

Employment Flexibility in the Current Health Crisis

While employers continue to navigate the current health crisis adapting strategy, priorities and work practices there remains a number of anomalies in the everchanging landscape. Whether it is looking at continued remote working or blended working practices, navigating the health, safety and welfare variances that arise or managing employee relations in mitigation of employee discontent, employers require strength of agility in all areas.

Notwithstanding improved agility and management of increasing changes in the employment relationship, HR practitioners and organisations alike in the Community and Voluntary sector need to continue to invest in HR and best practice HR management.

Managing the Employment Relationship

The Blended Work Practice

While a significant number of organisations remain in a remote working space, others have sought to implement blended work practices integrating a return to the workplace with a part-remote practice. However, blended work practices have not been without its challenges with the three-county lockdown, discussions of further county restrictions and increases in covid-19 cases. These challenges not only present in an ability to return to the workplace but also in the management of employee relations.

Blended work practices can make sense when organisations can ensure the health, safety and welfare of employees but also in strengthening the values, mission and culture of an organisation. While no organisation is free from employee concerns related to the health crisis, how an employer leads out on change will be the marker of high levels of buy in, thus establishing a realignment of organisational strategy and focus.

Blended work practices create a balance with the workforce to maintain health, safety and welfare while at the same time resuming normal work activity which helps re-establish organisational culture. The unintended consequence of blended work practices is that people managers must adapt to managing employee relations in a different way.

In order to do this effectively, communication must continue to be frequent and transparent. organisations must engage their workforces by both providing autonomy as well as encouraging collaborative practices. There must be an equitable approach to dealing with employees so that as an employer you are mitigating risks of employment equality concerns arising. Finally, flexibility must be modelled so that both management and employees can continue to navigate this new territory and work together for organisational success. This means that employers must ensure that

they are clear in communicating the organisational needs, have appropriate policies in place to deal with changing leave arrangements and are prepared to foster a safe and healthy workplace.

Flexible Work Arrangements

With the re-opening of schools, additional considerations will present when employees require flexibility from the employment relationship. News alerts have circulated where a number of schools were in the position of having to send individual classes home due to a diagnosis of Covid-19. Unfortunately, this will not be a singular occurrence so employers must consider how these scenarios will be managed and communicate effectively with employees to ensure a consistent and fair approach applies to all.

Where this situation arises, an impacted employee may have to return to a temporary period of full remote working, if this is feasible. Where certain employment situations do not support any form of remote working, employers must ensure that they are fully transparent about the requirements.

Temporary work arrangements should be put in place for employees who are impacted by their family status in a situation where care for their children presents. This means that employers must ensure they have communicated the expectations in a fair and transparent manner. As outlined, one option is to provide for remote working on a full-time temporary basis. Another option is to allow for a form of leave to apply with greater flexibility on the notification procedures. For example, some employees may be able to avail of parental leave where they satisfy the eligibility requirement. Since September 1, 2020 parental leave permits up to 26 weeks of unpaid leave. Availing of unpaid leave or annual leave may also be an option for employees in need of time off in this scenario.

Employers should be aware that in these particular circumstances some parents may seek to avail of force majeure leave which enables a parent to avail of up to 3 days paid leave in a 12-month period or 5 days in a 36-month period. However, force majeure leave is only available for urgent family reasons, where the immediate presence of the employee is indispensable owing to an injury or illness of a close family member. In this circumstance the close family member must have suffered an injury or illness so it may not be acceptable for this form of leave to be utilised where the eligibility criteria have not been satisfied.

Employee expectations around flexible work

There is a continued expectation that flexibility in terms of work practices can and should continue. In most cases this is true and should assist in the continued transition back to the workplace. However, more and more situations are arising where employee expectations no longer balance the needs of the organisation. With a plethora of government recommendations available, whether this is to continue working from home where possible, or to avoid public transport, employers are experiencing the fallout from this, which is why it is of paramount importance to manage expectations. Employers must clearly communicate the organisational needs and model flexibility in order to expect flexibility in return.

Key Take Aways

- Communication is integral to effectively managing all unintended consequences and maintaining an engaged workforce.
- Model flexibility but be clear on organisational expectations.
- Balance the needs of the organisation and treat employees fairly.
- Ensure the correct supports are in place to maintain and foster health and wellbeing as a priority.

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**For further information or advice, please contact the designated HR & Employment Helpdesk at thewheelhrhelpdesk@adarehrm.ie or via telephone on (01) 5394661
Monday – Friday 9.00am- 5.00pm**