



**BELL GULLY**

# Flexible working – as good as it sounds?

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# What is work/life balance?

- Means different things for different people
- “Effectively managing the juggling act between paid work and other activities that are important to us”
  - spending time with family
  - taking part in sport and recreation
  - studying
  - volunteering.

## What is flexible working?

- Working from home
- Job share
- Part time
- Flexible hours
- Compressed working weeks.

# Legal issues arising from flexible working

- Flexible working raises a number of legal issues:
  - documenting the arrangement
  - reviewing the arrangement
  - performance management
  - redundancy
  - health and safety.

# Working from home

- **Benefits**
  - retention
  - access to a wider pool of people
  - savings on office space
- **Drawbacks**
  - day-to-day management
  - quality control
  - employee disengagement
- **Health and safety**
  - place of work
  - safety audit
  - ergonomic assessment
  - recording accidents.

# Working from home

- **Privacy Act**
  - security of computer systems
  - document storage
- **Performance management**
  - set goals and deadlines
  - provide feedback
- **Home office**
  - provide equipment
  - insurance.

# Flexible working – the law

- Came into force on 1 July 2008
- Provides employees the right to request a variation to:
  - hours of work
  - days of work
  - place of work.

# Flexible working – who can apply?

- **Person who:**
  - has been employed by employer for six months; and
  - has the care of any other person.



# Flexible working - how to apply

Must be in writing and include:

- employee's name
- date request made
- statement that request is made under Part 6AA of the Employment Relations Act 2000
- details of the requested change
- whether change requested is permanent or for period
- date employee would like requested change to start and end (if not permanent change)
- explanation of how the change will enable the employee to better provide care for the person concerned
- explanation of changes the employer may need to make to its arrangements if the request is approved.

# Flexible working - grounds for refusal

- Employee is not eligible
- Employer is not able to:
  - reorganise work among existing staff
  - recruit additional staff
- Detrimental impact on quality/performance
- Insufficiency of work during periods employee proposes to work
- Planned structural changes
- Additional costs
- Detrimental effect on ability to meet customer demand.

# Flexible Working - grounds for refusal (cont'd)

Employer must refuse if request is:

- from an employee bound by a collective agreement; and
- the request relates to working arrangements covered by the collective; and
- the employee's work arrangements would be inconsistent with the collective.

# Flexible working – limits

- Only one request every 12 months
- Employer must notify whether request is approved or refused as soon as possible but no later than three months after receiving it and, if refused, why.

# Flexible working – taking things further

If employer refuses request employee can seek help from:

- Labour Inspector
- Mediation Services
- Employment Relations Authority

NB: Cannot challenge to the Employment Court

# Flexible working – the UK experience

- “Changing the landscape of British workplaces to benefit businesses as well as employees”
- 14 million employees working flexibly
- 91% workplaces approved all requests for flexible working
- Part-time working available in 92% of workplaces