

## ISSUE BRIEF

### Improving Work-Life Fit in Hourly Jobs for Union Workers

WorkLife Law's new report, *Improving Work-Life Fit in Hourly Jobs*, is designed to help with two different problems faced by hourly workers. First, rigid, highly supervised jobs leave many parents and grandparents one sick child away from being fired through enforcement of absenteeism and other policies. The second problem is that some jobs are too flexible, with unstable schedules that change from day to day and week to week, typically with little notice.

Working families desperately need a raise and good benefits such as healthcare and pensions, but negotiating these issues has become much harder during these difficult economic times. One strategy to consider is to use this opportunity to advance sorely needed worker benefits that will not cost employers out of pocket.

Studies have documented that union members often lose their jobs due to work-family conflict. Examples are plentiful: A telephone repair woman was fired because of a new policy that required her to stay until all service requests before 3 p.m. were fulfilled – making it impossible for her to pick up her child on time from child care. A grandfather was fired when he refused to work overtime because he needed to get home to care for his grandson so his son (who had custody) could go to work. The divorced father of an asthmatic child was fired when he arrived late at work after the boy had a severe asthma attack. WorkLife Law's database of union arbitrations contains scores of arbitrations in which workers were disciplined or fired when they attempted to fulfill their family responsibilities.

Many employers still design jobs on the assumption that any responsible and committed worker has someone at home to take care of family matters, leaving the worker available whenever the employer needs him. This is fiction. In 70% of American households with children, all adults are employed.

Even where wage and benefit increases are difficult to achieve at a bargaining table, unions can make a tremendous difference in workers' lives by bargaining for rules changes that will protect workers from losing their jobs. WorkLife Law's new report, *Improving Work-Life Fit in Hourly Jobs*, is designed to help.

The report documents two different problems faced by workers. First, rigid, highly supervised jobs leave many parents and grandparents one sick child away from being fired through enforcement of absenteeism and other policies. Unions can help by bargaining for the benefits and work rule changes listed below (all page references are to the report):

- **Allow workers to use sick leave for care of dependents.** The fact is that workers do so now: why not eliminate the need to lie? (p. 42)

- **Redesign overtime systems.** Some workers passionately want overtime. Others, particularly single mothers and tag-team families, face losing their jobs if they are scheduled for overtime at short notice when they have no one to care for their children. The report proposes how to design a fairer overtime system that minimizes the chance that a worker will get fired because he cannot work overtime when ordered. (p. 38)
- **Redesign no-fault absenteeism systems** so that workers do not receive points when they leave due to a family emergency. (p. 44)
- **Help the employer invent a better system for handling changes after the schedule is set,** through shift-swapping or other systems. (p. 39)
- **Break times scheduled to allow workers to call home** to check that their latchkey children, some as young as six, have arrived home safely. Today, parents have to sneak into the bathroom to make such calls. Unions also could bargain for a system to allow workers' children or their caregivers to reach them in emergencies (or more). (p. 41)

The second problem is that some jobs are too flexible. These jobs have unstable schedules that change from day to day and week to week, typically with little notice. The report provides a step-by-step process unions can use to show employers that “just-in-time scheduling” often ends up costing the employer more money than it saves. Employers currently do not recognize this when their business metrics focus exclusively on maintaining a set ratio between workers, on the one hand, and patient census or number of customers in a store, on the other. Workers may even be sent home after they report for their shifts so their manager can maintain the required ratio.

The report shows unions how to request information from employers that will help the union show employers when “just in time” scheduling is driving high rates of absenteeism and attrition – both of which are very expensive for employers. (Replacing a single hourly worker costs 30% of his or her annual salary; turnover rates of 80% are commonplace among employers with just-in-time scheduling systems, so costs add up fast. (p. 4)) The report helps unions calculate turnover (p. 55) and its costs (p.4).

The report also provides a worksheet unions can use to help employers identify “hidden schedule stability”: one study found that, in one retail chain that had very unstable schedules, 80% of the hours were stable, week after week – something the employer had never recognized. A worksheet shows how to find hidden schedule stability. (pp. 53-54)

Finally, the report can help unions make the case that management may be able to save money by creating better jobs. Supervisors often respond to high rates of absenteeism and turnover by keeping headcount high, on the theory that employers then have a long list of people to call in when someone doesn't show up. But the result is that many part-timers don't get enough hours to support themselves – at which point employers are left coping with the unstable schedule of their employees' other employers. When supervisors keep headcount lower and give each worker more hours, lower turnover results--which helps employers, given that replacing each hourly worker costs roughly 30% of annual salary. (p. 26)

**The bottom line is that matching the 21<sup>st</sup> century workplace to the 21<sup>st</sup> century workforce is a win-win.** For many unions, *Improving Work-Life Fit in Hourly Jobs* provides an important tool in contract negotiations. The report is drafted to enable unions to easily craft bargaining proposals with significant back-up support written to address the issues that employers will want to resolve.

**By Joan C. Williams.** *Joan C. Williams is the Founding Director at the Center for WorkLife Law, and Distinguished Professor of Law and 1066 Foundation Chair at University of California, Hastings College of the Law.*

**Download the report for free at [www.worklifelaw.org](http://www.worklifelaw.org).**

# WORK LIFE LAW

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## SAMPLE INFORMATION REQUESTS

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### Requests based on “Appendix C: Turnover Worksheet” (p. 55 of the report)

#### Request to provide information to allow the unions to calculate turnover:

Please provide the following information for the past 12 months for employees in each of the following classifications: {List each classification}

Please provide information separately for full-time employees and for part-time employees.

- Month 1: Number of employees at the beginning of the month  
Number of employees hired during the month  
Number of employees who exit the company {employer} during the month
- Month 2: Number of employees at the beginning of the month  
Number of employees hired during the month  
Number of employees who exit the company {employer} during the month
- Month 3: Number of employees at the beginning of the month  
Number of employees hired during the month  
Number of employees who exit the company {employer} during the month

Same inquiries for each subsequent month.

Provide any other information on turnover kept by the company, including, but not limited to, information on the reason(s) for turnover.

#### Request to provide information to allow union to calculate retention:

Please provide the following information for employees in each of the following classifications during a recent 12 month period; please provide the information separately for full-time and for part-time employees in each classification. Please indicate month and year for “Month 1”

List classifications:

Number and Proportion of employees in Month 1 who remained with the Company in Month 2  
Number and Proportion of employees in Month 1 who remained with the Company in Month 6  
Number and Proportion of employees in Month 1 who remained with the Company in Month 12

Number and Proportion of employees in Month 6 who were not with the Company in Month 1 who remained with the Company in Month 7

Number and Proportion of employees in Month 6 who were not with the Company in Month 1 who remained with the Company in Month 12

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## Absenteeism:

Provide any data available to the company on the amount of absenteeism.

Provide any data available to the company on the reason(s) for absenteeism.

Provide any analyses available to the company on the reason(s) for absenteeism.

## **Requests based on Appendix B: Hidden Scheduling Stability Worksheet (p. 53)**

### Information related to Hidden Scheduling Stability

- a. What is the maximum number of weekly hours for which employees in \_\_\_\_\_ {insert the work appropriate work unit—e.g., department, area, etc.} were paid over the past 12 months?

Include any overtime hours, and any hours worked by on-call or temporary employees.

- b. What is the minimum number of weekly hours for which employees in \_\_\_\_\_ {insert the work appropriate work unit—e.g., department, area, etc.} were paid over the past 12 months?

Include any overtime hours, and any hours worked by on-call or temporary employees.

Request same information on a monthly basis—e.g., Month 1, Month 2, Month 3, etc. or on a quarterly basis to gauge if there is a similar amount of stability each month or if there are peaks and dips in stability.

The information provided in response to these information requests can be used to gauge hidden scheduling stability as follows:

Subtract ***b*** from ***a***:  $a - b = c$  which is the difference between the peak and the low numbers.

Divide ***c*** by ***a***:  $c/a = d$  which is the maximum amount that overall labor demands vary in the \_\_\_\_\_ work unit—e.g., department, area, etc. during the course of the year (if ***d*** is less than 0.5, there is more stability in labor demands in the work area than there is instability).