


“In Search of Lost Time”: Key Trends in Regulating Rights to Limited Working Hours, Rest, and Leisure

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Abstract: The recognition of rights to limited working hours, rest, and leisure was preceded by a long struggle by workers to shorten their working time. International organizations also contributed to this process, notably by establishing standards designed to protect health, safety, and dignity at work. This article defines the concepts of working time, rest, and leisure, explores the evolution of the recognition of these rights, and critically examines the conditions and obstacles to their effective exercise in the contemporary world of work. This issue is particularly pressing as many workers today do not enjoy these rights, ranging from individuals in the informal sector to those who accept unlawful overtime work because they cannot afford the “luxury” of losing their jobs, while employers further intensify pressure through low wages. Furthermore, the extension of working hours is frequently rationalized as a means to protect the freedom of contract and workers’ purchasing power, and meet the demands of the so-called 24-hour economy. Concurrently, there is a growing trend toward reducing working hours, which will be explored through examples of statutory reductions in full-time working hours and experimental transitions

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to a four-day working week, along with theoretical reflections on the potential for contemporary societies and individuals to reduce their dependence on productive labor.

1. Working Time, Rest, and Leisure – Notions and Interrelation

In the theory, legislation, and practice of labor law, the dichotomy of “working time” and “rest time” is widely accepted. From the perspective of labor law, this means that any given period of time may be classified as either working time or rest time, as these two concepts are mutually exclusive, with certain exceptional cases existing on the very margins of the notion of working time, such as on-call and standby periods. The legal qualification of working time is dependent not on the intensity of the employee’s work, but rather on the requirement for the employee to be at the employer’s disposal for the performance of work.

The employer generally enjoys the freedom to organize working time in accordance with business needs, as working time arrangements influence the quality of products or services, the productivity and competitiveness of the enterprise, and its ability to adapt to market changes while enabling more flexible work organization and reducing costs.¹ Nonetheless, working time must be organized within the limits established by statutory rules regarding the (maximum) duration of work, (minimum) periods of daily and weekly rest, and the protection of health, safety, and well-being at work. The enjoyment of rights to limited working hours and rest thus contributes to the prevention of occupational injuries and illnesses, and facilitates the reconciliation of professional and family responsibilities, workers’ personal development, and, ultimately, their productivity and work results.²

¹ International Labour Organization, *Conclusions of the Tripartite Meeting of Experts on Working-Time Arrangements: Working Time in the Twenty-First Century* (Geneva: International Labour Office, 2011), para. 1; Carole Lang, Stefan Clauwaert, and Isabelle Schömann, “Working Time Reforms in Times of Crisis” (ETUI Working Paper 2013.04, European Trade Union Institute, Brussels, 2013), 6–7.

² United Nations Committee on Economic, Social and Cultural Rights, General comment No. 23 (2016) on the right to just and favorable conditions of work (Article 7 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/23.2016, Geneva 2016, para. 34. This is particularly important since the risk of workplace injury is proportional to the number of hours worked, increasing exponentially when work exceeds a specific threshold of hours. Dominique Anxo and Mattias Karlsson, “Overtime Work: A Review

Traditional labor law has been constructed around the model of a male, full-time worker with an open-ended employment contract, often failing to adequately consider the specific needs of women in the labor market.³ Within this context, rest has been traditionally perceived as leisure time, allowing workers to engage in preferred activities, from gardening to sports.⁴ Still, it is essential to remember that rest time is used both for leisure as genuine free time and for activities essential to meet basic human needs (e.g., meal preparation, hygiene maintenance, and other domestic chores).⁵ Thus, it is possible to identify two categories of rest time: the first is *basic* or *necessary time*, and the second is *leisure time*, which can include a wide array of activities, from sports and cultural engagement to gambling or complete inactivity.⁶ The state may choose to promote or discourage some of these activities, but, in principle, it is left to the individual to decide how to utilize their free time. The right to leisure is also recognized as a fundamental human right, enshrined in both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, these instruments do not define the concept of leisure, while its clearer understanding is supported by the practice of the Committee on the Rights of the Child, since the Convention on the Rights of the Child guarantees the right of the child to rest and leisure.⁷ This guarantee is interpreted in light of the idea that leisure brings children enjoyment and satisfaction while also fostering emotional

of Literature and Initial Empirical Analysis," *Conditions of Work and Employment Series*, no. 104 (2019): 1.

³ Ljubinka Kovačević, "Gender Perspective of Development of Labour Law," in *Gender Perspectives in Private Law*, eds. Gabriele Carapezza Figlia, Ljubinka Kovačević, and Eleonor Kristoffersson (Cham: Springer Nature, 2023), 114.

⁴ Jill Murray, *ILO and Working Conditions – An Historical Analysis* (Geneva: International Labour Office, International Institute for Labour Studies, 2009), 6.

⁵ John T. Haworth and Anthony J. Veal, "Introduction," in *Work and Leisure*, eds. John T. Haworth and Anthony J. Veal (New York: Routledge, 2004), 1; Alastair James, "Work Emails at the Breakfast Table: Proximity of Labour and Capital as an Unexamined Difficulty for the (Just) Distribution of Discretionary Time," *Journal of Applied Philosophy* 41, no. 2 (2024): 352, <https://doi.org/10.1111/japp.12696>.

⁶ Simone Varva, "... e se fosse ancor più 'smart' lavorare soltanto quattro giorni all settimana?," *Labour & Law Issues* 8, no. 1 (2022): 37, <https://doi.org/10.6092/issn.2421-2695/15022>.

⁷ United Nations, Convention on the Rights of the Child, Treaty Series, vol. 1577, 3, Article 31, para. 1.

balance, conflict resolution, decision-making, exploration, and experimentation, through which they learn to understand and construct their place in the world.⁸ Although this interpretation refers to a right to leisure exercised independently of work, it indicates that leisure should not be understood solely as idleness. Rather, leisure encompasses activities essential to individual life, given that “individual and societal benefits of ‘recreation’ and ‘play’ are not limited to children. They apply also to adults, who, so far, only enjoy ‘rest’ from work and an empty right to ‘leisure.’”⁹

2. Limiting Working Hours and Recognizing the Right to Rest – Evolution and Objectives

The issue of working hours is closely linked to the development of society, industrial production, and the regulation of human labor. Before capitalism, working time depended on the seasons and weather conditions, while compensation for labor was determined by custom, regardless of the time spent on effective work.¹⁰ Industrialization brought a new approach to the time coordinates of work: “by the division of labour; the supervision of labour; fines; bells and clocks; money incentives; preachings and schoolings; the suppression of fairs and sports – new labour habits were formed, and a new time-discipline was imposed.”¹¹ The pursuit of profit maximization was, in fact, accompanied by demands for longer working hours: in the early stages of capitalism, workers worked about 14–16 hours a day, six or seven days a week.¹²

The recognition of right to limited working hours was preceded by a painful struggle that highlighted the need to protect physical integrity of

⁸ United Nations, Committee on the Rights of the Child, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), CRC/C/GC/17, 2013, para. 9

⁹ Nicolas Bueno, “Article 24: The Right to Rest and to the Limitation of Working Hours,” in *The Universal Declaration of Human Rights: A Commentary*, ed. Humberto Cantu Rivera (Brill, 2023), 12, ResearchGate.

¹⁰ Brendan Burchell et al., “The Future of Work and Working Time: Introduction to Special Issue,” *Cambridge Journal of Economics* 48, no. 1 (2024): 3, <https://doi.org/10.1093/cje/beat057>.

¹¹ E.P. Thompson, “Time, Work-Discipline, and Industrial Capitalism,” *Past and Present* 38, no. 1 (1967): 90, <https://doi.org/10.1093/past/38.1.56>.

¹² Gérard Aubin and Jacques Bouveresse, *Introduction historique au droit du travail* (Paris: PUF, 1995), 251.

workers, which further contributed to the broader effort to prevent workers from being reduced to mere tools. In this context, the issue of the length of the working day that could ensure workers' livelihoods while preserving their good health was raised. According to Robert Owen, the eight-hour workday was the embodiment of this standard, and it was adopted by the labor movement by the mid-19th century (with the call for "Eight hours to work, eight hours to play, eight hours to sleep"), based on the idea that without the statutory limitation of working hours, all other efforts for the emancipation of the working class would fail.¹³

Proposals to reduce working hours were criticized in the context of freedom of contract and workers' autonomy in choosing how much they work, on the grounds that those who wish to earn more should be able to work longer hours. Concerns were also raised that with shorter working hours, workers would have more opportunities to indulge in "low passions," especially excessive alcohol consumption, leading to a "moral decline" of the working class.¹⁴ Finally, it was pointed out that reducing working hours would lead to a decrease in productivity and profits for industrial enterprises, benefiting employers from countries where such restrictions were not implemented.¹⁵ Despite strong opposition from employers, many European countries implemented reductions in working hours to 10–12 hours per day – in Germany in 1891, France in 1906, Spain in 1907, Luxembourg in 1913, and Belgium in 1914.¹⁶ The eight-hour workday was introduced after World War I, although some of these laws allowed exceptions, mainly due to the need to address the postwar economic crisis.

The regulation of working hours is closely tied to the recognition of the right to a weekly rest. Similarly the right to limited working hours, initially,

¹³ Thilo Ramm, "Laissez-faire and State Protection of Workers," in *The Making of Labour Law in Europe. A Comparative Study of Nine Countries up to 1945*, ed. Bob Hepple (London: Mansell Publishing Limited, 1986), 105; Catherine Barnard, Simon Deakin and Richard Hobbs, "Reflexive Law, Corporate Social Responsibility and the Evolution of Labour Standards: The Case of Working Time" (Institute of Technology, Enterprise and Competitiveness Research Paper Series 04–14, 2004), 8.

¹⁴ Ramm, "Laissez-faire and State Protection of Workers," 106.

¹⁵ Aubin and Bouveresse, *Introduction historique au droit du travail*, 227.

¹⁶ Carla Spinelli, "ILO Convention 1: Hours of Work (Industry) Convention, 1919 (No. 1)," in *International and European Labour Law – A Commentary*, eds. Edoardo Ales et al. (Baden-Baden: Nomos, C.H. Beck, Hart Publishing, 2018), 1321.

it was granted only to children and women; however, between 1905 and 1910, it was extended to all workers.¹⁷ Despite opposition to recognizing this right, primarily stemming from concerns about its harmful effects on small enterprises, the prevailing belief was that its enjoyment was essential for workers, their families and society, as it fostered the participation of workers in social life.¹⁸ On the other hand, it was not until World War II that a right to paid annual leave was recognized as universal. Its duration was gradually extended as it began to serve other functions, such as fostering tourism and enhancing the entertainment industry, as “the working class, which had gained free time, now had to conquer the use of its free time.”¹⁹

3. International and European Regulation of Working Hours, Rest, and Leisure

The call for the eight-hour workday was revived at the end of World War I when it became “the wartime cry of the masses; the employers retort that it can be introduced only by international action.”²⁰ In that sense, the adoption of standards in this field has been a priority of the International Labour Organization (ILO) since its inception. Its founding document confirmed the introduction of an eight-hour working day and a 48-hour workweek as a standard to be aspired to, primarily to prevent unfair competition in the international market and to increase employment. This standard was confirmed by Conventions No. 1 and 30, although several exceptions were introduced to help the recovery of economies devastated by war.²¹ The next phase was marked by Convention No. 47 (1935), which affirms the reduction of working hours to the extent possible, primarily to distribute available jobs between employed and unemployed individuals, thereby reducing unemployment after the Great Depression. However, the standard of

¹⁷ Aubin and Bouveresse, *Introduction historique au droit du travail*, 228–29.

¹⁸ It can be concluded that the recognition of the right to weekly rest has undergone a long journey – from acknowledging the obligations of workers as believers, to recognizing their family duties, and ultimately to recognizing their civil duties. Aubin and Bouveresse, *Introduction historique au droit du travail*, 230.

¹⁹ Aubin and Bouveresse, *Introduction historique au droit du travail*, 285; Gilles Auzero, Dirk Baugard, and Emmanuel Dockès, *Droit du travail* (Paris: Dalloz, 2023), 1198.

²⁰ Stephan Bauer and Alfred Maylander, “The Road to the Eight-Hour Day,” *Monthly Labor Review* 9, no. 2 (1919): 41, <http://www.jstor.org/stable/41827595>.

²¹ Lammy Betten, *International Labour Law – Selected Issues* (Deventer: Kluwer, 1993), 190–91.

a 40-hour workweek was set as a principle to be gradually implemented, with the condition that it should not negatively impact workers' wages; otherwise, they would not be able to benefit from the advantages of industrial development.²² The importance of reducing working hours was highlighted again via Recommendation No. 116 (1962), since consensus could not be reached on a binding instrument. Finally, ILO has adopted dozens of acts that regulate the implementation of the principle of a 40-hour workweek in specific sectors, as well as the issues of weekly and annual leave, night work, and part-time work.

The rights to rest, leisure, and limited working hours are confirmed in the UDHR²³ and the ICESCR,²⁴ although these instruments do not specify maximum number of working hours. According to the Committee on Economic, Social and Cultural Rights, these provisions should be understood as allowing the regulation of working hours in accordance with national circumstances, but only within the limits of what is considered a reasonable maximum working time.²⁵ However, this flexibility does not exempt states from their obligation to introduce minimum standards that must be respected and cannot be abolished or lowered for economic or productivity reasons.²⁶ In this regard, a general recommendation has been formulated that daily working time (excluding overtime) should be limited to eight hours.²⁷ Given that certain states have opted for a 40-hour workweek, all states that have not adopted this standard are encouraged to progressively attain it and to recognize the right to at least 24 consecutive hours of weekly rest.²⁸

²² Carla Spinelli, "ILO Convention 47: Forty-Hour Week Convention, 1935 (No. 47)," in *International and European Labour Law – A Commentary*, eds. Edoardo Ales et al. (Baden-Baden: Nomos, C.H. Beck, Hart Publishing, 2018), 1333.

²³ United Nations, Universal Declaration of Human Rights adopted on December 10, 1948, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), Article 24.

²⁴ United Nations, International Covenant on Economic, Social, and Cultural Rights, Treaty Series, vol. 993, 3, Article 7, point d).

²⁵ United Nations, Committee on Economic, Social and Cultural Rights, General comment No. 23 (2016), para. 36.

²⁶ *Ibid.*, para. 34.

²⁷ *Ibid.*, para. 35.

²⁸ *Ibid.*, paras 37–9.

The issue of working hours is also addressed in the European Social Charter (ESC), which established the obligation of contracting parties to “provide for reasonable daily and weekly working hours” as an essential element of guaranteeing the right to just conditions of work.²⁹ Due to national specificities, the ESC does not specify the number of hours that should be deemed “reasonable,” but it should be assessed based on the economic and other circumstances prevalent in each state, particularly in light of protecting workers’ health and safety, as well as the general interest.³⁰ At the same time, the ESC contains a programmatic provision urging that “the working week be progressively reduced to the extent that the increase of productivity and other relevant factors permit.”³¹ This ultimately means that contracting parties are expected to continue seeking opportunities for further reduction of working hours, which is interpreted as implicitly prohibiting the extension of working hours.³²

At the European Union (EU) level, limiting working hours is seen as an integral part of the right to fair and just working conditions,³³ as well as a guarantee of dignity at work and an essential aspect of protecting occupational health and safety. Member states of the EU are thus required to limit working hours so that “the average working time for each seven-day period, including overtime, does not exceed 48 hours.”³⁴ This average fund is calculated for a reference period of no longer than four months. Furthermore, Directive 2003/88/EC guarantees a minimum daily rest period of 11 consecutive hours for each 24-hour period, as well as a minimum weekly rest period of 24 consecutive hours.³⁵

²⁹ Council of Europe, European Social Charter, European Treaty Series, No. 35, Article 2, point 1.

³⁰ Lenia Samuel, *Droits sociaux fondamentaux: Jurisprudence de la Charte sociale européenne* (Strasbourg: Editions du Conseil de l’Europe, 2002), 41.

³¹ Council of Europe, European Social Charter, Article 2, point 1.

³² Klaus Lörcher, “Article 2: The Right to Just Conditions of Work,” in *The European Social Charter and Employment Relation*, eds. Niklas Bruun et al. (Oxford: Hart Publishing, 2017), 172.

³³ Charter of Fundamental Rights of the European Union (OJ C326, 26 October 2012), Article 31.

³⁴ Directive 2003/88/EC of the European Parliament and of the Council of November 4, 2003, concerning certain aspects of the organisation of working time (OJ L299, 18 November 2003), Article 6, point b).

³⁵ *Ibid.*, Articles 3 and 5.

4. Contemporary Challenges in Regulating the Right to Limited Working Hours, Rest, and Leisure

4.1. General Remarks

Due to the differences between statutory and contractual working hours, as well as part-time work, overtime work, the specific nature of work in the private and public sectors, and other factors, calculating the exact working hour quota in a given country is often a challenging task.³⁶ With this in mind, it is noteworthy that in the first decade of the 21st century, only 30% of countries, mainly in Europe and Africa, had a 40-hour workweek limit; a larger number of countries established a maximum exceeding 40 hours, most commonly set at 48 hours per week.³⁷ Moreover, a considerable number of workers lack the right to limited working hours and rest, particularly those in the informal sector. This also pertains to new forms of work, while platform work illustrates a scenario where it is difficult to apply the standard working hours model, even in legal systems that qualify it as an employment relationship.³⁸

The impact of digitalization on working hours is also reflected in the fact that information technologies and artificial intelligence can be helpful in recording and planning working hours, as well as controlling employee's attendance at the workplace and monitoring compliance with rules on limited working hours.³⁹ However, some authors identify the need to abandon a strictly quantitative approach to working time, with the belief that "replacing the monitoring time by an assessment of the workload would enable employers to better guarantee rest periods for employees."⁴⁰ On the other

³⁶ Varva, "... e se fosse ancor più 'smart' lavorare soltanto quattro giorni all settimana?," 30.

³⁷ Spinelli, "ILO Convention 47: Forty-Hour Week Convention, 1935 (No. 47)," 1332–3.

³⁸ The primary reason is the time spent waiting for client's requests, which is typically not considered working time and, consequently, is not included in the maximum daily and weekly working hour quotas, although regulations differ by country.

³⁹ Employers are expected to establish "an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured", which should ensure that each employee effectively enjoys daily and weekly rest, along with the right to limited working hours. CJEU Judgment of May 14, 2019, *Federación de Servicios de Comisiones Obreras – CCOO v. Deutsche Bank SAE*, Case C-55/18, ECLI:EU:C:2019:402, para. 60.

⁴⁰ Loïc Lerouge and Francisco Trujillo Pons, "Contribution to the Study on the 'Right to Disconnect' from Work. Are France and Spain Examples for Other Countries and EU Law?," *European Labour Law Journal* 13, no. 3 (2022): 464, <https://doi.org/10.1177/20319525221105102>.

hand, the digitalization of work leads to the dissolution of traditional spatial and time-based boundaries. This is particularly true for remote and hybrid work, where employees determine their own working hours with varying degrees of autonomy, which has now become a means for attracting and retaining workers.⁴¹ For this, the consistent implementation of relevant rules is essential; otherwise, remote and hybrid work may lead to unpaid overtime and other risks. Moreover, development of digital technologies has fostered the development of an “always-on culture,” which effectively prolongs working hours and blurs the boundary between working time and rest. In this sense, it is necessary to consider the legitimate expectations of employees regarding the use of digital devices,⁴² which raises the issue of recognizing the right to disconnect from work, i.e., the right not to participate directly or indirectly in activities or communication related to work for the employer during periods of rest via digital devices. Namely, workers cannot suffer reprisals if they turn off their phone after working hours, refuse to respond to an employer’s email sent during period of rest, or reject or not answer an employer’s phone or video call outside of their working hours.⁴³ This right is explicitly guaranteed by the laws of several European states, including Belgium, France, Greece, Italy, Portugal, Slovakia and Spain, whereas in other legal systems, it is indirectly protected as part of fair working conditions, or occupational health and safety. As Blackham rightly concludes “this could prove to be an important complement to provisions relating to maximum working hours, ensuring the sanctity of non-working hours.”⁴⁴

⁴¹ Iacopo Senatori and Carla Spinelli, “(Re-)Regulating Remote Work in the Post-Pandemic Scenario: Lessons from the Italian Experience,” *Italian Labour Law e-Journal* 14, no. 1 (2021): 213, <https://doi.org/10.6092/issn.1561-8048/13376>.

⁴² BusinessEurope, SMEunited, CEEP and the ETUC /and the liaison committee EUROCADRES/, European Social Partners Framework Agreement on Digitalization, 2020, 10.

⁴³ Cf. Sanja Stojković Zlatanović, “Pravo na digitalnu (ne)dostupnost u oblasti rada – Novo pravo svojstveno radu u digitalnom dobu,” in *Međunarodni pravni odnosi i pravda*, ed. Jelena Perović Vujačić (Belgrade: Kopanička škola prirodnog prava – Slobodan Perović, 2023), 561–3; Sanja Stojković Zlatanović and Milena Škobo, “The ‘Twilight’ of Health, Safety, and Well-Being of Workers in the Digital Era – Shaping the Right to Disconnect,” *Journal of Work Health and Safety Regulation* 2, no. 2 (2023): 129–44, <https://doi.org/10.57523/jaohlev.0a.23-003>; Mario Reljanović and Ana Knežević Bojović, *Pravo na privatnost na radu* (Belgrade: Institut za uporedno pravo, 2025), 129.

⁴⁴ Alysia Blackham, “Productivity and the Four-Day Work Week,” *Alternative Law Journal* 50, no. 3 (2025): 199, <https://doi.org/10.1177/1037969X251345189>.

4.2. The Trend of Extending Working Hours

The contemporary organization of working time is defined by two opposing trends, both linked to efforts to influence specific economic variables through working time regulation.⁴⁵ The first trend is connected with the exploitation of workers through unlawful overtime, especially in countries with an underdeveloped institutional framework for labor rights protection and low unionization rates. Moreover, many workers agree to unlawful overtime because they cannot afford the "luxury" of losing their jobs, while many low-paid workers agree to it as they would otherwise be unable to provide for their families sufficiently.

As for policymakers and lawmakers, they exhibit an ambivalent attitude toward the duration of working hours, both in terms of encouraging the extension of working time and the trend towards its reduction. The extension of working time is thus endorsed as a means to mitigate the effects of economic and financial crises, and as a tool for supporting the so-called 24-hour economy. There are also proposals for extending working hours to improve workers' purchasing power, echoing the slogan *travailler plus pour gagner plus* ("Work more to earn more"). This approach is reflected in Directive 2003/88/EC, which allows employers to offer employees the option to exceed 48 hours of work per week, provided that general principles related to occupational health and safety are respected. This provision has faced sharp criticism because of the risk that working time will become trivialized to the point where, as a factor in calculating wages, it will be regarded as a commodity that anyone can manage at will. This dilemma also marked the process of amending the Directive 2003/88/EC, which had been long stalled precisely due to disagreements among Member States, social partners, and EU institutions over whether and to what extent the rule on the maximum working time may be derogated. A compromise in this case seems attainable only if conditions are established to balance the protection of occupational health and safety with demands for flexibility.

⁴⁵ Alexandre Fabre, "Les temps du travail: entre libertés et pouvoir," in *13 paradoxes en droit du travail*, ed. Philippe Waquet (Paris: Lamy, 2012), 239.

Any other solution would amount to a complete victory of economic goals over a fundamental purpose of labor law.⁴⁶

4.3. The Trend of Working Time Reduction

4.3.1. Reduction of the Statutory Duration of Full Working Hours

The reduction of working time has long been viewed as a tool for combating unemployment, facilitating the redistribution of available jobs to as many people as possible, in line with the slogan *travailler moins pour travailler tous* (“Work less so that everyone can work”). This idea is also gaining traction in the context of post-growth economics, as limiting working hours can help maintain low unemployment rates without relying on economic growth. This is all the more relevant given that working time reduction can contribute to gender equality, as well as to environmental sustainability, while previous growth-driven strategies have proven unsustainable, and the prospects for “green growth” remain uncertain.⁴⁷

Statutory reductions in full-time working hours were already implemented in the 1930s to address the consequences of the Great Depression. The measure re-emerged in the late 20th century when several European countries started to gradually shorten the working hours to reduce unemployment. In France, for instance, reforms began in 1982, reducing the working week to 39 hours. Under the process of the so-called Aubry Laws of 1998 and 2000, the working week for large employers was reduced to 35 hours, while in 2002, this standard was extended to employers with fewer than 20 employees. Interestingly, despite the formal preservation of the 35-hour maximum, the legislator introduced various mechanisms that indirectly extended the working week.⁴⁸ For instance, in 2007, income

⁴⁶ This has been confirmed in the case law of the CJEU, which maintains that flexible working time introduced for the employer's benefit cannot be considered one of the objectives of the Directive 2003/88/EC. Vito Leccese, “Directive 2003/88/EC Concerning Certain Aspects of the Organisation of Working Time,” in *International and European Labour Law – A Commentary*, eds. Edoardo Ales et al. (Baden-Baden: Nomos, C.H. Beck, Hart Publishing, 2018), 1288.

⁴⁷ Bence Lukács and Miklós Antal, “The Reduction of Working Time: Definitions and Measurement Methods,” *Sustainability: Science, Practice and Policy* 18, no. 1 (2022): 710, <https://doi.org/10.1080/15487733.2022.2111921>.

⁴⁸ Marcello Estevão and Filipa Sá, “The 35-Hour Workweek in France: Straightjacket or Welfare Improvement?,” *Economic Policy* 23, no. 55 (2008): 421, <https://doi.org/10.1111/j.1468-0327.2008.00204.x>.

from overtime and additional work was exempted from taxation, allowing workers to increase their earnings by working longer, while also attracting foreign investors.⁴⁹ This development effectively allowed employers to broaden their prerogatives, with adverse effects on workers' well-being.⁵⁰

The most recent initiative for a statutory reduction in working time comes from Spain, where on February 5, 2025, the Government proposed legislation to reduce the working week from 40 to 37.5 hours, without reducing pay. The proposal is based on an agreement between the Government and trade unions *CCOO* and *UGT*, while the employers' association *CEOE* withdrew from negotiations after 11 months, citing concerns over reduced competitiveness, particularly for small employers. *CEOE* advocates a gradual reduction in working time via sectoral collective agreements, but the Government finds this unacceptable, particularly in light of the need to protect workers not covered by collective agreements. Moreover, it proposes subsidies to help small employers adapt to the new regime and aims to encourage further reductions through collective bargaining. It remains to be seen whether Parliament will successfully reconcile the interests of all stakeholders, especially since the new legislation will primarily benefit workers in the private sector.⁵¹

The social dialog is a powerful tool for reductions negotiated through collective agreements tailored to the needs of specific sectors or companies.⁵² For instance, in Germany, trade unions began advocating for a 35-hour working week as early as the mid-1980s, which they ultimately achieved through sectoral and company-level agreements. On the other hand, in its 2000 policy statement, "An active working time policy: For employment, time sovereignty and equal opportunities," the European Federation of Public Service Unions confirmed that a 35-hour working week should be a core objective of collective bargaining and encouraged

⁴⁹ Ibid.

⁵⁰ Auzero, Baugard and Dockès, *Droit du travail*, 1103.

⁵¹ Thanks to collective agreements, most public sector employees already work fewer than 40 hours per week.

⁵² India Burgess, Hampus Andersson and Grace Western, "Bargaining for Working Time Reduction. ETUC Study on Working Time Reduction in Collective Agreements," European Trade Union Confederation, 2025, 12, accessed July 20, 2025, <https://www.etuc.org/en/publication/bargaining-working-time-reduction-etuc-study-working-time-reduction-collective>.

members to strive for even shorter working hours. This implies that only workers supported by strong unions and/or the state are likely to achieve reduced working hours.

4.3.2. Experimental Transition to a Four-Day Workweek

The five-day workweek has been the dominant standard in European countries for decades. Exceptions are countries with developed social dialog, where the working week is shortened in certain sectors based on collective agreements, such as in Germany and the Netherlands.⁵³ This aligns with the belief that a four-day workweek enables effective enjoyment of the right to leisure, as well as achieving gender equality. Nevertheless, most employers are not inclined to transition to a four-day workweek, despite its potential for reduced costs. The primary reasons contributing to this are tied to the imperative to maintain company profitability, along with new forms of work management, wherein employees are encouraged to meet work goals, often with the provision of certain financial incentives.⁵⁴ In such a climate, a shorter workweek is, in principle, considered acceptable only for carers. Furthermore, proposals to switch to a four-day workweek are rejected because many workers cannot secure decent income without overtime work, especially in light of the constant rise in the cost of living.⁵⁵ Some authors also point out that many workers want to work longer than the time needed to ensure economic security, since, in contemporary societies, being “busy” is believed to be indicative of an individual’s competitiveness and ambition, regarded as desirable characteristics of “human capital,” unlike in the past, when ample free time was regarded as a status symbol.⁵⁶

The aforementioned *pro* and *contra* arguments are evident in several examples of six-month trial transitions to a four-day workweek in companies employing thousands of employees in Australia, Belgium, Iceland, Ireland, New Zealand, Spain, the United Kingdom, and the United States.⁵⁷ Unlike other legal systems, where the state (as the legislator or in the form

⁵³ Burchell, Deakin, Rubery and Spencer, “The Future of Work and Working Time,” 7.

⁵⁴ Ibid., 7–8.

⁵⁵ Bueno, “Article 24: The Right to Rest and to the Limitation of Working Hours,” 16.

⁵⁶ Silvia Bellezza, Neeru Paharia, and Anat Keinan, “Conspicuous Consumption of Time: When Busyness and Lack of Leisure Time Become a Status Symbol,” *Journal of Consumer Research* 44, no. 1 (2017): 119–38, <https://doi.org/10.1093/jcr/ucw076>.

⁵⁷ Burchell, Deakin, Rubery, and Spencer, “The Future of Work and Working Time,” 20.

of statements of intent) and trade unions promote the reduction of working hours, these cases involved the voluntary decision of individual employers to transition to a shorter workweek, primarily motivated by a desire for improvement of work quality and encouraging employees to join and stay in the companies.⁵⁸ The results of these experiments showed a positive impact on employees' well-being, while wages remained unchanged, and productivity was maintained or even improved: "essentially, adopting a four-day workweek means people get more done in less time, and adapt their work behaviors to become more efficient and productive (including, perhaps, because they are aware they are taking part in a trial)."⁵⁹ However, the reliability of the results is questioned because most experiments were conducted in the service sector, and in wealthy countries. Therefore, it remains uncertain whether the positive effects are achievable in other sectors, and in a less favorable economic context.⁶⁰ Moreover, there exists a risk that a shorter workweek, under the guise of greater flexibility, may lead to greater control over employees and increased job insecurity.⁶¹

5. Theoretical Insights in Possibilities for Reducing Society's and Individuals' Dependence on Productive Work

Many scholars reassess the content and purpose of the right to rest and leisure. Among them, particularly noteworthy is André Gorz, whose book *Metamorphoses of Labor: A Critique of Economic Reason* stresses the necessity of reducing working hours without lowering employees' wages.⁶² This author argues that unjustified overtime work is inextricably linked to the

⁵⁸ Agnieszka Piasna, Armanda Cetrulo, and Angelo Moro, "Negotiating Working Time Reduction" (Working Paper 2024.12, European Trade Union Institute, Brussels, 2024), 6.

⁵⁹ Kyle Lewis et al., *The Results Are in: The UK's Four-Day Week Pilot* (Hampshire: Autonomy, 2023), 5–7; Blackham, "Productivity and the Four-Day Work Week," 201.

⁶⁰ Kata Hidasi, Tímea Venczel, and Miklós Antal, "Working Time Reduction: Employers' Perspectives and Eco-Social Implications – Ten Cases from Hungary," *European Journal of Social Security* 25, no. 4 (2023): 2, <https://doi.org/10.1177/13882627231214547>.

⁶¹ Geraldo Tessarini Junior and Patricia Saltorato, "Reduced Working Time as Political, Management and Control Instrument," *Organizações & Sociedade* 29, no. 103 (2022): 725, <https://doi.org/10.1590/1984-92302022v29n0035EN>.

⁶² André Gorz, *Métamorphoses du travail: Critique de la raison économique* (Paris: Galilée, 1988), [https://monoskop.org/images/a/ab/GORZ_André_-_Métamorphoses_du_travail_Critique_de_la_raison_économique_\(OCR_A5\).pdf](https://monoskop.org/images/a/ab/GORZ_André_-_Métamorphoses_du_travail_Critique_de_la_raison_économique_(OCR_A5).pdf).

issue of wages, as employers, by paying low wages, pressure employees to work long hours in order to secure sufficient income for their livelihood. Notably, this wage reduction is intended not only to reduce labor costs but also to exert greater control over employees and increase their dependence on employers. Gorz believes that technological development makes it possible to shorten working hours with a statutory maximum of 1,000 working hours per year for workers in all sectors, which employers could distribute throughout the year according to the needs of the production process.⁶³ This would provide individuals with more opportunities to engage in “autonomous” activities, which serve as sources of meaning and happiness, such as art, philosophy and charity work.⁶⁴ This development would build upon the historical struggle of workers, while also protecting those who do not work, as well as those who perform unpaid household work.⁶⁵

The examination of possibilities to reduce the economic dependency on productive labor is also a central focus of the theory of human economy. Its proponents warn against the harmful consequences of neglecting the potential of people to create outside the realms of goods production and service provision.⁶⁶ Thus, the concept of “freedom from work” is affirmed as the freedom to enjoy life devoid of economic pressures (negative freedom from work), as well as the freedom to engage in meaningful activities, including work.⁶⁷ In this sense, Bueno advocates for an end to the continued waste of human potential, particularly in light of the almost exclusive development of skills that create economic value, as well as the treatment of unemployed individuals as societal burdens.⁶⁸ Therefore, a universal basic income should enable each individual to have control over the pace and

⁶³ Ibid., 216.

⁶⁴ Ibid., 209.

⁶⁵ Ibid.

⁶⁶ Manuel C. Branco, “Economics for the Right to Work,” *International Labour Review* 158, no. 1 (2019): 71, <https://doi.org/10.1111/ilr.12130>.

⁶⁷ Nicolas Bueno, “Freedom at, through and from Work: Rethinking Labour Rights,” *International Labour Review* 160, no. 2 (2021): 19, <https://www.ius.uzh.ch/dam/jcr:97708075-2b44-4f44-9e01-54c8bd254878/Freedom-at-Work,-Freedom-through-Work,-Freedom-from-Work.pdf>.

⁶⁸ Nicolas Bueno, “From the Right to Work to Freedom from Work,” *International Journal of Comparative Labour Law and Industrial Relations* 33, no. 4 (2017): 476, <https://doi.org/10.54648/ijcl2017020>; Alain Supiot, *L'esprit de Philadelphie. La justice sociale face au marché total* (Paris: Seuil, 2010), 63–4.

intensity of their work, the ability to leave unsuitable jobs, and more opportunities for volunteering.⁶⁹ Similarly, de Becker and Klaus propose to recognize the "right to laziness,"⁷⁰ which resembles the stance expressed by Paul Lafargue in 1880 in his satirical attack on the work ethic.⁷¹ These authors argue that the recognition of the right to leisure is insufficient to affirm the right to laziness, as people not only need the right to recover from work, but also the right not to be engaged in work.⁷² Therefore, it is proposed that the right to laziness be recognized and its enjoyment enabled through a universal basic income. This is particularly important as the right to social security implicitly includes a duty to work, as professional activity form the basis for social insurance, while beneficiaries of unemployment benefits are required to actively seek job and accept suitable employment, or else they will lose social benefits.⁷³ In this respect, an alternative way of funding the social security system should ensure sufficient resources for a decent life for everyone, while granting individuals the freedom (but not the duty) to work. This is especially pressing considering unsustainability of contemporary social security systems, even with the introduction of activation measures for unemployed individuals.⁷⁴

6. Conclusion

In the contemporary world of work, the organization of working time falls within the core managerial prerogatives of the employer, who generally enjoys the freedom to structure working hours in accordance with the needs of the enterprise. This freedom, however, operates within the limits established

⁶⁹ Bueno, "From the Right to Work to Freedom from Work," 481.

⁷⁰ Alexander de Becker and Flore Claus, "Social Security and the Right to Laziness Beyond Just Basic Income," in *Labour Law Utopias. Post-Growth & Post-Productive Work Approaches*, eds. Nicolas Bueno, Beryl ter Haar, and Nina Zekić (Oxford: Oxford University Press, 2024), 212.

⁷¹ Pol Lafarg, *Pravo na lenjost. Opovrgavanje 'Prava na rad' iz 1848. godine*, trans. Goran Bojović (Loznica: Karpos, 2016), 22, 44.

⁷² De Becker and Claus, "Social Security and the Right to Laziness Beyond Just Basic Income," 212.

⁷³ Similar duties are placed on recipients of social assistance, ranging from the requirement to register as unemployed, to the obligation to seek employment and participate in training programs, to the demand to engage in public works.

⁷⁴ De Becker and Claus, "Social Security and the Right to Laziness Beyond Just Basic Income," 217–18.

by statutory norms regulating working time, rest periods, and occupational safety and health. These temporal coordinates of work reflect the efforts of the labor movement, as well as international and regional initiatives aimed at setting standards for working time. Limited working hours, rest, and leisure are today protected as fundamental human rights, accompanied by gradual but continuous progress in reducing working hours. Moreover, the importance of programmatic provisions in relevant legal instruments (e.g., the European Social Charter) must not be overlooked. These provisions call on states to progressively reduce working hours as far as allowed by increased productivity, the nature of work, and other relevant factors.⁷⁵ More precisely, they reflect an expectation that states, social partners and other relevant actors will actively seek opportunities for further reduction of working hours, while that expectation ultimately implies a prohibition on extending working time.⁷⁶

The regulation of working time is connected to various economic variables, both in terms of using working time reduction as a tool to combat unemployment, and in terms of extending effective working time to enable workers to earn more. However, the primary objective of working time regulation at the international, European, and national levels is the protection of health and safety at work, although this is often accompanied by the marginalization of other goals that complement occupational safety and health, such as the reconciliation of professional and family responsibilities of workers, or the achievement of substantive gender equality, particularly with regard to equal participation of men and women in unpaid domestic work.⁷⁷ Furthermore, it is concerning that, even in the 21st century, a significant number of workers are still denied rights to limited working time, rest, and leisure. This is primarily because many workers in the informal sector, as well as those engaged in new forms of work, are excluded from the scope of relevant legal instruments. Moreover, these instruments often

⁷⁵ Lörcher, “Article 2: The Right to Just Conditions of Work,” 172.

⁷⁶ Ibid.

⁷⁷ Aleksandar Ristovski, “Working Time and Regulatory Discourse in the Legal Frameworks of the EU and Macedonian Labour Law,” in *Labour Law and Changes in the World of Work: Lessons for Advancing Macedonian Labour Legislation and Its Application in Practice. Book of Abstracts*, ed. Todor Kalamatiev (Ohrid: Združenie za trudovo i socijalno pravo na Severna Makedonija, 2025), 22.

fail to address the economic roots of widespread violations of working time regulations, such as low wages and job insecurity, which compel workers to accept exploitative and unlawful overtime.⁷⁸ At the EU level, the possibility of individually extending working hours has been introduced in order to safeguard contractual freedom and workers' purchasing power, promoting the troubling idea that "anyone who wants to earn more is free to waive even their fundamental human rights," by viewing working time as a commodity that can be freely disposed of.

In this context, the call to persist in efforts to further reduce working hours remains relevant, including reducing the statutory full-time working hours, and launching experimental initiatives for a four-day workweek aimed at achieving various economic, social, and environmental objectives, or even creating the conditions for the effective enjoyment of freedom from work, in line with the human economy approach. These initiatives are commendable, although many still lack reliable evidence of their long-term effects, especially in light of efforts to promote work-life balance within an "always-on" work culture.

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⁷⁸ Bueno, "Article 24: The Right to Rest and to the Limitation of Working Hours," 13; Rita Berger, Erasmus Keli Swanzy, and Jan Philipp Czakert, "The Relevance of Workload and Working Time in Current Times," in *Decent Work Worldwide: Universal Values, Diverse Expressions*, eds. Izabela Maria Rezende Taveira, Nuno Rebelo dos Santos, and Leonor Pais (Curitiba: CRV, 2023), 76.

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