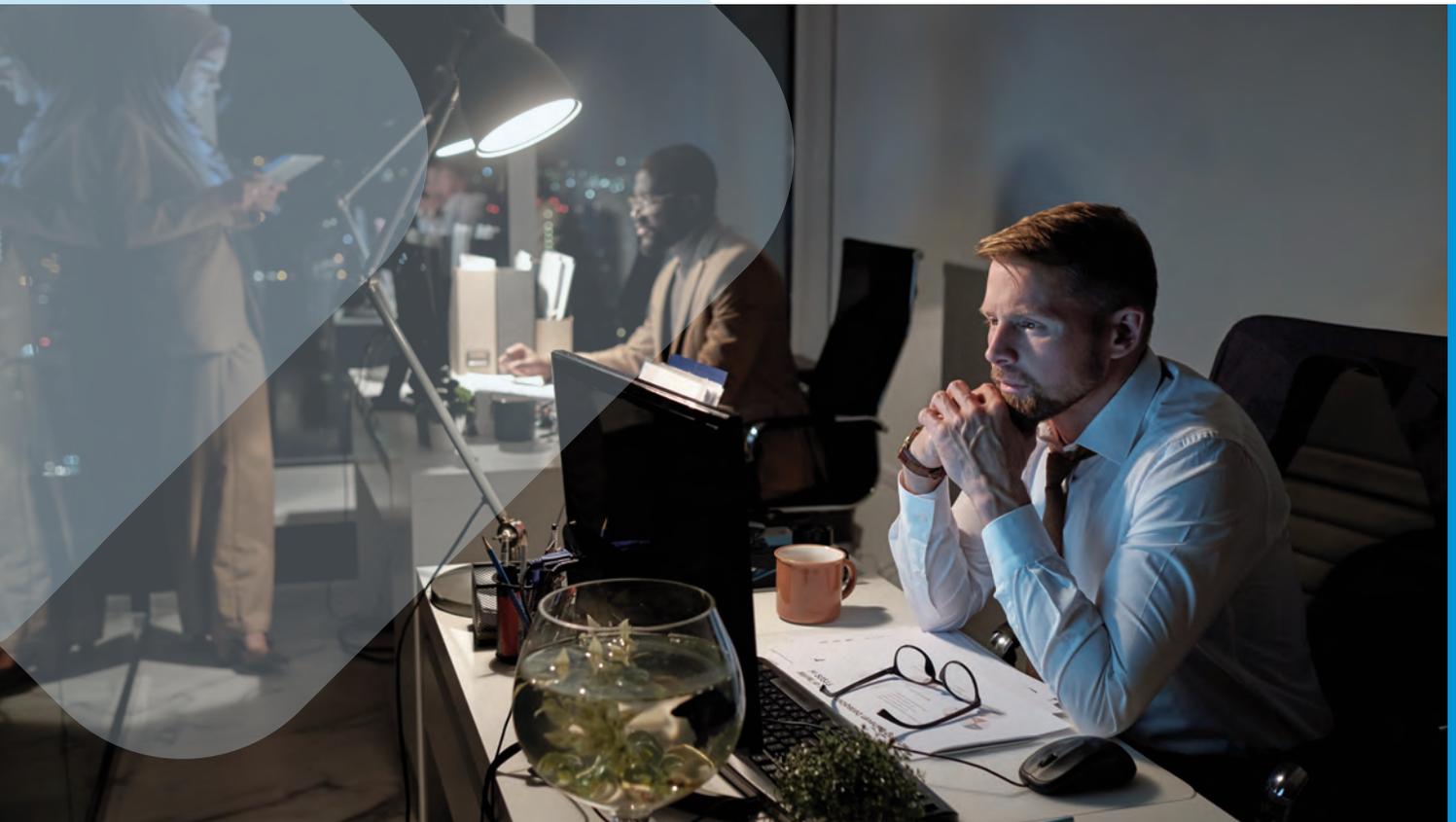


Industrial relations and social dialogue

Overtime in Europe: Regulation and practice



Overtime in Europe: Regulation and practice



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While Eurofound acknowledges that the concepts of gender and sex are different, in this report, unless otherwise stated, gender is used to denote female and male characteristics.

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Introduction

Despite the well-known adverse effects of regular long working hours on workers' health, well-being and performance, many workers in the EU work beyond the parameters established in their employment contracts and in regulations or legislation. A significant part of this work beyond normal hours is classified as overtime, which is an aspect of working time regulated in all the EU Member States.

Overtime represents different things to different actors. For employers, overtime is one of the tools in their flexibility toolbox through which adjustments to production capacity can be made relatively quickly – by adjusting the working hours of those already employed. A surge in demand can, for example, be addressed through an increase in production capacity achieved through an increase in time worked beyond employees' normal working hours. This increase in working hours is overtime. For workers, overtime may represent additional income and/or time off in compensation, but it can also mean less free time, reduced rest time, poorer work–life balance, increased fatigue and so on. Therefore, it can impact on the health, well-being, satisfaction and work performance of workers engaged in this activity.

According to Eurofound's European Industrial Relations Dictionary, overtime work is

work performed by an employee in excess of the normal hours of work which has been officially requested and approved by management. It is work that is not part of an employee's regularly scheduled working week and for which an employee may be compensated.

The European Working Time Directive (Directive 2003/88/EC) imposes limits on overtime through its provisions on maximum weekly working time (48 hours, including overtime) and a minimum daily rest period (11 consecutive hours per 24-hour period). However, the directive does not define overtime or explicitly require Member States to implement provisions dealing with it.

Although it is not a recurrent matter of negotiation or debate, overtime occasionally comes to the fore because of changes in its regulation or cases of misuse and the potential detrimental consequences for workers and the quality of their work. It has, for instance, been the subject of recent debate in Spain, giving rise to important legislative reforms that have changed how working time is defined, monitored and recorded (Eurofound, 2019, p. 6).

With the COVID-19 pandemic, interest in and concern about long working hours, which may or may not be recorded as overtime and for which workers may or may not be compensated, increased once more. This was because of the sudden escalation in the number of people working from home – this group tended to work longer hours than those working from their employers' premises (Eurofound, 2021a) – and the increased demands on those working in essential services such as healthcare. Although overtime is a relatively common phenomenon, there are no publicly available harmonised regular data quantifying overtime – as hours worked in excess of normal working hours – in the European Union.

This report is largely based on national data from all the EU Member States, Norway and the United Kingdom (UK), provided by the Network of Eurofound Correspondents in response to a standard structured questionnaire (see Annex 1). It is structured around three main objectives.

- First, the report gives a comparative overview of how overtime is regulated in the EU Member States, Norway and the UK, including how it is defined, limits on its use, how workers are compensated for it and how regulations are enforced.
- Second, it assesses the extent of the phenomenon in the EU, in terms of both the shares of workers performing overtime and the number of hours worked beyond normal hours. It explores the factors that explain the phenomenon and examines the potential consequences for workers and companies.
- Finally, it provides an account of current debates on the topic and investigates the reasons for those debates.

1 Regulation of overtime

This chapter provides an overview of how overtime is defined and regulated in the Member States of the EU, Norway and the UK. It summarises information on the regulations governing overtime work (the sources of law) and their general provisions (the conditions they establish for overtime to be approved, the limits they place on overtime work and requirements regarding compensation); any derogations or exceptions applying to particular groups or in specific circumstances; and arrangements for enforcement, including sanctions for non-compliance.

This is not the first time that Eurofound has compared the ways in which overtime is regulated in the EU. In 2003, it published a comparative report which set the scene as follows:

It is very difficult to identify a single typical situation in the Member States. However, to the extent that there is a widely-shared framework for the regulation of working time schemes, this involves the legislator setting the rules for maximum working time, on the basis of which negotiators agree actual working time schemes. Usually, legislation sets, de facto, two thresholds. The first ... referred to as the 'norm' ... is a threshold marking the point at which overtime begins, with the legislator setting the minimum premium pay rate or time off in lieu that must compensate the hours worked beyond this threshold. The second sets a maximum of allowable overtime or a maximum daily or weekly limit for working hours that cannot be exceeded. Within this regulatory framework, negotiators decide on the actual working time scheme, and which rules on extra pay or time off in lieu should apply. In some cases, negotiators also have the authority to move the thresholds.

(Eurofound, 2003)

In the intervening years, the flexibilisation of working time and its regulation, which was in fact already allowed for by the EU Working Time Directive of 1993, has somewhat undermined the notion of a clear threshold marking the point at which overtime begins and attracts a premium in payment or time off in lieu. In line with the Working Time Directive,¹ which allows deviations from its provisions through collective agreement, it is not unusual for working time schemes to allow considerable variation in weekly hours over a given reference period, and in this context for weekly

hours above the 'norm' not to attract any premium payment. However, the second threshold referred to above, the overall limit on overtime or on overall daily or weekly working hours, remains highly relevant (Eurofound, 2021b). It is in this context that the Working Time Directive plays a part in the regulation of overtime. The directive imposes limits on overtime through its provision of a maximum weekly working time – 48 hours including overtime – and by stipulating a minimum daily rest period of 11 consecutive hours per 24-hour period. There are three types of derogations from those limits:

- derogations related to specific roles, such as managing executives or others with autonomous decision-making powers or doctors in training, or to specific activities or situations (for example, activities requiring a permanent presence such as work in security/surveillance, or press, radio or television), shifts and split work, and so on
- derogations by means of collective agreement, in which employees and employers agree on certain deviations from the directive
- derogations by means of Article 22 of the directive, also known as the 'opt-out provision', by which Member States have the option to not apply the maximum working week threshold, while respecting the general principles regarding the protection of the safety and health of workers (Eurofound, 2015)

Many of the general points made in Eurofound's 2003 report remain valid. In most Member States, the legislator establishes a framework setting out the rules on maximum working time, and within this framework negotiators at various levels establish detailed arrangements for actual working time. Beyond this, however, there are different approaches to regulating overtime among the Member States. Some approach overtime as a topic of regulation in itself, while others address it as a component of the more general regulation of working time. Furthermore, the regulations treat overtime work differently in different countries. In some, the default view is that working overtime is a normal part of the duties of an employee, who should therefore make himself or herself available for it. In others, overtime is seen as exceptional, and to be authorised only under specific circumstances.

1 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.

Definition and general provisions

In most Member States, the regulation of overtime is based on legal provisions – the main exception being Denmark, where collective bargaining is the primary means of regulating overtime work, and where, if the employee is not covered by a collective agreement, any conditions are set by the individual employment contract. The main legal reference may be the labour code or an equivalent fundamental basis of labour law (countries where this is the case include Bulgaria, Hungary, Latvia, Lithuania, Luxembourg and Poland), or it may be specific legislation. Examples are the Working Time Act (Austria); the Employment Contracts Act (Estonia); the 2002 Employment and Industrial Relations Act, supplemented by regulations in 2003 and 2012 (Malta); and, outside the EU, the 2005 Working Environment Act (Norway). Countries where both the labour code and specific legislation are cited as relevant include Czechia, France, Romania and Slovakia. In countries that regulate overtime through such a legal framework, it is typically supplemented by collective bargaining and/or company-level social dialogue – although it is worth noting that the coverage of collective bargaining varies significantly across countries, and hence the shares of workers affected by such supplementary agreements also differ substantially. Furthermore, as is the case in the Netherlands, the legislation may not explicitly refer to overtime but nevertheless act to regulate its use through the regulation of working time more broadly.

It should be stressed that the specifics of regulating overtime must be seen against the backdrop of the more general rules on the overall limits on working time, requirements for rest breaks and the like, for it is only in the context of an understanding of what constitutes ‘normal’ working time that the concept of overtime is meaningful.

The general legal framework indicates whether overtime work is considered a normal obligation on a worker or, rather, an exceptional measure to be used only in specific circumstances. In practice, an employer can usually require an employee to work overtime under specific circumstances (such as an emergency) and otherwise, within defined limits, provided that certain conditions are met. However, differences in approach can be seen between countries where the starting point is to consider overtime work as abnormal (such as Bulgaria, Czechia and Norway), countries

where an employer can require a worker to work overtime under normal circumstances (Estonia, Hungary and Malta) and countries where there is no general legal prescription on the matter (Ireland, the Netherlands and the UK).

In Greece, overtime is distinguished from ‘overwork’, which is work that can be required at the employer’s discretion (the employee cannot refuse): up to an additional five hours per week (from the 41st to the 45th hour) for employees working five days per week, or eight hours (from the 41st to the 48th hour) for those on a six-day working week. Compensation takes the form of a pay premium that is lower than that for overtime (20% for the former and 40% or more for the latter). Similarly, in Finland overtime (in Finnish *ylityö*) is distinguished from ‘additional work’ (*lisätyö*). Additional work is work that exceeds the working hours agreed either in the individual employment contract or in a collective agreement but does not exceed the daily (8 hours) or weekly (40 hours) working hours defined in the Working Time Act (for instance, extra hours worked by a part-time employee up to 8 hours per day or 40 hours per week). Pay for additional work must be equal to regular pay. The definition of overtime depends on how regular working time is organised and may be based on hours worked over a day, a week or a period of several weeks.

The obligation for a worker to work overtime to respond to the requirements of public order or similar national exigencies is not unusual.² It is explicitly mentioned in the legal frameworks that apply in Bulgaria, Germany, Latvia, Lithuania, Luxembourg, Poland, Slovakia and Slovenia (Table 1). Similarly, in most countries workers are obliged to work overtime to meet the needs of the employer, although the regulations often make reference to specific circumstances: *force majeure* (Belgium, Croatia and Romania); workload requirements (Belgium, Croatia and Slovakia); extraordinary, special or exceptional circumstances (Czechia, Denmark, Latvia, Lithuania, Norway and Sweden); the prevention of damage (Estonia); or to deal with the consequences of an accident (Romania). Work that cannot be completed in regular working hours and intensive seasonal work are considered adequate grounds for requiring overtime in Bulgaria; however, a higher than usual workload or an increased demand for goods or services does not count as an emergency warranting an obligation to work overtime in Germany.

² The following examples of such requirements apply in Bulgaria: (1) to perform work related to national defence; (2) to perform work by employees of the Ministry of the Interior related to elections, preparation of expertise and psychological assistance in operational and search activities, and resolving critical situations, as well as other work related to security and the protection of public order; (3) to prevent, control and mitigate the consequences of disasters; and (4) to perform urgent publicly necessary work to restore water and electrical supply, heating, sewerage, or transport and communication links, and to provide medical assistance.

Table 1: Obligation to work overtime and right to refuse overtime work in the EU27, Norway and the UK

Obligation to work overtime/right to refuse	Countries
Obligation due to public requirements	Bulgaria, Germany, Latvia, Lithuania, Luxembourg, Poland, Slovakia and Slovenia
Obligation due to employer requirements	Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK
Right to refuse in specific circumstances	Austria, Croatia, Denmark, Italy, Norway and Portugal

Source: Network of Eurofound Correspondents

Procedures aiming to provide protection to the workers concerned place limits on overtime requirements. These include (in various combinations) prior notification of the relevant enforcement agency (in Belgium and Latvia, for example) and the details of the obligation being set out in the individual employment contract and/or applicable collective agreement (Austria, Denmark, France, Germany, Ireland, Lithuania, the Netherlands, Norway, Spain and the UK). In Germany, overtime work requires the agreement of the employer and the employees through the individual work contract, or by works or collective agreement. In Luxembourg, consultation of the staff delegation or, failing that, the employees concerned is required. In other countries, the specific consent of the employee or employees concerned is required, either orally or in writing (in Austria, Finland, France, Luxembourg and Slovakia, for example). In some cases, the written consent of the employee to work overtime is required if they are to work beyond specific limits (10 hours per day or 50 hours per week in Austria; 48 hours per week in Malta). In Finland, employee consent is required every time overtime is requested (although consent that covers a short set period is permissible for work organisation purposes).

Workers are specifically granted the right to refuse overtime in a few countries, but this right is seldom without conditions. The employee may refuse overtime for a ‘valid reason’ (such as needing to provide childcare or attend an urgent doctor’s appointment) in Austria; for an ‘acceptable reason’ in Denmark; for ‘good reasons’, if dispensation is expressly requested, in Portugal; for ‘justified reasons’ in Italy; and for ‘health or social reasons’ in Norway. In Croatia, overtime work exceeding the regulated time or for which there is no real need (because, for example, there are no extraordinary circumstances or there is no urgent need) may be refused by the employee without adverse consequences.

Overtime limits

The limits on overtime work established by the regulatory frameworks in the Member States cannot be easily compared. The definition adopted for the purpose of this report, that overtime is working time beyond normal working hours, implies that the threshold at which overtime begins is generally the normal working time set for full-time workers through collective bargaining or – in those countries where collective bargaining does not have a relevant role in governing the duration and organisation of work – by legislation. An upper limit restricting overtime work is set by the overall limits on working time set out in legislation or other regulations. These limits can apply to daily, weekly or annual working time and to various combinations of these.

Many countries have a total limit for daily working hours including overtime, which varies between 10 and 13 hours. Some Member States – Cyprus, Czechia, Finland, Italy, Latvia, Poland and Spain – do not specify such a daily limit in legislation or other regulation, but nonetheless the limit is in practice 13 hours, owing to the requirement, stipulated in the Working Time Directive, for a continuous period of rest of 11 hours between two working days.

Another relevant constraint stemming from the provisions of the Working Time Directive is the limit of 48 hours per week to be averaged over a reference period of no more than four months. The 48-hour weekly limit is reflected in the provisions of a majority of Member States (Table 2). This is not the only weekly limit provided for in national legislation, however, as some countries also establish an absolute upper limit, also indicated where relevant in Table 2. This upper limit must usually be agreed between the employer and the employee or set out in a collective agreement. For example, in Hungary, the weekly limit of 48 hours can be extended to 72 hours for employees in on-call arrangements by written agreement between employer and employee, as long as an average of 48 hours is not exceeded over a period of four months.

Table 2: Working time and overtime limits, by country, EU27, Norway and the UK

Country	Normal full-time weekly hours*	Daily limit on hours	Weekly limit on hours/reference period; absolute weekly limit on hours	Overtime provisions
Austria	38.75	12	48/17 weeks; 60	Reference period can extend to 26 or 52 weeks by collective agreement.
Belgium	37.8	9–12	50	Up to 100 hours of voluntary overtime per year; can be increased up to 360 hours by collective agreement.
Bulgaria	40	10	48	Limit of 150 hours per year; may be extended up to 300 hours by collective agreement. Overtime cannot exceed 6 hours per day in one week or 3 hours per day in two consecutive weeks. The monthly limit is 30 hours.
Croatia	40	12	50	Limit of 180 hours per year; may be extended to 250 hours by collective agreement.
Cyprus	38	13	48	Limits are set in sectoral collective agreements or laws covering specific professions.
Czechia	38	13	48	Limit of 8 hours per week over a period of 26 weeks; reference period can be extended to 52 weeks by collective agreement. Overtime is limited to 150 hours per year. Overtime above these limits is possible by agreement with the employee.
Denmark	37	13	48/4 months; 60	No specific limit stated.
Estonia	40	13	48/4 months	No specific limit stated.
Finland	37.5	13	48/4 months	Workers aged between 15 and 18 must work a maximum of 80 hours of overtime per year.
France	35.6	10–12	48	Limit of 220 hours per year; beyond this limit, employers must consult employee representatives.
Germany	35.6	10	48	Over a 24-week reference period, employees must not work more than 8 hours per day on average.
Greece	40	12	45	Limits of 2 hours per day and 120 hours per year.
Hungary	40	12	48/4 months	Limit of 250 hours per year; may be extended to 400 hours by written agreement between employee and employer.
Ireland	39	13	48/4 months	The reference period can be 6 months in some circumstances.
Italy	38	13	48/4 months	Limit of 250 hours per year; may be extended by collective agreement.
Latvia	40	13	48/4 months; 56	The reference period for adjusting working time is 1 month; the employer and employee may agree on a period of 3 months, and a collective agreement can set it at 12 months.
Lithuania	40	12	48/3 months; 60	Limit of 180 hours per year; may be extended by collective agreement.
Luxembourg	39.8	10	48/3 months; 60	Maximum of 2 hours per day.
Malta	40	12.5	48/17 weeks	Total hours of work including overtime cannot exceed a weekly average of 48 hours over a period of 17 weeks unless the employee gives consent in writing.
Netherlands	38	12	48/16 weeks and 55/4 weeks; 60	Limits refer to total working hours.
Poland	40	13	48	Limit of 150 hours per year; may be extended by collective agreement.
Portugal	39.4	10	48	Limits vary with company size: 175 hours per year in micro and small companies, 150 hours for medium-sized and large companies; may be extended to 200 hours per year by collective agreement.
Romania	40	12	48/3 months	In some sectors of activity, a working day longer than 8 hours can be established by collective agreement, but a 12-hour working day must be followed by a break of 24 hours.
Slovakia	39	9–12	48/4 months	Limit of 150 hours per year (250 hours in healthcare with the agreement of the employee representative); may be extended up to 400 hours by agreement with the employee.

Country	Normal full-time weekly hours*	Daily limit on hours	Weekly limit on hours/reference period; absolute weekly limit on hours	Overtime provisions
<i>Slovenia</i>	<i>40</i>	<i>10</i>	<i>48</i>	Limits of 8 hours per week, 20 hours per month and 170 hours per year; may be extended up to 230 hours' overtime by agreement with the employee. Full-time work must not exceed a total of 56 hours in any week, and weekly, daily and monthly overtime limits must not be exceeded over a 6-month period.
<i>Spain</i>	<i>38.4</i>	<i>13</i>	<i>Not specified</i>	Limit of 80 hours per year.
<i>Sweden</i>	<i>39.8</i>	<i>13</i>	<i>48/4 months</i>	Regular overtime: limit of 48 hours over 4 weeks, 50 hours over a calendar month and 200 hours per year. Extra overtime: up to 150 hours per year.
<i>Norway</i>	<i>37.5</i>	<i>13</i>	<i>48</i>	Limits of 10 hours over 7 days, 25 hours over 4 weeks and 200 hours over 52 weeks; these can be extended to 20, 50 and 300, respectively, by collective agreement.
<i>United Kingdom</i>	<i>37</i>	<i>Not specified</i>	<i>48/17 weeks</i>	No specific limit stated.

Note: *Average collectively agreed normal weekly hours. Countries where working time is generally not determined through collective bargaining are shown in italic font, indicating the statutory maximum working week.

Sources: Eurofound (2021b) and Network of Eurofound Correspondents

Most countries have a default limit for overtime, set out in legislation, that can be extended by agreement between the employer and employee or by collective agreement up to a certain absolute maximum limit. For example, in Slovenia, the limits are 8 hours per week, 20 hours per month and 170 hours per year, which can be extended to 230 hours per year by agreement between the employer and the employee. The default limits vary between a maximum of 80 hours per year in Spain and 250 hours per year in Hungary. In Hungary and Slovakia, the absolute limits that may be established by collective agreement can extend to 400 hours per year – the equivalent of 10 or more weeks of full-time work.

Compensation

In general, national regulatory frameworks provide for workers to be compensated for overtime, duly approved, at a premium rate. The compensation may be monetary (additional wages) and/or in time off (additional leave), to be taken within a specified, and usually relatively limited, period. In many countries, the framework provides flexibility as to whether the compensation takes the form of time or money, and this is determined through collective agreements or local arrangements. In Germany, for instance, the options include time, money and the use of a working time

account to accumulate long-term rights to leave, and in some cases employees can choose from these three possibilities. In some cases (in Croatia and Romania, for example), the typical solution is for time off to be granted in compensation, with payment being a fallback option. In other cases (Estonia, for example), only monetary compensation, and not time off in lieu, attracts a premium (Table 3).

The minimum pay premium for overtime carried out on normal weekdays may be 10%, 25% or 40%, but the most common amount is 50% of the employee's regular pay. The premium is often higher for overtime worked on a rest day, on a public holiday or at night, and it can go up to 100% or 150% in some instances. Usually those same premium rates apply when time off in lieu is given as compensation. For example, for every hour of overtime worked on a normal weekday, an employee might be entitled to 1.5 hours' time off in lieu. Collective bargaining, company agreements or individual employment contracts may account for deviations, as long as they respect the minimum standards established in legislation (this is the case in Bulgaria, Czechia, Lithuania, Norway, Slovakia, Spain and Sweden). In a few countries – Germany, Ireland, the Netherlands and the UK – employees are not statutorily entitled to a pay premium for overtime. In these cases, premiums are established in individual contracts, works agreements or collective agreements.

Table 3: Main characteristics of overtime compensation, by country, EU27, Norway and the UK

Country	Overtime compensation premiums	Observations
Austria	Pay premium of 50%; 1.5 hours of compensatory time off in lieu per hour of overtime worked	Collective agreements or works agreements stipulate whether the payment is monetary or in time off. Monetary compensation applies by default if no such agreement exists.
Belgium	Pay premium of 50%; 100% on Sundays or public holidays	–
Bulgaria	Pay premium of 50%; 75% on weekends and 100% on public holidays	–
Croatia	The Labour Act makes provision for a pay premium, but the amount is to be established by collective agreement	Time off in lieu may be implemented through a collective agreement, an employment contract or company regulations.
Cyprus	Collective agreements regulate compensation and the premium varies from 50% on weekdays to 100% on weekends	Premiums are lower in the public sector. Compensatory time off is also a possibility.
Czechia	Minimum premium of 25% of average hourly earnings unless employee and employer agree on time off in lieu	In the public sector, there is a premium of 50% for overtime work performed during a weekly rest break.
Denmark	Typical pay premium of 50%; can go up to 100% for work performed on Sundays or at night (00:00 to 05:00)	Compensation for overtime takes the form of either payment or time off in lieu, as per collective agreements or employment contracts; time off in lieu must be taken within four months after the overtime was performed.
Estonia	Compensation takes the form of one hour off per hour of overtime worked, unless the employer and employee have agreed on monetary compensation, in which case the premium is 50%	–
Finland	Daily overtime attracts a pay premium of 50% for the first two hours and 100% for the third and subsequent hours; weekly overtime is paid at a 50% premium	Period-based work over a two- or three-week period: the first 12 or 18 hours of overtime have a premium of 50%, rising to 100% for subsequent hours. Overtime may also be compensated for with time off, and the premiums are the same as for pay.
France	Minimum premium pay of 10% in company or branch agreements. In the absence of such agreements, premium of 25% for first eight hours and 50% for subsequent hours. All or part of this compensation can be replaced by equivalent time off	Premiums specified in company-/establishment-level or branch agreements.
Germany	Employees do not have a statutory entitlement to overtime pay	Stipulated in individual contracts, works agreements or collective agreements.
Greece	Pay premium of 40% for up to 120 hours per year. Above that, overtime work is regarded as exceptional and the premium is 60%	Overwork: premium of 20%.
Hungary	Premium of 50% or time off in lieu if agreed between parties; 100% on weekly rest days (not necessarily Sundays) and public holidays	Compensation on weekly rest days/public holidays can, by agreement, be time off in lieu plus 50% pay premium.
Ireland	Employees do not have a statutory entitlement to overtime pay	Some employment regulation orders and sectoral employment orders regulate overtime pay.
Italy	Overtime premiums are determined according to the duration of overtime, if it takes place during a day or night shift or during a holiday (or a combination of those) and if compensatory time off is involved	Workers performing overtime work can ask for compensatory time off, which results in a reduction in the overtime premium (usually they receive half the premium they would otherwise have received).
Latvia	Pay premium of 50%; 100% on public holidays. Employees and employers can agree on compensatory time off instead	–
Lithuania	Pay premium of 50%; 100% on rest days and at night; 150% on public holidays	At the request of the employee, corresponding compensatory time off may be taken instead (can be added to annual leave).
Luxembourg	1.5 hours of additional rest time per additional hour worked; pay premium of 40% when rest time cannot be taken	The pay premium is also applicable when the employee leaves the company before recovering compensatory time off for overtime worked
Malta	Pay premium of 50%; 100% on Sundays and public holidays. Employees and employers can agree on compensatory time off instead	Variations exist among sectors, since each is regulated by a different wage regulation order.

Country	Overtime compensation premiums	Observations
Netherlands	Employees do not have a statutory entitlement to overtime pay	Collective agreements provide for compensation in time or money, usually with a premium, and often giving the employee the choice of money or time off in lieu.
Poland	Pay premium of 50%; 100% on Sundays, public holidays, rest days and at night	The compensation can be provided in the form of time off in lieu, which attracts the same premiums as monetary compensation.
Portugal	Pay premium of 25% for the first hour and 37.5% for subsequent hours; 50% on weekly rest days or public holidays	–
Romania	Overtime is compensated for with time off, to be taken within 60 days after the overtime was performed	If time off is not possible, monetary compensation is provided, which cannot be lower than 75% of the employee's salary.
Slovakia	Minimum pay premium of 25% (35% for employees performing hazardous work); employees and employers can also agree on compensatory time off instead of payment	Higher supplementary payments can be agreed in collective agreements.
Slovenia	Pay premium usually between 30% and 50%, established in collective agreements or employment contracts	Employer and employee may also agree on time off in compensation for overtime work as long as the overtime allowance is paid.
Spain	Collective agreements (or, failing this, individual contracts) regulate payment for overtime (never less than the value of an ordinary hour of work) or compensated by equivalent paid rest periods	In the absence of an agreement, overtime must be compensated for with time off within four months.
Sweden	Overtime and additional work can be compensated for through either time off or a pay premium	Financial compensation is regulated in collective agreements or individual employment contracts and can vary greatly.
Norway	Pay premium of 40%; collective agreements usually have higher rates (50% or 100% depending on when overtime takes place)	The employer and the employee may agree in writing that overtime hours are to be wholly or partly compensated for with time off.
United Kingdom	There is no legal obligation to pay employees for working extra hours and there is no minimum statutory level of overtime pay	Overtime rates vary depending on the employer and industry.

Source: Network of Eurofound Correspondents

Exceptions and special categories

Exceptions to and derogations from the rules fall into two main categories. First, there are groups of workers who are in principle excluded from working overtime – reflecting the protective purpose of overtime regulation. These groups can include pregnant workers, parents of young children, young workers and/or trainees (Table 4). In Bulgaria and Sweden, home workers are also excluded.

Second, there are groups for whom the protections provided for in the regulations are waived or adjusted.

The most commonly affected group is senior managers, who are either exempt from regulations or have specific rules that apply to them – this is the case in Cyprus (where there are also special rules for doctors in training), Finland, France, Lithuania, Luxembourg, Malta, Norway and Sweden. This exemption is provided for in Article 17 of the Working Time Directive, which permits derogations in the case of ‘managing executives or other persons with autonomous decision-taking powers’. In Hungary, a broader derogation from overall working time limits applies to the healthcare sector as a whole, setting the limits on working time including overtime at 60 hours per week and 12 hours per day.

Table 4: Groups precluded from overtime work or to whom specific restrictions apply, by country, EU27, Norway and the UK

Country	Pregnant workers	Parents of young children	Young workers/trainees
Belgium	✓		
Bulgaria	✓	✓ (mothers only)	✓
Croatia	✓	✓	✓
Cyprus		✓	
Czechia	✓		✓
Estonia			✓
Finland			✓
Germany	✓		
Italy			✓
Latvia	✓		✓
Lithuania	✓		
Luxembourg	✓		✓
Netherlands	✓		✓
Poland			✓
Portugal	✓		✓
Romania			✓
Slovakia	✓	✓	✓
Slovenia	✓	✓	✓
Spain			✓
Norway	✓	✓	✓
United Kingdom			✓

Note: Austria, Denmark, France, Greece, Hungary, Ireland and Malta do not specifically preclude particular groups of workers from working overtime. Sweden does not feature in this table as special circumstances apply – see text.

Source: Network of Eurofound Correspondents

Compliance, enforcement and sanctions

Most countries also have mechanisms in place to ensure that the various rules established to govern the use of overtime are applied in reality. Compliance issues may arise in connection with various aspects of the regulations governing overtime work – for example, in the event of the unjustified refusal of a worker to work overtime or the failure of an employer to compensate an employee for overtime work. However, the central concern here is compliance with, and enforcement of, those rules that aim to ensure that overtime work does not pose a risk to the safety and health of workers. In many cases, these rules are not specifically about overtime but, rather, about working time arrangements in general. Of particular concern is the overall duration

of working time (and the adequacy of breaks during and between periods of working time), reflecting the known link between long working hours and risks to safety and health.

According to a decision of the European Court of Justice in May 2019, employers must set up a system to record the hours of work of their employees.³ The data collected through the Network of Eurofound Correspondents show that the basic requirement placed upon employers in most countries is to record the working hours of employees and make the information available to the relevant authorities, either routinely or on request. This sometimes relates specifically to overtime work (in Bulgaria and Estonia) and sometimes to working time in general (in Austria, Lithuania and Romania). While in some cases aggregate data only are required (as in Bulgaria), more frequently

³ Judgment of the Court (Grand Chamber) of 14 May 2019 (request for a preliminary ruling from the Audiencia Nacional – Spain): Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE (Case C-55/18).

information must be registered on each employee concerned (as in Austria, Estonia, Greece, Lithuania and Romania). In the case of Greece, for instance, companies must report directly via the electronic information system of the Ministry of Labour.

In turn, the labour inspectorate (in Malta, the Ministry of Labour) is responsible for monitoring and enforcement. This can include organising investigations, issuing reports, referring cases to the courts and making orders – including, under some circumstances, to stop overtime work (Czechia) or halt production (Norway).

Sanctions for non-compliance almost always take the form of financial penalties, with the amounts varying from a few hundred to tens of thousands of euros. According to information provided by the Network of Eurofound Correspondents, examples of fines levied are €663 (Poland), €1,450 (Lithuania), €15,000 (Germany

and Luxembourg), €32,000 (Estonia) and €77,655 (Czechia). In Finland, violations of working time laws may be punished not only with fines but also by a jail sentence of up to six months. In Norway, a continuous coercive fine may be imposed, intended to make it unprofitable to continue to break the law.

In some cases, the sanction is applied per employee concerned. For example, in Austria employers who deploy employees beyond the maximum limits of daily or weekly working hours or who do not keep records on their employees' working hours must pay a fine of between €72 and €1,815 per employee in the first instance, and between €145 and €1,815 in the case of a repeat offence (or up to €3,600 in the case of a repeat offence if the maximum limits have been exceeded by more than 20%).

2 Prevalence of overtime in the EU

This chapter aims to provide an overview of the prevalence and extent of overtime in the EU, based on existing national data sources. First, it will identify the main available sources of data, including their characteristics and any caveats or limitations. It will then attempt to provide evidence of the prevalence and extent of the phenomenon in the EU, including trends over time and the main characteristics of workers performing overtime. It will also delve into the key drivers of overtime and examine the potential consequences for workers and companies.

It is important to note that the definitions of overtime used in the data sources and research mentioned in this chapter do not necessarily exactly match the legal definitions of overtime. A clear example of this mismatch is workers' surveys: these rely on self-reports of overtime work, based on respondents' interpretation of what overtime is and not necessarily on the applicable legal definition. In many instances, data were collected by researchers with various specific objectives, not necessarily using the same definition as the applicable legal framework.

Data sources and measurements

There are two main European sources of data on overtime: the European Union Labour Force Survey (EU-LFS) and the Structure of Earnings Survey (SES), both carried out by Eurostat. Since 2006, the EU-LFS has collected data on paid and unpaid overtime during the reference week for the respondent's main job, but these data are available only by special request. The most recent publicly available data from the EU-LFS on overtime refer to 2004, when an ad hoc module on work organisation and working time arrangements was carried out. The data include the number of employees who worked (paid) overtime, the average number of (paid) overtime hours and the percentage of employees working (paid) overtime.

The objective of the SES is to provide accurate and harmonised data on earnings in EU Member States. Its four-yearly microdata sets contain two variables related to overtime: 'Number of overtime hours paid in the reference month' and 'Earnings related to overtime'. The latest year for which data were available at the time this report was being drafted was 2018, and the microdata are available only by special request to Eurostat.

To gain a full picture of the current status of data on overtime in Europe, Eurofound asked its network of correspondents to provide information on the national systems systematically capturing, measuring and monitoring the phenomenon in the Member States,

Norway and the UK. Table 5 summarises the information collected at national level. Additional information about national sources and methodologies is provided in Annex 2.

In addition to national-level labour force surveys and earnings surveys, which collect data more frequently (annually in most cases, but sometimes quarterly), some countries use working conditions surveys, which occur less frequently, to collect information on overtime. Examples include the Estonian Work Life Survey, the Finnish Quality of Working Life Survey and Working Life Barometer, and the Working Time Survey carried out by the German Federal Institute for Occupational Safety and Health (BAuA). These sources have advantages and disadvantages. One of the advantages of these data sources is the inclusion of variables that are not included in labour force or earnings surveys. This makes it possible to study the relationships between overtime and aspects of work such as organisation of working time, autonomy and work-related health (this last topic is addressed further in the section 'Consequences of overtime' below). One of the disadvantages of these sources is that they ask workers to self-report overtime, thus capturing information on their understanding of overtime, which may not match the definition used in the relevant legislation.

As Table 5 shows, data on overtime are not publicly available in all Member States. When such data are available, the information gathered is not always the same and is therefore not comparable between countries. Even where they are collected, data on overtime are not publicly available in Belgium, Bulgaria, Croatia, Romania and Slovenia. As discussed below, research on overtime in these countries is also limited.

The most commonly available statistic on overtime is the share of employees reporting doing overtime; information on this is collected and made available in 14 countries. The statistics from Estonia, Greece, Lithuania, the Netherlands, Norway, Spain, Sweden and the UK do not distinguish between paid and unpaid overtime. Data from Ireland, Latvia and Portugal cover paid overtime only. Austria, Denmark and Finland produce statistics on the number or share of employees carrying out paid overtime and those carrying out unpaid overtime.

In total, 13 countries produce statistics on the number of overtime hours. Most countries cover only paid overtime, but statistics on unpaid overtime hours are also available in Austria, Germany, Malta, Norway and the UK. Cyprus, Czechia, Finland, Ireland, Lithuania and Norway also collect and provide data on overtime-related pay.

Table 5: Available data on overtime at national level, EU27, Norway and the UK

Country	Number of paid overtime hours	Number of unpaid overtime hours	Number/share of employees working paid overtime	Number/share of employees working unpaid overtime	Overtime-related pay
Austria	✓	✓	✓	✓	
Belgium					
Bulgaria					
Croatia					
Cyprus					✓
Czechia	✓				✓
Denmark			✓	✓	
Estonia				✓*	
Finland			✓	✓	✓
France	✓				
Germany	✓	✓			
Greece				✓*	
Hungary	✓				
Ireland	✓		✓		✓
Italy	✓				
Latvia			✓		
Lithuania				✓*	✓
Luxembourg	✓				
Malta	✓	✓			
Netherlands				✓*	
Poland	✓				
Portugal			✓		
Romania					
Slovakia	✓				
Slovenia					
Spain				✓*	
Sweden				✓*	
Norway	✓	✓		✓*	✓
United Kingdom	✓	✓		✓*	

Note: *No distinction in the data between paid and unpaid overtime.

Source: Network of Eurofound Correspondents

Prevalence and extent of overtime

There are two main ways of measuring overtime. One is the share of employees carrying out work beyond a given limit. The other is the amount or extent of overtime – how many hours of overtime individuals perform over a certain period of time.

Share of employees working overtime

National-level statistics on the share of employees carrying out overtime are very disparate in Europe. However, although the figures are not strictly comparable, it is reasonable to say that in most countries with data available the share of employees reporting that they work overtime is rather substantial. In most cases, the percentage of employees performing overtime with some regularity reaches two digits.

According to the Finnish Labour Force Survey, in 2019, 13% of respondents in Finland had worked overtime – defined as work performed in addition to agreed working hours – during the week they were contacted. In the same year in Austria, 19% of all employees (dependently employed persons) worked overtime hours (*Überstunden*) or – in the case of part-time employees – excess hours beyond their contractual obligation (*Mehrstunden*).

Data from the countries' respective labour force surveys for 2019 show that overtime was reported by 13% of employees in Portugal and by 20% of employees in Sweden. In Spain, data from the Active Population Survey indicate that 5% of employees reported having carried out some overtime, either paid or unpaid, in the last quarter of 2020.

In Ireland, data from the Labour Force Survey for the last quarter of 2020 indicate that 14% of the total labour force reported working in excess of 45 hours per week. This includes those indicating that this was due to overtime, while others mentioned flexible or variable hours, or other unspecified reasons.

In Greece, 39% of respondents to a 2019 special survey on work organisation and regulation of working time had worked overtime during the two months prior to the survey. Most reported working overtime once or twice in those two months, while those stating that they had worked overtime more frequently represented about 9%.

Data from the 2019 Dutch Labour Force Survey show that 65% of workers in the Netherlands sometimes worked overtime. Data from the most recent Estonian Work Life Survey show that 57% of employees reported doing overtime work in 2015 (in response to the question 'Have you worked overtime during the past 12 months?'). Labour Force Survey data for 2020 from Norway show that 9% of full-time employees worked overtime.

Among those countries with data available, Lithuania is the one with the lowest official proportion of employees reporting overtime, at around 1% throughout the last decade. The reliability of this figure, indicating that only a small share of workers work overtime, has, however, been questioned by trade unions. The main worker representative organisations in the country claim that research conducted by other institutions shows a significantly higher share of employees working overtime and question the extent to which overtime is properly recorded.

Denmark and Latvia have data on paid overtime. The most recent data from the Danish Labour Force Survey show 11% of employees reporting paid overtime in 2020. Latvia's Structure of Earnings Survey from 2018 shows that 5% of employees reported pay for overtime.

In the UK, according to the Annual Survey of Hours and Earnings (ASHE), about 1 in 10 employees (2.6 million in total) reported doing overtime in 2017.

Extent of overtime

As seen above, various European countries produce figures on the number of overtime hours worked. While the shares of individuals working overtime give an indication of how widespread the phenomenon is, the declared duration of overtime provides an additional layer of information about the magnitude of the phenomenon.

Of those countries that collect the relevant data, Austria, Malta, Ireland, Portugal and the UK are those displaying the greatest average numbers of overtime hours, with those who worked overtime working on average about an additional day per week. In Austria, in 2019 employees declaring that they worked overtime worked on average 7.1 overtime hours (or excess hours in the case of part-time workers) per week (Statistik Austria, 2021). In 2018, this figure was slightly higher, at 7.3 hours. In Malta, data from the Labour Force Survey covering the period between 2012 and 2019 show average overtime of around 10 hours per week. In Ireland, for those workers who worked overtime in the last quarter of 2020, figures from the Central Statistics Office show average paid overtime of 8.3 hours per week. The Portuguese statistics indicate an average of 8 hours of overtime per week between 2016 and 2020. In the UK, analysis of the Labour Force Survey data by the Resolution Foundation found that in 2017 employees working overtime would typically do 6.4 hours per week of overtime (median rate).

In Italy, data from the National Institute of Statistics' monthly survey of enterprises show that monthly average overtime hours between July and December 2020 were 2.7 hours for white-collar workers (less than 40 minutes per week) and 7.4 hours for blue-collar workers (approximately 1 hour and 40 minutes per week). In France, according to the latest available data for the last quarter of 2019, the average number of overtime hours per full-time employee for the quarter was 10.9 hours, the equivalent of about 55 minutes per week.

A number of other countries have smaller figures, mostly below 1 hour of overtime per week on average. There are two main explanations for the difference between these countries and those mentioned above. First, the data for these countries refer to paid overtime only; second, average overtime in these countries is calculated in relation to the total number of employees, not only those who declare that they have worked overtime. In some cases, both explanations apply. For instance, between 2015 and 2019, Czechia recorded average paid overtime of 1.7 hours per month in the public sector (less than 30 minutes per week) and

around 3.4 hours per month in the private sector (around 50 minutes per week). Poland registered an annual average of 41 hours of paid overtime per worker in 2018 (the equivalent of about 50 minutes per week). Slovakia recorded average monthly paid overtime hours of 2.8 hours in 2019 (nearly 45 minutes per week).

Similarly, in Germany, data from the Institute for Employment Research (IAB) show that the number of paid overtime hours per employed person per year ranged between 22 and 24 hours approximately (or less than 30 minutes per week) during the period from 2015 to 2019. In Norway, 2018 Labour Force Survey data indicate average paid overtime of 30 minutes per week.

Upward and downward trends

Eurofound correspondents were asked to report, if possible, on the main trends in relation to overtime in each country, in terms of prevalence and/or extent. The available data do not reveal a clear-cut European trend over the past decade. The proportion of individuals doing overtime has increased in some Member States but decreased in others.

Data from Denmark, Estonia, Latvia, the Netherlands and Portugal suggest an increase in the proportion of workers reporting carrying out overtime over the past few years.

The Danish data for 2010 to 2020 show an increase in the number of employees reporting overtime, with unpaid overtime exceeding paid overtime in recent years. In Latvia, the proportion of employees reporting paid overtime shifted from 3.6% in 2010 to 3.5% in 2014 and 5.1% in 2018. In Portugal, the number of workers reporting overtime increased by about 12%, from 527,400 to 591,700, between 2016 and 2019; this change occurred among both men and women. The reduction of 19.4% recorded between 2019 and 2020 was a consequence of the COVID-19 pandemic.

In Estonia, the trend in the proportion of employees self-reporting overtime to the Estonian Work Life Survey also points upwards: it increased from 51% in 2009 to 57% in 2015.

Data provided by the Dutch Central Bureau of Statistics show that sporadic overtime increased between 2006 and 2019, while regular overtime became less widespread. Regular overtime hours in the Netherlands, however, increased in the period between 2013 and 2018, diminishing again in 2019 to close to the 2013 level.

In a smaller number of countries, the available data indicate a decrease in the proportion of employees reporting overtime. In Austria, for instance, a peak in individuals working overtime was reached before the financial and economic crisis, in 2007, when 24.2% of employees (30.3% of men and 17% of women) were

working overtime. Since then, the shares of employees working overtime have gradually declined, to around 23% of male workers and 14% of female workers in 2019. In Norway, the share of full-time employees who work overtime has decreased slowly, from 11.1 % in 2011 to 8.8% in 2020.

In Czechia, the extent of paid overtime work in the first half of each year was stable between 2015 and 2019, at 1.7 hours in the public sector and around 3.4 hours in the private sector. In 2020, the number of overtime hours decreased slightly, to 1.5 hours per month in the public sector and 2.7 hours per month in the private sector, most likely as a consequence of the COVID-19 pandemic, as the average number of hours worked decreased in general.

In the UK, the total number of overtime hours has fallen – from 1.8 billion in the late 1990s to 1.1 billion today – but the typical overtime worker is doing roughly the same number of overtime hours per week as 20 years ago.

Overtime according to individual characteristics

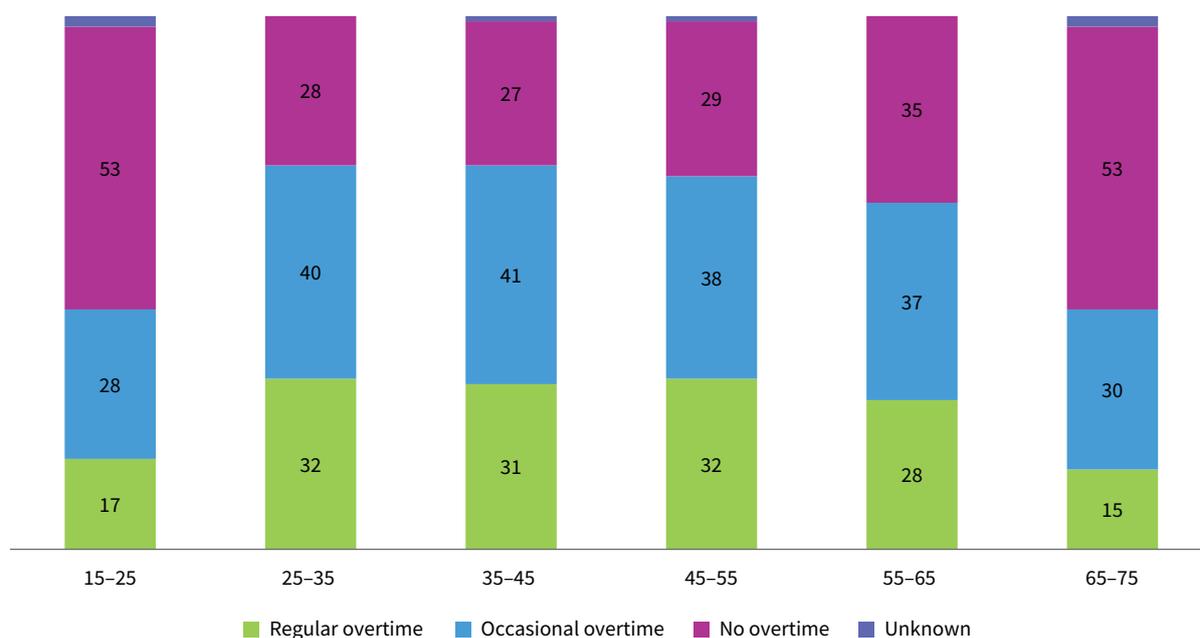
According to the available data, the prevalence and extent of overtime vary greatly according to workers' characteristics. Gender, age and education seem to be the main factors accounting for significant differences in the prevalence and extent of overtime.

Gender

Men tend to work longer hours than women, so it is not surprising to see that they are more likely to work overtime too. Most of the available national data show not only that the shares of male workers reporting overtime are larger than those of women workers but also that male workers tend to work longer hours of overtime than their female counterparts.

For instance, data from the Austrian microcensus (part of the country's Labour Force Survey) show that in 2019 overtime hours were more prevalent among men, with 23% of male employees and only 13% of female employees working overtime. Working 10 or more hours per week of overtime is more prevalent among male employees, while most women who work overtime do no more than three additional hours per week. The share of women doing unpaid overtime (22%) was higher than that of men (12.1%). Detailed analysis of the Austrian microcensus data from 2014 provides more insights into the gender differences (Schönauer et al, 2016). Men work most overtime hours when aged between 35 and 39 years, while for women this happens when they are between 25 and 29 years of age. If there are children in the household, this tends to reduce the amount of overtime worked by women, while men in the same circumstances tend to work more overtime.

Figure 1: Prevalence of overtime in the Netherlands in 2019, by age group (%)



Source: Panteia and Statistics Netherlands, Labour Force Survey, 2020

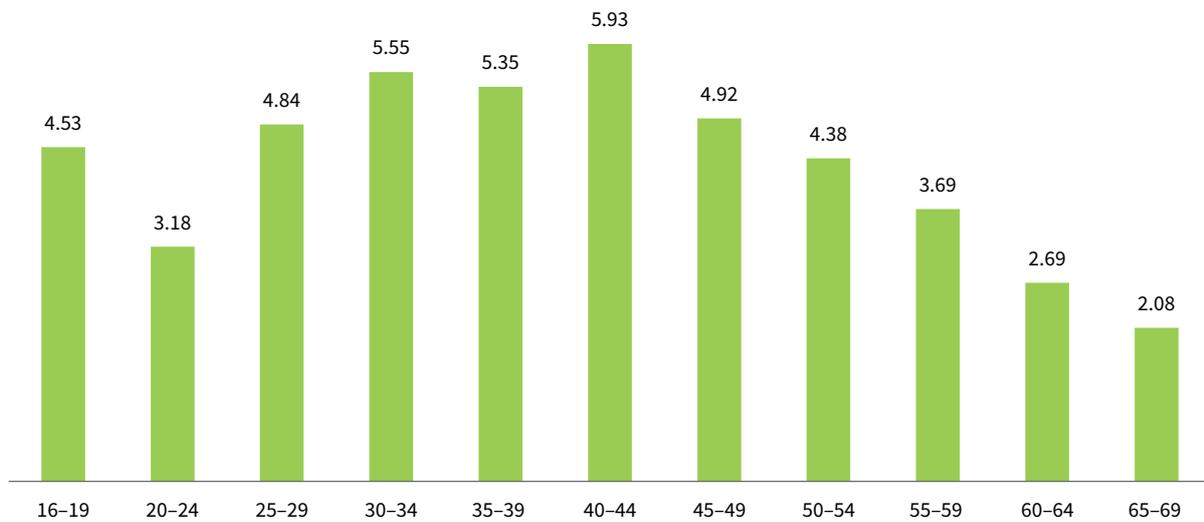
Data from Estonia, France, Germany and Sweden corroborate that overtime is more common among men. The only exception is Finland, where, the data show, there is no major difference between men and women in terms of overtime prevalence. However, it is more common for men to be compensated financially and for women to receive time off in lieu. In general, financial compensation for overtime is becoming less common in Finland. According to Sutela et al (2019), this is most likely a result of financial compensation being more common for blue-collar workers, who form a declining proportion of the labour force.

Age

Available data also show that overtime varies according to age. Data from Estonia, France, the Netherlands and Spain show that overtime is more prevalent among prime-age workers. The Estonian Work Life Survey 2015 found that those aged 25-64 were more likely to report having worked overtime (62%) than those in the 15-24 age group (55%). Similarly, Dutch Labour Force Survey data for 2018 show that overtime is more common among those aged between 25 and 55 years, and less so among younger and older workers (Figure 1).

The data from the Spanish Active Population Survey show a similar pattern, except that the youngest cohort – aged between 16 and 19 – reports a relatively high rate of overtime (Figure 2).

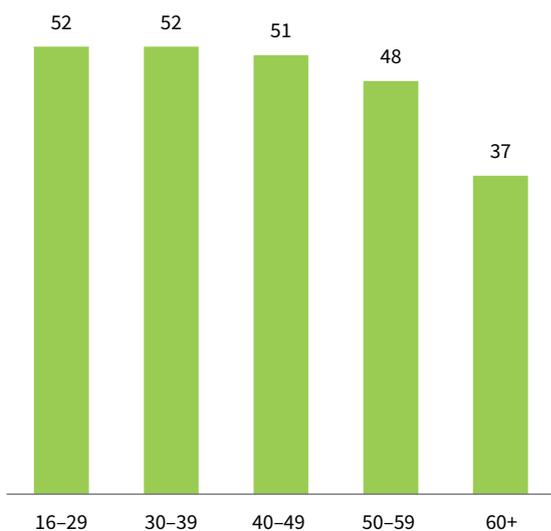
Figure 2: Prevalence of overtime in Spain in the last quarter of 2020, by age group (%)



Source: Spanish National Statistics Institute, Active Population Survey, 2021

Data for 2016 from the French Labour Cost and Structure of Earnings Survey, carried out by the National Institute of Statistics and Economic Studies (INSEE) and the Directorate of Research, Studies and Statistics (DARES), show that the prevalence of paid overtime decreases with age, being much less common among workers aged 60 or older (Figure 3).

Figure 3: Prevalence of overtime among full-time employees in France in 2016, by age group (%)



Source: INSEE and DARES, Labour Cost and Structure of Earnings Survey, 2016

Educational level

The available data also indicate a positive association between overtime and workers’ educational level: the prevalence of overtime increases with educational level. Data from the Austrian microcensus, for instance, show that both working hours and number of overtime hours rise with educational level. Workers with a higher level of education also have a higher prevalence of unpaid overtime: those with a lower level of formal education are more likely to be paid for overtime than those with a higher level of education. Part of this difference may be explained by the fact that workers with a higher level of education, such as managers, are more likely to be exempt from overtime regulations, given their autonomy over their working time. Data from Germany’s BAuA Working Time Survey on overtime for 2015, 2017 and 2019 indicate that this relationship has remained constant over the past few years (Table 6).

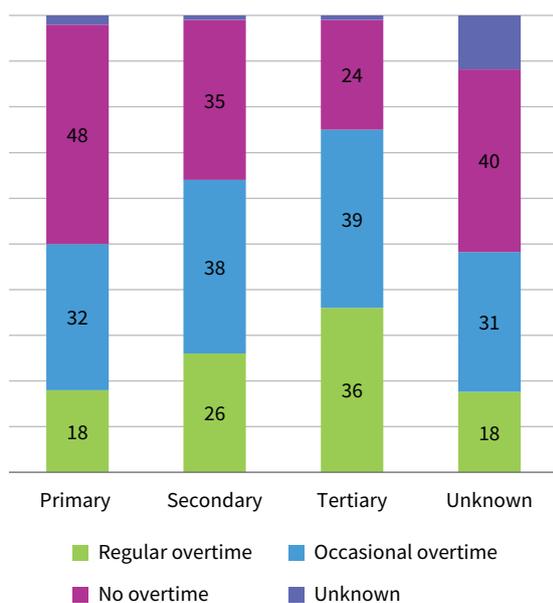
Table 6: Average overtime hours per week in Germany in 2015, 2017 and 2019, by educational level

Educational level	2015	2017	2019
Low	3.1	1.9	2.9
Medium	3.2	3.5	2.9
High	5.0	4.5	4.0

Source: BAuA, Working Time Survey

The same type of relationship is shown by the Dutch Labour Force Survey, according to which the prevalence of overtime increases with educational level. As shown in Figure 4, workers with a tertiary education are most likely to report working overtime regularly (36%) or occasionally (39%). Workers with a primary education are less likely to report overtime.

Figure 4: Prevalence of overtime in the Netherlands in 2019, by highest completed level of education (%)



Source: Panteia and Statistics Netherlands, Labour Force Survey, 2020

Data from Czechia, on the other hand, provide a more nuanced picture. In the private sector in Czechia, the highest numbers of overtime hours were recorded by employees with the lowest educational attainment (3.9 hours by employees who had left secondary education without passing the school-leaving examination and 3.6 hours by employees with elementary education or incomplete elementary education), whereas the lowest number of overtime hours was recorded by employees with a university degree (0.9 hours). In the public sector, employees with a bachelor's degree or similar level of education reported the highest number of overtime hours (1.9 hours) and employees who had left secondary education after passing the school-leaving examination reported the lowest (1.4 hours).

Country of origin

Workers' country of origin may also be associated with different overtime prevalence, but the relationship is ambiguous according to the data available. Data from the Czech Average Salary Survey show that in the private sector employees from Romania and Ukraine record the highest numbers of overtime hours per month (5.8 and 5.7 hours, respectively), whereas Polish employees record the lowest (2.4 hours); Czech employees, by comparison, report doing 2.6 hours' overtime per month. In the public sector, foreign employees worked more overtime than Czech employees, and the highest number of overtime hours was reported by employees from Slovakia (9.0 hours per month), compared with Czech employees (1.5 hours). The Swedish Labour Force Survey data point in the opposite direction. Overtime is less common among foreign-born workers: 21.3% of employees born in Sweden carried out overtime work in 2019, compared with 15.3% of foreign-born employees.

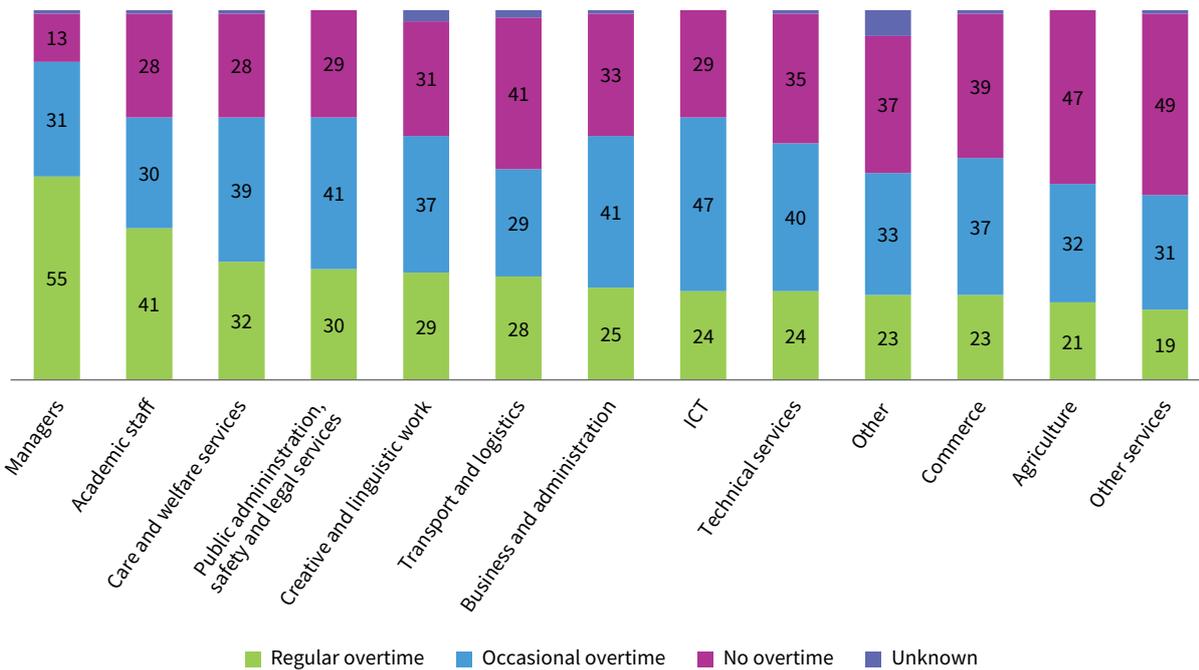
Overtime according to work-related characteristics

Occupation

The prevalence and extent of overtime work also vary according to workers' occupations. In Austria and the Netherlands, for instance, overtime is more prominent among occupations with higher skills requirements, such as managers and academic professions. The Austrian microcensus data show particularly long hours of overtime among managers (7.41 hours per week). Outside the more highly qualified occupations, those working in security-related occupations do the most overtime, with 5.02 hours per week. Doctors and managing directors have the longest working hours of all, with over 8 hours of weekly overtime (8.8 hours for doctors and 8.46 hours for managing directors) and around 50 hours of work in total per week.

Figure 5 compares the prevalence of overtime in the Netherlands in 2019 across different occupations. Managers tend to work overtime regularly the most (55%), followed by academic staff (41%), and care and welfare services personnel (32%). Workers in information and communications technology (ICT) carry out occasional overtime the most (47%), followed by business and administration professionals (41%), and public administration, safety and legal professionals (41%). Workers in other services and agriculture work overtime the least, with 49% and 47% reporting not working overtime, respectively. Data from Spain and Sweden also indicate that overtime is particularly common among managers.

Figure 5: Prevalence of overtime in the Netherlands in 2019, by occupation (%)



Source: Panteia and Statistics Netherlands, Labour Force Survey, 2020

Data for the first half of 2020 from Czechia highlight that health professionals have the highest number of overtime hours, followed by health associate professionals, and drivers and mobile plant operators.

Data from Estonia, Norway and Slovakia, however, indicate that overtime is more frequent among less qualified occupations. In Estonia, craft and related trades workers are the most likely to report overtime work (68%), followed by plant and machine operators and assemblers (64%). Similarly, according to the Norwegian Labour Force Survey, electricians, drivers and mobile plant operators, metalworkers, numerical clerks, and plant and machine operators topped the list of occupations reporting overtime in 2020. The Slovakian Labour Force Survey puts skilled agricultural workers at the top in 2019, with 5.5 hours per month, followed by plant and machine operators and assemblers (5.4 hours per month), craft and related trades workers (4.5 hours per month), and services and sales workers (3.2 hours per month).

Sector

The prevalence and extent of overtime also varies by sector of activity. An important distinction, according to data from various countries, is between private and public sectors. Data from Austria, Malta and Poland indicate that overtime is more common in the public sector. The Austrian microcensus data show that overtime is heavily concentrated in the public sector. More than one-quarter of all overtime in 2014 was carried out in education and training, public administration, and health and social services.

Data from Poland in 2018 also show longer overtime hours in the public sector, with an average of 52 hours in the year compared with 35 hours in the private sector. Similarly, according to data from the Maltese Labour Force Survey of 2019, the highest rate of employees reporting overtime is found in the category ‘Public administration, defence, education, human health and social work activities’.

In contrast, as mentioned previously, Czech data show longer paid overtime hours in the private than in the public sector. In 2020, when the number of hours worked decreased in general as a consequence of the COVID-19 pandemic, the number of overtime hours decreased to 2.7 hours per month in the private sector and 1.5 hours per month in the public sector. A survey on working time carried out by the Union of Autonomous Trade Unions of Croatia (SSSH) in 2019 also found that overtime work was more common and more frequent in the private sector than in the public sector.

A more granular analysis of the available data shows that, although there are no clear patterns in the EU Member States, overtime is more prevalent in some sectors than in others. In Austria and Slovakia, for instance, healthcare and social work appear at the top of the ranking of sectors with long overtime hours.

In Germany, according to the BAuA Working Time Survey, manufacturing used to be the sector with the longest average overtime hours, at 4.2 hours per week. That average diminished after 2015 to 3.5 hours in 2019, the same as in the public services and services sectors.

In Finland, overtime is most prevalent among those working in transport and storage (16.7%), construction (15.8%) and manufacturing (14.5%).

Overtime is most prevalent in the sector of mining and quarrying in Luxembourg – with an average of 250 hours of overtime in 2016, followed by transport and storage with 62 hours – and in mining and quarrying in Poland, with 133 hours per year, followed by education (77 hours) and manufacturing (53 hours).

In France, the economic sectors in which overtime is most prominent, in terms of both prevalence and extent, are transport and storage, accommodation and catering, and construction. In Sweden, too, overtime is most common in the transport sector, where 25.4% of all employees worked overtime during 2019, the majority with compensation. The corresponding share in public administration was 15.7%, also mostly with compensation.

In Spain, data for the last quarter of 2020 show that overtime was most prevalent in professional and scientific activities (6.9%), information and communication (6.3%), and financial and insurance activities (6.2%).

Company size

The microcensus data from Austria also show that overtime is mainly carried out in larger workplaces. Almost 85% of overtime is carried out in workplaces with more than 10 employees. Full-time employees in workplaces with more than 500 employees work an average of 2.58 overtime hours per week; full-time employees in workplaces with 50 to 499 employees work an average of 2.34 overtime hours. A caveat regarding the association between overtime hours and workplace size is that the higher overtime figures may be partly explained by the fact that larger companies are more likely to use standardised time-recording systems that capture overtime in a systematic fashion.

Key drivers of overtime

The factors explaining why individuals work beyond normal working hours can be considered from various perspectives, including from the employer's and the worker's points of view. As mentioned in the introduction, overtime is a classic instrument for increasing companies' internal flexibility. In the case of increased demand for products or services, labour capacity can be increased through overtime hours worked by existing personnel. In this situation, there is no need for external flexibilisation measures such as hiring additional personnel or using temporary agency workers (who would most likely need initial training).

Overtime can also provide temporary flexibility when some employees are absent due to illness or leave, or when a company goes through processes of reorganisation or expansion. If companies face

recruitment problems (for example, due to a shortage of skilled workers) and jobs cannot be filled quickly, workloads may increase substantially for the existing workforce and overtime may increase as a consequence. According to a study on working time in Austria, experts are united in their view that the systematic use of overtime can be used as a personnel management strategy (Huemer et al, 2017). In this situation, there is tacit acceptance of a shortage of personnel due to cost considerations in order to keep fixed personnel costs as low as possible.

The **legal framework** governing overtime is another factor that, from the employer's point of view, may determine to some extent the degree to which overtime is used. Research from Portugal has established a relationship between overtime and the legal framework governing it (de Almeida et al, 2019). According to an analysis of trends in the use of overtime in light of legislative reforms over the past few decades, when overtime became the subject of working time legislation in the 20th century, the stated political intention at the time was to discourage its use. The goals were to safeguard specific groups of the population, such as women and young people; prevent an increase in unemployment; and provide employment opportunities for the unemployed population. However, following legislative amendments over the years, some commentators believe the current legal framework promotes the use of overtime. They point to the fact that the upward trend in overtime hours – which was particularly visible between the third quarter of 2012 and the first quarter of 2013 – coincided with the introduction in the wake of the economic crisis of a wide range of measures resulting from the intervention of the European troika (the group formed of the European Commission, the European Central Bank and the International Monetary Fund), which substantially altered provisions on the recording and remuneration of overtime. These changes contributed to the greater use of overtime by employers, largely as a result of a drastic decrease in the effective cost of overtime.

A survey carried out in Lithuania in 2014, covering 144 employers, found that most were not satisfied with the regulation of overtime (Vilnius University et al, 2014). More than 8 out of every 10 employers surveyed would have liked to be able to agree on flexible working hours and overtime arrangements directly with employees, instead of being limited by the relevant legal provisions.

Bearing in mind that, in principle, overtime takes place at the request of the employer, and that in some instances it cannot be refused, from the worker's point of view, there are at least four main factors driving overtime:

- (extra) income
- (high) work intensity
- organisational influence (peer pressure, organisational culture, etc.)
- strong motivation to work

In some instances, overtime is accepted or even welcomed by workers because it enables them to obtain **extra income** in addition to that earned from their contracted working hours. As shown in Chapter 1, in many countries workers receive a pay premium for overtime hours, which can result in a substantial increase on regular wages, especially for low-income earners. Furthermore, this extra income may come with additional incentives. In Austria, for example, the overtime surcharge for the first 10 hours of overtime per month is tax exempt up to a certain amount.

A poll carried out in January 2020 by a human resources software company (covering 295 women and 205 men employed in France) found that the main reason cited by employees for working overtime was to increase their income (Creveau, 2020). In fact, 43% of the respondents declared that they needed to earn more money than were earning from their normal hours at the time of the survey. A study carried out in 2016 by the Swedish Confederation of Professional Employees (TCO) also concluded that increased income was the most common motivation for employees to carry out overtime, because of the premium associated with overtime pay (up to 100% of the normal wage).

Another important factor explaining work beyond normal working hours is workload and the amount of time available to finish the work required or, in other words, **work intensity**. Data from the Finnish Working Life Barometer covering the period between 2015 and 2019, for instance, indicate that around one in every five respondents carries out uncompensated overtime occasionally in order to manage their workload (9% do so weekly and 1% do so on a daily basis) (Keyriläinen, 2020).

A survey carried out by the General Labour Federation of Belgium (ABVV/FGTB) in 2017 among 14,500 employees in Belgium found that of those who worked more hours than stipulated in their employment contract:

- 42% stated that this was asked of them by their superior(s) because of increased work pressure (12% of them stated that the extra work was done without remuneration)
- 40% stated that this was because the workload was such that they could not complete their tasks during regular working hours (40% of them stated that no remuneration was offered) (ABVV/FGTB, 2018)

A Czech survey carried out in 2019 among members of the Czech-Moravian Confederation of Trade Unions (ČMKOS) found that 27% of those employees who worked overtime indicated that their employer assigned them more work than they were able to manage, with adequate effort, within their working hours (Trexima, 2019). An additional 23% of employees worked overtime because their employer ordered it. A similar situation

was reflected in the Quality of Work Index 2019 study carried out by the Luxembourg Chamber of Employees in collaboration with the University of Luxembourg, according to which 46% of the employees interviewed (a total of 1,495) reported working overtime because they were unable to complete the work required of them within the time allotted by the employer (Chambre des Salariés Luxembourg, 2019). For 24% of the total number of employees working overtime, this was the result of an operational problem specific to the company, whereas 13% were linked to directives from the hierarchy requiring overtime work.

According to some sources, the **organisational environment** in which people work can also play a role in driving overtime. For instance, a survey on Romanian employees' trust in companies, carried out in 2017 by EY and Hipo (with 1,575 respondents), showed that 22% of the full-time employees participating in the survey feared being sanctioned if they refused to work overtime (EY and Hipo, 2017). The main reasons for suspecting they would be sanctioned were that the majority of employees in the company worked overtime (43% of respondents), that the company was short-staffed (40%) and that the boss required the employee to work overtime (40%). Analysis of the 2020 French poll carried out by a human resources company, mentioned above, found that the second most important motivation for working overtime reflected the power of hierarchical influence and presenteeism in France (Creveau, 2020). Almost one-third of employees (30%) responded that they did overtime in order to gain more recognition from their superiors. Indicating the same type of indirect influence, data from the Polish Labour Market Monitor for 2019 (1,000 respondents aged 18–64) show that 44% of respondents claimed that 'overtime is the norm at my workplace' (Randstad, 2019).

Research from Norway has concluded that it may be difficult to establish a clear difference between overtime and flexitime (Alsos et al, 2020). While overtime has to be requested by the employer, under a flexitime scheme employees work longer hours one day and take the corresponding time off at another time. Sometimes overtime is not specifically required by the employer, but employees have been given so many tasks that they can complete them only by working extra hours. Employees then have to ask their managers how they should record those extra hours: as overtime or as flexitime. In a survey of state employees conducted as part of the research project, 27% of respondents said that their employer had asked them to use flexitime rather than recording extra hours as overtime. Some 16% said that this happened a few times a year, while the rest said it happened every month (6%) or every week (5%). The data collected also indicate that employees find it easier to use flexitime than overtime when working more than the normal working day or week.

The Czech survey carried out in 2019 among ČMKOS members found work intensity, managerial influence and income to be the three most common drivers of overtime (Trexima, 2019). The same survey also indicated that people's **strong motivation to work** can also explain why they carry out overtime: 16% of respondents stated that they worked beyond normal working hours because they enjoyed the work. In the same vein, a Dutch study based on data from the 2000 and 2002 editions of the Labour Situation Survey found that employees tend to work overtime when they:

- attach great importance to their work (work as hobby)
- use a mobile phone extensively for work
- have rivalries at work or feel they are at risk of losing their job (time competition)

Consequences of overtime

Workers' health

The effects of long working hours are well established in the literature. Recent Eurofound research on the relationships between working conditions and workers' health, for instance, shows that regular long working days and weeks are associated with exhaustion. This in turn is associated with poorer general self-rated health, sleep quality and well-being, and with presenteeism and a higher number of symptoms of poor health reported by workers (Eurofound, 2019). It is not surprising that a wide range of research articles and publications concentrate on the health effects of long working hours, including overtime.

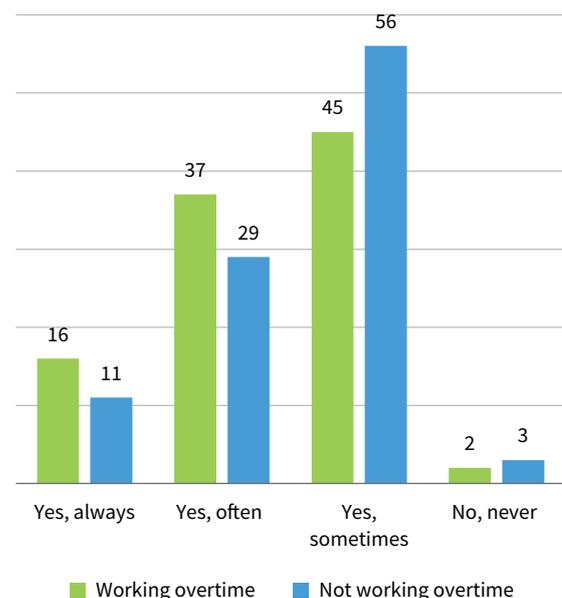
For instance, a recent article investigated the impact of long working hours on health through an analysis of 29 biomedical articles on long working hours and their impact on health published since 2010 (Antunes, 2020). The results confirmed that overtime and long working hours have harmful effects on both the physical and the mental health of workers. Overtime and long working days are in themselves illness risk factors with dose-response-type effects: the greater the exposure, the greater the risk. Although the exact mechanisms that lead to illness are not yet known, most studies point to endocrinal changes and modifications to the central nervous system induced by chronic stress resulting from long working days and associated lifestyle factors. Sleep quality is likely to suffer, as sleep schedules are negatively affected by long working hours. Longer working hours mean less time for recuperation, less sleep time and greater fatigue when overtime is sustained over long periods. The effects seem to be exacerbated when workers do not feel fairly compensated for their efforts (Antunes, 2020).

Data from regular representative surveys on the work climate in Austria – the Arbeitsklimaindex, commissioned by the Chamber of Labour (AK) and

carried out since 1997 – show that on average 20% of employees state that they experience time pressure at work; however, among those who regularly work overtime, the share lies at 42%. Around one-quarter of all employees but almost half of those regularly working overtime find it difficult to switch off from work in their free time. Reporting poorer physical capacity is also more common among those regularly working overtime: modest or bad physical capacity is reported by 24% of those regularly working overtime, compared with 13% of all employees. The same research associates excessive working hours with physical exhaustion, sleep disorders, and back and lower back pain. Slightly more than one-third of employees working between 35 and 47 hours per week, almost half of those working between 48 and 59 hours per week, and more than half of those working 60 hours per week or more complained of physical exhaustion.

A Czech study on employees' increasing workloads in relation to working time found a significant, albeit subjectively measured, impact of overtime work on the health of respondents (Trexima, 2019). No less than 42% of all respondents indicated that overtime work had had a negative impact on their health. As shown in Figure 6, employees working overtime are more likely to report feeling exhausted at the end of a working day always or often than employees who do not work overtime. The same study found that among employees working overtime, women felt exhausted more often than men, younger workers more often than older workers and blue-collar employees more often than white-collar employees.

Figure 6: Feeling exhausted at the end of the working day and overtime work in Czechia in 2019 (%)



Note: Answers to the question 'Do you feel exhausted at the end of a working day?' (5,533 respondents).
Source: Trexima (2019)

When asked if they had experienced a state close to burnout syndrome due to work (or had in fact suffered from this syndrome) over the past year, employees working overtime were more likely to reply affirmatively than other employees: 54% of employees working overtime had experienced burnout syndrome or a state close to it over the past year, and 34% had done so more than once. Employees who did not work overtime replied affirmatively in 47% of cases (27% having experienced burnout more than once). Among those working overtime, burnout syndrome was reported by larger shares of women and white-collar employees than men and blue-collar employees (Trexima, 2019).

An online poll conducted in Poland on the effects of overtime found that 74% of respondents reported having been negatively affected by overtime.⁴ Given the choice of various answers to the question ‘What health and well-being consequences do you experience from overtime and stress?’, the most common were irritation (73%), sleep problems (66%), fatigue (62%), headache (58%), sadness (53%), anxiety (48%), decreased concentration (46%), stomach problems (45%), increased sickness absence (36%), depression (33%), shortness of breath or palpitations (31%) and use of stimulants (29%) (Hays, 2018).

A survey on the extent and effects of structural overtime at Dutch universities, carried out in 2019, with more than 700 respondents, found that university staff members work on average about 36% more hours than agreed in their contract, the equivalent of about 12 to 15 hours of overtime per week. They are not compensated for these hours of work. According to the study, and although the overtime is not directly requested by the employer, the main cause is work pressure, with a large number of tasks being required of staff members. The main reported consequences were sleep deprivation, stress, and psychological and physical complaints. Respondents also mentioned negative effects on their private lives and financial situation. Overtime was reported by 45% of lecturers (with no research funding) and professors and by almost 25% of support staff. The respondents worked the additional hours mostly in the evenings and at weekends (Jongsma et al, 2020).

The Friedrich Ebert Foundation in Romania conducted a study to assess the impacts of overtime on personal and family life, stress, health and productivity. Analysing 400 standard interviews with employees in the automotive manufacturing, shipbuilding and textile sectors in Romania, the study concluded that overtime has serious negative impacts on the physical and mental well-being of workers. Those working overtime have a 127% higher

risk of suffering from chronic exhaustion than those who do not work overtime. They are also 63% more likely to report not being satisfied with their job and 96% more likely to develop an addiction to their job coupled with neglect of their personal life and health. The study also found a link between overtime, more frequent sickness absence and a reduction in productivity of around 20% in all sectors studied (Zanfirescu, 2017).

Working time preferences and work-life balance

Overtime may also have important consequences for workers’ working time preferences and work-life balance. The analysis conducted in Austria in the 2018 Arbeitsklimaindex, for instance, found that 76% of employees who often work overtime and more than 40 hours per week want to reduce their working hours. This wish is most frequently expressed by employees in the health and social care sector, followed by those working in business-related services, employees in industry and commerce, and workers in administration. Some 42% also stated that their work-life balance was poor, compared with 30% of those who only seldom worked overtime.

The survey carried out in 2019 for ČMKOS in Czechia also found that the work-life balance of employees is negatively influenced by overtime work: 51% of employees working overtime indicated that overtime limited their private life in terms of lack of time for family, friends, their own interests, household work and rest. These limitations, which led to mental and physical exhaustion, were perceived in particular by employees with young children, and more often by blue-collar than white-collar workers. The same data showed that employees working overtime had significantly more often the feeling that they did not have enough free time during a working week (32% felt they had and 48% felt they did not have enough free time; among employees not working overtime, 50% felt they had and 40% felt they did not have enough free time). A lack of free time is perceived in particular by women, employees aged 29 or under and white-collar workers. General satisfaction with work-life balance is considerably lower among those working overtime than among other employees: while only 8% of employees not working overtime reported not being satisfied with the ratio between time devoted to work and time devoted to private life, the share is 55% among those working overtime. Among these workers, the level of dissatisfaction was particularly high for women (60%) and workers aged 29 or under (63%) (Trexima, 2019).

⁴ Carried out in June to July 2018, in a sample of 3,200 respondents aged 21 or older, mostly professionals, managers and directors, 51% of whom were women and 49% men.

Research carried out in the UK on the health effects of working long (and unpaid) extra hours among academic staff also considered the effects on work–life balance. The sample consisted of 1,474 academic and 1,953 non-academic staff working for nine higher education institutions in the UK, and the data were analysed using structural equation modelling. The results showed that academics tend to report a poorer quality of working life than non-academics within these institutions and that this is exacerbated by their higher reported number of extra hours worked per week (Fontinha et al, 2019). The researchers found that employees who worked 10 or fewer extra hours were more satisfied with their job and career and had more control at work than those who either did not work extra hours or worked a greater number of extra hours.

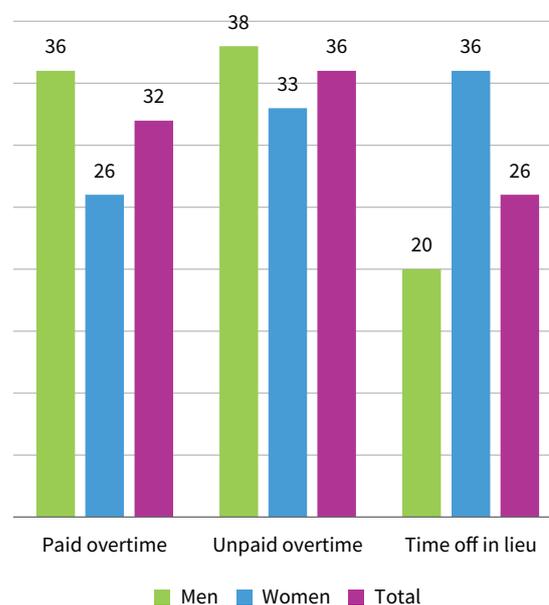
Unpaid overtime

As explained earlier in this report, working overtime usually involves the payment of a premium in relation to normal wages. However, the phenomenon of work beyond normal working hours for which employees are not compensated (including unpaid overtime) seems to be pervasive and of some importance, at least in those countries that produce relevant data.

In an analysis of the national Labour Force Survey in 2017, Statistics Denmark found that, of those having worked overtime, 36% worked unpaid overtime, 32% worked paid overtime, 26% expected compensation for overtime in the form of time off and the remaining 6% did not know how, or if, they would be compensated. The share of unpaid overtime was larger than the share of paid overtime in all the sectors analysed, with the exception of the building and construction sector, in which there was more paid than unpaid overtime. The analysis also found that men were not only more likely to work overtime than women but also more likely to be paid for it, whereas women were more likely to take time off in compensation. This may be because more women work in the public sector, where time off in lieu is the dominant form of compensation. The most prevalent type of overtime is nevertheless unpaid overtime, which is most likely to be performed by men, as shown in Figure 7.

A subset of the information and communications sector is the game development industry. In 2019, the Danish trade union Prosa conducted a mini-survey of workers in this subsector, a relatively small group. The survey had 71 respondents, the majority (9 out of 10) of whom were permanently employed. Almost 60% received no financial compensation for overtime work, despite its being a common practice; 16% could explicitly only take time off in compensation (Prosa, 2019). The industry is relatively new, with rapid growth, and one of the main reasons behind the unpaid overtime is a lack of collective agreements and employee representation (Christensen, 2020).

Figure 7: Paid and unpaid overtime and time off in lieu among workers performing overtime in Denmark in 2017, by gender (%)



Source: Statistics Denmark, Labour Force Survey, first quarter of 2017

In France, according to Workforce View 2020, a survey carried out by the ADP Research Institute, more than half of employees carry out unpaid overtime. In fact, 56% of employees work unpaid overtime, on average for almost 5 hours (4 hour 39 minutes) per week. Employees in real estate (56%) and the media (55%) work the most unpaid overtime per week on average, more than 6 hours. One in 10 respondents said that they worked more than 10 additional hours a week for free (ADP Research Institute, 2020).

According to a study conducted by the Working Life Research Centre (FORBA) in Austria, the share of paid overtime as a percentage of all overtime increased in all occupational groups between 2005 and 2014, which means that the share of unpaid overtime decreased (Schönauer et al, 2016, p. 18). The extent of unpaid overtime varies greatly between different occupational groups: in 2014, full-time blue-collar workers were paid for 90% of their overtime hours, freelancers for 80%, white-collar employees for 77%, civil servants for 74% and public employees working under temporary contracts for 66%.

The *Working hours report 2019* produced by Morgan McKinley Ireland examined overtime worked by professionals through a survey conducted in May 2019, in which 2,523 Ireland-based professionals participated. Some 65% of respondents reported working overtime (time in excess of their weekly contracted hours): 32% worked 5 hours extra, 19% worked between 6 and 9 hours extra and 14% worked 10 hours extra or more.

Of those reporting overtime, 75% stated that they were not compensated for that extra work. Human resources and marketing are the sectors with the greatest prevalence of unpaid overtime, at 86% and 85%, respectively. The research further found that 40% of professionals feel 'obligated' and 22% 'very obligated' to work in excess of their contractual hours. Excessive workload, cited by 72%, was the number one reason for working overtime, followed by pressure from management (23%) (Morgan McKinley Ireland, 2019).

Various theories have been proposed to try to explain the phenomenon of 'unpaid overtime'. Some examples are listed below (Papagiannaki, 2014).

- Deferred compensation theory: unpaid overtime is seen as an investment that will be repaid in the future; by working unpaid overtime, employees increase the company's outputs and profits so that they can be rewarded later with higher earnings or greater benefits.
- Human capital theory: unpaid overtime is again seen as an investment, but in terms of the individual gaining knowledge and skills, and therefore increasing their productivity; highly educated individuals, in particular, work longer hours to increase their return in terms of human capital investment.
- Signalling: unpaid overtime functions as a signalling device in situations of uncertainty, when jobs may be at risk; it is used by employees to show employers how dedicated they are and that they can take on extra tasks, with the aim of becoming thought of as high-ability workers.
- Gift economy theory: unpaid overtime is seen as a gift from employees to employers for good conditions such as pay; employers assume that workers will respond to higher wages with greater efforts, and workers assume that greater efforts will result in higher wages.
- Organisational mechanism: unpaid overtime is seen as a mechanism to organise production; for instance, in more complex occupations there may be uncertainty about the working time required to complete a task, and workers may end up providing more working hours than their contract specifies.

Papagiannaki, however, proposes that these approaches all fall short of explaining the phenomenon, in that they try to explain unpaid labour in terms of its mutual advantage to the employer and the worker. The author argues that, in fact, 'working time extension generally, and unpaid overtime in particular, are forms of absolute surplus value extraction'; in other words, unpaid overtime is used to increase profits by extending the working day while keeping wages at the same level.

Recent research by Ioannides and Mavroudeas (2018) includes an econometric estimation of the determinants of unpaid overtime in Greece and the Netherlands. They report the following findings.

- Unpaid overtime is the result not of employees' free choice but of pressure exerted on them.
- Pressure from employers is most effective when workers are most vulnerable.
- There is a reduced probability of unpaid overtime among shift workers, who are better protected than others.
- There is a significantly high probability of unpaid overtime among supervisors in Greece, which can be partly attributed to the increased pressure that they feel to justify their higher earnings (compared with the diminishing wages of other workers) with additional work.

A study by the Austrian Institute of Economic Research (WIFO) has explored the topic of unpaid overtime hours in great detail, based on microcensus data from the Labour Force Survey for 2012. In that year, 23% of the 296 million hours of overtime worked remained unpaid. According to this estimation, 1.2% of the total volume of work performed in Austria in 2012 was unpaid (Famira-Mühlberger and Fuchs, 2013). The study found that men and full-time workers were more likely to do unpaid overtime than women and part-time workers. However, overtime worked by women was more likely to be unpaid than overtime worked by men. Unpaid overtime occurred mainly in more highly educated occupational groups (among those in academic occupations and managers), and almost two-thirds of unpaid overtime was carried out by university graduates and individuals with an upper secondary degree.

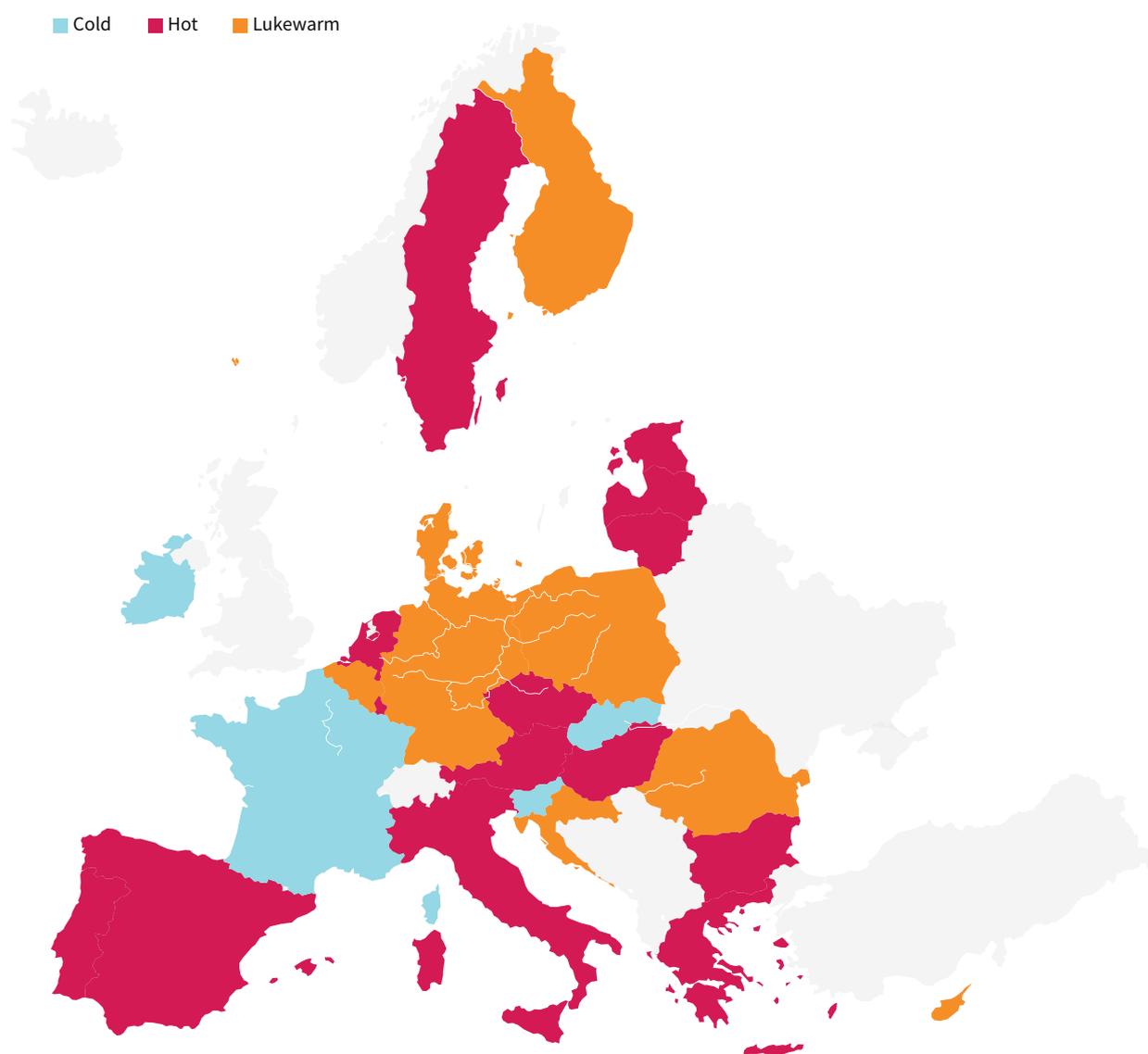
The same study also presented reasons for unpaid overtime. On the one hand, for employers, the benefits of unpaid overtime hours are primarily related to the flexibilisation of labour deployment, reduced labour costs and thus the strengthening of the company's competitive position. For employees, on the other hand, unpaid overtime can be a form of investment in themselves and be associated with higher wages in the future, or it can be undertaken in order to secure one's job in a region where unemployment is high, for instance. However, unpaid overtime is also a result of adaptation to new 'results-oriented' forms of work, such as all-in contracts, in which the contractor delivers a product or service ready to be used.

3 Debate around overtime in the Member States

On the basis of information provided by the Network of Eurofound Correspondents, the EU Member States were classified into three groups in terms of the intensity of the debate around overtime between 2018 and 2020, as shown in Figure 8. Those in which the question of overtime was quite prominent at national level or where there were far-reaching discussions or cases were

labelled ‘hot’. Those in which overtime was discussed as part of other, broader topics or discussed only in relation to specific sectors or occupations were classified ‘lukewarm’. The remaining countries, where overtime was not an issue of debate at all, were marked ‘cold’.

Figure 8: Intensity of debate and discussion on overtime in the EU Member States, 2018–2020



Source: Authors, based on information provided by the Network of Eurofound Correspondents

Overtime as an issue of discussion cannot always be disentangled from public debate or dialogue among national social partners on the broader topic of working conditions. For instance, the subject of reducing working hours comes to the fore from time to time, as it has done in Belgium recently, while in Germany the focus has been on the concept of ‘decent work’, flexible hours and the right to disconnect. Countries where the question of overtime specifically has been more prominent include Austria, Bulgaria, Czechia, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Spain and Sweden (and also the UK).⁵ In Croatia, Denmark, Finland, Poland and Romania, the topic is addressed to some extent. In the other countries, overtime was not perceived as a hot topic. In France, for instance, overtime has been the subject of reforms since 2000, following the introduction of the 35-hour week through the Aubry law. In Malta, overtime seems to be well regulated by legislation and company agreements, and is therefore not a contentious subject.

Working hours are a critical aspect of the dimensions of working and living conditions, and debates on overtime have emerged or resurfaced in recent years. In some countries, social partners have implemented initiatives to tackle the issue. The examples provided here are often linked to the COVID-19 crisis, during which issues related to overtime have become even more prominent.

The aspects of concern identified and described in this chapter are those relevant to a large number of countries or that are particularly contentious. Many of these issues are the same as those already identified through data and research, as discussed in Chapter 2. The most important issues recently debated in Europe have been grouped into five categories:

- unpaid working hours
- structural overtime
- monitoring working hours beyond limits
- vulnerable groups and sectors
- overtime, remote working and the pandemic

Unpaid working hours

One of the most frequently recurring issues is hours worked beyond the 48-hour limit specified in national legislation or company agreements, for which workers are not compensated, either financially or through time off in lieu.

In Denmark, the debate focuses on the high number of unpaid overtime hours and the variation in compensation in three types of unpaid overtime:

- where compensation is already included in the employee’s fixed salary
- where the employee is not covered by a collective agreement and their contract does not refer to overtime
- where the employee is not compensated despite their right to compensation

The Danish Association of Lawyers and Economists (Djøf) argues that fixed monthly salaries are becoming more common, especially among graduates. However, many of its members are not aware of the details of their contracts and, as a result, are mistaken about their overtime rights and actual agreed working hours. The uncertainty is reportedly exacerbated by the career-driven and individualistic culture in the sector (Holgersen, 2016). In Denmark, unpaid overtime is prevalent in the game development industry, characterised by a high turnover of young people due to poor working conditions, which lead to exhaustion (Prosa, 2019; see ‘Unpaid overtime’ in previous chapter); this issue forms part of a larger debate on securing better rights for individuals working in the industry, where young workers form the majority of the workforce.

Although the need to compensate workers for overtime is not questioned by Finnish stakeholders, compensation practices are sometimes raised in debate in Finland. There has been some discussion concerning the level of compensation for overtime, for which workers are increasingly compensated with time off. Although the relevant legislation stipulates that the duration of time off in lieu should correspond to financial remuneration for overtime (for instance, if financial compensation is pay plus 50%, time off should be 1.5 times the overtime hours the employee has worked), in many cases the employee is compensated without any premium for the overtime worked. One of the sources of confusion may be the fact that additional work (hours that exceed what is agreed in the employment contract or collective agreement but are not considered as overtime) is compensated for by paying the employee their regular salary or giving them the same amount of time off as the additional hours worked. According to a representative of the Finnish Transport Workers’ Union (AKT), a trade union in the logistics sector, this has to do with employees being afraid of getting a reputation for being difficult (Yle, 2016). Another trade union that has raised this

⁵ In Bulgaria, overtime is undertaken to a significant extent in some industries as a result of recent legislation that has doubled the limit on overtime hours. Yet it is not widely debated because paid overtime constitutes substantial additional income for those on low wages.

issue is SuPer, representing nurses. Its information campaign ‘Teen työaikani – tarvitsen vapaani’ (‘I work during my working hours – I need my time off’) aimed to increase awareness about the employee’s right to refuse to work additional hours and to receive the correct compensation for overtime (SuPer, 2018).

In Lithuania, cases of uncompensated overtime seem to be common, and disputes arise when overtime hours worked are ‘hidden’ and employees are unable to produce proof of those hours (Rakauskė, 2019). Cases in which unpaid overtime remuneration has been brought up have led the Supreme Court of Lithuania to rule on the standard of proof in cases involving overtime work paid for at a higher rate. The court has held that, according to case law, payment for overtime work and work on days off and holidays must be awarded if the following is established: (1) the work was performed; (2) the work was performed on the instructions of the employer, with its knowledge or permission; (3) the work was in principle permitted only in exceptional cases established by law or at the written request of the employee. The fact that the set working hours have been exceeded is not sufficient per se to establish that the employee must be paid a higher rate to compensate for overtime work (Bakanauskas, 2020). According to Danas Arlauskas, Director General of the Confederation of Lithuanian Employers (LDK), companies clearly indicate in timesheets how many hours employees are required to work, as specified in the Labour Code. If a person works longer or on public holidays, they receive extra pay. According to Mr Arlauskas, too much effort goes into regulating working time, which should be a matter for agreement between the employee and the employer (Spinter Research, 2019).

In Hungary, despite strong protest from the trade unions and the public, regulations on working time were amended by Act 116/2018 (effective from 1 January 2019), which allows employers to modify standard working time rules with the agreement of the employee in such a way that there is no compensation for overtime, as extra hours are counted as part of modified standard working time. In January 2019, three of Hungary’s five trade union confederations – the National Confederation of Hungarian Trade Unions (MASZSZ), the Forum for the Cooperation of Trade Unions (SZEF) and the Confederation of Unions of Professionals (ÉSZT) – lobbied for the withdrawal of the new amendment, which the government admitted had been introduced in response to calls by employers, mainly large corporations. In that context, a public opinion poll by the Publicus Institute found in December 2018 that 73% of respondents regarded the new law as being advantageous to employers, 9% considered it beneficial for workers and 12% thought it had advantages for both. Some 81% of people working in industry and services and 63% of employees in commerce opposed the law.

Sectoral industrial action over unpaid overtime occurred recently in the Netherlands. The metal sector initiated a strike in 2018 in response to the threat of mandatory overtime on Saturdays in a factory in Limberg. This local strike was followed by a strike in the whole sector. The trade union FNV Metaal initiated negotiations in 2020 in a bid to abolish overtime in the metal and electronics industry.

Structural overtime

Structural overtime is when employers continuously rely on current staff working extra hours in order to sustain a certain level of production, hence avoiding the need to recruit extra staff. Overtime can be made more or less attractive – for example, through changes to the monetary compensation awarded; hence, provisions regarding overtime work can have an effect on the extent to which overtime can be relied on to sustain production at a particular level.

Austria ranks among the top three countries in the EU with the longest working hours of full-time employees (41.1 hours in 2019), according to Eurostat’s EU-LFS. There is a high degree of polarisation of working time between men and women, with a very high share of women working part time (47% in 2019) and a high incidence of full-time work among men. In 2018, the latest amendment to the Working Time Act caused a major outcry from organised labour, when maximum working hours were increased from 10 to 12 hours a day and from 50 to 60 hours a week (Eurofound, 2018).

The number of overtime hours among academic staff in the Netherlands is on average 12 to 15 hours per week. In 2020, a study by the university staff action group WOinActie in collaboration with trade unions asked university employees to report on their experiences of structural overtime to the Inspectorate of Social Affairs and Employment (Jongsma et al, 2020). This led to 719 reports within two weeks, considered an alarming response rate in such a short period of time. It was also noted that overtime work is often dismissed by employers in the academic world as an occasional requirement and not a structural problem.

In the context of the COVID-19 pandemic, the Dutch government decided in 2020 to temporarily relax unemployment insurance premiums paid by employers, which are normally higher for part-time employees who work 30% of their contracted hours or more in overtime annually. The government argues that the intention is to prompt employers to make greater use of employees in crucial professions, such as stock fillers, nurses and drivers, as they have tended to work more than 30% overtime during and as a consequence of the pandemic. This relaxation continued to apply during 2021. According to a survey conducted in 2020 by ADP, the average number of overtime hours that Dutch employees work has continued to rise throughout the

COVID-19 pandemic, increasing by one hour per week (ADP Research Institute, 2020). The general manager of ADP in the Netherlands asserted that overtime will not decline in the short term, as economic uncertainty means that employees feel more pressure to work longer hours, which will lead to overworked staff and reduced productivity.

In Bulgaria, there were protests by the trade union Podkrepa in 2020 in reaction to amendments to collective agreements to increase annual overtime limits from 150 to 300 hours, which came into force in 2021. In some sectors where overtime is extensively used, such as the clothing industry, it represents a substantial supplement to workers' income. According to representatives of the Bulgarian Socialist Party, the main reasons for workers agreeing to work overtime are low wages and unemployment.

In France in 2018, in reaction to the 'gilets jaunes' ('yellow vests') crisis, the government decided on measures to increase the purchasing power of citizens and decreed that from 2019 overtime would be exempt from employee social security contributions and from income tax (up to a certain limit). The measure was adopted in the framework of the annual finance law for 2019. According to economist Gilbert Cette, this measure has several drawbacks. For instance, it does not benefit employees who do not have the opportunity to work overtime, such as those in involuntary part-time work, where the pay situation is often very unfavourable, and it is an incentive to use overtime rather than recruiting additional staff, which is counterproductive in an economy with high unemployment (Le Monde, 2018). A study launched by the French Observatory of Economic Conditions (OFCE) (Heyer, 2017) predicts that the scheme will lead to the loss of a minimum of 19,000 jobs, perhaps as many as 38,000 or 44,000 depending on the channel used to finance the measure. 'If we want to encourage the labour supply of unemployed persons, it would be more relevant to subsidise the first hour worked, and not overtime,' comments Mr Cette. The extent of declared overtime is often difficult to verify, particularly in relation to small and medium-sized enterprises, and it is feared that overtime could become a state-subsidised means of increasing wages.

Goran Lukić of Delavska svetovalnica (Workers' Counselling Office) reports that overtime work in Slovenia has become a normal working practice in companies, and not only in labour-intensive sectors. He stresses that overtime work has become standard, especially since workers are by law obliged to work overtime and that many employers and workers are not aware of the limits on overtime work. According to Mr Lukić, today's situation is similar to that prevailing during the economic crisis, when employers' pressure on employees resulted in extensive overtime hours. Today, many companies offset the lack of human

resources by demanding that employees work overtime. The Association of Free Trade Unions of Slovenia (ZSSS) in a press conference in March 2020 pointed out that one of the largest Slovenian companies operating at Ljubljana airport was in breach of regulations on overtime work and working time. Employees had reported to the company trade union that they did not know each morning when their working day would end. This had started to affect workers' private lives, especially in the case of flight attendants who work on the ground at the airport. The company trade union reported violations of the regulations to the labour inspectorate. Despite action by the labour inspectorate, the violations appear to have continued.

The COVID-19 crisis has highlighted existing issues relating to overtime and its regulation in many Member States. The examples below, from the healthcare sector, illustrate the pre-existing problem of structural overtime being exacerbated during the crisis. In most Member States, staff in the healthcare sector had to work overtime to cope with a shortage of personnel during the pandemic. Some Member States took specific measures, such as Belgium, where the government ruled that healthcare workers could work an increased amount of voluntary overtime (up to 220 working hours).

In Portugal, according to the General Confederation of Portuguese Workers – National Trade Unions (CGTP-IN), continued cuts, including in the health sector, which began in 2012 as part of the austerity measures by the government, have worsened the precarious situation of workers. In the opinion of the President of the Order of Nurses (OE) and the General Secretary of the Independent Union of Doctors (SIM), the COVID-19 pandemic has given even greater visibility to the chronic problem of overtime in Portugal, notably in the health sector (Diário de Notícias, 2020). The SIM General Secretary claimed that most healthcare workers do not want to work overtime, since it is underpaid and these extra hours 'interfere negatively in their family, personal and cultural life'. Rather than it being a choice, health professionals are required to work overtime to ensure the responsiveness of the sector.

Overtime is a controversial issue in the healthcare sector in Czechia also. A derogation from the Working Time Directive for the healthcare sector was used between 2008 and 2013, allowing employees in healthcare facilities with continuous operations to agree with employers on a higher number of overtime hours. Although the derogation expired on 1 January 2014, due to the ongoing lack of medical staff, the existing legislation has often been infringed and the number of overtime hours has continued to considerably exceed statutory limits (Deník, 2019; Garkisch, 2019). There are allegations that the management of healthcare facilities disguise overtime hours by using additional out-of-employment work

contracts – non-standard employment agreements to complete a job or perform work – and standby duty at the place of work, and in some cases even by forging working time records (Železníková, 2016). Thus, the legal limits are formally observed but working time legislation is breached. This practice has been tolerated by the Ministry of Health, given the need to provide adequate healthcare services, but it has been repeatedly criticised by trade unions such as the Trade Union of Doctors in the Czech Republic (LOK-SČL). Trade unions have frequently called for salary increases for medical staff to compensate them for long working hours, and also to attract new staff.

Monitoring hours worked beyond limits

Another aspect of crucial importance regarding overtime is the lack of a system by which it can be measured and recorded. Article 6(2) of the EU Working Time Directive requires Member States

to take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers, the period of weekly working time is determined by the two sides of industry or by national legislation, provided that the average working time for each seven-day period, including overtime, does not exceed forty-eight hours.

This provision has been supplemented by a decision of the European Court of Justice of May 2019 stating that ‘employers must have a suitable system in place to ensure employees’ working hours are recorded’, in order to ‘guarantee better protection of the safety and health of workers’. This means that Member States are required to take the necessary steps to implement such systems. The court specified that any ‘economic considerations’ or costs associated with putting such a system in place cannot justify failing to ensure the effective protection of the safety and health of workers. The employer is responsible for tracking hours worked and keeping records. However, imposing fines on employers for breaching regulations on registering and paying for overtime is not a straightforward exercise, as explained in Box 1.

In Finland, there is an ongoing debate about ‘grey overtime’: overtime hours that are not recorded. This concerns white-collar workers, managers and women in particular. Sutela et al (2019) highlight the increasing difficulty of measuring overtime as working life becomes more fragmented: for example, many employees do not consider checking their email during their free time to be work. White-collar workers in particular work increasingly on screen-based ICT equipment, and the boundaries between work and private life are becoming blurred (for more on the debate on the right to disconnect, see Eurofound, 2021c). According to the trade union Pro, its members

Box 1: Support for penalties and skepticism over reduction of violations

Romania – Discouraging unpaid overtime

Law No. 399/2018 was intended to amend the Labour Code and discourage unpaid overtime and overtime exceeding the legal limits (48 hours per week including overtime). Several trade unions – including the national confederation CNS Cartel Alfa, which covers more than 600,000 workers – have expressed public support for the change. The initiators of the bill pointed out that, according to the European Working Conditions Survey, over 35% of Romanian employees work more than 40 hours per week (whereas the average for the EU is 23%) (Eurofound, 2017). The law, in force since June 2020, replaced a fine of up to €600 approximately, irrespective of the number of employees who worked overtime over the legal limit, with a fine ranging between €300 and €600 approximately for each employee over the limit. For instance, for a company of 10 employees breaching the law the fine could amount to €6,000 approximately.

Hungary – Fall in norms violations questionable

According to a report issued by the Ministry of Finance in 2019, the number of labour rights violations cases involving overtime fell from 806 in early 2018 to 83 in the first few months of 2019. However, the trade union confederation MASZSZ, one of the largest in Hungary, argues that violations have continued but employers have become more skilful in hiding them. MASZSZ also argues that the situation regarding working time records has not improved: there are still many companies where such registers are not kept (particularly in the construction sector) or they are filled in with false numbers (particularly in commerce). The union also notes that the government has greatly reduced the number of inspectors in labour protection authorities, which means that many violations go undetected.

work approximately 30 minutes of grey overtime per week. This invisible work is considered to be a significant problem also by Akava, the Confederation of Unions for Professional and Managerial Staff in Finland (Yle, 2020).

In Croatia, overtime is regularly used in the private sector but no official data are available. Employers are more inclined to offer time off than additional pay in exchange for overtime. According to a statement by trade unions, and in particular the SSSH, full-time and part-time workers carry out significant amounts of unpaid overtime but are reluctant to report it to their employers. Many employers, particularly small and medium-sized enterprises, resort to adding small increases to salaries to compensate workers for overtime, in order to respect the statutory obligation to offer a pay premium in case of labour inspection supervision. However, there are no official details on how and when overtime hours are registered and monitored.

In Spain, two cases concerning financial companies went before the National High Court in 2015 and 2016, respectively. Trade union organisations sued the companies to force them to set up a recording system for actual working hours and to inform worker representatives about overtime worked on a monthly basis in accordance with the provisions of Article 35.5 of the Workers' Statute, the third additional provision of Royal Decree-law 1561/2015 on special working hours and Article 32.5 of the sectoral agreement for the banking sector in force at the time. The Court of Justice was favourable to the requests made by the unions. It stated that the keeping of a daily register to monitor excessive working hours is a legal requirement and that the lack of a register places workers in a vulnerable situation that is not warranted by the fact that overtime is carried out on a voluntary basis. The Supreme Court (Ruling 246/2017 of 23 March 2017) stated that legislative reform would be advisable to clarify the obligation to keep a record of hours, thus making it easier for the worker to prove the overtime worked.

This was followed by the case of the Services Federation of the Trade Union Confederation of Workers' Commissions (FS-CCOO) against a German multinational bank. The union challenged the bank on the need to record working time to ensure that overtime hours are properly noted. The case went to the European Court of Justice, which, in 2019, issued a key ruling that effectively requires all employers to record their employees' working time.

As a consequence, the Spanish government passed Royal Decree-law 8/2019 on urgent measures for social protection and the fight against precariousness in the working day. It amends the Workers' Statute to stipulate the compulsory registration of working hours by all public and private employers. Non-compliance with the working time register is considered an offence.

However, the implementation of this mandatory time recording did not have an immediate impact: a special module of the Spanish National Statistics Institute's Labour Force Survey on the organisation and duration of the working day in 2019 found that 28% of employees recorded only their presence at work, 38% also recorded working hours and 26% recorded neither their presence at work nor the hours worked (despite the fact that the regulation was implemented in March 2019).

Failure to record working time in Spain seems to have become more widespread during the pandemic, with the extension of unpaid working hours in the context of mandatory teleworking. A study carried out by Molina et al (2021) during the first lockdown (March to April 2020) found that only 6% of teleworkers recorded their working hours, with several media outlets reporting an increase in unpaid overtime in 2020 (an increase of 16% in unpaid overtime in the fourth quarter of 2020 compared with the same period in the previous year, twice as large as the increase in paid overtime). This occurred in a context of collective redundancies and temporary workforce restructuring plans (Expansión, 2021).

Vulnerable groups and sectors

Overtime may pose some significant challenges to workers with certain characteristics or in particular occupations or sectors. For instance, self-employed workers, who enjoy full autonomy over the organisation of their working hours, are not subject to regulations regarding overtime and, in more precarious circumstances, their health and the quality of their work may suffer. This is particularly important in the current context of increasing platform work and uncertainty over who is classified as self-employed. On a different note, more recently, the health sector has been particularly badly affected by the pandemic, with front-line workers in essential healthcare services being requested to frequently work in excess of their regular working hours.

In Estonia, there have been efforts by the government and social partners to regulate working arrangements for non-traditional workers (in particular platform workers) and solo self-employed workers not covered by employment law and working time regulations, including setting limits on working time and overtime. Similarly, the issue of the regulation of 'independent workers' was addressed in a report submitted to the Norwegian Ministry of Labour and Social Affairs in 2016. An expert committee on overtime – composed of economists, human resources managers in the health sector, representatives of the National Institute of Occupational Health (STAMI), representatives of the Fafo Institute for Labour and Social Research, lawyers and a sociologist – proposed amending working time regulations by introducing a new category of partly

independent employees, so that they would be covered by regulations and have a maximum working week of 48 hours including overtime. This proposal has not been followed up by the government.

Overtime is an issue addressed in the media in relation to the gig economy in Malta, where gig economy workers are mostly third-country nationals working in the food delivery sector and taxi services. There are indications that many food couriers work around 60–70 hours per week, earning only around €1,500, since they need to give around 50% of their earnings to the recruitment company that found them the job (Malta Today, 2021a). The General Workers' Union (GWU) is the most vociferous of the unions on the issue, stating that the working conditions of those workers are akin to 'slave labour', since they are unprotected and classed as neither self-employed nor employees (Malta Today, 2021b). According to the GWU, taxi drivers in the gig economy are in a similar situation (Malta Today, 2021c). The government has discussed the issue at cabinet level and intends to take action to stop such illegal work practices (Malta Today, 2021d).

In Greece, the Hellenic Federation of Enterprises (SEV) has strongly criticised the existing regime governing overtime work and has put forward proposals for greater flexibility. The federation considers that overtime ceilings in industry should be revised, removing provisions allowing for different limits according to type of business (for example, industrial and non-industrial businesses). It argues that this is necessary because many traditional industries also have important non-industrial functions and vice versa, and in most cases overtime work is used to tackle emergencies. Ceilings for workers in industry must take into account these needs, and companies must have enough flexibility to meet fluctuations in demand and stay competitive in the European and international economies.

The working conditions of foreign domestic workers in Cyprus is an issue raised by non-governmental organisations and trade unions. A 2020 report co-authored by the Office of the Commissioner for Administration and Protection of Human Rights (the Cyprus Ombudsman), based on empirical research exploring the socio-legal challenges faced by foreign domestic workers in Cyprus, found that foreign domestic workers work on average 58 hours per week, 16 hours longer than their contractual hours; one-third of the sample worked 7 days a week and only 7% of the sample declared that they had received payment for overtime work (Hadjigeorgiou and Cyprus Ombudsman, 2020). The research also concluded that the employment contracts of domestic workers do not provide for set working hours, breaks during the working day or overtime payment.

As two examples from Luxembourg show, workers in sectors such as retail and cleaning seem to be particularly susceptible to the lack of respect for regulations on working hours. In Luxembourg, most retail stores can open every Sunday from 06:00 to 13:00, but in some sectors they may remain open until 18.00. On Sundays, employees can only work for four hours, with the exception of some categories of workers specified in the Labour Code. The Independent Luxembourg Trade Union Confederation (OGBL) found that many companies do not respect this four-hour Sunday work limit. The Labour and Mines Inspectorate of Luxembourg (ITM) carried out a vast inspection operation and ordered a number of companies to remedy breaches of the law. The Luxembourg Confederation of Commerce (CLC) proposed the suspension the law, but OGBL refused, pointing out that an individual or collective agreement cannot be less favourable to employees than the law. For the union, working more than four hours on Sundays should be done only on a voluntary basis. An agreement was not reached.

In 2019, during negotiations on a collective agreement in the cleaning sector with the Federation of Cleaning Companies (FDA), OGBL and the Luxembourg Confederation of Christian Trade Unions (LCGB) proposed as part of a salary increase the payment for all overtime at a rate of least at 140% of normal hourly wages, as well as a bonus for handling dangerous chemical substances.

In the UK, long working hours, overtime and unpaid overtime have become more prominent in public debate since the early 2000s, as part of a wider discussion on the quality of jobs. More recently, prior to the COVID-19 pandemic, there were increasing concerns over zero-hours contracts, self-employment and the gig economy. In 2017, the Taylor Review, which outlined recommendations such as the establishment of a minimum wage premium for non-guaranteed hours, based on the existing wage floor framework, also proposed a minimum pay premium above the regular wage for employees doing overtime.

Overtime, remote working and the pandemic

In some countries, the topic of overtime became more prominent during the COVID-19 pandemic, either because of measures put in place by Member States to cope with staff shortages in some sectors or because working from home was facilitated and encouraged. The latter gave rise to increased debate on the right to disconnect, including a proposal for EU legislation from the European Parliament. In August 2021, just six countries had a right to disconnect enshrined in their

legislation: Belgium, France, Greece, Italy, Slovakia and Spain. In the meantime, legislative initiatives are under way and policy debates are taking place in a number of countries. Both national legislation and EU-level initiatives emphasise the important role of social partners in shaping processes, thus ensuring that workers are able to disconnect outside agreed working hours while taking into account the practical realities of different sectors, occupations and companies (Eurofound, 2021c).

Derogations to extend permissions to work overtime have been granted in many Member States: Finland, France, Greece, Portugal and Slovenia. In Finland, employers in critical sectors (including healthcare, social services, the rescue services, emergency response centres and the police) were permitted to derogate from agreed working hours and no longer had to seek employees' consent for overtime work during the period of the emergency regulation. Greece removed the obligation for employers to seek permission from the Ministry of Labour when requiring workers to work beyond the maximum permitted overtime limits (although the daily limits set by the law still had to be observed). Overtime limits were also suspended in Portugal for specific essential services. In Slovenia, public servants could be mobilised to work overtime up to a maximum of 80 hours a month for the duration of the pandemic. Similarly, the French government's ordinance regarding urgent measures in matters of paid leave and working hours (No. 2020-323 of 25 March 2020), which had been subject to consultation with the social partners, authorised derogations from the rules on working hours, weekly rest and Sunday rest in sectors considered essential for the continuity of economic and social life. These included agri-food, large-scale distribution and businesses contributing to the activities of hospitals. In these sectors, employers were allowed to reduce the daily rest period from 11 to 9 hours, increase maximum daily working hours from 10 to 12 hours or raise the absolute maximum weekly working time from 48 to 60 hours.

Also as a response to the COVID-19 pandemic, the Hungarian government, as part of its Economic Protection Action Plan of April 2020, issued a decree (No. 104/2020) that, during the 'state of pandemic emergency', allowed employers to use the option of an 'extended working time frame' – that is, to extend the reference period during which hours worked must not exceed the relevant limits to a maximum of 24 months. As overtime was also covered by this measure, it was possible that time not worked because of COVID-19 lockdowns would be made up later, entailing long hours of overtime.

Increased teleworking raised the issue of recording overtime worked remotely. In Slovakia, for example, while the worker is operating from home, the employment relationship is not subject to provisions regarding weekly working hours and daily and weekly rest time (although provisions on the maximum number of working hours still apply). No wage supplements are paid to the employee for overtime or night work or for working on Saturdays and Sundays, unless the employee and the employer agree otherwise.

Research found that overtime increased significantly in Lithuania, especially because more individuals were working from home (Ilekyte et al, 2020; Sagaitytė, 2020). According to a survey carried out in 2020, 40% of employees in Lithuania worked remotely during the first lockdown (Spinter Research, 2021). A survey carried out by Raisiene et al in 2020, for which 436 teleworkers in Lithuania were interviewed, found that respondents who did not have telework experience before the lockdown highlighted the negative effects of telework, among them working overtime due to the inability of managers to accurately estimate workloads (Raisiene et al, 2020). In the light of this situation, in February 2021, the Tripartite Council of the Republic of Lithuania considered the issue of legalising the employee's right to disconnect outside working hours. It became clear at the Tripartite Council's meeting that, while most social partners agree that employees must have the right to disconnect, they do not consider it necessary to include such provisions in the Labour Code for the time being.

In Italy, an issue emerged concerning overtime and the practice of 'smart working' (also called 'agile work').⁶ In general, smart working arrangements exclude the possibility of working overtime, since working time is not registered and the absence of constraints in terms of time and place of work is among its objectives; the overall aim is to boost competitiveness and promote work-life balance. Only in a small number of cases can workplace agreements permit an employer to avail of overtime work for specific tasks and activities. The issue of overtime work emerged as a topic of debate because smart working has been used to enable remote home working as a response to the pandemic, without the flexibility in relation to time and place of work originally envisaged. Trade unions have asked for amendments to the 'smart working' regulation and for the importance of negotiation to be emphasised, since Law No. 81/2017 envisages the conclusion of an individual agreement between the worker and the employer. In order to ensure the continuity of activities during the pandemic, this provision was suspended by means of a special decree of March 2020; this stipulated that smart working could be unilaterally introduced by

⁶ Law No. 81 of 22 May 2017 regulates 'agile work' and stipulates that smart working takes place 'without specific constraints as regards working time and the place of work ... , partly on the enterprise premises and partly outside, without a fixed workstation, within the only limits set by the maximum duration of daily and weekly working time, according to legislation and collective bargaining'.

the employer, without the employer reaching an individual agreement with the employee, as required by the law in normal circumstances, but respecting the principles of Law No. 81 of 2017 (Eurofound, 2020).

During the COVID-19 pandemic, the issue of monitoring and recording of overtime by home workers has been the subject of debate in Poland. Employers have underlined that the monitoring of remote working hours has become difficult, while the media have reported that, for employees, working from home can mean heavier workloads and more overtime, including unpaid overtime. The media reported that there were many lawsuits before the labour courts regarding the right to rest and payment for overtime work carried out from home (Rzeczpospolita, 2021). According to the Ministry of Development, Labour and Technology, overtime pay may be replaced with a lump-sum amount that corresponds to expected overtime work. The measure had been provided for in the Labour Code for employees routinely working outside of the employer's establishment, such as drivers or sales representatives. The ministry claims that the provision should also apply to remote work (Dziennik Gazeta Prawna, 2020).

In Malta, there has been a heightened focus on the right to disconnect. Trade unions argue that more workers are ending up working remotely in excess of their usual working hours without any sort of compensation or protection for their mental well-being. A survey on the right to disconnect, carried out in 2017 by the trade union confederation FOR.U.M., further substantiated these claims. The results revealed that 97% of all respondents worked after hours, while 95% checked their emails at weekends and 82% checked their emails during family time (Malta Independent, 2017). Discussions are currently under way between the GWU and the government concerning legislation on the right to disconnect outside work hours (Lovin Malta, 2021). The Malta Employers' Association is against the introduction of the right to disconnect into local legislation before the related 'sensitive' discussions between social partners at EU level are over and a directive is ready for transposition (Malta Business Weekly, 2021).

4 Conclusions

Although the current European scene in terms of overtime regulation has evolved somewhat over the past 20 years, many of the general points made in Eurofound's 2003 research report on overtime remain valid. Most Member States establish a framework setting the rules for maximum working time, providing the basis for negotiators at various levels to determine detailed arrangements for actual working time. Beyond this, there are different approaches to regulating overtime among the Member States: some approach overtime as a separate topic of regulation; others address it as one component of working time regulation more generally.

Regulations on overtime also work differently in different countries. While in some the default view is that working overtime is a normal part of employees' duties, and that they should therefore make themselves available for it, in others overtime is seen as exceptional, and to be authorised only under specific circumstances. In addition, the right of the worker to refuse to carry out overtime is seldom absolute. Often, the burden is on the employee to provide a 'valid' or 'good' reason to be excused from working overtime by the employer.

The regulatory frameworks in most Member States establish limits on overtime, but they cannot be easily compared. The definition of overtime used in this report – working time beyond normal working hours – implies that the threshold at which overtime begins is generally the normal working time established for full-time workers through collective bargaining or in legislation. Then there is an upper limit on overtime, which can apply to daily, weekly or annual working time, or to combinations of these. In this context, the provisions of the EU Working Time Directive are a relevant constraint, particularly the general limit of 48 hours per week to be averaged over a reference period of no more than four months, which is reflected in the provisions of most Member States. These limits, however, can be increased by means of collective or individual agreements, sometimes greatly; for example, in Hungary, employer and employee can agree on a maximum of up to 72 hours' overtime per week. Many countries have an absolute limit that reaches several hundred hours per year. The limit can be equivalent to several weeks' full-time work – and sometimes more than the minimum four weeks' paid annual leave established by the Working Time Directive.

When properly approved, overtime usually attracts a premium rate. Compensation may be monetary (additional wages) and/or take the form of time off (additional leave), to be taken within a specified, and

usually relatively limited, period. The most common pay premium is 50% of regular pay (time off in lieu usually attracts the same premium, with 1.5 hours' paid leave compensating for 1 hour of overtime). However, pay premiums vary from 10% to 100% or even 150% in very specific circumstances, such as overtime carried out during public holidays. In Germany, Ireland, the Netherlands and the UK, employees have no statutory entitlement to a pay premium for overtime, but premiums can be established in individual contracts, works agreements or collective agreements.

There are two main forms of exceptions to regulations on overtime. First, some categories of workers may be excluded from working overtime – for instance, pregnant workers, parents of young children, and young workers or trainees. Second, there are groups of workers to whom the protection provided by legislation does not apply, the most common being (senior) managers because of their supposed autonomy over working hours.

To ensure compliance with the regulations, in many countries employers are required to record employees' working hours and make the information available to the relevant authorities; the labour inspectorate is generally responsible for monitoring and enforcement. Sanctions for non-compliance almost always take the form of financial penalties, with fines varying from a few hundred to tens of thousands of euros.

Data on the prevalence on overtime are not publicly available in all Member States. When they are available, the measurements used are not always the same across countries, and the data are therefore not fully comparable. Although they are collected, data on overtime are not publicly available in Belgium, Bulgaria, Croatia, Romania and Slovenia.

National-level statistics on the shares of employees performing overtime are very disparate in Europe. However, it is reasonable to say that in most countries with data available the share of employees reporting that they work overtime is rather substantial. In most cases, the percentage of employees performing overtime with some regularity reaches two digits. Austria, Ireland, Malta, Portugal and the UK are the countries where the average numbers of overtime hours are the greatest, with those who work overtime working on average about an additional day per week.

The available data do not reveal a clear-cut European trend over the past decade. The proportion of individuals doing overtime has increased in some Member States but decreased in others. Data from Denmark, Estonia, Latvia, the Netherlands and Portugal suggest an increase in the proportion of workers

reporting having carried out overtime over the past few years. Data from Austria, Czechia and Norway point in the opposite direction. Men, prime-age workers (those aged 25–55) and workers with higher levels of education are more likely to report working overtime and to report longer overtime hours than others.

The prevalence and extent of overtime work also vary according to workers' occupation and sector of activity. In some countries, it tends to be more prominent among higher-skilled workers, such as managers and academic professionals. In others, overtime tends to be more common among occupations such as electricians, drivers and mobile plant operators, and metalworkers. Health professionals and health associate professionals also tend to appear among the occupations in which workers are most likely to carry out overtime, and this has been particularly apparent during the COVID-19 pandemic.

An important distinction by sector, according to data from various countries, is between private and public sectors of activity. Data from Austria, Malta and Poland indicate that overtime is more common in the public sector, but data from Czechia show longer paid overtime hours in the private sector. Healthcare, social work, mining and quarrying, manufacturing, transport and storage, construction and education are some of the sectors of activity consistently showing a high prevalence and/or extent of overtime.

The factors explaining why individuals work beyond normal working hours can be considered from the employer's and the worker's points of view. Internal flexibility (overtime as a tool to deal with a surge in demand) and the influence of the existing legal framework are, according to the research available, the most important reasons for employers to have recourse to overtime. From the worker's point of view, overtime can be a source of (extra) income, a means of coping with (high) work intensity, a response to organisational influence (peer pressure, organisational culture, etc.) or an expression of the worker's strong motivation to work.

According to existing research, there are two main implications of overtime work. First and foremost, overtime has been shown to have harmful effects on workers' physical and mental health. Overtime and long working days are illness risk factors with dose–response-type effects: the greater the exposure, the greater the risk. Longer working hours mean less time for recuperation and less sleep time, with greater fatigue ensuing when overtime is sustained over long periods. Although the exact mechanisms that lead to illness are not yet known, most studies point to endocrinal changes and modifications to the central nervous system induced by chronic stress resulting from long working days and associated lifestyle factors.

Second, overtime may also have important consequences for employees' working time preferences and work–life balance. Those performing regular overtime tend to report a poorer work–life balance and more difficulty in finding time for family, friends, their own interests, household work, care responsibilities and so on. This can lead to mental and physical exhaustion; lack of time is perceived as a problem in particular by employees with care responsibilities (for young children, elderly relatives, ill family members and so on), especially women.

Although workers are usually compensated for overtime with additional money or time off, the available data show that unpaid overtime seems to be pervasive in the EU. While many theories try to justify unpaid overtime as having advantages for employers and employees, empirical data show that unpaid overtime generally results from pressure exerted on workers, which is most effective when workers are vulnerable. Shift workers, for example, who tend to be better protected in terms of working time arrangements, are less likely to report unpaid overtime.

The phenomenon of unpaid overtime – including 'grey overtime', when extra hours are not recorded – is quite often the subject of national debates and even court cases. These are frequently part of larger debates on securing better rights and associated working conditions for workers, such as the right to disconnect for teleworkers. Discussions around unpaid overtime are taking place in large sectors in which social dialogue has an established role, such as metalwork, logistics and healthcare, but also in specific areas such as the game development industry and the academic sphere.

Another important topic of ongoing debate in some EU Member States is the recording of working time. There are reports of a lack of transparency in recording overtime, which leads to infringement of regulations and puts workers at risk of being unable to claim their rights to compensation and of suffering health-related problems as a consequence of working in excess of statutory limits. The issue of how overtime is calculated, sometimes being absorbed into standard working time and effectively made invisible, has also arisen in specific sectors, such as industry and commerce.

The COVID-19 crisis further endangered workers, as they were encouraged to work overtime to compensate for loss of productivity, while employers were reluctant to hire additional staff in a climate of economic uncertainty. As the remote workforce grows, how working hours are recorded is changing, with additional hours often constituting 'grey overtime' – invisible work that takes place at the blurred boundaries between working life and private life. Provisions creating a right to disconnect are being introduced in some countries but not all, and they generally cover only 'teleworkable' jobs.

Some categories of workers and sectors were more vulnerable than others when it came to overtime during the health crisis. Workers in precarious situations, not covered by regulations or agreements, and workers in the emergency services or essential sectors such as healthcare and retail were clearly particularly affected by increased overtime. Although they should have been able to receive proper compensation for the overtime carried out, this did not always happen. Furthermore, research shows that these workers were prone to reduced motivation and poorer work performance, as well as being at higher risk of health-related problems – some of which may not manifest themselves until much later.

Overtime is an important element of working time, and as such is regulated across the EU. It plays a key role for employers in dealing with exceptional circumstances such as a surge in demand or an emergency situation.

However, both the available data and ongoing debates in some Member States show that overtime is still sometimes abused and misused, either because it is not used under the circumstances envisaged in legislation and agreements or because workers are not properly compensated for it. Even when what is considered adequate compensation is provided, overtime may, if carried out regularly, have grave consequences for workers' health and well-being. This could be addressed by improving the mechanisms for recording working time and for providing compensation for work in excess of contractual terms, to ensure that workers get enough time for rest and recuperation and do not suffer adverse consequences in the medium to long term. However, anecdotal evidence indicates that even more or better monitoring may not be sufficient. It is important to note that compensation for overtime (in the form of extra money or time off) does not undo any harm done to workers' health.

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Annexes

Annex 1: Questionnaire

1 – How is overtime regulated in your country?

Please briefly describe how overtime is regulated, using the table below and providing details on each of the mentioned aspects.

Topic/theme	Example
Legal source(s)	<i>Working Time Act</i>
General provisions, including definition of overtime and criteria (In what situations can overtime take place? Must employees agree with the employer to do overtime? Do employees have the right to refuse to do overtime?)	<i>Overtime work is permitted where: (a) there is an increased workload; or (b) the worker cannot be replaced by another worker, for preparatory and complementary work. Overtime must be agreed between employee and employer.</i>
Limits (daily, weekly, monthly, annually) and period of reference for calculation of averages (if applicable)	<i>No more than 10 hours of overtime are permissible within any single week. Maximum of 240 hours per year.</i>
Compensation (pay premium, compensatory rest/time off, time off premium, etc.)	<i>Those working overtime are entitled to an overtime premium of 50% and compensation by time in lieu.</i>
Application to special categories/exceptions/derogations	<i>Workers may refuse overtime hours of work if the provisions of the legislation or of a collective agreement are not complied with.</i>
Enforcement, compliance and sanctions	–

2 – How prevalent is overtime in your country?

2.1. Is overtime monitored through official statistics or regular surveys? If so, how is it measured and how regularly? Please mention the source or sources of data and their method or methods of collection. Please provide the most recent available data, if possible including trends, according to sector of activity and/or occupation, workplace/organisation size, type of employment contract and workers' characteristics (age, sex, educational level, country of origin, etc.).

2.2. Is there any recent and relevant research about overtime in your country? Please briefly present the main findings, and the data and methodology used. We are interested in explanatory factors for overtime (supply, demand, (low) wage/income levels, impact of (more or less restrictive) regulation, etc.) and in the impacts or consequences of overtime on health, work–life balance and companies' performance/workers' productivity. We have a particular interest in any research on unpaid overtime.

3 – Is overtime an issue of debate in your country?

To what extent is overtime a controversial issue in your country? Please justify your answer with examples from public debate, social dialogue, collective bargaining or jurisprudence on the subject. Please distinguish, if possible, the issues that are recurrent from those that are the result of the responses to the COVID-19 pandemic. Some issues to bear in mind are:

- unpaid overtime (undeclared work)
- extension/suspension of overtime limits
- right to refuse overtime work
- discussion about reduction of workload/better organisation and distribution of work
- the way overtime is allocated
- form(s) of compensation
- the structural character of overtime
- general discussion of reduction of normal hours

Annex 2: National publicly available data sources on overtime

Country	Source	Measurement/question	Methodology/regularity	Specific data on unpaid overtime?
Austria	National Labour Force Survey microcensus – Statistics Austria	Number of employees working overtime hours or excess hours	Household data collected quarterly from random sample ($n = 22,500$)	Yes
Belgium	Data collected is not publicly available			
Bulgaria	Overtime is not monitored through official statistics or regular surveys			
Croatia	Data collected is not publicly available			
Cyprus	Structure of Earnings Survey – Cypriot Statistical Service	Overtime earnings in euros per month	Survey of sample of employees from a representative sample of enterprises ($n = \text{approx. } 29,000$)	No
Czechia	Average Salary Survey – Trexima on behalf of the Ministry of Labour and Social Affairs	Average monthly paid overtime hours	Exhaustive sample survey of economic entities	No
Denmark	Labour Force Survey – Statistics Denmark	Share of workers working overtime, paid and unpaid	Survey of stratified sample of population, aged 15 to 74 ($n = 19,000$)	Yes
Estonia	Estonian Work Life Survey – Statistics Estonia (only 2015 and 2019)	‘Have you worked overtime during the past 12 months?’	Cross-sectional survey of employees and their employers (multi-level; only 2015 and 2019)	No
Finland	Labour Force Survey – Statistics Finland	Respondents are asked whether they have worked overtime during the week they are contacted	Randomised sample computer-assisted telephone interview survey of people aged 15 to 74, carried out twice a year, most recently in 2019 ($n = 12,000$)	No
	Quality of Working Life Survey – Statistics Finland	Respondents are asked whether they sometimes work overtime and if they are compensated for it (money or time off from work)	Face-to-face survey, conducted every five years since 1977 ($n = 3,000\text{--}7,000$)	Yes
	Working Life Barometer – Ministry of Economic Affairs	Share of workers working uncompensated overtime to manage workload	Telephone interviews in connection with the Labour Force Survey, representative sample	Yes
France	Labour Activity and Employment Conditions Survey – DARES	Number of overtime hours declared by companies for their full-time employees	Quarterly survey conducted among companies with more than 10 employees	No
	Labour Cost and Structure of Earnings Survey – INSEE and DARES	Share of full-time employees working paid overtime, and annual average number of hours worked by these employees	Annual since 2007	No
Germany	Working Time Measurement Concept – Institute for Employment Research (IAB) of the Federal Employment Agency	Hours of paid/unpaid overtime per employed person per year	Data derived from various sources including the Federal Statistics Office and the Socioeconomic Panel	Yes
	Working Time Survey – Federal Institute for Occupational Safety and Health (BAuA)	Number of overtime hours per week (difference between contractual hours and hours actually worked)	Representative survey (> 10,000 employees, aged 15 to 64 years old and working at least 10 hours per week)	No
Greece	Special survey on work organisation and regulation of working time – Hellenic Statistical Authority	Number of employees who worked overtime	Ad hoc survey conducted alongside the Labour Force Survey (second quarter of 2019)	No
Hungary	Central Statistical Office	Overtime as a share of total working hours of full-time workers	Labour statistics	No

Country	Source	Measurement/ question	Methodology/ regularity	Specific data on unpaid overtime?
Ireland	Earnings and Labour Costs Quarterly – Central Statistics Office	Overtime earnings	Quarterly survey of companies conducted by post	No
Italy	Italian National Institute of Statistics	Number of overtime hours per 100 normal hours worked	Quarterly company survey	No
Latvia	Structure of Earnings Survey – Central Statistical Bureau	Number/share of employees working paid overtime	2010, 2014, 2018	No
Lithuania	Labour Force Survey – Statistics Lithuania	Number of employees who (self-)report working overtime	Representative survey on sample of households	No
Luxembourg	Labour Cost Survey – Statec	Number of overtime hours worked on average by full-time employees	Survey on sample of enterprises	No
Malta	Labour Force Survey – National Statistics Office	Hours of overtime worked in reference week	Quarterly survey on sample of 3,200 private households	Yes
Netherlands	Labour Force Survey – Statistics Netherlands	Number of employees by frequency of overtime	Annual rotating panel sample survey	No
Poland	Labour statistics – Statistics Poland	Hours of overtime	Survey of economic entities excluding private farms in agriculture and those employing nine people or fewer	No
Portugal	Labour Force Survey – Statistics Portugal	Number of workers working overtime	Quarterly sample survey of households; face-to-face interviews followed up by telephone	No
Romania	Overtime is not monitored through official statistics or regular surveys			
Slovakia	Labour Force Survey – Statistical Office of the Slovak Republic	Number of paid overtime hours	Quarterly random sample survey of households, respondents aged over 15	No
Slovenia	Overtime is not monitored through official statistics or regular surveys			
Spain	Active Population Survey – National Statistics Institute	Self-reported overtime (paid or unpaid)	Quarterly survey of households; face-to-face and telephone interviews	No
Sweden	Labour Force Survey – Statistics Sweden	Self-reported overtime (with or without compensation)	Quarterly survey of households, respondents aged 15 to 74	No
Norway	Labour Force Survey – Statistics Norway	Number of full-time employees who have been working overtime and the amount of overtime in weeks of work	Rotational panel sample survey of households; telephone interviews	No
United Kingdom	Labour Force Survey – Office for National Statistics	Employees are asked if they ever do any overtime (paid or unpaid), how many hours of overtime they usually do and how many hours of overtime they actually did in the reference period	Rotational quarterly survey of households; face-to-face interviews followed up by telephone (<i>n</i> = approx. 35,000)	No
	Annual Survey of Hours and Earnings – Office for National Statistics	Overtime pay and paid overtime hours	The survey is completed by companies in the UK and, in theory, provides detail only on paid overtime	No

Annex 3: Network of Eurofound Correspondents

Country	Contributor	Organisation
Austria	Bernadette Allinger	Working Life Research Centre (FORBA)
Belgium	Dries van Herreweghe	HIVA – Research Institute for Work and Society, KU Leuven
Bulgaria	Nadejda Miteva	Balkan Institute for Labour and Social Policy
Croatia	Predrag Bejaković	Institute of Public Finance
Cyprus	Loucas Antoniou	Cyprus Labour Institute (INEK-PEO)
Czechia	Štěpánka Lehmann	Research Institute for Labour and Social Affairs (VÚPSV)
Denmark	Maria Hansen and Carsten Jørgensen	Employment Relations Research Centre (FAOS), University of Copenhagen
Estonia	Märt Masso	Praxis
Finland	Amanda Kinnunen	Oxford Research
France	Frédéric Turlan	IR Share
Germany	Sandra Vogel	German Economic Institute (IW)
Greece	Penny Georgiadou	Labour Institute of the General Confederation of Greek Workers (INE GSEE)
Hungary	Nóra Krokovay	Kopint-Tárki Institute for Economic Research
Ireland	Roisin Farrelly	IRN Publishing
Italy	Roberto Pedersini	Department of Social and Political Science, University of Milan
Latvia	Raita Karnīte	EPC Ltd
Lithuania	Inga Blažienė, Ramunė Guobaitė-Kiršlienė and Rasa Miežienė	Lithuanian Centre for Social Sciences
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Malta	Louis Grech	University of Malta
Netherlands	Jacqueline Snijders and Eelco Tammens	Panteia B.V.
Norway	Kristin Alsos	Fafo Institute for Labour and Social Research
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Sweden	Andrea Utas and Amanda Kinnunen	Oxford Research Sweden
United Kingdom	Claire Evans	University of Warwick

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Despite the well-known adverse effects of regular long working hours on workers' health, well-being and performance, many workers in the EU continue to work beyond their normal hours. Part of this additional working time is classified as overtime. This report takes a comparative overview of how overtime is regulated in the EU Member States, Norway and the United Kingdom, including its definition, the limits on its use and the compensation received by workers for working extra hours. The report assesses the extent of the phenomenon using national-level data, delves into the factors that explain it, and examines the potential consequences for workers and firms. Finally, the report summarises the current debate on the topic, as uncompensated working hours, structural overtime and monitoring of working hours are currently some of the most discussed work-related issues across the EU.

The European Foundation for the Improvement of Living and Working Conditions (Eurofound) is a tripartite European Union Agency established in 1975. Its role is to provide knowledge in the area of social, employment and work-related policies according to Regulation (EU) 2019/127.

