

gate occupations such as construction are not affirmative action—at least according to the way opponents characterize such policies. “We’re not talking about giving women who are not qualified jobs,” says Maureen McFadden, a former television journalist who, after the September 11 attacks, founded Legal Momentum’s Equality Works project. McFadden had noticed that mainstream news organizations weren’t interested in covering the small band of female construction workers and firefighters working at Ground Zero. She now works in communications for the Women’s Sports Foundation but has continued to watch how debates about occupational segregation unfold.

After the 9-11 attacks, turmoil in the New York City Fire Department, which lost 343 employees at the World Trade Center, presented an opportunity to reform an “infamously” sexist city agency, McFadden recalls. Legal Momentum worked with the department to prepare women to take the firefighters’ test and got the New York City Sports Clubs to donate space for physical training. “More women passed the test than had ever passed before,” McFadden says. “Historically, a lot of women at the forefront in these nontraditional jobs were in fact white, overeducated lesbians. ... However, very quickly since the ‘90s, these jobs turned out to be lifesavers for single mothers—heads of households—often African American.”

Advocates argue that like 9-11, the economic crisis has the potential to radically change how certain employers conceive of women workers—but that government must provide the leadership and incentives. Still, some progressives caution that it is neither politically nor economically smart to focus on gender at a time when overall unemployment is so acute. Requirements that worksites employ a certain number of nontraditional workers could slow the hiring process, for example, leading to corresponding slowdowns in consumer spending.

And politically, the faster the stimulus program appears to turn around the economy, the better off progressivism will fare in future battles, argues Lawrence Mishel, president of the Economic Policy Institute. Efforts to correct occupational segregation are small-bore compared to the benefits of quickly turning around the economy, even if new jobs disproportionately go to men, Mishel says.

“Obama’s recovery efforts are an amazing endorsement of using government spending for regulating the business cycle. There have been fights for more than half a century on whether there is a government role here,” he continues. “We on the left spend a lot of time advocating things—as we should—that have much smaller impacts than combating 1 or 2 percentage points of unemployment. People ought to keep that in mind. The impact of lowering unemployment by 2 percentage points is much larger than other anti-poverty programs”—such as those addressing occupational segregation.

“There could be African American unemployment and underemployment of 25 to 30 percent early next year,” Mishel warns. “This raises questions not only about people

getting jobs but about how people are going to survive. About eating and housing.”

But women’s advocates caution against portraying the economic betterment of women and minorities as an either-or proposition. After all, many of the neediest women are women of color, and many of the highly paid professions traditionally closed to women—such as air-traffic control—are also relatively bereft of men of color.

“As long as we keep pitting men against women, we are going to lose the battle,” McFadden says. “Where women are not doing well, in general, diversity is suffering and men of any color other than white are not doing well, either.” **TAP**

Outside the 9-to-5

When most of us are at home, at night and on the weekend, millions of people—many of them women with children—are at work.

BY JANET C. GORNICK, HARRIET B. PRESSER, AND CAROLINE BATZDORF

One in five employees in the United States works mostly at nonstandard times—during the evening, at night, or on rotating shifts—and one in three works on the weekend. Despite their prevalence, nonstandard-hour workers are remarkably invisible, remaining largely off the radar screen of policy-makers, unions, and other groups concerned with jobs, workers, and working conditions.

Of course, the times are changing. The Obama administration has pledged its support for several pro-worker policy reforms—including increasing and indexing the minimum wage, extending the Earned Income Tax Credit and strengthening workers’ rights to unionize. The appointment of a progressive labor secretary further signals that working conditions are returning to the public agenda.

While nonstandard-hour work has yet to attract sustained attention in political or policy circles, there are glimmers of emerging awareness. Hillary Clinton made a point of mentioning night-shift workers when she spoke after the Iowa caucuses: “There were a lot of people who couldn’t caucus tonight. ... There are a lot of people who work at night, people who are on their feet, people who are taking care of patients in a hospital or waiting on a table in a restaurant or maybe in a patrol car keeping our streets safe, and they need a president who is going to care about them and their families.” And President Barack Obama has signaled that improving working conditions, specifically for par-

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THE LATE SHIFT

These eight occupations are projected to grow the most from 2004 to 2014. Their hours are heavily nonstandard, and their workers are mainly female.

RANK & OCCUPATION	projected growth (in 1,000s)	nonstandard-hour workers as % of employees	women as % of employees
1 retail salespersons	+ 736	70.2%	50.2%
2 registered nurses	+ 703	59.5	92.5
3 post-secondary teachers	+ 524	29.0	43.4
4 customer-service representatives	+ 471	36.9	69.4
5 janitors and cleaners	+ 440	53.3	34.2
6 waiters/waitresses	+ 376	89.0	71.9
7 food preparers/servers	+ 367	81.7	69.8
8 home health aides	+350	70.3	90.0

SOURCE: UNPUBLISHED RESULTS BY PRESSER, BASED ON DATA FROM 2004 CURRENT POPULATION SURVEY AND FROM THE BUREAU OF LABOR STATISTICS

ents, will be a priority. The new White House Task Force on Middle Class Working Families, led by Vice President Joe Biden, is charged with tackling multiple goals, among them improving work-family balance and restoring labor standards, including workplace safety. Ideally, those who work 24/7 will get some much-needed attention.

The picture of evening, night, and weekend employment in the United States is a complex one. (Evening work is usually defined as taking place between 4 P.M. and midnight; night work generally refers to work after midnight.) The nonstandard-hour work force is diverse, comprising white-, blue-, and pink-collar workers, whites and non-whites, immigrants and non-immigrants, and both part- and full-time workers. And, of course, the 24/7 work force includes both men and women—with men slightly more likely to work nonstandard hours. However, available evidence suggests that women's employment in nonstandard-hour work will increase more than men's in the years to come.

While women overall are not overrepresented among nonstandard-hour workers, 24/7 employment definitely has a gendered cast to it. For starters, rising women's employment is one of several factors that have contributed to growth in nonstandard-hour work in recent decades. Consumer demand for 24/7 access to services and retail has been driven in part by increases in women's—especially mothers'—employment. The increase in women's daytime employment has raised demand for services during evenings, nights, and weekends, because women are less able to shop or to purchase services during weekdays. In addition, the expansion of the United States' service economy has increased demand for employees to work during nonstandard hours, doing jobs such as waiting tables in restaurants—which are overwhelmingly held by women. Other factors contribute, too. The graying of the population has raised demand for

around-the-clock medical and caregiving services, which are primarily staffed by women. Although not specific to women, technological and economic shifts have intensified globalized markets, pushing and pulling diverse commercial activities into 24-hour schedules.

Increased mothers' employment is linked to rising nonstandard-hour work in other ways as well. A substantial number of American workers with children organize their work lives so that two caregivers work different shifts. This so-called "tag team" or "split shift" caregiving allows families to forgo out-of-home child care—which saves crucial dollars, especially during economic downturns. A recent *Washington Post* article profiled a couple—George and Arlyn—who do exactly that to avoid child-care costs. They each work three overnight shifts a week, alternating

days, so that one can care for their young children during the day while the other sleeps. This creative arrangement may meet their child-care needs, but it raises other concerns. Working atypical hours affects the temporal structure of family life, particularly among dual-earner couples and those with children, often compromising the quality and stability of marriages.

Many mothers don't even have the split-shift option for child care, at least not with their children's fathers. (Employed grandmothers, however, often help out in this way, splitting shifts with their single-parent daughters.) Regardless, women are far more likely than men to be single parents, and they are more likely to hold low-wage jobs—two confounding factors that make 24/7 work especially challenging. About 13 million families are headed by a single parent, 80 percent of whom are women. In addition, women workers, especially single mothers, are more likely than their male counterparts to hold jobs in sectors such as services and retail sales—jobs that typically pay less than two-thirds of median wages. Furthermore, single mothers are more likely than married mothers to work at nonstandard times. A quarter of single mothers work late or rotating shifts and more than a third work weekends. For single mothers with children under age 5, these rates are higher—and they are still higher for those with low incomes. Many lower-skilled women workers, including large numbers of women who have left the welfare rolls, work nonstandard-hour shifts because their alternatives are severely limited. Single mothers are especially likely to cite job-constraining factors ("I could not get any other job," for example) as their main reason for working nonstandard hours.

The combination of single-parenting, low-wage work, and nonstandard-hour work—especially working the night shift—can bring about the perfect storm of risk for families.

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Although most single mothers who work at night manage successfully, tragic outcomes are sadly common. In a highly publicized case in New York City, a young single mother left her two children—ages 1 and 9—at home unattended so she could work her night shift at a McDonald's in Brooklyn; her babysitter had failed to show up. Her attempts to monitor the children by telephone were not enough; both children died in a fire. In another heartbreaking case, a young Ohio mother, a former welfare recipient, feared losing her night job processing checks at a bank and left her unsupervised toddler alone; the child died in a fall from a ninth-floor balcony.

Nonstandard-hour work is also associated with long-term negative consequences that affect the health of women and the development of their children. Research from Europe and the United States finds that working night and rotating shifts is associated with elevated health risks, especially to pregnant women. Late-hour workers are subject to higher risks of miscarriage, giving pre-term birth, and having a child with low birth weight. Women who work at night are also more likely to be diagnosed with breast cancer—one recent study found that they face a 36 percent higher risk—apparently because prolonged exposure to around-the-clock light suppresses melatonin, a hormone that suppresses tumors. (The International Agency for Research on Cancer, part of the World Health Organization, recently added shift work to its list of probable carcinogens.) Late shifts are also linked to higher accident and injury rates on the job.

Children's development and well-being are also at risk. Preschool children whose parents work nonstandard hours are less likely to be cared for in formal child-care settings that may provide important school-readiness experiences. One study finds that children under age 3 whose mothers have worked nonstandard hours perform significantly worse on cognitive tests. Problematic effects of parents' schedules are apparently not limited to young children; levels of depression reported by adolescents are higher when mothers work evenings (and also when fathers work irregular hours).

Despite the accumulating evidence of negative consequences, American public policy is almost entirely silent on nonstandard-hour work. While the Fair Labor Standards Act regulates the number of hours worked each week, federal policy refrains from limiting the prevalence of nonstandard-hour work, regulating its compensation, or protecting workers from being involuntarily scheduled in these shifts. One exception is that the law restricts the work hours of teenagers, in general, to between 7 A.M. and 7 P.M. Another exception is that some federal workers who work nights or Sundays receive pay premiums for hours worked during those times. The vast majority of nonstandard-hour workers, however, are unprotected.

The change of administration in Washington has cata-

lyzed new policy efforts to improve employment conditions, especially for workers with family responsibilities. Bills circulating in Congress would create paid sick days, rights to flexible scheduling, and (most likely operated at the state level) paid family leave. This growing national conversation should be expanded to include issues related to 24/7 schedules, especially night and rotating hours, where the hazards are the greatest. Any progressive policy agenda that aims to address working conditions should integrate concerns about nonstandard-hour workers and their families.

What should policy reforms aim to achieve? Workers who work nonstandard hours should receive extra compensation—as pay premiums, as shorter shifts (at the same pay), or as compensatory time off (with control over when the “comp time” off is taken). Compensatory rewards for atypical shifts would both raise the quality of nonstandard-hour work for those who work those shifts—possibly alleviating some of the hardship—and also create incentives for employers to move work that is unnecessarily performed during nonstandard hours (some inventory, maintenance, and cleaning tasks, for example) to standard times.

Workers hired for standard-hour shifts, especially those with caregiving responsibilities, should be protected from involuntary nonstandard-hour shifts. Workers who refuse nonstandard shifts, or request schedule changes to avoid them, should be protected from dismissal or downgrading. (Judicial rulings do protect U.S. workers if their rescheduled shifts result from retaliatory behavior on the part of employers.) Workers should also not be forced de facto into nonstandard-hour work as a way to manage their care-



ANY PROGRESSIVE POLICY AGENDA THAT AIMS TO ADDRESS THE NEEDS OF WORKERS SHOULD INTEGRATE CONCERNS ABOUT NONSTANDARD-HOUR WORKERS.

giving needs. Providing affordable, high-quality daytime child care would enable many nonstandard-hour workers now reliant on tag-team caregiving to seek standard-hour shifts. In addition, policy-makers should be flexible with regard to the needs of nonstandard-hour workers. Night workers, for example, often need child care not during their work shifts, when their partners may be home, but during the day when they themselves are sleeping; child-care benefits conditioned on employment should recognize the supervisory needs of young children with sleeping parents.

We need only look across the Atlantic to find promising policy models. In most European countries, working time is heavily regulated. Many protections are required by the European Union; others are granted at the national level. Most important are provisions that limit total work hours and/or raise the quality and availability of part-time and flexible work options. These measures have been enacted



for diverse reasons across countries and over time. In earlier decades the rationale was largely about creating jobs and spreading work. More recently the discourse concerns workers' quality of life, "work/life balance," or gender equality. Public policy has been more restrained in specifically addressing the needs of nonstandard-hour workers. Nevertheless, policies that affect the prevalence or quality of nonstandard-hour work are more developed in several European countries than in the United States.

European countries recognize and support nonstandard-hour workers with three key policies. First, many countries grant premium pay or comp time for night or Sunday work. While specifics may be laid out in collective agreements, the scope of these provisions is often set by law. For example, Norwegian law requires that work carried out during certain "inconvenient" shifts, such as night shifts, be rewarded with a shortened workweek. Luxembourg law requires a 15 percent pay premium for night work and a 70 percent premium for Sunday work; under certain circumstances, those premiums could be converted to comp time instead. German law requires that time and a half be paid for Sunday work.

Second, several countries grant workers a legal right to change, or to request to change, their work hours—either the number of hours, the scheduling of those hours, or both. Some countries target these measures at parents while others extend them to all caregivers; others grant universal rights. Employers may object on business grounds, but refusals are officially reviewed. Typically, workers who have made such requests are protected from dismissal or other punitive actions. Furthermore, European Union law protects pregnant and breastfeeding workers from night work if it poses a threat to their health and safety. And, according to national laws in several countries, women and men may move to daytime hours if they have caregiv-

ing responsibilities for children under age 12 or other dependents.

Third, most European countries have extensive public supports for child care—both for the "under 3s" and, even more so, for the "over 3s." This eases the burden on working parents.

In the United States, policy reforms should build on existing foundations at both the federal and state level. The Fair Labor Standards Act, for example, requires overtime pay for working more than 40 hours a week; it could be amended to include premiums for nonstandard-hour shifts. The Family and Medical Leave Act grants many workers the right to unpaid leave; it could be extended to offer rights to work-schedule adjustments. The Child Care and Development Fund, a federal program intended to increase the availability, affordability, and quality of child care, could be dramatically expanded to serve millions more families. In addition, some useful policy models can be found at the state

level. Six states—Alaska, California, Hawaii, Massachusetts, Rhode Island, and Washington—grant extra compensation for working evenings, nights, and weekends.

We must also plant the seeds for a new social movement to raise our collective consciousness about the conditions and hardships faced by the workers who care for us, sell us goods, feed us, and entertain us around the clock. Until more Americans—consumers, employers, and advocates alike—focus more fully on the needs of 24/7 workers, including women with children, it is unlikely that our policy-makers will take up the charge. **TAP**

The Invisible Workers

For nannies and housekeepers, the home is a workplace, and they're fighting for basic rights.

BY ELISSA STRAUSS

Most labor organizers camp outside of factories and businesses, waiting to catch workers in between shifts. When Jocelyn Gill-Campbell recruits workers, she hits up parks, playgrounds, and libraries, looking for the 200,000 women who tend to New York's children and homes. Campbell is an organizer for Domestic Workers United, one of a handful of growing groups across the country attempting to bring fair labor standards to housekeepers and nannies—virtually unregulated professions. These organizations have taken up the battle to get the home to be considered a workplace and are trying to bring some dignity to what is truly women's oldest profession. "You've heard about the American dream and when you