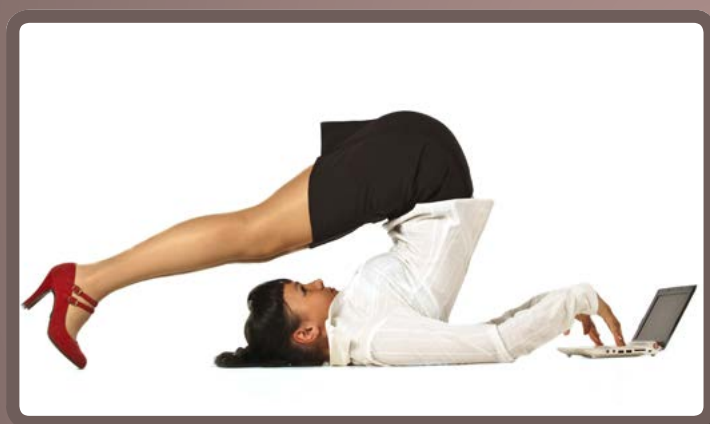




Introducing flexible working rights to all....how can you stop it being a free for all?



commitment as well as increasing performance, productivity levels and ultimately, profitability.

It is not necessarily the case that businesses need to make drastic changes overnight in relation to how they operate but it is important to shift the focus so that firstly, employers fully understand the legal position surrounding the new right and secondly, consider how the right to request can be put into practice so that it also benefits them.

The Legal Position

- **Minimum period of employment** - At least 26 weeks' continuous service with an employer is required before a request to work flexibly can be submitted by an employee.
- **Types of flexibility** – Employees can request changes to the number of hours or days worked, changes to the pattern of hours worked, a request to job share or to work from home.
- **Format of request** – A request needs to be in writing and containing sufficient information on the basis for the request and the expected impact upon the business if it is accepted.
- **Timescales involved** – Employees should be invited to a meeting to discuss the request within 28 days of the application being received. The decision will need to be communicated to the employee within 14 days of the meeting, offering them a right to appeal the decision if the application is rejected.
- **Number of requests** – Employees can only make 1 request within any 12-month period. Any request that is granted will entail a permanent change to the employee's contract.

Much has been reported in the press recently about the new right staff now have to request working flexibly. Mostly the media has focussed on the negative angle that the floodgates have been opened and staff will be able to dictate how businesses operate and hold their employers to ransom if they don't get what they want.

Whilst employers do of course need to be aware of the potential impact this new right brings, if employers approach this change in the law in the right way, introducing flexible working within the workplace could be turned around to benefit employers by improving staff morale and



It is important to remember that although an employee who meets the above criteria will be at liberty to submit a request, it will always remain a business decision for an employer whether or not the request can be accepted. There are a number of business reasons an employer can rely on if they need to reject a request, such as:

- The additional costs involved.
- The detrimental effect on meeting customer demands.
- The detrimental impact on quality or performance.
- An inability to reorganise work amongst existing staff.
- An inability to recruit additional staff; or
- The company's planned structural changes.



The Practicalities

- **Flexible working policy** – Introduce an up to date policy informing staff how any flexible working requests will be handled.
- **Timescales involved** – Respond to any requests in accordance with the timescales provided in the policy.
- **Individual circumstances** – Consider all and any requests on an individual basis and in line with the business needs at that particular time.
- **Rejecting requests** – Remember that there is no automatic right for an employee to have their request accepted.

Provided employers consider all requests on an individual basis and within the required timescales, there will be less scope for an employee to argue that their right to submit a request has been infringed. The key risk to an employer is one of discrimination if an employee can demonstrate that one request is being favoured over another, without good reason.

If you receive a number of requests at any one time and you are not sure which should be accepted or rejected, speak to us at HRx for expert HR advice and we will be happy to guide you through the process.

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