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## **SUMMARY REPORT**

# **WORKING TIME FOR WORKING FAMILIES: EUROPE AND THE UNITED STATES**

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## **WORKING TIME FOR WORKING FAMILIES: EUROPE AND THE UNITED STATES**

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**Monday, June 7**

**SESSION 1 INTRODUCTION: THE CONTEXT FOR INDIVIDUAL WORKING TIME FLEXIBILITY, EUROPE AND THE U.S.**

**Claudio Grossman, Dean of American University Washington College of Law**, by words of welcome, stressed how much the international comparative focus of the conference and its emphasis on gender equality reflected the past and present of AU Washington School of Law: a school founded a century ago by two courageous women when women were still prohibited from taking up the legal profession.

There always has been a tension between ‘production’ and individual and social needs, continued **Dieter Dettke**. A comparison between the US and Europe is particularly fruitful because both regions have highly developed economies and labor markets, and both share the challenge of how to respond to growing demands for increased autonomy and choice at work. The challenge in the field work-life balance, and in the broader approach to the organization of time, is to move away from standardization and approaches which suppress liberty and individuality to creating time sovereignty.

**Joan Williams** felt excited about the potential of a trans-Atlantic conversation on working time and work-family policies. Work Family policies in the US are highly developed in corporations but have primarily focused on selected professionals. Conventional wisdom assumes that flexibility or modular work schedules are not possible in blue collar jobs.. European practice shows this to be false. In the area of flexible scheduling, practices that are considered “cutting-edge” in the United States are “old hat” in Europe. Examining challenges in Europe in terms of workplace flexibility and looking at how Europe has addressed those challenges presents the potential to push this conversation further in the United States. The WorkLife Law Center has documented the ‘maternal wall’ hitting mothers when they return to work, and this view of discrimination has recently been upheld at the highest level (Rehnquist decision). While it is unlikely that the US will adopt European social policy approaches in the near future, US corporations nevertheless need to care about gender inequality in the workplace, and about experiences from elsewhere with policies designed to achieve greater equality.

**Legislative innovation in Germany and the EU: What is being done and why**  
***Doris Barnett, member of the German Parliament, Germany***

Germany has a broad array of legislation offering protection and support to employees, especially parents, for caring responsibilities. And even though the media sometimes gives an impression to the contrary, Germany actually leads internationally when it comes to working time flexibility. German law provides:

- maternity leave ,including paid compulsory time-off before and after birth introduced as a public health issue, not a benefit;
- parental educational leave of up to three years – for both mothers and fathers- with a right to return to work at the same level; a stipend of Euro300 p.m. (\$350) is paid for two years;

- the right to switch from full-time to part-time work for up to one year for parents of children under 1 year;
- the right to reduce working hours irrespective of reasons (the employee has to propose the overall number of hours and their distribution – e.g. 21 hours p.w., worked Mon-Wed at 7 hrs p.d.), unless there are serious contravening business reasons.

The law in Germany sets a framework; filling out the details of implementation is the business of labor and management, and, in the final event, the individual parties concerned. Workplace representation statute<sup>1</sup> was recently reformed to incorporate the concept of gender mainstreaming; eliminated discrimination against part-time employees on works councils; and extended the remit of works councils to cover work-life balance.

Reconciliation of work and family, and the creation of quality jobs, is high on the agenda of the European Union (EU) although implementation is left to member states. In the growing competition for the best people among developed nations factors such as working conditions and support for families is an important competitive advantage, particularly in view of falling birth rates and the increasing elderly population.

### **Comparative work-family policies: Europe and the U.S.**

*based on a presentation by Janet Gornick, Baruch College, CUNY*

Joan Williams introduced the ground breaking study by **Janet Gornick**<sup>2</sup> and **Marcia Meyers** in **“Families that work”**: a comparison of the US with other OECD countries regarding support for families shows a clear link between policy outcomes on gender equality and –most importantly- child welfare and support for working parents. It also shows the detrimental effect of the lack of many of such policies in the US. Gornick puts forward the ‘ideal’ type of a ‘dual earner – dual sharer’ society to think about the type of policies and work place reorganization that might lead to a truly equal society: a framework that might also inform the discussion at the symposium.

Institutional support for families and work varies greatly between countries, and so do social policy outcomes in terms of child welfare, women’s labor market attachment and gender equality more broadly. Based on the research by Gornick and Meyers’, **Ariane Hegewisch** provided comparative data on working families, working time and leave between the US and ten European countries. Gornick and Meyers draw on Esping Andersen to divide countries into three basic groupings:

- the “Social Democratic” Nordic countries, with an emphasis on paid work for everyone, supported by publicly funded provision of care;
- the “Conservative” continental European countries, with comparatively high social support for traditional gender roles and public policy aimed at supporting ‘private’ care provided by women in the home; and
- the “liberal” countries, where caring is individualized or left to the market, and where public policy is limited to providing a safety net.

In terms of the countries represented at the conference, the US and the UK are prototypes for the ‘liberal’ blocks (though European Union statute has put a floor under UK deregulation). The ‘conservative’ block is considerably less homogenous, with France having both high levels of publicly funded childcare and full-time working

<sup>1</sup> Statute on the Organisation of Businesses, effective from 28 July 2001

<sup>2</sup> Janet Gornick was scheduled to participate in the symposium but had to cancel at short notice

mothers while in Germany and particularly the Netherlands part-time work has risen dramatically and is the norm for working mothers, not least because of low levels of public care.

The US is not atypical in the proportion of couples where both parents work full-time – Finland, France, Canada and Belgium have comparatively high levels. Where the US stands out however is the very high share of married couples with children who work extremely long hours. A dearth of ‘good’ reduced hours job (between 30 and 39 hours per week) forces people in better jobs to work excessive hours. In the US penalties for working reduced hours, in terms of wages and benefits, are much more severe than elsewhere. Weekend, evening and night work is clearly associated with adverse outcomes (on health, child welfare, divorce) and has rising everywhere – but to much higher levels in the US. In response to the 24/7 society the European Union has passed the Working Time Directive which regulates rest periods, the length of the overall working week and paid annual leave. The Working Time Directive recognizes employers’ need for flexibility but sets out to provide some limits to the extent to which employers can compete on the basis of deteriorating terms and conditions.

### **Individual workplace flexibility in Europe: Germany and the UK**

*Ariane Hegewisch WorkLife Law Program, American University WCL*

**Ariane Hegewisch** then compared the impact of new working time laws in Germany<sup>3</sup> and the UK<sup>4</sup>. After six months with an employer, any employee in Germany- irrespective of their reasons for wanting a change- can ask the employer for a reduction in their working hours. The employer can only refuse if there is a serious business case, and the decision can be appealed in the labor courts. Part-timers also get preferential access to full-time jobs, should they want an extension of their hours. The UK law is both weaker and broader: it is limited to parents of children under 6 who want changed working hours specifically to deal with childcare issues. It only provides a process- a right to request and receive a reply within a certain time period and the employer’s decision is not subject to external appeal. The employee has to demonstrate the operational and economic feasibility of their request but can- indeed is encouraged to- draw on a broad menu of options, covering for how many hours, when and where the employee wants to work.

A comparison of the uptake of new rights shows that a weak law does not necessarily make for weak uptake: in the first year after the law came into effect in Germany 85,000 employees requested reduced hours (and over 90% of requests were granted). In the UK 900,000 employees requested changed working hours (with 77% being fully, and 9% partly accepted). Moreover, the majority of requests were from employees not formally covered by the legislation – either because they had no children or older children. The right in the UK will shortly be extended to cover all carers. What explains this difference? Campaigns, resources and pilot projects are similar in both countries, as is the demand for more quality part-time jobs ( if anything higher in Germany than the UK). Clearly a more favorable economic climate in the UK added to people’s confidence in asking for changes. Arguably the UK also has a much greater tradition of using working time diversity as part of equal opportunity strategies, and of

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<sup>3</sup> Law regarding part-time work and fixed-term contracts 2000, from Jan 2001 – applies to employees after 6 months service, in organizations with at least 15 employees

<sup>4</sup> Employment Act 2002, Section 80, in force from April 2003

course a much more deregulated labor market overall. What the UK experiences shows above all however, argued Ariane Hegewisch in conclusion, is that – if the climate is right- a little legislation can go along way to increase “work-life- compatibility.”

***Discussion:***

- *Why were the new laws introduced- was there a link to European Union (EU) statute?* The impetus for both laws was the EU 1997 Directive on Equal Treatment for Part-time Workers, which was negotiated by the social partners (trade unions and employers at European level). This directive provides a right to equal treatment regarding pay, benefits, training and promotions for part-timers compared to full-timers. It also includes a – much broader and less specific- encouragement to promote part-time work, both as a measure to create jobs and to facilitate the compatibility of paid and domestic work.
- *How did the political process work in the UK? What was the response of employers and trade unions?* The law was designed with full involvement and support of employers and reflects a compromise position- clearly trade unions are not happy that it only provides a ‘right to request’. The government is committed to reviewing the effectiveness of provisions, promising to strengthen them if the law proves too weak.
- *What about Germany?* Employers in Germany are less committed to the law. Indeed, the opposition Christian Democratic Party has announced that, if elected, it will limit the scope of the part-time law to mothers of young children.
- *Why is there so little legislative challenge against the unfavorable treatment of part-time workers in the US- when the legal concepts used in Europe were originally imported from the US?* US courts are hostile; the business case is much more broadly defined; many part-timers without benefits work for ‘bad’ employers where no-one gets benefits.

**SESSION 2: FLEXIBILITY IN PRACTICE: CASE STUDIES FROM EUROPE**

**Flexibility for managerial, professional and production jobs at Volkswagen**

***Elisabeth Vogelheim , Volkswagen AG, Germany***

Volkswagen AG Germany, with 100,000 (mostly male) employees is one of Germany’s most innovative companies regarding working time, according to **Elisabeth Vogelheim**. In 1994 VW introduced the ‘Volkswagen week’ – 28.8 hours p.w. for production workers (to be worked in shifts on five days per week), and a four-day 30 hour week (Mon-Thurs) for salaried and administrative workers; the official week for managers is 40 hours (though as everywhere actual hours are often higher). This was introduced as a program to avoid job losses. Since then the policy has evolved into a competitive advantage and has turned VW into a ‘breathing company’: management has, within limits agreed with the works council, the ability to adjust production by increasing or reducing the number of shifts run per day (2-4 shifts), the days per week worked (4-6) and the total number of days worked per year (up to 300). Employees on the other hand can save time in time

accounts for short term flexibility or in the longer term by building up ‘time asset bonds’. Production is scheduled three months in advance to increase predictability. Production workers generally work rotating shifts (on a weekly basis) -- clearly not ideal for caring responsibilities or regular outside activities but somewhat compensated by the overall shorter working week. There are numerous ways of accommodating particular needs, such as running a particular shift pattern for single parents, or for part-time workers. There are men who take up the part-time options though predictably in percentage terms this is a very low. Other schemes include five –years- leave (with re-employment guarantee at the same level)- the majority of employees taking up this option – 300 in 2003 – are men going back to school; flextime, childcare facilities, and a pilot scheme on telecommuting.

Volkswagen is a fully unionized company, and working time is subject to co-determination under German statute. The company is asking for a lot of flexibility from its employees but in return employees have gained a guarantee against job losses, more time for their families and more leisure time. Volkswagen demonstrates how creative working time arrangements can lead to win-win situations for employees and management, and that positive working time flexibility need not be limited to professional staff.

### **Developing positive flexibility for employees: the British trade union approach**

#### ***Jo Morris, Trade Union Congress, UK***

Working time has overtaken pay as the number one negotiating issue for UK unions, reports **Jo Morris**. Trade unions have had to develop new strategies to respond to the growing feminization of the labor market, the extension of working life, the need for life-long-learning, and the growing challenges of adult care. While the election of a Labor Government in 1997 has brought a welcome change in attitude to unions and employee rights, unions still have to recognize the competitive pressures on UK employers in a globalized economy. The TUC has taken a front-row position in shaping UK Work Life balance policies. Key to the TUC strategy is the recognition that there are inherent tensions between employer-centered and employee-centered flexibility but that it is possible to creatively resolve some of these tensions and create win-win situations. The TUC has developed a process to help navigate workplace change. This includes model staff surveys, guidance for conducting focus groups, training materials for managers, and a menu of different working time options. Fundamental to the TUC approach is that change has to be voluntary and that consensus building is key to any successful reorganization of working time (see [www.tuc.org.uk/changingtimes](http://www.tuc.org.uk/changingtimes)). Two pilot projects illustrate the TUC approach:

*Bristol City Council* approached unions and employer federations to help with a reform of its flextime system which was no longer seen as in tune with a modern service-oriented public administration. A staff survey on working time revealed some unexpected results: men were more likely than women to want more time for families, and women were far more likely than men to want time for education. The most common reason for wanting change, however, was to be able to work more effectively. The introduction of Sunday opening in libraries was successfully used as a pilot scheme: to the surprise of both management and unions there were many current part-time employees keen to extend working hours, at a time when childcare was less of a problem. Sunday opening

additionally proved highly successful by bringing new users into libraries. Libraries also introduced ‘self-rostering’ to overcome rigidities in the flextime scheme.

*Inland Revenue, the UK tax administration*, again involving the introduction of weekend opening and evening service. Key to convincing the local union and staff (who were on individual flextime, with 85% of staff gone by 4pm ) were focus groups to help people prefigure benefits from a new system. These included, for example, the ability to bank time for longer periods than the existing flextime scheme and the creation of learning centers, with the help of the union, in local offices. Particularly important in generating a successful outcome, however, was the development of training materials to address the skepticism of middle managers –a first for the TUC. Once on board managers expressed considerable surprised that the new working time arrangements in fact made it easier for them to deliver services.

The ‘Our Time’ pilot project in the Inland Revenue shows that despite major re-organization and a history of union conflict it is possible to develop initiatives which included staff as partners and meet both employee and business needs.

#### **RESPONDENTS:**

**Donna Klein, Corporate Voices for Working Families**, suggested that working time flexibility may become a priority once a basic social insurance system and infrastructure of public support is in place, as is the case in most of Europe. However, this is clearly not the case in the US. Indeed, with current pressures on employer provided pensions and health insurance, the gap between the US and Europe is – if anything – growing wider. In the US the lack of healthcare is the key issue- everything else, though of tremendous interest and potential, becomes secondary. On the other hand partnering between corporations and trade unions, to ensure that all stakeholders are at the table, does play an important role. Corporate Voices for Working Families, which was founded two years ago by Donna Klein and works with Fortune 500 companies, includes a trade union representative on its board in recognition of this principle. Corporate Voices if is keen for this to be an active role.

**Irasema Garza, AFSCME:** Work Life Balance is a clear priority for the members of her union of 1.5 million members, ranking perhaps second or third in importance in staff surveys. Yet the US long hours culture, the conviction that because of it the US has the most productive workforce in the world, and the overall lack of public infrastructure make it hard to transfer any of the wonderful European initiatives. This is particularly true against the background of the current fiscal crisis with imminent threat of job loss for public sector employees in many states. Perhaps one way forward will be to treat the long hours culture a public health risk and develop public awareness campaigns along the lines of “Stop smoking” campaigns.

#### **Discussion:**

- In Europe ‘flexibility’ seems defined as an accommodation between employers and employees; in the US primarily as a strategy to drive down labor costs.
- *Are US corporations truly so adverse to change and legislation regarding employment?* Corporations ‘coped’ with the SDA; they ‘cope’ with the



- requirement to redress sex and race discrimination; and many transnational corporations with subsidiaries abroad are subject to the European statute- and still manage to make a profit.
- *It is not just large corporations who innovate* in the field of work life balance- there are many positive examples from small and medium sized companies. This is where the majority of US employees work, and where the focus on dissemination of good practice should lie.
  - *Time sovereignty and Volkswagen*: VW is a public company working in a competitive environment: the working time policy has to fit in with production requirements – but in consultation, and with clear benefits for staff.

### **SESSION 3: POLICY APPROACHES TO WORKING TIME FLEXIBILITY**

#### **The 35-hour laws and the work and family life balance in France: Working fathers and mothers with a child under 6 years**

*Jeanne Fagnani, CNRS, France*

Through legislation instituted in 1998 and 2000, France reduced the work week from an average of 39 hours to 35. **Jeanne Fagnani** discussed the effect of the law on working parents' perceptions of the ease of balancing work and family responsibilities. The law was introduced at a time when unemployment (then 10%) and the imbalance of power between employees and employers were of high concern. But even though the objective of balancing work and family was secondary to the goals of creating new jobs and making companies more efficient through reorganization of work time, the law had an impact on families with children under six years old.

Among parents who answered in a national representative survey that the 35-hour work week law made it easier for them to combine family and work, a clear pattern emerged. Workers who had at least some say in setting their working hours were more likely to respond positively. Sixty-six percent of those who negotiated their hours with their employers said the law helped in the work-life balance, compared to just over 50% of those whose hours were imposed. This factor was more important than level of education, occupation or gender. Reactions were also more positive among those who did not work unsocial hours.

The greatest factors in a positive perception of the law were employers' existing policies on work life balance. Respondents who considered their employer to be "very considerate" of their family responsibilities, were almost twice as likely to say that the law helped them to achieve work family balance than employees in firms who were "not at all good" regarding their family responsibilities.

#### **Flexibility through working time accounts: Reconciling economic efficiency and individual time requirements;**

*Hartmut Seifert, WSI, Boeckler Foundation Germany*

About half the work done in Germany now is covered by individual 'working time accounts' wherein employees can bank extra hours worked for time off later. For the large majority of workers working time has to be averaged out over 12 months or less.

However, twenty-eight percent of employees have no deadline for balancing out their accounts, making it possible to save up time for retirement, for example. **Hartmut Seifert** argued that while employees do benefit, employers are the main beneficiaries.

Working time accounts are mostly negotiated as part of industry-wide collective agreements. However, the decisions regarding regulation of time accounts are increasingly shifting to individual companies and employers. This may put employees at a disadvantage. While most employees said that their work times were decided between themselves and their employer, in a small percentage of companies, decisions are made exclusively by employers.

The merits and potential of working time accounts were discussed for almost 20 years before their actual introduction in the early 1990s when companies finally began to see their advantages: they allow them to set working time in line with fluctuating demand, reduce the costs of employees sitting idle, and avoid layoffs, thereby reducing hiring and training costs. They become “breathing companies.” As a result, only 17% of employees said they believe they have “time sovereignty,” or control over how they divide their time between work and all other pursuits, including family life. As elsewhere the proportion of employees with perceived time sovereignty is considerably higher among professional and highly qualified staff. The remaining employees surveyed said that time sovereignty is something they have occasionally, but not regularly.

#### **RESPONDENTS:**

**Peter Berg** commented that the French example clearly demonstrates that the decisive factor in increasing employee work-life balance is not a reduction of hours as such but consultation or co-determination in the process.

The German working time accounts are not a universal good for employees. Whereas the old system of work protected workers against overwork by imposing standard working times, the new system allows for more flexibility, but in a way that favors employers. Because the regulations regarding working time accounts in Germany are being increasingly overseen by employers, rather than negotiated through trade unions, employees are further disadvantaged. They must rely on their own negotiating power to work with their employer toward a desired schedule. This has parallels to the US. While there are federal standards in place in the US against employer abuse, employees are disadvantaged where there is not a local party to monitor employers and prevent abuse from happening.

**Heather Boushey** remarked on the striking uniformity across countries regarding employees’ problems of controlling working time as economic pressures move away from ‘fixed schedules’. And that it is very important to remember: a 35 hour working week is very different from a 1,600 hour working year in terms of day-to-day time control and work life balance. When economics are the main rationale for changes in working time- is it possible to safeguard or even improve work life balance - and how? Employers will always give precedence to policies that promote efficiency over those which benefit families. In thinking about long-term policy solutions, the employers’ drive for profits is an important consideration.

Policies need to be evaluated against their original objectives: did the introduction of the 35 hour week actually create jobs?

On a methodological note, she suggested that household data- responses from couples- might be particularly interesting and relevant when looking at effects of working time reductions. People are likely to not simply draw on their own situation but to take into account whether their partner's access to time control has changed.

### *Discussion*

- *The French 35 hour week and jobs:* Since the law went into effect, between 200,000 and 300,000 jobs were created; however, economists disagree violently whether this is attributable to the 35 hour week, the economic cycle or other factors. The introduction of the 35 hour week also coincided with substantially increased childcare provision, including at unsocial hours to mirror changes in working time. This makes it even harder to isolate the effect of the law.
- *Key to the effectiveness of flexibility policies:* is implementation. US research shows that the effective workplace needs a culture (and sympathetic supervisors) which incorporates informal flexibility and makes employee responsive flexibility standard business practice.
- *Does it matter that the primary reason for the introduction of European working time policies was economic, not work-life balance or real time sovereignty?* Employees still benefit through more vacations, time off for further education, Flexibility to deal with individual emergencies and the spreading of paid work when there are high levels of unemployment.
- *On average US employees work eight weeks full-time more each year than their EU counterparts,* for comparatively minor gains in productivity and no gains in standards of living. This is an issue that needs to be taken up by unions, and soon.

## **SESSION 4 LEGISLATIVE APPROACHES TO FLEXIBILITY AND REDUCED WORKING TIME**

### **Promoting and protecting reduced hours work: European Union law and part-time work**

#### ***Alexandra Heron, OECD***

Court decisions against indirect sex discrimination (disparate impact) have had a positive effect on part-time work and therefore women, who are the majority of part-time workers in the European Union (EU), argued **Alexandra Heron**. The concept of disparate impact/ indirect discrimination entered EU law in the mid 1970s with Directives on Equal Pay and Equal Treatment and were preceded by a prohibition of unequal pay between men and women in the EU Founding Treaty of Rome in 1957. Case law at national and European level (through the European Court of Justice (ECJ)) has successfully challenged lower rates of pay for part-timers; the exclusion of part-timers from occupational pension schemes; the requirements for mothers to work full-time on return from maternity leave; and the imposition of shift patterns which conflict with childcare requirements.

The ECJ administers a test to decide whether a particular job requirement is gender neutral or not. Once it is established that a job requirement may adversely affect

one sex significantly more than the other, the burden of proof for justifying the requirement shifts to the employer. For a job requirement to be non-discriminatory and therefore justifiable, the employer must show that it 1) meets a real need on the part of the business, 2) is necessary to meet this need, and 3) is unrelated to any discrimination on the grounds of sex. Over time the definition of these justifiable grounds has become narrower.

Indirect sex discrimination decisions related to part-time work are not as useful to fathers or male caregivers. A father would have to rely on a claim of direct discrimination if he does not receive the same access to e.g. flexible hours for child care as a woman. Since the EU Part-time Directive became law in 2000 part-time workers have a right to equal treatment with full-timers in most aspects of employment though justification of a discriminatory provision is possible. The directive does not go much beyond the principles developed in indirect sex discrimination case law but presents an advance because it includes men – usually the minority among part-timers.

### **Working time adjustment policies in the Netherlands**

#### ***Susanne Burri, University of Utrecht, Netherlands***

The Netherlands has the highest rates of part-time working in the world – 44% of the total workforce, 21% of men and 73% of women, work part-time. Even though part-time work is comparatively high for men- in the EU only 6% of men work part-time – there is still great gender inequality: men combine part-time work with education or gradual retirement, women with child rearing.

The *Dutch Working Time Adjustment Law 2000* has to be seen in this context, according to **Susanne Burri**, and is only the latest addition to a long line of Dutch working time initiatives. These started in the mid 1980s primarily as a response to high unemployment. The Act gives employees the right to ask for a reduction – or increase – in working hours; employers must grant this unless they can demonstrate substantial adverse impact. A recent government review of the effect of the law found:

- Five out of six large businesses and one out of six small businesses reported employee requests to reduce work hours.
- Requests to reduce hours were more common than requests to increase hours.
- Half of all requests for a reduction of hours were granted and a quarter not; four increased hours, four out of 10 requests for and a quarter not. (The remaining cases are still pending).

Despite the initial concerns by the business community very few cases – only 22 and one appeal until May 2003 – have reached the courts. Of these only 12 were decided in favor of the employee and 7 against; the remaining ones are still pending. From this limited number a clear pattern emerges: employers tend to lose because courts judged that the business reasons advanced were too general and or not serious. Courts tended to side with the employer however when it came to the pattern of work (rather than the overall hours).

The Dutch government has announced its target of an average working week of 32 hours for both men and women in six years time. Ideally, the Act will lead to an equal part of men and women in both child care and work. Yet gender differences are strong in the Netherlands and there remain career penalties from part-time work, particularly for

men. Harder to estimate is the effect of the Act at the ‘kitchen table’: it makes it harder for men to say that it is impossible to adjust their work patterns to help with caring work.

### **The role of rights talk in shifting social norms**

*Joan Williams, WorkLife Law Program, American University Washington College of Law*

European parents are supported by a variety of subsidies and legislative provisions. In the United States, societal norms and cultural ideologies present a barrier to such policies. Social subsidies are likely to be disapproved of as increased government spending. Greater employee protections are countered by powerful business lobbies and a profit-driven ideology. Parenthood is seen as a private choice rather than an issue of societal concern. However, argues **Joan Williams**, there are areas where European approaches should fit in with the US ideal of equality, such as litigation to challenge discrimination against caregivers.

The “maternal wall” (or the barriers faced by working mothers) is a useful metaphor when examining recent litigation and legislation in workplace equality. It involve discrimination because mothers are no longer able to put in the same hours as non-carers, or might simply involve stereotyping. Both of these types of discrimination have been the bases for recent lawsuits, many of which have proven to be huge liabilities for employers (and are documented by The Program on WorkLife Law: [www.wcl.american.edu/gender/worklifelaw](http://www.wcl.american.edu/gender/worklifelaw) ). In the absence of a federal law prohibiting discrimination against employees based on their care giving responsibilities, reliance on a variety of state and federal laws which do not exactly fit a caregiver’s grievances makes for unevenness in the results of litigation in this area. It also leaves both employees and employers in uncertain territory regarding their rights, and excludes carers such as grandparents or non-family members.. The Program for WorkLife Law is therefore drafting a model state statute on discrimination against all employees with care giving responsibilities which could be adopted into states’ existing anti-discrimination legislation.

### **RESPONDENTS:**

**Jodi Grant** cited the Family and Medical Leave Act (FMLA) of 1994 to show that businesses can cope with legislation to help families: in spite of initial skepticism the last ten years with the FMLA has resulted in very few problems for employers.

The Act was a monumental step in securing leave time for both men and women, both parents and those responsible for caring for seriously ill family members. 26 percent of those who use the Family and Medical Leave Act do so to take care of new born children. More than 40 percent of employees who claim benefits under the Act are men. These statistics show that the Act has been successful in at least partially meeting the needs of fathers and caregivers in general, though traditional gender roles continue to be strong.

Currently, the United States is headed in the wrong direction as far as equalizing working conditions. Even though 87 percent of women and 75 percent of men favor family leave policies, recent proposals such as taking time off for parent-teacher conferences have been opposed. Adding to the difficulty of achieving flexibility is the fact that 47 percent of the work force does not have any paid sick leave and there is no

federal protection for unemployment insurance for part-time workers. However, there are signs of approaching labor shortages, perhaps this will create a more favorable climate for greater flexibility.

How do we develop and set priorities for a legal strategy regarding workplace flexibility in the US, asked **Michelle Travis**. The answer depends to some extent on our focus. Do we focus narrowly on mothers? Then a development of sex discrimination law will be appropriate. Or do we focus on parents more generally? In this case the DC Human Rights Law, or legislation on care givers, might be appropriate. Focusing on flexibility as an issue which affects all workers might result in a law such as the Dutch Working Time Adjustment Act.

There are two general strategies: to push for new legislation that secures flexibility for anyone, for any reason; or to push the limits current anti-discrimination laws and expand them to include a larger group. In the UK and the Netherlands the second strategy facilitated the first: litigation led to the introduction of more powerful laws. The UK and the Netherlands provide blueprints for litigating sex discrimination, for example on who should act as a comparison group in these cases.

However, litigation against indirect sex discrimination has a long way to go in the United States, as was evidenced by a recent case involving a pregnant employee at Comerica Bank who lost her case when she complained that a requirement to work full-time discriminated against her. Therefore, it is important in the debate over non-discriminatory workplace practices to shift the focus from individual choices by employees to the institutional constraints implemented by employers.

### *Discussion*

- *The European term ‘indirect discrimination’ is much more explicit and powerful than the US term ‘disparate impact.’*
- *The advantage of litigating a case as ‘direct discrimination’ is that there is no ‘objective reasons’ defense; for this reason the WorkLife Law Program has developed strategies to show that stereotyping can be treated as direct discrimination. However, a successful direct discrimination case results only in individual remedy whereas a successful indirect discrimination case can force an employer to systematically change practices.*
- *A litigative strategy can be helpful but will not succeed if it is pursued without building broader public support.* Trade unions in the UK pursued a twin track approach: pursue strategic test cases while building support for broader legislative change. Now, with a more favorable political climate, the litigative approach has become much less important.
- There is a long history in the US of hostility to subsidized childcare from policy makers. Former President Richard Nixon vetoed a comprehensive childcare policy which had been passed by both houses. Current Capitol Hill battles over money for childcare have not made much progress.

## EVENING

### *Ellen Galinsky, president, Family and Work Institute, United States*

Ellen Galinsky took time off from an eight-city- tour, jointly with the Center for Workforce Preparation (and affiliate of the U.S. Chamber of Commerce) and the Center for Emerging Futures and local chambers of commerce, to get the message about the flexible workplace out to mainstream employers. The key priority, argued Ellen Galinsky, is no longer research (though of course that will always be important) but communication. The Families and Work Institute (FWI), and other researchers, have over the years built up comprehensive proof that the 'flexible workplace' is a more effective work place. The challenge is to turn that knowledge into pressure for social change. This is why a few years ago the FWI started a strategic review of its communication policies, including an analysis of successful campaigns in other fields; focus groups; interviews with corporate PR people. Important lessons emerged from the process:

- It takes time to achieve social change, but there are stages in the process, and you need to be clear on what you want to achieve..
- Focus groups show that people make the best compromises they can between income and time - but that they are wedded to a narrow range of solutions. A campaign has to prefigure the diversity of flexible options.
- There needs to be an 'aha- I recognize myself' message: "It is not your father's workplace" is how the FWI captures the shift in workforce diversity, decline of the male breadwinner, the changing nature of work and the feeling of being 'time starved'.
- Unexpected messages have stopping power: workplace flexibility is as powerful a predictor for the 'effective workplace' (with high levels of motivation and commitment) as 'supervisory support' and 'input in decision making'.
- Different groups hear different messages. Key is to find an issue which can cut across groups: the aging population. Older employees would like gradual retirement but are concerned about the impact of part time work on pensions; younger workers need flexibility to look after older relatives.
- A successful campaign must identify and target people who can bring about change.
- Unexpected messengers make a difference: hence their work with regional chambers of commerce and SMEs.
- Clearly that does not mean a neglect of the traditional bread and butter of campaigns by targeting news media.
- Awards are a proven tool for encouraging change, which is why the Sloan Foundation has announced a new *Award for Workplace Excellence in Flexibility*.
- A campaign needs to be treated like any other business objective, identifying measurable targets and monitoring its impact and effectiveness over time.

More information about the Families and Work Institute, its research on the effective workplace and the Eight- City- Tour can be found on [www.whenworkworks.org](http://www.whenworkworks.org)

**Discussion:**

- *The California Chamber of Commerce was the biggest opponent of the introduction of paid leave -- can one really work with such organizations? And how come the campaign does not focus on legislative change – legislative change was very important in pushing European straggler governments? Ellen Galinsky answered that, as long as they support the goals of the campaign, unusual bed fellows -- such as the Chamber of Commerce -- can add strengths.*
- *Why the absence of a legislative push – legislative change was very important in Europe? This is just the reality of the campaign at this moment, not a long term strategy.*

***Bernd Reissert , Konrad Adenauer Visiting Professor , BMW Center for German and European Studies at Georgetown University:***

The conference has been absolutely fascinating in its analysis of different strategies, litigation and communication policies. One factor however has been absent: ‘social protection’, the extent to which systems of social security facilitate flexibility. The Dutch concept of ‘flexicurity’ is the most interesting example: working time flexibility has been essential to the economic success of the Dutch economy but would not have been possible without a functioning welfare net that supports working time flexibility. Europe does not offer a single model or lesson – there is a wide variety of approaches though the importance of social security is clear. In the context of the US the major blockage to progress is healthcare insurance: unless this problem is overcome all other strategies will remain marginal in their impact.

**Tuesday, June 8****SESSION 5 UNBLOCKING THE STALLED REVOLUTION: BARRIERS AND SAFEGUARDS****From policies to practice: Why dissemination is so uneven**

**Mary C. Still, Program on WorkLife Law, American University Washington College of Law**

In the United States with little or no legislation to force the pace of introduction of family friendly working practices, much is left to corporations and enlightened business interest. To learn more about the pace of innovation in this field, and the facilitators and barriers to the dissemination of new practices, **Mary Still** focused on the uptake of flextime in Fortune 100 companies -- supposedly leaders in the field of human resource management. The findings are salutary for those hoping to rely on corporate self-rule. Flextime spread rapidly among companies competing for inclusion in the *Working Mother* magazine list – over a period of 15 years, from 1986 to 2001, the share of *Working Mother* companies with flextime rose from 20% to 99%. During the same period, uptake among Fortune 100 companies rose from close to zero to 20%. American organizations in general (and particularly in the public sector) were more likely to adopt flextime than the Fortune 100; research from sociologist Erin Kelly shows about 32% of



organizations having formal flextime. Other flexible working practices (job-sharing and work-at-home programs) have diffused even less widely.

What explains the uptake of certain policies and why is the institutionalization of flextime, and flexible working policies more generally, so slow and so uneven? There are several predictors of the likelihood that an employer will adopt flextime: a female-dominated workforce, the presence of a senior manager who brings ideas about such practices to a company, and the presence of a work/life coordinator or someone else who pressures the employer to catch up with other companies. Barriers to adoption are traditional work values which place a premium on “face time” and fixed hours and the adverse current economic climate in the United States: when recruitment and retention pressures slacken, employers are less willing to implement family-friendly practices.

Finally the research clearly shows: the business case might be necessary to inspire companies to adopt, but it is clearly not sufficient to guarantee that companies have flexible working policies. In times of slack labor markets practices are dropped very quickly.

### **Trade unions and individual working time flexibility in Germany: The contribution of collective bargaining to work-life balance**

*Reinhard Bispinck, Hans Böckler Stiftung, Germany*

German unions have negotiated a wide package of working time reductions and flexibility during the last two decades, argues **Reinhard Bispinck**, but gains are not all one way and not unchallenged. Implementation is becoming increasingly diverse as negotiation over working time shifts to individual workplaces. There is a wide variety in the flexibility afforded employees in different sectors and even different companies in the same sector.

Unions were slow to embrace individual working time flexibility or part time work, instead focusing on reducing the standard full-time working week for all. Through a long process that has balanced collective bargaining with legal regulations, flexibility and reduction in hours are now part of many agreements. Unlike in the US the large majority of workers (about 75% in West Germany and 50% in East Germany) are covered by collective agreements.

Unions have succeeded in negotiating for provisions to meet employees' individual needs, such as parental leave, early and/or flexible retirement, sabbaticals, and continuing training. Industry specific agreements impose constraints on unsocial hours, waiting times, threshold for overtime payments, access by part-timers to full-time hours and so forth. However, in part, companies have taken the control of working time out of the hands of employees to deal with competitive pressures and fluctuations in demand. The pressure by business interests and the inaction of the government has put unions on the defensive in trying to uphold already-agreed upon provisions.

### **Work-life balance for men and fathers**

*Walter Lochmann, ver.di Service Sector trade union, Germany*

In recent years, men in Germany have shown an increasing interest in taking part in raising their children and participating in housework and family life. Studies show that 70 percent of expectant fathers value their roles as educators for their children more than

their roles as breadwinners. And almost 70 percent of expectant parents want to share the responsibility of raising their children. However, once children arrive, the traditional gender roles of mother as childcare provider and father as breadwinner become solidified. Though the Childcare Payment Act was amended in 2001 to allow both men and women to take leave and work part-time up to 30 hours per week after the birth of a child, unequal pay between men and women decreases the likelihood of a father giving up work when a child arrives.

Ver.di has negotiated a host of family friendly working practices and has supported pilot projects such as the introduction of telecommuting the Hesse state administration, where a third of participants were fathers. Ver.di has set up an Internet site dedicated to supporting men in their roles as fathers. The site offers models of working hour programs; advice for fathers, tips on negotiating with supervisors and a discussion forum.

The union is serious about supporting men's greater involvement in caring- not least because this is a key to gender equality. Yet unions' policies in the past have contributed to the traditional division of labor: unions – successfully- fought for blue collar wages high enough to emulate the middle and upper class ideal of the male bread winner.

#### **RESPONDENTS:**

##### **Ellen Bravo, Director, 9to5, National Association of Working Women, United States**

The key barrier to implementation of flexibility and family-friendly workplace policies in the United States is the lack of basic floor of rights and minimum standards. The corporate sector has developed many innovative policies but without legislative teeth these melt away when recruitment and retention problems ease: 40% of Work Life Policy professionals lost their jobs during the last recession. The Family and Medical Leave Act (FMLA) is a significant step forward but is limited: it does not address the fact that many US workers have no paid vacation nor sick leave and does not overcome the lack of child care and elderly care; it is weakened in the context of a corporate culture which sees the ideal employee as one who is able to move at a moment's notice or who has a stay-at-home wife.

To achieve change towards work life balance we have to build a movement, one which properly values women's work, which addresses the penalties men face as care givers and which will include time off for care giving.

##### **Donna Dolan, Communications Workers of America, United States**

Some US unions have been negotiating working time flexibility for their members for the past 25 years: in the mid 1980s when we began collecting examples of family friendly items in union contracts there were many examples. And today there are hundreds of examples. The bigger picture in the U.S is that unions face enormous hostility trying to represent workers. According to the AFL-CIO Voice @ Work in the first years of the 21<sup>st</sup> century, National Labor Relations Board statistics show that an average of 20,000 people per year are offered back pay because they were fired or discriminated against for union activity. This includes not only organizing but ULP contract strikes, etc. This figure represents a massive increase, up 1600% since the 1950s. The number of firings for union organizing is thought to be much higher since the NLRB is not contacted in

many cases. Legislation introduced by U.S Senator Ted Kennedy in December 2003, the Employee Free Choice Act (EFCA) will allow employees to choose freely whether to form unions when a majority signs authorization cards. It will provide mediation and arbitration of first contract disputes and establish strong penalties for violation of employee rights when workers seek to unionize.

The changing needs of fathers in the workplace are an issue that needs to be addressed. A recent *New York Times* article reported that the number of single fathers with primary custody of their children rose 50 percent from 1990 to 2000. And a recent *Wall Street Journal* article focused on fathers who chose to stay home either because they were laid off or to preserve their wives' careers. However, once these men return to the workforce, they find themselves in a difficult situation when they try to explain the value of their time off to their new employer. The author of the article believes that in the 21<sup>st</sup> Century 'Fathers rights' will take the place of women's rights.

### *Discussion*

- 'Part time' work is not a helpful term- it suggests less than 'full-time' effort. It is better to use 'reduced hours' work.
- *What is the scope for building alliances with women's groups to defend working time rights in Germany?* In Germany, women's groups have played a role in some negotiations in the public sector and are focused on unequal pay (an issue which is often sidelined). Whatever alliances are built – there is no more scope for further reductions in working time. Employers, especially in the public sector, are trying to reverse gains made a long time ago by arguing for a move to a 42 hour week.

### **SESSION 6 PANEL DISCUSSION: THE POLITICAL CHALLENGES TO ADVANCE WORK-LIFE BALANCE IN THE US: THE RELEVANCE OF EUROPEAN EXPERIENCES**

In the absence of strong unions and a comparable EU legal framework forcing the federal governments and employers to move, argued Chair **Eileen Appelbaum, Rutgers University**, US unions and employees have to rely on the "business case" to get work-life balance. This is weak: the link between productivity and work-life policies itself is weak, unless it is stated in terms of recruitment and retention costs; companies already have high scheduling flexibility; high birth rates and immigration put a floor under labor shortages. A better approach than to argue for working time flexibility as a family friendly policy might be to follow the EU: to push for reduced working time and greater working time flexibility not primarily as family-oriented policies but as social solidarity in cases of lay-offs and as a sensible 'high road' economic strategy. Without legal teeth however, dissemination of such policies will always be haphazard and vulnerable to economic downturn.

**Karen Nussbaum, AFL-CIO** said that the biggest concern of union members- and employees generally- is job security. The AFL-CIO, a collection of 61 labor unions representing 13 million employees, in a random survey of working families, found that

concerns about the lack of quality jobs currently outweighs all else. 90% respondents said they cannot get good-paying jobs or benefits, and 70% said they are “very worried” about the lack of adequate health care benefits. One-third said they had no health insurance at all. Employees today have fewer benefits (28% said they had no vacation) and work longer hours than their predecessors. These conditions present formidable barriers to achieving family-friendly workplace policies. Working time flexibility might seem like luxuries given the current concern about the lack of good jobs. When even basic benefits are difficult to obtain, work-family policies fade into the distance.

The tools to combat these conditions in the US lie in the dissatisfaction of employees and the potential power of unions. Many female employees, especially, are becoming increasingly vocal in their demands for stronger equal pay laws and affirmative action laws. Even a recent *Business Week* cover story on poor women said that unions are the solution. The highest legislative priority now is not paid leave but the reform of labor laws and real freedom to organize.

**Netsy Firestein, Labor Project for Working Families,** argued that it is wrong to present U.S. unions as unconcerned about flexibility or part-time work: there are hundreds of examples. But in the absence of workplace rights unions are wary of pursuing working time flexibility for fear that employers will use this flexibility to their own advantage.

The many examples of successful negotiations include: the San Francisco Newspaper Guild which allows workers to return reduced hours until the child is five years old, and then to return to full-time work. Nursing unions, which have achieved limits to mandatory overtime. The CWA, which has negotiated the right for parents to return to work on a gradual basis. AFSCME, which has achieved paid parental leave for its members in several states. New York unions, which together negotiated a \$15 million fund for childcare initiatives. There are many more initiatives. And of course the California Paid Family Leave legislation – which provides up to six weeks of leave at up to 55% of salary – and which was won through a union led campaign. Unions need to be more vocal and effective about publicizing the family-friendly benefits they have won. Yet they also have to be realistic: in the current economic climate fear of job loss dominates, and all other issues are dwarfed until the lack of accessible healthcare has been solved.

**Karen Kornbluh, New America Foundation:** The Europeans have a distinctive advantage over the US: work life balance, pay equity, family care are seen as inter-related with the general health of the economy. In the US our focus on women at work and family friendly policies might be in danger of marginalizing these as a ‘special interests’. The challenge is to frame work-life balance as a broader political economy issue. We could look here to historic precedent: Roosevelt redesigned the Social Contract and gave Americans basic economic security. We need to return to and update that framework. Similarly, former president Clinton saw working family needs and the economy as interrelated when he supported the Family and Medical Leave Act.

The question is how: lack of funds and new appropriations are often cited as a barrier. We should turn to re-examining the use of existing funds instead: the Social Security funds are a primary candidate. Another issue is public support: voters already

see economics, family care and social values are interlinked: it is the pollsters who treat them as separate issues, and hence are weak messengers to policy makers.

The US economy today is clearly different from 60 years ago: in 70% of families both parents now work; middle income jobs declined dramatically; employment security has fallen; outsourcing and global competition has put tremendous pressure on wages. The costs of health care, child care, education, and housing have risen significantly just in the past decade. The social framework which took care of families in the past has broken down, leaving families with far fewer resources. The challenge is to restore it. The number one objective is health care, followed by tax reform to reflect the changing needs of families, and last not least pensions to cover all workers, whether part-time or full-time.

**Stuart Ishimaru, Equal Employment Opportunities Commission (EEOC)** noted the progress that has been made in the US in terms of social norms of equality. Just four and five decades ago, the US was in the midst of passing civil rights legislation to outlaw basic race and sex discrimination. Today, younger people entering the workforce have progressive views on equality. This new generation understands that women and men do not lead vastly different lives, but instead endeavors to share family responsibility and promote a new way of doing business. However, this generation is not supported in the workplace. As a result, businesses are missing out on a generation of talented and highly-trained employees who want flexibility.

Is there legislative scope to pass new equalities legislation in the US akin to the European approaches? The Americans with Disabilities Act was passed by Congress much more easily than previous rights legislation. Why? Members of the US Congress had friends or relatives with disabilities and therefore understood the harm of such discrimination. Perhaps the issue of work and family balance will translate into legislation by the same path.

The role of the EEOC is both to litigate and to educate employers. The types of discrimination based on care giving discussed at the conference do not fit the traditional EEOC focus; there is scope for pushing the envelope through guidance and educational work so that EEOC workers on the ground can spot relevant cases, and to use the 'bully pulpit' powers of an organization such as the EEOC to alert businesses to their potentially discriminatory practices.

## **CONCLUDING ADDRESS**

### **Thomas Kochan, MIT**

American families over the last few decades have had to work harder and harder for less. For the first time the American Dream – of leaving more to your kids than you were given- is under severe threat. We must update our policies and renew our labor institutions. There are four principles on which a new agenda for working families must be based:

*First.* Work family policies must be linked to economic policies- or be in danger of marginalization.

*Second.* Any pressure for change has to include mainstream America- and has to show that these issues– long hours, lack of healthcare, falling incomes – affect everyone.

*Third.* We have to recognize the US context. ‘Big dogma’ is often perceived with aversion but there is an abundance of innovation on a small scale. We must find ways to empower people at local levels, encourage individual workplace solutions, explore new ways of mixing public and private sources of funding.

*Fourth.* Historically, all innovation in workers rights has originated at State level. We need to refocus on legislative innovation at this level. We should learn from California (and are-coalitions on the model of California Paid Family Leave campaign have formed in 7 or 8 other states). Other ideas include pushing states to introduce flexible savings accounts for some benefits; or to have working time accounts to use for adult education, or care giving.

Clearly we have to keep fighting for union rights. The institutional support for unions and employee involvement in Europe has been key to their high productivity economy and to social legislative innovation. However, we also need to be realistic: it is highly unlikely that there will be a significant increase of union rights in the US. That forces us to be innovative- to push for channels of employee involvement at work which are not limited to union members.

Healthcare is clearly of concern to everyone, not least employers. Finding a solution to this problem might create greater willingness to move forward on other areas of labor rights.

The road ahead starts here with the energy and commitment at this conference!

## Participants

**Eileen Appelbaum** is a professor in the School of Management and Labor Relations and Director of the Center for Women and Work at Rutgers University. Prior to this, she was Research Director at the Economic Policy Institute in Washington, DC and Professor of Economics at Temple University. Most recently she co-edited *Low Wage America: How Employers Are Reshaping Opportunity in the Workplace* (2003).

**Doris Barnett, MdB** has been a member of the German Parliament since 1994 (SPD). She is the deputy speaker on Economics and Labor for the Social Democratic parliamentary group. She is a qualified lawyer. Prior to entering parliament she worked for trade unions, in human resource management and as the director of the Social Security Administration of the city of Ludwigshafen.

**Peter Berg** is associate professor at the School of Labor and Industrial Relations at Michigan State University. His research interests include high performance work systems, work life policies in the U.S. and Europe, and changes in job quality. His most recent publication is 'Contesting Time: International Comparisons of Employee Control of Working Time' *Industrial and Labor Relations Review*, April, 2004.

**Reinhard Bispinck** is senior researcher with the Institute of Economic and Social Research at the Hans-Boeckler-Foundation where he directs the Collective Agreement Archive. Besides publishing regular status reports on current collective agreements, the Archive produces special analysis on qualitative bargaining issues ([www.tarifvertrag.de](http://www.tarifvertrag.de)).

**Heather Boushey** is an economist at the Center for Economic Policy Research, DC. Prior to joining the CEPR she worked at the Economic Policy Institute. Her research focuses on labor markets and work family issues, particularly as they effect low waged women workers.

**Ellen Bravo** is director of 9to5, National Association of Working Women, a national grassroots organization which has fought for work-family policies for more than 30 years. Among Bravo's publications is *The Job/Family Challenge: A 9to5 Guide (Not for Women Only)*, published by John Wiley & Sons.

**Catherine Brown** is legislative assistant for Senator Hillary Rodham Clinton.

**Nancy Buermeyer** is a principal at The Raben Group, LLC where she brings over fifteen years of policy, political and advocacy experience on issues ranging from employment discrimination and lesbian and gay civil rights, to health care and women's rights.

**Susanne D. Burri** is a lecturer on Gender and Law, department of Legal Theory at the University of Utrecht in the Netherlands. Presently she teaches courses on 'Equal treatment in the European Union' and 'Gender and Law'. She has published widely on the subject of equal treatment of men and women in national, international and European law, specifically in relation to part-time work.

**Dieter Dettke** has been Executive Director of the Washington Office of the Friedrich Ebert Foundation since 1985. He is a foreign and security policy specialist and author of a book on European-American relations as well as numerous articles and book chapters on Europe and the US. Dieter Dettke is also Adjunct Professor at Georgetown University and Editor of “The Challenge of Globalization for Germany’s Social Democracy” and “The Spirit of the Berlin Republic.”

**Donna Dolan** is the Communications Workers of America Director of Work/Family Issues. She is the Union partner in the joint labor/management partnership on Work/Family that CWA negotiated with Verizon in the late 80s. She is jointly responsible for all work/family programs and the functioning of the labor/management policy – making work/family committees.

**Karin Erhardt** is a German labor lawyer. From 1991 onwards she worked in the collective bargaining department of the IG BCE (Mining, Chemical and Energy Industrial Trade Union), on topics such as outsourcing, working time agreements, early retirement, and adult education. Currently she is on personal leave in Washington DC.

**Jeanne Fagnani** is research director at the French CNRS (National Institute for Scientific Research). From 1991 to 2000, she was responsible for research programs on "Comparisons between National Family Policies in Europe" at the at the CNAF (the Social Security division in charge of the National Family Allowance Fund). Her most recent publication is: Fine-Davis, M., Fagnani, J., Giovannini, D., Hojgaard, L., Clarke, H. (2004), *Fathers and mothers. Dilemmas of the Work-life Balance, A Comparative Study in Four European Countries*. Dordrecht, Boston and London: Kluwer.

**Holly Fechner** is Chief Labor Counsel for the Senate Health, Education, Labor & Pensions Committee. She is the primary adviser to Senator Edward M. Kennedy and Senate Democrats on the economy, labor, employment, work-family, civil rights and pension policy. Prior to her current job, Holly was legislative counsel for the AFL-CIO, a labor lawyer in private practice, and policy counsel for the National Partnership for Women and Families.

**Netsy Firestein** is the founder and Director of the Labor Project for Working Families, a national organization devoted to labor and work/family issues. Ms. Firestein has over 20 years experience in this area. She has worked with many local and International unions and labor/management committees to develop work/family contract language and programs. Ms. Firestein trains unions and union members across the country and is the co-author of numerous articles on these issues.

**Ellen Galinsky** is President and Co-Founder of Families and Work Institute ([www.familiesandwork.org](http://www.familiesandwork.org)), a Manhattan-based non-profit organization conducting research on the changing family, changing workforce and changing community. In 2003, Galinsky co-authored *The National Study of the Changing Workforce*, FWI’s major, nationally representative study of the U.S. workforce, updated every five years.



**Irasema Garza** is the director of the Women's Rights Department of American Federation of State, County and Municipal Employees (AFSCME). Prior to that she was the Director of the U.S. Department of Labor Women's Bureau. In 1994, Ms. Garza served as Executive Director of the Congressional Commission on Family and Medical Leave.

**Lonnie Golden** is Associate Professor of Economics and Labor Studies-Industrial Relations at Penn State University, Abington College. . He is co-editor of the book, *Working Time: International Trends, Theory and Policy*. His current research focuses on trends, policy and theory regarding work scheduling, labor flexibility, behavioral labor supply, mandatory overtime work, overwork and the non-standard work force.

**Janet C. Gornick** is Associate Professor of Political Science at Baruch College, part of the City University of New York. Her research focuses on social welfare policy. Most of her work is comparative, across the industrialized countries, and concerns the effects of family policies on child and family outcomes. With her co-author, Marcia K. Meyers, she recently published *Families That Work: Policies for Reconciling parenthood and Employment* (New York: Russell Sage Foundation, 2003).

**Jodi Grant** is the Director of Work and Family Programs and Public Policy for the National Partnership for Women & Families. Before joining the National Partnership, Ms. Grant served as Staff Director of the Democratic Steering and Coordination Committee.

**Mary Hardiman** is Director of Education for the International Brotherhood of Teamsters in Washington, D.C. Her Department and its staff of fifteen run more than 125 field programs each year for union activists, stewards, officers, agents and staff throughout the U.S. and Canada.

**Heidi Hartmann** is the director of the Washington-based Institute for Women's Policy Research, a scientific research organization on policy issues of importance to women, which she founded in 1987. Dr. Hartmann is the Chair of the National Council of Women's Organizations Task Force on Women and Social Security.

**Ariane Hegewisch** is a faculty fellow at the WorkLife Law Program at American University Washington College of Law. Prior to that she was a lecturer and senior researcher on European Human Resource Management at Cranfield University School of Management in the UK.

**Alexandra Heron** is a labor and sex discrimination lawyer currently based in France where recently she worked as a consultant for the OECD on women and employment issues. Prior to this she worked for trade unions, NGOs and government in Britain and Australia. Her most recent project was a comparison of anti- discrimination provisions protecting pregnant women in several European jurisdictions for the UK Equal Opportunities Commission.

**Stuart Ishimaru** is a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC), which is the government agency responsible for enforcing laws prohibiting discrimination in employment. Mr. Ishimaru previously served as Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice and as counsel to the Subcommittee on Civil and Constitutional Rights and two Armed Services Subcommittees of the U.S. House of Representatives.

**Donna Klein** is the President and Founder of Corporate Voices for Working Families, a 501(c)(3) non-profit coalition of 45 leading corporations, committed to building bipartisan public and private-sector support for federal and state public policies that strengthen working families. Ms. Klein is past Chair of the Conference Board's WorkLife Leadership Council, and is an Advisory Council member of Boston College's Work and Family Roundtable.

**Thomas A. Kochan** is the George M. Bunker Professor of Work and Employment Relations at MIT's Sloan School of Management and Co-Director of the MIT Workplace Center and of the Institute for Work and Employment Research. He came to MIT in 1980 as a Professor of Industrial Relations.

**Karen Kornbluh** is the director of New America's Work and Family Program. Ms. Kornbluh came to New America from the U.S. Treasury Department where she served as Deputy Chief of Staff to Secretary Robert Rubin. She was previously Director of Legislative and Intergovernmental Affairs at the Federal Communications Commission and Legislative Assistant to U.S. Senator John F. Kerry.

**Walter Lochmann** works for ver.di, Germany's service sector trade union. Since 2000 he has headed the advice center 'Father and work' and ver.di's Hesse division for education and science. Prior to that for almost twenty years he worked for DAG (the German salaried employees union) on training and education, with a focus on work family issues.

**Vicky Lovell** is a Study Director at the Institute for Women's Policy Research. She has a Ph.D. in public policy, with concentrations in labor economics and the policymaking process. Her work focuses on issues related to women's employment and economic security, including wages and job opportunities, employment-based benefits, pay equity, family and medical leave and other paid time off policies, and unemployment insurance.

**Sharon Perley Masling** job-shares the position of Legislative Counsel for the Workplace Flexibility Policy Initiative at the Georgetown University Law Center. As the designated "people person" on the Initiative, Masling communicates with lawyers, academics, policy makers, business representatives, and family advocates to seek out their perspective and expertise on workplace flexibility issues.

**Michael Mersmann**, since January 2004, is the labor attaché of the German Embassy, Washington DC. He joined the IG BCE (the Mining, Chemical and Energy Industrial Trade Union) in 1982 where he has held various positions, most recently as the chair of

the chemical industry group and as a member of the supervisory boards of Novartis and Veba. He was trained as a fitter.

**Jo Morris** is the British Trade Union Congress' (TUC) Senior Equality and Employment Rights Officer and for 25 years has worked with Government, unions and employers to implement creative changes to the organization of work - giving employees a better work-life balance, whilst meeting business needs. She represented the TUC at the European social partner negotiations which resulted in the EU Part-time Work Directive.

**Stefanie Nesmith** is program assistant at the Washington DC office of the Friedrich Ebert Foundation. She is an economist by education.

**Karen Nussbaum** joined the AFL-CIO in 1996 as the director of the Working Women's Department and now serves as an assistant to the President. She is also the executive director of Working America, a community affiliate of the AFL-CIO. She has spent 30 years fighting for the rights of working women and men – as the founder and director of 9to5, National Association of Working Women; the president of District 925, SEIU; and the director of the Women's Bureau of the U.S. Department of Labor.

**Shanny Peer** is a program director at the French-American Foundation. She has been leading FAF's Early Education Program, and is currently developing a new program on European approaches to workplace flexibility and work-life balance.

**Hartmut Seifert** has been the director of the WSI (the Institute for Economics and Social Sciences), a department within the Hans-Böckler-Foundation, since 1995. His major research fields are labor market/ employment policy and working time policy. He has over 250 publications (including several books) on a variety of topics, including labor market policy, working time, further training.

**Leslie Silverman** is a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC). Prior to being appointed to the EEOC in 2002, she served for five years as Labor Council to the Senate Health, Education, Labor and Pension Committee. Prior to that she worked in private practice on employment law, for the US Attorneys Office for DC and The Ati Trust division of the US Department of Justice.

**Mary Still** is a faculty fellow and program director of the Program on WorkLife Law, American University Washington College of Law. Before joining the Program in the fall of 2003, she was an Alfred P. Sloan pre-doctoral fellow at the Cornell Couples & Careers Institute for five years. Still, a former award-winning newspaper reporter, researches organizational change, gender in the workplace, social networks, and innovation.

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