ORIGINAL RESEARCH

Managing Sick Leave in the University: Bureaucracy and Discretion

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Abstract

This study examined the challenges for supervisors and managers of managing sick leave within a New Zealand university. We used a qualitative research design, interviewing 20 university staff across the academic and service divisions who had managerial roles. We applied Habermas' distinctions of technical instrumental, practical relational, and emancipatory critical transformative interests, and his twofold distinction of system and lifeworld to our analysis. The primary findings suggest that while the technical instrumental discourses were dominant within the university bureaucracy, managers (particularly front line managers) drew upon practical relational and emancipatory critical transformative discourses to justify the considerable discretion they exercised in managing sick leave. Far from being incidental, these humanistic elements are as much a part of the bureaucracy as the rational elements and are fundamental to the system's equilibrium.

Keywords New Zealand · Habermas · Sick leave · Managers · University · Bureaucracy

Introduction

"I ended up thinking that sometimes it was better not to ask [HR], because then you didn't receive an answer you didn't want to hear […]" (University manager)

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The research project underpinning this article investigated the experiences and challenges of staff within a New Zealand (NZ) university in: (1) claiming sick leave, and (2) managing sick leave for those in supervisory and management roles. This article speaks specifically to the tensions that managers (particularly front line managers) faced in managing sick leave to the satisfaction of Human Resources (HR), but also managing sick leave to the satisfaction of their own staff. The application of Habermas' distinctions of technical instrumental, practical relational, and emancipatory critical transformative interests (Habermas 1971), and his twofold distinction of system and lifeworld (Habermas 1987a, 1987b) furthered insights into the tensions between adherence to regulations and policy on the one hand, and compassion on the other hand as the above excerpt illustrates. The primary findings suggest that while the technical instrumental discourses were dominant within the university bureaucracy, managers (particularly front line managers) drew upon practical relational and emancipatory critical transformative discourses to justify the considerable discretion they exercised in managing sick leave. Far from being incidental, these humanistic elements are as much a part of the bureaucracy as the rational elements and are fundamental to the system's equilibrium.

The New Zealand Context

NZ has a social democratic history evidenced by universal education, health, accidental injury, and welfare systems that are funded by income tax revenue. Since the late 1980s, NZ has pursued a neoliberal agenda (Kelsey 1995, 2015). The Employment Contract Act 1991 and the dismantling of compulsory unionism strengthened employers' position within the labour marketplace and decreased the cost of labour (Geare and Edgar 2007: 313–356). The corporate management techniques and practices of the business sector were adopted throughout government and civil organisations. This is a form of managerialism commonly referred to as New Public Management (Pallot 1998). NZ universities have pursued a corporate structure, at the same time reflecting the neoliberalisation of the State sector. This is evident in increasing emphasis within the university on entrepreneurship, marketisation, accountability and audit, commercialisation, efficiency, and performance management (Graeber 2015; Winter 2009; Winter and O'Donohue 2012). It is also evident in the restructuring of university governance in accordance with business management models and "calculative disciplinary practices" (Shore 2010a, 2010b). Alongside increasing managerialism, academics have experienced a reduction in autonomy, influence and status (Collini 2017:46). NZ universities are now required to meet neoliberal economic objectives (such as accounting for their activities, and securing external research funding) while continuing their traditional roles in research, teaching and scholarship (Shore 2010a, b). However, like overseas universities (Collini 2017:47; Connell 2019:4), conditions of employment in NZ universities have become precarious; increasingly part time, fixed term, and casual. Similarly, the NZ academic workforce is described as increasingly anxious, unhappy and overworked (Bentley et al. 2014; Connell 2019:69).

Bureaucracy and the Corporate University

Following Weber, bureaucracy is defined as an organizational structure that is hierarchical, and inhabited by appointed occupants with firmly delineated and specialised jurisdictions whose activities are constrained by comprehensive systems of written regulations and rules. Decisions require justification according to policy and precedent (Garston 2012:5; Hodson et al. 2012:258; Olsen 2008).

Graeber (2015:21) argues that corporate bureaucratisation represents a cultural transformation that ultimately invaded everyday life at all levels of society. The bureaucratic transformation occurring in western universities (Collini 2017; Connell 2019; Giroux 2002; Nash 2019; Shore 2008, 2010b), underpins processes of corporatisation as described by Barnett (2010). Bureaucratic rationalisation prioritises systems and processes over the people within organisations (Graeber 2015). While bureaucracy is concerned with procedures and systems, efficiencies and regulations, the corporate university concerns branding and identity (Barnett 2010; Giroux 2002). Neoliberalism, as a form of economic rationalism (Gray et al. 2015), is supported by, at the same time that it shapes, organisational bureaucracy. One consequence of this in the university is the emergence of a new managerial class who are not academics (Connell 2019).

These changes in university direction are reflected in emergent novel academic identities (Shore 2008; Winter 2009; Winter and O'Donohue 2012; Ylijoki 2005), illustrating Foucault's (1988) governmentality and the mechanisms of technologies of power and self. The term "biopolitical population" aptly describes the academic community of the university in the sense that it comprises an assemblage of subjects "whose conduct 'is regulated within a multivalent and transformable framework'" (Foucault cited in Morrissey 2015:615). Winter (2009) suggests that the collision between professional and discipline based identities, and new forms of corporate or administrative identity highlights the different values of the corporate and academic sectors (evident in our own university as a tension between the economic viability of professional postgraduate programmes (specifically the imperative to return a profit), vs the service provided to professional sectors (and thus to the public) of such programmes as public good) (Giroux 2002). Within contemporary managerialism, leadership ethics is inherently dilemma ridden because of these tensions between values underpinning competing bureaucratic ideologies and the individuals within organisations (Samier 2002; Shore 2010a). The commodification of university education described by Giroux (2002:427) is reflected in the ways in which student subjectivities have been tinkered with so that tertiary education is no longer a public good and therefore a citizen's right, but represents a private investment in one's future (Shore 2010b). University qualifications no longer reflect education in the broader sense of the word, but rather represent the more narrow focus of vocational training (Giroux 2002:431), while customer satisfaction has become a proxy for learning (Giroux 2002:446).

As the "hegemonic organizational form" of the twenty-first century according to Hodson et al. (2012), the primary Weberian casualty of bureaucratisation is the human element, particularly relational values such as dignity and compassion (Samier 2002:591), the loss of meaning and freedom (Murphy 2009), and the stifling of creativity (Graeber 2015:134; Hodson et al. 2012:260). Graeber (2015:59) suggests that the pervasiveness of bureaucracy (rules and processes) and the meritocratic principles associated with it constitute a form of uninspected structural violence. This is the "iron cage" that Weber described as dramatically curtailing the autonomy and freedom of individuals (Kim 2019). Other key bureaucratic dysfunctions include rigidity, and inflexibility (Graeber 2015; Murphy 2009). University managers are concerned with benchmarking, standardisation, quality control, audit, and profit, and there has been a corresponding proliferation of performance management techniques (Connell 2019:122–129). However, several commentators have identified the co-existence of several varieties of bureaucracy evident within the university (Barnett

2010; Nash 2019:170; Shore 2008, 2010a). While acknowledging the incipient potential (some might argue this is inevitable) for bureaucracy to become decoupled from organisation visions and aims (Murphy 2009; Nash 2019; Shore 2008), Nash argues that much university bureaucratisation supports education and the work of academics (specifically referencing equity policies and contractual bureaucratisation seen in student/supervisor agreements that clarify expectations of teaching and learning). She observes that traditional forms of hierarchical bureaucracy are entwined with egalitarian norm-governed collegiality within the university (Nash 2019:184). Similarly Hodson et al. (2012) identify divergent goals, patrimonialism, unwritten rules and chaos as typical of bureaucratic functioning in the same way as Weber's typology (Murphy 2009; Nash 2019). Olsen (2008:23) identified trends of de-bureaucratisation in public administration in OECD countries, whereby bureaucracy can be rendered more flexible, adaptable and responsive.

System and Lifeworld

Our data indicated an intriguing juxtaposition of instrumental and humanist elements in participants' accounts of managing sick leave entitlements. This involved ensuring compliance with University policies while exercising considerable discretion in their enforcement. For this reason, we were drawn to Habermas' critical theory as an interpretive framework that could build upon our primary analysis and allow a deeper and more nuanced secondary level of analysis. This encompassed Habermas' early work on the three domains of scientific interest (1971), and his later work on the two domains of human activity; system and lifeworld (1987a, b); two inter-woven components of the social world, comprising an orientation towards instrumental action in the case of the former, and communicative action in the case of the latter (Murphy 2009; Outhwaite 2009). Habermas defined lifeworld in terms of culturally transmitted interpretive patterns (1987a:124), and system as the methodological objectification of lifeworld (1987a:375). There are two elements to this that are relevant to the analysis we present here: the first is the function that bureaucracy performs in the modern world; the second is its diffusion into the lifeworld, described as "pathological colonisation" by Habermas (Murphy 2009:689). Habermas (1987a, b) considered that the system and the lifeworld had become decoupled in the tendency towards economic rationalisation in all aspects of modern life and the reification of a technical instrumental orientation (Outhwaite 2009:84–85). This is consistent with Connell's (2019:135) observation of internal incoherence within the corporate university as management attempts to impose bureaucratic order on a "messy and resistant reality". Murphy (2009:691) argued that the university straddles both lifeworld and system and it is in this space that the ethics of care and ethics of accountability are most likely to come into contact and, therefore, conflict. Situations where the system imperatives overstep their boundaries represent "fault lines" of accountability (Murphy 2009).

   Habermas distinguished three orientations to human systems of knowledge that correspond to a technical interest, a practical interest, and an emancipatory interest (Bohman and Rehg 2014; Habermas 1971). These interests reflect teleological goals and also establish epistemological, and methodological orientations (Habermas 1971:308–311, 1987a). Table 1 summarises these three domains of interest and its application to the management of sick leave.

Table 1 Habermas' domains of interest and its application to the management of sick leave

Human interest		
Cognitive areas in which human interest generates knowledge, reflecting different aspects of social existence		
Technical knowledge (instrumental)	Practical knowledge (relational)	Emancipatory knowledge (critical, transformative)
Formal management approach based on aseptic application of rules and regulations	Management is flexible	Management relies on critical self-awareness/requires critical reflection leading to a transformed consciousness
Use of structured tools and standardised criteria for effective management	Takes into account individuals and contexts	Processes consider individual trajectories as structured by influential social norms and expectations
Strict and uniformised application of sick leave policies and institutional processes	Processes are relational (humanistic approach), collaborative intersubjective problem solving mobilises strengths/recognises the other as a capable being	Acknowledges disparities, discrimination and power differentials that can limit abilities, choices and autonomy
Rules applied independently of individuals and contexts	Management skills require negotiation	
Focus is on effectiveness and efficiency	Admits the singularity and complexity of each situation which leads to exercising of discretion	
Predetermined outcomes for everyone		

Data and Methods

Study Design

We chose a qualitative research design informed by a critical interpretive theoretical orientation (Lock & Scheper-Hughes, 1990; Scotland, 2012). In this approach, social reality is considered to be formed through the lived experiences of individuals within their social contexts. The goal is to understand 'the complex world of lived experience from the point of view of those who live it' (Schwandt, 1998). Ethical approval was granted by the authors' University Ethical Committee (Ref, 17/161).

Sampling Strategy and Recruitment Procedure

A two-step sampling framework was used: (1). a maximum variation strategy to ensure breadth in our sample of management staff across the University. Specifically this included the Service Divisions, and the Academic Divisions (Humanities, Sciences, Health Sciences, Commerce), also accounting for variability in terms of gender and ethnicity; and (2). a purposive sampling strategy informed by a set of selection criteria. Inclusion criteria for the recruitment of managers were as follows: participants had to be aged 18 years and older; on permanent contracts and working at least 0.8 Full Time Equivalent (FTE) (this meant they would be invested in, or at least dependent upon the University, and had had the time to develop some kind of moral relationship with the University); and had worked as managers for the University for at least 3 years. Recruitment procedures included sending email invitations to each department administrator within the university, requesting dissemination to all staff. In addition, recruitment posters were distributed across the local campus. Table 2 summarises participant demographics.

Table 2 Gender and age for manager participants

| | Managers | |
	N = (%)	
Participants	20	(69)
Gender female	14	(70)
Male	6	(30)
Age 25–34	1	(5)
35–44	3	(15)
45–54	8	(40)
55–64	8	(40)
65–70	0	

Data Collection

Twenty one-hour semi-structured interviews were conducted with University managers. The interview guide was piloted and refined prior to data collection. The topic guides used a conversational style designed to elicit the participant's accounts in their own words. General areas to be explored were communicated to participants via email prior to the interviews so that they could be best prepared to reflect on some interesting cases or situations involving sick leave with the interviewer at the time of the interview (please refer to Appendix 1). All interviews were digitally recorded and transcribed verbatim.

Qualitative Data Analysis

The analysis was based on a combination of immersion crystallisation and pragmatic approaches which allowed for an iterative and intuitive exploration of the interview data (Borkan, 1999; Braun et al., 2019). This is consistent with the critical interpretive theoretical orientation that guided the research design. Each transcript was read by Authors 2 & 4. They identified emergent themes for individual participants and for the participant cohort as a whole. A sample of transcripts (comprising managers in the service and academic divisions) were independently thematically analysed by Authors 1 & 3, and analytical concordance established during a series of whole team meetings. The diverse disciplinary backgrounds of the research team (anthropology, nursing, bioethics) ensured lively debate, and these discussions allowed a more nuanced, multidisciplinary picture to emerge, which further informed and shaped subsequent inquiry and analysis. The initial inductive process was complemented by a theory-informed approach to enrich interpretations. Specifically, a process of primary thematic analysis led to a deeper secondary level of analysis of emergent themes which in turn supported theory building. As noted, critical social theories, particularly those of Foucault and Habermas (Foucault, 1988; Habermas & Blazek, 1987) illuminated this secondary analytical process. In presenting our findings, we have adopted a narrative style (Moen, 2006). This means preserving the stories told during interviews as coherent accounts rather than as disarticulated data fragments of participants' social realities.

Research Setting

The research setting is a NZ university that has neoliberalised, corporatized and bureaucratised over the past 20 years. As a large employer, the University constitutes a discrete meso-level

political and moral economy. It employs around 3500 staff who are demographically diverse. It has a clear vision of its purpose and future direction as outlined in its strategic documents. It also has a complex structure and bureaucracy for managing the organisation including human resources and a comprehensive policy database to guide decision making at all levels. This includes employment contracts specifying obligations of both employer and employee including sick leave entitlements.

The University has a hierarchical organisational structure that delegates authority downwards through layers of bureaucracy. Units sit within Departments, which sit within Schools, which sit within Divisions. There are managers at each level, managing those beneath them, and reporting to those above them in the structure. Human Resources is a separate Division that infiltrates the Divisional structure with Advisors at both Divisional and School level. Managers, as designated office holders, are trustees of the bureaucracy. It is the role, rather than the person, that is the functional unit within the bureaucracy, and therefore a key part of bureaucratic training serves to socialise the bureaucrat into an ethos of compliance as a guardian of the bureaucracy and its rules (Olsen 2008:16–17).

Department level managers are a key mechanism for the flow of the bureaucracy into teaching departments, and are accountable to their line managers for regulatory compliance within their departments. They are also accountable in a different way to those they manage. Like many managers who sit at School and Divisional level, department managers' roles are fixed term contracts and their managerial tenure is an exeat from their own membership of the academic rank and file. However, unlike managers at School and Divisional levels who manage lower level managers, academic and service managers manage academic and support staff. In this sense they are front-line managers. They are the sharp end of the bureaucracy's stick, and the organisation's first line of defence against employee dissatisfaction and resistance. The deontological allegiance of their role lies with the bureaucracy, but as academics, they have strong moral and collegial allegiances with those they manage. In other words, they must be mindful of the impact of their management in ways that higher level managers are not. This can bring about tensions between deontological (i.e. role based) and relational (i.e. person based) managerial practices. The exercising of discretion is one means by which managers balance these often conflicting moral obligations at all levels of the bureaucracy, but particularly at the level of front line management.

The research project took place during 2018 which was a time of unprecedented institutional upheaval, organisational restructure, job-loss and job-demotion at the University relating to the professional services that support and enable its academic and research activities. This period has been a time of significant uncertainty, stress, distress, and moral turmoil for the University community.

Findings

In this section we present our findings, drawing on the accounts provided by Bob (illustrating technical and instrumental knowledge), Helen (illustrating relational knowledge), and Evelyn and Sandra (illustrating emancipatory knowledge). These have been selected as exemplars among the interview data because their interviews were particularly insightful, representing unique standpoints (Ryan, 2005) within the university. These accounts illustrate not only the existence of Habermas' (1971:308) three domains of knowledge within the organisation, but the complexities involved in adhering to regulations, while also responding in a humanistic way to the needs of staff.

Technical and Instrumental Orientations in the Management of Sick Leave

In Habermas' empirical-analytical approach, the object is apprehended through distant observation, and interactions are regulated by technical interests. Basic, simplified assumptions are used to formulate empirically comparable hypotheses (e.g. everyone will be managed the same way, and regulated by strict standardised rules and laws (e.g. distanced management)) (Finlayson 2005:54; Habermas 1971:195, 1987a:398–399). Arguably, this might explain why the bureaucracy appears to become less responsive to individual workers at higher and more remote levels of the management hierarchy. Technical and instrumental knowledge frame practical matters (and subjects) as technical problems to be solved – typically through decisions made by experts and/or managers. From a technical interest point of view, the sick leave policies should result in the standardised management of sick leave within the University because all managers will comply with the procedures and apply regulatory policies evenly to all staff.

Bob, a senior service manager who is responsible for the delivery of daily services across the university exemplified a technical and instrumental orientation to managing sickness and sick leave. He repeatedly described his orientation to the regulatory elements of the university as a bureaucratic system. This was characterised by his prioritisation of efficiency, accountability and compliance over the human elements of workers taking sick leave. Absences due to sick leave represented a daily challenge that needed solutions.

> […] there's always the cynic in me after so many years of going, oh, how much Monday-itis and how much Friday-itis is going on, versus they're genuinely sick. So I don't hear the person on the phone going, 'I can't go into work, I got a sore throat'. I don't hear that. So if someone's contacted me and saying they're sick, all I'm concerned about is, 'fine, forget about the person who's sick', 'are you okay to replace that person', because I'm more concerned about my customers not getting service 'cause they're under staffed. And I've placed an awful lot of pressure on the person who is healthy. And I'm more concerned that the outlet's got a replacement than the person. And then I'll worry about, 'oh well okay', later on... 'have they got sick leave'? (Bob, senior service manager)

Bob described his work as a series of crises requiring problem solving to ensure that all services are delivered every day. Although he would have liked to be more humane and compassionate, he contended that his focus was necessarily oriented around the uninterrupted delivery of daily services to customers. This made his work reactive, so that he viewed his staff as resources, and pushed aside the human element of suffering which in turn had the unanticipated consequences of dehumanising workers. He was more sympathetic to the burden placed upon staff members who must cover for the absent worker.

Pushing aside his cynicism and evident distrust in the quote above, his interactions with staff were instrumental in that they were mediated by HR through bureaucratic processes and procedures. By bringing in HR, Bob followed correct procedure.

> But yeah, there's the HR advisor, when it comes to the mental health side of things. There's the health and safety team and the university nurse, get them involved, definitely. They're the people we go to. And if in doubt, show me a medical certificate that you're safe to come back to work and you're cleared to come back to work. And the good thing is, there are food safety regulations that I can put in front of them and go,

'Sorry, here it is in writing. I need to have a health professional say that you're fit to come back to work'. (Bob, experienced senior manager)

It is the technical instrumental orientation that now predominates over other types of knowledge within the University, with a focus on monitoring, control and surveillance (and power; systems are put in place to ensure compliance to institutional rules) (Barnett 2010; Collini 2017: Connell 2019; Graeber 2015; Murphy 2009; Nash 2019; Shore 2008). However, an uncritical application of technical instrumental knowledge applied to management practice may work against the possibility of incorporating practical or emancipatory interests to inform a more humanistic and equitable approach of managing sick leave within the University.

Practical and Relational Orientations in the Management of Sick Leave

A practical relational orientation is concerned with the hermeneutic task of intersubjective understanding; in doing so it produces interpretive knowledge. Its goal is not the deduction and affirmation of universal laws, but the understanding of individual meaning and interactions between people. This involves interpretation and intuition (Habermas 1971). An example might be that the manager accesses the facts of a situation by understanding the meanings involved for the individuals concerned, incidentally shedding light on a humanistic management style. The manager attempts to understand the worker as an individual, a free agent susceptible to awareness, morality, and rights; and making responsible decisions. In the interpersonal relationship with the employee, knowledge to adapt technical knowledge to a lifeworld context may emerge. This knowledge brings together ethical and affective factors. Using the proximity of the act of "caring" (in the context of management), the manager acknowledges other interests centred on the person.

Helen exemplified a practical relational approach to management of sick leave. She exercised considerable discretion by responding to each case as the circumstances require. She was guided by a care ethic with strong humanistic values. It was important to her to nurture the relationships she had with her staff, cultivating trust, loyalty and respect.

It's not performance management necessarily, it's about what's the job?, what can be done?, and how do we manage that? […] There might be a whole lot of reasons why they're sick. I think a lot of it is around just being able to see it from someone else's point of view […] But that's [the] work, isn't it? You've got to work through that, and I guess that's where a lot of the [...] Not everyone is very skilled at having conversations. (Helen, experienced senior manager)

Here, Helen was concerned with understanding what is going on from the worker's perspective. She offered an interpretation of this statement telling the interviewer that this interpretive orientation is part of her managerial work (and by implication skillset). Her management style reflected this interpretive-hermeneutic orientation. She explicitly noted that she does not follow the regulations, rather she exercises a relaxed and trusting style of management based on honesty and integrity. This results in the development of a strong relationship with her staff who in turn trust her and display loyalty and commitment.

[…] it's a bit of a mix as far as, I mean, these people would say I'm pretty slack about it, but I think they need to take what time they need. I'm not a warlock, [...], I'm potentially an abuser of that, not (going by) the book. I think it buys back a lot of loyalty, long term. And most of them are happy to ring and happy to chat. There's no issues with people not

turning up and [me] not knowing. They always email or call or something. I don't worry about it, if they're doing what they [...] And then they'll still come in. Like the lady with the baby, she will still pop in to do certain things if she needs to. She's in a very specialised role, so it's not always someone else that can pick that stuff up. I mean, obviously, if she's not well, she can't, but if the baby is not well, she might pop in. The partner is at home, or whatever. That's sort of managing really, but so long as I know, I can [accommodate]. (Helen, experienced senior manager)

Helen's interview illustrated that the employer-employee interaction is centred on communicative action between two subjects capable of language and action, who coordinate their plans through interpretation, negotiation, and consensus. From a practical interest viewpoint, the manager is focused on this unique interaction and the generation of meaning and experience for both themselves and the sick staff member. In this mode, managers are able to detect vulnerability, needs, fears, and challenges. They respond according to an ethics of care. There are challenges in the application of discretion in a practical interest approach to each individual case. This approach calls for a high degree of accommodation by managers and the justification of discretion both upwards and downwards in the bureaucracy. The values of trust, loyalty, reciprocity and respect are prioritised, but this approach may be better suited to academic labour, much of which occurs outside the classroom or lecture theatre. It is likely to be impracticable in Bob's situation.

Emancipatory and Critical Transformative Orientations in the Management of Sick Leave

Emancipatory and critical transformative interest connects scientific knowledge with the social and individual context. It protects fundamental ethical principles in practice and prioritises values over facts and argumentation over measurement (Habermas 1971). The focus is on knowledge and wellbeing of the individual, and values of self-reflection, freedom and responsibility. The management of sick leave based on practical and emancipatory interests prioritises experience, autonomy, and the preservation of fundamental rights. This has the potential to lead to a management approach that is empowering both for the manager and the employee; seeking equity based on reciprocal dialogue.

Evelyn described using her moral intuition rather than following the rulebook in managing sick leave. She understood that HR's position is to protect the university, therefore they must adhere to the technical instrumental interest embedded in the bureaucracy and regulatory apparatus. In each case of sick leave management, Evelyn considered what is the right thing to do – an illustration of Habermas' moral discourse as described by Finlayson (2005:91–105). In the following excerpt she described her intention to protect the sick staff member from the harshness of the standardising, rigid and inflexible system by not engaging with HR.

I'm wary of approaching HR, because our HR advisor's […] approach was very much to the letter. If someone's run out of sick leave, then they've run out of sick leave. And they're on leave without pay and that's that. It was very much by the book. I ended up thinking that sometimes it was better not to ask, because then you didn't receive an answer you didn't want to hear […] It's difficult with this individual, because I just couldn't see my way to docking his pay, because he's not paid a huge amount. He's under-paid, as far as I'm concerned and he really needs it. (Evelyn, experienced senior manager)

Evelyn described the impact of restructuring and the alignment of the administrative structure with the technical instrumental interests of the bureaucratic system. According to Evelyn, one impact has been a depersonalising and dehumanising impact on administrative work and job satisfaction. The technical interests have superseded the practical interests with their more interpretive and relational orientation.

> (HR's) aim is to turn everybody into widgets […] (staff members) want to do their best. They want to be respected and highly regarded […] it just seems to be, I don't know, the whole neoliberal idea has come on and just almost taken over … Rightly or wrongly, I used to feel as if the University was a family, almost like a family business and we cared about each other. It doesn't feel like that anymore. Everything's down to the dollar. Yeah ... It's very demoralising. (Evelyn, experienced senior manager)

Like Evelyn, Sandra appears to be striving to retain her own humanity and that of her staff within an increasingly bureaucratically oriented system. She stated that her participation in the project has allowed her to be heard when her critical voice had been silenced by her own managers. This following quotation illustrates her activism which is an explicitly emancipatory interest.

> It was very poignant when this (project) came up for opportunity to participate in. I do get the feeling that there's a culture in the university that's devolving down about [...] the efficiency elements and things. The human equation is trying to be pushed out as if it doesn't exist, but it's there, and it's a fundamental part when you're working in a service industry. You work with human beings […] I think what works well is appreciation of my staff and making sure they know they're valued. Letting them know I really appreciate when they've stepped up when there's been a lot of sickness and they've helped out and acknowledging that. The other thing, I've got a teaching background, so I know how valuable positive feedback is, so I'm always giving feedback when it's been very busy and demanding and everybody [...] 'Hey, guys, great job surviving. Kudos to you all. Place wouldn't have made it without you', because they make it what it is. (Sandra, experienced senior manager)

Sandra acknowledged to her staff that it is people who transform the world (and the workplace). She actively sought opportunities to reward her staff – describing this as a small positive change in a challenging work environment. She acknowledged that her staff are young and struggling with the life stresses of living away from home for the first time as young adults. The following quotation shows how she worked to provide a sense of balance in these young people's lives. In doing so, she held open a space of compassion and humanity inside a system that is increasingly rationalised and technically oriented.

> And a lot of them (staff), they've not been long out of home, and so they have a lot of stressful personal situations, and they come and they sit down, and they talk to me about the fact. I had one a couple of weeks ago, a girl whose uncle died. Her mother was very distressed about it. She said her family's very close, and she's really emotional. She didn't know what to say to help her mum and things, so I was talking her through that. Earlier in the year, one of my permanent staff came to work very distressed. Her parents are fighting, and she's living at home. She didn't know how to cope. I got her to talk to student health and get some counselling, but I had to sit her down at the beginning of her shift just get her through that to make her feel like she could work through her day. And

management say, 'Well, it's not your job to do that'. I said, 'Yeah, but these people are coming to work like this. I can't just say, "Suck it up, get on the coffee machine"'. They're human. (Sandra, experienced manager)

Emancipatory interest points to the transformative nature of management focused on the employee – this includes actively supporting employee empowerment. It is the need of the employee that stimulates action by the manager. Reflexivity and a willingness to self-critique are key competencies as is an intrinsic willingness to become an agent of change, and advocate for more equitable processes in the face of disparities. Managers do not impose dogmatic solutions but instead work *with* and *for* employees to agree on sick leave management plans and strategies with the aim of improving worker well-being, happiness, and the likelihood of a good working relationship. By "gaming the system", and finding "work-arounds", they mitigate the inherent structural violence of a technical instrumental bureaucracy.

Discussion

The priorities and orientations of the managers who participated in our study exemplified Habermas' (1971) three domains of knowledge/interest: technical/instrumental, practical/relational and emancipatory/critical transformative. We acknowledge that all three orientations were discernible within most interviews (not just the exemplars presented here), often with reference to participant's judgement of the authenticity of a particular case and their assessment of the deservingness of their staff member. In this way, an employee perceived to be abusing the sick leave entitlement (and in which a technical instrumental orientation was appropriate) was distinguished from a genuine case which generated tension between deontological obligations and responsibilities as a guardian of the bureaucracy, and the desire to help a staff member as one compassionate human being responding to the need of a vulnerable distressed other (a practical relational orientation).

Participating managers exercised considerable discretion within the bureaucracy in their management of sick leave. They also illustrate the balancing act performed by managers who are responsible for the smooth delivery of the university's core business (teaching, research and service), as well as the numerous services associated with supporting the core business (administration, library, human resources, property maintenance, hospitality and accommodation). Keeping the university running is paramount and the bureaucratic and regulatory apparatus reflects this, but participants (particularly front line managers) clearly paid attention to the very human dramas within their jurisdictions – in this case, sickness and its implications across an employee's entire life, not just at work.

Habermas considered the western university (of the 1980s) to be still solidly rooted within the life world despite the dominance of the sciences and technical instrumental interest within universities of this period (Habermas and Blazek 1987), and the monetarisation and bureaucratisation associated with the colonisation of the lifeworld (Habermas 1987b:403). These are evident in the academic critique of the marketisation and commercialisation of intellectual labour (Giroux 2002). When what he referred to as "system disequilibria" become crises, conflict and resistance arises (Habermas 1987b:38) along the "seam of lifeworld and system" (Habermas 1987b:395). Habermas noted that crises within the system tend to be averted by maintaining institutional orders at the expense of lifeworld, and this results in the unsettling of collective identity (Habermas 1987b:387). Graeber (2015) described this

tendency of bureaucracies to reduce real time humanity to mechanical and statistical formulae and schematics as structural violence. The explosion of administration and tightening of internal controls in universities that is justified as efficiency has the unintended consequence of strangling academic originality, creativity and innovation (Connell 2019; Giroux 2002; Graeber 2015:134).

Winter and O'Donohue (2012:571) argued that academic identity tensions (which are particularly fraught for academic managers) represent a values based response by academics to the technical instrumental orientation (and Graeber (2015) might argue, to the structural violence) of the neoliberal corporate bureaucracy. Winter (2009) described the role-based values of academic managers as utilitarian in contrast to those of managed academics which were described as reflecting normative professional or disciplinary values. Utilitarian ethics were not as evident in our sample as were deontological values – expressed as an obligatory duty for managers to be aligned with bureaucracy. This may reflect the difference between fixed term front line managers and those more embedded within the bureaucracy (i.e., not academic so no professional and disciplinary value conflict, and permanent positions as career bureaucrats). According to Connell (2019:127) the new category of non-academic university managers are an emerging social group whose culture is still under formation. Giroux (2002:438) noted that this class of managers cannot provide academic leadership, nor can they represent the university as a critic and conscience of society. Their allegiance is to market fundamentalism and they have no commitment to traditional values of social responsibility and values of ethics, equity and social justice. Giroux (2002:440) points out this lack of moral vision can be said to characterise the neoliberal corporate university.

Habermas considered that the colonisation of the lifeworld by the technical instrumental system resulted in anomie (loss of shared social meaning) and the erosion of social bonds, as well as alienation and demoralisation (Finlayson 2005:57). This certainly describes the sentiments expressed within our interviews about the impact of the restructuring that was occurring at the time we conducted this research. However, our participants' accounts show that the lifeworld has not been completely colonised by the system, an observation also made by Nash (2019) and Winter (2009). In fact, the human element was highly visible (as practical/ relational, and emancipatory/ critical transformative discourses) and insisted on being heard.

The limits of bureaucracy in the university are encountered in the professional relationship between academics and students according to Winter (2009), and he suggested that one Habermasian fault line occurs where the system oversteps its boundaries to colonise this relationship. In the present study, we claim that the management of sick leave throws another such fault line into sharp relief. This fault line transects the space where dominant technical instrumental discourses articulate with practical relational discourses. Here the role of bureaucrat overlays but does not completely submerge professional and disciplinary academic identities nor the values associated with these. In descriptions of discretionary practices, we observed degrees of compliance that were justified by deontological appeals to policy at the same time as they were justified by ethical appeals to humanistic and compassionate values.

If the bureaucracy was totalitarian as Weber claimed (Murphy 2009), then the managers in our study would be willingly (and most likely unceasingly) engaged in efforts to stamp out all discretion in managing sick leave. The diversity in degrees of compliance among our participants reflects previous observations that bureaucracies are inhabited by real actors pursuing their own goals, and in the process exercising personal power and agency (Hodson et al. 2012:261–262; Heyman 2004). This reflects the human element in the ethics of managerialism (Jenkins 2000; Samier 2002) and goes some way to offering up the more

balanced and nuanced accounts of the bureaucracy called for by Winter (2009) and Nash (2019). The observation that managers at all levels of the bureaucracy exercise discretion illustrates that within the bureaucracy can be heard heart beats.

Our modest findings resonate with those of Hodson et al. (2012) who found that bureaucracies are as equally chaotic in the Kafkaesque sense as they are rigid and instrumental in the Weberian and Habermasian senses. These authors argued that despite the rigidity and impersonality of technical and instrumental rationality that infuses bureaucracy, rule breaking, chaos, perverse (in the sense of being oppositional and mutually incompatible) drivers, and patrimonialism are also key characteristics of the bureaucracy. Far from being abnormal, and despite attempts to suppress, these informal features of bureaucracies are "pervasive, routine, and as consequential for everyday organizational functioning as the formal" (Hodson et al. 2012:266). Furthermore, all organisations harbour groups with competing and often contested interests despite the efforts of leaders to unite the institution under a common purpose (ibid:263). The agendas of such interest groups can often contradict each other – leading to multiple layers of contradictory rules. This form of chaos can also result from attempts to colonise the lifeworld through bureaucratic efforts to regulate every aspect of life within the organisation. The efforts most of our participants made to conduct "work-arounds" and "game the system" reflects their expertise as managers who know the system well enough to circumnavigate it to protect their own interests as front line managers and the interests of their staff members.

We acknowledge that the demoralised environment of the university at the time of the research may well have contributed to an increased expression of emancipatory and critical transformative perspectives. However, this is supported by an enormous volume of work by academics critiquing the impact of corporatization, neoliberalisation and rationalisation of the university, (see for example, Collini 2017; Connell 2019: Giroux 2002; Morrissey 2015; Murphy 2009; Nash 2019; Seeber and Berg 2016; Shore 2010b; Smyth 2017; Whelan 2015; Winter 2009; Ylijoki 2005) which also reflect emancipatory and critical transformative orientations that counter the technical instrumental rationalisation of the tertiary sector (Whelan 2015). One reading is that these voices represent nostalgia for the loss of academic freedom and autonomy; another reading is that these voices chronicle resistance from within the academy to the colonisation of the lifeworld (Ylijoki 2005). On a broader level, Giroux (2002:448) argued that academics must continue to resist the subjugation of moral vision and public good values of higher education by those of commodification and marketization, and calls for academics to continue to engage with the moral and political issues of the real world.

Conclusion

Far from being a totalitarian iron cage, our findings illustrate that the dominant technical instrumental orientation within this university bureaucracy is offset by both practical relational, and emancipatory critical transformative discourses and practices. These discourses indicate that managers (particularly front line managers) can be highly attentive to the vulnerability and needs of sick workers under their supervision. Their willingness to exercise discretion in their management of sick leave suggests that managers understand what is at stake for a sick worker, and are aware of the positive impact a sympathetic manager can have on a worker who is sick. Winter (2009:692) argues that the key issue for universities is "the manner in which bureaucracy can and should operate in both accountable and socially responsive ways". Our

findings suggest that given the space within the bureaucracy, the practical relational, and particularly emancipatory perspectives and practices would bring forward humanistic and equitable management processes with beneficial impact on the relationships between managers and employees to support a recovery-orientated and wellness approach to the sick worker, and ultimately, alleviate the structural violence inherent to a technical instrumental bureaucracy. Future research might examine the ways in which universities have responded to the COVID-19 crisis. As we completed revisions on this article, university bureaucracies in New Zealand have demonstrated that not only are they are capable of rapid adaptation and accommodation, but that they can also be kind to staff and students in adverse circumstances.

Compliance with Ethical Standards

Conflict of Interest On behalf of all authors, the corresponding author states that there are no conflicts of interest.

Appendix 1

Interview Schedule

The questions were oriented around the following topic guides:

- Exploring what the University sees as the purpose, values and principles underpinning the development of the current sickness leave entitlement;
- Exploring how staff ill health and sick leave is responded to and managed by the University;
- Identifying the key policies guiding the management of staff ill health and sick leave;
- Exploring the ways in which the University sick leave policy should be interpreted by employees and managers, compared to what actually happens;
- Exploring the assumptions about the employer-employee relationship from an employer and employee perspective;
- Exploring what obligations and reciprocations there are between the University and its employees concerning ill health and sick leave entitlement;
- Discussing (anonymously) particularly complicated and/or troubling cases of ill health/sick leave the managers had dealt with in the past 5 years, and what factors made these complex and/or troubling cases.

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