

Should the Fair Labor Standards Act be modified to limit the amount of hours worked per week?

The concept of work has been and continues to be a cornerstone of civilization. Similar to large developments of cancer due to the use of a certain type of product, health does not particularly coincide with work until it becomes a major problem. For example, working long hours in places like hospitals, where doctors can work anywhere from 80-100 hours per week, can lead to serious safety and health concerns for both the doctor and the patients. This raises the question: Should the Fair Labor Standards Act (FLSA) be modified to limit the amount of hours worked per week? Naturally, my research focuses primarily on the US but also takes into account the findings of scholars and researchers worldwide.

Currently, the FLSA does not restrict a number of hours a worker is able to perform per week. Instead, it is left up to the place of work to set a limit. The FLSA, enacted in 1938, “establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments” (DOL). While there are serious health concerns associated with overtime work, it must be addressed that there are large benefits that result from it. Even though there are economic benefits for overtime work, a worker’s health should be prioritized over everything else due to the fact that they are humans, not machines. However, this essay will demonstrate that a limit should be placed on the number of hours a worker may perform in a 7-day period.

To emphasize the adverse effects of working overtime, one of the sources, “Long Working Hours”, a study published in the British Journal of Cancer, discusses the effects of work on the human body, specifically as a result of spending too much time at work. Additionally, in “A World without Work,” author Derek Thompson focuses on Youngstown, Ohio, and how job loss caused massive rifts in the mental and physical health of its citizens. Overall, the sources discuss the effects of labor on workers.

Health

Published in the British Journal of Cancer, a respected journal that “works with a distinguished team of international experts to ensure the highest standards of selection and review” for the purpose of cancer research, the article “Long Working Hours” analyzes the possibility of the development of cancer as a result of working overtime. To provide background for their findings, the source states some of the health risks of working overtime, such as “coronary heart disease and stroke...anxiety, depression, sleeping difficulties, and accidental injury at work” (Long Working Hours, 1). While the researchers don’t find a correlation between overtime and most forms of cancer their research finds that “[the] observed association between very long working hours and increased breast cancer risk should be interpreted cautiously and would warrant further research” (Long Working Hours, 4-5). From their results, it is reasonable to extrapolate that working overtime can cause serious and extremely detrimental effects on the body. These effects have very real consequences, evidenced in Derek Thompson’s “A World without Work”, in which he analyzes possible futures for humankind if machines were to

take over in the workplace. Thompson, a senior editor at *The Atlantic*, describes the conditions of workers that were laid off after Youngstown's steel industries moved away, as well as the region in general. The population experienced a sudden spike in the numbers of victims of depression, spousal abuse, and suicide (Thompson).

In the World Health Organization's (WHO) *Mental Health and Work: Impact, Issues and Good Practices*, through analysis from Strategies, employment, mental illness: strategies to secure and maintain employment for people with long-term mental illness by the United States National Institute on Disability and Rehabilitation Research (NIDRR), determined that the burden of mental health disorders on health and productivity has long been underestimated. The study focuses on workers with mental disabilities, especially those that work overtime. It presents that "[in] the USA, it is estimated that more than 40 million people have some type of mental health disorder and, of that number, 4-5 million adults are considered seriously mentally ill. Depressive disorders, for example, represent one of the most common health problems of adults in the United States workforce" (WHO). Since it is included as part of a study conducted by the WHO, it is evident that the struggles faced by those with mental disabilities are not only a US concern but a global one as well, especially in the workplace. Additionally, the Department

of Social and Organizational Psychology at Utrecht University in the Netherlands claims that the relation between overtime and ill health is partly accounted for by the unhealthy lifestyle in which over-workers tend to engage. Their study showed that "working overtime was longitudinally related with adverse subjective health, but not with body mass. Moreover,

working overtime was associated with lower levels of physical activity and intake of fruit and vegetables, but not with smoking and drinking. Finally, higher levels of risk and lower levels of beneficial health behaviors were longitudinally associated with ill health" (Taris). A direct longitudinal effect of overtime on health suggested that the effects of overtime on health may also partly be due to the sustained physiological activation that results from working overtime (Taris). Whereas working an average amount of overtime does not usually entail major health risks, these will increase with increasing amounts of overtime. The study fits within my research parameters because it analyzes the overall health of workers when they work overtime. The fact that the research was produced elsewhere does not affect the application of the results in the US.

Economics

It can be argued that workers have their own reasons for wishing to work overtime, ranging from their economic need to simple enjoyment of their job. For example, an article published by the Bureau of Labor Statistics cites Robert Hart's *The Economics of Working Overtime*, in which he presents comprehensive theoretical studies on overtime work and how it affects the labor market. In one of the studies, the 1998 British Workplace Employee Relations Survey, "one-fifth of 26,000 employees surveyed reported that they worked overtime because they needed the money. An even larger percentage, 24 percent worked overtime because their job required them to do so. Ten

percent claimed that they did not want to let their colleagues down, and 5 percent worked overtime because they like the job they do” (Hart). Additionally, it is argued that working overtime also promotes economic growth. In the Northern Ireland Business Info sponsored by the Northern Ireland Executive, an administrative branch of the legislature of the Northern Ireland Assembly, it is proposed that overtime provides “a more flexible workforce...the ability to deal with bottlenecks, busy periods, cover of absences and staff shortages without the need to recruit extra staff...increased earning for employees...avoidance of disruption to jobs where the workload is more difficult to share, [such as] transport and driving [and] the ability to carry out repair and maintenance which has to be done outside normal working hours” (NIBI).

While workers indeed have valid reasons to work overtime, and that it must be noted that working overtime does, in fact, promote economic growth, the detrimental effects on the health and productivity of workers are much more significant. The Northern Ireland Business Info supports this claim, saying that “the expense of premium overtime rates [1.5 times their original salary in the US]...[promotes] inefficiency if employees slacken their pace of work in order to qualify for overtime...regular long working hours, which can adversely affect employees' work, health and home lives...fatigue, which may increase absence levels and lead to unsafe working practices...employee expectations of overtime, leading to resentment and inflexibility if [overtime is withdrawn]”(NIBI). The Johnson Foundation, which is commissioned for the promotion of worker health, also supports this. In a 2013 report, the foundation reported that “[they] have found that the total economic costs to the nation of occupational illness and injury match those of cancer and nearly those of heart disease. Healthy workers and their families are likely to incur lower medical costs and be more productive, while those with chronic health conditions generate higher costs in terms of health care use, absenteeism, disability and overall reduced productivity” (Johnson). While the sources do not refute the claims presented by the North Ireland Business Info and the Bureau of Labor Statistics, they provide an alternative perspective, one more oriented towards the health and the productivity of workers.

Solution and Conclusion

My results show that working overtime is overwhelmingly a safety and health concern: Workers' lives are directly put at risk when they perform multiple consecutive 40+ hour work weeks. Due to the several detrimental health effects of overtime work, such as the development of mental illness or the development of heart disease, as well as the cuts to productivity as a result of these health effects, it is possible to conclude that the FLSA should be modified to place a limit on the number of hours a worker is allowed to perform in a seven-day period. To implement this, the act would need to be amended so that a fixed number of hours is set. However, my solution is limited by the fact that for this to change, the millions of workers in the US that work overtime would have to take cuts to their current income, which could potentially place people below the poverty line and even drive them out of their homes.

Alternatively, the pay for overtime, which now sits at 1.5 times a worker's daily salary (USD), should be increased by an amount agreed upon by both union workers and

business leaders so that while overtime work is being limited, workers are still able to provide for themselves and their families. The latter solution is more likely to be adopted because it involves leaders from both sides of the spectrum, business and workers. Their conclusions would provide the most amicable outcome for both parties. Further research that would help better my solution would be an analysis of how the economic difficulties that limiting overtime would place on the American population so that it is possible to determine how much the overtime pay standard should be increased. Additionally, other research that could be performed would be to test the limit of how much overtime a worker can perform before developing ill health, and how to recognize and catch these symptoms. This data would provide a starting point in the negotiations between union and business leaders to work out a limit on the number of hours a worker is allowed to work in a 7-day period.

All in all, while the beneficial effects of working overtime have been a reliable source of added income to some families, as well as growth for the economy, the FLSA must place restrictions on a number of overtime workers are able to perform. The detrimental effects of working overtime are simply too great to be pushed to the side for the purpose of efficiency. When worker health begins to fall, as does their productivity. In turn, the economy is negatively affected because workers are spending their time at home and in hospital beds due to illness.

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