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## **Executive Summary: How Unstable Scheduling Hurts Workers and their Families, and how a Massachusetts “Fair Workweek” Law Can Help**

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Over the next several years, Massachusetts will see more job openings in hourly retail and food service positions (salespersons, cashiers, fast food workers, and wait staff) than in almost any other occupation. For workers paid by the hour, time, as the saying goes, is money -- literally. That means they need to count on stable, sufficient, and predictable schedules, which allow them to earn a decent living, and have time to take care of themselves and their families.

These two MassBudget reports show that while many hourly retail and food service workers in Massachusetts – and their families – suffer from **unstable schedules and the harms they cause**, our Commonwealth has the opportunity to join other states and cities around the country in passing “**fair workweek**” laws that help address the problem.

One report, *Wrong on Schedule: How Unstable Scheduling Hurts Massachusetts Workers and their Families*, lays out the prevalence and harms of unstable scheduling. Relying largely on research from the SHIFT project at the University of California, *Wrong on Schedule* shows how employers in low-wage service industries like food service and retail:

- **Change or cancel shifts** at the last minute.
- Require “**clopening**” shifts – closing a shop at night and opening it the next morning.
- Demand that workers be “**on call**” – that is, to wait by the phone to learn if they will be asked to come in to work, often without compensation for this waiting time.
- Give workers **little to no say in their schedules**.

All of this leads to significant income volatility, and harms household finances, health, and child well-being. And workers of color are much more likely than other workers to face unstable scheduling, and many of its harmful effects. New research from SHIFT shows that this disparity is not merely the result of the fact that workers of color are overrepresented in hourly food service and retail jobs in the first place. SHIFT also found that workers of color are far more likely than their white coworkers to have a manager of a different race, and that this difference made it significantly more likely that workers of color would experience unstable scheduling practices – even at the same workplace.

The other report, *Shifting the Balance: How a Massachusetts “Fair Workweek” Law Can Protect Workers and their Families from Unstable Schedules*, makes clear the role fair workweek policies can play in creating more just workplaces. Fair workweek policies, like the ones recently enacted in several cities and states, require employers to:

- Provide their workers **advance notice** of their shifts, and to **compensate them for changes and cancellations** within this advance-notice period.
- **End forced “clopening” shifts** by allowing workers sufficient rest between shifts – and to pay workers a premium when they voluntarily agree to work such a shift.
- **Create access to full-time work** by offering additional hours to qualified, current, part-time employees before seeking to hire new employees.
- **Give workers input into their schedules.**

There are two fair workweek proposals now before the Massachusetts Legislature. One proposal is [Senate bill 1110/House bill 3809](#). The other proposal is [Senate bill 1102](#). The two legislative proposals differ in whether and how they address each dimension of unstable scheduling. The table in the Appendix of *Shifting the Balance* offers a detailed comparison of how (if at all) each legislative proposal handles the problems of unstable scheduling.

- Both S.1110/H.3809 and S.1102 address the problems of little to no advance notice, last-minute changes, and “clopening” shifts, though in different ways. (For example, S.1110/H.3809 requires employers to provide schedules 14 days in advance; S.1102 calls for seven.)
- S.1110/H.3809 goes notably further than S.1102 in creating pathways to full-time work and giving employees input into their schedules.
- S.1110/H.3809 would extend unemployment insurance protection to workers who quit because of their employer’s unstable scheduling practices.
- S.1110/H.3809 focuses on larger employers, who may have an easier time implementing the law by using existing “workforce management” software. S.1110/H.3809 covers the industries wherein workers experience the most instability – like food service and retail. S.1102 does not set an employer size threshold nor target particular industries.