
The Working Time Directive Review Slaying the Myths

Why employers' organisations are wrong about the 48-hour week.

Employer myths and silences

This briefing demolishes the myths that are being peddled by the employers organisations about the effect of the 48 hour week on health and safety, worker choice and business success.

It also examines the areas where the employers have maintained a pointed silence, looking at the detrimental effect of long hours on women, families and lifelong learning.

- ***Myth 1 - Long hours are not a health and safety issue***

In 1996 the then Conservative Government took a court case against the European Commission on this point. They were badly beaten since all the evidence points the same way. Since then the evidence of health risks has continued to pile up, including reports by the UK Health and Safety Executive (2002)¹, the International Labour Organisation (2003)², the UK Department of Trade and Industry (2003)³ and the US Government's National Institute of Occupational Safety and Health (2004)⁴.

The evidence indicates that those who regularly work more than about 48 hours per week are likely to suffer an increased risk of heart disease, stress related illness, mental illness, diabetes and bowel problems.

They are also likely to drink and smoke more, and to adopt a poor diet.

There are also concerns about the exposure risk to chemicals and noise for long hours workers, as the safe limits are always based on 40-hour working week.

- ***Myth 2 - the UK has a good health and safety record, so there is no need to worry about long hours and overwork***

Those who make this point always refer to the accident statistics in EU countries. It is worth noting that the evidence of harm is mostly about the detrimental health effects of long hours rather than accident rates.

Ten reasons why the employers' organisations are wrong about the 48 hour week.

Furthermore, when evaluating the effects of long hours it is misleading to simply compare international rates for all workers. We are concerned with the 14 per cent of UK employees who work more than 48 hours per week, not with part time workers and those who work 40 hours per week.

Once the focus is firmly on long hours workers, there is abundant evidence that long hours have an impact on their health - see myth 1.

• ***Myth 3 - All those who work long hours are happy to do so***

Every study of the opt-outs in the UK has identified significant abuse by employers. The evidence includes reports by the European Commission (2003)⁵ and the Department of Trade and Industry 2001⁶, 2003⁷ and 2004.

The most recent DTI report found that:

- 58 per cent of long hours workers said that they would be happy for their employer to limit them to 48 hours per week. (ONS data suggest that this figure might actually be as high as 68 per cent)
- 42 per cent simply had all their working time fixed by their employer
- only 34 per cent had signed an opt-out, despite a legal requirement for most long hours workers to do so
- 66 per cent had not signed an opt-out. One quarter of this group (600,000) said that they were pressured to work long hours by their employer⁸.

The TUC's know your rights line has identified a range of abuse ranging from bureaucratic and 'office culture' pressure and to plain old fashioned bullying.

• ***Myth 4 - Employers are willing to tackle any cases of abuse of the current regulations***

Employers have had six and half years to deal with abuse, but most have shown little inclination to put their house in order. It is true that the CBI has backed a limited initiative involving awareness campaigns and a change in the law that would mean that the opt-out could not to be signed before starting a new job. Given the scale of abuse, such a program would fall far short of what is needed to protect UK workers.

However, when the TUC proposed a more extensive program, including tougher enforcement, the CBI opposed it.

• ***Myth 5 - Trade unions are trying to make a rule that workers don't want. Employers are simply defending a worker's right to work long hours***

Given their record of opposing employment rights, employers' organisations rather lack credibility as workers' champions. The truth is that most long hours

workers want to work fewer hours, and that their employers pressure many into signing away their rights.

Even if that were not the case, it would still not be right for workers to be allowed to opt-out of health and safety limits, otherwise the law would be undermined and workers left at risk.

An employee's right to work long hours is limited by their duty to work safely. This is not just for their own sakes but also for the sake of colleagues and passers-by that might be harmed by dangerous work practices, so health and safety law must always be upheld.

The employers like to assert that they are supporting their workers' right to work unlimited overtime. This assertion needs to be examined closely.

The most important point is that six out of ten (2.2 million) long hours workers do not receive any extra pay for the extra hours that they put in, and that unpaid hours are increasing while paid overtime is declining.

Of the 1.4 million long hours workers who are paid overtime, 1.0 million say that they would like to reduce their hours⁹.

The TUC unions are achieving notable successes in their work to end excessive working hours whilst maintaining earnings¹⁰.

The TUC also wants workers to have more freedom of choice over hours and patterns of work within safe limits. That is why we support the extension of the legal right to request flexible working. Predictably, the CBI opposes even this basic measure to extend freedom of choice.

• ***Myth 6 - The UK economy needs long hours to succeed***

The truth is that long hours actually impede productivity. Long hours workers become fatigued, which leads to lower output per hour, a decline in the quality of work and more mistakes¹¹.

The UK already works the longest hours in EU-15, but we are only 10th out of 15 in terms of productivity per hour¹². We need investment, training and better work organisation, not more hours.

Since the Working Time Directive was applied to the UK average working time has fallen slightly. Rather than this proving to be a problem, business has continued to thrive and the number of people in employment has risen by 1.5 million.

• ***Myth 7 - Small businesses rely on long hours to succeed***

The table below shows that in reality most small businesses do not rely on long hours.

Furthermore, although more than a third of UK employees work in small businesses with less than 24 workers, small businesses take more than 8 per cent less than their share of long hours workers. In contrast, medium sized businesses with 50-499 employees are most likely to rely on long hours, taking nearly 6 per cent more than their share of those workers who exceed 48 hours per week.

Long hours working by number of people employed in the workplace¹³

Size of business	Per cent of all UK's 25.5 million workers	Per cent share of the UK's 3.6 million long workers
1-24	35.6	27.3
25-49	13.5	15.6
50-499	33.8	39.2
500 or more	17.0	17.9
Total	100	100

Source: ONS LFS Microdata Service - autumn quarter 2004

• **Myth 8 - globalisation means that we must work more hours**

Our competitive advantage is in 'high road' businesses, in other words, in working smart. Relying on long hours is usually a sign that the business is not very smart; wherever in the world it is located.

Despite this fact, we are sometimes exhorted to work more hours by organisations that have a strong free market agenda, such as the International Monetary fund. This prescription is a dangerous misdiagnosis of what is needed for a successful economy.

Some people say that we should copy the working practices found in the USA. Before we take any lessons on how to deal with globalisation we should note that the US has a large external trade deficit, whilst the EU has a surplus¹⁴.

On working time, average hours are *falling* in the USA¹⁵. The US achieves high productivity because it has a high level of investment per head, a high proportion of graduate workers, and a very large domestic market. It succeeds to large degree despite its long hours culture rather than because of it.

• **Pointed Silence 1 - long hours workplaces are excluding women**

Only one in five (19.8 per cent) of long hours workers are female.

Furthermore, the position is even worse in the 'better jobs'. Only 15 per cent of long hours managers and 3 per cent of skilled manual workers are female¹⁶.

These figures are striking. The explanation is that there is still a widespread expectation that women will bear the brunt of childcare and domestic work. Unsurprisingly, they are then less willing or able to work long hours.

A review commissioned by the Department of Trade and Industry found that 'the research literature suggest that in organisations characterised by systemic long hours working, women's careers may be restricted'¹⁷.

The TUC's view is simply that any employer that demands excessive hours automatically discriminates against women by reinforcing the glass ceiling and gender segregation.

- ***Pointed Silence 2 - The families of long hours workers suffer***

The detrimental effect of long hours on parenting causes the TUC considerable concern. Research by the Joseph Rowntree Foundation found that:

- Long working hours have a negative impact on families.
- In particular, fathers in professional and managerial jobs were least likely to be involved in the care of their children.
- More generally, long hours for either fathers or mothers are associated with less involvement in children's activities and the frequent disruption of family activities.
- Four out of five mothers whose partner works more than 48 hours want them to work fewer hours¹⁸.

- ***Pointed Silence 3 - Long hours workers are squeezed out of lifelong learning***

Those who work more than 48 hours per week have little time left for education and training. If this problem is not addressed then it is likely to set up a vicious circle of underinvestment and low skills perpetuating the use of long hours.

On Thursday 2 June the TUC will publish new evidence that confirms that long hours are a barrier to training and education.

The TUC strongly supports the Governments initiatives to promote lifelong learning. The principle of 'joined-up government' demands that action must be taken to end long hours.

References

- ¹ 'Working Long Hours', Health and Safety Laboratory, HSE, 2002
http://www.hse.gov.uk/research/hsl_pdf/2003/hsl03-02.pdf (84 pages)
- ² 'Working time: Its impact on safety and health', Anne Spurgeon, International Labour Organisation, 2003 <http://www.ilo.org/public/english/protection/condtrav/pdf/wtwo-as-03.pdf> (143 pages)
- ³ 'Working Long Hours: A review of the evidence,' J.Kodz et al, The Institute for Employment studies, DTI Employment Relations Research Series 16, November 2003
<http://www.dti.gov.uk/er/emar/errs16vol1.pdf> (260 pages)
- ⁴ 'Overtime and Extended Shifts: Recent Findings on Illnesses, Injuries and Health Behaviours' US National Institute for Occupational Safety and Health, April 2004.
<http://www.cdc.gov/niosh/docs/2004-143/pdfs/2004-143.pdf> (38 pages)
- ⁵ The use and necessity of Article 18.1(b)(i) of the Working Time Directive in the United Kingdom' by Catherine Barnard, Simon Deakin and Richard Hobbs, EC, 2003
- ⁶ Neathy F and Arrowsmith J, 'Implementation of the Working Time Regulations', Employment Research Series 11, DTI 2001
- ⁷ Neathy, ERRS 19, 'Implementation of the Working Time Regulations: follow up study', DTI, 2003
- ⁸ BRMB Social Research, 'A survey of workers' experiences of the Working Time Regulations', DTI Employment Relations Research Series No.31, November 2004, pps 25-29
- ⁹ All figures from ONS Labour Force Survey Microdata Service, Spring 2005
- ¹⁰ See, for example, the DTI/TUC/CBI Long Hours Working Partnership Project
http://www.dti.gov.uk/er/work_time_regs/index.htm
- ¹¹ For example, see 'The Business Context of Long Hours Working', T. Hogarth, W.W.Daniel, A.P. Dickerson, D.Campbell, M. Wintherbotham, D. Vivian, University of Warwick Institute for Employment Research, DTI Employment Relations Series 23, November 2003, p16. The Workplace Employment Relations Survey 1998 shows that there is also a significant association between long hours and high labour turnover. See also 'Working Long Hours: A review of the

evidence,' J.Kodz et al, The Institute for Employment Studies, DTI Employment Relations Research Series 16, November 2003, p16-17.

¹² Sources: Eurostat and EIRO websites:

http://epp.eurostat.ec.eu.int/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=SDI_MAIN&root=SDI_MAIN/sdi/sdi_ed/sdi_ed_com/sdi_ed1200

<http://www.eiro.eurofound.eu.int/2005/03/update/tn0503104u.html> (see fig 5)

¹³ Source: ONS LFS Microdata Service - autumn quarter 2004

¹⁴ US trade deficit is - 6.3, EU trade surplus is +0.3. Source: OECD Economic Outlook 77, May 2005, P.4

¹⁵ Source: OECD Website - <http://www.oecd.org/dataoecd/42/55/32494755.pdf>

¹⁶ All figures from ONS Labour Force Survey Microdata Service, Spring 2005.

¹⁷ 'Working Long Hours: A review of the evidence,' J.Kodz et al, The Institute for Employment studies, DTI Employment Relations Research Series 16, November 2003, P.17

¹⁸ S.Dex et al, 'How do they find the time? Work, Families and the 24/7 Society', JRF, September 2003