New Way of Working in Public Administration

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Preface

Dear Readers,

Increasing digitalisation affects almost all aspects of human life, but particularly the world of work faces major changes. Rapid developments in information and communication technologies (ICT) have opened up new possibilities about where, when and how work is done. Employees are more frequently able to work outside their employers' premises, working hours are becoming more flexible and the organisation of work is changing. All this has resulted in a so-called new way of working.

The purpose of this publication is to present the findings of the comprehensive scientific analysis on "New Way of Working in Public Administration" to the general public.

The Directorate General for Civil Service and Administrative Innovation of the Federal Ministry for the Civil Service and Sport commissioned the study within the Austrian Presidency of the Council of the European Union in the second half of 2018. Our vision is a performance-oriented, innovative public administration which is an attractive employer. As engine for administrative innovation our DG aims to support state-of-the-art personnel management in the Austrian Federal Civil Service, resulting in committed and competent employees.

This study was created in close cooperation with experts from the EUPAN (European Public Administration Network).The EUPAN is an informal network of the Directors General responsible for public administration in the member states of the European Union, the European Commission (EC) and observer countries. The network mainly focuses on human resources management and organisational development as well as service innovation and delivery. Two important strategic domains of the EUPAN are change in the composition of workforce and its challenges and embracing digital (r)evolution in public administrations. This study provides an important contribution to these strategic domains and examines current trends in working time, place of work and organisation of work from a work and organisational as well as a legal perspective.

I wish you an interesting and stimulating read.

Director General Angelika Flatz
Head of DG – Civil Service and Administrative Innovation

Dear Readers,

Flexible work is one of the most important topics in the current world of work. Based on our research background, our interdisciplinary study focuses on work and organisational as well as legal aspects of flexible work in public administration. We use the term "new way of working" as an umbrella term for a wide range of flexible conditions such as flexible working times, flexible working places, and flexible working forms. It therefore refers to different forms of temporal, spatial and functional flexibility that adapt work also to employees' needs by granting them some extent of autonomy in this regard, while balancing them with the employer's interests.

We would like to thank all EUPAN members, who have responded to our comprehensive questionnaires and who have contributed their experiences with new way of working in public administration in their respective countries. We hope that the exchange of experiences will generate a fruitful debate among all the EUPAN members.

We would also like to thank the Austrian Director General Angelika Flatz and her team for their great support in all phases of this project. We would like to express special thanks to Karin Thienel, Sabine Piska-Schmidt, Jasmina Malkoc and Ferdinand Halter for the excellent cooperation.

We sincerely hope that our study will contribute to a further successful development of new way of working in many European public administrations.

Martin Risak, Christian Korunka and Bettina Kubicek
University of Vienna and University of Graz

Content

Executive Summary

Advances in information and communication technologies (ICT) have opened up new possibilities about where, when and how work is done. This has resulted in different forms of flexible work arrangements or a new way of working.

The Austrian study "New Way of Working in Public Administration" examines work and organisational as well as legal aspects and is based on

1. a comprehensive review of scientific literature and legal frameworks,
2. two questionnaires surveys collecting experiences with new way of working in public administrations of European Public Administration Network (EUPAN) members and
3. interactive sessions at the EUPAN Meetings with the goal of fostering mutual learning and exchanging experiences.

The work and organisational part of the study deals with the spread and consequences of the new way of working as well as potential supportive and hindering factors during their implementation. This part of the study is conducted by two professors from different Austrian Universities, namely: Christian Korunka (Work and Organisational Psychology within the Department of Applied Psychology at the University of Vienna) and Bettina Kubicek (Work- and Organisational Psychology within the Department of Psychology at the University of Graz).

The legal part of the study deals with legal frameworks facilitating new ways of working and identifies common trends and practices as well as new approaches, which usually concern hours of work and locations of work. This part of the study is conducted by Martin Risak (professor at the Institute for Labor and Social Law at the University of Vienna).

New way of working can be found frequently in public administrations all over Europe. Empirical studies show that new way of working in terms of temporal and spatial flexibility has the potential to improve working conditions, work outcomes and quality of work. However, a careful implementation of new ways of working is needed to secure the positive effects and reduce potential negative side effects, such as the intensification of work or the blurring of boundaries between work and private life.

The EUPAN survey "New Way of Working in Public Administration" indicates a wide distribution of flexible working arrangements in public administration. Yet it also shows that in some countries new way of working is more common than in others. With regard to potential positive and negative consequences, the EUPAN experts share the view that these new forms of working have a strong potential for improvements, but at the same time, may be accompanied by high demands for leaders and managers.

From the legal point of view, the comparative analysis pointed out that both major aspects of the new way of working, i.e. temporal and spatial flexibility, can be seen as driven by the need of public employers for higher productivity, improved performance and employer attractiveness, as well as by public employees' needs for spatial and temporal flexibility, in order to help them to balance work demands with their family and other personal responsibilities and interests. The comparative study exploring the legal aspects of new ways of working in public administration was able to draw out common trends and practices but also showed the diversity when it comes to details.

To sum up, there is a strong positive potential for the further development of new way of working in public administrations in Europe. The concurrent study may give some ideas for further improvements and may help to overcome hindering factors in the implementation of new way of working.

Kurzfassung

Die Fortschritte in den Informations- und Kommunikationstechnologien (IKT) haben neue Möglichkeiten eröffnet, wo, wann und wie gearbeitet wird. Dies hat zu unterschiedlichen Formen flexibler Arbeitsarrangements oder neuen Formen der Arbeit geführt.

Die österreichische Studie "New Way of Working in Public Administration" untersucht arbeits- und organisationspsychologische und rechtliche Aspekte und basiert auf:

1. einer umfassenden Zusammenfassung der wissenschaftlichen Literatur und der rechtlichen Rahmenbedingungen,
2. zwei Fragebogenerhebungen, die Erfahrungen mit „new way of working" der Mitglieder des Europäischen Netzwerks für öffentliche Verwaltung (EUPAN) in den öffentlichen Verwaltungen sammeln und
3. interaktiven Sitzungen bei den EUPAN-Treffen mit dem Ziel, das gegenseitige Lernen und den Erfahrungsaustausch zu fördern.

Der arbeits- und organisationspsychologische Teil der Studie beschäftigt sich mit der Verbreitung und den Folgen neuer Arbeitsformen sowie mit möglichen unterstützenden und hemmenden Faktoren bei der Umsetzung. Dieser Teil der Studie wird von einer Professorin und einem Professor verschiedener österreichischer Universitäten durchgeführt, Christian Korunka (Arbeits- und Organisationspsychologie am Institut für Angewandte Psychologie der Universität Wien) und Bettina Kubicek (Arbeits- und Organisationspsychologie am Institut für Psychologie der Universität Graz).

Der rechtliche Teil der Studie beschäftigt sich mit rechtlichen Rahmenbedingungen zur Erleichterung neuer Arbeitsformen und identifiziert gemeinsame Trends und Praktiken sowie neue Ansätze, die vorrangig Arbeitszeiten und Arbeitsorte betreffen. Dieser Teil der Studie wird von Martin Risak (Professor am Institut für Arbeits- und Sozialrecht an der Universität Wien) durchgeführt.

Neue Arbeitsformen finden sich häufig in öffentlichen Verwaltungen in ganz Europa. Empirische Studien zeigen, dass neue Arbeitsformen in Bezug auf zeitliche und örtliche Flexibilität das Potenzial haben, die Arbeitsbedingungen, Arbeitsergebnisse und Arbeitsqualität zu verbessern. Allerdings ist eine sorgfältige Umsetzung neuer Arbeitsformen erforderlich, um die positiven Effekte zu sichern und mögliche negative Konsequenzen, wie die Intensivierung der Arbeit oder die Entgrenzung von Arbeit und Privatleben, zu vermeiden bzw. zu reduzieren.

Die EUPAN-Umfrage "New Way of Working in Public Administration" zeigt eine weite Verbreitung flexibler Arbeitsarrangements in der öffentlichen Verwaltung. Allerdings kommen neue Arbeitsformen in einigen Ländern häufiger vor als in anderen. Was die potenziellen positiven und negativen Folgen anbelangt, so teilen die EUPAN-Expertinnen und -Experten die Auffassung, dass diese neuen Formen

der Arbeit ein Potenzial zur Verbesserung der Arbeit in der öffentlichen Verwaltung haben, gleichzeitig aber auch mit hohen Anforderungen für Führungskräfte und Managerinnen und Manager einhergehen können.

Aus rechtlicher Sicht zeigt die vergleichende Analyse der beiden Hauptaspekte des „New Way of Working", d.h. der zeitlichen und räumlichen Flexibilität, dass diese wesentlich durch die Interessen und Bedürfnisse sowohl der Arbeitgeber als auch der Arbeitnehmerinnen und Arbeitnehmer getrieben wird. Es geht dabei einerseits um das Bedürfnis der öffentlichen Arbeitgeber nach höherer Produktivität, verbesserter Leistung und Arbeitgeberattraktivität und andererseits um das Interesse der öffentlich Bediensteten ihr Arbeitsleben mit ihren familiären und anderen persönlichen Pflichten und Interessen in Einklang zu bringen. Die Studie zu den rechtlichen Aspekten „New Way of Working in Public Administration" konnte gemeinsame Trends und Praktiken herausarbeiten, zeigte aber auch, dass im Detail der nationalen Ausgestaltung der einzelnen Formen zeitlicher und örtlicher Flexibilität eine große Vielfalt besteht.

Zusammenfassend lässt sich sagen, dass der „New Way of Working in Public Administration" großes positives Potenzial sowohl für öffentliche Arbeitgeber als auch für deren Bedienstete aufweist und dass mit einer Weiterentwicklung und Vertiefung dieses generellen Trends zu rechnen ist. Die vorliegende Studie kann in diesem Sinne Ideen für weitere Verbesserungen liefern und dazu beitragen, Hindernisse bei der Einführung und Weiterentwicklung des flexiblen Arbeitens zu überwinden.

Work & Organisational Aspects

Christian Korunka, Bettina Kubicek

Glossary

Table 1: Work & organisational terms and definitions

FLEXIBILITY	
Flexible work arrangements (FWA)	Umbrella term under which flexibility in the location (flexplace) and in the timing of work (flextime) can be subsumed (Hill et al., 2001) Synonym: flexwork
New way of working	Caused by profound changes on a societal (e.g., digitalisation) and organisational (e.g., decentralisation) level affecting the workplace in various ways as new demands for companies and workers arise (Hackl, Wagner, Attmer & Baumann, 2017)
PLACE	
Flexplace	Flexibility in the location of work (Hill et al., 2001)
Activity-based (flexible) office (A-FO)	New office concept that provides different working locations within the office to fit to the requirements of different work tasks (e.g., silent workstation for concentrated work; Wohlers & Hertel, 2017) Synonym: Flex-office
Open(-plan)-office	Offices with individual workstations located within an open space, often equipped with barriers such as panels or bookshelves (Smith-Jackson & Klein, 2009)
Desk-sharing	One workstation is not assigned to one single but to several office workers (De Croon, Sluiter, Kuijer, & Frings-Dresen, 2005)
Telework	Involves working away from the office which can be home or another location (e.g., client office, airport, coffee shop) for certain days of the week, spending the rest of the time in the office (Golden, 2009) Synonym: (ICT-based) mobile work; see also High mobile T/ICTM

High mobile T/ICTM	High mobile telework/ICT-mobile work, i.e., employees working in various places on a regular basis with high mobility and high use of ICT (Eurofound & ILO, 2017) Synonym: telework
Home-office	Work space in a person's home; home can be the primary work venue (Hill, Ferris, & Märtinson, 2003), working from home can be performed on a part-time or full-time basis (Fulton-Calkins & Stulz, 2009), and occasionally or regularly (e.g., one day per week; OECD, 2016) Synonyms: Working-from-home, Home-based-working
Telecommuting	Refers to working from home only instead of commuting to the office building (Golden, 2009)
TIME	
Flextime	Flexibility in the timing of work (Hill et al., 2001)
Compressed working week (CWW)	Alternative work schedule in which hours worked per day are increased in order to do one's weekly work hours in less than five days (Bambra, Whitehead, Sowden, Akers, & Petticrew, 2009)
Part-time work	Working 34 hours per week or less (compared to full-time work; Eurofound, 2012); most often carried out through some fixed hours every day (Eurofound, 2009)
Trust-based working hours	Working time arrangement that is based on the shift from a time to a results orientation in which workers' working time is not controlled by management (Singe & Croucher, 2003)
CONTENT / PROCESS	
Autonomy	The employees' decision latitude regarding work methods, work schedule and workplace (Karasek, 1979)
Job sharing	A form of part-time work: two or more workers jointly fill a single full-time position (Eurofound, 2015: New forms of employment)

Current Trends in Work Arrangements

Advances in information and communication technology (ICT) have opened up new and flexible possibilities about where, when and how work is done. Dating back to the 1970s, nonstandard work arrangements such as part time and contract work as well as temporary employment have allowed workers to experience flexibility in their employment relations (Kalleberg, 2000). Today, flexible work arrangements (FWA), such as flextime (e.g., trust-based working hours) and flexplace (e.g., home-office), have widely received positive press as business panacea for employee well-being (Golden & Elia, 2017), are valued as attractive attributes in potential employers by employees (Randstad, 2017), and therefore, play a critical role in employer branding and in the "war for talents" (Wallace, Lings, Cameron, & Sheldon, 2014).

Types of Flexible Work Arrangements

The standard nine-to-five supervised office job is getting slowly replaced by nonstandard, alternative, and/or flexible work arrangements (Golden & Elia, 2017). Flexible work arrangements can take different forms, depending on the type of flexibility that is introduced. Four aspects of flexibility are often differentiated: spatial, temporal, functional, and numerical flexibility. Spatial flexibility refers to the employees' opportunity to work from home and basically any location that allows for internet connectivity. With the replacement of rigid working time schedules by trust-based working hours, employees are more autonomous over their work schedules, contributing to temporal flexibility. Furthermore, flexibility can be observed when it comes to one's job description as employees are required to conduct diverse tasks in changing project teams (functional flexibility) and in regards to the temporary hiring of external contract workers as a possibility to flexibly adjust personnel to work volume (numerical flexibility; Meissner et al., 2016). Following Golden and Elia (2017), we use FWA as umbrella term under which flexibility in the location (spatial flexibility or flexplace) and in the timing of work (temporal flexibility or flextime) can be subsumed (Hill et al., 2001). The glossar at the beginning of the paper provides an overview of terms and definitions commonly used in the literature on new way of working and which are frequently mentioned throughout this paper.

Working Time Flexibility (Flextime)

The European Working Conditions Survey (EWCS), which is published every five years by the European Foundation for the Improvement of Living and Working Conditions (Eurofound), gives comprehensive information on the quality and features of paid work. When questioned about having fixed starting and finishing times in one's work, in the EU, 39% of workers have fixed working hours compared to 61% to whom the flexibility of setting starting and finishing times is granted (Eurofound, 2017a). Looking at work time arrangements, 56% of workers in the EU in 2015, have working schedules that are set by the organisation with no possibility

for changes. In contrast, 16% of workers can determine their working hours entirely by themselves. The remaining 28% of workers have some flexibility in the determination of their working time: 19% of the workers can adapt working hours within certain limits and 9% of workers can choose between fixed time schedules offered by the organisation. These figures indicate a similar situation to the one in 2005 and 2010 (Eurofound, 2017b). Of the EU member states, Denmark, Sweden, and Norway represent the top three in terms of offering flexible working time arrangements to employees in a permanent contract (Eurofound, 2017a).

It is also worth noting that the Working time quality index, calculated in the EWCS (Eurofound, 2017b), which is measured with the dimensions duration (e.g., long working hours), atypical working time (e.g., shift work), working time arrangement (e.g., can choose between different schedules), and flexibility (e.g., take an hour off during working hours) has increased in the EU28 by two points since 2005, with an overall score of 84 points (out of 100) in 2010 and 2015 (Eurofound, 2017b).

With regard to working time flexibility, referring to the organisation and scheduling of working hours, workers performing their work at different locations or at home are granted with more freedom to manage their working time than workers who perform their work entirely at the employer's premises (Eurofound & ILO, 2017).

Workplace Flexibility (Flexplace)

Flexibility in terms of the place of work may occur outside the office (e.g., home-office) but also at the employer's premises (e.g., desk-sharing). Offices that provide different work locations not only in terms of non-dedicated desks but also when it comes to matching the work locations to the requirements of different work tasks (e.g., phone booth for making phone calls free of interuptions) are called activity-based flexible offices (A-FOs; Wohlers & Hertel, 2017). This type of "internal" spatial flexibility will be discussed in detail in chapter 4. The present chapter will focus on the "external" type of spatial flexibility resulting from working outside the employer's premises.

EWCS 2015 data show that overall, in the EU, 70% of workers have one work location, whereas the remaining 30% indicate to work at different work locations. Looking at gender, 78% of female workers tend to have only one work location compared to 62% of male workers (Eurofound, 2017a).

Based on the joint report by Eurofound and the Internal Labour Organisation (ILO; Eurofound & ILO, 2017) "Working anytime, anywhere: The effects on the world of work", which thoroughly investigates opportunities and challenges of expanding telework in ten selected EU (and five non-EU) Member States, the following can be concluded:

The prevalences of spatial flexibility vary between 2% and 40% and dependent on the country, sector, and occupation. Scandinavian countries seem to be most open to the idea of working outside the employer's premises. Sectors with high ICT

dependence which do not require the worker to work at a fixed workplace show higher shares of workers performing mobile work. In EU28, this type of flexible work is more prominent in the IT sector, the financial services sector, services in general, followed by public administration. With regard to occupations, telework is most prevalent among so-called "knowledge" workers, i.e., highly qualified employees, who are often holding managerial and professional positions (Eurofound, 2015a). In contrast, occupations that require high physical presence are characterized by low ICT use and/or low autonomy and are typically found in the elementary occupations (incident below 10%).

ICT-enabled mobile work is more common among men in general (54% men and 36% women), yet there is a higher share of women in home-based telework (57%).

In the EU in 2015, about 17% of workers used ICT as a means of working outside the office building, of which only 3% of workers worked from home regularly. In general, telework and ICT-enabled mobile work is performed occasionally rather than on a regular basis, in most countries.

Making use of working from outside the employer's premises is more likely to happen when the workers' performance is not based on presence and working time but based on results and when the work tasks allow for online collaboration and communication (Eurofound & ILO, 2017, p. 10)

Finally, 45% of those workers working regularly from home use this flexibility also in order to carry out small errands or do household chores when having a break, rather than sticking to the office time schedule, which only 9% of teleworkers do. Furthermore, 36% of workers working regularly from home report to adjust their working time by either starting or finishing work earlier or later.

Functional Flexibility

Functional flexibility is a concept that describes the flexibility of functions and responsibilities an employee can have within the company (Atkinson, 1984). Employees are encouraged to become multi-skilled so they can perform various types of task depending on requirements and conditions. Functional flexibility has advantages for both, employee and employer. There is evidence for increased job satisfaction, and in some cases increased job security for the employee, improved operational functioning, and reduced turnover for the employer (Kelliher & Riley, 2003). Also, improved work performance has been found for schoolteachers when several teaching areas were combined (Rosenblatt & Inbal, 1999).

Job rotation can be defined as "regular, alternating between different jobs within an organisation on basis of a scheme or spontaneously on basis of a personal appointment" (Kuijer, Visser, & Kemper, 1999, p. 1168). It reduces the amount of boredom arising from monotonous tasks and allows the worker to increase job security (Cosgel & Miceli, 1999). In jobs that involve physical work, job rotation results in an overall reduced physical workload of the employees (Kuijer et al.,

1999). Task rotation is similar to job rotation, except on a smaller scale. Not only can the switching of tasks increase productivity (Eurofound, 2015), it can also increase counterproductive work behavior when task variety is permanently low (Morf, Feierabend, & Staffelbach, 2017). It can also help to buffer repetitive strain on the musculoskeletal level (Leider et al., 2015). Nevertheless, recent research has shown weak evidence for job rotation as a strategy for the prevention of musculoskeletal disorders (Padula, Comper, Sparer, & Dennerlein, 2017). Especially factors like worker training are a crucial component of a successful job-rotation program.

Job enlargement is similar to job rotation as it is also a method for horizontal expansion of job activities. However, instead of alternating between different jobs, the variety and amount of tasks at the same level of skill and responsibility within a job is being increased. As with job rotation, one goal is to prevent boredom and repetitive strain (DuBrin, 2008). According to job rotation and enlargement can have positive short term effects but no motivational improvement on the long term (Herzberg, 1968). Job enrichment on the other hand is supposed to give the worker a sense of ownership, autonomy, and responsibility. It is a vertical job restructuring method which is not only increasing the variety of tasks but also the authority and independence of the employee. Research has shown that job enrichment has positive effects on the employee and the company itself. It can be linked to increased individual performance (Vijay & Indradevi, 2015), increased organisational citizenship behavior (Davoudi, 2013), and job satisfaction (Mohr & Zoghi, 2006).

Kozjek (2014) states that functional flexibility methods can also be applied to public agencies. For example, job rotation can help to improve communication between agencies, especially in times of increased interaction. There is evidence for increased internal motivation and satisfaction for non-academic staff working at public universities (Azeez & Abimbola, 2016). One of the difficulties is that for this approach to succeed, each agency has to cooperate fully with other agencies (Nickerson & Sanders, 2014).

How common is flexible working in the public sector?

In general, flexible work arrangements can be found frequently in the public administration sector in Europe. In a survey of senior managers of ministries in European Union Member States, the majority reported that flexible work arrangements are available for their workforce (OECD, 2015). Rights for teleworking and for flexible working hours are part of central or federal policies in over 15 countries. Only five senior managers reported not having any policies on flexible working hours in their country while six senior managers reported this for teleworking. Employees in public administration are also more likely to have flexible working hours compared to the average employees in the EU28, compared to employees from other public sectors and compared to employees in the private service sector (Eurofound, 2013). Organisations that offer any form of flexible work arrangements such as telework, home-working or flexible working hours are not

only more common in the public administration sector but they usually also grant these policies to larger parts of the workforce (Eurofound, 2013; Stavrou, 2005). According to the European Company Survey from 2013 more than 83% of establishments in the public sector in the European Union offer their employees flexible working time (Eurofound, 2013). Further, 85% give their employees the possibility to accumulate overtime. In comparison, in the sector of business, administration and other services flexibility in starting and ending times is available in 76% of organisations and the possibility to accumulate overtime in 74% of the organisations.

What drives public sector organisations to implement flexible working?

A likely reason that the public sector is leading in the adoption of flexible work arrangements are the different external and internal pressures of private and public sector organisations. While organisations in the private sector are usually founded with a profit perspective, organisations in the public sector are established by governmental agents with a view to public service. Because of this and the fact that the public sector is often the biggest employer in the country, it is often seen as a "model employer" and prone to public pressure (Ezra & Deckman, 1996). This can be seen for example in different values guiding managers in public and private sector organisations. While managers in private sector organisations named values like profitability and innovativeness as most important, managers in public sector organisations put values like accountability and impartiality at the top, since they have a stronger focus on legitimacy (van der Wal, Graaf, & Lasthuizen, 2008).

This of course has consequences for human resource management. A study using data from 19 European countries and over 19.000 organisations confirmed that the public sector is especially sensitive to external influences on the availability of flexible work arrangement (den Dulk et al., 2013). Strong public support for combining work and family life was associated with a higher availability of flexible work arrangement. Similar effects have been found in the U.S. showing that state legislation contributes strongly to local government's decision to allow teleworking (Kwon & Jeon, 2017). However, the influence factors of the public sector are not limited to state policies. In the study of den Dulk et al. (2013) a culture of high centrality of work made flexible work arrangements in the public sector less likely. This indicates that strong work ethics can be a hindrance when adopting new work policies that do not correspond with traditional notions of an ideal worker (den Dulk et al., 2013).

Further, strong municipal or governmental commitments to protect the environment have also been shown to be associated with a higher availability of flexible work arrangements for example in Finland (Eurofound, 2017) and California (Kwon & Jeon, 2017). In these cases, work practices such as teleworking are seen as utile and viable ways to reduce commuting and carbon emission.

The implementation of flexible work arrangements in the public sector is often driven by prosocial motives. However, potential organisational benefits follow just

behind. A survey of city's human resource professionals in the U.S. identified as the four most common motives to introduce alternative time schedules to improve employee morale, to support employee's work-life balance, to increase productivity and to extend business hours (Wadsworth et al., 2010).

Outcomes from the New Way of Working – Two Sides of a Medal

There are good reasons to assume that new way of work is beneficial for employees. The access to effective flexible work arrangements most likely increases employees' job satisfaction, engagement, as well as the willingness to stay in the organisation (Dizaho, Salleh, & Abdullah, 2017 from Corporate Voices for Working Families, 2011). Nevertheless, we have to be careful to see only one side of a medal. On the other hand flexible work arrangements can be also a source for stress (Kroll, Doebler, & Nuesch, 2017). Thus, flexible work arrangements can be seen as a paradox (ter Hoeven & van Zoonen, 2015). They may have both positive and negative effects for employees (Gajendran & Harrison, 2007). With modern working environments employees can have easily access to information and can exchange ideas with their colleagues quickly, affording them to make their own decision and structure their daily work life (ter Hoeven & van Zoonen, 2015), which might be challenging some time as well. For employees with more autonomy it is easier to organize and coordinate their work with their non-work activities (Kroll et al., 2017). However, this flexibility can also lead to less favorable job conditions. Employees feel a higher sense of obligation when working flexibly and respond with additional effort, which can lead to work intensification (Kelliher & Anderson, 2010). In addition, flexible work arrangements can come along with unpredictable work developments, because employees can engage in the instantaneous exchange of information. Therefore, the goal of the following section is to take a specific look at both, the positive and the negative sides of flexible work arrangements.

Organisational Outcomes of Flexible Work Arrangements

Performance

We first examined performance as a general individual and organisational outcome. Regarding flexible working arrangements, especially telecommuting (i.e., work from home) increases performance (Gajendran, Harrison, & Delaney-Klinger, 2015). Even a meta-analysis with in total 484 employees showed that supervisor-rated performance was positively linked to telecommuting (Gajendran & Harrison, 2007). One possible reason for the higher performance is that employees experience less disruption at home. Another explanation is that employees working from home can decide by themselves when they feel more productive and align work activities to their circadian rhythm (de Menezes & Kelliher, 2011; Konradt, Hertel, & Schmook, 2003). There are similar results for the effects of teleworking. Employees reported higher levels of self-rated job-performance when they were able to telework (Vega, Anderson, & Kaplan, 2015). Although, the influence of telecommuting and teleworking on performance seems rather positive, not all

flexible work arrangements have a positive impact on performance (de Menezes & Kelliher, 2011). Research findings also suggest that spatial flexibility in terms of telecommuting or teleworking has a stronger relationship with performance than temporal flexibility. Thus, it might make a difference, which form organisations try to implement. Although temporal flexibility showed no negative association with performance, there were ambivalent findings for individual performance or productivity, as well as for organisational performance such as financial performance or turnover (de Menezes & Kelliher, 2011). To conclude, flexible work arrangements, especially flexplace, seems a useful tool for organisations to improve, or at least maintain individual and organisational performance.

Work Engagement

Work engagement is defined as a positive state in which employees are enthusiastic and highly motivated to do their job (Schaufeli & Bakker, 2004). When employees were generally asked about their access and use of flexible work arrangements regarding time and place, a positive influence on work engagement was found (Rudolph & Baltes, 2017). In contrast, telework was negatively related to work engagement (Sardeshmukh, Sharma, & Golden, 2012). Employees missed feedback and social support. These negative side effects might be reduced if companies pay attention to communication techniques, which allow employees to communicate and stay in contact with their coworkers while teleworking. In sum, work engagement has an ambivalent relationship with flexible work arrangements. Allowing employees to decide over their work schedule can increase work engagement, when organisational conditions such as communication technologies are available. Telework can reduce work engagement if social support or feedback is missing.

Job Satisfaction

The effects of telecommuting on job satisfaction are also quite complex. While a meta-analysis with a sample size of 7764 employees suggests slightly positive effects (Gajendran & Harrison, 2007), a more recent study (Golden & Veiga, 2008) found curvilinear effects of telecommuting on job satisfaction: Initially, with more hours of telecommuting job satisfaction increases, but when the amount of telecommuting exceeds a certain threshold job satisfaction decreases again (Golden & Veiga, 2008). An explanation for this observation might be that with more intense use of telework employees have less and less social interactions and thus feel more isolated (Golden, Veiga, & Simsek, 2006). Flextime, however, showed consistent positive relations with job satisfaction (Kroll et al., 2017). Nevertheless, with regard to the meta-analytic results, job satisfaction can be seen as a positive outcome of telecommuting.

Family and Community Outcomes of Flexible Work Arrangements

Life-Domain-Balance

Since a successful reconciliation of work and private life is a key element in the quality of work, we will refer to this synch of one's professional and private life as life-domain balance. This is a conceptual extension of the more established term work-family balance, based on the understanding that a balance across various and important life domains such as paid work, partnership, family, hobbies, voluntary work, and health, seems to be relevant for maintaining and improving quality of life (Ulich & Wiese, 2011).

Due to the heterogeneous use of terms in the literature, we will still report findings for work-family balance, work-life balance and life-domain balance. Studies on work-life-balance showed equivocal results. Comparing main-office, home-based, satellite and client-based workers, main-office workers reported higher levels of work-life-balance than satellite and client-based workers. Even compared to home-based workers, main-office workers had similar levels of work-life balance support (Morganson, Major, Oborn, Verive, & Heelan, 2010). Regarding job sharing no relationship with work-life balance was found (Hayman, 2009).

In support of the view that flexible work arrangements have a positive influence on work-life balance, it was found that telework positively effects employees' the work-life balance (Maruyama, Hopkinson, & James, 2009). Flexible work schedules and arrangements were also seen as an effective way to influence employees work-life balance (Dizaho et al., 2017), but one has to distinguish between the availability and the use of flexible work arrangements. While the availability of flextime and flexplace were associated with fewer interferences of work with family life, the use of flextime and flexplace did not have such a strong association (Allen, Johnson, Kiburz, & Shockley, 2013). One possible reason for the differential effects of availability and use might be a sense of control. When flexible work arrangements are available for employees, they might experience less conflict between work and family life through a greater perception of control. In this case, employees have the feeling that, if necessary, they can adjust their working time and/or work place in order to meet urgent family requirements (e.g., care for a sick child). The actual use of flexible work arrangements may also be associated with negative aspects. For some, flexplace makes it harder to set boundaries between life domains (Allen et al., 2013). Working from home may make it more difficult for employees to detach mentally from work. With work materials being around all the time, employees may have trouble not to think about work and to concentrate fully on their private and family life. Missing boundaries between work and other life domains and poor psychological detachment from work, where shown to have a negative impact on perceived life-domain balance and on employee well-being (Sonnentag & Fritz, 2015). On the other hand, especially for women with young children, the use of formal telework arrangements may help to arrange childcare times (Troup & Rose, 2012).

Although flexible work arrangements were associated with less work-family conflict, the relationship is smaller than assumed. To find a good balance between the different life domains, it seems important that family obligations, as well as individual preferences are considered. Some might prefer to just vary their worktime to prevent role ambiguity, while others prefer to also vary their place of work.

Individual Outcomes of Flexible Work Arrangements

Effects on Well-Being

When we look at the effects of flexible work arrangements on well-being or psychological health an ambivalent picture emerges. Findings show that there was no direct effect of flexible work arrangements on well-being. However, the opportunity to work flexibly had a positive influence on life domains and increased job autonomy, and thus improved well-being. But there was also a negative path to well-being due to increased interruptions (ter Hoeven & van Zoonen, 2015). With specific regard to temporal flexibility, there was a negative relationship with exhaustion (Kattenbach, Demerouti, & Nachreiner, 2010), indicating that employees having the autonomy to decide when they work have a better well-being. Specifically flextime and telecommuting are positively related to psychological well-being (Kroll et al., 2017). Furthermore, working at home was associated with both, greater positive affect and lower negative affect (Anderson, Kaplan, & Vega, 2015). Another study showed that with using flextime on a daily level, employees could strengthen their daily boundary at home and this had a positive impact on their well-being (Spieler, Scheibe, Stamov-Ronagel, & Kappas, 2017). When employees have the possibility to arrange their private and work life with flexible work arrangements, they also report higher well-being.

To sum up, flexible work arrangements are a useful tool for organisations to offer employees more autonomy and thus, enhance to a certain extant organisational, individual, family and community outcomes. While performance might increase when employees have the possibility to choose their work locations, for work engagement and job satisfaction flexplace did not play a significant role. On the other hand, flextime had a weaker relationship with performance and a stronger association with job satisfaction and work engagement. In relation to flexible work, there is a link to work-life-balance and well-being. When employees have the discretion to decide where and when they work, they have a better balance between their life domains, and thus have a better well-being.

What are individual and organisational outcomes of flexible work arrangements in the public sector?

FLEXTIME

Productivity and Absenteeism

From a public employer's perspective, introducing alternative work schedules is promising, as they allow realizing organisational benefits while supporting their employees in life-domain balance. Various studies show positive effects of alternative work schedules on objective indicators of organisational performance. A study by Lee & Hong (2011) matched employee satisfaction with alternative work schedules with agency performance one year later using data on met or exceeded performance indicators in accountability reports. A substantial positive effect on agency performance was found. Agencies in which employees reported a higher satisfaction with the available alternative work schedules were more successful in achieving their goals. A possible mechanism explaining these effects is that alternative work schedules help to reduce sick leave and paid absence and therefore lead to savings in labor cost.

Further study results strongly support such a mechanism. The introduction of compressed workweeks and flexible work schedules in a U.S. federal government agency was followed by a significant decrease in annual and sick leave, yielding considerable savings in labor costs (Harrick, Vanek, & Michlitsch, 1986). And a review by Kopelman (1986) mostly found studies showing moderate to strong impacts on reduced sick leave and paid and unpaid absences.

While the positive effects on organisational productivity are based on scientific evidence, positive effects on individual productivity are rather small or non-existent (Harrick, Vanek, & Michlitsch, 1986; Kopelman, 1986). Equally, no effects on turnover were found (Lee & Hong, 2011).

When one considers subjective indicators of performance, like the opinions of manager, the positive effects of flexible work arrangements are further confirmed. In a survey of local government human resource professionals in the U.S., a majority reported improvements in customer service and in productivity with the introduction of compressed work schedules (Wadsworth et al., 2010). However, alternative work schedules do not come without drawback. The arrangement of meetings can become more difficult and managers have to put in more effort to ensure that there is always an adequate coverage of employees to do the necessary work in time (Wadsworth et al., 2010).

Life-Domain-Balance and Well-Being

Next to the organisational benefits, alternative work schedules also have the potential to affect employees positively. Various studies found that alternative work schedules are associated with decreases in stress and can help to improve employee work-life balance, especially for employees with children (Ezra & Deckman, 1996; Russel et al., 2009; Facer & Wadsworth, 2008; Russel et al.,

2009; Wadsworth et al., 2010). This however depends strongly on whether employees are given a choice regarding their work schedules or not. A study of over 10.000 state employees in the U.S. (Wadsworth et al., 2016) showed that a mandatory compressed workweek of four working days can have negative impacts on life domain balance, especially for employees with children. Only for those employees who have chosen the compressed workweek voluntarily positive effects on life domain balance were found.

FLEXPLACE

Productivity and Motivation

Indisputably, with teleworking a strong case can be made for the potential of organisational savings. As many federal agencies in the U.S. report (OPM, 2016) teleworking can be an effective way to reduce costs for offices and housing. However, direct effects on employee and organisational performance via teleworking are more questionable. Satisfaction with teleworking has even been found to be associated with lower agency performance one year later (Lee & Hong, 2011).

Similar results have been found by Callier (2012, 2014). In his studies the author used data from The Federal Viewpoint survey, an annual survey of over 200.000 employees of federal agencies in the U.S. His results suggest that even though the right to telework might have small positive effects on performance, the frequency of teleworking can change this relationship: Employees who teleworked frequently showed lower motivation and work effort compared to those who teleworked infrequently. As the study data were cross-sectional it stays unclear if teleworking reduces motivation or if employees with low motivation prefer to telework as way to withdraw from work. Nonetheless, one may conclude that the effects of teleworking on motivation and performance are probably mixed and contingent on other factors such as teleworking frequency (see also Golden & Veiga, 2008).

Turnover

Mixed results have also been found for the relationship between teleworking and turnover. Lee and Hong (2011) found no association of satisfaction with teleworking and actual turnover in federal agencies one year later. On the other hand, studies of U.S. federal employees by Callier (2013a) and Choi (2017) indicate that denying employees teleworking when their job would allow it can increase employees' intentions to quit. The reason for this is likely that employees perceive to be treated unfairly when denied the right to teleworking. This effect might even become stronger in the future since teleworking is becoming more and more common nowadays and changes from being a benefit to a "must-have" in the eyes of employees.

Whether the actual use of teleworking leads to positive effects or not lies mainly in the hand of the management. A decrease in intentions to quit was only found for those teleworkers who also reported high managerial support (Choi, 2017).

Otherwise, teleworking employees showed higher intentions to quit compared to those who personally chose not to do it.

Although general effects of teleworking on the reduction of turnover are mixed, teleworking can be an effective measure to retain employees in times of organisational change. For example, when the Swedish government relocated one of their agencies in the course of decentralisation, the management gave their employees the option to work from home on three days a week (Hartig, Kyling, & Johansson, 2007). This made it possible for many employees to stay in the organisation without relocating their residencies.

Communication

Managers, employers and employees often fear that teleworking might lead to negative changes in communication. However, the long-term evaluation of a telecommuting initiative in two Canadian federal government departments found little changes in intra-organisational communication. Similarly, no negative effects on the relationship between supervisor and subordinate have been found. In a study of over 7600 employees of a federal agency in the U.S. (Callier, 2013b) teleworking was not associated with the amount of constructive feedback employees received.

Well-Being

An important motive when introducing teleworking is to help employees to reduce stress and improve work-life balance. In a survey of over 1600 teleworking federal employees in the U.S. respondents indicated that teleworking effectively improved their work-life balance. The employees reported teleworking helped them to manage dependent care responsibilities, to have more energy available and feel less stress (Major, Verive, & Joice, 2008).

Innovative Office Concepts

Many organisations are changing their office design to meet the needs of an increasingly flexible workforce, which requires a variety of work places (Davis, Leach, & Clegg, 2011). Especially for knowledge-based workers who work most of their time in projects with continuously changing work tasks in various work teams, traditional office styles (i.e., enclosed cellular offices) do not fit the requirements anymore. For some work tasks employees need to work concentrated and without distractions. Another work task may require interactions with colleagues and the exchange of ideas (Gerdenitsch, Korunka, & Hertel, 2017). Activity-based offices promise to address this issue and, at the same time, give employees more autonomy in choosing the work place best suitable for the tasks. Furthermore, organisations implementing innovative office concepts see possibilities to reduce cost, since rent is one of the top expenses.

De Croon, Sluiter, Kuijer and Frings-Dresen (2005) give a more precise definition of activity-based office concepts. Offices can be described in three dimensions: location, layout and use. In activity-based offices, the location is still the traditional

office building. The layout is an open-plan concept with workspaces dedicated to specific work activities. Those activities could be concentrated work, meetings and anything else that needs to be done according to the company's goals. In terms of use, employees in an activity-based office do not have assigned workstations. This practice is called desk-sharing (familiar terms are hot desking, flexi-desk, hoteling or non-territorial working).

Even though a trend to implement such open or "activity-based" office concepts can be seen in Western countries nowadays, most of the ideas originated already in the nineteen-seventies. In 1970, IBM implemented an office concept, in which employees gave up their private rooms and instead chose from a variety of desks and quiet areas, depending on their personal preferences (Allen & Gerstberger, 1973). In total, the transition to a new concept was a success. But also back then, the researchers were aware of the limitations and possible problems of this concept. They stated that the new office concept would be best suitable for employees that spend most time outside the office. Additionally they recommended that any widespread use of new office concepts should be carefully planned (Van Meel, 2011). Now, 47 years later and with the help of advanced ICTs these "old" ideas are having a great comeback. Even though many new ways of working have been experimented with, only the advances in ICT made them realistic and convenient enough to be used widely. In recent years, well-known companies seated in Silicon Valley had the reputation of trying innovative concepts in the company headquarters. Many of these attempts can be described as activity-based office concepts.

Effects of Activity-Based Office Concepts

With regard to the benefits of new office concepts, they are supposed to grant the employees more autonomy and, on the other hand, they are a way for the organisation to save costs by increasing the average number of employees per workstation (Kim et. al, 2016). The design of the office has an impact on how employees experience their work and it can be a strategy for implementing organisational change (McElroy & Morrow, 2010). To understand these interactions it is important to focus on the working conditions and how they are affected by activity-based offices.

Territoriality

According to Brown, Lawrence and Robinson (2005) territoriality is a behavioral expression of feelings of ownership. It relates to the concept of psychological ownership, which describes the feeling of possessiveness towards an object (Pierce, Kostova, & Dirks, 2001). Psychological ownership affects organisational commitment and job satisfaction (Van Dyne & Pierce, 2004). Territoriality adds the social and behavioral dynamics that sometimes result from psychological ownership. It is not the sole expression of attachment to an object but rather the individual's relationship to that object in relation to others in the social environment. Personal items such as nameplates on doors and family pictures are indicators of

employees' territoriality. The absence of most forms of territoriality is a key aspect of desk-sharing and activity-based offices. Since activity-based offices often include a desk-sharing with a clean-desk-policy, it is harder for employees to personalize their workplace (Wohlers & Hertel, 2017). Expressing territorial feelings and personalizing the workplace can be linked to an increase in employees' well-being because personal items at work are known to have a calming impact on employees and thus to reduce stress (Brown et al., 2005).

Visibility and Proximity

In addition to territoriality, visibility of coworkers and the distance between them (physical proximity) are important characteristics of a workplace (Kraut et al., 2002). Activity-based offices can affect the relationship between team members negatively, because teams do not have assigned working areas any more. Kraut, Egido and Galegher (1988) postulated that it is less likely to complete an assignment together unless the offices of the team members were physically near each other. It is not guaranteed in activity-based offices that team partners can sit next to each other, since they can be anywhere in the office building. Additionally, flexible working arrangements make it even harder for team members to locate each other. However, there are studies that show increased communication and interaction in activity-based offices (Blok et al., 2009). The increased visibility of coworkers in activity-based offices can improve the overall relationship between colleagues of different departments (Volker & Van Der Voord, 2005). According to Wohlers and Hertel (2017) the contradictory results can be explained, when differentiating between intra-team processes and inter-team processes. Compared to cellular and open-plan offices, activity-based office concepts should impede communication between team members but foster communication between non-team colleagues.

Privacy

Visibility and close proximity can also lead to the perceived loss of privacy which can spark negative reactions (Maher & von Hippel, 2005). The lack of privacy is one of the key sources of dissatisfaction in an open-plan office (Danielsson & Bodin, 2009). Since activity-based offices are a special type of open-plan office, the influence of privacy has to be considered. Architectural privacy refers to the physical features of the office. Cellular offices are expected to have the highest level of architectural privacy and thus, help employees to control and limit interruptions (Laurence, Fried, & Slowik, 2013). This leads to a high level of psychological privacy (Maher & von Hippel, 2005). A study conducted by Gorgievski et al. (2010) revealed that the transition from a cellular office to an open-plan office led to complains about unwanted noise and distractions. Especially noise can cause lowered performance among employees (Roelofsen, 2008) and lead to decreased job satisfaction and motivation (Kim & de Dear, 2013). Activity-based offices address those problems by offering employees the freedom to choose a working zone. This can buffer the negative effects of the open-plan

office regarding privacy and increase the control over distractions (Wohlers & Hertel, 2017).

Autonomy

Autonomy in the context of work refers to the opportunity to control the methods, scheduling and place of work (e.g., Demerouti et al., 2014). As stated above, one potential advantage of activity-based offices is to increase employees' discretion in choosing their work environment inside the office building (Volker & Van Der Voordt, 2005). This should give them a high level of autonomy. According to self-determination theory, autonomy is one of three basic psychological needs (Ryan & Deci, 2000) and therefore, satisfaction of the need for autonomy has a positive impact on the employees' well-being, intrinsic motivation and other work-related factors (Deci & Ryan 2008).

Figure 1: Overview of the activity-based flexible office model (adapted from Wohlers & Hertel, 2017)
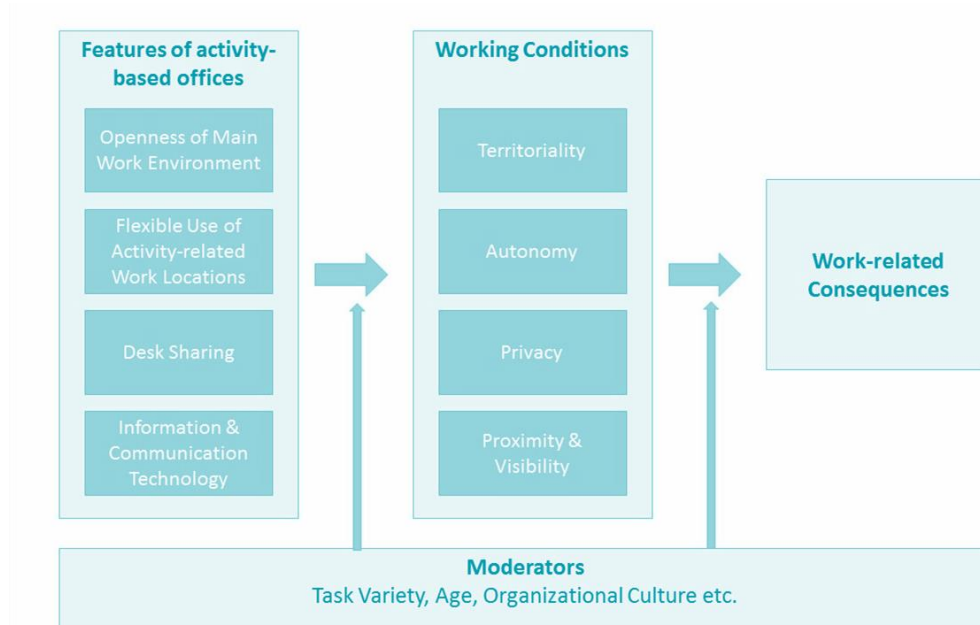
Factors Influencing the Effects of Activity-Based Office Concepts

The success of activity-based offices also depends on task-related, person-related and organisational factors. Employees who mainly execute similar tasks cannot benefit from activity-based offices because they do not need the variety of work places. Wohlers and Hertel (2017) propose that a medium level of task variety should be favorable. Appel-Meulenbroek et al. (2011) stated that personal preferences, like preference for a certain type of workplace, seem to have an effect on the use of the features of activity-based offices and Hoendervanger, de Been, van Yperen, Mobach, and Albers (2016) found that the amount of switching between work locations can increase the satisfaction with an activity-based office. Personality aspects can also moderate the influence of office types on distraction

and job satisfaction. Seddigh (2015) stated that employees with high levels of agreeableness showed higher amounts of distraction and lower job satisfaction. Employees that are more agreeable are more prone to unwanted distraction, since they communicate their needs less to others. Other person-related moderators can be age (Thielgen, Krumm, & Hertel 2015) or gender (Wells, 2000). Older workers may possess higher self-regulation skills than younger workers (Thielgen, Krumm, & Hertel, 2014) and use more active coping strategies. Additionally, organisational characteristics can influence the outcomes of activity-based offices. Van der Voordt and van Meel (2000) assume that hierarchy should be diminished through the introduction of activity-based offices. Therefore, activity-based offices should be more suited to less hierarchically structured organisations that need innovative thinking and communication.

In conclusion, activity-based offices affect important working conditions and studies show contradictory results in terms of outcomes. Activity-based offices buffer some disadvantages of open-plan offices like reduced control of distraction and reduced autonomy. They foster communication between non-team colleagues but they can endanger communication between team members, due to reduced proximity. The absence of territoriality in activity-based offices can decrease team identification and trust. Activity-based offices have the possibility to improve working conditions, especially compared to open-plan offices, but at the same time it's crucial to carefully plan an implementation with regards to the dimensions of working conditions (territoriality, visibility, proximity, privacy and autonomy) and the various moderators (for a summary see table 2).

Table 2: Possible effects of different office layouts

	Cellular office	**Open-plan office**	**Activity-based office**
Job satisfaction (De Croon et al., 2005)	+	-	+
Autonomy (De Croon et al., 2005)	-	-	+
Communication (Vos and Van der Voordt, 2002)	-	+	+
Perceived privacy (Gorgievski et al., 2010)	+	-	+/-
Cognitive workload (De Croon et al., 2005)	-	+	+/-
Intra-team processes (Wohlers & Hertel, 2017)	+	+	-
Inter-team processes (Wohlers & Hertel, 2017)	-	+/-	+
Distractions (McElroy & Morrow, 2010)	-	+	+/-
Trust (Wohlers & Hertel, 2017)	+	-	-

Success and Hindering Factors of Flexible Work

The following success and hindering factors have to be considered when planning to introduce flextime and flexplace policies in public and or private organisations.

The Fit between Flexwork and Work Activities

Employees' experiences with flexwork and their appraisal of the benefits of this new way of work are deeply contextual and determined by their work tasks and work practices (i.e., work activities). Work activities such as writing, concentrating, creative work, clerical work or collaborative work in teams differ widely with regard to the strength of the need for interpersonal proximity (i.e., team-members sitting next to each other in order to have the opportunity for face-to-face talks) or the personal need for privacy (i.e., quiet, working without any interruption). Individual use of flextime has the inherent power to neglect the fulfillment of the need for proximity while providing the satisfaction of privacy, because employees are not necessarily working at same times any more. The same applies to flexplace use because of the spatial separation of employees. Therefore, the fit between flexwork and the needs deriving from work activities is highly relevant for understanding the suitability and effectiveness of this new way of working (Boell, Cecez-Kecmanovic, & Campbell, 2016).

### Interaction among Colleagues and ICT Use

In the flexwork debate, practitioners are concerned of the impact of an increased ICT use with regard to appropriate forms of interaction among colleagues (face-to-face versus technologically mediated communication). Receiving timely feedback from supervisors or coworkers in face-to-face situations may be critical for some job requirements. For the successful fulfillment of other work tasks, like concentrated or creative work, ICT-mediated communication may be more beneficial as it provides employees with the power to control interruptions. In order to achieve a task-technology fit under flexible working conditions, a match between the quality of work tasks, the availability of mobile ICT and the ICT use context is suggested (Gebauer, Shaw, & Gribbins, 2010). ICT can be used differently for the same work activity, leading to flexwork being assessed differently (Boell et al., 2016). In order to seize the advantages of ICT-enabled flexwork, the degree of routine in the work tasks respectively the share of routine work and project work plays a crucial role. Employees performing high-routine jobs are most productive when using ICT that emphasizes data processing, whereas employees with low-routine jobs (i.e., with a bigger share of project work) are most productive when working with ICT that emphasizes communication and information access (Gebauer et al., 2010).

Work Task Interdependence

Furthermore, the success of flexwork is determined by the employees' work experience and communication skills as well as the task interdependence among

coworkers (Turetken, Jain, Quesenberry, & Ngwenyama, 2011). With the increase of their flexplace hours, employees with high task interdependence experience a slower rise in job satisfaction than those with low interdependence (see Figure 2). This effect was not found for flextime (Golden & Veiga, 2005).

Figure 2: The moderating effect of task interdependence in the relation of flexplace (telecommuting) and job satisfaction (Golden & Veiga, 2005)
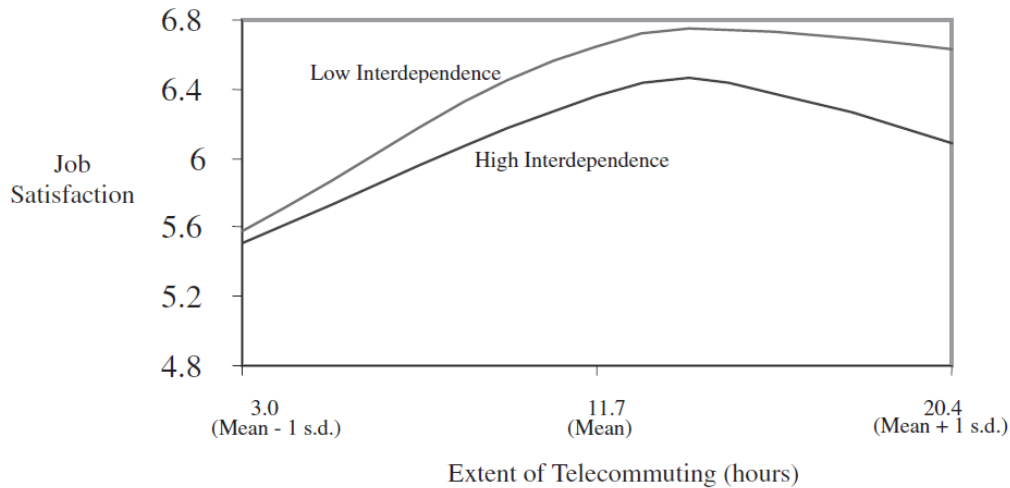
The Fit between Flexwork and Private Life

Flexible work arrangements enable individual workers to alter their working time and place to their wishes. Therefore, flexwork is a tool for employees to fulfill both, private responsibilities and work responsibilities to an adequate degree in a comfortable manner. If a person does not have much private responsibilities or appreciates a strict routine in life, they will personally not benefit from flexwork. On the other hand, employees with under-aged children have the greatest potential to benefit from the availability of flexwork in order to achieve life-domain balance. Moreover, research has shown that employees with parental responsibilities actually use flextime and flexplace more often when they have high degrees of work ambition, job-levels and career satisfaction (Dikkers, van Engen, & Vinkenburg, 2010). Therefore, it is important that flexwork does not just fit with the work environment, but with the employees' private environment as well.

Flextime can be associated with the employees' level of stress, but this association is mediated by employees' perceptions of negative spillover from work to their private domain. If flexwork does not have a negative impact on employees' private life, it has the power to reduce their subjective stress load. Furthermore, the impact of flexwork is highly influenced by gender and cognitive load: Flextime has a more negative impact on employees' private life and increases employees' stress more if the flextime users are women, single parents or employees with heavier cognitive load resulting from private or family demands (Jung Jang, Zippay, & Park, 2012).

Employees' Autonomy and Choice

Autonomy in the work context is defined as the extent to which an individual employee can structure and control how and when doing his/her work tasks (i.e., the employees' job decision latitude or "decision authority"; (Karasek, 1979). „Highly autonomous jobs allow incumbents to determine the order and pacing of job tasks, specific procedures for accomplishing those tasks, scheduling, coordination with other employees and other conditions of work" (Spector, 1986, p. 1006). On the psychological level, it is the individual's perception of autonomy or psychological control which is a key feature of any work arrangement and, therefore, has considerable impact on the individual employee's assessment of her/his work environment and reactions to it (Gajendran & Harrison, 2007b; Spector, 1986). Perceived autonomy is the extent to which an individual believes s/he can directly affect her/his environment (Spector, 1986). Flexwork is known to enhance employees' perceived autonomy by giving them choice over the location, scheduling and means of work (Bailey & Kurland, 2002; Gajendran & Harrison, 2007b), affecting personal and organisational outcomes. Furthermore, the increased perception of autonomy of flexible working employees is associated with more intrinsic motivation (e.g., Ryan & Deci, 2000), job satisfaction (Gajendran & Harrison, 2007b; Golden & Veiga, 2005) and performance (Gajendran & Harrison, 2007b). On the personal level, the increase of perceived autonomy deriving from flexwork is known to further increase employees' work-nonwork balance (Nijp, Beckers, Geurts, Tucker, & Kompier, 2012), well-being (or rather the reduction of stress in general; Gajendran & Harrison, 2007; Thompson & Prottas, 2006) and to reduce their intentions to turnover their jobs (Gajendran & Harrison, 2007b).

Parallel to the effects of autonomy, employees' negative versus positive reactions to flexwork depend on whether they use flextime or flexplace involuntarily or voluntarily (Ashford, George, & Blatt, 2007). With the increase of the employees' perception of making their own choice (i.e., "voluntariness") comes the increase of perceived justice, leading to more favorable work outcomes like higher work motivation (Ashford et al., 2007) and more extra-role behavior or organisational citizenship behavior (i.e., an employees' extra portion of commitment to work which is going beyond the requirements of the work role or job description; McLean Parks, Kidder, & Gallagher, 1998). Regarding behavioral and attitudinal outcomes of flexwork, employees' subjective perception of choice may have a greater impact than their actual magnitude of choice granted by the organisation (Ashford et al., 2007). Moreover, employees' perceptions of control also positively mediated the relationship between job autonomy and organisational support for work-family balance with affective outcomes like well-being, job satisfaction, life satisfaction and family satisfaction (Gajendran & Harrison, 2007b; Thompson & Prottas, 2006).

Managerial Control of Flexible Working Employees

The effective management of flexible working employees is a challenge for their supervisors because of the complexity of flexwork and other forms of virtual work regarding social and spatial separation and increased ambiguity of the work

situation (Golden & Raghuram, 2010). While flexwork increases employees' perception of autonomy and choice, it represents a challenge with regard to supervisors' control of their flexible workers. Organisations trying to control their flexible working employees through traditional means (e.g., bureaucratic or outcome-based control) will face substantial difficulties (Ashford et al., 2007). These difficulties regarding leadership of flexible workers may be fostered by implicit managerial beliefs about the positive relationship between employees' commitment to the organisation and their productivity. Supervisors may believe that flexible workers are less committed to the organisation than workers with rigid working hours and places (Gallagher & Parks, 2001). But, to ensure a successful implementation of flexible work arrangements into an organisation, it is crucial that managers support flexwork wholeheartedly and show the willingness to supervise employees, who are not present in the organisation's premises (Crandall & Gao, 2005). Therefore, managers have to shift their focus from physical presence towards their employees' actual work achievements (Beauregard, 2011). This way, leaders can adapt themselves to flexwork arrangements in order to increase their flexible working employees' well-being by reducing stereotypes and facilitate fairer appraisal processes.

Leadership Styles

From an organisational perspective, leadership problems regarding commitment and control can be addressed via four interrelated management approaches (Ashford et al., 2007): Firstly, leaders can manage their team through job design and fit. They focus on structural preventions like designing the job, choosing the right person to do it or a combination of the two, in order to increase employees' productivity (see also the importance of needs-supplies fit as mentioned above). Secondly, there is management through exchange which is based on social exchange and psychological contract theories, suggesting that leaders have to understand the factors motivating their employees in order to provide them with the right incentives to work. Thirdly, leaders can facilitate personal connections with their employees in order to manage them through relationships. In this management approach, leaders seek and foster positive relationships between coworkers, because they substitute for a positive relationship with the organisation and therefore, have a great impact on the organisational culture and success. Finally, there is management through identity where leaders focus on the fit between their employees' personal identity and the values of the organisation (Ashford et al., 2007). All four leadership styles may help to meet the challenge of managing a flexibly working team.

Organisational Culture

Organisations offering the opportunity to work flexibly in time and place usually embed their employees with a supportive work-home culture, which is associated with higher levels of the employees' well-being (Beauregard, 2011).

Trust

Trust, interpersonal bond and employees' commitment to the organisation considerably contribute to knowledge sharing among flexible working team-members (Golden & Raghuram, 2010). The positive impact of organisational trust on the interpersonal knowledge exchange under flexible working conditions is moderated by technology support, meaning that higher levels of ICT support provided by the organisation foster greater knowledge sharing among flexible working employees with high trusting relationships. Moreover, face-to-face interactions facilitate interactions among coworkers in a low trusting environment, but they were significantly less beneficial for flexible working employees with high trusting relationships (Golden & Raghuram, 2010).

Technical Environment

In order to successfully implement flexwork, organisations have to address four social-technical issues: Technical support for their flexible working employees, security of data and network, social isolation of their flexible working employees and the management of them (for further information on management see "Leadership styles" above). The consideration of these four concerns correlates significantly with the success of flexwork regarding work performance (Chen & Nath, 2011). Moreover, the organisation has to achieve a common understanding of the role of ICT as well as the nature and relevance of agile development for their work (Boell et al., 2016).

Guidelines and Rules

The implementation of flexwork comes with an increase of the individual's job autonomy. This is generally thought to be beneficial regarding work and well-being, but it also can add up to a highly unstructured work environment. Therefore, organisations offering flexwork should find the optimal combination of structure and granted autonomy for achieving favorable outcomes among their flexible working employees (Ashford et al., 2007). A way to provide structure and to reduce the ambiguity of the work situation is to provide explicit guidelines, containing some general rules. Those rules should indicate how, when and how often employees are supposed to use flexible work arrangements, which work tasks they are supposed to do and which technical equipment they are supposed to use.

How to make the implementation of flexible work arrangements in the public sector a success?

The implementation of flexible work arrangements is not trivial and cases have been reported where it failed (Taskin & Edwards, 2007). The study of two public agencies in Belgium showed that structural factors, strategic support and successful re-regulation can be important determinants of success (Taskin & Edwards, 2007). For structural factors a match between occupational characteristics, management and the new work arrangement is important. A higher portion of knowledge workers and higher granted autonomy makes the

implementation of teleworking easier. Further, the implementation should rest on strategic support, meaning that supervisors should see workplace flexibility as an important goal benefiting the overall organisational effectiveness (see also Su, Li, & Curry, 2017; Taskin & Edwards, 2007). With the change in work practices, new ways of control and communication have to be established and trust becomes more important. A new performance management system might be necessary and processes of collaboration likely have to be re-organized (Taskin & Edwards, 2007). If the predominant organisational culture is not coherent with these norms, conflicts, frustration and failure of the implementation are likely. Therefore when implementing flexible work arrangements an integral perspective on the organisation and how it works is essential.

Perspectives on New Way of Working

Skills for the Future

The increased use of ICT in the workplace faciliates growth in various flexible working opportunities, but also risk to leave certain workers behind. Data from the OECD Employment Outlook 2017 indicates that more than half of the adult population in 28 OECD countries have no ICT skills at all or can only perform very basic tasks such as writing an email and searching the web. Furthermore, ICT skills vary substantially in regards to country and age. Not surprisingly, younger generations have an advantage over older people across all countries as they are better prepared for a digitalized working environment (OECD, 2017b).

Next to ICT skills, complementary skills might be needed such as solid literacy, numeracy and problem-solving skills, but also autonomy, co-ordination and collaborative skills as well as adaption skills while working with new and changing technologies. In order to help reduce the large inequalities and prevent the prospect of further divergence in access to or the use of flexible arrangements, it is suggested that through the means of education and (lifelong) learning, students and workers among older cohorts should be equipped with ICT and complementary skills and be incentivised to ensure keeping up with continuously changing skills needs (OECD, 2016; OECD, 2017b).

Future of Work and Women

Prevalently, working parents with a child of preschool age use flexible work arrangements, such as part-time work and/or home-office (OECD, 2016). In particular, the use of flexible work arrangements can be beneficial to women and may affect their employment rates. Interestingly, countries with the highest shares of female workers performing their work from home show the highest maternal employment rates (Sweden, Denmark, Netherlands, and Finland with the highest employment rates among mothers).

However, concerns about job quality have also been raised as engaging in flexible work arrangements might lower job quality due to the possibility of increased

working hours and a blurring line between professional and personal activities, in particular affecting female workers since women still mainly take on family responsibilities. Thus, on the one hand, promoting flexible work arrangements with updated working time regulations attuned with the latest technological developments and on the other hand, supporting adult learning during family-related absences from work (e.g., maternity leave) which could help in a faster adaption to technological changes, could improve women's labor market prospects in the new way of work (for further suggestions on how to improve female labor force participation, see OECD, 2017a).

Safety and Health Protection in New Way of Working

As it is difficult to apply occupational safety and health prevention principles to working environments outside the employer's premises, a project by the European Agency for Safety and Health at Work (EU-OSHA) with the title „Foresight on new and emerging risks in occupational safety and health associated with ICT and work location by 2025" has been established. It analyzes potential impacts that developments in ICT and changes in work location may have on workers' occupational safety and health and addressing psychosocial aspects, such as isolation and permanent reachability, as well as ergonomic aspects by looking at the frequent use of laptops and smartphones. In three work packages, the project aims to identify ICT and changes in workplace related trends and drivers that could result in new and emerging occupational safety and health risks, develop possible workplace scenarios for 2025, and formulate policies and strategies to address these OSH challenges identified (EU-OSHA, 2017).

Summary

The availability and use of flexible work arrangements give workers a choice over how much, when and where to work (Kelliher & Anderson, 2010).

In the majority of cases, companies set the working time arrangements and about 16% of workers can determine their working hours entirely by themselves (Eurofound, 2017a).

Between 2005 and 2015 working time quality which looks at duration, atypical working time, working time arrangements and flexibility increased, which is possibly due to an increase in short working hours and a decrease in long working hours (Eurofound, 2017b).

Across the EU28, an average of about 17% of employees use ICT to work outside the organisations' owned office buildings (Eurofound & ILO, 2017).

Varying prevalences between 2% to 40% of workers in terms of working outside the office building with the use of ICT indicate that this type of flexible work is dependent on the country, occupation, and sector, and frequency of use.

In the EU in 2015, about 17% of workers used ICT as a means of working outside the office building, of which only 3% of workers worked from home regularly.

In most countries, telework and ICT-enabled mobile work is performed occasionally rather than on a regular basis.

Scandinavian countries seem to be most open to the idea of working outside the employer's premises.

Telework is most prevalent among so-called "knowledge" workers, i.e. highly qualified employees, who are often holding managerial and professional positions (Eurofound, 2015a). In contrast, occupations that require high physical presence are characterised by low ICT use and/or low autonomy and are typically found in the elementary occupations (incident below 10%).

Sectors with high ICT dependence which do not require the worker to work at a fixed workplace show higher shares of workers performing mobile work. In EU28 this type of flexible work is more prominent in the IT sector, the financial services sector, services in general, followed by public administration.

Regarding the gender distribution, ICT-enabled mobile work is more common among men in general (54% men and 36% women). Interestingly, there is a higher share of women in home-based telework (57%).

Implementation of flexible work arrangements and outcomes
For successfully establishing FWA, technical support and expertise as well as a corporate culture open to flexible working procedures and emphasis on results and trust are needed (Eurofound, 2015a).

Offering employees the possibility for flexplace, i.e. deciding where to work, might enhance their performance and offering employees the possibility for flextime, i.e. deciding when to work, might enhance their work engagement and job satisfaction. The possibility for flexplace and flextime might enhance employees' well-being.

Flexible work arrangements have important implications in finding a good balance between the different life domains. Nevertheless, individual factors need to be taken into consideration.

The use of flextime and flexplace has the inherent power to neglect the fulfillment of the need for proximity while increasing the fulfilment of the need for privacy.

A task-technology fit under flexwork can be achieved by the match between the work tasks, the availability of mobile ICT and the context of ICT use.

With regard to job satisfaction, flexplace is more beneficial for employees with low task interdependence, who do not have to stay in contact with their coworkers that often.

The most intense users of flexwork are employees on a higher professional level, who show high work ambition and, with regard to their private life, have also parental responsibilities.

If flexwork fits an employee's personal needs and abilities, it has the power of reducing stress and to increase life-domain balance.

Flexwork is known to enhance the employees' perceived autonomy by giving them choice over the location, scheduling and means of work.

The employees' perception of increased autonomy due to flexwork and of "voluntariness" with regard to the use of flexwork is associated with more intrinsic work motivation, job satisfaction, performance work-nonwork balance and well-being.

While flexwork increases the employees' perception of autonomy and choice, it represents a challenge with regard to supervisors' control of their flexible workers.

In order to ensure a successful implementation of flexwork it is crucial that managers support flexwork wholeheartedly and show the willingness to support this new way of work by shifting their focus from presenteeism towards the employees' actual work achievements.

To meet the challenge of managing a flexible working team, four leadership styles are proposed: Management through job design and fit, management through exchange, management through relationships and management through identity.

Trust, interpersonal bond and employees' commitment to the organisation considerably contribute to knowledge sharing among flexible working team-members.

In a high trusting environment, higher levels of ICT support provided by the organisation foster greater knowledge sharing among flexible working employees.

In order to successfully implement flexwork, organisations have to address the technical support for their flexible working employees, the security of data and network, the social isolation of their flexible working employees and the management of them.

To achieve favorable outcomes, organisations should structure their employees' flexible work environment (e.g. by establishing explicit guidelines and rules).

Core working times, compressed working weeks, and job-sharing models may be opportunities to help organisations to adapt to current challenges in the world of work (OECD, 2016).

Results from the EUPAN Survey

For the empirical part of the study, a comprehensive questionnaire was developed together with the EUPAN experts from Austria with the goal of collecting experiences with new way of working within EUPAN members' public administrations.

The questionnaire focused on the central level of public administration, i.e. ministries and agencies. All questions referred to this definition.

The following aspects of new way of working were included in the questionnaire:

Flexitime: A working time model that allows staff to vary the time at which they start and finish their assigned work (cf. Recital 3 of EC Staff Regulation on Working Time) and sometimes also their amount of daily working time.

Part-time work: Working 34 hours per week or less (compared to full-time work; Eurofound, 2012); most often carried out through some fixed hours every day (Eurofound, 2009).

Compressed working week: Alternative work schedule in which hours worked per day are increased in order to do one's weekly work hours in less than five days (Bambra, Whitehead, Sowden, Akers, & Petticrew, 2009).

Trust-based working time: Working time arrangement that is based on the shift from a time to a results orientation in which workers' working time is not controlled by management (Singe & Croucher, 2003).

Telework: Working away from the office which can be home or another location (e.g., client office, airport, coffee shop) for certain days of the week, spending the rest of the time in the office (Golden, 2009).

High mobile telework: High mobile telework/ICT-mobile work, i.e., employees working in various places on a regular basis with high mobility and high use of ICT (Eurofound & ILO, 2017).

Desk-Sharing: One workstation is not assigned to one single but to several office workers (De Croon, Sluiter, Kuijer, & Frings-Dresen, 2005)

Activity based flexible offices: A new office concept that provides different working locations within the office to fit to the requirements of different work tasks (e.g., silent workstation for concentrated work; Wohlers & Hertel, 2017)

Functional flexibility: is a concept that describes the flexibility of functions and responsibilities an employee can have within the company (Atkinson, 1984). Employees are encouraged to become multi-skilled so they can perform various types of task depending on requirements and conditions.

For each of these aspects, the EUPAN members were asked to report their experiences as experts regarding the following dimensions:

■ Is the respective aspect of new way of working offered in the country?
■ If yes, how many employees are approximately affected?
■ What are the effects of the respective aspect of new way of working on the employee's quality of working life?
■ What are the effects of the respective aspect of new way of working from the leader's perspective?

Furthermore, the EUPAN experts were asked to evaluate supportive and hindering factors when implementing new way of working in public administration and, if available, to describe a good practice example in their countries.
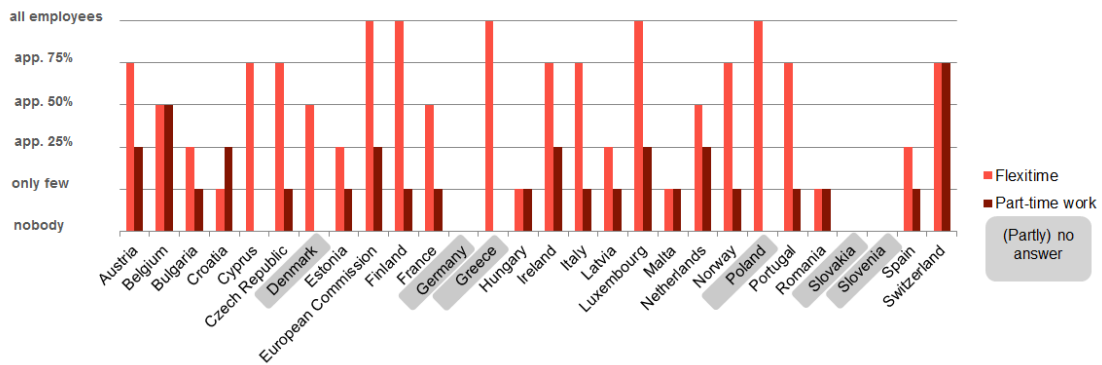
The questionnaire was sent out to all members of the EUPAN network. Nearly all members responded to the survey. Figure 1 shows the participating EUPAN countries.

Figure 3: Participants of the EUPAN survey
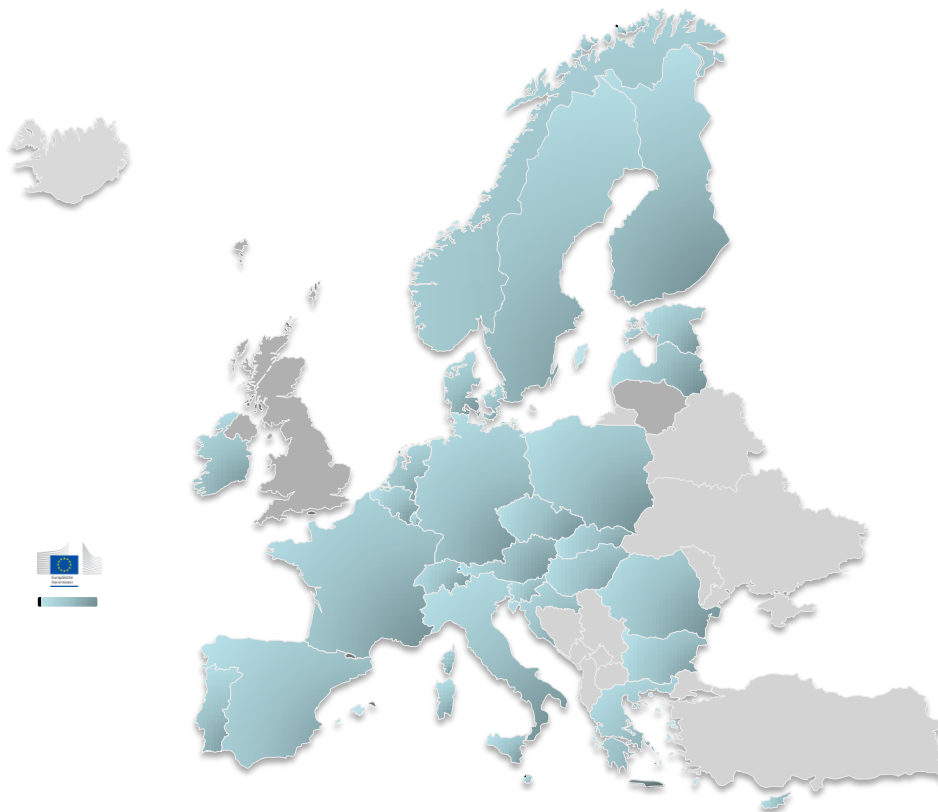
Most of the questions in the questionnaire were comprehensively answered by the experts in each country. However, in some cases the experts were not able to answer specific questions, as some of the information needed was not available to them (e.g. the exact percentage of employees in a country who are offered a certain aspect of flexibility). These countries were dismissed from the figures.

The numbers and evaluations were given by the EUPAN experts and therefore represent their experts' perspective. It was mentioned by some of the experts that the answers should be interpreted only as rough estimates, since in many cases there were no exact numbers available.

Temporal Flexibility

The following figure shows the number of forms of temporal flexibility in the public administration of the European countries (a maximum of four forms of time-related flexibility is possible: flexitime, part-time work, compressed working weeks and trust-based working time).

Figure 4: Number of forms of temporal flexibility

According to the experts' evaluations, all four forms of temporal flexibility (flexitime, part-time work, compressed working weeks and trust-based working time) are offered in Sweden[1], Estonia, Latvia, the Netherlands, Switzerland and France. Most of the Southern European countries (except Portugal) offer two forms of temporal flexibility (usually flexitime and part-time work). In general, a trend towards a higher number of temporal flexibility options in the northern part of Europe can be observed.

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[1] The offered number of forms of temporal flexibility varies among agencies. The practice of all four forms in one agency is rather rare.

Figure 5: Flextime and part-time work in public administration in Europe

As shown in figure 5, flexitime is offered at least to a certain degree in all European countries. Many countries offer flexitime to most or even all the employees in their public administrations. Germany, Slovakia and Slovenia do offer flexitime and part-time work, but the EUPAN experts did not give exact details about the percentage of employees.

As compared to flexitime, part time work is offered to a smaller number of employees in the European countries. A wide use of part-time work can only be seen in Switzerland. Some countries (Denmark, Germany, Greece, Poland, Slovakia and Slovenia) offer part-time work, but the EUPAN experts were not able to give exact details on the percentage of employees using this form of temporal flexibility.

Figure 6: Experts evaluations: Effects of flexitime and part-time work on the employees (means and standard deviations calculated over all participating countries, range: 1-100)
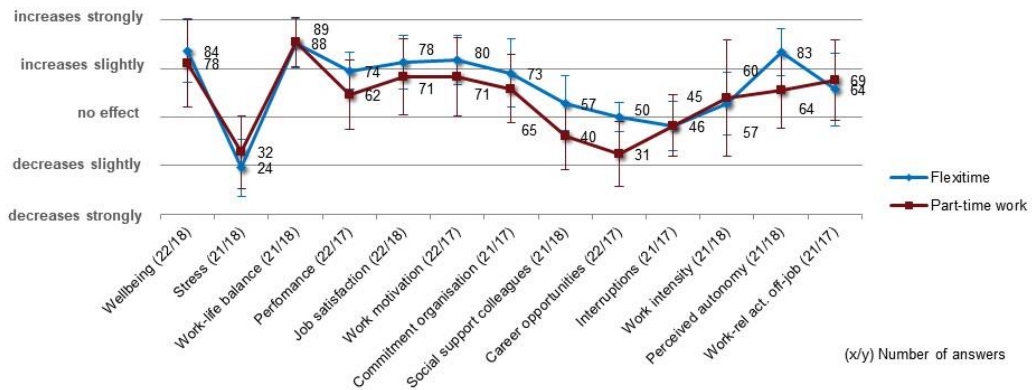
The EUPAN experts were also asked to evaluate the effects of flexitime and part-time work on employees. Figure 6 shows the results of these expert evaluations. In general, the experts expect at least slightly positive effects of both flexibility aspects on the employees. The most positive effects of both aspects were expected

regarding the reduction of work stress, the increase of work-life balance, general wellbeing and work motivation.

There is a noticeable difference in the experts' evaluations of flexitime and part-time work: Flexitime was evaluated at least slightly positive in all aspects, whereas the evaluation of part-time work was less positive and even slightly negative in some of the aspects. Three noticeable differences can be observed: For part-time work, social support from colleagues and career opportunities were evaluated as somewhat reduced. Thus the experts observe a relevant decrease in the social aspects of jobs (like social support and networking) when working time is reduced. A picture emerges where personal presence is needed at least to a certain degree to be fully included in the social dimensions of a job. Another difference in the evaluations is observable in the employees' autonomy, which is expected to be much higher in flexitime conditions as compared to part-time work. Again it is visible that social aspects of a job (social support, networking) require personal contact at the job, at least to a certain degree.

Figure 6 also shows that many of the standard deviations are relatively small, indicating a relatively homogenous evaluation pattern of the EUPAN experts. However, larger differences in the experts' evaluations (i.e. larger standard deviations) can be observed regarding evaluations of work intensity and autonomy. Both dimensions are related to new job demands of flexible work (Korunka & Kubicek, 2017). As confirmed in research (e.g. Korunka et al., 2015), the increase of work intensity is found in many jobs, which can at least partly be explained by some aspects of new work (e.g., flexibility in time or place). Nonetheless, the amount of such an increase depends on many aspects, both of the job and the organisation. In a similar vein, although generally seen as positive, increases in autonomy related to new work could be perceived both as resources and/or demands of these working conditions.

All in all, the expert evaluations of the outcomes of flexitime and part-time work largely confirm current results from empirical studies, which show that these aspects of flexible work have an important potential for increases in productivity and employees' wellbeing (e.g., Baltes et al., 1999). To fully utilise the positive potentials of new work, a careful implementation is needed.

Next, the experts were asked to evaluate the effects of flexitime and part-time work on the leaders and the managers in their organisations. Figure 5 shows the results of these evaluations:

Figure 7: Expert evaluations: Effects of flexitime and part-time work on leaders and managers (means and standard deviations calculated over all participating countries, range: 1-100)
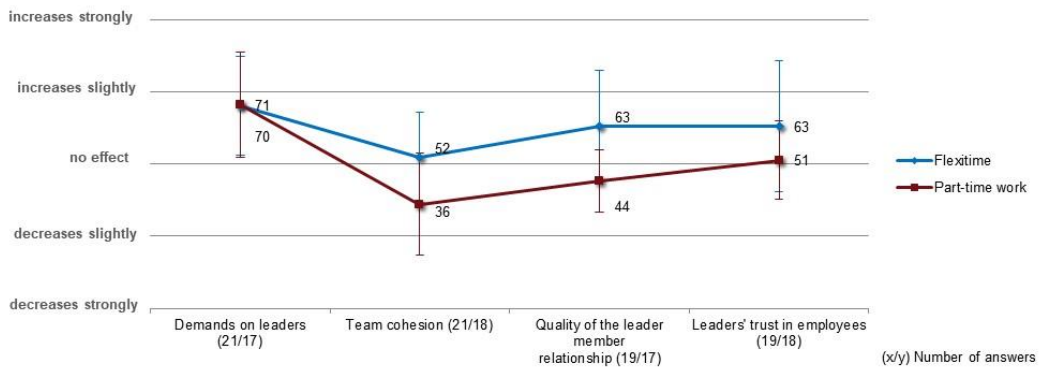

The experts clearly expect increases in demands on leaders when flexitime or part-time is offered. In other aspects the experts expect clearly positive effects at least for flexitime on the leaders. Here they observe an increase in the quality of the leader-member relationship and in leaders' trust in employees. This again confirms research in that sense that the development of trust is a key dimension when implementing new way of working (e.g. Brown et al., 2015).

Interestingly, EUPAN experts expect more negative effects of part-time work as compared to flexitime on the leadership related aspects. Again a picture emerges that a certain amount of personal contact is needed to develop team cohesion and to improve the quality of leader-member relationships also in new work conditions in public administration.

Next, the EUPAN experts were asked to evaluate the distribution and the characteristics of two other aspects of flexibility in time: Compressed working weeks and trust-based working time. Figure 6 shows the distribution of these aspects in the public administration in the European countries.

Figure 8: Compressed working weeks and trust-based working time in public administrations in Europe
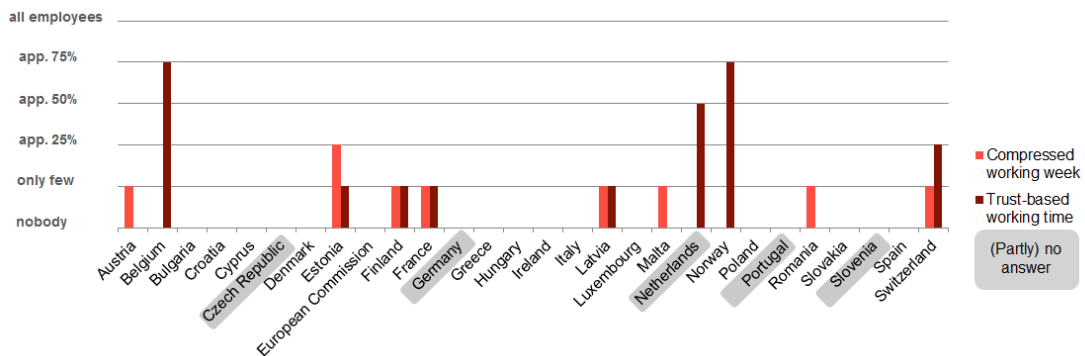
As compared to flexitime and part-time work, compressed working weeks and trust-based working times are offered to a much lesser degree in the European public administrations. Again, some of the EUPAN experts were only able to give rough estimates about the percentage of employees offered these aspects of flexible work in their countries.

Compressed working weeks are offered only to a small number of employees and in a few European countries. Only the experts from Estonia evaluated that compressed working weeks are available to about 25% of their employees. In Italy the National Collective Agreement provides for the planning of multi-week working calendars on the basis of weekly time slots higher and lower than 36 hour per week (article 22), which allows for short working weeks (orario multiperiodale) as well.

Trust-based working time is even less offered. However, in a few countries (BE, CH, NL, NO and SE) trust-based working time is offered to some or even many of the employees.

The next two figures show the EUPAN experts' evaluations for the effects of compressed working weeks and trust-based working time on the employees and the leaders. As these measures of flexibility are offered only in a few countries, the evaluations are based on the perceptions of a smaller number of experts.

Figure 9: Experts evaluations: Effects of compressed working weeks and trust-based working time on employees (means and standard deviations calculated over all participating countries, range: 1-100)
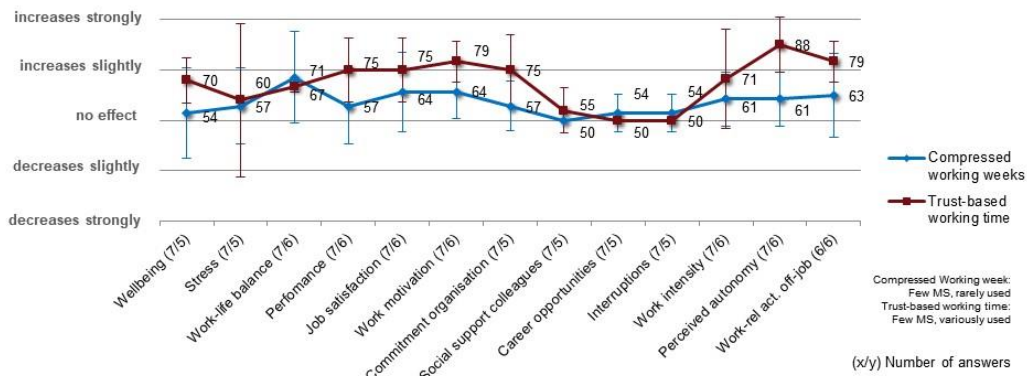

Figure 9 shows the effects on the employees. Again, the experts generally rate the effects of these two measures of temporal flexibility predominantly positive. In general, more positive effects are mentioned in regard to trust-based working time, whereas experts expect strong positive motivational effects on employees. In addition, a very positive effect on an employee's autonomy is observed. This goes hand in hand with positive effects on job satisfaction and performance. Still experts also expect an increase in work intensity when trust-based working time is offered. Interestingly, the expected slight increase in stress, when trust-based working time is offered, shows a large standard deviation, which is a sign that the experts differ in their evaluations here.

Compared to trust-based working time, compressed working weeks were evaluated somewhat less positive, although the mean of most aspect leans towards a slightly positive evaluation again. Moreover, the experts observe positive motivational outcomes for this aspect of flexibility as well.

Summing up, based on the experts' evaluations, trust-based working time clearly shows the strongest positive effects. Yet, this measure is currently not widely offered in the public sector.

Figure 10: Expert evaluations: Effects of compressed working weeks and trust-based working time on leaders and managers (means and standard deviations calculated over all participating countries, range: 1-100)
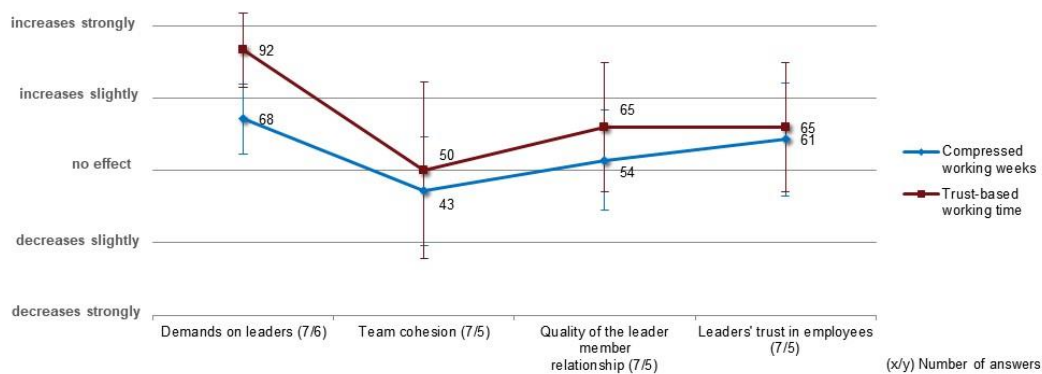

Figure 10 shows the effects on leaders and managers. The experts also see some positive effects of trust-based working time on managers. At the same time, the highest demands are observed. Thus, based on the evaluations of experts, who have experience with this measure of temporal flexibility, the implementation of trust-based working times has the strongest positive effects on many aspects of the work of employees, but is accompanied with the highest demands on the leaders' side.

Compressed working weeks were also evaluated somewhat positive for leaders, whereas slightly negative effects on team cohesion were expected.

Spatial Flexibility

With regard to spatial flexibility, telework, high mobile telework, desk-sharing and activity-based flexible offices were evaluated. Similar to temporal flexibility, the forms of spatial flexibility offered to employees in public administration vary considerably between countries (see figure 9). Several countries such as Nordic countries, Estonia, Switzerland, the Netherlands or Belgium offer all four types of spatial flexibility. France and Germany offer three types of spatial flexibility. Only two countries do not offer any of the four types of spatial flexibility. In general, the distribution reflects differences in the adoption of new way of working between northern and southern countries.

Figure 11: Number of forms of spatial flexibility
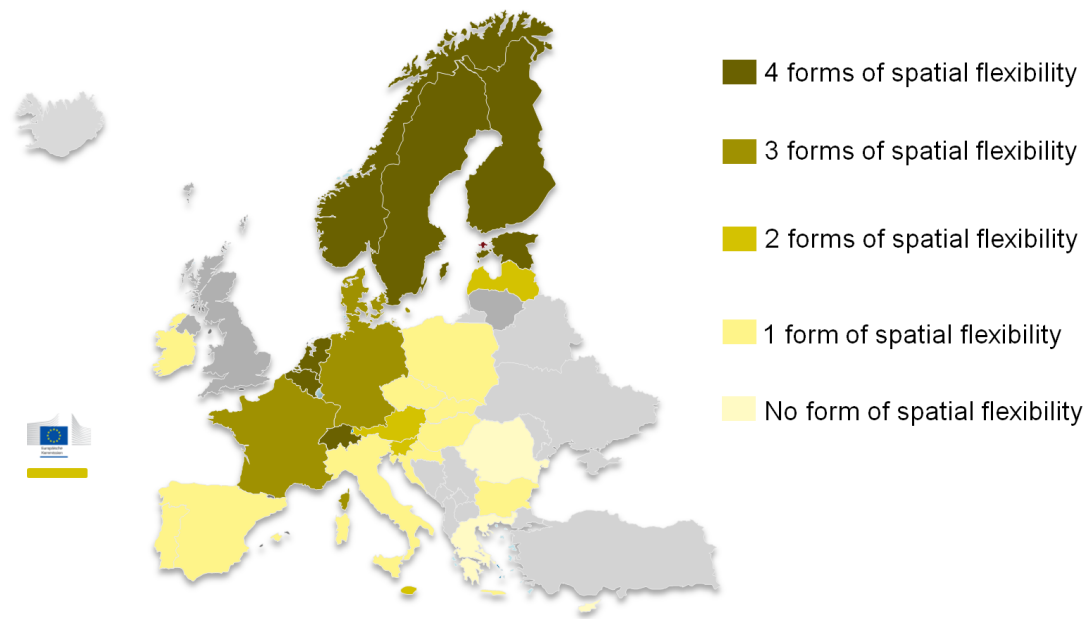
The most commonly offered form of spatial flexibility is telework. Telework is mostly offered as an option and not as an individual right (see also the report on legal aspects of new way of working). Whether telework is offered to employees depends on tasks, duties and position. For example, telework is usually not eligible for employees having face to face customer contacts or working under increased data protection regulations. Mostly direct managers decide whether employees can make use of telework.

Telework may be offered in a structured way, where employees regularly work outside the employers' premises for one or two days per week or occasionally on an ad hoc manner. Most employees work from home when they use telework. However some countries also offer telework stations in different regions, which can be used by employees.

As shown in figure 12, in most countries, only a few employees make use of telework arrangements. However, in Denmark, the Netherlands and Norway approximately 75% of the employees in public administration use telework options. High mobile telework is even less common in the EUPAN countries than telework. Although Italy was not able to provide a percentage of employees using high mobile telework, a so called smart working (lavoro agile) introduced in 2017, exists, which – owing to new technologies – allows employees to independently manage the place and time, where work is carried out.

Figure 12: Telework and high mobile telework in public administrations in Europe
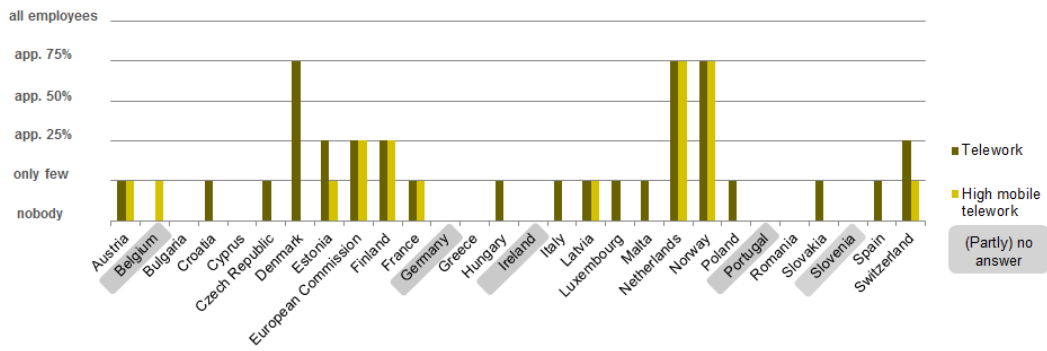
When looking at the effects of telework and high mobile telework for employees the expert ratings were rather similar (see figure 13). It is assumed that telework has predominantly positive effects such as increased well-being, work-life balance, job satisfaction, work motivation or perceived autonomy and decreased stress. Similar positive effects on employees are expected for high mobile telework. However, the EUPAN experts assume that high mobile telework has no effect on stress and only a minor positive effect on work-life balance.

Negative effects of telework (and to a lesser extent of high mobile telework) are expected with regard to performing work-related activities during off-job time. This means that the experts assume that employees who use telework opportunities are more likely to perform work-related activities during off-job time. As with temporal flexibility, the right to disconnect is mentioned as an important mean to counteract the potentially negative effects of telework on blurred boundaries between work and private life.

Figure 13: Experts evaluations: Effects of telework and high mobile telework on employees (means and standard deviations calculated over all participating countries, range: 1-100)
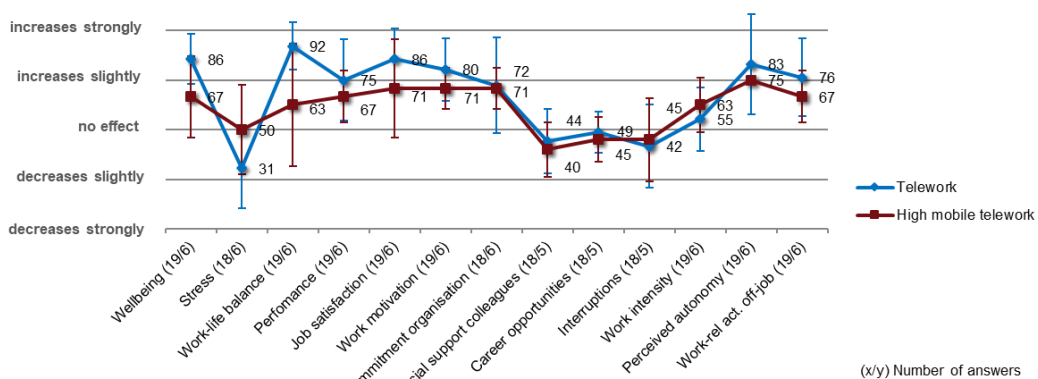

From a leader's perspective, telework is assumed to increase demands on leaders (see figure 14). When new way of working is implemented, leaders may have a feeling of losing control over employees (Savolainen, 2014). Moreover, leaders are required to change their way of leading employees. For example, leadership at

distance and management by results or management by objectives become more important as does frequent communication with employees to make sure that everyone has a common view and direction (Kelley & Kelloway, 2012).

Team cohesion is expected to decrease slightly. As suggested by the large whiskers, the appraisal of this effect is rather heterogeneous across countries. While some EUPAN experts expect a positive effect on team cohesion, others worry that team cohesion may decline.

No effect is expected with regard to the quality of the leader-member relationship. However, especially telework is assumed to be positively related to leaders' trust. While this may be interpreted as an effect of telework, it may also be conceivable that trust is not the outcome, but rather the prerequisite for offering telework to employees. As with team cohesion, answers on the effects of telework and high mobile telework show a large variation (as represented by rather long whiskers as indicators of the standard deviation).

Figure 14: Expert evaluations: Effects of telework and high mobile telework on leaders and managers (means and standard deviations calculated over all participating countries, range: 1-100)
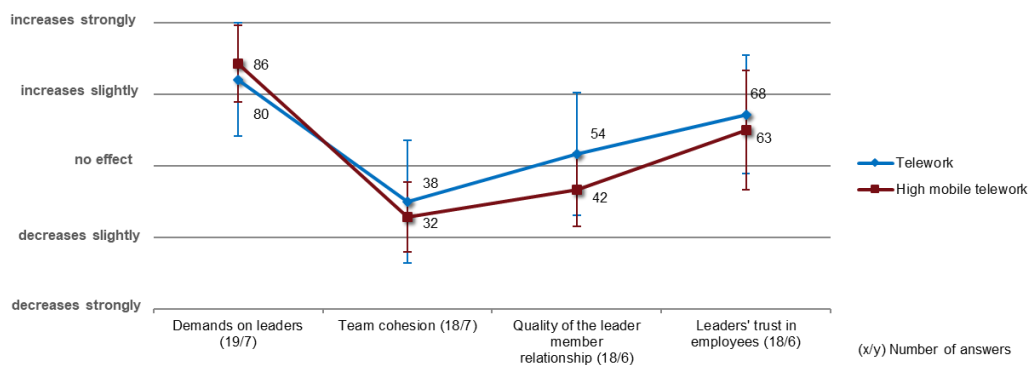
Looking at the two other types of spatial flexibility, desk-sharing and activity-based flexible offices, it can be seen that they are rarely offered in public administration. However, desk-sharing and activity-based offices are on the rise in some countries and often on the agenda when renovations or location changes are being made. For example, in Finland all new office solutions should be activity-based offices as the state has the vision of being a pioneer in the new era of work environments.
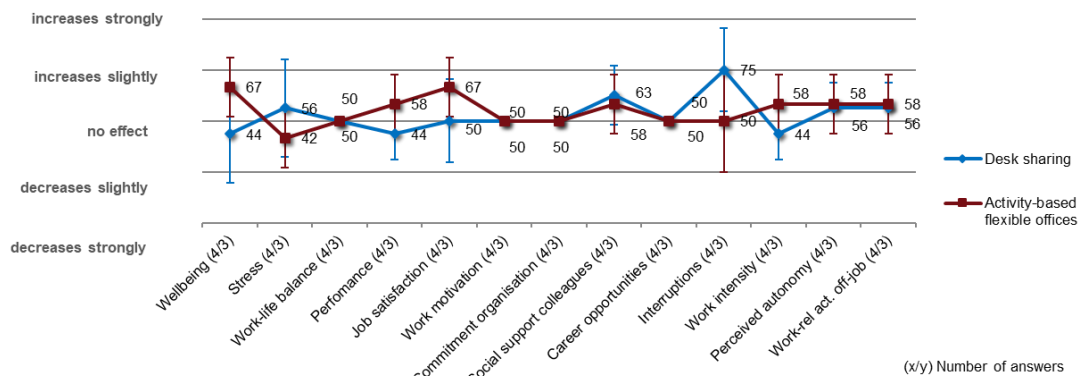
Figure 15: Desk-sharing and activity-based flexible offices in public administrations in Europe
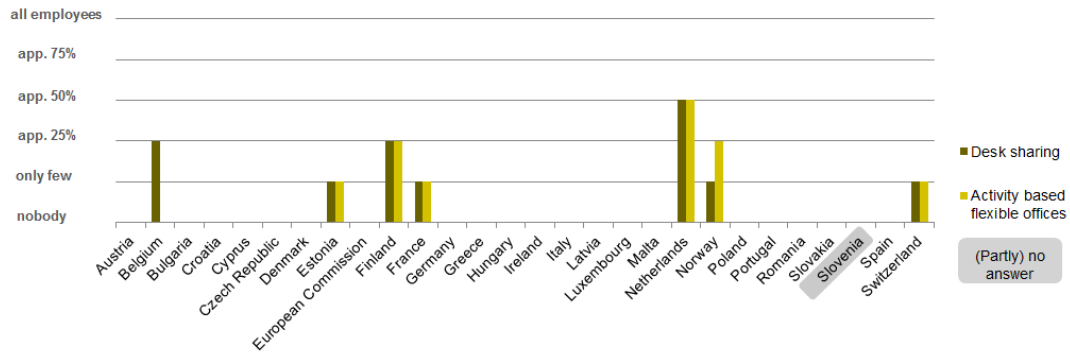
Experts also mentioned that even when activity-based office spaces are offered, they are sometimes under-utilised. This may especially be the case if work activities of the staff were not sufficiently analysed and managers were not involved in the planning phase of such office concepts. In contrast, when public employees and stakeholders are mobilized and when they are involved to co-design new office spaces, innovative ideas emerge and blockages and resistances are removed (see as a good-practice example "The house of the State of Limoux).

As only a few EUPAN experts have experience with desk-sharing and activity-based flexible offices in their countries, the evaluation of positive and negative effects for employees and leaders are based on a small number of answers (as indicated by numbers in brackets following the type of effect in figure 16). On average, desk-sharing and activity-based flexible offices are perceived as having minor effects on employees. If associations are expected, such as between activity-based flexible offices and well-being or job satisfaction, the assessment of the associations is rather diverse. Some experts expect positive and others negative effects. Only interruptions are assumed to increase slightly when desk-sharing is used. Still, the evaluation of this effect varies considerably across experts.

Figure 16: Expert evaluations: Effects of desk sharing and activity based flexible offices on employees (means and standard deviations calculated over all participating countries, range: 1-100)

In general, desk-sharing and activity-based offices are assumed to have only minor effects on leaders. Some respondents expect that demands on leaders may increase when desk-sharing arrangements are in place. This may be the case because leaders are on the one hand expected to be a good example and use desk-sharing by themselves. On the other hand, managers often perform tasks that are not suitable for desk-sharing such as work tasks that require communicative activities or concentration. This may make it difficult for leaders to combine their work tasks with the expectation to be a good role model.

Figure 17: Expert evaluations: Effects of desk sharing and activity based flexible offices on leaders and managers (means and standard deviations calculated over all participating countries, range: 1-100)
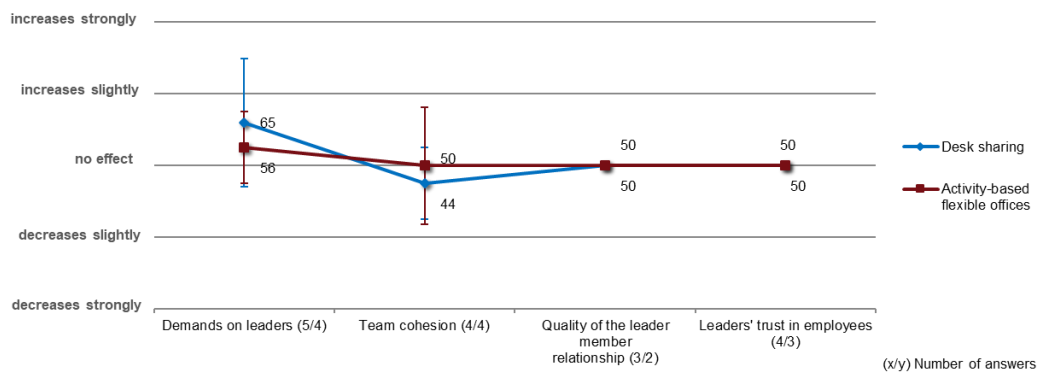
Functional Flexibility

As a third form of flexibility, functional flexibility was assessed. In particular, job rotation and project work were considered in the questionnaire.

Job rotation is offered in more than one half of the EUPAN countries. It may involve rotation within or between departments or the exchange of experts between organisations. The duration of job rotation varies from several days to 12 months.

Figure 18: Availability of job rotation
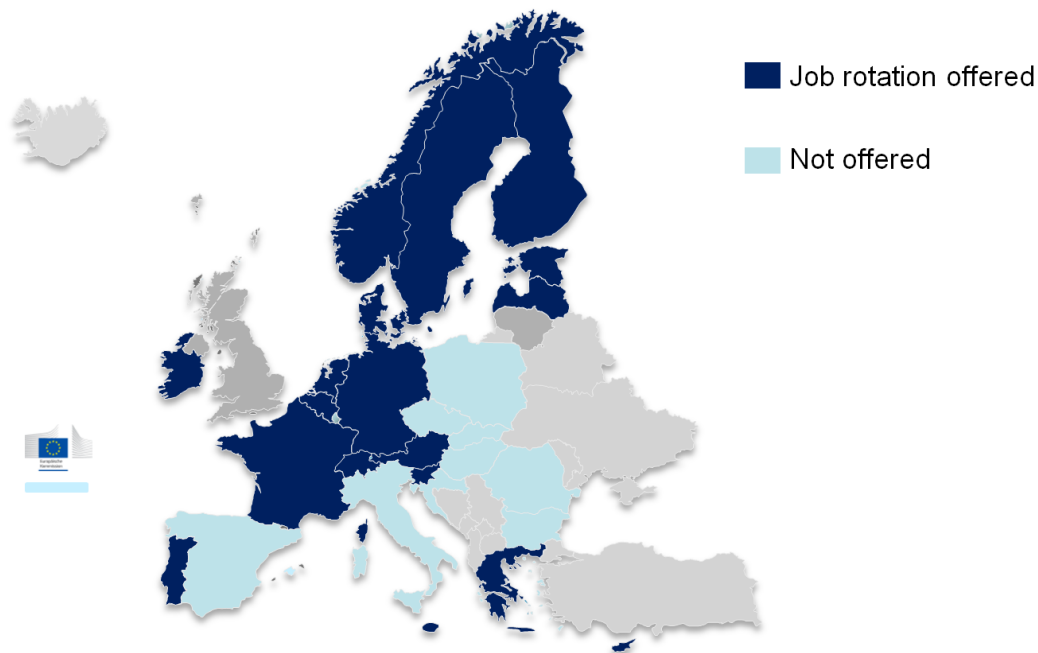
In some cases, a certain degree of obligatory mobility exists. For example, in some countries, employees need to change posts after 5 years. These job movements may be associated with changes of domicile and may therefore negatively impact work-home balance. However, in most cases, job rotation is offered as an option and encouraged by the employer. In some countries, job rotation is used in basic training or as a means of personnel development. In other countries, job rotation is offered only in specific areas such as the foreign department or for specific types of tasks such as highly stressful work.

Figure 19: Job rotation in public administrations in Europe
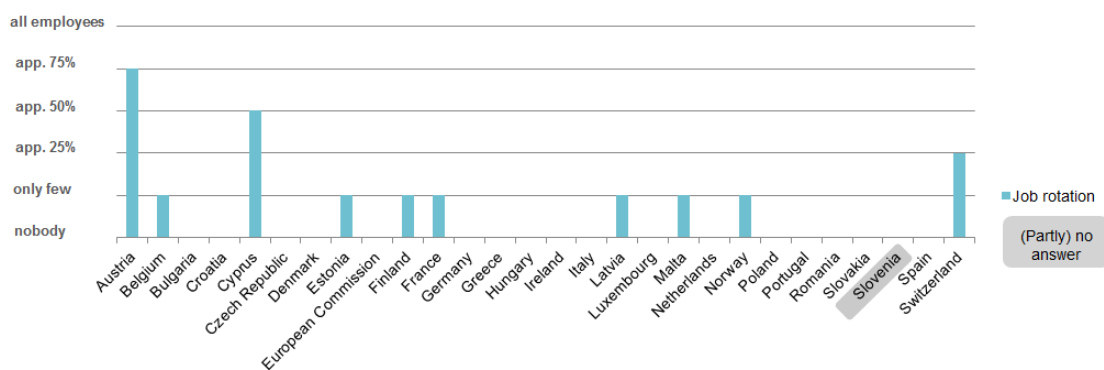
Not surprisingly, job rotation opportunities are more often used in countries, where rotation is part of basic training and personnel development programs (e.g., Austria) or where job movements are required after a defined period of time (e.g., Cyprus). In the other countries, only a few employees make use of job rotation opportunities (see figure 19).

In the literature, two explanations are usually given for job rotation (Ortega, 2001). Some argue that it is beneficial as it fosters employee learning and increases human capital accumulation. According to this view, job rotation exposes employees to a variety of experiences that contribute to their professional development. In addition, job rotation offers opportunities for organisational learning. When employees rotate, they receive information from various areas of the organisation and acquire new knowledge. They can use and share this information and knowledge once they are back in their primary job. Others argue that job rotation increases motivation. Rotation is viewed to reduce boredom and keep employees interested in their job. In line with these arguments from the literature, EUPAN experts' expect job rotation to have positive effects on motivation and development of employees' competences and skills. Job rotation is also assumed to foster knowledge-sharing. As a good-practice example for knowledge-sharing, Switzerland reported that employees of the Federal Department of Finance had to rotate to other offices for about five days in 2018. The job rotation led to increased exchanges across the boundaries of offices.

With regard to project-based work, EUPAN experts reported that the line-management-based working model is still predominant in public administration and project-based work models are somewhat rare. However, one expert mentioned that project-based work models develop progressively.

Results from the EUPAN Workshops: Supportive and Hindering Factors of New Way of Working in Public Administration

Each of the two workshops consisted of a short presentation, discussions and group works. Based on the exchange of experiences in different public administrations, supportive and hindering factors for the implementation and/or execution of new way of working were discussed. In addition, ideas for further development and improvement of new way of working in public administration were elaborated.

Participants

- Day 1: Belgium, Czech Republic, Estonia, European Commission, Finland, FYR Macedonia, Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Romania, Slovenia
- Day 2: Belgium, Cyprus, Denmark, EIPA, European Commission, Finland, France, Hungary, Ireland, Malta, Netherlands, Norway, Portugal, Romania

Part 1: Collection of supportive and hindering factors

In the first part of each workshop, the participants developed matrices of potential supportive and hindering factors when implementing new way of working in the public sector, which are presented in the following two figures.

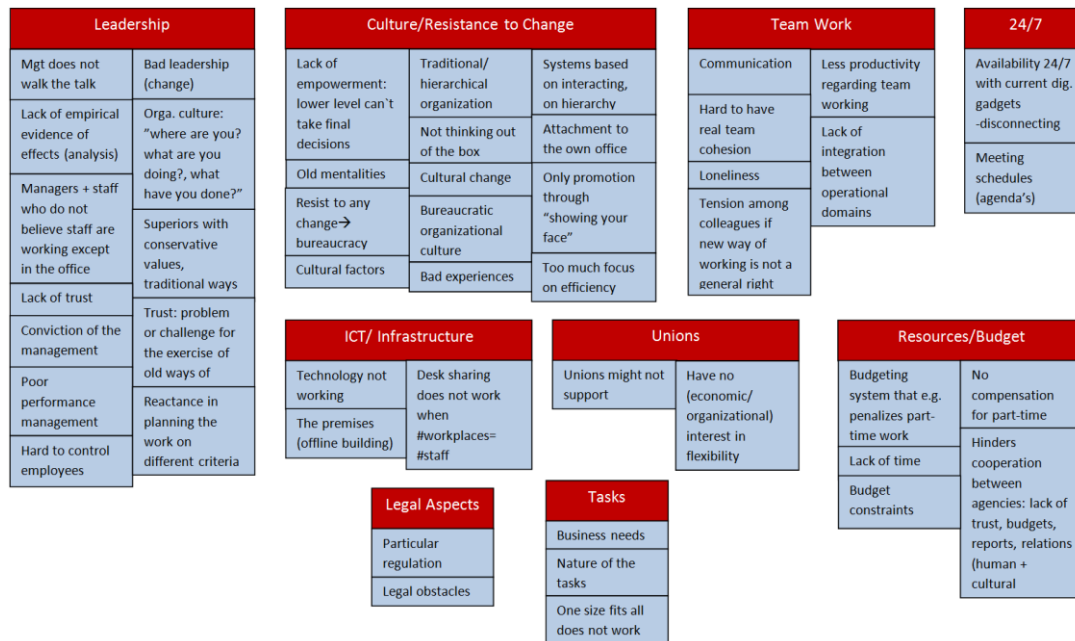**Supportive Factors**

Figure 20: Supportive Factors

Image			
Image of the employer/ recruiting better candidates			
New generation recruitment			
Make PA attractive for younger generations			

Leadership	
Inclusive & motivational	Professionals being in control - focus
Demand from performance management	Diverse cultural approach to leadership
Ownership	Support to non-work related development activities
Managing by results/outputs more than inputs	
Focus on results	Legal time for innovation and making mistakes
Functioning of management by objectives→ clear tasks, roles	Lead by example in NWOW

ICT	
Laptops + wifi for all staff + good video-connections	More hours worked and better work/life balance
Technological development	Well-functioning ICT
Some clear rules on accessibility →reachability	Suitable IT equipment

Rules	
Transparent criteria	Shared rules (when needed)
Work climate in the office	Common understanding in the team about way of working
Soft rules	
Possibility to assemble teams physically when needed	Ethics on the agenda→norms & values

Trust
Trust & will (incl. support from leadership)
The fact that the team have been working together in a traditional way before
No misuse by the employees

Learning from Others
Piloting & Co-operation
Share best practices and rotation of employees
Getting external commitment, ideas, support, inspiration

Readiness for Change	
Personal motivation	Motivation/ satisfaction professional-family life balance
New ways of work necessary - cooperation between agencies	Sustainability environment
"Less" desk space (so you have to work somewhere else)	New location of staff creates the opportunity to introduce NWOW

Training	
Training/Policy	
New instruments: - job evaluation - coaching support	

Employee Outcomes		
Productivity increases quality	Offering benefit to the staff, not just cutting costs	If complex needs are met, positive effects on the quality of work
Reduce stress		
Less time spent in traffic	Offer a better work/personal life balance	Independent thinking + problem solving
Better work results	Balance private life & work	Economic safety for employees with health obstacles

Supportive factors, which were often mentioned and thus seem to be of special importance, are leadership, readiness for change and employee outcomes. Leadership should be based on objectives and results and should take individual needs and motivations into account. Moreover, leaders should be inspiring and promote change readiness among employees. The relationship between leaders and their employees should be based on trust.

Other important aspects were the image of the organisation (employer branding), rules in the organisation and organisational trust. Work rules should be clear and commonly known by employees. Communication and information as well as transparency were also considered important success factors. With regard to employees' skills and abilities, employees' proactivity, digital skills and self-management skills seem to be important for the successful implementation of new way of working in public administration. Interestingly ICT (information and communication technologies) were mentioned as the only "hard" factor in the organisation.

Hindering Factors

Figure 21: Hindering factors

Leadership	
Mgt does not walk the talk	Bad leadership (change)
Lack of empirical evidence of effects (analysis)	Orga. culture: "where are you? what are you doing?, what have you done?"
Managers + staff who do not believe staff are working except in the office	Superiors with conservative values, traditional ways
Lack of trust	Trust: problem or challenge for the exercise of old ways of
Conviction of the management	Reactance in planning the work on different criteria
Poor performance management	
Hard to control employees	

Culture/Resistance to Change		
Lack of empowerment: lower level can`t take final decisions	Traditional/ hierarchical organization	Systems based on interacting, on hierarchy
	Not thinking out of the box	Attachment to the own office
Old mentalities	Cultural change	Only promotion through "showing your face"
Resist to any change→ bureaucracy	Bureaucratic organizational culture	
Cultural factors	Bad experiences	Too much focus on efficiency

Team Work	
Communication	Less productivity regarding team working
Hard to have real team cohesion	Lack of integration between operational domains
Loneliness	
Tension among colleagues if new way of working is not a general right	

24/7
Availability 24/7 with current dig. gadgets -disconnecting
Meeting schedules (agenda's)

ICT/ Infrastructure	
Technology not working	Desk sharing does not work when #workplaces= #staff
The premises (offline building)	

Unions	
Unions might not support	Have no (economic/ organizational) interest in flexibility

Resources/Budget	
Budgeting system that e.g. penalizes part-time work	No compensation for part-time
Lack of time	Hinders cooperation between agencies: lack of trust, budgets, reports, relations (human + cultural
Budget constraints	

Legal Aspects
Particular regulation
Legal obstacles

Tasks
Business needs
Nature of the tasks
One size fits all does not work

The most important hindering factors (leadership and culture/resistance to change) are opposite aspects of the respective supporting factors (leadership and readiness for change). Thus, as a main outcome of this part of the workshop, leadership and attitudes towards change (resistance/readiness) were in the end actually seen as the most important success factors of new way of working in public administration. Other aspects which were mentioned as hindering factors were ICT and infrastructure, legal aspects, tasks related to new way of working, the unions, resources, aspects of team work and time aspects (24/7 availability).

Part 2: What are the key success factors of implementing and living new way of working in public administration?

In the second part of each workshop, the participants discussed potential key success factors when implementing new way of working with regard to the following three areas:

- Personnel development
- Organisational development
- Leadership

Key factors of personnel development

- Strategy of employer
- Review tasks
- Need analysis
- Dialogue (fair rules)

- Communication
- Training and support for employees and managers (e.g., time management)
- Addressing diversity of staff
- Finding a balance between individual and collective
- Providing logistics

The implementation of new ways of working should be based on a task review with regard to their suitability for new ways of working, as well as on an analysis of the different needs of different groups, addressing the diversity of staff. As an important success factor of the implementation of new ways of working it was mentioned that it should be an initial strategy of the employer and be accompanied by an active change management and positive communication. Training in new ways of working should be provided for both leaders and employees in order to explain the opportunities and risks linked to it. Further, it should provide participants with tools for an effective and efficient communication and collaboration.

Key factors of organisational development

- Strong outcome and result orientation
- Development of a strategy for competence needs
- Self-steering teams will facilitate new way of working
- Free resource to secure a horizontal orientation (silo-bridging, society awareness)
- Flat structures
- Break down the silos: Project and task teams
- Empowerment of project leaders and accountability

A suitable organisational structure was discussed as a prerequisite for new ways of working and was seen as a strong facilitator for its implementation. A strong project-orientation, autonomous, self-organising teams and a focus on results were mentioned as important factors. Moreover, the recruiting strategy should focus on competence needs for flexible working and resources should be freed to secure a horizontal orientation allowing to bridge the different silos.

Key factors of leadership

- Data show it works: Performance increases
- Recognition and rewards
- Bring new people and new mentalities
- Honest storytelling
- The existence of a vision about "good" leadership
- Invest in ethical leadership
- Adaptation of management instruments
- Leaders create a climate of trust
- Shared understanding, definition of common goals
- Managing by results
- Leadership: Accessible, appropriate, empathic, human

Above all, in order to win over leadership, the commitment of top-level management was seen as mandatory. However, leaders should also be personally convinced of the potential opportunities that lie in new ways of working. Therefore, other leaders of the organisation, who have already implemented new ways of working, can be valuable multiplicators by sharing their positive experiences and their know-how. Further, leaders should have access to data that shows that the adaptation of new ways of working can increase performance. When new ways of working have not been implemented yet in the organisation, piloting it and starting with the willing can be viable approaches.

To support the change process, explicit recognition and rewards for leaders that actively implement new ways of working can be used as incentives. Moreover, the right mentality for new ways of working should be considered when recruiting new leaders.

On the contextual level, a general culture of trust and honesty were seen as important factors. Such a culture was discussed as an important prerequisite for trust between employees and leaders. It also allows discussing risks, challenges and failures in the adaptation of new ways of working openly.

Good Practice Examples

Finally, the participants of the workshops were asked to present "good practice" examples of new way of working in their countries. The following examples were submitted by email or with the questionnaire:

Accumulated work time addressed to work-life balance in Spain

Area, Country / Organisation
State General Administration

Description of the example
Spanish government and trade unions have reached an agreement to create an amount of accumulated work time in order to improve work-life balance in the State General Administration.

In accordance with the agreement, public employees could accrue a certain number of work time addressed to take care of their minor children and elderly or disable people up to the first degree of consanguinity or marriage. These hours, devoted to work-life balance, may not exceed an average of 8% of annual working time, 85 hours per year, and must be recovered within a period of three months.

The use of work-life balance hours will require an affidavit and a proper justification when a full working day is needed.

Key success factors
It is a new example of flexitime for the purpose of improving work-life balance of

public employees in the Spanish Administration, in addition to the existing measures.

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BOSA Way of Working (NWOW@BOSA)

Area, Country / Organisation
Federal Public Service Policy & Support (FPS BOSA), Belgium

Description of the example
Creation of the Federal Public Service BOSA on the 1st of March 2017 (merging of ancient federal public services within a new one), decision of implementing the NWOW (SELOR – one of the ancient services – worked already in NWOW since 2012) and to group all the BOSA services within a single building.

The BWOW project (BOSA Way of Working) integrates all aspects of the NWOW (facility, HR, communication, IT, enterprise culture etc.).

Realisation of several sub-projects to put the BWOW in place: New premises, new working rules, telework implementation, digitalisation of processes, change management actions, new IT tools (Office 365, Skype for Business), BWOW talks (communication actions), etc.

Key success factors
BWOW integrates all components of the NWOW, building on the pilot project NWOW within SELOR (2012) with several improvements. BWOW (in particular concerning the premises) serves as an example for other Belgian federal administrations.

Success factors: satisfaction of the staff, generalisation of telework, training to new IT tools, communication actions, explanation of the NWOW to little groups of the staff, included the top and middle management, top management as an example (CEO and DG's also in open space), several premises allocated to the free choice of staff.

Lessons learned: middle management has to endorse the project; need of a strong sponsor (management board); enough human, financial, technical resources; a tailor made NWOW adapted to the specificities of the organisation; clearly identify all processes that will change with the NWOW; coproduction, no top-down; take time to explain all the changes to the staff.

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Employee Surveys in Norwegian Public Administration

Area, Country / Organisation
Norway, State run organisations

Description of the example
There are 4 conducted employee surveys in Norwegian state run organisations: 2007, 2010, 2013 and 2016.

In 2007 the question was included: *I have flexible work hours which make it easier to combine work with family/leisure.* The result score (an average of assessments) was 74 points of 100 possible. This indicates a high degree of contentment.

In 2010 the question *My employer has facilitated for me being able to work from my home* gave a result score of 37, which was an increase of 16 points from the survey of 2007.

In 2013 the question *I have a good balance between worklife and family/leisure* gave a result score of 67, which was 3 points less than in 2010. In the survey of 2013, 51 % answered that their company offered digital work access from home.

In 2016 69 % agreed to the question *I have a good balance between worklife and family/leisure.* In the survey of 2016, 60 % answered that their company offered digital work access from home, which is an increase since the survey of 2013.

Key success factors
We have presented the results from surveys conducted among all the approximately 160.000 employees in public administration in Norway. Flexible work hours have been a possibility after a union agreement was negotiated for this back in the 1970s. The last decade, Norwegian public administration has also taken advantage of technology for facilitating working from home for its employees.

We believe that important success factors are the employer's confidence in the employees, and employees who deliver results in these flexible facilities.

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Implementation of Telework (& ITC telework) and Flexible Working Time in Latvia

Area, Country / Organisation
Ministry of Environmental Protection and Regional Development of the Republic of Latvia, Latvia

Description of the example
From January 2017, in order to manage work and life balance of the ministry's employees and motivate them to use more purposefully and more efficiently their working hours, they can be entitled to use:

(1) flexible working hours with the beginning of working hours from 7:00 to 10:00 and the end of working hours - from 15:30 to 18:30, maintaining the normal daily working time (eight hours).

(2) telework, which does not exceed 20% of the weekly working time (no more than one working day per week, if the normal working hours are set), while retaining the daily or weekly working time for the employee concerned.

In addition, from November 2018, a worker who cares for one or more children under the age of 14 or a disabled child under the age of 18 might be entitled to telework up to 40% of the weekly working time.

In order to enable employees to work remotely (telework/ITC telework), ministry has enabled a remote access to the document management system NAMEJS, the staff self-service portal HOP, as well as to office365.com tools (Outlook, OneDrive, Teams) for email, correspondence, communication and it is being used as a common platform for use and making of documents.

To create a family-friendly atmosphere in the ministry, currently ministry employees are involved in the project on the establishment of a children's room on the premises of the Ministry.

Key success factors
It can be considered that the introduction of flexible working hours and telework in the Ministry has contributed to the trust of employees in the Ministry. According to the information obtained, in the 2018 employee satisfaction survey compared to 2017, the number of employees willing to work in the ministry for at least 3 years has increased by 3%. The number of employees actively looking for another job has fallen by one percentage point.

87% of the ministry staff who participated in the survey would recommend their institution as a place to work (an increase of 4%).

Flexible working hours or telework in 2017 accounted for about 4% of the total number of ministry staff, but in 2018 it was 15%.

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Smart Working Project ("Lavoro Agile")

Area, Country / Organisation
Presidency of the Council of Ministers, Italy

Description of the example
The project has been introduced at the end of 2017, according to the Law N° 124 of 2015, implemented with a Directive of the Minister of Public Administration of 2017.

The project relies upon the idea that more flexible working modes might be conducive to the increase of managerial and organisational efficiency as well as work-life balance. Up to 10% of the Presidency's workforce, managers included, can benefit of innovative ways of working in terms of space and time without seeing their professionalism or career advancement being penalised.

The employee is selected by an internal Commission, in accordance to a valid six months project, subscribed with the hierarchical superior. Requirements, such as personal and familiar conditions, or distance from the workplace are taken into account during the selection process. However, there are specific macro-areas where smart working is not allowed (e.g., institutional affairs, operational and support activities, surveillance and security etc.).

The employee has to define in advance his/her smart working day of the week, with a maximum of 5 days every month. A certain core time on-call, during the smart working day, has to be guaranteed. The employees are free to use their own devices, unless for the work required they need to connect to the institutional database. In this case the Administration provides IT tools, for security reasons.

It is worth noting that an in itinere evaluation is already in place and results are rather rewarding.

Key success factors
As much as 94% of "smart workers" of the first semester of 2018 declared to be willing to suggest such innovative working modes to their colleagues. They also claimed to feel more accountable and autonomous vis-à-vis the administration's objectives. Higher motivation and personal satisfaction rank high among the respondents.

Key success factors declared by the employees are: a better work-life balance; higher motivation and personal satisfaction; greater empowerment and autonomy; a results-oriented approach to work; less stress in commuting; new collaborative tools.

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Working at a distant site in Region Bourgogne Franche-Comté

Area, Country / Organisation
Prefect in Bourgogne-Franche-Comté, France

Description of the example
At the end of July 2015, the French government instructed the prefect in Bourgogne-Franche-Comté (the senior official of the central French state in the region) to trial new methods of working, including "working at a distant site" (TSD in French). There is where, for example, an employee works daily at one site (in this

case Besançon) but, according to the structure of the service (organigram), he or she should actually be working at another site (in this case Dijon.)

The region of Bourgogne-Franche-Comté was chosen for this experiment because of the relative proximity of the two main centres in the region, Dijon and Besançon – they are around 100 km apart. This form of working is not the same as telework (télétravail), which involves both working at the employer's premises and working elsewhere, normally at home. In the case of TSD, the staff member spends all of his or her working time at the employer's premises.

Working at a distant site (TSD) was offered as an alternative to mobility, either geographical (moving to a new location) or functional (doing a new job). TSD was not seen as a permanent answer, with individuals permanently working at a site other than the location linked to the job they were doing, but as a three-year interim solution.

At the start of the reorganisation, management drew up a definition of jobs/posts which could not be undertaken using TSD. These included managers, those needing specific equipment that was only available in certain places and those permanently dealing with the public. All other jobs could be undertaken using TSD. Of the 261 posts concerned, TSD working was considered possible for 207 (79%).

Management also accepted that the TSD posts could be filled not just by staff who had done that work before, but also by staff who had done different work, but had the skills to do the TSD job being offered. In these cases, management checked that staff wanting to take up a new post had the appropriate skills.

Staff members were guaranteed that, when they took a TSD job, they would be able to stay in their current geographical location for at least three years. However, if someone in a TSD job moved, this post was not then offered to other staff under TSD terms.

Those working in TSD jobs are employed under the same conditions of service as all other staff. They are considered to be part of the structure to which their job belongs, not the structure at the site where they work. If there are meetings, those working in TSD jobs participate in them in the same way as other members of their work group. If this requires travelling, this is done in working time and the costs are covered in line with the official regulations. Management also fixes other conditions of the work, such as allocation of offices, IT and telephone arrangements. Staff working at a location which is not that of their work group have electronic access to all the material produced by their work group, and, if possible, that produced by other parts of the central administration. Videoconferencing is also made available, and staff and management have been trained in its use.

At the end, it was recognized that TSD posed management challenges, both in ensuring that staff working in TSD posts were aware of their duties and completed them appropriately, but also in ensuring that TSD staff felt that their efforts were appreciated. The overall aim was to ensure that staff in the TSD posts should be

subject to the same degree of management as other staff. As part of the process, management was offered training in "management at a distance".

To conclude, TSD was considered as a good temporary solution to allow a smooth transition for the reorganisation of different centers, but show significant challenges with management.

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Conclusion & Outlook

New way of working, involving choice about when, where and for how long work is conducted, has become increasingly available for employees in the private sector as well as in public administration. New way of working may take different forms ranging from temporal and spatial flexibility to job rotation and project-based work. Especially flexitime and part-time work, as examples of temporal flexibility, are commonly used in European countries. Compressed working weeks, trust-based working hours or telework are less frequent, with prevalences ranging between 2% and 20%.

Given the different forms of new way of working, no simple answer can be given to the question whether these working arrangements are beneficial for or detrimental to employees and employers. However, empirical evidence from various disciplines such as work and organisational psychology, management or leadership studies suggests that the different forms of new way of working have predominantly positive effects, yet they also have some downsides.

A comprehensive literature review confirmed positive effects of temporal flexibility in public sector organisations. On the one hand, studies confirmed substantial increases in organisational productivity when flextime is introduced in public service organisations. On the other hand, alternative work schedules show a strong potential for positive effects on employees' quality of working live. They help to improve employees' work-live balance, especially for employees with children. It is important to note that the positive employee effects were found only when employees are given free choice regarding the personal usage of their given working schedules.

Similar positive effects were found for the introduction of compressed working weeks. Most studies found moderate to strong effects on the reduction of sick leaves and paid and unpaid absences. Again, it is important that the employees have chosen the compressed work week voluntarily. Otherwise, negative impact on the perceptions of the work life balance may occur.

When looking at the effects of spatial flexibility, one has to differentiate between external forms of spatial flexibility, where employees partly work outside the

employers' premises (e.g. telework, high mobile telework) and internal forms of spatial flexibility, where employees can choose between various work places within the employers' premises (e.g. desk-sharing, activity-based flexible offices). While both forms are associated with higher levels of perceived autonomy, their positive and negative effects on employees are distinct. Especially telework is associated with higher job performance and work-home balance as well as slightly higher job satisfaction and employee well-being. On the other hand, telework and high mobile work are associated with higher work intensity, less social support and less feedback. In line with these findings, telework poses additional demands on leaders as followers are not always present and direct control becomes less possible. Therefore leaders are required to change their way of leading employees. For example, leadership at distance and management by results or management by objectives become more important as does frequent communication with employees to make sure that everyone has a common view and direction. With regard to internal forms of spatial flexibility, exchange and communication between members of different departments increase. This may help to bridge silos in hierarchically organised private and public organisations. On the negative side desk-sharing and activity-based office are associated with more interruptions and less privacy.

Job rotation refers to planned, temporary movements between different jobs in an organisation. This form of functional flexibility usually has positive effects. It fosters individual and organisational learning by exposing employees to a variety of experiences that contribute to their professional development and knowledge-sharing among organisational members. In addition, job rotation increases motivation and keeps employees interested in their job.

Project-based work reflects the fact that projects are crucial aspects of today's organisational life. Despite their growing importance in organisations, studies on the effects of project-based work on employees and managers are still scarce. Preliminary findings, however, suggest that project-based work is ambivalent in nature. Although projects are a successful and effective work form, they also bear the risk of exposing employees to insecurities due to fixed contracts, exhausting employees' resources due to deadline stress and overload and impairing employee motivation due to declining senses of progress, hope, and personal worthiness (Cicmil, Lindgren & Packendorff, 2016).

In the empirical study "New Way of Working in Public Administration" within the EUPAN, EUPAN experts in different European countries were asked about their experiences with new way of working in their public administrations. The questionnaires asked about their experiences with different forms of temporal flexibility (flexitime, part-time work, compressed working weeks, trust-based working time), different forms of special flexibility (telework, highly mobile telework, desk sharing, flexible office concepts) and functional flexibility (job rotation). In general, the results are in accordance with the results from the literature review. Furthermore, they give some in-depth information about the experiences of new way of working in the respective countries, including some good-practice examples.

New way of working can be found frequently in public administrations all over Europe. New way of working in terms of temporal and spatial flexibility has the potential to improve working conditions, work outcomes and quality of work. However, a careful implementation of new ways of working is needed to secure the positive effects and reduce potential negative side effects, such as the intensification of work or the blurring of boundaries between work and private life.

The EUPAN survey "New Way of Working in Public Administration" indicates a wide distribution of flexible working arrangements in public administration. Yet it also shows that in some European public administrations new way of working is more common than in others. With regard to potential positive and negative consequences of new way of working, the EUPAN experts share the view that these new forms of working have a strong potential for improvements, but at the same time, may be accompanied by high demands for leaders and managers. The best example for such demands is trust-based working time, which shows the highest potential for positive outcomes for organisations and employees, but at the same time the highest demands for managers.

In the workshops during the EUPAN Working Level Meeting in Vienna, the EUPAN experts developed a comprehensive list of supporting and hindering factors of the implementation of flexible work. Among the most important success factors, organisational culture and leadership style were mentioned. Hard facts, such as monetary or technical resources were also considered, but were mentioned less often.

To sum up, there is a strong positive potential for the further development of new way of working in public administrations in Europe. The concurrent study may give some ideas for further improvements and may help to overcome hindering factors in the implementation of new way of working.

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Legal Aspects

Martin Risak

Glossary

To provide consistency and to avoid confusion the terminology outlined by Korunka & Kubicek (see Table 1) will be used for this part of the study as well. Nonetheless some additional terms which are of relevance when exploring legal aspects of new ways of working in public administration have to be defined. Table 3 therefore must be read together with table 1 in the complimentary study of Korunka & Kubicek.

Table 3: Legal terms and definitions

PLACE	
Flexplace	Flexibility in the location of work (Hill et al., 2001)
Telework	A form of organising and/or performing work, using information technology, in the context of an employment contract/ relationship, where work, which could also be performed at the employers' premises, is carried out away from those premises on a regular basis (Framework Agreement on Telework: 1)
TIME	
Flextime	Flexibility in the timing of work (Hill et al. 2001)
Flexitime	A working time model that allows staff to vary the time at which they start and finish their assigned work (cf. Recital 3 of EC Staff Regulation on Working Time) and sometimes also their amount of daily working time
Flexible hours	The hours during which the staff choose the time of arrival, rest break and departure (cf. Article 4 para. 3 EC Staff Regulation on Working Time)
Core time	The period during which as a general rule staff must be present (cf. Article 4 para. 2 EC Staff Regulation on Working Time)

Functioning time	The period during which not all staff must be present but during which the functioning of the working unit has to be ensured (cf. Risak 2017a: 21)
Bandwidth	The period between the earliest possible start time allowed and the latest possible finishing time (cf. Article 4 para. 1 EC Staff Regulation on Working Time)
Reference period	The period for the averaging of working time during which the employee may work more or less than the average working time
Time credits/debits	Hours worked beyond or below the average daily/weekly working time that are booked into a working time account to be compensated later
Flexitime compensation/flexitime days	Time credits (i.e. hours worked above the normal working time in the context of flexitime) are compensated with (paid) time off, sometimes whole days (so called "flexitime days")
Sabbatical	A working time model in which the average weekly working time (and pay) is reduced but the employee continues to work full time building up time benefits that are used up later on the whole at an agreed point of time
Long term working time account	A working time model that allows for saving time credits for extra work and overtime over longer periods exceeding one year and then using them up as a whole at a later point of time
Lump sum overtime arrangement	An arrangement that the pay of a public employee includes a certain number of overtime hours (e.g. five hours of overtime per week are included in the monthly pay)
All-inclusive overtime arrangement	The monthly pay includes all hours worked, i.e. no extra hours will be paid
Stand-by time	The time during which a person is available to work but is not able to work because they are waiting to be given a specific job (e.g. a doctor on call)
Travel time	The period of time spent in traveling at work but not actually working (e.g. time spent in a car or a train)

Background

Current Trends

In the last decades in many not only academic circles discussions took place that referred to allegedly new arrangements under which work is performed. In the European context two publications that explored different aspects of these changes were very influential. One of them is the 2015 Eurofound-report "New forms of employment" (Eurofound 2015a; Waas 2016) that detected that societal and economic developments, such as the need for increased flexibility by both employers and workers, have resulted in the emergence of new forms of employment across Europe. On the one hand these new forms have transformed the traditional one-to-one relationship between employer and employee and on the other they are characterised by unconventional work patterns and places of work, or by the irregular provision of work. As very little was known about these "new forms of employment", their distinctive features and the implications they have for working conditions and the labour market, a Europe-wide mapping exercise to identify emerging trends was conducted. It resulted in the categorisation of nine broad types of new employment forms: employee sharing, job sharing, interim management, casual work, ICT-based mobile work, voucher based work, portfolio work, crowd employment and collaborative employment. Many of these forms are not prevalent in public administration, but they give a good impression on the present dynamics of labour markets and the creativity contractual parties as well as policy makers developed to fulfill mostly a need for increased flexibility of both employers and employees.

Another influential policy paper is the white paper of the German Ministry of Labour and Social Affairs titled "Working 4.0" (in German: Arbeiten 4.0) (Bundesministerium für Arbeit und Soziales 2016) that deals with changes in the world of work resulting from – but not only – the so called digital transformation. The term is derived from the notion "Industry 4.0", the high tech strategy of the German government promoting the digitalisation of manufacturing. This is considered to be the fourth industrial revolution, therefore the number "4.0".[2] "Working 4.0" refers to a number of changes that are attributed to four major factors: digitalisation, globalisation, demographic changes as well as cultural changes. Like the revolutions that preceded it, the fourth industrial revolution has the potential to raise global income levels and improve the quality of life for populations around the world. To date, those who have gained the most from it, are consumers able to afford and access the digital world. Technology has made new products and services that increase the efficiency and pleasure of our personal lives possible. In the future, technological innovation will also lead to a supply-side miracle, with long-term gains in efficiency and productivity. Transportation and communication costs will drop, logistics and global supply chains will become more

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[2] The first industrial revolution being the mechanisation, the second the division of labour and mass production and the third the computerisation of manufacturing (cf. Fraunhofer IAO 2013: 23).

effective, and the cost of trade will diminish, all of which will open new markets and drive economic growth (Schwab 2016). At the same time the revolution could yield greater inequality, particularly in its potential to disrupt labour markets. As automation substitutes for labour across the entire economy, the net displacement of workers by machines might exacerbate the gap between returns to capital and returns to labour. However, it is also possible that the displacement of workers by technology will, in aggregate, result in a net increase in safe and rewarding jobs (Brynjolfsson & McAfee 2014; Schwab 2016). What follows from these changes regarding the world of work is summarised in the German Greenpaper "Arbeiten 4.0" under the header of possible areas conflict: labour market effects, digital platforms, big data, industry 4.0, flexible working – beyond a culture of employee presence and lastly changes in the organisation of the company (Bundesministerium für Arbeit und Soziales 2016). The aspect of flexibility is of special interest in the context of this study, especially as the legal framework is of significant importance for this topic.

Based on the background of this literature, an analysis of changes in labour law has been developed by Risak (2017a: 12) titled "labour law 4.0" (in German Arbeitsrecht 4.0) emphasising the regulatory challenges and changes due to the ongoing transformation in the workplace. Instead of a disruptive abrupt change, a rather linear continuation of the megatrend away from the standard employment relationship towards atypical employment and beyond into the realms of self-employment has been detected. This is in line with the Eurofound report on new forms of employment (Eurofound 2015a) mentioned above. The current developments have been grouped under the headers "working beyond working time", "working beyond the internal workplace", "working beyond detailed instructions" and "working beyond two-party relationships" (Risak 2017a: 20). Interestingly in some fields (especially working time) the changes were driven by new legislation and policy decisions, whereas in others (especially mobile working and home office) new forms of work organisation became more prevalent due to practices in the companies and only then led to adaptions of existing legislation. Other forms of work, especially platform work (so called crowdwork), are not regulated at all. Hence, there is an ongoing discussion on how to regulate it in order to ensure fair working conditions (Meil & Kirov 2017; Singer & Bazzani 2017).

The work and organisational part of the study by Korunka and Kubicek (2018) explores the described trends from a different angle. It puts an emphasis on the psychological aspects of the current trends in work arrangements and the authors especially highlight the importance of the aspect of flexibility as concerns working time (flextime) and the place of work (flexplace). In this context, the term flexible work arrangements (FWA) is used as umbrella term under which both forms of flexibility can be subsumed (Korunka & Kubicek 2018 referring to Golden & Elia 2017).

This definition is much narrower than the concepts outlined above, but it very well covers those trends that seem to be relevant in public administration. Reasons for using a more narrow approach are outlined in the subchapter "Scope of the Study".

The "new way of working in public administration" refers to these different forms of temporal and spatial flexibility that enable a deviation from strict working time schedules and fixed locations. Intended is a way of working that is adapted to employees' needs by granting them some extent of autonomy in this regard, while balancing them with the employer's interests.

Purpose of the Study

The aim of this study is to draw out those aspects of the recent developments described above that are most relevant for working in public administration and to explore them from a legal point of view. The underlying idea is to trace the regulatory framework under which these changes take place and to explore what manifestations new way of working in public administration has in the EUPAN member states and the European Commission. The exploration of different legislations and practices concerning distinct aspects of the new way of working intends to draw out common trends and approaches and to thereby foster mutual learning and good practice.

Scope of the Study

The laws regulating the employment conditions of persons working in public administration are usually distinct from the general labour and employment laws (cf. Federal Chancellery 2006). This is due to the function of public administration to implement public policy and the way public employees (civil servants) work to fulfil it. Two elements seem to be prevalent: On the one hand, the fact that public administration is based on a strict line of command and the resulting duty of public employees to follow instructions. On the other hand, the relationship is construed as a long-term, often life-long relationship, usually flanked by special protection against dismissal. This often results in approaches different from general labour law that may be stricter, but also more flexible at the same time (Demmke/Moilanen 2012: 53). Especially due to the long-term nature of the relationship, different forms of internal flexibility became very important allowing the state to transfer public employees to other workplaces within a wide framework, but also possibly allowing for comparatively more employee autonomy concerning working time and the place of work.

In some countries treated in this study (e.g. Germany or Austria) a distinction is made between civil servants with public law status (appointed public servants) and contractual public employees. This leads to differences between these two groups of persons working in public administration (Demmke/Moilanen 2012: 53). In some states their working conditions are based solely on statutory laws and administrative regulations (e.g. in Austria), in others collective bargaining plays an important role (e.g. in Germany and Finland). Therefore it is interesting to explore, if these types of public employees have different regimes concerning the new way of working in public administration.

Earlier surveys for the different EU Council Presidencies have given evidence that different historical traditions and cultures as well as HR systems have a considerable impact on how employment in public administration works (Schedler/Pröller 2007). This study explores another aspect, namely the new way of working in public administration and explores the legal situation and practice in the different member states of the EU as well as at the European Commission.

In the context of this study, the notion of "new way of working" is to be understood as the introduction of flexible working arrangements that balance the interest of employees and the employer when providing some influence or even real autonomy to employees in the following dimensions:

■ hours of work (e.g. start and finish times, the amount of daily or weekly working time),
■ patterns of work (e.g. split shifts or job sharing),
■ locations of work (e.g. working from home especially in the form of teleworking).

These forms of flexibility can be grouped under the header of internal flexibility as opposed to external flexibility. The latter deals with strategies to adapt the number of employees to changing needs of public administrations, like the use of fixed-term employment, agency workers and contractors. An example would be experts and advisors to ministers that need to be changed quickly when a new government is formed after general elections. This form of flexibility will not be examined in this study. Forms of flexibility that primarily promote the interest of the employer will not be explored either.

The study therefore only treats forms of flexibility that grant autonomy to employees concerning the hours, patters and/or place of work to some extent.

The focus of this part of the study lies on legal aspects of new way of working in public administration. It will therefore only take into account those aspects that are likely to be dealt with on a legal basis, whereas work and organisational aspects are dealt with by Korunka and Kubicek.

The personal scope covered by this study is the legal environment for persons working in Central Public Administration (Eurofound 2013: 3). This refers to administrative organisms, bodies and institutions that operate at central and national level and have a hierarchical dependence on political decision-making (usually ministries). It therefore encompasses federal employees, not those on a state or municipal level. The persons concerned are those working in the "core" administration not taking into account special working conditions concerning the police forces, the army or persons working in public hospitals. Also not taken into account are special provisions dealing with persons working in the education sector like teachers or university staff as well as provisions for judges (cf. Eurofound 2013: 5; European Commission 2015: 12).

Three Waves of Flexibilisation

The questionnaire results showed an interesting chronological pattern concerning the time when legal frameworks regarding different forms of the new way of working were introduced for those working in public administration. There have been three distinct waves of flexibilisation:

■ The first (long) wave (1948 – 2015) regards different possibilities of public employees to reduce working time either arbitrarily or for special reasons (care for children or ailing relatives and/or education). It started very early in 1948 (AT) and slowly built up in the 1970ies (EC, SE). During the 1980ies (BE, ES, FR, IE, IT, NL) and 1990ies (HU, LU, LV, MT, PT) most member states introduced some form of part-time work and until 2016 (BG, CZ, GR, HR, SI, SK) this process was completed. In some of the public administrations surveyed this form of flexibility is so common that they reported not to know anymore when it was introduced (CH, DK), that it was "always" practiced (NO, PL) or that it has been known for "a long time" (EE, FI).

■ The second wave (1970 – 2014) pertains to the allocation of working time in the form of flexitime in its different forms. Flexitime models were introduced first in a few countries in the 1970ies (AT, BE, FI, NO, SE) and 1990ies (ES), but only in the 1990ies (CY, DK, HUN, IT, LU, PT) this working time model actually started to become popular. Still in many countries the practice of flexitime only started from 2000 on (BG, CZ, EC, FR, GR, MT, NL, PL, SI, SK).

■ The third wave (2000 – 2016) concerns spatial flexibility, usually in the form of telework and/or working in a home office. A trigger for this development was the European Framework Agreement on Telework. It was concluded in 2002 and had to be implemented by the social partners in each Member State of the European Union by July 2005 (so did AT, IE, IT, LU, NO, SE, SK). The timeline shows that it often took much longer for the implementation process to reach the public sector employees though.

Figure 22: Three waves of flexibilisation
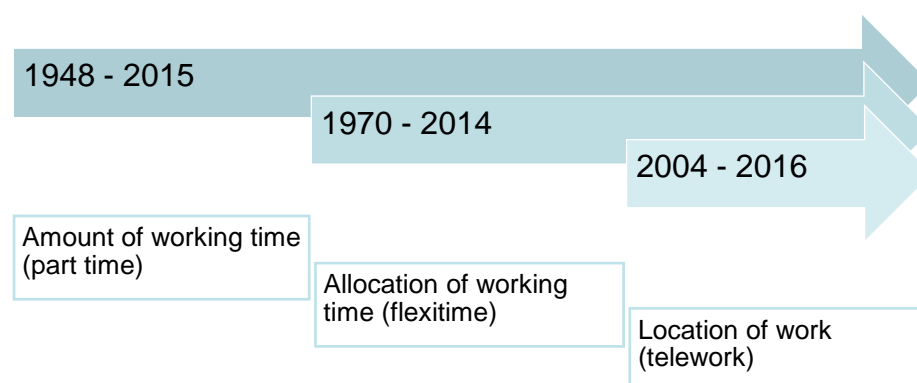
Case Studies

This study does not only explore the new way of working by a questionnaire survey among EUPAN experts, but also draws on four case studies to exemplify in more detail the way flexibility is dealt with in the different legal contexts.

The literature provides a number of ways to cluster public administration systems across the EU, for example the one proposed by the European Commission (2014: 11) in the context of wage setting systems that is very much in line with the typology developed by Esping-Anderson (1990) for welfare states: Nordic countries, Anglo-Saxon countries, Central European countries, Southern Europe, Eastern Europe. Another grouping is used by the ILO (2015: 1) in the context of public sector bargaining: Nordic countries, New Public Management countries, Central European countries, government-centered countries, Eastern European countries.

A previous study by Demmke, Henökl & Moilanen (2008: 9) has pointed out that the relevance of different public administrative traditions such as the classic contrast between continental public law systems on the one hand, and Anglo-Saxon common law systems on the other hand, is often found in comparative administrative research. In their comparative research on the success of public services in the field of Human Resource Management, the participating countries were assigned to different public administration traditions or models as follows:

Table 4: Public administration traditions by country (adopted from Demmke, Henökl & Moilanen, 2008: 9)

Anglo-Saxon tradition	Ireland (IE), Malta (MT), United Kingdom (UK)
Continental European tradition	Austria (AT), Belgium (BE), France (FR), Germany (DE), Luxembourg (LU), Netherlands (NL), Slovenia (SI)
Mediterranean/South European tradition	Cyprus (CY), Greece (GR), Italy (IT), Portugal (PT), Spain (ES)
Scandinavian tradition	Denmark (DK), Estonia (EE), Finland (FI), Sweden (SE)
Eastern European tradition	Czech Republic (CZ), Hungary (HU), Latvia (LV), Lithuania (LT), Poland (PL), Slovakia (SK)
New Member States (South-Eastern tradition)	Bulgaria (BG), Romania (RO)

In the context of new way of working in public administration, such classifications have not been developed yet. Hence, apart from detecting common trends and practices within the EUPAN member states and the European Commission, the aim of the questionnaire was also to develop a map of commonalities and differences.

The following case studies are not to be considered representative, but rather as examples of how legal frameworks for the new way of working in public administration might look like. The choice was made according to the best accessibility for the author. Moreover, they served as basis for the development of the questionnaire on legal aspects that was sent out to the EUPAN members in April 2018.

European Commission

The basic rules for the officials of the EU and the conditions of employment for other servants of the EU are laid down in the so called "Staff Regulations", Regulation No 31 (EEC), 11 (EAEAC). Based on these Staff Regulations the European Commission has issued two decisions that are of interest in the given context: The Commission Decision of 15.4.2014 on Working Time (C(2014) 2502 final) treats among others issues of flexitime and working time; questions of spatial flexibility are dealt with in the Commission Decision of 17.12.2015 on the implementation of telework in Commission Departments on the implementation of telework (C(2015)9151 final). Members of the staff who are not officials (so-called "other servants") are in the great majority contract agents and, to a lesser extent, temporary agents. Their working conditions are regulated by the Conditions of Employment of Other Servants of the European Union. For the purpose of this study due to the fact that these "other servants" constitute a limited part of the staff working at the Commission, this group will not be examined any further (temporary agents engaged by virtue of Article 2(b) CEOS may not exceed 3% of the total number of authorized permanent posts and temporary agents engaged on managerial positions may not exceed 2% of the managerial positions).

Austria

In Austria federal public employees are to be divided into two sub-groups: on the one hand civil servants (*Beamte*) who are not hired under a contract of employment but appointed to their position. They are covered by the Act on the Civil Servants (*Beamten-Dienstrechtsgesetz* 1979 – BDG 1979) and disputes are to be resolved by administrative procedures not before the labour courts. Contractual public employees on the other hand are working under a contract of employment that is covered by the Act on Contractual Public Employees (*Vertragsbedienstetengesetz 1948* – VBG) and additionally by civil law (ILO 2015:11; Ministry of the Presidency 2010:19). Apart from some groups of public employees like the police, the military or judges and public attorneys there is no general rule which positions have to be filled with civil servants and which have to be filled with contractual public employees. The so called "*Pragmatisierungsstop*", a freeze on public law appointments, led to a reduction of civil servants in those groups where alternatively contractual employees can be employed. This also affects in central public administration covered by this study (Demmke & Moilanen 2010: 51). Nonetheless in many cases the VBG refers to the BDG 1979 and therefore the working conditions of both types of public employees are usually the same.

Breaches of official duties of civil servants though have to be dealt with via internal disciplinary procedure while for contractual public servants the general labour courts are competent.

Germany

In Germany there are two categories of public service workers: civil servants (*Beamte*) and public employees (*Beschäftigte des öffentlichen Dienstes*) (ILO 2015: 14; Ministry of the Presidency 2010: 83). The latter are not governed by special legislation but by general employment law and also by a collective agreement that provides for the important employment conditions. It is agreed between the Employer Association of German States (TdL) and the two main public unions, the United Services Union (ver.di) and the German Civil Service Federation (dbb).

The federal civil servants on the other hand are covered by the Federal Act on Civil Servants (*Bundesbeamtengesetz* – BBG) and a number of special acts and regulations like the Working Time Regulation (*Arbeitszeitverordnung*).

Finland

In Finland the public employment structure is similar: there are civil servants governed by the Civil Servant's Act as well as public employees covered by the Employment Contracts Act ([Spanish] Ministry of the Presidency 2010: 68; Demmke & Moilanen 2012: 53). As to be expected for a Nordic country where there is a strong orientation on collective bargaining, regulated by the (Finnish) Act on Collective Agreements for State Civil Servants. The Finnish negotiation system discourages multiple unions representing the same group of staff, which promotes centralisation of the organisational structure (ILO 2015: 3). There is a general centralised agreement, the Collective Agreement for State Civil Servants and Employees under Contract, which has been agreed with the main trade unions. This central agreement sets out the overall cost framework and contains provisions on terms of service as a whole and any other mutually agreed contents. There are agency-specific collective agreements (around 100 for civil servants and 70 for employees under contract) ([Spanish] Ministry of the Presidency 2010: 70).

Questionnaire and Follow-Up Workshops

On the basis of the case studies a questionnaire was developed with the purpose to draw out those aspects of the recent changes in the world of work that are most relevant for working in public administration and explore them from a legal point of view. Its aim was to explore what manifestations the new way of working in public administration has in the EUPAN member states and the European Commission in order to detect possible common trends and practices as well as new approaches and thereby foster mutual learning and good practice.

The questionnaire was sent out to the EUPAN members in April 2018. It was answered by 26 member states of the EU as well as by Norway and Switzerland. In addition, the European Commission also completed the questionnaire concerning the persons employed by it. The results have been collected in a comprehensive set of spreadsheets and will be presented throughout this study where appropriate.

Moreover, based on the preliminary results of the questionnaire two workshops have been held at the EUPAN Working Level Meeting o on 11 and 12 October 2018 to gain additional insights into the national practices. During these workshops the researcher was able to discuss three topics (the administration of absences in flexitime-schemes, the issue of being on call 24/7 and the right to disconnect, the responsibility for health and safety in the home office) with the participants (see Annex III). The results of these workshops have also been included in this study in order to complete the landscape of different practices concerning new way of working in public administration.

Flexible Work Arrangements – General Questions

From a legal point of view, four general matters are of importance with all aspects of the new way of working in public administration:

1. Who is covered by the respective provisions (i.e. the personal scope of application)?
2. At what level is the decision taken to introduce the new way of working in public administration and to what extend are the provisions standardised or individualised?
3. What quality does the new way of working have from the employees' point of view? Is it just an option the public employer may chose or is the public employee entitled to one or the other form of temporal or special flexibility?
4. Are employee representatives involved in the introduction and the determination of the details of the new way of working in public administration?

Personal Scope

As public service employees are not homogenous but rather diverse it is of essence to establish who is actually covered by the provisions enabling a new way of working in public administration. It is likely that certain groups of employees are exempted as such flexibility is incompatible with certain kinds of occupations like the police or the armed forces. At the same time, it is possible that there is a prevalence of such arrangements with certain other occupations like policy advisors or public service managers.

Another important aspect is the actual practice in the EUPAN member states and the European Commission, i.e. who actually benefits from the new way of working in public administration. There is a chance that flexible arrangements are possible in principle, but not introduced in certain work environments. This issue is therefore

linked to the level of regulation. The questionnaire results showed that different types of flexibility are usually applicable to all public employees. Only in a few countries restrictions apply and/or the flexibility is only available to a certain subgroup.

Table 5: Application of new ways of working

	All public employees covered	**All public employees covered with the following exemptions**	**Only some public employees**	**Defined by ministry or service**
Part-time	AT, BE, BG, CH, CZ, DE, DK, EC, EE, ES, FI, FR, IE, IT, LU, LV, MT, NO, PL, SE, SI, SK	managers: BG, HU fixed term: GR	HR (only appointed civil servants), RO (only contractual civil servants), PT (age 55+ or children below 12)	
Compressed working week	AT, CH, CZ, DK, FI, IT, LV, MT, NL, PL		RO (only contractual civil servants), SE (only individual agreement)	
Flexitime	AT, BE (majority), BG, HR, CY, CZ, DK, EC, EE (depending on job duties), ES, FI, GR, IT, LU, LV, MT, NL, NO, PL, PT, RO, SI, SK	CH (top managers), HU (managers), IE (senior managers)		FR, SE
Trust-based working hours	EE, IT, LV, NL		managers/specialists: FR, PT; senior management: IE; managers: CH, SE	BE
Spatial Flexibility (Telework)	AT, BG (appointed civil servants only disabled), CH, CZ, EC, FI, FR, HU, IT, MT, NL, PL, RO, SI, SK	LU (except managers, trainees and public employees under 5 years of service)	HR (autonomous workers)	BE, ES (only pilot), SE

Sabbaticals are not included in this table as the national models are very diverse and an aggregated table would show distorted results. Job sharing (BG, CH, EC, IE, LV, SE, SI, SK) and other working time models (FI, IE, PT) are excluded because they are not prevalent in the surveyed public administrations.

Level of Regulation

Apart from mapping the legal framework enabling such flexible arrangements (usually statutory law and/or collective agreements), it is also interesting on what level these arrangements can be introduced: Are they a national measure or are they introduced on the level of the state administration as a whole, the ministry (the central administrative authority) or a department (the individual decentralised unit)? In the questionnaire examples were given for the central administrative authority (e.g. the Ministry of Finance) or the level of the individual decentralised units (e.g. the tax offices) to clarify what the different levels meant in this context.

The level of regulation is not only important to find out whether different forms of new way of working are introduced or not, but also for establishing how standardised these flexibility arrangements are. For example, it is possible that flextime is introduced by statute, but that details have to be provided for or agreed on the ministerial level.

The questionnaire results show that there is a wide variety of different levels where the actual decision is taken to introduce new ways of working. No distinctive pattern could be detected at this stage. A tentative conclusion might be that newer forms of flexibility (trust-based working hours and temporal flexibility) tend to be introduced at a lower level, indicating a need for less general and more individualised regulations.

Table 6: Level of regulation when introducing new ways of working

	National level	Central administrative authority (e.g. a Ministry, regional offices)	Individual decentralised unit (e.g. a department)
Part-time	BE, EC*, FI, FR, GR, HR, LU, NL, RO, SE, SI, SK	CZ, ES, IT, HU	AT, BG, CH, DK, EE, IE, LV, MT, PL, PT
Compressed working week	EC*	BG, CZ, NL	AT, CH, DK, EE, FI, LV, MT, PL, RO, SE
Flexitime	EC*, GR, LU (central national PA), NO, SI, SK	BE, CY, CZ, ES, FR, HU, IT, NL, SE	AT, CH, DK, EE, FI, HR, IE, LV, MT, PL, PT, RO
Trust-based working hours	CH (top managers), SE (managers)	BE, FR, NL	CH (middle managers), EE, FI, IE, LV, PT
Spatial Flexibility (Telework)	EC*, LU (central national PA), NL, SK	AT, CZ, DK, IT, LV, MT, SE	BE, BG, CH, EE, FI, FR, HR, HU, NO, PL, PT, SI

* DG HR: all employees

Quality of the Entitlement to Flexibility

New ways of working can have a very different quality from the employee's point of view, i.e. the entitlement of the public employee to different forms of temporal or spatial flexibility may be construed as strong or only soft rights. The spectrum spreads from the mere option of the public employer to introduce some forms of flexibility to a strong and enforceable right of the employee to e.g. flexitime or teleworking. Sometimes flexibility is construed as the default option that shall be granted as a general rule unless important official or other public interests demand otherwise (e.g. in the case of flexitime in Austria). In other cases (e.g. telework in Germany) the new way of working is not regulated at all in federal statutory law. This raises the question if the given form of flexibility may be introduced at all without an explicit statutory permission. The questionnaire offered examples for different qualities of the entitlement being either just an option for the employer, an obligation to justify the refusal or an enforceable right of the employee.

Table 7: Quality of the entitlement to flexibility

	Option for the employer, i.e. no obligation to introduce this form of flexibility	Option but need to justify refusal if employees request such forms of flexibility	Enforceable right of the employee (if this applies only in certain cases, they will be mentioned in brackets)
Part-time	AT, BG, CH, CZ, DK, EE, FI, GR, HR, HU, LV, PL, SE (retirement), SK	FR, IE, IT, MT	BE, EC (childcare, care, pre-retirement), ES, FR (childcare, care), LU, LV (family care), NL, NO, PT, RO, SI (childcare, health reasons, disability) Childcare: AT, CH, FI, HR, HU, PL, SE
Compressed working week	AT, CH, CZ, DK, EE, FR, LV, NL, PL, RO, SE	FI, MT	IT (collective agreement)
Flexitime	BE, BG, CH, CZ, DK, EE, FR, IE, LV, PL, PT, RO, SK	AT, EC, FI, IE, MT, NL, NO, SI	CY, ES, GR, LU, SE (collective agreement)
Trust-based working hours	BE, CH (middle management & for top management enforceable right of the employer), EE, FR, IE, LV, PT (all except managers)	NL	PT (managers), SE (collective agreement)
Spatial Flexibility (Telework)	AT, BE, BG, CZ, DE, EE, FI, HR, HU, LV, PL, SE, SI, SK	EC, FR, LU, MT, NL	CH (option for employee), PT (with child up to three years of age)

Involvement of Employee Representatives

A wide range of actors can contribute to a new way of working in public administration and to more flexible working arrangements. Besides legislative measures, collective bargaining also plays an important role as a regulatory instrument (Eurofound 2017: 8). Employee representatives (unions or statutory bodies of representation) may also be involved at the workplace level when introducing the new way of working in public administration or when establishing the details.

In Austria for example the statutory staff representative body (*Personalvertretung*) has information and consultation rights in internal matters provided for in the

Federal Act on Staff Representation (*Bundes-Personalvertretungsgesetz*). Its mandate, according to the provisions of this Act, is to defend and promote the professional, economic, social, cultural and health-related interests of employees. In performing this task, it seeks to ensure the observance and implementation of the laws, ordinances, agreements, regulations, decrees and instructions that apply to employees (ILO 2015: 11). When it comes to the introduction of flexitime, the staff representative body for example has to be consulted and as a basic principle an agreement has to be reached (§ 9 para. 2 (b) Federal Act on Staff Representation). Objections and counterproposals may be brought in and a lengthy procedure has to be followed until only then the employer may finally decide unilaterally (§ 10 Federal Act on Staff Representation). Similarly, in Germany the staff representation (*Personalrat*) has to be involved when introducing flexitime.

Another possible way to involve employee representatives is the promotion of self-regulation by social partners by statutory regulation at national level that establishes default frameworks that can then be adjusted by collective agreements or other forms of agreements with employee representatives (Eurofound 2017: 8).

Generally speaking collective bargaining is the process of negotiation between unions and employers regarding the terms and conditions of employment as well as about the rights and responsibilities of trade unions (Eurofound 2015b). The central role of collective bargaining between workers and employers and their organisations in industrial relations in the Member States is recognised by the EU in Article 28 of the Charter of Fundamental Rights of the European Union of December 2000 ('Right of Collective Bargaining and Action') as well as in Article 12 of the Community Charter of the Fundamental Social Rights of Workers of 1989. Collective bargaining aims at achieving two very different goals: On the one hand side it assures that employees are heard concerning the issues that are of eminent importance to them and that they are able to articulate their positions and interests (so called "employee voice"). On the other hand collective bargaining assures that the structural bargaining inequality at the individual level is evened out as employees acting collectively (and who are able to threaten employers with strike action) are able to achieve a fairer deal than negotiating individually (Katz, Kochan & Colvin 2017: 339). When it comes to negotiating the framework as well as the details of flexible working in central public administration collective bargaining may assure not only employee voice and a certain amount of workplace democracy but can also increase the level of acceptability of the new way of working in public administration.

Table 8: Involvement of employee representatives

	Yes	No
Part-time	AT, BE, BG, CZ, EC, ES*, FI, GR, HU*, IE, IT, LU, MT*, NL*, NO, SE, SI*, SK*	CH, DK, EE, FR, HR, LV, PL, PT, RO
Compressed working week	AT, CZ, FI, IT, NL, RO	CH, DK, EE, LV, PL, SE
Flexitime	AT, BE, HR, CY, CZ, DK, EC, ES*, FI, FR, GR, HU*, IE, IT, LU, MT*, NL, NO, PL, PT, RO, SE, SI*, SK*	CH, BG, EE, LV
Trust-based working hours	BE, FR*, IT, NL, SE	CH, EE, IE, LV, PT
Spatial Flexibility (Telework)	AT, BE, CZ, DE, EC, ES*, FI, FR, HU*, IT, LU*, MT*, NL, PL, PT, SE, SI*, SK*	BG, CH, EE, HR, LV

* Consultation on the draft law before introducing the measure / conclusion of a collective agreement

Flexible Work Arrangements – Working Time

General Reflections

Working time – its duration as well as its organisation – is important for job quality. A good fit between working time and non-working time throughout the life course is also essential for workers to be able to work at all and to continue working. This can be promoted through adapting both the duration and the organisation of working time to the needs of organisations and individuals. Today, increasingly flexible and non-standard working time arrangements are being developed with regard to starting and finishing times, rest periods, on-call time, and so on. This is also a result of information and communication technologies (ICT) that allow work to be performed anytime and anywhere (Eurofound 2017b: 50). It has been stated that the introduction of flexible working times is a general development of the 21st century regarding working conditions and especially working times at the central administration level (Demmke & Moilanen 2012: 106).

Different Forms of Working Time Flexibility

In this context two different aspects are of importance:

■ To what extend can public employees influence their amount of (weekly) working time, i.e. can they reduce and/or increase their working time (especially change from full-time work to part-time work and back). Reconciliation of work and care, but also of lifelong learning is an issue that

extends over the whole course of working life, especially involving both the care of children and of people with health or disability problems (Eurofound 2017: 2). In this context, the question if there is a general right to do so or if the persons concerned are only entitled to do so for certain reasons, e.g. child care in the form of parental part-time, care for family members in need of care or for training purposes, is of interest.

■ The other aspect is the influence of the public employees on the allocation of their working time. This autonomy of employees as regards their daily working time is achieved by different means:

■ The least flexible model seems to be the introduction of a compressed working week, i.e. a work schedule in which hours worked per day are increased, whilst days per work week are reduced in order to do one's weekly work hours in less than five days usually resulting in a four day-working week for full time employees.

  – One way to do this is to grant employees an influence on how duty rosters are organised. A rather common working time model are flexible working hours or "flexitime": Employees have autonomy within certain limits when to start and when to end their daily work and thereby they may under certain conditions also decide for how many hours they work per day. Flexitime usually involves an extensive set of rules that deal with the period of averaging of working time (the reference period), how to deal with times the public employee does not work like sickness periods or annual leave and if overtime premiums may be accrued in case the employer restricts the temporal autonomy of the public employee[3].

  – A very extensive form of working time autonomy is a system of trust-based working hours that decouples work from strict working times and puts the main emphasis on performance and outcomes.

  – Another subset of this category are arrangements for sabbaticals, i.e. paid time off achieved with e.g. a reduction of working time but going on working full time and acquiring time credits that are then used for having a longer period of time off.

  – A rather new phenomenon connected with the widespread use of smartphones is that employees tend to be on call around the clock triggering discussion about a right to disconnect or even an obligation of employers to shut down servers for a certain amount of rest time (Eurofound/ILO 2017). It only started recently and therefore it will be very unlikely that statutory provisions dealing with this issue will be already prevalent.

In any case all working time models also have to take into account the interests of the public employer to be able to provide continuous services to the public and to keep wage costs at bay.

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[3] E.g. under a given flexitime scheme the employee may work between six to ten hours per day at his/her will and the employer wants him/her to work nine hours on a given day. Do these hours constitute overtime accruing a overtime premium or not?

Questions of Pay

Questions of working time are always closely linked to the issue of pay. The reduction of working time often results in a reduction in pay. Sometimes this reduction is partly compensated for by other transfers, e.g. family benefits in the case of parental part-time or a continued training benefit in case of the reduction of working time for educational purposes. This is also an explanation as to why these forms of part-time work are often only temporary and why the public employee is interested to going back to full time work after a certain period of time. This form of flexibility concerning the amount of working time also has a down side for those employees working as replacement workers under fixed term contracts and therefore in rather insecure and unstable employment relationships. To encounter this effect, ministries might work with pools of replacement workers with open ended contracts that are assigned only temporarily to replace public employees on leave or working reduced hours.

Often the hours worked over a certain extent of working time per day and/or per week accrue overtime premiums to counter the negative effects of overexposure and extensive working hours. For public employees covered by flexitime schemes this is usually not the case as the employees can at least theoretically themselves decide when to work how much. The boundaries between working time autonomy also taking into account the interest of the employer, anticipatory obedience and mandated overtime are blurred though. Therefore introduction of flexitime involves the risk that long hours may be "only" classified as time credits not triggering overtime premiums. Negotiations of the general terms and conditions with employee representatives can assure that flexitime is not misused to avoid the costs involved with overtime work.

A special issue in this context are public employees whose pay includes either a certain number of overtime hours, i.e. a lump sum overtime arrangement for e.g. five hours of overtime per week to be included in the monthly pay, or those who work under an all-inclusive overtime arrangement meaning that the pay for all hours worked is to be included in the monthly wage. With these employees solutions have to be found that assure that the extra hours paid are actually worked, while at the same time maintaining some kind of employee autonomy concerning the allocation of working time. To solve this issue it is possible to increase the average working time taking into account the hours included in the lump sum payment (e.g. to 45 hours using the example above) and only hours surpassing it are calculated as time credits that can be used up later for paid time off. Another solution might be the inclusion of a clause that a minimum amount of time credit has to be accrued (e.g. 20 hours using the example above) before time off can be consumed (Risak et al. 2014: 112).

Special Forms of Working Time and Flexibility

Issues may also arise when dealing with special forms of working time like standby-time or travel time that, at least at the first glance, do not fit in well with flexible

working time schemes. These times are on the one hand by definition not flexible and on the other public employees do not work to the full extend (e.g. with standby-time they just wait to take up work at a predetermined place) Therefore these working times are often treated differently (e.g. in case of standby-time only a reduced wage has to be paid). It therefore often makes sense to exclude these special forms of working time from flexitime-schemes (Risak et al. 2014: 39, 131 et seq.).

Legislation on EU-Level

On the EU level the Working Time Directive 2003/88/EC constitutes the legal framework for the regulation in the member states. It is very flexible as it does not provide for an explicit maximum daily working time[4] but only for a 48 hours weekly working time limit on average over a reference period. There is even the possibility to opt out of this limit individually on a contractual basis if the member states provide so on a national level (cf. for details of the national implementation of the Working Time Directive European Commission 2017). Other restrictions are the daily rest period of 11 hours and the weekly rest period of 35 hours (Schlachter 2015: 385 et seqq.).

According to a recent implementation report (European Commission 2017: 11) the possibility to allow for an opt-out from the 48-hour weekly working time limit has been used by most member states to some extent: 18 member states now provide for the use of the opt-out. Out of these, six (BG, CY, EE, HR, MT and the UK) allow the use of the opt-out irrespective of sector, whereas the other twelve (AT, BE, CZ, DE, ES, FR, HU, LV, NL, PL, SI and SK) limit its use to jobs which make extensive use of on-call time, such as health services or emergency services. The remaining ten member states (DK, FI, GR, IR, IT, LU, LV, PT, RO and SE) do not use the opt-out.

From the point of view of this study, it is interesting that Recital 11 as well as Article 13 of the Working Time Directive include at least a hint at an aim of the Directive beyond its primary one of the health and safety of the worker. This concerns the humanisation of working conditions by stressing that working time must take account of the general principle of adapting work to the worker. In the literature this is only considered a rather 'soft' obligation (Riesenhuber 2012: 383), but may be the angle to deal with excessive around the clock on-call duties in connection with the opt-out described above as well as with scheduling work more flexibly taking into account the interests and needs of the employee.

As the amount of working time is concerned the recent proposal of the European Commission for a Directive on transparent and predictable working conditions in the EU (COM(2017) 797 final) also deals with the transition into another form of employment. Article 10 of the proposed Directive obliges the Member States to

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[4] Indirectly a 13 hour limit applies as within each 24 hour period a 11 hour daily rest period has to be observed.

ensure that workers with at least six months' seniority with the same employer may request a form of employment with more predictable and secure working conditions where available. The employer shall provide a written reply within one month of the request. The explanatory memorandum (p. 13) states that this article establishes that workers will be able to request a more secure and predictable form of work, where available e.g. workers wishing to transition to full-time working relationship, or a working relationship with a higher number of guaranteed paid hours or a less variable work schedule.

Case Studies

European Commission

The working time regime for officials of the EU is part of the Staff Regulations stating in Article 55 para. 1 that officials in active employment shall at all times be at the disposal of their institution. Paragraph 2 indicates that the normal working week shall range from 40 to 42 hours and the hours of the working day shall be determined by the appointing authority. The Commission Decision of 15.4.2014 on Working Time (C(2014) 2502 final) provides that the normal number of working hours shall be 40 hours per week, spread out over five working days, from Monday to Friday (Article 2 Commission Decision) and within a daily bandwidth from 7h-20h.

As concerns the amount of hours to be worked**,** the official may request the authorisation to work part time and this request can be granted if this is compatible with the interests of the service (Article 55a para. 1 Staff Rules). In certain cases the official is even entitled authorisation, in particular to care for a dependent child[5], to care for seriously ill or disable relatives (up to a maximum of five years), to take part in further training (up to a maximum of five years) and three years before the pension age.[6] The authorisation to work part time may only be granted for up to three years but may be renewed (Article 1 of Annex IVa).

The Staff Rules also provide for a combination of part-time work and job-sharing. Pursuant to Article 55b an official may request authorisation to work half-time in the form of job-sharing in a post identified by the appointing authority as appropriate for that purpose.

As far as the allocation of working time is concerned Staff Regulations were amended in 2013 (Regulation (EU, Euratom) No 1023/2013OJ L 287, 29.10.2013, p. 15–62) resulting in the introduction of an explicit provision dealing with flexible work arrangements that was based on the following considerations (recital 23):

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[5] The amount of the reduction of working time depends on the age (e.g. under 9 years or in case of a single parent until the age of 14: no limits, between 9 and 12: no more than 20% of the normal working time)

[6] More detailed rules governing part-time work and the procedure for granting authorisation are laid down in Annex IVa of the Staff Regulations.

"Flexible working-time arrangements are an essential element of a modern and efficient public administration allowing for family-friendly working conditions and enabling a suitable gender balance within the institutions. It is therefore necessary to introduce an explicit reference to those arrangements in the Staff Regulations."

Pursuant to these considerations Article 55 of the Staff Working Regulations since then includes the following paragraph:

"4. The appointing authority of each institution may introduce flexible working-time arrangements. Under those arrangements, entire working days shall not be granted for officials in grade AD/AST 9 or higher. Those arrangements shall not be applicable to officials to whom the provisions of the second paragraph of Article 44 apply. Those officials shall manage their working time in agreement with their superiors."

This was followed up by the Commission Decision of 15.4.2014 on Working Time (C(2014) 2502 final) that includes provisions on flexitime**.** It is there defined as a working time model that "*allows staff to vary the time at which they start and finish their assigned work. Flexitime allows eligible staff to recuperate, as a secondary option and under certain conditions, additional hours worked in the form of full days or half days. Such recuperation is always subject to prior approval by the hierarchical superior.*" (Recital 3). The Commission Decision explicitly states that flexitime will be made available to all Commission staff members and thereby shall be the default working time regime (Article 2 para 3). Exempted are those employees who due to particular service requirements linked to the nature of their duties are subject to specific working time regimes covered by the Staff Regulations or linked to other particular service requirements, owing to the nature of their duties.

The most important elements for the flexitime regime with the European Commission are as follows: weekly bandwidth: 7:00 am – 20:30 pm are ore times (with some limited exceptions) 9:30-12:00 am and 15:00-16:30 pm (16:00 pm on Wednesdays and Fridays). While fixed working time per day is 8 hours, up to a maximum of 10 hours per day can be added to the total monthly balance. Within the flexitime regime, a staff member can accumulate extra hours and recuperate them within the next month(s) up to a maximum of two working days per month. A staff member can also carry over a maximum credit of 20 hours per month and a negative balance of 16 hours each month, which has to be offset within the next month(s) as soon as possible.

Austria

In Austria the working time regime for civil servants is part of the Act on Civil Servants 1979 (BDG 1979, §§ 47a – 50e). The Act on Contractual Public Employees (VBG) generally refers to these provisions concerning working time (§ 20 VBG). The BDG 1979 very much uses the maximum freedom the Working Time Directive 2003/88/EC offers to the member states and thereby goes beyond the

flexibility available for private sector employees. This is evident if one looks at maximum daily working hours that in principle may not exceed 10 hours for private sector employees (§ 9 Working Time Act); this limit is extended to 13 hours per day for public employees (§ 48a (1) BDG 1979). And even then exemptions are provided for activities like in case of fulfilling duties outside the habitual place of employment or if they are necessary to ensure the continuous services or production (§ 48a (2) BDG 1979). The maximum weekly working time may not exceed on average of 48 hours over a reference period of 17 weeks (§ 48a (3) BDG 1979). Beyond the 48-hour limit, longer periods of service are only allowed with the employee's approval (§ 48a (4) BDG 1979).

Not all public employees are covered by (all) the working time provisions. The most notable exemptions are persons with a managerial position who have a lump sum overtime arrangement as well as persons who are fulfilling specific state functions that cannot be delayed (e.g. members of the cabinet of a minister, persons in charge of disaster control or public security) (§ 48f BDG 1979).

The amount of hours to be worked is rather flexible as there is the possibility to reduce the working time upon request of the public employee for taking care of a child (§ 50b BDG 1979) or for relatives in need of care (§ 50e BDG 1979). Additionally there exists the general possibility of the public employee to be granted a reduction of working hours unless important official interests demand otherwise (§ 50a BDG 1979). The Administrative Court[7] has pointed out that there is no enforceable right of the public employee to be granted such a reduction but that this is subject to the discretion of the administrative authority (Fellner 2015: § 50a note 10). Therefore the control function of the Administrative Court is reduced to check if discretion was exercised within the meaning of the law or if the administrative authority has exercised its discretion improperly (Fellner 2015: § 50a note 11).[8]

There is also the option to agree on a sabbatical in the form that the average weekly working time (and pay) is reduced but the public employee continues to work full time building up time benefits that are used up later on the whole at an agreed point of time (§ 78e BDG 1979, §§ 20 a and 20b VBG, c.f. Fellner 2015: § 78e BDG).

As far as the allocation of the working hours is concerned it has been stated that in general besides employees in the Nordic countries, the Netherlands also those in Austria stand out in terms of their options to flexibly organise their working time (Eurofound 2017: 5). This is especially the case for the public sector and is evident already in the legal provisions on flexitime: § 48 (3) BDG 1979 provides that flexitime is to be offered as the standard form of scheduling work unless important official or other public interests demand otherwise (see also the explanatory remarks on the government bill 311 BlgNR 21. GP). The public employee then may decide the beginning and the end of his/her daily working time within a set timeframe. Another restriction is the so-called core time, i.e. the time the public

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[7] Decision of 16.6.1986, 85/12/0116.

[8] Decision of 19.9.1979, 1155/9.

employee has to be present in any case unless the supervisor has allowed otherwise. Flexitime also enables the public employee to alter his/her daily working hours granted that the agreed average weekly working time is observed within the reference period of a calendar year. There is also the statutory obligation to provide for a limitation of the time credit to be taken over into the next month. The question of unproductive times (e.g. sickness or annual leave) is also dealt with as the flexitime-plan has to include the so-called "fictive normal work schedule" that is always applied in the case of non-performance.

Germany

In Germany the Federal Act on Civil Servants (BBG) only provides for a limit of the regular working time of 44 hours per week[9] and leaves the rest to be regulated by governmental regulation. The Working Time Regulation for Civil Servants (*Arbeitszeitverordnung* – AVZ) therefore governs the details of the working time and it can also be said that it very much uses the leeway the Working Time Directive 2003/88/EEC offers like the maximum time limit of 13 hours per day (§ 4 AVZ). For contractual "collective agreement employees" (*Tarifangestellte*) the general provisions of the German Working Time Act (*Arbeitszeitgesetz* – ArbZG) apply that can be considered less flexible, e.g. the general maximum daily working time is limited to 10 hours (§ 3 ArbZG). The collective agreement for the public service (*Tarifvertrag öffentlicher Dienst* – TVöD) very much goes into further details.

As far as the amount of hours to be worked civil servants may be granted a reduction of working time (down to a minimum of half the regular working time) upon request as long as official interests do not demand for otherwise (§ 91 BBG). This reduction has to be granted if working the agreed hours cannot be expected from the civil servant anymore unless official interests do not demand otherwise. A special form of flexible working time is sabbatical leave (§ 9 AZV). Sabbatical leave is a limited leave from the civil service with the right of the civil servant to return after this period. It can be allocated for any purpose such as prevention of burnout, care of family or children, higher studies, etc. However, a sabbatical leave is not the same as a maternal/paternal leave or caring for relatives during sickness, as these types of leave are explicitly regulated by law and are hence not to be considered a sabbatical leave. For collective agreement employees the collective agreement (§ 11 TVöD) a reduction of working time shall be agreed on if they have to take care of a child younger than 18 years of age or a relative in need of care unless official interests demand otherwise.[10]

Concerning the allocation of the working hours pursuant to § 7 AZV flexitime can be offered if official interests do not demand otherwise. If this is done certain issues have to be addressed like the timeframe for the beginning and the end of the

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[9] In case of stand-by duty the working time may be extended due to official needs (§ 87 (2) BBG).

[10] These employees may demand a discussion with the employer with a view to reaching an agreement on such a part-time employment.

working day as well as its maximum duration. Also core-times or so-called operating times[11] have to be part of such a flexitime-arrangement and may even be forgone if official interests do not so demand. Maximum amounts of debits (40 hours) and time credits (a maximum of 40 hours may be transferred into the next period, i.e. the next year) are regulated in the Regulation (cf. the definitions in § 2 AZV). There is also the possibility to agree on whole days off (so called "flexitime-days" – *Gleittage*) if enough time credit is accumulated (12 or even 24 days per year - § 7 para 5 AVZ). The collective agreement for public services does not provide for special provisions on flexitime but only a number of minutes statements of the parties to certain provisions that refer to the co-determination rights of employee-representatives and mention that the determinants for the scheduling of working time in the collective agreement do not have to be applied. It therefore seems that there is the maximum leeway as provided for by the Working Time Act.

Another form of flexibility are long term working time accounts that have been introduced on a probationary basis (§ 7a AZV). This allows for saving time credits over longer periods up to five years and then using them up as a whole. To achieve this the regular working time may be extended if this is appropriate and necessary for official purposes. The collective agreement TVöD also provides for the establishment of long term working time accounts if so agreed individually granted that the employee representatives are involved (§ 10 (6) TVöD).

Finland

The Working Hours Act (605/1996) regulates working hours and applies to both private and public service employment relationships. Under this Act it is possible to agree on a number of matters through collective agreements including flexibility and maximum accumulation of flexible working hours (Ministry of Economic Affairs and Employment of Finland 2017: 4).

As far as the number of hours is concerned Section 15 of the Working Hours Act provides for a reduction of working hours in the form of partial child care leave (as prescribed in chapter 4, sections 4 and 5, of the Employment Contracts Act). This requires an agreement between the employer and the employee, the employer may only refuse to make such an agreement if it would cause serious inconvenience to production or the operations of the workplace, and the damage cannot be avoided through reasonable rearrangement of the work (Ministry of Employment and Economy 2014: 33). If an employee wishes, for other social or health reasons, to work less than the regular working hours, the employer must seek to arrange work so that the employee can work part-time (Ministry of Economic Affairs and Employment of Finland 2017: 13).

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[11] These are times not all the employees have to be present, but only the number necessary for operating the organizational unit. This usually has to be ensured not only by supervisors assigning employees to be present during these times but also by employees arranging this among themselves by mutual arrangements. Thereby the employee autonomy is increased while at the same time a minimum numeral presence at the workplace is ascertained.

In Finland there exists a so called "job alternation leave"[12] that has some similarities with a sabbatical in the broader sense and during which the employee is entitled to a job alternation compensation in the amount of 70 percent of the unemployment benefit he/she would be entitled to in the case of unemployment. An employee may go on such a leave for a period between 100 and 180 days after at least 20 years of work and the earliest three years before the pension age. In addition, a formerly unemployed substitute has to be recruited. Under Section 13 of the Working Hours Act an employer and an employee can agree on flexible working hours allowing the employee, within set limits, to determine the beginning and the end of the daily working hours. The system does not affect the total working hours: even with a flexible working hours system, the employee is required to work the total number of regular working hours within the agreed time period (Ministry of Economic Affairs and Employment of Finland 2017: 13). In various government agencies the introduction of flexible working hours is established by negotiations between the employer-side and the employee-side. Agreement must be reached on at least on the following: the period of non-flexible, fixed working hours; the limits of flexibility within 24 hours; the timing of rest periods; and the maximum number of hours that may be accumulated in excess of or short of the regular working hours. The usual timeframe is between 06:30 to 09:30 and between 15:00 and 19:30 (therefore a core time between usually 09:30 and 15:00 is agreed upon with a lunchbreak of at least 30 minutes up to 1.5 hours). According to Section 13 of the Working Time Act, the daily working hours may be extended or reduced, by up to three hours, which means that the daily working time, as determined by the employee, can be a maximum of 11 hours. The maximum accumulation referred to above may not exceed 40 hours. The employer and the employee can agree to reduce the hours accumulated in excess of regular working hours by means of free time granted to the employee (Ministry of Economic Affairs and Employment of Finland 2017: 13). In practice the limitation of time credits/debits varies from agency to agency (for example, a maximum of -10 and +50 hours at the end of the specific period – usually six or 12 months).

Results of the Questionnaire

Part-Time Work (Initiated by the Employee)

Part time work, i.e. the possibility to reduce one's weekly working time in its different forms, is the most prevalent and also the oldest form of working time flexibility. It is possible in almost all surveyed countries. There is a wide variety of distinct national approaches though concerning the reasons for the reduction of working time (arbitrary or special reasons) as well as the quality of the entitlement (mere option for the employer, option with an obligation to justify refusal and/or enforceable right of the employee).

Generally speaking a distinction between two different models can be observed:

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[12] Cf. http://www.te-palvelut.fi/te/en/jobseekers/finding_job/job_alternation_leave/index.html (27.11.2018).

■ A general entitlement of the employee to a reduction of working hours for arbitrary reasons: Usually such a general right is construed as a mere option of the employer without any obligation to reduce the working time of an employee requesting so (AT, BG, CH, DK, EE, FI, GR, HR, HU, LU, LV, PL, SK). In some, not so few countries also an enforceable right of the employee exists (BE, ES, NL, NO, PT, RO, SI); in others it is an option for the employer but refusal has to be justified (CZ, FR, IE, IT, MT).

■ An entitlement only for special reasons:
  – childcare or other care obligations (i.e. for the elderly or handicapped): AT, BE, CH, DE, EC, ES, FI, FR, GR, HR, HU, LU, LV, PL, PT, SE, SI
  – health or other personal reasons: ES, GR, LU, NO, RO, SI
  – (pre-)retirement: EC, LU
  In those special cases the entitlement is usually construed as a stronger right of the employee and not only as a mere option for the employer (AT, CH, EC, FI, FR, HR, HU, LU, LV, PL, SE).

■ These two models are also combined in some countries (AT, BE, GR) usually with a stronger right of the employee when the special reasons exist.

Sabbatical

Sabbaticals have been introduced in 22 of the 29 countries included in this survey. However, the concept of a sabbatical differs in the countries surveyed.

■ In most countries it is described as the possibility to be granted unpaid leave (sabbatical in the wider sense). This possibility exists in some form in BE, BG, CY, CZ, DK, EC, FR, HR, HU, LU, PL, SE, SK.
■ In other countries, a sabbatical is construed as paid time off achieved with a reduction of working time, but going on working full time and acquiring time credits that are then used for having a longer period of time off (sabbatical in the narrower sense). This is possible in AT, CH, DE, FI, IE, IT, SE for arbitrary reasons and in LV and MT for educational purposes only.

Job Sharing

Job sharing is an employment arrangement where typically two people are working on a part-time basis to perform a job normally fulfilled by one person working full-time. It is therefore a sub-group of part-time work. This way of organising work is not very frequent though. A legal framework for job sharing exists in seven countries of the 29 surveyed (BG, CH, DE, LU, IE, in SK only applicable for public employees partially regulated also under labour code and in SI if one of the employees is a disabled person), whereas in MT a pilot is considered.

Compressed Working Weeks

Compressed working weeks are alternative work arrangement where a standard workweek is reduced to less than five working days. Employees make up the full number of hours per week by working longer hours on the reduced number of working days. Most common options in a compressed workweek are four ten-hour days or even three 12-hour days; also possible is a week of, for example, five nine-hour days followed by a week of four nine-hour days. Compressed working weeks are possible in 15 of the 29 countries surveyed: AT, CH, CZ, DK, EC, EE, FI, FR, IT, LV, MT, NL, PL, RO, SE.

Example: Ongoing experimentation in France concerning the promotion of "compressed working time"

Organisation of work cycles over four days or 4.5 days instead of five in a week or nine days (instead of 10) in a fortnight. This formula already exists as an experimentation in some ministries (Ministry of the Armed Forces: 38 hours on 4.5 days instead of 5 days with a free Wednesday afternoon or Friday afternoon).

Flexitime

Flexitime is a working time model that allows staff to vary the time at which they start and finish their assigned work (cf. Recital 3 of EC Staff Regulation on Working Time) and sometimes also their amount of daily working time. It is the most common new way of working and practised in all of the countries surveyed. This said, a very wide variety of models exist. Only in three countries (CY, ES, GR) an enforceable right to work this way exists. In SE it is an enforceable right in agencies, where it is agreed in the obligatory working time agreement signed by social partners. In most countries though flexitime is a mere option for the employer without any obligation to introduce this form of working time flexibility (BE, BG, CH, CZ, DK, EE, FR, IE, LV, PL, PT, RO, SK), that may be combined with an obligation for the employer to justify why it is not introduced in certain positions (AT, EC, FI, IE, LU, MT, NL, NO, SI).

The diversity in practices is mirrored by the following elements:

The spread concerning bandwidth and core times is especially evident. In 26 countries and the European Commission core times, i.e. the period during which as a general rule staff must be present, exist. In the NL the default working time model are trust-based working hours without any core time and in IT only functioning times have to be observed, meaning that not all staff must be present at the workplace, but the functioning of the working unit has to be ensured.
The following table gives examples of different timeframes for working flexitime in the different public administrations, where detailed information was provided.

Table 9: Examples of different timeframes for flexitime

BE	07:00 – 19:00
CH	06:00 - 22:00
CY	1 hour per day
EC	07:00 - 20:30
ES	7:30 - 18:00/15:30 (Friday), 1-2 hours per day
FI	6:30 - 09:30, 15:00 - 19:30
FR	7:30 - 18:00
GR	07:00 to 09:00 in 30 minutes steps and then 8 hours have to be worked
HU	1 hour flexibility per day
IE	08:00 - 19:00
LU	06:30 - 19:30
MT	2 hours per day
NO	06:00 - 21:00
PL	07:00 - 09:30 and then 8 hours have to be worked
PT	08:00 - 19:00
SK	07:00 - 18:00
SI	07:30 - 17:30 (16:30 on Fridays only)
SE	06:00 - 19:00

Also the reference period, i.e. the period for the averaging of working time during which the employee may work more or less than the average working time is of very different length in the 29 surveyed countries. It starts out with one month/four weeks (EC, IE, LU, PT, SI), two months/eight weeks/60 days (PL, RO, SK), 13 weeks (IT), four months (BE), six months (GR). The single most common reference period is one year (AT, CH, CY, ES). Sometimes the regulations offer a bandwidth to fix the length of the reference period within: one week to one month (FR), one month to one year (CZ, DK) or six to twelve months (FI).

In the questionnaire the treatment of absence periods (e.g. due to sickness or annual leave) was also surveyed and this question was also discussed in the workshops during the working level meeting. It became evident that no common practice has been established yet in the EUPAN member states. While in some public administrations absence times are always equated with working time (BE, BG, DK, LV, PT, SI), in others only the core time (CZ, EC) or a fixed number of

hours (e.g. one fifth of the weekly working time) is taken into account (AT, FR, GR, IE, MT). In Finland a separate agreement is reached for this issue.

During the workshop a fictitious case of an employee being absent for a fraction of a day either because she/he is ill or because she/he has to appear in court. The discussion showed the complexity of the diverse national regulations on the continuation of pay during justified absences and this complexity was again increased in the case of flexitime.

Example: The fictitious normal work schedule in Austria

The fictitious normal work schedule ("*fiktiver Normaldienstplan*", e.g. Monday to Friday 08:00 to 16:00) serves as a calculation basis to determine the amount of creditable working hours in the case of absence from service. This also applies to absences lasting less than one day. If an employee has to visit a doctor from 15:00 to 17:00, only the one hour within the fictitious normal work schedule is credited to her/his working time account.

Trust-Based Working Hours

The most flexible form of allocating working time is the model of trust-based working hours. This working time arrangement that is based on the shift from a time to a results orientation in which the employees' working time is not controlled by management (Singe & Croucher, 2003). This system has been introduced in nine of the surveyed 29 countries (BE, CH, DE, ES, FR, IE, LV, NL, PT, SE), but is often only available for the management (CH, FR, IT, SE). In the NL the flexibilisation seems to be most developed: trust-based working hours are the general default model combined with spatial flexibility.

Example: Trust-based working hours in the Netherlands

Based on the amount of hours agreed upon in the employment contract, the manager and the employee make agreements about the expectations of the results which should be delivered. The main difference is that in this new way of working, the primary focus of the manager is the results that need to be delivered and not the attendance at the office. Every civil servant may work according to the principles of new ways of working, if working this way is compatible with the work activities that need to be done. There is no right or an obligation for flexible working though and the individual model depends on an agreement between the supervisor and the employee. Another general principle of the new ways of working is that no civil servant has his own workplace. He/she choose a working place that suits the specific task; this can be at home, at the office (including desk-sharing) or at any other place.

Other Flexible Working Time Models

Only a small number of countries reported other working time models: In Finland individual working hours are possible in some, restricted spaces. In Ireland a Shorter Working Year Scheme (Circular 14/2009), which replaced a similar scheme called Term Time (Circular 32/2006), which was first introduced on a pilot basis in the 1990s. The new scheme provides for a period of unpaid leave ranging from two weeks to 13 weeks. In Germany and Spain long-term time credit systems have been introduced. These systems aim to meet work-life balance needs and shall enable the employee to accrue credit hours to use up at a later period in time.

Strategies to Counter Being on Call 24/7 ("Right to Disconnect")

The use of information and communications technology (ICT) enables not only the employee to often work anytime and anywhere, but also the employer to reach the employee 24 hours a day and seven days a week. This concerns not only telephone calls, but especially communication via e-mails and messenger services. It is therefore interesting whether this is seen as a problem and what strategies have been developed to counter the negative effects of these developments. This is considered necessary as employees often not only enjoy flexibility in when and how they work, but may be under constant stress that they may be called to work around the clock and due to this work overlong hours and do not observe the required rest periods.

The questionnaire results showed that the discussion about being potentially on call 24 hours a day is not very developed yet concerning the public services of the participating countries: Some pointed out that there is no such obligation (AT, DK) and that this would be illegal (NO) or only a temporary obligation (BG) or that it concerns only a limited number of employees (EC). In PT this is not an issue while there is a discussion about in the NL.

A right to disconnect similar to the French *El Khomri* Law (see below for details) or to the one in Belgium (in Art. 15-17 *loi belge du 26 mars 2018 relative au renforcement de la croissance économique de la cohesion sociale*) has not been established in any of the surveyed countries. FR pointed out that the general right to disconnect is not applicable in the public sector, in CZ and SE this issue is currently studied and discussed. In SE the central (national) social partners offer seminars to find efficient strategies for both the employer and the employees to handle the issue.

Example: Right to disconnect in the private sector in France

The so called "*El Khomri* Law" added a new paragraph to Article 55 of the French Labour Code (*Code du travail*) introducing a provision concerning the right to disconnect (in force since 1 January, 2017):

"(7) *The procedures for the full exercise by the employee of his right to disconnect and the establishment by the company of mechanisms for regulating the use of digital tools, with a view to ensuring respect for rest periods and leave as well as personal and family life. Failing agreement, the employer shall draw up a charter, after consultation with the works council or, failing that, with the staff delegates. This charter defines these procedures for the exercise of the right to disconnect and furthermore provides for the implementation, for employees and management and management personnel, of training and awareness-raising activities on the reasonable use of digital tools.*"[13]

During the workshops this topic was discussed too and the participants came up with a number of suggestions for possible solutions. It was stressed that in a modern workplace the solution for being on call and working unusual hours should be part of the flexitime model for equalising hours – if you work longer or extra hours you get time off (preferably full days). As not one rule that fits them all negotiations and agreements should also take place at the workplace level. The return of the "old" work mobile was mentioned as well as the use of an email-signature ("If you receive this Mail after 8 pm you're not obliged to answer it right away") to communicate what a superior expects from an employee.

Findings

In all the case studies as well as in the questionnaire survey the two major forms of working time flexibility are prevalent:

1. Employees may influence the amount of weekly working time namely they may demand a reduction of working time. This form of working time flexibility was introduced first starting already in the 1940ies. Two different models can be observed, i.e. either a general entitlement of the employee to a reduction of working hours for arbitrary reasons or as an entitlement only for special reasons like childcare or other care obligations, health or other personal reasons, (pre-)retirement or/and for further training. In those special cases the entitlement is usually construed as a stronger right of the employee and not only as a mere option for the employer. Sometimes these two models are combined usually with a stronger right of the employee when the special reasons exist.

2. Employees may influence the allocation of working time unilaterally usually in the way of flexitime. This working time model is prevalent in all the countries surveyed but a very wide variety concerning the different elements (especially concerning the bandwidth and core times as well as the length of the reference period) exists in practice. The introduction of this working time model started in the 1970ies although most countries only introduced flexitime since 2000. The case studies demonstrate that a rather detailed agreement is usually needed that addresses a number of issues connected with flexitime like limitations to employee working time

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[13] Inofficial translation as provided for at https://en.wikipedia.org/wiki/Right_to_disconnect (30.11.2018).

autonomy in the form of core and functioning times. Also regulated are reference periods and limitations to the accumulation of time credits and debits as well as to how many hours can be taken on into the next reference period.

The most flexible form of allocating working hours are trust-based working hours that have been introduced in in nine of the surveyed 29 countries sometimes only available for the management.

Other forms of working time flexibility that have been detected are sabbaticals, job sharing, compressed working weeks and long term working time accounts.

Flexible Work Arrangements – Location of Work

The General Issue

The place of work is an important determinant of a person's work experience. Developments in information and Communication Technology (ICT) have facilitated working from places other than the employer's premises. Working outside the employer's premises – either working from home or from other places of work – is a feature of working life for a number of occupations. The diffusion of mobile ICT, combined with incentives to limit travel time due to traffic and CO_2 emissions, and an awareness of the benefits of work–life balance, have all triggered an increase in working away from the company's premises (Eurofound 2017b: 62).

Thus the use and spread of ICT made it possible to work from remote locations – that is, separate from the premises of their employer – through the use of computer networks and telecommunications devices. Employees who work this way are referred to as 'teleworkers' and usually work from home (so called 'telecommuting'). Although this form of work has been discussed rather extensively in the 1990ies it seems that only lately it is becoming more prevalent due to technological developments. It has been stated that computing and telecommunications technologies have delocalized work for many professionals, so that it can be done at all hours from almost everywhere (Demmke & Moilanen 2012: 45). The rather recent Commission Decision of 17.12.2015 on the implementation of telework in Commission Departments (C(2015) 9151: 2) states the following:

"*Teleworking is part of a modernising trend in organisations which focuses on result-based management and objective-driven performance to increase efficiency of operations. It allows greater flexibility for work organisation and a better work-life balance of staff by increasing autonomy and making better use of new information technology.*" (Commission Decision of 17.12.2015 on the implementation of telework)

A right to flexibility as regards place of work is seen as a new opportunity to promote work–life balance (Eurofound 2017: 5). Research by Eurofound (jointly undertaken with the ILO) examined the impact of telework/ICT-mobile work

(T/ICTM) at various locations (home, office or another location) on work–life balance (Eurofound/ILO 2017) and identified the following groups: regular home-based teleworkers; occasional T/ICTM workers, with mid-to-low mobility and frequency of work outside the employer's premises; and high mobile T/ICTM, with high frequency of working in various places, including working from home. Although the results reported may indicate that T/ICTM can help facilitate a better work–life balance for workers, it seems that a significant part of this work arrangement also results in an undesirable side effect – that is, it leads to working beyond normal/contractual working hours, often unpaid. Thus the positive results of autonomy need to be tempered by the tendency to work longer when outside the employer's premises. The impact on work–life balance, while positive, is perhaps less so than might initially have been expected (Eurofound 2017: 7).

From a legal point of view telework involves a number of challenging issues as in the standard setup of the employment relationship the employee works on the premises of the employer. This results in making the latter responsible for the facilities at the workplace as well as the cost of it. Employees working at home, work in contrast in an environment they are usually responsible for themselves. Telework therefore has consequences for the responsibility for health and safety in the workplace and for who is in charge of the means necessary to deliver the work as well as the cost accrued during working. Another important issue is the loosening of control when the public employee works in his/her home environment usually resulting in limiting the possibilities to work extra hours when teleworking (e.g. with the European Commission) as the employer cannot really control the beginning and the end of the working day as well as the timing and the length of in-work breaks.

Legislation on EU-Level

The phenomenon of telework rather early resulted in the European social partners negotiating a Framework Agreement on Telework, which was signed in July 2002. In the general considerations of the agreement they see telework both as a way for companies and public service organisations to modernize work organisation and as a way for workers to reconcile work and social life, giving them greater autonomy in the accomplishment of their tasks. Telework is defined as follows in the agreement:

> *"Telework is a form of organizing and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employers' premises, is carried out away from those premises on a regular basis."* (Framework Agreement on Telework)

As far as the content is concerned telework is voluntary for both sides, the employee as well as the employer and therefore needs an individual agreement.[14] The decision to switch to telework is reversible by individual and/or collective

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[14] If the worker refuses to change to telework this cannot be a reason for termination of the employment relationship or for changing terms and conditions.

agreements, if telework is not part of the initial job description. Teleworkers benefit from the same rights as comparable workers at the employer's premises, but it may be necessary to take the particularities of telework into consideration.

As a general rule the employer is responsible for the following in case of telework:

- relevant written information needs to be provided to the teleworker when engaged in telework;
- data protection;
- providing, installing and maintaining equipment;
- costs directly caused by telework;
- providing appropriate technical support facilities;
- health and safety;
- providing the same access to training as to comparable workers at the employer's premises.

As far as the work organisation is concerned working time is managed by the teleworker (within the framework of applicable legislation, collective agreements and company rules) and the workload and performance standards are equivalent to comparable workers at the employer's premises. The employer ensures that measures are taken preventing the teleworker from being isolated from the rest of the working community in the company, such as giving him/her the opportunity to meet with colleagues on a regular basis and access to company information.

The issues addressed in the framework agreement mirror well the different effects telework may have on the organisation of work and the employees. The framework agreement is not binding though for the member states but the member organisations of the signatory partners are invited to implement it.[15] It therefore has been implemented primarily by collective agreement but also by statutory legislation in some member states. A number of comparative reports have examined the prevalence of telework in Europe and the implementation of the framework agreement showing the heterogeneity as concerns the way of implementation as well as its contents (cf. Eurofound 2010, European Social partners 2006, European Commission 2008).

The Framework Agreement on Telework also applies to public employers. It is to be expected that transposing measures (legislation and/or collective agreements) cover the topics treated in the framework agreement. Therefore a rather elaborated agreement on the general terms and conditions will have to be drawn up to provide both parties of the employment relationship with clear and transparent working conditions in case telework is agreed on.

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[15] For the first time actually, ETUC, UNICE/UEAPME and CEEP aimed at concluding an EU framework agreement to be implemented directly by their members.

Case Studies

European Commission

The European Commission has passed a Commission Decision on 18 December 2009 concerning the implementation of teleworking in Commission departments from 2010 to 2015 (C(2009)10224)[16] that expired on 31 December 2015. It has been replaced by the Commission Decision of 17.12.2015 on the implementation of telework in Commission Departments (C(2015)9151 final). Interestingly the Commission Decision refers to Article 1e para. 1 of the Staff Regulations that provides that officials in active employment shall have access to measures of a social nature, including specific measures to reconcile working life with family life, adopted by the institutions.

On a voluntary basis, every staff member has the right to request to telework. In assessing the request, the Appointing Authority shall take into account the interest of the service in the specific circumstances. This includes the benefits that teleworking can bring to the service by increasing performance, of the organisation as a whole and to the staff member concerned (Article 1 para. 4 Commission Decision on the implementation of telework). The Commission Decision stresses that, as knowledge-based activities, tasks carried out by Commission staff are as a rule suitable for teleworking. Tasks which require physical presence at the workplace are, however, unsuitable for teleworking, in particular shift work, receiving the public, working as a driver, catering, mail distribution, interpretation, technical and logistical support to conferences and meetings, crisis management and response operations, security work, child care and medical services (Article 1 para. 5 Commission Decision on the implementation of telework).

Two types of telework are offered: structural and occasional teleworking.

- The first (structural teleworking) alternates regular periods of telework (with a minimum of teleworking time of half a day per working week and a maximum of 20 hours per week) with periods of work at the workplace (cf. Article 3 Commission Decision on the implementation of telework).
- The latter (occasional teleworking) allows staff to telework, on a temporary basis, for a maximum of 60 working days per calendar year. It may be used to accommodate work circumstances involving one-off tasks that can be better carried out outside the office, such as focussing on projects that demand specific concentration. Occasional telework may also be used in case of specific personal or family problems, transportation and mobility issues (e.g. strikes), or cases of "force majeur" when staff safety/security is in jeopardy (cf. Article 4 Commission Decision on the implementation of telework).

Both types of telework have to be requested for by the employee and have to be approved by the line manager. In the case of structural telework an online

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[16] Amended by Commission Decision C(2013)9045 of 16.12.2013.

"teleworking agreement" has to be concluded that has to include a trial period and a (renewable) maximum running time of one year (Article 3 para. 1 Commission Decision on the implementation of telework). Interestingly occasional telework shall, in principle be approved, unless the teleworking adversely affects the interests of the service (Article 4 para. 4 Commission Decision on the implementation of telework). Exceptions from the 60-day limit per calendar may be granted in cases of reasonable accommodation, for example when a staff member has temporarily lost his mobility but is still able to work outside the work place (Article 4 para. 6 Commission Decision on the implementation of telework).

Another aspect worth mentioning are the provisions on working time in the context of telework that mirror the decrease in control and the increased employee autonomy: a teleworking day will count as a standard 8 hour day, and half a day as 4 hours. No hours worked in excess of 4 respectively 8 hours shall be recorded during telework (Article 2 para. 3 Commission Decision on the implementation of telework; Article 6 para. 4 Commission Decision on Working Time).

Austria

The Act on Civil Servants (§ 36a BDG 1979) as well as the Act on Contractual Public employees (§ 5c VBG) include provisions on telework since 2004. They are similar aside from the form of the arrangement due to the different character of the employment relationship (contractual or subject to public law). If the public employee agrees so telework may be implemented in the home of the employee as well as in another location if the employee has proved to be him/herself, the fulfilment of the his/her tasks is assured by result-oriented monitoring and if the public employee arranges for measures necessary to assure data protection and confidentiality. The arrangement on telework has to include certain points like the type of work, the amount and the quality of the tasks to be performed in the way of telework, the official procedures as well as the communication between the public employee and the supervisors, the times he/she has to be reachable and the circumstances und which the employee performing telework has to be present at the office. Telework may be agreed only for a year and may be prolonged for a maximum of another year (and then be prolonged again). However, there are considerations for an amendment of the provisions on telework in order to make them more flexible so that telework can also be granted for an irregular period on a case-by-case or a project-related basis. The employer has to provide the public employee with the necessary technical equipment and all other necessary means. The Administrative Court[17] has pointed out that there is no individual right to telework but that this lies within the discretion of the relevant administrative authority.

As far as co-determination rights of the staff representatives are concerned § 9 of the Federal Act on Staff Representation provides for information and consultation.

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[17] Decision of 27.9.2011, 2010/12/0184.

For the introduction of "new working methods" an agreement with the staff representatives as defined in § 10 of the Act has to be reached.

The explanatory notes to the governmental bill (685 BlgNR 22. GP) see this provision as enabling the "spatial flexibility" to fulfil ones duties and refer to positive experiences in pilot-projects resulting in higher motivation of the public employees due to increased individual responsibility, better reconciliation of work and family life and less employee fluctuation. The introduction of telework is therefore seen as a win-win-situation if the prerequisites are observed (cf. Ziehensack 2005: § 5c VBG note 1).

Germany

In Germany telework has not be regulated on the statutory level (Deutscher Bundestag/Wissenschaftlicher Dienst 2016: 4). There exists neither an entitlement or an obligation of the employee to work this way, telework therefore needs the agreement of both parties (Deutscher Bundestag/Wissenschaftlicher Dienst 2016: 4). If the employer grants telework, it has to be done in a non-discriminating way as deducted by the Federal Administrative Court[18] from the Federal Act on Equal Treatment (*Bundesgleichstellungsgesetz*) applicable to the Federal Administration. In practice, there exist agreements with the employee representatives on telework that provide for a general framework if telework is agreed upon (e.g. the Agreement on alternating telework at the Federal Customs Administration). Tele-working agreements usually involve alternating between working at the office and at home (Ministry of the Presidency 2010: 86).

Finland

In Finland the application of the European Framework Agreement was realised through 'soft law' mechanisms. The aim of these instruments – which are non-binding and voluntary in character – was to provide information about telework in light of the specific national work regulations in order to facilitate the application of the European Framework Agreement's stipulations (Eurofound 2010: 12). Finland has opted for a national-level voluntary agreement on telework (Confederation of Finnish Industries EK et al. 2006). While this national voluntary agreement is non-binding in legal terms, an effective application of the main principles of the agreement can be expected, given the strong structure of industrial relations in Finland. It was even argued that the national-level voluntary agreement in Finland has a strong 'moral' binding force on subsequent collective bargaining processes, since it was signed by the two sides of industry (Eurofound 2010: 13). On the other hand, it has been reported that this agreement remained quite unknown (Suomi 2012: 46).

It has been reported that flexible work arrangements are common and are becoming even more common. Level of regulation is low though. For telework, only

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[18] Decision of 31.1.2008, 2 C 31/06, BVerwGE 130, 201.

guidelines for the whole government are given by the Ministry of Finance. In addition, agencies give their own guidelines if needed (run through employee involvement); agencies may also have individual agreements. In practice the telework day is always calculated as 7 hours and 21 minutes, therefore temporal and spatial flexibility are not combined.

Results of the Questionnaire Study

As already pointed out above, spatial flexibility usually in the form of telework and home office, may be considered the third wave of flexibilisation mostly triggered by the European Framework Agreement on Telework concluded in 2002. According regulations were introduced in 2000 (IT), 2001 (SK), 2002 (SI), 2003 (LU and discontinued pilot in IE), 2004 (AT, NO), 2005 (SE), 2006 (HR), 2007 (PL), 2008 (MT, PT), 2011 (BG), 2012 (HU), 2014 (NL), 2015 (CZ, EC) and 2016 (CH, FR). Only CY, EE, GR and RO did not report that provisions on telework exist. In IE a pilot scheme was introduced in 2003 but not taken up; in ES telework was not implemented on a general basis but just in specific bodies as a pilot project.

The legal basis for spatial flexibility is diverse throughout Europe: In most countries there is a legal basis in form of a law (AT, BE, BG, CZ, FR, HR, LU, PL, PT, SI, SK) or a government regulation or another form of guideline (CH, EC, FI, HU, IT, MT, NL). Only in few countries, telework is based on a collective agreement (FI, SE) or on an individual agreement (LV) only.

It might be expected that one of the most controversial topics would be working time as it is not easy to monitor when working remotely. Interestingly 12 countries (i.e. more than half that practice this form of flexibilisation: BG, CH, DK, EE, FR, HU, LU, LV, MT, PL, PT, RO, SE) do not have any special provision concerning working time in this context. In the others there is a tendency to restrict temporal flexibility (CZ, FI, SI) and often the monitoring and record keeping element is stressed (BE, EC, HR, NO, SI). In the NL the combination of trust-based working hours and spatial flexibility seems to offer the maximum amount of leeway to public employees.

Another issue is the provision of the necessary equipment to enable the employee to work remotely. In most countries this is an employer obligation (AT, BE, BG, CZ, DK, EE, FI, FR, IT, LU, NL, NO, PL, SI). Only in HR and HU this is not an obligation of the employer. In others the provision of necessary equipment is to be regulated in the individual agreement necessary to work remotely (PT) or in the internal act (SK). If the employee provides her/his own equipment or at least uses his/her home by way of a home office the question of the refund of costs is raised. In this context a wide diversity throughout the different countries surveyed could be detected: It often depends on the underlying agreement or internal act (AT, BG, EE, FR, HU, PL, PT, SE), sometimes some costs are not to be refunded (AT: rent/electricity). On the other hand the applicable regulation provides that there will be either no refund (CH, EC, FI, HR, LV, NL: except when necessary to work from home), or a

refund sometimes up to a certain extent (BE: 20 €, DK, FR, IT: lump sum payments, LU, MT, NO, SI).

During the workshops all participating representatives from the different countries agreed to similar solutions and they discussed temporal and spatial flexibility not as two separate phenomena but as two sides of the same coin. The promotion of individual agreements and smart working was considered very important stressing the proportional distribution of risks. On the one hand employers should trust in the sense of responsibility of their employees but on the other it is also clear that there have to be exact rules. Concerning home office agreements it should also be taken into account if the employee wants to work at home or if it is the other way around. Home offices and special compensations can be an opportunity to raise the salary of the employee and to reduce the tax rate at the same time.

Findings

The prevalence of telework could be detected in most countries surveyed. This is not surprising as the EU Framework Agreement on Telework 2002 obliges the national social partners to introduce this way of working. In six countries though, this form of flexibility was not implemented or only in the form of a pilot. The legal basis is diverse (statute, government regulation, collective or individual agreements). The same applies to the issue of working time, the provision of the necessary equipment or the refund of costs associated with telework. It is left to the discretion of the public employer where and under what circumstances telework can be introduced, only in two of the countries surveyed an enforceable individual right to telework exists. The case studies showed that in case of the introduction of telework usually a detailed agreement has to be drawn up dealing with the issues mentioned in the European Framework Agreement on Telework.

Conclusion & Outlook

The "new way of working in public administration" especially refers to different forms of temporal and spatial flexibility that enable a deviation from strict working time schedules and fixed locations towards a way of working that is adapted increasingly also to the needs of the employee by granting him/her some extent of autonomy in this regard. While temporal flexibility is the older phenomenon that is now well ingrained in the statutory framework as well as in collective bargaining agreements spatial flexibility has been introduced more recently as advances in digital technology have led to an expansion in the use of ICT to enable working anytime and anywhere (Eurofound/ILO 2017: 57). Another more recent driver was the activity of the social partners on the EU-level concluding the Framework Agreement on Telework to be implemented in the member states. These findings demonstrate that the flexibilisation of working conditions is not such a new phenomenon but a trend over the last decades and that it has been accelerated lately due to a number of factors. Working anytime anywhere is especially

becoming more prevalent because it is simply more practicable than in the past due to advances in ICT.

The increased facilitation of temporal and spatial flexibility in public administration seems to be caused partially by the need of public employers for higher productivity and improved performance, as well as by public employees' needs for spatial and temporal flexibility, in order to help them to balance work demands with their family and other personal responsibilities and interests. It seems that the phenomenon is also being driven by societal issues, such as pollution in major cities being addressed by attempts to reduce commuting traffic, and by the need to increase the participation and inclusion of some groups in the labour market (Eurofound/ILO 2017: 57). It is to be expected that the number of employees working flexibly in relation to space and time also in central public administration is growing – and will likely continue to grow. As it is more likely to become an established work arrangement for those whose tasks are already ICT-enabled (and this is the case with most jobs in central public administration) chances are high that the new way of working will become more prevalent in the future across Europe (cf. EWCS 2017b). In any case a reasonable balance between the interests of the employee as well as of the employer has to be achieved. The comparative study exploring the legal aspects of new ways of working in public administration was able to draw out common trends and practices but also showed the diversity in practices when it comes to details.

The questionnaire study also asked if there have been any discussions on the new way of working in public administration recently in the respective countries and if there are any ongoing or planned (pilot) projects in this context. Not surprisingly in a vast majority of the countries surveyed there are ongoing discussion on flexible and new ways of working (AT, BE, BG, CH, EC, EE, ES, FI, FR, IE, IT, LU, LV, MT, NO, PL, SE). Also reported were projects on gender equality and flexibilisation (FR, IE). This shows that the topic is on the political agenda and that the potential as well as the downsides of the new ways of working also in public administration are very much part of the public debate.

Example: The French civil service encourages new forms of work organisation

In order to promote professional equality and quality of work life, the agreement on professional equality between women and men in the civil service, signed by social partners in 2018, promotes the use of new ways of working, including teleworking and remote site work. These devices are considered to be particularly adapted to facilitate work-life balance of pregnant women, parents of young children and caregivers.

The comparative analysis of the legal aspects of the new way of working in public administration also explored the following general aspects: the scope of application, the level at which the decision to introduce one or the other form of the new way of working in introduced is taken, the quality of the entitlement to the

different new ways of working from the point of view of the employee and the involvement of unions and other forms of employee representation concerning the introduction and the determination of the details. Again the study demonstrates that all these general aspects show wide variety within Europe. Although there is a tendency to introduce the same forms of new way of working, their details tend to differ widely. It would be therefore very worthwhile to explore the reasons for this diversity in further research.

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European Union

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Germany

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Federal Act on Civil Servants (Bundesbeamtengesetz – BBG)

Federal Act on Equal Treatment (Bundesgleichstellungsgesetz)

Working Time Act (Arbeitszeitgesetz – ArbZG)

Working Time Regulation for Civil Servants (Arbeitszeitverordnung – AZV)

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