

Fairness and Flexibility

SUBMISSION TO THE OPS EMPLOYER ON
THE FUTURE OF THE WORKPLACE POLICY

2022



AMAPCEO
ONTARIO'S PROFESSIONAL EMPLOYEES

The Ontario Public Service has long prided itself as a competitive, exciting employer with a commitment to excellence. Maintaining that reputation will require recruiting and retaining the best possible talent. And in the current labour market, that will depend on the OPS Employer’s ability to adapt to the reality that professional employees are expecting flexibility with respect to their working hours and locations. This is the flexibility that alternative work arrangements (AWAs), as established in the current AMAPCEO-OPS Collective Agreement, provide.

- 98% of AMAPCEO members who responded to the union’s most recent membership survey expressed a desire for some form of alternative work arrangement.
- Access to remote work is the highest priority amongst respondents, with 92% indicating that they would prefer to spend at least three days a week working remotely.
- More than half of respondents would like a combination of AWAs—for example, remote work and a compressed work week.¹

The benefits of AWAs for employees who want them are numerous and widely-reported. Studies from around the world have found better work/life balance,² a stronger sense of happiness and mental well-being,³ individual cost-savings,⁴ and lesser demand for workplace accommodations to address family situations (e.g., child and elder care).⁵

Various research studies have found that alternative work arrangements have solid benefits for the Employer, as well, from improvements to employee productivity,⁶ retention,⁷ and engagement to cost-savings.⁸ Studies additionally

1 AMAPCEO Survey, September 2021
2 Susan M. Shaw, “The Struggle for Life Balance: Work, Family, and Leisure in the Lives of Women Teleworkers,” *World Leisure Journal* 45, no. 4 (2003): 15–29.
3 Guðmundur D. Haraldsson & Jack Kellam, *Going Public: Iceland’s journey to a shorter working week*. Alda Association for Democracy and Sustainability & Autonomy, 2021.
4 Rachel Pelta, “6 Ways Working from Home Will Save You \$4,000 or More Annually,” Flexjobs, accessed July 2022, <https://www.flexjobs.com/blog/post/does-working-remotely-save-you-money/>.
5 Ibid.
6 Alexandre Mas & Amanda Pallais, “Alternative Work Arrangements,” Cambridge, MA: National Bureau of Economic Research, 2020.
7 Matt Krumie, “5 Criteria for Turning Office Jobs into Remote Jobs,” Flexjobs, accessed July 2022, <https://www.flexjobs.com/employer-blog/turning-office-jobs-into-remote-jobs/>.
8 “How to Determine Eligibility for Remote Work for Your Employees,” Indeed, accessed July 2022, <https://www.indeed.com/hire/c/info/eligibility-for-remote-work-for-your-employees>.

found benefits for communities—including reduced emissions,⁹ more equitable employment,¹⁰ and stronger economies in smaller communities.¹¹

Our submission proposes some pragmatic, interest-based solutions to bring the fairness and flexibility that both current and prospective AMAPCEO members expect from their employer. Implementing them would help to ensure the future of the OPS workplace is nimble, effective, efficient, and stable.

9 Marco Percoco, “The impact of working time on fuel consumption and CO2 emissions of public fleets: Evidence from a policy experiment,” *Transport Policy* 71(C) (2018): 126–129.

10 Carolina Milanesi, “Working from home is great for diversity. Let’s keep it going,” *Fast Company*, 23 March 2020, <https://www.fastcompany.com/90480008/working-from-home-is-great-for-diversity-lets-keep-it-going>.

11 Anshu Siripurapu, “The Economic Effects of Working From Home,” Council on Foreign Relations, 16 July 2020, <https://www.cfr.org/in-brief/economic-effects-working-home>.

Fairness

Article 47 of the current AMAPCEO-OPS Collective Agreement includes clear language about members' access to AWAs should they wish to apply for them. This language affords management and members a great deal of flexibility (e.g., there are no minimums or maximums for remote workdays).

However, too many employees have been denied access to AWAs because there is simply too much discretion in the hands of individual managers. Managers are often unaware of the range of employees' AWA options, hesitant to approve them for fear of setting a precedent, or not equipped to fairly evaluate requests. Individual and group disputes—be they informal or formal—have repeatedly illustrated that there are inconsistencies between how managers consider AWA requests as well.

The first two years of the COVID-19 pandemic—and its continuing effects today on where, when, and how OPS employees perform their work—demonstrated that remote work works. The 98% of AMAPCEO members who were able to work remotely fulfilled their duties efficiently and effectively, going above and beyond to serve the citizens of this province.

However, we recognize that applying a single, one-size-fits-all approach—for example, setting a blanket number of remote workdays—across every AMAPCEO-represented position in the OPS is not the way to go, either.

Positional duties and operational needs can vary considerably. Individual employee preferences aside, the ideal working arrangement for one position may not be suitable for another.

We believe that setting AWA standards between similar AMAPCEO-represented positions within the OPS is the fairest approach. Positions and their duties should be evaluated for the degree of flexibility—as opposed to discretionary judgment that may be premised on the employee's relationship with their manager, the city they work in, the ministry they work for, or any other bias.

In practice, this would mean that when an AMAPCEO member requests an AWA from their manager, the set AWA standard for their position would be the automatic arrangement. Employees would then be able to discuss refinements (i.e., the remote vs in-office ratio, use of satellite locations, or compressed work weeks) with their manager, providing the additional flexibility that today's workforce expects.

An AWA standard for each position would help manage the needs and expectations of managers and employees alike, reducing friction in negotiating these agreements, and in turn, avoiding disputes. These standards would be included in job postings, allowing candidates to know the degree of potential flexibility they would have in the position.

All of which would ensure a fairer approach to the AWA approval process for every AMAPCEO-represented employee in the OPS.

To achieve this, we propose developing an evaluation process through which management and the union would jointly arrive at AWA standards.

An Alternative Work Arrangement Review Committee (AWARC) would be a joint sub-committee of the AMAPCEO-Central Employee Relations Committee (ACERC) and would be comprised of six members: three appointed by the union; three by the Employer.

The Committee would review “like” positions (based on job function) within all existing and all future functional groups (e.g., policy and analysis, program planning and evaluation, administrative services, finance, IT, communications, etc.) against mutually agreed upon “factors” that would determine the position’s capabilities for flexibility. Meaning, that jointly, the Committee would determine the standards for remote work (ratio of days in-workplace vs remote), compressed work weeks, or a combination of the two, for each functional group. Functional groups’ standards may differ from one another based on the work each does.

In the event the Committee does not agree on a standard, the Union and the Employer would submit their differences for determination by a jointly agreed upon third-party neutral.

As noted, each position’s AWA standard would become the automatic arrangement should an employee request an AWA. Subsequently, if the employee would like to adjust their AWA beyond their position’s standard, they would be able to discuss that with their manager, just as now. Current AWA agreements already

EXAMPLE

Michael is a Project Analyst (falling within the Program Planning and Evaluation Functional Group), and he is interested in working remotely. The AWA standard for remote work for his position is three days in the office and two days remote. Michael and his manager discuss which two days would be best suited to his working remotely, and this becomes his AWA agreement.

EXAMPLE

Meera is a Project Manager (falling within the Information Services Functional Group), and she is interested in working remotely. The AWA standard for remote work for her position is three days remote and two in the office. But Meera finds getting out of the house gives her greater mental balance, so she requests to work remotely just one day a week. Meera and her manager discuss this request against their unit's needs and available workspace, and her manager approves her AWA request.

in place with customized arrangements above the standard would be respected rather than overridden by the new process. Likewise, no employee would be unilaterally required to work an AWA they have not requested.

This process would not affect management's right to define hours of work or work locations, as outlined in Article 3 of the AMAPCEO-OPS Collective Agreement. Rather, it would

standardize the application of Article 47 AWAs.

AMAPCEO RECOMMENDS:

Ensure equal access to alternative work arrangements (AWAs) by establishing a joint management-union review process to arrive at AWA standards for each AMAPCEO position in the OPS.

The OPS Employer could consider a similar approach for other bargaining units and for management and excluded positions.

EXAMPLE

Hye-Jin is a Business Analyst (falling within the Policy and Analysis Functional Group), and they are interested in a compressed work week AWA. The CWW standard for their position is a three-week cycle (working an extra 31 minutes each day for 14 working days to enjoy the 15th day as an earned day off). However, Hye-Jin has many family responsibilities and would much prefer a two-week CWW cycle (working an extra 48 minutes each day for 9 working days to enjoy the 10th day as an earned day off).

Hye-Jin discusses their work responsibilities with their manager, who finds that even though the request differs from the standard for the Business Analyst position, a two-week CWW for Hye-Jin would be feasible for their unit's operations. Hye-Jin's manager approves their AWA request.

Flexibility

AMAPCEO members are increasingly looking for flexibility and work/life balance that will allow them to continue to serve Ontario to the same high standard, while allowing them to reduce time and expenses associated with commuting and to accommodate responsibilities beyond their employment. So, in addition to remote work, flexibility in working hours and in workplace locations is also a priority for our members. Many are also interested in the possibility of working their in-workplace hours from an alternate Employer satellite location closer to their home.

As with remote working options, position and operational needs will vary, as will the availability of existing satellite offices. The joint management-union evaluation process for AWAs described in the preceding section should also set the standard for flex hours and satellite working options.

The in-workplace schedule of working from approximately 9 am to 5 pm, Monday to Friday, is well-established and is one that will work best for and be preferred by many.

However, the standard for flex hours should be available to employees, and managers and employees should still be encouraged to negotiate flexibility over and above what is listed in the policy.

For the sake of efficiency, formal agreements should not be required for flex hours if the member's workday begins between 7:30 am and 10:30 am and ends between 3:30 pm and 6:30 pm. This would allow the employee and manager to informally agree on what works. Flex hours would permit off-peak commuting on in-workplace days and allow for an elongated remote workday (e.g., working 7.25 hours over a 10-hour timeframe).

In addition to flex hours, members would also prefer to have flexible options available for work locations during their in-workplace working days. The AWA standard should permit employees, where operational needs allow, to work their in-workplace days from Employer satellite offices closer to their home.

This would have significant benefits for the OPS Employer, as it would allow the Employer to make better use of their existing space and to reduce their real estate costs and pressures by shifting away from spaces concentrated in the downtown core of Toronto to more affordable locations throughout the Greater Toronto Area and surrounding cities. It is probable that much of this

could be accomplished by making minor modifications to buildings and workspaces already in the Employer’s portfolio.

Remote and satellite work are also environmentally- and socially-conscious measures that would reduce commuting and associated emissions, and would be in keeping with the province’s commitment to protecting our air as established in the Made in Ontario environment plan.¹² Remote work can also alleviate equity challenges faced by those who traditionally provide dependent care, those with disabilities,¹³ and those who desire promotion without having to leave their community.

EXAMPLE

Tomas is an Executive Support Coordinator (falling within the Administrative Services Functional Group), and he is interested in flexing his work hours to help ease his commute from his home in Aurora to downtown Toronto. After a discussion with his manager, he will be working from 8 am to 4 pm going forward, no formal AWA agreement required. And while his position is based out of an office on Bay Street, there is an Employer satellite office with touchdown space in Newmarket, closer to his home in Aurora. After talking with his manager, Tomas will be working three days a week in the Bay Street office, and two in the Newmarket satellite office.

Finally, the Employer should consider introducing a four-day compressed work week model (in which employees would work 9 hours and 5 minutes per day for four days, and enjoy

EXAMPLE

Petra is an I&IT Project Manager (falling within the Information Services Functional Group). The AWA standard for this position at two days of remote work. However, because Petra fulfilled her job requirements working remotely three days a week before the pandemic, Petra and her manager arranged for that to continue.

the fifth as an earned day off each week). This CWW-1 model, in combination with remote work, would further assist the Employer in managing workspace capacities.

Since the normalization of the five-day workweek in Canada in the 1920s, industries have seen overwhelming strides in tools and

technologies that allow employees to work more effectively and accomplish more than ever before. Instituting this model would be an opportunity for the OPS Employer to provide additional flexibility to members with no loss of

12 “A Made-in-Ontario Environment Plan,” Ministry of the Environment, Conservation and Parks Ontario), 3 December 2021, <https://www.ontario.ca/page/made-in-ontario-environment-plan>.

13 Lisa A. Schur, Mason Ameri & Douglas Kruse, “Telework After COVID: A ‘Silver Lining’ for Workers with Disabilities?,” *Journal of Occupational Rehabilitation* 30 (2020): 521–536.

productivity and at no additional cost—in fact, the Employer would likely see a modest reduction in basic operational costs.

AMAPCEO RECOMMENDS:

In addition to traditional forms of alternative work arrangements (remote work and compressed work weeks), the Employer should also permit the ability to flex start and end times without a formal AWA agreement, implement a 1-week CWW option, and use its existing real estate portfolio to open satellite touchdown offices in communities outside of Toronto.

Implementation

In summary, AMAPCEO's recommendation is for the union and employer to jointly establish Alternative Working Arrangement standards for similar AMAPCEO-represented positions within the OPS. These standards would specifically address:

- remote work vs in-workplace work;
- compressed work weeks;
- flex hours; or
- a combination of the above.

The standards could also provide considerations for flexibility regarding in-workplace location, where possible. When an employee requests an AWA from their manager, the set AWA standard would be the automatic arrangement, although managers and employees could discuss refinements providing additional flexibility.

Implementation of this process will obviously take time. As the standards are being developed, the OPS Employer should maintain the current hybrid return-to-office model (three days in-workplace; two days remote) for eligible employees until the policy is in place and all positions have gone through the proposed evaluation process.

As these current hybrid work arrangements have proven to be efficient and effective, the union also recommends that the Alternative Work Arrangement Review Committee (AWARC) consider using them as a baseline to determine remote work eligibility for positions on a permanent basis, such that employees can at least maintain their current work arrangements.

The beginning of the AWARC review process should be triggered immediately upon ratification of the next AMAPCEO-OPS Collective Agreement and should be completed within 12 months.

Conclusion

We believe the future state of the workplace is one of flexibility—and we believe that future is already here.

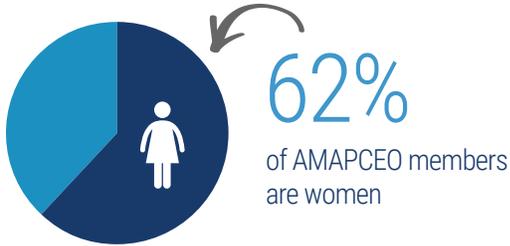
This is true in Ontario, in Canada, and across the world. To continue to be a competitive employer and a provider of exceptional, high-quality services for Ontarians, the Ontario Public Service will need to integrate flexible working options, especially remote work, into its regular employee operations in a fair, equitable manner. This is a move that will benefit both employees and the Employer.

Our recommendations for creating and implementing AWA standards would provide employees with the working condition options they seek, while accounting for and meeting the Employer's operational needs—ensuring fairness and flexibility for all parties.

We look forward to discussing these recommendations with you in greater detail as we work collaboratively to imagine the future of the workplace in the OPS.

Who We Are

AMAPCEO is a member-driven, politically non-partisan union of more than 15,000 professional employees, dedicated to providing outstanding representation and other services to our members. We protect members' rights, defend



Ontario's public services, and advocate for better working conditions for everyone.

The majority of AMAPCEO members work for the Ontario Public Service (OPS). They work in every ministry, and in agencies, boards, and commissions in over 130 communities across the province and in eleven cities outside Canada.

We also represent members in seven bargaining units in the Broader Public Sector:

- the Financial Services Regulatory Authority of Ontario;
- the Ontario Arts Council;
- Ontario Health - Quality Unit;
- Public Health Ontario;
- Waypoint Centre for Mental Health Care; and
- the former offices of the Ontario Child Advocate and the French Language Services Commissioner (now part of the Office of the Ontario Ombudsman)

Our membership is educated, professional, and diverse. They are problem solvers who take pride in working hard and offering creative, evidence-based solutions to public policy issues. They are passionate about serving the public interest.

As a politically non-partisan union, AMAPCEO has a long and proud of working in a constructive, problem-solving manner with governments of all political stripes. We have worked successfully on legislation and policy initiatives and negotiated free and fair collective agreements with governments led by all three major parties.

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public professionals
represented

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AMAPCEO

ONTARIO'S PROFESSIONAL EMPLOYEES

Established in 1992, AMAPCEO is a bargaining agent that represents 15,000 professional and supervisory public servants who work in the Ontario Public Service or one of six organizations in the Broader Public Sector.

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