

ENSURING A FAIR WORKWEEK

Stability & Opportunity for Hourly Service Workers

“Employers should be required to give employees advance notice of their work schedule, such as the four weeks’ notice that 39 percent of workers currently receive.”

—Susan J. Lambert, *Schedule Unpredictability among Young Adult Workers*¹

THE PROBLEM

Recent years have seen a dramatic expansion of low-wage, no-benefit jobs in the service industry. Although millions of workers are benefiting from a higher minimum wage, those gains are being undercut by unstable work hours driven by so-called just-in-time scheduling practices, named for their practice of giving just a few hours of notice to workers. Hourly workers in retail, food service, hospitality and health care struggle with unpredictable, unstable work hours and must remain available to work at any hour, yet they cannot count on minimum work hours or income. Recent studies of hourly workers in food service and retail jobs also show that at least half are trapped in part-time jobs but need more hours to survive.²

Income volatility is just as significant in undermining families’ economic security as low wages and is primarily driven by just-in-time scheduling practices.³ A just-in-time workforce experiences profound insecurity: workers cannot predict their hours or pay each day, and consequently cannot make time for school, child and family care, or a second job. Variable schedules are linked to negative health outcomes, including poor sleep and psychological distress.⁴ Parents with volatile schedules report spending less time with their children in developmental activities and report higher levels of parenting stress.⁵

People of color are most likely to work in jobs with un-

predictable part-time hours.⁶ Parents—especially women—struggle to get promoted into full-time or higher paying jobs because employers refuse to accommodate their family responsibilities.⁷ Ensuring stable, predictable work hours with real opportunities for full-time employment is a critical component of any

strategy to create good jobs in our cities, particularly with respect to ensuring equitable opportunities for women and communities of color.

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 dependable schedule they can manage even if their schedule varies from week to week. Although 39 percent of hourly workers currently know their schedules four weeks or more in advance,⁸ a startling 40 percent of hourly workers know their schedule less than one week in advance.⁹ In fact, 28 percent of hourly workers have three days or less advance notice¹⁰ 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. Last year, Oregon became the first state to pass a statewide legislation that requires large retail, food service, and hospitality employers to provide scheduling notice seven days in advance, subject to increase to two weeks' notice beginning in July 2020. 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 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. In most fair-workweek laws, workers earn one additional hour of pay at their regular rate for changes or additions to the schedule, and are paid for half of all scheduled but unworked hours when shifts are canceled or they are kept "on-call" without work.

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.¹¹ 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, New Hampshire, and Oregon—allows employees to ask for schedules that allow them to meet their various obligations without being unfairly penalized. 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 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, New York City, and the state of Oregon.

LANDSCAPE AND RESOURCES

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