

THE AUTOCRATICALLY FLEXIBLE WORKPLACE

A HISTORY OF OVERTIME REGULATION IN THE UNITED STATES

Marc Linder

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That the trend during the past two decades to weaken hours laws in Europe and Canada—in the name of creating more “flexible” workplaces that can compete more fiercely in a world economy—has been as inexorable as globalization itself suggests that pressures will mount to dilute an already weak U.S. overtime law. Such “flexibility,” one-sidedly serving firms’ needs, may, thanks to bills before Congress, eventually legalize 60-hour workweeks without premium pay. As millions of workers are being forced to work overtime without a right to refuse except at the risk of losing their jobs, *The Autocratically Flexible Workplace: A History of Overtime Regulation in the United States* is the most comprehensive account of the subject ever written. Complementing the author’s “*Moments Are the Elements of Profit*”: *Overtime and the Deregulation of Working Hours Under the Fair Labor Standards Act*, it expands the social and labor history of overtime regulation. It focuses on the irrationality of regulating working hours by means of overtime premiums, which encourage workers to overwork without being large enough to deter firms from requiring employees to work unlimited hours. Instead, the book re-examines maximum-hours laws, which prohibit employment beyond a set number of hours. Case studies, based on never-before-used archival materials, uncover a body of state maximum-hours legislation—invalidated by judicial doctrines no longer an obstacle today—far more radical than any national labor standards. While highlighting the most recent state legislative efforts to entitle workers to refuse to work overtime, the book also documents employers’ determined opposition.

Marc Linder, professor of labor law at the University of Iowa, has also represented migrant farmworkers on behalf of Texas Rural Legal Aid. The *Michigan Law Review* has called him “the scholar who has most exhaustively studied the Fair Labor Standards Act...and related legislation.” Among his books are *Wars of Attrition: Vietnam, the Business Roundtable, and the Decline of Construction Unions*; *Void Where Prohibited: Rest Breaks and the Right to Urinate on Company Time*; *Migrant Workers and Minimum Wages: Regulating the Exploitation of Agricultural Labor in the United States*; and *The Employment Relationship in Anglo-American Law*.

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