
European Union
Working Time Directive
April 2009

Slaying the working time myths

This briefing demolishes the myths peddled by employer organisations about the effect of the 48 hour week on health and safety, worker choice and business success.

The Government's opposition to sensible working time changes appears to be based on many of these myths.

This is disappointing as much of the government's record on working time has been good. They have created a number of new working time rights and improved some of the older rights such as maternity leave. Indeed, at the start of this month the minimum statutory holiday entitlement was increased to 5.6 weeks per year and the right to request flexible working was extended to cover the parents of children aged between 6 and 16.

Myth 1 - Long hours are not a health and safety issue

In 1996 the then Conservative Government took a court case against the European Commission challenging this. They were badly beaten in court. This is because all the evidence points the same way. Indeed since the court case, the evidence of health risks has continued to pile up, including reports by the UK Health and Safety Executive (2002), the International Labour Organisation (2003), the UK Department of Trade and Industry (2003) and the US Government's National Institute of Occupational Safety and Health (2004).

The evidence indicates that those who regularly work more than about 48 hours per week are likely to suffer an increased risk of heart disease, stress related illness, mental illness, diabetes and bowel problems.

They are also likely to drink and smoke more, and to adopt a poor diet.

There are also concerns about the exposure risk to chemicals and noise for long hours workers, as the safe limits are always based on 40-hour working week.

Most recently, long shift hours has been identified as probable cause of cancer by the world Health Organisation, which has led to the Danish Government paying compensation to a number of women shiftworkers with breast cancer.

It is also clear that the effects of fatigue on safety can have devastating consequences that go far beyond the individual long hours worker. The Health and Safety Executive puts it thus:

“Fatigue has also been implicated in 20 % of accidents on major roads. It has been identified as a contributory factor in many major incidents including Challenger, Chernobyl, Clapham Junction and Exxon Valdez and is said to cost the UK £115 - £240 million per year in terms of work accidents alone.”

Myth 2 - the UK has a good health and safety record, so there is no need to worry about long hours and overwork

Those who make this point always refer to the accident statistics in EU countries. It is worth noting that the evidence of harm is mostly about the detrimental health effects of long hours rather than accident rates.

Furthermore, when evaluating the effects of long hours it is misleading to simply compare international rates for all workers. When discussing the working time directive we are most concerned with the 12 per cent of UK employees who work more than 48 hours per week, not with part time workers or those who work 40 hours per week.

Once the focus is firmly on long hours workers, there is abundant evidence that long hours have an impact on their health, and we have had more than our fair share of disasters where long hours and fatigue have been contributory factors. - see myth 1.

Myth 3 - All those who work long hours are happy to do so

Every study of the opt-outs in the UK has identified significant abuse by employers. The evidence includes reports by the European Commission (2003) and the Department of Trade and Industry 2001, 2003 and 2004.

The 2004 recent DTI report found that:

- 58 per cent of long hours workers said that they would be happy for their employer to limit them to 48 hours per week. (42 per cent simply had all their working time fixed by their employer)
- only 34 per cent had signed an opt-out, despite a legal requirement for most long hours workers to do so
- 66 per cent had not signed an opt-out. One quarter of this group (600,000) said that they were pressured to work long hours by their employer.

The TUC's *know your rights line* has identified a range of abuse ranging from bureaucratic and 'office culture' pressure and to plain old fashioned bullying.

Myth 4 - Employers are willing to tackle any cases of abuse of the current regulations

Employers have had ten years to deal with abuse. Some have moved away from long hours altogether, but many have shown little inclination to put their house in order.

50% of the long hours workers who have either raised issues about the 48 hour limit or know that such issues have been raised by somebody else in their workplace say that the issue was not resolved. In other words, they have been unable to access their rights.

Myth 5 - Trade unions are trying to make a rule that workers don't want. Employers are simply defending a worker's right to work long hours

Given their record of opposing employment rights, employers' organisations rather lack credibility as workers' champions. The truth is that most long hours workers want to work fewer hours, and that their employers pressure many into signing away their rights.

Even if that were not the case, it would still not be right for workers to be allowed to opt-out of health and safety limits, otherwise the law would be undermined and workers left at risk.

An employee's right to work long hours is limited by their duty to work safely. This is not just for their own sake but also to protect colleagues and passers-by that might be harmed by dangerous work practices.

One important point is that seven out of ten (2.2 million) long hours workers do not receive any extra pay for the extra hours that they put in – they are simply working unpaid hours.

If working time was limited to an average of 48 hours per week, most of these extra hours would simply vanish without any loss of output, as some long hours are wasted through the “attendance culture”, where workers are assessed by the length of time that they spend at work rather than by their output. The old maxim that “work expands to fill the time allocated to it” is still true. Limiting hours would help to focus minds on the task in hand whilst also making them sharper by cutting fatigue.

Of the 1.0 million long hours workers who are paid overtime, 53 per cent say that they would like to reduce their hours.

TUC unions are achieving notable successes in their work to end excessive working hours whilst maintaining earnings.

The TUC also wants workers to have more freedom of choice over hours and patterns of work within safe limits. That is why we supported the extension of the legal right to request flexible working that came into force earlier this month.

Myth 6 - The UK economy needs long hours to succeed

The truth is that long hours actually impede productivity. Long hours workers become fatigued, which leads to lower output per hour, a decline in the quality of work and more mistakes.

The UK already works the longest hours in EU-15, but we are only 10th out of 15 in terms of productivity per hour. We need investment, training and better work organisation, not more hours.

Since the Working Time Directive was applied to the UK average working time and long hours have both fallen slightly. Rather than this proving to be a problem, business continued to thrive and both employment and productivity rose sharply.

Myth 7 – The working time directive ties up business in red tape.

The working time directive sets an average limit of 48 hours on weekly working, but this is averaged over 17 weeks, which should be more than enough to meet most peaks in demand.

Furthermore, in a number of industries the averaging period is automatically increased to 26 weeks. And it is possible to increase the averaging period to a whole year by agreement with a trade union.

If a business genuinely cannot survive without its staff working excessive hours on a permanent basis, then management need to think again about how work is organised.

However, in most cases managers would find that they could manage these working time limits quite easily if they had to. All too often the problem is that they do not want to bother to manage this issue.

Myth 8 – we should not be talking about limiting hours in a recession

On the contrary, this is the best time to plan for a future with a sensible work life balance. During a recession, the demand for long hours falls sharply, as many workers lose their jobs or go on short-time working.

Although the last figures still show 3.2 million UK employees working more than 48 hours, their numbers have fallen by 120,000 during the last year. While cutting hours does not automatically result in a new job for someone else, it seems rather unfair that so many employees are still working long hours when many other are underemployed or have no work at all.

We have plenty of time to plan for the future. If the end of the opt-out is agreed in 2009, it will begin to take effect in 2012. However, the 48 hour week would then be phased in, so that it is unlikely that the opt-outs would be completely eradicated before 2015 at least.

Surely if we have 6 years notice we can find a way to ensure that most people do not work excessive hours.

Myth 9 - Small businesses rely on long hours to succeed

The table below shows that in reality most small businesses are not particularly reliant on long hours.

Although more than a third of UK employees work in businesses with less than 25 workers, these small businesses take less than their share of long hours workers.

Long hours working by number of people employed in the workplace

Size of business	Per cent of all UK's 25.5 million workers	Per cent share of the UK's 3.2 million long workers
1-24	34.0	31.4
25-49	13.7	14.1
50-499	34.2	35.9
500 or more	18.0	18.6

Source: ONS LFS Microdata Service - autumn quarter 2008

Myth 10 - globalisation means that we must work more hours

The UK's main competitive advantage is in 'high road' businesses - in other words, in working smart. Relying on long hours is usually a sign that the business is not very smart, wherever in the world it is located.

Despite this fact, we are sometimes exhorted to work more hours by organisations that have a strong free market agenda, such as the International Monetary Fund. This prescription is a dangerous misdiagnosis of what is needed for a successful economy.

Before the recession began, some people said that we should copy the working practices found in the USA. We should note first that average hours have been falling in the USA in recent years.

We should also consider that the US achieves high productivity because it has a high level of investment per head, a high proportion of graduate workers, and a

very large domestic market. It succeeds to large degree despite its long hours culture rather than because of it.

The table below shows that UK employees work more hours than their Eurozone counterparts but produce less value per hour. Clearly we need to shift our focus to improving productivity – then we will easily be able to manage the end of the opt-outs

	Average hours worked per year	Average GDP generated per hour worked (US\$)
US	1,705	52.4
Euro zone	1,598	45.6
UK	1,670	44.5

Source: OECD 2007 figs

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[Working time developments – 2004 EIRO](#)