

Submission to the Workplace Relations Commission Review of the Code of Practice on access to Part-Time Working (S.I. No. 8 of 2006)

Background: -

This submission, prepared by the Irish Federation of University Teachers (IFUT), is a response to the commission's request to review the Code of Practice on Access to Part-Time Working (S.I. No. 8 of 2006)¹. While we recognise the importance of expanding access to part-time work, our primary focus is on the issue of involuntary part-time work, which is prevalent in the higher education sector and certain other areas of the broader economy. The precarious employment situation of many academic staff demands urgent attention and substantial reform to ensure fair and equitable working conditions.

Involuntary Part-Time Work: -

In Q2 2023, part-time employment in Ireland accounted for 21.2% of total employment. Out of the part-time workers, 69.9% were women. This contrasts with women making up 47.5% of the total workforce for the same period.²

In Ireland, the average percentage of involuntary part-time employment in the economy as a whole over the last five years stands at 12.4%³, highlighting a significant segment of the workforce engaged in part-time work due to the lack of full-time job opportunities. This figure underscores the challenges faced by many workers who prefer full-time positions but must settle for part-time roles, impacting their income stability and career growth prospects. The data, sourced from the European Union's statistical office, Eurostat, provides a clear picture of the employment landscape and the prevalence of underemployment in Ireland over the recent years in an era of so-called full employment.

Complementing the forgoing data from the OECD reveals a similar trend, with an average of 11.82% of the part-time workforce in Ireland being involuntarily employed in such positions over the past five years. This consistency between Eurostat and OECD figures highlights the persistent nature of underemployment in the country, reinforcing the need for legislative change to address the underlying issues in the labour market.

¹ [S.I. No. 8 of 2006](#)

² [Labour Force Survey Quarter 2 2023 from the CSO](#)

³ <https://doi.org/10.1787/45733c32-en>

The problem is even more acute in higher education, as highlighted in the IFUT Report on Precarious Employment in Higher Education 2023. According to this report, 75% of the respondent part-time workers in higher education are female. Moreover, 42% of these part-time workers have another job in a different sector or institution to supplement their salary, and 50% of the same cohort consider themselves precariously employed.⁴

Further illustrating the precarious nature of involuntary part-time work, research published in February 2023 by the Mandate Trade Union, 'Smoke and Mirrors', shows that 75% of respondents were on a banded-hours contract (Part-Time). Of this cohort, over 50% were on a contract of 31 hours or more a week, yet a significant number of these workers, 40%, would like to work more than their banded hours. This desire for additional hours indicates a gap between the current employment conditions and the workers' needs for greater financial security and stability.⁵

In conclusion, the data from various sources consistently indicate that involuntary part-time employment remains a significant issue in Ireland, particularly within the higher education sector. This persistent trend of underemployment calls for targeted interventions to enhance job security and provide a more stable transition from part-time to full-time employment opportunities, thereby improving the overall employment quality of the workforce.

Transposition of the EU Directive on Part-Time Work: -

The EU directive on Part-Time work 97/81/EC⁶ at clause 5(3) of the framework agreement provides that:-

"3. As far as possible, employers should give consideration to:

.....(b) requests by workers to transfer from part-time to full-time work or to increase their working time should the opportunity arise;

(c) the provision of timely information on the availability of part-time and full-time positions in the establishment in order to facilitate transfers from full-time to part-time or vice versa;"

Since casting the directive in 1997, the Irish government has failed to transpose the forgoing passage into primary legislation. The Protection of Employees (Part-Time Work) Act 2001⁷ was enacted to provide for the implementation of Directive 97/81/EC 1997 of the Council of the European Communities concerning the framework agreement on part-time work. However, the legislation does not at any point provide for the transition from part-time to full-time work. Subsequent to the passing of the aforementioned enactment, the Code of Practice on Access to Part-Time

⁴ [IFUT Report on Precarious Employment in Higher Education 2023](#)

⁵ [Mandate Trade Union report, 'Smoke and Mirrors' Report](#)

⁶ [Council Directive 97/81/EC](#)

⁷ [Protection of Employees \(Part-Time Work\) Act, 2001](#)

Working (S.I. No. 8 of 2006), which is the subject of the within review, was published in 2006. However, this also failed to address the issue of creating pathways from part-time to full-time work.

Another opportunity to provide for the matters raised within this submission was missed with the enactment of the Employment (Miscellaneous Provisions) Act 2018⁸, which inserted a new section 18A into the Organisation of Working Time Act, 1997⁹. This was introduced to provide stability and fairness to employees who wanted a guarantee of weekly hours. Still, crucially, it failed to regulate the allocation of additional working hours/recruitment or provide a pathway to full-time employment. Thus, it has enabled employers to effectively suppress the working hours of the employees to limit their exposure to the legislation.

Collectively Bargained Arrangements: -

Trade Unions have always been leading the way in representing workers' rights, and there are some very good examples of provisions in agreements for additional working hours and pathways from part-time to full-time employment, such as the examples of agreements below in higher education and retail sectors:

Higher Education Cush Agreement:

"I recommend that in advance of advertising available hours in a particular course, the relevant University or Institute of Technology should carry out a review to ascertain whether there are existing qualified lecturers on CIDs or pro rata fixed-term contracts for less than full hours who have the necessary qualifications to teach the course and who could benefit by the augmentation of their existing contract. If so, the extra available hours ought to be offered first to such lecturers before being advertised generally."¹⁰

Retail Employer and Retail Trade Union:

"6 Allocation of additional working hours/Vacancies

6.1 Where additional working hours, over and above the base staffing requirement for each store, become available, these will in the first instance be offered to existing staff on a fair and equitable basis. It is recognised that on occasions (e.g., peak trading) there will be a requirement to recruit additional employees to meet the needs of the business.

6.2 As vacancies arise, the standard company recruitment process will apply whereby positions will in the first instance be advertised internally, followed by the normal selection process..."

⁸ [Employment \(Miscellaneous Provisions\) Act 2018](#)

⁹ [Organisation of Working Time Act, 1997](#)

¹⁰ [Cush Agreement](#)

Whilst the above agreements are very effective, their application is limited in scope and enforceability. However, they demonstrate very well how the directive could be fully implemented in diverse sectors. These examples highlight the potential for collective bargaining agreements to provide practical solutions and set precedents for broader legislative reform to ensure fair and equitable pathways from part-time to full-time employment.

Recommendations: -

It is abundantly clear that primary legislation is required to address the issues identified in this submission. Specifically, an amendment to both the Protection of Employees (Part-Time Work) Act 2001 and Section 18A of the Organisation of Working Time Act 1997 is necessary to give effect to Clause 5(3) of the EU Directive 97/81/EC framework agreement on part-time work. This amendment should provide a clear pathway from part-time to full-time work for those who desire it, thereby ensuring fair and equitable working conditions.

However, given that we are in the final stages of the current government, the process of incorporating these changes into the legislative programme would take some time. In the interim, this Code of Practice can be revised to provide some effect, albeit not as strong as primary legislation. Updating the Code of Practice on Access to Part-Time Working to include provisions for transitioning from part-time to full-time employment would be a significant step forward in addressing the precarious nature of involuntary part-time work.