LABOUR RELATIONS AND COLLECTIVE BARGAINING

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NEGOTIATING FOR DECENT WORKING TIME – A REVIEW OF PRACTICE*

This Issue Brief gives an overview of the regulation of working time through collective agreements in different regions of the world and outlines innovative solutions by the bargaining partners. It presents practices from various countries, which can advance a human-centered approach to the regulation of working time through collective bargaining.

1 Introduction[i]

The importance of working time in collective bargaining

Following protests of early labour movements in Britain, Australia and the United States of America to introduce the eight-hour workday, there has been a substantial reduction in the number of working hours in many parts of the world since the industrial revolution in the 19th century. Working time was the subject of the very first international labour standard, the Hours of Work (Industry) Convention, 1919 (No. 1), which introduced the eight-hour workday at the international level. Since then, working time has continued to be of pivotal importance to the work of the ILO as well as to national labour legislation and collective agreements.

Collective agreements are flexible tools which deal with a wide range of terms and conditions of employment. They usually include provisions on working time and wages; those lie at the heart of the employment relationship and are fundamental for determining the total remuneration of workers and employees. Both are strongly interlinked and of pivotal importance in most collective agreements. Overtime payments and other premiums – e.g. for working on weekends – depend on the definition of "regular" working hours and schedules established in law or through collective bargaining. Hence, proposals for improving working conditions in collective agreements are often expressed in terms of working time and/or remuneration.

In many countries, collective bargaining has a fundamental role in the governance of working time and rest periods. However, the importance of working-time issues in collective bargaining and the content of provisions in collective agreements varies among regions, countries and sectors (Lee and McCann, 2011). ILO instruments give important guidance on the regulation of working time. Several ILO instruments specify that they may be implemented in a variety of ways, including through collective agreements.[ii]

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[i] This Issue Brief builds on the insights of the ILO's General Survey on working time and focuses specifically on the role of collective bargaining and collective agreements in the regulation of working time in different regions of the world. Unless indicated otherwise, all information are taken from the chapter "Social dialogue and collective bargaining" published in the ILO's General Survey.

[ii] These particularly include Convention No. 106 (Article 1), Convention No. 132 (Article 1), Convention No. 171 (Article 11 (1)), Convention No. 175 (Article 11), and Recommendation No. 116 (Paragraph 3).

Negotiating for decent working time

Collective bargaining processes can be a way to balance, adapt or implement working-time provisions set out in national law and international standards in a mutually beneficial way by the social partners which is particularly important at sectoral and workplace level (e.g. plant level). National legislation often sets maximum limits as well as a general framework for the organization of working time. Collective agreements can then further reduce hours of work and also play an important role in tailoring the organization of working hours and rest periods.

Moreover, collective bargaining on working time can help to reconcile the needs of employers and workers and provide a safeguard for work-life balance and against health risks of excessive working hours and the negative effects of unbalanced flexibility[iii] of working time. Working time arrangements in collective agreements can balance the needs of employers for flexibility and increased productivity while providing protection for workers and avoiding precarious working conditions.

The ILO has identified five significant dimensions for "decent working time" (see text box below).[iv] The application of these five dimensions is likely to vary substantially between countries, sectors and companies. Nevertheless, the guiding principles can provide a basis for developing working time arrangements in collective agreements that can effectively balance workers' needs with firms' business requirements.[v]

Decent working time arrangements should:

- promote health and safety;
- be "family-friendly" and improve workers' work-life balance;
- promote gender equality;
- advance the productivity and sustainability of enterprises; and
- offer workers a degree of choice and influence over their hours of work.

See for more details on decent working time arrangements: Messenger and Wallot, 2019; Messenger 2018, pp. 28 and ILO 2007.

[iii] "Unbalanced flexibility" of working time means one-sided flexibility, which can – due to power imbalances – be to the detriment of workers; particularly in individual employment contracts.

[iv] ILO (2007): Decent Working Time. Balancing Workers' Needs with Business Requirements, Geneva.

[v] See for a practice-oriented guide for implementing decent working time: Messenger and Wallot, 2019.

2 Collective bargaining on working time in different regions and countries

In countries such as Sweden, South Africa and Uruguay collective agreements play a key role in the regulation of working time across the labour market, while in other countries laws on working time are sometimes more prescriptive thus leaving less space for collective bargaining (Lee and McCann, 2011, p. 51). Hence, statutory provisions are much more important for the regulation of working time in these countries.

Table 1 gives selected examples of the scattered evidence on the regulation of working time through collective agreements from different regions of the world.

Table 1: Collective bargaining on working time

Regions	Subjects covered
Africa	Working time is regulated in collective agreements including in the Central African Republic (e.g. in hotels, forestry, public works, banks and urban transport), Mauritania (e.g. gold mines), Morocco (e.g. telecommunications and metal manufacturing), Namibia (e.g. fishing), Sudan (e.g. oil), Togo and Tunisia (e.g. construction and public works, pasta manufacturing and private medical clinics), Benin and Kenya (e.g. for breastfeeding mothers in agriculture) and South Africa (in sectors where there are bargaining councils, which play an important role in regulating working time).
Asia & Pacific	The use of collective agreements to determine working time is rare in emerging countries in Asia, with collective bargaining, where it exists, occurring predominantly at the enterprise level. In Australia, working time arrangements in enterprise agreements can include, e.g. compressed working weeks (e.g. health and social assistance sector), hours averaging (e.g. retail sector) and flexi-time (e.g. public service sector).
Europe & Central Asia	In most of the Member States that joined the EU prior to 1995, collective bargaining plays an important role in the definition of the main working-time provisions, such as normal weekly working hours. In Eastern Europe and Central Asia, collective agreements regulate working time including in the following countries: Azerbaijan, Bosnia and Herzegovina, Croatia, Hungary, Latvia, Russian Federation, Slovakia, Slovenia, Turkmenistan, Ukraine, and Uzbekistan.
Americas & Caribbean	Collective bargaining on working hours is prevalent for example in Argentina, Brazil, Canada, Chile, Cuba and Guatemala (e.g. in food and pharmaceutical manufacturing, the civil service and local government), Honduras and Mexico (e.g. electricity, oil, public services, airlines and universities) and Uruguay (in the wage councils established in most sectors). In the United States collective bargaining over hours of work covers e.g. airlines, construction, retail trade, agriculture and security, and some agreements provide for minimum notice of schedules, minimum hours for part-time workers or other provisions that give employees a greater say in their schedules.
For a more comprehensive overview on the regulation of working time through collective bargaining in different regions of the world, see the ILO's General Survey on Working Time, pp. 279-283.	

Working-time regulation across different bargaining levels

One function of collective agreements is to specify and provide for more favourable working conditions relative to minimum standards established by law. In most countries, fairly comparable rules apply to the hierarchy of sources of law in relation to statutory provisions, the various types of collective agreements and individual employment contracts (ILO, 2018, p. 280). Acts (e.g. by parliament or congress) have priority over collective agreements and company rules, and collective agreements have priority over company rules and contracts of employment.

In many countries this hierarchical order is combined with the principle of favourability – if provisions at a lower level of the hierarchal order contain standards that are more favourable to employees – then these should apply, thereby ensuring that the most favourable treatment prevails (Marginson, 2016, p. 1045). This is line with guidance provided in the Collective Agreements Recommendation, 1951 (No. 91) which states that "[s]tipulations in such contracts of employment which are contrary to a collective agreement should be regarded as null and void and automatically replaced by the corresponding stipulations of the collective agreement." The combination of the hierarchical order combined with the favourability principle has been seen as an important safeguard for workers, recognizing the inequality of bargaining power existing between the parties in an employment relationship (Wedderburn, 1992, p. 249).

In some countries, the application of the principle of favourability is more nuanced when considering the relationship and coordination between different levels of collective agreements. If permitted, collective agreements can include clauses allowing adjustments to working-time arrangements at the enterprise level. While the principle of favourability continues to apply in most EU countries, there have been changes to the distribution of working-time issues across the various bargaining levels since the Economic Crisis in 2008 (Cabrita et al., 2016). In France, enterprise collective agreements may include working time provisions that differ from those of higher-level agreements since 2016. In Spain, a legal reform in 2011 opened up the possibility of company-level collective agreements making adjustments to terms contained in sectoral agreements in relation to issues such as remuneration or compensation for overtime, the specific remuneration for shift work, work schedules and the distribution of hours of work, the scheduling of annual leave periods, and measures to promote work-life balance. However, in this case, the Committee of Experts on the Application of Conventions and Recommendations noted that, "with a view to promoting the full development and utilization of collective bargaining machinery, it is necessary to emphasize [that] (ii) the determination of the bargaining level is essentially a matter to be left to the discretion of the parties; (iii) the adoption of procedures which systematically favour decentralized bargaining of less favourable clauses which replace clauses agreed at a higher level may result in the overall destabilization of collective bargaining machinery […]".[vi]

3 Collective agreements: key regulatory issues regarding working time and rest periods

Collective agreements may deal with topics such as: the standard (or normal) number of hours of work in a day or a week, or some other period; the times of the day that are considered standard; maximum hours or overtime (additional hours beyond normal hours); compensation for overtime and for atypical hours, such as nights; weekly rest days, such as Saturdays and days reserved for religious services (e.g. Fridays or Sundays) and rest periods (e.g. meal breaks and continuous hours between work shifts) as well as annual leave. However, as mentioned above, the importance and content of working time issues in collective bargaining varies between regions, countries and sectors. The following section organizes in more detail selected examples on the regulation of working time through collective bargaining in different countries of the world categorized by key regulatory themes.

Duration of working time

Hours of work

In **Uruguay**, collective agreements are concluded at the sectoral level. For example, the Collective Agreement for Power and Transmission Plants contains detailed provisions on the length of the working day and week, establishing a 40-hour working week from Monday to Friday, with the exception of employees on rotating shifts and those who are "on call" (ILO, 2018, p. 283).

A collective agreement for the public sector in Ontario, **Canada**, delegates detailed provisions on regular hours of work to the collective agreements of single bargaining units[vii], which means that arrangements respecting variable workdays or weeks can be made at the local or ministry level (ILO 2018, p. 283).

Overtime work

According to the Reduction of Hours of Work Recommendation, 1962 (No. 116) "[a]ll hours worked in excess of the normal hours should be deemed to be overtime […]." Regulations on overtime usually set two thresholds (ILO 2004, p.1). First, the maximum standard working time (often called "normal hours") defining hours above this threshold as overtime. Second, the maximum total working time, including overtime. Moreover, it is crucial to distinguish between paid overtime which may include additional premiums and unpaid overtime.

For example, in **Germany**, the 2016–2017 collective agreement between the trade union IG Metall and the North Rhine-Westphalian employers in the metal industry stipulates a normal weekly working time of 35 hours.[viii] The agreement allows for the conclusion of company agreements making it possible to work a maximum of 10 hours per day or 60 hours per week. Overtime premiums range from 25 per cent for the first two daily hours of overtime and go up to 150 per cent

[vi] Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Spain (Ratification: 1977).

[vii] A bargaining unit is a group of employees with identifiable community of interests who are represented by a single trade union in collective bargaining (e.g. white collar workers in the public sector). The bargaining units define who is covered by collective agreements. The concept of bargaining units originates from the United States of America and Canada.

[viii] https://metall.nrw/fileadmin/_migrated/content_uploads/wages_schedule_2016_2017_01.pdf [accessed on 4.11.2019].

[ix] If a worker has an hourly wage of EUR10, she would receive EUR12.50 including the overtime premium of 25 per cent premium. The worker would receive EUR25 per hour including the overtime premium of 150 per cent.

[x] https://wageindicator.co.uk/advice/collective-agreements-database/tesco-partnership-agreement-with-usdaw---2016 [accessed on 4.11.2019].

for some bank holidays[ix] (Anxo and Karlsson 2019, pp. 14). In **Great Britain**, a collective agreement in the retail sector stipulates that "[a]ny overtime worked is voluntary and all hours worked should be paid at the colleague's contractual premium rate, even if overtime is worked in a lower graded role."[x] Moreover, time in lieu of pay should only be offered when the employee requests it.

Night work

Different aspects of night work are covered by collective agreements in certain countries. For example, in **Zimbabwe**, although "night" and "night worker" are not defined by law, various provisions in collective agreements contain definitions of "night shifts", which differ by sector in terms of the time when the night shift starts. In a collective agreement in the security sector, "night work" is defined as the shift that starts at 6 p.m. and finishes at 6 a.m. in the morning. The employer can vary the starting and finishing times, on the condition that working hours do not exceed 12 hours in any shift.[xi]

In **Denmark**, a collective agreement in the private sector provides that the night period is defined as being between 11 p.m. and 6 a.m. Night workers are defined as employees who normally carry out at least three hours of their daily work, or at least half of their annual hours of work, during the night period. Before employees start employment as night workers they shall be offered free health checks.[xii] In **Togo**, an Interoccupational Collective Agreement provides that workers performing at least six hours of work at night have the right to an allowance that is equal to three times the hourly wage of ordinary workers in the establishment (ILO, 2018, pp. 161).[xiii]

Part-time work[xiv]

In **Switzerland**, a collective agreement in the private sector provides that if workers wish to change their normal number of hours of work, the employer must review their request with regard to its compatibility with operational requirements. In the case of part-time workers, the hours worked in excess of their specified weekly working time over five additional hours a week are paid with a bonus of 25 per cent of the respective basic rate (ILO, 2018, p. 283). In **Cabo Verde**, the collective agreement in the telecommunication sector allows workers with disabilities and student workers to request to work part-time (ILO, 2018, p. 283).

Minimum hours and advance notice periods

In Ontario, **Canada**, the United Food and Commercial Workers International Union has negotiated scheduling provisions for hourly and part-time workers with a major grocery chain (McCrate, 2018, pp. 37). Prior to the agreement, part-time employees were informed of their work schedules three days in advance. The 2015 collective agreement requires employees to be given advance notice of their weekly schedules of at least ten days. In **New Zealand,** the Unite union led a successful campaign in the fast food industry, where most workers were recruited under zero-hours contracts and "overhiring"[xv] was a widespread practice (Campbell, 2018). Unite negotiated collective agreements with the major fast food chains, which include minimum-hour guarantees. Although the detailed provisions vary, a key component is the guarantee for current workers to work at least 80 per cent of the hours worked over the previous three months. Since 2016, zero-hours contracts are legally restricted in New Zealand.

Rest periods

Daily workplace rest breaks (e.g. meal breaks)

Normal daily workplace rest breaks are periods of time in their hours of work when workers can pause away from their workstations. Such breaks are short in duration (e.g. 10–30 minutes) and are usually unpaid. They normally take place after a worker has worked a minimum number of hours. While meal breaks may often be regulated by legislation, the right to other rest breaks (e.g. coffee or tea) may only happen in agreement between employers and workers or through collective agreements. In general, meal breaks should be uninterrupted and away from the workstation. In principle, employees who are required to work during their meal breaks, should be paid for the period that they work, as a normal working hour (Jolkkonen and Ghosheh, 2016).

For example, in **Poland**, workers are legally entitled to a rest break included in their hours of work if their daily working time is six hours or more. Collective agreements can entitle them to an additional break that is not included in their hours of work (ILO, 2018, p. 14). In **Finland**, a collective agreement in the paper industry provides workday breaks and guarantees a break room, which has to be provided for by the employer. The regular daytime work breaks include two 10-minute breaks and a 1-hour rest period, during which workers may leave the premises (Jolkkonen and Ghosheh, 2016).

[xi] Collective agreement between the Zimbabwe National Security Association and the Zimbabwe Security Guard Union and Private Security Workers Union, concluded in 2012.

[xii] 2014/2017, National Collective Agreement, Salaried employees' collective agreement for trade, knowledge and service between Dansk Erhverv Arbejdsgiver and HK/Privat and HK Handel.

[xiii] Clause 35 of the Interoccupational Collective Agreement of Togo, of December 2011.

[xiv] Part-Time Work Convention, 1994 (No. 175).

[xv] "Overhiring" involves taking on numerous part-time workers to cover a large range of operational hours and to fill any scheduling gap due to absences or fluctuations in demand. For the employees themselves, this often means that they cannot work enough hours to sustain themselves and their families.

Daily workplace rest breaks may be paid or unpaid

Time for meal breaks and other rest breaks can be addressed in legislation, but the period may be unpaid. However, some collective agreements include paid breaks. For example, in the **Philippines**, many collective agreements provide for one or two 15-minute snack or rest breaks. Moreover, collective agreements can include paid meal breaks, such in the hospital sector in the Philippines where a 30-minute meal break is usually considered as part of hours worked (Serrano, 2019, p. 17). In **South Africa**, a collective agreement established by the Statutory Council for the Fast Food, Restaurant, Catering, and allied trades of 2013–2016 guarantees a minimum 1-hour meal break for employees working over five hours. In general, this break should be uninterrupted. In case an employee is required to work during a meal break, it must be paid (Jolkkonen and Ghosheh, 2016).

Daily rest

Daily rest is a continuous period of time away from work between work shifts, which legislation may address. For example, the European Union Working Time Directive (which is applicable in 27 EU member countries), specifically requires a minimum daily rest period of 11 consecutive hours per 24-hour period.[xvi] In a number of countries the duration of daily rest periods may also be regulated or divided by collective agreements, such as in **Estonia** and **Iceland** (ILO, 2018, p. 59).

Weekly rest days[xvii]

Weekly rest refers to a minimum break of at least 24 consecutive hours from work within a seven-day period. This has been addressed in international labour standards and in national legislation.[xviii] However, collective agreements may provide additional periods of weekly rest time. For example, in the **Philippines**, collective agreements in different sectors (e.g. in the financial and health sectors) improve the legal minimum by providing two rest days per week (Serrano, 2018). In some countries the collective agreement may address compensation if a worker is asked to work during their rest day. For instance, in **Togo**, a collective agreement provides additional pay if work is undertaken during the weekly rest period (Vazhynska, 2017).

The nature of work in a sector may require changes at which day a weekly rest can be taken and collective agreements have been used to address these concerns. A notable sector where this takes place is in offshore work. For example, in **Argentina**, a collective agreement for construction workers in oil and gas rigs provides that, when workers stay in the camp or offshore for a longer uninterrupted time period, they shall be granted a compensatory rest of nine days for every 21 days effectively worked (ILO, 2018, p. 89).

Annual leave[xix]

Annual leave is a vacation or holiday period, consisting of consecutive days or weeks off work, which is typically paid. National law often determines a minimum period of paid annual leave, which can be increased and/or addressed with sector specific details through collective bargaining. For example, labor legislation in **Azerbaijan**, **Bulgaria** and **Cameroon** explicitly allows for paid annual leave of a duration longer than the statutory minimum in collective agreements (ILO, 2018, p. 115). In **Côte d'Ivoire**, collective agreements determine the period of the year that is most appropriate for annual leave, taking into account seasonal variations of business activity (ILO, 2018, p. 107).

Public holidays

Public holidays are set by governments for cultural, religious or historical reasons. Public holidays are a form of rest days that may often have to be adjusted if organisational needs require continuous operations; collective agreements usually have provisions to address this issue. For example, in **Denmark**, the standard collective agreement in the financial sector provides that if a worker agrees to work during a workday that falls on a public holiday, then equivalent compensatory time-off shall be given.[xx]

[xvi] Article 3 of DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 November 2003 concerning certain aspects of the organisation of working time.

[xvii] Weekly Rest (Industry) Convention, 1921 (No. 14).
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106).
Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153).

[xviii] See the ILO Weekly Rest (Industry) Convention, 1921 (No. 14) (currently ratified by 120 countries) and the ILO Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) (currently ratified by 63 countries).

[xix] Holidays with Pay Convention (Revised), 1970 (No. 132).

[xx] https://www.nordea.com/Images/34-204039/Standard_collective_agreement_2017_en.pdf [accessed on 7.5.2019].

Working-time arrangements

Time banking

The concept of "time banking" involves keeping track of hours worked in "accounts" for individual workers, thereby increasing the flexibility of working hours over years or even decades, provided the worker stays within the same company. Time banking permits workers to build up "credits" or accumulate "deficits" in the hours worked, up to a maximum amount, which can then be "spent", usually in accordance with specific rules. In the **Czech Republic** labor legislation stipulates a basic framework of time banking arrangements, and the implementation is largely left to agreements between workers and employers in collective agreements (ILO, 2018, p. 253).

Work Sharing

Work sharing is a temporary reduction of working time intended to spread a given volume of work over a larger number of workers with a view to avoiding lay-offs, or to increasing employment (Messenger, 2009). Work sharing is sometimes also referred to as "dismissing hours, not workers". In **South Africa,** 15 of 38 bargaining council agreements contain clauses on "short time" work, which is generally defined as a temporary reduction in the number of ordinary hours of work due to a lack of business in the trade, a breakdown of plant, machinery or equipment, or a breakdown or threatened breakdown of buildings, with a view to preserving employment. The agreements also limit the related reduction in earnings, so that they do not exceed one third of the employees' wages (Elsey, 2017).

Gender equality

Collective bargaining can be an important entry point in the search for joint solutions on specific gender-related issues (Pillinger et al, 2016; ILO, 2019a). The following table presents selected examples from collective agreements addressing different dimensions of gender equality in working time: organizing parental leave, domestic work, working time and family responsibilities and special leave for victims of domestic violence (see table 2).

Table 2: Collective bargaining and legal changes in working time regulation

	Examples for recent important legal changes
Parental leave	In **Sweden**, parents are entitled by law to parental benefits for a total of 16 months, of which up to three months leave cannot be transferred from one parent to the other. For example, if only the mother takes parental leave, she is only entitled to 13 months. However, if the second parent takes at least three months, the entitlement is 16 months in total. For 13 months the parental benefit is equivalent to almost 80 per cent of normal pay, with a ceiling for high salaries. Most collective agreements for professionals include supplementary compensation during parental leave.[xxi]
Domestic work	Domestic work is one of the sectors that is often excluded from provisions in labour law. Therefore, for example, in **France**, a collective agreement for domestic workers covers public holidays and paid annual leave (Hobden, 2015, p. 7).
Working-time and family responsibilities	In **Mexico**, a collective agreement at the National Autonomous University of Mexico establishes a specific benefit for a change in working hours during the winter, in accordance with the changes in school hours in the country.[xxii] Collective agreements in **Uruguay**[xxiii] and **Ukraine** allow working parents to reduce working time if they have young children, while collective agreements in other countries (including the **Russian Federation** and **Uzbekistan**) limit this right to working women only (ILO, 2018, p. 286).
Special leave for domestic violence	In **Australia**, the first domestic violence leave clause was negotiated between the Services Union, the Victorian Authorities and Services Branch, and the Surf Coast Shire Council in 2010, which envisaged up to 20 days paid domestic violence leave. The leave is intended to enable victims of domestic violence to seek medical assistance and legal advice, and to organize housing for themselves and their children. By 2015, a total of 944 agreements in Australia contained a domestic violence clause (McFerran, 2016). Since 2019, the ILO's Violence and Harassment Convention, 2019 (No. 190)[xxiv] explicitly recognizes the effects of domestic violence on the world of work and asks for the mitigation of the negative effects by means of national laws as well as through collective agreements.

Source: See in particular Pillinger et al, 2016.

[xxi] For example, see the industry-wide agreement for the energy sector 2013–16, concluded between the EFA – the Swedish Energy Employers' Association and the Swedish Association of Graduate Engineers (Sveriges Ingenjörer), the Swedish Association for Managerial and Professional Staff (LEDARNA) and the Union of Service and Communication Employees (SEKO).

[xxii] Collective agreement between the National Autonomous University of Mexico (UNAM) and the Union of Workers of the National Autonomous University of Mexico (STUNAM), concluded in 2016, Title II, clause 27.

[xxiii] Collective agreement between the Union of Public Employees of Uruguay (COFE) and the Government of Uruguay, concluded in 2016.

[xxiv] Violence and Harassment Convention, 2019 (No. 190).

4 Innovative solutions for the regulation of working time and rest periods

Working time has always been one of the key subjects in collective bargaining. Looking to the future, challenges for the regulation of working time and rest periods can specifically arise in the areas of new information and communications technologies and the expansion of the "gig" or platform economy. In recent years, collective bargaining on working time has concentrated on the design of flexible working hours, which can include additional operational flexibility for employers as well as enhanced employee-choice regarding working time arrangements. Workers have various different needs for working time arrangements and technology has the potential to expand employee-oriented flexibility and promote a balance between work and personal life. The following sections provide examples how employers and their organizations are engaging with workers' organizations to develop innovative approaches to a human-centered regulation of working time through collective bargaining.

Impact of digitalization/new information and communications technologies (ICTs) on working time arrangements

New information and communications technologies (ICTs) can enable more flexible working time arrangements and schedules. As a result working hours are becoming more flexible, decentralized and individualized in recent years (Eurofound/ILO, 2017, p. 23). ICTs have the potential to facilitate a more "efficient" organization of working time from the employers' perspective, while at the same time improving work-life balance for employees (Eurofound/ILO, 2017, p. 1).

However, new technologies (such as smartphones and tablet computers) can also create pressures that come with the blurring of boundaries between working time and private time resulting in negative health effects and work-life conflicts (Messenger, 2018, p. 19). Employers' and workers' organizations face the challenge to negotiate innovative ways to limit maximum working hours and improve work-life balance in this new context. In a few countries the social partners are experimenting with regulations in collective agreements that reflect a new policy approach, known as the "right to be disconnected" (Messenger, 2018, p. 29).[xxv] This can include limiting the functioning of company e-mail servers after normal working hours, as well as during weekends and holiday periods (ibid). In **France**, the labour code was amended with a specific article on the right to be disconnected (le droit à la déconnexion).[xxvi] This law requires the social partners in companies with more than 50 employees to negotiate with employee representatives the use of ICTs, in order to ensure respect for rest and holiday periods of workers and their personal and family lives (ibid).

Impact of "gig" and platform economy on the understanding of working time

The emergence of digital labour platforms relies heavily on ICTs and appears to be undergoing a rapid expansion in many countries (Berg et al., 2018; Messenger, 2018, p. 22). ICTs are gaining in importance in industrialized countries, but due to lower cost and improved connectivity, ICT-enabled platform work is likely to becoming even more prominent in developing countries (ILO, 2018, p. 263). Nevertheless, in 2019, in most countries only a small fraction of the workforce was engaged in the platform economy.

Working time autonomy is a strong motivation for many people working in the platform economy (Berg et al., 2018, p. 67). However, while the platform economy offers more working time control, it also poses new challenges such as high levels of unpaid task-search time, an insufficient availability of tasks, as well as the encroachment on rest periods (Berg et al., 2018, pp. 62, 66; ILO, 2018, p. 274).

Platform workers face many barriers for organizing and effectively engaging in collective bargaining (Johnston and Land-Kazlauskas, 2018). Nevertheless, there are several examples of negotiations and innovative collective agreements in the platform industry.[xxvii] In **Denmark**, the union 3F concluded a collective agreement with the app Hilfr.dk, a platform for cleaning services in private homes (Vandaele, 2018, p. 23).[xxviii] The agreement reconfirms that rules on working time, rest periods and 24-hour rest periods in force are in accordance with this collective agreement.[xxix]

[xxv] See as well: Eurofound/ILO, 2017, pp. 50.

[xxvi] Article L2242-8, modified by Law no. 2016-1088 of 8 August 2016, article 55 (V).

[xxvii] Eurofound provides a repository on the platform economy providing an overview of the various initiatives that exist in relation to activities in the platform economy: https://www.eurofound.europa.eu/data/platform-economy/initiatives [accessed on 9.4.2019].

[xxviii] Collective agreement between Hilfr ApS. and 3F Private Service, Hotel and Restaurant.

[xxix] Workers automatically qualify for the terms and conditions of the collective agreement after 100 hours. However, they have the option to "opt out" (i.e. stay an independent contractor) at any time.

Innovative solutions: choice and influence for workers on working time arrangements through collective agreements

In **Germany**, some collective agreements allow covered workers to choose between additional pay or a reduction in working time. The pioneer agreement was concluded in December 2016 between the Rail and Transport Union (EVG) and the railway company Deutsche Bahn AG (Bispinck, 2017, p. 51). This agreement allows employees to choose between either a 2.6 per cent pay rise, a shorter working week, or six days' additional holiday each year (Schulten, 2019, p. 14). About 56 per cent of the workforce chose the additional holiday, 42 per cent took the pay increase, and just two per cent opted for the shorter working week (EVG, 2017). Looking to the future, the choice for employees between additional pay or reduced working time might in some industry branches become the norm in collective agreements in Germany (Schulten, 2019, p. 26).

Ibsen and Keune (2018) report similar approaches giving individual employees flexibility to choose between money and time in collective agreements in **Denmark** and the **Netherlands** (Ibsen and Keune, 2018, pp. 22, 28). In the Netherlands, these type of "à-la-carte" regulations usually offer employees different options: e.g. to exchange money for free time (e.g. using holiday allowances or bonuses) or exchange free time for money, e.g. by "selling" available annual leave days (without going below the legal minimum of holidays). In Denmark, collective agreements include "à la carte-accounts" from which individual workers can choose between e.g. extra wage, extra pension contributions, time off for senior workers, or extra paid time off.

5 Conclusions

Collective bargaining can be crucial for achieving decent working time. The ILO's Centenary Declaration of 2019 stresses that "[…] enabling workers and employers to agree on solutions, including on working time, that consider their respective needs and benefits; […]" is crucial for achieving gender equality and to further developing a human-centered approach for the future of work (ILO 2019c). Prior to this the Global Commission on the Future of Work identified in its report the need to expand time sovereignty (ILO, 2019b, p. 40). Workers need greater autonomy over their working time and those arrangements have to address the needs of enterprises as well.

In countries with mature systems of industrial relations, collective bargaining processes play a key role in the regulation and organization of working time and the social partners negotiate tailored and innovative working time arrangements that reconcile the needs of workers with those of employers. Collective agreements can give additional flexibility in the application of working time arrangements and allow enterprises to adapt to changing economic conditions while allowing workers to be involved in the change process and create "ownership" with working time arrangements that can benefit workers and employers.

However, collective agreements usually do not regulate working time in isolation. Statutory regulation works alongside collective bargaining. In many countries laws are the primary regulatory mechanism for working time. Nevertheless, there are a variety of practices illustrating the emergence of innovative regulatory mechanisms in collective agreements in different parts of the world, which are designed to match the diverse needs of individual workers while promoting sustainable enterprises.

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