

CHAPTER 8:

WORKING TIME: REDUCE AND DISTRIBUTE



Historical Overview: **A Priority Then and Now:**

From the earliest days of the labour movement, the regulation of working time has been a central union concern. We have demanded sufficient regular hours to ensure an adequate income, humane shift structures, limits on the arbitrary use of overtime, and an ongoing expectation that hours of work would be gradually reduced. Before the turn of the last century, unions were demanding a shorter workday. Initially the goal was to reduce daily hours from 12 to 10. Later, in the 1870s, thousands of workers marched throughout Ontario and Quebec in support of the 9-hour day.

In the 1930s with the birth of industrial unions, workers were demanding regular hours, a stable work week, and a reduction in overall hours. The UAW's first constitution drafted in 1935 reflects this expectation:

“...(The worker) asks that hours of labour be progressively reduced in proportion as modern machinery increases his productivity.”

The issue of working time was a priority for the CAW from our birth. Our first collective bargaining convention acknowledged that “advance has been slow in terms of reducing the average week in spite of the liberating potentials of new technologies.” The convention urged our members to take their time off, and called on government to reduce annual hours. The convention also argued that overtime should be voluntary and be restricted whenever there were layoffs. At every collective bargaining convention since then, the duration of work time has been identified as a priority issue.

From the start, our union adopted the twin strategies of legislative reform and collective bargaining to obtain shorter work time. At the bargaining table the strategy has been eclectic, involving a variety of approaches: reducing hours of work in the day or the week, increasing vacations and holidays, negotiating personal absences, and reducing lifetime hours through early retirement. On the legislative front we have argued for better parental and family leave entitlements, more vacation time, limits on overtime and daily hours, a shorter work week, additional holidays, and as training and educational leave.

Throughout the 1970s and much of the 1980s, business and governments told us that more leisure time would be the pay-off for the introduction of new labour-shedding technologies and work methods. This promise was

“Estimates from the Labour Force Survey reveal a steady rising trend in both work absence incidence and time lost for personal reasons (own illness or disability, and other personal and family demands) between 1997 and 2002 and a stabilization thereafter.”

“Perspectives on Labour and Income”
Statistics Canada,
April 2005

hollow: hours of work did not decline. Then, in the late 1980s, the Ontario government set up the Task Force On Hours of Work and Overtime (1987), which included the then-Director of Research for the CAW, Sam Gindin. Among its key recommendations, the Task Force concluded that the standard work week be reduced to 40 hours after which overtime would be paid, that there be annual limits on overtime hours, and that all overtime beyond 8 hours per day be voluntary.

A number of years later the federal government established the Federal Advisory Group on Working Time and the Distribution of Work. The advisory group was chaired by Arthur Donner, and included Bob White, past president of the CAW and at the time, President of the CLC. Its final report called for a new emphasis in public policy to make the reduction and redistribution of working time a national priority. It recommended a legislated standard week of 40 hours, limits on overtime and the introduction of compensating time-off. The advisory group supported a series of worktime innovations that ranged from phased-in retirement to educational leave. The report concluded that these worktime measures would contribute to the country's economic health and would address the problem of Canadians being either unemployed or overworked.

Unfortunately, instead of the progress envisioned by these commissions, workers have actually lost ground. The idea that workers should have greater workplace protections, more time off and greater work time flexibility was pretty much turned on its head. "Flexibility" became code for fewer work time choices for workers, more intensified work, and cheaper labour through the shift to part time jobs. Employers began to insist on a regressive definition of flexibility that would help them compete in the new era of free trade, footloose capital, and social program cutbacks.

The CAW has been a leader in the fight to reduce working time – which is crucial for attaining better living standards, and building stronger families and communities. Our willingness to keep our demands for work time reduction on the table, even as the strike deadline looms, sets us apart from other unions. We commit ourselves to continuing this historical tradition, and making further progress in the tough bargaining that lies ahead.

Shorter Working Time

There are compelling reasons why we need to reduce working time. First, it is an important element in any job creation strategy. Even though the unemployment rate is at a 30 year low, some 1.2 million remain officially unemployed and we are still losing good paying, full time jobs.

Underemployment is also a persistent feature of the labour market and

Agreed Annual Paid Leave for original EU Member States (including Norway, excluding Switzerland) 2004			
	Vaca- tions	Holi- days	Total Paid Leave (days)
Austria	25	11	36.0
Belgium	20	10	30.0
Denmk.	30	11	41.0
Finland	25	12	37.0
France	25	10	35.0
Germ'y	29.1	10.5	39.6
Greece	23	11	34.0
Ireland	20	9	29.0
Italy	28	12	40.0
Luxbg.	28	9	37.0
Malta	24	13	37.0
Neth'ds	31.3	8	39.3
Norway	25	9	34.0
Spain	22	11	33.0
Portugal	24.5	9	33.5
Sweden	33	11	44.0
UK	24.5	9	33.5
* assume 5 days in vacation week			
AVERAGE = 36.1 days			

opportunities for youth remain restricted. These issues require a solidaristic strategy on working time.

Second, dealing with working time is important to restore what is increasingly referred to as 'work-life balance'. Workers are facing new demands around shared parenting and many face the combined pressures of caring for children as well as elderly parents. But time is also a basic democratic ingredient. Without time for family and friends, without the time for involvement in our unions, our communities or the political process, our public and private lives will continue to deteriorate.

Third, we are developing a better understanding of the effects of long hours on our health and well being. Research is stacking up, compiling the impacts of excessive work in terms of sleep disorders, hypertension, cardiovascular problems, substance abuse and unhealthy lifestyles.

For these reasons and others, reducing working time is now more important than ever. But a strategy on working time needs to be broader than reducing regular hours at work. For our members in service sector workplaces – from hospitality and gaming to retail stores – a strategy on working time also needs to be about maximizing and regularizing hours for part-time workers. Our working time strategy also includes demands for the regulation of shift schedules.

Complicated Times

We are in a contradictory time. Shorter working hours is more important than ever. But it is harder than ever to make gains. In the workplace and in our communities, current trends are seemingly at odds with one other:

- ◆ Many workers, especially working couples, are working longer hours than ever before.
- ◆ Many workers are stuck in part-time jobs, forced to cobble together two or more jobs in an effort to earn fulltime wages.
- ◆ Many workers are prepared to work as much overtime as they can get.
- ◆ Many workers complain that management is refusing them time off.
- ◆ Many workers don't use all the time-off they are entitled to.
- ◆ Many workers are taking time-off in other ways – research has pointed to the rising trend in both work absence incidence and time lost for

Reduced Worktime with no Loss in

Pay:

- ◆ Shorter workweek
- ◆ Early retirement
- ◆ Time off for shift work
- ◆ Parental leave
- ◆ Increased vacation time
- ◆ Training programs
- ◆ Education and travel leaves
- ◆ Rotating days off
- ◆ Time off for overtime
- ◆ Extended long weekends
- ◆ Time off for child care and elder care

CAW pamphlet:

More Time - 1993

personal reasons (own illness or disability and other personal and family demands).

Even in those countries that we have looked to for inspiration there are setbacks. In Europe, employers and right-wing parties are on the offensive trying to push back the working time gains that workers have made. In France, legislation introduced in 2001 to move to a 35-hour work week has been under an intense employer attack, despite its proven benefits in boosting productivity and strengthening family life. In Germany, IG Metal, initially forced to trade-off flexibility in hours for reduced weekly hours, is now under pressure to restrain its demands for general work time reductions. In Netherlands, legislation currently drafted intends to shift the current regular work week of shorter hours to a more flexible and irregular approach. In Italy, millions of protestors demonstrated against changes to the public pension system that would restrict early retirement.

In Ontario we are fighting work week legislation that has no practical cap on overtime hours. Vacation entitlements, except in a couple of provinces, have been frozen for years. The age of retirement is being pushed back, with the prohibition of mandatory retirement (such as recently decreed by the Ontario government) the first foot in the door. Demands for working time improvements at the bargaining table are met with strong opposition from employers. And governments are deregulating workplaces and working time.

Working Time and Labour Standards

When the new Ontario government promised to end the Harris Conservatives' notorious 60-hour work week legislation, the public assumed that reasonable limits on excess overtime would once again be set by law or by permit. The CAW urged the government to move as Quebec had, to require overtime pay after 40 hours in a week and to establish a cap on overtime hours well before 60 hours using a modified version of the old permit system. Instead, the Liberal amendments were inadequate and gave rise to new problems.

The 2005 amendment requires the employer to simply confirm that it has an agreement with the union to work overtime in excess of 48 hours weekly and

“Today, in the 21st century, we can look to European countries and some other Canadian jurisdictions for standards that are truly modern and in keeping with the greater family and leisure time promised by the advent of new technologies and the demonstrated benefits for job creation, health and safety, and community life. Quebec phased in a reduction to 40 hours weekly with overtime premiums thereafter without major economic upheaval. Surely Ontario can do likewise.”

CAW Brief to Ontario Government on Employment Standards Act, February 2004

an approval will be granted. Exactly what constitutes “an agreement” is giving rise to many union complaints.

Many of our collective agreements are silent on overtime maximums because like others, we relied on the Employment Standards Act which set the maximum (first by way of the permit system, and later by way of the Harris 60 hour week maximum). Now the only legislative limits on weekly hours are the requirements for daily and weekly rest periods between shifts – in other words, as many as 80 or more hours a week can conceivably be worked. And Ontario, like many other jurisdictions, has effectively eliminated organized workers’ access to government enforcement, and so it falls on unions to police as well as negotiate overtime limits.

Meanwhile, a consultation paper for the current review of Canada Labour Code Part III employment standards suggests that hours of work and other labour standards should be negotiable between employers and unions – replacing the current so-called “command and control” system, with a contractual form of self-regulation. This approach opens the door to employer abuse and a downward bidding of labour standards.

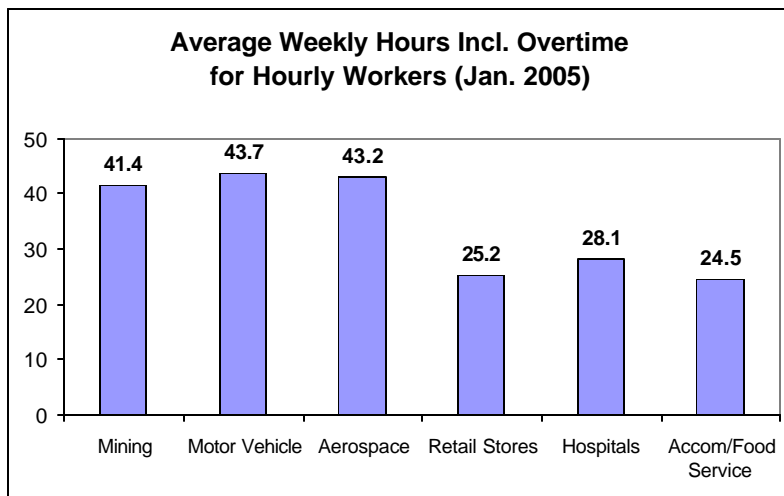
Our union will address these issues by advocating (both federally and provincially) more staff and supports for broadened enforcement measures, including workplace education programs as well as proactive monitoring and spot audits of selected industries. We will recommend that Canada cover new ground on working time including an improved system of overtime permits, stronger hours of work protections, improved paid holiday provisions, extended vacation entitlements, expanded parental and family responsibility leave, paid training leave, whole-work life leave, and early or phased retirement options.

Hours of Work: A Study in Contrasts

There has been a small decline in average hours of work in Canada. But rather than evidence of progress in *reducing* working hours, this average actually masks a dramatic *polarization* in work hours.

The statistics on hours worked are heavily skewed by part-time hours and schedule cuts in full time positions among workers in the service sector. Hourly workers in the service sector, which now accounts for most jobs in

Canada (including hotels, food service, gaming, retail stores, hospitals, etc.), work an average of about 28 hours weekly. Contrast this with averages of well over 40 hours per week (including overtime) in the motor vehicle industry, aerospace, mining, and other goods-producing industries. While many workers have seen average hours increased, service workers actually lost hours between 1985 and 2005. Neither trend is acceptable.



Most Available Hours

Particularly in the service sector, employers use scheduling to exercise power over workers. Favouritism gives certain employees better hours and shifts, and penalizes those who challenge management. Scheduling is also used to effectively discipline workers.

Through concepts like maximization of hours and shift selection by seniority, we counter these management tactics and enhance the value of seniority. Maximization of hours requires the employer to schedule the maximum number of full-time shifts, before creating part-time shifts. Management can still adjust staffing for slow or busy periods; they just can't use a big pool of part-timers to do it. In sectors with many part-time jobs, sector-specific conditions can be preserved (e.g. hospitality sector workers still define their availability for shifts and ensure that they don't conflict with other workers' scheduling rights). Shift-selection language allows employees (both full-time and part-time) a say in when they work, so they can plan their lives accordingly.

Maximizing Hours

The Saskatchewan government initially passed a "Most Available Hours" bill, but then capitulated when business groups created public panic prior to its implementation in 2005. No need for panic - CAW Local 3000 has already bargained "Most Available Hours" (Maximizing Hours) for part-timers with a hotel group, Hospitality Industrial Relations:

"While the Employer is entitled to schedule shifts of various lengths as provided for in this Agreement, the Employer is obligated to first schedule the maximum number of eight (8) hour shifts before instituting shifts of 7, 6, 5 or 4 hours... The Employer must offer and assign all available 40 hour shifts to the employees with the most seniority before implementing shifts of lesser hours. If a more senior employee declines the 40 hour shift in favour of an available shorter shift, then the 40 hour shift shall again be reassigned on a seniority basis. Where an employee is scheduled for less than 8 hours in a day, the shift cannot be extended unless by consent of the employee."

Our goal is to limit the abuse of part-time employment as an artificial cost-reducing strategy by management, and maximize the quality and stability of work. By also fighting for the extension of pensions and benefits for part-time workers, we can build stronger links between full-timers and part-timers in a joint struggle to win more control over the conditions of our jobs.

Given the dramatic polarization in work hours, we need contract provisions that remedy some of the imbalances in work time distribution. More generally, we need to find alternatives to designating jobs as “part-time”, with all the associated problems of scheduling abuses, unsocial hours, unreliable schedules, the pressure to moonlight, and limited access to benefits.

Collective Bargaining:

While we have made working time both a legislative and a bargaining issue, most of our recent gains have been achieved at the bargaining table. Even without the support of legislation our union has taken the matter seriously and we have made progress. From the start we’ve had two objectives: increase time away from work, and do it in a manner that creates more job opportunities in our communities.

In every round of Big Three bargaining since 1990, working time has been on the table and we have made significant progress. Over the years we have been innovative in our approach. We have increased the length of long weekends and the Christmas shutdown. We have expanded paid personal days to include SPA weeks (Scheduled Paid Absences) out of the plant. We have increased vacation schedules and we have negotiated shorter shift schedules in 3rd shift operations. We have reduced the years we spend at work through early retirement programs (through our 30-and-out and restructuring incentives), and when there are cyclical downturns we have negotiated extra incentives for voluntary severance.

Our gains have been impressive. Currently a CAW member with 10 years of seniority at the Big Three receives a total of 388 paid hours of total time off per year – more than 9.5 weeks. At 20 years seniority the annual time-off amounts to 11 weeks. Since our first round of bargaining as the CAW, we have increased our time off in the Big Three by 104 hours a year.

“Over the years, Canadians have talked a lot about reducing work time: an overall reduction in work time would decrease ongoing high levels of unemployment; would lower record levels of stress on the job; and would ease the increasing difficulty of workers who try to cope with the demands of work and family.”

“Public holidays can be increased, particularly in provinces that lag behind. We can tackle the challenge of excessive overtime. New forms of educational, family and sabbatical leaves can be supported, such as two weeks compulsory education training leave. And we should be thinking about how to get people to retire earlier, opening up new opportunities for youth. Much of the world has already found ways to work less. We need to do much better in this area.”

**Buzz Hargrove,
National Post**

As in the past, when we identify time off as a priority our leadership, bargaining committees, our staff and our membership must take it to bargaining tables across the union. That is the strength of pattern bargaining. In this round of bargaining we will continue, throughout the union, to negotiate reductions in working time. And we will continue to promote a range of working time initiatives. These will include:

- ◆ More Vacation Time:
 - Above minimum standards
 - Step-ups based on seniority
 - Special weeks (e.g. SPA)
 - Full utilization of time off
 - Vacation bonuses

- ◆ More Paid Holidays:
 - More than minimum standards
 - Paid Shutdowns (e.g. Christmas/New Year)
 - Scheduled as long weekends

- ◆ Early Retirement:
 - 30 and out
 - bridging benefits
 - pre-retirement programs

- ◆ Less Overtime:
 - Premiums and penalties
 - Maximum hours
 - Overtime banks
 - Compensating time off
 - Voluntary overtime

- ◆ Paid Personal Days:
 - Special days off (e.g. birthdays)
 - Other personal time

- ◆ Shorter Work Week Hours

- ◆ Shift Schedules with Reduced Hours:
 - Shorter 2nd and 3rd shifts

- Special Weekend Shifts
- Resist continental work week
- EI work sharing

- ♦ Fair Scheduling:
 - Maximization of hours
 - Shift-selection by seniority

- ♦ Training/education Leave:
 - Regular work-hour training time
 - Education leave from work

- ♦ Break Time at Work

- ♦ Family, Emergency and Parental Leaves

- ♦ Voluntary Programs:
 - Pre-paid leaves, job sharing

Canadian Standards: Annual Paid Time from Work

	Paid Vacation (Maximum)	in days*	Paid Holidays	TOTAL Paid Days
Saskatchewan	4 wks after 10 yrs	= 20	9	29
B.C.	3 wks after 5 yrs	= 15	9	24
Alberta	3 wks after 5 yrs	= 15	9	24
Federal	3 wks after 6 yrs	= 15	9	24
Manitoba	3 wks after 5 yrs	= 15	8	23
Quebec	3 wks after 5 yrs	= 15	8	23
New Brunswick	3 wks after 8 yrs	= 15	7	22
Nova Scotia	3 wks after 8 yrs	= 15	6	21
Newfoundland -Labrador	3 wks after 15 yrs	= 15	6	21
Ontario	2 wks after 1 yr	= 10	8	18
PEI	2 wks after 1 yr	= 10	6	16

* assume 5 days in vacation week

AVERAGE = 22.3 days

