

May 2021

Submission to the  
Department of  
Children, Equality,  
Disability,  
Integration and  
Youth on Flexible  
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 National Women's Council (NWC) supports the introduction of legislation on flexible working to ensure that flexible working is open to all. Flexible working has the potential to make it easier to combine paid work with caring responsibilities and to enjoy a better work life balance. However, pre-pandemic, 1 in 4 workers in Ireland said that they had no access to flexible work arrangements in their work place.<sup>1</sup>

The pandemic has accelerated the practice of remote working on an international scale. Pre-pandemic, 14% of employees in Ireland 'usually' or 'sometimes' worked from home.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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.<sup>5</sup> 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 remotely, 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.<sup>6</sup> Working from home poses additional challenges for those living in shared or overcrowded housing and for women experiencing domestic violence.

Flexible 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 some kinds of flexible work, such as remote work, must also be considered.

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<sup>1</sup> European Commission (2018). Flash Eurobarometer 470 – Work-Life Balance. European Union, 2018

<sup>2</sup> Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

<sup>3</sup> Robert Walters (2020). Returning to the new world of work: A practical guide for business leaders.

<sup>4</sup> Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

<sup>5</sup> DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

<sup>6</sup> CSO (2020). Social impact of COVID-19 on women and men April 2020. Dublin: CSO

For the many essential but often low paid workers, some forms of flexible working, such as working from home, may be challenging if not impossible. Advances in flexible 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 DCEDIY's flexible working policy:

- Work/life balance
- Paid parental leave and childcare
- Women's leadership and career development
- 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.<sup>7</sup> The 'Remote Work in Ireland' report published by the Department of Business, Enterprise and Innovation in 2019 indicates that remote working can have a positive impact on work-life balance through reduced commuting time and proximity to home.<sup>8</sup> 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.<sup>9</sup> 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.

A survey of Disability Allowance recipients by the Department of Social Protection found flexible hours were cited by 30% of respondents as the most important factor in helping them achieve their employment ambitions and goals.<sup>10</sup> While the development of policy on flexible working has the potential to support disabled women to find and retain employment, it is important that remote and flexible working is led by the worker and that it is not used to replace the responsibility of employers to create more accessible workplaces.

Flexible 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.<sup>11</sup> 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.<sup>12</sup> Flexible 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

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<sup>7</sup> CSO (2016) Commuting in Ireland

<sup>8</sup> Department of Business, Enterprise and Innovation (2019). Remote Work in Ireland.

<sup>9</sup> DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

<sup>10</sup> DSP (2016). Department of Social Protection Report on Disability Allowance Survey

<sup>11</sup> Department of Business, Enterprise and Innovation (2019). Remote Work in Ireland

<sup>12</sup> 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/>

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

- 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 flexible working is always optional with the worker having the right to refuse flexible working.
- Monitor the implementation of any flexible working policy to ensure it works well for all women including disabled, Traveller and other ethnic minority women and low paid workers.
  - Collect gender and equality disaggregated data on its implementation
- Work with DETE to monitor the implementation of ‘Making Remote Work: National Remote Work Strategy’ to ensure it works well for all women, including the collection of gender and equality disaggregated data
- Support employers to implement the WRC Code of Practice 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
  - Work with colleagues across government to provide a €5m financial aid fund to support businesses to pilot the Four Day Week in Ireland

## **Paid parental leave and childcare**

Paid parental leave is an important support to help parent’s balance work and family life while remaining connected to the labour market. Available to both parents, it offers the chance of a better sharing of care responsibilities between women and men and more opportunity for fathers to take on caring roles.

NWC has previously called for improvements to paid parental leave so that it covers the first year of a child’s life, is paid at a rate that makes it a more realistic option for all parents and that current unpaid parental leave that is available to parents of older children is converted to paid leave.<sup>13</sup>

The need for equality for lone parents has also been highlighted by NWC and by the National One Parent Family Alliance<sup>14</sup>, a coalition of nine national organisations advocating for the rights of lone parent families. Under the current Parent’s Leave scheme, lone parents do not have the same level of support as two parent families. A lone parent can currently only access five weeks of Parent’s Leave whereas a two-parent family can access ten. This means, that despite the additional barriers and higher risk of poverty experienced by lone parents, there is less state support for women parenting alone and their children than those living in two-parent families.

NWC’s recommendations have been supported by the Joint Committee on Children, Equality, Disability and Integration. Their report on the General Scheme of the Parents’ Leave and Benefit (Amendment) Bill 2020 provides a pathway to ensuring parental leave works for men and women.<sup>15</sup>

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<sup>13</sup> NWC (2021). Submission to JOC on Children, Equality, Disability, Integration on General Scheme of the Parent’s Leave and Benefit (Amendment) Bill

<https://www.nwci.ie/learn/publication/submission-to-joc-on-children-on-general-scheme-of-the-parents-leave-and-be>

<sup>14</sup> Including NWC, One Family, Barnardos, Children’s Rights Alliance, SPARK, SVP, FLAC, Focus Ireland and Treoir

<sup>15</sup> [https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint\\_committee\\_on\\_children\\_disability\\_equality\\_and\\_integration/reports/2021/2021-02-26\\_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-parents-leave-and-benefit-amendment-bill-2020\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_children_disability_equality_and_integration/reports/2021/2021-02-26_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-parents-leave-and-benefit-amendment-bill-2020_en.pdf)

The Citizens' Assembly on Gender equality have also made a number of recommendations to government on improving paid parental leave, including ensuring paid parental leave for parents covers the first year of a child's life, providing lone parents with the same total leave period as a couple, increasing payment levels to encourage increased take up and making maternity, paternity and parental leave available to all elected representatives.

While flexible working may help to reduce the stress that comes with managing family obligations such as school runs<sup>16</sup>, flexible working is not a substitute for childcare. The most effective and sustainable response to addressing childcare is to invest in a public model of early years and school age education and care. The Citizen's Assembly on Gender Equality has recommended that Ireland should, over the next decade, move to a publicly funded, accessible and regulated model of quality, affordable early years and out of hours childcare and to facilitate this, the State should increase the share of GDP spent on childcare, from the current 0.37% of GDP to at least 1% by no later than 2030 in line with the UNICEF target.

### NWCI recommends

- Increase paid Parent's Leave to 9 weeks of paid leave per parent as per the EU Work Life Balance Directive as a first step towards ensuring paid parental leave for parents covers the first year of a child's life
- Ensure equality for lone parents by providing an additional entitlement to the parent that is caring in a one parent family so that lone parents and two parent families have an equal total leave amount
- Increase the rate of Parent's Benefit to €295 per week to bring more in line with EU norms and to ensure that taking the leave is a more realistic option for all parents
- Ensure paid parental leave is available to parents of children older than 2 years of age by converting existing unpaid parental leave to paid leave
- Deliver a public model of early years and school aged childcare

## 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.<sup>17</sup> Women are underrepresented as managers across all economic sectors.<sup>18</sup> 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.<sup>19</sup> Where women opt to work flexibly (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. Availing of flexible work could make women more invisible,

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<sup>16</sup> DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

<sup>17</sup> ESRI (2017). A study of gender in civil service positions in Ireland

<sup>18</sup> Eurofound (2018). Women in management: Underrepresented and overstretched?, Publications Office of the European Union, Luxembourg.

<sup>19</sup> 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>

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 the pandemic, 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.<sup>20</sup>

To ensure that flexible working does not have adverse impacts on gender equality, employers should promote flexible working as a practice for all workers to encourage take up by men/fathers and ensure a culture of management that supports flexible working.<sup>21</sup>

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 have access to flexible work. 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.<sup>22</sup>

### NWCI recommends

- DCEDIY policy on flexible working should include a plan to support employers to:
  - Promote remote working across the board to normalise it and remove any existing stigma around flexible working
  - Set out a plan to ensure access to training, upskilling and mentoring
  - Survey and consult with staff on how remote working should be rolled out and any concerns workers have
- Collect data on flexible 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 flexible working can be monitored

## Health/mental health

DBEI's 2019 report on remote working 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.<sup>23</sup>

While the experience of remote working during the pandemic 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.<sup>24</sup> 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.<sup>25</sup> Employers have duties to their employees, including to provide ergonomic risk assessments.<sup>26</sup> For flexible working to have positive rather than adverse impacts on

<sup>20</sup> Oireachtas Library and Research Service (2020). L&RS note on anticipating the gendered impacts of COVID-19.

<sup>21</sup> Ibarra, H., Gillard, J. & Chamorro-Premuzic, T. (2020). Why working from home isn't necessarily good for women. Harvard Business Review

<sup>22</sup> Redmond, P. & McGuinness, S. (2020). Who can work from home in Ireland? ESRI

<sup>23</sup> Department of Business, Enterprise and Innovation (2019). Remote Work in Ireland.

<sup>24</sup> CSO (2020). Social impact of COVID-19 on women and men April 2020. Dublin: CSO

<sup>25</sup> CSO (2020). Social Impact of COVID-19 Survey June 2020 A Snapshot of Experiences and Expectations in a Pandemic. Dublin: CSO

<sup>26</sup> [https://www.hsa.ie/eng/topics/covid-19/covid-19\\_faqs\\_for\\_employers\\_and\\_employees\\_in\\_relation\\_to\\_home-working\\_on\\_a\\_temporary\\_basis/](https://www.hsa.ie/eng/topics/covid-19/covid-19_faqs_for_employers_and_employees_in_relation_to_home-working_on_a_temporary_basis/)

workers' health and mental health, it will be important to put in place supports to promote health and wellbeing.

#### NWCI recommends

- DCEDIY policy on flexible working should:
  - Set out potential health/mental health impacts and link to information and supports for workers
  - Note the responsibility of employers to make available in-house health/mental health supports or support workers with the cost of accessing external health/mental health supports
  - Note the responsibility of employers to 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 the pandemic 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.

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 flexible working environments.

Remote working by either the victim or the abuser 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 abuse, it may, in some instances compound it. This must be considered in any policies on flexible 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.<sup>27</sup>

#### NWCI recommends

- DCEDIY policy on flexible working should
  - Note the impact of VAW on women workers and set out how this can be addressed in flexible working contexts

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<sup>27</sup> DeLaat, K. (2020). Remote Work and Gender Inequality Throughout and Beyond the COVID-19 Pandemic. Institute for Gender and the Economy. Toronto.

- Support employers to 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 flexible working should not have negative impacts on workers' rights. Flexible working should be voluntary, remote 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. Flexible 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, flexible 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.

The cost of moving to remote working has been particularly challenging for many not-for-profits, NGOs and charities. Consideration should be given to a once off scheme to fund remaining 'working from home' work space costs. In addition, statutory funders must recognise the development of additional costs to an organisation continuing to deliver services & programmes from a centre/office-based work place whilst some employees are also working predominantly from home.

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.<sup>28</sup> However, 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.

### NWCI recommends

- Flexible working policies should clarify that flexible work must always be optional with the worker having the right to refuse flexible working
- DCEDIY to work with DBEI to carry out a review of all workplace and employment law to and take any required action to ensure that it is 'flexible work proof'
- DCEDIY to support the introduction of legislation on collective bargaining rights

## Conclusion

Availability of flexible work arrangements would allow women and men to better balance their formal employment with life's other demands. Legislation is required to provide clarity for workers and employers.

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<sup>28</sup> European Trade Union Confederation (ETUC). Collective bargaining and gender equality. <https://www.etuc.org/en/collective-bargaining-and-gender-equality>



While flexible 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. Flexible 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. It must be accompanied by protections for workers to ensure that flexible work does not equal precarious work, as well as policies to promote greater uptake by men of flexible working arrangements and parental leave if equality between women and men is to be addressed.

Underpinning this, is the need to collect and publish data disaggregated by gender and other equality grounds so that the experience of flexible working on different groups of women such as migrant women, lower paid women, young women and disabled women, can be evaluated.

Finally, there is a need to go beyond flexibility and to look at reorganising our working model, by reducing working time for all to provide women and men with greater choices regarding care of children and family members.