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UDK: 349.235-055.2

## **HOW DO THE WORKING TIME REGULATIONS INFLUENCE GENDER INEQUALITIES**

**Abstract:** *The attempt to detect the causes of the economic recession in the EU is a complex process. The viewpoints in the academic debates determine that the main reason for the crises is the continuing inequality between people, particularly the income inequality. Hence, the way out of the crises is the promotion of policies towards increasing the equality, including gender equality.*

*In this paper, the authors investigate the working time regulation as a possible factor contributing to the decision of females not to participate in the labour market and propose policies for increasing the gender equality.*

*Female part-time work has become a dominant working pattern in a number of industrialized countries. However, labour rights, payments, access to social security and career opportunities are still a limiting factor to full gender equality. These elements highlight the precariousness of part-time work. With regard to family and household responsibilities which occur as a limiting factor to women's participation in the labour markets, working time policies can provide certain mechanisms for encouraging work-life balance. In the last couple of years there is a growing literature and evidence suggesting that flex-time schemes, emergency family leave, legal rights to transform the working time according to the needs of individual employees, alignment to various community time arrangements such as the working hours of preschool and school facilities can promote*

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\* Раd примљен: 26.09.2014.

Раd прихваћен: 09.10.2014.

*greater female participation on the labour market (Lee, McCann and Messenger, 2007).*

*This paper is composed of three sections. Section 1 introduces the subject of the research. Section 2 discusses the key challenges of female employees in the labour markets and the fundamental working time policies aimed at promoting gender equalities between men and women with particular attention to the gender distribution of working hours highlighting the necessity of collective reduction of working time. Section 3 exposes the key conclusions of the paper.*

**Keywords:** *Working time, Gender, Inequalities.*

## **1. Introduction**

The tendency to reduce social inequalities becomes an existential need of the countries in the process of shaping their economic and social policies. The growth of inequality enlarges the social imbalances and leads to a lack of social cohesion among the people. The social inequality contains multiple and varying forms. Income inequality is one of the primary forms of social inequality. The growing inequality in the income distribution can disturb the social peace by provoking a feeling of social injustice and generating social conflicts.

Therefore, the countries direct their regulations towards establishing a more equitable and redistributive policies aimed at achieving better protection of people from social risks. Contemporary theoretical debates which gravitate around the analysis of the causes and consequences of social inequalities often emphasize the adverse effects which erode the human capital and threaten the rise of productivity. The social marginalization of certain categories of persons and their separation from the productive allocation of physical and intellectual capital narrows the space of the employers for recruiting the best employees (ETUI Benchmarking Working Europe, 2012).

In this regard, we can conclude that income inequality is a dominant, but not the only form of social inequality. The practices and the empirical experiences in different countries have pointed to the existence of gender inequality which *inter alia* may result from the unequal distribution and organization of the working time and the so-called “time poverty”. Certain theorists find a causal relationship between the increased income inequality and the organization and distribution of the working time (Schultz and Hoffman, 2006). The labour markets’ deregulation and employment relations’ flexibility affect the polarization of working hours and the unequal distribution of work, resulting

from the concentration of working hours on the margins of the working time. It means that the working time organization is based on either excessively long working hours (that produce negative implications to the occupational health and safety and the reconciliation of workers' professional commitments and family life time), or very short working hours (that generate "underemployment" and push the workers and particularly women towards precarious employment). Hence, it can be ascertained that deregulated labour markets may generate inequalities in the distribution of working hours that deepen the gender inequalities between male and female workers.

A traditional goal of the Labour Law is the correction of market failures and the improvement of living and working conditions of people that are found in an unequal social condition. This goal perpetuates in modern circumstances as well, but its main priority is to protect workers who have commenced a "precarious" employment relationship and to increase gender equality in terms of segmented labour markets. The scope of personal protection by labour regulation and the legal framework that regulates labour market institutions had been moving with an exponential growth experiencing their expansion in the period after World War II. Since the World War II, industrial relations and individual employment relations in the European countries are characterized by stability and social protectionism. The average growth rate of Western European countries in the period between years 1950 – 1973<sup>1</sup> amounted to 4.8% (Temin, 2002). The most of the individual employment relations were based on the conclusion of permanent and full-time employment contracts, while the industrial relations were characterized by a relatively high trade union density ranging from 40 – 50 % (Lensch, 2004).

The structure and the dominant characteristics of employment relations in the aftermath of World War II, led to the establishment of a "standard employment" model that shaped the gender relations, i.e. the relations between men and women in the labour markets and beyond them. The archetypal model of the post-war employment can be depicted through several different examples. The first example can be displayed through the existence of a "full - time worker (working from 9.00 to 17.00, five days a week from Monday to Friday), under a contract of indefinite duration, who is engaged in a bipartite relationship with an employer and works on the employer's premises (McCann, 2008). The archetypal employment model resumes illustrating that the "standard workers perform well-determined tasks in a large production unit in a subordinate position to the employer or representative of the employer" (Bronstein, 2009). Finally, the last example arising from

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<sup>1</sup> This period is known as "The golden age of capitalism", a term used by the French economist and sociologist J. Fourastié, in the essay *"Les Trente Glorieuses"* (Paris, les Editions Fayard, 1979)

the archetypal standard employment model refers to the gender equality of men and women, classifying *men as "family breadwinners" and women as "family caregivers"* (Messenger, 2009). It means that the standard employment model reflects the need to protect the interests and lifestyles of male workers who work in the age of heavy industrial production. The period of industrial revolution and the period after World War II (although with a weaker intensity) were dominated by the homogeneity of the labour force and a homogenous division of the working age population composed of men (as heads of families and breadwinners of households) and women (as caregivers of families and persons in charge of the household duties). Such a division of labour influenced the establishment of the so-called "gender contract". The gender contract is a normative framework that underlines the gender division of paid work in the labour markets and unpaid work in the households (Rubery, 1998). This contract is founded on the assumption that men have gained the role of family breadwinners with a need to commence a standard employment relationship that will enable them to obtain a sufficiently large "family wage" in order to take care for the whole family. On the other hand, the gender contract envisages legal and social norms that cause a withdrawal of women from the labour markets and assume that their main social role is the one related to family care and unpaid family work. Hence, we conclude that the archetypal policies for labour division and the standard employment relations are directing women towards achieving the traditional objectives for biological and social reproduction, reducing their employment opportunities and jeopardizing their right to equal participation in the labour markets.

"The golden age of capitalism" was ended by the occurrence of the oil crises in 1974, which *inter alia* spelled the end of the cheap energy era. Such a situation initiated the changes in the course of the orthodox economic ideology which directed the theoretical debate in the developed countries towards deregulation of the labour regulations.

The new economic environment was the cause of multiple changes in the system of regulation (or deregulation) of labor market institutions and industrial relations. These changes have occurred as a consequence of: globalization, changes in the structure of the economic activities, technological changes, changes within the organization of production and the growth of unemployment rate (Bagič, 2008). Additionally, changes in the industrial relations are characterized by a rapid decline in the level of trade union density and collective bargaining coverage.<sup>2</sup> All that, influenced the establishment of some specific processes such as the labour market "flexibility", "deregula-

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<sup>2</sup> According to the statistical database of [www.worker-participation.eu](http://www.worker-participation.eu), the average union density in the EU is estimated at 23%.

tion” and “individualization”, having led to an increase of the non-standard employment relations at the expense of the standard employment relations.

The non-standard employment relations<sup>3</sup> have become the antipode of the standard employment relations. They differ from the standard employment relations along one or more axis that include: the “employment status” of the employees, the duration and organization of working time and the length and location of the employment.

Finally, contemporary employment relations have caused transformation of the classical structure of the gender contract and the traditional labour division in the families. The introduction of the possibility to establish a “non-standard employment relationship” (as the part time employment) and the incorporation of gender – sensitive policies and measures (such as the right to reconcile professional responsibilities with family duties and the right to equal pay) can contribute to an increased labour market participation of women and expanded inclusiveness of labour legislation. The policies for gender equality and equal treatment between men and women can cause a transformation of the standard employment relations leading to a higher flexibility and adaptability to different conditions and needs of the households and labour markets. The traditional “*male – family breadwinner / female – family caregiver*” model is being transformed in a “*male and female – family breadwinners (dual breadwinners) / female – family caregiver*” model, with a tendency to evolve into “*dual breadwinners / dual caregivers*” model. Besides the evident progress in reducing gender inequalities in the labour markets, labour law and employment legislation have not yet achieved the goal for gender equality between men and women in the households, i.e. beyond the labour markets. Hence, female workers often opt for less quality forms of employment (such as part time employment) in order to reconcile their professional obligations with the family commitments.

## **2. Global and comparative overview of the working time policies and gender inequalities**

### ***2.1. Gender inequality and the position of women in the labour markets (conditions and empirical experiences)***

The gender inequality produces negative implications in terms of workers’ labour market productivity, and influences the uneven distribution of resources between men and women. Such a situation has an impact on non-

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<sup>3</sup> Theory establishes several different synonyms that can define this term. Those include: “atypical” employment relations, “flexible” employment relations, “precarious” employment relations and the like.

monetary aspects of poverty line causing a lack of confidence and employment prospects for women.

Theory and empirical indicators find five essential conditions through which the status of women in the global labour markets can be displayed. Such conditions are:

- women's increased participation in the labour force
- the modest earnings of women and the income gender inequality
- continuing occupational segregation between male and female workers
- women's continuing struggle to reconcile employment and family responsibilities and
- women's concentration in the informal economy (Cornish, Faraday and Verma, 2006)

The contemporary labour markets have identified an *increased participation of women in productive labour activities*. The inactivity rate of the working age population in the EU-28 countries has declined from 31.4 % to 28.3 % (approximately 3%) in the period between years 2002 – 2013. The main cause for the decline in the inactivity rate of the population is the growing participation of women in the labour markets, i.e. the lowering of the inactivity rate of women from 39.6% to 34.5%. These parameters also affected the reduction of the average gender employment gap, which amounted to 16.4 % in 2002 while in 2012 it was 12.4 % (Source: <http://epp.eurostat.ec.europa.eu>)

*The modest earnings of women and the gender inequality* in the distribution of income is the second condition faced by women within the contemporary labour markets. The statistical data in the EU-28 countries indicates that the average income gap between men and women in 2012 was estimated at 16.4% (Source: <http://epp.eurostat.ec.europa.eu>)

Empirical experiences have identified multiple different reasons due to which there is an income gap between male and female workers. Such reasons are: direct and indirect discrimination practices against female workers; women's occupational engagement in jobs and economic activities which are paid relatively lower compared to wages which are paid for the jobs and economic activities dominated by male workers; limited access to trainings and career opportunities in the workplace which affect the structure and system of the payment of women; under representation of women in managerial jobs and need to reconcile the professional responsibilities with family duties.

Part of the causes that influence the gender pay gap can be analyzed independently from the category "gender income inequality". Thus the *gender segregation in labour markets* encompasses occupational and sectoral division of employment and activities of male and female workers which affect their



level of gender equality in the labour markets. The gender segregation may occur in several different forms, including: horizontal, vertical and hierarchical segregation. Statistical data from 2007 illustrates that the average level of occupational segregation between men and women in the EU-27 was amounted to 25.3%, while the average level of sectoral segregation accounted for 18.3% (Bettio and Verashchagina, 2009). The theory and practice have identified numerous different causes that shape the gender segregation and prove the existing statistical indicators. Such causes are: comparative “biological” advantages between male and female workers for the employment in particular occupations or sectors; unequally deployed investments in human capital (education and training) between men and women; different preferences of men and women; the existence of prejudices, stereotypes and different levels of socialization; labour market entry barriers and the obstacles deriving from the inadequate organizational practices.

The policies for reducing gender inequalities are in a direct correlation to the need of improved reconciliation between professional obligations and family life of employees. The main reasons for the introduction of policies for enhanced work-family balance are: the increased labour market participation of women, the rise of non-standard employment relationships, the intensification of work, the aging of people and the changes in the archetypal types of families. The reconciliation of professional obligations with the family commitments of workers could be implemented through numerous measures and policies that can be found in comparative legislations and practices. Those measures and policies include the establishment of: appropriate leave policies which will be flexible enough to meet the needs of workers with family responsibilities; various facilities and social security benefits; workers oriented forms of working time flexibility; improved social care services and better social infrastructure and measures to reduce the unpaid work. (International Labour Office, 2011).

Finally, the position of women in contemporary labour markets can be illustrated through their engagement in the *informal economy*. There are two dominant theories that attempt to explain the reasons which lie behind the need of workers to orient towards self-employment (Messenger, 2007). The “career”, or “pull” theory asserts that workers are pulled into self-employment because of their skills and capabilities as well as their needs for improved autonomy and flexibility in the work. Conversely, the “default”, or “push” theory holds that the workers are oriented towards self-employment when they are faced with a deficiency of decent opportunities for commencing a “subordinated” employment relationship within the formal labour market.

The “pull” theory refers to the highly qualified workers who work excessively long hours in order to maximize the returns to their human capital.

On the other hand, the “push” theory refers to the category of low skilled and low paid workers who work with extremely variable working hours depending on the volume of work in different periods of time. Studies have shown that these workers usually work less working hours.

Besides traditional theories that determine the self-employment and predominantly concern male employees, the literature refers to the so-called “gender theory” which focuses on the conditions of women in self-employment. Presuming that the legal nature of self-employment differs from the legal nature of “subordinated employment relationship” which is covered by the labour legislation, the “gender theory” is built on the principles of flexibility in the regulation of working conditions. It means that self-employed persons are independent in setting their working hours and the period in which they will perform their working activities. Therefore, this theory is particularly applicable to women with children who require an improved reconciliation of their professional activities with the family duties.

## ***2.2. Working time policies that promote gender equality between men and women***

Time is a unit of measurement in life and professional cycles of people. The working time (as one of the main institutes of the Labour Law) is a mechanism for quantifying the number of hours in which employees perform their duties. Modern Labour Law theory faces a difficulty in defining this institute, because of the more flexible dichotomy between the boundaries of “working time and time for rest” (Kovačević, 2013). Between these boundaries, there is the incidence of the “on call” and “standby” arrangements that make the definition of working time and its separation from the time for rest more difficult.

Working time issues are at the heart of the labour law debate since the early start of the industrial revolution. The development of working time policies can be illustrated through three historical and evolutionary phases.

The *first phase* in the regulation of working time had occurred as a direct consequence of the “laissez faire” model and the unlimited number of working hours that generated numerous workplace accidents. Hence, the period immediately after World War I was marked by the universal regulation of the working time within the frames of the international and national labour legislations. This period is characterized by the adoption of the International Labour Organization (ILO) *Hours of work Convention*, No.1 of 1919, which limited the hours of work in industrial undertakings to eight in the day and forty-eight in the week. An identical standard in terms of the duration of working time was established for the workers in commerce and offices. This



standard was set by the ILO *Hours of work (Commerce and Offices) Convention*, No.30 of 1930.

The *second phase* includes the period of time beginning shortly before the World War II and lasting until the onset of the economic crises triggered by the oil shocks that occurred in the seventies of the twentieth century. The main feature of this phase is the further reduction of working hours that were institutionalized in the ILO *Forty hour week Convention*, No.47 of 1935 and the *Reduction of hours of work Recommendation*, No.116 of 1962. These labour international standards are aimed at stimulating the employment and promoting advanced work-life balance of employees.

The *third phase* in the regulation of working time occurs in the seventies of the twentieth century and lasts until today. This period has been marked by the tendency for further reduction of the working hours, introduction of flexible forms in the organization of working time and strengthening the work-life balance policies. The international labour standards that regulate the working time consist of two basic legal acts such as the *Workers with family responsibilities Convention*, No.156 of 1981 and the *Part time work Convention*, No.175 of 1994. These regulations reaffirm the ILO's commitment to promote mechanisms for improved work-life balance and increased inclusiveness of labour markets through the provision of quality part-time work.

The working time is one of the most significant instruments aimed at reducing gender inequalities between men and women. It contains a multidimensional mechanism which affects women's conditions of work in the labour market and it focuses particularly on: increasing the participation of women; reducing the gender pay gap; decreasing the occupational and structural gender segregation between men and women; improving the reconciliation between the professional responsibilities and family commitments of workers and reducing the concentration of women in the informal economy.

### ***2.2.1. Policy goals of the working time regulations and measures to reduce gender inequalities***

In theory, there can be encountered several key objectives arising from the working time policies. These objectives are in a favor of increased gender equalities among men and women inside the labour markets and beyond them.

**Table 1:** Policy goals of the working time regulations (*Fagan, 2009*)

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FIRST GOAL – minimizing any obstacles deriving from the working time regulations and organization, in order to increase women’s participation in labour markets and their employment rates

SECOND GOAL – reducing the constraints arising from the working time regulations and organization, which are related to the possibility of women to access to managerial positions and other professions and sectors that are predominately represented by men

THIRD GOAL – developing working time schedules that can improve the quality of the work-life balance and reconciliation between professional obligations and family commitments of employees

FOURTH GOAL – equal treatment of full time and part time workers, including the possibility to transform the full time work into part time work in different phases of the life courses of workers

FIFTH GOAL – adjusting the working time schedules of men to the needs of the family and increasing the participation of men in family responsibilities or redefining the gender division of labour within the family

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The basic goals that determine the working time policies can be implemented by several different measures and activities. Common denominator of all these measures and activities is the need to reduce the gender inequalities between men and women.

*First two goals* of the working time policies refer to the need to increase female integration in the labour markets. These goals can be implemented through the following measures: *collective working time reduction* and *increased possibilities for quality part time work*. The *third goal* of the working time policies include the creation of appropriate working time schedules aimed at establishing and deepening the work-family balance. Such a goal can be realized using the following measures: *incorporation of autonomous and flexible working time arrangements*; *introduction of leave policies* (such as parental leave, paternity leave and other leaves related to the care of children); *efforts to synchronize the operating hours of child care services* (kindergartens, elementary schools) *with the working time arrangements of workers with family responsibilities* and etc. The *fourth goal* is an extension of the previous three goals and it concerns the introduction of the principle of equal treatment between full time and part time workers, including the possibility of a transformation of the working time in different life stages. Finally, the last goal refers to the need to adjust the working hours of men in order to increase

their presence within the family and their share in the family responsibilities. The realization of this goal presupposes special incentives directed towards male employees in order to reconcile the professional responsibilities with their family life. Such a measure is the *non transferable right to paternity leave* (Messenger, Fagan, 2009).

The basic goals of the working time policies and the measures and activities directed towards the implementation of these goals, establish a very narrow connection among themselves and they are found in a causal relationships. In the following section, we pay a particular attention to the collective reduction of working hours as a possible measure for overcoming the gender inequalities.

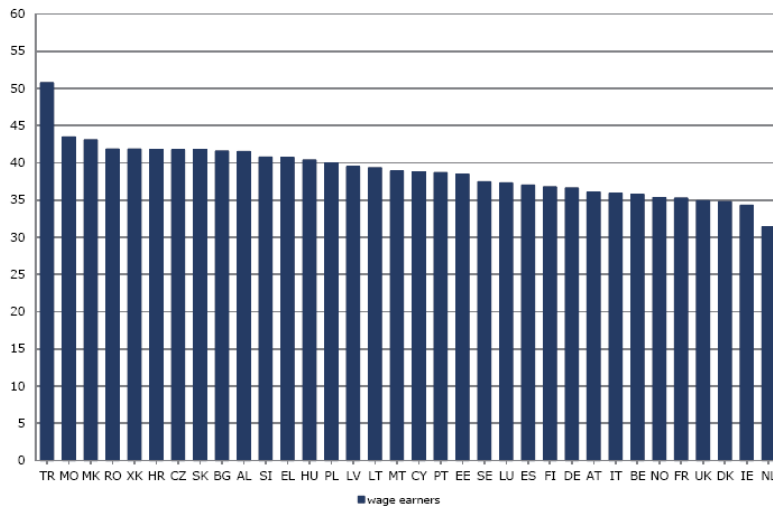
#### *2.2.1.1. The collective working time reduction as a possible measure to decrease the gender inequality*

The tendency for a continuous reduction of the normal working time is one of the basic measures of the countries aimed at stimulating a higher level of social equality which includes the gender components of the working hours (Schultz and Hoffman, 2006). The regulations on collective reduction of working hours have a positive impact on both the occupational safety and the health of people that work shorter but more productive working hours and the reconciliation between professional obligations and family life. A comparative review of different national labour legislations may lead us to a variety of working time systems aimed at limiting the duration of working hours. In most of the countries, the legislation determines the normal weekly working time (Blainpain et al, 1995). The findings from the analyses of the European countries' national legislations regulating normal working hours demonstrate an increased level of convergence in setting the weekly limitations on the number of hours of work. The scope of working hours which is determined by the statutory normal working time ranges from 35 hours per week in France to 45 hours per week in Switzerland and Turkey. The majority of the European countries stipulate a normal (full) weekly working time that extends to a maximum of 40 hours. Belgium envisages a normal (full) weekly working time of 38 hours, while five other European countries (Cyprus, Germany, Ireland, Malta and Great Britain) have established a normal weekly working time of 48 hours which includes overtime (Source: <http://www.ilo.org/travail/lang--en/index.htm>). The establishment of the upper ceiling and the maximal limitations to restrict the duration of working hours are the initial basis for ensuring a healthy, safe and socially acceptable working time. Still, more appropriate indicators illustrating the gender dimensions of working time are the *average working time* (which comprises the actual hours of full time

and part time work) and the *distribution of working hours* (which displays the gender classification of workers who work with different hours of work).

The average working time is based on the working hours of full time and part time workers. This analysis takes into account the average working hours of the “wage employees” solely, and it does not take into account the employment rates in different countries. In other words, some countries might have long working hours for currently employed persons but a low participation rate, while other countries might have shorter working time but higher employment rates.

**Graph No.1** (Average weekly working hours of male and female wage earners in Europe)

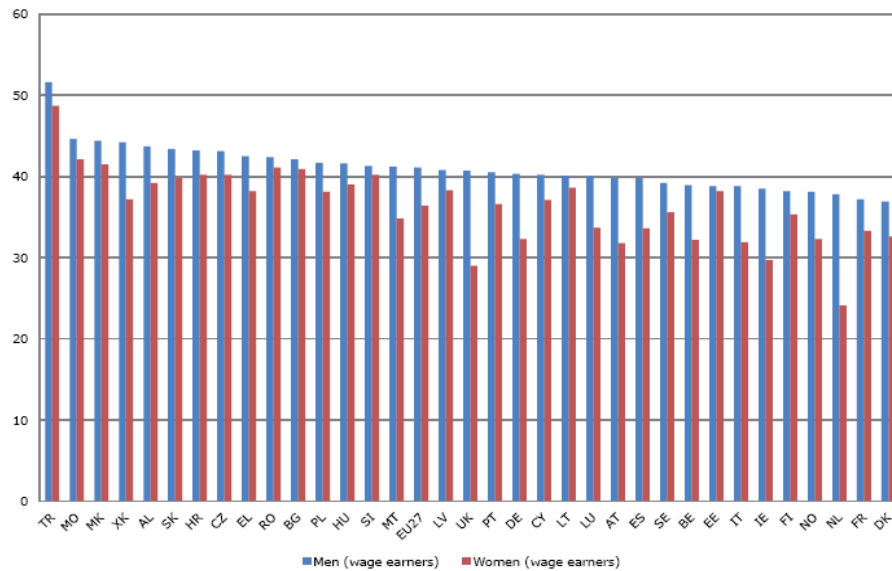


Source: EWCS 2010, own calculations

Source: (Eurofond, Working time and work – life balance in a life course perspective, 2012).

*Graph No.1 illustrates the average weekly working time for female and male wage earners in 34 European countries. The basic conclusion that can be drawn from the analyses of the data is that there is an evident gap between the average working hours of south-east and north-west European countries.*

**Graph No.2** (Average weekly working hours of male and female wage earners in Europe, by gender)



Source: EWCS 2010, own calculations

Source: (Eurofond, Working time and work – life balance in a life course perspective, 2012).

*Graph No.2 displays the average working hours of women and men in Europe. The basic conclusion that can be drawn from the analyses of the data depicted in Figure No. 2 is that on average men work longer working hours than their female counterparts in all European countries. However, the extent of the gender time gap differs across European countries.*

The analyses of the distribution of working hours enables us to determine the organization of working time and concentration of working hours among male and female workers. The distribution of working hours does not have a unified pattern. Therefore, we are frequently witnessing a mismatch between the standard working hours (displayed through the legal structure of normal working time) and the actual working hours of workers. The mismatch results from the gap between the excessively long working hours and the short working hours that frequently create the so-called “underemployment”. The gap between standard and actual working hours has gender implications affecting the gender equality between men and women in the labour markets and beyond them. In theory, the binary division of the working time on a

“very long working hours” and “very short working hours” is known as a bifurcation of working time. The bifurcation of working time usually results from “a new *occupational divide* between jobs that demand excessively long days and jobs that provide neither sufficient time nor money to meet workers’ needs” (Schultz, 2000). Such a situation leads to a concentration of working hours at the margins of the working time, contributing to the occurrence of the so-called “overemployment” and “underemployment” of workers. Starting from the “gender contract” and the still prevailing “dual earners / female caregiver” model, we have come to the conclusion that the “overemployment” is more common for male employees, unlike the “underemployment” which is more common for female employees. The “overemployment” presupposes long working hours for one of the spouses (usually the husband) while pressuring the other spouse (usually the wife) to reduce the number of working hours in order to take care of the family and the household. Conversely, the “underemployment” reduces the economic power of one of the spouses (mostly women) due to the insufficient number of hours of work, while pushing the other spouse (usually the husband) to work excessively long working hours in order to satisfy the material and financial needs of the family. So, in both of the instances (“overemployment” and “underemployment”) the sacrifice of certain preferences of the spouses is quite evident because on the one hand (mostly among women) there is a reduction of the professional perspectives, and on the other hand (mostly among men) there is a reduction of the time spent with the family. Hence, we can conclude that the bifurcation of working time usually produces adverse implications on the equality of the distribution of working hours between men and women affecting the gender equality in the labour markets and beyond them.

The theory identifies several different typologies of working time regimes based on the extent of the gender equality in the distribution of working hours between men and women (Conaghan, 2006). Identifying the historical and evolutionary models of working time in countries with a liberal orientation, Deborah Figart and Ellen Mutari have identified the following working time models:

- the male breadwinner model
- liberal flexibilization
- high-road flexibilization and
- solidaristic gender equity model

The first model occurs during the industrial revolution. This model is characterized by the excessively long working hours performed by the male employees who work in the factories and the industry of heavy production. The second model corresponds to the market deregulation policies that were intensified between the eighties and the nineties of the last century. This



model is characterized by a reduction in the gender segmentation of labour enabling an increased access of women in the labour markets. Yet, women are commonly subjected to a marginal part time work and they are exposed to “underemployment”. The male breadwinner model and the liberal flexibilization model are classified as models with low gender equality in the organization of working time and distribution of working hours. The third model is based on the assumption that workers and employers have increased control over the organization of working time and production processes. This model can be classified as a model with high gender equality and it tends to strengthen the reconciliation between the needs and preferences of workers and employers regarding the organization and distribution of the working hours. Yet, the relatively weak regulatory framework and the poor legislation on protection of workers who are faced with “overemployment” or “underemployment” can limit the level of gender equality between men and women. Finally, the solidaristic gender equity model is founded on the concept of equal distribution of working hours between male and female employees. This model can be classified as a “high road” gender equality model.

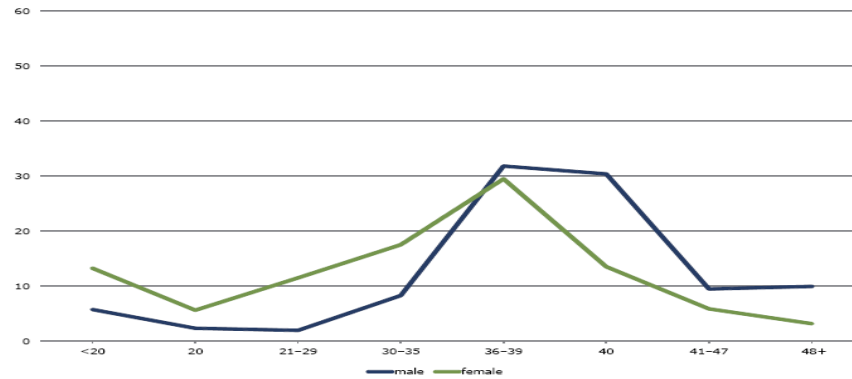
The theoretical basis of the aforementioned working time models and their levels of gender equality are set by the regulatory systems with a dominant liberal tradition. The attempt to make an integral typology of the working time distribution systems and their gender features, would lead us to the classification of five working time clusters such as:

- Northern cluster
- Liberal-market oriented cluster
- Continental and southern cluster
- Central and eastern European cluster
- Residual cluster

These clusters are based on the grouping of European countries that share similar or identical characteristics in terms of gender distribution of working time. Below, we illustrate the three clusters of working time distribution through which we display the most significant differences in the gender dimensions of the distribution of working time among the countries.

Проф. др Тодор Каламатиев, мр Александар Ристовски, *How do the working time regulations...*, *Радно и социјално право*, стр. 1-24, XVIII (2/2014)

**Graph No.3** (Working time distribution in the Northern cluster, by gender)

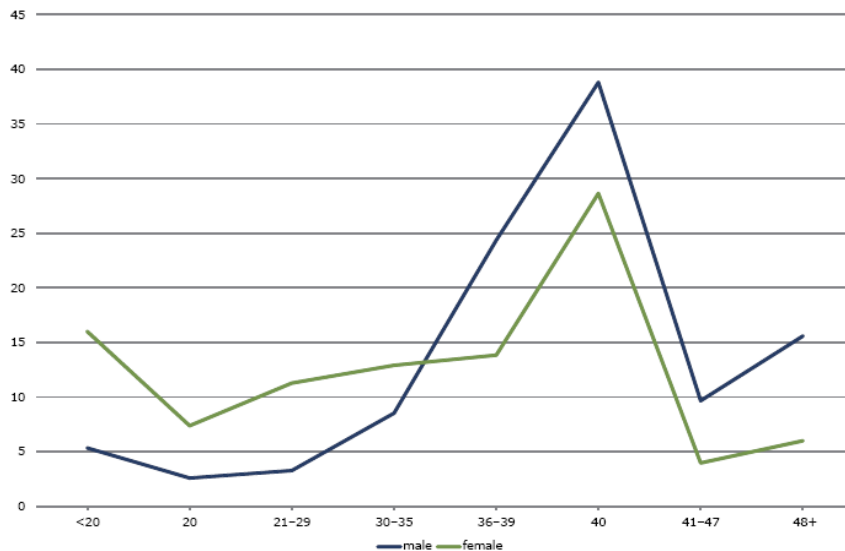


Source: EWCS 2010, own calculations

Source: (Eurofond, Working time and work – life balance in a life course perspective, 2012).

*The northern cluster sets a fairly egalitarian concentration of working hours of men and women within the zone between 36 and 39 hours. While men are represented by 32%, women comprise 30% of the total number of employees within this block. This can lead to the conclusion that the working time in the Nordic countries has a tendency towards a collective reduction of standard working hours and increased gender equality in the distribution of working time. Still, the distribution of working hours at the margins of the working time (up to 20 hours and over 40 hours) underlines the gender differences between male and female employees, i.e. the greater representation of women within the “marginal part – time work” and the greater representation of men within the “longer working hours” section.*

**Graph No. 4** (Working time distribution in the liberal market – oriented cluster, by gender)

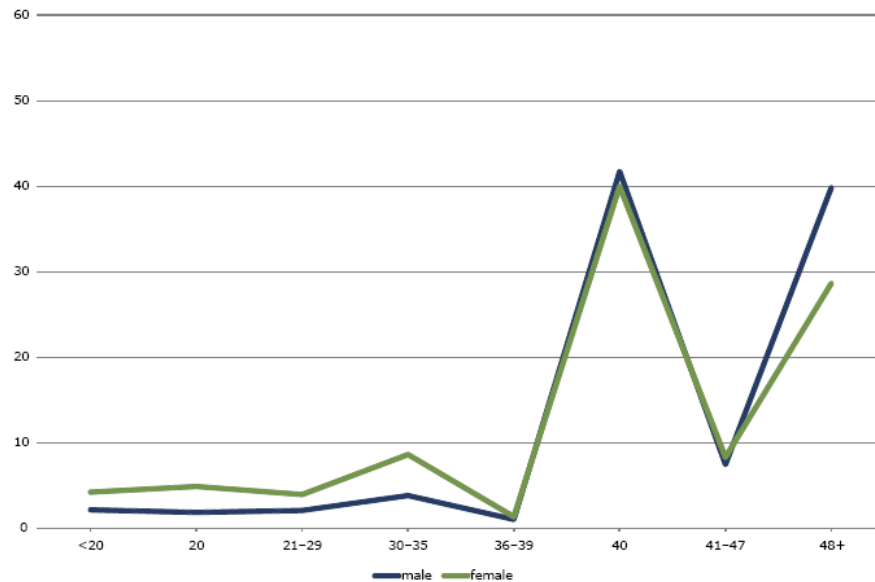


Source: EWCS 2010, own calculations

Source: (Eurofond, Working time and work – life balance in a life course perspective, 2012).

*The liberal market-oriented cluster displays a greater gender inequality in the distribution of working hours between men and women. The gender disparities within the standard working hours (40 hours per week) extends to 10 percentage points (39 % of men compared to 29% of women work standard working hours). The unequal distribution of working hours can be perceived within the margins of the working time as well. Thus, nearly 25% of the women are working very short hours, compared to only 8% of men. Conversely, remarkable is the high incidence of men working extremely long hours (48 hours or more per week) compared to women. It means that 16% of male work extremely long working hours compared to 6% of female workers. Similar data can be identified in the continental and southern cluster, where 44% of women work less than 35 hours of work, while over 80% of men work longer than 35 hours of work per week.*

**Graph No.5** (Working time distribution in the residual cluster, by gender)



Source: EWCS 2010, own calculations

Source: (Eurofond, Working time and work – life balance in a life course perspective, 2012).

Both continental and southern clusters, as well as the residual cluster (composed of the non EU member countries) have displayed similar conditions. The main feature of these clusters is the high concentration of male and female working hours within the standard working time (which equals to 40 hours) and the low distribution of working hours within the lower margin, i.e. short working hours. The data analyses of the residual cluster indicates that 42% of men and 40% of women are engaged in a standard (full) time work unlike the continental and southern cluster where men and women (with more than 50%) are identically engaged in the standard (full) time work. Still, the main feature that distinguishes the residual cluster from all other clusters (including the continental and southern cluster) is the large concentration of the working hours in the zone of excessively long working time. *Data show that 40% of men and nearly 30% of women report that they work at least 48 hours per week.* The data analyses of the residual cluster lead us to the conclusion that there are no large gender gaps in the distribution of working

hours within this cluster unlike some other clusters. Yet, this situation is not a benchmark for the “gender equality” of the residual cluster countries, but it is a result of the low labour market participation and employment rate of women. The part time work incidence in nearly all ex-communist countries is at a low level, ranging from 2.6% in Bulgaria to 10.4% in Slovenia. The residual cluster displays other adverse conditions that generate negative implications in terms of both the occupational health and safety of workers and the reconciliation of professional obligations and family life. The practice of working extremely long hours of work confirms the adverse impact of the long working time on the occupational health and safety and the work-family balance of workers, regardless of the gender belonging.

### **3. Conclusions**

The conclusions arising from the overall analysis of the average working time and the distribution of working hours among workers, determine that the countries are facing a gap between the standard (normal) working time stipulated by the labour legislation and the actual working time which is implemented in the practice. This gap is widening in terms of the gender dimensions of working time that display the concentration of women’s working hours in the bottom margin while men’s working hours are concentrated in the upper margin of the working time. Countries that have the most evenly distribution of working hours in the standard working hours zone (40 hours) are countries with a relatively lower employment rate of women.

Additionally, these countries record an increased participation of workers in the “excessively long working hours” zone, which is contradictory to the tendency of collective reduction of working hours. We believe that the legal interventions for reducing the normal working time and the countries’ measures and policies aimed at stimulating more equitable distribution of working hours would inevitably lead to increased gender equality in the organization of working time. The collective working time reduction accompanied by a re-regulation aimed at improving the quality of the part time work will contribute to an enlarged concentration of both men and women in the decent working time zone. Such a situation will level their preferences and will improve their possibilities to obtain better financial prosperity and enhanced dedication to the families.

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### **КАКО ПРОПИСИ О РАДНОМ ВРЕМЕНУ УТИЧУ НА РОДНЕ НЕЈЕДНАКОСТИ**

#### **Резиме**

*Покушај да се открију узроци економске рецесије у ЕУ је сложен процес. Као главни разлог криза према гледиштима у академским расправама утврђује се непрестана неједнакост међу људима, нарочито неједнакост у приходима. Стога је излаз из криза у унапређењу политика у правцу повећања једнакости, укључујући родну једнакост.*

*У овом раду аутори истражују прописе о радном времену као могући чинилац који доприноси одлуци жена да не учествују на тржишту рада и предлажу политике за повећање родне једнакости.*

*Рад жена на неодређено време постао је преовладавајући радни образац у више индустријализованих земаља. Међутим, право на рад,*

*Проф. др Тодор Каламатиев, мр Александар Ристовски, How do the working time regulations..., Радно и социјално право, стр. 1-24, XVIII (2/2014)*

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плате, приступ социјалној заштити и могућности за каријеру и даље су ограничавајући чинилац за пуну родну једнакост. Ове елементи наглашавају неизвесност рада на одређено време. У погледу породичних и одговорности у домаћинству које се јављају као ограничавајући чинилац за учешће жена на тржиштима рада, политике радног времена могу да обезбеде одређене механизме за охрабривање равнотеже између рада и живота. У последњих неколико година све је већа литература и докази који предлажу да флексибилно радно време, одсуство због хитних породичних разлога, законска права да се промени радно време према потребама запослених појединаца, усклађеност са разним временским решењима заједнице, као што радно време предшколских и школских установа може да помогне већем учешћу жена на тржишту рада (Ли (Lee), Макен (McCann) и Месинџер (Messenger), 2007).

Овај рад се састоји из три одељка. Одељак 1 уводи предмет истраживања. У Одељку 2 разматрају се кључни изазови запослених жена на тржишту рада и основне политике о радном времену чији је циљ унапређење родних једнакости између мушкараца и жена са посебном пажњом на расподелу радног времена према роду наглашавајући нужност колективног смањења радног времена. Кључни закључци рада изложени су у Одељку 3.

**Кључне речи:** радно време, пол, неједнакости.