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EMPLOYMENT LAW DEPARTMENT

# Flexible Working and Employee Rights

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## **1. What rights do employees have to request flexible working arrangements?**

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From 30 June 2014 employees who have at least 26 weeks' service have the statutory right to request flexible working after 26 weeks' employment. Previously, the right only applied to parents of children under the age of 17 (or 18 if the child is disabled) and certain carers.

## **2. What kind of flexible working arrangements can an employee ask for?**

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Flexible working is any working pattern other than the normal working pattern — it can involve changes to the hours or times an employee is required to work, or where they work. These include flexitime arrangements or working the same hours over fewer days, starting and finishing work at different times and even job-share arrangements

## **3. What should an employer do if a request for flexible working is received from an employee?**

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First of all, the employee's request has to be in writing and it has to include certain information, such as details of the change being asked for, when the change would start and what effect the employee thinks the change would have on the business and how the business could handle it.

If a proper form of request is received, an employer must consider the request in a 'reasonable manner'. To make sure that this is done, the employer should discuss the request with the employee as soon as possible and balance the benefits of the proposed changes against any adverse impact on the business. In letting the employee know what the decision is (which should be done as soon as possible) the employer should also allow the employee a right of appeal if the request is not granted, in full or at all.

## **4. If a request is refused, should the employee be told why?**

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Yes, as if the request is refused, it can only be on the basis that there is a clear business reason, and the law states that it must be for one of a list of specific reasons. So an employer needs to indicate what specific reason they are relying on.

## **5. Are employee flexibility requests made on an “all or nothing” basis? What if the employer is prepared to agree to some but not all changes, or is willing to agree on a trial basis?**

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An employer can negotiate to agree changes to what the employee is requesting. This way, if an employer is unsure about how the change might affect the business, they can agree the

change on a temporary basis and agree to review the arrangements on a specified date and then make changes if necessary.

It will be important to remember that flexible working arrangements can be beneficial to a business. Not only can they help to retain valuable employees who want to continue to work for the employer – and may be grateful that their employer has helped them by agreeing to the changes – but it may also help a business if employees are working off site and outside normal business hours.

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