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Why Work-Life Balance Now?

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Abstract In the vast literature on work-life balance one question remains seriously under-elaborated: *Why now?* The paper opens by recognising that *flexible working practices* can be *employee friendly* or *employer friendly*, and that current employer friendly practices tend to constrain, rather than enable, possibilities for work-life balance. Part two introduces *neoliberalism*, interpreting it as a new class strategy: the iron fist of a renewed ruling class offensive is wrapped in the velvet glove of freedom, individualism, and (re-habilitated) discourses of flexible working practices. Part three introduces socio-linguistics to overcome an elision between work-life balance as a set of *practices* and as a set of *discourses*. We then see that discourses of flexibility have been un-coupled from discourses associated with employee unfriendly flexible working practices, and re-coupled with discourses associated with employee friendly working practices and, hence, with work-life balance. Data show that current flexible working practices are characterised as much by employee unfriendly working practices that tend to constrain work-life balance, as they are by employee friendly practices that tend to enable work-life balance. Shorn of its employee unfriendly connotations, the term 'flexibility' has *been discursively 'rehabilitated'* such that it no longer connotes any negativity. In conclusion one of New Labour's work-life balance policies (the right to request and the duty to consider flexible working practices) is analysed in an attempt to answer the initial question: 'Why work-life balance now?'

Introduction

In the vast literature on work-life balance (WLB) one question remains seriously under-elaborated: *Why now?* Where the question is mentioned, it is usually in passing so that we tend to find, often vague, usually oblique, references to: the new challenges we now face; increased competition; the changing times we live in, especially changes in hours of business, organisations, families and labour markets. (TUC 2001:1; DTI 2003a: 63; DTI & HM Treasury (2003: 5 -12). We often come across quasi-functional ideas that WLB is on the agenda because it meets certain needs, fulfils certain functions, or overcomes certain problems (DfEE (1999: xi-xiii; Greenblatt 2002: 177).¹ Whilst some studies do mention the causes of WLB (Edwards & Rothbard 2000; Crooker, Faye & Tabak 2002), their focus tends to be on the psychological or micro-sociological level, tends to ignore causal factors at work in the wider social, economic and political environment, and so tends to offer an incomplete causal account.

One causal factor that has received attention relates to working women, and cannot pass without comment. The (slight) changes in social attitudes and recent government attempts to 'help' women back into work (driven as much by labour market shortages as a conversion to feminism) have encouraged millions of women to enter mainly part-time paid work. This has not only created a 'double burden' for working women, it has also generated demands for flexible working practices that improve the balance between paid work and unpaid domestic work. Unfortunately demands from working women for greater WLB have not, generally, been translated into action - for reasons that are not entirely related to gender. I will not elaborate upon these important issues here, in part because they are widely discussed (indeed

they are discussed in this volume); and in part to avoid giving the impression that the WLB agenda is driven primarily by the demands from working women.

The paper opens by discussing the inexorable link between WLB and certain kinds of flexible working *practices*, and then unpacking the latter. Some flexible working practices are 'employee friendly' and sought by employees to enhance their WLB. Other practices are 'employer friendly' and sought by employers, primarily to pursue profit, and only secondarily to enhance employees WLB. The data show that current flexible working practices are characterised as much by employee unfriendly working practices that tend to constrain WLB, as they are by employee friendly practices that tend to enable WLB. This should not come as a surprise given the nature of paid work under capitalism. The (quasi) commodity labour power is employed as a means to an end, that end being the generation of profit. Workers do, of course, not wish to be treated as means, but as ends in themselves. The demands for working practices that enable a degree of WLB, indeed every demand for a degree of control over the deployment of worker's labour power, is a demand to be treated as an end not a means to an end. This demand, however, brings workers into confrontation with their (quasi) commodity status, into confrontation with the very nature of capitalism, and this manifests itself in a confrontation with those who buy this (quasi) commodity, employers. Whilst the degree of WLB that can be obtained depends, minimally, on the give and take of employee relations, limits will exist as long as labour power is employed as a means to an end, that is, as long as capitalism prevails.

Part two discusses the nature of capitalism's contemporary form, namely *neoliberalism*. The emergence of discourses of WLB can be understood as part of the emergence of *flexible working* in general, and the latter can be understood as part of the emergence of the peculiar form capitalism has recently adopted: *neoliberalism*. Following Harvey (2005) I interpret neoliberalism as a new class strategy whereby the iron fist of a renewed ruling class offensive is wrapped in the velvet glove of freedom, individualism, and above all, flexibility. To avoid any confusion, note that it is the nature of capitalism itself, and not its contemporary form, that is the root cause of the problems.

Part three deals with an elision between the *practices* and *discourses* (i.e. commentaries, policy agenda's, claims and so on²) of WLB. This elision has generated confusion about what is under discussion. Are we discussing the possible increases in the working *practices* associated with WLB; or are we discussing possible increases in the *discourses* about WLB? Explicitly recognising that practices and discourses are different things alerts us to the possibility that the relationship between them is not always stable. Indeed, it is possible that discourse and practice can become 'detached,' as it were, from one another, raising the further possibility that discourse may not reflect practice.

Part four begins with another elision, this time between the practices and discourses of *flexible working*. It then shows that, between *circa* 1980 and the late 1990s, the practices of employee *unfriendly* flexible working remained largely in place, whilst the discourses shifted from discourses that reflected these practices, to discourses of employee friendly working, thereby, ceasing to reflect the practices.

The upshot of these shifts in discourse are dealt with in the conclusion. Shorn of its employee unfriendly connotations, the term 'flexibility' has been '*discursively rehabilitated*' such that it no longer connotes any negativity. And herein lies an answer to the question: Why WLB now? The paper concludes with an analysis of one of New Labour's key WLB policies: the right to request and the duty to consider flexible working practices.

1. Flexible working *practices*

Whilst the *practices* associated with WLB are inextricably linked to the practices associated with flexible working, we must avoid naively assuming that some undefined set of flexible working practices enables WLB, as the following comments do:

Flexible working policies and other WLB practices are now becoming the norm in our workplaces...The key issue is how to implement and operate those policies in practice, to create a positive and supportive culture, and to deliver the potential benefits they offer, both in terms of competitive performance and employee well-being (CIPD 2006).

The Government is committed to encouraging the growth of flexible working and other WLB policies in the UK. These can benefit everyone (DTI 2006).

Whilst some kinds of flexible working practices may enable WLB, other kinds constrain it (see Gambles Lewis & Rapoport 2006, chapter 4). To get a handle on this, I utilise the conventional two-fold classification, and add a third.³

First, some flexible working practices tend to be sought by *employees* and usually referred to as *employee friendly* or *employer unfriendly*. These practices are, typically: flexible start and finish times, term-time working, voluntary part-time, job-share, compressed working weeks such as the nine day fortnight or the four and a half day week, shift swapping, self rostering, time off in lieu, sabbaticals and career breaks.

Second, some flexible working practices tend to be sought by *employers* and usually referred to as *employer friendly* or *business friendly*, or conversely as *employee unfriendly*. These practices are, typically: involuntary temporary working and involuntary part-time working (with loss of pay), zero hours

contracts, unsocial hours working such as twilight shifts, 24-7 shift rotations, Saturday and Sunday working, overtime (especially enforced and/or unpaid), annualised hours, stand-by and call-out arrangements, seasonal work and job-and-finish. Whilst some employees may seek some of these working practices, the vast majority of employees do not. If evidence of this is needed, then it comes from the fact that employees often fight hard to obtain, and to protect, things like unsocial hours payments. Indeed, these practices are those that unionised workers try to resist.⁴ Furthermore, there is even a common, and pejorative, term to refer to these working practices: 'flexploitation' (Gray 2004: 3). Other employees, especially women, 'choose' twilight shifts, for example, because this allow partners to look after children in the evening (see Lewis, Gambles & Rapoport, this volume on the problematic nature of 'choice'). Whilst this might alleviate child-care problems, it does not turn twilight shifts into employee friendly working practices. Twilight shifts remain employee unfriendly as those who 'choose' them are not around to see their children at supper time, nor to read them a bed-time story, and they also forego time with their partner.⁵ We should not refer to employee unfriendly practices as friendly just because they happen to fit our current appalling childcare arrangements.⁶

Third, some flexible working practices are '*neutral*' in the sense that they may, *ceteris paribus*, be 'friendly' to both parties. These *neutral* practices usually overlap with the employee friendly practices just noted. Discussions of WLB most often occur on this terrain not only because employees seek these kinds of flexible practices, but also because employers can often grant them without incurring additional costs – e.g flexible start and finish times. Indeed, a business case can often be made: employee friendly flexible working practices make satisfied employees, and satisfied employees are more profitable (Clutterbuck 2003, especially chapter 1).

Let us consider some data to obtain an indication of the range of flexible working practices currently on offer. Table 1 shows the employee friendly flexible working practices that tend to enable WLB, and table 2 shows the employee unfriendly flexible working practices that tend to constrain WLB.⁷

<i>Employees with employee friendly flexible working practices</i>	
Flexi-time	2,647,350
Term-time working	1,173,825
Four and a half day week	324,675
Job sharing	224,775
Nine day fortnight	74,925

Table 1. Employees with employee friendly flexible working practices, Autumn 2000

<i>Employees with employee unfriendly flexible working practices</i>	
Annualised hours	1,073,925
Zero hours contracts	124,875
Two-shift system early/late	1,153,910
Three-shift system	596,850
Sometimes nights/sometimes days	477,480
Night shifts	397,900
Evening or twilight shifts	198,950
Continental shifts	159,160
Split shifts	159,160
Morning shifts	79,580
Weekend shifts	39,790
Other types of shift work	756,010

Table 2. *Employees with employee unfriendly flexible working practices, Autumn 2000*

The employee friendly flexi-time is clearly the most common form of flexible working practice. Whilst this is followed by another kind of employee friendly practice, term-time working, this is only slightly ahead of the employee unfriendly two shift system and annualised hours arrangements.⁸ More people are working employee unfriendly three shift systems than employee friendly four and a half day weeks; more people are working employee unfriendly sometimes nights/sometimes days than employee friendly job-sharing; and more people are working employee unfriendly evening or twilight shifts than employee friendly nine day fortnights.

Furthermore, the number of people engaged in shift work grew from 13% of the workforce in 1993 to 15% in 2003 (Labour Market Trends, January 2004) and the numbers engaged in employee friendly working practices (flexi-time, compressed week and job sharing) have declined in the last decade – see table 3.

<i>Trends in flexible working practices</i>							
<i>Flexible practice</i>	<i>1995</i>	<i>1997</i>	<i>1999</i>	<i>2001</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Flexi-time	14.9	10.1	9.6	10.0	10.7	10.3	11.3
Annualised hours	6.2	4.0	2.7	4.0	4.6	4.7	4.7
Compressed work week	3.0	2.4	2.0	1.5	1.3	1.2	1.1
Job sharing	0.7	0.7	0.7	0.7	0.7	0.7	0.6
Term-time working	4.3	4.2	4.1	4.3	4.4	4.7	4.7

Table 3. Percentage of employees with flexible working arrangements (Adapted from TUC 2005: 2)

Aside from the problems of defining, measuring and comparing flexible working practices, the data fly in the face of the upbeat assessments coming from those who promote the idea that WLB is either here, or is just around the corner. Indeed, the data show that even if some *employee friendly practices that*

tend to enable WLB, have emerged, many employer unfriendly practices that tend to constrain WLB remain in place.

2. Capitalism's recent form: neoliberalism

Commentators like Hyman *et al* (2002); Compton, (2002); Lewis (2003); Gambles, Lewis and Rappaport (2006); and Shorthouse (2004) have begun to consider WLB against a wider social, economic and political environment. The emergence of discourses and practices of WLB can be understood as part of the emergence of the discourse and practices of flexible working in general, and the latter can be understood as part of the emergence of the peculiar form capitalism has recently adopted: *neoliberalism*. Recognising that many readers of this journal may not be familiar with the concept of 'neoliberalism,' I decided to draw on one source: Harvey's recent *Brief History of Neoliberalism* (2005).⁹ Newcomers will find this accessible and, importantly, it deals with those aspects of neoliberalism pertinent to the themes of this paper. I will proceed by taking three of Harvey's most important arguments, and using them to understand WLB.

First, neoliberalism should be understood not as a worked out strategy for running capitalism in the 21st century, but simply as a ruling class dash to take advantage of a favourable social, economic, political and ideological climate, and to move onto the offensive after decades of having to make concessions to a working class that this climate previously favoured. Neoliberalism is a 'political project to re-establish the conditions for capital accumulation and to restore the power of economic elites' (2005: 19) adding: 'The restoration or formation of class power occurs, as always, at the expense of labour' (*ibid*: 76). Important here is the continued onslaught on the welfare state.

Second, if neoliberalism is a political project that does serious harm to the world's working class (and he argues persuasively this is the case), why has this class acquiesced in this state of affairs? (*ibid*: 38). Harvey's answer lies in capital, working closely with the state, to construct a certain degree of popular consent, by appropriating and re-working two of the key ideals of capitalism, namely freedom and individualism.

By capturing the ideals of individual freedom and turning them against the interventionist and regulatory practices of the state, capitalist class interests could hope to protect and even restore their position. Neoliberalism was well suited to this ideological task. But it had to be backed up by a practical strategy that emphasized the liberty of consumer choice (*ibid*: 42).

The virtuous claims for flexible specialization in labour process and for flex-time arrangements could become part of the neoliberal rhetoric that could be persuasive to

individual labourers...Greater freedom and liberty of action in the labour market could be touted as a virtue for capital and labour alike (*ibid*: 53).

Third, the neoliberal state is a different animal than a *laissez faire*, non-interventionist state. Whilst there are many differences, which I cannot explore here, I mention those pertinent to WLB issues. Not all the specifics mentioned here are made by Harvey (in *ibid*: chapter 3) but they do not contradict his more general thesis.

- i) The neoliberal state has a tendency to withdraw from the provision of direct state provided services, most notably in relation to social support for care of children and elderly people, replacing them with market based alternatives – e.g. not state provided nurseries, but (some) financial support, and various voucher schemes, to allow parents to exercise their *individual freedom* to choose a private nursery.
- ii) The neoliberal state has a tendency to transfer responsibility for well being, from the state to the individual. The free, empowered individual has the opportunity to make choices, not only about things like childcare, but also about their WLB. This is, of course, facilitated by the new regime of flexible labour markets and organisations. The neoliberal state's role is not to tell people how to make use of this new-found flexibility, but to create the conditions whereby employers and workers tailor individual solutions to suit their individual needs. 'Flexibility' not only becomes the watchword with respect to labour markets and organisations, it 'can be seized on by capital as a handy way to procure more flexible means of accumulation' (*ibid*: 76).
- iii) The neoliberal state has ushered in a 'shift from government (state power on its own) to governance (a broader configuration of state and key elements of civil society) (*ibid*: 77). The central actors in this new civil society are, of course, business and corporations, although they operate closely with the neoliberal state which acts to create an environment in which they can thrive. Business and corporations not only collaborate intimately with state actors but even acquire a strong role in writing legislation, determining public policies, and setting regulatory frameworks (which are mainly advantageous to themselves) (76).

It is worth mentioning that there has, with notable exceptions, been a marked shift away from outright hostility to unions, and a greater willingness to embrace the more moderate sections of the trade union movement. In addition, many of the (social democratic) governments traditionally sympathetic to the trade union movement, such as the UK's Labour Party, are now spearheading neoliberalism (Budge *et al* 2004; Osler 2002). These developments have wrong-footed much of the trade union movement. Unwilling or unable to fight neoliberalism, many trade unions have acquiesced, preferring to have some

say in setting the regulatory frameworks (Hyman 2001; Smith & Morton 2001). As we will see below, this acquiescence has encouraged sections of the UK trade union movement to abandon its traditional hostility to employee unfriendly flexible working practices.

These aspects of neoliberalism enable the ruling class to go on the offensive, in very different ways to previous regimes. Whereas employee friendly flexible working practices and WLB would have been anathema to the ruling class warrior of the Reagan and Thatcher era, today they form part of a new class strategy: to wrap the iron fist of a renewed ruling class offensive in the velvet glove of freedom, individualism, and above all, flexibility. Rose not only captures this point, but also the role of flexibility, in what he refers to as Advanced Liberalism.

Flexibilization is the name for this arrangement of labour when it becomes an explicit political strategy of economic government. It has a 'macro-economic' moment, consisting of contests over how much it is possible to minimize or dismantle everything that can be construed as 'rigidities' in the labour market. And it has a 'micro-economic' moment, in terms of struggles over the appropriate tactics to increase the flexibility of relations between the individual and the workplace...The political and economic problem, then, is understood in terms of the need to devise strategies that will retain the apparent economic benefits of flexibilization whilst minimizing the costs to individuals, families and communities and guard against the potential threats to public order without recreating the obligation for the state to support all those outside the labour market in perpetuity (Rose, 1999: 157-8).

3. Discourses and practices

WLB, and flexible working, can be thought of either as sets of *practices* and/or as sets of *discourses*. *Discourses* are not simply ways of *representing* the world, they can also influence practice. Through selection/exclusion and emphasis/de-emphasis, some discourses of WLB and flexible working become hegemonic and can influence the way various agencies operate. This does not, of course, mean that practice mechanically follows discourse, nor that discourses always have the desired causal effect on practice.

It is important to note that the relationship between discourse and practice is not always stable. Discourse and practice can become 'detached,' as it were, from one another, raising the possibility that discourse no longer reflects practice – assuming, of course, it once did. Indeed, I will argue that between *circa* 1980 and the late 1990s, the practices of employee *unfriendly* flexible working remained largely in place, whilst the discourses shifted from discourses that reflected these practices, to discourses of employee friendly working, thereby, ceasing to reflect the practices. This section sketches

some of the key changes, before shifting to focus more specifically to the last five years, and providing more specific examples of the way government agencies, employers associations, voluntary organisations, think-tanks and the trade union movement have reported these changes.

Flexible labour markets, flexible firms and flexible workers

In the late 1980s and 1990s discourses and practices associated with *flexible labour markets* started to emerge as responses to high levels of unemployment in the form of Active Labour Market policies proposed by the OECD and introduced in many Western economies. Flexible labour markets were said to be those that minimised the 'rigidities' (especially in the form of restrictive labour practices associated with trade unions, and 'generous' unemployment benefits) preventing wages adjusting to clear the labour market. Flexible labour market practices sought the removal of these 'rigidities' and this was accurately reflected in the discourse of 'supply-side economics' that emerged in this period.

In response to the downsizing in this period, commentators like Atkinson began to see the emergence of the *Flexible Firm* in which a core of permanent workers were surrounded by a periphery of *flexible workers*. Despite the (legitimate) criticisms levelled at the 'Atkinson Model,' he had grasped something important: a flexible labour market could not be created without flexible firms and, of course, flexible working practices. Employers began to use flexible working not simply as a stop-gap measure to cover things like peaks and troughs in order books, sickness and maternity leave, but on a continual basis. Several high profile companies replaced full-time jobs with part-time jobs; the use of temporary contracts, typically through temporary agencies grew apace; zero-hours contracts emerged; and we saw the emergence of annualised hours contracts, stand-by and call out arrangements and a growing number of self-employed contractors.

The emergence of these flexible labour markets, flexible firms and flexible working practices in the 1980s and 1990s, angered sections of the trade union movement and the 'Left,' sparking a range of debates over the damaging consequences of flexibility (*c.f.* Boyer 1988; Jessop *et al* 1991; Gaffikin & Morrissey 1992; Pollert 1991; Scase 1991; Rubery & Wilkinson 1994; Ransome 1995; Crompton *et al* 1996; Meadows 1996; Casey *et al* 1997; Dex 1997; Felsted & Jewson 1999; and Purcell *et al* 1999). A spate of high profile books eventually emerged announcing the *End of Work* (Rifkin 1996); *The Age of Insecurity* (Elliot & Atkinson 1998); discussing the *Corrosion of Character*, (Sennett 1998) and introducing the *Insecure Workforce* (Heery & Salmon 2000). During this period, the discourses associated with these employee unfriendly flexible working practices were almost entirely negative, but, importantly, the discourses largely reflected the practices.

Family friendly flexible working

As employment gradually increased and labour shortages started to emerge in the late 1990s, the discourses and practices of flexible working underwent another change. Tight labour markets meant fewer workers were forced to adopt employee unfriendly kinds of flexible working practices. Part-time working was very different. Employers began to offer part-time work specifically as a way of retaining, and recruiting, working mothers. The UK government (and the EU) began promoting part-time work as a way of encouraging more working mothers into the labour market at little extra net cost to the treasury. Indeed, forms of employee friendly practices such as flexi-time and compressed working weeks, emerged to recruit and retain staff in the new 'war for talent.' Attempts to overcome labour shortages by the extensive use of part-time women, however, ran into two problems. First, irrespective of the rights or wrongs, women were still charged with performing domestic labour in the family. Second, part-time work was not necessarily temporally flexible, and not always conducive to family commitments. If women were to be recruited and retained, work, (full or part-time) had to take into account women's *family* commitments. By the late 1990s, several important agencies began to promote *family friendly* working practices. The discourse of flexible working practices was now beginning to shed its largely negative image, and started to be presented as family friendly.

WLB

These, family friendly practices and policies, in turn, ran into their own problems: they tended to focus on women with children, thereby, excluding men, *and* women without children. Groups like the *National Work-Life Forum* succeeded in publicising issues surrounding the lack of flexibility in work that meant *men* could not spend time with their families. Then, sometime in the late 1990s the discourse of employee friendly flexible working practices changed yet again into discourses of WLB (Crompton 2002; Hyman *et al* 2003; Lewis 2003).

In the 1980s and 1990s the flexible working *practices* in operation were employee unfriendly, and the discourse accurately reflected this fact. From the late 1990s onwards, whilst these same employee unfriendly flexible working practices remained in operation, employee friendly practices emerged alongside them. What is significant for our purposes, however, is the fact that by the late 1990s, the employee unfriendly discourse of the earlier period had all but disappeared, to be steadily replaced by employee friendly discourse. Yet as we saw above, current flexible working practices are characterised as much by employer unfriendly practices as they are by employee friendly practices. *The discourses no longer accurately reflect the practices.*

The remainder of the section focuses more specifically on the last five years, providing more specific examples of the way government agencies, employers associations, voluntary organisations, think-tanks and the trade union movement have reported these changes.

Examples of changes in discourse

The independent think-tank *New Ways To Work* (1999) defines the kind of flexible working practices that might be considered family friendly and demonstrates the business case for their introduction. Whilst it carries a very short (half a page) cautionary note about what I refer to as employee unfriendly flexible working practices, the authors appear to have done their best to understate the issue. Furthermore, these practices are not mentioned in the rest of the booklet.

Of the eleven companies in the DfEE's (1999) large survey, no explicit mention is made of the employee unfriendly nature of some of the flexible working practices investigated, despite the fact that several of the companies mention 24 hour shift work, weekend work, and holiday cover.

A series of DTI reports systematically fail to mention employee unfriendly kinds of flexible working practices. For example:

Chapter 5 sets out how flexible working is: good for children, enabling families to spend time with their children, as well as work and contribute to the family income; good for parents, helping them to find working hours to match their caring responsibilities; and, good for businesses, enabling them to draw on a wider pool of skills and talents in the workforce, improve recruitment and retention rates and increase staff morale and productivity (DTI 2005: 8).

Flexible working opportunities benefit everyone: employers, employees and their families. Many employers know that it makes good business sense to provide flexible working opportunities for their staff. These employers know flexible working arrangements enable them to: retain skilled staff and reduce recruitment costs; to raise their staff morale and decrease absenteeism; *and to react to changing market conditions more effectively*. DTI (2003b: 2 emphasis added).

Conveniently left unstated, here, is anything to do with those cases where the 'reaction to changing market conditions' might actually conflict with the needs of 'employees and their families.' A similar contradiction runs through the following comment from the CIPD. What happens when employee needs and business needs *do not* coincide?

The CIPD believes that flexible working arrangements can play a valuable role in organisational performance. HR's role is not to promote flexible working as an end in itself, but to look for opportunities to use flexible working *where employee needs and business needs coincide* (CIPD 2005: 3 emphasis added).

Arguably for reasons noted above, the trade union movement has also tended to downplay employee unfriendly flexible working practices. A TUC report sub-titled *Guide to WLB*, makes a distinction between 'positive flexibility' (i.e. employee friendly flexibility in my terminology) and its opposite, characterised by 'long and unsocial hours, absence of employee control, job insecurity, stress, mutual suspicion and mistrust.' Of significance, is the fact that these employee unfriendly flexible working practices are not mentioned again in the rest of the booklet.

This book is a guide to a unique process, developed by the TUC, designed to achieve changes in the organisation of working time which benefit both employees and employer...Organisations that negotiate innovative work practices which also benefit staff are forward looking, competitive and profitable...WLB is central to positive flexibility [and can] achieve a win-win outcome for staff and management (TUC 2001: 2).

Navigating through the TUC's current *Worksmart* programme, to the link entitled: 'what does flexible working mean', we find the following, which makes no reference to employee unfriendly flexible working:

The concept of flexible working is very wide, and you could ask for a variety of different work patterns or arrangements under these new rights. These could include: working from home; job-sharing; teleworking; term-time working; compressed hours; flexitime; staggered hours; annualised hours; self-rostering (TUC, 2005).

In 1996, an LRD booklet *Flexible Working Time* left the reader in no doubt that the term 'flexible work' almost certainly referred to employee unfriendly forms. The emphasis of the booklet is defensive, aiming to defend workers against the imposition of flexible working, whilst recognising in passing that some forms of flexible work are employee friendly.

And while trade unions are in many cases ready and willing to negotiate flexibility which benefits union members, they can and do oppose changes that consider only the needs of business (2).

A similar booklet entitled *Part-Time Workers* (1996) was equally defensive, and reminded its readers of the problems that part-time work can bring.

Part-time working is one of the most widely used forms of flexible working, but too often is imposed for the benefit of the employer (2)

By the early 2000s the LRD's emphasis had changed. In 2001 a booklet entitled *WLB* appeared in which the interpretation of flexible working shifted. It opens as follows:

The government has set up the Work and Parents Taskforce to look at how to give working parents the right to work flexible or reduced hours. Flexible or family friendly working has been on the agenda for the government, unions and some employers for some time now (2001: 2)¹⁰

An LRD booklet, *Working Parents* (2003) has one small section on flexible working (39) and mentions only those forms of (positive) flexible working that assist working parents.

The tendency to avoid discussion of employee unfriendly flexible working practices and instead to focus upon employee friendly practices, of the kind assumed to enable greater WLB, can also be seen on the web sites of several UK trade unions who are actively promoting a WLB agenda, with no mention of their employee unfriendly counterparts.¹¹

In sum, then, between *circa* 1980 and the late 1990s, even if some employee friendly practices that tend to enable WLB emerged, many employer unfriendly practices that tend to constrain WLB remained in place. The discourses, however, shifted from those that reflected employer unfriendly practices, to discourses of employee friendly working, that is, to discourses that no longer reflected these practices.

Conclusion

Shorn of its employee unfriendly connotations, the term 'flexibility' has been '*discursively rehabilitated*' as it were, such that it no longer connotes any negativity. And herein lies an answer to the question: Why WLB now? The discourses of WLB have increased markedly because they have been useful in legitimising the employee *unfriendly* working practices central to neoliberalism: they have acted as a *Trojan Horse*. The discourses of WLB conceal, whilst promoting, the now 'rehabilitated' discourses of flexibility. Employee *unfriendly* flexible working *practices* remain, but are veiled by the mask of WLB discourses with their employee friendly connotations.

This would, of course, tend towards the conspiratorial were it not for the fact that those who have actively promoted these discourses can be identified: the UK government and its agencies like the DTI and the DfEE; employers associations like CBI and CIPD; voluntary organisations like Parents at Work and Working Families (*nee* New Ways to Work); think-tanks like Employers for Work Life Balance and trade unions. Whilst trade unions have not sought to legitimise neoliberalism, their unwillingness, or inability, to oppose it, has encouraged acquiescence and a preference for having some say in setting

the regulatory frameworks. There is always a place at the table for trade unions who wish to talk the language of flexibility and WLB – provided the talk is mainly about employer friendly kinds of flexibility.

Let us conclude by analysing one of New Labour's key WLB policies: the right to request and the duty to consider flexible working practices. This is an interesting example because this policy has all the appearance of a WLB success story. The conceptual apparatus developed in this paper, however, reveals a different story. According to Harvey, neoliberalism's:

inherent tendency to commodify everything can all too easily run amok and produce incoherence...The inevitable response is to reconstruct social solidarities, albeit along very different lines – hence the revival of interest in religion and morality' (Harvey 2005: 80-1).

New Labour's popular discourse of rights and duties can be understood as a *quasi-moral* 'response'. Employees now have a *legal* right to request flexible working practices on the grounds that it may enable greater WLB, and employers can only reject an application 'when the desired pattern cannot be accommodated within the needs of the business' (DTI 2003b: 3). Whilst this appears to be a major concession from employers, notice two things.

First, the discourse of rights and duties are potentially dangerous because once employees accept their apparent fairness and symmetry they can find themselves trapped, not by a *legal*, but by a *quasi-moral*, obligation. Once employees accept these discourses, they often feel obliged to reciprocate. One could easily imagine an employer granting a request for an employee friendly flexible working practice, but then asking for something in return. The employer would be exercising, not their *legal*, but their *quasi-moral*, right to ask the employee to accept (say) an employer friendly flexible working practice in return. This point is not lost on employers, one of whom observed that: 'if people are happy in their job, they are better workers, and if we need a little bit extra from them, they are more than willing to do it' (DTI 2004: 49).¹²

Second, the discourse of rights and duties is potentially dangerous because it builds in, whilst concealing, an asymmetrical power relation. When employers are asked why they do not provide family friendly flexible working practices (say flexi-time), the typical reply is that 'such arrangements are not compatible with the nature of the business' (DTI 2003: 68). Imagine the derision that would meet an employee who refused to accept an employer friendly working practice (say annualised hours) because 'such arrangements are not compatible with the nature of the family!' The law recognises the needs of business, not the needs of the family, as paramount and hence loads the right to request and the duty to consider in favour of business, whilst maintaining a veneer of symmetry.

Notes

¹ Greenblatt is one of the few that offers more than a passing mention of three causes: 'changes in (1) social needs, (2) available technologies and (3) personal expectations.' She adds that these 'social forces have converged to move work/life balance battles from the living room to the boardroom (ibid: 179). There are, however, two problems with Greenblatt's argument. First the argument reduces to the claim that people (somehow) simply changed their social needs and expectations. Second, she implies that companies passively responded to the changed needs and expectations of the workforce and were not active in setting the agenda for their own reasons.

² For an elaboration of the relationship between practice and discourse, see Fleetwood 2005.

³ As Conley recently noted: 'Flexibility is an amorphous term used to describe many qualitatively different forms of work, and it is sometimes....employed as a term holding both positive and negative connotations (2006: 52).

⁴ I would also cite, as evidence, the fact that we can probably name very few (if any) friends or acquaintances who would freely choose working practices like these. See any copy of Labour Research Department's monthly Bargaining Report, to see how these practices are fought over and extra premia sought.

⁵ Commentators on WLB such as Lewis and Giullari (2005) have picked up on the Aristotelian approaches of Sen and Nussbaum. Interestingly, these approaches argue that humans flourish, and suffer, under certain conditions and these are not just a matter of subjective opinion.

⁶ Even those who are keen to promote WLB via employer friendly flexible working practices are forced to 'recognize that these strategies may be intended to serve economic purposes that may be more compelling for the employer than are the WLB needs or preferences of their employees...It is feasible that, while managers may espouse concerns about WLB per se, alternative motives, including cost reduction or productivity improvements, may underlie employers' decisions to implement WLB strategies HR (De Ceri, Holmes, Abbott, Pettit 2005: 91).

⁷ Data compiled from *Labour Market Trends* October (2002: 506), *Social Trends* (2005: 55). I have used data from 2000, because it is the latest data available on the extent of shiftworking and I wanted to make the data comparable. I leave part-time working out of the picture as, in and of itself, part-time hours may be very inflexible.

⁸ Notice that table 2 does not include several employee unfriendly practices like stand-by and call-out arrangements, seasonal work, job-and-finish or spatial flexibility involving working on multiple sites. Notice too that whilst annualised hours (AH) arrangements are often associated with the kinds of employee friendly flexible working practices that might promote WLB, they should be associated with employee unfriendly kinds. Simply shifting from (say) a 39 hour working week to its equivalent 1,778 hour working year does not make a workplace more flexible. Flexibility is usually introduced by (a) adding some compulsory overtime, and increasing the basic hours to (say) 1,900; and (b) adding in

'windows' where the working week can range from (say) 30 to 50 hours. Because these additions remove a degree of employees discretion over working hours, they can easily clash with non-work considerations such as family commitments, school holidays and so on (IDS Study 1993; Bacon & Storey 1996; LRD 1996; Hayes 1997).

⁹ Sentiments in-keeping with the arguments on neoliberalism presented here can be found in Berberoglu (2001); Gamble (2001); Feldman & Lotz (2004) Gray 2004); Saad-Filho & Johnston (2005) and Rose (1999).

¹⁰ Compare the sections on Annualised Hours in LRD 1996 (30-1) and LRD 2001(20-23).

¹¹ See web-sites for UK unions Amicus, PSC, UNISON and Usdaw.

¹² A DTI report noted that 62% of employers agreed or strongly agreed that 'employees should be aware that they should not 'change their working pattern if to do so would disrupt business' DTI (2003: 239-40).

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