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Working-time flexibility: diversification and the rise of fragmented time systems

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Despite a lack of consensus concerning its meaning and measurement, labour market flexibility has been central to employment research and policy for at least three decades. Much of the impetus for its persistence comes from the stubborn push by neoliberal policy-makers, under the banner of flexibility, for deeper market liberalisation and the elimination of labour market rigidities. Even after the disarray and shock of the Global Financial Crisis, increased flexibility, now wedded with austerity politics, continues as a fundamental goal of public policy in most countries.

Employment protection and wages feature prominently in ongoing debates on labour market flexibility, but working time is also conspicuous. At the same time, working time is perhaps the most puzzling aspect of the flexibility debate. The organisation of working time is at the centre of employer strategies of competition and proposals for further labour market deregulation, but it also figures in employee demands for improved job quality and decent work. At the level of practice, an array of changes, often labelled 'flexible working-time arrangements', has emerged in many industrialised societies, signalling a significant diversification of working-time patterns for the workforce (Lee, 2004; Lee *et al.*, 2007; Messenger, 2004). In some cases, the new working-time arrangements represent increased insecurity and precariousness for employees, while in other cases they are welcomed and actively pursued by employees. Further complicating the task of understanding this phenomenon is the cross-national variation in both the extent and the content of diversification, which reveals the significance of societal systems in mediating the outcomes of change and contestation (Berg *et al.*, 2014; Rubery, 2005a; Rubery and Grimshaw, 2003).

This chapter explores the theme of working-time flexibility,¹ seeking to disentangle the meanings of the term, to develop a useful conceptual framework and to identify patterns of change. It concentrates on description of change rather than analysis of its causes and consequences. The chapter draws on reflection by numerous scholars, but it is particularly indebted to the rich vein of research from a labour market segmentation perspective (see Chapter 1), as it has been revised and reformulated in order to overcome the weaknesses of dualistic versions (Rubery, 2005a).

The first section, ‘What is working-time flexibility?’, examines how flexible working-time arrangements fit within the context of the traditional regulatory system, before outlining a conceptual framework that can be used for differentiating the varied forms of flexible working-time arrangements. The second section, ‘Patterns of change’, scans contemporary patterns of change in industrialised societies, focusing on evidence of diversification in working-time arrangements. The third section, ‘Fragmented time systems’, underlines the significance of the concept of ‘fragmented time systems’ for pursuing an analysis of one important set of working-time changes. The conclusion summarises the central arguments.

What is working-time flexibility?

Working time is time spent engaged in activities of paid work. For employees, working time can be further defined as time spent at the disposal of an employer, who plays the major part in organising working time into ‘working-time arrangements’, that is, specific schedules or rosters, for individuals or groups. Working time can be distinguished from non-work time, which is devoted to other activities, including tasks of personal care (such as eating, sleeping and grooming), tasks of unpaid household labour (such as cooking, cleaning, physical care of children and shopping) and what is often loosely called free time or leisure time (Bittman, 2016: 529). More broadly, working time can be juxtaposed to workers’ own time or their (personal) life, as in formulations that refer to the challenges of work–life integration or balance (Fagan *et al.*, 2012).

Although the concept of working time is straightforward, it is difficult to find a plausible definition of *flexible* working time. As with all calls for flexibility, the notion of working-time flexibility derives most of its immediate appeal from an implicit contrast with its antonym – rigidity or inflexibility (Campbell, 1993). Despite constant invocation by policy-makers of the term ‘flexibility’, scholars have had little success in moving much beyond this rather empty metaphor. For the purposes of this chapter, however, it is not necessary to settle on a definition.

Flexible working-time is understood here, not so much as a cohesive set of practices, amenable to tight definition, but rather as a zone for exploration.

The regulatory system and flexible working-time arrangements

In order to analyse flexible working-time arrangements it is useful to situate them in relation to *the regulatory system for standardised working hours*, which was established via collective bargaining and statutory regulation and which reached out to cover the majority of the waged workforce in most industrialised countries by the middle of the twentieth century (Bosch 2004, 2006). Like the broader Standard Employment Relation (SER) with which it is linked, this regulatory system fulfils several functions, including service to firms and the broader economy, but its central aim is protection of employees, in line with a principle of de-commodification (Bosch, 2004: 632–3).² Though under challenge, this regulatory system remains an important force in most industrialised societies.

The regulatory system for standardised working hours comprises two main components: (1) a working-time standard – a standard working-time arrangement; and (2) provisions for deviation from the standard. A common misconception holds that flexible working-time arrangements inevitably involve a rupture in a regulatory system for standardised working hours. It is true that practices such as part-time work, evening and night work, and weekend work fall outside the *traditional working-time standard*, which can be summarily defined in terms of continuing ('permanent') full-time employment of approximately 40 hours per week, distributed in equal daily segments over the daytime hours from Monday to Friday and joined with paid annual and public holiday entitlements equivalent to several weeks per year (see Berg *et al.*, 2014: 807–8). But this does not mean that such flexible working-time arrangements necessarily fall outside the regulatory system as a whole.

Even at the height of the dominance of the traditional working-time standard, the regulatory system always incorporated elements of working-time flexibility. For example, the regulatory system has always incorporated rules that allow *employers* to adjust ('flexibilise') standard working-time arrangements. For example, rules for shift work and overtime allow organisational needs – for example, for continuous production in manufacturing, in emergency services, for safety and maintenance work, or to improve capital utilisation in capital-intensive industries – to be met. In this case, however, the rules enforce a compromise so that employees continue to be protected – for example, by imposing limits and requiring that the deviations from the standard should be compensated, planned, subject to agreement, safe and equitable.

At the same time, the system always provided for elements of flexibility to suit individual *employee* needs. Recent examples include flexitime systems, which allow scope for workers to vary start and finish times according to individual choice or external constraints (as long as a set number of hours are worked and core periods are covered) and individual ‘right to request’ legislation, which allows employees to request variations to their work arrangements (Fagan *et al.*, 2014). But the key historical example is paid leave arrangements, including annual leave, public holidays and sick leave, extended more recently into an array of family-related leave entitlements such as maternity, paternity, parental and other carers’ leave entitlements. Paid leave arrangements are significant in that they not only help to preserve health and well-being but also, more positively, allow employees to pursue personal needs (which may of course also be social needs associated with families and communities) without incurring substantial penalties as a result of absence from paid work or failure to be available to the employer. Such arrangements bridge paid work and personal life and support employees’ capacities to reduce the conflict between the two. Though often overlooked in narrow definitions of working-time arrangements in terms of weekly schedules, such paid (and unpaid) leave arrangements have been integral elements of the system from the start, signalling recognition of employees as individual human beings with lives outside of the workplace. They represent a crucial step away from the highly commodified forms of work such as casual work or ‘day labour’, characteristic of the late nineteenth century, where employees were simply suppliers of labour-time in return for hourly or daily wages and were dependent on employers on a recurrent day-to-day basis for offers of work and pay (Bosch, 2006: 44–5).

A broad understanding of the regulatory system of standardised working hours allows us to see how it functions to protect workers’ own time (Hinrichs, 1991: 37–8). In effect, the system establishes and defends a series of important temporal boundaries. Most obvious is the basic distinction between work time and non-work time, which in turn overlaps with another boundary between ‘social’ and ‘unsocial’ hours. Also important is a boundary between paid time and non-paid time. The notion of paid time is extended beyond time at the workplace through entitlements to periods of paid leave and training time, while conversely rules such as those on the definition of work time ensure that workers are not obliged to commit parts of their own time, either at the workplace or elsewhere, as unpaid time to the employer. Similarly, rules requiring agreement and adequate notice for changes to schedules help to consolidate rosters that are regular and predictable, thereby protecting workers’ time from the sudden incursion of work demands. And rules about the use of labour time support the health and safety of employees and defend against escalation of work demands through intensification or extension of working hours.

In short, from the point of view of individual employees, the regulatory system of standardised working hours has always been enabling as well as constraining. It helps to protect and expand a realm of individual choice and helps employees to achieve a measure of time autonomy (Lee and McCann, 2006: 78; McCann, 2007). Because the system incorporates – in addition to the standard – provisions for flexibility to suit employer and employee needs, it would be inaccurate to label it as ‘rigid’ and to argue that it is the antithesis of *all* flexible working-time arrangements. On the contrary, the system readily incorporates at least some flexible working-time arrangements.

It remains true that the traditional working-time standard at the heart of the system was framed in terms of full-time working hours and a model of the male breadwinner, female carer household. It was connected to a wider set of societal institutions, which constituted a Fordist model of employment (Rubery, 2005b). Because the standard functioned as a regulatory pivot and guided access to entitlements, not only in employment but also in social protection, it had exclusionary effects that disadvantaged workers whose employment fell outside the standard, including, in particular, women workers who picked up part-time schedules in order to respond to demands of caring for children (Vosko 2011). Many of these effects continue to be felt. Nevertheless, the answer is to adapt and modernise, not abandon, the regulatory system. As Bosch suggests, the central challenge is to modernise the traditional working-time standard, distinguishing the form (full-time employment) from the substance (de-commodification) and pushing towards a new, flexible SER which would continue to serve firms and the society as a whole but would accommodate a more diverse workforce and more diverse patterns of participation in paid work. Revision in this direction, already underway in many countries, would build on the elements of flexibility for employees that are already in the system, extending these through initiatives such as new systems of paid leave in order to facilitate labour market transitions, good-quality part-time employment and new flexi-time systems (Bosch, 2004; 2006: 57–62; see also Fagan *et al.*, 2014; Schmid, 2008).

The policy challenge here also extends to the broad swath of casualised work arrangements that have sprung up as ‘new’ forms of flexibility at the edges or even outside the regulatory system. McCann (2014) aptly argues that a modernised version of the SER can be the crucial starting point and prompt for designing new regulation in areas with highly casualised working-time patterns such as domestic work (see also, McCann and Murray, 2014). In this perspective, revising and extending the SER would figure as one element in a comprehensive reform agenda aimed at re-regulating for inclusive labour markets (Rubery, 2015).

Differentiating flexible working-time arrangements

Flexible working-time arrangements occur in varied forms, which have distinct and often contrasting implications for employees, households, firms, communities and the society as a whole (see Fagan *et al.*, 2012: 6–7). It is vital to differentiate among these forms if we are to make sense of patterns of change in the current period. The concept of ‘flexibility’ is not in itself adequate for this task; instead, it is necessary to develop a more robust analytical framework.

An analytical framework can start with the basic division between duration (the number of usual working hours) and position (the distribution of usual working hours over the day or week).³ From the point of view of the traditional working-time standard, flexible working-time arrangements involve deviation: (1) in terms of *duration* (i.e. short hours below the full-time standard or long hours well above the standard); and/or (2) in terms of *position* (i.e. schedules that involve evening and night work or weekend work). Each of these two basic dimensions can in turn be divided according to the degree of variability. Is the duration and/or the position of the particular working-time arrangement fixed or does it vary in some way?

The discussion so far allows a basic differentiation of contemporary working-time arrangements. But the task of differentiation needs to go further. Working-time arrangements, whether standard or flexible, differ in their impact according to the degree of worker control (discretion, autonomy) over the varied features of the working-time arrangement. With respect to the theme of flexibility, the pertinent question is always: flexibility for whom? The answer generally comes down to either the employer (the organisation) or the individual employee, and the most common way of denoting the division is in terms of ‘employer-oriented flexibility’ or ‘employee-oriented flexibility’ (Campbell, 1993; Chung and Tijdens, 2012; Heron and Charlesworth, 2012).⁴ This distinction can be applied across all features of flexible working-time arrangements. It is most clearly needed in connection with arrangements that involve variation, either in duration or in position, but the distinction is also salient when the discussion turns to rosters based on relatively fixed short or long hours and relatively fixed schedules situated outside standard hours.

The distinction between employer-oriented and employee-oriented flexibility is essential to any plausible account of working-time flexibility, but it should not be seen as a chasm separating two entirely distinct phenomena. It is best seen in terms of a spectrum, with opportunities for an overlap of interests located in the middle. For example, working-time accounts (time banking) can – if properly designed – be a mechanism that offers increased internal flexibility for employers

while also enhancing flexibility for employees (Fagan, 2004: 125–9; Messenger, 2004: 181–3). Similarly, it can be noted that employer interests are not transparent; the strict pursuit of short-term interests in employer-oriented flexibility is not necessarily in the long-term interests of firms. Moreover, in practice even opposed interests may interact and lead to negotiated compromise rather than an open clash, as in the case of the shift-work and overtime systems incorporated into the system of standardised working hours. Similarly, contextual factors can modify the extent and form of flexibility pursued by both parties. For example, employers may soften their demands and accommodate the interests of employees in flexibility if they are dealing with a tight labour market and with groups of skilled workers who need to be retained and motivated. Conversely, lower-skilled employees may tolerate high levels of working-time insecurity associated with employer-oriented schedules if they judge that they have few alternatives (poor labour market conditions, restricted access to social security, limited availability of childcare, limited rights in the employment contract) to improve their situation or if they feel that they are at least partly compensated for their insecurity by premium rates of pay.

Patterns of change

The framework sketched out above can assist in describing and analysing contemporary working-time trends, especially flexible working-time arrangements. A useful starting point is the national level, reflecting the influence of national systems of employment and social protection and allowing us to draw on relatively rich sources of data on working-time arrangements at national (and cross-national) level.

Description of working-time trends at the national level is often couched in terms of *diversification*, that is, the emergence of multiple flexible working-time arrangements in conjunction with the traditional standard (Lee *et al.*, 2007).⁵ Drawing on the above discussion, we can distinguish three ideal typical patterns at national level:

- 1) a pattern of little diversification, in which the traditional standard remains dominant;
- 2) a pattern of moderate to strong diversification, in which the traditional standard shrinks in its reach and is now supplemented by new flexible working-time arrangements that are embedded in the system of standardised working hours; and
- 3) a pattern of strong diversification, in which the traditional standard shrinks in its reach and is now supplemented by a proliferation of new flexible

working-time arrangements that are largely, if not entirely, disconnected from a system of standardised working hours.

Both latter ideal types involve diversification, but they differ in terms of whether employees in flexible working-time arrangements are integrated into a regulatory system oriented to worker protection.

The last ideal type appears as the most problematic, rarely embracing working-time changes in favour of employees but instead centring on changes that are employer-oriented and that threaten increased precariousness for employees. It is useful to note here that disconnection from the system of protective regulation is generally associated with regulatory gaps or 'protective gaps' (Grimshaw *et al.*, 2016), which provide opportunities for employers to avoid, either partially or totally, the conventional protections available to employees. Such gaps offer 'exit options' for employers (Jährling and Méhaut, 2013). They include gaps that are associated with the absence of key protective regulations (e.g. maxima for daily or weekly working hours) or gaps owing to ineffective enforcement, but more commonly they are associated with exemptions, exclusions, high thresholds and lengthy service requirements, which affect both employment regulation and the institutions of social protection (Grimshaw *et al.*, 2016). Patterns of long work hours, for example, tend to spread most vigorously when, as in Australia, employers can use gaps that exempt them from an obligation to pay for overtime (Campbell, 2008: 137–9). Regulatory gaps may be either long-standing or only recently introduced as a result of policy changes. They may lead directly to easily recognised flexible working-time arrangements or they may unfold in a more covert way, through a weakening of the standard working-time arrangement. One special type of gap is located on the boundary between employee and non-employee status, where artificial arrangements or outsourcing and long chains of subcontracting can lead to employees being falsely classified as non-employees and thereby excluded from most protections provided through employment regulation.

Matching advanced industrialised societies against the ideal types is difficult. Societies may show a leaning to one or another ideal type but they rarely fall neatly into just one type. As a liberal market economy, Australia, for example, would seem to approximate fairly closely to the third ideal type, as a result of shrinkage in the reach of the standard, weakening of the substance of the standard and proliferation of poor-quality working-time arrangements, including long hours based on unpaid overtime and varied forms of casualised part-time schedules. These flexible working-time arrangements are largely disconnected from the regulatory system, emerging within regulatory gaps that are partly inherited from the past and partly created in the course of labour market deregulation

since the late 1980s (Campbell, 2008). Employers continue to push for further dismantling of the working-time entitlements embodied in modern awards, such as minimum shift payments, access to annual leave and penalty rates for work in non-social hours (Heron and Charlesworth, 2012). Nevertheless, even in the Australian case, it is possible to observe changes that reinforce the system, such as improvements in paid leave arrangements, including the introduction in 2011 of a comprehensive system of paid parental leave (Pocock *et al.*, 2013). Moreover, it is also possible to detect elements of the second ideal type, consistent with the notion of a move towards a flexible SER. An individual 'right to request' flexible work is now enshrined in the National Employment Standards (Pocock *et al.*, 2013) and similar principles underpin the provisions in many awards that allow some employees to request a conversion from casual to permanent status. Unfortunately, both new measures have failed to fulfil the promise of increased temporal autonomy for employees. They remain limited in scope and impact, running into difficulties because employees tend to be reluctant to put forward a request because they are worried about employer reprisals and do not see a change as feasible in their workplace (Skinner *et al.*, 2016).

A further difficulty in assessing the reach of the ideal types stems from the deficiencies of standard labour force data in identifying and differentiating new flexible working-time arrangements. National data sets are strong in measuring aspects such as working-time duration, but they generally lack the ability to distinguish arrangements that are employee-oriented from arrangements that are better suited to employer needs. Some advances have been made, generally in association with investigations of job quality and using special data sets that offer more detail on job content, including issues of control, such as the regular European Working Conditions surveys (Fagan and Vermeylen, 2016; Green *et al.*, 2013; Piasna, 2015). Data on employee preferences concerning working-time duration, position and regularity are relevant and can in principle make a contribution. But responses to simple, closed-ended questions on preferences are by no means transparent, given that preferences are formed (and re-formed) in a social context: firstly, the context of the life course (Anxo *et al.*, 2006) and the household (Anxo, 2004), but also more generally in the context of institutions of social welfare and gender norms. An Australian study of stated preferences among employees engaged in long hours of unpaid overtime found, in subsequent qualitative interviews, that the answers to preference questions were unstable and that employees who declared that they were content with their long hours were often ambivalent, judging that long hours were unavoidable components of the job or of a professional ethic (Campbell and van Wanrooy, 2013).

The challenge of differentiating flexible working-time arrangements is sharpest in the case of the multiple forms of part-time work (Messenger and Ray,

2015). Fortunately, this is also where thinking is most advanced and policy initiatives are most developed – for example, not only at national level but also through the International Labour Organization (ILO) Part-Time Work Convention (No. 175) and the EU Directive on part-time work. Research has long noted the division between marginalised and integrated part-time work (O'Reilly and Fagan, 1998) and discussion of the latter is developed in the subsequent literature on good-quality part-time employment, which proposes criteria for differentiating good quality from poor quality (Fagan *et al.*, 2014; Lyonette *et al.*, 2016). However, it remains difficult to use the criteria with national labour force data, except through relatively crude indicators, such as the incidence of marginal part-time hours and employee preferences for longer hours (i.e. time-related underemployment) (Lee *et al.*, 2007: 55–60; but cf. Piasna, 2015).

Despite all difficulties, it is possible to make a rough aggregate judgement of working-time trends at national level. Substantial cross-national variation exists (Berg *et al.*, 2014; Rubery *et al.*, 1998). It would be wrong to exaggerate the move away from the system of standardised working hours; in most industrialised countries the standard working-time arrangement remains influential. Similarly, in many countries at least some changes, especially around good-quality part-time work, indicate evolution of the system along the lines of the second ideal type and a move towards a 'flexible SER'. Nevertheless, the problematic third ideal type is clearly significant, and indeed several countries, especially the liberal market economies, seem to approximate to this ideal type. Trends towards flexible working-time arrangements that are disconnected from the system and are the product of employer needs are widespread. For example, in addition to evidence of moves towards good-quality part-time work, evidence exists for a proliferation of poor-quality, casualised part-time work arrangements that are closely associated with employer needs and offer little to workers (Lee *et al.*, 2007).

Fragmented time systems

The spread of flexible working-time arrangements that are disconnected from the regulatory system and that are associated with high risks of precariousness for employees is a major challenge for research and policy. To understand these practices, it is helpful to dig beneath national level data sets. One valuable contribution stems from case-study research in the UK, initially in organisations across a range of sectors in the early 2000s (Beynon *et al.*, 2002; Marchington *et al.*, 2005; Rubery *et al.*, 2005; Rubery *et al.*, 2006), subsequently supplemented by further research in organisations in other sectors such as domiciliary care (Rubery *et al.*, 2015; see also Grimshaw *et al.*, 2016).

The research builds on a powerful analytical framework, linked to a segmentation perspective. It follows the principle of a multi-level analysis, in which the agency of the employer (the organisation) is brought to the fore, but within a context that pays attention to the influence of structural forces associated with the national institutional framework, segmentation processes on the demand side and the supply side, and internal organisational pressures. The research pursues a comparison across different sectoral and regional locations in the UK, paying attention *inter alia* to the differential impact of tertiarisation and new information and communication technologies.

The research centres on working-time flexibility as a site of transformation. It points to a multiplicity of changes, made up largely, though not exclusively, of employer-oriented forms of working-time flexibility. The authors identify two main ‘modes of flexibility’ (Rubery *et al.*, 2005; Rubery *et al.* 2006). In both cases the employer interest is in reducing unit labour costs, in particular through altering the wage/effort bargain and soliciting greater effort, but differences arise according to the type of worker. Drawing on Supiot (2001), Rubery and colleagues (2006: 135–41) suggest that among high-skilled employees the trend is towards results-based systems, in place of time-based systems, in which working time is extended and intensified through indirect pressures such as lean staffing, heavy workloads and new reward systems.

For lower-skilled, low-wage employees, on the other hand, employment contracts remain time-based but working hours are increasingly broken down and reduced. The principle here is careful scheduling in order to match hours to uneven patterns of demand, marked by core staffing for troughs in demand but then ‘fragmented and variable’ scheduling for other employees to match the peaks (Rubery *et al.*, 2006: 139–41). Such scheduling in turn implies careful monitoring, often facilitated by new technologies, both of demand patterns and of the time taken for the tasks involved in meeting demand. The resulting fragmented time systems or arrangements are defined as ‘when employers use strict work scheduling to focus paid work hours at [periods of] high demand ... and do not reward or recognise work-related time between periods of high or direct customer demand’ (Rubery *et al.*, 2015: 754). The system can be used for conventional operations during daytime hours on weekdays, but its full potential emerges when used, with flat hourly rates of pay, for longer operating and opening hours, where it appears as a radical alternative to traditional overtime and shift-work systems. As the definition suggests, the employer aims to achieve cost savings in the first place by avoiding payment for idle time, as in conventional strategies of intensification designed to fill in the ‘pores’ in the working day. The logic of cost savings readily extends, however, to all types of paid time that do not appear as

time that is immediately productive for the employer. Thus it targets several features of protective regulation such as rest periods, which can be avoided by careful scheduling of the length of shifts, and it also extends to standard arrangements for holiday leave, training and transport time. Though still vulnerable to conflicts and contradictions, the new time organisation allows risk to be shifted away from the employer towards the employee and his/her family or perhaps towards the state.

The UK case-study analysis resonates strongly. The concepts offer a rich research agenda for examining working-time trends in many industrialised societies. In particular, the notion of fragmented time systems is helpful for describing trends towards casualised working-time arrangements and for connecting them to employer labour-use strategies in a wide range of industries. To underline the relevance of the analysis, it is useful to draw out three points, which link up with the earlier reflections on flexible working-time arrangements.

Firstly, schedules under fragmented time systems can be diverse. Shifts may be long or short, though they are more likely to be short, and – depending on operating or opening hours – they may be distributed across any time of the day and week, including split shifts in the one day. The shifts may be fixed or variable, with variation often implying an on-call element that plays havoc with employees' lives outside of work. In short, flexibility in this case can involve employer control of duration and/or position and, in both cases, it can further entail employer control of variation; commonly it involves an unwelcome combination of *all* elements. The content of the schedules is partly dependent on the pattern of demand to which the hours are matched, thereby allowing the risks associated with fluctuating demand to be shifted onto the employee. But it should be noted that the system generates pressures towards variable schedules even when demand is relatively predictable and relatively fixed schedules would be possible in principle. As a result of short, fragmented shifts with flat-rate payments, scheduling is often a site of intense inequalities. Because it may be more difficult to fill less attractive shifts and, even when they are filled, such shifts may be disproportionately affected by absenteeism, the system often requires extra temporal availability to cover all potential gaps. The problem can be solved by adding layers to the workforce and using different employment contracts and sources of recruitment such as temporary agencies. Another common approach is to design temporal availability into the employment contract or the job for the majority of employees, for example by ensuring that they have fewer hours than they want and are therefore willing to be available to pick up extra shifts – what has been called 'passive flexibility' (Lehndorff and Voss-Dahm, 2005).

Secondly, reduction and fragmentation of working time in contemporary societies depend on the existence of regulatory gaps in employee protection.

If we set aside the issue of non-compliance, then opportunities for employers are greatest when they can use particular types of employment that are equipped with reduced employment rights, including, especially, reduced rights to working-time security. Several options exist in the UK, but a central place in the debate is taken by *zero-hours contracts* (ZHCs), defined as ‘contracts or arrangements under which an employer agrees to pay for work done but makes no commitment to provide set hours of work’ (Adams and Deakin, 2014: 1). ZHCs appear as an extreme form of on-call work, allowing extensive and unpredictable variation in both the duration and the position of working time. They are associated with fragmented time systems in domiciliary care (Rubery *et al.*, 2015), but are also influential in other sectors such as cleaning services, hospitality and even education. Scholars warn that the concept has no clear legal status and embraces a variety of practices that exist at the edges of protection, indeed at the edges of employee status (Rubery and Grimshaw, 2016). In all their forms, zero-hours arrangements come equipped with a shortfall of employment rights, but evidence points to pervasive uncertainty among both employers and employees about the extent of the shortfall, indicating that in practice these arrangements act as important covers for employer avoidance of rights, whether deliberate or inadvertent (Rubery and Grimshaw, 2014).

Thirdly, fragmented time systems imply a significant restructuring of temporal boundaries for employees. The difficulties extend beyond the perforation of the boundary between standard and non-standard (community) time and beyond the difficulties associated with intensification of work time. One further change concerns the redrawing of the boundary between paid time and unpaid time, so that only hours of direct (and intense) labour are regarded as deserving of remuneration by the employer. This reverses one of the central achievements of the regulatory system for standardised working hours, and reinstates a fundamental feature of the highly commodified casual ways of working in the nineteenth century. Also important is the implication of the on-call principle of availability, whether this is an explicit obligation in a contract or a more informal understanding between employee and employer. Availability involves time spent waiting for work and can itself be seen as a form of working time, albeit unpaid. Expectations of availability represent a major incursion of working time into personal life (Rubery *et al.*, 2005).

Conclusions

This chapter examines the important theme of working-time flexibility. It draws on recent work from a segmentation perspective, including the work of Jill

Rubery and her colleagues, in order to throw more light on this pivotal and puzzling arena of change and contestation.

The chapter situates flexible working-time arrangements in relation to the regulatory system of standardised working hours. It outlines a conceptual framework that can help to describe the varied types of flexible working-time arrangements and to analyse their implications. It sketches out three ideal typical patterns of diversification. It underlines the significance of the notion of 'fragmented time systems' for an understanding of the spread of highly casualised working-time arrangements. Though first formulated in the UK context, this concept has broad relevance to organisations and industry sectors in many other industrialised societies. It is associated with new forms of scheduling, often with a strong bias to employer-led variation, new forms of employment such as zero-hours arrangements and a major restructuring of temporal boundaries.

Notes

- 1 I prefer to use the term 'working-time flexibility' rather than 'temporal flexibility'. The latter is effectively a synonym, but it often appears in typologies at firm level, where it is identified with 'internal numerical flexibility', defined as practices where the number of working hours is adjusted in line with business needs, but the number of workers remains unchanged (Messenger, 2004: 152). As a result, temporal flexibility tends to be associated just with forms of employer-oriented flexibility and risks missing other forms that are more employee-oriented (see the section 'What is working-time flexibility?').
- 2 Bosch underlines the significance of working-time regulation when he points out that the three main buffers against the market that are linked to (partial) de-commodification for employees are: (1) the welfare state; (2) provisions in the employment contract for employment security, support in case of accident and illness, and support for retirement; and (3) rules about the use of labour time within employment such as maximum hours, rest periods and holiday leave (Bosch, 2006: 44–5; see also Rubery and Grimshaw, 2016: 242–3).
- 3 Duration (or time) and position (or timing) are the basic dimensions of working time. A third dimension is variously described as 'tempo', 'intensity' or the 'degree to which working time is utilised' (Noon and Blyton, 1997: 56). Tempo is indeed important in how work time is structured and experienced, and increased tempo (intensification) has become an important theme in the discussion of contemporary changes at the workplace. But tempo is best seen as a contingent outcome of processes such as supervision and should not be equated with duration and position as necessary aspects of *working-time arrangements*.
- 4 Other parallel formulations speak of 'employer-driven' versus 'employee-driven' flexibility or 'employer-led' versus 'employee-led' flexibility.

- 5 Other terms include de-standardisation (Carré, 2016). ‘Fragmentation’ is sometimes used in this, as in several other contexts, but it is best reserved for the time systems discussed in the section ‘Fragmented time systems’. Another alternative is ‘individualisation’, but this is misleading unless we distinguish genuine forms of individualisation from the often-spurious claims of individualisation associated with market processes (McCann, 2007).

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