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Volume 3, Issue 6 June 15, 2023

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Workin' 9 to … TBD? The Federal Labor Standards Act of 1938 and the Rise of "Always On" Work Culture

Working 9 to 5
What a way to make a livin'
Barely gettin' by
It's all takin'
And no givin'
They just use your mind
And they never give you credit
It's enough to drive you
Crazy if you let it

Dolly Parton's iconic hit '9 to 5' has been the anthem for the overworked and underpaid since it first made its debut in 1980. For decades, this song has been one that pretty much anyone who's ever had to work for a living can relate to.

Dolly Parton's album 9 to 5 and Odd Jobs was released on November 17, 1980.

However, with the rise of remote work and American hustle culture many people work much more than just 9-to-5 or 40 hours a week, earning the U.S. the title of "the Most Overworked Developed Nation in the World." The rapidly evolving landscape of American work culture calls into question whether foundational labor laws implemented decades ago have been able to keep up.

This month will mark the 85th anniversary of what we might think of as our foundational law related to work-life balance, the Federal Labor Standards Act of 1938 ("FLSA"). The FLSA was inspired in part by Henry Ford, founder of the Ford Motor Company. In 1926, Ford took his six-day-a-week operation down to five days per week, with no changes in employee compensation. His belief was that by doing this his workers would become more productive and more inclined to spend money – perhaps, on vehicles – during their downtime. This landmark change made Ford one of the first companies in the nation to implement a five-day workweek and set the stage for the FLSA.

When the stock market crash of 1929 crippled the world economy, the resulting Great Depression led to mass strikes in response to rising unemployment and poverty, among other troubles. This sparked the

realization within the federal government that labor laws needed to change. Backed by lawmakers, President Franklin D. Roosevelt signed the Fair Labor Standards Act into law on June 25, 1938. The Act set specific restrictions and bylaws regarding labor, including the right to a minimum wage and "time-and-a-half" overtime pay for time worked in excess of 44 hours each week.

Following this landmark labor law, policies would continue to develop. In 1940, the Fair Labor Standards Act was amended to reduce the overtime threshold down to 40 hours per week and officially mandated the 40-hour workweek and two-day weekend across the United States.

Until recent years, the physical distance between workplace and home served as the dividing boundary between professional and personal time, working in tandem with the calendar's categorization of weekdays for work and weekends for leisure. With ever-evolving technology, these boundaries are being dissolved by networked computers and, with them, the industrial-era time compact.

Today, remote work has become relatively standardized after the COVID-19 pandemic led to businesses implementing more flexible remote and hybrid working environments. Many people love the concept of working from home and the idea of having more control over their work-life balance. This new autonomy comes with potential costs, though. In the 19th century, the home was a refuge from all of the stress of the outside world. Now, physical distance can no longer keep employers at bay and there is seemingly no escape from work. Everything we do while working remotely can be tracked and monitored, and in many instances, the relationship between time worked and wages paid is changing. In some cases, the ideal of equal pay for equal work no longer applies.

The expansion of the workplace via digital technologies clearly amplifies the power of employers, but it also makes it possible for many of us to labor and rest in the same rooms, at home, among our friends and relatives, and so reintegrate parts of our lives previously separated. If healthy boundaries can be established, it may be more beneficial to focus on work-life integration rather than work-life balance. By no means am I advocating for working 24/7, but rather than trying to maintain those traditional '9 to 5' boundaries and fight the evolution of the workplace, it may be more productive to learn to use the ability to work remotely to better allocate our time between our professional and personal lives.