

# Ensuring a Fair Workweek

Stability and Opportunity for 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 27 million Americans work part time, and 7.5 million of those workers would rather be employed full-time.<sup>1</sup> From 2007 to 2012, the percentage of workers in involuntary part-time employment doubled for both men and women.<sup>2</sup>

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.<sup>3</sup> 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 so 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.



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

Low-wage women and workers of color, especially in Black communities, are particularly hard hit by this trend.

## THE SOLUTION

Local officials have many policy options at their disposal to ensure that students receive comprehensive sex education. Some states have implemented policies requiring comprehensive sex education or abstinence-only education,<sup>4</sup> but even in these places there may be latitude in determining curriculum. City and county leaders should take the initiative to partner with school board officials to implement effective, evidence-based policies.

## POLICY ISSUES

**PREDICTABLE, STABLE SCHEDULES:** Ideally, employers should be required to give employees advance notice of their work schedule, such as the 4 weeks notice that 39% workers currently receive.<sup>4</sup> Once a schedule is posted, any change should result in an extra shift pay for the worker. Employers should be required to solicit employees’ input into their work schedules upon hiring and when changes to schedules are needed.

Workers should be compensated for time they must make available. Employers should be required to pay employees

when an employer requires an employee to be “on-call,” when an employer cancels a shift with less than 24 hours notice, or when an employee is unexpectedly sent home early.



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– Andrea Miller, President, National Institute for Reproductive Health

**PROMOTING ACCESS TO FULL-TIME EMPLOYMENT AND CAREER GROWTH:**

To promote full-time employment, employers should be required offer additional hours of work to existing part-time staff before hiring more part-time workers. Job training should also be offered across frontline job classifications, thus increasing opportunities for promotion.

**HAVING A SAY IN WORK SCHEDULES**

Employees should have the right to input into their schedules and to request and receive a flexible, predictable, and stable schedule. Furthermore, their availability should not be required outside of the hours they are contracted to work. Employers should consider scheduling requests and provide changes unless doing so would impose an undue hardship on the employer, either for all employees or those who have certain high-priority reasons for making the request. Those reasons could include caregiving obligations, other employment, school, or medical issues.

Employees should be also be protected from retaliation for making scheduling requests or being in need of scheduling accommodations. Employees with limitations on their availability, such as those who cannot maintain “open availability” for work at any time, should not be denied additional hours, full-time employment, or promotion.

**DISCRIMINATION PROTECTIONS:** Discrimination against those with family responsibilities should be prohibited in the workplace. In addition, reasonable accommodations should be required for workers with acute family needs such as care of a disabled family member, need for involvement in education, or emergency child care needs.

Employers should also be prohibited from discriminating against an employee based on the number of hours, days, or weeks the employee works with respect to rate of pay, access to employer-provided paid and unpaid time off, access to employee benefits, or access to additional work hours or promotion opportunities. Such discrimination could also be prohibited for employees who are working on a sub-contract.

**STABLE INCOME:** Employers should be required to tell

and guarantee workers the minimum number of hours they can expect to work when hired.

**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](http://www.populardemocracy.org/fairworkweek).

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## NOTES

1. <http://www.bls.gov/news.release/empsit.nro.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. Susan J. Lambert, Peter Fugiel, and Julia R. Henly, Schedule Unpredictability among Young Adult Workers in the U.S. Labor Market: A National Snapshot