

## UNIONS WIN IT: Flexibility

### BACKGROUND

*The labor movement was born in the struggle for the eight-hour day. Today, increasing numbers of workers in the United States – both men and women – are juggling the dual responsibilities of maintaining a job and being a caregiver. Changes in our economy, family structure, and workforce have led to workers needing more control over the number and scheduling of work hours. Within negotiated limits, exercising these options must not cost pay, benefits or job security. Unions are uniquely situated to win this kind of worker-controlled flexibility.*

### FEDERAL AND STATE LAWS

There are many federal and states laws that help define and provide incentive for worker-controlled flexibility. Some of these include:

- Family and Medical Leave Act (FMLA) and state laws that expand the FMLA or provide paid family leave insurance (i.e., in California and New Jersey).
- Labor laws such as the Fair Labor Standards Act (FLSA); Federal Employees Flexible Compressed Work Schedules Act; National Labor Relations Act; and Federal Employees Part-Time Career Employment Act of 1978.
- Civil rights laws such as the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), and Title VII of the Civil Rights Act of 1964.

Several states have passed their own laws that help provide flexibility in a worker's hours or schedule. [So make sure to check your state laws before bargaining.](#)

### COLLECTIVE BARGAINING

Federal and state laws set the floor to bargain for broader work family contract language. The bargaining possibilities for worker-controlled flexibility are numerous:

#### **General statements**

Even without specific terms, contract language can be worded to emphasize the general intention that the employer agrees to provide a flexible work environment where *workers* have input over hours and schedules. General statements that point toward consensus building and flexibility foster a sense of community and encourage effective problem solving at the local level. Such statements can offer guidance to

employers in dealing with individual requests and conflict resolution. The contract can also lay out a menu of flexible work options.

#### **Flexible hours**

Bargain for language that allows employees to have more control over when their workdays begin and end. For example, if all workers need to work from 11:00 am-2:00 pm, shift hours could vary from 7:00 am-3:00 pm, or 8:00 am-4:00 pm. If there are peak work periods during a month, let employees add hours during these times, which they can later use for compensatory time off during slow periods. This category can also include flexible break and meal periods.

### ***Flexible work schedule***

Employees can choose from among fixed alternative work schedules, or choose to work compressed workweeks where they work 4 long days with 3 days off, instead of the usual 5-day workweek. For employees who work rotating shifts, which can be hard when juggling caregiving responsibilities, include special protections or forms of compensation, such as the option to trade shifts for a more regular schedule, advance notice of shifts, and extra time off between shifts.

### ***Stable work schedules***

To ensure financial and scheduling stability, bargain for a guaranteed minimum number of work hours a week. If schedules change from week to week, bargain for advance notice that allows workers sufficient time to plan family needs like child care.

### ***Limits on mandatory overtime***

Include provisions to ensure that employees receive advance notice if they are required to work overtime. Bargain for clauses that allow employees with caregiving responsibilities the choice to refuse overtime without being penalized.

### ***Temporary flextime***

Let workers elect flexible hours on a temporary basis as needed, which can be

useful during gaps in child care or when elderly dependents need care.

### ***Shift swap***

Allow employees the option to switch shifts with each other to accommodate family responsibilities such as school events or medical appointments for a family member.

### ***Part-time with benefits***

Allow more employees to work part-time with full or pro-rated benefits.

### ***Job sharing***

Two employees might be able to divide one job, with each person working about half-time, but getting full or pro-rated benefits.

### ***Telecommuting***

Employees can work from home or another location besides the main office. Safeguards should include health and safety issues, time in the workplace and a process to decide who gets to telecommute.

***A wide range of actual contract language is available for free in the Labor Project's LEARN WorkFamily database.***  
[www.learnworkfamily.org](http://www.learnworkfamily.org)

*Get more information and download free resources: [www.working-families.org](http://www.working-families.org)*

## **GET INVOLVED**

Labor's involvement is crucial to building the 21<sup>st</sup> century family-friendly workplace. Unions have made much progress to support worker-controlled flexibility through strong contract language. It is equally important for unions to participate in efforts to advance family-friendly workplace policies at the local, state and national level.

***Join the Labor Project's efforts to advance family-friendly workplace policies.***

**[California Work & Family Coalition](#)**: Learn about and join our California-specific campaigns on issues such as family leave, caregiver discrimination, and paid sick days. [www.workfamilyCA.org](http://www.workfamilyCA.org)

**[Family Values @ Work](#)**: Learn about and join efforts in states with labor-community coalitions working for paid sick days, family leave insurance and other policies that value families at work. [www.familyvaluesatwork.org](http://www.familyvaluesatwork.org)