

EMERGING ISSUES IN WORK-LIFE BALANCE

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INTRODUCTION

At this early stage in the twenty-first century there is increasing evidence that, for some, the value of work is changing. While the 1980s were characterised by the idea that 'lunch is for wimps', there has been a shift, perhaps encouraged by increasing work intensification and pressure, towards valuing a slower and gentler pace, which allows more room for personal interests, environment and family. In 2001 41 per cent of managers in an Institute of Management survey felt that the quality of working life had got worse over the previous three years (Institute of Management 2001). In the 1990s the notion of 'downshifting' appeared, which has been described as swapping a life of total commitment to work and possible high rewards, for less demanding, or part-time work or self-employment, or a combination of the three. This notion has been considerably expanded to form a wide range of legitimate work options under the banner of work life balance or work-life integration which is being supported by government initiatives and is a key issue, rather than a key practice, in organisations not only in the UK but across Europe, America and such eastern countries as Japan. The latest Workplace Employment Relations (WER) survey (Kersley *et al.* 2006) found increasing use of flexible working options compared with the previous 1998 survey.

OBJECTIVES OF THE PAPER:

1. Analyse the drivers for work-life balance
2. Outline the legislative context
3. Explore a range of work-life balance practices
4. Assess the benefits of work-life balance
5. Assess the barriers to, and problems with, work-life balance

DRIVERS FOR WORK-LIFE BALANCE

Much of the pressure for work-life balance policies originates from the changing demographic make-up of our potential workforce, changing social roles, the changing responsibilities of organisations and legislative pressure. Increasing numbers of women in the workforce wishing to

combine family and work responsibilities is an obvious driver for what were initially called 'family-friendly' policies (Kodzet *et al.* 2002) and which quickly became work-life balance policies. The ageing population and workforce is another demographic change which has raised the importance of work-life balance for employers. Older employees may wish, or financially need, to remain in work, but work fewer hours or different shift patterns. The government recognises this and in its *Opportunity Age* strategy (DWP 2005) there is the identified goal of increasing flexibility for older workers so they can combine work with family and other commitments and any health problems.

In a tight labour market with a shortage of needed skills employers are forced into developing policies which can attract and retain groups of workers who might previously have left the organisation. Lloyds TSB, for example, felt that to attract and retain the workers that they needed, they needed to demonstrate that they were a progressive employer in terms of work-life balance policies. IRS (2002) found that the most popular reasons for employers to introduce work-life balance policies were recruitment and retention, and CIPD (2005) found that retention was the key driver. The importance of this issue is underlined by the fact that the government is encouraging work-life balance, and began a campaign for this in 2000.

A further influence is the need for employers to respond to what is now termed 'a 24/7 society'. Noon and Blyton (1997) argue that individual working hours are being decoupled from operating hours, and that more flexibility is needed to cover round the- clock peaks and troughs. They argue that this now applies to a much wider range of business areas than hotels, hospitals and continuous processes operations. Financial services and retail operations are now subject to similar pressures. There is much evidence of work intensification over the past two decades and this faster pace has been associated with much greater levels of stress in organisations. Holbeche and McCartney (2002) found that employees were experiencing anxiety, work overload, loss of control, pressure, long hours and insufficient personal time. Such experiences are likely to encourage a reassessment of values in workers, and there is also evidence that younger people entering the labour market are much less willing to sacrifice their personal lives for total commitment to work. Values and expectations appear to be changing.

Associated with such changes organisations have been facing, and sometimes losing, lawsuits in respect of stress resulting from work. From a legal perspective employers have a duty of care, so in terms of self-protection work-life balance measures have an attraction. On a more positive note there is some evidence that employers are more concerned about promoting a healthy working environment and are more aware of their social responsibilities as an employer.

In conjunction with David Blunkett, the Secretary of State for Education and Employment, the Employers for Work-life Balance Alliance was set up in 2000. It comprised 22 employers who exhibited good practice in work-life balance and served to offer advice to other organisations. The alliance has now disbanded but in its place Investors in People has developed a work-life balance model which offers guidance for employers.

THE LEGISLATIVE CONTEXT: FAMILY-FRIENDLY LAW

In recent years a significant contribution to the development of workplaces which offer a better work-life balance has been made by the government and by EU institutions. This has involved the introduction of new regulations which require employers to take account of the needs of people with family responsibilities as well as substantial improvements to existing statutory rights. Campaigners pressing for greater family friendly working practices would like to see a much further extension of this kind of legal right, and this may well happen over time. The major ways in which the law plays a part in promoting family-friendly working practices are

- A working week limited to a maximum of 48 hours;
- Four weeks' paid annual leave per year (in addition to bank holidays);
- A limitation on night working to eight hours in any one 24-hour period;
- 11 hours' rest in any one 24-hour period;
- An uninterrupted break of 24 hours in any one seven-day period;
- A 20-minute rest break in any shift of six hours or more;
- Regular free health assessments to establish fitness for night working.

Ante-natal care

A well-established statute gives pregnant employees the right to take reasonable time off work to attend medical appointments connected with a pregnancy without losing any pay. Permission must be sought and gained before the leave is taken. There is no general right simply to leave the employers' premises and then later state that this was for the purposes of attending ante-natal care appointments. If an employer unreasonably refuses a request, a claim can be taken to an employment tribunal. A common situation in which an employer can reasonably refuse a request is where the woman concerned works on a part-time basis and could arrange her appointment at a time when she is not working.

Maternity leave

The right for a mother to take time off before, during and after her baby is born has applied for many years, but the UK's regulatory regime was altered significantly in 2000 and rights were extended further in 2003 and 2007. The aims were both to increase the amount of time a woman could take off work for maternity reasons, and to simplify administrative requirements.

The scheme specifies three different types of maternity leave:

- Ordinary maternity leave (OML);
- Compulsory maternity leave (CML);
- Additional maternity leave (AML).

OML applies to all workers but there is no qualifying period of service. It can last for up to 26 weeks (i.e. six months) and can start at any time within 11 weeks of the date that the baby is expected to be born. OML normally begins on the intended date (i.e. on the date the employee informed the employer that it would start), but it starts automatically at an earlier time if the baby arrives early or if the woman is absent for a pregnancy related reason in the four weeks prior to the expected date of birth.

AML can only be taken by employees. It runs for a further 26 weeks following on from the end of OML, giving women in this position the right to take a full year of leave following a birth. However, the contractual position during OML and AML is wholly different. Unless the contract of employment states otherwise, terms and conditions of employment do not remain in place during AML. The only exceptions are notice provisions (on either side), redundancy compensation, the right to disciplinary and grievance procedures and the basic duty of trust and confidence. In other respects the contract of employment is suspended

during this time. Annual leave continues to accrue but only to the four weeks required by the Working Time Regulations. The right to return after AML is to the same job *if reasonably practicable*. Otherwise it is to a suitable job on no less favourable terms and conditions.

Whether a woman just takes OML or exercises her right to take AML, she is entitled to return to work before the full period of leave elapses, but to exercise this right she must give eight weeks' notice to her employer. There is no longer any requirement to inform the employer in writing of a return to work after 26 weeks (or 52 weeks in the case of AML). The assumption must be that the woman will return at this time.

Maternity pay

Public sector employers as well as many larger companies continue to pay their employees during maternity leave, but this is not a legal requirement. Regulations specify only that Statutory Maternity Pay (SMP) is paid through the payroll to all those who are entitled to receive it. SMP is payable for 39 weeks for employees who have completed 26 weeks' service with their employers at the fifteenth week prior to the week that the baby is due, and who earn more than the lower earnings limit for national insurance purposes. Women who do not qualify for SMP have to claim state maternity allowance from the Benefits Agency from the start of their leave. SMP is paid at the 'higher rate' for the first six weeks (90 per cent of salary) and thereafter at the 'lower rate'. Employers can claim a portion of their SMP payments back from the government through reduced future national insurance contributions.

Parental, paternity and adoption leave

European law gives both parents of a child the right to take up to 13 weeks' unpaid leave during the first five years of the child's life or during the five years following the adoption of a child. If the child is disabled, 18 weeks may be taken during the first 18 years of the child's life. In the UK this right currently only extends to *employees* who have completed a year's continuous service with their employer. It is only available to parents who have caring responsibilities for the child and the leave must be for the purpose of caring for that child. Interestingly, in this area of law, multiple births give multiple rights. So parents of triplets are entitled to take 39 weeks' leave.

Time off for dependants

Further European law gives workers a right to take reasonable amounts of time off during working hours for urgent family reasons, employers being informed of the intention to take the leave 'as soon as is reasonably practicable'. The UK legislation which gives effect to the

relevant directive dates from 2000. It specifies the following situations in which such leave can be taken:

- To provide assistance when a dependant falls ill, gives birth or is injured;
- To make arrangements for the provision of care for a dependant who is ill or injured;
- On the death of a dependant;
- Due to unexpected disruption or termination of the arrangements for the care of a dependant;
- To deal with an incident involving a child during the time when an educational establishment has care of that child.

'Dependants' are defined as spouses, children, parents or people who live in the same household as the worker, but they only become 'dependants' once they rely on the worker for assistance when ill, either directly or through arrangements made with a third party. Tenants, lodgers and employees are specifically excluded. This law does not therefore give a parent the right to take weeks of time off to care for a child during the whole duration of an illness. As with ante-natal care, the right is not to have a reasonable request turned down, and over time the courts will have to determine what is and what is not reasonable. What, for example, should happen if the employer knows that a mother's husband is unemployed and available to care for a sick child?

The right to request flexible working

A significant family-friendly measure is the right to request flexible working. It goes some way to meeting the demands of campaigners that parents with child-rearing or caring responsibilities should be able to work part time as a right, but it falls short of this position by some margin. The right is for parents of young children and people with caring responsibilities for infirm adults to request any form of flexible working, but it is likely to be used principally by women returning from maternity leave who would like to cut or alter their hours.

The regulations set out a procedure which requires the parent or carer to write formally to their employer asking for a one-off change in terms and conditions, together with an explanation as to how the request could be accommodated in practice. The employer can turn the request down, but only if one of the following eight reasons applies:

- Burden of additional costs;
- Detrimental effect on ability to meet customer demand;

- Inability to reorganise work among existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Annual hours Shift swapping Informal flexibility

IDS (2000) has produced a useful volume containing case studies of six organisations explaining how each has implemented work-life balance.

BENEFITS OF WORK-LIFE BALANCE

Work-life balance practices have been shown in some instances to reduce absence (especially unplanned absence), raise morale and increase levels of job satisfaction. Murphy (2006) reports that organisations in an IRS survey found flexible working had a positive impact on retention, recruitment and absenteeism, and these perceptions were shared by respondents to the CIPD survey (2005) who also report very positive impacts on motivation.

Increased levels of performance have also been found as employees are less tired and so work more effectively when they are working. Perry-Smith and Blum (2000) found that bundles of work-life balance policies were related to higher organisational performance in a US survey of 527 firms. In the early 1970s the UK experienced some intensive industrial action which caused the government to introduce a three-day week throughout the economy, accompanied by regular power cuts to conserve energy. For that short period industrial production dipped by less than the 40 per cent that working hours were reduced. Control and choice are important characteristics of working life and Kodzet *et al.* found that *"there is increasing acceptance that choice, control and flexibility are important in work that personal fulfilment is important outside work, and, further, that satisfaction outside work may enhance employees' contribution to work"*

BARRIERS TO, AND PROBLEMS WITH, WORK-LIFE BALANCE

There is considerable evidence that the demand for flexible work options is much greater than the take-up so far, and this has been referred to as the take-up gap. Hogarth *et al.* (2001) report that 47 per cent of employees not currently using flexitime would like to do so, and 35 per cent would like a compressed week. The desire to work different or more flexible hours is a significant determinant of employees moving jobs either within or between employers (Boheim and Taylor 2004) to achieve the flexibility they desire; the researchers also point to rigidities in the British labour market which does not offer enough jobs with flexible hours. Some work-life balance strategies cost the organisation money and financial limits are set for such practices to be viable. The AA experienced difficulties in setting up teleworking at home. Productivity was greater than that of

Table 1 Options for achieving work-life balance

Part time		
Term-time working		
Unpaid leave		
Flexitime	Job share	Unpaid sabbaticals
Compressed week		
Self-rostering		
Work from home		

site-based staff, but in order to offset the cost of technology and infrastructure such workers had to be more than 1.5 times as productive as site staff (Bibby 2002).

Policies and some line managers may limit access to work-life balance to certain groups, which is clearly evidenced in the latest WER survey (Kersley *et al.* 2006). There is also evidence that some employers fail to have a strategic approach to work-life balance, but use such practices in a fire-fighting manner, to deal with situations when they reach breaking point (see, for example, a case study of a Further Education college in Glynn *et al.* 2002). Anecdotal evidence suggests that many professionals moving from full- to part-time work find that they are really expected to do a full-time job in part-time hours and with part-time pay. In respect of nurses Edwards and Robinson (2004) found that the lack of a strategic approach to reducing hours resulted in a dissatisfactory situation for both part-timers and full-timers.

Managers' role in implementing work-life balance

Whether or not there is a work-life balance policy in existence, it is often line managers who will be the 'main arbiters of whether work-life balance policies become a reality . . . both by their attitudes and management practices'. The Work Foundation found that managers were the main barrier to introducing and implementing work-life balance policies (CIPD 2003). Managers have to manage performance targets of the team and often feel that flexible working damages this, and flexible working for some may mean higher workloads for others. There is a pressure on line managers to be fair and their decisions about who can work flexibly and in what way are under scrutiny and may result in a backlash. There is a general lack of a strategic approach to work life balance and one of the consequences of this is that when employees reduce their hours the remainder of the work tends to be reallocated to the remaining full-time workers. Murphy (2006) in an IRS survey found that employers appeared not prepared to pick up the costs associated with work-life balance. Mac Dermid *et al.* (2001) found that managers had three concerns relating to employees working reduced hours. The first concerned helping employees develop professionally while not working full time; the second was what to do if more employees wanted to work reduced hours as it could be a nightmare to manage a host of different alternative work arrangements; and third, it was felt that some jobs were just not do-able on anything less than a full-time basis.

Limits on access to work-life balance

So far we have treated work-life balance as an option potentially available for a majority of employees, but this is not the case in reality. Felstead *et al.* (2003) reveal that

the option to work at home is usually the privilege of the highly educated and/or people at the top of the organisational hierarchy. People in these jobs, they suggest, have considerably more influence over the work processes they are engaged in. They also report that although more women work at home than men, there are more men who have the choice to work at home. Nolan and Wood (2003) also note that work-life balance is not for the lower paid. They report that five per cent of such employees hold more than one job, and usually work in low-paid, low-status jobs in catering and personal services. A similar scene is painted by Polly Toynbee (2003). She also reports that many of these low-paid workers work for agencies and thus are distanced from the ultimate 'employer'. In these circumstances work-life balance policies are unlikely to be available in any case. Even working only for one employer Toynbee reports a hospital porter saying, 'You can't survive, not with a family, unless you do the long, long hours, unless you both work all the hours there are' (p. 59). Felstead *et al.* (2002) highlight an assumption in the work-life balance literature, which portrays working at home as always a 'good thing'. They argue that what is important is the *option* to work at home, as some people work at home doing low-paid unsatisfying jobs with no choice of work location, such conditions not necessarily being conducive to work-life balance.

White *et al.* (2003) argue that organisations are using flexibility to attempt to offset the damage being caused by high-performance work practices, but they argue that flexibility is only enjoyed by a small proportion of the workforce at the moment, and in any case only has a small effect on the problem. They argue for more fundamental changes in working practices with safeguards to protect work-life balance, such as giving teams themselves the responsibility for addressing work-life balance issues when setting output targets for themselves.

Few organisations monitor and evaluate the take-up of work-life balance options or measure their costs and benefits (IRS 2002). However, McCartney (2003) found that in BT the company used an annual survey, webchats, career life-planning discussions, and employee networks to do this.

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