

# Flexible work arrangements for work-life balance: a cross-national policy evaluation from a capabilities perspective

Carla Brega and Samuel Briones

*Department of Interdisciplinary Social Science, Faculty of Social Sciences,  
Utrecht University, Utrecht, The Netherlands*

Jana Javornik

*Centre for Employment Relations, Innovation and Change (CERIC),  
University of Leeds, Leeds, UK*

Margarita León

*Department of Political Science and Public Law,  
Institute of Government and Public Policy (IGOP),  
Universitat Autònoma de Barcelona, Barcelona, Spain, and*

Mara Yerkes

*Department of Interdisciplinary Social Science, Faculty of Social Sciences,  
Utrecht University, Utrecht, The Netherlands*

## Abstract

**Purpose** – This paper aims to assess the design of national-level flexible work arrangement (FWA) policies, evaluating their potential to serve as an effective resource for employees to work flexibly depending on how they set the stage for flexibility claims that will be subject to industrial and workplace dynamics.

**Design/methodology/approach** – Using a capability approach, the authors conceptualize and operationalize two aspects of FWA policy design, namely accessibility and availability. The authors' analysis allows for an understanding of how the availability and accessibility of national FWA policies explicitly and implicitly restrict or facilitate flexible working in a structural manner. The study focuses on countries with differing working time regimes and gender norms on work and care: the Netherlands, Spain and Slovenia.

**Findings** – The authors' findings highlight how FWA accessibility is broader when national policy is specified and FWA availability is not conditional to care. In Spain and Slovenia, access to FWAs depends on whether employees have care responsibilities, which reduces accessibility and reinforces gender imbalances in care provision. In contrast, the Netherlands provides FWAs universally, resulting in wider availability and accessibility of FWAs for employees regardless of their care responsibilities. Despite this universal provision, gender imbalances remain.

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**Originality/value** – The originality of this paper lies in its conceptualization and operationalization of FWAs at the national level using a capability approach. The study adds to the existing literature on flexible working and provides insights for policymakers to design more effective FWAs.

**Keywords** Flexible work arrangements, Work-life balance, Capabilities, Comparative employment policy, Work-family policy

**Paper type** Research paper

## Introduction

Flexible work arrangements (FWAs) (i.e. flexible schedules, teleworking and the voluntary reduction of working hours, hereafter FWAs), can be implemented by employers to lower labor costs or increase productivity (Hildebrandt, 2006). They can also increase employees' control over where and when they work (Chung *et al.*, 2007), helping them in the combination of paid work, care and other responsibilities (Fahlén, 2013; Lott, 2015). FWAs have been found to help women stay in employment after childbirth (Chung and van der Horst, 2018) and contribute to higher levels of work-life balance satisfaction (Abendroth and den Dulk, 2011), especially among highly-skilled employees (Chung, 2022). However, FWAs may also have paradoxical effects on workers' lives outside work, negatively affecting their wellbeing (Allard *et al.*, 2007; Chung and van der Lippe, 2020; Masuda *et al.*, 2012; Wight and Raley, 2009). Depending on the type of FWA (Lott and Chung, 2016), FWA usage can result in increased unpaid working hours, cognitive spillover from work to home and the reinforcement of gendered roles in unpaid work (Chung and van der Lippe, 2020; Kurowska, 2020).

Implicit in much of the extant FWA literature is the assumption that FWAs are a potential resource for employees (e.g. to achieve a better work-life balance). Simultaneously, a growing literature on capabilities in work-family policies highlights the importance of policy design in evaluating whether such policies do indeed function as resources for workers (Hobson, 2013; Javornik and Kurowska, 2017; Yerkes and Javornik, 2019). Despite a rich, comparative literature on FWAs, we lack more conceptual understanding of national FWA policy design. Such assessment is needed to evaluate whether flexible work policies effectively function as a resource to reconcile employment, care and private life, or whether simply create an institutional framework that makes flexibility claims highly subject to industrial and workplace dynamics at different levels (e.g. the firm, collective bargaining). FWA policy design assessment can also later be used to help clarify how national flexible working regulations interact with other work-family policy domains across varying national contexts.

This paper contributes to extant literature by providing such an assessment, conceptualizing and operationalizing FWA policy design at the national level using a capability approach. The capability approach departs from the idea that the freedom to attain wellbeing is of significant moral value (Sen, 2000). It also recognizes that the provision of equal resources does not guarantee freedoms to pursue wellbeing, thereby focusing attention on the contexts in which individuals are situated and their capabilities to pursue valued life activities (Robeyns, 2005). Thus in relation to FWA policy design, taking a capability approach allows us to question whether FWA policies theoretically allow for a diversity of work-life balance practices in people's pursuits of wellbeing while simultaneously considering the potential inequalities that arise from such policies. To this end, we explore whether and to what extent FWA policies are a resource for work-life balance capabilities (i.e. the substantive opportunities employees have to combine work obligations with other spheres of life in a valued way), or instead, set a framework that potentially widens the gap between different groups of employees based on their gender and socio-occupational position. We apply this conceptualization in a theoretically-informed empirical analysis of FWA policy documents, legislation and reports for the Netherlands, Slovenia and Spain, allowing us to highlight the varying ways policy design

can shape employees' real opportunities across differing working time regimes (Anttila *et al.*, 2015) and gender norms on work and care, which can implicitly or explicitly discourage the use of FWAs (Chung, 2018a). Our conceptualization and comparative analysis can help create greater understanding of FWAs as the post-pandemic reality continues to challenge governments and organizations to redefine work, including the redesign of FWA regulations that meet new and emerging expectations around flexible work practices (see, e.g. Carroll and Conboy, 2020).

### Conceptualizing FWAs: a capability approach

The capability approach (CA) offers an innovative theoretical and normative framework to assess social arrangements through the opportunities they provide individuals to do and be what they value or have reason to value in life, i.e. their *capabilities* (Robeyns, 2005; Sen, 2000). From a CA perspective, having access to means (such as formal rights to flexibility) does not guarantee equality in outcomes or *achieved functionings* (i.e. what a person actually manages to do or be (Sen, 2000)). The degree to which a person can transform resources into substantive rights and opportunities is mediated by so-called *conversion factors* (Annink, 2017; Robeyns, 2017), that is, individual *capabilities* made feasible, and constrained by, conditions expressed at micro (personal or individual), meso (institutions and organizations) and macro levels (societal-cultural) (Robeyns, 2005).

Applied to work-family policies (see (Hobson, 2013; Yerkes *et al.*, 2019) a capability perspective facilitates assessing the extent to which FWA regulations potentially enable workers to translate formal entitlements into actual opportunities to work flexibly (den Dulk and Yerkes, 2016). To illustrate, FWAs as a *means* allow employees to adapt work hours or location to balance paid work with care and personal commitments. However, individuals with lower educational levels (individual-level factor) often work in jobs requiring intensive face-to-face contact, or there may be limited use of information and communication technologies facilitating telework (a meso- or macro-level factor), restricting options to work from home. Similarly, a long-work-hours culture, where long hours are seen as a proxy for commitment and career orientation, could implicitly emphasize workplace presenteeism (societal-cultural factor). In such contexts, the *actual* use of FWAs may be limited, despite theoretically being available as a resource.

We extend existing applications of a capability approach to work-family policies proposing a dual perspective of FWAs, conceptualizing them both as (1) a policy-driven resource (means) to work flexibly and (2) as a social conversion factor with the potential to enhance or hinder employees' opportunities to work flexibly (Hvinden and Halvorsen, 2018; Kurowska, 2018). Our analysis highlights the applicability of this dual approach. As a resource for employees, FWAs can facilitate the accommodation of work and personal life through increased flexibility in work time and location (Chung and van der Lippe, 2020). In contrast, as social conversion factors, FWA regulations set the stage for other industrial (i.e. collective bargaining) or workplace level actors (i.e. managers) to hinder or facilitate the translation of resources into real freedoms to work flexibly, for example allowing employers to deny or accept flexibility demands or using collective bargaining agreements to specify the conditions under which such claims can be made and processed by employers. In other words, whether FWAs can effectively be translated into a resource or whether they function as structural factors constraining or facilitating flexibility claims, depends heavily on national FWA institutional frameworks.

By applying this capability lens, it is possible to consider specific aspects of FWA policy design and how they affect different groups of employees in varying ways. We focus our conceptualization and operationalization on two key aspects of work-family policy design: availability and accessibility.

### **FWA availability and accessibility from a capability approach**

Our analysis focuses on three types of FWAs: (a) teleworking (i.e. working from a different location than the usual workplace; “flexlocation”); (b) schedule flexibility (i.e. “flexitime”; the ability to choose from a pre-defined set of schedules, to vary start/end times, or to entirely determine working hours); and (c) temporary reduction of work hours (temporarily and for specific reasons, e.g. care for dependents or educational purposes). Part-time employment, in some cases included as a FWA (Chung, 2018b), differs widely in the definition of what constitutes part-time, the level of social protection and the voluntarily nature of part-time (Nicolaisen *et al.*, 2019) and is, therefore, excluded from the analysis.

#### *Availability*

In earlier research, FWA availability is often conflated with employee access to FWAs (Shockley and Allen, 2007). Other scholars have distinguished availability from usage but operationalized by relying on FWA workplace provision (Budd and Mumford, 2006; Masuda *et al.*, 2012; Temple *et al.*, 2019). At its core, availability indicates the presence of arrangements within labor market regulations that allow employees to work flexibly. Without it, other aspects of FWA policy design, such as accessibility, lose their interpretative power. Conceptualized in detail, availability thus refers to policies regulating access to flexible schedules, flexible working hours or location flexibility, formulated as a legal right for employees (den Dulk and Yerkes, 2016). It goes beyond the question of whether certain arrangements are present or not. Building on Atkinson and Sandiford’s (2016) conceptualization of the formality of FWAs and on Hegewisch’s (Hegewisch, 2009) discussion of legal approaches within national statutes, we argue for a conceptualization that includes two aspects: the dominant mechanism of FWA provision and the legislative scope of FWAs.

The dominant mechanism through which FWAs are made available can be national, sectoral, organizational, or individual. Nationally-regulated arrangements are usually attached to legislative rights (policy-based) and thus are theoretically more “formal” and widely available (Atkinson and Sandiford, 2016). In countries relying on sectoral level regulation, availability of FWAs may depend on whether sectors have strong union representation and are therefore potentially more responsive to workers’ work-life issues (Burdin and Pérotin, 2019). At the organizational level, firm size matters greatly for FWA availability. Larger companies are more likely to offer work-family reconciliation benefits such as paid leave around the birth of a child (Fredricksen-Goldsen and Scharlach, 2001). Smaller firms, in contrast, often provide flexibility through informal channels (e.g. reflected in organizational culture) rather than formal human resources (HR) practices (Fuentes *et al.*, 2013). Finally, due to explicit policy or lack of regulation at higher levels, the provision mechanism of FWAs might be relegated to individual negotiations between employers (i.e. line manager/supervisor) and employees (Cooper and Baird, 2015a).

The legislative scope of policies regarding FWAs is a second crucial design aspect of availability. Building on Hegewisch (2009), we distinguish three types of legal scope based on eligibility: universal, conditional and anti-discriminatory statutes. Under a universal legal scope, FWAs cover all employees irrespective of reasons for seeking adjustment. Under a conditional legal scope, FWAs are available to selected groups of employees, dependent on specified activities (e.g. to care for young children or dependent adults). In an anti-discriminatory legal scope, FWAs are made available as protection against discrimination for people who otherwise would not be able to stay in employment, rather than being attached to employment rights (e.g. flexibility provided to workers in anti-discrimination legislation on the basis of specific characteristics such as gender or age). Specific rights for workers with disabilities to work flexibly are usually specified in a separate body of legislation and were

therefore excluded from our analysis (see, e.g. [Dwertmann and McAlpine \(2023\)](#), for a discussion on workplace flexibility in relation to disability).

Beyond these two design aspects, FWAs can be formulated as a “right to request” ([ILO, 2019](#)), granting employees procedural rights to ask for consideration of applications for alternative work arrangements ([Cooper and Baird, 2015a](#)). However, the right to request does not necessarily translate into an entitlement or security of outcomes ([Kelly and Kalev, 2006](#)). Hence, we do not emphasize this aspect in our conceptualization. From a CA perspective, such distinction is also built into the conceptualization because the CA does not presume resources can be equally translated into policy uptake or outcomes.

The dominant mechanism of provision and the legislative scope of FWAs may affect employees’ capabilities differently across national policy frameworks. For example, organizational-level and individual-level provisions can be a source of greater variation and inequality ([Eurofonds, 2016](#)). In practice, employees may perceive FWAs as unavailable when an employer rejects flexible work requests, thereby limiting their capabilities. Or, when FWAs are only available to employees with care responsibilities, this creates an opportunity gap for those who want to use them for other purposes (e.g. to combine employment with education and training).

### *Accessibility*

Distinguishing FWA accessibility as a separate design aspect is crucial because policy availability does not guarantee access. Furthermore, it allows for an understanding of how conditions attached to FWA usage may create inequalities in take up. Many studies conceptualize accessibility as equivalent to take-up rates. Similarly, *perceived* access (i.e. employee beliefs about the availability of flexible arrangements within their specific work contexts ([Chung, 2019a](#))) has also been used as a proxy of accessibility ([Possenriede and Plantenga, 2011](#)). Although perceived access is a more process-oriented indicator than take-up rates ([Budd and Mumford, 2006](#); [Masuda et al., 2012](#); [Temple et al., 2019](#)), using either one as an evaluative aspect of accessibility can be misleading ([Javornik, 2014](#)) because from a CA view, take-up rates and perceived access are outcomes (i.e. achieved functionings) ([Kurowska, 2018](#)). Analyses based solely on these outcomes provide insufficient information about employees’ capabilities because who ends up using FWAs depends on the extent to which employees are actually able to translate FWA resources into real opportunities.

We argue for conceptualizing accessibility from an eligibility perspective, analyzing the conditions necessary for accessing statutory FWAs, that is, the formal criteria establishing one’s right to access FWA policies [1]. We consider four national eligibility criteria: (1) tenure (i.e. working for the same employer or in the same position for a set period of time); (2) whether set time frames exist for applying for or using FWAs (e.g. limiting requests to once every 12 months); (3) contractual hours requirements (e.g. minimum hours worked); and (4) firm size.

In combination with the dominant mechanism of provision and the legal scope of FWAs, national eligibility criteria to access FWAs can have important consequences for workers’ capabilities. These criteria might enhance or limit access to different groups of employees. For example, if tenure is required to access teleworking options, this creates an opportunity gap for younger workers, who are substantially less likely to be eligible than older workers ([de Guzman et al., 2021](#)).

### **Work regimes and gender roles: FWAs in context**

Our application of this framework centers on a comparative analysis of three countries with different working time regimes and gender role attitudes on work and care, as part of a

larger project on work-life balance capabilities. Working time regimes shape FWA availability and accessibility through institutional practices and legal regulation of the work week and the timing or prevalence of non-standard work schedules (Anttila *et al.*, 2015), reflecting working time norms at the societal, sectoral and workplace level (Hobson, 2013). Gender role attitudes can implicitly or explicitly discourage men or women from using FWAs, as they reflect dominant gender cultures within society. Gender cultures are societal-level ideals about work-family relationships, including the organization of work and care (Pfau-Effinger, 2005). Thus, both working time norms and gender role attitudes, embedded in specific gender cultures, can inhibit employees' capabilities to use FWA resources in practice.

Slovenia is among the Central and Eastern European (CEE) countries characterized by high time demands and low individual control (Anttila *et al.*, 2015). Employees have the longest weekly working hours of the three case countries (Eurostat, 2019), as well as the highest working-time intensity (i.e. employers often demand employees either meet tight deadlines or work at a high speed) and enjoy little control over their working hours or location. Working-time autonomy and workplace flexibility are also low in Spain, which represents a southern model characterized by low time demands and low individual control (Anttila *et al.*, 2015). In contrast to Slovenia, weekly working hours in Spain (31 h) are closer to the EU27 average (32 h) (Eurostat, 2019), and time pressure in the workplace is lower. Moreover, Spain has one of the highest levels of unsocial work hours in Europe, particularly in the private sector. On the other hand, the Netherlands is a northern country characterized by high time demands and high individual control (Anttila *et al.*, 2015). Employees there have the shortest work week in Europe (29 h) (Eurostat, 2019), considerable control over their working hours and high chances for tele- and home-based work, but face high work-time intensity, bringing about considerable time-stress at work. The shorter average workweek in the Netherlands reflects a reliance on part-time work (OECD, 2021).

Our three countries also differ in relation to their predominant gender norms, which in turn influences the cultural and institutional allocation of housework and employment in intersectional ways (Lister *et al.*, 2007). Slovenia represents an adult worker model (i.e. both adults in the household are expected to work full-time) that stems from its socialist history of expanding women's labor participation for economic emancipation (Hrženjak and Humer, 2018; Oláh *et al.*, 2018). Although women's participation in full-time employment is high (Eurostat, 2019), women are still expected to take primary responsibility for caregiving. However, Slovenia exhibits higher levels of policy support for gender-equal roles than other CEE countries (Javornik, 2014). In Spain, profound social and institutional changes have resulted in an eroding male breadwinner model in recent decades, where both men and women are considered to belong in paid work. Women are simultaneously expected to do most of the caregiving and unpaid work with little policy support (Moreno, 2013; Oláh *et al.*, 2018). Most households are configured either as male breadwinner or adult worker households (both full-time), the latter being more common when women are highly educated (Sánchez-Mira, 2020). The Netherlands, finally, is known for its one-and-a-half-earner model, in which women are still expected to be primary caregivers and only secondary earners (Plantenga, 2002; Yerkes and Visser, 2006). Despite high female employment rates, Dutch women mostly work part-time (57% work less than 30 h a week (OECD, 2021)). Strong policy support exists, allowing a reduction of working hours to reconcile work and care obligations (den Dulk and Yerkes, 2016), but mostly for mothers. Part-time work is not common in either Slovenia or Spain, with just 13 and 7% of part-time employment respectively (OECD, 2021). Moreover, in both countries, "choosing" to work shorter hours is often interpreted as a lack of commitment (den Dulk *et al.*, 2016; Kanjuo-Mrčela and Černigoj-Sadar, 2013), although this can differ for parents with care responsibilities.

## Data and methods

We conduct a theory-informed document analysis of FWA policy following previous applications of the capability approach (Yerkes and Javornik, 2019). In an iterative process, we started by identifying relevant policy documents that convey policy intent. Following, we identified and described the conditions of policy access as articulated in these documents using keywords and then taking a capability perspective, considered the implications of this policy design for different groups of employees based on gender and socio-occupational position. Our document analysis started in 2000, when the Netherlands passed FWA legislation and continued to early 2020, just before the start of the COVID-19 pandemic. We analyzed legislative documents (e.g. national labor codes and regulations, gray literature (i.e. policy reports)) and secondary literature (e.g. national reports from the International Network on Leave Policies and Research). For a full list of documents analyzed, see Table 1. The documents were manually coded into key aspects of policy design from a capabilities perspective: availability (dominant mechanism of provision; legislative scope) and accessibility (eligibility criteria, including tenure, time frames, contractual hours requirements and firm size). To ensure consistency, two coders developed independent classifications. The iterative process of comparison and refinement of the indicators resulted in the summary table presented in the results.

## Results

Applying a capabilities-based conceptualization of FWAs shows distinct differences between the three countries, both in terms of availability and accessibility (see Table 1).

### *Availability*

Overall, availability is more limited in Spain and Slovenia than in the Netherlands, with only few similarities evident (e.g. legislative scope in Spain and Slovenia).

In Spain, national regulation places the dominant mechanism of provision of FWAs at the sectoral level by collective agreements (i.e. the conditions under which FWAs are to be used in practice must be agreed in collective bargaining processes between workers' associations and a single employer or an employers' association). National legislation, however, sets basic conditions of working time distribution, viewing a temporary reduction of working hours as a form of parental or care leave and giving employees the right to ask for schedule flexibility. Telework, although recognized in Spanish legislation prior to the COVID-19 pandemic as a way of reconciling work and family life, was only available at the national level to regulate information technology (IT) employees who work remotely.

The availability of FWAs in Slovenia is also limited. Although FWAs are in theory established at the national level, in practice, the dominant mechanism of provision is the individual level. All FWAs, except teleworking (defined as a form of homeworking) and the reduction of working hours for parents and employees with disabilities, must be negotiated as an individual right to request. National regulation sets guidelines for agreeing on working time duration and the organization of work in employment contracts and allows collective agreements to regulate FWAs alongside national provisions. Thus, schedule flexibility and a temporary reduction of working hours could potentially be agreed upon in contracts at the individual level (through an addendum to an employment contract) in accordance with the law and relevant collective agreements.

FWA availability is further limited in Spain and Slovenia given the conditional legislative scope, restricting FWAs to those with care responsibilities (in Slovenia, specifically childcare responsibilities and disability). Spanish legislation recognizes the importance of work-life balance, but statutory entitlements to adjust working time are only available through leave schemes to care for dependents. Slovenian legislation recognizes that employees have the

		Spain	Slovenia	Netherlands
Availability	Dominant mechanism of provision (national, sectoral, organizational, individual)	Sectoral; by collective agreement. National regulation sets basic conditions of working time distribution	Individual in practice. National regulation sets basic conditions of working time distribution, which can be improved by collective agreement	National; nationally-set labor market regulations can be improved by collective agreement
	Legislative scope (universal, conditional, anti-discriminatory)	Conditional to care/family responsibilities	Conditional to care/family responsibilities or disability	Universal
Accessibility	Tenure	Not specified	No requirements (eligible at the start of employment)	26 weeks with the same employer
	Time frames	Not specified. Employees must inform the employer about the extent and period of the working time reduction. If the reduction of working hours is through <i>leave schemes</i> (leave to care for dependents), the maximum extension is 2 years (private sector), 3 years (public sector), or until the child turns 12 or 18 (for children with a disability) (parents)	Not specified. Employees must agree with the employer on the duration of the teleworking period. Parents can reduce working hours until the youngest child completes first grade of primary school or turns 18 for children with a disability	Not specified. Request for adjustment must be done at least 2 months in advance. A new request can be submitted one year after the employer has granted or rejected a previous request
	Contractual hours	If the reduction of working hours is carried out through <i>leave schemes</i> , the reduction of working hours cannot be less than 12.5% or exceed 50% of full-time	Reduction of working hours cannot be more than 50% of full-time hours (minimum 20 h per week)	Not specified
	Firm size	Not specified	Not specified	10 or more employees

**Source(s):** The Netherlands: den Dulk and Yerkes (2020), *Wet Aanpassing Arbeidsduur* (2000), *Wet Flexibel Werken* (2016). Slovenia: Stropnik (2020), *Zakon o Delovnih Razmerjih* (2016), *Zakon o Spremembah in Dopolnitvah Zakona o Starševskem Varstvu in Družinskih Prejemkih* (2018), Spain: Meil *et al.* (2020), *Estatuto de los Trabajadores* (2015), *Ley de Medidas Urgentes Para Garantía de La Igualdad de Trato y de Oportunidades Entre Mujeres y Hombres En El Empleo y La Ocupación* (2019), *Ley de Medidas Urgentes Para La Reforma Del Mercado Laboral* (2012) and *Ley de Trabajo a Distancia* (2020)

**Table 1.**  
Availability and  
accessibility of FWAs  
in cross-national  
perspective, 2020

right to request a new distribution of working time to reconcile work and family life. However, only parents of preschoolers have statutory entitlements to request shorter work hours, schedule changes, or to opt out of night shift/emergency duties, subject to employer agreement.

In both countries, the absence of collective bargaining agreements would mean the availability of FWAs is relegated to individual negotiations between employers and employees. This signals that, at least in the private sector, employees' capabilities to utilize FWAs as a resource is closer to "managerial discretion" rather than "employee rights" (Cooper and Baird, 2015b). Moreover, given the conditional legislative scope, Spain and Slovenia reduce actual FWA availability by essentially regulating these provisions as a form of leave. As such, FWA regulations in these two countries tend to act as a conversion factor limiting availability to employees with care responsibilities. Limited options might force employees to seek out other resources, such as sick leave or part-time employment, which are more acceptable and manageable for parents with care responsibilities (León, 2019).

The practical restrictions on FWA availability and the need to request them (requiring negotiations with a line manager or human resources) severely restricts workers' capabilities, especially in the private sector (Kirton, 2021). For example, the reliance on collective bargaining as a means of improving availability in Slovenia and Spain, may act as a conversion factor that creates opportunity gaps between sectors and industries. The temporary reduction of working hours and telework are rarely explicitly referenced in Spanish collective agreements; less than 50% contain clauses referring to schedule flexibility, or the possibility of changing one's work status (Medas and Ceccon, 2021). In Slovenia, some sectoral agreements in the private sector enhance statutory legislation, but in terms of working time duration and work organization, they tend to replicate national legislation (Eurofonds, 2016).

Restricted FWA availability limits employees' capabilities in classed and gendered ways. From a class perspective, the working time capabilities of lower-income employees are particularly affected; they have limited bargaining power and are therefore more likely to forego their labor rights (Lee and McCann, 2006). From a gender perspective, managerial discretion can limit men's capabilities to take up caregiving responsibilities because discretionary decisions can be influenced by widespread perceptions and attitudes towards gender roles (OECD, 2007). Men are also more likely to face flexibility stigma (i.e. the belief that flexible workers create more work for colleagues (Chung, 2018a)), or to be penalized for not conforming to the "ideal worker" norm (i.e. prioritizing work over any other responsibility (Williams *et al.*, 2013)). Consequently, FWAs become more available for women than for men because women are more often expected to provide care (Chung, 2019b; Hrženjak and Humer, 2018).

Comparatively, the availability of FWAs in the Netherlands is broader, stemming from comprehensive national-level provision. Schedule flexibility, the temporary reduction of working hours and teleworking are regulated at the national level, but can be supplemented by collective agreement. Of the three countries, Dutch legislation goes the farthest in providing individuals the right to adjust working hours, although this right had been common within collective agreements by the early 1990s (Hegewisch, 2009).

Availability in the Netherlands is also broader than in Spain and Slovenia given universal legislative scope. In the Netherlands, FWAs can be requested irrespective of the reason. Employers must show serious business, organizational or safety objections to reject a request for adjusting work hours or location, with rejections being more frequent when employees request an increase in working hours (den Dulk and Yerkes, 2020). Better FWA availability provides employees with greater work-life capabilities but the potential for inequalities remains, particularly related to gender and class (Grönlund and Javornik, 2014). Despite universal legislative scope, gender gaps in uptake persist, demonstrating the importance of gender norms as social conversion factors shaping the translation of FWAs into a resource for employees. Moreover, while working schedule flexibility is common in the Netherlands (only 37% of workers reports having their work hours set by their employer with no possibility for changes (EWCS, 2016)), blue-collar employees are less likely to be able to work flexibly given the nature of their work.

### Accessibility

Our analysis suggests Spain and Slovenia have fewer limits on accessibility than the Netherlands, thereby revealing the complexity of conceptualizing and operationalizing accessibility based on information provided in national legislation. As FWAs are more available in the Netherlands, there is potential for greater restrictions to accessibility, making it necessary to consider these aspects concurrently.

Spanish and Slovenian legislation do not define a minimum employment period (i.e. no tenure requirement), while Dutch legislation defines a six-month tenure period. At the same time, however, employees in the Netherlands can potentially benefit from employer-level policies or collective agreements that allow them to make flexible working requests before meeting tenure requirements (Anxo, 2019).

In Spain and Slovenia, the time frame and contractual hours requirements, for the most part, establish eligibility to reduce working hours specifically, leaving other forms of FWAs relatively unspecified in national legislation. Working hour reductions range from a minimum of 12.5% of standard full-time hours to a maximum of 50% in both countries, with a cap at half the amount of standard full-time hours. Accessibility to working time reduction is further associated with having care responsibilities. For example, in Spain and Slovenia, parents of young children or children with disabilities have the statutory right to reduce working hours by half. Although unpaid, social security contributions are covered for any hours not worked (Meil *et al.*, 2020; Stropnik, 2020). Additionally, public employees in Spain have the right to adapt working hours to school hours (Meil *et al.*, 2020).

By facilitating the reduction of working hours mainly for carers, accessibility requirements in Spain and Slovenia help reproduce gender inequities in work-life balance based on the underlying gender contract (Javornik, 2014; Kanjuo-Mrčela and Černigoj-Sadar, 2013; Maestripieri and León, 2019). Employees caring for adults or employees without care responsibilities are negatively affected, as accessibility requirements for working hours reduction are designed for parents. In contrast, accessibility in the Netherlands is not necessarily tied to care responsibilities, but employees must discuss the specific purpose of their request with their employer. This ties access to individual negotiations with the employer, subjecting employee's requests to rejections based on *force majeure*. The Netherlands is the only country in our study that specifies a timeframe of one year to request FWAs after a previous (written) rejection by the employer for all employees of firms with 10 or more employees. As a result, FWAs in the Netherlands become accessible to a wider range of employees. In practice, however, a reduction of working hours is viewed more favorably for women than for men in female-dominated sectors (den Dulk and Yerkes, 2016).

### Conclusion and discussion

This article conceptualized flexible working arrangements (including teleworking, schedule flexibility and the voluntary reduction of working hours) from a capabilities perspective, arguing that FWAs regulations can be considered at the same time a policy-driven resource (means) that potentially facilitates the accommodation of work and personal life through increased flexibility in work time and location as well as a contextual factor, creating an institutional configuration (*conversion factor*) that potentially enhances or hinders employees' opportunities to use FWAs. Applying this conceptualization highlights the importance of analyzing national-level policy design to understand that FWAs are rarely a resource for all types of employees, independently of their individual capabilities: The availability and accessibility of FWAs reflect how social policies implicitly or explicitly bring about structural restrictions and enablements to transform formal entitlements into effective flexible working arrangements. Using this dualized capabilities approach, we conceptualized

and operationalized availability and accessibility in terms of the dominant mechanism of provision and the legislative scope of FWA policies (availability); and four criteria for accessibility: tenure, time frames for applying for or using FWAs, contractual hours requirements and firm size. Combining these two indicators allows us to identify how regulations enable or hinder the freedoms of different groups of employees, particularly between those with and without care responsibilities.

Our comparative analysis showed key country differences. Spain and Slovenia offer little support for employees' control over working time and place (particularly in the private sector), due to a specific combination of limited availability and accessibility. Despite having different dominant mechanisms of provision (set at the sectoral level by collective bargaining in Spain and in practice at the individual level in Slovenia), FWAs are rarely available and employees' chances to access them primarily depend on having care responsibilities for a dependent child or adult. Given the weight of traditional gender norms, FWAs become more accessible for women than for men, potentially leading to increased labor market segmentation and limiting men's capabilities to provide care. In the Netherlands, national provision of FWAs with a universal scope results in the combination of wider availability and accessibility, showing policy support for employees' flexible working time capabilities, expanding opportunities to arrange their working time in a valued way. However, persistent traditional gender norms in relation to care provision seem to hinder such opportunities (e.g. men, compared to women, are not expected to value work-care arrangements in which care is equal to or more important than paid employment). From this, it follows that if women continue to be expected to participate in employment and still shoulder most of the care (i.e. as is the current situation with the Dutch one-and-a-half earner model), a universal scope might not be enough to tackle gender imbalances in opportunities for combining these spheres.

Across the three countries, FWA availability and accessibility are expected to be expanded beyond national minimum standards through collective bargaining agreements. Although this could help to specify FWAs according to sectoral/occupational need, it can also (re)produce inequalities because sectors and employees with limited bargaining power are particularly vulnerable to forgo labor rights (Lee and McCann, 2006). When collective bargaining agreements or employee representation are absent, employees' capabilities to use FWAs as a resource can be relegated to the negotiation between individual employers, line managers and employees, thus making this resource vulnerable to managerial discretion (Cooper and Baird, 2015b).

Our comparative analysis further indicates that when national policy is specified and FWA availability is not conditional to care, accessibility is broader. Eligibility criteria in the Netherlands, for example, are not tied to caring responsibilities and respond more to workplace characteristics than to employee circumstances. In instances like this, FWAs can constitute an actual resource for work-life balance, amplifying capabilities for a wide range of employees (i.e. making them less dependent on their gender, socioeconomic background and care responsibilities) and allowing for a greater diversity of ways of combining work and other activities in life. On the other hand, underspecified national policy that is subject to care obligations sets a flexible working framework that is more vulnerable to discretionary variations (in the translation of FWAs to individual resources) by factors such as workplace dynamics, collective bargaining power and employer discretion. This is neither inherently good nor bad, but potentially opens channels for unequal work-life balance capabilities among different groups of workers. In contexts where FWA regulations act more as a conversion factor rather than as a clearly defined resource (i.e. through specification of eligibility and a universal legal scope), employees could encounter more barriers in accessing flexible working due to the discretionary nature of the decision to accept these claims.

Our findings are not without limitations. First, the potential of FWAs to function as a resource for work-life balance is also determined by organizational cultures and workplace

dynamics (den Dulk *et al.*, 2016). Further research is needed to extend the limited research on interactions between national level policy design, as studied here, and the enabling and constraining factors that employees encounter at the workplace when trying to access flexible working (den Dulk *et al.*, 2013). Second, while noting the importance of collective bargaining agreements for FWAs, analyzing these agreements was beyond the scope of this article. Further research is needed on their role in the potential enhancement of flexibility rights across sectors. Finally, the evaluation of isolated policy domains (e.g. flexible working) can be problematic because of the overlapping, multiple aspects of family policy domains (Zagel and Van Lancker, 2022). Future research can integrate this conceptualization with similar capability-based conceptualizations of childcare and parental leave policy, for example, showing how these interact to shape work-life capabilities.

Limitations aside, the capability approach offers an opportunity to generate an evaluative framework for an in-depth and meaningful comparative analysis of FWAs, allowing for a nuanced conceptualization and assessment of FWA availability and accessibility. Although it will be necessary to revisit this conceptualization and operationalization once potential policy changes induced by the pandemic have been implemented, this perspective can provide more meaningful insight into real possibilities employees have to achieve work-life balance beyond the formulation of statutory rights, contributing to a greater understanding of the paradoxical effects of flexible working.

## Notes

1. Job characteristics can also be relevant for accessibility, considering some jobs cannot be performed remotely (e.g. cleaning and maintenance). This also applies to workplace cultures, as some workplaces might be more supportive of flexibility claims than others. The substantial variation in job characteristics and workplace cultures is beyond the scope of this paper, however.

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**Corresponding author**

Carla Brega can be contacted at: [c.bregabaytelman@uu.nl](mailto:c.bregabaytelman@uu.nl)