8 Working time policy

In this chapter, we will examine working time policy in Germany. Working time policy is a vast and complex field regulating the length and continuity of working time. It potentially includes regulations for paid holidays, maternity leave, pension age, employed children and youth, opening hours, and for free weekends for most professions.

For several reasons, we will concentrate here on part-time employment policy. First, in the German system of tariff autonomy general working-time is generally left for trade unions and employer associations to negotiate; federal governments rarely legislate in this matter. The most recent policy intervention was in 1994. Second, most importantly part-time employment policy is the area of working time policy explicitly associated with the incompatibility ‘problem’ in the coalition’s 1999 legislative programme *Frau und Beruf* (women and employment). Therefore, part-time employment legislation is represented as part of the ‘solution’ to incompatibility.

This section serves the purpose of describing the development of working time policy in its historical context. The aim is to tease out what working time policy was represented to be about, or, in other words, what the ‘problem’ in working time policy was represented to be.

8.1 What is part-time employment policy represented to be about?

Part-time employment policy is a relatively new policy field in Germany. Notwithstanding this fact, it has been represented to be about quite different policy ‘problems’.

Part-time employment policy emerged in the 1960s. Since the beginning of the 1960s part-time employment increased steadily (Auth 2002). The backdrop of this development is provided by the fact that from the mid-1950s until the early 1970s Germany experienced a phase of prolonged economic growth and pronounced labour shortage.

On the federal level, the first policy interventions in the field of part-time employment took place at the end of the 1960s. Female federal civil servants with children under the age of 16 could apply to switch to part-time employment for a maximum of 6 years. The policy was modelled after similar policies in Lower Saxony and Baden-Wurttemberg, which at the beginning of the 1960s had introduced a similar
option for some female civil servants to counter the acute shortage of teachers (cf. Sechstes Gesetz zur Änderung beamten- und besoldungsrechtlicher Vorschriften). In both cases, by offering the opportunity to work part-time, mothers should be encouraged to remain in employment instead of withdrawing from the labour market altogether in order to raise their children. As approval of applications was dependent upon actual labour shortage in a specific field, working time policy was represented to be about labour shortage.

Under the conditions of continuing labour shortage at the end of the 1960s the Federal Labour Office, the Bundesanstalt für Arbeit, supported employers in their effort to recruit women part-time into the labour market, providing advice and labour exchange services gauged to this group.

In the middle of the 1970s when the economic tide turned, male federal civil servants were also given the right to apply for part-time employment under the same conditions as their female colleagues. In contrast to the introduction of a part-time option for mothers, this step was taken with a view to an imminent oversupply of civil servants, particularly teachers. Labour supply remained the concern of working time policy, this time, however, oversupply.

When Germany entered a phase of economic decline and unemployment rose steadily, from 1977 to 1980 the Federal Labour Office offered part-time employment in employment-creation measures to women with the aim of redistributing labour. Thus, part-time employment continued to be represented as being about oversupply of labour.

In 1980, the right to apply for part-time employment was extended to all sectors of the civil service in which a special public interest justified this in exceptional circumstances. The maximum age of children in the household was increased to 18 years. In the following decade and a half, the maximum duration of part-time work was increased successively to 9 years (1984) and 12 years (1989) under conservative-led governments. Approval of applications to switch to part-time employment was contingent upon labour supply in the public sector. Both in times of oversupply and in times of under-supply of candidates for the civil service, individual applications for part-time work could be approved. This shows that working time policy was firmly represented to be about labour supply.

In 1984, the conservative/liberal coalition adopted a law regulating part-time employment (cf. Bundesregierung 1984). The ensuing 1985 Beschäftigungsförderungsgesetz\(^\text{61}\) introduced minimal protection for part-time employment, but mainly it was

\(^{61}\text{Beschäftigungsförderungsgesetz} \text{can be translated as ‘promotion of employment act’. Initially, it was due to lapse in 1994, when it was extended until 2000.}\)