The Fight over Working Hours: Trade Union Action or State Control? A British Dutch Comparative Perspective

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The election of the British Labour government in 1997 brought about a *public* shift in British industrial relations with the acceptance of the Social Chapter at the June 1997 Amsterdam European Council. That meeting marked the culmination of the intergovernmental conference that commenced in March 1996 with the purpose of reviewing the workings of the European Union in the period since the 1993 Treaty on European Union. During that negotiation the then Conservative government decided to 'opt-out' from the Social Chapter,[1] a decision Amsterdam reversed. Britain's formal signature of the latter Treaty on 2 October 1997 heralded a whole new wave of employment and social affairs measures into British industrial relations with profound effect for employers and employees. Pertinent legislation has included the November 1996 EU Working Time Directive (entering force within Britain in October 1998), the Provision for Parental Leave[2] and the requirement for specific companies to establish European Works Councils.[3] Of these laws, the Working Time Directive sparked the most controversy within Britain. One reason for this was it provided the basis for a running battle

[1] See Will Hutton, 'Maastricht Summit/ Street fight that killed the social chapter', *The Guardian,* 11 December 1991, p.3.
[2] The Parental Leave Directive of 3 June 1996 concerns the right to parental leave, permitting either parent to three months' unpaid leave at any time up until a child's eighth birthday.
[3] The European Works Councils Directive of 22 September 1994 provides a requirement for companies who have more than 1,000 employees in Europe and who have two other European bases with at least over 15 staff to establish a European Works Council. This is an employee body that has a legal right to consultation over all major company decisions.

between the previous Conservative government of John Major and the European Union (EU). The former refused to accept its validity after the EU Council of Ministers signed the November 1993 agreement concerning the organisation of working time. This dispute was finally settled with the November 1996 European Court of Justice ruling that the Directive *was* to be implemented within Britain, thereby contradicting the Conservative government's belief that it was not a health and safety matter; the Commission chose to advance the Directive through Article 118A of the Treaty of Rome (health and safety legislation) whereby policy could be decided by a qualified majority vote (QMV). By doing so the Commission successfully navigated a passage to implement European-wide policy in the face of Britain's opt-out from the social chapter. But without entering into an analysis of the Commission's Machiavelian instincts, this outcome meant that the Working Time Directive became a prominent topic in British industrial relations. The passing of legislation to control working time is, however, not a recent phenomenon, but instead a feature since the industrial revolution of the nineteenth century.[4]

Initial opposition to the Working Time Directive within Britain was symptomatic of the then Conservative government's general hostility towards the granting of increased competence to the European Union. This has taken the form of many conflicts, including the extension of the European Parliament's powers and moves towards Economic and Monetary Union and a Common Foreign and Security Policy. But while these debates were generally crafted by the political realities of the time, comprising the government's majority within the Commons, the Working Time Directive reflects a significant difference between Britain and continental Europe in the field of industrial relations and labour market regulation. It is the aim of this article to explore these differences in a historical setting by comparing the Netherlands with Britain. Although many historic and present-day ties bind these nations together, as in the field of defence policy, they have stood at opposite poles within the realms of industrial relations.

[4] See A. A. Evans, *Hours of work in industrialised countries*, International Labour Organisation, (Geneva 1975).

Britain has traditionally reflected a *laissez-faire* system, couched in its role as the first industrial nation; there has been a voluntaristic tradition to reform with a limited role for statutory agreements. By contrast, the Netherlands has mirrored a far more *activist* and *interventionist* system, centred on an extensive statutory regulation of individual and collective employment relations.[5]

This research specifically examines how British trade unions have influenced the duration of working time through a process of negotiation and industrial action. In contradistinction, their Dutch counterparts have traditionally relied on the process of seeking statutory control over working time through the exertion of pressure on the Dutch parliament. Analysis is attached to *why* these different approaches have been adopted within each nation and it is demonstrated how changing circumstances have led to a re-assessment and change in the direction followed by each country. It is finally suggested that the European Working Time Directive is likely to lead to a convergence of both systems, whereby statutory control over minimum standards is combined with negotiated control of improved conditions. Within the context of each model, it is illustrated that emphasis on the approach adopted by trade unions, political parties and employers has varied over time, with particular regard to the question of variation from the standard working week (whether through shift or overtime), or the more recent employer-led focus on flexibility. Arguments used in favour of reducing working time are obviously not just centred on economic points of work-sharing and flexibility, but instead on fundamental social questions of cultural improvement and the use of leisure time. In undertaking a historical examination of working hours, the article mirrors the work of Blyton through analysing *why* the pattern reveals periods when hours became both longer and shorter.[6]

[5] We leave aside the Nordic system in which collective agreements are the central element of the system of regulation. See M. Hall, 'Industrial Relations and the Social Dimension of European Integration: Before and after Maastricht' in R. Hyman and A. Ferner (eds), *New Frontiers in European Industrial Relations*, (Blackwell, Oxford 1995).

[6] P. Blyton, *Changes in Working Time: an International Review*, (Croom Helm 1985), p.16.

The Early Years

The First Industrial Revolution within Britain heralded a massive change in the nature and organisation of work as the factory system imposed a new time discipline on workers. But while some individuals (predominantly employers) championed the virtues of the changes in working habits, it was hardly surprising that the regimentation of daily life was principally contested by those workers engaged in the newly-established mechanised industries: those who had lost all individual control over their working day.[7] As Thompson emphasised, 'It was exactly in those industries – the textile mills and the engineering workshops – where the new time discipline was most rigorously imposed, that the contests over time became most intense'.[8] Pressures for reform were not, however, the same in all sectors of commerce. Just as is the case today, technological progress often lengthened rather than shortened hours at work: the invention of gas light allowed mill owners to extend working hours to the extent that those engaged in the textile industry regularly worked more hours than the normal twelve-hour pattern of 6am to 6pm.

It was therefore predictable that reformers and trade unionists would establish short-term committees to remedy these excesses by pressurising government to enact legislation. Such activity was notably evident in those industries that placed heavy restrictions on the activities of workers, such as coal and textiles. Elsewhere, the building and engineering trades were not as vociferous in their campaign for a strictly defined working day (partly through being paid by time). In those industries, limitations to working hours were often driven by local collective agreement rather than national policy.[9] General pressure for reform did, nevertheless,

[7] Sidney and Beatrice Webb, *Industrial Democracy*, (Longman, London 1919), p.337.
[8] E.P. Thompson, 'Time, Work-Discipline and Industrial Capitalism', in M.W. Flinn and T.C. Smout (eds), *Essays in Social History*, (Clarendon Press, Oxford 1995), p.60.
[9] We are informed by Sidney and Beatrice Webb that 'The elaborate treaty concluded in 1892 between the London Building Trade Unions and the associated Master Builders, by which the working time for all building work within twelve miles of Charing Cross was fixed for every week in the year, with extra rates intended to penalise all overtime, is only one of the latest of a practically unbroken series of collective agreements'. Sidney and Beatrice Webb, *Industrial Democracy*, (Longman, London 1919), p.340.

produce various Factory Acts, although their application was limited to the position of women and children in specific industries. Lack of blanket coverage was emphasised by the 1847 Ten Hours Act: despite encompassing the whole of the textile industry, it still only applied to women and children.[10] It was also symptomatic of the time that pressure for reform had to percolate up to government rather than emerging from the Palaces of Westminster. One reason for this was the mutual interests shared by Parliamentarians *within* government and industrialists *outside* government.

An audience increasingly classified into industrial groupings nevertheless welcomed reform. Karl Marx noted the significance of the Ten Hours Act during a discourse before the International Working Men's Association (IMWA) in 1864. He stressed that '…the Ten Hours' Bill was not only a great practical success; it was the victory of a principle; it was the first time that in broad daylight the political economy of the middle class succumbed to the political economy of the working class'.[11] In a different vein, Blyton argued that the Act 'remains one of the landmarks of political reform in Britain on the question of working hours; subsequent changes in hours have primarily resulted from collective bargaining, following the rise of the trade union movement towards the end of the nineteenth century.'[12] In tandem with the growing strength and importance of trade unions, illustrated by the founding of the Trades Union Congress (TUC) in 1868, there emerged a belief among the ranks of the employed that the working day should be further reduced to eight hours. (Workers could afford to be more vocal having shed their insularity through union membership.) This process was emphasised by the founding meeting of the First International in 1866 producing a decision that the eight-hour day *should* become the legal standard. Beatrice and Sidney Webb equally inform us that one year later the leaders of the Lancashire Cotton-spinners' unions held a meeting 'to agitate for such a measure of legislative restriction as shall secure a uniform Eight Hours'

[10] E.P. Thompson, *The Making of the English Working Class*, (Penguin 1978), pp.371-384.
[11] K. Marx, 'Inaugural Address of the Working Men's International Association' in K. Marx and F. Engels, *Collected Works Volume I*, (Lawrence and Wishart 1985), p.11.
[12] Blyton, *Changes in Working Time*, *op. cit.*, p.17.

Bill in factories, exclusive of meal times, for adults, females and young persons'.[13]

The desire to reduce the working day was, of course, shaped by the fiscal vicissitudes of the time. Workers, buoyed by the economic prosperity of the 1870s, wished to reduce their working day through collective bargaining so as to pursue greater leisure activities. Favourable economic conditions were therefore central to the process of industrial relations reform. A fifty-hour week was established in the engineering industry in the 1870s (being influenced by the foundation of the Amalgamated Society of Engineers in 1851), while reductions of hours were also evident in the building, metal, bookbinders and printing trades; the latter two being strongly organised. By 1875 a great many workers enjoyed a 54-hour working week, while a nine rather than ten-hour day was to be found in those industries with routine industrial activity.[14] But just as economic growth provided the conditions to reduce working hours, the onslaught of recession in the later years of the 1870s put an end to this movement.

This development, combined with the still-infant trade union movement (which was not legalised until 1871 under Gladstone's first Liberal government), meant it was unlikely that existing bodies would be able to pressurise sufficiently for an eight-hour day to emerge. It was also clear that, while successive collective agreements had improved working conditions in various industries, the absence of blanket coverage discriminated against those trades that were less well organised. It was therefore likely that a campaign would emerge for an eight-hour day to be brought about by law, a policy that was driven by the engine builder, Tom Mann.[15] A vigorous campaigner, he was elected secretary of the *Eight Hour League* and presented an eight-hour bill at the 1887 TUC Congress, which the TUC in 1890 resolved in favour of legislation. Momentum behind this objective quickly accelerated. It was particularly

[13] Webb, *Industrial Democracy, op. cit.*, p.338.
[14] M.A. Bleinefeld, *Working Hours in British Industry: An Economic History*, (Weidenfeld and Nicholson 1972), pp.106-108.
[15] T. Mann, *What a Compulsory 8-hour Working Day Means to the Workers*, (Modern Press 1886). Also see T. Mann, *The Eight Hours Movement*, (Modern Press 1889).

notable that significant support came from the newly-unionised gas and dockworkers[16] - uniting low-paid and unskilled labourers. At the international level the combination of socialist-inspired union leaders – the Fabian Society was founded in 1884 and Labour Parliamentary candidates made their first appearance at the 1892 general election - and the broadening of trade unions to national unions strengthened interest in the eight-hour day. This ultimately led to the founding of the Second International in Paris in 1889.[17]

A growth in trade union power towards the end of the XIXth Century was also apparent in the Netherlands. The Dutch Social Democratic Union (SDB)[18] was formed in 1882 from a merger of smaller socialist associations and equally campaigned for a shorter working day (ten hours), the achievement of which was accelerated by the SDB establishing in 1893 a National Labour office (NAS).[19] In a similar vein to Mann's campaign for the working day to be protected by legal measures, the Dutch Socialist Parliamentarian Nieuwenhuis championed a matching cause.[20] His views were influential in criticising the 1889 Labour Act which mirrored British legislation by protecting children and women working in industrial trades, and similarly excluding men.[21] But it was not until the establishment of the Social Democratic Labourer's Party (SDAP)[22] that the reform of working hours could be successfully advocated *within* Parliament. The need for reform had been illustrated in 1887 by a State Commission report, which noted the poor health and safety conditions faced by many workers. This report helped to increase the profile of working hours within the Netherlands. This cause was later

[16] Both were founded in 1889.

[17] At that meeting it was decided to establish 1 May 1890 as an international day of protest for the eight-hour day. Henceforward, 1 May was intrinsically linked to the struggle for a shorter working day.

[18] Sociaal Democratische Bon (SBD).

[19] Nationaal Arbeids Secretariaat (NAS).

[20] D. Nieuwenhuis, *The Normal Working Day*, (Liebers, DenHaag 1887).

[21] The Labour Act specifically stressed that children under twelve years of age were not allowed to work in factories and workshops. The working time of children between twelve and sixteen years of age and females was limited to eleven hours per day. Unmarried women were also protected by the new Act.

[22] Sociaal Democratische Arbeiders Partij (SDAP).

taken up by the Dutch Alliance of Trade Unions (NVV)[23] which was established in 1906.

The advent of the XIXth Century brought with it a perception by reformers that the state *could* and *should* play a more constructive role in establishing legally-binding shorter working hours. Government was, of course, able to take an example through the regulation of the working hours of public-sector employees. Therefore, an eleven-hour day was standard for government works within the Netherlands from 1901 onwards, but the municipalities of Amsterdam and Rotterdam made the ten-hour day obligatory. From 1906 mineworkers employed in state mines worked an eight-hour rota. A shift towards the state was symptomatic of the growing importance of government in industrialised nations. This was particularly evident within the British House of Commons. It should not be forgotten that the dawning of the new century heralded the emergence of a new activism: 1906 saw the reforming Liberal Party achieve a landslide majority, the emergence of Labour MPs and the movement for women's suffrage. Old Age Pensions were introduced in Britain in 1909. The 1911 Parliament Act brought with it payment for MPs for the first time and a significant reduction in the power of the House of Lords. It was therefore predictable that a reformist zeal brought with it legislators who were more sympathetic to claims for shorter working hours, while the emergence of Labour MPs within Westminster provided direct contacts for trade unions to lobby for reform.

While these were significant developments, there still existed marked differences between the Netherlands and Britain. Some variances were inevitable as the two nations differed markedly in size (both geographical and population), industrial base and Parliamentary system. Within both countries the movement towards an eight-hour day was divided on whether the issue should be best pursued through demanding legislation covering all workers, or whether trade unions should seek to negotiate reductions in the working week whenever and wherever the opportunity presented itself. The next major opportunity for change in both countries came at the end of the First World War and it is to this that we now turn.

[23] Nederlands Verband van Vakerenigingen (NVV).

The Eight Hour Day during the Inter War Period

Those troops, which returned from the trenches in 1918, faced and expected a future different from that when they had left in 1914. The economic and political environment had changed, certainly within Britain. Dependent markets for trade before the war were now more self-sufficient. Such factors altered the economic framework in which troops expected to find employment. More significantly, the post-bellum period brought with it a debate as to whether workers *should* be forced to endure long hours of work;[24] the war had, after all, helped to erode some of the social divisions which had been well cemented by the turn of the century. A further pertinent factor was that many European countries implemented new labour laws at this time. The eight-hour day was introduced as the basis of employment in Russia in 1917 and Austria, Czechoslovakia, Germany and Poland in 1918. Political and economic unrest within France forced the government to introduce a 48-hour week in the late spring of 1919.

Increased agitation was symptomatic of the period. The threat of trouble within Britain forced the EEF to concede a 47-hour week in November 1918. But this offer failed to satisfy the thirst among workers for a 40-hour week: a vote in favour of accepting the 47-hour offer was only 36,000 to 48,000. Militancy was especially evident in heavily concentrated industrial areas, such as Belfast, Glasgow and London, the very areas which had produced many prominent members of the Labour Party. Demand for a 40-hour week was especially evident on Clydeside where workers went on strike on 27 January 1919 to achieve this objective.[25] Such action proved to be insular and therefore the strike's collapse in its second week was somewhat predictable. Reform in working hours was nevertheless evident in the post-war period, with builders achieving 44 hours, shipbuilders and engineers 47, corporation

[24] See L. Heerma van Voss, 'The International Federation of Trade Unions and the attempt to maintain the eight-hour working day', in F. van Holthoon and M. van der Linden, *Internationalism in the Labour Movement, Part III*, (Leiden Brill 1988).
[25] J. Leopold, 'The forty hours strike', in L. Flynn (ed), *We Shall Be All*, (Bookmarx 1978), pp.34-44.

and catering staff 48 and farmworkers 50. Lowe informs us that 1919 witnessed an industry-wide reduction of the working week from an average of 54 to 48 hours.[26] (This impromptu development did not result in the emergence of an eight-hour day as the 48 hours tended to be averaged with a longer Monday to Friday and a short Saturday). Commitment towards a 48-hour week had, of course, been undertaken by the government in 1919 with its signature of the labour charter of the Peace Treaty and the hours convention at the inaugural conference of the International Labour Organisation (ILO) in Washington.

External commitments for internal actions failed to materialise into specific legislation despite pressure from the TUC. Indeed, in 1921 the Lloyd George Coalition decided not to ratify the Washington Convention. This action was similarly represented in the Netherlands, although the Dutch government had been instrumental in proposing an eight-hour day and working week of 45-hours for factories and workshops (becoming law in July 1919).[27] Such policy followed in the wake of companies such as Philips and Calvé having energetically pushed for the introduction of an eight-hour day. It is therefore fair to stress that Labour reform had percolated downwards to the workers within the Netherlands in contradistinction to Britain.

A change in attitude by the Dutch government to the regulation of working hours was influenced by concerns over economic competitiveness. This was an issue also apparent in Britain, where the workforce was perceived to have not increased their productivity sufficiently after the 1919 decision to introduce a 48-hour week. Pressure for a longer working week within the Netherlands was primarily because of employers considering it uncompetitive that German workers average a 48-hour week in comparison to a Dutch working week of 45 hours. In response to employers' concern, workers were allowed to work for longer periods of time from 1922 onwards. Indeed, the employers of the Twente textile mills demanded a 53-hour working week in 1923. It was therefore

[26] R. Lowe, 'Hours of Labour: Negotiating Industrial Legislation in Britain, 1919-1939', *The Economic History Review*, 1982, p.255.
[27] The law was accepted by the Dutch Parliament on 11 July 1919 with only three votes against.

clear that economic profits dominated working hours. This issue became even more apparent in the 1930s as the world economy moved into recession. But the reality at this juncture in time was that working hours were shortened as a means of combating unemployment rather than as a method of increasing the well-being of the labour force.

The Dutch Situation after 1945

In the aftermath of the turbulence of the Second World War, the close interaction between employees, employers and the national government established the parameters within the field of Dutch industrial relations. Indeed, even before the allied campaign brought victory, representatives of employers' associations and trade unions established the Foundation of Labour (SVA)[28] as a means of injecting a degree of stability in future relations with government.[29] In conducting its activities in the post-war period, the Foundation successfully managed to pacify wages claims as well act as a trade and industry advisory organ, although the latter role was taken over in 1950 by the Social Economic Council (SEC).[30] It, more than other bodies, in its capacity as an advisor to the government on social security, legislation and labour market policies, helped to transform the structure of the Dutch economy from a capitalist free-enterprise system into a regulated mechanism 'corresponding to an idealised version of corporate economic organisation'.[31]

Such a decision to enter into a corporatist culture by the trade unions was a conscious one. In accepting the authority of employers over within-firm production and investment decisions, unions obtained a commitment to the goal of full employment and the recognition of their partnership in the development of a national social security system. But while progress was achieved within the realm of establishing trilateral policy bodies, little headway was attained in the reduction of working

[28] Stichting van de Arbeid (SVA).
[29] M. van Bottenburg, *Aan den Arbeid. In de wandelgangen van de Stichting van de Arbeid, 1945-1995*, (Bert Bakker, Amsterdam 1995).
[30] Sociaal Economische Raad (SEC).
[31] J.P. Windmuller, *Labor Relations in the Netherlands*, (Cornell University Press, Ithaca 1969), p.286.

hours in the immediate years after 1945. This was, of course, not surprising. The war had inflicted great damage to the economies of continental Europe and much work had to be done to remedy the situation. In an age of industrial growth and economic potential the government, employers and employees saw little benefit in relaxing labour laws. This situation continued until the 1960s when concern over working hours once again emerged as a significant issue. Collective agreements resulted in employees not having to work Saturday, although the price for this was an increase in the daily working hours from eight-and-a-half to nine hours. Yet the growing internationalisation of economic (and cultural and political affairs) brought with it comparisons between different countries, especially the United States where a forty-hour working week had been established. This state of affairs increased the awareness of Dutch working hours and led to pressure being placed on government producing a gradual reduction in working hours: by 1975 all employees (public and private) had obtained a contractual forty-hour working week.

This development accordingly represented a significant benchmark in Dutch industrial relations. But this did not stop other claims for a reduction in working hours as evidenced by the Manufacturing Union of the NVV unsuccessfully lobbying in 1978 for a thirty-five hour week. Claims for a reduction in working hours could not, however, be treated in isolation; especially as European economies entered into a phase of slower growth (influenced by the 1973 and 1979 oil shocks) and increased levels of unemployment. A further influencing factor on working hours was the election of the right-wing Lubbers government, which advocated a policy of pay restraint. Changes in working hours were subsequently offset by pay controls, illustrated by the 1982 agreement brokered by the Foundation for Labour. This stressed that the 2% difference between the wage rises advocated by the social partners and those permitted by government could be used to limit working hours. The effect of this decision was to alter the method by which working hours changed: while previous reductions had been conceded by employers', the trade unions conceded a reduction in real wages in exchange for lifting the employers' veto on labour-time reduction. This meant government intervention in wage changes was held off.[32] It became further apparent that the social partners had made important concessions to each other: the employers were prepared to discuss the taboo on the limitation of working hours and the employees both gave up the automatic price compensation and agreed to a policy of wage modernisation. The agreement consequently encouraged decentralised wage formation to the extent that government interference was abolished.

In actual event work-sharing through shorter working hours had emerged as a prime priority. In 1983 some two-thirds of 481 collective agreements were reopened and wage claims postponed. By this juncture in time the implementation of the 38-hour working week in most branches of trade between 1982 and 1985 only reduced the average working time of a full-time employee by 7%. Indeed, some 60% of all private sector full-time employees already had a 38-hour week, while a 36-hour week was enjoyed by between 10-15% of this industrial grouping. Such reductions were primarily accommodated by the taking of extra days off work, with unemployment accounting for a small part: it was calculated that the limitation of working hours created some 55,000 jobs.[33] An effect of the reduction in working hours, which resulted in civil servants being granted a 38-hour week in 1985, was the general stabilisation of the job market in a time of slow economic growth.[34]

Britain and the Struggle for the Thirty-five Hour Week

Just as in the Netherlands, Britain also encountered a reduction in working hours in the post-1945 era. These advances were achieved through collective bargaining, resulting in a 44-hour week by the end of the 1940s and a 40-hour week by the mid-1960s. Similarities with the Dutch experience are also evident with the TUC's demand for a 35-hour week at

[32] The period between 1970-1982 saw three wage interventions.
[33] This figure is contested by Ch. De Neubourg, 'Where Have All The Hours Gone? Working-Time Reduction Policies in the Netherlands', in K. Hinrichs (ed), *Working Time in Transition*, (Philadelphia 1991), p.90.
[34] See European Economy, *The economic and financial situation in the Netherlands*, (Luxembourg Office for the Official Publications of the European Communities, 1995), No.1, pp.17-27.

the end of the 1970s, which was presented as part of the European Trades Union Confederation's call for a 10% reduction in working time. This was to be achieved by a 35-hour week, increased annual holiday to 6 weeks and a general retirement age of 60 years.[35] Although this objective proved unrealistic, a reduction in working hours did nevertheless take place. The engineering industry brought in the 42-hour week in 1962. At the end of 1983 the basic weekly hours for male manual workers averaged 39.2 hours and for non-manual men, 37.1. This diminution in the working week was the product of bargained reductions in the construction, engineering,[36] pharmaceutical, printing and railway industries as well as company-wide agreements in such organisations as ICI, Metal Box and Woolworths.[37]

A notable side effect of the bargained reductions was that the existence of average figures masked significant variations.[38] For instance, the TUC estimated in 1983 that some quarter or a third of the manual workforce continued to work in excess of 40 hours, despite many employees having negotiated a sub 37-hour limit. It was also evident that notable variations existed between manual and non-manual workers and between men and women. Differences were also prevalent within specific industrial sectors, such as engineering. It emerged that some firms had introduced the 39-hour week in advance of the nationally agreed date, while variations took place as to the manner in which employers rearranged work so as to assimilate the planned reductions. More significantly, some firms actually reached agreement on further reductions in addition to the national contract.[39] It was consequently the

[35] European Trade Union Institute, *Reduction of Working Time in Western Europe, Part I, The Present Situation*, (Brussels 1979).

[36] The engineering industry witnessed a reduction in working hours through from 47 to 39 hours as the product of national agreements in 1947, 1960, 1964-5 and 1981. See P. Richardson and M. Rubin, 'The shorter working week in engineering: surrender without sacrifice?' in D. Metcalfe and S. Milner (eds), *New Perspectives in Industrial Disputes*, (Routledge 1994), p.1.

[37] See M. White, *Shorter Working Hours Through National Industry Agreements*, (Department of Employment Research Paper No.38, HMSO 1982).

[38] Blyton, *Changes in Working Time, op. cit.*, p.23.

[39] See A. McKinley and D. McNulty, 'Open Secrets and Hidden Agendas: Working Time, Flexibility and Industrial Relations in British Engineering', in P. Blyton and J. Morris (eds), *A Flexible Future? Prospects for Employment and Organisation*, (Berlin, de Gruyter 1991), pp.300-307.

achievement of *individual* rather than *national* agreements that began to threaten the very existence and success of national bargaining and settlements within the engineering industry. In a sense it signified a return to pre-unionised days, which was of course symptomatic of the general malaise at the way the Thatcher government treated unions. As McKinlay and McNulty note, 'the way in which companies were able to determine the form of the reduction in working time diminished the impact of their victory'.[40]

The undercurrent of tension, which quickly emerged within the engineering industry, emerged as a significant division between 1984 and 1987 when a joint Confederation of Shipbuilding and Engineering Unions-EEF working party addressed issues of working time and flexibility. Symptomatic of the emergence of individual agreements, the negotiations ended in failure because of internal division: white-collar workers were unwilling to enter a campaign when they already had a shorter working week. This development led to the EEF unilaterally abandoning national collective bargaining on substantive issues in December 1989.[41] The campaign to reduce working hours did, however, continue, which sixteen months later resulted in the CSEU claiming that 1666 separate settlements, covering 600,000 workers, had been made, with the effect of reducing hours to 37 per week.[42]

The reality of these events is that despite Britain being the first industrial nation, there has been no general legislation regulating hours of work. Specific groups in individual industries have instead been covered. They were however ended under the Thatcherite reforms of the 1980s when legislation regulating the hours of women and young people were respectively repealed under the 1986 Sex Discrimination Act and 1989 Employment Act. The later decision by the Major government to abolish Wages Councils in 1993 ended control in specific industries. Within Britain, growing employer concern over the flexible use of labour has led to agreements on the reduction of each individual's

[40] A. McKinlay and D. McNulty, 'At the cutting edge of new realism: the engineers' 35 hour week campaign', *Industrial Relations Journal*, 23:3, 1992, p.206.
[41] McKinley and D. McNulty, 'Open Secrets', *op. cit.*, p.306.
[42] Richardson and Rubin, 'The shorter working week in engineering', *op. cit.*, p.229.

working time in return for greater elasticity and productivity at the plant level. This has been a notable feature of the engineering industry.[43] It has also been argued by Campbell that the decentralised implementation of the agreement within this sector has led to a disassociation by trade unions over the industry-level bargained reductions in working time in favour of improvement in productivity.[44]

It is also worth noting that flexibility was a key factor in the 1982 rostering dispute between the British Railways Board and train drivers. While the unions demanded a pay rise in conjunction with a 39-hour week, their employers *insisted* on flexible rostering to replace the fixed eight-hour day with the possibility of variation between seven and nine hours.[45] The significance of this dispute was that it was indicative of the decade, whereby it was possible to trace a shift in arguments over working time from unions attempting to reduce the standard working week (or day) to emphasis on job creation. At the same time, employers attached particular importance to the injection of changes in traditional working patterns so that it would be possible to match working time with the demand for goods and services. In a similar vein, unions negotiating for British Telecom workers in 1987 managed to resist the most radical of the proposed changes to the shift system, but only by conceding an extension of the working day by 45 minutes.[46]

It has therefore been demonstrated in this paper that reductions in standard working hours have been a long-term goal of the international trade-union movement. Recently, Treu has correctly identified a change of emphasis within Europe, whereby trade unions and governments have sought to reduce working time as a means of tackling unacceptable (politically) levels of unemployment.[47] This shift in accent reflects a

[43] D.C. Campbell, 'Worksharing and Labour Market Flexibility: A Comparative Industrial Analysis', in A. Gladstone (ed) *Current Issues in Labour Relations: An International Perspective*, (Berlin, de Gruyter 1989), p.183.
[44] *Ibid*.
[45] See A. Ferner, 'Political constraints and management strategies: The case of working practices in British Rail', *British Journal of Industrial Relations*, 23:1, 1985, pp.47-70.
[46] P. Blyton, 'Time and labour relations', in P. Blyton, J. Hassard, S. Hill and K. Starkey, *Time, Work and Organisation*, (Routledge 1989), p.127.
[47] T. Treu, Introduction', in A. Gladstone (ed), *Current Issues in Labour Relations: An International Perspective*, (Berlin, de Gruyter 1989), pp.149-160.

further reason as to *why* working time should be reduced: earlier campaigns focusing on the individual worker's plight have been replaced by a viewpoint that working hours *can* cure the macroeconomic problems of the state. There has therefore been a disintanglement of social and economic issues. Predictably, the trade-union movement has not wholly supported this change. One reason for this is the lack of hard detail to confirm that work-sharing *does* create more jobs. Indeed, studies have actually demonstrated that work sharing tends to be compensated by increased productivity rather than increased employment.[48] The knock-on effect of productivity changes has been the championing of flexibility by employers as a means of maximising the operating capacity of the workforce. To that end, employers have set the objective of reductions in working hours having to be at least cost-neutral (preferably cost-reducing), which therefore minimises any potential for job creation.

Conclusion

Blyton has argued that many factors influence the relative importance of legislation and collective agreements in determining working hours. For instance, the considerable cross-national differences in industrial relations structures have a significant bearing on the relative importance of the two mechanisms.[49] We have tried to trace the historical evolution of both approaches within Britain and the Netherlands. Within the latter, an initial reliance on reducing working hours through legislation has given way to a dual approach whereby basic normal hours are set by law, although there is also scope at the branch and workplace level to reduce this even further. By contrast, trade unions within Britain have strongly favoured a voluntaristic approach based on collective bargaining. This difference has led to bursts of activity where the stronger, well-organised unions have been able to negotiate favourable reductions in working hours. (Such gains have often spread to other sectors). The problem with this approach is that it provides no guarantee that negotiated

[48] M. White, *Shorter Working Hours, op. cit.*, p.30.
[49] Blyton, *Changes in Working Time, op. cit.*, p.30.

reductions will lead to the creation of jobs or that employers will not seek to manage working time through shift work and overtime.

Treu has argued that the differentiation and decentralisation of work patterns not only makes central control of industrial relations norms more difficult, but that it also makes statutory control problematic.[50] The reality of greater numbers of workers being placed on atypical contracts of employment is that standard norms, whether statutory or bargained, will likely become minima rather than maxima. They will probably also be subject to further negotiation at the level of the workplace or even the individual employee. Added to this, the decline in union membership within Britain and the Netherlands has meant that there has been a diminution in the potential and ability for unions to negotiate on working hours. Within Britain there is significant evidence that working time is increasing rather than decreasing, while the nation has the highest proportion of its workforce working more than 48-hours per week within the EU.[51] It can therefore be expected that the EU Working Time Directive should provide non-unionised and unprotected workers with basic protection. At the same time, the legislation provides an opportunity for unions to negotiate variations and improvements around the minima. As the Directive aims to promote a 'social dialogue' between trade unions, employers' bodies and works councils then it is likely that this *could* produce an industrial relations system based more on consensual agreements rather than polarity.

This effectively represents the pattern of Dutch industrial relations for the period after the 1919 Labour Law. But recent integration within the European Union has placed strains on this co-operative model, arising from its centralised nature. In this context, it can be anticipated that the system of industrial relations within the Netherlands will metamorphose into a further model of institutionalised partnership. In a similar vein, the British system of industrial relations is equally encountering change through the introduction of legal minimum standards supplemented by collective bargaining. One further effect of the process of European integration, which has seen the then Community of six transform into a

[50] See T. Treu, Introduction', *op. cit.*, pp.149-160.

Union of fifteen with a single currency, is the consequent growth in the importance of European-wide lobbying in reforming working practices.[52] It is accordingly inevitable that national trade union bodies will be usurped by the likes of the European Trades Union Confederation (ETUC).[53] This shift in emphasis was most recently demonstrated by the intergovernmental negotiations which led to the Maastricht Treaty when the ETUC reached agreement on the creation of Social Partners with the European employers federation (UNICE) in October 1991.[54] In recognition of the importance of this text, the Netherlands (who chaired the intergovernmental conference in the second half of 1991) wholeheartedly inserted it into their revised Political Union text prior to the December 1991 Maastricht European Council. The Dutch had previously been lobbied by the ETUC to reinforce the Community's social dimension.[55] A central role for employers in the drafting of EC legislation was perceived by The Hague as a means of appeasing member states who argued that Community social policy legislation, such as over working-time, was inflexible and anti-business.[56] It can therefore be seen that the transformation of the ETUC into a strong federation with direct affiliation to national and international industry or sector unions mirrors the tradition of internationalism which can be traced back to the XIXth Century.

[51] Incomes Data Service, 'The Working Time Directive', *IDS Report 710*, April 1996, pp.25-27.

[52] Keith Harper, 'The approach: Brussels base will be used to take advantage of social partnership', *The Guardian*, 7 September 1993, p.18.

[53] See J. Visser, 'The Strength of Union Movements in Advanced Capitalist Democracies', in M. Regini (ed), *The Future of Labour Movements*, (Sage 1992), pp.38-39.

[54] Agreement between UNICE and ETUC on Articles 118.4, 118A and 118B. See *Agence Europe*, No.5602, 4-5 November 1991, p.4.

[55] *The Guardian*, 13 November 1991, p.11.

[56] *Financial Times*, 11 November 1991, p.3.