INNOVATIVE AND FLEXIBLE APPROACHES TO WORKING TIME

CASE STUDIES

IRELAND

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CASE STUDY. IRELAND

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1 Introduction

Employers across Ireland are implementing flexible working arrangements, as well as more generous family or work-life balance friendly leave policies with a particular focus on remote working, influenced by the Covid-19 pandemic. This case study examines measures from workplaces in the higher education and banking sector which were developed in consultation and negotiation with trade unions, as well as the circumstances surrounding their adoption, and their consequences for workers and employees.

In higher education, the measures examined are the blended working pilots shaped by the Services, Industrial, Professional and Technical Union (SIPTU) and the Irish Federation of University Teachers (IFUT) in two public universities.[1] Two instruments are analysed in order to provide a spectrum of the level of entitlement within the university sector in general; one of the measures represents the most flexible blended working pilots, while the other began as the most prescriptive but has been renegotiated to improve workers' entitlements. In banking, the study focuses on the parent's leave agreement negotiated by the Financial Services Union (FSU) with Bank A and the paid carers' leave allowance negotiated with Bank B. Both banks operate nationwide.

[1] In the Irish public sector, government and employers use the term 'blended working' to refer to hybrid work, and these terms are used interchangeably throughout this case study.

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2 HOW THE CASE STUDY EMERGED

2.1 Measures in the higher education sector

In the higher education sector, academic staff have long enjoyed access to hybrid working arrangements. While required to be on-site for teaching and other in-person engagements, these workers are free to perform their other duties in the location of their choice. However, prior to the Covid-19 pandemic, this flexibility did not extend to professional and administrative staff. Although it was technically possible for many of these employees to perform some of their tasks remotely due to digitalisation, access to remote work was rare in higher education and the wider public sector. Management could unilaterally provide such opportunities, without having to engage with employee representatives, given that Irish workplaces do not have works councils and trade unions tend to focus on other issues in negotiations.[2]

Government also signalled its commitment to promoting remote work, for example through publication of the report *Remote Working in Ireland*, in late 2019.[3] But its implementation in the public sector was still on an exceptional basis until the outbreak of the pandemic, when the government required employees, whose work did not involve the provision of essential services to remain at home and, if possible, to work remotely.[4] This development demonstrated to professional and administrative staff, who had previously been required to attend on site Monday to Friday, that

[2] For more information about the Irish industrial relations system with structural bias against established representation structures see Paul Mair, Mary Naughton, Dagmar Schiek, Country Fiche Ireland, INNOVAWORKING 2024 (available from https://www.elforodelabos.es/wp-content/uploads/2024/11/Innovaworking-Country-Fiche-Ireland.pdf)

[3] Geary, J., and Belizón, M., (2022). Working at home and employee well-being during the Covid-19 pandemic

[4] ibid

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a considerable proportion, if not all, of their role could be performed remotely. Further, during this unexpected introduction to remote work, staff experienced a range of benefits. Without a daily commute, employees saved time and money. Working from home was also more compatible with family commitments, such as bringing children to school or childcare facilities (once these had reopened), and other care responsibilities.

Members discussed these positive aspects of remote work with their trade unions, and many expressed their preference for remote working to remain available after the pandemic. At the same time, there were workers who had experienced difficulties while working from home, as alluded to above, due to issues such as isolation, difficulty concentrating in the home environment, or not having a suitable workspace. As such, some workers expressed a preference for working on-site full-time. In 2021, the government also published *Making Remote Work: National Remote Work Strategy* in which it highlights the public sector's potential to lead by example and pledges that public sector employers will move to 20% remote work in 2021. Thus informed, in early 2021 trade unions began to mobilise to maintain access to remote work, and to entrench this as a right, whilst ensuring it did not become a requirement. Workers that did not wish to work remotely or did not have the facilities to do so should be able to continue attending on site every day and should not experience any penalty for doing so. By mid-2021, universities had begun to design pilot policies for remote working which would apply for a year, and either be revised or extended.[5] While universities recognise trade unions at the workplace level only for the purposes of consultation on these issues as opposed to negotiation. As such, unions have a right to be shown new

[5] These policies tend to apply only to professional, administrative, technical and support staff as academic staff already enjoy considerable autonomy in the organisation of their working time, since, as noted above, academic staff had in general enjoyed access to remote working prior to the Covid-19 pandemic and would continue to do so.

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policies that have potential impacts for their members and to propose changes.

2.2 Measures in the retail banking sector

Directive 2019/1158 on work-life balance for parents and carers significantly influenced the emergence of paid parent's leave and fully paid carers' leave in Bank A and Bank B respectively. This directive created new entitlements for workers to five days of carers' leave annually, and to four months of parental leave for each child, during two months of which, in the case of each child, they should also receive an adequate payment. As the Directive 2019/1158 was being implemented, the FSU began to discuss how they could use the basic entitlements this instrument created as the basis for negotiating more generous parent's leave and carers' leave policies with employers. The content of this agenda was also shaped by the results of polling from members and by the Covid-19 pandemic. The majority of staff in both Bank A and Bank B were subject to the requirement to work from home and experienced benefits similar to those emphasised by workers in the higher education sector. Being at home increased employees' awareness of the amount of time they spent on care responsibilities, increasing demand for policies which take these responsibilities into account. In addition, around 10% of staff in the sector- those who work as tellers in bank branches, are unable to carry out any of their role remotely and to experience the benefits referred to above, meaning the FSU was mindful of negotiating policies that would bring improvements to employees' work-life balance and would apply equally to all. Further, around 70% of FSU members are women and the FSU's polling found that these types of policies were a priority for female employees. With all these factors in mind, the FSU sought to negotiate a suite of policies, which centred on the idea of wellbeing, and which all categories of staff could avail of.

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3 MEASURES ADOPTED IN MATTER OF WORKING TIME

3.1 Introduction

In higher education, the measures examined are the blended working pilots shaped by the trade union SIPTU in two universities. Measure 1, the blended working pilot in University A specifies university wide allowances for remote working. The baseline quantum is one day a week, plus an extra day per week for 21 weeks of the year. However, as will be discussed below, the university has agreed to grant two days a week for those that wish to avail of it. Measure 2, the blended working pilot for University B, does not prescribe the maximum or minimum time to be worked remotely, this is to be decided at the department level, to allow for local flexibility and to accommodate University needs. Where an employee requests blended working and their request is rejected, there is a grievance procedure, in which the employee in question can be represented by their union.

Measure 3, the parent's leave policy negotiated as part of an annual round of collective bargaining at bank A, provides for employees to receive seven weeks of paid parent's leave. The measure aims to enable parents to spend more time with their children without experiencing a loss of earnings. In removing one of the disincentives for taking parent's leave the measure also aims to encourage greater gender equality in the workplace and at home. Note the term parent's leave is used as opposed to parental leave because the Irish government transposed the requirement under Directive 2019/1158 to provide two months' parental leave subject to payment by creating a new category of leave, known as 'parent's leave', which is separate to the entitlement to unpaid parental leave. Parent's leave applies to parents of children under 2 years of age or, in the case of adoption, within 2 years of the placement of the child with the parent. Workers availing of parent's leave are entitled to 'parent's benefit', a weekly payment, to be paid by the Department of Social Services. These entitlements are set out in the Parent's Leave and Benefit

Act 2019. Parent's benefit is set at €289 per week as of 2025. Employers are under no obligation under EU law or the Parent's Leave and Benefit Act 2019 to pay employees availing of parent's leave, but the measure negotiated by FSU provides that the Bank A will top up the parent's benefit up to the extent that employees taking parent's leave receive full pay.

Measure 4, an annual company-level collective agreement negotiated between Bank B and the FSU grants workers up to ten days of paid carers' leave each year. The Work-Life Balance and Miscellaneous Provisions Act 2023 provides employees with five days' medical care leave, in accordance with Directive 1158/2019. Under s6 of the legislation, employees may avail of the leave where they have a spouse, co-habiting partner, child, parent, grandparent sibling or a person residing in the same household in need of significant care for a serious medical reason. Bank 2 has gone significantly beyond the legislation by granting 10 days of fully paid medical care leave (referred to by both the employer and the FSU as 'carer's leave') annually. The policy is the most generous policy of its kind in Ireland as of November 2024. The measure is applicable to staff in a principal caring role for a dependent, with serious medical needs, who may be a child, parent, close friend or neighbour and as such covers a broader range of relationships than medical care leave. In addition, by covering neighbours and friends, the measure addresses some of the disadvantages experienced by people whose close and dependent relationships may be outside stereotypical family structures.

3.2 Measures in the higher education sector

In University A, SIPTU, which is the only union recognised by the university for consultation purposes, were presented with a blended working pilot document drafted by the HR department. As noted above, the pilot specified the allowance for remote working to apply across the university- one day per week. This fell far short of the mandate of a 50/50 split between on campus and remote working that SIPTU had received from their members through polling. Union representatives were also aware that

University A's pilot was the most prescriptive offering in the sector. The union pursued the 50/50 mandate with the employer and University A offered to allow employees two days of remote working for 21 weeks of the year. Seeking to improve on this offering, SIPTU brought a case to the WRC. As a result of negotiations under the auspices of this body, University A agreed to grant two days per week remote work for those who want to avail of it, a compromise acceptable to both sides.

University B's HR department presented the unions organising in that workplace with a draft blended working pilot. Several months before, SIPTU had created a sub-group to discuss the issue which included trade union representatives and members that had accessed remote work prior to the pandemic. This group developed the union's position on blended working- that the pilot should be as flexible as possible, allowing for local arrangements that suited specific categories of worker. Once they had seen the pilot, the sub-group identified the changes they would like to see, including an appeal process, where a worker's request to work from home had been refused. Subsequently SIPTU suggested these changes in meetings with the other two unions recognised by University B for consultation purposes, IFUT and Unite, and all three unions agreed on the amendments that they would propose.

In the negotiations to improve University A's remote working allowance, union representatives could point to a number of benefits for the employer. First, that a majority of workers want to be able to work from home and that granting some access, where practicable, demonstrates appreciation and respect of those preferences can positively impact recruitment and retention. Second, representatives relied on the fact that productivity improved during the period where workers were entirely remote, and that the number of employees relying on sick leave reduced significantly. Workers with minor injuries and illnesses who would not have been able to work if they were required to travel were able to continue working from home. A similar trend had been observed in University B. The union could also point to more flexible pilots which were working well in

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other institutions as models for University A in its negotiations with university management.

In University B, while representation is divided among multiple unions, these organisations meet regularly and enjoy positive, co-operative relationships. As such they tend to adopt common positions on issues to be discussed with management. In the case of blended working pilot, most of IFUT's membership, were not affected by the measure, since academic staff, as noted previously, already enjoy considerable freedom to work remotely. Nevertheless, IFUT added its weight to amendments proposed by the other unions.

SIPTU also referred to the role of government policies on blended work and climate action in negotiations. Whereas government had signalled support for remote work prior to the pandemic, implementation, as discussed above, had been marginal and was management-led. But as noted above, in the National Strategy on Remote Work, the government specifies that 20% of work in the public sector should be remote by end-2021. This gives unions such as SIPTU a basis for arguing that providing allowances above 20% for professional and administrative staff in the university sector, is necessary to compensate for those staff who cannot work remotely and ensure that the target is met.

Union representatives noted the potential contribution to environmental policy in their negotiations with both University A and B. The government's Public Sector Climate Action Mandate targets reductions in car parking spaces and emissions. The union could therefore utilize these targets as an incentive for the universities to concede to their demands. The extent to which this argument resonated varied across institutions, depending on their strategic priorities. In University A, management were not particularly receptive, and for their part justified a limited remote allowance with the need to maintain footfall. But in other institutions, management have been open to the idea that by maintaining access to blended work they can contribute to the achievement of broader organisational priorities.

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Since the most acute period of the Covid-19 pandemic ended and workers in various sectors have resumed working on-site, there has been a push from employers to reduce access to remote work. This was also visible in the workplaces examined in the banking sector. In relation to the blended working pilots, this tendency was more pronounced in University A, where, at the level of the university, management sought to restrict remote working to one day a week, claiming that allowing professional and administrative staff a greater allowance would harm business on campus due to reduced footfall. However, SIPTU have provided evidence that the impact of allowing more flexible access to blended working on footfall would be very small in percentage terms. In University B, at the university level management was willing to implement a flexible pilot that allowed for local adaptation, as sought by the unions, but in individual departments managers have shown some reluctance to engage or have arbitrarily refused requests to work remotely on certain days. Union representatives attribute this to individual managers' discomfort with remote work.

3.3 Measures in the retail banking sector

Banks themselves have displayed a willingness to adopt more beneficial policies regarding working conditions. Employers are eager to demonstrate their progressive practices in areas such as work-life balance and mental health, as a means of promoting their public image. The content of discussions with trade unions representatives revealed that at the individual level, when engaging with the employer to seek accommodations for workers with particularly challenging care responsibilities, management tend to take a supportive approach and are willing to grant flexible working time arrangements such as compressed hours. This approach in relation to individual cases, as well as employers' willingness to agree to work-life balance friendly leaves may be based, not only on organisational values but also the fact that banks have a viable flexibility reserve that allows for increased absences.

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While directive 2019/1158 did not place any obligation on employers to provide fully paid leave (or in the case of carer's leave to double the yearly allowance), the law and its transposing legislation set a floor from which to negotiate. Further, the introduction of parent's benefit under this directive signals an emerging norm that leave taken for care responsibilities must be compensated.

Though the unions did not encounter reluctance on the part of the employer to adopt or implement the paid parent's leave and carers' leave policies, there are certain practical impediments which delay the rollout of such measures. Implementing these kinds of changes in a large organisation can be slow due to the layers of adjustment required. For example, necessary changes to payroll and salary systems can take several months. In addition, such policies require the approval of the bank's governing body which only meets according to a fixed schedule.

4 IMPACT OF THE MEASURES

4.1 Measures in the higher education sector

Those interviewed in the higher education sector highlighted the benefits that remote working has brought, referred to above, including reduced travel time and increased compatibility with family arrangements. Interviewees referred to employees' reluctance to lose access to remote work after the pandemic because they had reshaped their lives around it. Remote working has allowed some employees to move further away from their workplace, to where accommodation is more affordable, due to no longer needing to commute. Both male and female workers have indicated to the unions their preference for remote because it suits their family arrangements. Parents have split the days that they are working remotely so they can share responsibility for transporting children to and from school. Although remote work does not facilitate childcare- employees are working from home and cannot supervise their children,

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having a presence at home can mean workers no longer need to take a day off when their children are off school, either during holidays or due to minor illness. Beyond logistics, the additional time that parents are spending with children can have a positive impact on interfamilial relationships.

To some extent, the move to remote work has ameliorated issues which SIPTU had previously sought to address through campaigning for a 4-day week. While a 4-day week remains a goal of the union and the wider labour movement, particularly for those who cannot work remotely, for those that can access it, remote work provides some of the work-life balance benefits sought associated with reduced working hours. Blended working has also benefitted workers with disabilities and chronic illnesses. For workers with disabilities, remote work alleviates the stress and discomfort often involved in the commute. For those with chronic conditions, their illness may have only allowed them to work reduced hours where they were required to attend on site, but with a remote work allowance some of these workers have been able to increase their working time and their income.

An interesting consequence of blended working highlighted by one of the interviewees was that while employees work remotely “office politics” is gone. They added that for many individuals the workplace is a hostile environment and being able to work off site reduces their exposure to these dynamics. This observation refers to the strain employees experience due to interpersonal conflicts at work, potentially up to and including bullying. While remote working may not entirely eliminate these issues, employees who experience hostility, exclusion or other difficult interactions with colleagues may feel more content and secure in the workplace, with potential positive impacts not only for these individuals’ mental health but also for the employer in terms of retention and reductions in absenteeism.

In University B, the employer hopes that the blended working pilot will help to address capacity issues as it advises employees who avail of it that they may have to give up their dedicated workspace. The degree of

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implementation varies across departments. Interviewees have criticised the idea of scaling back workspaces as there are cases where entire teams are required to attend on site once a week and cannot do so if there are insufficient workspaces for the team's use. In addition, the reluctance on behalf of management, at the university level in University A and in some departments in University B to grant more than a minimal quantum of remote days, may indicate that blended working requires a cultural change on the part of managers. Workers have shown that they can adapt to this model rapidly. Indeed, evidence indicates that it has allowed them to be more productive. But managers used to a command-and-control model appear to be having difficulty in adapting to managing a remote workforce.

Some of the answers provided by workplace representative suggested that blended working has produced a degree of work intensification. In a workplace, employees generally have to walk further from their desk to use a restroom or make a cup of tea or coffee, meaning the natural moments of rest built into the day are longer. As noted above, productivity increased during the period of enforced remote working and survey evidence from Geary and Belizón attribute this to workers having fewer interruptions when working remotely. In addition, workers were less likely to take sick leave when working from home.[6] In addition, workers were less likely to take sick leave when working from home.

4.2 Measures in the retail banking sector

The interviewees did not have data on whether paid parent's leave at Bank B has led to an increase in staff availing of such leave, but they indicated that this was likely given that employees were aware of it. In addition, they indicated that the impact of such a policy on the workplace is more manageable in a large organisation such as Bank A,

[6] See for example HUMPHREYS, P., FLEMING, S., O'DONNELL, O. Flexible and innovative working arrangements in the Irish public service, 1999; MCGINNITY, F., RUSSELL, H. Work Rich, Time Poor? Time-Use of Women and Men in Ireland. Economic & Social Review Vol 38 No. 3, 2007.

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where an employee's absence on leave is more easily absorbed than in a small or medium enterprise where there may not be sufficient staff to provide cover.

It is difficult to assess the impact of the carer's leave and Significant Life Event leave agreed at Bank B as these only recently been adopted. But the fact that Bank B has set such a high standard in this area seems likely to improve conditions beyond the company, as the FSU will now be seeking a similar carer's leave policy in Bank A. One interesting impact relates to a broader issue identified in interviews affecting a growing proportion of the workforce who come from a migrant background. With the introduction of remote working, employees who have older dependent family members living elsewhere in the country could more easily care for them while working remotely, without the need to take any leave. But workers who have elderly relatives living abroad cannot take advantage of remote work in this way as Bank B is not tax resident in those jurisdictions. However, the introduction of ten days of carer's leave has allowed some workers to go abroad to look after parents and other family members experiencing illness. Further, union representatives emphasised how the inclusivity of the carer's leave policy, in applying to relationships beyond the family, and the fact that it can be applied to once off obligations, allows workers to provide care in situations where the normal caregiver is indisposed. Being aware of the policy and having access to the care policy has meant that employees are able to meet their caring responsibilities and to apply more of their annual leave towards rest and leisure activities.

5 GENERAL EVALUATION AND CONCLUSIONS

The discussions with trade union representatives reinforced the assumption that Covid-19 has played a transformative role in the organisation of working time and place. Digitalisation provided the means for remote and hybrid work, and the Irish government had made repeated commitments

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to promote these arrangements, but public sector employers were slow to roll out access. On an institutional level, the pandemic drove the mainstreaming of remote and hybrid working in both the public and private sectors. But the experience of working in this way, having more time at home and in many cases, more responsibility for the care of dependents, appears to have changed employees' attitudes regarding their work-life balance in a way which shaped the demands of unions in both sectors under study. In higher education, SIPTU mobilised to ensure that members were able to retain access to remote work, on a hybrid basis, and to retain the associated benefits in terms of work-life balance. The union proceeded from the basis that access must be based on choice, and that those who had experienced ill effects during the period of enforced remote working, or who did not have access to a suitable desk-space for this purpose, would be free to work on-site full time. In Bank A and Bank B, where hybrid working arrangements were maintained after the pandemic, the FSU sought to win workers new rights to paid parent's leave and carer's leave that would reduce the time squeeze they experienced balancing work with care responsibilities, whilst protecting them from financial hardship.

In the retail banking sector, both organisations under study have demonstrated a measure of genuine commitment to inclusive, work-life balance friendly policies and this was an area of negotiations in which unions encountered less resistance in comparison with pay increases. The measures examined from the retail banking sector form part of a broader suite of leaves and other accommodations available that management in Bank A and Bank B have either agreed to or unilaterally offered over the past number of years. This also raises the possibility that management in this sector are open to family friendly leave policies because they have a viable flexibility reserve and therefore conceding on these matters costs them little but allows them to extract union concessions in areas such as pay.

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In the case of University A, blended working appears to clash with management's values and vision of the workplace. In practical terms, their objection was to how the drop in footfall would diminish the sense of the institution as an on-campus environment. But union representatives suggested this resistance was also shaped by unconscious fears around managing workers remotely. Due to the impasse between the employer and the union, SIPTU was forced to move beyond local negotiations and take the matter to the WRC and managed to get the employer to a compromise that was acceptable to both sides, bringing the measure closer to the middle of the spectrum among blended working pilots in higher education, in terms of the flexibility and quantum of days permitted to workers.

The dispute at University B also indicates the high priority that workers place on access to remote work. Although remote or hybrid work policies in Banks A and B were not among the measures examined in this case study, interviewees across all four workplaces highlighted the contribution of remote or hybrid work to employees' work-life balance. Being able to work remotely has been transformative for many workers within both sectors, allowing them to move to areas that were previously too distant from the workplace, but which are better suited to their needs in terms of amenities, accommodation costs or social structure. It has reduced much of the friction associated with work, including commuting, organising transport for multiple family members and interacting with colleagues who are difficult or even hostile.

Union representatives in both sectors highlighted the importance of securing access to remote work into the future. In Banks A and B, the current policies on remote work were introduced unilaterally rather than through negotiations with the FSU and employers can abandon these policies at will. A representative from FSU indicated that they would prefer to have access to remote work established as an entitlement through negotiation. Representatives from both SIPTU and the FSU also referred to a trend, visible internationally and across sectors, of employers attempting to limit or withdraw access to remote and hybrid work, and specific acts by their own employers. On the international scale, representatives highlighted workers being brought back on-site to justify the continued payments of commercial rents, and companies in the US which are seeking to reduce workers' wages as a condition of working remotely. In Bank B, certain departments have begun to require increased attendance on site, while the reluctance on the part of University A to meet workers' demands around blended work is discussed above. In light of these developments, some union representatives claimed that maintaining access to blended or remote work was likely to be the next big fight in their workplaces. But in a broader labour movement context, a union representative from the higher education sector pointed out that much of the workforce cannot avail of remote and hybrid working, and that while the union is fighting to maintain access, they are cognisant of the need to push for more inclusive measures such as the four-day working week.

As noted above, the parent's leave and carer's leave measures negotiated at Banks A and B address the financial dimensions of work-life balance. Even with the statutory entitlement to parent's benefit, for most workers, availing of parent's leave entails a significant loss of earnings, while the right to medical leave does not include any form of pay. The agreements for fully paid parent's and carer's leave make these rights more accessible to workers. In Ireland as in many other countries, male workers have been less likely to take parental leave due to loss of income. Fully paid parent's leave aims to change this norm, as the FSU have stated, the measure was adopted to increase gender equality within the workplace and beyond. Paid carer's leave acknowledges the disadvantages often experienced by carers, who may find themselves taking annual leave or having to reduce their hours (and pay) to accommodate their responsibilities. While ten days per year may not be a sufficient allowance to allow them to avoid either of these eventualities, it may extend the time they can remain in full time work and will lower the quantum of annual or unpaid leave they need to rely on. It can also reduce the stress experienced by workers when a close relative or friend becomes seriously ill.

Interviewees attributed their pursuit of these policies to legislative change, polling from members and (relatedly) the preponderance of women within the union's membership in these workplaces and the need to pursue an agenda that meets their needs. On the one hand this can be read as assuming that women will rely on these policies more. But in fact, the FSU state that their intention was to address gender inequality, by mobilising for parent's and carer's leave policies that are attractive enough for all workers to avail of. Further, discussions with trade union representatives suggest that working from home has changed both male and female workers' attitudes to care and work-life balance. We may see a higher proportion of male workers pushing for these kinds of policies into the future, though this hypothesis would need to be tested through further research, potentially in a male-dominated sector.

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