

English summary
of Fafo-rapport 2023:0

Three-shift rotas
– evaluation of the provision
on reduced working hours

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Issues

In 2009, the Storting adopted a new provision on working hours for employees on three-shift rotas, section 10-4 subsection 6 of the Working Environment Act (recalculation of hours):

In the case of three-shift rotas not covered by the fourth or fifth paragraph and which entail that individual employees are required to work at least every third Sunday, normal working hours pursuant to the first paragraph shall be reduced by regarding each hour worked on Sundays and public holidays, cf. section 10-10, first paragraph, as equal to 1 hour and 10 minutes, and each hour worked during the night, cf. section 10-11, first paragraph, as equal to 1 hour and 15 minutes, down to 36 hours per seven days. Normal working hours must regardless not exceed nine hours per 24 hours and 38 hours per seven days

The intention of the provision is to help reduce the working hours of employees on three-shift rotas based on the strains of the rota arrangements. This report evaluates the change to the law. We look at the situation in industries that did not have such an arrangement through a collective agreement before the provision entered into force. The report addresses the following questions:

- *Application of the arrangement.* Has the provision been put to use? If so, to what extent, in which industries and for which employees?
- *Impact on gender equality.* Have more women in three-shift rotas had their working hours reduced to less than 35.5 hours and by how much? Have adaptations to the change to the law exacerbated the rota situation, in the form of long night shifts, short rest periods or going from one shift to another so as to negatively affect biological rhythms (for example, going from a night shift to an evening shift)?
- *Impact on part-time working.* The government-appointed shift rota committee made the point that if more people wanted to work unsocial hours this could reduce the share of involuntary part-time workers. Has the provision had such an effect?
- *Administrative implications.* How is the provision dealt with administratively? Is it more complicated and resource-intensive to administer this provision than others?

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Data and method

We have chosen a methodological approach in which the bulk of the data is collected in industries with the largest proportion of employees have rotas covered by section 10-4 subsection 6 of the Working Environment Act. We have done this in three steps.

Step 1: Analysis of the Living Conditions Surveys, registry statistics and interviews with trade unions and employers' organisations.

Step 2: Quantitative mapping of organisations. We have retrieved data from the personnel systems in three hospitals in order to estimate the use of the arrangements, i.e. how many employees are covered by the provision and how much the working hours have been reduced by.

Step 3: Qualitative mapping of organisations. The purpose has been to obtain knowledge about all the issues involved in the project, including understanding what mechanisms are important for whether the provision is applied and the resulting administrative implications. At organisation level, we have conducted 42 interviews with 46 informants. Most of the interviews are with managers, employee representatives or rota planners.

Overall assessment

We estimate that the provision may cover 2 per cent of all employees and 14 per cent of those who work shifts or according to a rota. The proportion is highest in hospitals. The data confirm that few local government employees will be covered by the arrangement. The proportion whose working hours imply that they are covered is fairly stable over time.

Thus, many of those covered by the provision work in hospitals. These are mainly nurses, midwives and ambulance staff. We estimate that between 11,900 and 14,900 nurses and midwives are covered. A large majority of ambulance staff are covered, an estimated 2,700–3,000. We also estimate the reduction in hours and what this amounts to as a full-time equivalent (FTE). For nurses and midwives, the arrangement entails a weekly reduction of 0.6–0.8 hours. This corresponds to 127–255 FTEs. The corresponding estimate for ambulance staff is 70–80 FTEs.

Overall, we find that the Ministry of Labour and Inclusion's calculations in the preparatory work were accurate. We find little evidence to suggest that organisations have changed from a three-shift rota to a two-shift rota and positions that solely entail night shift working in order to circumvent the provision.

The data suggest that the provision has improved gender equality in that it is primarily in the female-dominated occupations where the change in the law has

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led to reduced working hours. A partial justification for the amendment to the law was to change the perception that the regulation of weekly working hours was indirectly discriminatory. However, we found that several of the informants were still under this impression. The change in the law does not seem to have led to fewer involuntary part-time workers.

Some rota planners find it a challenge knowing which employees are covered by the provision, and the recalculation of hours is also a complicating factor in rota planning. It is nevertheless straightforward for managers and rota planners who are familiar with the provision and have the necessary tools to calculate how much the working hours should be reduced.

One challenge is that the budgets do not necessarily take account of the recalculation of hours, making it difficult to find sufficient resources to replace the hours that disappear as a result. This may motivate rota planners to avoid recalculating hours to the greatest extent possible.

There are certain aspects of the current provision where the need for change is questionable, such as whether positions that solely entail night shift working should be included. If they are, the provision on the recalculation of hours will affect more industries than it does today. Furthermore, it is debatable whether it is not the number of Sundays an employee works that should determine if they are covered by the provision, but the number of hours in the Sunday shift. This would be more in line with the general formulation of the provision.

When assessing whether rota work is 'comparable' according to the stage model, the number of shifts and the length of the rest period are important. However, they are not relevant in the provision on the recalculation of hours, and it can be argued that there is a lack of consistency between these provisions. At the same time, inclusion of these criteria will increase the complexity of the provision.