



# The return of the long hours culture

After a decade of progress long hours are creeping back

## **1: Why is the long hours culture creeping back**

After a decade of progress, during which the number of employees working excessive hours fell steadily, the battle against the long hours culture has stalled and the number of people working long hours has increased by 180,000 last year. A detailed breakdown of the figures can be found below.

The TUC argues that the Government must now tighten the weak legal regulations on working time in order to protect the health and the quality of life of UK employees

The EU set a limit of 48 hours on average weekly working time through the Working Time Directive. This limit is normally calculated over 17 weeks, but some hard-pressed industries have a 26-week averaging period, and it is open to all employers to negotiate a longer averaging period with their trade unions. The law therefore allows employers ample flexibility to cope with peaks in demand.

The EU introduced this law because research has demonstrated that regularly working longer puts workers' health at risk. Most importantly, the chances of developing heart disease and stress related illness are increased.

Although the Labour Government implemented this directive as the Working Time Regulations (1998), they retained the Conservative idea that every individual worker should be able to opt out from the 48-hour limit on average weekly working time. This is a feature of working time law that is unique to the UK.

The Government has argued that the opt-out is a question of retaining individual choice. The TUC does not agree with this view for two reasons.

First, there is clear evidence, including from the Government's own evaluation of the Working Time Regulations, that many employees are not given any choice about working long hours by their managers. Indeed, most long hours workers would like to reduce their hours (see section 3 below).

Second, even when employees effectively choose to work long hours it cannot be right that workers are able to opt-out of health and safety law, since the consequences of their actions impinge on others as well as themselves. The driver who falls asleep at the wheel and kills an oncoming motorist gives them no choice, the workaholic who has a heart attack will leave a family to care for, and the taxpayer picks up the bill for all these human tragedies.

The Government's theoretical position as the defender of employee choice is further damaged by the fact that the Government has issued instructions to the relevant agencies only to enforce the Working Time Regulations 'on complaint' - eg when they receive a complaint from a worker.

This has sent a clear signal that enforcement is a low priority, with the result that the enforcement agencies will often simply reject complaints unless injury or death

are involved<sup>1</sup>. Since these agencies are the sole channel for enforcement, many workers cannot enforce their existing legal rights.

They have also cut funding for the main enforcement agency, the Health and Safety Executive, and have done so little to prepare local authorities, that most of them do not even know that they also have a legal duty to enforce the regulations in some industries

Furthermore, the Government consulted on proposals to improve enforcement four years ago, but has since taken no action.

Clearly this state of affairs cannot go on. The initial pressure on long hours from the Working Time Regulations has now run out of steam, the long hours culture is now returning and more and more UK employees are being put at risk through overwork.

The UK Government has been blocking the progress of the European Union review of the Working Time Directive, which would set tougher conditions on the use of the opt-out. The Government's attitude to the law on working time runs contrary to the body of good work that the Government has done during the last decade to make employment fairer, such as introducing the right to request flexible working and statutory annual leave rights. It also hampers their stated goal of protecting vulnerable workers.

The TUC expects the Government to protect UK workers by backing proposals to strengthen the Working Time Directive when the issue comes before European Union employment ministers at the social affairs council meeting on 9 and 10 June

## **2: Detailed figures on the increase in excessive working time**

In the UK, the Working Time Regulations (1998) had the effect of steadily reducing the absolute number of employees working long hours from 1998 to 2007. The percentage of employee working long hours also fell, despite the growing workforce.

In all, the number of long hours employees fell from 3,803,000 in Winter (January-March) 1998 to 3,096,000 in Winter 2007, which had the effect of reducing the excessive working time problem by about one fifth. Although this was less than the TUC would have hoped for, as it still left the UK with the highest incidence of long hours workers in the EU, it was undoubtedly solid progress.

However, this trend had started to reverse by Spring 2007 and has continued to do so into 2008. In the year to Winter 2008, the number of long hours workers increased by 180,000, which was an increase of 0.5 per cent of the employee workforce.

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<sup>1</sup> see, for example 'The use and necessity of Article 18.1(b)(i) of the Working Time Directive in the United Kingdom' by Catherine Barnard, Simon Deakin and Richard Hobbs, European Commission, 2003, p.55 and 56.

The TUC is particularly concerned that the rate of increase in the past 18 months has been faster than the previous rate of decline, which suggests that the progress made since 1998 will be wiped out unless swift action is taken.

Excessive working time is still mostly a problem for male employees, although just over 1 in 5 (22.2%) long hours workers are female. However, the resurgence of long hours has been even more strongly male dominated, with 85.0 per cent of the extra jobs going to males last year. The TUC's primary concern has been the impact of long hours on health. However, we are also concerned that so many senior positions disproportionately rely on long hours. This will help to exclude women from those roles, since they still bear the greater part of caring responsibilities.

### Long hours workers by gender

	2007 (thousands)	2008 (thousands)	Change 2007-2008 (thousands)
Male	2,395	2,548	+153
Female	701	727	+26
Total	3,096	3,276	+180
	2007 (incidence)	2008 (incidence)	Change 2007-2008 (incidence)
Male	18.7%	19.7%	+1.0%
Female	5.8%	5.9%	+0.1%
Total	12.4%	12.9%	+0.5%

As expected, the table below shows that managers and associate professionals<sup>2</sup> account for the biggest increases in long hours workers during the last year. Smaller increases amongst the skilled trades, elementary occupations and personal services such as security accounted for the rest of the growth in long hours.

<sup>2</sup> The UK Statistics Authority Standard Industrial Classification lists doctors, lawyers, scientists, teachers and engineers as examples of professional occupations. In contrast, examples of associate professional jobs would include social workers, laboratory technicians, building inspectors, draftspersons, IT technicians, radiographers, chiropractors, youth workers, graphic designers, authors, financial analysts, estate agents, air traffic controllers, journalists and prison officers.

### Long hours working by occupation (thousands)

Occupation	2007	2008	Change 2007-2008
Managers and Senior Officials	940	997	+57
Professional occupations	666	672	*
Associate Professional and Technical	326	385	+59
Administrative and Secretarial	76	68	*
Skilled Trades Occupations	328	354	+26
Personal Service Occupations	76	93	+17
Sales and Customer Service Occupations	61	62	*
Process Plant and Machine Operatives	389	385	*
Elementary Occupations	232	257	+25
Total	3,096	3,276	+180

The breakdown below shows that the reverse has largely taken place in the London and Eastern regions, whilst in half of the regions and nations of the UK the incidence of long hours is still falling

### Employees working more than 48 hours by region (thousands)

UK nations and regions	Working more than 48 hours per week 2008	Change 1998 -2008	Changes 2007/2008
North East	112	-20	*
North West (inc Merseyside)	297	-76	+22
Yorkshire and Humberside	261	-52	+27
East Midlands	264	-24	+30
West Midlands	263	-98	+22
Eastern	374	-55	+59
London	536	+39	+77
South East	490	-128	*
South West	243	-50	-29
Wales	124	-26	*
Scotland	250	-33	-17
Northern Ireland	63	*	*
Total	3,276	-526	+180

### Percentage of employees working more than 48 hours by region

UK nations and regions	Per cent of employees working more than 48 hours per week 2008	Change 1998-2008 (per cent)	Changes 2007/2008 (per cent)
North East	10.9	-3.2	-0.5
North West (inc Merseyside)	10.7	-4.0	+0.8
Yorkshire and Humberside	12.1	-4.4	+0.9
East Midlands	14.0	-2.9	+1.3
West Midlands	12.0	-5.2	+0.8
Eastern	15.5	-4.1	+2.1
London	17.1	-1.2	+2.0
South East	13.7	-5.1	-0.3
South West	11.3	-4.1	-1.5
Wales	10.8	-4.1	-0.3
Scotland	11.2	-2.8	-0.7
Northern Ireland	9.6	-2.1	-0.2
Total	12.9	-3.7	+0.5

The table below shows that last year's 180,000 strong increase in the number of long hours employees is clustered in just a few industries. Unsurprisingly in the light of the high profile problems in the industry, the finance sector put on 40,000 extra long hours jobs. Wholesale and retail came a close second with 37,000 extra long hours jobs. The rest of the increase was split between the public administration and defence, community social and personal, construction, health, hospitality and real estate sectors.

The manufacturing sector continues to have the most long hours jobs (494,000), but difficult trading conditions led to a small fall (-13,000) in the number of employees working excessive hours last year.

Some commentators might be surprised to know that 21 per cent of long hours workers, which amounts to 688,000 employees, are employed in the public sector. The Government has introduced a number of initiatives to combat excessive working time in the public sector, but clearly they still have a long way to go.

### Long hours work by industry (thousands)

	2007	2008	Change 2007-2008
Agriculture hunting & forestry	41	42	*
Mining quarrying	34	38	*
Manufacturing	507	494	-13
Electricity gas & water supply	23	22	*
Construction	309	326	+17
Wholesale retail & motor trade	332	369	+37
Hotels & restaurants	122	132	+10
Transport storage & communication	324	333	*
Financial intermediation	158	198	+40
Real estate renting & business activities.	415	425	+10
Public administration & defence	159	185	+26
Education	350	353	*
Health & social work	191	212	+11
Other community social & personal	113	134	+21
Other industries	14	11	*
Total	3,096	3,276	+180

### Percentage of long hours work by industry

	2007	2008	Change 2007-2008
Agriculture hunting & forestry	21.8%	20.1%	-1.7%
Mining quarrying	32.1%	31.4%	-0.7%
Manufacturing	14.9%	14.7%	-0.2%
Electricity gas & water supply	11.4%	11.1%	-0.3%
Construction	21.5%	22.0%	+0.5%
Wholesale retail & motor trade	8.7%	9.7%	+1.0%
Hotels & restaurants	10.9%	11.3%	+0.4%
Transport storage & communication	19.1%	19.5%	+0.4%
Financial intermediation	13.1%	16.2%	+3.1%
Real estate renting & business activities.	15.2%	15.1%	-0.1%
Public administration & defence	7.9%	9.1%	+1.2%
Education	14.1%	14.0%	-0.1%
Health & social work	5.9%	6.4%	+0.5%
Other community social & personal	9.2%	10.8%	+1.6%
Total	12.4%	12.9%	+0.5%

### Notes on the statistics

The figures in this report were calculated by the TUC using unpublished data from the National Statistics Labour Force Survey (winter quarters). All figures are for employees in main job only. Adding second jobs would increase the long hours totals by about 100,000 in each case. Apparent results of less than 10,000 employees are not published and are marked with a \* symbol, as they are too small to be robust.

### **3: Do workers want fewer hours?**

This may sound an odd question, but one argument that is often put forward against the regulation of excessive working time is that most people work excessive hours for self-interested reasons. In this sunny view, all white-collar workers have a vocation and all blue collar workers are keen to work overtime in order to earn extra pay.

Whilst this is undoubtedly true for a minority of workers, this argument does not stand up to close examination. The official statistics also reports that more than 6 out of 10 long hours workers (62.1%) would currently like to cut their working time. More than half of long hours workers are white-collar employees who do not receive any overtime pay. They account for 57.1 per cent of long hours workers in 2008. Unsurprisingly, this desire the cut excessive working time is most widespread amongst those working unpaid overtime (70.9%), but it also applies to more than half of those earning paid overtime (52.8%).

The TUC supports greater freedom to choose working patterns, as long as safe limits are in place. However, clearly excessive working time is often resented by workers, many of whom would like more time for family, friends and hobbies. Long hours are sometimes simply imposed by the minority of employers who ride roughshod over the existing law that purports to give workers the right to refuse excessive overtime.

### **4: Conclusions**

These results suggest that the Government needs to take strong measures to halt the trend back to the long hours culture.

The TUC agrees with the conclusion of the European Parliament's report on the Working time Directive, which recommended that the individual opt-outs from the 48-hour average week, should be withdrawn. In addition, much tougher conditions on the use of the opt-outs should apply during the phase out of the opt-out recommended by the European Parliament, and there should be much better enforcement of the Working Time Regulations as a whole.

The HSE is responsible for enforcement in most workplaces, although local authorities are responsible for shops and office. The TUC's Commission on Vulnerable Employment<sup>3</sup> reaffirmed our earlier finding that most complaints

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<sup>3</sup> <http://www.vulnerableworkers.org.uk/>



about working time are not properly investigated, thus leaving workers unable to enforce their legal rights.

The Government needs to address this point as a matter of urgency. The first step must be to engage more constructively with the EU review of the Working Time Directive, where the Government has so far played a leading role in blocking better rights for workers.