

### POLICY PROPOSAL

#### WIN-WIN FLEXIBILITY

By Karen Kornbluh\*

##### Introduction

Today fully 70 percent of families with children are headed by two working parents or by an unmarried working parent. The “traditional family” of the breadwinner and homemaker has been replaced by the “juggler family,” in which no one is home full-time. Two-parent families are working 10 more hours a week than in 1979.<sup>1</sup>

To be decent parents, caregivers, and members of their communities, workers now need greater flexibility than they once did. Yet good part-time or flex-time jobs remain rare. Whereas companies have embraced flexibility in virtually every other aspect of their businesses (inventory control, production schedules, financing), full-time workers’ schedules remain largely inflexible. Employers often demand workers be available around the clock. Moreover, many employees have no right to a minimum number of sick or vacation days; almost two thirds of all workers – and an even larger percentage of low-income parents – lack the ability to take a day off to care for a family member.<sup>2</sup> The Family and Medical Leave Act of 1993 finally guaranteed that workers at large companies could take a leave of absence for the birth or adoption of a baby, or for the illness of a family member. Yet that guaranteed leave is unpaid.

Many businesses are finding ways to give their most valued employees flexibility but, all too often, workers who need flexibility find themselves shunted into part-time, temporary, on-call, or contract jobs with reduced wages and career opportunities – and, often, no benefits. A full quarter of American workers are in these jobs. Only 15 percent of women and 12 percent of men in such jobs receive health insurance from their employers.<sup>3</sup>

A number of European countries provide workers the right to a part-time schedule and all have enacted legislation to implement a European Union directive to prohibit discrimination against part-time workers.

In America, employers are required to accommodate the needs of employees with disabilities – even if that means providing a part-time or flexible schedule. Employers may also provide religious accommodations for employees by offering a part-time or flexible schedule. At the same time, employers have no obligation to allow parents or employees caring for sick relatives to work part-time or flexible schedules, even if the cost to the employer would be inconsequential.

In the 21<sup>st</sup> Century global economy, America needs a new approach that allows businesses to gain flexibility in staffing without sacrificing their competitiveness and enables workers to gain control over their work-lives without sacrificing their economic security. This win-win flexibility arrangement will not be the same in every company, nor even for each employee working within the same organization. Each case will be different. But flexibility will not come for all employees without some education, prodding, and leadership. So, employers and employees must be required to come to the table to work out a solution that benefits everyone. American businesses must be educated on strategies for giving employees flexibility without sacrificing productivity or morale. And businesses should be recognized and rewarded when they do so.

America is a nation that continually rises to the occasion. At the dawn of a new century, we face many challenges. One of these is helping families to raise our next generation in an increasingly

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demanding global economy. This is a challenge America must meet with imagination and determination.

### **Background: The Need for Workplace Flexibility**

Between 1970 and 2000, the percentage of mothers in the workforce rose from 38 to 67 percent.<sup>4</sup> Moreover, the number of hours worked by dual-income families has increased dramatically. Couples with children worked a full 60 hours a week in 1979. By 2000 they were working 70 hours a week.<sup>5</sup> And more parents than ever are working long hours. In 2000, nearly 1 out of every 8 couples with children was putting in 100 hours a week or more on the job, compared to only 1 out of 12 families in 1970.<sup>6</sup>

In addition to working parents, there are over 44.4 million Americans who provide care to another adult, often an older relative.<sup>7</sup> Fifty-nine percent of these caregivers either work or have worked while providing care.<sup>8</sup>

In a 2002 report by the Families and Work Institute, 45 percent of employees reported that work and family responsibilities interfered with each other “a lot” or “some”<sup>9</sup> and 67 percent of employed parents report that they do not have enough time with their children.<sup>10</sup>

Over half of workers today have no control over scheduling alternative start and end times at work.<sup>11</sup> According to recent study by the Institute for Women’s Policy Research, 49 percent of workers – over 59 million Americans – lack basic paid sick days for themselves.<sup>12</sup> And almost two-thirds of all workers – and an even larger percentage of low-income parents – lack the ability to take a day off to care for a family member.<sup>13</sup> Thirteen percent of non-poor workers with caregiving responsibilities lack paid vacation leave, while 28 percent of poor caregivers lack any paid vacation time.<sup>14</sup> Research has shown that flexible arrangements and benefits tend to be more accessible in larger and more profitable firms, and then to the most valued professional and managerial workers in those firms.<sup>15</sup> Parents with young children and working welfare recipients – the workers who need access to paid leave the most – are the least likely to have these benefits, according to research from the Urban Institute.<sup>16</sup>

In the US, only 5 percent workers have access to a job that provides paid parental leave.<sup>17</sup> The Family and Medical Leave Act grants the right to 12 weeks of unpaid leave for the birth or adoption of a child or for the serious illness of the worker or a worker’s family member. But the law does not apply to employees who work in companies with fewer than 50 people, employees who have worked for less than a year at their place of employment, or employees who work fewer than 1,250 hours a year. Consequently, only 45 percent of parents working in the private sector are eligible to take even this unpaid time off.<sup>18</sup>

Workers often buy flexibility by sacrificing job security, benefits, and pay. Part-time workers are less likely to have employer-provided health insurance or pensions and their hourly wages are lower. One study in 2002 found that 43 percent of employed parents said that using flexibility would jeopardize their advancement.<sup>19</sup>

Children, in particular, pay a heavy price for workplace inflexibility.<sup>20</sup> Almost 60 percent of child care arrangements are of poor or mediocre quality.<sup>21</sup> Children in low-income families are even less likely to be in good or excellent care settings. Full-day child care easily costs \$4,000 to \$10,000 per year – approaching the price of college tuition at a public university. As a result of the unaffordable and low quality nature of child care in this country, a disturbing number of today’s children are left home alone: Over 3.3 million children age 6-12 are home alone after school each day.<sup>22</sup>

Many enlightened businesses are showing the way forward to a 21<sup>st</sup> Century flexible workplace. Currently, however, businesses have little incentive to provide families with the flexibility they need. We need to level the playing field and remove the competitive disadvantages for all businesses that do provide workplace flexibility.

This should be a popular priority. A recent poll found that 77 percent of likely voters feel that it is difficult for families to earn enough and still have time to be with their families. Eighty-four percent of voters agree that children are being shortchanged when their parents have to work long hours.

## What's Happening in Other Countries

The European Union adopted a Directive on Part-Time Work in 1997 designed to “eliminate discrimination against part-time workers and to improve the quality of part-time work. It also aims to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organization of working time in a manner which takes into account the needs of employers and workers.”

The directive requires members to enact measures to prohibit employers from treating part-time workers less favorably than full-time workers in terms of pay equity, social security and benefits, training and promotion, and bargaining rights. It urges member states to eliminate obstacles to part-time work and employers to consider worker requests to adopt a part-time schedule.

Since the directive was issued, every EU member state has acted to prohibit employers from treating part-time workers less favorably than full-time workers. In addition, a number of countries have given workers an affirmative right to a part-time schedule. We will discuss the cases of Germany and the Netherlands, which give workers the right to change their schedules to work part-time and the UK, which gives parents of young children the right to request a flexible schedule. There are other examples of countries that give workers the right to a part-time schedule – notably Sweden, Belgium and France – that are not discussed here.

It is important to note that in addition to the right to flexibility, workers in these countries enjoy access to health care whether they work full- or part-time, parental and sick leave, and, in most cases, subsidized or public child care.

### ***The UK: The Right to Request Flexible Working Hours***

In April 2003, parents with young children received a new right to request flexible work. Through the Employment Act of 2002 and the Flexible Working Regulations of 2002 and 2003, parents of young children now have the right to request flexible work. The new laws apply to individuals employed under contract who have worked at least 26 continuous weeks for their employer and have a child under the age of six (or disabled child under the age of 18). They give workers who have or expect to have

responsibility for the upbringing of the child as (married to, partner of) the mother, father, adopters, guardian, or foster parent of a child the right to change working hours specifically for the purpose of caring for their children. Employees are able to request a change in the hours they work; a change in the times when they are required to work; or to work from home. These options include instituting flexible working patterns like annualized hours, compressed hours, flextime, telecommuting, job-sharing, shift working, and staggered hours.

The law lays out a process for the request and employer response. The employee files a written application including relevant information (details about requested change, effects, and solutions to effects of flexible working on the employer). Then the employer must hold a meeting to discuss the request within four weeks. The employer in the UK must notify the employee of a decision regarding the flexible work request within two weeks of the meeting. The employee then has two weeks to appeal the decision through an existing system of labor tribunals. Employers in the UK may refuse requests for flexible work based only on the following grounds:

- Burden of additional costs
- Detrimental effect on ability to meet consumer demand
- Inability to re-organize work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- Such other grounds as the Secretary of State may specify by regulations

Fines, with upward limits of around £2,160, may be levied on businesses that follow incorrect procedure or base refusals of flexible work on incorrect facts.<sup>23</sup>

Although the UK law gives businesses rather wide latitude for refusing requests to work flexibly and the fine for refusing for the wrong reasons is relatively small, the law is considered a success by business, workers, and the government – which has begun talking about expanding it to all employees. After the first year, almost one quarter of all eligible employees – about 800,000 parents – either successfully reduced or rearranged their work hours.

And out of all the requests for flexible work made, 86 percent were granted either fully (77 percent) or partially (9 percent).<sup>24</sup>

One reason the UK law may have been a success despite its “soft touch” approach is the public education campaign that preceded and accompanied it. The government consulted with industry through a public process in developing the law. Then, in conjunction with the implementation of the Right to Flexible Work, the government sponsored a “Work-Life Balance Campaign,” to support employers in allowing their employees to work flexibly and to share best practices. The government provided financial incentives to businesses to develop flexible work policies and practices. According to the UK Department of Trade and Industry, 400 employers were given £11.3 million as part of the Work-Life Balance Challenge Fund.<sup>25</sup>

For more information on this law and its implementation, see forthcoming report *How to Exercise Flexible Work: Take Steps with a “Soft Touch” Law*, CLASP Work-Life Balance Brief No. 3, June 2005 (available from [www.clasp.org](http://www.clasp.org)).

### ***Germany: Part-time and Fixed Term Employment Law***

The German Part-Time and Fixed Term Employment Law of 2000 grants workers in companies with more than 15 employees who have worked at least six months a right to a reduction in working hours. This right applies to all workers, regardless of parental status, which makes it more inclusive than the UK Right to Flexible Work. Employees need not provide a reason for wanting a change in work hours and may request an increase in work hours (i.e. back to original level), but only have the right to preferential consideration for vacancies. Employers are required to allow workers to reduce their hours unless there are no proven business or organizational reasons that “substantially influence the organization of work or safety” or involve “disproportionate costs” (the law doesn't include specifics on these reasons or the levels at which costs become disproportionate).<sup>26</sup> Employees may challenge an employer's decision in court. There is also separate legislation in Germany (introduced as an amendment to the parental leave regulations) to request a temporary reduction of working time for new parents (both mothers and fathers) to between 15 and 30 hours per week during

their parental leave, which is up to 3 years after the birth of a child.

While the German flexibility law itself is stronger and more inclusive than the UK Right to Request, fewer people have used it to reduce work hours. In the first year of the German flexibility law, there were 80,000 recorded working time reductions – with less than 5 percent of requests rejected.<sup>27</sup> This lower uptake rate is perhaps due, in part, to inadequate child care and cultural disapproval of mothers of school-aged children working.<sup>28</sup>

### ***The Netherlands: The Working Hours Adjustment Act***

In the Netherlands, the Working Hours Adjustment Act of 2000 gives employees a right to change their working hours via their employment contract. This law applies to all employees who have worked for at least a year with an employer and have not made a similar request in the past two years. All businesses with more than 10 employees are covered under this law. And smaller firms must have a policy to deal with requests for changing work hours. In order to obtain flexible working arrangements, an employee must notify an employer in writing with at least four months advance warning of a desire to change working hours, which means either reducing, increasing, or redistributing these hours. Employers may refuse requests for changed working hours based on serious business interests such as:

- Employer is unable to get someone else to work the hours that would no longer be worked by the employee
- The adjustment of working hours leads to serious staffing or safety problems
- Serious financial or organizational problems would occur, such as when there is not enough work to be performed<sup>29</sup>

The Dutch law operates in an unusual employment environment. The Netherlands has the highest rate of part-time work. Forty-two percent of all Dutch workers held part-time positions in 2001. For Dutch women, part-time work is actually the norm: 71 percent work part-time.<sup>30</sup>

## US Legal Context

The Fair Labor Standards Act of 1938 provides covered nonexempt workers the right to time-and-a-half pay for hours worked over 40 in a week. However, it gives workers no protections if they wish to turn down overtime or even take a day off without pay for their own or a child's illness, let alone request a shorter or flexible work schedule. In addition much of the workforce is not covered or is exempt.

In general, federal civil rights statutes prohibit discrimination against employees based upon the employee's race, gender, religion, national origin, or pregnancy status. For example, the Pregnancy Discrimination Act prohibits discrimination against pregnant women but only insofar as it prohibits employers from treating a pregnant woman differently from other employees. It does not require that employers meet the needs of a pregnant employee if similar needs are not met for other employees.

There are several laws that – at least in theory – require employers to meet the specific needs of some employees. Part of the Civil Rights Act's Title VII requires employers to provide "reasonable accommodation" to religious beliefs or practices of employees; the Americans with Disabilities Act requires employers to provide "reasonable accommodation" to employees with disabilities; and the Family and Medical Leave Act requires employers to provide leave to employees with family and medical emergencies.

### *Title VII of the Civil Rights Act*

Title VII of the Civil Rights Act of 1964 is the principal employment anti-discrimination statute in the U.S. Its religious discrimination provision prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment.

Employers must reasonably accommodate the religious beliefs or practices of an employee unless doing so would impose an undue hardship on the employers' legitimate business interests such as more than ordinary costs, decreased job efficiency, impairment of worker safety, infringement of other employee's rights, or conflict with another law or regulation as a result of the accommodation in question. Examples of reasonable accommodations

listed by the EEOC's fact sheet include flexible scheduling and voluntary substitutions.<sup>31</sup>

Title VII covers employers with 15 or more employees, including federal, state, and local governments. Charges of discrimination and disparate impact in violation of this law may be enforced by private plaintiffs and by the Equal Employment Opportunity Commission (EEOC), which has the power to investigate charges and bring civil actions against an employer.

### *Americans with Disabilities Act*

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. It is a violation of the ADA for an employer to fail to provide reasonable accommodation of the physical or mental limitations of an otherwise qualified individual with a disability, unless doing so would impose an undue hardship on the operation of the business in question. "Undue hardship" is defined as an action requiring "significant difficulty or expense" when considered in light of the nature/cost of accommodation itself; the financial resources of the business facility; the overall size of the business; the effect of the expense of the accommodation on the business; and the structure and functions of the business' workforce.

The ADA lists a number of possible adjustments that may be considered "reasonable accommodations" including part-time or modified work schedules. In 1999, the EEOC said that allowing an individual with a disability to work at home may be a form of reasonable accommodation.

Like Title VII, the ADA covers employers with 15 or more employees including the federal, state, and local governments and is enforced by private plaintiffs and the EEOC.

### *Family and Medical Leave Act*

The Family and Medical Leave Act of 1993 (FMLA) provides employees unpaid leave of up to 12 weeks for the birth and care of the newborn child of an employee; the adoption or foster care placement of a son or daughter of an employee; care for an immediate family member with a serious health condition; or medical leave for an employee's own serious health condition. The FMLA requires that covered employers maintain employee health

benefits during the unpaid leave for qualifying employees. FMLA also restores the job to an employee after the period of unpaid leave. FMLA covers private employers with more than 50 employees and federal, state, and local employees. Both of these groups of employees must also satisfy the following employment conditions: have worked for the employer for 12 months (which do not have to be consecutive) and have worked at least 1,250 hours during the immediately preceding 12 months. Employers may require a certification from employees for the serious medical condition in order to qualify for the leave.<sup>32</sup>

An employer otherwise governed by the provisions of the FMLA may refuse to reinstate a job to certain “key” employees who have taken leave under FMLA. A “key” employee is defined as a salaried employee eligible for FMLA who is among the highest paid 10 percent of employees within 75 miles of the worksite. Employers may refuse to reinstate the jobs of “key” employees after FMLA only if a) the employer notifies employee of “key” status prior to notice of intent to take FMLA leave; b) the employer notifies employee of denial of job reinstatement with an explanation of reasoning as soon as the decision is made and offers employee an opportunity to return to work from FMLA leave after giving this notice; and c) the employer makes a final determination about whether reinstatement will still be denied at the end of FMLA leave if employee then requests job restoration.

The Department of Labor’s Wage and Hour Division of the Employment Standards Administration enforces the FMLA. Employees and other persons may file complaints with the Employment Standards Administration (usually through the nearest office of the Wage and Hour Division). The Department of Labor may file suit to ensure compliance and recover damages if a complaint cannot be resolved administratively. Employees also have private rights of action, without involvement of the Department of Labor, to correct violations and recover damages through the courts.

A commission was established as part of the law to conduct a survey of the FMLA’s implementation and produce a report.

## **Proposal: Win-Win Flexibility**

A win-win approach in the US to flexibility, building on these models, might function as follows. It would be “soft touch” at first – requiring a process and giving business an out if it would be costly to implement – with a high-profile public education campaign on the importance of workplace flexibility to American business, American families, and American society. A survey at the end of the second year would determine whether a stricter approach is needed.

Employees would have the right to make a formal request to their employers for flexibility in the number of hours worked, the times worked, and/or the ability to work from home. Examples of such flexibility would include part-time, annualized hours, compressed hours, flex-time, job-sharing, shift working, staggered hours, and telecommuting.

The employee would be required to make a written application providing details on the change in work, the effect on the employer, and solutions to any problems caused to the employer. The employer would be required to meet with the employee and give the employee a decision on the request within two weeks, as well as provide an opportunity for an internal appeal within one month from the initial request.

The employee request would be granted unless the employer demonstrated it would require significant difficulty or expense entailing more than ordinary costs, decreased job efficiency, impairment of worker safety, infringement of other employees’ rights, or conflict with another law or regulation.

The employer would be required to provide an employee working a flexible schedule with the same hourly pay and proportionate health, pension, vacation, holiday, and FMLA benefits that the employee received before working flexibly and would be required thereafter to advance the employee at the same rate as full-time employees.

Win-Win Flexibility would not entail *any* change to the overtime provisions of the Fair Labor Standards Act.

*Who would be covered:* Parents (including parents, legal guardians, foster parents) and other caregivers at first. Eventually all workers should be eligible in our flexible, 24x7 economy. During the initial



period, it will be necessary to define non-parental “caregivers.” One proposal is to define them as immediate relatives or other caregivers of “certified care recipients” (defined as those whom a doctor certifies as having three or more limitations that impede daily functioning – using diagnostic criteria such as Activities of Daily Living (ADL)/Instrumental Activities of Daily Living (IADL) – for at least 180 consecutive days).

*Administration/Enforcement:* Give the Wage and Hour Division or a new Working Family Division in the Department of Labor’s Employment Standards Administration sufficient resources and direct it to administer, investigate, and bring enforcement actions to ensure compliance or recover damages. Employees can either file a complaint with the Department of Labor or bring suit in civil court without involvement of the Department of Labor to correct violations and recover damages through the courts.

Create a Work Time Flexibility Commission to conduct a survey to evaluate the effectiveness of the new win-win flexibility policy.

*Public Education:* Critical to the success of the proposal will be public education along the lines of the education that the government and business schools conducted in the 1980s about the need for American business to adopt higher quality standards to compete against Japanese business. A Malcolm Balderidge-like award should be created for companies that make flexibility win-win. A public education campaign conducted by the Department of Labor should encourage small businesses to adopt best practices of win-win flexibility. Tax credits could be used in the first year to reward early adopters.

### ***Author’s Note: Additional Policy Requirements***

A number of additional policy changes are required to provide true Win-Win Flexibility and remove penalties for parents and other caregivers balancing work and family responsibilities. These include:

- *Anti-Discrimination Law Protecting Caregivers*
- *Address the “Part-Time Penalty” in Benefits – through parity (i.e. pro-rating) in all benefits, including time off; universal health insurance and universal 401(k) (subsidized for low-income families) or incremental modifications to current systems*
- *Early Education Reform and Child Care Guarantee*
- *Paid FMLA*
- *Paid Sick Days*
- *Time Off for Routine School and Medical Activities*
- *Parent Accounts – refundable, tax-preferred savings accounts targeted to help parents with the costs of raising children*
- *Strategies to raise employment and wages*

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<sup>1</sup> Bernstein, J. and Kornbluh, K. (2005) *Running Harder to Stay in Place: The Growth of Family Work Hours and Incomes*. Washington, DC: New America Foundation. Forthcoming

<sup>2</sup> Lovell, V. (2004) *No Time to Be Sick: Why Everyone Suffers When Workers Don’t Have Paid Sick Leave*. Institute for Women’s Policy Research: Washington, DC.

<sup>3</sup> Wenger, J. (2003) *Share of Workers in ‘Nonstandard’ Jobs Declines*. Briefing Paper. Washington, DC: Economic Policy Institute.

<sup>4</sup> National Research Council and Institute of Medicine (2003) *Working Families and Growing Kids: Caring for Children and Adolescents*. Eugene Smolensky and Jennifer A. Gootman, eds. Washington, DC: The National Academies Press.

<sup>5</sup> Bernstein, J. and Kornbluh, K. (2005) *Running Harder to Stay in Place: The Growth of Family Work Hours and Incomes*. Washington, DC: New America Foundation. Forthcoming.

<sup>6</sup> Jacobs, J. and Gerson, K. (2004) *The Time Divide: Work, Family and Gender Inequality*. Cambridge, MA: Harvard University Press.

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- <sup>7</sup> The National Alliance for Caregiving and AARP. (2005) *Caregiving in the U.S.* Accessed online on 6/7/05 at: <http://www.caregiving.org/data/04finalreport.pdf>.
- <sup>8</sup> Ibid.
- <sup>9</sup> Galinsky, E., Bond, J., and Hill J. (2004) *Workplace Flexibility: What is it? Who has it? Who Wants it? Does it Make a Difference?* New York: Families and Work Institute.
- <sup>10</sup> Ibid.
- <sup>11</sup> Families and Work Institute (2004) *Workplace Flexibility: What is it? Who has it? Who Wants it? Does it Make a Difference?* New York: Families and Work Institute.
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- <sup>15</sup> Golden, L. (2000) *The Time Bandit: What U.S. workers surrender to get greater flexibility in work schedules.* Washington, DC: Economic Policy Institute.
- <sup>16</sup> Ross Phillips, K. (2004) *Getting time off: Access to Leave Among Working Parents.* Assessing the New Federalism, Urban Institute, Washington, DC, April 2004.
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- <sup>18</sup> Ibid.
- <sup>19</sup> Galinsky, E., Bond, J., and Hill, J. (2004). *When Work Works: Who Has it? Who Wants it? What Difference Does it Make?* New York, NY: Families and Work Institute.
- <sup>20</sup> For a full discussion of the effects of parental work on children see Waters Boots, S. (2004) *The Way We Work: How Children and Their Families Fare in a 21<sup>st</sup> Century Workplace.* Washington, DC: New America Foundation.
- <sup>21</sup> As cited in National Research Council and Institute of Medicine (2003) *Working Families and Growing Kids: Caring for Children and Adolescents.* Eugene Smolensky and Jennifer A. Gootman, Eds. Washington, DC: The National Academies Press.
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- <sup>23</sup> DTI, "The Right to Request and the Duty to Consider – A Guide for Employers and Employees"
- <sup>24</sup> Hegewisch, A. (2004). "Individual Working Time Rights in Germany and the UK: How a little law can go a long way." Paper presented at "Working Time for Working Families: Europe and the United States" Conference, American University WCL, June 7-9, 2004, Washington, DC.
- <sup>25</sup> DTI, "Evaluation of the Work-Life Balance Challenge Fund," August 2004.
- <sup>26</sup> § 8 Abs. 4 Satz 1 TzBfG; § 8 Abs. 4 Satz 2 TzBfG as cited in Hegewisch, Ariane. (2004). "Individual Working Time Rights in Germany and the UK: How a little law can go a long way." Paper presented at "Working Time for Working Families: Europe and the United States" Conference, American University WCL, June 7-9, 2004, Washington, DC.
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- <sup>29</sup> ILO, "Working Hours (Adjustment) Act – Netherlands," June 20, 2002, Accessed on 3/7/05 at: [http://www.ilo.org/public/english/employment/gems/eec/law/nether/l\\_wa.htm](http://www.ilo.org/public/english/employment/gems/eec/law/nether/l_wa.htm)
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- <sup>31</sup> The U.S. Equal Employment Opportunity Commission. "Religious Discrimination" Fact Sheet. Accessed on 3/7/05 at <http://www.eeoc.gov/types/religion.html>; see also "Title VII of the Civil Rights Act of 1964," Accessed on 3/7/05 at <http://www.eeoc.gov/policy/vii.html>
- <sup>32</sup> See Public Law 103-3, "The Family and Medical Leave Act of 1993", Accessed on 3/7/05 at <http://www.dol.gov/esa/regs/statutes/whd/fmla.htm>