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Justice

## Exchange of good practices on gender equality

### **New forms of work**

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## Comments paper - France

# Working time flexibility in a regulated working time regime

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*Note: All the figures included come from the LFS (Eurostat), except when it is explicitly mentioned.*

## 1. Context: The French labour market and working time regulations: a preference for full time work

**The global context of the French labour market is very different from the Dutch one:** it is still characterised by high and persistent unemployment (above 9.5% in 2011, and was never under 7% in the 1990s and 2000s, with a high share of long term unemployment –between 40 and 50%, depending on the economic cycle) and labour shortages are limited, even if some recruitment difficulties also exist in some sectors and occupations (construction, hotels and restaurants, care services). Part time work concerns 17% of the working population, among which a large majority of women (82% of part timers are women). 90% of part time jobs belong to the tertiary sector. But an important share corresponds to involuntary part time (31.8% in 2010), and French women usually prefer to work full-time, even when they have children.

**Working time regulations have been a much debated issue over the last 30 years in France.** Since the beginning of the 1980s the idea of work sharing through working time reduction as a mean to reduce unemployment and to promote social well-being has been quite popular among experts and left-wing politicians. An emblematic measure in 1981 (when the socialist party came to power) was to reduce weekly legal working time to 39 hours (instead of 40). Nevertheless, there was a debate in the nineties between proponents of individual working time flexibility through part time, and those who advocated collective working time reduction through a lower legal norm. In practice, between 1992 and 1998, the development of part time work was encouraged through financial incentives for employers (social contributions cuts). As a result, part time work extended from 12% (1991) to 17% during that period. In 1998 and 2001, the Aubry laws enacted a full time legal working time of 35 hours a week and suppressed part time incentives. They also introduced more flexibility in the management of working time (through working time modulation over the year, which can be implemented on the basis of collective agreements). Despite a positive employment creation effect (estimated at 300 000 by recent studies), and a rather good level of satisfaction regarding these new arrangements, this measure was extensively criticised, especially by employers and right wing political parties. Several laws limited the obligation to work 35 hours (especially Fillon in 2003), so that in practice standard full-time working time in French firms varies now between 35 and 39 hours a week. In 2007, Nicolas Sarkozy was elected and claimed that one priority for French growth and household's income was to increase working hours: "*Travailler plus pour gagner plus*" ("work more to earn more"). In 2007, his government then decided to subsidise

overtime hours (through social contributions cuts on the employers' side, and tax exemption on the employees' side). Despite a high budgetary cost and limited efficiency according to first evaluations (important windfall effects), this policy is still effective –and will be part of the debate in next years' election.

Despite these strong debates, it seems that **the situation is relatively stable as regards working time in France: part time is stable at an average level** (according to EU standards), **with a relatively high share of long part time** (average weekly working time for part timers is 23.3 hours in 2009, above the EU average -19.8 hours), and effective full time work stands at 38 hours a week on average.

Nevertheless, **it does not mean that there is no need for flexibility**. During the crisis, some adaptations have taken place to avoid firing and maintain employment, through **short term unemployment** (it concerned 0.8% of the working population in 2008) and the use of annual flexibility within firms. More structurally, according to working conditions survey, a large number of French workers complain about the intensity of work or declare that they experience some **work-family reconciliation problems** (39% of employees<sup>1</sup>). These facts call for more flexibility of working-time, over the week, month, and the life-course. In that perspective, the Dutch debate and practices could be very useful for the French debate.

## 2. Working time flexibility in France: existing measures and debated issues

**Workers' voluntary working time flexibility is supported by several measures:**

- **some regulations concerning transitions from full time to part time and from part time to full time:** in the public sector, there is a right to ask for part time work for a series of reasons (young children etc.), and part timers are also entitled to come back to full time when they decide to do so. In the private sector, part timers who wish to work full time have a priority to be proposed full time vacancies within the firm if there are some; some collective agreements aim at creating such reversibility, but in practice it is often difficult to be obtained.
- in both sectors, parents of young children are entitled to a **part time parental leave** of one year, which can be renewed twice. Working time must be at least 16 hours a week. Under certain conditions, a specific allowance is paid by social security to compensate a part of income losses. Full time parental leaves are also possible, as well as other time of leaves for family reasons (for instance in the case of serious and deadly illness of a parent or brother/sister, or for children's sickness or incapacity).
- since 1994 (2002 in the public sector), there is a **time saving account** which allows workers to accumulate unused holidays or compensations for overtime hours; saved time may be used to finance a leave (training, sabbatical,...) in the

<sup>1</sup> Garner, Meda, Senik (2004), Garner H., Méda D. et Senik C. (2004), « La difficile conciliation entre vie professionnelle et vie familiale », Dares, *Premières informations et premières synthèses*, décembre, n°50.3.

next 5 to 10 (depending on agreements). But there are also possibilities to get a payment for the corresponding hours.

**Flexible hours have been extending in relationship with HRM practices and the development of the tertiary sector.** 25% of French workers have flexible working time according to EU standards. Quite a large number of them are high skilled, white collar workers. This flexibility does rarely correspond to work-family conciliation needs. Besides flexibility is also often involuntary, especially for part time jobs in trade or care sector.

Indeed, more generally, **61% of French employees declare that their working hours were imposed by their employer** and only 16% that they choose working hours<sup>2</sup>. This minority is mainly composed of high skilled and independent workers.

In practice, **55% of working days in France can be considered as atypical**, and involve early morning, evening, night work, or long hours, or irregular schedules. Atypical working hours are more frequent for part timers.

According to a recent survey, **2% of employees practice teleworking at home, and 5% “on the move”**. This form of work concerns mainly the highest levels of education and white collar workers (in banks, insurance companies, and services to firms), and is male dominated. As a result it is not considered as a work family reconciliation tool in the French context and is usually associated with extensive hours<sup>3</sup>.

**The main concern with working time flexibility in the French context is thus the lack of employees’ control over their working time** and the fact that flexibility is not associated with opportunities of better work family conciliation (even for highly autonomous and highly skilled workers who often experience extensive hours). Besides, social inequalities are important in this field, since the lower quality jobs (temporary, part-time, low paid...) are often associated with irregular (and imposed) working hours.

**Concerning part time, it is important to know that the quality of part time jobs is very heterogeneous in France.** In the public sector and in the financial sector, it is often voluntary (to take care of children especially) and reversible, with long (80% of a full-time) and regular hours. This type of good quality part time represents about one third of part time jobs. A number of other jobs are far less favorable, involving either irregular hours, or unstable contracts, or short working time (sometimes with several employers). Half of part timers earn less than 753 euros a month, involving a high poverty risk. Average earnings for part time workers stand at 875 euros a month (1559 for the whole working population)<sup>4</sup>.

<sup>2</sup> All the figures from this paragraph and the next one come from : Lesnard L. (2006) “Flexibilité des horaires de travail et inégalités sociales”, Données Sociales, INSEE. They are based on INSEE time use surveys.

<sup>3</sup> Coutrot T. (2004), « Le télétravail en France », *Premières Informations et Premières Synthèses*.

<sup>4</sup> Ulrich V., Zilberman S. (2007b), « Six figures de l’emploi à temps partiel », *Premières Synthèses*, N°39.4, septembre 2007.

### 3. Transferability: empowering workers as a key issue

As noticed above, working time regulations and practices (especially regarding part time work) are very different in France in comparison to the Netherlands. The incidence of part time is more limited and usually corresponds to relatively long part time.

Nevertheless, more flexibility of working time is also needed to enable better work-family conciliation (taking care of both children and older parents), to avoid stress especially for women (and to promote better participation of men), and to sustain higher seniors employment rates through better life conditions (France still has a relatively low employment rate of 55-64).

But the main issue in the French context is to empower workers and to give them some power to control their working hours. Even some rules of labour law are often violated, like the obligation for employers to give employees their working schedules in advance when they have variable hours.

Empowering individuals require a combination of schemes. Collective bargaining on these issues of flexi-time, individual scheduling, telework should be encouraged. Reversibility of part time arrangements should also be encouraged.

And in France as well as in the Netherlands, it seems also essential to develop a lifecourse approach of working time flexibility, using more intensively time saving accounts, training accounts etc<sup>5</sup>.

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<sup>5</sup> ERHEL C. (2007), "Life-course Policies and the Labour Market", in OECD (2007), *Modernising Social Policy for the New Life Course*, Paris, 6/12/2007.