

ENSURING A FAIR WORKWEEK

Stability & Opportunity for Workers

“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 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 23.5 million Americans work part time, and 5.3 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 38% 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. Hourly workers are also increasingly expected to provide “open availability” – meaning they’re willing to work whenever the store is open 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 hit particularly hard by this trend.

THE SOLUTION

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

A good faith estimate of weekly work hours upon hiring allows employees to anticipate average weekly hours and income.

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. Ordinances in **San Francisco, Seattle, New York City** and **Emeryville** now require large retail and food service employers to provide two weeks' notice of work schedules. Employers may update schedules as necessary after posting, provided that employees may decline any additional, unscheduled hours – allowing workers to make plans based on the posted schedule.

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.

Ordinances in **San Francisco, Seattle, Emeryville, New York City**, and **San Jose** now require 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, 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. A right to request specific scheduling accommodations – currently protected by law in **San Francisco, Seattle** and **Emeryville**, as well as **Vermont** and **New Hampshire** – 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.

Guaranteeing that every worker has the right to adequate

rest least 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. The right to decline such shifts and to earn premium pay when an employee agrees to work them is now law in **Seattle, Emeryville** and **New York City**.

RESOURCES

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

NOTES

- 1 Susan J. Lambert, Peter Fugiel, and Julia R. Henly, Schedule Unpredictability among Young Adult Workers in the U.S. Labor Market: A National Snapshot
- 2 *Labor Force Statistics from the Current Population Survey. Household Data*. Bureau of Labor Statistics.
- 3 *Carsey Institute: Part-Time Workers Still Struggling to Find Full-Time Work*.
- 4 UNH Today. July 23, 2013.
- 5 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