

REMOTE WORKING IN THE PUBLIC SERVICE

Claim for the joint development of agreed civil and public service-wide guidelines on the development and management of remote working, under the auspices of Building Momentum: A New Public Service Agreement 2020-2021

By Fórsa trade union

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Introduction

The rapid expansion of remote working became a necessity for many employers, across sectors, during the Covid-19 pandemic. This has heralded a permanent shift towards significant levels of remote working and/or blended remote and workplace-based working, in the international economy. Technologies that will support and expand the scope for remote working are developing rapidly in response to demand from business and others.

Irish Government policy sees the public service as a driver of enhanced and improved home working. The public service has the opportunity to use its example to shape the way that remote working is developed and implemented across the wider economy.

Though implemented rapidly and in highly challenging conditions, the 2020-2021 experience of remote working in the Irish civil and public service was highly innovative, and largely positive, in regard to outputs, productivity and service delivery and quality.

Most evidence, including Fórsa's large survey of over 4,000 public servants, points to firm support among a majority of employees for the post-pandemic continuance of a blend of remote and workplace-based working. The Fórsa survey results echoed similar employee surveys across the entire economy, including that conducted by the Department of Business, Enterprise and Innovation in 2019.

The pandemic experience has demonstrated that many roles can be carried out remotely in ways that are productive, cost-effective and attractive to employers and employees. Workers value the flexibility that remote working can bring, while managers cite access to talent, improved productivity and cost savings as benefits.

Enhanced remote working also has huge potential to boost climate action, regional development, traffic decongestion, labour market participation, and other improvements in life quality.

Notwithstanding the potential benefits, remote working is raising workplace-focused and broader societal challenges that need to be addressed either through industrial relations or social dialogue. In the broader picture, these include its potential impact on cities and towns, the specific challenges faced by younger workers, and potential implications for Ireland's model of foreign direct investment.

Challenges for employees relate to four broad areas: Disconnection from the workplace; work encroachment on home life (including, but not confined to, surveillance and related

technologies); the costs associated with home working and the appropriateness of home work space; and health and safety issues. These will need to be addressed in civil and public service-wide guidelines on the development and management of remote working, which should also underpin productivity and service quality in order to attract and retain broad public support for agreed measures.

All these factors underpin the need for agreed public service-wide guidelines on remote working and related issues. These should give firm direction on a standard approach, based on principles of fairness, to be applied to employments and managers with a view to maximising the potential for remote working, while recognising the need for flexibility across a diverse ranges of civil and public services.

The Programme for Government and after

Published in June 2020, *Programme for Government: Our Shared Future* includes a commitment to “enable increased remote, flexible and hub-working arrangements to promote better work-life balance, higher female-labour-market participation, less commuting, and greater regional balance.” It also includes a commitment to “bring forward proposals on a right to disconnect in 2020.”

Published in January 2021, the Government’s *Making Remote Work: National Remote Working Strategy*, develops the Programme for Government commitments and pledges to establish a legal right to request remote working, introduce a legally admissible code of practice on the right to disconnect, review the treatment of remote working for tax purposes, and make remote working the norm for 20% of public sector staff.

Fórsa has broadly welcomed the national remote working strategy, and has called for engagement with unions on the detailed roll-out of the proposals.

Building Momentum: A New Public Service Agreement 2020-2021

Informed by national and international recognition of the potential for remote working to improve work organisation to the benefit of employers, employees, service users and the taxpayer, and also informed by the Irish public service’s largely positive experience of remote working during the Covid-19 pandemic, Building Momentum commits the parties to a range of measures concerning, or related to, remote working. For example:

- The agreement recognises the “high degree of consultation and collaboration between management and staff representatives,” which “underpinned cooperation and rapid responses to dramatic demands and changes” during the pandemic. It also acknowledged the “committed and determined response to the crisis among civil and public servants.” (1.2.3)
- The agreement commits the parties to “the ongoing development and improvement of public services to meet the changing needs of citizens, communities, businesses and the staff who deliver public services.” (1.2.1)

- The agreement “reflects a commitment by the parties to harness this momentum for change to meet the immediate challenges that present in the lifetime of the agreement, and to prepare for future challenges.” (1.3.1)
- Among these challenges, Building Momentum establishes a commitment to accommodate “the potential of remote working where appropriate in line with the Programme for Government” and to establish the public service “as a driver of best practice in this area.” (1.3.1)
- Building Momentum also records agreement on “the need to look beyond traditional ways of working, where necessary and appropriate, and to manage change to ensure high quality public services, high performance, the maintenance and development of staff skills and competencies, and the delivery of measurable outcomes for the public.” (1.3.5)
- It commits the parties to “further embrace and support the use of technology including *inter alia* streamlined processes and procedures including remote working.”(1.4.1)
- It commits the parties to “engage with a view to developing guidelines” in relation to redeployment as it applies to employees working mostly remotely. 1.5.3 (2)

Public service-wide guidelines remote working guidelines

This claim seeks immediate engagement with the Department of Public Expenditure and Reform to quickly develop agreed guidelines on the development and management of remote working. These guidelines would then inform and direct the implementation of remote working in organisations across the civil and public service. The guidelines should comprehend:

- A sustained leadership effort to expand remote working in the civil and public service.
- A requirement on employers to set objective criteria, to be applied consistently throughout the civil and public service, for identifying the work and functions to be performed remotely and the process for the selection of staff to be allocated to home working arrangements.
- A right for employees to request access to remote working, and to seek reassignment to appropriate roles if it’s necessary to achieve this.
- The principle that home working cannot be compulsory, and that employees should have the right to refuse remote working without having to give their reasons. Staff whose roles are earmarked for remote working arrangements would have the right to seek reassignment to another appropriate role if they do not want to work remotely.

- An appeal mechanism, open to employees who believe such criteria have not been applied in specific instances, and their representatives. The appeal mechanisms should also be open to employees who are allocated to remote working arrangements against their wishes, or who are refused reassignment when their role is earmarked for remote working arrangements.
- Specific advice on compliance with health and safety legislation, including specific measures relating to mental health, pregnant women, young workers, and workers with disabilities.
- Guidance on flexible work arrangements (including flexitime), work attendance and time measurement.
- Specific advice on compliance with working time legislation and the 'right to disconnect.'
- Guidance on the provision of management training and supports to ensure that line managers can effectively manage remote work.
- The promotion of regular, quality communications between line managers and their staff, and the inclusion of remote workers in collective workplace activities including business meetings and training.
- Guidance on the fair allocation of grade-appropriate work to remote workers.
- Strong direction that, as a general rule, staff who work remotely should routinely spend some time in the workplace.
- Full transparency and agreement over the use of any surveillance products or practices, and a guarantee that employees' rights to privacy and a reasonable work-life balance will be protected, along with full compliance with the provisions of data protection legislation.
- A recognition that employees should have access to the same rights and benefits as comparable colleagues, regardless of where they work. This should include fair access to training, development and career progression.
- Guarantees that employees working remotely will benefit from the same rights, underpinned by legislation and collective agreements, as comparable workers at the employer's premises. Safeguards are required to ensure that remote working is not seen as an opportunity to undermine employment relationships, and remote working should be defined and understood in terms of the location where work is undertaken, not the nature of work or the employment relationship.

- A guarantee that new staff recruited to pre-existing roles should not be required to work remotely as a condition of employment, and guidance on the induction of new staff in the context of remote working.
- Provision for reasonable accommodation measures to allow access to remote working for staff with disabilities.
- Advice on the issue of managing caring responsibilities, with a view to maximising the flexibility available to employees with caring responsibilities.
- Recognition that, as a general rule, remote workers should not be required to provide equipment necessary to undertake their work roles efficiently and effectively, and acknowledgement that the employer is responsible for providing, installing and maintaining the equipment necessary.
- Other measures that may emerge in discussions.

The discussions should also address measures to underpin and measure productivity and service quality on the basis that the management of productivity and performance should be applied equally to staff regardless of whether they work remotely or in their employer's premises.

The discussions should also address the issue of additional household costs that accrue from home working. This was not addressed in temporary arrangements introduced during the Covid-19 emergency, but a different approach, designed to maximise access to remote working, is required for long-term arrangements where employees are based at home for significant periods of work time.

Agreed guidance should be reached with the objective of ensuring a standard approach to the implementation and management of remote working across the civil and public service. While recognising that the scope for remote working differs across organisations and sectors, the guidance should preclude individual departments, organisations or managers from opting out of some or all elements of an agreed approach unless an objective rationale is demonstrated.

Conclusion

Fórsa seeks an early engagement with DPER with the shared aim of quickly developing and agreeing comprehensive guidelines on the development and management of remote working, for application across the civil and public service.