

# The management of paid working time in the context of the hourly reform

## Executive summary



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# THE MANAGEMENT OF PAID WORKING TIME IN THE CONTEXT OF THE HOURLY REFORM

## REPORT

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Consell de Treball,  
Econòmic i Social  
de Catalunya

**Rapporteur**

Esther Sànchez

**Director**

Xavier Riudor

**Coordinator**

Eva Mas

**Authors**

Diego Herrera  
Eva Mas  
Marta Olivella  
Xavier Riudor  
Virgínia Villar

**Technical Support**

Carlos Pons  
Carles Sanosa

**Work Team**

Yésika Aguilar, Foment del Treball Nacional  
Eva Maria Gajardo, Unió General de Treballadors de Catalunya (UGT)  
Núria Gonzàlez, Consell de Relacions Laborals  
Neus Moreno, Comissió Obrera Nacional de Catalunya (CCOO)  
Pau Presas, Petita i Mitjana Empresa de Catalunya (PIMEC)

This Report has been prepared by the CTESC in compliance with the mandate of the Government of the Generalitat, through the Labour Relations Council (CRL), according to the Resolution 202/X of the Parliament of Catalonia on measures of rationalization of work schedules for the reconciliation of personal, labour and family life.

**Catalan Labour, Economic and Social Affairs Council (CTESC)**

Barcelona, 2015



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© Government of Catalonia – Generalitat de Catalunya  
Catalan Labour, Economic and Social Affairs Council  
Diputació, 284  
08009 Barcelona  
Tel. 93 270 17 80  
Internet: [ctesc.gencat.cat](http://ctesc.gencat.cat)

Email: [ctesc@gencat.cat](mailto:ctesc@gencat.cat)

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Barcelona, July 2015

# 1. EXECUTIVE SUMMARY

## 1.1. INTRODUCTION AND METHODOLOGY

### Introduction

In July 2013, in the Resolution 202/X on measures of rationalization of work schedules for the reconciliation of personal, labour and family life, the Parliament of Catalonia urges the Government of the Generalitat to commission the Catalan Labour, Economic and Social Affairs Council (CTESC), through the Labour Relations Council (CRL), to prepare a Report on the measures that should be taken in the areas of employment, economy and society, for a streamlining of the schedules in order to contribute to the reconciliation of people's personal, family and working life, especially in promoting equality between men and women (BOPC no. 111 of 01/07/2013). In compliance with the parliamentary mandate, the CTESC decides to prepare a Report on schedules rationalization, focused on the management of the remunerated working time<sup>1</sup>, with the ultimate goal to produce a series of considerations and recommendations to the Government in this area, fulfilling its purpose, recognized in Article 72.2 of the Statute of Autonomy of Catalonia.

To achieve this overall objective, the Report deals with the following specific objectives which, in turn, are the chapters in which the Report is structured:

1. To contextualize the need and/or desirability of a time rationalization process for the conciliation of personal, family and labour life.
2. To analyze measures related to the working time management and time streamlining in the Catalan public administrations through the study of a series of agreements.
3. To analyze measures related to the working time management and time streamlining applied in collective bargaining of the private sector (sectorial and company), through the study of selected agreements.
4. To describe the implementation process of the measures related to the working time management in the collective bargaining, from the analysis of interviews to the representation of the directions and the legal representation of workers of a number of organizations included in the sample.

### Methodology

The preparation of the Report was carried out on the basis of mainly qualitative research techniques: review of bibliographic and documentary sources, analysis of collective agreements and analysis of semi-structured interviews.

An **extensive review of literature sources and documents** related to the time streamlining and reconciliation of social time in general and also with the management of working time in public administrations and businesses in particular has been conducted.

An extensive **analysis of collective bargains and agreements** of different kinds has also been conducted. First, with regard to public administrations fourteen collective bargains and agreements of different geographical areas were selected. Additionally, we have taken into account the Decree regulating the working day and the schedules of the staff of the Government of Catalonia,<sup>2</sup> as well as the rules applicable to the working time management for public employees. Secondly, regarding the private sector, thirty-three sectorial collective bargains and twenty-two bargains and agreements regarding various business sectors with diverse sizes and geographical distributions have been selected.

Reading, emptying and analysing of agreements start from a system of categories and variables previously drawn from the ideas learned during the revision of bibliographical and documentary sources.

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<sup>1</sup> The subject matter of this Report has to do with the measures related to the paid time management in the context of public administrations and the private sector in Catalonia. The word "work" is used to refer to paid work, without prejudice to the references to unpaid care work that are mainly contained in the framework of the study.

<sup>2</sup> Decree 56/2012, of 29 May, on the working day and schedules of the civil servants belonging to the Administration of the Generalitat. DOGC 6139, of 31.05.2012, amended by Decree 48/2014, of 8 April (DOGC 6601, of 10.04.2014).

The study includes a chapter, number six, on the implementation of working time management measures in the organizations. This part of the study was drawn from a fieldwork which consisted in carrying out **thirty-two semi-structured interviews**. Twelve of these interviews were performed with six government representatives (six members of the directions and six members of the legal workers' representation -LWR) and the remaining twenty interviews have been performed with representatives of ten companies (ten interviews with members of the directions and ten with the members of the LWR).

The main criterion that has caused the final selection of the collective bargains and agreements of the public administrations and companies is the consensus of the members of the Working Group in the sense that these are agreements and organizations that stand out for the negotiation and joining together of working time management measures favouring the balance between production needs and the needs of conciliation.

The fieldwork (interviews) has been developed between the months of October 2014 and March 2015. The interviews had an average duration of approximately one hour and were recorded on digital audio support with the exception of one of the companies in which the organization did not give permission. A natural transcription of the interviews has been made, as well as the exploitation of content from a system of variables inspired by the structure of the script interview<sup>3</sup> and a comparative analysis of discourses (Government vs. private sector and members of the organizations directions vs. the members of the LWR).

## 1.2. THEORETICAL FRAME

### The reason for rationalizing time

Time rationalization means the set of measures around time organization that enables adaptation and reconciliation of personal, family and professional life and also a better optimization of working time. Roughly, it deals with the satisfactory organisation and coordination of spaces and times in which the daily life of the people develops, ie, the personal-family and working field, because both constitute the main axes of life.

Nevertheless, the reconciliation between the two or, according observation, three spheres is not always easy. The asynchrony between workplace and personal schedules meets with other uses -school, commercial, leisure, citizens participation, etc- which require the involvement of many factors and interests. So, to make hourly changes or changes in the management and distribution of time involves making changes in the habits and customs of society and, as Cardús, Morral and Pérez outlined (2003), it requires a set of agreements and social understandings.

The truth is that society is currently evaluating the need for more rational schedules that promote balance between work, personal and family life in order to achieve different objectives (reconciliation, responsibility, gender equality, productivity, school performance, energy savings, etc). To understand what is the origin of the new perception of time, its uses and its management, and the growing need for rational schedules, it is necessary to guide the focus to the social, economic, demographic and ideological changes in the most recent history. Regarding this Report, among the most important changes we should highlight the ones produced:

- In the **population pyramid**. Academically a debate has been opened on the implications and repercussions of the current system of work and personal/family time management in some of the recent demographic changes; a specific reference is made to the decline in the birth rate and the consequences of the population aging. The difficulties of reconciling the two tempos are often present when relating the decreased fertility and the incorporation of women into paid work, although some authors consider that there is not a direct relationship between both facts. Other areas of debate prove that decisions on whether to have or not offspring are related to the balance between work and personal daily life.

Otherwise, the increase of life expectancy and stagnated mortality rates can lead to growing tensions between work and family space, since the population aging sometimes can act as a factor of time demand for the families who take care of their parents. The conflict that results of the fitting together of the schedules mainly affects women, who often leave the labour market to attend these care tasks, a fact which can have a serious impact on their possibilities to rejoin the labour market.

- In **family structures and roles within the family**. It is possible to observe some difficulties within families as for the time management as a result of two processes: changes in the structure of families,

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<sup>3</sup> See Annex 2.

which are shrinking, plural and complex, and changes in roles developed by the members of the home, which generate significant inequalities between men and women (2013-2016 Municipal Family Plan of the city of Barcelona). Undoubtedly, these new situations have a direct effect on the use, distribution and management of people's time.

The predominance of the nuclear family, with rigid schemes and stable relationships between the domestic and professional setting, has given way to a plurality of forms of cohabitation that challenge the traditional roles assigned to both sexes based on patriarchal relations of gender, the father-provider model and caregiver mother (Subirats, 2010). Apart from a diversification of the types of families, other changes should be noted within families and in gender relations. Social evolution has led to a restructuring of the roles of the traditional family, which means assuming changes in the attitude and behaviour of its members. The incorporation of women into the labour market offers a new vision of the family dynamics and their internal roles are changed, which reveals a new model of family. Notwithstanding, it is observed that changes often are partial and women are required to have a high resilience, either by the work order or the social order, which leads them into practice to a double presence, in the labour market and in the home.

- **In the economic environment and in work organization.** Among the most important changes in the economic sphere we should highlight the internationalization and globalization of economic relations; the creation of a single market for capital, goods and professionals in Europe; the entry into the information society and the tertiarization of the economy; all of them constitute the four great current challenges.

However, all these challenges have repercussions on the labour market, where other changes also observed such as the inclusion of women in the labour market; the flexible labour relations; the increase in the number of small businesses and changes in work organization or in the management models of companies, that are making more use of outsourcing services (Santolaria, Fernandez and Daponte, 2004). The implications of these changes in the management and use of time are very important.

Thus, the input and implementation of the new information and communications technology (NICT) are modifying the employment, the skills structure and the organization of companies. And as for time management, ICT favours the organizational adaptation and the emergence of new forms of flexible work based on organization and distribution of working time that avoids the traditional time boundaries and the physical location in the center of work (teleworking, e-work, etc). Also noteworthy is the sharp increase of the tertiary sector, which has become the dominant sector in the EU economies. This rise should be related to the sector's time diversity -which is expected to grow- and to their schedules, which often include nights and weekends, that can cause difficulties among workers in the sector. Another one of the great labour and economic changes derives from the increased participation of women in the labour market. This situation has also led to certain changes in the patterns of management and implementation of domestic work, reflected in an increase of households opting for a commodification of some of these tasks.

- **In the social and cultural patterns.** Despite the supremacy of working time, there is a change in the perception of the importance of the time factor in general. Social changes in consumption patterns, in the relationship between the environment and time and lifestyles have caused that elements such as family, leisure and free time gain weight. Thus, it is possible to observe that personal satisfaction is increasingly tied to the availability of time, the quality of that time and the ability to decide on it, not only to material items related to work such as remuneration or professional advancement. The important feature is that it does not seek to respond exclusively to the hourly needs of people with family dependents, because it is a widespread demand in society.

### Time rationalization in the various fields

Time rationalization affects various fields since their schedules affect people's lives and the way they use and manage time. To assess what improvements are to be applied in each of these fields to make them more rational, it is necessary to analyze the characteristics and determinants of the working, school, commercial and leisure schedules. However, first of all it is important to make a note about the usual schedules of the Catalan population, namely the social use of time.

- **Social use of time.** The Survey on the use of time 2010-2011 provides new information on how the population of 10 years and more assigns and distributes time in different activities and reveals that the use of the time of the population shows notable differences. Thus, the time distribution of employed people is different from that of the unemployed and/or inactive people, while there are also unequal uses between different age groups and between men and women.

The comparative of the Catalan and European schedules shows many differences. The analysis conducted found that the Catalan population begin their work and study activities an hour later in general than the European population; that the highest proportion of population in paid work and study activities in Catalonia occurs at 12 noon, while in European countries is around 10 or 11 am and, as regards the lunch break, it is more common in Mediterranean countries, while in the Nordic countries is almost nonexistent. However, its duration is greater in Catalonia and the time strip in which it takes place is also different (between 12-13h in France, between 13-14h in Italy and between 14-15h in Spain). Regarding the end of the working day and study there are also some differences. Thus, while in Catalonia 18.2% of the population (18% in Italy and 16% in France) is still working or studying at 18pm, in Germany 8.8% are doing it, in Great Britain 9.9% and in Finland 10.9%. Moreover, the differences in the time strip for supper are quite significant, since in Catalonia it mostly takes place between 20:30 and 22:30 while in the UK, Belgium, Germany and Finland supper begins between 18 and 18:30, although in France and Italy the start is postponed until 19pm.

- **Working schedules.** The importance of time devoted to work activities is very high. Thus, to foster balance between personal, family and working life means to make impact on the rationality of working hours. In general, some sources of tension are detected because of the long working hours (12% of the labour force in the EU work more than 48 hours per week); from flexible or unpredictable work schedules established by companies as a result of variable customer demand; working time (for instance at night or on weekends), which makes difficult to spend time with family and/or with friends; "unpaid work", for example, housework and care of children and elderly relatives which conceptually is not included as work; unpredictable care requirements, as in the case of sudden illness of a child.

The number of hours that people spend daily at work is very high and, therefore, the empirical economic literature clearly invites employers to take into account the preferences of workers to adjust working time and the number of hours worked, with the aim of reaching a balance among labour, personal and family life. The OECD data show that in 2014 people work an average of 1,665 hours per year in Spain, slightly below the OECD average (1770 hours), although it should be noted that around 6% of employed people have longer working schedules (over 50 hours per week).

In addition to the annual calculation of the working hours, some of the difficulties in reconciling work, family and personal life derive from daily and weekly distribution. Regarding the type of the daily work schedule, the II Catalan survey of working conditions points out that 47.1% of employees state that they have a split working day, that is to say, they work in the morning and afternoon with a lunch break in the middle (in men it rises to 54.2%, while in women drops to 38.3%). In this context 2012 Eurofound confirms the existence of two singularities that ought to be considered in the use of time, the self-employed workers and the different needs throughout the life cycle of individuals. In Spain a cause of the extensive distribution of time is that usually the split day enjoys a break of two hours at lunchtime, a fact that prolongs excessively and unnecessarily the presence.

Otherwise, the evidence suggests that long working hours may endanger personal health, jeopardize safety and increase stress (OECD 214). Moreover, to the long working hours it is necessary to add the time spent on mobility between the workplace and home, either from the perspective of workers who reside and work in the same town or from those who perform a journey that goes beyond the administrative boundaries of the municipality. The value of the displacement time is very important because it increases dedication to the work field and decreases the time that workers devoted to rest and leisure. In addition, since a high percentage of journeys are made by private car, it can mean increased stress and accidents.

Finally, another source of tension generated by the current working schedules is the lack of flexibility measures in business. Discussion on flexible work schedules, both in the EU and the OECD, is part of the politics of reconciliation of work and family life, as part of a package of proposals to reach further. Buqueras and Blanco (2013) note from Eurostat data (2010) that in Spain 87.9% of workers have fix times for the start and end of the working day or variables ones determined by the company. In addition, the possibility to fulfill the working day through non-attended modes, that is to say, teleworking,

e-work and other flexible forms of work is also rare in the Catalan and Spanish companies and institutions.

Flexibility measures benefit companies, governments and working people, they are double-sense politics. Flexibility is a tool for companies to gain effectiveness and efficiency; and it is an essential tool so that the job does not become an insurmountable obstacle in the individual, personal and family development of workers. The ability to decide the hours of physical presence in the workplace contributes to the personal organization; moreover, this flexibility can be adapted to the different needs of people according to their life stages.

- **School hours.** The approach to school schedules must be done from a triple via, the one of the schoolchildren, the one of the people who work in the sector and the one of the general population, for whom the current model poses difficulties in the balance between work and family life.

The difficulties to fit the work and school schedules, that is to say, the asynchrony between the two types of schedules, are considered one of the most serious problems for the reconciliation of many families. The conflict is exacerbated if one understands the school schedules in a broad sense, not just daily (different arrival and departure hours) but annual, given the divergence between school holidays and non-school days. Moreover, many families find it difficult to reconcile work and family in such occasions as attending meetings in school hours. The lack of time coordination has consequences for the welfare of children and young people. The parents' long working days, along with an excess of school activities and homework, have harmful effects for children and young people who see that their days stretch so that they end up having less time with the family or even they delay bedtime, thus reducing the total hours of sleep, with consequent implications for school performance.

The answers to the lack of coordination of schedules on the part of the families are diverse, although they generally seek alternatives such as enrolling children and young people on extracurricular activities at language schools or sports facilities, etc. There is also a proportion of families that turn to grandparents so that they help them in the hourly coordination and in the family time management.

- **Trading hours.** Trading hours are another focus of controversy in time rationalization. This is not a trivial issue for many people because, firstly, the retail trade is set as the first occupation segment of Catalonia and, secondly, because of the effect that these timetables have on the consumers' possibilities of organizing their purchasing activities. The economic and social debate is polarized between the choices that tend to liberalize the opening hours and the more restrictive ones. In general, we can say that the arguments in favour of liberalization emphasize the economic benefits derived from the promotion of the activity and employment whereas the opposed arguments defend the rights of small local shops and social aspects such as the reconciliation of personal, family and work life of the people working in trade (Buqueras and Blanco, 2013).

In Spain, national legislation sets the key frame for the trading hours and records an alternance between more or less liberalizing measures. Among the latest standards we should highlight the Royal Decree-Law 2/1985 of 30 April, on economic measures, that liberalized them, which caused a conflict of powers with some communities. Catalonia defends a model of urban local commerce that reduces mobility, preventing the municipalities desertification in defense of an environmental commitment in order to reduce emissions. The restriction degree of trade regulations in the autonomous communities has been analyzed by several authors who have built various indicators. Matea (quoted by Casares and Martin, 2012) establishes an indicator that allows comparison with other EU countries and between regions. The indicator shows that the Community of Madrid (0.14) has a looser regulation while Navarre (0.52), Galicia (0.6) and Catalonia (0.66) are more restrictive.

Otherwise, it is not possible to ignore the changes that are taking place currently in the consumption products, in the way that people buy and the places and times in which purchases are made. Of course, this situation causes that the adaptation of the shopping centers to the timetables and the tempo of demand becomes increasingly difficult. As for this option, it should be taken into account that there is a very high percentage of retail businesses where only the owners are working, alone or with only one employed person, so that this time flexibility is not easy to achieve or it makes difficult to reconcile work and family life. Alternatives to the timetable extension can be obtained through new technologies and trade online, while an intermediate formula is the new trend that some experts call sales in-line, ie, a mixed model of consumption that initiates the purchase process through the web-site and ends it at the physical store, or vice versa.

- **Leisure hours.** In the leisure sector conditions for the establishment of the working day are quite different to other productive sectors. In this case, the requirements are defined by the amplitude of the above-mentioned working hours and the patterns of consumption and leisure of the population. In the field of cultural activities and entertainment, along with the training centers, is where it becomes evident that "in order that some people can enjoy the privilege of making use [...] of his time, others have to make them easy" (Torns, Borrás, Recio *et al.* 2011, p. 37).

In the hotel business, as in the trade sector, the eight-hour day with wide rest periods is quite usual. So the working day has 8 hours but the daily dedication to the company extends throughout the day. Other options establish an hourly reduction during the week and an increase of the working day on weekends and holidays, adapting the schedules to the needs of the companies, which are governed by the demand for services. However, these arrangements could hinder childcare responsibility, family or individual responsibilities.

Finally it should be noted that although working hours have an impact on leisure, the opposite effect is also observed. Cardús, Morral and Pérez (2003) recommend to keep in mind that "the leisure market also imposes their own timetables and distorts the daily life of citizens. At the domestic level, the same television schedules are a determining factor in many daily routines" (p. 59). For this reason, the amendment of the television night schedules, the so-called "prime time" television is a key factor for people's hourly rationalization to avoid sleep disorders among adults and adolescents and to improve productivity the next day.

## **Policies in favour of time rationalization in the workplace**

The need for public action in the field of social use of time and time rationalization stands in the debate on the social and political agenda. The policies related to the uses of time and time streamlining are posed in order to improve the quality of life of people, which points to the need to promote a balance between personal, family and labour life (Independent Foundation for the Rationalization of the Spanish Schedules, 2005).

An intervention on time schedules requires integrated transversal policies; moreover, the intervention in this area should be developed and agreed in accordance with strategic planning (Cardús, Morral and Pérez, 2003). On the other side, time intervention measures should take into account the variability in people's uses of time according to their activity, sex, age, religion or culture and, therefore, the answers should be increasingly individualized and personalized (Strategic Plan on the use and management of time in daily life, 2008-2018).

It is necessary to highlight the importance of the workplace as an object of social debates and public speeches on time management and rationalization of time, a situation that is justified because the workplace is particularly important for the organization of the remaining social times. Despite this observation, the goal of the time reform that both society and politics are considering is to change time organization of the whole society and achieve balance in all areas affecting the person in order to reconcile personal, family and work life. Moreover, the academia has questioned the centrality of working time in the structuring and organization of the remaining social times.

The rationalization of schedules in the workplace is related to the policies aimed at reconciling the private and professional life. At the same time, these policies have been linked recently with policies promoting equality between women and men.

Regarding measures in the workplace, they include those related to the flexibility of working hours (flexible entry and exit, reduced working hours, continuous schedule, etc.); in particular, new technologies have allowed other forms of flexible work, such as teleworking and e-work (locative flexibility). One step further, there are measures to manage working time throughout the life cycle in some EU countries. On the other hand, in order to manage the own lifecycle and to take care of personal and family situations, we find the maternity and paternity leave, permissions for other reasons and leaves of absence, which are at the center of policies to reconcile personal, labour and family life and which are currently under discussion, since some people question their effect on equality between men and women, an objective that theoretically stands behind these policies.

Below, there is an overview of the main initiatives related to working time management in the areas of the European Union, the State and Catalonia. It also includes a list of policies of the Member States of the European Union on the management of working time.

**The European Union initiatives** related to working time have focused mainly on the reconciliation of personal, family and labour life:

- The Charter of Fundamental Rights of the European Union (2000) establishes the right to the reconciliation of labour and family life.
- Directive 92/85/EEC establishes a maternity leave of at least 14 uninterrupted weeks, among other issues. The 2014 revision of this Directive has been suspended, mainly due to the lack of agreement regarding the extension of the duration of the leave to 20 weeks.
- Directive 96/34/EC, which establishes the so-called parental leave, has been transposed into the national legal frame by Law 39/1999 of 5 November, to promote reconciliation of work and family life of workers. This Directive has been replaced by Directive 2010/18/EU, which extends the minimum duration of parental leave and provides some flexibility in its application.
- Recommendation 92/241/EEC aims to promote public policies in the field of childcare.
- Directive 97/81/EC regarding the Framework Agreement on part-time work is transposed to the national legal frame by Royal Decree-Law 15/1998 of 27 November, on urgent measures for improving the labour market in relation to part-time work and the promotion of stability.
- In the framework of the Europe 2020 Strategy, the guidelines for employment 2010-2014 include policies aiming at the reconciliation between professional, personal and family life.
- The analysis of the **policies of the member states of the EU** offers some interesting examples especially in relation to the field of the working time management throughout the life cycle. Other areas for which examples of policies have also been included are: the reduction of working time; rational management of working time; flexibility of working time; and management of working time for parental support and care of persons.

Moreover, the main **State initiatives** relating to the working time are:

- The Workers' Statute of 1980 and the Law on measures for the reform of the civil service (1984) already include issues related to reconciliation.
- Law 39/1999 of 5 November is devoted entirely to the establishment of measures to reconcile labour and family life of workers. Although most of its measures extend the legal content of already existing rules, this law also creates new rights (including the suspension of the contract due to risk during pregnancy, family leave to care for dependents and maternity part-time leave).
- Organic Law 3/2007 of 22 March for the effective equality of men and women contains measures which are intended to promote joint responsibility in the workplace. In this regard, the creation of paternity leave should be stressed. It creates the breastfeeding leave and the possibility to suspend the contract for risk during natural breastfeeding. It introduces the right to adapt the working day so that the personal, family and labour reconciliation becomes effective.
- Since 2011, it is possible to reduce the working day in order to care for children under age with cancer or another serious illness.
- The 2012 labour reform (Law 3/2012 of 6 July) includes measures relating to the organization of working time and the reconciliation of personal, family and work life. It stresses the introduction of the possibility that the company, in default of bargain or agreement, irregularly distributes the 10 percent of the working days throughout the year. It also establishes a new legal regime for reduced working hours and foresees the non-application of the collective agreement due to economic, technical, organizational or production causes within the scope of the working day, the daily schedule and the distribution of the working hours and the shift work regime.
- In 2013 regulatory measures are introduced relating to part-time work, designed to provide it with greater flexibility; changes are made in terms of working time: the possibility to do overtime disap-

pears and the additional hours regime becomes more flexible. Measures on social protection are also introduced (Royal Decree-Law 11/2013 of 2 August, Royal Decree-Law 16/2013 of 20 December).

- With regard to the management policies on working time in the public sector, it is necessary to make reference to the Comprehensive Plan for the reconciliation of personal, family and labour life in the Administration of 2006 (Plan Concilia) which introduces measures of flexibility and reconciliation. The introduction of the paternity leave of 10 days, prior to the paternity leave in the private sector, should be stressed (2007). In 2007, the Basic Statute of the Public Employee (EBEP) is approved; it regulates issues relating the working hours and permits. Royal Decree-Law 20/2012, of 13 July, has reduced the duration of certain permits and beats the existing conditions in the autonomous communities because it is set as a minimum indisposable standard of law.

Finally, with regard to the initiatives of the Government of Catalonia related to the working time, it should be noted that the measures are aimed at the staff in the public administrations, according to the powers of the Government of Catalonia in the field of labour relations:

- Law 8/2006 of 5 July regulates globally all measures relating to reconciliation under the paradigm of shared responsibility. Among other things, it incorporates the four-weeks paternity leave and the flexible recoverable hours permit for medical tests or medical visits of the family members and for the tutoring meetings of the children.
- Decree 56/2012 of 29 May, adopts measures which take another step related to the flexible hours on the basis of reconciliation. It is noticeable the possibility to reduce the lunch break as a measure of time rationalization.
- Decree 48/2014 of 8 April, amending the previous one, includes new measures of working time flexibility: flexible distribution of the working day, calculated and with recovery per weeks, beyond the obligatory minimum hours of presence; opportunity to enjoy seven days holidays separately; introduction of 25 hours of recoverable flexibility yearly for personal matters.
- The Strategic Plan on the use and management of time in daily life 2008-2018 includes a series of actions aimed at a more equitable use of the time devoted to the market work and to the family and domestic work. Under the plan, it is noticeable the implementation of the Teleworking Pilot Plan for the staff of the Generalitat.
- The development of the Strategic Plan should be done in coordination with the promotion of the Strategic Agreement for internationalization, job quality and competitiveness of the Catalan economy. In this respect, the 2008-2011 Strategic Agreement contains a measure on the promotion of a better working time organization through the collective bargaining.

### **1.3. MEASURES RELATED TO THE WORKING TIME MANAGEMENT IN PUBLIC ADMINISTRATIONS**

Collective bargaining in the public administrations has some characteristics that differentiate it from the negotiating dynamics in the private sector, since it is conditioned by a number of factors, among which the most noteworthy are:

- The coexistence of staff which is subject to different legal regimes (the civil service and the labour law), guided by different regulating principles that respond to different logics.
- An applicable sources system which is complex and starts from the different legal regimes of the staff and that is combined with the distribution of powers between the central Government and the autonomous communities.
- Recognition of the collective bargaining right both for civil servants and for the staff under the labour law, although with differences between these two groups, which has led to a homogenization of the working conditions, with a clear influence of administrative rules, characterized by the detailed regulation of the working conditions of civil servants, which in practice reduces the material scope of negotiation.

- The need to contain public deficit and to ensure the principle of a balanced budget (Art. 135 EC) has led to the adoption of a set of rules in order to reduce public spending, which have had a direct impact on the working conditions agreed. In this respect, regarding the regulation of working time, we should highlight Royal Decree-Law 20/2011 of 30 December and Royal Decree-Law 20/2012 of 13 July.

The combination of these factors has had a clear effect on the negotiation of the most recent working time management measures and has favoured the development of innovative measures in this field, as stated in the analysis of agreements made in chapter 4 and highlighted in the interviews conducted, following the framework of chapter 6.

The analysis of the measures for the working time management that allow to achieve a balance between the needs of the people and the ones of the Administration starts from the identification of the applicable legislation in this area, that, as it has been said, is (largely) the same for civil servants and for the personnel which is subject to the labour law resulting from collective bargaining: mainly the Basic Statute of Public Employees and the Catalan law on measures to reconcile personal, family and work life. The section contains a table that summarizes in detail, with respect to the various fields, the working conditions established by the regulations.

From this legislative block, 14 collective bargains and agreements as well as the Decree governing the working day and the schedules of the staff of the Generalitat of Catalonia are analyzed, in order to identify only those measures that start from the above-mentioned legislative block and improve or expand it. As described in the methodology of the Report, the analyzed agreements were selected because they contain measures to manage working time favouring the balance between the service-providing needs of the organizations on the one hand and the reconciliation needs of workers on the other.

From the analysis made three general considerations derive that should be taken into account:

- In most cases, the effective enjoyment of the measures is conditioned to the proper maintenance and provision of services. In this regard, some agreements define what is meant by "the needs of the service", which provides greater legal security, while others contain statements about the need to ensure care for people and the provision of the public services which are competence of the organization.
- The plurality of groups that are under the scope of the analyzed agreements, that operate in different activity sectors and are subjected, because of the service they provide, to different requirements, which means that in some cases they are excluded from the application of some measures. Insofar as possible, the analysis includes the characteristics of these groups.
- The concept of reconciliation which is present in the collective bargaining analyzed demonstrates an overall concept, which is not exclusively focused on the family dimension (and focusing on childcare), since it includes other assumptions, such as care for dependents or disabled people, and also includes the individual dimension of this concept, regardless of the family situation.

The first area analyzed is the **ordinary working day**, the way it is divided and distributed throughout the year, making special mention of the shift work. It is necessary to highlight the following considerations:

- The most common schedule is set in the morning and it also foresees to work one or two afternoons a week. A lunch break fairly short (30 or 60 minutes) helps to give a distinctly compact and continued character to the day, although in some cases there is no lunch break at all, which promotes intensive day. Often a maximum time-out (in the range of the morning and/or in the afternoon work) is set.
- The schedule is usually determined in three ways: by establishing a fixed period of time (which usually admits entry and exit flexibility), determining a time strip of compulsory presence and a flexible strip or establishing a wide period of time in which to fulfill the working day.
- The reference time module is the week, although in certain groups, because of the service they provide, the time reference is higher, such as the quarter or the year.
- The service needs determine the timetable, although some measures are foreseen such as share-out and distribution systems for the working afternoons of the week between members of the same unit;

or it is possible to set a part of the working schedule outside the fixed hours of service, with a flexible and self-regulating nature.

- Sometimes shift work becomes more flexible because of the establishment of rotation mechanisms, introducing clauses that limit the night shift at a maximum of one third of the annual planning and providing procedures for altering shifts, either as service requirements or to cover the needs of the people who perform them.

Starting from the established working day, the collective bargains and agreements provide for a series of **measures to make it more flexible** without changing the calculation of the total working hours, although in some cases the temporal reference module is modified. That is to say, the total number of hours taken into account is not the number of hours worked in a week, but in the months before and/or after. In this category three different mechanisms can be classified:

- To establish a schedule of the core compulsory presence which is common to all employees along with a “bandwidth” period (more or less wide and of flexible nature) to fulfill the rest of the due work-day. This time structure can become more flexible in two ways: recognizing an additional strip of recoverable flexibility (from 20 minutes to two hours) at the beginning of the obligatory period of presence (often for family reasons or disability of the employee); as well as establishing the flexible time strip of the working day at the entrance, exit and/or evening.
- To recognise the right to enjoy a number of hours for personal matters on a recoverable basis, either prior to the enjoyment or afterwards (the same month or until four months later).
- In order to ensure participation in training activities some mechanisms are planned, such as the adaptation of the day's to the training timetable or mechanisms to make the working schedule more flexible.

The third area of analysis focuses on the **permits, licenses and leaves of absence** that reduce the ordinary work-day for specific and justified causes. We should keep in mind that in this field the legal regulation of these rights is determining, especially after the adoption of Royal Decree Law 20/2012, so that only those improvements resulting from collective bargaining are highlighted below:

- New permissions are planned (eg for voluntary interruption of pregnancy, birth of grandson or need to reconcile in case of family *force majeure*); the assumptions that generate right to a permit are expanded; legal expressions (such as "serious illness", of the family *force majeure* permit) are specified; permits that the law regulates generically are developed. An example is the permission to fulfill obligations related to the reconciliation (art. 48 j EBEP) that protects a permit to attend children tutoring meetings, to accompany family members to medical visits or tests or that implies the generic recognition of a number of hours to reconcile under family and/or personal reasons.
- The conditions to enjoy permits are also subject to negotiation, in order to make their exercise more flexible. In this regard, it is noticeable:
  - a) Recognition of permits in hours (instead of in whole days), which allows people with working days of variable duration to enjoy them on an equal footing with the rest.
  - b) To extend the period of time to enjoy the permit, as in the case of the family *force majeure* permit or for birth, which can be enjoyed up to ten days after the day on which the triggering event takes place, or permission for own subjects, which can be usually enjoyed until the beginning of next year.
  - c) To allow the continuous or discontinuous enjoyment of the permit, at the discretion of the person concerned.
  - d) To adapt the enjoyment of the breastfeeding leave in the most agreeing manner on the part of employees, either compacting it in whole working days or accumulating it in one or two fractions per week and enjoying it on the afternoons that one should work according to the rules.
  - e) To allow the accumulation of various rights of absence (maternity leave, compacted lactation, holidays, etc.) in order that parents can extend the direct care of children in their first months of life.

The fourth area of analysis has focused on measures that represent a **reduction of working time** on a permanent basis, but bounded to a specific period, which may be more or less extensive. Collective bargaining has advanced in this field regulating assumptions which may lead to a new hours reduction right, which is not based on the family situation of the person, but takes a broader perspective and focus on the individual. An example of it is the reduction in working hours for personal reasons, that involves the completion of the compulsory presence hours with reduced pay and as long as the job allows.

In parallel, in fifth place the **increases in the working day** beyond the mandatory scope are analyzed, a field that is regulated in detail by the collective bargaining. The concept, planning, limitations in its implementation, the personnel assignment and the compensation mechanisms are defined.

- Despite being linked to urgent and unforeseen works, some bargains or agreements include an annual planning, since the increases in the working day associated with isolated moments that were already known before, such as fairs, annual festivals, etc. are also considered overtime.
- Some jobs, because of the greater dedication and availability demanded, are incompatible with the realization (and subsequent compensation) of overtime. In some cases it is also regulated that persons with reduced hours for legal guardianship cannot do this workday increments.
- Often there are clauses containing restrictions on overtime, which have been agreed taking into account the current situation of high unemployment, and they are restricted to exceptional cases or they foresee the realization of reports on the hours worked during the year, so as to study the possibility of creating, if necessary, a new work place.
- The regulation of these overtime compensation is heterogeneous: in some cases it is stated that they only can be compensated in rest time, in other cases this compensation is considered as a priority to the economic one and in other cases only an economic compensation is foreseen. Equivalences between the hours worked and the rest periods are in most cases higher than 1, and they increase significantly in case of overtime performed on the night shift and/or holidays.

The sixth area of analysis is centered in the rest time, which includes **holidays, weekly rest and non-working days**. Despite of the fact that the annual vacation days are unavailable for collective bargaining, the following measures that improve the legal system have been identified:

- Conversion of holidays to the equivalent in hours, so that people who have different working schedules during the year can enjoy them on an equal basis.
- Recognition of additional vacation days when these should be made outside of the ordinary period or should be modified once approved, because of the needs of the service.
- To foresee an ordinary period of time to enjoy holidays (usually coinciding with school holidays), within which it is also possible to plan shifts. Often a maximum number of vacation days that can be enjoyed outside of ordinary period is regulated.
- To refer to the individual negotiation in case of conflict between different people in order to specify the particular days of enjoyment of the holidays, although many collective bargains fix the criteria that should be taken into account to resolve these conflicts.
- Extension of the period of enjoyment of the holiday until the first days of the following calendar year.

Given the structure of the ordinary workday described above, for most groups the weekly rest coincides with the weekend, while for groups who provide service 24 hours a day, 365 days of the year there are mechanisms that have been planned to facilitate, as far as possible, the enjoyment of some of the weekly rest days during the weekend, such as the extension of the shifts duration from 8 to 12 hours (to reduce need for personal service) and/or rotation. The regulation of the non-working days in the analyzed agreements focuses on determining the compensation for work in these days with later rest.

The seventh unit of analysis focuses on the **remuneration system** regulated by bargains and agreements, in order to determine which are the factors taken into account in establishing the bonuses, and to conclude whether the salary is tied exclusively to the working hours or if it is more related to the tasks and the fact of achieving results.

The bonuses related to the effective time of work are most frequent than those related to the achievement of objectives and the performance evaluation, which reflects some concern to monitor compliance with the working hours and a willingness to reduce absenteeism. The second type of factors are also linked to certain types of jobs, usually belonging to the managerial sphere.

Finally, we briefly discuss other aspects related to the time management with a less extensive regulation so that they are not in a specific section. Thus, reference is made to the treatment of **staff training**, differentiating whether it is compulsory (corporate interest) or voluntary training. In the first case, training is considered work time, so if it cannot be carried out within the normal working day, there is a compensation in time off; regarding voluntary training, one of the most regulated mechanism is the yearly non-recoverable hour bag (30 to 40) to attend these training activities that overlap with the working hours.

Secondly, in the field of employee involvement, many agreements foresee a monthly or yearly bag of hours to attend the assemblies of workers during working hours. Thirdly and lastly, the specific plans that may provide collective bargaining are taken into account, such as equality plans and training plans. Regarding equality plans, it is noteworthy that, due to the close links existing between the issues of gender equality, reconciliation of personal, family and work life and working time, they are also a suitable instrument to regulate measures of working time management, such as the precautionary measure to avoid arranging meetings outside the regular working hours, and therefore make them during the obligatory period of presence and limit its duration to make them more operational.

As a final conclusion, from the analysis made in the section, it is possible to confirm that, although **the initial determination of working time is rigid, its practical realization shows high flexibility mechanisms**, detailed in the agreements. The summary table at the end of the section helps to provide a detailed picture of those mechanisms, since it lists the main working time management measures in public administrations detected in the analysis, and referred to.

#### **1.4. MEASURES RELATED TO THE WORKING TIME MANAGEMENT IN THE PRIVATE SECTOR**

Matters related to the ordering and management of working time are contained in the Workers' Statute (ET). The basis of the working time regulation found in the Workers' Statute is on the constitutional mandate (Art. 40.2 EC) which entrusts the public authorities to "guarantee adequate rest by limiting working hours, remunerated periodic holidays and the promotion of suitable centers" and also on the rules of the Community law on the basis of Directive 2003/88/EC, which introduces concepts such as working time, rest, time attendance and effective work, among others.

The collective bargain is the source of the collective bargaining that has acquired a greater role in terms of regulation of working time. The bargain has two options for intervention, one in which labour legislation provides the basic regulation and the bargain is in charge of introducing more favourable conditions and another resulting from its additional character, which allows that the agreement regulates certain matters (although normally the rule contains any residual provision for cases in which the collective bargaining has not foreseen anything about it). With regard to the content, according to the text of Art. 85.1 ET "[...] collective bargains may regulate economic, labour and union matters and, in general, any other affecting the employment conditions and the field of the relations of employees and their representative organizations with employers and business associations [...]". And art. 82.2 establishes working conditions and productivity as a subject that should be regulated in collective bargains. Otherwise, subjects such as the working day, the shift work regime, the schedule or others are generally collected and settled by the labour calendars, which are other instruments regulating working time in the companies. It is noteworthy that the legislator establishes that the specification and details of the working time organization will be fixed through the working schedule and not necessarily through collective bargains.

The inclusion of collective bargaining in the regulation of the working time organization has its origin in Law 11/1994, of 19 May, which allowed that certain matters could be further developed in the collective bargains. In addition, other rules that have driven substantial changes in the ET, especially in terms of reconciling family and working life are Law 39/1999 of 5 November, to promote workers' reconciliation of family and labour life and the Law 3/2007 of 22 March for effective equality between women and men.

In the context of labour relations we should highlight the Interconfederal Agreement on collective bargaining of 1997, establishing specific measures on issues related to the maximum workday, while the agreements signed from 2001 onwards direct attention to issues as the flexible distribution of working time. The II Agreement for employment and collective bargaining 2012-2014 devotes one of its five chapters to the structure of collective bargaining and the internal flexibility. In the Catalan scope, three interprofessional agreements were signed, being

the most recent the III Interconfederal Agreement of Catalonia 2011-2014. The main issues which are agreed on it are: the structure of collective bargaining, flexibility and internal wage structure, although it also deals with other issues such as employment, training, teleworking, restructurings and sectorial observatories. Regarding internal flexibility, the collective bargain is said to be the most suitable place to regulate the flexible use in the company of such elements as working time and functional mobility.<sup>4</sup>

Among the numerous changes made in collective bargaining and in the working time organization from the Royal Decree-Law 7/2011, from the 2012 labour reform and the recent legislation, we should highlight:

- Changes in the scope of collective bargaining:
  - a) Impact on the **structure of collective bargaining**, that fosters the priority in the implementation of the company agreement with regard to what was agreed in higher negotiating levels in subjects such as the schedule and the distribution of working time, the shift work regime and the annual holidays planning, on measures to promote the reconciliation of personal, family and work life and in the payment of overtime and in the specific shift work remuneration.
  - b) **Limitation of the ultra-activity period**. From Law 3/2012 a new writing of art. 86.3 ET is established fixing the maximum term of a year of ultra-activity from its denouncement, unless otherwise agreed. Once this year has elapsed without a new bargain or an arbitration decision, it loses its validity, and the next applicable agreement of a higher scope will be applied. This new regulation has opened an intense debate about the permanence of the rights and the labour conditions of workers that has given rise to several sentences. This debate is also reflected in the II Agreement for employment and collective bargaining, at a State level, and in the Agreement for support and guidance to the negotiation process in ultra-activity, which, at an autonomous Catalan level, seeks a way to avoid labour conflicts arising because of the loss of application or ultra-activity of bargains.
- Mechanisms for a quantitative management of the working time:
  - a) **Possibility that companies reduce working time and suspend the labour contract**. The new writing of art. ET 47 allows that the employer may reduce the working day due to economic, technical, organizational or production reasons to adapt it to the cyclical needs of the company. It also regulates the suspension of the labour employment contract, which can be continuous or discontinuous.
  - b) **Possibility that companies extend the number of hours that should be performed on part-time contracts**. Temporary contracts have limited overtime to the cases of *force majeure*, to "prevent or repair disasters and other extraordinary and urgent damages", but Royal Decree 16/2013 relaxes the additional hours regime and also allows their accomplishment in temporary contracts in which working days do not represent less than 10 hours per week on a yearly basis.
- Mechanisms for the flexibilization or non application of the agreed working conditions:
  - a) **Irregular distribution of the working day**. Since the reform, limits to the uneven distribution are the same, but the door is opened to the fact that, failing bargain or agreement with the representatives, the employer unilaterally can distribute irregularly 10% of the working hours throughout the year (art. 34.2 ET). Royal Decree Law 3/2012 establishes a distribution of 5% of the annual working time, a percentage that increases to 10% in Law 3/2012.
  - b) **Non application of certain working conditions agreed in labour bargain**. Non-application agreements can be made on any type of bargain (previously only on the sectorial ones) and on matters (working hours; schedule and working time distribution; shift work regime, salary systems and salary amount; working systems, performance and functions when they exceed the limits that legislation foresees for mobility). In addition, the last reform expands the derogation causes because it includes the technical, organizational or production causes.
- Changes regarding reconciliation of work and family life:

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<sup>4</sup> The Sentence of the Social Board of the Supreme Court, dated 22 October 2013, declares the nullity of the Catalonia Inter-trade Agreement signed by Foment del Treball Nacional, CCOO Catalonia and UGT Catalonia.

- a) **Limitation on the application of the workday reduction for childcare or care of relatives.** The new writing of art. 37.5 and 6 ET introduces the term "daily" referring to the reduction of the workday. The jurisprudence, however, gives priority to what is regulated in the collective bargains, that establish the stipulated elements of improvement.
- b) **Extension of assumptions and rigidities in breastfeeding leave.** Law 3/2012 regulates the length of breastfeeding leave of a child under 9 months in cases of adoption and fostering. However, the new writing of the text has a certain rigidity because it specifies that the employee must communicate not only the date of reinstatement, as was required in the previous writing, but also the time when breastfeeding leave and reduced hours for legal guardianship will both begin with "15 days in advance or the days determined in the applicable collective bargain" (art. 37.6 ET).
- c) **Extension of the cases in which the enjoyment period of the holidays is postponed due to disability.** Royal Decree-Law 3/2012 proceeds to modify art. 38.3 ET stating that "in the event that the holiday period coincides with a temporary disability by different contingencies" to those arising from pregnancy, childbirth or breastfeeding, it will be possible to enjoy it when finished the period of temporary disability, provided that no more than 18 months have elapsed from the year when they originated.

Once analyzed the recent changes in regulations and listed the measures related to the working time management, the chapter makes an emptying and subsequent analysis of measures that have been collected from 33 sectorial bargains and 22 bargains of companies that stand out for negotiating and joining together labour management measures that promote balance between the production and service needs of companies and the reconciliation needs of the people who are working there. In general, we see that there is an excessive use of generic terms in the clauses that make reference to the matters related to working time so that the regulation can achieve some degree of uncertainty. Otherwise, referrals or replies to/from the statutory text are common, even in areas where the legal regulation entrusts the development to the collective bargaining.

The main conclusions derived from the analysis made of the agreements are the following ones:

- **There is a bet primarily by annual calculation of effective work, the annualization of the ordinary workday.** Anyway, this annual calculation presents noticeable variations between the analyzed agreements and sometimes the own agreement establishes differences, adjustments or reductions of the working day according to the workplaces (managers, department sales staff, production shifts, etc) or depending if the working day is continuous or split. The negotiation in this regard is quite heterogeneous.
- **The treatment of compulsory rest and lunch breaks is diverse.** In relation to the compulsory rest for workdays of more than 6 hours, the bargaining chooses to improve the rest time either by increasing rest or by reducing the hours that give this right. Regarding the workday distribution, we should highlight the clearly specified differentiation of the continuous or compacted working day and the split one, which probably is the most common and which provides a break for lunch. Lunch breaks are one area where collective bargaining has ample room for maneuver given that in the analyzed bargains they are often very large, they range from 30 minutes to at least 3 hours, although usually reference is made to breaks of one to two hours maximum, which means that the working days are too much extended.
- **Few references to the limitation of the working day or to the determination of a maximum exit hour.** In these measures that often facilitate the reconciliation, the bargaining activity is limited, perhaps because it is considered to belong to the corporate scope or to arise from the individual autonomy.
- In the systems of **shift and/or night work**, among the improvements introduced by the bargains, we should highlight the possibility of a reduction of the annual ordinary schedule in the event of shift work and the definition of a special remuneration due to these forms of work. However, it is not possible to ignore that some bargains provide for the exclusion of the perception of bonuses for people specifically contracted to develop this work. The distribution of the workforce in different shifts can be either fixed or rotating, although negotiation can establish the possibility that people, if they meet certain requirements, can request assignment to a fixed shift. Among the problems detected in shift and night work we should highlight the difficulties in establishing flexible schedules and in the case of specific exchanges, matters in which collective bargaining could develop an important role.

- **The flexibilization of the working day is gaining increasing interest** as a matter that can be negotiated and agreed. From the companies side, flexibility is promoted to ensure an adaptation of the normal working hours of the staff to the production needs and the market demand. Anyway, legislation on one side and collective bargaining on the other impose limitations based, among others, on the daily and weekly compulsory rest periods. Changes on the legal regulation established by the collective bargaining focus on reducing the legally established percentage of the annual working day that could be irregular (10% ET), the extension of early warning periods in order to facilitate adaptation of the workforce to the new schedules (ET establishes five days and collective bargaining increases them until 10, 15 or 30 days), the inapplicability of this system in certain groups that have limited their presence due to health reasons, family child care, pregnancy or breast feeding.
- From the workers' side, the flexible working time allows an adaptation of schedules with the aim of achieving a balance between labour, personal and family time. However, **in terms of reconciliation stands out the scarce development in the bargains of the statutory provisions** that foresee the possibility to adapt the duration and distribution of the working hours to make sure the rights to the reconciliation of personal, family and labour life and that refer to collective bargaining the task of establishing the specific terms or, failing that, to the agreement between the parties.
- **Bargaining has a quite intense action in the entry and exit flexibilization.** The entry and exit flexibility and the increase in the number of permits are the two most developed instruments for the application of flexibility measures for workers. This measure is based on a distribution of working time in a time strip of compulsory presence and on the establishment of a more flexible entry and/or exit strip that often includes an interval of an hour or hour and a half. Among the agreements, we can observe that in many of them the working day recovery is done during the same day, so that when leaving work the hours assigned to that day must have been made, in compliance with the daily calculation. Recovery systems on other days of the week or the month, that provide even more flexibility, are not very present in the private sector.
- **Regarding the locative flexibility** that refers to the relocation of work (telework or e-work), **the analyzed bargains do not foresee many measures** in this direction, although it is true that a measure of this kind may not be applicable to all jobs. A promotion of the extensive use of technologies that facilitate relocation as specific software or video conferencing has neither been found.
- The extension of permits has been one of the priorities of collective bargaining as an instrument of flexibility and absenteeism reduction. The two most used lines are the creation of new permits defining more causing facts that would give right to them and extending the duration of the existing ones. In general, new causing events gathered in collective bargaining relate to health care of the workers themselves and their families as a result of life events, for reasons related to the training of workers or the dependents and, ultimately, to respond to other cases of personal bias. The duration of the new permits is variable since they use formulas such as "the necessary time" or a limitation in time is established, either annual or monthly. The extension with new permits and the increase in the length of the already existing ones suppose an improvement in the enjoyment. However, to implement the right to enjoyment, the legal regulations set first and the collective bargaining reaffirms the need for accreditation or justification, an early warning (except in cases of urgent necessity) and a business agreement. Permit for personal matters or for unrestricted days, because of its distinguishing characteristics, is not considered effective time of work (therefore it is not counted for purposes of total annual working hours), which can be remunerated or recoverable and does not need accreditation or justification, although an application accepted by the company is required for its enjoyment.
- **Collective bargaining has little room for maneuver concerning the reduction of the workday**, given the extensive legal regulations often literally reproduced in the bargains. However, it is worth mentioning the increase of some assumptions in the bargains that make possible the reduction in working hours for personal reasons such as the reduction because of age for people close to retirement or motivated by health reasons of the worker himself/herself or of a family member, among others.
- Also, **there is a very limited performance of party autonomy in front of overtime.** It should be noted that in the current economic and social context the parts often explicit in the bargains the will to reduce overtime, but the analysis has not found any bargain that sets a lower limit than the established by law, and the reduction is not always applied in the hours because of *force majeure* nor in the structural ones, that legally include an increasing number of assumptions. In general, the performance of the hours is voluntary although the Statute provides that the collective bargain should establish other

terms, which certain agreements apply defining the mandatory implementation of extraordinary hours because of *force majeure* (even for normally excluded groups), while the structural ones sometimes are mandatory and others optional. Agreements also include measures regarding compensation through rest or payment, leaning priority to the first option.

- In relation to holidays and rest time, it should be stressed that the actions of the collective bargaining focus on the period of enjoyment of the holiday and its length, the compensation of the work on holidays and during temporary disability or in the period prior to the holidays. Regarding the holidays length, in addition to the fact that the agreements introduce some additional day -more the sectorial than the company ones-, there is an increase in the rest days during school holiday periods or the introduction of unrestricted days. The enjoyment of the holiday takes place in the summer, and sometimes the agreements set specific dates and criteria for prioritization among workers in the choice of holiday calendars (priority to certain groups, age, rotating choose, etc). As for work on holidays or weekends, negotiation includes clauses that limit it (eg maximum two weekends or two Sundays a month, having a rotating basis, etc) and defines the compensation methods, either rest or pay.
- Under the remuneration system it is noteworthy that **the formulas** which avoid that the working time at the employer's premises becomes the central pillar of remuneration and **bet for a pay system based on the achievement of objectives and evaluation of results are still emerging and have little presence in the bargains**. Remuneration formulas based on work developed at the employer's premises maintain their space, since much of the bonuses are related to the effective time of work within the company (night work, attendance and non-absenteeism, punctuality, working on holidays, overtime, etc.). However, it is possible to sense a change in trend in some bargains which develop some clauses of remuneration for goals.

Finally, in relation to matters concerning time organization and management, the margin of action for the future collective bargaining is quite large, especially in those aspects related to the organization and distribution of the ordinary workday, to the negotiated flexibility (distribution throughout the year, flexitime, measures to promote reconciliation, locative flexibility, etc.) and pay systems based on achieving goals rather than on the physical presence, among others.

## **1.5. THE IMPLEMENTATION PROCESS OF THE MEASURES FOR THE WORKING TIME MANAGEMENT IN ORGANIZATIONS**

In this part of the study the speeches and performances around the measures related to the working time management in public administrations and companies are analyzed, as they were formulated by the interviewees who represented as well directions as members of the legal workers' representations (LWR) of the organizations included in the sample of this study.

With regard to the **relevance or the place that rational management of working time occupies** within organizations, the following ideas should be highlighted:

- Overall, interviewees believe that the debates on the rational management of working time in the organizations included in the sample for this study come from far away and that, in fact, they are part of the "culture" or "values" of the public administrations and companies where they work. Sometimes the inclusion of measures in the collective bargaining process and their practical joining together is related to the generational change within organizations (both in directions as in the LWR) and/or to the professionalization of the human resources areas.
- The interviewees also consider in a practically unanimous way that rational management of working time occupies a relevant place in the collective bargaining processes and in the daily life of the organizations where they work. Meanwhile, several people from the LWR argue that this consideration has to do, at least in part, with the scarce margin for collective bargaining (in the case of public administrations) or with the difficulty to improve material aspects of the working conditions (ie wages) in the context of the current financial and economic crisis.
- Measures of rational management of working time have **different mechanisms and spaces for widespread dissemination** of its knowledge among workers. People in representation of the directions make special reference to the role that the ICT play in their organizations in this regard, while people

of LWR tend to emphasize the direct and personal relationship with the workers and the traditional support on paper.

Regarding the **practical implementation of the measures** (ie, whether the measures have been formalized, whether there are assessment instruments, whether they respond to the needs of the organizations and people who work there, etc.), the following ideas should be highlighted:

- In the public administrations interviewed, the catalog of measures for a rational management of working time is defined by the bargains and agreements. In the companies that have been included in the sample of this study, measures are not necessarily included in these agreements. The main justification for the non-institutionalisation of measures has to do with the directions' perception of the risks associated with the rigidities of the agreements, as well as with the need to respond in a flexible way in front of changing circumstances and exceptional situations of workers. Meanwhile, in the public administrations there is some room for maneuver regarding measures related to the rational management of working time in front of unexpected situations that may interfere with the working time (mainly health problems).
- Most of the people interviewed **did not identify problems to implement measures for rational management of working time** agreed in the collective bargaining process, although it is true that some people in the LWR of the public administrations qualify this general perception referring to the changes introduced by Royal Decree-law 20/2012 of 13 July, on measures to ensure budgetary stability and promoting competitiveness, to the negotiated removal of controversial measures within the organizations, to the resistance of some areas or departments when authorizing the use of certain measures and finally to the difficulties to implement some measures in specific jobs.
- **The measure of rational management of working time that is most appreciated** by the persons interviewed in public administrations regardless of their position (directions vs. RPT) is the entry and exit **time flexibility** in the workplace, followed by the recoverable hours flexibility (the bag of recoverable twenty-five hours). The most valued measure in companies is the compaction of the working day, followed by the entry and exit flexibility in the workplace, the streamlining of the holiday period, and measures to improve the permits contained in sectorial agreements and those which make work shifts flexible.
- Overall, interviewees belonging to **the public administrations** consider that measures for the rational management of working time which have been taken by **organizations allow to respond in a balanced way to the needs of production and to the reconciliation needs of employees**. However, some persons refer to circumstances that may represent a break of this balance, including, according to a direction representative, the breaking-up of the rest time because of the difficulties that it entails for the work organization or, according to a LWR representative, the subjective interpretation of the "needs of the service."
- **In companies**, the direction representatives tend to give their opinions in this same sense, emphasizing balance, but **the point of view of the members of the LWR is more heterogeneous**: while someone sees a balance, another person explains that, when measures are not included in the bargains or arrangements, the balance tilts in favour of the production needs of the companies.
- **Organizations do not usually have formal evaluation instruments** of the performance and the impact of measures for the rational working time management. At most, some public administrations and, above all, some companies perform annual or biannual surveys of labour climate with specific questions about the working time management. While it is true that many persons who have been interviewed in companies tend to recognize the importance of assessments to improve the functioning of the organizations, it is also true that some of the people interviewed in the public administrations recognize the potential role of trade unions as a thermometer of the working environment and the working conditions.
- Bearing in mind that the organizations included in the sample of this study stand out positively in the negotiation and development of measures for the rational management of working time, it is not surprising that both directions and members of the LWR interviewed refer to the practical absence of significant labour disputes in this field. The discrepancies in the interpretation of the rule are almost always solved through dialogue in an informal manner, and only rarely the formal protocols to enable resolution of internal organizational conflicts have to be activated.

Regarding the **characteristics of organizations** (size, activity, sector, culture, etc.) and **of the environment** (regulatory framework, social sensitivity, schedules of other spheres and institutions, etc.) that can condition the development of measures for rational management of working time, the following ideas can be highlighted:

- Concerning the **characteristics of the organizations** of the sample that facilitate or, on the contrary, hinder the rational management of working time, interviewees from the public administrations identify as the **main favourable features**: 1) a small size or a small units organization; 2) a good working environment; 3) the public nature of the administration; 4) and the relief within the LWR, including the generational one. Similarly, interviewees from the public administrations identify as the **main unfavourable features** to the rational management of working time: 1) difficulties to replace certain professional groups (members of the fire brigades, juvenile centers, etc.) and working days timetables (shift work, night work, etc.) in case of reconciliation needs; 2) the lack of willingness of some middle managers; 3) and the absence of uniform criteria between units of the same organization.
- Also in relation to the **characteristics of the organizations** of the sample that facilitate or hinder the rational management of working time, interviewees from the **companies** identify as the **main favourable characteristics**: 1) a good working environment; 2) an open and negotiating management style and values associated with corporate social responsibility; 3) to be a family business; 4) certain productive activities, such as industrial goods of direct production or personal services where the quality of the product depends mainly on the image and welfare of workers; 5) a production organization based on teams, on versatility, and/or on the locative flexibility. At the same time, interviewees from the companies identify as the **main unfavourable characteristics**: 1) Some models of productive organization, such as producing every day of the year or chain work (especially when it deals with perishable goods ) 2) cultural resistance on some measures; and 3) the difficulties to replace some professional groups in the case of conciliation needs.
- Regarding the **influence of the environment** on rational management of the working time, interviewees from **public administrations** identify two **favourable factors**: 1) the regulatory framework (which establishes conditions for streamlining time); and 2) territories relatively small and socially cohesive. As for the **unfavourable factors** of the environment, interviewees from public administrations point out: 1) the rules of the State, specifically the Royal Decree-Law 20/2012 of 13 July, on measures to ensure budgetary stability and promoting competitiveness; and 2) the lack of social awareness towards time streamlining.
- In relation to **environmental factors**, interviewees from **companies** identify three **favourable factors** to the rational management of working time: 1) the regulatory framework; 2) the economic crisis (since it promotes creativity in business); and 3) some activity sectors with agreements that stand out positively in the field of hours rationalization. Finally, interviewees from companies identify three **main factors in the environment that hinder** the rational management of working time: 1) lack of social awareness towards time streamlining; 2) the regulatory framework (which does not fit the needs of companies); and 3) the economic crisis (as it weakens the workers' bargaining power).
- In the framework of this composition of place, the interviewees believe that, above other factors (economic cycle, labour climate, size of the organization, etc.), what is essential to ensure the success of the collective bargaining processes around the rationalization of working time are the **attitudes and abilities of the people who represent the parties**. Interviewees from public administrations prioritize personal skills (professionalism, training and knowledge ahead of the collective bargaining) while interviewees from companies prioritize personal attitudes (predisposition, empathy, patience, perseverance, etc. during collective bargaining).
- Having said that, **the measures or aspects of the rationalization of the working time which are harder to agree** on the negotiating processes of **public administrations** are: 1) the flexibility of working time; 2) changes or improvements of previous agreements and arrangements; and 3) the realization of the measures taking into account the diversity of professional groups.
- **As for companies, the measures or aspects which are harder to agree are**: 1) the characteristics of permits (recoverable or not, paid or not, fractional or not); 2) the flexibility of working time; 3) the introduction of signing systems (clock in and out) for the working time; 4) the irregular distribution of working hours; 5) the organizational telework or e-work model; 6) the quantification of the annual working hours; and 7) the establishment of the holiday period and the time distribution of holidays among workers.

Regarding the recommendations related to the potential for improvement which is available to organizations on the one hand, and with the formulation of proposals for further progress in the rationalization of working time in Catalonia, on the other, following ideas can be emphasized:

- Measures for the rational management of working time that **public administrations** should encourage are, in accordance with the point of view of the interviewed directions, the following ones: 1) telework or e-work; 2) self-management of working time by employees; 3) training actions on working time rationalization within the workday; and 4) the reduction of the working week to thirty-five hours a week.
- For its part, the interviewees from the LWR consider that the measures which should be promoted in **public administrations** are: 1) the extension of the assumptions for the reconciliation of personal, family and work life; 2) the effective extension of the measures for all professional groups; 3) the transversality of a gender perspective; 4) telework or e-work; 5) the extension of the entry and exit schedule flexibility; 6) the regularization of the measures in the bargains or agreements; and 7) the breaking-up in hours of the time available for reconciliation.
- As for companies, the measures for the rational management of working time that should be fostered according to the perspective of the **interviewed directions** are: 1) the rationalization of the working day; 2) training on ICT; 3) the increase in irregular working hours and in the working time flexibility; 4) permits adaptation to unexpected situations; 5) locative flexibility through telework or e-work; 6) the promotion of women in management positions; 7) evaluation of efficiency at the expense of a culture of presence; and 8) the regularization of the measures in the bargains or agreements.
- For its part, the interviewees from the LWR consider that the measures for rationalization of working time that **companies** should promote are: 1) the extension of the working hours flexibility and of working time in general; 2) the regularization of the measures in the agreements; 3) telework or e-work; 4) the extension of the assumptions for the reconciliation of personal, family and work life; and 5) the extension of time rationalization to workers with part-time contracts.
- The only measure in relation to which there is a shared view (between direction members and RTL and between public administrations and companies) which should be promoted is telework or e-work. Among the members of the directions (both public administrations and companies), consensus extends, in addition to telework or e-work, to the training actions and to the self-management of working time to the detriment of the culture that fosters presence. Among the members of the LWR (both public administrations and companies), the agreement includes, in addition to telework or e-work, the extension of assumptions for the reconciliation of personal, family and work life; the regularization of measures in the bargains or agreements; and expanding the flexibility of working time.

Finally, with regard to the **recommendations for further progress** in the field of rationalization of working time:

- The interviewees from the **directions of the public administrations** consider that it would be necessary to: 1) ensure the maintenance of a balance between the needs of organizations and those of people who work there; 2) move towards equal measures of rationalization of working time among all public administrations; 3) improve the ability of measures to adapt to people's diversity of needs; 4) improve performance monitoring; 5) conduct social awareness campaigns; 6) improve the financing of certain public administrations; 7) adapt legislation to the reality of small and medium enterprises.
- For their part, interviewees from the LWR consider it necessary to: 1) promote a general hour reform; 2) promote a new organizational culture that does not foster the culture of presence; 3) incorporate transversally a gender perspective; 4) effectively extend the measures for all professional groups; 5) prepare in advance the demands that shall be presented in the negotiation processes; 6) the extension of the assumptions for the reconciliation of personal, family and work life; 7) move towards equal measures of labour rationalization among all areas or units of the same public administration; 8) to centralize personnel services for certain public administrations; and 9) promote effective measures to rationalize working time without any economic impact.
- As for **companies** and the recommendations for further progress in the field of rationalization of working time, interviewees representing the directions consider that it is necessary to: 1) improve working time management promoting hour rationalization and reconciliation of personal, family and labour life, since it improves the working environment and productivity; 2) promote a general time reform; 3)

establish the conditions for formalizing the measures in the bargains or agreements in accordance with the needs of each company; 4) extend measures for all professional groups; 5) promote shared responsibility of workers; 6) shorten the minimum time required for lunch; 7) distribute school holidays throughout the year; and 8) advance prime time television.

- Interviewees which are members of the LWR of companies consider, in this regard, that it is necessary to: 1) improve the working time management promoting time streamlining and the reconciliation of personal, family and work life; 2) promote a new organizational culture that does not foster a culture of presence; 3) pay the working hours reduction for breastfeeding, for legal guardianship of children under twelve years and of people with disabilities or dependent; 4) promote shared responsibility of workers; 5) shorten the minimum time required for lunch; 6) plan and communicate in advance the weekly, monthly and yearly working schedule; 7) encourage the establishment of LWR in companies; 8) include in the company bargains the working day schedules and the annual calendar; 9) strengthen labour inspections; 10) promote a general hour reform; 11) promote telework or e-work; 12) carry out social awareness campaigns; and 13) improve the ability of measures to adapt to the people's diversity of needs.
- No recommendation has been made by all interviewed general categories altogether (members of the directions and of LWR of public administrations and companies). This does not mean that there is no agreement around the desirability of promoting an hour reform and rationalize working time, but rather that there is diversity in the perception of needs depending on the positions ("directions" vs. "LWR") and the type of organization ("public administrations" vs. "companies").
- In this regard, it should be said that the degree of agreement concerning the formulation of recommendations is higher within the companies than within public administrations, which could be indicating a difference in the level of development of working time rationalization between the two types of organizations, so that the recommendations of the companies point to the articulation of a set of general measures in relation to which it is relatively easy to come together, whereas recommendations in public administrations point to the articulation of a set of specific measures (once reached the previous ones), in connection with which it is easier to diverge. Thus, apart from the recommendation to set up a time reform in general, the interviewees from companies (members of the directions and LWR) agree on the formulation of three recommendations -improve the working time management promoting time rationalization and reconciliation; promote shared responsibility of workers; and shorten the minimum time required for dinner- while interviewees from public administration (members of the directions and LWR) only broadly agree on the formulation of a general recommendation -to tend towards the standardization of the working time rationalization measures in public administrations.

## 1.6. CONSIDERATIONS AND RECOMMENDATIONS

The CTESC, once prepared this Report, aims to highlight a number of considerations and recommendations to the Government of the Generalitat de Catalunya, in order to advise it on the policy development related to the schedule streamlining in Catalonia, also making special impact on collective bargaining due to its fundamental role in the formalization of measures related to working time management in organizations.

The CTESC is aware that some of the targeted recommendations require a framework of powers which is superior to the ones that the Generalitat has currently available. However, it is considered that this should not be an impediment to present them, given the Government's ability to negotiate with other administrations the possibility to implement them and given its influence on the development of initiatives that incorporate the spirit of the ones proposed.

### 1.6.1. ON THE NEED FOR A TIME REFORM

Time is a complex and multidimensional concept and, by analytical purposes, it is usually divided into a "physical" or quantitative time and a "social" or qualitative time. The first one refers to the time arrangements (calendars, schedules, etc.) resulting of social relations; the second one refers to the social construction of time (personal time, family, work, etc.) and to its unequal participation depending on age and gender, among others.

Some of the social transformations of the twentieth and twenty-first century (the highest participation of women in the labour market, the increasing women's double presence, the ageing of population, the desynchronization of schedules, etc.) raises a growing concern about social organization of time and also a growing interest on time as a wellness factor. It is within this view that we must consider the debates of time distribution from a social and gender point of view and of rationalization and time reconciliation from the point of view of the productive needs of organizations and working people.

Time rationalization is understood as the set of measures about the organization of social time that make possible the reconciliation of personal, family and work life and, at the same time, an optimization of working time. Many surveys and research show that the balance between these three areas is an issue that raises concern and which has a major impact on health and well-being of people. Indeed, the organization of social time is multiple and it must meet the demands from the personal, domestic and family scope (especially in relation to the needs of care and attention to the people), from the labour and business sectors, schools, commerce, public transport, administrative procedures, etc. Although at times the hourly rationalization has been associated almost exclusively with women, reconciling the three areas is an issue that involves and benefits the whole society.

The availability of quality public services and the existence of transverse and comprehensive policies responding to the needs of a new social time management plays a crucial role in achieving the objective of rationalization and time reconciliation.

In recent decades there have been a number of changes in society and the economy that explain the growing demand for a time reform:

- Changes in the population pyramid, with a significant decline in the birth rate and a significant growth of the aging population. Research evidences that decisions about having children or not are significantly related to the balance between work and daily personal life. It is also noted that the population ageing acts as a factor of time demand for families, demand that will become increasingly challenging along with the increase in life expectancy.
- Changes in family structures and in the roles within the family. There is a clear tendency to reduce the size of households. The traditional dominance of the family with a rigid and stable relationship scheme between domestic and professional spheres has given way to a plurality of coexisting forms. The incorporation of women into the labour market, however, has not brought with it, for many women, a better balance in the sharing of domestic tasks with men.
- Changes in the economic environment and in the work organization. Globalization, the service economy and the entry into the information society have had a major impact on the labour market, as well as the incorporation of women into the labour market, the more flexible labour relations, the increase of small business and changes in work organization or in the management models of enterprises. New technologies foster organizational adaptation and favour the emergence of new forms of flexible work, such as the case of teleworking and e-work.
- Changes in social and cultural norms. Despite the supremacy of paid working time as the central factor of people's everyday, there is a change in the perception of the importance of the time factor in general.

Surveys and research show that the balance between labour life and personal life is a question which generates concern and that has a major impact on health and well-being of people. In fact, the lack of balance between work and family may create a conflict between the two spaces.

The priority objectives to be achieved through the promotion of a time reform would be:

- To improve the reconciliation of personal, family and working life, in other words, to improve the welfare of citizens. It is essential to insist that time reform should improve the lives of all and therefore factors such as gender, age, socioeconomic status or origin of people, among others, should be taken into account with special attention.
- To promote the sharing of responsibility in housework and family care.

- To encourage gender equality.
- To improve the quality of life: reduce accidents, increase sleep, improve the health of people, have more time to practice sport and personal hobbies, etc.
- To improve productivity and competitiveness of enterprises.
- To improve school performance.
- To promote culture, leisure and participation in association activities and social commitment.
- To encourage energy saving and efficiency in travel, reducing unnecessary costs for workers and for people in general.
- To foster a convergence between working, school and shopping schedules and those of most European countries.

### On the times schedules of the Catalan population

If we look at the Catalan schedules and compare them with the European ones, we shall detect some significant differences. In general terms the Catalan population begins its work and study an hour later than the European population. As for the midday break, its duration in Catalunya is higher -two hours or more- and it takes place one hour or two later than in most European States. This circumstance prolongs the presence of the worker excessively and unnecessarily and it is often associated with low productivity. In Catalunya work or study also end later.

Moreover, the difficulty of fit between the work and school schedule is considered one of the most serious problems for the reconciliation of families. Except for some centers which have pilot tests concerning the intensive day, the school schedule in kindergarten and primary in public and private schools of Catalonia is the regular day with a break. The main Spanish uniqueness is the lunch break, which can be extended to three hours. That, combined with the school entry, later than in many European countries, makes it all end with a later exit. Another controversial element is the holiday period with a long summer break of twelve weeks. All this inconsistency between work and school schedules has consequences for the welfare of children and young people, given the lack of available time to share moments of life among family members.

Shopping hours are another focus of controversy in time rationalization. The reconciling difficulties among the working people of this sector are evident: split shifts with a long midday break, late end of the workday; sometimes people work on Saturday and Sunday and/or holidays. To date, the Catalan Government has defended a model of urban commerce of proximity in order to reduce mobility, desertification of municipalities and a better reconciliation of time. This model is in conflict with the liberalization model of Spain.

Leisure times are marked by patterns of consumption and leisure of the population. In the hotel business, times are similar to those of trade with extended periods of rest during the day. Logically, these time settlements difficult conciliation between home and family.

Another observation made in the Report is that current night television schedules, so-called *prime time* television, with an ending after twelve o'clock on working days, are an obstacle to the development of better streamlining schedules. In Europe, the *prime time* ends 1 to 2 hours before.

It is necessary to highlight the work of the ARHOE in the Spanish field and ultimately the Initiative for Time Reform in Catalunya to raise awareness about the importance of a change in schedules to make them more rational and harmonize them with those of the European Union. The incidence of this initiative in Catalan politics is relevant, as it has been the necessary incentive for the creation of the Study Commission for the Time Reform in the Catalan Parliament and for the implementation, by the Catalan Government, of an Interdepartmental Working Group to move towards more rational schedules for the citizens' benefit. In this context, the CTESC recommends

1. The rationalization of working hours should be a primary objective for public policy, with sufficient budget lines to deal with this time model change with guarantees, increasing the levels of social welfare of citizens, improving productivity and business competitiveness, and enhancing sustainability and energy saving.
2. To implement a National Pact with the participation of the Catalan Parliament, the regional and local administrations and the economic and social partners, with the aim of agreeing a reform of time schedules.
3. From the Pact, to develop a strategic plan for the time reform, which should include as relevant elements:
  - To tackle simultaneously the time organization of major social spaces that determine it: paid employment, trade, education, the media, among others. Streamlining times need specific agreements with the participation of those directly involved, taking into account the needs of people, the hours of working people and the needs of the productive sectors.
  - To tackle specifically the time of self-employed workers, according to their uniqueness and diversity.
  - Coordination work and involvement among the various departments of the Government and between the Government and other local administrations.
  - Information strategies and training about the rational use of time such as the rationalization of the media schedules, the leisure spaces and the citizen participation.
  - The development of infrastructures and services such as, among others, day care centers or day centers for the care of elderly or dependent people and the improvement of public transport to reduce the time spent commuting to workplace.
  - Incentives to the private sector to implement a new model of working time management.
4. To create a commissioner or a similar figure, attached to the Department of Presidency, to lead the process of implementing the time reform as a cross-project, with the participation of economic and social agents.
5. To harmonize and analyze available data on the use of time, integrating the care time, labour and displacement indicators in order to obtain indicators to establish public policies.
6. To encourage the development of time pacts at municipal and/or county level as a way to reach agreements between the Administration, organizations and citizens.

### **1.6.2. ON THE MANAGEMENT OF PAID WORKING TIME**

Workers provide experience and knowledge to paid work, but also and above all, they provide time. Paid work time is the central axis around which most people define their life projects in welfare societies.

Society as a whole shows the need for a new organization of people's time and in particular of working time so that it allows the reconciliation of personal, family and professional lives of working people in balance with the organizational and production interests of companies. It is a fact that the effective reconciliation of personal, family and working life is a key element for both the welfare of the working people and for business productivity.

We must start from the basis of favorable contributions of the different regulations aimed at reconciling work and family life: Law 39/1999, 5th November, to promote reconciliation of work and family life for working people and, especially, Law 3/2007, 22nd March for the effective equality between women and men, but we

should take into account that to get a real rationalization of social schedules it is necessary to intervene in the management of paid working time in all its dimensions.

When looking at paid time and its distribution, an analysis is required of the situation of both salaried workers and the people who work on their own.

According to data from the II Catalan Survey of working conditions (CSWC), published in 2012, the most relevant characteristics of the workday and the paid work schedules are:

- 59.9% of the interviewed people work Monday to Friday, while for 19.2% of the people, plus these days, Saturday must be added. The proportion of people working only on weekends and/or holidays is 1% and people working every day of the week is 2.4%.
- Regarding the results of CSWC (2005), the proportion of people working Monday to Friday decreased from 70.9% to 65.4%.
- As for the type of daily schedule, the II CSWC highlights that 47.1% of working people work with a lunch break. This figure is particularly significant in the case of men, as it rises to 54.2%, while for women it is reduced to 38.3%. In another case, 8.1% of those interviewed stated that their schedule is shift work.
- In the II CSWC unfavorable results are obtained in the assessment of the double presence, especially high among women (54.9% of women get unfavourable results on the scale of the double presence, while this percentage is 14.9% in the case of men).

Promoting the balance between personal, family and work life should be done by making an impact on the rationality of working hours. According to the Labour Relations Council, a negotiated flexible work organization and working time has proven to be positive for the changes that the company needs. In the same line, the European Commission (*Flexible working time arrangements and gender quality*, 2010) considers that labour flexibility measures are positive for both businessmen and working people.

In general we can detect some flashpoints to reconcile personal, family and working life stemming from the need of companies to have flexible mechanisms for managing the paid working time and to cope with and respond to the constant fluctuations in demand, often unpredictable. The introduction of technological innovations, globalization, internationalization, among others, imply a change in patterns of production and organization that have a clear impact on time management methods in paid work. This implies the need for companies to review the planning and organization related to the work distribution and at the same time to analyze new solutions in conciliation issues.

The Report has found that inefficient management of paid working time has a number of consequences for working people and consequently for the companies:

- It makes difficult to find a balance between personal, family and work life.
- It implies lower levels of productivity and competitiveness. The relationship between the number of hours worked and productivity is not direct. Working long hours with an inefficient work organization or presencialist culture entails a notable loss of productivity.
- It hinders training as well as the professional and personal development within and outside the workday.
- It can affect people's health by increasing certain psychosocial risk factors.
- It increases absenteeism.
- It hinders the workers' commitment with the organization and the recruitment, development and retention of talent by the company becomes much more complex.
- It can worsen the labour climate.
- It can worsen the image of the company and affect its corporate social reputation.

Another source of tension is the lack of time flexibility of companies. Flexibility measures, conveniently agreed, benefit both companies and administrations and working people, they are two-way policies. Flexibility is a tool for companies to gain efficiency and effectiveness; and moreover, it is a basic tool to avoid that the job becomes an obstacle in the personal and family development of workers.

However, the data available from the EPA 2010 indicate that the possibility that workers set their schedule is very rare, only 7.6%, and in partial way. The workers that can have access to the flexibility measures as flexible hours with capitalization of working time, the availability of a fixed number of hours of work with some flexibility or have option to determine their own work schedules do not exceed 5%, in the best case.

Certainly, the important challenge that implies a right management of working time in companies is not always easy or assumable. There are organizational costs derived from aspects such as the substitution of highly trained people or the redistribution of work and the problems associated with taking on new workloads for other working people. Key elements to tackle this challenge are, among others, the involvement of the management team and of the middle management, as well as the promotion of teamwork formulas.

The incorporation of ICT in the workplace leads to new forms of provision of services which facilitate self-management of the paid working time by people and a higher degree in the worker's autonomy. However, the possibility of fulfilling the workday in an unattended way, that is to say, through teleworking, e-work and other forms of flexible work is rare in organizations and it is conditioned by the size of the company, the sector of activity and the occupational group, among others.

To deal with the paid work rationalization, reflection is essential, as well as agreement and the advance of business organizations and trade unions, through the Interprofessional Agreement of Catalunya (IAC) and collective bargaining, as well as the debate within the bodies of institutional participation and/or social dialogue in the workplace, such as the Labour Relations Council (CRL) or the Catalan Labour, Economic and Social Affairs Council (CTESC).

Consequently, the CTESC considers that collective bargaining is set as an appropriate element to regulate the flexible reorganization of working time and the reconciliation instrument with greater ability to adapt to the realities of the sectors, companies and individuals workers. Therefore, the most appropriate instruments to maintain the necessary balance between business and social needs are consultation and social dialogue and, as a final realization of this dialogue, the translation of the measures into collective agreements. Furthermore, collective bargaining involves constant communication and mutual permeability. When we talk about streamlining schedules we must take into account that the needs of workers and businesses are changing and the needs of each sector are specific.

This idea is stressed down in the Interconfederal agreements on collective bargaining at State level and at the Catalan Interprofessional Agreement 2011-2014, where the importance of rational and flexible working time management is highlighted as a key factor to improve the working environment, job satisfaction, productivity and flexibility, so as to meet the needs of business and the improvement in the prevention of psychosocial and health risks.

In this context, the CTESC recommends

7. That collective bargaining should be the cornerstone on which the possibility of reconciling personal, family and work life is managed, seeking a balance between the needs of business and working people.
8. To promote from the CRL and in the field of social dialogue and consultation, coordination and collaboration with other bodies of institutional participation and with private initiatives on working time existing in Catalunya to strengthen institutional cooperation in this field.
9. To promote from the CRL the inclusion of clauses on working time in the collective bargains or agreements of the public and private sectors with a dual purpose: to balance the interests between the parties and allow adaptations and organizational settings. In order to include these clauses, the CRL will promote the use of the "Recommendations for collective bargaining on the time management of working people". Briefly, these recommendations are:
  - To reduce overtime and not agreed extensions.

- To compensate the extensions of working hours and overtime for time off with the possibility of compacting full workdays and equivalency amount between time extension and rest time.
- Transparent personal time control systems and time accounts. As for the time accounts, it should be good to prioritize the ones having an annual or multi-year basis, as they incorporate a longitudinal view of the workers' career.
- The annual business calendars are an important and also a complementary system in organizations as a flexibility instrument. Collective bargains must have the foresight of its negotiation with the staff representatives, with yearly programs for the forecast and renegotiation of changes when objectively necessary.
- We should bet, whenever possible, for entry and leaving time flexibility that can be compensated along the week or even in a longer period.
- Recognition of days or hours of own affairs to apply in a certain period of time and the notice, in general, to the company with enough advance.
- Compaction of flexible hours and hours of free disposal on whole days.
- To foresee a mandatory time strip of physical presence.
- The irregular distribution of working time in the interests of the company should be seen as a tool to streamline the working time and adapt it better to the production needs of the market to improve the productivity and the competitive position of the company. This irregular distribution should take into account the reconciliation needs of personal, family and professional life so that the necessary guarantees to enable the reconciliation could be set.
- It is necessary to specify what entails the right of adaptation and distribution of working hours laid down in article 34.8 of the TRLET.
- To incorporate the concept of reconciliation and consequently the measures derived from it, not just childcare but also care for people in situations of dependency in a broader sense: old age, disability, etc.
- As for shift work, measures such as job rotation and multi-skilling of staff may be factors that facilitate the implementation of flexibility in working time.
- It would be desirable to foresee a periodic analysis -between the representation of the company and the legal workers' representation- about the functioning of flexible organization of the time extensions and overtime, as well as the possible new supervening entrepreneurship needs, in order to make better negotiated solutions and evaluate their relationship with employment and the problems of sustainable mobility in the workplace.
- To incorporate the possibility to turn to partial teleworking. It should not affect the level of compensation or the career at the company or the volume of hours worked. We also should bear in mind the occupational risks associated with this practice.

10. Collective bargaining may provide for the regulation of time bags in order to allow companies to meet the production needs, on the one hand, and, on the other, to use them for the workers' conciliation.

11. Measures of flexible management of working time which are being introduced in collective bargaining should put the emphasis on the distribution of the day, and not only in their quantitative dimension, while it is desirable that any reduction in working hours is done in a negotiated manner to ensure its viability and the effective rearrangement of working time.

12. Whenever the sector and the workplace allow it, to encourage the continuous working day, and in any case the reduction of the lunch break.

13. Collective bargaining can establish and regulate spaces for dialogue on matters related to workers' mobility in their access to work, with the aim of reducing travel times. The agreement for the implementation of sustainable and safe plans is a good tool that would also allow to achieve improvements connected with other problems (accidents, environmental quality, climate change, cost reduction, etc.).

14. In the multicenter organizations, policies should be promoted, through negotiation and in accordance with the specificities of each company, in order to facilitate the assignment of workers to the workplace closer to their homes.

15. It would be appropriate for collective bargaining to incorporate an outlook for exceptional cases of diversity in the management of working time, without altering the generic nature of the regulation of working conditions.

16. Within the plans and equality measures it is necessary to incorporate aspects related to the management of the working day. Negotiated measures should be incorporated in the field of enterprise bargaining (collective bargain, company agreement and/or work schedule).

### On policies for the time rationalization in the workplace

Although the focus is put on policies related to the field of work management, as indicated by the Strategic Plan on the use and management of time in daily life 2008-2018, the issue of the use and management of time must be addressed with a strategy that goes beyond the measures that fall under the concept of "reconciliation of personal, family and work life" in the sense that we should assume a more comprehensive conception of time, from the social and economic scope, its relation with time and the necessary gender perspective. In this context, more relevance is given to the "time policies", often built on municipal agendas, a type of social policies aimed at the urban-time synchronization with the rhythms of life of citizens of a territory.

In the analysis of policies focused on improving time management in the workplace we can see a relationship with the policies for reconciling work and private life. At the same time, these reconciliation policies have been linked recently with policies promoting equality between men and women, with the objective of reaching practices which facilitate an equitable distribution of opportunities, treatment and responsibility.

The most important measures in the workplace are related to the following elements:

- Flexible work schedules such as flexible entry and exit, or reduced and continuous workday. New technologies have allowed other forms of flexible work and teleworking and e-work (locational flexibility).
- Measures linked to the policies of work-life balance: paternity leave, maternity leave and other causes of absence.
- In some EU countries measures for the working time management are detected throughout the life cycle.

For these reasons the CTESC recommends ...

17. To implement information and training activities, in collaboration with economic and social agents of Catalonia, with the aim of promoting and strengthening, according to the reality of each sector:

- A new organizational culture that does not foster a "presential culture".
- Compacted and flexible working hours.
- Technological mobility (tablets, smartphones, etc.) in organizations, as an element to enhance the locational flexibility as e-work or telework, and videoconferences.
- To avoid scheduling meetings which finish after 6pm.
- To increase the workers' versatility through training, as a way to manage substitution policies asso-

ciated with flexible hours.

18. That the Labour Inspectorate of Catalonia implements specific awareness programs, and where appropriate, controls and punishes the breaches on agreements derived from the collective bargaining on working hours and their distribution.

19. That from the CRL a regular monitoring is done of the regulation introduced in sectorial and company collective bargaining related to reconciliation of personal, family and work time.

20. To adopt the necessary legislative amendments in order that situations of workday reduction to reconcile work and family life and leaves of absence for child care or care on dependents count at 100% in their whole duration at effects of social security benefits.

21. In order to move towards joint responsibility, it would be necessary to work towards the individualization of rights so as to have access to permissions associated with the care of people.

22. From the Report of the Subcommittee to Study the Rationalization of Schedules of the Congress of Deputies it is advisable to examine the appropriateness of incorporating a short-term permit for temporary children's ailments. In any case we must take into account the economic and organizational impact of this measure on developing the company activities.

23. It is essential to make all necessary actions to extend the paternity leave to four weeks, postponed year after year by the successive laws of the general State budget.

24. To make all necessary actions in order to improve the regulatory framework of part-time, very unfavorable to it, such as the fact that, under this regime, Social Security contributions are higher than those for the whole day. We must ensure that this type of contract is used as a mean to better reconcile personal, family and work life, which is not true today.

25. We should adopt the necessary legislative amendments to extend the circumstances of the temporary contract to replace more cases of suspension of the labour contract in order to care for family members.

26. To develop implementation guidelines for teleworking or for more advanced practices like e-work for social and economic agents.

27. To promote research in the evaluation of organizations which implement measures for rationalization of schedules to enhance these new models of management of paid working time.

### **1.6.3. ON THE MANAGEMENT OF WORKING TIME IN PUBLIC ADMINISTRATIONS**

As stated in the Report, collective bargaining in the public Administration has some peculiarities that differentiate it from the business dynamics in the private sector. There are a number of factors that condition it, derived from the public nature of the employer. Also, the material scope available for negotiation is narrower and, at the same time, the subjective scope is more heterogeneous, reflecting the different legal links that can be established (civil service or labour), as well as the differences on job places in organizations (something in common with the private sector).

Despite the disparity of legal systems in public employment, collective bargaining favors *de facto* the homogenization of working conditions of civil servants and labour personnel. At the same time, many of the agreements and conventions analyzed make specific provisions taking into account different types of jobs in order to adapt them to the particular situations.

As stated in the Report, the regulation of working time and the different mechanisms of management are areas to which collective bargaining pays special attention, with detailed regulations revealing some concern about the fulfillment of the workday, complemented with mechanisms to reduce truancy. However, this regulatory detail does not preclude flexibility in managing time, since there is a determination of the fixed working hours, which are combined with different flexibilities.

Moreover, we should keep in mind that budgetary restrictions and regulations during the height of the crisis (which have limited bargaining in other areas, such as compensation), and a greater concern to ensure a better personal, family and work balance have led to focus collective bargaining in administrations on the development of such measures, which have less impact on public budgets.

We should highlight that, in order to find the best balance between the needs of the people and the Administration, the concept of reconciliation of personal, family and work life has evolved to include other circumstances, such as the care of dependents or people lacking autonomy (regardless of age and overcoming a vision of conciliation focused solely on the care of children) as well as the individual dimension of this concept, not linked to the family situation of the person.

From the analysis of the sample of agreements that stand out for the negotiation and the joining together of management measures related to the rationalization of work schedules, we can observe that there is a bet on an ordinary working day, developed mainly in the morning, and tightly packed, with a short break to eat, if that is the case, or an intensive day without any lunch break, although it is necessary to keep in mind that not all jobs perform this type of day work, such as staff working in units or bodies providing services 12 hours a day or all day, often in shift work regime. A number of flexibility mechanisms have been identified, among which the most noteworthy are:

- The determination of the schedule, with a fixed part of obligatory presence and a variable part, performed at the entry, leaving and/or evening, usually self-managed.
- To ensure a suitable balance between the needs of workers and the Administration a number of rights of absence from work are foreseen and their exercise conditions are also regulated. We must recall that their exercise often is determined by the needs of the service, a generic and indeterminate expression that some agreements or arrangements specify, providing greater legal certainty.
- Apart from the regulation (and improvement of conditions in some cases) of the rights of traditional absence, such as permits, licenses and leaves of absence, a number of rights of absence are also regulated, configuring a bag of hours which is nourished by different concepts: the completion of overtime, the lengthening of working hours, work on holidays or permissions created specifically for this purpose. In this regard, we must emphasize the recognition of a number of hours for personal matters with recoverability.
- The conditions for the enjoyment of permits and the bag of hours are also flexible: recognition of licenses (or vacation) in hours or even fragments of half an hour; possibility of enjoying permits or absence hours accumulatively in whole and consecutive days and/or accumulating them to other rights of absence. Another flexibilization option is to lengthen the period of enjoyment.

Moreover, the qualitative analysis of the Report shows that the best valued time measures are precisely the time flexibility of entry and leaving from the workplace, on the one hand, and the recoverable time flexibility on the other.

However, the time reference module is the week but, to adapt it to the needs of the service and/or person, in certain cases it is extended to a month or a year. Consequently, there is no comprehensive picture of the time organization that responds to the life cycle of a person.

From the results of the Report, it is necessary to mention that there are other elements of time management that are not expressly regulated in the collective bargains and agreements analyzed, such as the use of ICT and its potential in the management of working time (teleworking, e-working and videoconferencing); the evaluation mechanisms of the implemented measures and sustainable mobility. From the qualitative analysis, it is observed that the interviewed agents conceive that teleworking could be one of the elements that could receive further development in the coming years within the new time management model in public Administration, although that does not hide the complexity of its management.

For these reasons the CTESC recommends ...

28. That the public sector plays a tractor role in the implementation of a new culture of the working time management. It has a responsibility to innovate and lead the way in terms of schedules and reconciling professional, family and work life. Anyway, the CTESC believes that a new impetus is necessary to make this sector a landmark in the culture of a new model of working time management for other organizations.

29. To strive in order to ensure that the measures regarding the working time rationalization reach the whole of the public administrations.

30. To consider the possibility of developing, whenever possible, a flexible, compact work schedule with a voluntary short break at midday for lunch. This pause could begin at 13 hours. In this same line, it would be necessary to look for an equivalent distribution of working time for workers employed in the afternoon or evening. It is important to keep in mind the impact it could have on the customer attention and in providing services. Consequently, the application of this schedule would make necessary to review the time strip of compulsory presence in the Administration and the availability of adequate physical spaces for meals.

31. To consider the possibility of launching pilot tests of the innovative measures (extension of the temporary module for the compensation of the flexible hours, teleworking, among others) with their corresponding assessment, as a first step to extend them to the whole public sector.

32. To promote the dissemination of the measures already implemented, that provide optimal management of working time, both with respect to the needs of the Administration and the needs of working people.

33. We must adapt the political agenda of the elected officials and of those persons who occupy management positions to the time model.

34. The Administration, when establishing the conditions for the provision of outsourced services, should consider management working measures that encourage rationalization of working hours, considering the regulations applicable to subcontractors.

#### **1.6.4. ON THE WORKING TIME MANAGEMENT IN THE PRIVATE SECTOR**

We can observe that lately the role of the collective bargaining in the organization of working time is marked by the strategy that promotes internal flexibility in order, on the one hand, to provide a better adaptation of the days, the schedules and the pace of work to the changing organizational and production needs, and secondly, to allow to reconcile the workers' needs.

Legislative changes introduced between 2012 and 2013 relating to collective bargaining and working time arrangements are oriented in four lines, as detailed in Chapter 5:

- Changes in the structure of the negotiation and in the ultraactivity period.
- Changes in the quantitative management of working time, in accordance with the amendments to art. 47 of the Workers' Statute (ET) on the business opportunity to reduce working time and suspend the employment contract and with the amendment of art. 12 ET governing the part-time contract.
- Mechanisms of flexibility or non-application of agreed working conditions.
- Modifications on reconciliation of work and family life.

The analysis of sectorial and company agreements made in this Report is based on a previous selection of those who stand out for negotiating and joining together labour management measures aiming to promote a balance between the production and service needs of the companies and the reconciliation needs of workers.

Regarding the organization of working time, collective bargaining opts for an annual count and regulates the irregular distribution of working time. In the collective bargains, changes regarding the uneven distribution of the legally established schedule are based on the extension of the early warning periods and the reduction of

the degree of possible irregularities. Flexibility of entry and leaving and the increment of the number of permits are the two most developed instruments in collective bargaining as formulas to make working time more flexible from the workers' standpoint. Thus, there are numerous clauses extending permits or paid work absences, either via an increase in the cases of facts causing them either by increasing the rest period to enjoy. However, the measures oriented towards compensation systems based on the achievement of ("non presencialist") objectives, the development of telework or e-work or the fact of compacting the workday through the reduction of the lunch breaks, the adjustment of the length and distribution of the schedule by workers, among others, have little presence in the agreements analyzed.

In this context, the possibilities of action of collective bargaining are wide, especially in those aspects related to the management and distribution of the ordinary working day, to the negotiated flexibility (distribution throughout the year, flexible schedules, promotion of reconciliation measures, locative flexibility, etc.) and the payment systems based on the achievement of objectives.

The analysis of the interviews has shown that the failure to execute the catalog of measures for the rational management of working time in collective bargaining has to do with the perception of the risks associated with the rigidities of bargains or agreements and with the need to provide flexible responses to changing situations and exceptional working circumstances. Similarly, the best valued measures of time management are the workday compaction and flexibility of entry and exit in the workplace.

For these reasons the CTEESC recommends ...

35. To provide aid to companies in order to develop measures of working time management (acquisition of technological applications, activities of organizational consulting, social security bonuses, etc.).

36. To promote the incorporation of work time management measures which are already being carried out in the company in an unofficial way, in collective bargaining at the company level through the evaluation and the revision of regular or exceptional clauses, with the assumption that such measures should benefit both company and workers.

37. In the same line as recommended by the ILO, to prepare a manual with a number of guiding principles to implement flexible work schedules.

38. To evaluate the creation of an application-support tool so as to facilitate the implementation of new time models. This tool should have the following elements: analysis of the current situation, definition of the new schedule model and implementation strategy.

### **1.6.5. ON THE PROCESS OF IMPLEMENTING MANAGEMENT MEASURES ON WORKING TIME IN ORGANIZATIONS**

In the part of the Report which corresponds to the analysis of interviews we can identify a set of factors which show that currently there are opportunities for the development of a new working management model in the organizations of Catalonia. In this regard, we can highlight six points:

- First of all, there are examples of public administrations of all geographical areas as well as businesses of all productive sectors that have spent many years developing rational and conciliatory measures of working time management and could become references for a change.
- We should also mention the generational change in the direction both of organizations and of the legal workers' representation (LWR), since it leads to a more diverse representation of profiles, experiences and needs of both parties.
- The incorporation of equality plans in companies and the progressive implementation of corporate social responsibility (CSR) can also be interpreted as a favorable development of the rationalization of working factors in organizations.

- No less important is the current context of relatively narrow margins to improve the monetary wage, and the assumption that improvements in the management of working time can be important in the collective bargaining process that benefits both organizations and workers.
- Also, there is a degree of consensus to identify the working time management measures which are more welcomed in organizations and which have potential for its incorporation: on the one side, time entry and exit flexibility and recoverable time flexibility in public administrations and, on the other, compaction of working hours and entry and exit time flexibility for companies.
- Finally, improvements in the working time management can enhance the reputation of organizations and let them win awards and official recognition, which facilitates, *inter alia*, the recruitment, development and retention of talent.

Moreover, we must also note that there is a set of characteristics that, if they are present in organizations, can significantly facilitate the development of new models of working time management. Analysis of interviews to the directions and LWR may include the following ones:

- A good working environment based on a close relationship of trust, transparency, complicity and dialogue between management organizations and LWR. Actually, according to people interviewed in companies and in public administrations, discrepancies in the interpretation of the standard and the implementation of the measures are almost always resolved through dialogue and in an informal way because there is a degree of flexibility between the parties, a communication policy and an organizational culture allowing it.
- A desire to achieve and ensure the maintenance of an overall balance between the production needs of organizations and the needs of reconciliation of personal, family and professional lives of workers.
- A knowledge of the reality of the company, as well as of the negotiating skills, by the interlocutors in collective bargaining.
- A flexible work organization based on teams (instead of chain work) in the versatility of workers and/or the possibility of teleworking, among others.
- Practice in monitoring and evaluation and, more specifically, to have specific tools to assess the performance and impact of the measures for the rational management of working time.

At the same time, in the interviews some characteristics of organizations that could hinder this process are also mentioned:

- Production organized through shift work, especially because of the difficulty of replacing workers who need to reconcile.
- Production organized throughout the year, including holidays and weekends.
- Some middle managers with little predisposition towards rational and conciliatory working time management who consider certain flexibilities as an obstacle to achieve the expected results for organizations.
- A high diversity of professional groups with heterogeneous needs and interests.
- Difficulties to make substitutions for certain professional groups in case of reconciliation, especially in organizations with few staff.

For these reasons the CTESC recommends ...

39. To carry out training and information activities helping to develop strategies and skills to:

- Bet on a culture based on trust between the parties.
- Make a careful previous preparation of collective bargaining through working groups, where all groups of the organization are represented in order to meet their needs.

- Make preliminary analysis of the costs and the expected impact of the measures as a good way to dispel possible obstacles or resistances.
- Encourage the ongoing review of innovative measures.

40. To encourage the use of institutional mechanisms for mediation and conciliation, as the Labour Court of Catalonia or the Labour Inspectorate of Catalonia in the more complex processes of collective bargaining.

41. To think over the opportunity of the working time signing systems.