



## Why Automatic Irregular Work Scheduling Threatens the Wellbeing of American Workers — and How to Fix It

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Low-wage jobs subject to new, irregular scheduling practices will account for more job openings in the United States between 2016 and 2026 than any other occupations. Workers in these positions — fast food and retail sales workers, cashiers, servers, and personal care aides — increasingly find themselves struggling with work schedules that vary from day to day and week to week, and are changed with very little notice. Employers increasingly demand “open availability” — mandating that workers be “on-call” for entire shifts or for additional hours both earlier and later than scheduled.

Irregular, last-minute work scheduling makes it impossible for employees to arrange regular childcare, attend school, obtain a second job, plan family activities, or even get enough sleep. Growing use of this “just-in-time” scheduling can turn affected occupations into poverty traps. Employers often fail to provide their mostly part-time work force with a reliable minimum number of hours, while making it impossible to pursue further education or a second job.

More than a failure of management is involved in this transformation of jobs. The introduction of new automated scheduling technologies encouraged employers to rely on flawed systems, and led to much greater variability in schedules. New scheduling practices exacerbate economic inequality, because the jobs affected are primarily held by the working poor. Part-time and hourly workers are unprotected from increasingly common unpredictable and irregular schedules that are not captured in our major national data sources; both our labor laws and national surveys like the Census were created with the assumption that work schedules are regular.

What should be done? Legislators and advocates must develop and pass new labor laws, in order to reduce inequality and protect part-time and hourly workers from the failures of scheduling automation and poor management practices. Business leaders, too, should take note of a growing body of research that demonstrates that better employment and scheduling practices can increase revenue.

### Software and “Just-in-Time” Scheduling

New software is facilitating continual, last minute changes to work schedules, in response to perceptions of fluctuating customer demand. However, research shows that individual employees’ schedules now vary far more than hourly sales volumes. For example, in one study, 19 Gap franchise locations that pledged to provide more stable scheduling were compared with 19 others that operated with “new normal,” last minute scheduling. Investigators found that the lion’s share of variability in weekly payroll hours was created not by changing sales patterns, but by internal factors such as inaccuracies in shipment information, abrupt changes in sales campaigns, and the timing of visits by corporate leaders. What is more, those locations with stable scheduling showed markedly higher sales, labor productivity, and employee morale. Stable working conditions and scheduling practices appear to benefit both employees and businesses’ bottom lines.

### Oregon Research Results Mirror Findings Elsewhere

As part of a larger investigation of the impacts of irregular scheduling coordinated by the University of Oregon Labor Education and Research Center, I analyzed data from nearly 750 in-person interviews conducted in 2016 with food service, retail, and hospitality workers. Survey respondents reported several types of serious, damaging impacts on their lives as a result of irregular scheduling. Those included severe stress on family life and relationships, challenges for childcare and parenting, financial difficulties, and worsened health. Many respondents had to give up educational goals and were unable to attend school functions, schedule family

and social activities, or even make medical appointments.

Working poor Oregonians are especially likely to be employed in jobs with irregular scheduling. Unpredictable schedules make it even more difficult to escape poverty, worsening already historic levels of income inequality. For irregularly scheduled workers, poverty rates are high, and health insurance coverage rates are low. American taxpayers ultimately subsidize the growth of these occupations and the spread of irregular scheduling, because affected employees are much more likely than others to require food stamps and other public benefits.

## **In 2017, Oregon Became the First State to Pass Scheduling Legislation**

State and local policymakers must enact scheduling policies that ensure just practices and help counter social and income disparities. In Oregon, legislators built on policies enacted in San Francisco and Seattle to pass its Fair Work Week Act in 2017. As of July 1, 2018, Oregon employers in food service, hospitality and retail with 500 or more employees worldwide are required to:

- Provide notice of work schedules at least seven days in advance (14 days in advance by 2020).
- Give new employees a good-faith estimate of the number of hours of work they can regularly expect to work.
- Ensure ten hours between shifts, or pay time and a half wages if an employee volunteers to waive the required rest.
- Allow employees to voice their scheduling preferences without retaliation or discrimination — though their scheduling requests need not be granted.
- Pay employees half what they would have earned if shifts are cancelled at the last minute, and pay extra if 30 minutes or more are added to an employee's scheduled shift without notice.

A number of states now have several of these elements on the books — including California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Washington, D.C. In addition, six cities have passed scheduling policies: New York City; Emeryville, San Francisco, and San Jose, California; SeaTac and Seattle, Washington. To combat growing inequality in the United States, additional state, and local governments must follow suit.

State legislators should expand on these early reforms, by extending fair scheduling regulations to all industries and to employers with fewer than 500 workers, refusing to weaken scheduling requirements by allowing employers to create lists of employees who “volunteer” to accept irregular scheduling, calling for the creation of full-time positions when possible rather than multiple part-time jobs, and ensuring that all mandated protections are truly accessible to workers.

As technologies for automating scheduling spread, laws protecting U.S. workers — especially the working poor — are urgently needed. Individual workers and families cannot push back on their own. It is time for fair public regulations to protect people from chaotic work lives that lead to deepening poverty for millions, while fostering a more humane and egalitarian national economy.

**Read more in Ellen K. Scott, Mary C. King, and Raahi Reddy, “*The Impact on Oregonians of the Rise of Irregular Scheduling*,” *Labor Education & Research Center Report*, (2017).**