

FLEXIBLE WORK ARRANGEMENT POLICY

MINISTRY OF THE PUBLIC SERVICE

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BARBADOS PUBLIC SERVICE

Flexible Work Arrangement Policy

Introduction

This policy applies to all Public Officers and Temporary Employees and aims to provide a framework for the effective management of the following flexible working schedules: (i) compressed week, (ii) flexi-time, (iii) staggered hours, and (iv) telecommuting. These arrangements are expected to result in better work-life balance for officers along with benefits for ministries and departments across the Public Service. Other anticipated outcomes include:

- (i) ministries/departments may benefit from reduced employee tardiness, absenteeism and improved performance/productivity;
- (ii) improved employee attitudes and morale;
- (iii) employees may structure their work schedules to best satisfy their personal and domestic needs; and
- (iv) customers may access services over a period that is in excess of the standard work day.

Increasingly, organisations need greater flexibility to effectively respond to opportunities and challenges in their business environment due to the impact of globalisation. The essence of this needed flexibility is the requirement to match the organisation's labour needs regarding stakeholders' satisfaction with the needs of public officers and temporary employees, thereby maintaining a balance between the well-being of the organisation and that of its employees.

Based on research conducted among public officers and temporary employees in 2019, the majority of staff expressed the desire that the structure of work be revised to include some flexible work schedules along with the standard work day. The findings from this research are consistent with the stated policy of Government in its effort to modernise operations within the public sector, as well as the views of the other Social Partners
- including those expressed through deliberations of the Structure of Work Subcommittee of the Social Partnership.

I. Definitions

In this policy:

- (i) a flexible working arrangement refers to any type of work schedule that varies an employee's standard working hours, as well as place of work, for a defined period (e.g. three months or six months);
- (ii) a standard work day is the traditional period where work is done between 8:15 a.m. to 4:30 p.m.;

- (iii) a standard work week refers to the work schedule from Monday to Friday where a public officer or temporary employee is required to perform work over five standard work days;
- (iv) “Public officer” or “officer” or “employee” means the holder of any office of emolument in the Public Service and includes any person appointed to act in that office;
- (v) Temporary employee means a person other than a public officer who holds a temporary office in the Public Service; and
- (vi) the phrase *Head of Department* means the administrative head of an agency and includes the Permanent Secretary.

II. Objectives of Flexible Working Arrangements

This policy aims to assist in modernising the operations of the Public Service by:

- (i) re-designing the framework and creating an enabling environment for the provision of public goods and services;
- (ii) enhancing the ease of doing business at public service organisations;
- (iii) maintaining a high level of service and productivity; and
- (iv) improving employees’ work-life balance.

To achieve these objectives, management of any public service organisation may implement flexible working arrangements as set out below. These working arrangements must be consistent with the operational needs of that agency and result in performance and service to the public that maintain or exceed existing levels. Public officers and temporary employees may participate in a flexible working schedule, or a combination of these schedules, at the discretion of the Head of Department, taking into consideration the mandate of the ministry or department.

III. Types of Flexible Working Arrangements

The following flexible working options may be considered and agreed separately or as a combination of options which are suitable to both the ministry/department and the employee:

- (i) **Compressed Week** - where an employee works his usual number of full time hours in fewer days by working longer blocks of time per day. This ensures that the fundamental terms of the employment contract are maintained regarding consideration by both employee and employer. To illustrate, the total number of hours in a standard work week may be compressed as follows:

- (a) four days of work in one week with three days off; or

- (b) ten days' work, normally completed in a fortnight, into nine days; or
 - (c) some other suitable arrangement (that includes health, safety and welfare considerations).
- (ii) **Flexi-time** - this allows the management of an agency and an employee to agree, within certain limits, when to begin and end the work day, where the work period can vary from day to day. The basic requirement of any flexi-time work schedule programme is that:
 - (a) the employee must work the mandatory number of hours that comprise the standard work week; and
 - (b) each employee must be present during core time.
- (iii) **Staggered Hours** - the concept where the start and end time of work hours for employees may vary whilst the employees complete a period of work that is equal to a standard work day (e.g. 7:30 a.m. - 3:45 p.m.; 8:00 a.m. - 4:15 p.m.; 9:00 a.m. - 5:15 p.m.; and 10:00 a.m. - 6:15 p.m.) as agreed by the Head of the Department and the employee. By staggering employee arrival and departure times, the employer may also reduce some bottlenecks in other areas such as at the security checkpoint and in the use of elevators. This type of scheduling may also be especially useful for customer facing ministries and departments in extending the number of contact hours available for the benefit of customers.

- (iv) **Telecommuting** - means an approved arrangement whereby an employee is required to perform specific work-related duties from home, or other remote location, for a specified period. Each ministry/department will be required to review its operational and resource requirements to determine whether the nature of specific job roles may be subject to remote working arrangements.

Where telecommuting is in place, the officer would be required to work from office at least one day per week, unless there are extraordinary circumstances which prevent this occurring.

Extraordinary circumstances mean:

- a) An issue which occurs in the workplace which significantly disrupts operations, e.g. fire, water outage, electricity outage, etc
- b) An issue which occurs outside of the workplace, e.g. hurricane or other natural disaster, a state of emergency imposed by the government which limits movement (e.g. curfew)

Requirements

Heads of Departments must, prior to implementation of a telecommuting schedule:

- Carefully evaluate the anticipated costs and benefits of the proposed remote work schedule especially if it requires additional expenditure by the ministry.
- Collaborate with the Ministry of Innovation, Science and Smart Technology (MIST) to assess the technology, security, hardware and software requirements needed to support the work from home arrangement.

- Ensure that the remote work infrastructure is installed, maintained and updated in accordance with the Ministry's IT Security Policy and Standards.
- Verify that the officer's Internet service is adequate to support remote work for both voice and data.
- Assume no responsibility for employee owned property - even if used by the officer for remote working purposes.

Other considerations to be taken into account by management in determining the readiness of an officer for a work from home schedule include:

- How can cybersecurity and data privacy concerns be addressed upfront to safeguard Government's digital assets?
- How will the necessary equipment and software be best procured and installed to enable the officer to work efficiently and securely from the approved remote location?
- Are the conditions at the remote work location conducive to the delivery of professional service?

Responsibilities

The ministry or department and the officer respectively will bear the following obligations to ensure the effectiveness of a Telecommuting arrangement.

Ministry/Department:

- Ensure that the nature of the work to be performed can be successfully completed through existing technology and that the officer has the requisite Information Technology (IT) equipment, software and training to perform his/her duties.
- Ensure clear understanding and agreement of the required performance standards; cybersecurity requirements; official communication channels, platforms and tools; communication and reporting protocols; and completion times for assignments and other deliverables.
- place for the officer Ensure that adequate communication arrangements are in to be kept well-informed, in a timely manner, of any situation that may impact the workplace.
- Ensure that appropriate safeguards exist to maintain security and confidentiality in the handling and storage of documents, data, other digital assets and equipment of the Government of Barbados.

Public Officer/Temporary Employee:

- Agree to the required standards of performance; approved communication channels, platforms and tools; communication, reporting and security protocols; and submission times for assignments and deliverables.
- Perform normal duties at the appropriate times as agreed - unless a revised schedule has been approved by the Head of Department.
- Ensure that there is a reliable telephone and high-speed Internet service at home or at the approved remote location.
- Provide the Head of Department with an up-to-date, working telephone number to facilitate timely communication.

- Attend and set up virtual meetings as required; participate in conference calls (including videoconferencing); and be prepared to report to the office in person if deemed necessary by the Head of Department.
- Agree when required by the Head of Department and be available to review work progress at appropriate intervals. Such reviews may be in face to face meetings or via telephone call, official email, Microsoft Teams, videoconferencing or other approved collaborative tools and platforms.

Remote Work Environment

The Head of Department will approve work from home arrangements with the understanding that:

- It is the responsibility of the officer to establish and maintain a work area that allows for the attainment of the agreed work objectives. The work environment must be safe, clean, free from hazards, and ensure the security and confidentiality of private or otherwise confidential and sensitive information.
- The Government of Barbados will not be responsible for costs associated with the setup of any officer's remote workstation, such as acquiring furniture, fixtures or lighting; nor for repairs or modifications to a home office space.
- An officer who works in a highly technical field may require specialty equipment and software that is suited to their job. These may be procured and used as necessary but **all** specialist platforms, software and tools must be registered with MIST.

- The ministry may provide devices and software to the officer - **except** for high-speed connectivity to facilitate voice and data transmission. The Head of Department, the officer and the IT Officer (or MIST, in the absence of a designated IT Officer) must determine the resources that will be necessary to support the proposed remote work arrangement.

NOTE:

1. **An officer shall not utilize unsecured Wi-Fi networks, devices or computer systems to connect to the Government of Barbados' network infrastructure. Only officially issued email addresses which end with "barbados.gov.bb" or specific ministry issued email address such as "health.gov.bb" and "labour.gov.bb" shall be used for the sending and receiving of email messages related to the work of the Government of Barbados.**
2. **Equipment supplied by the Government of Barbados is to be used for Government business only and should be protected by the officer from damage or theft. Unauthorized individuals are expressly prohibited from using this equipment and accessing Ministry or Department information and systems.**

Time and Attendance

The officer is required to be available for work as agreed with the Head of Department and to observe the attendance provisions

within the Public Service Act and the General Orders for the Public Service including, but not limited to, the guidelines on leave. If an employee is unable to work on a scheduled day due to sickness, injury or otherwise, he/she must follow the established procedures.

Where the officer is required by the Head of Department to physically report to the workplace for a meeting, to participate in a learning event or other suitable reason, at least twenty-four (24) hours advanced notice shall be given - except in cases of emergency when a lesser period of notice may be given. The Officer will be expected to attend the event and may be subject to disciplinary action for failing to do so. Note that the officer will not be entitled to claim the cost of travelling to the office in these circumstances.

Terms and Conditions of Service

All existing terms and conditions of service for the employee will apply with relevant modifications. However, a telecommuting schedule will not attract overtime or special payments.

Information Security

Ministries and departments must ensure adherence to established guidelines to ensure the security of Government's information and digital assets. In this regard, it is recommended that the guidance of MIST be sought beforehand to inform agreements.

Either party may initiate the request for flexible work scheduling. However, once confirmed, the agreement must be in place for a complete period (e.g. three months or six months).

Beyond these minimal requirements, the precise working hours may be established in whatever manner is consistent with achieving the organisation's operational needs, its mission, the wishes of the employee and any legal or regulatory restrictions.

IV. The Needs of the Organisation

While the management of the Public Service is committed to facilitating a range of appropriate working arrangements, employees and management of individual ministries and departments must be realistic and recognise that these flexible working options may not be appropriate for all roles nor all agencies. Therefore, where a flexible working arrangement is proposed, the management of that entity will need to evaluate it and take into account a number of criteria including, but not limited to:

- (i) the costs associated with the proposed arrangement;
- (ii) the effect of the proposed arrangement on other staff;
- (iii) the need for, and effect on, supervision;
- (iv) the availability of staff resources;
- (v) details of the tasks specific to the role;

- (vi) the workload of the role;
- (vii) whether it is a request for a reasonable adjustment related to a disability or some other legally binding factor; and
- (viii) health, safety and welfare issues.

Managers and Supervisors should not consider a flexible work schedule as simply a re-arrangement of work hours but rather as a step away from a rigidly controlled work environment to one that may improve officers' work-life balance, provide greater convenience for customers and increase the overall effectiveness of their respective organisations. These schedules place added responsibility on supervisors as well as those persons under their direct supervision and requires greater levels of trust, confidence and teamwork among all parties within the work group.

Managers and their staff are free to vary the work schedule to suit particular service delivery needs but the essential principle of any flexible arrangement is that **'work comes first'**. Therefore, service to customers, whether internal or external, must not suffer as a result of the implementation of any flexible working arrangements. Consequently, flexible work schedules must satisfy the following:

- (i) all full-time employees must work the equivalent number of hours in a standard work week;
- (ii) operational requirements of the ministry/department must be met;

- (iii) the standard protocols and procedures with respect to work planning should still obtain;
- (iv) service to the customer must be maintained or improved;
- (v) costs of salaries will not be increased;
- (vi) each ministry/department must be available to the general public during the standard work day;
- (vii) flexible working will not diminish the employer's ability to assign responsibility and accountability to individual employees for provision of services and performance of their duties; and
- (viii) in positions where flexi-time is permitted, requests from employees for any type of change in work schedule will be considered on the basis of the above standards.

V. Eligibility Criteria for Flexible Work Arrangements

In order to be considered eligible for a flexible work arrangement, the officer must have been assigned to the current role for at least twelve consecutive months and received a favourable performance report for the period.

VI. Flexible Working Request by Management

A request may be initiated by the Head of Department to one or more employees and must be presented in writing (e-mail or hard copy) to each employee who will be affected by the change. Management must consult with officers (including their trade union if required) since the proposed change represents a variation of the conditions of service which exist currently. The request must include:

- (i) the date of the proposal;
- (ii) the changes which management is seeking to hours of work including a rationale and the likely benefits;
- (iii) the date when the proposed change is to come into effect and where applicable the end date; and
- (iv) a clearly articulated statement of the benefits to be achieved by the proposed change for all parties.

Heads of Departments must be cognizant that:

- the proposal should be made well ahead of the scheduled date of implementation to facilitate any consultation with workers and their trade union that may be required to effect the change;
- the Director General - Human Resources, Ministry of the Public Service must be made aware of the proposed changes before implementation;

- Once agreement is reached with the employees, the terms as agreed must be accurately documented and with a copy given to each affected employee as well as the Ministry of the Public Service; and
- If the proposed change necessitates the payment of any additional compensation, permission **must be received** from the Minister responsible for the Public Service before any agreement may be entered into.

In the event the employee refuses to participate in the proposed flexible work arrangement, the refusal must be documented in writing, with reason for the refusal.

VII. Flexible Working Request by the Employee

A request from an employee must be made in writing (e-mail or hard copy) to the Head of Department. The request must include:

- (i) the date of the application;
- (ii) the changes that the employee is seeking to his hours of work;
- (iii) the date when the proposed change is requested to come into effect and where applicable the end date;
- (iv) what effect the employee thinks the requested change would have on the organisation; and
- (v) the date of any previous application.

If the request is in relation to any statutory provision that requires “reasonable accommodation” by the employer (e.g. *Safety and Health at*

Work Act and the Employment (Prevention of Discrimination) Act) this should be clearly stated in the application.

VIII. Processing Employee Requests

The request must be evaluated by the Head of Department and a written response given within 28 days after the date of receipt. This time limit may, however, be extended with the agreement of both the employee and Head of Department. In general, a meeting may be convened by the Head of Department with the employee to:

- (i) discuss the request;
- (ii) find out more about the proposed working arrangements; and
- (iii) determine the benefit to both the employee and organisation If a

meeting is arranged, it should be held within **21 days** of the organisation receiving the request. This time limit may, however, be extended with the agreement of both the employee and Head of Department. Employees are permitted to seek permission to amend their work arrangement/schedule at short notice in the event an emergency situation arises. The reason for the change as well as its duration should be submitted in writing.

The employee shall be given advance notice of the time, date and place of the meeting. If the initial meeting is not attended by **the** **employee,** then one further date will be proposed. At the meeting the

employee may, if he wishes, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, the application will be deemed to have been withdrawn.

Where the request can, without discussion, be approved as detailed in the employee's written application, a meeting to discuss the request may not be necessary. The employee shall be informed of the organisation's agreement to the request by a confirmation in writing.

IX. Responding to a Flexible Working Request

The Head of Department will consider the proposed flexible working arrangements, evaluating the potential benefits and adverse effects to the employee and to the organisation in implementing the proposed changes. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working arrangement.

The employee will be informed in writing of the organisation's decision as soon as is reasonably practicable, but no later than 7 days after the meeting.

The request may be granted in full, in part or refused. The Head of Department may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

If the request is approved, the employee will be issued written confirmation which will include details of the new arrangements. The employee may contact the Head of Department within 7 days of receiving the response to his request to further discuss the new arrangements, or to express any concerns. In the event the request is denied, the officer should be informed of the reason for the refusal in writing.

X. Trial Period for New Working Arrangements

Where there is any uncertainty regarding the proposed flexible working schedule by the employee and/or the organisation, a trial period may be agreed.

If a trial period is arranged the ministry/department will allow sufficient time for the employee and their manager to implement and become familiar with the new working arrangement before taking a final decision on its viability.

XI. Appeal against a Decision

If an employee is aggrieved by the decision by a Head of Department to a request under this policy, he may follow the grievance procedure as set out in the *Public Service Act*.

XII. Management of Flexible Arrangements

It is the responsibility of management to:

- (i) verify and ensure that employee performance remains at the required standard;
- (ii) share flexible schedules among all employees in the agency to ensure that the agency's mandate to the general public is met at all times;
- (iii) ensure that effective human resource management and good interpersonal relationships among all members of the work group are practiced to result in a successful flexible working scheme. Trust and commitment to team performance play important roles and supervisors and workmates must be confident that individuals will not abuse the provisions that are inherent in a flexible work schedule.
- (iv) maintain an effective level of service. The Head of Department will determine the minimum staffing level that will apply at any time during office opening hours. It is essential, therefore, that all employees co-operate with their Head of Department to ensure that adequate staffing levels are maintained. Failure to do so may be considered to be an abuse of the system; and
- (v) ensure that when a flexible schedule has been confirmed it is to be performed subject to the provisions of the Public Service Act and any other rules or policies that govern the management of the public service. Note that an officer who fails to work his requisite number of hours without good cause or otherwise abuses the flexible working arrangement may be liable to disciplinary action under the Act.

XIII. Recommendation

It is recommended, therefore, that ministries and departments across the Public Service be encouraged to implement appropriate flexible working arrangements. These arrangements may consist of compressed week, flexi-time, staggered hours, and telecommuting schedules as outlined above, and must be implemented based on the needs of individual organisation.

The flexible scheduling method(s) approved should enable the organisation to:

- (i) help reduce employee tardiness and absenteeism;
- (ii) improve employee morale and performance leading to productivity gains;
- (iii) allow employees to be given a greater scheduling opportunity in how they may fulfil their work obligations while satisfying their personal and domestic needs;
- (v) reduce the need to schedule overtime work and the associated costs; and
- (vi) improve customers' access to services over a period that is in excess of the standard work day.

