

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

Supplementary submission from the Public Services Committee (PSC) of the Irish Congress of Trade Unions

October 2021

Introduction

This supplementary submission, which summarises the PSC response to assertions made in management submissions to the Independent Body, should be read in conjunction with the PSC's initial submission of 11th June 2021, along with information shared with the Independent Body in oral sessions.

In these submissions, the PSC has noted that the HRA did not establish any systematic process to assess or measure the productivity impact of the additional HRA hours or any impact on costs or service delivery. The PSC also noted that the various figures put forward by employer representatives do not appear to be based on solid practical assessments of any proven impact of the additional hours on productivity, service delivery, costs, or even staffing levels. 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.

Health

Recent administrations have acknowledged the need for additional investment in health and social care staffing, and the Sláintecare initiative envisages significant increases in personnel across a range of health service professions and grades. While the management submission leans on the pandemic as a yardstick measurement of need, this is not a regular measurement gauge. The real issue is the need a properly-resourced integrated healthcare system, and a restoration to pre-HRA hours would have minimal effect on this.

It is doubtful that increased HRA hours introduced in nursing and midwifery contributed in a significant way to offsetting the staffing reductions that had already occurred in these grades, where a fall of 4,363 whole time equivalents (WTE) occurred between 2007 and end- 2012. 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. The HRA hours could not, and did not, offset this dramatic drop in numbers. Rather, growing demand continued to be met with fewer nurses and midwives.

It is a similar picture in radiography, radiation therapy and phlebotomy, where the additional working hours did not result in increased patient throughput, and where there is no dependence on agency arrangements or increased access to on-call arrangements as emergency rotas remained separate in most departments.

There is no evidence of productivity gains or savings arising from the HRA hours in non-clinical health roles. Here, existing flexibilities ensure that necessary work is done on the basis of public service-wide practices. The increased staffing requirements required to deliver the level of 5/7 services that the HSE aspires to far outweigh any benefit gained from the HRA hours. For example, unions have agreed in principle to 5/7 cover as part of the hospital pharmacists' review, but traditional core hours are already spread too thinly to apply this within existing resources.

Meanwhile, blended working in clerical, administrative and other areas has demonstrated significant scope to increase productivity and absorb any effect of the restoration of pre-HRA hours, while senior managers and other staff regularly work way in excess of their contracted hours without entitlement to overtime. Here, a reduction in hours would, in reality, occur in name only.

Civil service

Management's assertion that replacing the HRA hours would require 2,500 additional civil servants does not stand up to scrutiny, and there are no examples to support its claim that the additional hours facilitated different working patterns without payment of allowances or premia. In fact, the reorganisation of work in areas like social protection arose from ongoing change programmes unconnected to the additional HRA hours.

The management submission also argues that the Department of Social Protection adjusted staffing levels as a result of the additional HRA hours. Yet the standard staffing measurement in the department, pre- and post-HRA, is based on numbers on the live register. The submission cites the development of the INTREO model as an example of where the HRA hours supported such changes, yet this development predates the introduction of the additional hours.

The submission also cites the development of the National Processing Team, but this was facilitated by the establishment of the INTREO model, rather than the additional HRA hours. Management's argument that the HRA hours supported the introduction of the PUP flies in the face of the reality that the project was delivered over a very short period of weeks and on a shorter (not a longer) working day. Similarly, productivity in Revenue, particularly during the pandemic, is attributable to organisational realignment and digital advances rather than the HRA hours.

Pressure points described in the areas of justice, agriculture and revenue are also exaggerated, as there is no evidence of any requirement for significant numbers of additional staff if pre-HRA arrangements are restored. This includes areas that feature shift work.

It is not correct to say that public opening or service delivery would be impacted in the way described in management submissions. In fact, evidence from the pandemic period strongly indicates that significant and improved productivity is possible over a shorter working day. Most Government departments would value cooperation with organisational and

technological change over additional hours, while digital advancements are also leading to greater productivity, again with no relationship to additional hours. Regarding overtime, the reduction in the divisor will not greatly increase what is now quite a low overtime bill.

Education

The restoration of pre-HRA hours for clerical, administrative and analogous grades in the sector would have no implications for public facing roles as the 9-to-5 opening model was in place prior to the HRA, with flexitime used to cover lunch breaks, the start and end of the day, and to manage some 'out of hours' provision. Specific arrangements for work falling outside the span of the flexitime day would continue. This applies in technical universities and institutes of technology, which did not extend front-facing or public counter hours as a consequence of the HRA. A restored working day would not, therefore, incur any additional costs for clerical and administrative staff, assuming that flexible working and flexitime remains available.

While acknowledging that special needs assistants were not subject to an increase in working hour under the HRA, the Department of Education submission goes into some detail on the use of the '72 hours' codified in the CPA. In most instances, these hours are deployed outside of agreed parameters and in ways that do not increase productivity. School secretaries and caretakers are also referenced in the management submission, despite the fact that they were not encompassed by the HRA, which did not affect school opening or closing times in any way.

Regarding administrative, managerial and support staff in ETBs and further education, the management side fails to identify any instances of longer opening hours or other productivity measures as a consequence of the HRA hours increase. The changes to a 'shared services' model were not contingent on a 37-hour working week, and were managed by a largely female workforce with a significant degree of flexible working. On this basis, the cost estimates put forward for ETBs are not credible. Nor is the estimate for replacement costs in the independent schools as this figure equates to 16 hours per school per year when, in reality, additional productivity would be used to incorporate duties into a revised working week in this area.

Regarding the submission from the Department of Further and Higher Education, increased HRA hours in administration services, including libraries and open service desks, have not extended opening hours for students. This includes 'out of hours' provision in libraries and other services.

Prior to the HRA, primary and post-primary teachers provided 37 additional hours per annum under the supervision and substitution scheme. Following the HRA, they worked an additional six hours a year within this scheme, without remuneration, and the payment rate in place for the scheme was reduced for all teachers to the new entrant rate. The application of the six additional hours has led to many students being 'supervised' rather than taught by fully-qualified substitute teachers during the last eight years. In this context the Department of Education's estimate that the changes in HRA have led to an ongoing

long-term saving of approximately €20 million is strongly contested by the staff side, which believes the negative impact of the extra six HRA hours needs to be addressed.

Local authorities

Management submissions from the local authority sector do not properly reflect what is happening on the ground, not least because they place huge emphasis on the ability of the sector to operate with 20% less staff without reference to the related outsourcing of service provision. In waste collection, most staff were redeployed following privatisation in 2012, and jobs lost through early retirement and other exits were not replaced. The 2013 outsourcing of driver licence services accounts for a reduction of between a 40% and 50% of staff in the area. Staffing in local authority water services remains below the numbers employed prior to the 2013 'service level agreements' with Irish Water. Other examples of reduced workloads include the introduction of strategic planning zones, which significantly reduced planning work, the fact that significant local authority housing functions have been taken on by approved housing bodies, and the fact that third-level grants formerly administered by local councils are now handled by SUSI.

The continuing application of a restrictive headcount moratorium across the general operative and related grades, where the working week is 39 hours, continues to impact negatively on direct service delivery and is driving outsourcing across the sector.

END