

## **BUILDING MOMENTUM**

**Independent Body Examining Additional Working Hours (HRA) in the Public Service**

**Outline template for submissions**

**Submission**

**from the**

**Public Services Committee of the Irish Congress of Trade Unions**

**11<sup>th</sup> June 2021**

**ONE: Please provide a summary of how the additional working hours have had an impact in your sector/on your members?**

**Introduction**

Building Momentum: A New Public Service Agreement, which runs from January 2021 to December 2022, commits the parties to “recognise and accept” that certain measures introduced under the 2013 Haddington Road public service agreement are “outstanding matters to be resolved as part of this [Building Momentum] agreement.” It specifies these outstanding matters as:

1. The full restoration of overtime and premia payments impacted by sections 2.13 and 2.17 of the Haddington Road agreement (Building Momentum, paragraph 4.1)
2. Explicit measures in final conclusion to Public Service Stability Agreement (PSSA) arrangements to resolve salary scale issues pertaining to new entrant teachers (Building Momentum, paragraph 4.3), and
3. Additional hours pertaining to the Haddington Road agreement (Building Momentum, paragraph 4.2).

The ‘Independent Body Examining Additional Working Hours (HRA) in the Public Service’ (hereafter: ‘the Independent Body’) is, inter alia, to consider item three above in the “context of the pay and productivity measures within the Haddington Road Agreement.” The HRA pay and productivity measures are primarily set out in section two (‘Pay and Productivity Measures’) of that agreement.

This context, and the fact that additional working time was introduced in tandem with other pay-related measures, is crucial to an understanding of the impact of the additional hours on civil and public servants. This point is developed below.

The agreement commits the parties to implement a resolution to this outstanding matter, on the basis of the recommendations of the Independent Body, in two phases:

1. Roll-out of the Independent Body’s recommendations will be initiated within the lifetime of Building Momentum, commencing in 2022, following publication of the Independent Body’s recommendations in 2021, and within a cost envelope of €150 million.
2. Provisions necessary to roll-out any remaining recommendations are to be dealt with “in the context of the 2023 estimates,” on the basis of engagement between the parties to the Building Momentum agreement. The PSC understands this to mean that, should the matter not be fully resolved during 2022, the question of the implementation of any remaining recommendations will form part of the negotiation on any successor to Building Momentum.

In summary, the Independent Body is to make recommendations on how measures necessary to fully resolve the issue of additional working time introduced under the HRA's pay and productivity chapter will be initiated and rolled out. The PSC regards this commitment as having application to each grade, regardless of when an individual employee entered the public service.

### **Context of the introduction of the HRA additional working hours**

The context in which the HRA was agreed and implemented is highly significant in terms of the ongoing impact of its additional working time provisions.

The HRA was concluded in May 2013 following a tumultuous period of public service industrial relations. This included a rupture in, and subsequent resumption of, a longstanding framework of pay agreements between public service unions and the Government in its role as employer<sup>1</sup>. The value of public service agreements, including the stability they bring to public service costs, continuity and quality, were and are recognised by both sides.

In early 2009, and in the context of the severe crisis in public finances precipitated by the international banking collapse, attempts to reach such a collective agreement failed. This led to the imposition of a substantial public service pension levy, through legislation that effectively changed contracts of employment across the public service without individual or collective agreement.<sup>2</sup>

Renewed attempts at reaching a collective public service agreement were made later in 2009. These were also unsuccessful and, for a second time, changes to contracts of employment were implemented through FEMPI legislation without individual or collective agreement. These changes took the form of substantial across-the-board reductions in public service pay rates from January 2010, followed by the further unilateral introduction of new pay scales for new entrants to the public service, effective from January 2011. By this time, income reductions averaging around 14% had been imposed on public servants outside of negotiated collective agreements, with significantly greater reductions for new entrants. Further reductions were imposed on new entrants in 2012.

It is significant that, despite having imposed these radical changes to public service pay and conditions without agreement, the Government remained anxious to return to public service collective agreements. This demonstrates the value that the State attaches to such agreements.

Thus, a third attempt at reaching a collective public service agreement led to the negotiation and acceptance of the Croke Park Agreement (CPA) in 2010. Although this deal contained a substantial further dilution of working conditions, it was accepted by a majority of public servants in ballots conducted by PSC affiliates.

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<sup>1</sup> This practice pre-dated the 'social partnership' era that began with the 1987 Programme for National Recovery (PNR).

<sup>2</sup> The legislation was the first in a series of Financial Emergency Measures in Public Interests (FEMPI) acts, which underpinned changes to public service pay and conditions between 2009 and 2015.

There was a general expectation that changes to working conditions, including those imposed without agreement, would be restored when economic and exchequer circumstances allowed. Indeed, this was wholly in line with the prevailing political (and IR) narrative that extraordinary measures were required to address the national crisis, but that we were ‘all in this together’ and better times lay ahead. The HRA itself indicated the time-limited nature of the requirement for exchequer savings that its measures addressed<sup>3</sup>.

The ratification of the CPA, an agreement negotiated and in place in the first half of 2010, and which was to expire in 2014, re-established valued stability in public service industrial relations and service delivery.

In late 2012, the Government again approached the PSC for negotiations to achieve an additional €1 billion in savings from the public service pay and pensions bill. This was on top of the savings gained from CPA measures, which were validated through a structured independent process, as well as the pay cuts and pension levy imposed without agreement in 2009-2010.

The Government ‘ask’ was presented as temporary in nature, and as a necessary contribution to the €3 billion in annual savings necessary for Ireland to comply with EU austerity measures which were codified in new EU fiscal compact. The fiscal compact was put in place over a year after the onset of Ireland’s Troika bailout.<sup>4</sup>

Following negotiations, the Labour Relations Commission (LRC) issued proposals for a ‘Croke Park II’ agreement, which were put to ballot by PSC-affiliated unions. The proposals included a third (though temporary) pay reduction for staff earning €65,000 a year or above, as well as the additional working time (now known as the additional ‘Haddington Road hours’) and changes to overtime and premia for staff who earned less than €65,000 a year.

The Croke Park II proposals were overwhelmingly rejected by a majority of public servants represented by PSC affiliates. Even in the small minority of unions where the proposals were accepted, the margin of acceptance was extremely narrow and well below those recorded in the earlier, and challenging, CPA ballots.

At the Government’s request, the LRC again engaged with trade unions in an effort to reach agreement. At this stage, the hitherto implicit threat that changes to pay and conditions would again be imposed on public servants in the absence of an agreement became explicit. It was expressed in the LRC’s foreword to the subsequent HRA thus:

“The Commission was made aware that Government’s intention to secure the identified level of payroll and pension savings remained and that, if necessary, the Government would legislate to achieve those savings.”

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<sup>3</sup> Public Service Stability Agreement 2013-2016 (Haddington road Agreement), May 2013, paragraph 1.4.

<sup>4</sup> The Irish Government entered the Economic Adjustment Programme for Ireland (the ‘Troika’ programme) on 16<sup>th</sup> December 2010. Adopted on 30<sup>th</sup> January 2012, the EU Fiscal Compact was the codification of the EU’s austerity response to the banking and financial crisis. It contained (1) mandatory rules that national budgets must be balanced or in surplus, (2) rapid convergence criteria for member states not in compliance with (1), and (3) an automatic ‘correction mechanism’ for states that were out of line with (1) and (2). Ireland exited the Troika programme on 15<sup>th</sup> December 2013.

The LRC engagement concluded towards the end of May 2013, after which the HRA was put to ballots and was subsequently accepted by a thin majority of PSC union votes.

By accepting the agreement, civil and public servants delivered a large proportion of the savings that enabled the country to meet the harsh Troika bailout terms and remain within the terms of the EU fiscal compact.

### **Restoration of HRA measures**

The completed and planned restoration of most HRA pay and productivity measures is highly significant in terms of the ongoing impact of the agreement's additional working time provisions.

The additional HRA hours were encompassed in chapter two ('Pay and Productivity Measures') of the agreement. The vast majority of all the other measures – including most of the temporary pay cuts – have subsequently been rescinded. The remainder are scheduled for abolition.

The additional HRA hours were increased across the civil and public service from 1<sup>st</sup> July 2013, and Building Momentum now requires the restoration of working time to be “applied equitably across all affected grades, groups, categories and sectors.”

The introduction of the additional HRA hours fell predominantly on lower-paid and middle-income public servants who are disproportionately female in number. In contrast, most of the agreement's other pay and productivity measures applied to those earning €65,000 a year or more. These have been rescinded or are scheduled for abolition between mid-2021 and mid-2022.

Overtime and premium payments, which were adversely adjusted under the HRA, are to be fully restored to July 2013 levels from 1<sup>st</sup> July 2021.

The fact that the vast majority of higher-paid civil and public servants have seen the full restoration of HRA cuts (the very highest paid can expect the same within a year), while their lower-paid and middle-income colleagues still bear the full burden of the additional hours, is a significant drag on morale and goodwill across the public services. This is addressed in the next section.

### **HRA hours: A drain on morale and goodwill**

As well as additional cuts, the HRA also encompassed the first tentative moves towards restoration of some aspects of the imposed reductions in pay and conditions. This took the form of alterations to pay measures imposed on new entrants from January 2011. Subsequent collective agreements – the Lansdowne Road agreement (2016-2018), the Public Service Stability Agreement (2018-2020) and Building Momentum (2021-2022) – have

gone a long way towards restoring the damage to public service pay and working conditions imposed in 2009-2010, and subsequently introduced under the CPA and HRA.<sup>5</sup>

Yet the additional HRA hours were, and remain, a debilitating drain on morale and goodwill across the civil and public service. A 2020 Fórsa survey of clerical, administrative and executive grades across the civil and public service found that 88% believed the hours had been, and remain, counterproductive in terms of service delivery and productivity. The continued requirement to work the hours is seen as a throwback to a past period of enforced austerity, where a worker's contribution was measured in terms of pain imposed rather than the gain added to public services and those who rely on them.

The strength of feeling expressed in the survey, and in other union engagements and communications, reinforces the PSC in its belief that Building Momentum would not have been supported in union ballots without a strong provision that addressed this issue. It also suggests that acceptable progress on the HRA hours issue remains a prerequisite for union members' support for any future public service agreement.

Eight years after its introduction the HRA hours remain a deep and primary IR grievance among the public servants it affects. This is rooted in a number of factors including:

- The ingrained and widespread understanding that working time is an integral element of an employee's working conditions, and forms part of each individual's contract of employment. As a result, most public servants subject to additional HRA hours describe them as "free hours" or "unpaid hours."
- The Government ultimatum that a third pay cut would be imposed without agreement if the HRA was rejected. This remains widely resented, not least because it came on top of earlier deep cuts.
- The measure was correctly seen as an austerity measure required to meet EU and Troika fiscal rules, which were deeply unpopular across society, and which have subsequently been largely discredited in social and economic discourse here and abroad.
- Though technically introduced by agreement, the additional HRA hours are perceived as having been imposed. This is because they were explicitly presented as the sole alternative to a third pay cut for low-paid and middle-income public servants, who had already sustained catastrophic reductions in income. Some 86% of respondents to a recent survey said this 'Hobson's choice' was unfair.
- But, crucially, the measure was seen as temporary in nature. This was underpinned by the narrative of the time, which expressed the need for additional pay bill (and other) savings as emergency measures necessary to meet binding new EU fiscal targets, which have subsequently been relaxed and largely discredited in social and economic discourse here and abroad.

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<sup>5</sup> However, public service pay did not keep pace with pre-Covid pay movements in other sectors of the economy during this period.

- This was compounded by the fact that the vast majority of colleagues on higher incomes (ie, those paid €65,000 a year or more), have now seen full restoration of the third, but temporary, pay cut implemented under the HRA. There is a restoration timetable in place for the small remainder who have not seen full restoration of this HRA measure.
- For most if not all grades affected, the lack of any systematic measurement of the productivity impact of the additional hours (which was in sharp contrast to the approach taken under the CPA) bred widespread and legitimate scepticism over their practical value to public service provision. Some 84% of respondents to a recent survey said they saw no need for the additional hours, while 88% said the hours were unproductive (see below).
- Despite this, the increased working hours had a profound detrimental impact on the work and family lives of the affected staff, particularly women and others with caring responsibilities outside the workplace (see below).

#### **HRA hours: Impact on clerical and administrative grades**

In late 2020, Fórsa conducted a survey of almost 1,000 clerical, administrative and executive grades across the civil service, health sector, education and local government. More than seven years after the introduction of the additional HRA hours, the survey results demonstrate that they are still a matter of great concern and resentment, with 80% of respondents reporting annoyance at the additional hours.

The findings also reveal that the HRA hours continue to have considerable detrimental impacts on health, wellbeing, caring responsibilities and costs relating to caring responsibilities. More than half of respondents said the additional hours have had an adverse impact on their health, wellbeing and stress levels. A quarter say they are able to spend less time with their children and families as a result of the additional hours. Other highlights of the findings include:

- 70% of respondents said family-friendly working arrangements were extremely important to them; a further 18% said they were somewhat important.
- 84% believe there was no need to extend the working day.
- 88% said that the extended working day is not productive (ie, does not increase productivity).
- 86% say it was unfair that they had to choose between keeping their pre-HRA hours and taking a pay cut.
- 80% of respondents said their colleagues are annoyed by the issue of hours.

- When asked about the impact of the additional hours on their personal and family lives 28% of respondents referenced having less time with children and family, or for commitments outside of work.
- 18% of respondents said they were financially impacted by the additional hours, of which 85% have had to pay more for additional childcare provision, 10% have taken parental leave to avoid childcare charges, and 5% have moved to part-time hours.
- 53% of respondents said that the extended working hours has impacted on their health and wellbeing.

### **HRA hours: Impact in nursing and midwifery**

Nursing and midwifery professionals achieved a 37.5-hour week following a dispute in 2007. The reduction from 39 hours to 37.5 was a torturous and tedious process involving verification that required up to seven signatures to verify cost-neutrality before implementation. The 2013 increase back to a 39-hour week was a particularly hard blow for the professions, and one which is still seen as additional free hours. In most cases, it requires 6.5 additional 12-hour blocks of attendances at work per year (net hours).

By December 2012, nursing and midwifery staffing had fallen from a high of 39,000 in 2007, to 34,637, a reduction of 4,363 whole-time equivalents (WTE). While the increase of 78 hours for every nurse and midwife may have been designed to offset that dramatic drop in numbers, it did not, and the WTE figure had dropped a further 869 to 33,768 WTE by December 2013. The dramatic drop in WTE numbers was driven by a moratorium on nurse and midwifery numbers, which commenced in 2007 and which was applied rigidly when the public service wide-moratorium was subsequently introduced. While some grades were exempt, nurses and midwives were not.

The growing demand for health services was met with fewer nurses and midwives.

The idea that increasing the hours for each individual nurse or midwife will translate into an equivalent increase in actual nursing and midwifery hours available to the health service has proven to be optimistic and simplistic. The evidence of current health service numbers indicates that grades with the longest working week have the highest numbers of individuals working atypical or part-time hours. The official census shows that 35% of staff nurses and midwives are working less than full-time hours, while 37% of health care assistants (who also work a 39-hour week) work atypical hours. This compares to 12-24% among health service grades who work 37 hours or less.

It is doubtful that increasing the hours of nursing and midwifery contributed in a significant way to offsetting the reductions that had already happened. When burnout, early departure, ill health, and voluntary reduced working hours are taken into account, it was counterproductive and accelerated part-time working requests.

## **Gender impact of the HRA hours**

The additional HRA hours apply predominantly to grades that are disproportionately populated by women. These include nursing, midwifery and allied health professionals, clerical and administrative grades, and library staff.

By contrast, other HRA pay and productivity measures, particularly the temporary pay cuts, fell primarily on grades disproportionately populated by men. All the latter measures have either been rescinded or are timetabled for elimination in the near future. Only the measure that most disadvantaged female staff remains in place.

Fórsa's 2020 survey (see above) revealed how the HRA hours continue to impact on family life and responsibility for caring responsibilities and other costs. Again, this falls disproportionately on women: The European Institute for Gender Equality's 2020 Gender Equality Index found that 44% of women in Ireland care for a children or relatives, compared to 31% of men.<sup>6</sup>

The impact of the additional HRA hours meant that many female public servants were obliged to make difficult changes to finely-tuned arrangements for balancing the working day or night with childcare (and/or other caring responsibilities), often at significant financial cost. In this respect, the impact of the additional hours continues to be particularly onerous on workers who must factor significant commuting times into their work and caring schedules.

The introduction of the additional HRA hours worsened the gender pay and pensions gap as many female workers were obliged to seek part-time arrangements, retire early, or opt for reduced pay rather than reduced hours.

In certain sectors, most notably local government, staff simultaneously experienced significant retrenchment in family-friendly schemes including work-sharing and term-time arrangements. This exacerbated the impact of the additional HRA hours and, again, had a disproportionate impact on women.

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<sup>6</sup> At 89%, the study also found that women in Ireland have the highest level of responsibility for cooking and housekeeping in the EU.

**TWO: Please provide details of the additional working hours and any increase in overtime divisors.**

The additional HRA working hours were imposed from 1<sup>st</sup> July 2013. The standard working hours of the civil and public servants subject to the provision increased as follows:

- Those with a pre-HRA working week of 35 hours or less (net of rest breaks) had their weekly hours increased to a minimum of 37
- Those with a pre-HRA working week greater than 35 hours, but less than 39 hours (net of rest breaks), had their weekly hours increased to 39
- The hours of those working 39 hours or more per week remained the same.

The additional working time was implemented by DPER [Circular 11 of 2013](#), and DPER also circulated a 'Q&A' document regarding the circular, which is attached as Appendix one.

The official circular provided that the additional HRA hours could be implemented as (1) revised weekly hours or (2) as accumulated hours. In most cases, the additional hours were generally added to the length of each working day. For example, a civil service working day of 6 hours and 57 minutes (net of rest breaks) increased to 7 hours and 24 minutes. Those on shift work had the additional time added to pre-existing shift patterns.

For nurses, midwives and certain other grades, the additional time was expressed as additional shifts arising from additional weekly or annualised working time.

### **Nursing and midwifery**

The additional HRA hours increased the working week from 37.5 hours to 39 hours for nursing and midwifery grades.

The accumulated hours method was implemented in the case of 24/7 frontline nursing and midwifery staff, with the accumulated 78 hours per year translated into an additional 6.5 12-hour shifts per year. This means seven additional days of attendance at work. The revised weekly hours method was applied to nurses and midwives in day services and in middle and senior management grades that do not have a 24/7 liability.

The 24/7 services comprehend staff nurse/enhanced practice scale, clinical nurse and midwife managers 1 and 2, and 3, out-of-hours managers, assistant directors of nursing and midwifery night duty in acute services, clinical nurse managers in residential intellectual disability services, community intervention teams, and palliative care services.

The divisor for overtime became 37.5/weekly pay when nurse and midwives' hours dropped to 37.5 in 2007. The divisor reverted to 39/weekly pay when the additional HRA hours were implemented.

### **Other health service grades**

Radiographers, radiation therapists, medical scientists and phlebotomists saw their hours increased from 35 to 37 per week. The overtime divisor was also increased to 37 from 35. The use of the additional hours within radiology was limited by recruitment restrictions. This

meant departments simply added 24 minutes to each working day, which did not result in additional patient throughput. Emergency service provision was not impacted by the change. Additional working hours for radiation therapists were incorporated into the roster.

In 2009, a standardised working week of 35 hours was agreed for new entrants to HSE clerical and administrative grades. This regularised different arrangements in the eight health boards that were replaced by the HSE. Red-circled arrangements applied to existing staff, but the new standardised arrangements applied to them on promotion or when taking up new contracts. Under the HRA, clerical and administrative staff with a 35 hour working week had this increased to 37 hours. An additional two hours and 15 minutes was added to the working week of those on fewer than 35 hours. These adjustments were applied as extra working hours during each working day.

Under the HRA, all health service management grades had their working time increased to 37 hours. These adjustments were applied as extra working hours during each working day although, in practice, staff in these grades frequently work beyond the 37-hour ceiling without additional payment.

Health and social care professionals (encompassing various therapy grades, social workers, social care workers in non-residential settings, and others) also had their working week increased to 37 hours.<sup>7</sup> These adjustments were applied as extra working hours during each working day although, in practice, many staff in these grades frequently work beyond the 37-hour ceiling without additional payment.

### **Civil service**

Civil servants comprehended by the additional HRA hours included clerical, administrative and executive grades, service grades, and professional and technical grades. For most, weekly working time increased from 34 hours and 45 minutes (net of rest breaks), or 41 hours including breaks, to 37 hours or 43 hours and 15 minutes including breaks.

Prior to and after the implantation of the HRA changes, the overtime divisor in the civil service was gross hours. It increased from 41 to 43.25 on foot of the HRA. The gross day in the civil service arose from the addition of standard lunch breaks to the net hours. Pre-flexitime, this was one hour and 15 minutes per day, multiplied by five.

### **Education**

Clerical administrative, library and professional grades, instructors, and support staff in institutes of technology, Mary Immaculate College and technological universities had their weekly hours increased from 35 to 37. In institutions where the starting point was 33.5 hours a week, working time for the grades concerned was increased by two hours and 15 minutes. In most cases, these additional hours were added to daily working hours, or

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<sup>7</sup> Since the establishment of Tusla in 2014, new entrants to non-residential social care posts have been required to work 39 hours a week. Social care workers in residential settings work a 39-hour week.

scheduled within the scope of the flexitime scheme. No new shifts or weekend working was required.

Technical staff in the institutes of technology/technological university sector saw their hours increased from 36.5 to 39 per week through a 30 minute increase in daily working time. The effect on the delivery of technical services was negligible, and a return to the pre-HRA hours will not create a requirement for additional staff or overtime.

Clerical administrative, professional and management grades, instructors, support staff and various other grades in education and training boards (and other further education and training settings) saw their weekly hours increase from 35 to 37. Again, no new shifts or weekend working was required. The overtime divisor changed to 1/37 to reflect the increased hours.

Administrative grades in universities also saw an increase in working hours.

In schools, the HRA increased teachers' supervision and substitution hours from 37 to 43 hours a year, an increase of six hours a year.

### **Local government**

The following categories of local authority workers were subject to additional working time under the HRA: clerical, administrative, and analogous grades, managerial grades, professional and technical grades (including engineering grades), and library staff. Most affected grades in the local government sector had their weekly hours increased from 35 to 37. In some councils, where some staff had a starting point below 35 hours a week, working time was increased by two hours and 15 minutes. The additional hours were scheduled within the scope of the flexitime scheme, so no new shifts or weekend working required.

Certain engineering, professional and technical grades experienced increases of 2.5 hours per week, with a further increase to 37 hours on promotion.

Overtime divisors were changed to reflect the new hours.

### **State agencies**

Clerical, administrative, professional, technical, and service grades in non-commercial state agencies are linked to the civil service grading structure. All grades were affected by the increased HRA hours, with most moving to at least a 37-hour week. Each organisation made its own implementation arrangements, which included earlier start times, later finishing times or shorter lunch breaks. The weekly hours of the Inland Fisheries Ireland SFEO/EO grades increased from 35 to 37 hours. For Road Safety Authority driver-testers hired prior to the implementation of the HRA agreement, the additional hours were expressed as two additional tests per week. Where overtime is a feature, divisors were increased to reflect the additional hours.

**THREE: Please provide details of any issues regarding associated costs with reference to possible replacement mechanisms, e.g. rostering changes, productivity measures, recruitment, overtime/premia payments, agency staffing.**

Unlike the CPA, the HRA did not establish any systematic process to assess or measure the productivity impact of the additional HRA hours, or their impact on costs or service delivery. From time to time, various figures have been produced by DPER based on 50%, 75%, and 100% of its estimated cost of replacing the additional hours. However, these appear to have been fairly crude statistical exercises, rather than practical assessments of any proven impact of the additional hours on productivity, service delivery, costs, or even staffing levels.

Early official estimates of the value of the additional HRA hours were modest. The 9<sup>th</sup> July 2014 response to a Dáil question from Deputy Mary Lou McDonald put the value of reduced overtime and agency working under the HRA at €131 million.<sup>8</sup> A proportion of other savings, listed under 'facilitating headcount reduction,' may have been attributed to the additional HRA hours. But the reality is that the scale of headcount reduction in the years preceding and following the implementation of the HRA far exceeded any practical impact of the additional HRA hours.

For example, local authority staffing fell by almost 30%, from almost 37,000 to 26,000, during that period (it has recovered to around 30,000 since). The civil service embargo and employment control framework oversaw a headcount reduction of around 2,000 (now also recovered). A provision to 'bank' hours to be used at peak times was never utilised by civil service management.

Similarly, there is no evidence of productivity gains or savings in non-clinical health roles or the non-teaching education sector. A reduction in the additional hours of supervision and substitution done by teachers can also be achieved without additional cost or reduced productivity.

In nursing and midwifery, staffing fell from a high of 39,000 in 2007, to 34,637 in December 2012, a reduction of 4,363 whole time equivalents (WTE). The figure had dropped further, to 33,768, by December 2013. The increase in working hours for nurses and midwives could not, and did not, offset this dramatic drop in numbers. Rather, growing demand continued to be met with fewer nurses and midwives.

The evidence of current health service numbers indicates that grades with the longest working week have the highest numbers of individuals working atypical or part-time hours. The official census shows that 35% of staff nurses and midwives are working less than full-time hours, while 37% of health care assistants (who also work a 39-hour week) are working atypical hours. This compares to 12-24% among health service grades who work 37 hours or less.

It should also be noted that a substantial minority of at least 35% of nurses and midwives do not work in 24/7 frontline roles.

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<sup>8</sup> The response to the Dáil question is set out in appendix two.

In short, it is doubtful that increasing the hours of nursing and midwifery contributed in a significant way to offsetting the reductions that had already occurred.

Restricted recruitment in radiography, radiation therapy and phlebotomy also limited the potential of the additional HRA hours, and the restoration of the hours will not involve significant costs. It would be unlikely to lead to increased access to on-call arrangements as emergency rotas remained separate in most departments. The additional working hours on each day did not result in increased patient throughput. Neither radiography, radiation therapy, nor phlebotomy services depend on agency arrangements. And additional work undertaken in phlebotomy can be accommodated following a restoration of the additional HRA hours.

The size and shape of the public service, and the technological and work-practice environment in which it operates, have altered substantially since the HRA hours were introduced in 2013. Substantial productivity and service quality improvements continue to be achieved through agreed changes to working practices, including those set out in Building Momentum action plans. The capacity of the public service to respond to new challenges and increased demand was strikingly evident in all sectors during the Covid-19 pandemic; a point that is recognised and acknowledged in Building Momentum.

While these factors further question any supposed productivity benefit that accrued from the additional HRA hours, developments in technology and working arrangements have taken the debate and practice regarding productivity and service delivery to a far more sophisticated place than simply measuring working time.

It has never been correct to assume that increased working time equals increased productivity. Indeed, civil service departments, including social protection, temporarily reduced the working day to seven hours from 7.24 during the Covid-19 pandemic, largely to facilitate social distancing. Productivity levels were at an all-time high during that period.

Recent administrations have acknowledged the need for additional investment in staffing, including in the health sector where the widely-supported Sláintecare initiative envisages significant increases in personnel across a range of professions and grades. In this context, the reorganisation of services, accompanied by new flexibilities and innovation, can ensure the delivery of more and better quality public services without depending on unilateral changes to contractual arrangements, which had previously been negotiated and agreed through collective bargaining, typified by the additional HRA hours.

More broadly, numerous academic studies have shown that there is no correlation between working long hours and improved productivity, while OECD figures demonstrate that some of Europe's most productive economies have the shortest average working hours. Countries like the UK and Greece, which have longer average working hours, score among the poorest on productivity.

Ultimately, the onus is on the employer side to demonstrate how, where, and to what extent the return to pre-2013 hours would lead to additional costs, reduced productivity or poorer service delivery or quality. The available evidence, and the experience of recent years, suggests that it need not, and will not.

The resolution of the issue of the additional HRA hours is integral to the Building Momentum agreement. Any costs arising from this were included in the overall costings cited by the Government and DPER prior to and during the process of ratification of the agreement. The PSC believes that the €150 million earmarked to deal with the issue during the lifetime of Building Momentum should be sufficient to restore most, if not all, of the additional HRA hours without negative impacts on costs or service delivery. Delivery on this commitment is an absolute requirement of Building Momentum, and the degree of progress on this matter during the lifetime of the current agreement will set the tone for any negotiations on a successor to it.

**FOUR: Please provide details of any issues regarding the operational, service delivery and administrative implications associated with any reduction in hourly work requirements, including the proportion of hours that support direct service delivery compared with those that provide indirect services.**

See the response to question three above.

## **FIVE: Any other comments you may wish to make in relation to additional working hours having regard to the Body's Terms of Reference**

### **Standardisation of working time**

The main issue cited in the terms of reference for this exercise, and not included in the template provided, is 'the manner in which additional hours contributed to more standardised public service terms and conditions.'

Prior to the introduction of the HRA hours, almost all public servants worked in grades with standard full-time working weeks of 35 hours (34.75 hours in the civil service) or 39 hours. The main exception was nursing and midwifery, where the standard was 37.5 hours, although a cohort of more senior staff, along with others including non-consultant hospital doctors, continue to work hours beyond (and sometimes well beyond) these limits. These conditions were taken into account in pay determination processes which, among other things, set differentials between grades, groups and categories of staff.

Despite the standard working week of 35 hours, sometimes-longstanding local arrangements meant that a significant number worked varying lengths of shorter working weeks. Rather than standardising working time, the HRA effectively maintained these differentials by capping additional working time at two hours and 15 minutes. This also introduced a further complication by creating a disincentive to seeking promotion, as those working fewer weekly hours are required to work 37 hours if they are successful in competitions. Standardisation was further compromised when others opted to remain on their pre-HRA hours on the basis of a pro-rata pay cut.

Prior to the introduction of the HRA hours, work on addressing the broader application of standard hours was underway in a number of areas. One example is the standardisation on 35 hours per week for HSE clerical and administrative staff, which is referenced in section two above.

Since the introduction of the HRA hours, management actions in some parts of the public service have further undermined standardisation in working time arrangements. For example, new entrant social care workers in non-residential settings have been placed on 39-hour-a-week contracts since the creation of Tusla in 2014. Their longer-standing colleagues, often working in precisely the same areas, work 37 hours a week for the same remuneration.

In short, the introduction of the additional HRA hours clearly did not deliver standardisation of working time in the public service. But there is nothing to prevent further engagement on the standardisation of working time arrangements once the Building Momentum commitment to resolve the issue of the additional HRA hours has been implemented.

While further standardisation of full-time hours is achievable, moves in this direction should not undermine agreed or enhanced working time flexibilities and family-friendly arrangements. Future engagements on this matter could usefully draw on developing national and international practice and debates about the potential of reduced working time to improve productivity, performance, work-life balance and staff wellbeing, while contributing to broader societal and environmental goals.