

Work Life Challenge



For many years now parents of children up to the age of 17 (18 if the child is disabled) have had the legal right to request flexible working. Some employers have voluntarily extended this to include all employees, but many will now be required to do so by new changes to employment legislation due to come into effect shortly (dates to be confirmed). However, although there is a legal entitlement to request flexible working arrangements, there is no obligation on the employer to honour the request.

The legal provisions require that an employee must be employed for at least 26 weeks before making the request and cannot have made a request within the last 12 months. Some employees may choose to waive these requirements, but if they do, they must do so for everyone. Flexible working does not cover a sick child too ill to go to school or an elderly parent in hospital for a couple of weeks. Flexible working is a permanent change to an employee's terms and conditions of employment and once agreed (and perhaps a trial period completed) any further changes or indeed reversion to original terms and conditions are subject to the 12 month rule and the company's decision to accept the change.



So what might an employee do with their flexible working?

A parent may choose to work four days a week to enable them to care for their child on the fifth day - to achieve this they may reduce their working hours and pay by 20%, or they may work four longer days and reduced breaks to make up the time.

Another employee with a second home a significant distance away, may request to work from home on Monday and Friday and work in the office Tuesday - Thursday.

An employee with responsibility for elderly parents may start late each day and work late each day to enable them to get their parents up, washed and dressed in the morning.

The needs of each individual requesting flexible working will be different and the nature of the flexible working itself may vary, but it is ultimately up to the employee to identify a solution which works for the business and this should be clearly documented in the request for flexible working.

The business only has a duty to consider the request fairly and consistently. It is not required to accept any proposals which would damage the business. There is no point in a shop worker offering to work 11 - 8pm if the shop closes at 6, however flexible working may enable a business to provide longer opening hours or greater flexibility to its customers.

Clear Policy

It is essential that employers have a clearly documented policy and if as an employee you want to request flexible working, get a copy of the policy and make sure you do your homework before putting in your request.

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