



Reduce harmful work stressors.
Improve job quality and health.

Healthy Work Strategies

Work scheduling laws contribute to more stable employment

Having an unpredictable or on-call work schedule can make it difficult to schedule child care, meet second job commitments, go to school, or meet other family or social responsibilities. Not having steady full-time work can lead to difficulty paying rent and bills. Therefore, worker advocates have pushed for laws that provide workers with more steady work schedules.

A survey of more than 700 employees at 28 Gap clothing stores in Chicago and San Francisco in 2015 found that 47% had irregular sleep due to their work schedules, and employees slept an average of 6.2 hours a night. 19% of employees with unstable work schedules delayed medical care and prescriptions and 26% were late on utility bills due to finances. Just over half of the employees reported food insecurity in the past month.¹

Another survey, in 2016-7, of over 27,000 employees at 80 of the most profitable food service and retail businesses, found that about 2/3 of workers knew less than 2 weeks in advance about their schedule. About 1/3 of workers knew their schedules less than 1 week in advance. Unstable scheduling disproportionately affects women and people of color, who are overrepresented in retail and food service jobs. The unpredictability of a canceled shift could leave workers short on income for rent, food and bills. For parents, the instability disrupts child care.²

Fair workweek laws

In May, 2017, New York City enacted a package of bills that created more stable work for fast-food and retail workers by banning practices like unpaid on-call and last-minute scheduling that left workers with unpredictable schedules. The new legislation prohibits employers from canceling, changing, or adding work shifts within 72 hours of the start of a shift.^{3,4}

In 2018, Philadelphia's city council enacted a fair scheduling law that required all businesses with more than 250 employees and more than 30 locations (not just retail) to provide schedules to workers at least 10 days in advance. The bill also required employers to offer additional work hours to existing employees instead of hiring new employees, and

prevented employers from retaliating against workers for requesting or declining more hours.⁵

An Oregon law, effective July 2018, established work scheduling standards for retail, hospitality, and food service workers at companies with at least 500 employees worldwide. The law requires that employers provide written estimates of schedules that clearly explain median monthly hours, voluntary standby, and on-call shifts. Employers are required to provide work schedules at least seven days in advance, and by July 1, 2020, 14 days' notice will be required. The law also gives workers the right to at least 10 hours between certain shifts, the right to identify changes in work schedule availability, the right to request not to be scheduled for work shifts during certain times or at certain work locations, and the right to be paid for certain work schedule changes.⁶

Along with the 172,000 Oregon workers covered by their law, another 698,000 workers are protected under comprehensive “fair workweek” laws enacted by local governments between 2014 and 2018. These include 2,500 in Emeryville, California, 23,000 in San Francisco, 40,000 in Seattle, 130,000 in Philadelphia, 175,000 in San Jose, and 327,000 in New York City.⁷

The Los Angeles City Council passed the city’s fair workweek law in 2022, which went into effect in April 2023. Its implementation was due in part to the United Food and Commercial Workers Local 770 union and the Los Angeles Alliance for a New Economy, an advocacy group focused on economic, environmental and racial justice. The new law targets grocery and retail businesses with at least 300 employees worldwide and requires employers to provide schedules 2 weeks in advance and requires at least 10 hours of rest between shifts.⁸

The Emeryville, CA law has made an impact for both workers and their families. Last-minute- schedule changes occurred less frequently at big businesses during a soft launch of the city law in 2017 and dropped even further after penalties were enforced beginning in January 2018. Before the law, workers at larger businesses reported less sleep and more negative interactions with their children, a center working paper said.⁹

Less comprehensive, but related laws

Less comprehensive than fair workweek laws but still helpful to workers are “right-to-request” laws passed at state (including New Hampshire and Vermont) and local levels that bring the number of protected workers to more than 1.8 million. These laws give all or most private-sector workers the right to request flexibility in work hours and work location. While there are similarities in the details of fair workweek and right-to-request laws from one location to another, there are also some unique protections. These include San Francisco’s “part-time parity” laws protecting workers from discrimination based on part-time status, and San Francisco’s Family Friendly

Workplace Ordinance, which addresses employee requests for flexible scheduling in order to care for a dependent family member.⁷

More information

For more information about such laws, see: <https://www.epi.org/>. If your city or state does not have such a law, you can get involved in trying to pass one.

References:

1. Williams JC, Lambert SJ, Kesavan S, Korn RM, Fugiel PJ, Carreon ED, Bellisle D, Jarpe M, McCorkell L. Stable Scheduling Study: Health Outcomes Report. San Francisco: University of California, 2019.
<https://worklifelaw.org/projects/stable-scheduling-study/stable-scheduling-health-outcomes/>
2. Schneider D, Harknett K. How Unpredictable Work Scheduling Hurts Retail Workers – And What Might Change. *Scholars Strategy Network: Key Findings*. 2018.
https://scholars.org/sites/scholars/files/ssn-key-findings-schneider-and-harknett-on-unpredictable-and-unstable-work-hours_authedi.pdf
3. UFCW for Local Unions. (2017, May 30). *RWDSU/UFCW Helps to End On-Call Scheduling in New York City*. <http://forlocals.ufcw.org/>.
4. Reuters. (2017, May 31). *New York City Expands Labor Rights for Fast Food Workers*. <https://fortune.com/>.
5. Covert, B. (2018, December 6). *Philadelphia Just Passed the Strongest Fair Scheduling Law in the Nation*. <https://inthesetimes.com/>.
6. Employee Work Schedules. <https://www.oregon.gov/>.
7. Wolfe, J., Jones, J., & Cooper, D. (2018). 'Fair Workweek' Laws Help More Than 1.8 Million Workers. *Washington, DC: Economic Policy Institute report*. <https://www.epi.org/>.
8. Unstable scheduling harmful for worker health: Fair workweek laws gain steam. *The Nation's Health*. <https://www.thenationshealth.org/content/53/7/1.1>.
9. Elizabeth Oltmans Ananat, Anna Gassman-Pines, John Fitz-Henley II. New research shows Fair Workweek laws ensure workers have more predictable schedules without sacrificing their hours worked. Washington, DC: Washington Center for Equitable Growth, 2022.
<https://equitablegrowth.org/new-research-shows-fair-workweek-laws-ensure-workers-have-more-predictable-schedules-without-sacrificing-their-hours-worked/>