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## **17|2021** A Short History of Flexible Hours - Historical Baselines of Working Time Policy in Germany

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# A Short History of Flexible Hours - Historical Baselines of Working Time Policy in Germany

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## Abstract

This paper analyses the structures and patterns, dimensions and interest relations behind 200 years of working time negotiations and conflicts, based on historical and contemporary literature and research, mainly but not exclusively in Germany. One main thesis is that ‘new’ flexibilization trends are not new at all, while the effective standardization of working hours is limited to a couple of decades in the 20<sup>th</sup> century. Nevertheless and for various reasons, working time arrangements are a social and political issue which should not be left to individual contracting but subject to reflexive labour policy.

## Zusammenfassung

Dieses Papier analysiert die Strukturen, Muster, Dimensionen und Interessen von 200 Jahren Arbeitszeitpolitik, vor allem in Deutschland. Auf der Grundlage historischer und aktueller Literatur wird die These belegt, dass scheinbar neue Trends der Flexibilisierung von Arbeitszeiten alles andere als neu sind, wenn man den historischen Untersuchungszeitraum ausweitet. Vielmehr beschränkt sich die Phase einer tatsächlichen Standardisierung von Arbeitszeiten auf wenige Jahrzehnte des zwanzigsten Jahrhunderts. Gleichwohl und sinnvollerweise bleiben Arbeitszeitarrangements ein Gegenstand sozialer und politischer Auseinandersetzung. Sie sollten nicht den einzelnen Arbeitsverträgen überlassen bleiben sondern Gegenstand reflexiver Arbeitszeitpolitik sein.

## JEL classification

J22, J50, N30, N33, N35, O35, O52

## Keywords

collective bargaining, individual preferences, industrial relations, labour history, welfare capitalism, working hours, working time, working time policies

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# 1 Introduction<sup>1</sup>

The problem of flexibility is all around us, but still deserves research. Flexible employment, flexible organisations and flexible hours are heavily influencing everyday working life. Moreover, all three of them are subject to political negotiations on many levels of action: Workplaces, establishments, sectors, nation state. Like many others, Richard Sennett (1998) and Ulrich Beck (1997, 1999) have repeatedly stated that flexible labour is a rather new phenomenon, being brought on by globalization, which increases socioeconomic risks, uncertainty, disembeddedness and alienation on the workers' side. Although their description of risks is undoubtedly true and supported by growing empirical evidence, conceiving flexible labour as 'new' might not stand some deeper historical analysis – which Ray Pahl probably supposed when he wrote “it is sometimes said that the future of work is in the past (1988:15).” Nevertheless, working and employment conditions of our days are neither just as they used to be all the time, nor repeating the past, nor are they changing from day to day or in short periods. This article will analyse the long term development of labour flexibility in the temporal dimension, which – this will be shown - goes together with changes in the general patterns of capital-labour-state relations as well as changing interests on the side of workers and employers.

Flexible labour is a multidimensional and a worldwide issue. It means flexibility in employment patterns, wages, in biographical and family arrangements, industrial relations, work organisation, space, time, and what the actual work consists of and how it is done with which technical means throughout different places in the world. Due to this abundance of aspects, this article will pick out flexible working hours as an example, for theoretical reasons: First, working hours are a crucial area of conflict and negotiation between workers, their personal or family interests and needs, and of employers and the time structures of production and markets. This is, because every human action in every place is structured along a line of time – as Anthony Giddens put it, relating to Heidegger (see Giddens 1979: 198). And this of course counts for labour and production. As Marx said, every economy is an economy of time, and the struggle for minutes is a crucial part of the capital-labour conflict (Marx 1984). One further reason is, that working hours play a special role among the various dimensions of labour as a social and economic arrangement. They are connected to the monetary dimension of the labour relation, because labour is mostly paid according to linear, abstract and measurable time periods like hours, weeks, months, as well as to different cultures and social practices, which make every hour different to another in personal experience, relating to the cyclical structures of time in everyday life, the diversity of life situations and role perceptions – such as between men and women, with or without family - and the biographically developing time-related patterns of time use. For example, working mothers usually estimate one hour of leisure on Sunday morning much more valuable for their personal and family life than being off work one hour on Monday morning (see Promberger et al. 2002, Wiesenthal 1987).

The article will empirically focus on Germany, as German working hours policy has (and used to have) a very strong formal component on the level of collective agreements mostly at sector level, covering not only wages but also working hours, which did change but never vanish in the last

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<sup>1</sup> A very early version of this paper was published in German as Promberger (2005): *Wie neuartig sind flexible Arbeitszeiten?* In: Seifert, H. (ed.): *Flexible Zeiten in der Arbeitswelt*, Frankfurt: Campus. Since then, the manuscript has been expanded, revised and adapted thoroughly, challenged by new developments, but still confirming the initial thesis.

decades. This makes it easier to observe and reconstruct time-related interest formation as well as actual and contractual working hours than in countries with either individually based informally regulated working time cultures in southern and western Europe (ESWT-Report<sup>\*\*\*</sup>), or company based regulation like in the UK, or legally regulated with unobserved variations as in France. But choosing Germany is not only justified by reasons of observability. It is also due to the high impact of globalization on the German economy heavily dependent on exports, as well as to the explicit role of working hours policy in fighting unemployment, which has undergone various changes in intensity and the relevant levels of collective action, but can meanwhile be seen as a constant in German labour policy, where mass layoffs still are seen as a heavy threat to social integration by all actors in the still quite corporatist system of labour policy. Moreover, a comparatively bigger part of the 1980s conflicts between Keynesian and neoclassical economic and social policy has been fought on the field of working hours in Germany, more than in other countries: At the same time when the British miners were fiercely striking against Thatcher's coal mine closedown policy, the German metalworkers had led their biggest strike after world war two in order to enforce the 35 hours week. But, as we will see, there might be some conclusions which could also be relevant at a more general level, because the impact of the 2008 economic and financial crisis on the German labour market as well as the Covid-19 economic crisis of 2020 have to a wide extent been buffered not only by sector specific subsidies, but also by wage subsidies for reduced working hours at establishment level ('Kurzarbeitergeld') in order to prevent layoffs – which is proved one option to buffer labour markets against business cycles (Balleer et al. 2016), so to speak, a contribution to achieve more security in employment in a flexible economy, being more exposed to business cycles, critical interdependencies and irregular crises, such as the Covid-19 pandemic.

It has to be noted that since the onset of industrialisation the issue of working hours has consisted of a spectrum of different dimensions and interests, but was always founded on basic concepts which are fairly constant through time: Reliability, flexibility, standardization, differentiation, the question of collective and individual interest, of conflict and cooperation, and of social roles and economic function, just to mention the most relevant. However, a historical comparison reveals considerable fluctuations and differences within those elements, which do not appear at random but follow an underlying sequence of historical periods, which can be called the early industrial or pre-fordist phase (Section 2), the highly industrialised (fordist) phase (Section 3) and the current 'post-Fordist' phase of working-time policy 4). Section 5 explores the insights that result from this, and the conclusions that can be drawn. One first conclusive argument will be that increasing flexibility in working hours since 1984, which is often regarded as a novelty, can be explained to a large extent by the characteristics and the course of working-time policy in the 1920s and 1950s.

## 2 Working-time policy in early industrial capitalism

In the early phase of industrial capitalism, which has to be historically located in the first half of the nineteenth century in Germany, workers' engagement with working time focused mainly on

utilising and maintaining traditional time cultures in everyday working life – public holidays, skipping work on Mondays, leaving the workplace during harvesting or festivals in the rural home- or birthplaces, and other “freedoms of conventional self-determination” (Hinrichs 1988: 27), but also the juxtaposition of extensive formal working hours and informal dodging of these regulations by skipping work, arriving late, dawdling, taking excessive breaks, sleeping, alcoholism at the workplace and sabotage characterized the early-industrial working-time culture; this ‘traditionalist, pre-industrial’ thread of interests<sup>2</sup> among workers lasted until the early twentieth century in some industries and regions of Germany and other countries. Improving discipline in this respect was a key matter of concern among employers and the state in the early industrial era (Castel 2000: 287). In contrast to this there were those groups of workers whose working culture was orientated not only towards collective traditions of urban crafts and trades, but also on the prospect of ‘life-long’ waged work (Briefs 1923: 111), developing the awareness of the need to preserve one’s own labouring power as a resource<sup>3</sup>. Following this, from around the middle of the 19th century onwards, restricting and shortening the working day was on the agenda of the early labour movement and its supporters, in order to reduce the pressures and dangers of early-industrial working life. This can be understood by looking at the example of the ‘ten hours agitation’, which began around 1830 in England and several decades later in Germany. The central theme of this movement was the detrimental effect that extensive working hours had on health, morale, family and society, at first for women and children and later also for male adult workers. But at least in England, reducing unemployment was also an important argument of the ‘ten hours agitation’ of the labour movement, being the first time in history that we come across the employment-orientated argument in working-time policy. The movement to reduce working hours gained additional momentum when factory inspectors (in England) and military authorities (in Germany) drew attention to the fact that young male workers’ fitness for military service left a great deal to be desired.

From today’s perspective, the reduction of working hours since the mid-19th century can be traced back to a coalition between ethically motivated endeavours by civic and religious groups to improve humanitarian aspects of work life, the labour movement’s interests in reducing the pressure of work and being able to manage one’s own labour sustainably; and the reasons of the government which considered the country’s defensive capability endangered or feared the threat of poverty-related rebellions. Unlike in England, however, the ten-hour working day for all employees was never formally implemented at a general level in Germany. Instead there was an assortment of working-time arrangements which differed across industries, companies, regions or employee

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<sup>2</sup> Characterizing this type of working culture as ‘traditionalism’, such as by Hinrichs (1988), is somewhat misleading: a pre-industrial or early-industrial working culture is something different to traditionalism. It is a way of living and working which is already characterized by the proto-industrial production of goods, gradual or full exclusion from the ownership of the means of production, the at least partial spatial separation of household and place of work, but still shows strong connections to traditional-rural life contexts (Ogilvie/Cerman 1996): Work conducted outside own premises for other people, be it for the feudal lord or for the factory owner, was largely perceived as an external compulsion, if not as an act of violence, justifying counter-violence in this pattern of interpretation. The increasing ‘insight into necessity’ to adopt themselves to industrial working customs, rules and force was less a matter for the pre-industrial and early-industrial labourers, but became more and more a topic during the 19th century. An interesting yet unexplored issue is Marx’s early perception of the correlation between the growth of industrial production and its cultural acceptance and internalization by workers (1984: 765).

<sup>3</sup> Also based on late 19<sup>th</sup> century discussions, Hinrichs (1988: 47ff.) calls them ‘modernised’ workers. The rationality of their lifestyle as distinct from the other group’s traditional way of life is the decisive factor for this ‘Weberian’ classification. Owing to the obvious links with the orientations, interests and traditions of the urban crafts and trades, which also have precapitalist origins, the concept of the modernised workers is a rather narrow if not wrong perspective. Even more so, because rationality and modernity have been mostly political rather than analytical concepts at that time, intended to impose the ‘spirit of entrepreneurship’ onto the workers.

groups. These working-time arrangements were regulated by individual employment contracts, collective agreements, local trade regulations as well as by health and safety laws for women and children. With up to seven excessively long working days each week it is understandable that the length of working hours was the most important dimension of labour policy at that time. What is remarkable is the fact that demands for shorter working hours were often explicitly accompanied by ideas regarding standardization: All (adult male) employees in all firms of all industries should have been able to enjoy the same working hours, not only for solidarity but also in order to remove the issue of working hours from competition between the companies and between groups of workers. Otherwise there would have been not much chances for the project of distinctly shorter working days (whether 12, ten or eight hours) as the competition between various industries, firms and groups of workers would repeatedly lead to an ‘upward’ alignment of working hours.<sup>4</sup> The standardization motive has therefore a legacy of at least 150 years of history<sup>5</sup>.

During the consolidation phase of Germany’s labour movement - approximately during the last quarter of the 19<sup>th</sup> century and at the beginning of the 20<sup>th</sup> century - the objective of an eight-hour standard working day became more and more evident, as had already occurred in Britain and the USA. Unlike in the ten hours’ agitation, other interests besides preserving one’s labour were also of importance here for the first time: eight hours for work, eight hours for relaxation, eight hours for sleep were now demanded. The ‘relaxation period’ was spelled out differently, depending on the interest group. In particular educational interests, political activity, family life and consumption came under discussion in this respect, depending on the standpoint. At the same time, workers interests developed in improving the ability to plan and foresee working hours, whilst the employers held fast to maintaining the possibility of adapting to demand at any time (Herkner 1923). Parallel to the frequent economic crises in the late 19<sup>th</sup> century and the unemployment that repeatedly occurred in this context, all over the world the labour movement made repeated demands for a reduction of working hours in order to distribute employment more fairly: Samuel Gompers (1897), the president of the American Federation of Labor, AFL, at that time stated “that so long as there is one man who seeks employment and cannot obtain it, the hours of work are too long”, though this attitude was not only due to solidarity with the unemployed, at least in trade union circles, but was also the result of wage-policy interests.<sup>6</sup>

To turn now to the employers, in the first half of the nineteenth century they attempted mainly to reduce pre-industrial working-hours regulations and ‘time cultures’ which were still exerting an influence, such as ‘skipping work on Mondays’ (Koehne 1920), and in Catholic areas in particular to reduce the many religious holidays, which differed from region to region (Van Dülmen 2000; 83; Moore 1963: 33).<sup>7</sup> This was mainly due to interests in securing the continuous availability of the resource of labour - interests which still appear today in discussions about weekend work. At the

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<sup>4</sup> See on this issue the extensive historical details in Marx (1984: 245 ff.).

<sup>5</sup> In 1867 Marx referred to the 15-hour day that was introduced with England’s 1833 Factory Act as the first “regular working day” of “modern industry” (Marx 1984: 295).

<sup>6</sup> For instance, at that time a long lasting controversy flared up for the first time, about whether the shortage in labour supply which accompanied the reduction in working hours would result in a wage rise or not (Hinrichs 1988: 58; Cross 1986: 77).

<sup>7</sup> It is extremely difficult to make a general estimate of the number of holidays in the eighteenth and nineteenth centuries as there were considerable regional differences. Wendorff (1980) draws on Moore (1963), when he says that only ‘today’, with free Saturdays and annual leave, we have reached the number of days off that was usual in the 13th century. As Moore was writing in the 1960s, when annual leave was much shorter than it is today, at around 14 days, an estimated value of 60-65 days off work per year can be assumed for the 13th century. The reformation abolished the majority of these holidays immediately in the areas where it was victorious; but in the catholic countries and areas, many of them survived until the early 19<sup>th</sup> century.



same time, during the early phase of industrialisation the flexibility of working hours was profoundly important for the employers: when circumstances permitted it, the workers produced intensively, until they were literally fit to drop. This can only be understood if we imagine the various discontinuities that early-industrial production was subject to: the supply of energy using wind and water was subject to the whims of nature; the organisation of production was to a certain extent 'natural' – with an extremely low level of mechanisation and in some cases inadequate knowledge and mastery of the technologies. Therefore, flexible hours were extremely important, and production was all the more subject to workers' customs and moods as well as to their willingness to adaptation.<sup>8</sup> Finally, erratic events on the markets were a constant source of friction, as they are today (see details in Deutschmann 1985: 41 ff.).

After this early phase and into present times, the employers' dominant motive in working-time policy was rejecting trade union and political attempts to reduce working hours, as this tends to increase the price of labour.<sup>9</sup> In rare cases, however, socio-political motives also contributed to companies starting initiatives aimed at shorter working hours. Apart from early exceptions – such as Robert Owen in England – this was mainly of importance in the decades leading up to the First World War, when some major German companies reduced working hours for socio-political and productivity reasons.<sup>10</sup> Discussions at that time also emphasised the positive effects of a reduction of excessively long working hours following the English example in terms of effectiveness in production and for the economy as a whole (Brentano 1893; Schulze-Gävemitz 1892). Thus, employers' considerations as to the long-term productivity advantages of shorter working hours did not come to light more frequently until towards the end of the nineteenth century (Hinrichs 1988: 28). We encounter these considerations once again between 1950 and 1970, and still in combination with a rejection of union attempts to standardise working hours; an interesting point when one considers that employers' interests in flexibility are generally said to be a rather new phenomenon, attributed to the period from the early 1980s onwards in association with the re-emergence of globalisation, the rising microelectronic revolution, the farewell to Taylorism and standardised mass production. But flexibilization is really not that new: Heinrich Herkner (1923), a German union leader, in publicly accusing the employers for their flexibilization interests, wrote the polemic statement of an unknown (fictitious) employer, designing a regulation on annualised working hours (3000 hours) with eight to 10 hours per day. Both this flexitime schedule as well as Herkner's opposition still seems quite up to day almost a century later.

In summary, during the early phase of industrialisation, interests concerning working-time policy already showed all the aspects with which we are familiar or which we regard as 'new' today. Interests in reducing working hours in order to reduce pressure, for education and the family, to redistribute employment and also interests in the standardisation of time structures are issues on the employee side which are well-rehearsed. The same applies for the employer side, where not

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<sup>8</sup> This explains to some extent the strong need for control of work or the ability to control work that underlies Taylorism.

<sup>9</sup> The direct increase in the price of labour depends on the level of compensatory wage increases and does not always occur, but the employers argue that any reduction in working hours is associated with an increase in workplace and indirect costs per hour of employment. In reality, however, this is likely to be more than compensated for by the productivity gains induced by reducing working hours, for instance through increased performance, rationalisation and increased motivation.

<sup>10</sup> See Hinrichs (1988) and his sources Freese (1909), Abbe (1921). It is also important to note that the intensified work in the new electrical and mechanical industries in the pre-1914 years could not productively be done within extended hours, because there usually were remarkable drops in productivity after the sixth or seventh hour. Thus, the idea of philanthropic entrepreneurs like Robert Bosch, Ernst Abbé and others to introduce the 8-hours-working day was also economically motivated.

only the rejection of attempts to reduce working hours and refuse standardization, but also the inefficiency of excessively long working hours were issues which are also familiar to today's observer. What is less well known are the workers interests aimed at the self-determined use of time and the maintenance of freedoms and time-related vested rights within or outside of working hours, which are visible in the time interests of the 'traditional' workers characterised by pre-industrial working culture. The employers' strong interests in flexibility in the early epoch of industrialisation and their need for labour to be available continuously are also issues which have been under-explored in the last decades.

### 3 Working-time policy in developed industrial capitalism

Let us now turn to the historical phase that established regular and standardized working hours. After the First World War, industrial capitalism was soon flourishing as a way of life and as a cultural cipher. Technology, the markets and working culture had freed themselves to a great extent from their pre-industrial and early-industrial roots, and workers were more and more becoming a political force in society, whether by means of revolution or just public elections, unionism and shop floor codetermination. Thus, the synthesis of mass production, mass mobility and mass consumption which was propagated by Henry Ford, later known as 'Fordism', can be regarded as synonymous with the society of a developed capitalism. Unlike its predecessors, which were based on mass poverty and political suppression, this capitalist society was capable of developing welfare-state characteristics and accomplishing the democratic integration of the 'class conflict'.<sup>11</sup> However, we should not lose sight of the ruptures which accompanied this development, especially in the 1918-1945 period – reaction and fascism in parts of Europe, or the police operations against strikers which occurred in the USA in the 1930s. In general, the hostile stance of most employers against workers' interests was still a fundamental feature of the first half of this era.

As was the case towards the end of the preceding phase, employees' time interests were largely focused on the introduction of an eight-hour regular working day. Here we encounter the employment-policy motive once again, this time appearing very clearly from after the end of the First World War 1918, when the eight-hour working day was introduced in Germany. Besides the urging issue to pacify the German revolution of 1918 (Rosenberg 1961), one reason for this was the anticipated pressure on the labour market by returning soldiers and the downsizing of war industries. The fact that corresponding resolutions with reference to the employment situation were passed at three different levels of action - at international level, at nation-state level and at collective-bargaining level - indicates the significance of the employment motive in working time policies at

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<sup>11</sup> See Ford (1923). However, Ford was by no means the first 'Fordist'. As early as 1888, for instance, George Gunton discussed the positive effects of shorter working hours and higher wages, which would ultimately also benefit companies by stimulating demand. However, Gunton was rubbished almost unanimously by his contemporaries. In Germany, too, there were first signs of a similar argumentation towards the end of the nineteenth century, for example in Brentano (1893). However, in the 'Fordism debate' it is mainly assumed that a 'Fordist Regime of Accumulation' did not win through in Germany until after the Second World War (Aglietta 1976; Hirsch/Roth 1986).

that time: In the Washington Convention (1919) the member states of the International Labour Organisation (ILO) agreed upon a maximum daily working time of eight hours;<sup>12</sup> in the German demobilisation ordinances of 1918/19 the eight-hour day was decreed for a fixed period of time and was passed by unions and employers' federations in the Stinnes-Legien agreement in 1918 (Hinrichs 1988; Schönhoven 1987).<sup>13</sup> However, in the course of the following years, these agreements and decrees were increasingly circumvented in Germany, watered down or abolished as in the 1923 working-time decree, with the result that the (re)enforcement of the eight-hour day remained on the agenda of the free trade unions<sup>14</sup> in the Weimar Republic. During the major labour market crises of the mid- and late-1920s<sup>15</sup>, too, the General Federation of German Trade Unions (Allgemeiner Deutscher Gewerkschaftsbund - ADGB) repeatedly argued in employment-policy terms for a reduction of weekly working hours by law or for the 'schematic' adherence to the eight-hour day regulations (Rohde 1927: 10ff). In 1927 on the initiative of the trade unions and the Social Democratic Party (SPD)<sup>16</sup> the 'emergency law on working hours' was introduced. Mainly in order to ease the pressure on the labour market, it stipulated a 25 percent wage supplement for overtime and the strict reduction of the working day to eight hours in jobs associated with increased health risks. The arguments of the trade unions were seldomly uniform, however, and were not sustained (see Scharf 1987 for more details on this issue). This changed at the beginning of the 1930s when the ADGB repeatedly demanded the introduction of the 40-hour week in order to counteract the persistent mass unemployment resulting from progress in technology and work organisation (e.g. Taylorism, mechanisation, the assembly line). Unlike the USA, this employment-oriented attempt to reduce working hours was unsuccessful in Germany.<sup>17</sup>

To take another aspect of the eight-hour day, the trade unions and the SPD generally understood it as a real, fixed (or 'schematic', Hinrichs 1988) eight-hour day, deviations from which were only possible under tightly defined circumstances. This idea of a 'standard or schematic eight hour working day' had already formed part of the demand for shorter working hours in the nineteenth century. It was motivated above all by the desire to restrict the "employers' arbitrariness"; in other

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<sup>12</sup> The convention was only ratified in Belgium and Czechoslovakia, however. Hinrichs (1988: 68f.) speaks here of a situation equivalent to the 'prisoner's dilemma': none of the participants wanted to be the first, as this would have meant a competitive disadvantage compared with the others.

<sup>13</sup> This does not say anything about the actual working hours in the firms and their labour market effects: the working-time regulations of the demobilisation ordinances and in particular of the Stinnes-Legien agreement were soon frequently broken, if they had been enforced at all, without the regulations being formally lifted. What is remarkable, however, is the conflicting behaviour of the trade unions, which demanded, sometimes at top level, the strictly 'schematic' administration of working hours, going as far as a virtual prohibition of overtime, but at the same time concluded collective agreements for overtime (Rohde 1927).

<sup>14</sup> "Free unions" is a term including all trade unions in Germany who were not tied to employers or their respective political parties, neither to a religious community. In the 1920s the free unions covered a wide range of workers, with political affiliations from left catholicism to social democracy, socialism and communism. Still today, it is common that one member of the board of the German Trade Union Federation (DGB) belongs to the Christian-Democratic labour movement (CDA). Currently (2021), the vice chair of the DGB, Elke Hannack, is a CDA member.

<sup>15</sup> The unemployment rate rose from 5.8 percent to almost 20 percent in the fourth quarter of 1925 alone (see Scharf 1987).

<sup>16</sup> The bill introduced by the Social-Democratic party of the Reichstag was weakened considerably in the course of the legislation process – a grand coalition was in power. Originally a renewed 'schematisation' of the eight-hour day was intended, which even went beyond the Washington Convention (Syrup 1927: 6).

<sup>17</sup> Interestingly, the relatively inflexible viewpoints of the employers, the trade unions and the state at the time with regard to compensatory wage increases appear to have contributed considerably to the failure of the reintroduction of the 40-hour week (see Hinrichs 1988: 79f. for more details). (For details on the more successful introduction of the 40-hour week in the USA see *ibid*: 81 ff).

words, the circumvention of working-hours regulations.<sup>18</sup> At the beginning of the 1920s this ‘schematic’ view was strongly supported by government agencies<sup>19</sup>. It was thus possible to implement a genuine eight-hour regular working day<sup>20</sup> on a considerable scale for a while. It was just the expiry of the demobilisation ordinances and their modified reintroduction under the employers’ pressure from 1923 onwards that brought about a considerable weakening in the ‘schematic’ application of the eight hours day, which the trade unions repeatedly fought against. The 1927 emergency law on working hours, which came about by pressure from the trade unions and the SPD, once again restricted the flexibility options somewhat but simultaneously provided a new compromise formula in the form of overtime compensation agreements. This compromise, which was to have a determining influence after the Second World War, meant that deviations from the ‘schematic’ eight-hour day were possible but they came at a high price for companies as overtime surcharges. Immediately after the law was introduced, however, labour-policy debates were characterised mainly by different interpretations in either the ‘schematic’ or the ‘flexible’ direction. Thus, for instance, trade union commentators continued to articulate the view of the ‘schematic’ application of the eight-hour legislation (e.g. Leipart/Nörpel 1927). On the union side, this standardisation motives are strongly associated with desired employment effects of shorter hours – as the years following the First World War as well as those in the later Weimar Republic were faced with unprecedented levels of unemployment, constituting not only a social problem but also a difficulty for trade union organisation.

In addition to this, the period from around 1916 until the 1930s can be regarded as the peak of the class formation amongst German labourers in experienced collectivity in economy, politics and culture. Workers’ awareness of equality and solidarity and their collective experiences of wage dependency, aspects which had already characterised the political canon of the labour movement and continued to do so long afterwards, experienced their highest level in this era. Pre-industrial patterns of workers’ identities and political action, if not extinct, had at least been marginalised considerably. And on the other hand there were only small and initial signs of a trend towards ‘embourgeoisement’ at the upper part of the working class. Differences in workers attitudes related to occupational differences, birthplaces or religion were pushed into the background to be replaced with a rather general and homogeneous self-perception as workers. Two factors were mainly relevant for this: Taylorism and progresses in mechanisation had standardized labour quite a lot, wiping out previously stronger demarcation lines between jobs, and the homogeneity of living conditions outside the workplace may have led to a relatively homogenous working class culture in Germany and other countries from about 1920 into the 1950s<sup>21</sup>. Thus, the paradigm of workers’ equality and solidarity together with their continuing cultural separation from other social classes had therefore reached its historical peak during this time. It also largely shaped the socio-political ideas of the labour movement outside workplace and politics – consider for instance workers’

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<sup>18</sup> Other motives were the standardisation of working conditions and the partial removal of the competition between the firms, which had always made it difficult to carry through shorter working hours (see Marx 1984).

<sup>19</sup> For instance in a prominent comment from the Reich Ministry of Labour on the demobilisation ordinance (Syrup 1919).

<sup>20</sup> A working day deviating from the eight-hour pattern was only possible in order to compensate for shorter working hours before holidays and Sundays.

<sup>21</sup> The last word on this has not been spoken yet; both the temporal assignment and the depth of this relative homogeneity of class culture are under debate – although this cannot be unfolded here.

housing associations<sup>22</sup>, education clubs<sup>23</sup> and sports clubs<sup>24</sup> – and probably ultimately also explains a large part of the strong interest in the standardisation of working hours.

With the development of the ‘industrial worker type’, which was later strengthened by the successes of the eight-hour movement, workers’ interests in self-determination and personal freedoms also began to shift gradually into the sphere of leisure time, although the continuance and protection of and the threat to informal freedoms in daily working life remained quite virulent and are still the subject of negotiation and conflict at shop-floor level today.<sup>25</sup>

In the USA the 1920s debate on working-time policy makes an interesting contrast to Germany: many employers promoted wage growth instead of reduced working hours, as this would stimulate consumption and thus also demand. Even Henry Ford, who introduced the eight-hour day in his firm, emphasised the priority of work over leisure (Hinrichs 1988: 83). In contrast, the academic and socio-political advocates of shorter working hours, and to a lesser extent the workers themselves, raised not only employment-policy reasons but also cultural and humanitarian arguments for shorter working hours. These aspects explicitly included self-development, creativity, cultural participation and criticism of consumption for the first time (Millis/Montgomery 1945; Mumford 1934; Hunnicutt 1980; Hinrichs 1988).

The employers in the industrial countries after the first world war no longer had to strive much for the making of labourers. A once highly heterogeneous and oddly assorted group of workers had developed into a homogeneous ‘class’, which, both in real terms and in their self-perception had few work prospects apart from life-long, perhaps hereditary waged work. Using methods of ‘scientific management’ (Taylor 1916), employers now devoted themselves to a great extent to controlling the actual expenditure of labour in the production process and to rejecting or revising legal or union attempts to reduce working hours. Thus the ‘schematic’ implementation of the eight-hour day in Germany from 1918 onwards gave rise to broad resistance amongst employers. Not only those who were against trade unions – of whom there were a great many in Germany at that time – but also employers open minded to social reforms, such as Bosch, Abbe and Rae, and advocates of social policy, such as Brentano, were supporting the eight-hour day in principle, but opposed its schematic application, stating that it ignored the particular and varying time requirements of individual companies or special situations. This criticism, which clearly refers to the flexibility requirements of industrial production, may have reached as far as parts of the trade union side (Hinrichs 1988: 70). At any rate the discussion surrounding the ‘schematic’ or flexible use of the eight-hour day characterised the conflicts about working hours during the Weimar Republic.

Let us turn just briefly to the period of fascism, even though a more detailed examination of the working-time-related continuities and discontinuities of those twelve dark years would be rather fascinating. In addition to covering up levels of unemployment in official statistics (Promberger 2002: 31; Mason 1975: 47), one of the immediate employment measures introduced by the Nazi government after seizing power was the temporary reduction of the working week to 40 hours without compensation for the wage losses. The aim was certain to have been the pacification of

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<sup>22</sup> E.g. the ‘Gartenstadt’ area in Nuremberg or the Karl-Marx-Hof in Vienna.

<sup>23</sup> E.g. the Büchergilde Gutenberg, a still existing union book readers’ club.

<sup>24</sup> See Stiller (2006) for a historical overview on German workers’ sports clubs.

<sup>25</sup> Beynon 1975, Hofmann 1981, with reference to Taylorism Brödner 1985, Pries 1988.

the workers – together with the suppression of the organized labour movement – and their integration into the Nazi state by ‘resolving’ (actually just shifting<sup>26</sup>) unemployment as the most pressing socio-political problem of the Weimar Republic. In the course of economic expansion, in particular in the armaments industry, however, the 40-hour week was soon exceeded again. In any case, with the transition to war economy, the Nazi labour policy finally disassociated itself from any material or symbolic reference to workers’ interests.<sup>27</sup> The compulsory pacification of the industrial conflict was achieved by means of the parallel suppression of the independent labour movement; the issue of working hours was thus reduced to the subject of ‘duties of allegiance’<sup>28</sup> and war decrees. Wartime was characterised by increases in working hours which were oriented towards the demand for armaments and towards the shortage of manpower which soon set in. The autonomous formation of working class interests was punished mercilessly by the regime and its organs as sabotage or as a refusal to obey orders.

After the Second World War, Germany faced a ten-year period of high unemployment which began with the return of the prisoners of war (Promberger 2002: 32). In 1946 the Allies cancelled the war decrees and reinstated the working time decree of 1934.<sup>29</sup> In the mid-1950s the economic situation had consolidated and unemployment had fallen to its low level. With the end of the critical period immediately after the war and with the beginning of economic expansion and the “Wirtschaftswunder”, the trade unions, which had risen again, once again demanded a reduction in working hours. Between 1956 and 1966, for example, the 40-hour week was introduced in the metal industry.<sup>30</sup> In view of the unemployment level at that time, which was so low that it could be ignored for politics, it is understandable that arguments related to humanisation of work and keynesian redistribution policy were brought into play here. The German Metalworkers Union (IG Metall) union produced a memorable slogan, “Samstags gehört Vati mir!” (“Daddy’s home on Saturday”), which underlined the family-oriented context of working-time policy. What is interesting is that this reduction of working hours, ending with five-days and eight hours a day, proceeded with considerably less conflict than, for instance, in 1984. Observers attribute this to two factors: firstly to the more stable economic and political background of the “Wirtschaftswunder”, for example the factors of full employment, economic growth and the correspondingly greater leeway for distribution (Bergmann/Jacobi/Müller-Jentsch 1975: 188ff.). Secondly, from the preliminary stages, rationalisation and intensification processes seem to have created an impulse on the part of companies to reduce working hours. This was then adopted and secured by changing collective agreements (Schudlich 1987: 56ff.).

The post-war years show a remarkable development concerning the labour movement’s interests in a standardisation or ‘schematisation’ of working hours, which had been of importance in the twenties and had brought a broad opposition into the arena. As in the USA after 1930, a specific compromise between labour and capital developed according to which longer working hours and

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<sup>26</sup> On the dubious ‘legend’ of the reduction of unemployment by the Nazi government, see Promberger 2002: 31 f.

<sup>27</sup> Unlike the monarchic government before 1918, which made explicit concessions to the workers, for example in the Reich Emergency Services Act (Reichshilfsdienstgesetz) of 1916.

<sup>28</sup> This was the linguistic tenor of the 1934 Working Time Decree, the contents of which – apart from the concept of allegiance – mainly constituted a combination and standardisation of the working-time regulations of the late Weimar Period, which were scattered across various bodies of law, but removed all aspects of co-determination (Denecke/Neumann 1987).

<sup>29</sup> This remained in force until 1994.

<sup>30</sup> For the stages of working-time reduction in the metal industry see the overview in Bergmann/Jacobi/Müller-Jentsch 1975: 192; Kevelaer/Hinrichs 1985.

work on Sundays and holidays, and subsequently also Saturday work, were permitted in principle and were subject to the employers' right of disposition, but were defined by collective agreement as diverging from regular working time and were paid at higher rates. By maintaining the eight-hour day in principle, the interests of the trade unions were taken into account but the employers were able to meet their need for flexibility by means of 'overtime' which was remunerated separately and more expensively. At the same time, workers gained an opportunity to increase their income, and trade union negotiations and company co-determination procedures restricted the employers' managerial rights. Thus a workable 'flexibility compromise' was found which supplemented the 'productivity pact' between the unions and the employers (Bergmann/Jacobi/Müller-Jentsch 1975)<sup>31</sup> in the field of working hours, being the fundamental consensus of working-time policy in the Federal Republic of Germany until 1984. The way in which the problem of overtime work was dealt with shows, however, that over the course of time the trade unions' ideas of standardisation shifted away from the traditional 'schematisation' of the fixed eight-hour working day and towards the definition of a collectively-agreed standard of regular working hours as a benchmark in the sense of a measurable parameter. This ultimately made it possible to find a compromise between the employers' interests in adapting working hours to fluctuating demand and the workers' interests in limiting excessive overtime and fluctuations in working hours. This 'abstractification' of the standard working day, developing from an actual final value to a measurement category has implicitly been taken up in critical research (see the overviews in Bosch 1986, 1996, 2001; Mückenberger 1985 Hinrichs 1992). However, no attention has so far been paid to the underlying compromise between flexibility and standardisation, having grown out of the conflict about the schematic eight hour working day in the 1920s.

During the Fordist era of working-time policy, workers interests in autonomy and freedom of choice in working hours were of little importance. Apart from the previously mentioned 'shop-floor' conflicts (Hofmann 1981; Burawoy 1979), the extent and significance of which we know little, a division of life into the working sphere and the leisure or private sphere dominated during this time. The working sphere of life was regarded as the sphere of necessity, while individual preferences manifested themselves in the sphere of leisure, and both were rather separated due to the traditional division of labour regarding gender, space and time. Interest groups concerned with working time endeavoured to shift or defend the balance between the two aspects in their own favour – depending on the relative strengths of their organisations and the general economic and labour market situation.

In summary it can be said that the dispute over the 'schematic' eight-hour day in the 1920s was superficially an argument about shorter working hours, which, on the part of the employees, was motivated by concerns over employment, wages and humanitarian reasons. What lay behind this, however, was a distinct conflict between the labour movement's interests in standardisation and the employers' interests in flexibility. This flexibility conflict, which remained unresolved at first, contributed considerably to the eight-hour day being prevented or revoked; these tensions marked the early phase of working-time policy in the Fordist age. In the USA this conflict began to

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<sup>31</sup> This 'productivity pact' meant that acceptable union demands for wage increases should stay within the level of productivity increase, to avoid disadvantages in worldwide competition, and to keep the distribution of the GDI between the classes at the same proportion. This idea was heavily rejected by left unionists, but after the Metalworkers' dramatic defeat in the 1954 strike (Schmidt 1995) and some political mainstreaming in the German unions and the Social Democratic Party during the 1950s, the productivity pact was widely accepted.

be resolved during the ‘New Deal’ period. In Germany this did not occur on a broader basis until after the Second World War. The change in the meaning of regular working hours from the perspective of the trade unions, from ‘schematic’ working hours to the more abstract benchmark, facilitated the flexibility compromise which was to last more than three decades until 1984.

## 4 Genesis and development of current working-time policy

Around the mid-1970s, shifts in Germany’s economic structure occurred which were also to have an impact on working-time policy. Changes in the international division of labour, the departure from highly standardised mass production, and in particular growing global economic integration forced employers to increase their ability to adapt to changing market conditions. This understanding of flexibility gradually began to develop into the new problem-solving model of an economy which was increasingly exposed to uncertainties following the end of post-war prosperity (Lutz 1984). New, flexible, electronically-assisted production concepts were developed and the debates of that time (Kern/Schumann 1984, Malsch/Seltz 1987) have developed concepts and perspectives ready to be applied to the next level of digitalisation of 2010 and following. About a decade later, in the 1990s, a rapid and determined electronisation and informatisation of non-manual work began, which we can call the second phase of digitalisation<sup>32</sup>. The introduction of the personal computer was a milestone in this process. Since then the key to business success has increasingly been the ability to adapt as quickly as possible to fluctuations and unpredictable aspects of the sales markets, and in view of increased competition at international level too, the ability to improve the chances of a company’s survival by lowering costs. Moreover, the traditional forms of labour intensification were considered largely exhausted, so new instruments to increase business management efficiency were necessary (Bosch et al., 1988: 16). Against this background it is not surprising that, in view of the trade unions’ new demands for shorter working hours, the employer side revoked the flexibility compromise of the post-war and ‘Wirtschaftswunder’ years.

In the 1980s the employers therefore entered the wage bargaining process with a demand of their own for the first time, instead of merely rejecting the trade unions’ concepts of working-time reductions as they had done before.<sup>33</sup> Working hours were to be made more flexible in order to improve the ability to adapt production to market developments. Parallel to this, economic-policy

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<sup>32</sup> The first phase can be seen in the introduction and widespread fielding of transistorised and later microchip based centralized computer systems in company administration and production planning, monitoring and machine steering. The second phase comes with the broad introduction of personal computers and respective intra-company networks, electronic storage, cash and accounting systems, while the present third phase utilizes advanced network technologies and internet based sources, wireless machine communication, overlapping external and internal systems, artificial intelligence and big data. The phases have a seamless transition into the respective next phase, accompanied by specific milestones innovations as well as gradual shift in technology and market organisation, where at a certain tipping point quantity may tip into quality, in a Hegelian sense: If handheld mobile phone devices become not only ‘smart’ but also ubiquitous, their functions can be turned or expanded from just communication between people or companies, or information gathering, into steering devices for equipment and machinery, just to give one example.

<sup>33</sup> See for example the sources cited by Schudlich (1987).



debates concerning deregulation and the reduction of labour costs were initiated. The basic conditions for employers appeared favourable for two reasons. First, at the end of 1982, Helmut Kohl's conservative-liberal government with its explicitly employer-friendly programme had taken over from Helmut Schmidt's social-liberal government. Secondly, persistent high levels of unemployment were reducing the trade unions' bargaining power.<sup>34</sup>

The main stage for the 1980's debate on working hours was the metal industry, where one of the toughest episodes of collective bargaining in Germany's post-war history took place. In the 'Leber compromise'<sup>35</sup> that followed 1984, both of the parties were able to win through with some concessions: Both the German metalworkers' union (IG Metall) with its demand for a shorter working week and the Association of Metal Industry Employers with its demand for more flexible working hours succeeded in important collective bargaining aims. After that, the reduction of the collectively-agreed working week led by the metal manufacturing industry was also accompanied by a gradual increase in the flexibility of the collectively agreed working-time structures. In addition to overtime and short-time work it was now also possible to distribute working hours unevenly across periods of time and parts of the workforce, called variable and/or differentiated working hours. to use the terms created at the time.

According to empirical results, regular working hours were cut in several steps throughout the respective sectors, but the new possibilities for flexibility were at first only introduced gradually and in few companies (Bosch et al. 1988; Ellguth 1989; Promberger/Trinczek 1993). But soon thereafter, in the 1992/1993 recession the new forms of flexible hours, like time accounts and flexitime gained importance so rapidly in the core industrial sectors, too, that after the delayed introduction in the 80s it could be spoken of as a process of "forced flexibilisation of working hours" in the early 1990s (Herrmann et al. 1999).

During this recession, accompanied by increases in efficiency, forced reduction of costs (Kotthoff 1998)<sup>36</sup> and organisational reforms, the new type of flexible working hours became increasingly attractive for companies for a number of reasons: First, it had become necessary to develop 'suitable' flexible systems of working hours in the context of new rationalisations and increasing flexibility of production (see Böhle 1999 for similar findings). Secondly, during the recession, employment-policy and cost-related advantages of new flexible working hours came to light more clearly and could now be fully exploited in view of the workforce representatives' weakened positions, facing cost pressure, unemployment and work reorganisation. Flexible systems of working hours are generally designed in such a way that increases in working hours in many cases no longer require wage supplements to be paid for additional work and – as long as they remain within the framework of the collective agreement once concluded – they usually no longer need any further consent of the works council or other workers' representation. It is thus possible to reduce the cost of temporary alterations in working hours both in financial and in industrial relations terms. Shortening working hours, which was previously only possible by means of state subsidized short-time work or with continued full monthly pay, could be done more cheaply, with less bureaucracy and under reduced workers codetermination since then (Promberger et al. 2002: 139ff.).

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<sup>34</sup> For a detailed analysis of the basic political conditions of the 1984 conflict about working hours see Bosch et al. (1988).

<sup>35</sup> The 'Göppingen agreement' of 1984 between the IG Metall and the association of metal industry employers in Nordwürttemberg/Nordbaden came into place after extensive industrial action and as a result of the mediation provided by the former Federal minister and previous chairman of the IG Bau-Steine-Erden union), Georg Leber. See on this subject Kurz-Scherf (1995).

<sup>36</sup> See also the 'shareholder value debate' (e.g. Bergmann 1998).

On the whole, the new type of flexible working hours facilitates a more cost-effective adaptation of working hours to fluctuating capacity requirements than was possible with the previous system composed of additional work, short-time work, hirings and layoffs. What is probably also advantageous from the employers' perspective is the increased stability of what economists call 'human capital'. Especially in firms which make great demands on their employees as regards skill levels and commitment, redundancies are only used as an instrument to adapt capacities under extreme pressure, as this would lead to an increase in staff turnover, declining identification with the firm and demotivation among the remaining workforce (Promberger et al.1996). The possibilities of new instruments aimed at organising working hours flexibly thus fell on more fertile ground during and after the 1992/93 recession than in the years since 1984. This phase of growth and increasing flexible working hours often came in the form of temporary, crisis-oriented systems of working-time reduction or in the form of temporary pilot projects and trial periods using flexible working hours. The model for this was the Volkswagen collective agreement on a reduction of working hours to safeguard jobs, which, after passing through the economic trough, changed into an elaborate system of flexible working hours. It can be regarded as a blueprint, a forerunner or at least as an early example of countless agreements at collective and company level, ranging from working-time corridors, through working-time accounts, flexitime systems and capacity oriented flexible shifts to models of annualised working hours and more besides.

Until 1984, the system composed of overtime with wage supplements and state subsidized short-time work had constituted a workable compromise on flexibility. The employers' revocation of this flexibility compromise from 1984 onwards therefore consisted of several crucial aspects: the price for overtime work was lowered, the norms of what is regarded as deviating from standard working hours were shifted – in the old system<sup>37</sup>, for example, it was only possible to reduce working hours and wages using the exceptional case of subsidized short-time work – and the regulatory mechanisms for changes in working hour were simplified. In this 'post-Fordist' phase of working-time policy, the employers' main interests have therefore mostly been focused on reducing the costs of, increasing the flexibility of and deregulating working hours and labour in general.

What was the situation with the trade unions though? After the end of the economic miracle around the mid-1970s, the unions again heralded a phase of reducing the working week at the twelfth ordinary trade union conference of the IG Metall union in 1977, with their programme "Proposals by the DGB<sup>38</sup> for restoring full employment". This time they explicitly called employment-policy motives into play, since the unemployment figure had begun to rise alarmingly with its jump to over a million in 1974. The trade unions, with IG Metall at their head, led the discussions with a combination of employment-policy and humanitarian-related motives. With regard to the latter, the aspect of gaining personal leisure time soon came to the fore instead of the older aspect of humanising working conditions. Emancipatory motives were only of limited importance, mainly in discussions by left-wing trade unionists (e.g. Arbeitsgruppe alternative Wirtschaftspolitik 1983: 21). In view of persistently high unemployment rates and stagnant if not declining real wages, which have continued since the early 1980s until about 2005, this set of motives still exists today in principle.

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<sup>37</sup> With the continuance of the individual and collective contracts.

<sup>38</sup> Confederation of German Trade Unions – der Deutsche Gewerkschaftsbund

What is interesting here is the subject of standardisation, which still exerts an underlying force today. The view that a new, seven-hour regular working day should be achieved, which was still a commonly held view in trade union circles in 1984, was simply displaced by the employers' flexibility demands; another movement to make working-time standards more abstract began. The regular working day had already had lost some of its importance as a reference parameter during the 1960s discussions leading to the 40-hour week, which made the working week move into the focus. Though, this too was soon to develop from an actual and socially referenced period in which the agreed hours were to be worked, to a mere mathematical average. Nonetheless the standardisation motive continues to exist on the employee side. For a long time older unionized industrial workers in particular revealed a strong nostalgia for 'schematic' working hours which stabilised collectivity, when interviewed (Bosch 1989; Promberger 1993; Arbeitsgruppe Gleitzeit 1989). The standardisation motive is, however, subject to a clear generational change and is mainly expressed today in the need for working-time structures that can be planned and synchronised with the employees' individual family contexts (Promberger et al. 2002). A certain decollectivisation and depoliticisation is obvious in this metamorphosis of the standardisation motive from collective standardisation to the ability to plan at individual level.

The working-time-related fundamental motive of freedoms and personal preferences in everyday life, which had shifted almost exclusively into leisure time in the Fordist era, began to move back into the sphere of work when flexibility began to be increased. The values of 'industrialism' had not yet gained acceptance among the early industrial workers, and they are in the process of fading out again among the 'late- or post-industrial' workers. A key fault line in this respect can be seen in this change in values which began to emerge in the 1960s and 1970s and substituted not only 'conservative' virtues like being accurate, loyal and in time, but also solidarity and equality as traditional values of the labour movement, replacing them with freedom, leisure and individual development. On the other hand, as Wiesenthal (1987) pointed out at an early stage, we have to identify an unintended consequence of the working-time policy of the trade unions: reducing working hours leads to a relative increase in the hours that are not spent at work, in particular leisure time, which in turn has a differentiating or de-homogenising effect on workers' needs and preferences. Without wishing to address all the aspects of this development, which goes far beyond the sphere of work, it is possible to regard the emphasis of values such as self-development and self-realisation and the rejection of extrinsic control and 'industrial secondary virtues' as key elements of the changing values in the world of work.

Opportunities for self-determination in working hours were first propagated in particular by highly qualified employee groups – in some cases in consent with employers – whilst the trade unions' were rather sceptical and therefore unwilling to include those positions into their bargaining agenda (see Teriet 1976). From about 1988 on, a change of opinion could be observed in the trade unions, when the link between the demand for employees' rights for self-determination in working hours and the labour movement's classical demand for active participation in workplace organisation became obvious. Workers' time autonomy (Zeitautonomie) or time sovereignty (Zeitsouveränität) were the catchwords in the German debates. They have frequently reappeared since then in one form or another, even though the initial euphoria has abated and the employers have long since recognised the rationalisation potential of an individualised arrangement of working

hours, are making full use of it along a wide front and in some cases are beginning to push it to the extreme.<sup>39</sup>

Parallel to this, the familiar union motive of reducing work pressure and stress continues to be of importance, as is made clear, for example, by the discussions concerning a reduction of working hours for employee groups who are under particular pressure, such as shift workers and night workers. In the much-discussed problem of synchronisation (temporal reconciliation of family life and working life) the lines of argument of reducing pressure and taking life outside work into consideration exist side by side.

Depending on the particular labour market situation at the respective time, however, there have repeatedly been certain shifts of emphasis in the trade unions' formation of working-time interests.<sup>40</sup> From as early as the beginning of trade unions' working-time policy, employment-policy motives have been seen to play an important role in times of high unemployment, whilst humanitarian intentions are prominent when there is less pressure on the labour markets. Thus, for example, until 1914 reductions of working hours were always made following periods of wage growth policy and when the labour market situation was good. During the Weimar Period, with its recurring high unemployment, the employment effect was the main argument, in the era of the economic miracle, on the other hand, with almost no unemployment at all, this argument was meaningless, whereas during the most recent phase since the mid-seventies it has once again become one of the main motives for introducing shorter working hours.

## 5 Conclusions

The third, 'post-Fordist', phase of working-time policy shows some remarkable parallels with the early industrial phase. Now as then, companies operate in extremely uncertain conditions. Vicissitudes in the natural production conditions or disturbances in the still undeveloped markets used to cause risk and friction in the production process; today these have been replaced by intensified competition and hypercritical financial markets of a globally linked economy as the producers of risk – and nature still occasionally, and maybe even more again becomes a factor, such as in possibly irreversible re-shapings of nature (Tsing 2005), man-made catastrophes (Perrow 1999) such as climate change, extreme weather events, but also diseases like Covid-19, showing the vulnerability of international in-time supply networks of goods and labour. The flexibility of the factor of labour, both in terms of price and in terms of temporal and numerical availability, is a key adjustment factor for firms today, just as it was in Marx's times. One important difference, however, is employers' preference for internal rather than external instruments of flexibility – though this aspect may be restricted to Germany (Bellmann et al. 1996; Promberger et al. 2002).

For the workers' part, reductions in working hours in past decades and socio-cultural differentiation processes have led to a new heterogenization of time interests among different worker groups. 'Industrialism' as a common set of values, and the standard employment relationship with

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<sup>39</sup> See for example the case examples in Lindecke (2000), Promberger et al. (2002), Böhm et al. (2004).

<sup>40</sup> Wiesenthal (1987) distinguishes between five phases of working-time policy between 1977 and 1985, the outline may suffice here.

regular working hours appear to have had their day. Though these concepts are associated with the past, one should not forget that they mean not only a restriction of freedom for the workers, but also a restriction of employers' unlimited access to their workers' time. As was the case for workers in the early nineteenth century, starting a family nowadays is not an easy undertaking for modern nomadic workers with precarious employment situations and working hours flexibly adopted to the employer's needs. Even today it is only protective regulations that make it possible for many working people to live in a way which includes a sustainable balance of work, family and leisure time.

On the other hand, the historical outline has shown that employers' flexibility and employees' needs for autonomy are also genuinely constitutive of work and working time. This is by no means a new development but simply disappeared from view in the era of regular working hours. One is well-advised, however, to examine this and to consider how flexibility and autonomy can be reconciled with the protection of workers interests. This is today's task with regard to labour policy and working-time policy. And, last but not least, the recent world economic and financial crisis of 2008/2009 as well as the Covid-19 pandemic showed, that working time policy still may play a crucial role in protecting workers from being dismissed and companies from losing their 'human capital'. In Germany, old 'fordist' instruments like state-subsidized short time work and new flexible instruments of time accounts and company-level agreements on temporarily reduced hours of work had played hand in hand to avoid a severe employment catastrophe in Germany during the Great Recession, and subsidized short time work in even greater extent did so in 2020, buffering employment against external shocks.

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