

August 2020

Submission to the Department of Business, Enterprise and Innovation on Guidance for Remote Working

Introduction

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. We represent and derive our mandate from our membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. We also have a growing number of individual members who support the campaign for women's equality in Ireland. Our mission is to lead and to be a catalyst for change in the achievement of equality for women. Our vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

The COVID-19 pandemic has accelerated the practice of remote working on an international scale. Pre COVID, 14% of employees in Ireland 'usually' or 'sometimes' worked from home.¹ A survey of over 2000 global firms found that while 25% said their workforce would be able to work remotely before COVID-19, 82% were able to transition to remote work in less than a week with the majority of those taking less than 48 hours to make the transition.² It is likely that the ability to work remotely will be increasingly important in protecting jobs and incomes in the event of future waves of COVID-19.

The lockdown period taught us lessons about the gendered nature of essential jobs, where workers were often exposed and unable to avail of the protection of home or remote working. The ability to remote work is a privilege not afforded equally, with women, non-Irish nationals, workers aged under 30 and lower paid workers less likely to be able to work from home. Couples are more likely to be able to work from home than lone parents. Essential workers, almost 70% of whom are women, are less likely to be able to work from home than those working in non-essential roles.³ Working from home poses additional challenges for those living in shared or overcrowded housing and for women experiencing domestic violence.

For employers, remote work has been associated with perceived increases in productivity, greater retention of workers, greater organisational commitment, reduced absences and savings on the cost of maintaining offices.⁴ For workers, remote work has been linked with better work life balance, greater flexibility and reduced stress but there is also evidence of the opposite effects with workers struggling to switch off, working longer hours and continuing to work while ill.

While widely seen as a national test of our ability to work from home, the conditions under which people have been working from home during the pandemic are highly skewed, with workers simultaneously caring for and educating children, providing care to vulnerable family members, experiencing poorer work-life separation and increased social isolation. With gendered patterns of care being exacerbated during COVID, it is not surprising to see that more women than men are keen to return to the workplace.⁵

Remote working does not exist free of context and existing gendered allocations of paid and unpaid work, gender differences in leadership, violence against women and the health impacts of working remotely must also be considered. This submission makes recommendations on improving the Department of Business Enterprise and Innovation's (DBEI) guidance for workers and employers but also on these broader issues.

Ensuring as many workers as possible have the ability to work remotely may be key to protecting jobs but for the many essential but often low paid workers, working remotely is challenging if not impossible.

¹ Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

² Robert Walters (2020). Returning to the new world of work: A practical guide for business leaders.

³ Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

⁴ DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

⁵ CSO (2020). Social impact of COVID-19 on women and men April 2020. Dublin: CSO

Advances in remote working must take place alongside progression towards the Living Wage and advances in workers' rights to ensure that the most vulnerable workers are protected.

This submission sets out recommendations on issues that should be addressed in DBEI's guidance for home working:

- Work/life balance
- Women's leadership and career development
- Childcare
- Health
- Violence against women and
- Workers' rights

Work/life balance

Time spent commuting has been on the rise in recent years. In 2016, almost 200,000 people spent an hour or more getting to work, 81,897 of these being parents of children under 15.⁶ The 'Remote Work in Ireland' report published by DBEI in 2019 indicates that remote working can have a positive impact on work-life balance through reduced commuting time and proximity to home.⁷ Canadian research suggests that in lessening long commutes, remote work can help to address the 'gender commuting gap' which arises from women continuing to bear the responsibility for childcare and unpaid work in the home and therefore opting for shorter commutes and a more limited pool of lower paid jobs.⁸ The option to work remotely has the potential to provide the flexibility needed to address some of the barriers to working experienced by disabled people and those with care responsibilities as well as giving greater choice to women living in rural areas.

However, as the DBEI report notes, remote working presents its own challenges to maintaining work life balance and can be linked with longer working hours, work intensification and interference with personal life. Difficulty switching off, feeling pressure to work outside working hours, lack of sufficient rest and being more likely to work when sick can lead to increased stress for workers.⁹ A study by the Financial Services Union found that 44% of workers felt pressure to answer calls and emails outside of working hours, 56% have seen an increase in work intensity and 66% reported an increase in work-related stress.¹⁰ Remote working must be accompanied by the 'right to disconnect' if it is to result in better work life balance.

In addition, greater flexibility is no substitute for reduced working hours. We also need to reorganise our working model, by reducing working time for all to challenge the false narrative that working long hours is good for productivity, challenge the worst excesses of the 'work-first' culture, and instead champion the importance of family time, leisure time, caring work and community work. A four-day week would help to facilitate a more equal distribution of care between women and men, supporting both to play more of a role in child-rearing and care of older family members.

NWCI recommends

- DBEI guidance should include a section on maintaining work life balance, encouraging employers to initiate a conversation with workers on flexible work and work life balance

⁶ CSO (2016) Commuting in Ireland

⁷ Department of Business, Enterprise and Innovation (2019). Remote Work in Ireland.

⁸ DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

⁹ Department of Business, Enterprise and Innovation (2019). Remote Work in Ireland

¹⁰ Financial Services Union (2020). Union calls for right to disconnect to "offset the downsides of homeworking". <https://www.fsunion.org/updates/newsreleases/2020/05/26/union-calls-for-right-to-disconnect-to-offset-the/>

- DBEI guidance should link to information on workers statutory leave rights such as paid Parents Leave and Parental Leave, among others.
- Following discussion with workers, employers should put in place measures to prevent workers over use of technology for work purposes
- Employers should put in place training for line managers on work related stress, work life balance and measuring performance for remote working
- Introduce legislation on the Right to Disconnect
- Establish an All Party Oireachtas Committee to make recommendations on the reorganisation of work and reduced working time, including the 4-day week

Women’s Leadership and Career Development

Lack of flexible working opportunities is a core reason behind the scarcity of women in senior jobs. In the Civil Service, women make up the majority employed but are underrepresented in senior positions. Often the level of flexibility diminishes the higher the grade you occupy.¹¹ Women are underrepresented as managers across all economic sectors.¹² Changing our work environment to incorporate flexible working, including the option to work from home, has the potential to improve women’s representation at senior level.

However, women are more likely to report negative effects of flexible working than male co-workers, with women reporting a perception that their career development was regarded as less important, they were given access to fewer opportunities and missed out on potential progression and promotion opportunities because of their flexible work patterns.¹³ Where women opt to work from home (and men don’t) they are deviating from long-standing cultural beliefs around the ideal worker and can be perceived as less competent and committed. Remote working could make women more invisible, lessening the chances of promotion as well as reducing opportunities for women to learn from and be mentored by senior colleagues.

With gendered patterns of responsibility for care being perpetuated during COVID, women have had less time to concentrate on work tasks. Consequences of this may include a reduction in women’s productivity, relative to men’s, fewer economic opportunities for women (e.g. merit-based promotion) and a wider gender pay gap.¹⁴

To ensure that remote working does not have adverse impacts on gender equality, employers should promote remote working as a practice for all workers to encourage take up by men/fathers and ensure a culture of management that supports remote working.¹⁵

Equally, while there is much in common in the roles of office-based workers in lower paid clerical jobs and higher paid professional occupations, lower paid workers are much less likely to work from home. The ESRI argues that increasing the capacity to work from home among lower paid occupations may be crucial in combating the unequal consequences of job losses following the COVID-19 crisis, helping to prevent groups such as women, migrants, young workers and lone parents from facing disproportionately bad outcomes.¹⁶

¹¹ ESRI (2017). A study of gender in civil service positions in Ireland

¹² Eurofound (2018). Women in management: Underrepresented and overstretched?, Publications Office of the European Union, Luxembourg.

¹³ Deloitte and Timewise (2018). A manifesto for change: A modern workplace for a flexible workforce. <https://timewise.co.uk/wp-content/uploads/2018/05/Manifesto-for-change.pdf>

¹⁴ Oireachtas Library and Research Service (2020). L&RS note on anticipating the gendered impacts of COVID-19.

¹⁵ Ibarra, H., Gillard, J. & Chamorro-Premuzic, T. (2020). Why working from home isn’t necessarily good for women. Harvard Business Review

¹⁶ Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

NWCI recommends

- The DBEI guidelines should refer to the gender dimension of flexible working and advise employers on how to address this. This should include:
 - Employers promoting remote working across the board to normalise it and remove any existing stigma around flexible working
 - Employers setting out a plan to ensure access to training, upskilling and mentoring.
 - Employers surveying and consulting with staff on how remote working should be rolled out and any concerns workers have
- DBEI should collect data on remote working, disaggregated by a number of factors such as gender, age, income, occupational group, pay, promotions and level in the organisation so that the gender impacts of remote working can be monitored
- DBEI and employers, in consultation with workers, should examine improvements that can be made/supports that can be offered to lower paid clerical workers to increase the likelihood of them being able to work from home, if desired

Childcare

While working from home may have some benefits such as reducing the stress that comes with managing family obligations such as school runs¹⁷, NWC welcomes the acknowledgement in the DBEI report that remote working is not a substitute for childcare. This is reflected in the DBEI employee survey where just 4.5% of respondents cited childcare as a reason for wanting to work from home, though it is notable that this reason was more prevalent among women.

The most effective and sustainable response to addressing childcare is to invest in a public model of early years education and care (ECEC). In the interim, the guidelines should refer to the Code of Practice on New Ways of Living and Working as well as to supports that workers can avail of. Since the availability of childcare is key barrier to women returning to work in line with Ireland's reopening plan, DBEI must do all it can to ensure women remain connected to the workplace and that employers offer maximum supports to workers who need flexibility to accommodate care obligations.

NWCI recommends

- The guidelines should refer and link to Department of Trade, Enterprise and Employment, e-Working in Ireland: New Ways of Living and Working: Code of Practice, 2000 which reaffirms that remote working is not a solution for childcare
- The guidelines should provide information and links to ECEC supports and schemes for workers such as the National Childcare Scheme
- DBEI should issue strong guidance to employers, instructing them to remain flexible around the care obligations of parents so that they remain connected to the labour force.
- DBEI should work with colleagues across government departments to deliver a public model of ECEC

¹⁷ DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

Health/mental health

DJEI's report highlights the potential for remote working to promote increased wellbeing through higher morale, lower stress levels and lower absenteeism. However, it also states that remote working should not be seen as inherently beneficial with potential negative mental health impacts including loneliness, isolation and negative physical impacts such as neck, back and shoulder pain from poor work stations.

While the experience of remote working during COVID-19 is not the norm due to restrictions on social interactions and the use of leisure and holiday time, it is notable that women (11%) were more than twice as likely as men (5%) to report being 'extremely concerned' about maintaining social ties.¹⁸ As well as the mental health impacts, 1 in 5 workers working from home reported that they do not have an adequate workspace or equipment.¹⁹ Employers have duties to their employees, including to provide ergonomic risk assessments.²⁰ For remote working to have positive rather than adverse impacts on workers' health and mental health, it will be important to put in place supports to promote health and wellbeing.

NWCI recommends

- While DBEI guidelines currently refer to H&S policies, they should set out potential health/mental health impacts and link to information and supports for workers
- Employers should make available in-house health/mental health supports or support workers with the cost of accessing external health/mental health supports
- Employers should provide occupational risk assessments, upon request, to workers engaged in home working

Violence against Women (VAW)

The increased demand for VAW services and supports during COVID-19 clearly shows that home is not a safe space for all. Where this is the case, the workplace can offer some form of respite from violence at home and may offer opportunities to find support or to flee a domestically abusive situation. The issue of VAW is not referred to at all in the DBEI guidance which represents a significant gap.

Measures to prevent domestic abuse-related incidents when threats present themselves at the workplace falls within an employer's broader legal obligation to provide a safe workplace and prevent violence. It is essential that the, albeit limited, protections that are currently offered within the physical workplace are understood as applying to all remote working environments.

Remote working by either the victim, the abuser or both may exacerbate an abusive situation which can result in extreme harm and abuse and, in the most extreme case domestic homicide. Remote working for some may mean that the abuse may escalate and the lack of a physical working environment may close down routes to safety for women to escape. While remote working does not of course cause domestic

¹⁸CSO (2020). Social impact of COVID-19 on women and men April 2020. Dublin: CSO

¹⁹ CSO (2020). Social Impact of COVID-19 Survey June 2020 A Snapshot of Experiences and Expectations in a Pandemic. Dublin: CSO

²⁰ https://www.hsa.ie/eng/topics/covid-19/covid-19_faqs_for_employers_and_employees_in_relation_to_home-working_on_a_temporary_basis/

abuse it may, in some instances compound it. This must be considered in any and all policies on remote working

Only recently has there been greater acknowledgement of the impact that domestic abuse has on the victim/survivor but also on the workplace as a whole. People experiencing domestic abuse often experience difficulty getting to work and state that their work performance is negatively affected. Other impacts include: absenteeism, inability to concentrate, lower morale, and health care costs. The obligation to ensure that the remote working environment is safe for women includes having measures in place to guard against all forms of domestic abuse. Under the Istanbul Convention the state is obligated to fully address VAW in all its forms, and to take measures to prevent violence against women and to protect its victims.

Conversely, international research suggests that remote working can have positive impacts for trans workers given the increased risk of violence and harassment they face within the physical working environment. While not a solution for discrimination and violence, the option to work from home can be a support that enables trans workers to earn an income while working in a relatively safer space.²¹

NWCI recommends

- The guidelines should include a section on VAW and links to services and supports for workers
- Employers should provide training to managers in how to identify and support workers who may be experiencing VAW
- Legislate for a minimum of 10 days paid leave for workers experiencing abuse and violence.

Workers' rights

A shift to remote working should not have negative impacts on workers' rights. Remote work should be voluntary, workers should have a right to return to the workplace if they wish and workers should receive equal treatment with regard to promotion, career development and career opportunities. Remote working should not be a step along the way to more informal or precarious work patterns. While it can be a crucial reasonable accommodation for disabled workers, remote working should not be used to replace the responsibility of employers to create more accessible workplaces.

The cost of doing business must not be shifted onto workers. Employers stand to make significant savings from remote working through savings on rental of office space and utilities which provides an opportunity to reinvest these savings into improving conditions for workers. Employers must remain responsible for supply of equipment needed to perform the job.

Collective bargaining is a key measure to protect workers and ensure their rights are upheld and will be even more important where workers are isolated with more limited opportunities to organise together. Research has indicated that countries with a high coverage of collective bargaining tend to have shorter working hours for both women and men, more flexible work options under secure employment conditions, better protection for non-standard workers, as well as a reduced gender pay gap.²² However,

²¹ DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

²² European Trade Union Confederation (ETUC). Collective bargaining and gender equality. <https://www.etuc.org/en/collective-bargaining-and-gender-equality>

the proportion of employees covered by collective bargaining agreements in Ireland is low. Legislation is of particular necessity in Ireland, as our laws allow employers not to recognise unions in pay disputes. Unions are often not recognised and joint labour committees don't exist in many of the sectors women predominate.

At a broader level, legislation on remote and other forms of flexible working is required to give clarity to both workers and employers.

NWCI recommends

- Guidelines for employers and workers should clarify that remote work must always be optional with the worker having the right to refuse remote working.
- The section on 'equality' in the guidelines should provide information on options for workers where equality legislation has been breached and link to the Workplace Relations Commission
- Guidelines should provide information on the right to reasonable accommodation for disabled workers and link to information on how to apply for reasonable accommodations
- Guidelines should provide information on collective bargaining and link to resources such as the Irish Congress of Trade Unions.
- Guidelines should encourage employers to make payments available to remote workers to address the increased cost of utilities for remote workers
- Introduce legislation on flexible working to ensure that flexible working is open to all from day one in the job, unless there are significant business reasons why that is not possible.
 - The onus should be on employers to set out clear and objective reasons for refusing the request rather than on workers to justify the request
 - Ensure that other flexible options that might be preferable to workers, remain open.
- DBEI should carry out a review of all workplace and employment law to and take any required action to ensure that it is 'remote work proof'
- DBEI to support the introduction of legislation on collective bargaining rights

Conclusion

There is scope to improve the guidelines on remote working by gender proofing them and including information and supports on work/life balance, leadership and career development, childcare, health and mental health supports, VAW and workers rights. However, the broader issues and context in which remote working takes place must also be addressed.

While remote working has the potential to benefit workers, it will not improve conditions for women without addressing existing gendered patterns of paid and unpaid work, responsibility for care and barriers to work. Remote working could exacerbate gender inequalities as well as inequalities for migrant workers and young workers if strategies are not adopted to address issues of low pay, limited access to collective bargaining arrangements and unequal access to flexible working policies. Strategies must also be put in place to reduce working hours for all, to address health and mental health impacts of remote working as well as the increased risk of VAW experienced by women workers. Underpinning this, is the need to collect and publish data disaggregated by gender and other equality grounds so that the experience of remote working on different groups of women such as migrant women, lower paid women, young women and disabled women, can be evaluated.