

ENSURING A FAIR WORKWEEK WITH STABILITY & OPPORTUNITY

THE PROBLEM

Low-wage workers and their families continue to struggle, even as the US economy slowly recovers from the Great Recession of 2008. While stable, middle-income jobs were lost in significant numbers, the recovery to date has been built on the dramatic expansion of part-time, low-wage jobs. Today, about 27 million Americans work part time, and 7.5 million of those workers would rather be employed full-time.¹ From 2007 to 2012, the percentage of workers in involuntary part-time employment doubled for both men and women.²

These fast-growing part-time industries are also shifting to just-in-time scheduling practices, which amplifies already existing challenges faced by working families. Many workers today, especially those working part-time, have no input into schedules that change unpredictably and demand 24/7 availability.³ Thirty-eight percent of all early career adults – and almost half of those working part-time – are given their schedules one week or less in advance, even in industries where total overall employee hours usage varies little week to week. These workers are subject to volatile work schedules that erode earning potential, push workers out of the workforce, and exacerbate inequality. This is even more challenging for hourly workers who are increasingly expected to provide “open availability” – meaning they’re willing to work at any time without any guarantees of work – either as a condition of being hired or to be eligible for full-time hours.

A just-in-time workforce experiences profound insecurity: workers cannot predict their hours or pay each day, and consequently can’t make time for school, child and family care, or a second job. In addition to unpredictable scheduling, part-time workers are often inadequately trained, which hinders their access to hours and advancement. These issues have serious effects, as

part-time workers in America earn less per hour than their full-time counterparts, and do not qualify for critical employer-provided benefits. Low-wage women and workers of color, especially in Black communities, are particularly hard hit by this trend.

THE SOLUTION

PREDICTABLE, STABLE SCHEDULES: Employers should be required to provide employees with predictable schedules with stable hours and reliable paychecks that make it possible for working people to plan ahead to meet their responsibilities on and off the job.

Advance notice of schedules allows working people to have a schedule they can count on and manage even when their schedule varies from week to week. Although 45 percent of hourly workers currently know their schedules three weeks in advance or more, a startling 41 percent of hourly workers know their schedule less than one week in advance. However, technological innovations make it easier than ever for employers to plan work schedules in advance so that hourly employees can manage the many demands on their time, work hard, and plan a budget to pay their bills. Three weeks’ notice has emerged as a consensus baseline for notice, though far more advance notice is possible: employees at Ikea in the United States receive their schedules three weeks in advance, but in Sweden Ikea workers receive their schedules one year in advance.⁴ After providing notice to employees, employers could continue to update schedules as necessary, but employees would have the choice to decline any unscheduled hours when they would conflict with other obligations.

Predictability pay compensates employees at one additional hour of pay at their regular rate when accommodating their employer’s last-minute scheduling changes. Predictability pay is similar to

overtime pay, because it rewards employees who go above and beyond in order to be available on short notice. Predictability pay also creates an incentive for managers to plan ahead instead of determining work schedules at the last minute.

PROMOTING ACCESS TO FULL-TIME EMPLOYMENT AND CAREER GROWTH:

Restoring family-sustaining jobs helps our communities thrive. Millions of Americans want to work more hours to support their families, but many employers in retail and food service prefer to maintain a large part-time workforce where no one gets enough hours to make ends meet. The unpredictable schedules many hourly workers face make it especially difficult to generate a full-time income by holding multiple part-time jobs.

Access to hours requires employers to offer extra shifts to current employees before hiring additional staff. This simple commitment allows employees who want to work more hours to do so at their current job, an arrangement that is more stable for working people. Access to hours is especially important for those employees with family responsibilities and increases both productivity and retention. Job training should also be offered across frontline job classifications, thus increasing opportunities for promotion.

HAVING A SAY IN WORK SCHEDULES

Ensuring flexible, responsive work schedules helps create an invested, more productive workforce. Employees should be able, by law, to set reasonable limitations on their schedules so that they can stay healthy, pursue educational opportunities, and spend time with their families. Employers often require that all employees have “open availability” to work at any hour that the workplace is open, but this policy exists for employer convenience, not out of necessity. We can restore a balance that gives working people some input into their schedules.

A right to request specific scheduling accommodations allows employees to ask without being unfairly penalized for schedules that allow them to meet their various obligations. One-third of early career workers currently have some input in their schedules, but half have no say at all; many employees report facing retaliation for simply requesting that their employers accommodate their obligations outside of work.

Mutual consent requires an employer to obtain an employee’s agreement before they add hours to the posted schedule. While many employees want extra hours, some employers assign last-minute hours without regard to employees’ obligations outside work. This provision allows employees to make plans based on

“EMPLOYERS SHOULD BE REQUIRED TO GIVE EMPLOYEES ADVANCE NOTICE OF THEIR WORK SCHEDULE, SUCH AS THE 4 WEEKS NOTICE THAT 39% WORKERS CURRENTLY RECEIVE.”

—Susan J. Lambert, *Schedule Unpredictability among Young Adult Workers*

the posted schedule and protects them from retaliation when they choose to decline hours that conflict with other obligations.

Guaranteeing that every worker has the right to rest for at least 11 hours between shifts is crucial to community well-being. The practice of “clopening” (requiring an employee to close late at night and open early the next morning, often with as little as six hours in between to commute and sleep) is dangerous for hourly workers and those who share the road with them.⁵ The right to decline such shifts and to earn premium pay when an employee agrees to work them gives employers and employees flexibility to take shifts with shorter rest periods if they come to mutual agreement. Workers should have the right to decline work hours that do not allow sufficient rest.

ACCESS TO A MODERN SOCIAL SAFETY NET: State and federal social programs aimed at providing a social safety net for workers in the U.S. – such as childcare support, housing subsidies, health benefits, family medical leave, and unemployment insurance – must be reformed to be more accessible to hourly, part-time, temporary, and subcontracted workers.

RESOURCES

For more information about this issue please visit **The Fair Workweek Initiative** at www.populardemocracy.org/fairworkweek.

NOTES

- 1 <http://www.bls.gov/news.release/empsit.nr0.htm>
- 2 <http://www.unh.edu/news/releases/2013/jul/lw23carsey.cfm>
- 3 Facts for ‘early career adults’ are drawn from Susan J. Lambert, Peter Fugiel, and Julia R. Henly, *Schedule Unpredictability among Young Adult Workers in the U.S. Labor Market: A National Snapshot*, a research brief issued by EINet (Employment Instability, Family Well-being, and Social Policy Network) at the University of Chicago: <http://ssascholars.uchicago.edu/einet>.
- 4 Derek Dutch, “Fair Scheduling is About Respect,” *The Baltimore Sun*, March 23, 2015, <http://www.baltimoresun.com/news/opinion/oped/bs-ed-worker-schedules-20150323-story.html>
- 5 “A Fair Workweek—A Public Health Imperative for Working Families,” *The Center for Popular Democracy - Fair Workweek Initiative*, April 2015.