

PROBLEMS OF FLEXIBILITY OF WORKING HOURS IN GERMANY AND AUSTRIA

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Abstract

Globalized markets, demographic change and the increasing digitization of the economy become challenges for all companies. Employers are under pressure from caring for job security on the one hand and pressure from shareholders on the other. A modern labor market policy becomes essential. Modern working time policy means flexibility of working hours and segmentation of jobs. This flexibility means a change in the usual situation and duration of working hours. The aim of these changes is to adapt working hours to fluctuations in capacity utilization. By making working hours more flexible, different models of working time are emerging: daily or weekly working hours, sliding working hours, annual working hours, sabbaticals, annual working time contract, working life models, sliding retirement, models of part-time work, job sharing and marginal employment. The opinions of employers and employees about flexibility of working hours, its benefits and consequences, differ in many ways. It is interesting to compare the arguments of both sides.

Key words

flexibility of working hours, segmentation of jobs, models of working time, job sharing

JEL Classification M 55, M 51, J 41

Introduction

The processes of labor market flexibilization are today very closely linked to the phenomenon of globalization. While globalization is certainly not a new phenomenon, the intensity and scope of cross-border interaction relationships since the mid-1980s and since the end of the East-West conflict have increased dramatically. These are economic transactions, informational and cultural exchange processes or international political agreements and contracts.

This article deals with the effects of this extension of social relations beyond the borders of the nation state to the labor market flexibilization and the change of individual CVs. (Szydlik, 2008) The effects of the globalization process on labor market flexibilization are differently determined by men and women at each stage of the life and work history and are processed differently by everyone.

There are several implications for the transition from youth to adulthood in trying to establish oneself in the labor market, as well as the implications for starting a family, birth planning and birth rate. The employment history of men during their careers and the employment history of women, considering family development and maternity, are also characterized by labor market flexibility. In an analogous way a late career in employment and the transition to retirement are influenced by flexibility.

Flexibilization of the labor market means more flexibility in working hours, high segmentation of jobs in form of typical and untypical employment relationships and contracts.

Goal and Methodology

The aim of this scientific study is to present the current consequences of globalization for the employment market chances and problems of flexibility of working hours in Germany and Austria such as the gradual disuse of the eight-hour-day. In this study a variety of scientific methods has been applied. The main method is analysis and this has been used for the analysis of the contemporary consequences of globalization for the employment market as well as the analysis of flexibilization of working hours leading to various working hours models.

We analyse the reduction and flexibilization of standard working hours, ways to make the labor market more flexible - short-time working allowance, opening clauses of collective agreements, working time models and the effect of flexible working hours on individual CVs in Germany and Austria.

Findings

Globalization, the free movement of capital, goods, services and persons, the associated liberalization of labor relations, the flexibility of income and working time, the deregulation of the labor market still place high demands not only on employees but also on employers and on the legal regulation of labor relations.

Labour relations have been strongly individualised recently (Kajanová 2011). Labor market flexibility is provided by employers with job security. The collective agreement to introduce the the four-day week at Volkswagen to secure 30,000 jobs in 1993 had an exemplary function. The collective bargaining parties subsequently agreed on the possibility of reducing weekly working hours without pay compensation in numerous industry collective agreements with simultaneous exclusion of company terminations. In the financial crisis of 2008/09, these regulations contributed significantly to the stabilization of employment.

Flexibilisation of working time in Europe in different constellations is a general trend. The importation of new management models of human resources in central Europe challenged the traditional relations of the people to their work in the private but also in the public sector. (Delaneuville, 2017) However, which, however, takes different forms depending on the national and institutional context. In the industrial society of the sixties to the eighties, after the implementation of the eight-hour day, there were relatively rigid working hours, which, as part of the "normal employment relationship" (Mückenberger 1989), also set the orientation framework for sectors and employment fields with deviating regulations. Since then, working time reduction has only taken place through the growth of part-time employment. Only recently, based on employment policy, health and environmental arguments (Flecker and Altreiter 2014, Risak 2015), there are new approaches. New in Austria are the first collectively agreed agreements, such as the leisure option in various collective agreements - which in turn leave room for individual choice (Schwendinger 2015).

In Europe in general, a heterogenization of the working time can be identified. Standardized working hours can only be found for men. (European Commission, 2010)

In the EU working time is regulated by the Directive on the organization of working time. (Working Time Directive (2003/88/EC) European Commission.) In Germany working time is regulated by the Act on the organization of working time ("Arbeitszeitgesetz" = ArbZG) of the Federal Ministry of Justice and Consumer Protection, in Austria by the Working Time Law (Arbeitszeitgesetz

= AZG). In Slovakia, the Labor Law (Zakonník prace) regulates working hours.

The Working Hours Act (ArbZG) in Germany (for example) regulates the permissible maximum duration of the daily working hours as well as the rest periods after the daily working hours. The ArbZG transposes the EU Working Time Directive into German law.

1. Reduction and flexibilization of collectively agreed working hours

Working time flexibilization is any, even temporary, change in the usual situation and duration of working hours. The aim of these changes is, on the one hand, the adaptation of working hours to fluctuations in capacity utilization, and on the other hand, to open options to meet the individual needs and expectations of employees. The desire for change in working hours is also based on employees. Some of the employees manage to adapt the duration, location and distribution of working hours to changing preferences, life situations and working conditions. The position of working time refers to the respective beginning and the corresponding end of the working time to be paid. It can be arranged per day, week, month or year. The position and duration of working hours ultimately results in the distribution of working hours.

Germany is one of the countries with the lowest tariff working hours. Collective weekly working hours have not changed for ten years. In this development, the focus is always on working time flexibility and not on a general extension of the regular weekly working hours. This becomes particularly clear from the development of the average collective agreed weekly working time: It is currently about 38 hours a week for full-time employees, same as ten years ago (source: IAB, 2017)

The reduction and flexibilization of collectively agreed weekly working hours took place in the 1980s. This was a matter of the introduction of the 35-hour week, but only in some sectors such as the metal-working, printing and timber industries. It took ten years to finally achieve the last step towards reduction in working hours. In many other sectors weekly working hours could at least be reduced by two to three hours. Macro-economically the number of weekly working hours went down to currently 37.5. This achievement can make many employees feel positive about their curriculum vitae. The reduction of weekly working hours had its price and brought problems for some of the employees: collectively agreed room for flexibilization was extremely extended. By means of so-called "working time corridors" weekly working hours could be irregularly distributed over an extended period. Flexi-time wage

records became more and more popular. Working hours varied according to the group of employed persons. Companies adapted collectively agreed standards. It was rather a company's demands that were definitive than the needs of its employees. In the 2000s further attempts to reduce working hours failed, in part working hours were even increased.

The world-wide recession in 1992/93 brought the topic of security of employment to the foreground. The collectively agreed introduction of a four-day week by Volkswagen to safeguard 30,000 jobs in 1993 took on an exemplary function: following this, unions and management in many sectors agreed the possibility of temporary reduction of weekly working hours with no wage adjustment and at the same time excluding lay-offs. This played a significant role in the stabilization of the employment situation during the fiscal crisis of 2008/09. The collectively agreed regulation of working time targeted certain employment relationships, for example part-time employment. In this way rules existed in certain branches, for example the retail industry, for daily or weekly minimum working hours to counteract a fragmentation of part-time employment. However, these efforts came to nothing due to collectively authorized exceptions.

Among the opportunities for flexibility in Germany count working time regulations in terms of qualification and training. In some cases, collective labor agreements on basic and advanced training also include regulations on working hours. Since 2012 employees in the metal-working industry in Baden-Württemberg have been entitled to take unpaid leave of absence for a period of up to five years for individual, job-related advanced training. In the current collective bargaining round the IG-Metall (German metal-working union) is negotiating a model for collectively agreed part-time employment with partial financing by the employer when an employee undertakes advanced training. One suggestion: an employee works normally for two years and receives 80 % of his net wage. Subsequently he is given two years off work at the same wage so that he will be able to do further training. An alternative could be to halve working hours for a period of four years and to use the other half for further training.

Since the 1980s unions and management have monitored and reacted to statutory regulations on early retirement and semi-retirement ("*Altersteilzeit*") by means of collective labor agreements. For some years the transition into retirement and other issues concerning the working lifetime have been the subject of demographic collective labor agreements in the steel, chemical and rubber industries and in companies such as the Deutsche Bahn AG (*German railways*). In the chemical industry for example the collective labor

agreement "*Lebensarbeitszeit und Demografie*" (*working life and demography*) provides for company demographic funds which are financed by employers. Amongst other things these can be used for long-term wage records, semi-retirement or organizing working hours to orientate to an employee's phases of life, for example to make job and family compatible with one another. In the collective bargaining round in 2015 the IG BCE (*Mining, Chemical and Energy Industries Union*) put forward for negotiation models with a three-day week for elder employees.

This scientific study intends to analyse the current chances and problems of the work environment in the age of globalization in Europe with examples mainly from Germany, sometimes from Austria. Germany currently has a very low unemployment rate. In February 2018 there were 2.546 million unemployed, the unemployment rate was 5.7% and 0.764 million registered vacant jobs (Federal Statistical Office, 2018). At the same time, we focus on identifying the consequences of labor market flexibilization for people and their families despite this low unemployment. In the larger context we deal with the consequences of globalization and value consensus that human rights recognize as being universal basic values.

2. Ways to make the labor market more flexible - Short-time working allowance, opening clauses of collective agreements, working time models

Models for the flexibilization of working hours reduce working hours but not jobs. One example is short-time allowance. This enables companies to temporarily reduce working hours. During this time their employees are paid for up to 67% of the lost working hours by the State. Short-time allowance has existed since the 1920s. The federal government extended the period for receiving this allowance from at most 6 to up to 24 months. At the same time flexi-time wage records were used more intensively. They made it possible for companies in a crisis to first let employees take time in lieu for hours which had already been accrued. In 2009 approximately 50% of all employees used flexi-time in this way, ten years earlier it was only 35%. So-called opening clauses also helped employers. They made it possible for employers and employees' representatives to agree deviations from collectively agreements under certain circumstances. In the 1990s this instrument was still uncommon, Volkswagen used it in 1993 for the introduction of the four-day-week. In 2005 65% of companies and 75% of the workforce in the manufacturing industry were already using it. Employers' considerations also differed from those in previous crises. According to the academics it was

chiefly export-oriented companies that were affected by the slump in international trade. Since employees in this branch were often highly qualified and training new ones would have been extremely difficult many companies did not lay off their employees – and preferred to find different solutions.

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Flexibility of working hours leads to various working hours models. These vary from the organization of daily or weekly working hours, flexi-time, yearly working time – sabbaticals, yearly labor contracts, working lifetime – flexible retirement to part-time working hours models – job-sharing. The hours to be worked can be defined either individually or for a group. Further forms are working on a standby basis, modular working hours, tandem working hours, working hours based on trust, flexible daily work, flexible shift systems, flexible duty rosters and manpower planning, flexi-time wage records, wage record credits (Wertguthaben) for employees, varying working hours oriented on capacities. Varying working hours oriented on capacities are determined under an agreement between employers and employees and the employee performs the amount of

work demanded by the workload. (Wirtschaftslexikon, 2017),

In tandem working hours two or more employees form a team which must be present during a certain, pre-determined work period. The employees can fulfil their tasks in a random order and time. In principle they substitute for one another whereby the scope is pre-determined. Tandem working hours are also suitable for leading executives. In practice, this model for flexibilization of working hours is mainly to be found in service industries. It is usually combined with flexi-time models. (Wirtschaftslexikon Gabler, 20017)

Job sharing is a specific form of part-time employment. The employment contract is agreed between the employer and two or more employees and establishes the duty of these employees to share one full-time job. This working hours model provides for a flexible management of each employee's working time within the total working time. (Wirtschaftslexikon Gabler, 20017)

The Legal basis is: § 13 Part-time and temporary employment law – Teilzeit- und Befristungsgesetz (TzBfG)

3. Effects of working time flexibility on individual curricula vitae

Working time flexibility also influences individual CVs. Young people dodge in alternative roles to insecure work, e.g. longer in the education system, rather than being defined as unemployed. In response, more flexible forms of partnerships are emerging, such as for example nonmarital partnerships. Even in the family-oriented countries of Central and Eastern Europe, such a strategy develops in dealing with this uncertainty. Men can no longer always fulfil their role as a family breadwinner. Unqualified women often cover the role of mother and housewife, while highly qualified women choose to work, not least because reconciling work and family life, for example in southern Europe, is poorly developed. This behaviour can also be observed in the declining birth rate in the countries of Eastern Europe. For family reasons, the earning potential, employment continuity and career opportunities of women are limited. Women disproportionately use flexible forms of work. The employers give as legitimacy several reasons, such as lower work experience and subsequent interruption of employment in times of motherhood. This necessary personal flexibility, i.e. work with parallel care obligations, does not correspond to the flexibility desired by entrepreneurs, which allows the employer to make short-term decisions.

Male employment history proves to be more stable in social democratic and family-oriented countries. Male employment history proves to be more stable in social democratic and family-oriented countries. On the other hand, there are signs of increasing insecurity among middle-career men in the US and Eastern Europe. For middle-aged men and women, individual resources in the form of educational capital are important to their careers. Furthermore, it is in the interest of companies as well as of the attractiveness of the business location oriented policy to find solutions to the discrepancy between increasing flexibility requirements and the limited flexibility potential of older workers. One way of resolving this discrepancy is to provide attractive financial incentives for early retirement of older workers. The attractiveness of such state early retirement is still increased by company severance payments, the so called golden handshake. Such policies also increase the value of the location for businesses.

The early retirement strategy is a costly option for economies and businesses. Another option is the requirement of lifelong learning through active employment policies of older workers, thus retaining older workers within the labor market. In the liberal United States and the UK low state pensions and high importance of private protection limit the possibility of premature exit.

Globalization has significantly increased the macro-structural uncertainty in modern societies. The uncertainty does not affect all individuals in the same way, but is very strongly channeled to specific groups - job entrants, the unemployed and women after a family career break. The existence of gender pay gap is later influencing the gender pension gap in EU (Mitková, 2016).

The consequence of this is an increase in social inequality.

Discussion

Globalized markets, demographic change and the increasing digitization of the economy and the world of work are among others challenges for companies that need modern working time policies and employees who are faced with more flexible working hours. From a scientific perspective, aspects related to the logic of companies should feed into policy making.

The problem seems to be that actors at the company level have incomplete knowledge of the possibilities and restrictions that the working hours law and collective agreements provide. Actors at the company level act relatively flexibly in practice, combining different working time models. This often

happens by agreement between employees, represented by the works council, and employers. The fact that workers at company level make certain concessions on working time models leads to a long-term downward spiral in the quality of employment conditions. This awareness is not always present among employees at the company level.

The flexible working time makes it possible to manage a fluctuating workload with less staff. Conversely, companies have a high demand for flexible personnel deployment when they are not employing enough staff when capacity utilization fluctuates. In view of a certain level of unemployment, the number of employees in the companies could be raised again. The topic of health and health-promoting work design is given too little consideration. Ensuring timely time compensation could help in some situations. The same applies to the reconciliation of family and work, also and especially in men's occupational sectors.

More demanding regulation of working time also requires developing better and smarter planning and management practices and tools rather than one-sidedly demanding flexibility from employees. The employer side is in principle interested in saving surcharges. In fact, the collective agreements of the union IG Metall and electrical industry continue to secure surcharges for overtime, even within the provided range of flexi-time. The union IG Metall wants a plus in salary and wants to enforce more flexible working hours, in principle the 28-hour week.

A good example of flexible working hours has already for a longer time been offered by the Berlin-based software company Tandemploy. Job-sharing and four-day workweeks are not foreign words, because first the employees can choose how long they want to work, and besides they sell the appropriate software for it. (TANDEMPLOY Unternehmen, 2018).

Working time flexibility makes it possible, on the one hand, to combine different working time models, but on the other hand, it is not always possible to return to the original working hours. The Social Democratic Party of Germany (SPD) even speaks of breaking the coalition agreement with the Christian Social Union (CSU) in Bavaria because of the right of return to the original working hours. The SPD envisaged this for companies from 15 employees, the CDU wanted to set the threshold at 200 employees. If the law would be applied only when the number of employees exceeds 200, "more than three million part-time employees would be excluded from the scope of the law". (Rückkehrrecht Nahles, 2017)

Another example of the implementation of flexible working hours on the part of the employees is the company VW. Employees can freely schedule their

working hours and decide whether and to what extent they will work from home in the future. Prerequisite is always the consent of the supervisor. However, this agreement only applies to employees who do not work shifts in production. This means that the company agreement only satisfies a part of the employees. However, this still confronts other employees with

major problems, for example when it comes to child care. (Standort38.de, 2016)

The trade union representatives from the German Trade Union Confederation (DGB) emphasized that the issue of working time design plays an increasingly significant role in their work (WKO.AT, 2016)

Table 1. Advantages and disadvantages of making working hours more flexible

| Possible Advantages | for Companies | for Employees | for National Economy | Social Consequences |
|---|---------------|---------------|----------------------|---------------------|
| Better adaptation to the order situation | X | | X | |
| Prevention of short-term staffing and dismantling (established practice in the USA) | | X | | X |
| More free days and long weekends possible for employees | | X | | |
| Increased employee satisfaction, leads to higher motivation and loyalty, increased innovation and productivity | X | X | X | X |
| A more flexible working time allows an improved quality of life, easier scheduling, consideration of health and a better reconciliation of work, family and leisure time. | | X | | X |
| Long-term calculation periods of one or more calendar years | X | X | X | |
| Statutory provisions on early retirement and partial retirement under collective agreements | | X | | |
| Collective agreements for qualification and further education with working time regulations | | X | | |
| Collective agreement "working life and demography" with demography funds financed by employers | X | X | | |
| Reduction of working hours during certain phases of life | | X | | |
| Probable Disadvantages | for Companies | for Employees | for National Economy | Social Consequences |
| Less overtime and thus no overtime surcharge | | X | | |
| Growth of grey areas due to dissatisfied, unmotivated workers | X | X | X | X |
| Strengthening of the company level, weakening of collective agreements | | X | | X |
| The law empowers the company level to flexible design and much freedom in the organisation of everyday work. | | X | | |
| The limit for daily normal working hours should basically be raised to 10 hours while maintaining the 40-hour week - possibly other distribution during the week | | X | | |
| flexible time models such as long-term calculation periods of one or more calendar years | | X | | |
| Lower contributions to social security and pension insurance | | X | | X |
| No collective agreements for jobs not in need of further qualifications or training | | X | | X |
| Income risk; expiration of overtime if it is not consumed in a certain time, | | X | | |
| Difficult return to normal work contracts | | X | | |

Source: own processing

In Austria, according to a recent survey, 73% of employees believe that today's world of work requires more flexibility than before. Only for 12% of respondent flexibility is not an issue. This raises the question of whether a cost-cutting competition is at all expedient.

While restrictive regulations, since they apply to all, cannot harm companies in competition within a country, the question of international competition is more difficult to answer. It raises the question of whether a cost-cutting competition is at all expedient. It would also be important to adapt the scope of the rules to the scope of the competitors and to harmonize provisions at European level.

Conclusion

Measures to make working hours more flexible create added value that should benefit both employers and employees alike. By making working hours more flexible, different models of working time are emerging. Working time models range from the design of flexible daily or weekly working hours, flextime, annual working hours, sabbaticals, annual work contracts, working life and sleeping retirement to part-time work, job sharing and mini jobs.

Western Europe has been witnessing an increase in the number of people who have different forms of

atypical employment since the 1980s. The atypical employment forms are, apart from the normal work contracts, part-time employment with 20 or less hours weekly, mini jobs, fixed term jobs and temporary work. In contrast to the normal employment relationship, atypical employment schemes cannot finance one's own and the family's livelihood. These atypical forms of employment also present uncertainties for young people entering the labor market. These uncertainties manifest in form of precarious, atypical forms of employment, e.g. fixed term work, part-time work, precarious forms of self-employment and lower income in the cohort comparison. Young people do not have the bargaining power to demand stable and continuous employment.

On the one hand, improved conditions for operational flexibility would be desirable because of the higher level of competitiveness, but on the other hand, rising birth rates are also desirable. There is no alternative to making work more flexible - both from the point of view of companies and from the point of view of employees. Modern regulations on the pulse of time should create clarity and security for all involved - employers and employees alike. The processes of globalization and flexibilization also bring about changes in the family planning and career paths.

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