FLEXIBLE AND INNOVATIVE WORKING ARRANGEMENTS IN THE IRISH PUBLIC SERVICE

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EXECUTIVE SUMMARY

This report analyses the development of innovative and flexible working arrangements in the Irish public service, within a wider international context. It critically evaluates experience to date in the usage of such arrangements and plots ways forward to assist their further development. The need for such an analysis is particularly pertinent in the context of the recent and considerable changes taking place in the Irish labour market, in which the public service is increasingly competing with the private sector to position itself better as an 'employer of choice'. Labour supply constraints, coupled with limitations in the public service's ability to react to changing market pay rates, make it imperative that other elements of the employment package offered by the public bodies are seen as competitively attractive. Evidence provided in this report suggests that flexible working arrangements can play a key role in this regard.

In order to carry out an informed analysis of experience to date, the report examines both the theory of, and arguments for, flexible and innovative working arrangements from employer and employee perspectives. Within this report, the following types of flexible working arrangements are focused upon:

1. *Temporal flexibility*, which refers to variations in the number of hours worked
2. *Locational flexibility*, which refers to variations in the location of work
3. *Numerical flexibility*, which refers to variations in the numbers employed in response to, for example, variations in business demand.

This report contains a review of available national and international literature, which indicates that the effective use of such arrangements can contribute positively to a number of important human resource management challenges facing organisations, including:

- recruitment and retention of high-calibre staff
- achievement of equality of opportunity
- improved reconciliation of work and family responsibilities for management and staff
- absenteeism and staff turnover
- improved staff motivation
- achieving a better fit between labour supply and changing organisational needs.

This report analyses available quantitative information to explore the extent and character of flexible working arrangements using national and international statistical and other data sources. This analysis indicates that while full-time working is still the norm in Ireland as elsewhere, part-time and other forms of atypical working are of growing importance throughout the EU. This growth has been particularly significant in the services sector and is intrinsically linked with rising female labour market participation. It is argued that there is considerable demand and scope for the usage and development of more innovative working arrangements by employers, as a means of targeting recruitment efforts towards comparatively untapped sources of labour supply.

The report discusses the key policy, legal and administrative developments that have both influenced, and provide the context for, the further development of flexible working arrangements in the Irish public service. The development of such arrangements can be traced back to the early 1980s when job-sharing and career breaks were first introduced on a pilot basis. It is important to note that, at that time, the introduction of such measures was considerably influenced by a desire to create employment opportunities while retaining control over public service numbers. These measures began to be seen as an important element in the 'family-friendly' approach being promoted in the public service as part of its wider concern with equal opportunities issues. In more recent years, not least because of dramatic and positive changes in the economic climate, these measures are being revisited to enable both

employers and employees to address more effectively their changing employment needs. The successful development of more flexible and innovative working arrangements is also inextricably linked with the effective utilisation of rapidly developing information and telecommunications technologies. However, the research indicates that, with regard to teleworking for example, significant organisational and cultural barriers remain to be overcome before its full potential can be realised in the public service.

In-depth interviews in a range of public service organisations, as well as with key informants at central government and trade union levels, are used to plot the usage of, and practical experience with, flexible working arrangements in the Irish public service. Such interviews identified a number of key areas of concern which suggest a need for re-evaluation of these arrangements:

1. Given greatly increased commuting problems and changing caring commitments, these schemes, which have been in operation for several decades, are limited in the flexibility they now provide. There is as yet very little evidence of systematic teleworking arrangements.

2. The limited availability and take-up of flexible working in management grades raises a number of important issues. Within the context of a growing 'long hours culture' in parts of the public service, the take-up of schemes such as flexitime and job-sharing can be perceived to represent a lack of commitment to both the individual's career and the organisation.

3. This undesirable situation is further exacerbated by the currently highly gendered nature of participation in flexible working arrangements. Combined with the concentration of women in the lower clerical grades, flexible working arrangements need to be carefully designed so that they aid the achievement rather than the retardation of equality of opportunity.

The interviews undertaken with both employers and trade unions clearly revealed an acceptance that full-time permanent employment was likely to remain the norm in the public service in the short term at least. However, some organisations have already experimented with more innovative forms of atypical working. For example, term-time working has been piloted in a number of major government departments and other public bodies are interested in promoting teleworking and considering more varied forms of working arrangement.

The success or otherwise of such innovations may well be influenced by how other rigidities in working arrangements are addressed. For example, limitations and restrictions in regard to the filling of temporary vacancies

PART 1
INTRODUCTION AND BACKGROUND

1.1 Setting the Scene

In 1998, as part of its overall programme, the Committee for Public Management Research (CPMR) initiated a series of research studies to inform debate on a number of the key human resource management (HRM) challenges facing the Irish public service, as the service seeks to respond positively to significant external and internal demands for change. In the external environment, rising consumer expectations for improved quality of service provision often require a fundamental reorganisation of the public service bodies concerned, including their use of human resources, in order to mainstream customer service values effectively (see Humphreys, Fleming and O'Donnell, 1999). In addition, within the context of a vibrant national labour market, public service bodies are finding themselves having to compete, as never before, with commercial organisations for the recruitment and retention of high calibre staff (see Humphreys and Worth-Butler, 1999).

Within the public service itself1, the government's Strategic Management Initiative (SMI) seeks to deliver better quality and results-oriented services to its stakeholders. Quality services that deliver good value for money through the effective utilisation of the finite human and financial resources available to the service. The 226,000 plus staff employed in the public service are, without doubt, its most valuable resource and, although there are significant variations in HRM practice service-wide, it remains vitally important that the right people are in place and properly equipped to meet the challenges involved, if the SMI is to realise its ambitious goals.

The vision set out in *Delivering Better Government* (1996) is both inspiring and daunting. It envisions a civil service that:

- is a high performance, open and flexible organisation operating to the highest standards
- has a mission and culture of quality service to government and to the public at every level
- makes the maximum contribution to national and social economic development and to competitiveness
- makes use of effective human resource management systems to ensure that each person who works in the civil service can develop to his/her maximum potential
- provides equality of opportunity for all through its standards of recruitment, conditions of work, training and development of people and promotion practices.

However, as Humphreys and Worth-Butler (1999) observe, 'although some real progress has been made ... a considerable journey still has to be travelled to achieve a strategically planned approach to human resource management which will ensure best fit between needs and the skills and competencies of staff' (p. 52).

1.2 Study Rationale

The first of this series of HRM studies was explicitly strategic in its approach and broad in its organisational coverage so as to identify *Key Human Resource Management Issues in the Irish Public Service*, which could then be the subject of further more detailed enquiry (see Humphreys and Worth-Butler, CPMR Discussion Paper 10, 1999). In summarising the current situation, the following points were made:

The underlying principles of the SMI, and the approaches adopted by the public service reform programmes in Ireland and other administrations, all highlight the central importance of adopting a strategic approach to HRM, both to underpin and enable the fundamental programme of reform to be realised. Regrettably, it would appear, from both a careful analysis of the documentary information available and the fieldwork visits to organisations in the Irish public service, that a strategic approach to the planning of its valuable human resources is still in its infancy. Similarly, although there is evidence of progress being made on related issues concerning the broader development of human resource management, managing for results, promoting best practice and developing new ways of working, again the overall position that presents itself is essentially one of unfinished business (p. 46).

Faced by this situation, Humphreys and Worth-Butler (1999) conclude that 'to provide further assistance in the development of practical solutions to some of the very difficult problems remaining ... further research should be undertaken to identify the key outstanding issues and best practice approaches to finding solutions' in five further areas of enquiry (p. 53). These areas are identified as:

- effective approaches to the decentralisation and devolution of HRM

- gearing the recruitment, selection and placement of new staff to the long-term and immediate needs of the organisation

- improving the arrangements for the development, retention, promotion and mobility of existing staff

- professionalisation of the HR function and development of line management

- the development of flexible and innovative working arrangements.

While acknowledging that each of these five inter-linked areas merited further attention, the Committee decided to focus this second study in the HRM area on the development of flexible and innovative working arrangements.

In addition, at its meeting in June 1999, the Committee agreed to undertake a further study of individual key HRM issues identified by Humphreys and Worth-Butler (1999). This study, entitled *From Personnel Management to HRM: Key Issues and Challenges*, is scheduled for completion in Spring 2000.

1.3 The Public Service: An Employer of Choice?

The public service's ability to compete for the best talent available is becoming more of an issue for organisations, especially in specialist and clerical grades. Unable to respond to market rates of pay, there is evidence to suggest that public service organisations are losing pace with competitors ... To achieve a more effective use of human resources, to widen the pool of potential recruits and to become a more attractive employer, more flexible ways of working need to be explored. These would include flexible approaches to employment such as varied forms of part-time working, fixed-term contracts, local recruitment and more flexible ways of working such as team-working, home working and multi-skilling (Humphreys and Worth-Butler, 1999, pp. 48–9).

In addition to the need for improved strategic planning and a marked shift towards the proactive management of human resources within the Irish public service, Humphreys and Butler (1999) also argue that:

... in order to achieve the HRM objectives of the organisation, as well as the reform programme more broadly, the ground needs to be prepared for change. The active enabling of those engaged in the reform programme requires a pro-active approach to change management ... In order to have the right people in place at the right time, and to attract and retain the best staff, flexible ways of working are required ... A more pro-active approach to HRM may also require a move away from the traditional arrangements dominated by full-time permanent posts (pp. 19–20).

Strong business-case arguments can also be made for employers to adopt more flexible and innovative working arrangements as an alternative and variant to the full-time norm. Within the context of a dynamic labour market, adopting such measures can give organisations a competitive edge, as 'employers of choice', in attracting and retaining skilled staff. Secondment arrangements can assist the longer-term retention of valued staff and open up the organisation to new ideas on their return. The adoption of a 'family-friendly' HRM policy and strategy by employers can encourage loyalty amongst its staff and have a potentially beneficial impact on reducing stress and improving attendance. Most importantly of all, the adoption of appropriate flexible and innovative working arrangements can make a positive contribution to the active promotion of equality of opportunity and the management of diversity in the work place (see Humphreys, Drew and Murphy, 1999). As the *Programme for Prosperity and Fairness* (2000) makes clear:

... the Public Service has to respond better to the aspirations of its staff for more fulfilling work and improved career paths and create workplace conditions and relations which are conducive to increasing the job satisfaction, motivation and commitment of staff. This is relevant also in the context of promoting the Public Service as a preferred employer in the current, highly competitive labour market (p. 19).

1.4 Flexible and Innovative Working Arrangements

Given their flexible and innovative nature, such working arrangements tend to defy easy or definitive classification, not least because they are evolving and changing over time. However, in order to establish at the outset the broad types of 'flexible and innovative working arrangements' to be covered by this study, an initial listing of the different and inter-linked types of arrangements is helpful. For convenience, these can be broadly categorised into arrangements which relate to the duration, incidence and location of working time, the contractual nature of that arrangement, as well as a range of measures geared specifically to the more effective balancing of work commitments and responsibilities outside the work place. Such arrangements include:

- Less than full-time (i.e. part-time) working
- Split/alternate work weeks
- Term-time and other forms of periodic working
- Job-sharing
- Flexitime
- Annualised/personalised hours
- Enhanced maternity/paternity/parental/adoptive leave
- Special leave
- Career breaks
- Secondments
- Flexiplace/teleworking
- Fixed-term employment (including contractual work).

The above list is not exhaustive. Neither are the arrangements listed necessarily mutually exclusive. Indeed, part of the purpose of this research will be to identify integrated approaches to the development and promotion of flexible working arrangements that could be appropriate to the Irish public service.

1.5 Research Objectives

With a few exceptions (notably flexitime, special leave, job-sharing and career breaks), it was acknowledged, in embarking upon this research, that the degree of practical experience within the Irish public service of many of the types of arrangements identified at 1.4 above is limited. Indeed, a key research objective was not just to plot out and evaluate current and proposed arrangements but to identify key issues that would need to be addressed in order for such innovations to be more widely adopted.

Accordingly, at its meeting in April 1999, the CPMR set the following terms of reference for this study:

a) A focused analysis of relevant national and international literature to identify conceptual frameworks for the development of best practice approaches which are appropriate to the Irish public service.

b) A detailed review of how these particular HRM issues have been addressed in a selected number of other public administrations with experiences most relevant to the Irish situation.

c) An informed overview of the range of current practices and procedures within a number of organisations, for example the civil service, local authorities and commercial state-sponsored bodies.

d) In-depth analysis of the challenges faced by organisations seeking to improve the arrangements regarding the development of flexible and innovative working arrangements.

e) Based upon the information gathered at each level of the research, possible ways forward will be identified to inform discussion amongst public service managers of the key issues involved.

In order to deliver on these objectives, a multi-phase research approach was adopted. This involved a detailed review of available documentary and statistical material to evaluate the extent and character of these arrangements nationally and internationally, as well as an analysis of experiences to date in Ireland and other administrations. This was followed by in-depth discussions with senior managers, HR managers/personnel officers and trade union representatives in a cross-section of public sector organisations in order to explore some of the key issues identified from both an employer and employee perspective.

1.6 Structure of the Report

- Based upon a detailed review of available literature, *Part 2* explores the rationale for flexible working arrangements and discusses both a labour market and flexible firm approach to the development of atypical forms of employment. The different types of employment flexibility are identified and their potential benefits for employers and employees reviewed.

- In order to set the scene, international and national official statistics are briefly reviewed in *Part 3* to quantify, as far as is practicable, the extent and character of flexible working arrangements within Ireland, compared to other EU member states. Department of Finance and other statistical sources are then used to analyse involvement in, and attitudes to, current flexible working arrangements in the public service such as job-sharing and career breaks.

- *Part 4* establishes the changing policy context within which flexible working arrangements have developed to date, and will develop further, in the Irish public service. Important implications of national and international legal developments are also identified.
- *Part 5* summarises some international approaches to the development of innovative and flexible working arrangements in order to help identify appropriate best practice approaches that are relevant to the Irish public service.
- *Part 6* then draws upon in-depth discussions with senior managers, HR managers/personnel officers and trade union representatives in a cross-section of Irish public service organisations to explore some of the key issues to be addressed in order to promote more effectively the wider adoption of flexible and innovative working arrangements.
- Finally, *Part 7* draws upon the literature review, the available statistical and research evidence, national and international experiences to date and the views of key individuals in the Irish public service to identify potential ways forward.
- Detailed supporting evidence is provided in the *Annexes, Notes and References.*

PART 2
WHAT IS FLEXIBLE WORKING?

2.1 Introduction

'Flexibility is a complex issue and one which will dominate HRM across Europe for many years to come' (Sparrow and Marchington, 1998, p. 19). There is an increasing recognition in the literature that macro-level changes in labour force composition, technology and other competitive forces have given rise to an increased emphasis on the need for greater flexibility in the recruitment, deployment and retention of human resources. At the same time, an increased interest in flexibility is emerging in Ireland, where 'traditional' approaches to personnel management have come under challenge in recent years (see Gunnigle et al., 1997).

In contrast to the traditional administrative personnel function, HRM involves the development of a strategic approach to workforce management and offers the potential to gain greater commitment and flexibility from employees as a means of responding to changing external forces (see Guest, 1987). In addition, Humphreys and Worth-Butler (1999) have argued that the more extensive development of flexible working arrangements in the Irish public service forms an integral part of the 'active enabling' process for managers and staff, which is in turn a key component of a proactive and strategic approach to HRM.

2.2 Rationale for Flexible Working

At a conceptual level, Beer et al. (1984) have argued that the development of employee-centred HRM policies will result in a committed and competent workforce (see Figure 1). Often called the Harvard Business School Model, this approach argues that an organisation's HRM policy choices are affected by a range of situational factors such as labour market trends, technology, workforce characteristics and the role of unions. In the context of the current debate on flexibility, the implication of the Harvard Model is that changes in labour market structures will influence the nature and choice of the HR policies adopted by organisations to attract, deploy and retain human resources to ensure organisational effectiveness.

The recognition of the need for greater flexibility in the deployment of human resources has been endorsed at international level. For example, the importance of labour flexibility as a contributor to economic growth has been highlighted by both the OECD and the EU (see Blyton, 1996; and Part 5 of this report). Given the increase in flexible working practices that is evident in many countries, Emmott and Hutchinson (1998) have suggested that 'work as we know it may be disappearing' (p. 229). Such an observation has some justification given the decline of full-time employment, coupled with increased part-time working, and the proliferation of atypical forms of work arrangement. At the same time, this changing emphasis from full-time to part-time employment has occurred hand in hand with a shift, in many national labour markets, from manufacturing to service industries, as well as with rising female participation rates (see Part 3). Increasing skills shortages are forcing employers to look outside the traditional pool of recruits. As a consequence, employers are increasingly adopting flexible employment arrangements in response to increasing demand for 'non-full-time work' by existing and prospective employees.

Figure 1: Harvard Business Schoole Model of Human Resource Management

Stakeholder interests

Shareholders

Management

Employees

Government

Community

Unions

HRM policy choice	HRM outcomes	Long-term consequences
Employee influence	Commitment	Individual well-being
HR flow	Competence	Organisation Well-being
	Congruence	
Reward System		Social well-being
	Cost- effectiveness	
Work system		

Situational factors

Work-force

characteristics

Business

strategy and

conditions

Labour Market

Technology

Unions

Legal/Social
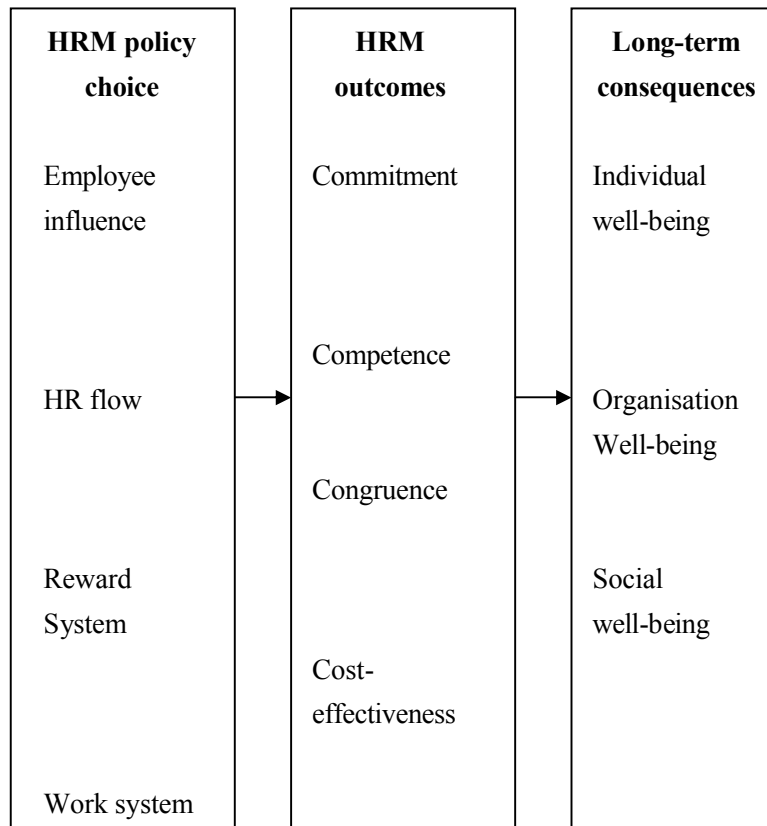
2.3 Different Conceptual Approaches to Flexible Working
Although an indicative listing of the types of working arrangement to be covered by
this research is provided in Part 1, it is important to clarify, as far as possible, what is
meant by 'flexible working'. In practice, however, it is difficult to do so definitively for a
number of reasons. As Bryson (1999) points out 'flexibility has many meanings' (p. 65)
and the literature indicates both an ambiguous and wide-ranging interpretation of this
frequently used term (see Blyton, 1996; and Legge, 1998).

Given this situation, it is important to avoid an over-prescriptive approach to the definition and classification of flexible working arrangements, not least because the term 'flexibility' can be used somewhat loosely to describe a myriad of working forms, not all of which may be actually 'flexible' in practice. In addition, what may offer flexibility for the employer does not necessarily afford the same flexibility to the employee and vice versa. Notwithstanding such conceptual difficulties, it is possible to identify at least two broad approaches to flexible working practices, both at the labour market and organisation levels. In fact, it is useful to consider the labour market approach before moving on to a discussion of flexible working arrangements at the organisational level.

2.3.1 A Labour Market Approach

Sparrow and Marchington (1998) define labour market flexibility as 'the speed with which employers or employees respond to changes in circumstances and market failure is remedied or avoided' (p. 230). Within the confines of this short report, it would not be practical to give a detailed and thorough overview of the neo-classical and other macro-economic approaches to understanding the development of flexible working arrangements. However, not least because of the importance of business-case arguments in this context, it is helpful to have a broad understanding of some of the economic approaches applicable to flexible and innovative working arrangements.

From an economic perspective, the supply of labour can be examined at a number of levels, for example, the supply of hours by an individual worker or the total market supply of a given category of labour. In simple terms, the supply of hours by an individual worker involves two major cost considerations or disutilities: the sacrifice of non-work time (including unpaid work and leisure) and any disadvantages of that work itself (for example, it may be unpleasant, tiring, boring). Each extra hour worked will involve additional disutility and this marginal disutility of work tends to increase as people work more hours. Accordingly, in order to persuade people to work more hours, a higher hourly wage may be paid to compensate for the higher marginal disutility incurred.

At the same time, when wage rates rise people may work more hours, since non-work time would involve a greater sacrifice of income and therefore reduced consumption. Additionally, increased income can facilitate the use of paid domestic help and childcare support, which in turn can facilitate increased labour market participation. Accordingly, the labour market supply situation of a given type of labour will depend on the availability of people willing and able to perform the job at each given wage rate. The number of people available to do the job depends on the number of qualified people, the non-wage benefits of the job and the wage and non-wage benefits in alternative jobs. It also depends on the nature of the jobs on offer, including their degree of flexibility.

Despite the long-run decline in both the average number of hours worked by individuals and the participation rates of men, the male participation rate in the Irish labour market remains substantially higher than that for women (see Part 3). For many workers, the option of flexible working hours simply does not exist. At least in the short run, the choice remains between working a standard day, week and year or not engaging in the formal labour market at all.

In addition, as the OECD Jobs Study (1994) points out, tax and benefit systems have labour market effects, as taxes increase the costs of employing workers and the benefit system may leave little incentive to work, especially if wage rates are low and/or the work is less than full-time. Fuller details of international experiences with flexible working are given in Part 5. As a consequence, reform of the tax and benefits systems to improve incentives to work may involve trade-offs between the fundamental objectives that taxes achieve in raising revenues and benefits provide for those with insufficient incomes. Normally, people will seek work only if there is a financial incentive to do so. Taking up work involves costs such as travel, work clothing, equipment, and childcare. If work is not sufficiently rewarding, those with very few resources may not be able to afford to undertake it. Similarly, employers will not generally offer jobs at wages they know no job seeker could accept without being worse off than they would be were they to remain unemployed.

A common argument advanced for the introduction of flexible, non-standard forms of work arrangement is that such measures can attract people who do not wish to, or are unable to, pursue full-time employment. Thus an organisation which introduces such policies may be able to promote an image of 'employer of choice', particularly where labour markets are tight, as they are in Ireland at present, with resulting competition between employers for labour supply (see Part 1).

However, the quantification of such latent demand for atypical jobs is constrained by the shortage of reliable data on the numbers who are seeking such forms of work. For example, in their 1989 study of the underutilisation of women in the UK labour market, Metcalf and Leighton were unable to identify to their own satisfaction how many of the six million women of working age, who were recorded as unemployed or economically active at that time, could be made available to fill the labour shortages being experienced in Britain. They did however conclude that a significant proportion of these women could be brought into the labour market if 'two fundamental constraints' were addressed: 'firstly, women's traditional responsibility for dependants, particularly children, and the organisation of work around lifelong, full-time employees, and, secondly, discrimination' (p. 107).

Administrative statistics on the numbers registered as unemployed can include people unable or unwilling to take up atypical work. They also underestimate the numbers of women available for work in particular those whose employment histories make them ineligible for registration. Labour Force Survey statistics provide a more realistic estimate of those seeking and available for work. However these estimates are further complicated by the fact that there may be 'a reserve army of labour' (see Braverman, 1974), which may include people who are not classified as unemployed or seeking work, but who would take up atypical employment if such jobs were available. Thus there may exist an untapped force of labour that might provide an organisation with potential labour supply.

2.3.2 An Organisational Approach: The Flexible Firm

It is not feasible to discuss major conceptual approaches to flexible working without reference to the work of Atkinson (1984), who developed the concept of 'the flexible firm' in recognition of changes that had taken place in the nature and composition of the workforce at that time (see also Atkinson and Meager, 1986a; 1986b). In a model of the flexible firm (see Figure 2), Atkinson propounded the concept of 'core' versus 'peripheral' workers. Core workers are the permanent component of a firm's workforce who deliver functional flexibility through their capacity to undertake a wide range of tasks. In contrast, peripheral workers provide a firm with numerical flexibility, with their numbers increasing or reducing with changing labour market conditions.

The flexible firm approach involves a reorganisation of a firm's internal labour markets and their division into separate components, wherein workers' experiences and the employer's expectations are increasingly differentiated (see Atkinson and Gregory, 1986). As a consequence, Bryson (1999) argues that 'soft' HRM policies, with their emphasis on training/development and the involvement of employees, are more likely to be directed at core workers, while peripheral workers will be exposed more and more to 'raw' market forces. In times of recession, peripheral or non-full-time workers are much more susceptible to lay-offs and redundancies. It is not insignificant that atypical workers, including those job-sharing, working part-time or on short-term contracts, are very clearly located on the periphery of the workforce under this approach (see Figure 2).

There is little doubt that such an approach was influential in the development of HRM strategies in British private and public sector organisations in recent years (see Lawton and Rose, 1994). The extent to which this placement of atypical workers as peripheral workers truly reflects the reality of life in Irish organisations remains to be seen. There is certainly evidence to show that opting for flexible working arrangements in the civil service, such as job-sharing, is perceived as unlikely to enhance longer-term career prospects (see Humphreys, Drew and Murphy, 1999). However, what is clear is that, given the frequent gender differentiation between core and peripheral workers, it is absolutely vital from an equality of opportunity viewpoint that flexible and innovative working arrangements move in from the periphery to the core of organisations.
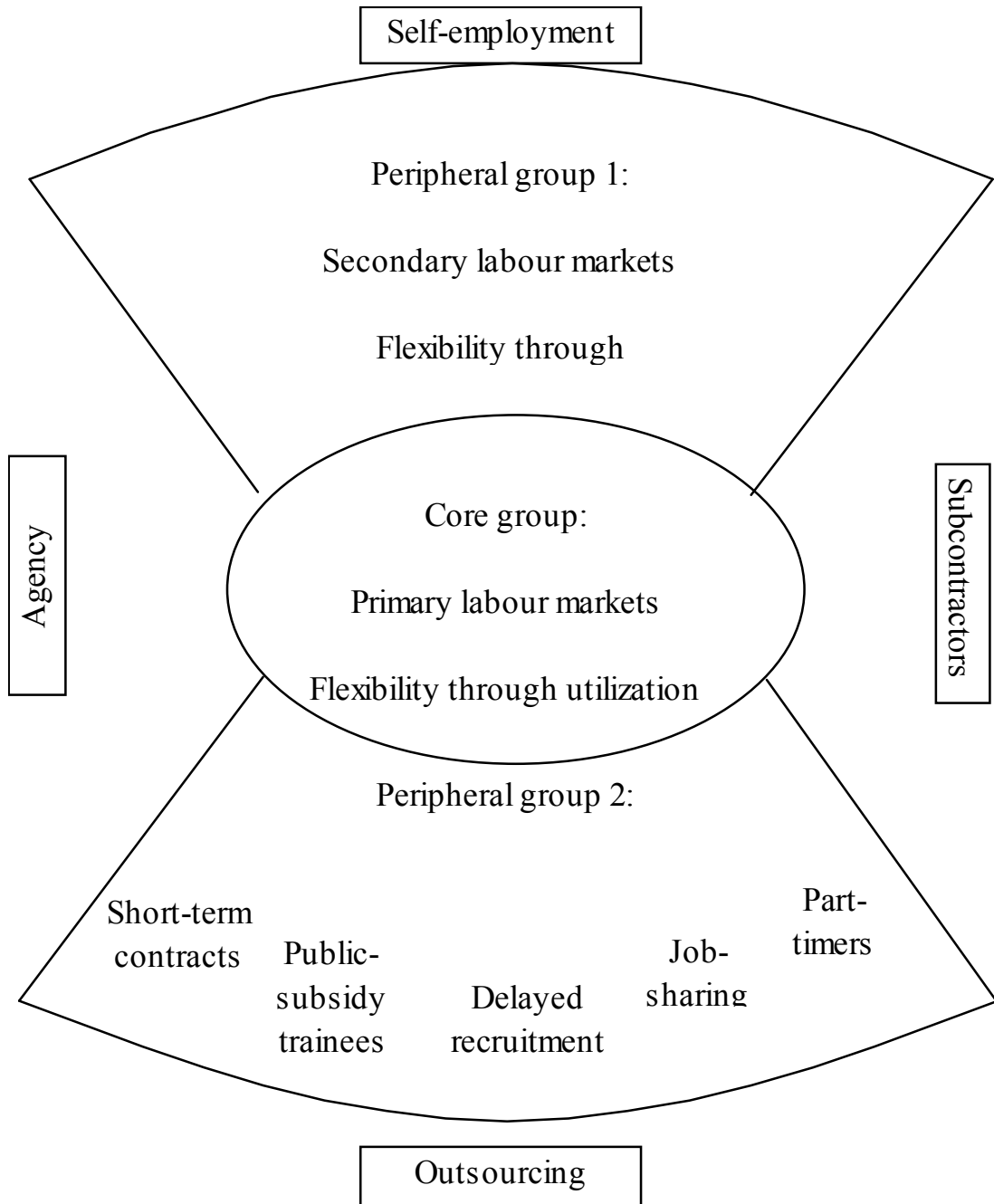
2.4 What Does Flexibility Mean in Practice?

Bryson (1999) argues that while macro-level approaches can be useful in shedding light on changes in the nature of work and work organisation, they may be less useful in explaining the issues facing managers in organisations regarding how best to manage and utilise labour to achieve organisational objectives. It is useful therefore, to consider how macro-level trends can influence practical choices at organisation level in the introduction of flexible working arrangements by employers (see Emmott and Hutchinson, 1998).

These influences can be broadly considered under a number of headings:

- *Increased competition*, which puts pressure on organisations to reduce long-term investment in labour costs, for example through the use of short and fixed-term contracts.

- *Information technology (IT),* for example 'teleworking' is made possible through IT by the use of networked computers using intranet and internet technologies. Similarly, Claydon (1997) argues that the acceleration of technological change implies that traditional job descriptions have been eroded and thus there is a need to reorganise work accordingly along more flexible lines.

- *Changing trends in labour demand and supply*, which were discussed at 2.3 above. These trends can give rise to changes in both the types of employment and employees available. In a discussion of this issue, Bryson (1999) suggests that 'there has been growing pressure from groups who find it hard to comply with a full-time nine to five routine' (p. 70). As a consequence of such changes in labour supply, employers are increasingly adopting more flexible arrangements for the utilisation of labour, such as part-time work and job-sharing (see Blyton, 1996; and Claydon, 1997).

- *Government and EU policies*, for example, legislation on working time or on part-time employment, which either precludes or encourages the adoption of flexible working arrangements (see Part 4).

Figure 2: The Flexible Firm

Self-employment

Peripheral group 1:

Secondary labour markets

Flexibility through

Agency

Core group:

Primary labour markets

Flexibility through utilization

Subcontractors

Peripheral group 2:

Short-term
contracts

Public-
subsidy
trainees

Delayed
recruitment

Job-
sharing

Part-
timers

Outsourcing

2.4.1 Different Types of Flexibility

One of the inhibiting factors which must be acknowledged in the discussion of innovative working arrangements is the relative scarcity of theory, not least because 'flexibility is one area of HRM where practice is ahead of theory' (Brewster, 1998, p. 256). Atkinson's original model of the flexible firm recognised four different types of flexibility (see Figure 2). However, subsequent commentators have added extra dimensions and perspectives (see, for example, Bryson, 1999; Emmott and Hutchinson, 1998; as well as Sparrow and Marchington, 1998). By their very nature, such arrangements are subject to ongoing dynamic change and development, which is greatly facilitated by technological innovation. Within these constraints, it remains important to derive a broad classification of these different types of flexible working arrangements to assist subsequent discussion.

Drawing upon Bryson's analysis (1999), the following typology is helpful:

- *Numerical flexibility* refers to the ability of employers to adjust the numbers working and/or the hours worked by employees in response to changing organisational needs. Such types of flexibility would include the use of short-term or temporary contracts.

- *Functional flexibility* relates to an employer's ability to deploy and/or redeploy labour on different tasks, or to expand/contract the range of activities in which staff are involved, according to changing organisational needs. In such a situation, staff will be required to use a wider range of skills and demonstrate a wider range of competencies as they may be moved from task to task (see Armstrong, 1997). Such functional flexibility can be enhanced and/or facilitated through multi-skilling, team-based interventions and so forth.

- *Financial flexibility* relates to the capacity of remuneration systems to respond to different performance levels and changing labour demand/ supply situations. Within the HRM context, such flexibility would include performance-related-pay and special arrangements to facilitate the recruitment and retention of specialised staff in sectors such as IT.

- *Locational flexibility* relates to the choice of working location and varying the geographical location of the workplace to meet the changing needs of the organisation. Such flexibilities would include teleworking. This is a comparatively new form of flexible working which is rapidly developing with technological advances, particularly in the IT area.

- *Temporal flexibility* relates to variations in the number of hours worked and is by far the most commonly recognised form of flexible working at present in Ireland. Relevant flexible work arrangements include less than full-time working (including job-sharing), flexitime, career breaks and term-time working. As Bryson (1999) points out this broad group of flexible working arrangements has often been introduced in response to 'considerable pressure from both employers and employees to vary the length of the working week' (p. 79). As such, they merit more extensive discussion at this stage.

2.4.2 Main Types of Temporal Flexibility

While the potential benefits for each of these types of flexibility may be clear from the organisation's perspective, they may not always be so immediately obvious to the employee. For example, although numerical flexibility provides the opportunity for recruitment when labour demand increases, it also involves the threat of redundancy when that demand slackens. However, some (but not all) of the arrangements geared to improve temporal flexibility have the potential to assist employees in balancing work and family responsibilities, while at the same time enabling employers to provide more responsive services to the public in the form of longer opening hours as well as retaining valued staff who may otherwise leave (see Blyton, 1996). The potential benefits of temporal and other forms of flexible working arrangements, from both perspectives, are discussed in more detail at 2.5 and 2.6 below.

- Job-sharing is a key example of this type of flexibility in both Europe and the US (see Fynes et al., 1996b). Job-sharing is certainly one of the longest established and most frequently adopted forms of temporal flexibility in the Irish public service (see Humphreys, 1986; and Humphreys, Drew and Murphy, 1999). Most typically, job-sharing refers to an arrangement whereby two employees share the same work of one full-time position, dividing pay and benefits pro rata to the time worked. Such arrangements often take the form of split weeks and split days (see Armstrong, 1997).

- Flexitime is another common form of temporal flexibility. It allows employees to vary their starting and finishing times of work, outside a compulsory core time, provided an agreed volume of hours are worked over a given remuneration period. It became popular in the UK in the 1970s as a means of attracting and retaining staff, although evidence suggests that there has been limited expansion of flexitime arrangements in the UK since the 1980s (see Bryson, 1999). It is also worth noting that while 2.5 million employees in the UK were working flexible working hours in 1993, the take up of flexitime is much more common among women than men. Within the Irish context, in addition to the potential benefits from a caring viewpoint, flexitime has been advocated as a partial solution to the considerable commuting problems experienced by staff in the larger urban areas, such as Dublin.

- Having been introduced to the Irish public service on a pilot basis, initially in the Department of Social, Community and Family Affairs in 1997/8, opportunities for term-time working have now been further extended across government departments. It is anticipated that similar arrangements will be piloted in the wider public service. Typically, such arrangements provide for unpaid absence during the summer period (July/August) to facilitate caring responsibilities during the school holidays. This scheme is discussed in more detail later in the report.

- Annualised hours agreements are currently far less common in the Irish public service. Such systems involve agreement between the employer and employee over the total hours worked annually. This gives management greater scope to vary the hours in any given period to match demand. For example, in the Netherlands, a number of enterprises operate shift systems, which are longer in times of heavy demand and shorter during quieter periods (see Blyton, 1996). Such arrangements also provide employees with the potential to customise their working time arrangements more effectively to meet their personal needs over a twelve-month time frame.

- Such arrangements can also be taken a step further. Fynes et al. (1996b) highlight what they describe as 'banking leave' arrangements. Using this system, points can be accumulated on the basis of attendance, shift or night work, weekend or bank

holiday working. Employees can convert points gained into hours, which can be banked for future use at a time which suits both parties.

- One of the most extreme examples of temporal flexibility takes the form of zero-hours contracts. Under such arrangements, no formal commitment is made by the employer regarding the number of hours available, and the employee is on daily call, for example to cover absences or vacancies. The negative consequences for employees of such arrangements include job insecurity and other limited terms and conditions of employment.

- Finally, many organisations use overtime as a means of coping with variation in demand, and as an alternative to other temporal forms of flexibility such as shift work or part-time work, particularly in unionised environments (see Fynes et al., 1996b).

Having considered the rationale for, and nature of, flexible working practices, it is useful to explore briefly some of the main advantages and disadvantages of the range of practices discussed, from both the employer's and employee's perspective.

2.5 Employer Benefits of Flexible Working Practices

A range of advantages for employers with regard to the use of flexible working practices can be identified (see Emmott and Hutchinson, 1998; and Fynes et al., 1996b) as follows:

- ability to match work provisions more closely with customer/product demand
- reduced fixed costs, for example teleworking
- aids recruitment and retention of employees
- increases productivity and efficiency
- improves staff morale
- reduces stress and sick leave
- reduces absenteeism
- provides a wider pool of potential employees.

Given the significance attributed to such benefits in the discussion of flexible and innovative working arrangements, it would be valuable to review some of these benefits in more detail at this stage.

2.5.1 Improved Recruitment and Retention

Crow (1999) argues that the introduction of more flexible working practices, such as flexitime, part-time working and career breaks, can be used as a mechanism to both attract and hold on to valued employees. It has also been claimed that employees will be more attached to organisations with family-friendly policies, regardless of the extent to which they might personally benefit from those policies. This is because offering assistance to employees in need symbolises a concern for employees that fosters organisational attachment (see Grover and Cooker, cited in Powell, 1999). From the employer's perspective, Armstrong (1997) also argues that the implementation of job-sharing provides access to a wider employment pool than would otherwise be available. By offering more flexible and varied working arrangements, the potential pool of labour is extended to include employees who cannot work full-time but still want regular employment.

2.5.2 Reduced Fixed Costs

It has also been suggested that some of the more innovative working arrangements, such as teleworking, are being adopted by employers as a means of retaining staff, as well as reducing fixed costs (Alexander, 1998; Armstrong, 1997). However, while teleworking can provide benefits to both employers and employees, evidence from the Cranfield Project (Gunnigle et al., 1997) suggests a low usage of teleworking in Ireland, although this issue is being addressed (see National Advisory Council on Teleworking, 1999). In contrast, in the US, teleworking is actively promoted at State level, through the setting and attainment of targets in relation to the number of teleworkers as part of an overall strategy to increase the usage of family-friendly policies in the workplace (see Clinton, 1996).

Littlefield (1995) suggests that the implementation of teleworking will only succeed if there is a culture of accountability and trust in the organisation. In a more recent survey (see *HR Focus,* 1997), negative management attitudes to teleworking have been identified as the biggest barrier to its wider implementation. Armstrong (1997) also suggests that the success of teleworking will depend on the careful selection and training of workers, and the effective monitoring of the system. Its viability also depends on the availability of appropriate IT systems within organisations, and at individual workstations away from the office, to support effective teleworking.

2.5.3 Reduced Absenteeism

It has been suggested that flexible working arrangements can be used as a means of reducing not only absenteeism but also staff turnover (see Emmott and Hutchinson, 1998; and Fynes et al., 1996b). This view is further borne out by research carried out by Dalton and Mesch (1990), which found that employees working under a flexible scheduling system attributed a decline in absenteeism to the elimination of the underlying cause of absenteeism, in other words flexible working enabled them to attend to personal and family commitments. This study also found that the introduction of flexitime increased the extrinsic motivation of employees, by allowing them, for example, to have more autonomy over work hours and thus enabling them to balance work and non-work commitments, as well as avoid rush-hour traffic. Not least because of its implications from an 'employer of choice' perspective, the relationship between flexibility and improved staff attendance and motivation is worthy of further consideration.

In considering the links between the introduction of flexible working arrangements and the elimination of absenteeism, a model of employee attendance developed by Steers and Rhodes (cited in Gunnigle et al., 1997) is worth examining. This model suggests that an employee's attendance at work is a function of two variables: ability to attend and motivation to attend. An analysis of the factors influencing motivation to attend would be outside the scope of this study, since it would necessitate consideration of a wide range of issues in the field of organisational behaviour, including motivation theory, job design and group dynamics. However the issue of ability to attend work has implications for the development of flexible working arrangements.

According to Steers and Rhodes, ability to attend work is dependent on, and influenced by, a number of factors, including illness and accidents, family responsibilities and transport problems. What is of interest in the context of this study is that if these factors affect attendance at work, flexible working practices such as flexitime, career breaks and teleworking would appear to offer a potential solution, in terms of enabling employees to combine personal/family demands with the demand of work. Similarly, it has been suggested that job-sharing can be used as a mechanism to reduce absenteeism and staff turnover as it helps people to meet responsibilities and needs outside work (see Armstrong, 1997).

2.6 Employee Benefits of Flexible Working Practices

While it can be argued that flexible working practices largely benefit employers rather than the individual employee (see Legge, 1998), Emmott and Hutchinson (1998) highlight survey evidence which indicates that, from the employee's perspective, flexible working can result in increased motivation and job satisfaction, and the ability to balance more effectively work and family responsibilities. These authors also argue that 'as women form a larger part of the workforce, many employers have developed family-friendly policies which effectively 'customise' working patterns to suit employee's individual circumstances' (p. 238).

This argument suggests that the introduction of flexible working arrangements has the potential to provide greater equality of opportunity for women, in the form of enhanced access to employment. The literature is, however, divided on the link between flexible working arrangements and addressing inequality. Writers such as Legge (1998) have warned that the introduction of job-sharing and other arrangements to assist employees in balancing work and family demands may serve to collude with the unequal distribution of domestic and childcare tasks, thus further reinforcing the vertical and horizontal segregation of women in the workforce. Legge also points out that the majority of part-time jobs tend to predominate in the services sector, a sector which she argues is notorious for low pay and the unskilled nature of work.

Legge suggests that in the public service, part-time workers tend to be clustered in the lower levels of such skilled and professional work as is available to them. It is also suggested that non-full-time work can limit opportunities for promotion and result in unequal treatment in, for example, pay and benefits (see Emmott and Hutchinson, 1998). Finally, Brewster (1998) stresses that while flexible working practices can provide additional opportunities for employees to balance work and family responsibilities, there are risks to the individual, including potential discrimination and increased insecurity. Given the predominance of women in the lower grades of the Irish civil service, and the perceived detrimental impact of atypical working practices upon career progression, the foregoing arguments need to be addressed from a gender equality perspective (see Humphreys, Drew and Murphy, 1999).

2.7 Integration of Flexible Working Practices with HR Strategy

Bryson (1999) concludes his analysis of flexible working practices with the comment that the approach adopted by many organisations to the introduction of such practices tends to be ad hoc, short term and reactive in nature, with little concern given to either the needs of employees or longer-term organisational objectives. Given the actual and potential significance of flexible working arrangements for the effective management of an organisation's human resources, it is clearly important that the development of such measures takes place within the long-term process of human resource planning (HRP).

The HRP process encompasses a consideration of external forces (demographic, social and legislative trends), the implications of the organisation's business strategy and the consequences of these issues on the demand for, and supply of, human resources (O'Doherty, 1997). Organisations which undertake HRP have formal recruitment and retention plans in place. Armstrong (1997) suggests that, in addition to such plans, organisations must develop strategies to consider ways in which they might develop more flexible work arrangements. He suggests the following action plan for organisations as a means of ensuring that they can meet their needs for human resources:

- an overall plan is required to deal with shortages arising in the event of demographic pressures
- a development plan for employees

- a recruitment plan
- a retention plan
- a flexibility plan
- a productivity plan
- a downsizing plan if required.

This approach offers the potential for organisations to integrate the consideration and use of flexible working practices into the wider HR process, in contrast to employing an ad hoc approach to the use of such practices. In addition, Humphreys, Drew and Murphy (1999) argue that the development of 'family-friendly initiatives' should form an integral part of an overall equality policy which is mainstreamed in an organisation's HRM strategy and HR planning.

2.8 Resistance to Adoption of Flexible Working Arrangements

The introduction of flexible working arrangements implies change. As with any change process, resistance is inevitable (see Huczynski and Buchanan, 1991). Resistance may come from a number of sources. For example, where the implementation of flexible working arrangements is employee-driven, employers may not perceive that there are benefits in such arrangements for them. Concerns of employers in relation to such initiatives may include increased training costs, higher direct costs (part timers who receive pro-rata benefit), communications difficulties, and the increased challenges presented by managing a flexible workforce (see Emmott and Hutchinson, 1998). Research also suggests that, while senior management may adopt and encourage the use of flexible working arrangements, it is often less senior managers who may resist innovative programmes and policies, since they tend to focus on what they believe will be in their short-term best interests when making decisions as to whether subordinates should avail of such policies. Thus, first line managers are seen as one of the key groups who must buy in to changes in the nature of work arrangements (see Powell, 1999).

Unions and other staff representatives may also resist the introduction of flexible working arrangements. It has been suggested that trade unions in Ireland and the UK have been slow to respond to the changes implied in the use of flexible working in comparison to Nordic countries (see Brewster, 1998). This problem may be exacerbated by the fact that part-time workers and those in atypical employment tend to be characterised by lower levels of unionisation than workers on full-time conventional contracts (see Roche, 1994). Similarly, Fynes et al. (1996b) argue that unions may fear that demands for more flexible working will erode their bargaining position, and thus unions are often reluctant to reconsider the standard, 'male-oriented' working week.

Finally, employees themselves may resist and fear the introduction of flexible working arrangements. As indicated above, those working in some forms of atypical employment may be more exposed to issues such as job insecurity, and inequality in areas such as pay and conditions of employment (see Part 4 for a discussion of the legal and policy issues raised by atypical employment).

2.9 Key Issues Emerging

From the foregoing discussion, it is possible to identify a number of inherent contradictions in the debate regarding the merits of flexible working practices. While in principle there is potential for areas of common interest between employers and employees in achieving greater flexibility, Blyton (1996) argues that it is an issue which has not largely been addressed. Rather, he suggests that the primary motive for the introduction of such practices by employers has tended to be on short-term issues such as cost cutting through reduction of labour costs. On the basis of evidence reviewed, Blyton suggests that there is a need for greater recognition of employee interests in the creation of new working arrangements and practices, for example, through a greater focus on meeting employee's demands for a balance between work and family commitments.

If flexible working practices can be adopted in such a way as to reconcile equal opportunity and organisational issues such as absenteeism and retention, while at the same time meeting the needs of employees, there is potential for such practices to be equitable as well as efficient. Finally, Fynes et al. (1996b) suggest that given the complexities of the issues involved in different forms of flexible work, what is required is a menu-based approach encompassing a range of working arrangements, since over-reliance on one form of flexible working may not take into account the diverse needs of the different stakeholders involved.

PART 3
THE EXTENT AND CHARACTER OF FLEXIBLE WORKING

3.1 Introduction

Just as difficulties have been identified in Parts 1 and 2 in defining comprehensively the diverse range of working arrangements embraced by the different concepts of flexibility, there are similar problems when attempting to quantify satisfactorily the extent of flexible working arrangements in the public service at international and national levels, due to limitations in the available data. However, while the lack of a comprehensive typology for flexible working arrangements presents a challenge for researchers and other analysts, shortcomings in the availability of reliable and authoritative statistics greatly constrain the extent to which a comprehensive picture can be obtained of the extent and character of flexible working arrangements in the public service, both internationally and nationally. These limitations are summarised in Annex A.

Such shortcomings have significant implications for the informed development of appropriate policies and strategies. As Hedman et al. (1996) have observed, 'statistics are used to raise consciousness and provide an impetus for change, to provide a foundation for policies, programmes and projects and to monitor and evaluate such policies and measures' (p. 9). Such concerns have also been stated closer to home by The Chief Executive's Forum (1994) in Northern Ireland, 'in many organisations, greater co-ordination of existing data will inform debate and will facilitate the development of equal opportunities programmes. This information should be augmented by new data, gathered as needs and problems arise and are identified' (p. 16).

3.2 Flexibility in a European Context

At the EU level, in addition to important associated issues such as gender and age-differentiated participation rates, relevant statistics are available on full- and part-time employment, hours of work and permanent/temporary employment for the labour market as a whole.2 All detailed statistical tables are included at Annex B. As Table B1 indicates, the vast majority (83 per cent) of those in employment throughout the EU work full-time, with the proportion being highest in the agricultural and industrial sectors.3 Conversely, if the proportion of those in employment working part-time is used as an indicator of at least a degree of labour market flexibility, then the services sector would appear to offer the greatest deviation from the full-time norm characteristic of more traditional sectors of employment. However, it is important to note that, compared to the EU average, nearly 88 per cent of Ireland's employment is full-time. Although lower than Italy and Finland, this proportion is substantially higher than the Netherlands and the UK.4 In fact, full-time employment in Ireland is higher than the EU average in all three major industrial sectors. In contrast, part-time employment in the services sector was significantly lower in Ireland (17 per cent) than in either the Netherlands (42 per cent) or the UK (31 per cent).

Although still not providing the majority of employment in any EU member state or in any major sector of economic activity, part-time employment is not only significant in the services sector, it is also a working arrangement overwhelmingly undertaken by women. In the EU as a whole, part-time working accounts for only 6 per cent of male employment but 32 per cent of female employment, with the comparable proportions for Ireland being similar (see Table B1).

While in Ireland women are three times more likely to work part time than men are, it is also very important to note that, together with Finland and Italy, Ireland has a very high proportion of its females in employment working full time. The proportion of women working full time in Ireland (77 per cent) is markedly higher than the EU average (68 per cent). In terms of understanding the potential future demand for such work, it is also vitally important to note that there are marked gender differences in the stated reasons for working part time (see Table B2). In the EU generally, as well as Ireland specifically, most men who work part time are either unable to find full-time work or are undertaking education or training. In the EU and Ireland, most women state that they are working part time because they do not wish to have a full-time job or for other reasons, such as the difficulties of balancing work and family responsibilities.

In addition, similar gender differences are reported with regard to the reasons for working in a temporary job (see Table B3). Most men working on a temporary basis do so because they have been unable to find a permanent job. However, a comparatively high proportion of women in Ireland (32 per cent) are working on a temporary basis because they do not wish to have a permanent job. This proportion is three times the EU average (10 per cent) and again is likely to be indicative, in part at least, of the particular difficulties of balancing responsibilities outside the workplace with a permanent job.

Despite the comparative inflexibility of the Irish job market in EU terms, at least with regard to the extent of part-time working, 'the dramatic increase in the participation of married women, particularly young married women, in paid employment is one of the most striking changes to have occurred in Irish society over the past 25 years' (O'Connor, 1999, p. 188). As the CSO (1997c) note, 'from 1971 to 1996 the number of women at work grew by 212,000 ... this compares with growth of just 23,000 in male employment over the same twenty five years' (p. 1). However, this growth has taken place from a relatively low base and activity rates for women are still comparatively low by EU standards (see Table B4).5

Male activity rates in Ireland are generally higher than the EU norm, particularly for older men and those who are married. However, female activity rates are markedly lower than the EU average, especially for married women of child rearing age (25 to 49 years). The fact that activity rates for single females remain much higher, throughout their age span, and close to the EU average, suggests that the impact of caring responsibilities on female labour market participation in Ireland remains significant.

Such a situation is presumably exacerbated by the comparatively longer hours worked by both women and men in Ireland compared to the EU average (see Table B5). Long working hours for men can militate against their greater involvement in the sharing of caring and other responsibilities. Long working hours for women could likewise act as a deterrent to greater labour market involvement by those currently both inside and outside the labour market. Average hours usually worked per week are higher for men and women in agriculture, industry and public administration than the EU norm. In this regard it is worth noting that females working in public administration in Ireland work an average of five hours per week longer than their Dutch colleagues. To some extent, this difference will reflect variations between member states in the level of part-time working. However, it is also important to bear in mind that Irish women recorded as working full time in public administration tend to work shorter weeks than their UK counterparts (see Table B6).

3.3 Flexible Working in the Irish Public Service

Although CSO (1997a) estimates indicate that the importance of direct public sector employment within the national labour market has declined, relative to the private sector, over the past decade, it still accounts for over 20 per cent of all non-agricultural employment (see Table 1).[6]

In addition, before discussing the specific development of flexible working arrangements in the public sector, it is also important to appreciate the intra-sectoral context within which such arrangements have developed (see Table 2).[7] An examination of trends over the past decade indicates a number of important features.

Table 1: Public Sector Employment (000s)

	1989	1990	1991	1992	1993	1994	1995	1996	1998
Thousands									
A. Total Employment	1,088	1,134	1,134	1,145	1,152	1,188	1,248	1,297	1,545
B. Agriculture, Forestry, Fishing	162	169	155	154	144	142	143	138	136
C. Non-Agriculture Employment (A-B)	926	965	979	991	1,008	1,046	1,105	1,159	1,408
D. State-sponsored Employment Schemes	13	16	14	16	17	31	41	40	40
E. Non-Agricultural Employment (excluding Schemes) (C-D)	913	949	965	975	991	1,015	1,064	1,119	1,368
F. Public Sector Employment	286	287	288	288	289	291	294	301	301
G. Private Sector Employment (E-F)	627	662	677	687	702	724	770	818	1067

Table 2: Public Sector Employment 1989-99

	1989	1992	1995	1999
CIVIL SERVICE	**27,818**	**28,887**	**30,155**	**31,210**
Non-Industrial	25,932	27,030	28,370	29,413
Industrial	1,886	1,857	1,785	1,797
GARDA SIOCHANA	**10,828**	**11,303**	**11,372**	**11,920**
DEFENCE FORCES	**14,818**	**14,564**	**14,355**	**12,835**
EDUCATION	**49,806**	**55,382**	**60,436**	**64,413**
NCSSBs	**7,812**	**8,018**	**8,540**	**9,266**
HEALTH SERVICES	**56,357**	**59,496**	**63,939**	**70,051**
LOCAL AUTHORITIES	**26,892**	**26,715**	**26,540**	**26,900**
PUBLIC SERVICE	**194,331**	**204,395**	**215,337**	**226,595**
COMMERCIAL BODIES	**72,540**	**66,794**	**62,793**	**57,087**
PUBLIC SECTOR	**226,871**	**271,159**	**278,130**	**283,681**

- While total public sector employment has experienced net growth since 1989, this growth has been the sum of two very different trends: a significant decline in employment in the commercial semi-state bodies and steady growth within the non-commercial public service as a whole.

- Within the public service, however, there is significant intra-sectoral variation. Thus, while employment has grown in the education and health services sectors, it has remained largely static in local government and has declined in the Defence Forces.

Although a far more restricted category, it is also interesting to note that within 'public administration and defence', LFS data indicate that there were also significant gender differences in these trends over time. For example, between 1987 and 1997, although total male and female employment increased by 12 per cent and 46 per cent respectively the situation in public administration and defence appears to have been very different. Between 1987 and 1997, total males in work in this sector declined by 7 per cent and total females employed in the sector increased by 37 per cent (see Ruane and Sutherland, 1999).

Such apparent comparative feminisation of the public service workforce in recent years has, however, to be placed in context. As *Delivering Better Government* (1996) makes clear, 'many women employees are concentrated at the lower levels where their potential is underused and women are not adequately represented at the most senior management levels in the Irish Civil Service' (p. 47). In fact, employment patterns within the civil service are highly gendered. As Ruane and Sutherland (1999) observe:

> The total number of people employed within the Civil Service at the end of 1996 was just under 30,000, with 49 per cent of these being female … The overwhelming majority of women in 1996 were employed at the level of Clerical Officer (CO) and Clerical Assistant (CA). Women also make up the majority of those employed at Staff Officer (SO) and Cleaner grades (p. 74).

The same authors also note similar patterns of female under-representation at more senior levels in local government, the medical and educational professions, An Garda Síochána and the Defence Forces.

It is important to establish this overall framework because of its significance for understanding the pattern of flexible working as it currently exists in the Irish public service. Although they relate only to the non-industrial grades in the civil service and are limited in their scope, data from the CEN-SIS provide the most reliable and detailed information available on those opting for flexible working arrangements.[8] The June 1997 CEN-SIS data provide information on current and former job sharers (see Humphreys, Drew and Murphy, 1999). Of the 2,359 sharers recorded at that time, only 112 (5 per cent) were men.[9] Of the total women job-sharing (2,247), 42 per cent were doing so to care for members of their family and a further 22 per cent cited other domestic reasons.[10] Only 13 women, less than one per cent, were job-sharing in order to study. In comparison, 16 per cent of the small number of male job-sharers were doing so for study reasons. However, it is also important to note that 36 per cent of male job-sharers were doing so for family care reasons.[11]

Given the current gendered nature of participation in job-sharing arrangements and the preponderance of women in the lower grades of the civil service noted above, it is not perhaps surprising that clerical staff (CA/CO) account for two-thirds of all job-sharers, with only 9 per cent at higher executive officer (HEO) level and above. At that time there were no job-sharers at principal officer (PO) level and above.

Using the same data source, quite a different picture exists with regard to career breaks compared to job-sharing (see Humphreys, Drew and Murphy, 1999).

- Take up is much lower, with only 616 staff recorded as having taken career breaks, in other words this arrangement was only a quarter as popular as job-sharing.

- A much higher proportion (26 per cent) of those on career breaks were in the higher grades of HEO and above.

- The gender balance of participants was also more even, with 40 per cent of participants being male.

- However, distinct gender differences remained with regard for the motivation for taking a career break. Compared to only 13 per cent of men, 38 per cent of women on career breaks did so for care of the family and other domestic reasons. In contrast, men tend to take career breaks to broaden their future career options.

Finally, it is important to note findings from a recent survey of awareness and perceptions of employment/career opportunities in the civil service (see MRC Ireland Ltd, 1999). Second only to job security, this research indicates that 'flexible hours' is one of the most attractive features of working in the civil service, which overall was seen as being 'ahead in flexible working arrangements'. The same survey also suggests that 'flexible hours' is particularly attractive to women and/or young people because of its lifestyle implications. In a separate but related study of the origins and causes of vacancies arising in general service (GS) grades in the civil service, Goldsmith Fitzgerald Partnership (GFP), 1999, identify 'progressive working arrangements' (including flexible hours) as an important factor in supporting the retention of staff in the current competitive labour market. This was felt to be particularly important for clerical officer grades. GFP conclude that 'progressive working arrangements' are generally seen by employees as an area in which the civil service is delivering. It is felt that its track record on flexible working hours, along with recently introduced schemes such as term-time working, provide a strong platform which could advantageously differentiate the civil service from other employers.

3.4 Key Issues Emerging

Drawing upon the above analysis of available statistical information on the extent and character of flexible and innovative working arrangements, a number of important issues have emerged which will require further discussion later.

- As far as can be ascertained from the limited data available, engagement with flexible arrangements at present is highly gendered, for exmaple in relation to part-time working, job-sharing, temporary working and career breaks. In particular, arrangements involving reduced working hours are significantly associated with female staff who may be attempting to reconcile the demands upon their time both inside and outside work.

- Full-time working remains the norm throughout the EU generally and Ireland specifically. For example, less than full-time working remains a minority activity in each EU member state, although it is significantly less common in Ireland than other member states like the Netherlands.

- Part-time working is, however, of growing importance in the services sector throughout Europe and is inextricably linked with both employment growth overall and, in particular, the dramatic increase in female labour market participation. As Drew et al. (1995) have observed:

    Research has shown that women have increased their labour participation by availing of part-time and other forms of 'atypical' work throughout most Member States. This is partly in response to women's continuing desire to remain in the labour force since employment is a means of not only economic but social integration (p. 2).

- However, policy evaluation and development in this important and emerging area of public service employment is fundamentally constrained by shortcomings in consistent and comprehensive official and administrative statistics to inform such processes.

- Such shortcomings are particularly problematic given emerging evidence that the further development and promotion of flexible and innovative working arrangements within the public service could have a considerable role to play in enhancing its efforts to become once more an 'employer of choice'.

PART 4
POLICY, LEGAL AND ADMINISTRATIVE ASPECTS

4.1 Introduction

As the analysis in Part 3 has indicated clearly, the employment 'norm' in both the public and private sectors, both nationally and internationally, remains full-time working. While available statistical evidence also indicates a growth in atypical forms of employment in Ireland as elsewhere, it is important to understand the different policy contexts within which more flexible and innovative working arrangements have developed to date in Ireland, specifically within the public service.[12]

In *Ireland: Employment Action Plan*, the government has acknowledged the extent of the challenge ahead for the nation as a whole:

    Nevertheless, despite legislative changes and greatly increased female participation in the labour market, there remains an unbalanced structure in the workplace with some of the following characteristics – segregation of women to a disproportionate extent in relatively low-paid occupations, low level of female participation rates in both training and employment in traditionally male-orientated trades and activities, segregation of women in lower-paid jobs in virtually all sectors, and the absence of male participation in traditionally female areas of work (Department of Enterprise, Trade and Employment, 1998, p. 45).

As the preceding analysis has shown, these issues are as real for public service employers as for employers in the commercial sector. Indeed, given the current high level of competitiveness in the Irish labour market, where public service employers may lack a competitive edge in terms of commercial pay rates, it is becoming critically important for public service organisations to address these problems through strategic planning and proactive HR management (see Humphreys and Worth-Butler, 1999). The need for such an approach is also acknowledged in *Ireland: Employment Action Plan*:

> There is a clear need to address these issues by legislative and non-legislative means. Measures are needed, such as active encouragement of positive action programmes within enterprises with the aim of informing and educating employees and human resource managers as to the most effective use of the available talent pool ... and the development of employment practices which would allow for greater flexibility in working arrangements thereby facilitating the reconciliation of work and family life (Department of Enterprise, Trade and Employment, 1998, p. 45).

This view was also echoed in *Partnership 2000*, in which there was a commitment by the government to 'support the growth of family friendly policies in employment, in line with the policy recommendations contained in the policy document issued by the Employment Equality Agency' (p. 30). In *Partnership 2000*, promoting a partnership-based approach to workplace change, indicated that the issue of equality of opportunity and reconciliation of work and family responsibilities would be among the topics that could be progressed on a partnership basis. Finally, in the context of reform of the public sector, it recommends the establishment of a range of new working practices, including the development of family-friendly working hours, such as more flexible working arrangements and enhanced job-sharing and career break facilities (p. 70). In the subsequent report of the Partnership 2000 Expert Working Group on Childcare (1999), it is made absolutely clear that:

> The current economic climate has increased awareness amongst employers of the benefits of supporting family-friendly policies ... The Expert Working Group acknowledges that supporting and developing childcare is just one of a range of measures which employers can adopt to ensure a stronger balance between work and family life. Other measures include job-sharing, flexible working hours, flexi-place (working from home), term time working and career breaks or sabbaticals, all of which make the workplace more responsive to the needs of workers with children (p. 5).

Similar views are expressed in the *Programme for Prosperity and Fairness* (2000).

In considering the implications of, and potential for, the further development of flexible working arrangements, it is important to have a clear understanding of the overall contexts within which such practices would operate. This necessitates examining the policy, legal and administrative contexts within which it is both desirable and feasible to introduce such practices. Each of these areas will be considered in some detail since they both influence and, to an extent, constrain what is feasible in terms of the introduction of flexible working arrangements.

4.2 Changing Policy Approaches within the Public Service

Such proactive approaches as have been adopted to date, within the Irish public service, to the development of flexible and innovative working arrangements can be traced back to the introduction of both the job-sharing and career break schemes on a pilot basis in 1984. In summary, four main policy phases can be identified with regard to the development of flexible and innovative working arrangements in the Irish public service.

4.2.1 'Traditional' Patterns of Flexible Working

Prior to 1984, part-time employment in the non-industrial civil service was of limited numerical importance and included a comparatively high proportion of males working for the then Department of Posts and Telegraphs.[13] Female office cleaners were also important until their replacement by external contract staff. At that time, temporary, seasonal/casual industrial employment for the Departments of Agriculture, Lands, Forestry and the Office of Public Works was also predominantly male (see Humphreys, 1983). In local government, casual and/or part-time employment was largely associated with the Fire Service and male building workers on road and bridge schemes (see Ross, 1986). In contrast, temporary and/or part-time employment was significant in the primary, secondary, vocational and higher education sectors amongst teaching and administrative staff, as well as in the health services. Such staff then as now would have been predominantly female. In summary, during the period up to 1984, the part-time and temporary employment that existed across the public service provided a degree of local and often seasonal flexibility for employers in response to changing patterns of demand.

4.2.2 Worksharing

In contrast to the significant growth in public service employment which had taken place during the 1970s, a deteriorating public expenditure situation led to increasingly severe restrictions being introduced to permanent full-time recruitment in many branches of the public service during the 1980s. Within a national labour market context of a significant over-supply of labour, expressing itself through high levels of unemployment, underemployment and net out-migration, increasing policy interest arose, as elsewhere across Europe, in the potential for the reorganisation and/or redistribution of working time for worksharing purposes.[14]

Under the worksharing umbrella, but also as part of a wider initiative to reform the public service, new flexible working arrangements were introduced for the first time into the Irish public service in 1984.

> Arising out of decisions of the Government Task Force on Employment, schemes of career breaks and job-sharing have been introduced in the civil service. These provide new job opportunities for young people in the civil service and, at the same time, facilitate staff who wish to avail of the new arrangements (*Serving the Country Better,* 1985, p. 65).

The government's stated intention at that time was to see such initiatives rolled out through the wider public service and this objective it achieved with some success (see Humphreys, 1986). Acknowledgement was also made of the potential contribution that could be made by such measures to improved equality of opportunity.

> The recently introduced schemes of career breaks and job-sharing ... will also facilitate staff wishing to combine a career and family responsibility, as will flexible hours (*Serving the Country Better,* 1985, p. 44).

Flexitime schemes were widely introduced throughout public service organisations and renewed impetus was also given to temporary placements or staff exchanges with organisations outside the civil service to gain valuable experience.[15] In addition to the promoting of job-sharing and career breaks, provisions were made for recruitment on a job-share basis, assessments of work that could be undertaken on a part-time rather than full-time basis and greater usage of fixed-term contracts, particularly in the professional and technical areas. Within the context of a freeze on public service recruitment, vacancies arising from career breaks and job-sharing could be filled and this provided a welcome degree of flexibility for public service managers.

In the mid-1990s, as part of a continuing concern to help relieve problems of high unemployment, the potential role of flexible and innovative working arrangements was once more re-assessed from a worksharing viewpoint.

Much of the present trend towards greater working time flexibility is driven by cost reduction pressures and not to increase the number of persons in employment. An issue for employment policy … is whether and to what extent working time could be re-organised, without adversely affecting cost competitiveness or the interests of employees, in ways which would create additional work opportunities, especially for the long-term unemployed (Department of Enterprise and Employment, 1996, p. 71).

While concerns about the need to address problems of long-term unemployment may no longer be as high profile, in the context of labour shortages in parts at least of the national labour market, an initiative commenced at that time to expand the existing range of flexible working options in the civil service is still under consideration.

Worksharing may also involve social and cultural benefits associated with enabling individuals to achieve a better balance between working time and life outside employment. These should not be seen as exclusively relevant to women who at present do account for most of the incidence of non-standard working time. The social partners will also have an important role to play in the encouragement and promotion of worksharing (Department of Enterprise and Employment, 1996, p. 72).[16]

4.2.3 Gender Equality of Opportunity

However, within a few years, as the public expenditure situation worsened and the embargo on public service numbers became increasingly severe, the policy approach to flexible working arrangements shifted once more. Rather than being explicitly promoted as a tool for employment creation, the job-sharing and career break schemes in particular became seen as a key element in the 'family-friendly approach' being adopted by the civil service, under its *Equal Opportunities Policy and Guidelines* (1986).

The job-sharing and career break schemes have a contribution to make in enabling staff in general to combine work and family responsibilities. Flexible working hours can also make an important contribution in this area. Where circumstances permit Departments should consider the introduction or extension of this arrangement. Departments should actively promote these and future arrangements at all grades and encourage staff to consider these options where appropriate (Sections 32–34).

In this regard, it is interesting to note that the *Equal Opportunities Policy and Guidelines* was frequently cited by the government in its response to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see Department of the Taoiseach, 1987; and the Department of Equality and Law Reform, 1997).

It is important to note that, in their annual reports, the General Council Sub-Committee on Equality has expressed concern about the reluctance of managers in some departments/offices to facilitate career breaks and job-sharing, as well as its restriction in practice to certain grade groups and the negative perception of job-sharers amongst management and work colleagues alike.[17] Despite these acknowledged shortcomings, flexible working arrangements have continued to be perceived as a cornerstone of 'family-friendly' employment policies.

In its *Report to Government (*1993), the Second Commission on the Status of Women recommended, under its provisions for combining work and family responsibilities, that 'flexible working arrangements' and 'career breaks should be available to all employees on the basis of negotiation and agreement with the employer and trade union, where appropriate', with 'all jobs, where possible, ... made available on a shared basis in response to demand' (Recommendation 3.7.16, p. 464). Subsequent progress reports on the recommendations of the Second Commission note the extension of flexitime schemes into the wider public service and the introduction of career breaks in the Defence Forces (Department of Equality and Law Reform, 1994a; 1996).[18] The first national report on the International Covenant on Economic, Social and Cultural Rights records the further extension of flexible working arrangements in the health services (see Department of Foreign Affairs, 1996).[19]

Most recently, the need to update the 1986 *Equal Opportunities Policy and Guidelines*, including its 'family-friendly' provisions, in the light of identified shortcomings, is leading to a fresh appraisal of the role of flexible working arrangements from an equality of opportunity point of view (see Humphreys, Drew and Murphy, 1999). On a wider policy front, a concerted effort to promote flexible work arrangements for all workers regardless of gender is a key recommendation of the Commission on the Family (1998). In particular, the Commission encourages the wider adoption of family-friendly initiatives by employers, for example to 'meet the needs of workers with caring responsibilities for older family members and to encourage and facilitate men in availing of options to take on caring responsibilities' (1998, p. 14). The important role played by such measures to facilitate women and men in the effective balancing of the demands of caring and work responsibilities was also emphasised by the *Working Group on Childcare Facilities for Working Parents* (Department of Equality and Law Reform, 1994b).

Finally, it is also important to note that an Equality Action Programme was launched by the Minister for the Environment and Local Government in August 1998. In the guidelines produced by the department for implementation of the action programme by local authorities, it is advocated that 'subject to the overall needs and requirements of the organisation, staff with home responsibilities will be encouraged by practical means to successfully integrate their domestic roles with their work life' (Department of the Environment and Local Government, 1998, Section 1.17). In addition, in addressing issues of management support, the guidelines state that 'existing practices which facilitate equality of opportunity, e.g. career breaks, job sharing and flexible working hours, will be continued and operated sympathetically' (Section 2.10).

4.2.4 Public Service Reform

It has already been noted that, in the 1980s, the introduction of more flexible working arrangements was seen as having a positive role to play as part of a wider initiative to reform the public service (see *Serving the Country Better,* 1985). It is therefore not surprising that, over the past few years, a renewed impetus to explore and utilise more flexible forms of working has been clearly asserted in *Delivering Better Government* (DBG), which sets out an ambitious agenda for human resource management reform within the context of the Strategic Management Initiative.

'Recruitment, in the main, is [currently] restricted to full-time, career-length established service, whereas the exigencies of today's working environment demand that a more flexible range of options, such as recruitment on a temporary or part-time basis, be available to management' (DBG, 1996, p. 40). 'A results-driven Civil Service will require a highly flexible, responsive approach to the allocation of work' (DBG, 1996, p. 45). DBG also recognises the important contribution that greater flexibility in working arrangements can make to achieve concrete progress on equality issues.

The promotion of equality policies ... confers benefits on the organisation. It increases productivity by making better use of staff resources. It improves the quality of decision-making, including decisions related to meeting the changing needs of customers. It helps retain the best people by taking their needs into account and allows flexible working arrangements which meet business and staff needs (DBG, 1996, p. 47).

4.2.5 Technological Innovation

An integral aspect of the wider programme of public service reform involves the fuller exploitation of the ongoing potential for improved public management resulting from technological innovation. 'Information technology, by virtue of its increasing versatility and potential to enable radical improvements to be made in the way business is conducted, presents unparalleled opportunities to devise new approaches to existing tasks and new ways of working' (DBG, 1996, p. 68). The potential offered by the effective innovation of advanced IT systems for more flexible forms of working arrangement is considerable. 'The type of work we do will change in the Information Society. So also will the location of work for many people ... Teleworking (working from home or other non-office locations using information and communications technologies) will become a feature of most people's work patterns, even if only a minority are teleworking at any one point of time' (Information Society Ireland (ISI), 1996, p. 9). 'A world of new working patterns will mean that people will experience the benefits and challenges of flexible working, self-employment and teleworking, experiencing a better quality of life but a less predictable career path' (ISI, 1996, p. 16). 'With effective policies, equality of opportunity between women and men can be enhanced by the potential of information and communication technologies (ICTs) to improve the balance between family and working life' (ISI, 1996, p. 10).

The importance of achieving substantive progress on these issues should not be understated.

The Information Society represents a phenomenal challenge and opportunity for Ireland. We are at the early stages of a new industrial revolution – one which will have more dramatic implications than any other single industrial development in the history of the State. New structures and business models are evolving but unlike in previous times, these developments are taking place at breakneck speed ... Rapid response is needed to ensure that the benefits of the Information Society can be availed of by Irish citizens and Irish businesses, thus contributing to the on-going improvement of Ireland's society and economy. ... Failure to take action could mean that much of the strong economic performance of recent years could be lost ... Failure to act would also mean missing out on the opportunities to improve the social inclusion process through the use of information and communication technologies (ISI, 1999, p. 3).

4.3 Legal and Administrative Context for Flexibility

In addition to a clear understanding of the changing policy context within which such measures are introduced, any responsible discussion of the potential development of flexible and innovative working arrangements must also take cognisance of a number of important legal dimensions to this type of working arrangement. Such arrangements are not uncontroversial and an understanding of the legal implications of their wider promotion is essential.

Atypical work is a new term used to describe the wide variety of employment arrangements ranging from the traditional forms of part-time and temporary work to newer forms such as zero-hours contracts, telework and fixed term/purpose contracts. Even though this term has gained acceptance at European level, it fails to capture the precarious nature of most of these employment arrangements and the extent to which they have become very typical for many occupational groups, in certain sectors and for many women with family responsibilities ... Trade unions are not opposed to atypical forms of work but are opposed to the exploitation and discrimination associated with them (ICTU, 1996, p.1).

It is also important to distinguish between the legal frameworks in the public and private sectors, since these can differ considerably. The primary focus will be on the public service legal framework. The analysis, however, will not simply be confined to the public service framework for two reasons.

- The increasing usage of non-permanent employment in the semi-state sector (for example, usage of temporary contracts) requires a consideration of the private sector legal framework.
- There are aspects of employment law, which spans both sectors, that are of relevance to the flexibility debate. The two most notable aspects are equality legislation and working time legislation. Accordingly, these will be considered insofar as they are relevant to this analysis.

4.3.1 Public Service Legal and Administrative Framework

In the civil service, as in the public service as a whole, recruitment in the main has been, and continues to be, restricted to full-time career-length established positions, although there is a recognition that 'the exigencies of today's working environment demand that a more flexible range of options such as recruitment on a temporary or part-time basis be available to management' (DBG, 1996, p. 40). Attempts were made in the 1980s to develop greater flexibility in employment with the publication of the 1985 White Paper on the civil service, *Serving the Country Better*. Interestingly it was the aspects of the White Paper that related to greater flexibility of tenure that proved most controversial at that time.

Currently, both recruitment and the terms and conditions for working arrangements are determined centrally in the civil service. Recruitment to permanent positions is undertaken by the Civil Service Commission on behalf of departments/offices under the provisions of the Civil Service Commissioners Act, 1956 and the Civil Service Regulations Act, 1956. Staff numbers, grade classifications, pay and working conditions are set centrally by the Department of Finance, and negotiations in relation to changes in the terms and conditions of employment are conducted in the main at General Council level between the official and union sides. Similarly, any locally negotiated agreements must be approved by the Department of Finance (see McNamara, 1995).[20] It has also been suggested that the centralised nature of recruitment makes it difficult for departments to respond to varying patterns of work demand and that there can be significant delays in 'drawing staff down from panels'. Equally, 'departments do not have the flexibility to let staff go during less busy periods' (McNamara, 1995, p. 33).

At the same time, there have been some changes to the legislative framework governing civil service employment, most notably the Public Service Management Act, 1997, that amends certain provisions of the Ministers and Secretaries Act, 1924. This Act introduces a degree of potential flexibility with regard to the management of individual departments/offices. It transfers responsibility for personnel matters, including appointment and dismissals, from the minister concerned to the secretary general of each department. The extent to which such powers will be exercised will need to be tested over time. DBG (1996) also made it clear that the current centralised approach, whereby selection for the vast majority of appointments is made by the Civil Service Commission, is likely to remain. However, in the longer term it has also been stated that 'a new model for public service recruitment, underpinned by new legislation, is currently being developed (see Ahern, 1999, p. 4).

4.3.2 Relevant Private Sector Legislation

While Meenan (1994) points out that up to that time the terms part-time employment, temporary employment and short-term employment were not legal descriptions, recent legislative developments have resulted in increased protection for workers engaged in more flexible forms of employment. Most notably, the Workers Protection (Regular Part Time Employees) Act, 1994, was introduced, with the objective of protecting the interests of part-time workers, who were until then largely unprotected by employment law.[21] As a consequence of this Act, the protection afforded by various employment statutes has been extended to cover part-time employees (see Butler, 1994). The Act reduces the number of hours worked per week to eight, which an employee is required to work in order to qualify for protection under the Unfair Dismissals Acts, 1977 to 1993. In addition, Section 13 of the Unfair Dismissals (Amendment) Act, 1993 extended effectively employment protection to agency workers.[22]

However, Meenan (1994) also points out that while improvements have occurred in relation to the recruitment and protection of part-time workers, there are still questions raised in relation to certain types of non-standard employment. For example, prior to 1993 temporary officers employed by health boards, such as nurses and doctors, were excluded from the scope of the Unfair Dismissals Act, 1977, even where such officers had been employed as temporary officers for a number of years. However the Unfair Dismissals Act, 1993 makes provisions that temporary officers now fall within the scope of the dismissals legislation.[23]

4.3.3 Equality legislation

Since the mid-1970s, employees in both the public and private sectors have received a degree of protection under employment equality legislation. Given the concerns raised in the literature review regarding the potential for part-time workers to be exposed to discriminatory working practices, in addition to the expressed concerns of trades unions regarding atypical employment, it is important to review briefly some of the main provisions of past and present equality legislation in relation to the particular concerns and circumstances of non-full-time workers. Following Ireland's accession to the European Community in 1972, three major pieces of legislation have been enacted to facilitate greater gender equality of opportunity in the Irish workplace.[24] These will now be considered, insofar as they have implications for those working in non-full-time standard employment.

- The Anti-Discrimination (Pay) Act, 1974 provides the right for men and women to equal pay for like work or work of equal value.[25] In the context of non-standard hours of employment, part-time workers are covered by this Act (see Higgins and Keher, 1996). For example, an employee working part time should not be paid at a lower pro-rata rate than that of a full-time employee, where they are employed on 'like work'. A number of significant judgments by the European Court of Justice (ECJ) have also clarified the

entitlements of part-time workers in important areas such as pensions and salary increments.[26]

- The Employment Equality Act, 1977 was of particular importance in the context of the development of flexible and innovative forms of employment. The 1977 Act outlawed both direct and indirect discrimination on the grounds of gender or marital status, in relation to many aspects of employment from the recruitment process, through working conditions, to dismissal. In the context of the public sector, cases taken under the 1977 Act have tended to focus on discrimination in relation to promotional, seniority and related issues.

  In this regard, the detailed implications of a recent ECJ ruling (*Gerster* v. *Bayern Freistaat,* 1997) are likely to be very significant. Following this ruling, part-time workers must be treated similarly to full-time staff when considered for promotion, *unless* objective criteria, unrelated to gender, can be shown. This ruling will be particularly significant where seniority or service is a factor in consideration for promotion, for entry to promotion competitions, for assignment to higher duties, and for transfers. As Humphreys, Drew and Murphy (1999) have noted, seniority continues to be a significant factor in promotion practices across the civil service.

- Finally, the Employment Equality Act, 1998 replaces and significantly improves earlier legislation. It also has a greatly extended remit to cover discrimination on the grounds of not only gender and marital status, but also family status, sexual orientation, religious belief, age, disability, race and membership of the travelling community. The newly established Equality Authority has responsibility for reviewing the Employment Equality Act, 1998, the Adoptive Leave Act, 1995, the Maternity Protection Act, 1994, and the Pensions Act, 1990.

4.3.4 Other Legislative and Administrative Developments

A number of other relevant legislative and administrative developments have implications for the wider development of flexible and innovative working arrangements.

- The Parental Leave Act, 1998 has been introduced in response to the requirements of the EU Directive on Parental Leave (1996). This Act provides for the granting of unpaid leave for each parent for a period of up to fourteen weeks, for each child under the age of five years, in order to take care of the child. The Act also provides for paid leave for urgent family reasons in cases of sickness or accident of a close relative that made the presence of the employee indispensable. This can be taken for a maximum of three days leave in any consecutive twelve-month period or a maximum of five days in any period of thirty-six consecutive months. Concern has already been expressed, however, that the new Act may reinforce existing gender segregation in the labour market, since it is more likely that women rather than men will avail of such leave, which is unpaid in contrast to similar legal provisions in other European countries (see *IPD Ireland News*, 1999).

- An administrative development with similar provisions to the Parental Leave Act was also recently introduced in the public service. A pilot term-time working scheme was introduced within the civil service in 1998 and the following year operated in four departments: Agriculture and Food; Enterprise, Trade and Employment; Social, Community and Family Affairs; and the Office of the Revenue Commissioners. In 2000, it is to be extended across the civil service. This scheme allows staff who have one or more children under the age of 17 to take unpaid leave for a set period during the school summer holidays. The scheme provides for ten weeks leave for parents with children attending primary school and thirteen weeks for those with teenage children (since their school holiday period is longer). Civil servants who are not necessarily parents but who are primary carers of a person residing with them who has a disability

of a nature which requires full-time attention may also take leave under the initiative. It has been argued that the initiative is 'seeking to address the thorny problem of career versus family which is of particular relevance in an environment in which the civil service are experiencing the difficulties of recruitment and retention' (see *IPD Ireland News*, 1999).

- In addition, other recent developments in EU law have implications for the usage of non-standard forms of work. For example, the EU Directive on Part-Time Work establishes the principle of non-discrimination and provides that part-time workers cannot be treated in a less favourable manner than comparable full-time workers, unless different treatment can be justified on objective grounds. The Directive defines a part-time employee as someone with a contract or employment relationship whose normal hours of work, averaged over a period of up to a year, are less than the normal hours of comparable full-timers. Member states will still have discretion on the inclusion or otherwise of casual and temporary workers from any consequential legislation.

At national level, there have been a number of other developments which impact on non-standard forms of work and which cover both the private and public sector, which are worth noting briefly.

- Since the initiation of the Organisation of Working Time Act, 1997, the maximum average working week is forty-eight hours, but averaging may be balanced over a four, six or twelve-month period. The Act also covers employee entitlements in relation to rest periods allowable in respect of working periods. The Act has implications for employers who utilise overtime as a form of numerical flexibility to meet demand, as it places a limit on the hours which may be worked by employees. The Act also provides for entitlements to annual holidays for full-time, part-time and casual workers.

- All provisions of the Health, Safety and Welfare at Work Act, 1989 apply to all employees, including home workers and those who work outside the conventional office. Under the provisions of the Act, both employers and employees have statutory obligations based on common law duties of care. The employer has an obligation to ensure, insofar as is possible, the safety, health and welfare of their employees and, consequently, every place of work must have a safety statement. The need for such a guarantee extends to more innovative forms of working, such as home working. Thus in the case of home working, it is suggested that a risk assessment of the home work station should be undertaken by the employer, in conjunction with the home worker (see Department of Enterprise, Trade and Employment, 1999).

4.4 Concluding Remarks

'The buoyant jobs market means that, due to our economic success, most employers, including the Civil Service, are experiencing difficulties in attracting and retaining high quality recruits. Without the people to do the work, the service cannot be provided...' (Ahern, 1999). It is within this context that renewed interest has been expressed about the further development of flexible and innovative working arrangements in the Irish public service. However, what is also clear from the above discussion, is that efforts to enhance the public service's position as an 'employer of choice' in the current labour market will need to be fully aware of and responsive to the changing policy, legal and administrative contexts within which such developments will take place.

PART 5
INTERNATIONAL APPROACHES

5.1 Introduction

Before undertaking a detailed appraisal of current arrangements for flexible and innovative working in the Irish public service in Part 6, it is valuable to establish a wider international context for such a discussion. Clearly the potential scope for such an international review is considerable, given the diversity of types of provision and systems of public administration even within member states of the EU. At the same time, the validity of such international comparisons can be constrained by the very different socio-economic and political contexts within which they have been developed, compared to Ireland.

Accordingly, the emphasis in this opening section is to identify some key international trends in flexible working arrangements, as evaluated by the Organisation for Economic Cooperation and Development (OECD), and to highlight illustrative examples of innovative approaches adopted in a small number of individual countries. Such individual national examples are not intended to be representative of wider developments but are indicative of the potential for the development of innovative approaches to flexible working that could be considered in Ireland.

5.2 Cross-National Experiences

As the International Labour Organisation has indicated:

> Over the past 20 years, the organisation of working time has changed considerably. New forms, such as part-time working, have gained ground; in some countries working time is being reduced in order to create jobs, and in others it is being extended; new formulas combining education and work are emerging; and working time is no longer automatically organised on a weekly or annual basis, but a more flexible approach is being adopted (Bosch, 1999, p. 131).

In recent years, the work of the OECD has been particularly valuable in monitoring and encouraging the development of more flexible working arrangements in the public management systems and wider labour markets of member states (see OECD, 1994; 1995; 1996).

Within the public services specifically, the work of PUMA has highlighted the important changes which are taking place in the management of public sector personnel in many countries, including the introduction of more flexible forms of work (see www.oecd.org/puma/mgmtres/budget/hrm/ act.htm). In particular, the OECD suggests that recent trends, such as the growth in female participation and of new technologies, have rendered standardised working arrangements obsolete. However, in its 1994 Jobs Study, the OECD also notes that many traditional patterns in the organisation of work and working time remain enshrined in legislation or collective agreements, thus making change difficult. Such restrictions hinder labour market flexibility and it is suggested that less rigid arrangements for daily, weekly, annual and lifetime working hours could meet both enterprise requirements and worker aspirations more effectively. For example, more flexible working arrangements would facilitate greater lifetime participation of women in the workforce (see www.oecd.org/sge/min/job94/part2c.htm). In this regard it is important to note that the OECD has analysed the potential role of flexible working arrangements from a work-sharing perspective, specifically to assist in addressing unemployment difficulties or labour shortage problems in member states. In its core recommendations, the Jobs Study included action to increase flexibility of working time (both short term and lifetime) voluntarily sought by workers and employees.

The OECD (1995) warns that the type of working time flexibility sought by employers may not always coincide with the aspirations of workers, and suggests that the best way to resolve such conflicts is through negotiated solutions at decentralised levels. These arguments were reiterated in its 1996 report:

> The *Jobs Study* concluded that traditional working-time arrangements, which have been enshrined in legislation or collective agreements, may hinder labour market flexibility and, indirectly, job creation. Firms' labour requirements vary over time and across sectors ... A single set of rules for all firms or sectors constrains both workers and firms, leading to reduced output and employment. More flexible working time arrangements, arrived at via decentralised negotiations, allows a better match between firms' labour requirements and workers' aspirations – including flexibility desired for family or educational reasons (p. 23).

Finally, in its report on seven member states – Australia, Canada, France, Spain, Sweden, the UK and the US – the OECD (1999) points out that although civil service employment in each of these countries has been declining, with the exception of Sweden, part-time working has increased, particularly for women. Interestingly, it also points out that in the civil service 'part time work is generally a matter of employee demand, whereas in the private sector it is mainly decided by employers' (p. 15).

5.3 National/Local Initiatives

As previously indicated (see 5.1 above), to supplement information available cross-nationally from organisations like the OECD, it is also valuable to consider in more detail a small number of specific initiatives undertaken at national and local levels. While such a selection is inevitably subjective, it does help to identify some of the more innovative approaches being adopted in other countries which could merit further consideration in Ireland.

5.3.1 Some National Initiatives

There are a wide diversity of approaches to the development of flexible working arrangements that have been adopted at national level.

- In France, rules concerning maximum weekly hours are being relaxed to permit firms and workers to agree to annualise working hours, thereby reducing overtime costs and thus the cost of employing workers (see OECD, 1999). Under the *Loi Aubry*, the working week is reduced to thirty-five hours, in an effort to potentially increase employment opportunities. While subsequent evaluation will be required to assess its success in achieving this objective, if successfully enforced, the legislation will have a number of other significant implications.

  Firstly, it draws a clear distinction between hours actually worked and time spent at the workplace. The law specifically defines the working week as *temps effectif* (actual time) and organisations will need to develop means of ensuring real work time during the thirty-five hours. Secondly, the law will apply to higher levels of management in organisations than was previously the case. Thus, although *cadres supérieurs* (top management) will be exempt from the new limit, other staff both management (*cadres*) and non-management (*non-cadres*) will not. For middle and junior managers who had previously been required to work as and when required, this represents a major change in organisational culture and increased access to time off in lieu (see Altman and Bournois, 1999).

- Such French proposals are in marked contrast to the stance adopted by the UK in response to the European Directive on Working Time (see Part 4), where the primary objective appears to have been to negotiate as many opt-outs, exceptions and exclusions as possible. However, it would be incorrect to infer from such very recent developments that the UK had not been strongly committed to the

development of flexible and innovative working arrangements for nearly two decades. As Dex and McCullough (1995) point out:

> During the 1980s, the regulatory framework of the labour market in Britain underwent a series of changes. These changes have been described as promoting labour market deregulation ... 'to support economic growth by promoting a competitive, efficient and flexible labour market' ... Increased flexibility has been viewed as positive and prescriptive by government policy which has regarded labour market deregulation and the growth of flexible jobs as being part of the same process (Watson, 1994). Deregulation has been an attempt to free up the labour market through the greater use of jobs with non-standard conditions of employment; for example, part-time workers (especially those working less than 16 hours per week), seasonal, casual, fixed-term contract and other temporary workers and freelancers (p. 1).

Such developments impacted on both the public and private sectors. As Farnham and Horton (1999) have observed:

> A central feature of emerging employment practices amongst public employers is their focus on flexibility. In this respect, the public services are again going along the pathway of private-sector employers, where the concept of the flexible firm has long been accepted and debated ... This contrasts with the old public services, with their record of job stability, planned career pathways and employment security (p. 165).

Within this context, radical changes were advocated by the Mueller Report, which advocated employment flexibility in order to reduce costs, increase productivity and improve the public services competitiveness with the private sector for high calibre staff (see Management and Personnel Office, 1987). As a consequence, even as long ago as the early 1990s a wide range of flexible work options were identified in the UK public service: including fixed five-day schedules; full daily hours on some days per week; variable weekly hours; unspecified hours to complete specific tasks; term-time only; standby employment; and fixed-term contracts for senior management posts.

- In Germany, the government has introduced a new model project of working arrangements called *Mobilzeit* or 'mobile time'. The new model includes: reduced working time per day (six hours) and other arrangements such as sabbaticals and job-sharing. For example, Siemens offers its employees short-term sabbaticals, in which salaries are reduced by one-twelfth, and employees can take off one month per year or accumulate three months over three years. Time autonomous work groups also form part of this model. This concept requires active structuring of both time and job content, and personnel structure and numbers must be well co-ordinated while solidarity among employees in the group is vital.   Another model developed in Germany is Relay, where an older employee takes flexible retirement, for example part-time from age 55, which is then matched with a younger employee so that knowledge and experience can be passed on (see *IPD Ireland News*, 1999).

- The increased promotion of flexible working arrangements has also been a feature of the public service management reforms in Australia and New Zealand.

5.3.2 Some Local-Level Initiatives

References to the French, British and German experiences at national level have been useful to indicate how radical some approaches can be. They demonstrate how flexible working arrangements can be extended into senior management structures, as well as enhancing the competitiveness of public sector employment vis-à-vis the private sector. It is also helpful to examine some individual initiatives at the organisation level.

- For example, in the US, a large public utility has conducted a six-year field experiment on flexible scheduling. Monthly measures were taken on both a control group and experimental group for three years prior to the intervention of a flexible scheduling program, during the program and for two years after the program. The intervention of flexible scheduling led to a reduction in the absenteeism rate in the experimental group. With the removal of the intervention, absenteeism returned to its base line rate. The control group showed no reduction in absenteeism during the same period (see Dalton and Mesch, 1990).

- In Norway, a number of flexible working arrangements have been utilised to redistribute available work more effectively. Under the *Sandefjord* model, a company organises its working hours in such a way as to concentrate working time and time off into discrete blocks of time. Thus the workforce is split into two shifts working ten-hour days for a six-day period followed by one week off. This means that average weekly working time is set at thirty hours but the operating time of the company is increased by 25 per cent. As a result of this increase in productivity, companies have been able to maintain pay levels and recruit new staff. Under the *Holmestrand* model, systematic overtime working has been reduced with the savings to the company used to increase the recruitment of apprentices.

- As part of its proactive efforts to encourage equality of opportunity, Oxfordshire County Council uses voluntary part-time working, job-sharing, flexitime and time banking to improve retention, motivate staff and reduce absenteeism. At the current time, over 9,000 staff work part-time, mostly as job-sharers, compared to over 6,000 full-time workers. Demand for job-sharing from its employees is considerable and management accommodate such requests provided that certain factors are considered, including the needs of the department, limitations on equipment and space and the need to ensure that one-half of the job-share is viable as a standalone package that would attract a new applicant if one of the job-sharers leaves. In addition, the Council, has operated flexitime working for over ten years. Based upon a 39-hour week for manual workers and 37-hour week for administrative and management staff, all workers can vary their working hours between 07.30 and 18.30 provided that they are present at work between 10.00 and 15.30 (minus a lunch break of 30 to 90 minutes between 12.00 and 14.00). Shortfalls are made up the following week and up to five hours excess each week can be banked for usage at a later stage. Such arrangements have proved particularly popular with head office staff (see European Industrial Relations Review, 1999).

5.4 Some Concluding Remarks

Although full-time working remains the norm in many other countries, it is clear from an assessment of developments cross-nationally, as well as within individual countries and organisations, that there remains considerable scope for greater innovation in Ireland regarding the variety of flexible working arrangements available. A whole range of inter-related concerns can be addressed in this way, including improved efficiency in the utilisation of available human resources, the promotion of improved gender equality, reduced absenteeism and improved staff motivation and the creation of new posts in response to high unemployment problems. Thus, flexible working arrangements would appear to have an assured future, on the basis of international experience alone. Having established the international context, it is now important to review Irish experiences to date with such measures.

PART 6
IRISH PUBLIC SECTOR EXPERIENCE

6.1 Introduction

Having discussed different conceptual approaches to the consideration of flexible and innovative working arrangements, international experiences in this regard, as well as key aspects of national policy development in this area, together with its associated legal and administrative aspects, it is now important to summarise and review the current position in Ireland. To achieve this task, within the finite resources and timescale available, it was not practical to attempt either a national survey and/or in-depth discussions with a representative cross-section of organisations in the non-commercial public service and wider commercial public sector. In addition it was not possible to focus on all the types of flexibility identified by Bryson (1999). Accordingly the study focused on temporal, locational and numerical flexibility. However, utilising detailed research findings from other relevant studies, in addition to holding in-depth discussions with key officials in central government, individual departments/offices, local authorities, employer organisations and major trade union bodies, it is possible to establish a good picture of the current situation in Ireland.

6.2 Temporal Flexibility

As previously indicated (see Part 2), this form of flexibility includes measures, such as flexitime, job-sharing and career breaks, that are amongst the longest established and most widely utilised forms of flexible working arrangement in the Irish public sector.

6.2.1 Flexitime

Originally introduced during the 1980s, flexitime arrangements, along with other forms of temporal flexibility, were introduced in response to 'considerable pressure from both employers and employees to vary the length of the working week' (see Bryson, 1999). As already seen in Part 2 the introduction of such schemes should also be seen as a reflection of larger social trends and shifting organisational needs. Within the Irish context, such trends include efforts to develop worksharing approaches in response to the 1980s problems of high unemployment, in addition to assisting the development of equality of opportunity.

While there are some variations throughout the Irish public sector, all flexitime schemes allow employees to vary their starting and finishing times, outside a compulsory core time, provided an agreed volume of hours are worked over a given remuneration period (see Employment Equality Agency, 1996). Amongst the arguments cited in favour of these schemes by respondents, the most frequently raised were their ability to assist staff to tailor more effectively their working time to fit in with demands outside the workplace and their usefulness in terms of dealing with current travel to work difficulties in urban areas. While there were no strong arguments presented during the research to favour the discontinuation of such schemes, a number of concerns were raised by managers and staff which would be worthy of further consideration:

- From the managers' perspective, concerns were raised about the development of a perceived 'clock-watching' attitude by employees which could cause inflexibilities in time management when there were pressing work priorities. Customers still had to be served and offices covered outside core time. In addition, it was often felt to be more appropriate for administrative support staff rather than management itself.

- From the employees' perspective, views were expressed regarding the current limitations in the amount of flexicredit that could be carried over (often less than

two working days per settlement period), the comparative inflexibility of core-time bands which, for example, did not always facilitate the collection of children from school, as well as their comparatively late start (for example, 08.00) and early finishing (for example, 18.30), which were of limited value in terms of avoiding commuting problems.

In addition, it is important to note that flexitime schemes appear to be far from universal throughout the civil service, never mind the wider public service, and, where they exist, are very often limited to non-management grades. Such a situation would not appear to be consistent with best practice. For example, based upon US experience, Kush and Stroh (1994) argue that problems arise when (a) there is a lack of consistency in the management and monitoring of flexitime schemes and (b) where schemes are not made available on a consistent basis or to all employees. They argue that where such situations exist, perceptions of inequity and potential divisiveness may arise between groups of staff and management. Data available from flexitime schemes also provide a valuable, but presently under-utilised source of information to organisations, to assist them in the proactive management of staff attendance and to ensure compliance with the approach advocated in the Organisation of Working Time Act, 1997.

Bearing in mind the potential benefits and difficulties associated with flexitime schemes, a number of critical success factors can be identified from experiences in Ireland and elsewhere. These may be summarised as the need:

- to educate managers regarding the potential benefits of flexitime working in terms of modern HRM, for example, improved attendance and motivation
- to encourage wider participation, than at present, in flexitime working
- to be open to making systems more flexible to changing organisational and employee needs.

Many schemes have been in operation in organisations across the public sector for over a decade and would appear to be open to fresh evaluation and informed development. Flexible working arrangements should continue to be innovative.

6.2.2 Job-sharing

Together with flexitime and career breaks, there is little doubt that job-sharing is seen as one of the most immediately recognised forms of flexible working arrangement in the public service. Introduced originally as a worksharing measure in the early 1980s in the civil service, broadly similar schemes were introduced in the local authorities, health services, a number of state bodies and, on a very limited pilot basis, in the primary and post-primary schools sector. No equivalent job-sharing scheme was introduced in An Garda Síochána or the Defence Forces.

However, the potential value of job-sharing from a gender equality viewpoint was soon recognised, particularly with regard to its potential contribution in assisting staff to combine work and family responsibilities. Since that time the scheme within the civil service alone has been the subject of no fewer than fourteen Minutes from the Department of Finance to personnel officers, clarifying or amending details of the scheme. In addition, it has been subject to more major modifications, particularly in the light of subsequent legal developments. Thus following the *Gerster* ruling at the ECJ (see Section 4.3.3 above), Circular 4/98 was issued confirming that for the purposes of reckonable service for certain issues such as promotion, credit should be given for job-sharing service on the same basis as full-time service. During the course of the research interviews for this study, it was clear that the full implications of *Gerster* within the public service system remain to be seen. In 1995, it was estimated that job-sharers accounted for under 5 per cent of the number of full-time employees in the various parts of the public sector covered by job-sharing schemes (see Interdepartmental Committee on Worksharing in the Public Service, 1996). However, job-sharing is much more common in the health sector and civil service than in other branches of the public sector.

In addition to the work of the Interdepartmental Committee (1996), there is a considerable body of evaluative research available on job-sharing in the Irish public service.[27] This body of research clearly indicates that job-sharers are overwhelmingly female, concentrated in the lower grades, generally aged 30 to 39 years and are usually job-sharing at a particular phase in their working lives for family reasons (primarily to care for young children). Most job-sharing in the public sector is currently undertaken on either a split-week basis, or one week on and one week off. Partly because of this rigidity, following a government decision in 1997, proposals are being finalised to encourage greater flexibility in the patterns of attendance acceptable within a job-sharing arrangement in the public service, for example mornings only.

Empirical research on existing arrangements in the Irish public sector indicates that, although still a minority working arrangement in the service overall, there is considerable value placed on the availability of such an arrangement from many employees' points of view. Until the demographic structure of the public service changes significantly and/or alternative arrangements are made available to meet the needs addressed by participation in job-sharing, there is little reason to believe that demand for this particular form of flexible working arrangement will diminish over the short to medium term. However, that does not mean to say that current arrangements could not be improved. There is evidence from the research to indicate that job-sharing is tolerated rather than enthusiastically endorsed by many managers and colleagues. Given the longevity of these arrangements, such reservations should not be dismissed as solely the consequence of an innately conservative organisational structure. Rather it does reflect continued concerns by managers about discontinuity of work under job-sharing arrangements and from colleagues' concerns about cover.

From the participant's viewpoint, it is clear that there are concerns that job-sharing is viewed as incompatible with the duties of higher grade staff (at and above EO level) and work with a high policy, as distinct from operational, content. There is also a perception amongst participants that an individual's decision to opt for a job-share, for example during a particular period in their family formation, is often not viewed favourably by managers as a welcome means of retaining good staff who would otherwise have to resign. Rather it can be interpreted by managers as indicative of a lack of commitment to the job. As Humphreys, Drew and Murphy (1999) have observed:

The civil service demands ever longer hours from its staff and the availability of particular individuals is difficult to maintain in a job-sharing situation ... On a number of occasions, reference was made to the strong 'cultural opposition' of managers to job-sharing except at lower grades. Perhaps not surprisingly in these circumstances, on promotion, job-sharers often have to revert to full time working. The current system places a burden on individuals, particularly in the higher grades, to justify their request for job-sharing rather than requiring the manager to justify in specific ... terms why job-sharing is not acceptable given the particular duties of that post (pp. 37–8).

Indeed, given the highly gendered and gradist character of the current arrangements, serious concerns were expressed during the course of this study that, whatever its intentions, job-sharing tended to reinforce, rather than assist in breaking down, occupational segregation within the public service.

6.2.3 Part-Time Working

Compared to the public sector, part-time working is far more significant than job-sharing in the private sector. Indeed, it is important to note that in the non-industrial civil service, there are comparatively few 'part-time' staff per se. However, most departments/offices with significant numbers of job-sharers would also have a small number of unmatched job-sharers. Such situations often arise due to difficulties in finding partners. As a consequence, an anomalous situation has arisen in some parts of the public service. For example, in 1995 it was estimated that 40 per cent of 'job-sharers' in local government did not have a partner (see Interdepartmental Committee, 1996).

Theoretically, there would appear to be a clear conceptual distinction between job-sharing and part-time working. Thus, job-sharing is intended to be an arrangement whereby two employees share the rewards and responsibilities of a single job. A part-time job is intended to be a single, self-contained entity and not one half or part of a broader job. In practice, however, reality is not so neat and a significant number of job-sharers in the wider public service appear to be unpartnered.

In addition to unmatched job-sharers, however, part-time working per se is an established feature of specific areas of the public sector, often in manual grades. For example in the local authorities, part-time staff are a vital element of the retained fire service. Part-time staff are vital in the health sector, not only in nursing areas but also amongst catering, cleaning and other support staff. Part-time teachers have an important role to play in the vocational education sector as well as some commercial semi-state bodies. In 1995, it was estimated that there were circa 15,000 part-time workers in the health services, local authorities and post-primary education sectors. Unfortunately, little is known about the number of hours actually worked by such part-time staff in the public sector (see Interdepartmental Committee, 1996). However, it is worth noting that some semi-state bodies are considering proposals to develop a wider spectrum of part-time working options, for example other than 50 per cent.

6.2.4 Career Breaks

In addition to flexitime, as well as shared and unshared part-time jobs, career breaks are the other most well-established form of flexible working arrangement in the Irish public sector, having been introduced initially on a pilot basis in 1984 (see Circular 28/86).28 In summary, provisions in the civil service normally allow for a minimum of six months and up to ten years special leave without pay for a career break, for example for domestic, education or travel purposes. As with job-sharing, similar provisions have applied as career breaks have been extended into the wider public sector. Although there are variations regarding the type of activity that can be engaged upon when on a break, as well as conditions governing return to work. In 1995, it was estimated that a total of 5,500 staff were on career breaks, of which over half were in the education and health sectors (see Interdepartmental Committee, 1996). Unlike job-sharing, career break provisions are available in An Garda Síochána.

It has already been noted (see Part 3) that, within the civil service at least, there is a higher level of involvement of men in the career break scheme than in job-sharing, although gender differences remain in relation to motivation for the break. Women are still more likely than men to take a career break for caring reasons, while men are generally motivated by factors such as travel and study. A similar pattern appertains in local government. Outside the civil service and local authorities, it would appear, however, that career breaks remain most popular with female staff in teaching, nursing and clerical posts. While such breaks remain generally popular amongst employees, managers do express concerns about the difficulties of obtaining and training replacement staff, during periods of absence by permanent employees, as well as retraining returnees given current rates of change within the public service.

6.2.5 Term-Time Working

In order to ease the difficulties caused to working parents by school vacations, and particularly during the summer months, a number of countries have introduced term-time working provisions in recent years. During the 1990s, such arrangements were made available through much of the British public service, as well as the private sector. For example, in order to enable families to cope with childcare responsibilities during school holidays, the UK's Department for Education and Employment (1991) has introduced term-time working. This is seen as a means of retaining the skills of employees with school age children, while at the same time enabling them to care for their children during the summer period.

The provisions of the term-time working scheme first introduced in the civil service in 1998 have already been outlined above. In summary, departments/offices allow staff with primary caring responsibilities to take unpaid leave during the summer to coincide with school holidays. Up to the end of May 1999, a total of 352 applications had been received, of which 87 per cent were from women. Overall, 76 per cent of applications were granted. While the largest grade group represented was at clerical officer (CO) level, the Department of Social, Community and Family Affairs (DSCFA) had the widest range of applicants in more senior grades up to assistant principal level. Reflecting its decentralised and regionalised organisational structure, the DSCFA also had two-thirds of its applications from outside the Dublin area. During 2000, this scheme is to be extended to all departments/offices.

To some extent it is too early to be able to evaluate the impact of these provisions from management and employee perspectives. Such a specific and detailed evaluation was also outside the wider remit of this study. However, an examination of the information available to date does indicate a number of important issues. These may be summarised as follows:

- While all participating departments/offices stated that the needs of the work in the area (operational requirements) were paramount in the selection criteria, which should be decided by local management, there was significant variation in how the selection process was operationalised. In one case, an overall numerical cap was used to limit vacancies arising in any particular area. In some Departments, seniority criteria were used, but not in others.
- Although the Civil Service Commission was able to provide some assistance through the provision of names from a central CO competition, most temporary recruitment was undertaken locally. Indeed, it was felt by some managers that existing centralised arrangements were unwieldy and slow. Although few men applied for such vacancies, it is interesting to note that demand was exceptional in some areas. Likewise, across the country, in addition to students, many posts proved attractive to women in the 40 to 50 years age group.
- While it is important to maintain a degree of managerial flexibility to ensure sensitivity to actual differences in service demands, there does appear to be some variation in the approval rates for applications overall between departments/offices. For example, in one department, 100 per cent of applications were granted. In another department, the success rate for applications was 75 per cent. Clearly, as the scheme is developed and potentially extended, any consequential concerns about consistency of treatment would need to be addressed.

6.3 Locational Flexibility

Locational flexibility relates to the choice of working location and varying the geographical location of the workplace to meet the changing needs of the organisation. On the basis of the discussions held with key informants as part of this study, there are currently two main types of locational flexibility in operation in the Irish public service: flexiplace and teleworking. Each of these has somewhat different characteristics and merits separate consideration.

However, it is important to distinguish between both these types of locational flexibility from more traditional 'homeworking'. The latter does not come within the remit of the current study and is often associated with the 'informal economy and is subject to low pay, low status and is denied the benefits of social protection' (Employment Equality Agency, 1996, p. 14). However, whether traditional or otherwise, good practice indicates that:

> ... employers and employees must agree on the terms and conditions for all forms of home-based working. Employers benefit from higher productivity, increased morale and savings on overheads, such as office space. Employees can reduce stress levels, cut back on travel time and achieve a better balance between work and family responsibilities (EEA, 1996, p. 15).

6.3.1 Flexiplace

Flexiplace working is where, in particular circumstances, an agreement is reached between employer and employee to undertake work at home rather than from the office for a specific period of time. Most frequently, this period is agreed for family-friendly reasons and/or to complete a particular project. With improved IT and telecommunications infrastructure in many homes, the discussions during the study indicated that informal flexiplace arrangements on an individual basis are not uncommon in the public service at present to meet emergency or other extra-ordinary situations. However, it was felt that, aside from individual circumstances, further consideration needed to be given to a more systematic form of IT-based home-working, in other words teleworking.

6.3.2 Teleworking

The *Teleworking Report*, published in 1999, made the following predictions in regard to working life in 2010:

- In 2010, everyone has access to cheap high-speed communications networks and can use these networks to connect with people and/or do business.
- New (virtual) organisations and communities have sprung up on the Web, allowing everyone to trade and to share information and common interests. Most commercial activities are carried out on the Internet (e-commerce).
- Careers change even more often than now, and people constantly have to update their skills through life-long learning.
- All organisations are changing the way they work and trade. Patterns of work have changed and most people are able to choose when and where to work. Teleworking is an accepted way to work (Department of Enterprise, Trade and Employment, 1999).

Teleworking uses information and communication technologies (ICTs) to carry out work independent of location. Teleworking is not a job but a way of working. People who use teleworking include teleworkers – at home or in a remote office, full time or part time; telecommuters – part time at home and part time in the office; and mobile teleworkers. In its June 1999 report, the National Advisory Council on Teleworking states that:

> ... there are still significant barriers to be overcome before Ireland can fully reap the benefits of teleworking. The greatest barriers are lack of awareness, relevant training and a fiscal and legal environment that supports teleworking as a method of work. Many in leadership positions (Government, education, business, the unions, development agencies and community groups) do not appreciate the potential of teleworking skills and technologies and the advantages that can be derived from them (p. 6).

These views were substantiated during the discussions held for this study. At present, it is apparent that while there is considerable interest amongst managers themselves for teleworking in particular, it was felt that other than individual informal, flexiplace agreements, the wider adoption of teleworking in the public service would require a substantial change in managerial and organisational culture. In particular, the strong cultural emphasis at present on visibility and hours of attendance, incorrectly focused managerial attention on time spent at work rather than its productivity and value added. As a consequence it is still true to say that 'the amount of research being conducted into teleworking has led to a much quoted adage that there are more people doing research into telework than there are teleworkers' (European Foundation for the Improvement of Living and Working Conditions, 1994, p. 12).

Individual departments/offices are however piloting teleworking at present, albeit on a limited scale. In addition, in the commercial semi-state sector, the expanding capabilities of ICTs to transform working practices are being more actively pursued. However, as the National Advisory Council points out, there needs to be concerted action across a wide front for the full potential of teleworking to be realised. The success of such action will also be predicated at least in part on the adoption of effective codes of practice to address some of the frequently cited concerns about the potentially negative aspects of teleworking. These can include:

- the disintegration of collective forms of work organisation
- increasing precariousness of employment
- the exploitation of vulnerable groups of workers
- a reversal of progress towards equal opportunities
- erosion of vocational training structures

- social isolation
- the facilitation and tacit encouragement of poor employment and management practices (see Irish Congress of Trade Unions, 1996).

Health and safety obligations under the 1989 Act also need to be met. Assuming that the necessary codes of good practice are implemented, to provide effective protection against such negative aspects, there would appear to be considerable latent potential, and not insignificant potential demand, for the wider availability of teleworking, for example, within the public service (see Huws, 1995; 1999).

6.4 Numerical Flexibility

Numerical flexibility refers to the ability of employers to adjust the numbers working and/or hours worked by employees in response to changing organisational needs. Most characteristically, in the public sector, such flexibility includes the use of short-term or temporary contracts.

6.4.1 Contractual Employment

In the civil service, as in the wider public service as a whole, employment in the main has been, and continues to be, restricted to full-time career length established posts. Within this context, fixed-term employment is the exception rather than the rule in the Irish public service. That does not mean, however, that it is insignificant. It has already been seen that the development of more flexible working arrangements in the permanent workforce has, in turn, led to increased opportunities for temporary employment to provide cover for staff on career breaks and on term-time working. Similarly, seasonal/casual work has been a regular feature of employment in local authorities and many semi-state bodies for a considerable number of years. Such arrangements do, however, tend to reinforce the stereotypical perception of contract employment as peripheral to the core activities of the public service (see Part 2).

Such a portrayal is not, however, entirely accurate. A number of professional staff are recruited to the civil service and wider public service on fixed-term contracts. The health sector in particular employs considerable numbers of temporary nursing staff. Likewise, substitute teachers in school are an integral part of educational provision. In addition, and at the most senior level, since the establishment of the Committee on Top Level Appointments in the Civil Service (TLAC) in 1984, most secretaries general are appointed for periods up to seven years. In this regard it is interesting to note that:

> ... concern was expressed that the imposition of a seven year limit on the term of office of Secretaries General appointed under TLAC would discourage some candidates from competing. Experience has not substantiated these concerns. All the indications are that the field of candidates for Secretary General positions has consistently included a cross-section of the most able, eligible officers (TLAC, 1998, p. 9).

Similar developments have occurred in the wider public service. For example, in 1991, contracts of employment were introduced for city and county managers.

Other public administrations, such as New Zealand and the UK, have gone much further in introducing temporary contracts of employment into the core of their organisations. Indeed, contractualisation of employment became a major tool of the public service reform programmes in those countries. To date, there would appear to have been little further active consideration of the wider extension of contractual employment to less senior grades in the Irish public service. During discussions, it was pointed out that the public service was unlikely to enhance its potential to become an 'employer of choice' by adding fixed contracts of employment to the comparatively uncompetitive salaries also on offer. While such an argument makes considerable sense in the current labour market, reservations about fixed-term employment are deeply embedded in the Irish public service – where comparative security of tenure is still seen as one of its major attractions from an employee's perspective. The development of zero-hours contracts in parts of the private sector, particularly retail and catering, has done little to assuage such fears.

However, assuming that pay and conditions of employment are comparable with permanent staff, the availability of fixed-term contractual employment can offer benefits to both employers and employees. It has already been noted how important temporary employment can be in providing cover to complement the permanent workforce. Contractual employment can also be significant for allowing the utilisation of specialist skills or to provide opportunities for those entering, leaving or returning to the labour market. In this regard, contractual employment can have a positive role to play in enhancing the diversity of the workforce. This is usefully illustrated in *IPD Ireland News* (1999):

> Microsoft EPDC employs people from approximately twenty-eight different countries in its Irish headquarters at Sandyford, Dublin. Much of the work is based on diverse groups of employees working with one another on specific projects. In this situation it is crucial that all employees treat each other with dignity and respect and that people of different nationalities, cultures, religions and subject matter expertise can work together in a successful manner. Those organisations with 'clone recruitment' practices miss out on the variety of ideas and contributions that can be harnessed in a diverse workforce. They are also more likely to encounter problems arising from 'group think'.

6.5 Some Concluding Remarks

Although the public service in Ireland can express justifiable satisfaction with the length of its involvement in flexible working arrangements, and its exemplary role in promoting flexitime, job-sharing and career breaks, the overall picture at the end of the 1990s is somewhat uneven. With these notable exceptions, there has been comparatively little experimentation to date in the exciting opportunities presented by ITCs for the development of teleworking. Likewise, there remains a continuing commitment to the traditional norm of full-time, permanent employment. Indeed, there is research evidence to suggest that deviation from that well-established norm is not perceived as appropriate for 'real work' and involvement in flexible working arrangements can indicate a lack of commitment to the organisation and career progression within it. Apart from recent piloting of term-time working, there has also been an apparent lack of willingness to experiment with new innovative working arrangements, for example more varied forms of part-time working, personalised hours or time banking. Given the drive to transform HRM in the public service and quality customer services as integral aspects of the SMI, the time would appear opportune for further active consideration of these matters.

PART 7
CONCLUSIONS AND WAYS FORWARD

7.1 Competition and Change

After decades of comparative complacency, through eras of high unemployment and oversupply in the domestic labour market, Irish public service employers need to adjust both strategically and effectively to an entirely new set of market and employment conditions from which there would appear to be no going back. In the context of a buoyant national labour market, public service bodies are finding it increasingly difficult to attract and retain high calibre staff. As never before, public service employers are having to compete with commercial organisations while offering often non-competitive rates of pay at a time of labour shortage, and when their traditional appeal of offering 'a job for life' is far less appealing, particularly for younger staff.

At the same time, as European trends clearly show, fundamental changes are taking place in many national labour markets to both facilitate, and in consequence of, the increasing participation of previously under-represented groups, for example women. As employment has shifted from primary and secondary industrial sectors to services, so too have previously untapped pools of potential labour supply been attracted into, or back to, paid work. National taxation systems are also being revised to reflect and facilitate these trends. Simultaneously, and irrevocably, the accelerated development of, and potential unleashed by, information and communication technologies (ICTs) to transform not only the way work is done but the type of work that is done, demands new patterns of work organisation that challenge well-established and comfortable patterns and relationships in the workplace. All of these fundamental and potentially radical developments challenge existing organisational structures, processes and cultures. In such challenging circumstances, how can the public service present itself with credibility as 'an employer of choice'?

7.2 Flexible and Innovative Working Arrangements

Within such a markedly changed employment context, the findings of this report clearly indicate that the public service could both give more prominence to progress already made, and become more innovative in further developing flexible working arrangements which could assist in attracting, retaining and encouraging the return of staff from as wide a potential employment pool as possible. This report has sought to identify and evaluate current and potential flexible and innovative working arrangements in the Irish public service, in order to identify key issues that will need to be addressed in order for such innovations to be more widely adopted to strengthen its position as an 'employer of choice'.

In summary, the main types of flexible working arrangements covered by this study include measures, which provide:

- Temporal flexibility: for example, flexitime, job-sharing, part-time working, career breaks, term-time working.
- Locational flexibility: for example, flexiplace and teleworking.
- Numerical flexibility: for example, fixed-term employment.

While worthy of separate consideration, other forms of flexibility, such as financial and functional flexibility, were outside the scope of this study. Following a detailed review of available documentary and statistical material in relation to the extent and character of relevant flexible and innovative arrangements nationally and internationally, in addition to a range of discussions with senior managers, personnel officers/HR managers and trade union representatives in a cross-section of Irish public sector organisations, it is possible to draw conclusions to assist in informing debate on this topic amongst public service managers, trade unions and policy makers.

Accordingly, the purpose of this chapter is not to reconsider the detail of the arrangements already discussed in this report, but rather to identify some key concerns regarding existing arrangements, and to plot practicable ways forward to assist in the development of more effective and innovative flexible working arrangements.

7.3 Some Key Issues and Challenges

It is possible to identify a number of key issues and challenges which need to be addressed in order to ensure that existing and potential flexible working arrangements are effectively managed and utilised in the future. These can be summarised as follows.

7.3.1 A Strategic Approach

To date, flexible working arrangements have generally been introduced in an ad hoc, incremental fashion, often in response to changing legal or national-level policy requirements, for example to manage public service numbers or to promote equality of opportunity. They are usually introduced on a service-wide basis, rather than in response to the specific business needs of the organisations concerned. Best practice, however, would suggest that the development and usage of flexible and innovative working arrangements should add value to the organisation in assisting the achievement of its strategic objectives. A useful process for explicitly linking flexible working arrangements with business needs is human resource planning, which has been described as:

> ... the systematic and continuing process of analysing an organisation's human resource needs under changing conditions and developing personnel policies appropriate to the longer-term effectiveness of the organisation. It is an integral part of corporate planning and budgeting since human resource costs and forecasts both affect and are affected by longer-term corporate plans (IPD cited in Armstrong, 1997, p. 405)

In other words, flexible and innovative working arrangements should be designed, implemented and reviewed by organisations, in conjunction with other HR policies, in the context of changing external and internal factors. Externally, a range of factors influence the demand for flexible working arrangements, including the increased participation of women in the workforce (including returners), revolutionary developments in ICTs, demands for improved quality of customer service and the increased dynamism more generally within the labour market. While the public sector has been slow to respond to such changes, best practice HRM would suggest that such external developments should meaningfully inform the formulation of recruitment initiatives and plans both at central and line department levels.

From an internal perspective, there should also be an optimal fit between an organisation's changing business needs and the usage of flexible working arrangements. A recent study of strategic management practice in the civil service (Boyle and Fleming, 2000) suggests that frequently organisations fail to think through the implications of business strategy for the structuring and organising of work. The research evidence produced in this report suggests that there is a requirement to ensure that both business needs and the demand for flexible working arrangements are accorded priority within the HRM process. This would be in marked contrast to the prevailing situation at present, whereby existing job structures and design dictate the availability of flexible working arrangements. Too often the further development of flexible working arrangements is being hampered by the highly inflexible context within which they are required to operate. 'Real work' is still perceived as a full-time job and job-sharing as the only part-time working option. International experience would clearly indicate such inflexible attitudes and working arrangements as being outdated.

7.3.2 Integrating flexible working arrangements with other HR policies

Adoption of a strategic approach also requires much greater complementarity and synergy between flexible working arrangements and a range of other HR policies including recruitment and promotion systems, training/development policies and equal opportunities policies. This report shows that flexible working arrangements need not in themselves be problematic from an organisational point of view. Rather problems arise when they are imposed on rigid systems of work organisation which are based on fixed assumptions regarding the arrangement of tasks and jobs on a full-time basis. As a consequence, problems caused in work management are attributed to take up of atypical working arrangements as opposed to the organisation of work itself. As a result, employees may be reluctant to avail of flexible working arrangements or may feel that they undermine career prospects by doing so. The prevalence of such attitudes or barriers may mean that the organisation is not developing or achieving the full potential of all its employees, which is in essence the aim of HRM, and indeed, the aim of the wider programme of HRM reform envisaged under *Delivering Better Government*. This research highlights the need for a number of actions, which are required to ensure that flexible working arrangements are effectively integrated with HR strategy:

- Given the highly gendered nature of participation in many flexible working arrangements at present, the further development and promotion of flexibility has to be mainstreamed within more modern approaches to the management and encouragement of diversity and equality of opportunity in organisations. The findings of this report, and other recent research (Humphreys, Drew and Murphy, 1999) suggest that flexible working arrangements must not be seen to be an 'add-on'. Rather, they must be made available as part of a much more concerted effort to develop equality strategies which would maximise the potential of all employees and assist employees in better reconciling work and family responsibilities

- Equally, other HR policies should support and facilitate the take up of flexible working arrangements. Customised training and development programmes could be designed to address any potential disadvantages associated with take up of flexible working arrangements, for example the potential for marginalisation from core business activities or new developments in the organisation. There is also a need to ensure that promotion systems support rather than hinder the take up of flexible working arrangements. The recent ruling by the European Court of Justice in the *Gerster* case would appear to represent a positive development in this regard. Henceforth, employees who opt for less than full-time work should no longer be at a disadvantage

vis-à-vis full-time workers where seniority is a factor in promotion decisions. At the same time, this development alone will not ensure a 'level playing pitch' for less than full-time workers. What is more important is that other HR policies are designed to ensure that employees who opt for flexible working arrangements do not suffer in career progression terms. For example, exposure to high quality work and opportunities for learning and skills development through job rotation should be equitably provided to ensure that non-full-time workers are not marginalised or disadvantaged in career progression terms. The provision of such opportunities is particularly important in the light of the increasing shift towards competency-based promotion in parts of the public service.

- Finally, since existing organisational rigidities have not helped in promoting widespread acceptance of flexible working arrangements, there is clearly a need for a much more imaginative approach to the restructuring of jobs around employee and business needs. Restructuring would also be greatly enhanced by a much more concerted effort to promote and achieve functional flexibility.

7.3.3 Continuous Change

In line with best practice human resource planning, there is clearly a need to evaluate systematically the effectiveness of the operation of existing schemes in the light of dynamic business needs and evolving employee concerns. For example, existing schemes of flexitime which operate within many areas of the public service were first introduced over a decade and a half ago. They require regular evaluation and updating in the light of changing factors, such as growing commuting difficulties and the need to match flexitime operation to changing service delivery requirements. Other issues, such as availability of flexitime to management grades, should also be considered as part of such a review because of their significant implications for equality of opportunity. Additionally, more imaginative variations of flexitime, such as banking time, should be considered in central negotiations between the Department of Finance and the trade unions regarding terms and conditions of employment in the public service. An innovative and receptive approach to changing working arrangements will also be an essential prerequisite for the effective utilisation of rapidly developing ICTs.

7.3.4 An Integrated Approach

Experiences elsewhere suggest that flexible working arrangements should be introduced as an integrated package of measures rather than on an ad hoc and incremental basis. In particular, there is a need for greater complementarity between existing and potential flexible working arrangements. The findings suggest that, in some cases, a particular flexible working arrangement can undermine the effectiveness of other such arrangements. For example, if flexitime systems were more imaginatively structured to take account of both employee demands and business needs, some of the managerial difficulties relating to the operation of term-time leave might be alleviated. A key management concern in the context of term-time working relates to delays in recruiting staff to cover resultant vacancies. It is quite possible that other staff might be willing to work additional flexitime hours to cover such periods which could then be 'banked' for usage at other stages of the working year, for example for study purposes during the academic year. The adoption of such an innovative approach could in turn reduce demand for short-term (six month) career breaks, which are taken by some staff in the absence of suitable more flexible arrangements. Such a scenario demonstrates the value of adopting a more imaginative, innovative and experimental approach to assessing how flexible working arrangements could better meet both employer and employee needs.

Similarly, job-sharing arrangements are too frequently based on the traditional structuring of posts on a 35-hour working week. Again, a more innovative and imaginative approach to the structuring of work would facilitate a wider variety of less than full-time working arrangements. For example, an individual could work less than a 35-hour week without necessarily being part of a job-share arrangement. Again, a more innovative usage of banking time, within the confines of requirements under the Organisation of Working Time Act, 1997, might facilitate the take-up of such arrangements. Finally, as previously indicated, a common thread running through these arguments is that there is a need for greater functional flexibility in the approach to work and the delivery of results.

7.3.5 The Future of Flexible Working Arrangements

This report clearly indicates that, despite considerable technological advances, there has been little attempt to exploit ICT developments, as a means of developing more innovative working arrangements to adapt to the changing world of work. The literature reviewed in this study shows that both employers and employees can benefit from the introduction of teleworking. Changing employee expectations and labour market trends, allied with rapid technological advances, make it imperative that employers reconsider fixed assumptions regarding work arrangements in order to address core business concerns such as staff recruitment and retention difficulties. Since there is evidence of support at national level for teleworking (see National Advisory Council on Teleworking, 1999), there would clearly be strong arguments for the public service to take a lead role in both promoting and implementing the usage of teleworking arrangements just as it has been to the forefront in advancing earlier initiatives such as job-sharing and flexitime. Given the significant attitudinal barriers to be overcome, there would be clear merits in piloting such an initiative, the results of which could inform future developments in this area.

7.3.6 Cultural and Attitudinal Change

Overall, the findings from both the literature review and the research discussions clearly show that some of the principal barriers to the introduction of more innovative forms of flexible working are attitudinal and cultural. For example, while the wider introduction of teleworking is both feasible from a technological point of view, and potentially desirable in terms of cost reduction and better reconciliation of work and family life, managerial barriers to its development tend to be based around issues of trust and control. The literature suggests that attitudinal barriers to many forms of flexible working arrangements tend to be particularly pervasive at middle management level. Similarly, resistance to job-sharing is often based on assumptions that an employee is not 'sufficiently committed to work' or that the arrangement is not suitable for certain posts. Such stereotypical attitudes are encouraged where a 'long hours culture' prevails. While it was not within the terms of reference to consider this issue in detail, the interviews suggest that in some instances other forms of flexibility, such as the operation of financial flexibility through the use of continuous overtime, also perpetuate 'long hours cultures', even where business needs do not require longer working hours. The perpetuation of such cultures, in addition to hindering the take-up of flexible working arrangements, also has implications for compliance with the requirements of the Working Time Act, 1997.

7.3.7 Effective Leadership

The existence and persistence of such attitudinal barriers indicates a clear role for senior management to endorse actively and visibly the introduction and take-up of existing and more innovative flexible working arrangements. Such an endorsement should not be simply rhetorical. There is a real need to ensure that HR policies 'send out the right messages' in terms of organisational support for flexible working arrangements. For example, the perception that job-sharing is only suited for certain types of jobs may both deter take-up of job-sharing and inhibit career progression where access to key posts is effectively precluded for job-sharers. Active rather than token endorsement of flexible working arrangements, such as job-sharing, could be demonstrated visibly through the development of more innovative approaches to training and development as a means of meeting the developmental and career progression needs of those in less than full-time working. For example, mentoring has been found to assist in the development and success of women managers. In relation to newer forms of flexible working, such as teleworking, recent policy developments highlight clear national support for such measures. An endorsement of such initiatives, for example through the piloting of teleworking, would represent an opportunity for top management to convey visible support for more innovative forms of flexible working.

7.3.8 Employers of Choice?

At present, research findings suggest that the public service does not market itself adequately as an 'employer of choice' in selling existing flexible working arrangements as an attractive element of the reward package it provides to potential and serving employees. In an increasingly buoyant labour market, it is critical that efforts are made to address this shortfall. The findings in this report suggest that flexible working arrangements have a role to play in both the recruitment and retention of employees. For example, in view of increased demand for part-time work, there may be benefits to offering existing arrangements such as job-sharing to prospective employees, in contrast to the present situation whereby such an arrangement is only offered to existing staff. In the context of staff retention, the findings suggest that a more systematic evaluation could be undertaken to identify problems or trends, using for example, exit interviews and staff turnover analysis. Such analysis could inform the development of both recruitment and retention strategies, within which flexible working arrangements may have a valuable part to play.

The need for specific skills might also be assisted through the use of more flexible forms of employment. For example, in view of skill shortages in specialist areas such as HR and IT, which are not helped by existing internal and interdepartmental systems of promotion, a greater usage of fixed-term contracts to obtain the desired levels of expertise in these areas might be considered. Again however, any such measures should be introduced as part of a wider systematic human resource planning process.

7.3.9 Improved information

Finally, the research clearly indicates a less favourable picture in relation to flexible working arrangements in Ireland than that which prevails in some other OECD and EU countries. It must be recognised however, that inconsistencies in the available statistical information limit the extent of such comparisons. The research clearly highlights a need to measure and monitor better the usage of and participation in flexible working arrangements at national level. At the organisation level, comparative trends, for example in relation to staff turnover levels and access to promotion, might form a useful basis for the development of measures to ensure that part-time and other flexible workers are moved from the periphery to the core workforce of organisations.

7.4 A Core Issue

As in many other EU countries, the research findings indicate that the employment norm likely to continue to prevail within the Irish public service, at least for the immediate future, will be full-time working. However it is also clear from international research that the usage of flexible working arrangements is increasing, influenced by a range of factors including the changing nature of work, developing IT and the wider participation of women in work. The potential benefits of adopting more innovative forms of flexible working arrangements have been discussed in this report. What is required to move the Irish public service forward in this regard is a major and positive shift in attitudes and assumptions regarding less than full-time employment and the way in which work is organised and structured. A more innovative approach is needed to optimising the synergy between existing provisions and to encourage experimentation with the banking of time. A more imaginative approach to the usage of flexible working arrangements is in the interests of better meeting both employer and employee demands.   As the nature of work changes, flexible working arrangements can no longer be regarded as a peripheral issue. If the public service wishes to become an employer of choice, the continued development and innovation of flexible working arrangements must become a core management issue. There is little room for complacency, as the *Programme for Prosperity and Fairnesss* (2000) points out, 'The emergence of a tightening labour market and the increased emphasis on human resources as a key competitive element serve to underpin the importance of developing innovative ways of maximising available labour supply' (p. 42).

Notes

1. The Irish public service comprises the non-industrial and industrial civil service (including prison officers), the Garda Síochána, the civilian and military staff of the Defence Forces, the local authorities, health services, education and the non-commercial semi-state bodies. The Irish public sector comprises the public service and the commercial semi-state bodies (see Humphreys, 1983).

2. Unless otherwise indicated, the statistical definitions utilised for the international comparisons follow the approach adopted by the International Labour Organisation (ILO, 1982). Employment data relate to all those who worked for at least one hour for payment or profit, in the week concerned.

3. Unless otherwise indicated, the analysis in Part 3 is derived from the Eurostat Labour Force Survey (LFS) data for 1997. Within the LFS, the distinction between full-time and part-time working is based on self-definition.

4. For ease of presentation, data on each of the 15 EU member states is not reported. Instead a cross-section of five states (including Ireland) is reported, together with the EU average.

5. Activity rates represent the labour force (employed plus unemployed) as the population of working age. However, such rates do need to be interpreted with caution, from a gender perspective, because of their inclusion of those recorded as unemployed, which can underestimate the potential labour supply of women. As Rubery and Fagan (1998) point out, 'gender bias in the extent of hidden unemployment arises partly because in many societies social norms still define women's employment as secondary to their domestic responsibilities, and in all societies women still do most of the unpaid care work, so that non-employed women are less likely than men to define themselves as unemployed' (p. 34).

6. The shortcomings of comparable EU-wide data are illustrated when the pattern of employment in public administration is examined (see Annex B). Eurostat (1997) data indicate that only 5 per cent of male and female employment is in 'public administration'. Such data do not of course include health, education and other public service employment.

7. The data shown in Table 2 differ in absolute terms from those in Table 1 because of their different bases of estimation. However, such variations do not detract from the points made in the text.

8. In addition to sex, age, length of service, Department and grade, CEN-SIS data for such staff include details of job-sharing and career breaks. Although the regular reports produced by the CEN-SIS Unit in the Department of Finance principally analyse staff numbers by grade and Department/Office, detailed information is reported through the Annual Reports for the Equality Committee of General Council.

9. The total FTE of posts job-shared was 1,179.5.

10. In addition it must be noted that the reason for job-sharing was not cited for 36 per cent of women.

11. Unfortunately, nearly half of the male job-sharers did not report a reason.

12. The Organisation of Working Time Act, 1997, defines working time as 'any time that the employee is: (a) at his or her place of work or at his or her employer's disposal, and (b) carrying on the activities or duties of his or her work, and 'work' should be construed accordingly'.

13. Many of these staff would have worked in Provincial Districts as sub-postmasters, postmen and telephonists. These functions would have subsequently transferred to An Post and Telecom Éireann.

14. Worksharing involves the redistribution of working time by those in paid jobs, for the purpose of sustaining or increasing employment. At that time, it was the latter aspect that was stressed. Other considerations such as improving living and working conditions, promoting employment equality or encouraging the acceptance of information technology were secondary considerations (see Humphreys, 1987).

15. The Staff Exchange Scheme had originally been introduced in 1979.

16. Announced in January 1997, proposed new arrangements include working mornings only or working three weeks out of four.

17. Similar points were made in the First Report of the Third Joint Oireachtas Committee on Women's Rights.

18. See also the review of progress made for the National Women's Council of Ireland by Goodbody Economic Consultants (1997).

19. See also the National Report of Ireland following the United Nations Fourth World Conference on Women (Department of Equality and Law Reform, 1994c).

20. Section 5 of the Civil Service Commissioners Act, 1956 provides that the Civil Service Commissioners may, at the request of the appropriate authority and with the consent of the Minister for Finance, declare any unestablished post in a department to be an excluded position for the purposes of the Act. In such cases, a written request is made to the Civil Service Commissioners outlining the rationale, and details of terms and conditions are handled centrally by the Department of Finance.

21. For example, prior to the enactment of this legislation, workers who were employed for less than 365 days had no means of redress under the Unfair Dismissals Acts. For a useful summary of the provisions of this Act see Higgins and Keher (1996).

22. Prior to that time, the Employment Agency Act, 1971, which regulated the operation of employment agencies in Ireland, did not concern itself with the employment conditions of agency workers. Under the 1993 Act, an agency worker is deemed to be an employee of the third party (the user employee) whether or not the third party is a party to the contract and whether or not the third party pays the wages of the worker with respect to the work undertaken or services received.

23. Until 1993, fixed-term contracts could be repeatedly renewed without giving rise to any obligations on the employer. Section 3 of the 1993 Act provides that the Rights Commissioners/ Employment Appeals Tribunal can examine any second or subsequent contract to determine whether the nature of the contract was designed to avoid liability under the Act and in such circumstances a claim for unfair dismissal can be pursued.

24. In addition, the 'marriage bar', which directly discriminated against women, was abolished in 1973.

25. See Meenan (1994) for a detailed consideration of the provisions of this Act.

26. *Bilka-Kaufhaus* v. *Weber von Harzt* (1986) determined that practices that excluded part-time workers, where the exclusion affects a far greater proportion of women than men, are unlawful unless the employer can provide objective justification for the practices, unrelated to discrimination on the grounds of sex. This decision was particularly helpful in providing more equal access to pension schemes. In addition, a more recent ruling (*Stapleton and Hill* v. *Revenue Commissioners,* 1998) held that job-sharers in the Irish civil service had suffered indirect discrimination because they had lost salary increments when they returned from job-sharing to full-time work. It has been suggested by the Employment Equality Agency that the ruling in this case should lead to a more gender neutral take-up of job-sharing schemes.

27. In addition to this Report, see for example Association of Higher Civil Servants (1993), Dennehy (1995), Fynes et al. (1996a; 1996b), Humphreys, Drew and Murphy (1999), MacSweeney (1998), McLoughlin (1996), Morris (1996) and Murphy (1996).

28. As with the original job-sharing proposals, provisions under this scheme have been updated over time (see Circulars 2/88, 2/93 and 18/98). In addition, no fewer than sixteen Minutes have been issued by the Department of Finance to personnel officers covering different provisions. Overall, the wider public service has tended to follow developments in the civil service.

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ANNEX A

Limitations in Official Statistics on Flexible and Innovative Working Arrangements

With regard to quantifying the extent and character of flexible working in the public service a number of difficulties arise. These difficulties may be summarised in four main areas.

- At the international level, consistent cross-national definitions of public service employment need to be interpreted with a degree of caution. Such measures do exist. For example, within the wider services sector, the Statistical Office of the European Communities (Eurostat) provides cross-national data from the Labour Force Survey (LFS) for 'public administration', but this is a far narrower definition than that for the public service per se. Thus, while 'public administration' includes, for example, most employment at central and local government levels, it would not include the health services or educational sectors. In addition, derived as they are from results obtained from national sample surveys, Eurostat LFS estimates are often not available for the types of detailed subcategories of employment that would be most helpful for this study. Thus, for example, reliable estimates of part-time working in the public administrations of EU member states are only reported for Germany, Spain, France, Italy, Luxembourg, the Netherlands and the UK. No data are reported for Ireland, Austria, Greece and Portugal (see Rubery and Fagan, 1998).

  In contrast, the Organisation for Economic Co-operation and Development (OECD) often uses the concept of 'general government', which is a closer approximation to the wider public service. General government comprises the various departments and agencies in member countries at central state, provincial and local levels which produce non-market goods and services. Social security funds and other non-profit-making bodies which are wholly, or mainly, funded by public authorities are also included. However, only aggregate data are normally available from this source and such data do not facilitate the specific identification of non-standard working arrangements. A notable exception can be found in OECD, 1999.

  Finally, even within these limited cross-national definitions of employment in the public services, caution needs to be exercised. For example, social security services in some countries are administered by voluntary organisations, which may or may not be classified as forming part of 'public administration' in those countries. In addition, time-series analyses are especially hazardous internationally because of the impact of privatisation programmes in individual countries over the years.

- The position at national level regarding official statistics is similarly problematic when seeking breakdowns for public service employment at sub-aggregate level. Adopting the organisational definition developed by Humphreys and Gorman (1987), the Central Statistics Office (CSO) collates, from administrative sources, and reports quarterly in its *Statistical Bulletins* the total staff employed in the Irish public sector and its principal administrative components. These data do not identify separately those staff participating in flexible working arrangements. As these data provide the most authoritative national series on public sector employment, it is important to be aware of the precise definitions used because of the way different forms of flexible working arrangements are or are not included. This employment series covers all persons engaged by public bodies in the state, including: full-time employees (permanent and temporary); part-time employees; as well as employees on holiday, on maternity leave or temporarily absent due to illness. The following persons are not included: persons on long-term absence without pay (for example, on career breaks, secondments) as well as certain categories of part-time employees paid on a fee basis for occasional duties. In principle the series reports the total number of persons employed. However, in some instances full-time equivalents (FTEs) are used because they are recorded in this manner by the organisations concerned. Normally a job-sharer represents 0.5 FTE. Limited data are available from the national Labour Force Survey results, although these are only available for the category of 'public administration and defence'. In addition to the Garda Síochána, this category includes most civil service and local government employment, the non-commercial semi-state companies and administrative staff in the health boards. It does not, however, include the education sector and the majority of health sector staff.

- Administrative statistics not only provide the basis for the CSO's national statistical series on public sector employment, they are also the most detailed source of data on flexible

working arrangements in the Irish public service. However, these data are varied in their coverage and composition. For information on these variations between different parts of the public service, see CSO (1999) which provides a useful summary at p. 389. See also Humphreys and Gorman (1987) for a more detailed discussion of issues. While information on flexible working arrangements will be held within organisations, the availability of detailed information on such arrangements outside each organisation is highly variable. In broad terms, the most detailed information is available for the non-industrial civil service from the Department of Finance either through the staff reports produced from its Central Staff Information System (CENSIS) or the Annual Reports on the Implementation of the Equal Opportunity Policy and Guidelines for the Civil Service. The latter source for example contains valuable information on job-sharing and career breaks. In marked contrast, there is no equivalent information available for other branches of the public service, for example the non-commercial semi-state bodies.

- Finally, just as it was argued in Part 2 that it is vital from an equality of opportunity point of view that flexible working arrangements move in from the periphery to the core of an organisation's approach to human resource management, so also should statistical systems become updated in their approach to the more diverse forms of working arrangements that are becoming characteristic of the modern labour market. Simply recording a job, regardless of the hours worked , is not only potentially misleading in its presentation of labour market trends, it also can render invisible the particular roles played by staff working less than full-time, many of whom are female. As the Beijing Declaration Platform for Action (1995) makes clear, it is vitally important for governments to 'use more gender-sensitive data in the formulation of policy and implementation of programmes and projects'. At present, the significant gaps in official statistics, and the limited availability of administrative statistics on flexible working arrangements, mean that reference also needs to be made to reliable data gathered from independent research surveys (see Humphreys, Drew and Murphy, 1999). Inevitably, however, statistical comparisons across individual survey results have to be undertaken with care.

Despite the limitations and shortcomings of existing statistical data sources, it is still important for the later consideration of the policy, legal, international and operational perspectives of flexible working arrangements, that as clear an understanding as possible is gained of their quantitative extent and character. Accordingly these are reviewed in Part 3.

*Table B1: Persons in employment by sector of activity
and full-time/part-time breakdown*

Category	IRL	UK	FIN	NL	I	EU-15
Males & Females (1000)						
Agriculture	**149**	**493**	**164**	**251**	**1307**	**7434**
Full-time	139	400	134	172	1140	6286
Part-time	10	93	30	78	167	1140
Industry	**391**	**7133**	**579**	**1548**	**6348**	**44059**
Full-time	375	6553	558	1291	6088	41145
Part-time	16	580	21	254	259	2891
Services	**829**	**18895**	**1369**	**4967**	**12377**	**98030**
Full-time	686	12945	1176	2881	11390	76909
Part-time	142	5946	190	2074	987	21015
Total	**1373**	**26612**	**2120**	**7186**	**20032**	**150070**
Full-time	1203	19945	1874	4444	18618	124514
Part-time	169	6630	242	2726	1414	25384
Females (000s)						
Agriculture	**19**	**125**	**53**	**65**	**428**	**2527**
Full-time	14	64	43	18	346	1827
Part-time	5	62	10	47	82	698
Industry	**92**	**1573**	**139**	**257**	**1543**	**9941**
Full-time	83	1145	130	123	1382	7863
Part-time	9	428	9	132	161	2068
Services	**423**	**10201**	**808**	**2425**	**5251**	**50128**
Full-time	313	5352	669	787	4504	32716
Part-time	110	4848	137	1630	747	17341
Total	**535**	**11927**	**1005**	**2972**	**7222**	**62865**
Full-time	411	6567	845	951	6232	42447
Part-time	124	5347	157	2010	990	20321

Source: Eurostat LFS 1997, Table 052

Table B.2 Persons working part-time by reason

Category	IRL	UK	FIN	NL	I	EU-15
Males & Females (1000)						
Undergoing school education/ training	21	952	68	464	44	2409
Own illness/ disability		93	9	125	29	619
Could not find a full-time job	43	812	91	151	536	4989
Did not want full-time job	36	4698	45	1986	356	14850
Other reasons	63		30		414	2104
No reason	(4)	75			35	413
Total	169	6630	242	2726	1414	25384
Females (1000)						
Undergoing school education/ training	11	531	38	222	25	1251
Own illness/ disability		49	(3)	57	13	343
Could not find a full-time job	22	506	63	93	341	3635
Did not want full-time job	30	4213	30	1638	271	13094
Other reasons	58		23		322	1719
No reason		47			19	278
Total	124	5347	157	2010	990	20321

Eurostat LFS 1997,Extract from Table 059

Table B.3 Employees with a temporary job by reason

Category	IRL	UK	FIN	NL	I	EU-15
Males & Females (1000)						
Contract covering a period of training	17	88	31	11	295	3018
Could not find a permanent job	54	663	234	331	592	6157
Did not want a permanent job	25	497	33	328	44	1203
Contract for probationary period	6		6		42	620
No reason given		434	(4)	47	201	4135
Total	102	1683	306	717	1173	15133
Females (1000)						
Contract covering a period of training	9	39	14	(3)	132	1328
Could not find a permanent job	27	313	136	185	261	2782
Did not want a permanent job	19	318	17	184	26	712
Contract for probationary period	(4)		(3)		17	267
No reason given		239		25	100	2051
Total	59	910	172	398	537	7139

Source: Eurostat LFS 1997, Table 064

Table B.4 Females in employment by economic activity (NACE Rev.1)

Category	IRL	UK	FIN	NL	I	EU-15
Females (1000)						
Agriculture (A,B)	19	125	53	65	428	2527
Mining & quarrying (C)		13			(6)	63
Manufacturing (D)	83	1355	127	222	1409	8661
Electricity, gas & water supply (E)		40	(3)	5	26	227
Construction (F)	6	165	9	29	102	990
Total industry (C-F)	**92**	**1573**	**139**	**257**	**1543**	**9941**
Wholesale & retail trade, repairs (G)	85	2025	112	480	1167	10213
Hotels & restaurants (H)	44	731	41	114	412	3219
Transport & communication (I)	14	411	46	91	199	2102
Financial intermediation (J)	28	617	41	106	241	2458
Real estate & business activities (K)	36	1102	74	288	450	5010
Public administration (L)	27	713	53	173	521	4779
Other services (M,N,O,P,Q)	191	4602	441	1173	2263	22347
Total services (G-Q)	**423**	**10201**	**808**	**2425**	**5251**	**50128**
Not stated		28	(4)	225		269
Total	**535**	**11927**	**1005**	**2972**	**7222**	**62865**

Source: Eurostat LFS 1997, Table 040

Table B.5 Employees average hours usually worked per week by economic activity

(NACE Rev. 1)

Category	IRL	UK	FIN	NL	I	EU-15
Males (Hours)						
Agriculture (A,B)	46.0	46.7	39.9	33.4	40.1	41.7
Mining & quarrying (C)	43.5	52.7	(40.0)	42.6	41.3	42.3
Manufacturing (D)	41.3	44.7	39.4	37.2	40.4	40.3
Electricity, gas & water supply (E)	39.3	43.6	38.9	38.3	39.2	39.8
Construction (F)	40.9	45.6	39.4	38.8	40.7	40.8
Total industry (C-F)	**41.1**	**45.0**	**39.4**	**37.7**	**40.4**	**40.5**
Wholesale & retail trade, repairs (G)	40.1	40.7	38.5	35.1	41.7	40.1
Hotels & restaurants (H)	38.6	36.2	32.7	26.6	42.9	39.4
Transport & communication (I)	41.8	46.3	39.8	37.6	40.0	41.5
Financial intermediation (J)	41.5	44.0	38.6	37.7	39.5	40.9
Real estate & business activities (K)	41.8	44.4	38.2	37.1	40.1	40.9
Public administration (L)	40.4	42.0	38.5	37.4	37.0	39.3
Other services (M,N,O,P,Q)	35.1	41.0	36.4	35.9	35.1	37.4
Total services (G-Q)	**39.2**	**42.3**	**38.0**	**36.1**	**38.5**	**39.7**
Total	**40.3**	**43.4**	**38.7**	**36.1**	**39.4**	**40.0**
Females (Hours)						
Agriculture (A,B)	35.3	29.3	35.1	22.4	35.5	35.4
Mining & quarrying (C)		37.7			(38.3)	35.7
Manufacturing (D)	37.8	36.1	38.3	29.5	38.0	36.0
Electricity, gas & water supply (E)		35.8	(38.5)	29.8	36.2	35.9
Construction (F)	36.6	30.8	34.5	29.2	35.8	33.5
Total industry (C-F)	**37.7**	**35.6**	**38.1**	**29.4**	**37.8**	**35.7**
Wholesale & retail trade, repairs (G)	32.4	26.2	34.5	24.3	36.2	31.1
Hotels & restaurants (H)	30.0	25.0	33.9	20.0	35.3	31.4
Transport & communication (I)	38.2	35.3	36.7	27.6	36.8	34.8
Financial intermediation (J)	36.6	34.7	36.2	30.4	36.3	35.0
Real estate & business activities (K)	35.8	32.6	33.2	27.3	34.3	32.5
Public administration (L)	35.5	34.2	35.9	30.4	34.8	34.5
Other services (M,N,O,P,Q)	30.9	30.3	36.1	25.1	30.7	31.2
Total services (G-Q)	**32.5**	**30.1**	**35.6**	**25.7**	**33.1**	**32.0**
Total	**33.5**	**30.9**	**35.9**	**25.2**	**34.3**	**32.6**

Source: Eurostat LFS 1997, Table 072

Table B.6 Hours worked per week by full-time employees in public administration (%)

Category	IRL	UK	FIN	NL	I	EU-15
Males & females (%)						
Public administration						
01-35 hours	22.4	6.2	(3.4)		5.0	5.9
36-39 hours	32.5	41.8	82.6	62.8	77.7	56.5
40 hours	30.4	12.1	7.8	35.8	10.3	25.0
41-45 hours	(7.3)	21.4	4.4		2.7	5.9
46 & + hours	(7.4)	18.5		(0.8)	4.3	6.7
Females (%)						
Public administration						
01-35 hours	33.3	9.3	(6.2)		8.0	9.0
36-39 hours	38.4	56.4	87.8	61.8	82.3	61.8
40 hours	20.6	9.4		37.0	6.6	22.1
41-45 hours		16.0			(1.4)	4.1
46 & + hours		8.9			1.6	3.1

Source: Eurostat, Labour Force survey Results 1997, Table 081