

## **Individual working time rights in Germany and the UK: how a little law can go a long way\***

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In January 2001 employees in Germany received a new individual right to demand a contractual reduction in working time from their employer. A year later 80.000 employees had successfully requested a reduction in their working time. In April in 2003 UK employees with dependent children under six got a similar right. A year later an estimated 300.000 employees, close to one in ten, of parents with pre-school children successfully requested a shift to part time work, with another 500.000 successfully requesting other re-arrangements of their working time. These differences are more remarkable when one considers that UK statute give employees much weaker rights and are limited to a small subsection of the workforce. Within the total workforce it is estimated that 3.5% of all employees made a successful request for part-time work. What accounts for such a difference? This paper will begin by providing a description of the legislative detail in both countries, followed by a more detailed account of uptake. It will then turn to possible explanations for the different uptake such as the policy context, the labor market and the gendered division of labor, and existing levels of flexible working. While there are several reasons – the slow economy and social attitudes – to explain the low response to the German law, it will argue that the success of the low key approach in the UK might hold important pointers for US strategies for greater work life balance.

### **Individual working time rights and the new statute in Germany and the UK**

Flexible working hours have been subject to much debate and negotiations during the last two decades. The standardized full-time working day has come under pressure from both the demand and supply side for labor: employers have pushed for more diverse and cost effective manners to deal with a shift to 24/7 production and service patterns; the greater diversity of the – current and potential - workforce on the other hand has added labor supply side pressures for a re-organization of working time which provides for greater compatibility between paid and unpaid work. Arguably most working time reforms have presented a trade-off between greater flexibility in labor scheduling for employers in exchange for greater working time reductions for employees (Appelbaum et al 2005, Rubery et al 1998), linked to a general framework of safeguards for employees. The European Union Directive on Working Time<sup>2</sup> is an example of this approach: it gives employers considerable leeway to negotiate weekly working hours by setting a maximum

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<sup>2</sup> Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time, *Official Journal L 307*, 13/12/1993 P. 0018 – 0024

working week of 48 hours which can be averaged over three months (or even one year if this is part of a collective agreement). At the same time it sets absolute limits on working time regarding the right to paid leave, weekly and daily rest periods. While there has been much discussion of the need to promote work life balance and quality of employment there have been few statutory approaches which give employees rights to adjust their working hours. In the main these have relied on voluntary introduction by employers through encouragement and exhortation. Although there has been considerable progress in terms of getting family friendly policies on employers' books, there is much research to show that implementation remains highly uneven both regarding which employers participate and which employees benefit.

Recent legislative innovations in Germany, the Netherlands<sup>3</sup> and the UK go some way towards redressing that balance. The German Part-time and Fixed Term Employment Law 2000<sup>4</sup> gives employees in companies with more than 15 employees the right to ask their employer for a reduction in contractual working hours (see Burri et al 2003 for a more detailed description). The right applies to employees with a minimum of 6 months service irrespective of their parental status; employees are under no obligation to provide a reason for wanting a change in hours. Employers have to make the changes as long as there are no proven "business or organizational reasons" for a refusal which 'substantially influence the organization of work or safety or carry 'disproportionate costs'<sup>5</sup>. The law does not specify in detail what such reasons might entail or at what stage costs become disproportionate; the social partners- trade unions and employers--are encouraged to develop more detailed specifications through industry specific collective agreements. Employees can challenge the employer's decision in court. Employees can also request an increase in hours but merely have the right to preferential consideration for vacancies. Separate legislation provides an additional right for new parents (both mothers and fathers), introduced at the same time through an amendment of the parental leave regulations, to request a temporary reduction of their working time to between 15 and 30 hours per week for the duration of their parental leave (of up to three years after the birth of a child).<sup>6</sup>

The UK Flexible Working regulations were introduced in April 2003<sup>7</sup>. The UK statute is at the same time considerably more narrow and more broad than the German law. It is more narrow in as far as the right is limited to parents of children under six years of age (under 18 where the child has a disability) and only applies to change in working time specifically designed to look after the child(ren). Unlike the German statute moreover

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<sup>3</sup> This paper will discuss only the German and UK experience; Susanne Burri's chapter in this collection has an in depth discussion of the Dutch approach. Arguably the exceptionally high levels of part-time employment turn the Netherlands into a special case and make it difficult to compare the impact of the law with Germany and the UK.

<sup>4</sup> Gesetz über Teilzeit und befristete Arbeit 2000 BGBl I 2000, 1966 in force from January 2001  
§ 8 Abs. 4 Satz 1 TzBfG : "soweit betriebliche Gründe nicht entgegenstehen"; § 8 Abs. 4 Satz 2 TzBfG specifies these reasons as "wenn die Verringerung der Arbeitszeit die Organisation, den Arbeitsablauf oder die Sicherheit im Betrieb wesentlich beeinträchtigt oder unverhältnismäßige Kosten verursacht".

<sup>6</sup> Gesetz zum Erziehungsgeld und zur Elternzeit (Bundeserziehungsgeldgesetz (BERzGG), 7<sup>th</sup> Dec 2001, BGBl I 2001 S.3358

<sup>7</sup> Employment Act 2002, Part 4, Section 47 "Flexible Working", in force from April 1, 2003;

employees only have a right to *request* a change, and then a right for that request to be responded to within a specific time period and format (dti 2003). Apart from this procedural compliance the employer's decision is not subject to external challenge. The employee is allowed to bring a second person to the meeting with the employer but this person must also be an employee of the company; this is a clear difference to other employee disputes, for example in relation to allegations of race or sex discrimination, where employees are entitled to have an external person (mostly a union official) with them. On the other hand the scope of the statute is considerably broader than in the German law which is limited to part-time work: it applies to the overall length and scheduling of working time and the location – whether at home or at the employer's facilities - where work is performed. The official guidelines to the regulations (Department of Trade and Industry 2003) encourage employees to consider a whole menu of possibilities in terms of designing a working time package that fits in with their needs; apart from part-time employment this includes temporary reductions in working time, flextime and a compressed workweek. There are no limits regarding company size or length of tenure.

These statutes go a considerable way towards the employee centered regime of flexibility described in Rubery et al (1998,p.94) where: “flexible employment opportunities, involving determining one's own hours, are extended through job structures and available to men as well as women, allowing not only greater compatibility with family life but opportunities to vary the intensity of work according to life cycle stages facilitating phased retirement, life long learning and sharing in caring responsibilities.” Clearly they continue to fall well short of the German concept of ‘time sovereignty’ where employees are completely free to organize their working time. What they do provide is a one-off right to a change in working time arrangements, a change that in principle at least should give employees who want to work part-time much greater access to good part-time jobs. Compared with other labor statutes they share however one important procedural limitation and innovation: they place an obligation on the employee to consider the business and organizational feasibility of their request at the time of submitting it. Unlike maternity or parental leave rights, or the Swedish right for parents to work a 6 hour day, which employers have to accommodate regardless of the business context, these new working time rights are conditional on the business context and consequently considerably more limited. Arguably this approach involves an institutionalization of a ‘high involvement’ route to economic change: employees can only enact their right if they engage with the business and organizational context of their employer and fashion cost effective solutions to their own working time requests; employers on the other hand can only object to a request if they can demonstrate that they have constructively considered the proposal.

### **The uptake of the new rights**

Both the German and UK governments conducted evaluations of the uptake of the new rights during their first year of implementation<sup>8</sup>. These evaluations allow a preliminary comparison of the impact of the new laws (although as the surveys were not set up to be comparative, use different approaches and were designed as a first feedback only with more in depth investigations following, the emphasis clearly has to be on ‘preliminary’).<sup>9</sup> According to a representative employer based survey<sup>10</sup> in the first year after the German part-time law had come into effect, there had been 84,000 applications to reduce working hours; the share of rejected applications was well under 5% with 80,000 actual working time reductions (Magvas and Spitznagel p. 2). Women accounted for 78% of all applications though differences between East and West Germany are considerable: in West Germany, 26% of applications came from men, in East Germany, men were only 15% of applicants. There were 6000 applications for an extension of hours (data for the success of these applications is not publicly available). The study also gathered data on the way companies dealt with the changes. In the majority of companies – 55%-- the reduced hours were compensated for either by rationalization or redistribution of tasks to existing employees. In a third of cases there was an employment effect (one of the stated goals of the legislation): 17% of the reductions resulted in new hirings, and 14% in the increase of hours for existing part-time employees (Magvas and Spitzvogel p.2). Particularly in East Germany the measures were also used to prevent redundancies. In spite of initial reservations from employers the implementation of the law appears to have proceeded smoothly, with the number of cases reaching the courts in particular remaining minimal (see Burri et al 2003; Viethen and Schedder p.9).

The numbers of employees requesting part-time work in the UK since the introduction of the new rights have been substantially greater. According to a representative employee survey<sup>11</sup> in the first year an estimated 900,000 employees with children under 6, a quarter of all employees in this group, made a request for a sustained change in their working time arrangements, with almost 800,000 fully or partly accepted (Hewitt 2004). This is close to a quarter of people in the eligible group of employees. Requests for flexible working were not limited to the narrow target group defined in the regulation with altogether 13% of all employees being estimated to have made a request, including 10% of all employees without dependent children. 38% of all requests were for part-time work; another 13% of requests were for temporarily reduced working time (usually for

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<sup>8</sup> The German government has commissioned a more in depth evaluation of the first two years of the Part Time law; this study was expected to be available by Fall 2003. Though the study has been completed, the Government has not yet released the findings.

<sup>9</sup> Some commentators have cited the general growth of part-time work in the German economy, considerable at 320,000 during 2001 (Viethen and Schedder 2002 p.6). I would argue strongly that this is not an appropriate measure of the impact of employee led growth in part-time work given that it is not marked increase on preceding trends and is more likely to be a reflection of ‘catch up’ growth of service sector employment, and a replacement of higher by lower quality jobs. However, the judgement on this is of course out until greater empirical evidence becomes available.

<sup>10</sup> National estimates are based on a survey of 2100 West German and 1700 East German companies with at least 15 employees; the survey was conducted in the autumn of 2001.

<sup>11</sup> The survey is based on telephone interviews of 3525 employees conducted in 4 batches between September 2003 and February 2004 as part of an Office of National Statistics omnibus survey. It included the question: “Since 6 April 2003 have you requested to work any of the following work arrangements for a sustained period of time?” (Palmer 2004)

less than a year, not resulting in a permanent contractual change in status). 25% of applications were for flextime, 10% for a compressed work week and 8% for regular home based work (Palmer 2004 p.8). Altogether 86% of requests were accepted (77% fully and 9% partially). This refusal rate is higher than in Germany but the lower German rate might also be due to this being based on employer rather than employee responses. Differences in refusal rates between male and female employees, or between employees in the narrow reference group and others, are surprisingly small.

It is not possible to assess from the survey whether requests were made within the framework suggested by the new flexible working right, or even with reference to them. The dti's Second Work Life Balance Survey conducted in 2002 also finds high, if not higher levels of overall requests (Stevens et al 2004).<sup>12</sup> In this sense the findings for 2003/04 might be more of a reflection of a generally flexible workplace where employees increasingly feel able to enter into dialogue with their employer about their working time arrangement. However, comparisons with the 2002 survey show that there has been a significant jump in the number of accepted requests since the law was passed in 2003, from 77% prior to 86% post the passing of the legislation (Palmer 2004 p. 9).

As in Germany women outnumber men among those requesting change but differences appear to be less marked: one in ten men made an application compared to one in seven women. Women were more likely to request part-time work whereas men were more likely to seek options which do not involve cuts in income, such as temporarily reduced working hours, homeworking, flextime or a compressed working week. Nevertheless, almost a third of the applications from men involved a request for part-time work, compared to 41% of women (Palmer 2004).

## **How to account for the higher level of requests for part-time work in the UK?**

### **The policy context**

Official policy and statements on work life balance and family friendly working provide few clues, as Arthur (2002 p.24) points out: "There are many striking similarities in work-life balance policy rhetoric, policy strategies and initiatives between the UK and Germany." Since the election of social democratic governments in both countries in the late 1990s there has been a significant increase in the attention paid to work-family compatibility. Both countries have special departments aimed at promoting work life balance and family friendly work, as a part of the of the Department of Trade and Industry (dti) in the UK and the *Bundesministerium für Familie, Senioren, Frauen und Jugend* (Federal Ministry for Families, Seniors, Women and Youth, (Bmfsfj)) in Germany. There is little difference in terms of policy emphasis or contents between the websites run by each department<sup>13</sup>, with an emphasis on best practice, a number of pilot projects, competitions and financial incentives for companies introducing family friendly

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<sup>12</sup> The wording of the relevant questions is different in the two surveys, and the 2002 survey covers a substantially longer time period (Palmer 2004 Footnote 3)

<sup>13</sup> The German government website is: <http://www.bmfsfj.de/Politikbereiche/familie.html> . The UK website is at : <http://164.36.164.20/work-lifebalance/>

working practices. Human resource management literature and articles in the popular press also share similar concerns over the need for, and benefits of, policies which help retain skilled female employees. Policies, particularly in Germany, are also informed by deep concern over demographic trends. Birthrates in both Germany and the UK are below the 'replacement rate' of 2% but in Germany have fallen to an all time low of 1.3%. The German and UK initiatives are set in the framework of European Union targets for significantly increased labor force participation rates.

Underneath these overall similarities are important differences: the introduction of the law in the UK was clearly linked to work-life balance first and foremost. The German law was drawn up with a dual mission: work-life balance on the one hand, job creation or rather work sharing, on the other. This is in line with the solidaristic tradition of German approaches to working time reductions, particularly from the trade union movement. The emphasis on the potential consequences for new hiring to make up for reduced hours is particularly important in view of high unemployment in Germany. In the UK on the other hand unemployment is historically low, and the goals of maximizing labor supply and retention are widely shared across industry and government.

There has also been a significant difference in the manner in which the legislation was developed, particularly regarding the involvement of industry. The UK law was drawn up with full cooperation of the largest employer organization (the Confederation of British Industry (CBI)); its soft approach – making the employer the final arbiter over the justification of any request for changed working time arrangements – reflects the CBI's basic condition for support of the new law, against the objectives of the trade unions (who were also party to the working group preparing the legislation). The CBI also insisted on limiting the new rights to parents of young children. While this employer friendly approach is clearly in line with the more general approach of the Labour government, it is underpinned by a longer term commitment (or threat) of monitoring and strengthening the rights in future should they prove to be ineffective. Indeed, a year after the introduction of the flexible working rights UK Prime Minister Tony Blair announced that the government was considering extending the rights to carers of elderly and sick relatives (Bennett 2004).

In Germany such cooperation from employers was not forthcoming, and the employers associations have remained negative towards the law<sup>14</sup>. Angela Merkel, the leader of the opposition CDU, recently announced her plans to reduce the right to part-time working to care givers and parents (or rather just mothers) during the parental leave period should the CDU win the next elections(wdr.de 2004). The legislation in this sense was perceived as much more of a partisan initiative imposed on employers by the government and trade unions. The German law was widely criticized, by left and right leaning commentators, at the time of its passage for being too weak and doing too little too late (see for example Meyer-Timpe 2000, Driebusch 2000). Given the much weaker framing of the rights in the UK such criticisms in themselves shed little light on the low German uptake. Nevertheless they suggest a distinct lack of enthusiasm for the new right, and this

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<sup>14</sup> See <http://www.tempi.de/index.php3?new=/quellen/teilzeit.htm> for a summary of commentaries at the time of passing the law; also Wolf 2002 for continued opposition.

negative general perception might have acted as a dampener on employees' perceptions of what is possible in terms of working time. The state of the economy – recession and high unemployment in Germany and a buoyant labor market in the UK – might explain the lower uptake. In a recession employees are likely to feel more exposed when making a potentially controversial request from their employer for shorter hours even though the law is on their side. Given high fears about potential job loss in Germany, couples might feel apprehensive about voluntarily lowering their overall income through part-time work. In this sense the true impact of the law might not be felt in Germany until the economy has recovered.

### **Part-time work, working –time preferences and working parents**

People's stated working time preferences however are remarkably similar in Germany and the UK, particularly when put into a broader spectrum of international comparisons. A substantial minority of people working full-time, amounting to one in six of the total dependent workforce in each country, say they would like to work fewer hours, according to the 1998 Employment Options for the Future Survey (EOFS) of the European Foundation (Fagan 2003p.42)<sup>15</sup>. In both countries over 40% of couples of pre school aged children prefer a situation where one parent (usually the father) works full-time and the other (usually the mother) part-time (OECD 2001 p.136, calculated from EOFS). In overall terms levels of part-time work are similar: 45% of UK and 40% of German female employees currently work part-time; the bulk of part-time work is done by women once they have become mothers (Fitzenberger and Wunderlich 2002:15). Men account for about 15% of part-time workers in both countries, and tend to work part-time either when they are young and still studying or when they are older; they tend to work longest once they become fathers. Yet the number of German couples who have their 'desired' One-and-a-half employed worker set up is considerably lower than in the UK, mainly because a much higher proportion of German parents with pre-school children, 42%, have a single (male) earner compared to 29% in the UK. Couples with two full-time working parents were 20% of the group in both countries (OECD 2001 p.153, based on LFS).

#### *Lack of childcare facilities*

There are two potential reasons for these differences between the two countries: lack of childcare facilities preventing mothers from combining work with childcare; and different attitudes to working mothers, making it less likely that mothers will actively seek employment. Lack of childcare is a problem in both countries. Public provision is low and market provision is patchy, particularly for young children (OECD 2001 p.144). Once school starts British parents are much better served than German ones: British schools start with five year olds and operate for three quarters of the day. German children start school at age six (pre – school places for five year olds continue to be rare) and might come home any time between 10:45am and lunch. Thus while both Britain and

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<sup>15</sup> As this question was asked without reference to the potential impact of reduced hours on earnings, it is not necessarily a good indicator of people's actual behavior when presented with the option to cut back, but this proviso applies in both countries.

Germany are at the lower end of childcare provision in Europe arguably German women have a much harder job of combining paid work and motherhood, even on a part-time basis, leading to a lower pool of potential employees requesting change.

### *Social attitudes to working mothers*

A comparison of social attitudes to mothers and work between the two countries suggests that at least part of the lack of infrastructure for German working parents is due to lack of demand, if not ideological opposition to working mothers. For young children there is little difference in attitudes: over 60% of West Germans and Britons believe that mothers with pre-school children should stay at home (in dramatic contrast to East Germans where that view was held by only a fifth of respondents) (Treas and Widmer 2000 p.1420). For school age children however, only 5% of West German respondents felt the mother should work full-time, compared to 18% of Britons (and 27% in East Germany), and 28% of West Germans believed the mother should stay at home, compared to just 8% in the UK (and 6% in East Germany). This is the highest level of any of ten countries examined (Treas and Widmer 2000 p.1421). Such attitudes in West Germany have put a special imprint on the manner in which parent friendly policies have been introduced. German parents are entitled to take parental leave from their job for up to three years with a right to return to work at an equivalent level of responsibility and pay; this is one of the longest periods anywhere in the world. Several collective agreements provide parental leave for an even longer period (Bispinck 2005 and Vogelheim 2005 in this volume; eiro 2004). In the UK the maternity/ parental leave period is 52 weeks (eiro 2004:5). In the UK 80% of mothers are back at work within 17 months of giving birth (EOC 2004); in Germany 60% of mothers are still on parental leave after 24 months (BMFSFJ 2004a).

Child birth is clearly a key stage at which women convert from full-time to part-time work. Hence the fact that recent mothers are staying off work considerably longer in Germany than in the UK will have contributed to the lower uptake in Germany; the parental leave rights in Germany are likely to create a greater time lag in terms of uptake of new part-time rights than in the UK where parents are less able and willing to take such a break. The second effect might be somewhat more subtle. Given the difficulties both in terms of childcare and prevailing social attitudes of organizing full-time work German mothers, once they have a full-time job, might be less interested in reducing this to a part-time job than a British mother even though formally the demand for shorter hours among this group is similar. In this sense there might be a greater polarization between mothers regarding paid employment than in the UK where decisions around full-time, part-time or non-work are arguably less ideological and more pragmatic.

### **Part-time penalties**

Another potential factor explaining the differential request for part-time work is the impact of part-time work on terms and conditions and career progression. In both countries part-time workers are formally protected against unfavorable or differential

treatment through the 1997 EU Directive on equal treatment for part-time workers<sup>16</sup>. The effectiveness of this directive yet remains to be tested. In both countries part-time work tends to be associated with worse terms and conditions and lack of career opportunities, though in the UK more so than in Germany. The new rights in principle should open up better part-time jobs to employees who otherwise would have had to change employers and put up with lower skilled and paid jobs to be able to switch to part-time work (EOC 2004). From the UK there is anecdotal evidence that mothers making use of the new part-time rights are being asked to accept lower hourly pay rates, higher work loads or less interesting jobs (Maternity Alliance 2004). We are not aware of comparable findings for Germany; but given the more formal and contractual nature of the German rights, combined with the greater presence of trade unions or works councils, such incidences are less likely. Germans are more likely than any other Europeans to be afraid of the career impact of part-time work: 55% of full-time employees in Germany believe that working part-time would damage their career (Bielenski et al 2002 p.55) which might explain their reluctance to give up full-time employment (though such fears are not uncommon in the UK either (Stevens et al 2004 xviii)).

### **The flexible workplace**

Finally, there is another possible explanation for the comparatively high level of UK flexible working requests: that German workplaces already offer a high level of flexibility and that UK employees are simply catching up. However, the evidence does not really bare this out. The German approach to flexibility tends to be more formal, with greater safeguards for employees and greater emphasis on regulation and central coordination while the British approach is typically more informal. Yet individual levels of flextime, perceptions of employers attitudes to family friendly working practices and informal or short notice access to leave or different working time arrangements tend to be not too dissimilar (Behrens 2001; Bundesmann-Jansen et al 2000; Arrowsmith and Sisson 2001; Stevens et al 2004). This is not to belittle the fact that the problem of excessive hours tends to be much worse in the UK. Nevertheless, in both countries some progress has been made towards more individual employee led flexibility, and in both countries there remain considerable deficits. In a recent survey of German working parents the top concern for employer action, picked by a third of respondents, were family friendly working times. As the authors of the report comment: "During the last few years working times have become substantially more flexible. If under those circumstances family friendly working times still have such a high level of importance for the respondents, it is likely that flexible working times are not automatically family friendly." (Bmfsfj 2004, p.13).

### **Conclusion**

The shift from standardized to more flexible working times has been one of the key features of workplace change for the last two decades. On the whole such change has been in response to employer pressures for reduced costs, greater productivity and

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<sup>16</sup> For the UK: The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, in Germany as part of the Part-time and fixed term employment law 2000, see note 3 above

extended operating times. More flexible working times for employees to make it easier to combine the timetables of paid and unpaid work have been widely discussed and incorporated into family friendly HRM policies. Progress on the ground however has remained distinctly patchy. One problem is the lack of quality part-time jobs. In much of Europe, and certainly in Germany and the UK, the majority of women work part-time once they become parents. Yet part-time work continues to be associated with high penalties in terms of income, skill level, job insecurity and career progression. The new laws introduced in Germany and the UK make a significant contribution to shifting the initiative from employers to employees and potentially give employees much greater opportunities to fashion quality part-time jobs for themselves.

This paper provides a first comparison of the effect of new working time legislation in Germany and the UK. In both countries a significant number of employees have successfully switched to part-time work, without any apparent problems for employers. Yet the level of change has been considerably greater in the UK. On the face of it the much higher level of requests for part-time work in the UK is not easily explained: the German law provides much firmer rights to employees; policy commitment and promotion of work life balance in both countries are similar; working time preferences are virtually identical as is the share of couples with two full-time working parents, and both countries are comparable regarding the level and role of part-time work in the economy and gendered division of labor. There are a number of factors however which suggest that it might be too early to judge the impact of the legislation in Germany: the weakness of the German economy gives people less confidence to make income reducing changes; the extended period of parental leave of three years means that many new parents, who of course are most likely to want to switch from full-time to part-time work, were still on parental leave. Finally, and probably least quick to change, social values and attitudes continue to favor a more traditional role for mothers in relation to both work and child rearing, making it perhaps harder or less likely to change to part-time work for those mothers who decided to go against the grain and work full-time. Traditional attitudes are also likely to make it harder for men to move away from the full-time work model. This is admittedly somewhat speculative and requires further research. In both countries more detailed and longer term empirical evaluations of the new laws should be available in the near future.

More interesting perhaps than trying to explain why developments in Germany have been rather modest is to focus on the success of the UK approach. The UK example demonstrates that even a weak right can achieve considerable results. The UK Flexible Working Rights by themselves cannot be credited with the high level of individual employee requests for changed working time. Their introduction occurred in a climate where there was already a considerable culture of work life flexibility. But where the law has clearly contributed is in increasing the willingness of employers to respond positively to requests. And it is addressing one of the greatest problems of work life balance policies - the step from policy to practice -- by providing a little more elbow power in negotiations with line managers to employees (and reform minded human resource managers and senior executives).

## References:

Appelbaum, E., T. Bailey, P. Berg, A. Kalleberg (2005 forthcoming): "Organisations and the intersection of work and family: A comparative perspective"; in: S. Ackroyd, R. Batt, P. Thompson and P. S. Toblert (eds): *Oxford Handbook of Work and Organization*; Oxford: Oxford University Press

Arrowsmith, J. and Sisson, K. (2001): *Working time and the quality of work*; eiro-on-line; <http://www.eiro.eurofound.eu.int/2001/11/word/uk0108109s.doc>

Arthur, L. (2002): *Work-life balance: Britain and Germany compared*; Report for the Anglo German Foundation for the Study of Industrial Society : London; October

Behrens, M. (2001): *Questionnaire for EIRO comparative study on 'working time and the quality of work: The case of Germany*; eiro-on-line; <http://www.eiro.eurofound.eu.int/2001/11/word/de0108222s.doc>

Bennett, R. (2004) 'Five million win right to flexible hours'; Times-on-Line; 23<sup>rd</sup> April; <http://www.timesonline.co.uk/article/0,,2-1084809,00.html>

Bispinck, R. (2005): 'Trade unions and the organisation of individual working time flexibilisation in Germany: What contribution does collective bargaining policy make to work-life balance?' in A. Hegewisch (ed): *Working time for Working Policies*; Friedrich Ebert Stiftung Occasional Papers; Friedrich Ebert Stiftung: Washington DC

Bundesmann-Jansen, J.; H. Gross; E. Munz (2000): "*Arbeitszeit '99. Ergebnisse einer repraesentativen Beschaeftigungsbefragung zu traditionellen und neuen Arbeitszeitformen in der BRD*"; Cologne: Ministerium fuer Arbeit, Soziales und Stadtentwicklung, des Landes Nordrhein-Westfalen

Bundesministerium fuer Familie, Senioren, Frauen und Jugend (2004): *Erwartungen an einen Familienfreundlichen Betrieb*; Bmfsfj: Berlin

Bundesministerium fuer Familie, Senioren, Frauen und Jugend (2004a): "*Bericht ueber die Auswirkungen der §§15 und 16 Bundeserziehungsgeldgesetz*"; downloaded 9/15/04 [http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung2/Pdf-Anlagen/bericht- C3\\_BCber-die-elternzeit,property=pdf.pdf](http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung2/Pdf-Anlagen/bericht- C3_BCber-die-elternzeit,property=pdf.pdf)

Burri,S; H.C. Opitz and A.G. Veldman 2003: Work-family policies on working time put into practice: A comparison of Dutch and German case law on Working Time Adjustment; *International Journal of Comparative Labour Law and Industrial Relations*, Vol. 19/3 pp.321- 346

Department of Trade and Industry (dti) (2003): Flexible working: The right to request and the duty to consider: a guide for employees and employers; HMSO: London; downloaded from <http://www.dti.gov.uk/er/individual/flexwork-pl520.pdf>, Feb 2004

Driebusch, B. (2000): "Das Recht zum Wunsch: Das neue teilzeitgesetz wird wenig bewirken" *taz* Nr. 6282 28.10.2000 p. 11,

euro (2004): "*Family-related leave and industrial relations*"; European Foundation for the Improvement of Living and Working Conditions European industrial -relations – observatory- on- line; downloaded October 2004 from [www.euro.eurofound.eu.int?print/2004/03/study/tn0403101s.html](http://www.euro.eurofound.eu.int?print/2004/03/study/tn0403101s.html)

European Foundation for the Improvement of Working and Living Conditions (2003): *Part-time work in Europe*; [www.eurofound.eu.int](http://www.eurofound.eu.int)

Fagan, C. (2003): "*Working time preferences and work-life balance in the EU: some policy considerations for enhancing the quality of life*", European Foundation for the Improvement of Living and Working Conditions: Dublin;

Fitzenberger, B. and Wunderlich, G. (2002): "The changing life cycle pattern in female employment: A comparison of Germany and the UK"; *ZEW Discussion Paper* No. 02-70; downloaded from: <ftp://ftp.zew.de/pub/zew-docs/dp/dp0270.pdf>

Gatrell, C. (2004): *Hard Labour: The Sociology of Parenthood and Career*; Milton Keynes: Open University Press

Hewitt, P. (2004): Keynote speech to 'Father's Direct Conference' Working with fathers"; London; April 5, 2004; downloaded on May 5<sup>th</sup> 2004 from <http://www.dti.gov.uk/ministers/speeches/hewitt050404.html>

Magvas, E. and Spitznagel, E. (2004): "Teilzeitarbeit: Neues Gesetz bereits im ersten Jahr einvernehmlich umgesetzt"; IAB Kurzbericht Nr 23/ 4<sup>th</sup> October 2002

Maternity Alliance (2004): Happy anniversary? The right to request flexible working one year on; Maternity Alliance, London

Meyer-Timpe, U. (2000) 'Zu simple gedacht'; *Die Zeit*, Nr 48

OECD (2001): Balancing work and family life: helping parents into paid employment; *OECD Employment Outlook 2001*; pp 129 - 166 OECD: Paris

Palmer, Tom (2004): *Results of the first flexible working employee survey*; dti Employment Relations Occasional Papers URN 04/703 [www.dti.gov.uk/er/emar](http://www.dti.gov.uk/er/emar)

Rubery, Jill, Smith, Mark; Fagan, Collette (1998): National working-time regimes and equal opportunities; *Feminist Economics* 4(1), 71-101

Stevens, Jane; Brown, Juliet; Lee, Caroline (2004): The second Work-Life Balance Study: Results from the Employees' Survey; *dti Employment Relations Research Series* No. 27

Treas, Judith and Widmer, Eric D. (2000) : "Married women's employment over the life course: Attitudes in cross-national perspective"; *Social Forces*, 78:4, pp.1409-1436

Wdr.de (2004): "Merkel wirbt in Hamm fuer CDU Leitplaene"; 8 Nov 2004  
[http://www.wdr.de/themen/politik/parteien/cdu/parteitag\\_dez\\_04/hamm\\_leitantrag.jhtml](http://www.wdr.de/themen/politik/parteien/cdu/parteitag_dez_04/hamm_leitantrag.jhtml)

Wolf, R.(2002): Arbeitsrecht: Teilzeitgesetz: Ein Rohrkrepieler; KND Nr. 02/02  
[www.arbeitgeber.de/www/bdaonline.nsf/0/10bc07a96e94ea75c1256b430042436b?OpenDocument](http://www.arbeitgeber.de/www/bdaonline.nsf/0/10bc07a96e94ea75c1256b430042436b?OpenDocument) ; downloaded 23/4/04

Viethen, H.P. and Scheddler, A. (2002): 'Zwei Jahre Teilzeit- und Befristungsgesetz'; *Bundesarbeitsblatt*, 11/20002; pp. 5-9

Vogelheim, E. (2005): 'Working time for managerial, professional and production jobs: the case of Volkswagen AG Germany' in A. Hegewisch (ed): *Working time for Working Policies*; Friedrich Ebert Stiftung Occasional Papers; Friedrich Ebert Stiftung: Washington DC

Woodland, Stephen; Nadine Simmons; Marie Thornby, Rory Fitzgerald; Alice McGee: "The second Work-Life Balance Study: Results from the Employers' Survey"; London: dti Employment Relations Research Series no.22; 2003 Oct