses to the problem of extended hours of work needs to note that, prima facie, one sector that has succeeded in reducing its excessive hours of work has been the electrical contracting industry in Victoria. This was based on the development and active enforcement of a new multi-employer standard.

7. *Making sense of it all: understanding working time regimes and the nature of labour standards.*

How are we to make sense of these subtle cross currents in employer preferences and practices and the constraints shaping their behaviour? Analyses that assume the centrality of flexibility and individual choice offer little assistance. The distinctiveness of patterns of behaviour at the sectoral level revealed in this research, implies that social dynamics, rather than isolated decisions made by 'free agents' (whether employers or employees), are the predominant forces. This finding is buttressed by data on the significant minority of workers dissatisfied with their current working time arrangements. Clearly free will is not the dominant factor shaping the behaviour of many individuals. Equally, however, the situation is not totally determined by unrelenting forces in the way commonly assumed in economic analysis in the liberal, post-Keynesian and Marxian traditions. 'Best practice' firms, in the form of work and family award winners, represent often significant deviations from prevailing trends in an industry or sector.

How are we to make sense of such a situation - clear patterns of behavior with equally significant deviations co-existing alongside them? A diverse range of social researchers examined problems of this nature in the 1980s and 1990s. The conclusion of that research was to conduct analyses which try to avoid the problem of relying on excessive notions of economic determinacy (eg. market forces dictate prevailing outcomes) and excessive contingency (eg. random and ad hoc events are the dominant forces at work in shaping social relations.) The way to avoid these problems appears to be associated with working with notions such as 'regimes of practice' or 'eco-systems of social practice'.³ Clusters of practice associated with working time arrangements are amenable to analysis in terms such these. Jill Rubery is the author who has done the most to develop these notions for understanding working time issues. In reflecting on what she calls the 'British production regime' Rubery (1994) argues working time patterns are integral to the interconnected flows of production, consumption and social reproduction. In particular she notes:

³ Examples of some of the different formulations of how researchers are seeking to avoid the twin problems excessive determinacy and excessive contingency in understanding social situations are: Jessop (1981) and Laclau and Mouffe (1985) and their notions of articulation; Burawoy (1985) and his notion of production or factory regime; Rubery and her notion of 'production regime'; Williams et al (1994) and their notion of trajectory; Rose (1999) and his notion of 'translation' and Finegold and his notion of 'eco-system'.

... the tendency for men to work long hours in Britain ... is not only a consequence of employer policy in the absence of regulation. All evidence suggests that British men are willing to work long hours and often deliberately seek jobs with overtime opportunities. This preference may at least in part be related to family organisation and family budgets. First, the expectation that male full-timers will work long hours in the UK may restrict the opportunities for women to consider taking on full-time work. The norm of the woman in the partnership working part-time may then increase the willingness of men to seek overtime work as a means of supplementing family income. Thus, the model of men working long full-time hours and women working part-time may be reinforced by the actions of individuals to increase family income. It is notable that this model of the nuclear family is taken to be the common-sense model within British society but it bears little resemblance to the models adopted in other European states. For example, in the Scandinavian countries the model is more of short full-time work for both partners... or in France of medium full-time work for both, with even part-timers effectively working a short full week. (Rubery, 1994 p 346)

The attraction of the notion of ‘regime’ is that it allows for understanding both prevailing patterns in social relations as well as deviations from those patterns. From a policy point of view it also helps clarify how public policies connect with practice. Work by the ILO based researcher Werner Sengenberger on labour market standards is particularly helpful in this context. He has argued that

...[t]he term “labour standards” has two distinct meanings. The first refers to the level or quality of well-being of workers at a particular location and point in time. It describes the actual situation with regard to employment [encompassing, for example:]... wages... and ... skill.

The second use of the term is a normative or prescriptive one. Labour standards state what “ought to be”. They stipulate minimum and maximum terms for the deployment of labour, rights, rules and other forms of regulation. The norms are designed to obstruct behaviour and actions viewed as illegitimate and elicit and promote courses of action seen as desirable. At the core of these norms is a common understanding or agreement.⁴

Sengenberger’s separation of labour standards into what the ‘state of labour’ *is* and *ought to be* makes good analytical sense. The study of the social and economic conditions of labour is a different exercise to the study of the law and international conventions concerning rights and obligations at work. In reality, however, the two notions are often fused in what will be referred to as a prevailing regime.

⁴ Werner Sengenberger, ‘The role of labour standards in industrial restructuring Participation, protection and promotion’, New Industrial Organisation Programme, DP/19/1990 (rev.91) first published 1990, <http://www.ilo/public/english/bureau/inst/papers/1990/index.htm>.

Consequently a regime is best understood as an amalgam of policy aspiration and its intersection with the practices and arrangements it purports to regulate.

If we are concerned with the way extended hours of work appear to be becoming a norm, the answer does not lie in having each unit of production or enterprise attempt to solve the problem on a case by case basis. If the underlying forces generating the situation are not addressed then the predominant working time practices will not change either. Only the specification of different standards and their regular enforcement has any chance of changing a prevailing regime. A claim of the type currently being considered in the Reasonable Hours test case is, therefore, a necessity. Enterprise bargaining alone will never systematically address let alone solve the problem.

Implication 7: Any future study of employer behaviour on working time must grapple with the fact that the issue is best understood in the context of interlocking practices and preferences concerning working time. If the problem resides in a damaging working time regime piecemeal change in hours of work entitlements through EBAs will have only limited impact. The role of multi-employer approaches to solving the problem with clearly agreed and enforced standards needs to be seriously considered. Indeed, improved formulation of publicly defined standards is clearly the key to any widespread improvement in the current situation where many employees are working extended hours.

Conclusion: The Burden of Proof

As noted at the beginning, this has been an exploratory and not a definitive study. In addition, the findings of the research have significant policy implications. The earlier research for the test case, especially the statistical analysis and the *Fifty Families* report, revealed that there is a problem of extended hours of work in contemporary Australia.

The material reported here indicates that the current situation is complex, but that the diversity that prevails is not necessarily the outcome of a myriad of choices. Indeed, while some choice is possible it is highly limited. The social forces shaping prevailing practice limit the extent to which the practices prevailing in award winning companies can be spread more broadly throughout the labour market.

Historically (and internationally) the development and enforcement of publicly endorsed standards has been critical in improving undesirable working time situations. This was one of the important implications arising from Iain Campbell's study of international trends in extended hours of work. The success of any attempt to change practice by raising working time standards depends on their design and implementation - and especially on their ability to discipline client demand, change prevailing norms and rein in pressures arising from competition to succeed at work.

The findings of this project are consistent with the earlier research prepared by Campbell (2001), Dawson et al, Pocock et al (2001) and Buchanan et al (2001) in showing that extended hours of work is a problem within many dimensions. More importantly, it extends these arguments further by showing that many employers

acknowledge that there are problems with the regime that currently prevails. This study also indicates that while some employers have been able to ‘buck the trend’ these have been few in number and the broader diffusion of their practices throughout the labour market is unlikely. Consequently, even though the study has provided few definitive answers - it has raised a very high burden of proof for those opposed to initiatives to introduce new standards to rein in the problem. The dimensions of this burden are:

1. Any study of the role and attitudes of employers concerning working time must, wherever possible, collect information on the situation from other sources to ensure the validity of information provided by the employer.
2. Any study of employer preference and practices needs to be large enough to capture the full diversity of employer views before any strong conclusions are reached about the ‘employer’ perspective. Many employers are concerned about longer term issues contributing to productivity growth and are not simply obsessed with control and cutting costs in the short term. For some, extended hours is a problem affecting productivity – and they are worried that the increase in hours worked over recent years is actually going to damage the potential for longer term productivity gains.
3. Any analysis of employers’ working time practices of needs to distinguish clearly between employment contracts based on time served and those based on workers engaged to undertake particular tasks (usually of a professional or managerial nature). The latter make the control of working time by either managers or workers difficult.
4. Any future study of employers and working time needs to note that while choices are possible they only appear to prevail where there is an exceptional manager prepared to take responsibility for managing, at least in part, employees’ social as well as their working lives.
5. Any future study of employers and working time needs to address the powerful forces associated with customer/client demand, working time norms and competition to succeed defined in material terms. These forces will severely limit the capacity to achieve broader diffusion of good ideas at site or enterprise level to rein in extended hours of work.
6. Any future study of effective policy responses to the problem of extended hours of work need to note that, prima facie, one sector that has succeeded in reducing its excessive hours of work has been the electrical contracting industry in Victoria. This was based on the development and active enforcement of multi-employer standards.
7. Any future study of employer behaviour on working time must grapple with the fact that the issue is best understood in the context of interlocking practices and preferences concerning working time. If the problem resides in a damaging working time regime piecemeal change in hours of work entitlements through EBAs will have only limited impact. The role of multi-employer approaches to solving the problem with clearly agreed and enforced standards need to be

seriously considered. Indeed, improved formulation of publicly defined standards is clearly the key to any widespread improvement in the current situation where many employees are working extended hours.

PART TWO:

INTERVIEW FINDINGS

Chapter 2: An Industry Overworked: Employers of Strappers

Introduction

The Strappers' Award is one of the 14 listed in the Reasonable Hours Test Case. This Chapter is distinct from the rest in that it does not include 'good news stories', for example, Work and Family award-winners. It is a unique opportunity to understand the ordinary work practices in an industry covered by the Claim and obtain candid responses from employers in relation to what the Claim has proposed.

We interviewed five horse trainers in various regional and metropolitan locations. All but one trainer employed strappers. The remaining trainer employed one apprentice jockey. The trainers were from medium sized (around 30 employees) or small stables (12 or less employees). The trainers worked horses either owned by themselves or other clients.

Working Arrangements

Due to the nature of the work, strappers and trainers work unusual and often very long hours. All the trainers employed their stable staff on a broken shift basis starting anywhere from 4am up until 10am and then usually from 2.30pm to 4.30pm in the afternoon, this would usually add up to standard hours of 7 or 8 per day. Most trainers reported that their staff then got 2 afternoons off a week in lieu of working Saturdays. Due to the races, hours could easily extend beyond this, leading to large amounts of overtime.

It's very complicated the hours, but they work about 40 hours a week, give or take. One week they might work a bit more and the next week they might have more time off because we haven't got you know we might not go to the races all that week. Like last week, we didn't have any runners last week but then we had five on Sunday. (Aaron)

Jarrold reported that his staff were working an average of 60 hours a week. He also said that he had most of his staff working on a casual basis.

They only work 40 hours and then they get overtime so. I don't think they work too long. Just different hours that's all. ... Yeah they work 60 hours but they get paid overtime for the extra 20 hours or whatever. (Jarrod)

Some trainers attempted to offer compensation or flexibility for the long hours that were required.

There's lots of long hours involved and only the people that are, you know, really dedicated to that sort of industry goes into it. And you know if I work my staff, I give them time off. If

we went to Tamworth and back in the one day, which you know we only do it once every year, well then they wouldn't work the next day naturally. (Aaron)

Aaron was confident that the strappers were only at work because that's what they wanted to do. He also noted that the stables varied immensely in relation to the working conditions of their staff.

They'd find another job, they'd do something else if they wasn't happy working broken hours and the type of life they live. I mean you know it gives them the opportunity in the middle of the day to go shopping or have a sleep or go to the beach in their afternoon off. I mean they could work somewhere else that runs a 7 day workload and they could work their 8 hours and they'd never get an afternoon off to go to the beach. There's a lot of flexibility. And that all depends on each boss from place to place and how they run their own individual... If you'd done a hundred stables it'd all vary because of the workload for that week. (Aaron)

Matt said, "they're long hours yep. But it's not physical work though – you're still at work, you know, so". A few employers used this notion of 'not working hard' to rationalise the long amounts of time spent at work.

Aaron preferred it when night racing and Sunday racing didn't occur. The introduction of these extra race meetings means that trainers, and many strappers, barely have an opportunity to have some time off from work.

You were able to have a day – you know you were able to work hard but you could have a day off, whether you had a day off through the week or whether you had the Sunday off. But you know, like last Sunday there was no chance of having it off with 5 runners. (Aaron)

Employers are Overworked Too

In all cases the trainers reported working longer hours than their staff, due to extra activities such as attending sales, liaising with owners and general administration and supervision.

Me? 24 hours a day. ... Pretty full. I won't have a mobile phone - that gives me a break. (Aaron)

I start work at about 4.30 and then I pretty much go all day. ... Oh well my last phone call could be when I turn the phone off in the evening. I probably turn my phone off at about 8 o'clock. (Bob)

Matt, an assistant trainer in a medium sized stable, considered working time to be affecting not only his staff, but himself as well. The day I spoke to him he would end up working from 3.30am to 6pm.

There is always something happening. I think the industry as a whole needs to look at it and try and help – but it's not only the people work there – it's even the trainers too you know, they work just as hard. It's very hard. (Matt)

Aaron recognised that due to the nature of the industry, both himself and his workers put in long days. He also noted that the work had intensified, particularly due to the introduction of racing at night times and on Sundays.

Not so much the working hours but the load has got a lot heavier with racing 7 days a week and the night racing coming in I mean you know you just never stop. If you've got to go to the sales I mean to keep buying horses to keep having horses in the stables you've got to go to the sales or you've got to go somewhere to inspect them. Now you never get a spare day because you might have horses racing in the afternoon and then you've got to race off to the sale after the race or go to the sales that night after they race. They've just overloaded the number of days we've got. We could do with another 2 days in the week but I don't know where you would fit them in! (Aaron)

Jack trains less than 10 horses and only employs one person. Thus, the responsibility for his business is solely on him, which places a burden on his family as well as himself.

You don't say well I'm only working six days a week so [the horse] don't get fed Sunday. ... We've still got to do their boxes and besides that, of a Sunday you have a lot of your owners that are sort of working people, business people or whatever, they like to come and have a look at their horse on Sunday. So you are nearly on call all the time. ... It's hard on families. It's like my first young bloke. He's 22 now. He went to start at Kindergarten ... when they came home for Easter he said 'Dad, what's a holiday?' You know, because we don't have holidays. Now I'm lucky if I get away 2 or 3 days a year. So I mean it's hard on families and kids. ... Christmas Day is the same to me as tomorrow morning. I still got to get up and do the horses. (Jack)

The Working Culture: “Horses can't fend for themselves”

All trainers commented that people only work in the industry if they really love horses. This desire to work with horses means that people will tolerate the unusual working arrangements. Some employers said that the “nature of the industry”

determined the hours worked. By this they meant having the responsibility for caring for live animals

Yeah I mean you've got to like horses to be getting up at 3 o'clock in the morning to be sort of ... and you have a lot of trouble with staff sleeping in which is sort of not uncommon but I mean it makes it hard if you've got say in a big stable and you've got six staff and two sleep in. (Jack)

Other reasons the trainers considered their staff to be working their current hours varied from pride in their job to being unskilled to do anything else.

Basically it's – well I mean they get the extra benefit - financial benefit for working them [the hours]. Obviously it's bit of a specialist job in that they look after a horse when it goes to the races. They like to take their horses to the races. You know, it's part of the job satisfaction I think, taking them to the races and you know. There's a workplace pride there. (Bob)

Horses are long hours. ... Most of them have got no skills except they can ride a horse. (Jarrod)

Matt does not consider working hours to be an “issue” as such, more so that it's just an innate characteristic of the horse racing industry. He considered the long hours just part of the industry, something that you had to put up with if you wanted to work with horses. Although, he did believe, along with other trainers, that the introduction of Sunday racing had made things worse.

But I think it is the industry. I don't think it is an issue, I just think it is the industry. Yeah it's the way it is – horses can't fend for themselves. They've got to be fed, looked after and exercised and it does take a lot of time to do it. It's the way it is ah... things like Sunday racing – I think it is terrible. I don't think they should have it. (Matt)

If you pick the industry, you are going to work long hours and difficult hours too. You start early in the morning and show up again [in the afternoon]. (Matt)

One of the main issues for people working with racehorses is the early start times and broken shifts. The reason why the start times are so early is because it is the only time that the track is available for the horses, due to track maintenance that occurs during the day. Two employers reported that the main problem at his track was the maintenance workers and their union. The maintenance workers insist on working from 8am to 4pm, thus the track is only available for the trainers prior to 8am.

The problem we've got is changing the union that work on the racetracks doing manual maintenance on the track – to change their working hours. They're the ones that muck it up.

They keep saying they won't change their hours. They want to work 8 till 4. Well if we can get them to change well then the industry would be better off. (Jarrod)

Unfortunately we're locked in by the race clubs who provide the facilities that we train on. They want us finished by 8 o'clock and that means just to get things done you know obviously we're working for those 4 hours to 8 o'clock on the track just to get things done. It's – I think myself it's a bit barbaric but then some of the trainers like that and the race club have got union problems with their workers wanting to start work so they finish work within a certain timeframe and you can't have workers on the track – maintenance workers from the jockey club – you can't have them there while we're working the horses. It becomes a safety factor. (Bob)

I mean I don't want to um – I just – if it could be done in a better way – sure. But you know I haven't thought of a better way. The track needs to be repaired, that's why the horses work so early and it's race meetings and so forth. So I mean you know, if there's a better way I'm sure everyone would be happy. (Matt)

Matt was aware that his workers weren't always happy with their hours. He thought that they would probably like a full day off each week. But there was some comfort for them in the fact that they are the hours most people are working in the industry.

I guess it sort of gets to them. But we're not obsolete - we're no orphans. I mean, every stable is very similar, all the stables are very similar. There's nothing you can do about it. Everyone seems to do these hours. (Matt)

On the other hand, Jarrod didn't tolerate any complaints:

Interviewer: Do you think your workers are happy with their current hours of work?

Jarrod: *Oh well if they're not I'll get someone else I s'pose*

Interviewer: So they've never complained then?

Jarrod: *If they complain I'll just replace them.*

The Costs Involved

Matt did think that hours were very long at his workplace, and in the industry, but he did not believe it was something to be solved by adding more staff.

I mean like we are staffed up to the max. We don't need anymore staff. That's not an issue. We've got – and the business couldn't afford to do it. It'd probably go under if we had anymore staff – not go under it'd just – the wage bill at the moment is incredible. You know, the rent on the stable is

very expensive, it's you know... I mean it's all business – running a business isn't it? (Matt)

The split shift system was in place so that they could get time on the track, but also so that costs could be minimised.

And it's a split shift too. You know as I say work in the morning and then of an afternoon. So it's split shift, which makes it harder. But I mean, if you had a morning shift and an afternoon shift it'd cost you a fortune. You wouldn't be able to employ anybody. (Jack)

Attracting and Retaining Staff

The trainers did not highlight 'staff retention' specifically as a problem they faced although the ability to keep staff in a job with non-standard hours was raised in passing.

It's accepted in the industry. That's the deal. ...you're at work early in the morning. A lot of people can't cope with that – they start and finish in a week. They might last a month, they might last 2 months. But it's people love horses so they do their job. (Matt)

I think we start unreasonably early. ... Quite frankly I think we'd have better - potential to get better quality people if we started – if we worked more reasonable hours. (Bob)

Jarrold: I think it'd be better if it was sort of 6 till 10 in the morning would be better than 4 till 9. ... Later you've got more chance of getting more staff.

Interviewer: Do have trouble recruiting staff because of the hours?

Jarrold: Well that you know that's obviously a problem because not many under 25s these days want to go to work at 4 in the morning.

Possible Solutions

Most trainers had some ideas about how the racing industry could be changed to improve working hours. This was often because they were unhappy with their long hours of work, not just their staff's. Most trainers considered Sunday, and sometimes night, racing to be the crux of the problem.

I'd knock the Sunday racing on the head, I'd probably have 2 meetings a year and make them really good meetings. I think that'd be a positive thing and I'd keep the meetings to be mainly on the Tuesday, Wednesday, Thursday and Saturday. (Matt)

Interviewer: Would knocking out Sunday racing have a bad effect on the industry?

I don't think it'd be negative. Not many people go to the races. It's all set up for TAB turnover, that's why they want, you know, people betting on Sundays ... that's where the money comes from so... but I think too much racing can breed mediocrity too. (Matt)

Responses to the Claim

The trainers represented a few of the limited opportunities where we were able to ask employers, who were not outspoken advocates for Work-Life type policies, about the possibility of changing current working time regimes and how they would respond to the proposed clauses featured in the ACTU's Reasonable Hours Claim.

Although Matt was unsure how the proposed working time clauses would work in an industry that is responsible for live animals, he was comforted by the fact that work hours was an issue that was being considered, particularly in his industry.

Ah I think they're positive things. I mean as I say, if they're sort of things that different - working in other areas because not dealing with a live animal that's sort of that can't fend for itself. As far as a factory goes or an office I mean you know the next person can pick up the slack but with a racehorse it's you know [starts laughing] you can't have 2 days off – it's just hard to put those things in place I think. ... But you know, I'm sure the racing industry'll look at it but – if it's being looked at I guess that's one positive thing, isn't it? (Matt)

One employer considered that the implementation of the proposed clauses would just be a matter of adjusting to change and besides there have been other large changes that he has been able to adjust to in the last several years:

I mean... I think you can cope with anything once it is in place. You think we could cope with the GST – we seem to be coping with it, you know. Change is hard, people hate change but after a while it's not an issue, isn't it? ... You cope with what you're dealt and once things are in place you tend to cope with them because you forget how it use to be or you know. I guess that's how I look at change. (Matt)

Jack wasn't concerned for his business, in relation to the claim, because he and his wife carried most of the load. He was more concerned with the impact it may have on the larger stables that have to employ people to look after the horses every day of the week.

Well what that'd mean – I'm not talking for myself here, I'm talking from stables that have got 40 to 50 horses in work. They would then have to employ an extra staff to cover that.

So then you're talking more cost, superannuation. ... I understand where you are coming from and that, but it sort of doesn't apply with horses [because they need constant maintenance]. ... Yeah see I do them all myself of a Sunday. Now say if you've got, say for argument's sake, 40 horses in work. You've got to put staff members on Sunday. I mean, they got to be fed, they got to be walked or they got to be worked and we have races on a Sunday now. So you've got to pay them double time. It runs into a lot of money. (Jack)

On the other hand, Aaron was concerned about the impact the Claim would have on small and medium sized trainers. His argument was that smaller sized trainers do not have the resources to be able to cope with shorter hours or extra leave days. He was also considering the well-being of the horse if an employee had time off and wasn't replaced.

Well it's not much good to the trainer and it's not much good to the horse. I mean if you know, the horse is locked in the stable and I mean if the owner can afford it you can charge anything and you can have two people look after one horse. But you know basically if you've got to give somebody two days off, the horse doesn't get out of its box for two days. Now that's being cruel to the horse in a sense, I mean you'd have somebody to feed it, but you know what I mean? ... I mean, see there is no trainers apart from [name] and [name] that is able to - you know because they win the big group races... there's probably nobody only them that can afford to carry excessive casual staff or spare staff. (Aaron).

Interviewer: So it's because your business is small?

Well the business is so small. I've got 20 horses but if I had a thousand horses that would be different. ... Well you'd have more casual staff yeah. (Aaron)

From ... the worker's point of view, there'd be very few of them who'd want to take the two days of if they knew the horse wasn't going to be looked after if it was their horse. ... They're committed to their horses and their job. And then on top of that if they took two days off - if they did take two days off it's not being fair to the horse or the owner of the horse and it's going to be detrimental to the industry. (Aaron)

Jack illustrated that a trainer will usually have no choice but to transfer any extra costs to the owners. He was sure that the proposed clauses would increase costs for trainers in larger stables and thus ultimately it would mean higher costs for owners, which could affect participation in the industry.

I know when Sunday racing first came in [a trainer] rung all his owners and said to them look, if you want to race on a Sunday I've got no problems with that but this is what the

cost is going to be. ... Then it's up to the owner if they want to spend that. (Jack)

Jarrold was certain that the Claim would increase costs for trainers. His initial reaction was to avoid the proposed clause which entitles an employee to leave after working 60 hours a week for over a month:

If they work 60? Well I'll make sure they only – I'll just put someone extra on so they only work 50. That's what I will be doing. (Jarrod)

[Interviewer explains 48 hour clause]

That's what the union is putting forward is it? ... Hmph! All I know is what's happening to most other unions they'll just price themselves out of work and then they won't have a job see. That'll be the best thing probably. Ansett is a good example, they priced themselves out of business.

Interviewer: Would it increase your costs?

Well of course. You'd have to carry more men so you aren't giving all these days off. That's a problem. (Jarrod)

Well I may not [go out of business] but what it'll do is it'll escalate the costs and therefore make the industry more expensive and you get less people in it. And like as I explained to you Ansett is a good example because all those people that wanted more wages until now they haven't got a job so I think that's the best thing. (Jarrod)

Jarrold believed that the horse racing industry is already in a delicate position and something like the Claim would push some trainers over the edge.

Well turnover is not increasing with the costs so there will be less and less people in the industry and then there'll be less and less horses and less and less labour employed.

Interviewer: Do the costs end up going to the owners?

Yeah they do and then it becomes too expensive, they don't have them and then there's no horses and there's no jobs. So I think at the moment it's on a cusp at the moment, like if it gets much worse there will be lots of them without a job I'd say. (Jarrod)

Jarrold illustrates that, if the proposed clauses are introduced, there will be some employers who will use other means available to them to escape the obligations of the Award:

I think if the union brought that in what I'd do is I'll get a workplace agreement. That's what I'll be doing. Then I won't have to abide by union rules. I'll just have my own. I employ most of my people on casual now anyway so if I have any trouble they just go. ... I'm just going to employ more casuals and that way I don't have any trouble with the

union. If they want to do anything I just you know I just work casual hours and then put them off. (Jarrod)

The trainers seldom considered the non-work lives of the strappers that they employed. Some did mention the impact that the work hours have on their own family lives. Matt was one employer who could see that there would be benefits to workers' family lives if more reasonable hours of work were introduced:

Oh of course, because I think people you know need to have a life for themselves. People have families, people have you know – you've got to have some balance in your life and you can become very dissatisfied in your work if you don't have time for yourself or your family or you know just the normal things people do. (Matt)

Bob thought that he would respond to the proposed clauses by reducing the hours of his staff, if they ever reached above 48 per week. He would like working hours in his industry to be addressed, mainly for his sake and the sake of his family.

Well I think I'd have to work around it because I mean if someone gets an extra day off we've got to put someone else on to replace them. You know, I'd just have to reduce their hours. But I don't think ours are working 48 hours a week quite frankly. ... No I don't think it would affect me that much. We do get some extraordinary times in different seasons when they're doing a lot of race work or something like that. But no I don't think it would affect me that much. I think they do work very hard and they do work unreasonable hours but they know that's part of the job so to speak. But yeah I'd be all for changing those hours a little bit too. ... I do see them as unreasonable hours as do my family. ... Basically because the jockey club want us out of the way by 8 o'clock so that means we've got to work these ludicrous, silly, early hours. But then some of the trainers wouldn't have it any other way so unfortunately trainers are difficult to help as well. *(Bob)*

Chapter 3: Professional Services & 'Professional' Hours

Introduction

The issues faced in white collar industries often differ from those faced in blue collar industries mainly due to two main factors: white collar workers are more likely to be on salaries and thus unpaid overtime is more common, and monitoring of hours worked is often less formalised.

This section focuses on interviews with employers in 'professional services'. We interviewed a mixture of employers and human resources managers in consulting and law firms and a manager in the public service.

Both consulting employers and one of the law firm interviews were obtained by tracking past winners of the ACCI Work and Family Awards. This approach was taken to be able to, among others things, identify the conditions where family friendly policies and, consequently, reasonable hours have been implemented successfully. However, it was found through the interviews that this wasn't always the case. The other interviews were obtained through union contacts. The other interviewees were approached by union contacts.

The firms ranged in size. One consulting firm employed 13 people, two firms were medium sized with staff numbers in the early hundreds and one large law firm employed 1800 staff. Both consulting firms were relatively young only being established for around 5 years while both law firms were more than 50 years old.

Working Environment & Working Cultures

Working arrangements varied across the various firms. Richard's consulting firm had standard hours of 37.5. This amount was usually worked apart from the odd occasion where extra effort was required to finish a project for a client. The other consulting firm had working hours of around 50 a week. In the large law firm, roughly 11-hour days were the norm for most lawyers, with additional hours required when big matters arose. This contrasts with the other law firm we spoke to:

Your lawyers, the more senior they get the longer hours they work. The place is pretty empty by sort of six at night. ... I would say the junior lawyers are working a 40-hour week. Our senior lawyers would be about 45. (Monica)

Monica believed the reason for the relatively low hours in her law firm was the type of clients they serviced:

We're pretty good because our business is slightly different we don't have huge clients. ... A lot of our clients are individual clients so you know a lot of the work is done between your hours of 9 to 5. ... Because the clients are very individual the lawyers have much more control over their own individual work and their

clients' time – when they choose to see clients and whatever.
(Monica)

Prior to founding their current consulting business, Richard and his partners had worked long hours in large consulting firms which inspired them to run their own business differently:

I suppose we saw the problems that some of those organisations faced and there were two key things that always bothered us. One was the expectation of excessive hours that people have to work long hours to be successful and we wanted to dispel that and the other thing was the expectation that people should be flexible in moving around where they work. ... That's the two key things: you gotta work in the city you live in and work reasonable hours and as long as you are doing good productive work there is no reason why you should be working long hours. It's not about working harder, it's about working smarter. Sounds a bit corny [laughs]. (Richard)

While most managers admitted it was the clients that determined the hours of their staff, Monica thought that it was more the culture that was developed in the firm that was the main determinant of hours worked in her workplace:

Interviewer: So would you say that the work hours there are determined by the clients and the workloads?
Um it's probably – there's a fairly focussed level on work life balance. We have a very young workforce – both the lawyers and the support staff. So there's an [attitude] here while we here we work hard but once sort of half-5, 6 o'clock that it's actually time to go home and we really don't believe in bringing people in on the weekends unless there is an absolute emergency that's something that can't be avoided. The partners don't work those hours. ... They work longer hours through the week but it would be extremely rare for them as well to work a weekend. ... The work is highly emotional and emotionally charged, there's a great recognition as well that people would burn out a lot faster and by the time 3 or 4 o'clock in the afternoon comes you know you're not going to do a great deal of good solid quality work after that so. It's the nature of the business more I think that sort of how many clients you would have. (Monica)

The working practices of managers seem to have a substantial influence on the working arrangements of the rest of the staff below them. One HR Director commented that one of the best aspects about the work and family policies in her firm was that the female partners in particular had pushed for such policies and had adopted them once in place. As an employer, Richard had no objection to managers working part-time. He didn't subscribe to the view that "you have to be there every day of the week or every minute of the day to manage people properly". Richard believed it was just a matter of good organisation.

Managing Clients' Expectations

In most cases, managers reported that “clients’ needs” was the major determinant of working hours in their workplace.

It really depends on the jobs that are going because we're at the beck and call of our clients depending on the sort of work they've got. (David)

The partners in the firm tend to work about, on average, about 11 to 12 hour days. But the range can vary. When they're on a matter – a transaction – that can go up as high as say 16 hours a day and that can also be 7 days a week. Now, then you look at lawyers – they are quite similar, around about 12-hours a day, five days a week. Although if they're on a matter they can work right through. ... If you're looking at the secretarial staff that's about 8 hours a day. The average is about 3 hours overtime a week. ... People in HR tend to work about 10 to 12-hour days. ... But this is where flexibility comes in. You won't see anything in our hours of work that reflect our attitude to work life balance because we're driven by clients' needs. If our clients' need to settle a matter well it just has to be done. (Meredith).

The manager in the public service reported that their ‘client’, the Minister determined most of his staffs’ working hours. In response to why his staff are working their current hours Rod replied:

To get the work done because our client, the Minister, expects things done, you know, yesterday – within a fairly short timeframe and the only way to get it done is to do it. Now governments are the ones that actually have control over the legislative timeframe and the program and you just have to do it. (Rod)

The successful delivery of professional services relies on a good relationship with the client. In a lot of cases this means the client needs to know that they are getting value for money and that their expectations are being fulfilled.

In the *Fifty Families report* workers reported that their long hours were a result of their employers’ expectations. Employers are in a unique position in that they can be responsible for managing these expectations and the expectations of their clients. As an employer and manager of a consulting firm, Richard uses his position to be able to negotiate appropriate working hours between his employees and the client, and as he has found, clients are accepting of reasonable working time arrangements:

I mean most of the consultants are pretty mature people and it's a matter of really working with your client and they've got to understand it that's the way it is. And clients are pretty – they expect value for money and they'll pay for what they get but often the client's expectations are to get more than what they are

actually paying for and it's managing that expectation. I mean we've had situations where for example we've got arrangements with the client that we provide 7 and a half or 7 hours consulting a day on a particular assignment but they've got our staff working there you know 12 hours a day. We pick that up fairly quickly and then we actually go and talk to the client about it and say 'look you're not paying us for 12 hours a day. You're not paying us for that so therefore you're only going to get your 7 hours a day because that's what the arrangement is. That's what the contract says.' But they don't – they tend to want to push our staff harder and it's important – it just comes down to managing it. (Richard)

Long Hours Cultures and Workers' Expectations

Managers discussed the long working hours cultures of their or other firms and talked about both employers' and employees' expectations of a long working hours 'norm'. Some managers considered maintaining a long hours culture in a workplace was a fruitless approach for any company.

It was mentioned by some managers that it is not only clients' expectations that have to be managed by also the expectations of workers themselves. It seems that in some cases workers expect that long hours are just a part of having a job in today's labour market. Managers are in a position to break this culture by leading by example:

There's 12 directors in the organisation and all 12 of us get this weekly [work hours] report and we have to make sure that we manage that you know we really manage our staff and our clients' expectations to make sure people aren't doing those sorts of hours. Because quite honestly some people will automatically work 12 hours a day because they think they should be. They just have this 'oh if I don't work 12 hours a day I might lose my job'. We say hang on a minute that's wrong. So yeah we take a very proactive role as managers running this business and that's – see we've got to set the example from above. People ask me how many hours I work. If I work 40 hours that's a big week. If they don't see me in the office at 8 o'clock at night, they won't be in the office at 8 o'clock at night. (Richard)

It appears that this expectation to work long hours is so entrenched that new entrants into the labour market may already have accepted long hours as the norm. As the HR manager of one law firm where workers are usually working no more than 45 hours a week reports:

We often find that they will start to like work and they're here at 6 or 6.30 and I'll often hear the practice manager saying to me, 'I've had to tell them 3 times this week to go home at 6 o'clock because there is no point in them being here'. Whatever they're

doing can wait until tomorrow'. So I think it might be an expectation when they come out of uni oh they're going to have to give up their lives and work really long hours. But ... the culture of the place is that people are generally gone by 6 so they usually feel comfortable doing it. (Monica)

However, in the law firm of another respondent this behaviour would not have been considered to be out of the ordinary as long days are the norm. It is accepted that young lawyers will want to work long hours to increase their chances of promotion and build knowledge and experience:

Young lawyers are very – yeah it is about promotion but they're really more concerned about their own marketability you know with building their own portfolio if you like, their own self-worth, their value, their own brand. (Meredith)

As I said the lawyers kind of expect it. Um it is, I think it's an issue with some of the junior people in that they might feel that they're a bit trapped into this. (Meredith)

Rod thought that the public servants he works with were getting better at managing hours at the workplace, partly due to having a more flexible approach.

Interviewer: Have work hours changed in your workplace over the last couple of years?

I think the short answer is yes because people got better at actually managing and having more flexibility in the workforce. All I'd say really to answer that question is I think managers have been a bit more responsive in dealing with workloads and peaks and troughs and so forth. (Rod)

A couple of employers believe that some of the long hours that workers are putting in can't be all full capacity effort. Instead, they argue, it's the workers wanting to keep up appearances.

These people get a feeling of importance because they're working long hours they think that's important and it looks good and it's not that smart. ... If they had done a decent day's work they could have gone home at 5.30. (Richard)

I know for a fact that people here work on average 11 hours a day – you know some work 10, some work 12 so on average 11 hours a day. A lot of them don't work flat out all of that time and lot of them feel they just have to be here. ... And when people say you know you see these executives and you see it in the newspapers 'I work 70 hours a week, 80 hours a week'. I don't believe them. I think it's a macho thing. I think they think they have to say that and they might put in that amount of time in the office and they might work long and hard over periods, over days

but they also have huge flexibility. ... So sure they might be at the office but a lot of – they're not working flat out. (Meredith)

Meredith believes that the challenge in her firm is breaking down the 'hero' culture of working hours:

I think to a certain extent one of our challenges in the workplace is to make sure that people don't feel that they're being a hero if they spend long hours at work. And I think there is still – like the rest of Australian culture – I think that is very – I think that exists in our firm. I don't think – we haven't got anything like – we would never ever have partners walking around to see if people were there. ... The culture it's not quite where we want it to be but it's not too bad if you know what I mean. But yes it is always an issue. ... Some of them enjoy it and they love working hard during the week. (Meredith)

The first thing Meredith wanted to change about her workplace's working arrangements was this 'hero' culture:

I'd change the mentality to one where they'd focus on a result and are very comfortable to walk out the door if they've achieved that good result, no matter what time it is. ... I think people call it 'presenteeism' you know 'if I'm present I get good marks' sort of thing and it's something they think themselves. ... And I think there's a certain element of people themselves, no matter what their managers say, people themselves still have this feeling that it's a good thing to be seen to be working hard. I'd like to break that culture. (Meredith)

On the other hand, Monica was satisfied that her firm had managed to cultivate a suitable working time culture:

I feel that we've got a pretty good culture here in terms of working hours and not high expectations, like I said, that people would often be asked to work overtime or would be asked to work weekends and very conscious that if it does happen, and it does every now and again, that we really are conscious to make sure that people do then say the following take the Friday and a Monday off so they actually get a break or when they're taking holidays we'd give them an extra day's holiday to make up for it or making sure with the support staff that they get paid the proper overtime. But I'm very happy to come from a culture where that's not an expectation. (Monica)

Monitoring Hours & Resourcing

All of the managers who had maintained hours at a relatively low level said that the monitoring of hours by management was a key factor in being able to keep working

hours at a reasonable level. As Richard highlights, monitoring the hours of his staff is also a way of monitoring his business and productivity levels:

I get a report, which has every staff member and how many hours they did for that week. So I can look at that very quickly and it tells me two things: it tells me what my productivity has been like for the past week as an organisation and it also tells me by person what sort of hours they did. I can look very quickly and say 'oh someone has done 50 or 60 hours' and I'll want to know why and what the problem is because what we try and encourage I suppose is – I'd rather have two people working on the job for six hours [rather than] one for 12 hours and we try and manage it for that client because if someone's working 12 hours week in and week out the productivity is going to fade. They'll have burnout. So we say we'd rather get two people in there and get the job done quicker and more effectively I suppose (Richard)

Many professional services have the advantage in that they already have some system of monitoring hours to bill clients. This might not monitor all hours worked but it would give a rough indication.

Managers commented that long hours are a reflection of a lack of resources and that adequate resources should be provided. Some commented that providing adequate resources can lead to an employee's increased productivity.

Rod prefers a very flexible approach to working time for his staff and compensates any extended hours with time off in lieu.

I knew in the past that people in this group had been concerned about unreasonable hours and the approach he took, and I've subsequently taken, is to try and cover it in terms of time off in lieu. When you get time, you give people a bit of time off. ... So on the quid pro quo arrangement, we seem to be able to compensate. ...It's a flexible approach. ... But sometimes in the peaks and troughs sometimes the peaks are a bit rugged but you just try and compensate for it. (Rod)

Interviewer: Is there a danger that the flexibility could favour the employer more so than the employee?

I guess it can if you're working for a tyrant! But I don't think I'm a tyrant. I think that if you know there is a two-way type arrangement it should work out alright.

In some cases the nature of the work means that the provision of more staffing is not always the simple solution.

I think probably we do have adequate resources for what we do. I mean you might say well you could chuck more people at it, given some of the stuff you do there's a limit to how many additional people that you can actually put on things. I mean you

can't have 10 people working on a Bill because they'd fall over one another. So it's just a case of having the pool of skilled people with back-up to actually do things. ... It's the nature of the work.

Rod acknowledged that he could only speak for the group he managed in terms of hours of work and resourcing. It was a possibility that these factors would be more of an issue elsewhere in his Department.

So I mean I couldn't say that look we're working flat out because we have less people. ... That might be an argument that would occur somewhere else. (Rod)

Skill Shortages

The experience of one consulting firm demonstrates the importance of having an adequate supply of skilled labour as a basis before any attempts are made to improve working hours. David is a manager in a small specialised consulting firm located in a regional area. The company received an award for their work and family policies several years ago but was unable to maintain their flexible working time practices due to a lack of staff at the firm. The firm had recently undergone a recruitment exercise but were unable to find suitable new recruits which David suspects is because of their regional location. The firm is located in the country because that is where their client base is.

Basically the structure's still there and the fact that people would – are normally on a casual type rate rather than employed on a full-time basis which means they can generally set their own hours to suit the client's needs. Unfortunately, like I say we are short-staffed which means that basically we have to work full-time to keep the client happy. We've got more work than we can handle. ... If the work drops off then they can have the time off if they want it. But yeah apart from that – because we're short-staffed they're working longer hours. (David)

As a consequence, David feels that the staff are feeling a little overworked and would like some extra time off in lieu of the long hours they put in:

I think they'd like to get a little bit more time off. I don't think everyone wants to work 50 hours a week every week. It's OK in short bursts but it'd be nice to be able catch up and have the time off. ... I know people are feeling the strain of working the long hours for extended periods. (David)

Work and Family Policies

Most of the interviewees were past winners of the ACCI Work and Family Awards, so a lot of their attention was focussed on their work and family policies. As part of his

firm's work and family policies, Richard had placed emphasis on the number of hours worked by his staff. However, an emphasis on work and family did not always mean reasonable hours. Meredith, a HR manager at a law firm that is renowned for their work and family policies, reported average hours for the legal staff to be about 11 hours a day, not including the need to sometimes work through the night and on weekends. She greatly emphasised the importance of a flexible approach to working time, although her notion of flexibility seemed to focus on the side of the employer, rather than the employee:

But I'd have to say where our policies come in is the flexibility. If we have teams that have worked, as we did recently, 7 days a week for about 2 months, we give them time off. So they might have a couple of weeks off or we might fly them to Bali or to Melbourne... but whatever they want to do because what we try to do is if we take family time away from we find it's best to try to give back family time. You know, time they can spend with their partners. (Meredith)

The managers reported extensive work and family policies including:

- part-time work
- job sharing
- flexible working time
- work and family committees
- family days at the office
- maternity and paternity leave.

One of the major reasons that managers reported for having such policies in place was staff retention. This aspect is discussed in more detail in the following section.

As HR manager, Meredith not only promoted their family friendly practices to the staff, but also to the clients. Clients were invited to their family holiday celebrations which made a good impression.

Richard not only saw the importance of accommodating people's family lives but also discussed the need to have flexible working time policies to suit the individual employees at their different stages of life:

Basically what we've tried to do is design a program for each individual ... there's different stages of life. Like, when you're young you go out, you haven't got a lot of financial commitments, for example you don't have a house mortgage or anything like that. Those employees tend to want to work a full week, they want to do their 37 or 40 hours and they want to get paid for that. Then you get those who are maybe at the end of their working careers ... and they don't necessarily want to work five days a week. They might be happy working 20 hours a week. So we get them in – I mean, obviously their remuneration gets adjusted in terms of how many hours they put in. But they have a choice. (Richard)

Staff Retention: happy workers make good business sense

Overwhelmingly staff retention was seen to be the greatest benefit of recognising employees lives outside of work. By having flexible working practices and work and family policies it meant that staff felt more comfortable in their work environment and did not feel pressures from their family life while at work and did not feel work pressures while enjoying family or leisure time. This meant that staff were happy while at work and less likely to walk away from their job at their firm. As Richard notes, “at the end of the day if they aren’t happy they aren’t going to do a good job”. The benefits of high staff retention are numerous, according to the managers interviewed.

Definitely retaining good staff and then attractiveness of the firm to excellent employees who we might want to employ. (Meredith)

Richard is aware of the high costs in having the replace staff as well as how much the success of his business relies on having good staff:

In the consulting industry – we don’t have plant and machinery that generates our revenue, our revenue’s generated through the individuals that work here. They’re the ones at the client sites generating chargeable hours. So the biggest thing is loyalty and the reduction in staff turnover. Having worked in some of the big consulting firms – the staff turnover is very high. I mean, in our business that’s very costly. If you have good consultants you want to keep them. The clients are happy to have them around. ... So continuity of staff working on jobs is important so the retention of staff is a key performance indicator for us and our staff turnover since we started in 1996 is less than 6 per cent. Now that is – world’s best practice runs at about 5. Some of the consulting firms we use to work with would be running up 20 per cent. Now that’s a big cost. To replace a key consultant we – you’re talking about three times their salary by the time you’ve gone out and advertised or whatever and then you’ve got a lot of training. ... You get loyalty, people just love it here and that’s what it is about. (Richard)

An important aspect of retaining staff is retaining the knowledge that they have built up while working at the company. Being able to retain knowledge on clients is valuable for Monica’s firm:

The benefit for us is that we are retaining our skilled staff. I guess from a knowledge retention base. ... And I guess the intellectual property base would be really diminished if we have a lawyer that maybe after 8 years decides that she is going to start a family and wants to return to work part-time and we say sorry no you can’t, well we lose them because then they resign. ... As I said our HR resource base is quite young ... so it was really a strategic decision on part of the partners and the owners

that well if this is what we need to do to keep them well we'll do this. It works quite well. (Monica)

The following quote from Richard demonstrates that reasonable working time policies do not inhibit growth by any means:

We've grown the business from 5 people in 1996 to 230. Now we've had revenue growth between 50 and 70 per cent per annum and at the same time retained staff and grown it. Yeah I wouldn't say we've made a super-profit but we've made reasonable money and at the end of the day if you're not greedy you don't have to be silly about it. (Richard)

The Productivity Impacts

Productivity is a confusing concept, especially in an area like professional services where output is sometimes hard to measure – it is not like counting the number of cars produced. This is illustrated by Meredith's reply to a question about the amount of unpaid overtime being worked by the lawyers at her firm:

It's different in a law firm because a lot of their time can actually be spent in research or in talking to their colleagues. I think a knowledge firm – we call ourselves a knowledge kind of industry – it's very different to working on a production line or in a call centre or something like that. ... Now for the people who say they spend say 10 to 12 hours a day at the office, if they're a lawyer it might be that they only do six hours billable time. The rest of the time they might spend on non-billable work and the rest of the time they might be liaising with colleagues or - well it's all work really but you know some of it's billable and some of it's not. (Meredith)

It seems to gain an understanding of the issue of long working hours in the professional services industry, it is necessary to establish what is considered to be 'work'. It seems that in some cases, where the emphasis is on billable hours, it is often forgotten that other administrative or support work has to be conducted so that the 'billable' hours can be performed.

Productivity issues that were raised by managers, in relation to white collar employees who work long hours, were effectiveness at the job and the possibility of eventual burnout. Workers suffering from 'burnout' was another issue that was raised in relation to maintaining a high staff retention rate.

I think anybody that's working more than 50 hours a week consistently - you can't be productive. You just can't be. People must be really getting burnt out. I couldn't imagine that they'd be making very good – particularly the lawyers – good business judgement decisions. (Monica)

The Costs of Long Hours

Interviewees were asked to comment on the ACTU's claim for the Reasonable Hours Test Case, in particular they were asked what they saw could be the potential costs of implementing a system where extra leave is provided for extended hours worked. Most managers kept returning to the costs they considered employers must be facing in having staff work very long hours. The costs mentioned were unhappy staff servicing clients, high staff turnover, unnecessary sick days and unproductive staff.

Interviewer: Are there any costs of keeping hours down and having work/life policies?

It's probably something that we've never looked at analysing before because traditionally the firm has never really worked like crazy hours. Like I know in some firms they're working 14, 15 hours a day. We've never traditionally done that. I don't think anybody has sat down and analysed well if we're working people these hours would it mean we need less resources, which would be, I'm assuming, the saving that would come into it. But I think the real saving for us is that we don't burn people out and we're very focussed on making sure that people actually do go home and that they're not sitting there just for the sake of sitting there. ... It's the opposite way about I guess what it does save us from – a burnout rate and people needing to go home and do something different. (Monica)

Richard argues that employers of long hours workers are facing a bigger problem than potentially having to pay for more staff to keep hours down:

The problem I believe they are facing is their staff are unhappy staff. Their staff at the slightest opportunity will take a so-called sickie. You know we've never had staff take a day off unless they've been really sick. We would never have rostered staff just not turning up or whatever. And I think a lot of these organisations haven't calculated the cost for what it is to have people go off ill, to have people not turn up for the day and you've got to get temps in or whatever or have people leave the organisation. And if you start calculating all that – it's sort of one of those hidden costs that they haven't actually done the numbers on. When they start doing their on numbers the time and productivity lost because of staff illness, staff being away, staff turnover – it could be a surprise to them. ... Their staff are just going to be more productive on the job. So you know for the sake of employing maybe - just a figure – say half a dozen extra staff and having to pick up their wages and say that's an extra cost but the savings they are going to have on the other side... People are just going to be more productive and they're going to be happier and do a better job. I mean you just suffer burnout in the end. (Richard)

Managers' Responses to the Claim

Size of business, was a factor that was mentioned in relation to employers' ability to cope with the clauses proposed in the Reasonable Hours Test Case. As a manager in a small business that is having difficulty recruiting skilled staff, David was very concerned about the impact of the claim on small, regional businesses:

Look it would be very difficult and I think smaller businesses such as this one would struggle to come to terms with those sort of conditions being imposed on them. If you're a large company with a lot of people working for you then OK you can handle those sort of conditions. Like I say we're having trouble recruiting suitable staff. Our clients are what drive the business and because of what sort of business we're in, if we start saying 'no we haven't got the staff to do that this week', we are going to start losing clients and the business would you know, the viability of the business would go down hill very quickly. I can understand why people would like to bring this type of thing in but it could be a very hard impost to put on all the businesses. ... Yeah I think if we were a large city-based company I don't think we'd have any problems implementing that sort of system but the smaller ones, especially in the country it would be very difficult to deal with. I mean I don't know the business. I'm just employed here. I don't have any financial input into it. So it's not like I'm trying to protect my own business. (David)

Although Monica wasn't from a small business she considered their perspectives in relation to the Claim:

And I would look at it from like the smaller employers, the employers of maybe 15, 20 employees and if they would have to give up 2 days a month to every employee by the time they rotated it around I just don't think it would be something they could cope with. (Monica)

Monica also considered the perspectives of big organisations that had long hours workers and thought they might be adverse to the Claim due to the administrative implications. She suggested that a way around this would be instead to increase the amount of annual leave for the firms that did not want to decrease weekly hours.

It seems that the specificity and prescriptiveness of the Claim are concerns for managers. Rob thought that the proposed claim was too inflexible and he preferred the current arrangements he had with his staff.

Well my problem with it is I think it's better to keep the flexibility so that you don't have prescription as to what you do. I mean there are downsides to this. I mean I personally wouldn't have a problem in specifying some minima but I then think it's actually be better to have flexible arrangements to determine hours and

patterns of work at the workplace because if you try to just put things in a prescriptive way at the end of the day it could be counter-productive for managers and employees. That's not to say that I think there should be some recognition that there is some notional normal hours of work and that there are arrangements where people can come and go to suit their work style and their personal life style and that if they do do extra work you know there is some recompense. ... In summary, while I might go along with clauses in Awards that have some specificity I wouldn't want them to be too specific. (Rod)

Meredith too, was confident in the relationship between the employer and employee and that together they could come up with a flexible solution. She went further and obtained some input about the costs of the Claim from one of the partners at her firm:

I think she was saying that it would probably cause you know some degree of anxiety around employers in thinking that they might have to pay for additional time. But she thought as I did that it's good to raise the debate. ... Anyway, our attitude from a firm point of view, I think it probably wouldn't affect us all of that much because we haven't got a union – well our people are professionals there's not a union for lawyers. From the point of view of raising the debate we think it's probably a good thing but not something that most employers would be too happy about. ... Yes because of the costs. (Meredith)

So even though Meredith was confident that the Claim wouldn't directly affect her firm she believed it was good to raise the debate about working time because it is a debate she felt that people in her firm need to have:

But you know we still need to have this debate about straight hours of work and what – and how people should work and what the expectations are. (Meredith)

Monica was not optimistic about the overall response from employers in general, mainly due to the long hours culture that has become accepted in some Australian workplaces:

I think from an employer perspective I really don't think that they would cope with it at all because I think today the expectation is that people do work longer hours um for sometimes you know obviously to save money. But that's something that has crept in to workforce, especially here in Australia over the last maybe 5, 10 years. (Monica)

Despite the various objections Monica imagined employers would have towards the Claim, she did believe that having employees who consistently work long hours was not just not a viable long-term business practice:

*I think their argument would be they wouldn't be able to afford to put it in place but then I would be pushing to say well you can't continue to employ people 60 hours a week and only pay them for 40 because it's just not viable in the long term and people will just burn out. If the stats have found that's what people are working I just can't imagine how they would be productive.
(Monica)*

Chapter 4: Blue Collar Industries

Introduction

A total of seven managers or employers were interviewed from blue collar industries. Participants were obtained from union contacts or were past ACCI Work and Family Award winners. The industries covered were horse racing, manufacturing, technicians and construction. The industries were selected in relation to those involved in the Reasonable Hours Test Case, with the exception of construction which were opportunities to illustrate situations where hours have been reduced or maintained at relatively low levels.

More specifically the participants included:

- OH&S manager at a mine,
- Corporate diversity manager in a very large automotive manufacturing company,
- HR director at a large manufacturing company,
- Owner of a medium sized construction contracting company,
- Joint partner and owner of a small construction business, and
- A General Manager at a large technical site.

Working Arrangements

Amongst the managers and employers interviewed, all but one reported fairly 'standard' hours practices, that is staff were generally working no more than 49 hours a week. It was common for the managers, in more white collar roles to speak of longer hours than the 'blue collar' staff.

Greg, is an OH&S manager at a mine site that has standard hours of 35 per week. He said that it was only recently that the company had got a better understanding of the overtime miners were working when they conducted a survey of all staff:

The survey was saying that they're averaging 9 to 10 hours a week [overtime] ... but have worked up to 20 hours per week. But predominantly, they're saying they're working 9 to 10 hours. Our overtime shifts run at 6 hour stretches. ... Now we haven't really got any great controls in place to actually manage that and that was something that we've identified through our risk assessment that we've undertaken just recently. (Greg)

There are miners on the site who work in excess of 50 hours per week. Greg acknowledged that "the issue for us isn't simply the long hours, it's the travelling time as well". Greg estimated that about 4 or 5 per cent of the workers could have a second job.

The workers that Jason managed had standard hours but also worked some overtime. He had general statistics on the overtime but appeared unsure as to the configuration of the overtime worked:

Well the average take-up of overtime is, on a per employee basis, is a little over one hour per week, averaged over the year. ... That's averaged over all of the staff, yeah. And there'd be a bit of standard deviation in that, in that there would be a number of staff who would do very little in the year and others who might do, I'd say not much more than... the peak would be 3 hours per week. ... It's burstie [sic], It's burstie [sic] they might have a period of 2 or 3 weeks where they might work 8 or more hours per week and then nothing after that. (Jason)

Alex is an HR director at a manufacturing company that has introduced a 'shorter Friday' working arrangement:

Basically Monday to Thursday it's roughly 8 till 6 and then Friday we try to get out of here early, so from 1 o'clock onwards on Friday we leave. Basically we compress our hours from – add an hour from Monday through Thursday, then you take that off on the Friday afternoon. (Alex)

Alex said that they had a flexible approach to working hours at his workplace. So if someone did work very long hours, they would be compensated with time off:

Because of a project they may work some time but we also come back to them and say well maybe you should you know don't come in tomorrow or whatever it may be. It's basically give and take. (Alex)

Abe owns a construction company that has been successfully working a shorter 5 day working week for some years now. As part of the contract specifications it was stipulated that construction was only to take place Monday to Friday. Staff and sub-contractors were initially sceptical about the efficacy of this requirement, but it proved more successful than anticipated. Abe believes that as a result of the extra day of leave, productivity and work quality was higher and sick leave, health and safety incidents were lower.

Jane's business won a Work and Family Award for their family-friendly working hours arrangements, which have been in place since the beginning of the business.

We sort of organised the company around our, you know, our views and values and our ethics I guess. Our working hours are largely dictated by what is happening in the industry because we provide a service to the industry at various worksites. So it's whatever our customers need we try and meet those requirements. (Jane)

Managing Customer and Business Needs: The Role of Management

Most managers reported that hours were dictated by customers' needs. However, this did not always mean that individual employees had to work long hours to respond to those needs. Jane overcame this by employing casuals to cope with the fluctuations in demand or, in other cases, would sub-contract the job out to another company if her employees were working to full capacity.

Interviewer: Do you, as an employer, have the ability (and resources) to keep your workers' hours under control?

We certainly think you do. One of the ways we do that we might actually refuse to do a job or we would hand that job over to another concrete pumping company to do. You know, there is more to life than chasing the almighty dollar and there's more to life than working long hours every day. You have to have some balance in there. (Jane)

An important factor in being able to respond adequately to the needs of her employees and her business is the monitoring of hours worked:

What we do is try and make sure nobody works too much overtime and we monitor that by Garry keeps a diary entry of all the jobs going and I monitor it when I look at the payroll each week and then if it looks like people have had too much overtime and they need a bit of a rest because it's a hard physical job they do. We would employ casuals and we might just give them a day off. We might just say we'll pay you for the day but just stay home you've worked too hard, we'll employ a casual. (Jane)

In Simone's workplace the occurrence of paid overtime was solely determined by business demands, and as demand for their products was low at the time, little overtime was being worked. So the main factor that determines the hours worked in the company is business needs.

Yeah responding to our customer needs. So if a product is going well – huge demand, overtime. If we look at the cycles over the past few years people work overtime in a very busy environment. When you haven't got huge sales you pare back on all of that. (Simone)

In Alex's company, whether the staff actually got their 'shorter Friday' really depended on business demands:

It depends on the person, it depends on their role. Our policy states that it's not one that is clock driven, but it's driven by the needs of the business. So there are times for example in my own case where sometimes I'll say I'm going to get out of here at 1 o'clock and we're gone. Other days it maybe 2 and it maybe 3 or whatever. (Alex)

Paid Overtime

In 'blue collar' jobs workers are more likely to be paid for their overtime, compared to salaried white collar occupations. Due to the lower rates of pay in blue collar jobs, workers may rely on paid overtime to supplement their base income. Thus, while some blue collar workers may be working extended hours each week despite possible detriment to their non-work life it can be difficult to change this practice due to the reliance on the income it brings.

While the purpose of introducing 7-hour shifts at Greg's mine was to reduce the amount of overtime paid out to employees, the actual effect was that it had actually increased the amount of overtime being worked:

That was more a hidden cost. ... From the underground guys' point of view they're saying to me is what in effect it's done is reduce their earnings – so to make that up they actually work overtime. ... That's what the guys are saying but because we've spread the guys so thinly across the shifts [the number of shifts increase by manning didn't] now they more or less have to work overtime to actually get the work done. (Greg)

The management of overtime was an issue that arose out of the risk assessment that Greg initiated. Prior to the risk assessment there was limited management knowledge about the overtime that was being worked by the miners. The risk assessment revealed that:

We had people working 3 or 4 weeks in a row, 7 days a week doing 80 odd hours a week and they were doing different shifts to do that just to get money. (Greg)

As a result Greg is developing guidelines for overtime that will include when miners can do the overtime and how much overtime they are allowed to do. While Greg would like to be very specific about such guidelines to ensure good OH&S practice, management would prefer not to be so stringent:

The issues are with upper management that they want those guidelines to be fairly flexible. I – myself personally – I'm sort of in the middle because I'm looking at it totally from a fatigue point of view without looking at the costs, productivity impacts, that the other people are looking at. The mine manager and all those are looking at the costs to the operation. If we change our rosters to longer shifts it's going to cost us more money or if we then impose limitations on overtime that the flexibility for people to be able to work the critical sort of work to maintain the production it's going to cost us money. So I mean I look at it from a totally OH&S point of view. (Greg)

While workers may be hesitant about reducing any amounts of paid overtime, the construction workers who no longer work Saturdays had the opportunity to actually calculate the costs of working a Saturday...

Jason thought some of his staff were jealous of other people who have access to large amounts of paid overtime and had to work on weekends:

Yeah I think a lot are envious of colleagues who have moved into other jobs in town where they're carrying beepers, on call out all the time, working exceptionally hours, being called back on Saturdays and Sundays regularly and they're earning twice as much as employees in this industry and there's a little bit of envy there. ... They envy the money – they want to earn it. (Jason)

On the other hand, staff at a construction site, where working days had been reduced to five, discovered the benefits of reducing hours and consequently income as well. The union involved with the implementation of the changes was initially concerned about limiting work to 5 days a week as it would result in lower wages for employees due to less hours worked. However, after a successful implementation, the union became supportive of the initiative.

There were many advantages related to safety and family life that resulted from reducing the working week. For employees, the only major negative effect was the loss of income for not working on Saturday. It is estimated that employees, incomes were reduced by \$125 gross per week as a result of the shorter work week. The net amount of wages lost by workers is considerably lower when costs to the worker for working on Saturday are taken into consideration. Normal worker expenditure for Saturday work would include such matters as fuel costs for travel, depreciation of car and equipment and other sundry costs such as purchasing food. If these extra costs are taken into consideration, plus the effect of extra tax, it is estimated that the net loss to workers is in the order of \$60-\$70. When a staff feedback was obtained about the changes, a large majority agreed it was a change for the better.

Hours and Business Costs

Configuration of working hours can be changed to reduce costs. But if costs are the main priority the impacts of the working time changes on workers changes may be ignored. The hours arrangements that are currently in place at Greg's mine were a result of an endeavour to cut costs.

Costs were killing us. The coal prices were down and we were asked from a corporate perspective to actually reduce our costs. So one of the ways that we could reduce our costs – and it wasn't the only way we did it - but to be able to reduce them down to the levels they wanted we had to then look at our rosters and be able to cut costs and how we did that was by going to the four 7-hour shifts. That actually reduced our costs and it also allowed us to work within the enterprise agreement framework that we had. We couldn't extend the hours but we could reduce the hours. And by starting day work at 6am it pushed all the other shifts back so that afternoon shift didn't work past midnight so they didn't get paid any double time. That was the reason behind it all. (Greg)

We certainly didn't base the decision to go back to the 7-hour shifts looking at anything but cutting costs. (Greg)

One small business owner believed it was dangerous to focus solely on the monetary costs:

We think that people who just think about the bottom line all the time and not about the whole business and the whole – I guess the holistic approach they're really – they've got their heads in the sand if they just look at the bottom line. (Jane)

Jason was already facing the issue of the possible costs involved in making changes to working time arrangements. At his workplace, a move to a 9-day fortnight from a 19-day month was being trialled. He was not optimistic about the effects it would have on the ability of staff to respond to business needs and the subsequent costs:

I think it will increase costs and diminish performance because we are providing 365 day a year operation and it'll increase the number of days when people aren't available to attend to contingencies or emergencies and it'll increase the number of times that we're calling them back to work. (Jason)

The Configuration of Hours

In some cases, the time in the day that hours are being worked is just as important as the length of hours. Greg thought that because 7-hour shifts were relatively short that there wouldn't be a problem with fatigue amongst the workers. After receiving reports from workers of falling asleep driving home, he soon discovered that many other factors have to be taken into account such as travelling time, occurrence of overtime and when workers got their sleep.

And now I mean what we were getting is reports of people falling asleep driving home from work because of the 6am start – they are driving home at that 1pm period of time. (Greg)

Greg believes there is a problem having the day shift commence at six in the morning:

We increasingly got people complaining about the fatigue – how they felt at the end of day work, you know, finishing at 1pm and feeling tired. ... It falls into where you are getting your best sleep – is between the 4 to 6 timeframe and the guys are up before that – travelling. (Greg)

I mean, night shift will always but until you actually add the hour each way and then plus you start looking at how much overtime they're working they may as well be working 12-hour shifts effectively. It's not so much the distance they travel to work it's the time they have to get up to get to work. (Greg)

OH&S: “The Meat in the Sandwich”

The issue that concerned Greg most was fatigue and the relationship with the number and configuration of hours worked.

We had to spread the people over 4 shifts instead of 3 which made it a bit difficult because we didn't increase the manning. So that's another issue for us as far as fatigue is concerned – is the spreading the same amount of people over more shifts. (Greg)

While the OH&S implications of working hours was a major concern for Greg, he lacked support from both employees and the employers. In developing guidelines for the working of overtime to address the problem of fatigue, Greg has faced resistance from both sides:

Corporate management haven't showed a great lot of interest in it at all. Site upper management are showing some resistance because of the cost implications and the productivity implications of properly managing fatigue. Even resistance from the underground guys saying that we're going to you know take away their overtime again by limiting their overtime or 'all you want to do is put us on longer hours' – extended shifts. And that was never the intention. ... I understand the pressure [the mine manager] is under as well to actually have the production rates where they are and the costs down as low as he can get them. ... From a health and safety point of view it gets very, very frustrating. ... I've sort of been the meat in the sandwich. (Greg)

Greg has proposed a few changes to minimise the incidence of fatigue amongst the miners. One suggestion was to move more workers on to the best shift, that is, where fatigue was least likely to occur. The other suggestion he made was to extend the day and afternoon shift and not have a night shift at all. However he has found that:

From my point of view people, other than myself and a couple of other guys around here, aren't really all that serious about it. (Greg)

Jane is very concerned with the safety of her workers because they work with dangerous equipment. She believes that fatigue is a key factor in relation to the safety of her workers when using this equipment. Therefore, Jane employs casuals when her permanent employees need a break from working long hours. This does increase business costs but believes it is worth it for the OH&S peace of mind:

Oh it certainly increases our costs but it makes sure that we don't have any accidents, for example, very tired people who can't concentrate. ... It's a hard physical job, which requires a lot of concentration and they're working with quite complicated equipment. Even though formally they're only builder's labourers these guys need to have quite a lot of skills and you know, they need to have their mind on the job and that's why we

take that attitude. I mean, that's our – we have a very sort of I guess holistic approach to our safety as well and that's why we have casuals. A team of casuals that we employ to try and keep people safe. You know, it can be just a momentary lapse and people can have quite serious accidents involving this equipment.
(Jane)

Jane considers that the scope for OH&S is not just limited to the workplace. To ensure that one of her staff members who was moving on the weekend would be able to work on the following Monday, she hired a removalist for him. Jane didn't want her staff member hurting himself so that he would be unfit to work. "We think there are opportunities to keep people safe outside the normal employer-employee relationship".

Although travelling time is technically not work time, Greg believes it should be taken into account when ensuring that management is fulfilling all their OH&S responsibilities:

We're not responsible for where people live. I mean that's their choice to make but at the end of the day when they come here to work we need to make sure that they are fit for work and I mean they're definitely not a lot of the times. (Greg)

A "Macho" Blue Collar Culture

In white collar industries where there is less paid overtime, a strong work culture in particular organisations is likely to be one of the main factors that drive people to work long hours. Even though paid overtime would be reason enough to work long hours, a culture of long hours was reported by some managers particularly in relation to the salaried occupations. Some of the managers spoke about the working time culture that pervades their particular workplace or industry, and it is an issue they realise has to be faced if they are to effectively address the issue of long working hours. They were aware of the negative impact that a long hours culture can have on a workplace, particularly in terms of morale and productivity:

[We are] making a very concerted effort to get away from the traditional manufacturing sort of idea, I guess, across our industry of face time. At the time when the industry was predominantly all men there was this sort of macho 'I'm going to be first and I'm going to be last and that will help me get promotion'. So that's been the culture I guess historically, particularly in the manufacturing environment – very male dominated. We've – our senior management team are really working hard to break that down. ... If you can do your job – it doesn't matter if that's from home for X amount of time, it doesn't matter how long you've been at your desk, we need to get a result. ... The company knows it's not about having exhausted people sitting at their desk for 12 hours a day. (Simone)

However, Simone did recognise that some workers really loved their job and that they loved to be at work for long periods of time. So it's a matter of:

...respecting the individual need and in fact in our industry saying 'no you should work an 8 hour day and go home', for some people what they're doing is their life. ... It's probably ok for some people but going home at 5 o'clock or 3 o'clock is ok for some people. (Simone)

If there was one thing Simone could change about the working arrangements of the staff at her company, she wished that there were:

A few more people who are brave enough to say that's it I'm telecommuting and staying home which we do but not enough people do it like more than one day a week. (Simone)

Work and Family

Several managers discussed the importance of recognising workers' lives outside of work.

We're becoming very much aware that the increasing issues for people are work and family and not having strains on their life outside of work. So over quite a long period of time we've been looking to see how we can help promote stability and let our people know we appreciate that while we have them for a large part of the day there that are other demands on their time. (Simone)

As part of this approach they conducted a 'whole of life' survey to examine the issues that were being faced by their workers at home as well as at the workplace, so that the appropriate flexibility and support could be provided. However, this approach isn't just limited to those with families:

We've very much aware that increasingly our graduates and young people coming into the company who don't necessarily have family as an issue but they have a whole range of things that they're balancing. So we're again promoting flexibility for them, ensuring that their needs are met. (Simone)

The work and family, and more generally staff retention, policies that the managers reported having in place included:

- Part-time work and job-sharing
- Telecommuting
- Paid maternity/parternity/adoption leave
- Paid carer's leave
- Preferred meeting times
- Flexible Hours

- Shorter Friday arrangement
- Employee assistance
- Casual dress policy
- Sabbatical policy
- Profit sharing
- On-site gym and canteen

Alex believed that an important aspect of having working and family policies was continual revising of such policies to ensure that they are meeting the needs of the workers.

For some managers, it was not good enough to have the work and family policies in place. Communicating to current employees, as well as prospective employees, about the options available in their companies was a very important aspect. Simone said “we make a very big noise about all the things we have” to ensure that the take-up rates were reaching their full potential. Alex was in the process of developing a “brand” for their company. The aim is to have their company ‘branded’ with a Work-Life theme so that staff and potential employees know that it has a lot to offer workers with families or other pursuits outside work.

We want people who are driven but also understand that they need to have some form of work-life balance. So we see that as something is getting people who match our values to come and join us. (Alex)

Greg conducted a risk assessment of the hours being worked by the miners. The risk assessment was not confined to factors at the workplace. As a result, they came up with solutions that involved simple changes to the rosters but which would have a positive impact at home.

We actually looked at it from a work related point of view and also a non-work related. You know, so what were the issues for the people at home. We looked at you know, there’s drugs and alcohol, there’s sleep disorders, there’s family issues, divorces, children, activities, all that sort of stuff. As I said to you, some of the work issues that we did identify was the start times for day work, finish time for afternoon shift and the finish time for night shift. We’re not going to be able to, I guess, manage all of those shifts to – from a fatigue point of view so that everyone is working the ideal timeframe. Night shift is always going to be an issue for us – it’s going to be an issue for anybody. So all we can we do with night shift actually is possibly improve the quality of life the people have by – some of the things we’ve been talking about is that some people don’t like starting their first shift on Monday morning – so that we can push their shift start time back – Monday night being their first shift. So that they get a good weekend at home with their family. (Greg)

The risk assessment has highlighted for Greg the significant impact that changes at work can have on the miners' home lives as well as the fact that a lot of choices at work are a direct result of family issues:

People in management and me included don't give credit to that lifestyle change when you change a shift you know how that impacts on your family and disrupts the family. I think those sort of things are completely underestimated. ... People don't give that due consideration. ... A lot of people will work night shift because they don't like afternoon shift. They'll just choose to stay on night shift because they still get to see their family of a night, afternoon shift guys don't. That's been a fairly big factor in a lot of people's decision to stay on night shift. (Greg)

It may be argued that implementing work and family policies at the workplace is a costly exercise. However, the managers reported that most policies came at a very small cost and they argued, for those that did cost money the benefits definitely outweighed the costs:

We don't look at it terms of what are the costs of doing it. We look at it terms of what are the costs of not doing it. ... The costs of not doing are that someone beats us to the punch. That other companies get known as 'Work-Life balance companies'. That they then start attracting the best people and with that we then – our people competitors who are other companies out there will start sort of – our people will see that there are companies out there offering things which match their value set and they may choose to join them. So the risk for us is that if people see other companies as more attractive then they'll go to them rather than staying with us and so the risk for us is that we loose our current people. (Alex)

Simone argues that very effective work and family strategies don't have to cost much at all:

But they don't come at a huge cost and we've run things like our taskforce sets the direction of our program. ... These days we tend to do it ourselves and it's about listening to other people telling us what they need and often that isn't about getting in 10 consultants to run very flashy programs it's hearing and seeing what we can change – to make their life better. (Simone)

Attracting and Retaining Skills and Staff

Developing work-life policies that suit the needs of employees can make a considerable contribution to creating a positive environment for employees in the workplace. It is a way of communicating that management believe their staff are a valuable part of the company. This type of environment can only benefit staff retention.

I think it really shows people that the company does understand they have needs – needs beyond work ... and that we're able to support them in those endeavours. It creates the sort of company that people want to work at and stay in. (Simone)

The manufacturing company that had the 'shorter Friday' working arrangement considered it to be an 'attraction and retention tool' and so far it was working:

We have improved the retention rates so we're losing as many people as we used to. We believe that work-life balance for the people that are with [company name] is a key differential (on therefore) – and when we survey our employees 60 per cent of people say that it is a definitely a reason for staying. (Alex)

Alex believed that the success of the company relied on having good staff, thus he placed much importance on high staff retention and attraction of quality staff. He focussed on the company's ability to be able to attract good staff in the future, particularly staff that would fit in with their company and had the same values as the company:

Interviewer: Does the success of the business rely a lot on the people you have working there?

We believe that. I've heard of other companies that believe that for example their brands or their company are so strong that it doesn't matter who's there it will continue on. I've heard that side of the argument as well. No we firmly believe that within our mission statement etc we state that basically if we don't have the best people then this won't be the best place to work at. (Alex)

The benefits here we see are that one, you have a committed employee group. We also share somewhat that sort of all work and no play makes Jack or Jill a dull boy or girl and realise that in future if you don't have a brand that is something different – in our case work-life balance – then in the next 5, 10 years you could have a problem attracting good people. So yes our major focus is on retaining our current employees but also if we can't attract the best people in the future then we will be with the also-rans and therefore good people are going to say 'nah I don't particularly like that company because they're not offering the things that are you know reflecting my value set'. (Alex)

Retaining staff is very important for Jane's business due to the time and cost involved in training staff:

Yeah I mean that's another reason why we take the attitude and take the policies we have. You know, we don't want to lose people. ... We have very low turnover. We've only had 2 people leave us in the whole time [4.5 years]. So extremely low turnover and when you look at the costs involved in training these people, even though some people think they're just labourers, you know,

it takes – well Garry’s theory is to be a competent manager of [a piece of the machinery], you know having the responsibility of it’s total operation it can take people up to 3 years you know be at the top level. It certainly takes 6 months for somebody to be a competent line-hand and that’s the second job. ... The operators, the people who manage the [machinery], they actually have to be licensed operator as well. (Jane)

Impact on Productivity

Having family-friendly policies in the workplace is a way of making the most of the time people are at work. That is, people can work at an optimum productive level if they have the opportunity to focus on their work.

Policies like flexible work options don’t come at a huge cost. If you offer people the chance to job share or to work part-time ... they work that much better! Their mind isn’t elsewhere. Companies like [company name] do this because we know that people are a lot more productive when you allow them to work in a way that enables them to meet all their other needs. (Simone)

So I think there’s enormous business benefits for the company and we know that our people can contribute better if they’re not worrying about a sick child, if they’re not worrying about another commitment they haven’t actually been able to get to. So it’s very important that you can actually catch people for those hours but if their mind is elsewhere, they’re not going to be contributing. ... If we can ease that pressure it’s better for you and it’s better for us. (Simone)

I think the bottom line is productivity. If the company actually does support its people to be the best they can be in the workplace and out of the workplace, you’re just going to have people who are doing their best for the company. You’re going to have better productivity. (Simone)

In trying to convince the mine management to make some changes to the current roster system, Greg would like to tell the managers that there will be positive productivity impacts, however, there is a degree of uncertainty. “That’s the line I’d like to sort of push as well but until you actually do it there’s no guarantee that’s going to happen. You’ve actually got to see it happen”.

Jason doesn’t want to increase the hours of his staff but he does want to make their current hours more flexible:

I would prefer more flexible rostering with the provision of course for penalty payments for work outside their normal standard. ... We can get our work done quite nicely with only an average of 38 hours or 39 hours per employee but sometimes we might want them to work Saturday instead of Monday, just to get

because of the nature of the work. So time off in lieu of working an evening or a Saturday would be really desirable and of course we'd be prepared to pay them a premium for those shifts but what we don't like doing is forcing them to work say the 46 hours I mentioned when in fact they might have a quiet day on the next week. So in other words, to attend work when the work's on and to take time off when the work's not on. ... The overtime is being worked not for - to get additional productivity or hours worked it's just to get people in attendance at other times. (Jason)

It is interesting to note that Jason didn't consider the impact this increased flexibility would have on workers' family lives. Which reinforces a view that employers want more control over all of their employees' time.

Improved Business: Business Sense

Jane has found that by keeping her workers' hours down at a reasonable level that it has unexpected impacts on the customer service aspect of her business:

...it also impacts on the productivity and customer service because if we've got happy people at work who aren't tired, they give good customer service. Like, our customer following or our customer base is very solid even though we're not the cheapest concrete pumps in town. At least 80 per cent of our customers are repeat business. So we have a high retention of our customers. (Jane)

The Claim

The major elements of the proposed clauses in the Reasonable Hours Test Case were explained to interviewees. They were asked to give their feedback in terms of whether they think their business could cope with such clauses and whether they thought other businesses would be able to manage it effectively. Considering the practicality of the claim, Simone thought that there may be some implementation issues in trying to enforce the leave clause:

I think the reality is having worked in areas in other jobs that have had the flexi time ... I think that policy is almost impossible to mandate. What happened with flexi time I was a manager in an organisation.... people were constantly cheating trying to get half an hour here and three-quarters of an hour to get their day off. The minute we threw the whole system out the door and said you come and see me when you need your day off – and yes same rules apply ... people just wouldn't take their time. It was really about sneaking something from the employer that you thought they weren't going to give you. I then had staff – I'd be saying look you haven't had a day off in a month, you're telling me it's your daughter's birthday - take Friday off. They wouldn't do it. Whereas when the system was formalised they somehow thought

the employer was somehow cheating them, they'd cheat back!
(Simone)

In terms of how her company would respond to the Claim, Simone said that they hadn't started considering the practical implications.

Alex didn't come from a workplace with a long working hours culture, thus he found it difficult to give a response to the Claim:

I mean I have come from companies where work-life balance isn't a high priority and I have heard stories where basically senior people are told to put in the requisite hours which is a baby boomer type belief that you have to work long hours to get things done. ... Our perspective is it's not on the number of hours that you are in the office, it's what you achieve in the time that you are here, which doesn't mean we want people to do 12 and 14-hour days. It'd be for us and I'm speaking sort of as a company – it would be very difficult for us to be prescriptive in that sense and that's only because of the fact that we don't have to worry about these sort of things. So I come from a different perspective but it'd be really hard for us to manage it ... as I said, it's give and take. ... So it's really hard for me to comment on that and say is it the fix for us because thankfully we don't have to worry about having to work over – was it 48 and what else? ... 12-hour days – bugger me! We would find – I couldn't comment on it because it wouldn't be applicable to us. ... We're of the belief that yes it would be hard to manage the calculation of the hours and two, our belief would be that we would lose those people if we were making them work those sort of hours.
(Alex)

The manager of technicians wasn't concerned by the Claim as he was sure it wouldn't affect him and his staff:

I didn't have a problem with it. Firstly, because very few of our employees would get up to that level consistently so we'd never have to use it, so in that respect it's not a problem. The other respect is it seems fairly reasonable. The 60 hours is a lot and 48 is a lot of hours to work consistently and some relief should be given so I didn't have a problem with that. ... So I'm getting the sense that we must be really unusual because I hear all this alarmist talk about exceptional working weeks and it's certainly not happening in this industry – for wages employees who are paid overtime. (Jason)

Jane was happy with what the Claim proposed however, she thought that there should be more regulation on hours actually worked rather than compensating the worker after they have worked very long hours. Her concern was that working long hours is not safe so they shouldn't be worked at all:

I think, generally, it's probably a good idea. I think though that a better idea is to actually force employers to actually cap things more on a daily or weekly basis over longer periods of time. ... You should never let that get out of hand because, well once again, it probably also does depend on the circumstances but some jobs become – we think they become very unsafe if people have worked too many hours and you know it's not just about good management or your worker's compensation bill, there's a moral obligation to make sure people get home from work safely each day and that should happen on a daily basis not over a month or six weeks or whatever. (Jane)

She was also concerned that if an employee was given extra leave that it was leave that they could actually use to do things that were important to them:

I also think that if you're going to look at leave things, part of that ought to be complementary to the rest of a person's life not just about work. So that those leave opportunities might be available for example to pursue things that they might be interested in. It might be their family, it might be fishing, it might be sport, it might be culture. So that there – it's not just wasted time as well. (Jane)

Chapter 5: How Have Employers Coped With Shorter Hours? The Victorian Electrical Industry

Introduction

Working time in the electrical industry in Victoria has changed substantially through enterprise bargaining with the ETU. Work sites have either a 36 or 38 hour workweek with an RDO every month or fortnight and a limit of 10 hours overtime each week.

We interviewed four employers in the Victorian electrical industry. Interview participants were obtained through an ETU contact who gave a list of employers. The employers interviewed managed businesses of varying sizes. The size and age of the business is likely to have an impact on employers' abilities to cope with changes in working time arrangements. Nathan is a state manager of a very large electrical contracting business which employs 670 people. Craig and Philip were managers of businesses that employ 110 and 160 people, respectively. While George had the smallest business, which employs 50 people. Due to the nature of the selection and number of participants, it must be emphasised that this is only exploratory research and is not definitive by any means.

Generally, the employers we spoke to were positive about controlling work time. They could see that it had benefits for their employees, which meant benefits for their business. Some employers also noted that it had increased costs.

The issues facing the Victorian Electrical Contracting industry are somewhat different to those issues related to the Reasonable Hours test case. They seemed to have successfully dealt with the reduction in hours but now face the question as to whether there should be further reductions. This issue was a concern to most employers.

Current Working Arrangements

The electricians – the 'field staff' – were on 36 or 38 hour weeks, depending on the site they were working on, with either an 8 or 10 hour overtime limit. Although, some employers reported that their field staff occasionally worked more than 10 hours overtime per week. Most electricians, from employers' reports, were working fairly regular overtime, often depending on the job.

The employers themselves, were working around 50 to 60 hours per week, with supervisors and management working similar hours. Office staff were usually working 37.5 to 40 hours per week. One employer expressed concern for his office staff whose working hours arrangements were not comparable to his field staff. He thought it was unfair that his office staff continued to work while the electricians got regular RDOs. As a result, he introduced what he called "public days of leisure" for his office staff. This arrangement allowed staff to take up to six extra days of leave off in one year, as long as their work was completed at the time. George considers the

system he has introduced to be more flexible and accommodating to business needs compared to the arrangements of his field staff.

The RDOs once a fortnight closes the industry. My office, as in management, they still work. I have put into my office pay structure that if they've complete the work they need to complete, I can give them up to six what I call PDLs – because my staff out in the field are getting these days off and it's not fair to my management staff that they're not getting the days off. ... If they haven't completed their work they can't take the day off. Whereas in the construction industry, if the guys don't complete their work for the day they'll do it tomorrow and ...your efficiency drops down the job will go on longer and the hourly rates go up again and it just puts a total different cost on to the job. (George)

There has been much speculation about why employees are working extended hours. The *Fifty Families* report explored the reasons from the worker's point of view. These reasons included not enough staff to carry the workload, expectations from managers and co-workers, long hours were just the norm in the "industry" and occasionally, financial reasons in the cases where workers were paid for extra overtime. However, little is known from the employer's perspective about why long hours are being worked by a substantial proportion of the workforce.

Most employers commented on the working hours being "project specific" and relying on "project completion dates". Some employers commented how working hours sometimes depended on the trades working with them on construction sites.

If the management are able to get their work done in less time, that's fine, I don't have restrictions with that. The thing is though, with the market the way that it is you have to work much longer hours to – to achieve. (George)

Some of them [the supervisors] do have some large projects they are finishing off or starting up and their times vary and they probably do work longer hours than most people in the company and consistently longer hours and it's just to get through the workload. ... They get a bit of flexibility in their working life, you know. If they want to knock off work early or go and see their kids play footy, they've got the right to do that. But they would work back regularly or start work regularly. But, you know, they are more behind than in front, in my view. (Craig)

Interviewer: Is it a matter of staffing? Do you need more staff?
Ah the arrangements with their salaries is pretty good. They get paid very well. They are there for the money as well. As I said, it does vary. There is really one person in particular, but that's mainly his nature. Even if I took the work off him he'd stay. (Craig)

Despite the restrictions on working time, it seems that amongst some companies, it is still the “industry” that has a large say in the working hours of the electricians. George’s field staff worked on Saturdays at least 60 per cent of the time:

That’s mainly because the industry wants us to work a six-day week. Yet a 36 hour week only gives them effectively a 9-day fortnight and then they want to work the Saturday of every other week to make up for their lost time. (George)

Impact on Employment and Costs for Business

Employers differed in their view on how the changes in working time affected business costs and levels of employment. A major issue for George is that he believes that the electrical contracting companies are under-charging for the work they do. Due to competition, he is forced to quote similarly to those prices. This means that he is working with very low margins, which inhibits the ability to respond flexibly to working arrangements.

Our margins are 1 and 2 and 3 per cent. ... As a company we are losing our overhead recovery. ...

A lot of the contractors are cutting the edges off their quotes. They’re then pushing the blokes and then the blokes are going the extra little bit and before you know it, someone’s hurt! I’m not saying it’s always the blokes’ faults, it might also be the management’s fault and then the management is putting in a price that the market is pulling them down to. So you know, we get in situations where the prices aren’t really reflecting what really is the scope of work because the builders aren’t showing you the proper scope of works. It really sucks. (George)

Fluctuations in business activity have made Philip reluctant to take on extra employees to compensate for the reduced working time. He is concerned that the work is only temporary and that he would have to lay people off after employing them only 6 months earlier. Philip said that he sometimes relieves temporary demands for extra labour through the Group Training Schemes – Apprenticeships. But there are only so many apprentices that he can employ.

Nathan, a state manager of a large contracting company, said that the restrictions on working time had led to increased employment. However, the increase in the number of workers on a job had also led to increased costs. The costs come from a need for more supervision of the larger groups of employees, increased training costs and an increase in non-productive time.

Probably the effect is that we have had to employ more people which is what I suppose is the aim of the reduction in hours is and we find that there’s probably a lot more expense to employ those people because of the training, because of the non-productive time ... But I suppose from a point of view of

employment, there is also employment for more people so there is a plus and minus to that. (Nathan)

So it seems that there are inherent problems in the industry and the way that businesses are run which limits employers' abilities to flexibly respond to workers' needs.

Impact on Productivity

A number of employers commented on the increased productivity levels if working hours were kept at a reasonable level. Nathan felt that as a manager he had a duty of care when it comes to working time. He believed that he had to make sure that his workers didn't get too stressed out and work themselves into the ground, which also has implications for productivity levels. Reflecting on his own experience of long working long hours, Philip could see the benefits of reducing working hours:

I suppose it would be nice to reduce one's working hours because you're working 55 hour, occasionally more, and it does take it's toll in terms of I think your productivity really. When you're doing it on a continuing basis and the same applies to all levels, both the staff here and the tradesmen. We know that when the tradesmen work continuous periods of overtime, productivity does go down and unfortunately accident rates tend to go up as well. (Philip)

The impact of changes in hours depends, according to some employers, on the configuration of hours, not just their length. This was evident in George's interview.

George supported the 38-hour week but he felt that hours any lower than that were hampering productivity because workers tended to become "complacent". George's electricians were working a 36-hour week:

The problem is that our productivity is actually dropping down because they're not actually getting a good run in the job to get into the job. So that is a problem. I think that when you start working lesser and lesser hours then you get tired too quickly. That's a concept I'm looking at. ...

I'm just finding that our productive unit rates that we use to use ... say for instance if we allocated 1000 hours to do a particular job that we were capable of doing when we were working the 38 or 40 hour week, um the 36 hour week: the productive hours aren't coming in the same. (George)

The Ideal Configuration: 38 'flexible' hours

There was a general consensus that the electricians, with their 36 or 38 hours week and the 10 hour overtime limit, have it "pretty good".

The employers had some or all of their electricians on a 36-hour week, and this was the point of most contention. The employers reported being fairly content with the 38-hour week: they could understand the justification for it and felt that their business could operate effectively under this arrangement. But the 36-hour week, they argued, was taking it too far.

If there were objections to reducing working time it usually related to how these reductions were configured. George believed that a big part of the problem with the 36-hour week was how it was configured, “The RDOs once a fortnight closes the industry. My office, as in management, they still work”.

Nathan would prefer to have more ‘flexibility’ in arranging work hours. He knows one workplace where the workers’ hours are averaged over the week, so they could work 12 hours one day and 4 hours the next as long as they add up to 38. He would prefer this system as it would reduce penalty payments for overtime. When Nathan was discussing work time flexibility, he did so with no mention of flexibility for the employee.

Going to less and less hours has a cost impact for Nathan and his business. He believes that 38 hours a week is an acceptable level for work time:

I think the hours are acceptable at 38. I guess I’ve been brought up in that era so. I’ve never had an RDO and I’ve never had the flexibility of having shorter hours in my life anyway. So from my own personal point of view I suppose I have to accept that the 38 or 40 I think is a fair week’s work.
(George)

Nathan’s attitude to working hours was that you had to balance two factors. Firstly, as an employer he has a duty of care to make sure this workers aren’t working extreme hours that detrimental to their well-being. On the other hand, hours couldn’t be reduced so much as it affects productivity and the cost of labour. “It’s a very fine balance of accountability and profitability”. Nathan agreed that the balance for him was at the 38-hour week.

Philip believes that reduced working hours have increased costs but he believes this is because of the form the reduced hours have come in - PLDs. He doesn’t have an objection to the RDO once a month because it comes from a banking of hours, but the PLDs are just extra days that he pays for without getting extra work:

But the fact that we’ve had PLDs introduced now is that there is no offset in terms of working hours purely at cost ... the PLDs, we actually have to pay them for it so therefore your costs have increased. (Philip)

Interviewer: So would you like the reduction in hours take a different form?

That would be nice to achieve but in the current industrial relations scenario it’s probably idealistic in terms of being achievable. (Philip)

Generally, Philip thinks that a 38-hour week is a good thing but the way that it is managed and configured are the major issues. He thinks there needs to be more flexibility in the arrangement of working hours, something that the PLD does not offer.

With the PLDs construction activity still continues and if were not working it can be rather difficult in terms of working together with other trades. (Philip)

Consumption Commitments: They want the paid overtime

Most employers mentioned that the demand for overtime didn't always just come from the employer's side. Nathan said his preference was for a 38 hour week and believed that this was a very good arrangement for the workers and it could be handled by the business. Nathan thinks that an aspect that needs to be considered in the working time issue is the workers' desire to work overtime and extra hours for the money. He said that consumption patterns play a big role and noted that some of his office staff have 2 jobs because they were saving up for particular things. He considers that working time to be a very individual preference, which is something the unions can't always account for.

Most of them like chasing the overtime to get a bit of money. ... Most of the people probably work those hours because they want to get on in their own life and everyone's got commitments and I think the only way you can get on is by working longer hours and having to – people in the family – to pay off the house or the car, etc. (Craig)

Philip believed that consumption patterns and financial commitments amongst workers drove some of the demand for overtime. In the case of the electricians, he believes that the unions will face some barriers from the workers in further reducing their working hours because the electricians are in consumption patterns that were based on working 6 days a week.

The other thing to bear in mind is also is that most of our tradesmen have perhaps tended to gear their lifestyle around a 6-day working week and sort of made commitments in terms of mortgages and so forth. And I think this is probably an aspect the union have failed – well whether they appreciate it or ignore it I'm not sure. But the reality is that while I can see what the union is trying to achieve - that is to improve quality of life for their members - I think they are going to meet a fair degree of resistance from their own members in terms of that reduction in working hours. Because it's going to impact on their and human nature being what it is some people tend to run close to the wind in terms of their income versus their expenditure. (Philip)

Size Matters: Craig's Story

Craig had a personalised approach to workload and staffing levels. He would judge whether a person had too much to do or was feeling too stressed on an individual basis and in response, re-allocate staff and workloads. A large factor in his responsiveness was the size of his company:

But we can normally respond because of the size of the company now. One person doesn't have to do all the work, there's other people who can help which is the best part about it. (Craig)

So the size of the business has probably reduced the number of working hours of all people concerned I think – in a larger company but not a smaller company, yeah. (Craig)

When I first started the company it, was extremely difficult for me and the hours I worked were enormous. Ten years in I'm working less hours and there's still a fairly heavy load of stress on me but I'm working less hours. When I initially started I'd be working 80 hours a week. No longer and I don't want to any longer. (Craig)

My aim is to get to 4 days a week and then go to 3 days a week for my own personal self. But I find that my privilege of owning the organisation. That will be my ultimate aim one day but when that happens and if I can cope with it, that will be great. (Craig)

Happy Workers are Good Business

The employers raised various positive aspects of keeping hours down to a reasonable level, from occupational health and safety aspects to just generally having contented staff at the workplace. Nathan saw it as his responsibility as an employer to make sure his staff were not overworked, which then has positive implications for productivity:

I've got a duty of care to make sure the people on the job are looked after from the point of view of their own health and well-being. And there is reason to believe that longer hours cause a stress, cause all sorts of problems with the ability for people to carry out their job and especially in the electrical industry, we need to have people well on top of it. Excessive hours could have restraints in regard to their ability to achieve the end result. (Nathan)

Some employers mentioned that a lot of their business relies on the quality of service given to their customers. Tired and cranky staff are not good for business.

For my staff, I don't like seeing my staff overworked. I like seeing them being reasonably happy and being able to cope with the pressures they've – the workloads they've got to do. (Craig)

Reasonable hours works – yeah ... you're not driving people out. Every now and then you've got to put that special effort for a particular cause ... We've all got to do it when that's needed. But ... we might need that 6 or 8 weeks a year. ... It gives them quality of life, which is extremely important. If people are happy at home they'll be happy in the workplace. If they are happy in the workplace, they are happy at home as well. That's a very important thing that we try and encourage here. If someone's tired they've got to have a break. I don't like having grumpy old people here carrying on in front of everyone else. Off they go, go on a holiday, come back when you're feeling better. (Craig)

You've got to take care of them. That's what makes my company – my staff, not me. (Craig)

I'm working towards it – to improve the conditions of my staff. The by-product of that is that I'll improve my position and I've always been the end beneficiary of what I tend to put forward. So I'm hoping I can better the conditions of my staff, better the output of work that they can do which in turn will better my position as a profitable company. (George)

There's a limit to how much overtime that individuals can work on a continuing basis and I think you find that if it's in short bursts that's fine. But if it sort of goes for several months and they're working every Saturday and perhaps the occasional Sunday I think they tend to think that their family life and their quality of life does suffer. (Nathan)

Learning from Experience

The employers spoke from their own experience of working very long hours and often the impact it had on their personal lives. Most employers discussed the negative impact long working hours can have on your personal life and the benefits of not letting working hours get out of hand.

I think that we should be going down the line of what the ETU are doing and that is employing more people so we don't have to work those 60 hours a week. I mean the mentality of our industry - and it's difficult for me because when I was working for myself ... I worked 80 hours so that effectively meant that I was either totally exhausted, stuffed up my whole personal life etc, etc, etc. If I was able to work 60 hours a week and be still able to have personal relationship and all that sort of stuff then I was productive by an additional 50 per cent of my anticipated

requirements. What I think that we should be doing is we should be banning overtime totally. (George)

The difference with me is that I never took my kids to school. I never picked them up from school. I probably was working the 10 or 11 days by the time I got home. (George)

We don't have any – I don't have anyone coming to me totally stressed out. I've never had anyone do that to me. Except for myself at one stage in my life. We've now recognised the importance of people to be sent on holidays and people to have a bit of time off... (Craig)

Reducing Hours: “It Can Definitely Be Done”

Craig was aware of the effects of working long hours from his own personal experience. He had reduced his hours to 45-50 per week, from working 80 hours a week at the initial stages of his business, and was in active pursuit of a shorter workweek. His ultimate aim was to work a 3-day week- he saw this as a privilege of owning your own business.

Mine, personally – I brought my hours down. For my own peace of mind and my family life and I've got more infrastructure around me.

Interviewer: How did you reduce your hours?
Staffing, yeah. ... Oh yeah it does increase your costs but my wife's worth more than my margin, so I needed a life as well. So it was time for me to put more people on. (Craig)

George has spent a lot of time going over the figures and examining the benefits of reducing hours and employing more people: “I think there's a bit of merit in it. How close you have to juggle all the figures, I don't know. ... It can definitely be done”.

Philip said that they have been able to cope with the working time arrangements, even though it is not always easy. Deadlines for projects are getting tighter and this can no longer be addressed by increasing overtime by huge amounts. Also, taking on new employees is not always the simple solution:

You just have to work around it. It's not easy in terms of – project durations have shrunk over the years. ... what one should really do is perhaps take on more employees to overcome those workloads but the trouble is what happens then is that when those workloads are finished, you then have to let people go and that – the industry does go through its cycles ...it does create a sense of insecurity amongst your employees because they can become a little bit sensitive to the ups and down. ...What we try to do is balance keeping workforce constant and juggling the demands of what our customers are imposing on us in terms of overtime. (Philip)

An issue that Nathan expected to arise in the future was the supply of skilled labour. His concern was that if the demand for labour increased in the future there wouldn't be enough workers if the overtime limits were in place.

The Claim

The claim that is proposed by the ACTU, as it stands, would not affect the Victorian Electrical Contracting industry due to the working time policies they already have in place. Employers who were interviewed were told in basic terms, what the Claim proposes, so they could give their opinions and any advice to employers who may be facing working time changes in the future.

It was important for the employers to distinguish between paid and unpaid overtime when discussing extended hours of work. The employers in the electrical industry only really dealt with paid overtime, particularly for the electricians. There appeared to be a general consensus that if an employee was working long hours and getting paid for them, they were doing it for the money and that was an individual choice.

I don't see why if you get paid for it and you chose to do it – if you get the 20 hours overtime a week, you'd be pretty happy with the money and a lot of people chase it, I don't care what you say. I don't see why they should be rewarded getting paid and getting two days off. (Craig)

Unpaid overtime was not a particularly familiar concept amongst the employers:

If someone is asked to work 20 hours a week unpaid overtime well I think that's totally outrageous, in one respect I don't think that's fair to anyone. So in that scenario, I don't agree with it and the two days off isn't fair enough – it isn't enough reward either as far as I'm concerned. (Craig)

In specific relation to the Claim, Craig believed that the employer should not let workers get into the situation of working continuous extended hours in the first place:

Yeah see if someone was working 8 hours extra every week for three months, you're short-staffed aren't you? ... You need someone in there as a permanent part-timer or someone else picking up the slack. (Craig)

Well my advice would be [to an employer who had to accept the proposed clauses] they need to look at first their duty of care of the employees because they will be vulnerable to, I suppose, occupational hazards situations where it will be perceived that these people are under stress or whatever else. That is a big problem within in the industry. (Nathan)

Nathan raised an issue that was similar to the one raised by workers - implementation of working time reform.

Under the Act I think it says or even in the EBAs or the Award: 'Reasonable Hours'. Now the problem is if you look from a legal point of view, what are reasonable hours? You can take it to arbitration but reasonable hours could be any hours. (Nathan)

You can have guidelines in regards to Awards etc but how is that a person – it's still probably up to themselves to go out and have two or three jobs. I mean, how are you going to stop those hours? And those people pushing for that [consumption] goal at the end of the day, it's very difficult isn't it? (Nathan)

Philip thought that the ability to implement working time changes and the success of these changes was likely to depend on the particular industry:

I think it has got to be managed in a slightly different way. The construction industry ... is quite fortunate in one sense that it doesn't really have to be internationally competitive, does it? ... Our employees don't have to worry about imports from anywhere else so therefore there's not those pressures that other parts of the economy have to put up with. ... Maybe the sorts of things that other industries have to think about is being more flexible in terms of how they implement the reduced hours and who pays for them. (Philip)

Philip believed that working time reductions were something that his business could cope with but sometimes you just have to work around it:

I suppose anything is doable is but... sure you can put additional staff [to compensate for reduced hours] on but as long as it doesn't come at the sacrifice of your core group of employees. ... I s'pose it's a little from our situation or our industry in terms of the overtime tends to be in response to short time cycles in terms of project completions and in effect we're working with a lumped workload. I'm not sure... I know where the ACTU is coming from but it's another cost and does it make the country more competitive? What's happening internationally, I don't know. (Philip)

The concerns expressed by Philip are not uncommon amongst commentators apposed to the claim. He was, however, open enough to/acknowledge his ignorance of overseas developments. As Iain Campbell (2001) has recently shown countries can maintain high standards of living and be internationally competitive with tighter regulation of working time. Indeed, as Campbell noted in his paper – such standards can work as a 'productivity whip' – encouraging employers to think of creative ways to improve efficiency by discouraging the easy but unsustainable option of simply extending the number of hours worked by existing employees.

Lessons Learnt

The underlying lesson from the limited number of employers spoken to is that, the employers we spoke to in the electrical industry have coped with the working time restrictions; naturally, some have coped better than others.

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Interview Questions for Employer

First, some background questions about you and your workplace...

1. Could you describe your job, particularly in terms of what you manage? How many people do you manage directly? In what occupations do they work?
2. What hours do you generally work?
3. Could you describe the current hours arrangements for your staff? What hours are they generally working?
Probe: Overtime – paid and unpaid
4. Why is your staff working these hours?
5. Have working hours in your workplace changed over the last couple of years? How? Why?
6. Do you think your workers are happy with their current hours of work? Are there any pressures from staff concerning hours of work? If yes, what does this pressure concern?
7. If there was one thing you could change in hours of work arrangements, what would they be?
 - For yourself
 - For your staff
 - For your workplace
8. If hours worked by those doing more than 60 hours a week were reduced by a requirement of a rest break every month (of 2 days), how would you respond?
Probe: Costs, profits/production, productivity, workers' well-being
9. Explain essence of the Claim – two parts. If these clauses were introduced into the award, what would be the effects on your business and workplace?
10. Would there be any coping mechanisms that you could employ to adjust to the introduction of the clauses?
11. Is there anything else you would like to say about working hours?
12. Would you mind if I contacted you in the future for this project?