

# FLEXIBLE WORKING making it work





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changing the way we live and work

# 1. Flexible working and work-life balance – a new way of working for negotiators

Different managers have different relationships with trade unions, some good, and some bad; however, there are areas where managers and union representatives can work together without conflict. Work-life balance has often proved to be one such area. Managers want fit, motivated and productive workforces who do their jobs well. UNISON wants its members to be treated fairly and to be given the chance to participate fully in the workplace without compromising their family commitments or general wellbeing. There is plenty of room for working co-operatively with managers when it comes to work-life balance issues particularly as the benefits of a well organised scheme are very often genuinely mutually beneficial to both employee and employer. Flexible working is probably the best way for an organisation to offer work-life balance to its staff.

This guide aims to assist you in your role as a UNISON branch officer or steward by highlighting potential areas of concern and offering advice on negotiations relating to flexible working. It is designed as both a source of information and a general negotiating tool to encourage you to find out what agreements and policies are already available within your workplace and to understand why this is an area where your role could be instrumental in shaping policy decisions. It will equip you to begin to negotiate cultural change within your organisation and act as a toolkit for giving advice and handling individual requests to work flexibly from your members in light of new and changing legislation.

If, on the other hand, management is proposing to introduce flexible working, this guide will help you to help them introduce flexible working in a way that will benefit both the organisation and your members.

As a union steward you will often be in a better position than management to identify employees' needs, where policies are not yet in place or inconsistently applied. Your role can be vital in highlighting the mutual benefit of a consistently applied, well managed, appropriately targeted and 'fit for purpose' flexible working policy. We know that work-life balance and flexibility are important for our members as they try to balance their desire to participate fully in their work and maintain a career while fulfilling their care responsibilities, pursuing outside interests, participating in their local community and looking after their own wellbeing. The case for introducing such policies has now been well established. The benefits in terms of staff motivation, skills retention and dramatic reduction in stress-related sickness absence are now clear for both large and small employers.

Change doesn't happen overnight and you might need support and guidance along the way. This guide has been designed to give you advice and information on negotiating on this issue. However, please remember that UNISON has a wealth of experience. If you are unsure of anything or need clarification speak to your branch colleagues or call on the expertise of regional officials. Alternatively there is also a great deal of information that you can access on your own, and this guide includes links and references to those sources.

***“UNISON wants its members to be treated fairly and to be given the chance to participate fully in the workplace without compromising their family commitments or general wellbeing.”***

## 2. The context for flexible working

In recent years the government has begun to acknowledge the importance of work-life balance issues by introducing a variety of laws to support employees.

The concept of work-life balance, of which flexible working is a part, is that if people could improve the balance between the demands of their work and the demands of their home life they would be more satisfied at work and be more productive. Getting the balance wrong can mean health can suffer, work is less productive and relationships – both at work and home – begin to deteriorate.

Apart from simply complying with the legislation, many organisations are beginning to recognise the advantages of trying to meet the demand for flexible working. Flexible working practices have been seen to yield business benefits for the organisation and to play an important part in attracting new employees.

It is not only parents who need flexible working. Current demographics and an ageing population mean that, at present, one in six employees have eldercare responsibilities – this can only increase as the population ages and as the retirement age goes up. Non-carers in the workplace are demanding more flexible ways of working too, as they want time out of the workplace for other things, such as sport, education and public service.

Generally, the public sector has a better reputation than the private sector for flexible working practices, but there are areas where policies are not well known or opportunities are not taken up.

You and your fellow branch officers will know which sections of the organisation are likely to be able to implement work-life balance programmes relatively easily and effectively. There are other areas where the concept is more challenging. There could be several reasons for this, but it is hoped that this booklet will give you the information you need to improve both UNISON members' ability to request flexible working practices and assist managers in making it work.



## 3. Understanding the options

The right to request flexible working is relatively new and gives the employee the right to request a change to their working pattern and for that request to be seriously considered by the employer.

Some of the most common flexible working requests are explained below.

### Part-time working

Part-time work is the most common type of flexible working and you will probably find it in most organisations and departments.

The government's definition of a part-time worker is someone who works fewer than 30 hours per week. They receive an equivalent reduction in pay.

### Flexitime

After part-time working, flexitime is a very common form of flexible working. It allows employees to vary their start and finish times. Sometimes there are boundaries for flexitime which could include:

- working core hours (eg 10am-2pm) and organising the remaining work hours around those times
- having a system for recording hours
- a limit to hours that can be carried over if the organisation uses time off in lieu
- a working day of, for example, 7am-8pm, with working hours agreed within that framework.

### Job sharing

Job sharing is much more common now. Two people share responsibilities, pay and all the other benefits of a full-time job. It is possible to job share in a wide range of roles and it has been proven to work across all levels of an organisation – from chief executive to junior members of staff.

### Compressed hours

Compressed hours are when the week's work is compressed into a shorter time span. So, for example, you may currently work 40 hours over five days. This could be compressed into four days of 10 hours or three and a half days of 11 or 12 hours per day. Some employees arrange their working time over a nine day fortnight. The advantage of compressed hours is that the employee gets time off during the week or fortnight, but still gets paid a full salary.

The disadvantage of a compressed week is that it can be stressful working a very long day and employers must ensure that workers get their statutory breaks.

### Home working

Home working can either take place on a regular or ad hoc basis, with the workplace remaining the employee's main place of work. Working from home should not be seen as a way of managing caring responsibilities at the same time. However, it may mean employees can remove travelling time from their day, take and collect children from school or take time off in the middle of the day.

Some roles may not lend themselves to home working so, for it to be an option, employees will need to have good time management skills and be self motivated. There are also health and safety and technology implications.

Home working on an ad hoc basis is useful when time is needed away from a busy office to write a report, for example.

### Annual hours

In some roles annualised hours are a possibility. In quiet times the employee works less time and then makes up the time when it is very busy. As some jobs have busy periods (at the end of the financial year, pre-Christmas, etc), it can help with the peaks and troughs of the workload.

## Term-time working

Term-time working allows employees to work their agreed contractual hours over term times only. Term-time working could be applicable to full- or part-time staff. Holidays are usually taken in school holiday periods only. However, it may be advantageous to retain between three and five days' annual leave to take more flexibly through the year.

## V time

V time is voluntary reduced working time. It is where a voluntary and temporary dip in hours is requested – usually to accommodate a particular period of time where more time will be required for non-work-related activities. The agreement involves a clearly defined period of time with a clear date set for returning to the standard work pattern.

## 4. Putting the business case to employers

In order to get senior management to commit to the issue, you need to look at the business case for introducing new policies and ways of working. The bottom line for all organisations is to produce a product or service within budgetary constraints. The business case for work-life balance should illustrate how things like flexible working can benefit the organisation financially.

While each organisation will have its own business case, the following advantages are commonly cited as the main reasons for promoting flexible working:

- valued and talented workers are retained, reducing recruitment costs – for example, it can cost up to twice an annual salary to recruit skilled and semi-skilled employees and it takes time for new employees to learn the job so at first they will not be as productive
- productivity and commitment improves – for example, British Telecom proved that productivity of flexible workers increased by 30%
- the talent pool from which organisations recruit becomes larger – for example, people who can only work part time or non-traditional hours could well be as valuable or talented as the 9 to 5 cohort
- flexible working creates a more diverse workforce which helps employers who are committed to ensuring that their workforce reflects their service users
- sickness absence is reduced – for example, a recent UNISON survey showed that sickness reduced from 12% to 2% amongst those that worked flexibly
- organisations are able to offer a wider service to their service users – for example, it could be better to operate beyond 9 to 5, particularly if some employees prefer to work outside traditional hours.

*“The business case for work-life balance should illustrate how things like flexible working can benefit the organisation financially.”*



## 5. Putting the business case to managers

In addition to promoting change for the whole organisation, the union should be able to argue a business case for each department or team.

At Brent Council managers found that flexible working:

- helped to reduce stress and anxiety by helping staff balance their work and home commitments
- made staff feel valued because it showed that managers were considering their needs
- acknowledged that everybody had a life outside work
- helped promote diversity because it took account of people's differing lifestyles and commitments
- helped retain staff that might otherwise have left the service.

Not all forms of flexible working are suitable for all types of work, but a degree of flexibility is possible for most jobs. Managers should talk to the team and discuss different ways of working. Running a pilot scheme is one way of introducing flexible working (see Section 9).

Managers should also be reminded that they can work flexibly too – it is not just for staff. With the team taking more ownership of rotas and communication, and with performance management being measured by outputs rather than 'face time', the manager should have the opportunity to work flexibly themselves.

## 6. Information gathering – understanding your organisation

### i) A simple flexible working audit template

It is useful to find out what is happening in your organisation so that you can plan your approach to both managers and employees. It may be that informal flexible working goes on in some departments, with people working flexibly on an ad hoc basis with the consent of the manager, but that the human resources (HR) department is unaware of this as there has been no change in contracts.

It might also be the case that there is an agreement in place that is poorly communicated or not implemented properly. The following template will help you gather information about what types of flexible working are in use and identify possible barriers to take up by members or potential members.

Policy or programme	Do you have an agreement?	If yes, is it national or local?	How well known is the policy or programme?
Flexible working policies and practices			
Managers' training on flexible working policy			
Team training on flexible working			
Communication of policies			
Part-time working			
Job sharing			
Annualised hours			
Term-time working			
Compressed working week			
Home working			
Flexitime			
Other			

You may need to do a brief survey of your members to help you complete this audit.

## Are these policies or programmes up to date? (See Appendix 1)

The HR department should be able to help you with the policies or agreements and there should also be evidence of take up of any flexible working practices. However, if employees have an informal agreement with their manager this will not be shown in official figures. HR will probably only have the number of those who have changed their contracts in order to work flexibly. If your department or area is not too large you could get the information from the teams themselves.

You will also need to speak to members to get their views on how well policies are known, and used, and the extent to which what's on offer meets our members' needs.

You will probably find that the policies and guidelines for putting them in place are all available, as some are now a legal requirement, but it is the communication and take up of such policies that need to be addressed so that they become more well known and practised.

You should also think about whether the agreements or policies that your employer has in place are up to date with current legislation. Appendix 1 provides you with details of the current legal requirement. All flexible working agreements should meet these as a minimum, although some branches have been able to negotiate for arrangements that go beyond the minimum legal requirement. UNISON's key aim should always be to try to negotiate agreements that meet the needs of members.

Policy or programme	Up to date with legislation?	Does it improve on legislation?
Flexible working policies and practices		
Part-time working		

## ii) What type of culture is there in your organisation?

You may be lucky enough to have an employer who is keen to embrace flexible working and already recognises the benefits it can bring to both the organisation and the employee. If that's the case, your main job will be to ensure that the policies that are created are right for your members and that there is a good communication and consultation strategy in place.

However, having great policies and a good communication strategy will not be enough if, in reality, there is a culture of suspicion around this issue and little real commitment from managers. It may be that before embarking on a whole-scale change of policy, you will need to re-enforce the business case for employers and negotiate support and training for the managers who will be required to implement and champion the policies.

*“You may be lucky enough to have an employer who is keen to embrace flexible working and already recognises the benefits it can bring to both the organisation and the employee.”*

## How does your organisation engage with the flexible working agenda?

You may find it helpful to ask yourself the following questions. (Please tick one box)

	YES	NO
Can work-life (and specifically flexible working) issues be discussed?	<input type="checkbox"/>	<input type="checkbox"/>
Is performance management such that results are more important than hours at work?	<input type="checkbox"/>	<input type="checkbox"/>
Is it recognised that people need different support at different stages of their lives?	<input type="checkbox"/>	<input type="checkbox"/>
Do managers understand the rationale for flexible working and the real benefits for the organisation?	<input type="checkbox"/>	<input type="checkbox"/>
Do employees understand their rights with regard to work-life balance and flexibility?	<input type="checkbox"/>	<input type="checkbox"/>
Are policies adapted to suit the needs of the organisation and the employees?	<input type="checkbox"/>	<input type="checkbox"/>
Are managers supported to find new ways of working with their teams?	<input type="checkbox"/>	<input type="checkbox"/>
Is there an effective communications strategy to encourage take up of policies?	<input type="checkbox"/>	<input type="checkbox"/>
Is open communication between manager and employee encouraged?	<input type="checkbox"/>	<input type="checkbox"/>
Are team members encouraged to plan how to make it all work so that they can meet everybody's needs?	<input type="checkbox"/>	<input type="checkbox"/>

These questions aim to guide you to where you want your organisation to be and what areas might help or hinder putting policy into practice. If most of the answers were “yes” then your organisation is doing well, but if most of the answers were “no”, the following section will give you the information you need to present the business case to your employer and answers to some of the common concerns and misconceptions that employers have about flexible working, which present barriers to progressing the issue.

## 7. Making flexible working a reality across your organisation

Many organisations have policies and guidelines about flexible working but don't have widespread take up. In order to move things forward you will need to put together a plan for implementing flexible working. Once you have this in place you can then think about how you can review and amend it to take account of what works and what doesn't.

The following steps should help you with your flexible working plan:

- fact finding
- developing the business case
- putting flexible working on the bargaining agenda
- communications
- managing new ways of working
- monitoring and measuring take up

### Fact finding

- Find out as much information as possible about your organisation's current policies and practices (see Section 2). From this you should get a good idea of what types of flexible working are offered and what take up there has been.
- Find out what demand there is for flexible working in general.
- Find out what specific flexible working practices members would most welcome. This is useful to know as some organisations are more resistant to certain forms of flexible working. It is useful to know what areas are most important to win for your members when in negotiations.
- Talk to individuals you may know who are working flexibly. Ask them how it is working and whether there could be any improvements in the processes.
- Find out what guidance employees and managers are given on introducing a flexible working arrangement.

### Developing the business case

- Use the case studies included in this toolkit and any employer specific information you can access on staff turnover, sickness absence, recruitment costs, productivity, etc, and look at how these can be used in putting forward a business case to your organisation.
- Include other issues that might affect your organisation: ageing workforce, more women entering the workplace, diversity issues, increased demand for flexible working from employees, competitive labour market, new technology, increased demand for services, etc.
- Be prepared to make the business case for the organisation and for their department.

### Putting flexible working on the bargaining agenda

- Put together a set of proposals that reflect your fact finding study highlighting what is and isn't working already at your organisation and the business case.
- Work with your branch colleagues to put your flexible working proposals on the bargaining agenda.

*“In order to move things forward you will need to put together a plan for implementing flexible working.”*

## Communications

Where a local flexible working agreement is secured it needs to be understood that this will involve a significant cultural change. Communication and consultation are vital components in managing change effectively and ensuring a successful transition from policy through to implementation. As a UNISON steward you should be expected to have a central role in developing an effective communication and consultation strategy with staff.

Many organisations spend a great deal of time and resources developing and implementing innovative work-life strategies, but fail to maximise the benefits. One major reason is that the agreement and its different components are not effectively communicated to staff or that staff were not adequately consulted and involved in determining the agreement in the first place.

Flexible working agreements and practices need to be backed up by a comprehensive and ongoing communications strategy. Of course you should use your branch newsletter and notice boards to publicise the agreement, but this alone will not be enough without a joint communication plan.

Analyse how agreements are currently communicated and review and improve the communication strategy.

You can work with your employer on producing a joint communication plan. This might involve:

- reviewing existing practices for communications
- finding a senior person to champion flexible working to emphasise that it is something that the organisation is behind and to help dispel fears around career progression. This can be one of the most important factors in the success and take up of the agreement
- collecting case studies of employees already working flexibly – promoting role models like this will also help to foster a culture where working flexibly is seen as socially acceptable
- using all forms of communication to get the message out about flexible working (meetings, intranet, newsletters, notice boards, open days, focus groups, employee forums, staff associations, letters to your members, emails, payslips, etc).

## Managing new ways of working

Many managers will be anxious about managing flexible workers and working differently. Be vigilant and use your joint union management meetings to make the case for the organisation to take cultural change seriously, to provide appropriate training for managers and to monitor how widely flexible working is taken up. Commitment from managers at all levels is very important and the organisation may need to be encouraged to pay particular attention to how it informs, trains and motivates its managers to work with the new agreement.

Where possible, be prepared to work alongside managers, providing them and their teams with support, as they are developing flexible working programmes. Suggest that teams pilot a new flexible working scheme or that individual arrangements have a trial period (see Section 9 for ideas on helping teams and individuals to assess flexible working possibilities).

*“Where possible, be prepared to work alongside managers, providing them and their teams with support, as they are developing flexible working programmes.”*

## Measuring take up

Use your branch network to monitor members’ experiences of how effectively the agreement is implemented and feed back any problems and barriers.



## Using flexible working as an organising tool

Establishing flexible working practices can provide you with the opportunity to organise and involve members in the process of implementing better working conditions. This can be done by sending newsletters, producing posters for notice boards or holding meetings to spread the word.

Negotiations with employers on flexible working can be used as a focus for recruiting and branch organising. It's not only a matter of getting an agreement with the employer but also of raising the profile of the union and showing members that we are listening, encouraging non-members to join and getting existing members more involved.

Perhaps you could consider surveying members to see what they think of other issues that are related to flexible working, such as maternity and paternity rights. By developing projects like this you can encourage more members to get involved in the union, perhaps as stewards or branch officers.

## 8. Helping an employee to make a request for flexible working

Helping individuals to think about how they are going to manage their workload and think about other implications could help them when they discuss proposed changes with their manager and teams.

Some of the questions to ask themselves could include those outlined below.

### **Type of change**

Do I want to make a permanent change to my working day?

If it is only temporary, how long do I want it to last?

### **Finances**

If I work part time how will my reduced salary impact on my pension and subsequent plans for retirement?

How will I manage if I earn less money?

### **Benefits**

Will the organisation benefit from the change?

How will it help my work-life balance?

How will it help me cope better?

Will it improve my performance?

### **Impact on organisation**

Will it cost the organisation more?

Will there be a cost saving or will the organisation have to employ somebody else?

Will it help or hinder any pressure on office space?

### **Team and colleagues**

Have I discussed the proposed changes with my colleagues?

How do they feel about it?

Is there anybody who works flexibly already that I can speak to about how they managed the change with the team?

Will I be putting more pressure on other staff?

Will there be enough cover?

### **Impact on the service**

If I provide a service to clients or service users, can I still do that and change my hours or place of work?

How could I make it work?

### **Job sharing**

Would I be happy to share a job?

How will I hand over work?

Will I have to share a desk?

### **Working from home**

What equipment would I need to work from home?

Am I motivated to work on my own?

Am I organised enough to work from home?

How will I make sure I keep up to date on office developments?

#### **Additional help**

If I change my hours will I need to organise other people to help with my responsibilities?

Have I already organised this?

#### **What if it goes wrong?**

Shall I ask for a trial period in case it doesn't work out?

### **Advice to flexible workers**

Share the following advice with members who are working or who want to work flexibly:

- when you're working flexibly or remotely, you will need to manage your relationship with your manager more proactively
- ensure that your job focus is clear – agree expectations and performance targets based on outputs rather than hours
- agree the parameters within which you can work flexibly – think about your objectives, as well as the team's and be aware of service users' requirements and the resources needed to carry out the job remotely
- agree boundaries and protocols – for example, do you intend to run personal errands during the day if you are working at home?
- if you intend to make a big change to your way of working, discuss it with your line manager and get their agreement – explain how your objectives will still be met and the impact any change will have on the team
- from time to time, ask yourself if you feel your challenges, problems and achievements are visible enough to your manager
- plan and attend regular review and feedback meetings with your manager – make these a priority and ensure that they are maintained. Collect evidence to show what is working, and discuss with your manager what may not be working and why. Give your manager the opportunity to share their perspective on how they believe the arrangement is working.

## 9. Piloting flexible working

A successful way of introducing flexible working into the workplace is to start with something small scale like running a pilot. This will need to be negotiated with senior managers within the organisation. Piloting new initiatives in a couple of discrete areas or teams first is often a useful way of ironing out any unexpected difficulties and dispelling some of the common anxieties about cultural change.

There may already be some willing managers and teams, or there may be a more sceptical manager and team who you could win over by helping them pilot flexible working.

When embarking on a flexible working pilot, teams should:

### **i) Draw up a set of guiding principles or ground rules**

These might include:

- recognising that everyone should benefit, or at least not suffer any detriment
- acknowledging that flexible working is a partnership between team members, managers and the organisation – everyone must have a flexible attitude and ensure that objectives are met at all times
- performance management based on measurable goals, targets and outputs – not on “face time” in the workplace
- communicating inside and outside the team – this is the responsibility of each individual
- reviewing all arrangements to highlight any problems – team members should celebrate successes and be willing to adjust things where necessary
- recognising that flexible working is not an absolute right and that there must be a balance between the employee’s needs and the organisation’s objectives.

### **ii) Agree the parameters within which the team operates**

This must relate to the organisation’s objectives and outputs, as well as the team’s. It is important to inform teams that the whole process has to work for the organisation as well as the individual. Finding that balance takes skill and a commitment on all sides to making it work.

### **iii) Determine who will be affected by a change in working hours**

Make a note of who flexible workers’ service users are and what hours must be covered as a team, as well as the types of jobs they need to do individually or together. Be clear what it is the team wants to achieve in terms of individual’s flexibility (not everyone will want to change their current hours or work flexibly). Ensure that flexible workers think through how a change of hours would impact on others in the team and their service users.

### **iv) Devise a communications strategy**

Work out how flexible workers will communicate with each other and with internal and external service users.

### **v) Ensure that the team knows the work style each member intends to follow**

More specifically, know when they will be out of the workplace and when and how they can be contacted.

### **vi) Arrange feedback sessions**

Ensure members are asked for their comments and thoughts about how the flexible pattern is working (feedback sessions could form part of a regular team meeting). Be prepared, particularly in the early days, to change and modify the rules of the new initiative as everyone adapts to it.

# Appendix 1: The legal framework

## Leave provision

The legal provisions around leave for maternity, paternity, adoption and emergency time off are covered in Appendix 3. While all organisations must comply with the legal minimum, many employers improve on this provision and others should be encouraged to follow suit.

## Flexible working

The latest legislation of flexible working (2014) has extended the 'right to request' to all qualifying employees but has also considerably weakened the law surrounding making a request (see appendix 2). However, sex discrimination law is very important on this issue. There is also legislation concerning the rights of part-time workers.

### i) The right to request flexible working

As of 2014 the right to request flexible working applies to all employees.

### ii) Indirect sex discrimination

It has been successfully argued that, because women tend to have more childcare responsibilities than men, insisting that women work long or inflexible hours can be indirect sex discrimination.

In law, indirect sex discrimination occurs when:

- the employer imposes a policy or working practice that applies to all workers, but particularly disadvantages workers of a particular sex. For instance shift or full time working may disadvantage women because of the burden of caring responsibilities is known to fall disproportionately on women

and:

- the employee suffers a disadvantage because they are not able to meet the requirement – in flexible working cases, this will be problems combining the required work hours with childcare responsibilities. This does not mean the hours are impossible to work but it is advisable to show why the employee needs the hours requested (eg the affordability or availability of childcare from a particular nursery or family members combined with the fact that she may have to leave her job or suffer stress and exhaustion if she continues)

and:

- this cannot be justified by the employer as a proportionate means of achieving a legitimate aim i.e. 'genuinely necessary for the business.'

## Rights of part timers

The Part Time Workers Regulations 2000 (PTW regulations) give part timers the right not to be treated less favourably than full timers, unless such treatment can be justified on objective grounds. For example a part timer must not be paid less than a full timer pro rata, or be excluded from a pension scheme or from training. If you change from working full time to part time, you must not be treated less favourably than when you were full time. However, it is important to note that the PTW regulations do not require an employer to allow flexible working.

Apart from rights under the PTW regulations, those working flexibly may be entitled to make a claim under the Equal Pay Act 1970 if they do not receive equal pay. For example if they miss out on a bonus scheme because they cannot work certain shifts due to caring responsibilities or do not receive the same rights to work-related benefits such as health insurance, a claim may be possible.

***“PTW regulations do not require an employer to allow flexible working.”***

## Appendix 2

### The Right to Request Flexible Working

The latest extension to the right to request flexible working means it will now apply to all employees with 26 weeks of service and not just to those with caring responsibilities. This is something that UNISON has called for in the past and is good news both for non-carers, who will feel able to ask for a more flexible working pattern for any reason, but is also envisaged to have a positive impact on carers as it is hoped that some of the negative misconceptions about flexible working and commitment to work will be weakened by a broader take up from all.

### Making the request

The request must comply with certain formalities such as putting the request in writing. The easiest way of ensuring that is to use the form found on the relevant government website (found at [www.gov.uk](http://www.gov.uk)).

If the employee wants to write their own letter or is using an employer's form it is important to check that it contains all the points that the legislation requires an employee can only submit one request in any 12 month period.

### After the request is lodged

Although UNISON very much welcomed the extension of this legislation to cover all employees and not just carers, unfortunately, the new legislation on this was not all good news. The extension of the right came hand in hand with a watering down of the procedural legislation surrounding it. Unlike the previous Right to Request legislation, a lot of the procedure around this new right is now in an Acas (Advisory, Conciliation and Arbitration Service) code rather than legislation, so although it will be good practice to do so, employers don't have to comply with it

This is a disappointing departure from the previously more robust statutory guidance which had strict rules for refusing a request and which meant that refusals could be challenged on very clear procedural failure grounds. In the new code many of the 'musts' that were established in the old procedure have now become 'shoulds'. This means that there are fewer instances where an employee can bring a claim just for breach of procedure, although they may draw a tribunal's attention to the employer's failure to do something that they 'should' as part of a wider claim.

Basically the employer should;

- respond within a set time frame, usually within 28 days of receiving the request.
- The employer should then either approve the request and confirm this in writing or
- arrange a meeting to discuss the request further.
- If the employer refuses the request they should confirm that in writing giving clear reasons for the refusal which should be based on business grounds.

### The right to request flexible working and zero hours contracts

There is currently debate about whether this legislation could cover an eligible employee on a zero hours contract requesting a full time or permanent position. It is UNISON's view that any employee would have the right to make such a request.

Further guidance is available from ACAS on how managers "should" handle the request and can be found at <http://www.acas.org.uk/media/pdf/m/9/Handling-requests-to-work-flexibly-in-a-reasonable-manner-an-Acas-guide.pdf>

UNISON will continue to campaign with partner organisations for a return to the previous statutory guidance covering procedure and appeals.



## Appendix 3

### The right to request leave

#### Maternity leave

All female employees, are currently entitled to 52 weeks' maternity leave regardless of how long they have worked for their employer. Women can choose to start their maternity leave anytime after the 11th week before the week in which the baby is due. The only exception to this is if the woman is off sick for a pregnancy-related reason in the four weeks before the baby is due. In this case the employer can make her start her maternity leave from the first day the woman was off sick after her 36th week of pregnancy.

Employees need to give their employer written notice that they intend to take maternity leave by the 15th week before the week in which the baby is due.

The first 26 weeks of maternity leave is called ordinary maternity leave (OML) and the second 26 weeks is called additional maternity leave (AML). During OML employees are entitled to all the normal rights under their contracts except pay (for example, they accrue holiday, keep a company car, etc). At the end of OML employees have the right to return to the same job on the same terms and conditions. The first 13 weeks of AML is paid at the same rate as OML. After the 39th week of maternity leave AML is unpaid and there are more limited rights under the contract of employment. At the end of AML an employee should be able to return to her old job or, if this is not 'reasonably practicable', a similar job with terms and conditions that are not inferior compared with her previous terms and conditions. It is for the employer to show it is not practicable for a woman to return to her old job and it must not be for a reason related to her pregnancy or maternity leave. Employers should assume employees will take all the leave they are entitled to, which is 52 weeks. Anyone wanting to come back earlier than that will need to give eight weeks notice. If a post is made redundant when a woman is on maternity leave, she should be prioritised over colleagues not on maternity leave for suitable alternative work.

*“If a post is made redundant when a woman is on maternity leave, she should be prioritised over colleagues not on maternity leave for suitable alternative work.”*

#### Maternity pay

There are two types of maternity pay and both are paid for 39 weeks. Employees who have worked continuously for the same employer for 26 weeks by the 15th week before the baby is due, and who earn more than the lower earnings limit for national insurance contributions will be entitled to statutory maternity pay (SMP). SMP is currently 90% of normal earnings for the first six weeks of maternity leave and then the same figure or £138.18 per week for April 2014-April 2015, whichever is lower. Women who do not qualify for SMP may qualify for maternity allowance (MA) which is paid at a flat rate of £138.18 per week for April 2014-April 2015 or 90% of their normal pay, whichever is the lower.

#### Paternity leave and pay

Paternity leave is available to anyone whose partner is having a child, as long as they expect to have responsibility for the child's upbringing, are either the biological father of the child or the mother's husband or partner (this includes same sex partners). They must also have worked continuously for the employer for 26 weeks in the 15th week before the week in which the baby is due.

Paternity leave must be taken in one block of one or two weeks within 56 days of the birth of the child, or the expected week of birth if the baby is born early. Employers must be informed of the intention to take paternity leave by the 15th week before the week in which the baby is due.

Employees who earn more than the lower earnings limit will be entitled to statutory paternity pay (SPP) of £138.18 for the same year (for April 2014 - April 2015) or 90% of pay, whichever is lower. There is no equivalent of MA for fathers who have not been employed long enough to qualify for SPP, or who are self-employed or on low pay.

## Shared Parental Leave (ShPL)?

A new shared parental leave and pay system is set to be introduced for children due or adopted on or after 5 April 2015.

The provisions mentioned in this section apply to England, Wales and Scotland.

UNISON very much welcomes the introduction of shared parental leave as the new system will allow parents and adopters more flexibility in how they care for their child during the first year.

Eligible parents will have the right to share up to 50 weeks' leave to care for their child (minus the period that the mother has spent on maternity leave) and up to 37 weeks' shared parental pay (paid at the same rate as statutory maternity pay).

The introduction of ShPL does not affect the existing entitlement to statutory maternity leave or ordinary paternity leave, which will continue unaffected. However, the recent entitlement to additional paternity leave will be abolished as shared parental leave is introduced instead.

Parents can exercise the new right to shared parental leave where the mother returns to work, but the mother must take at least two weeks' compulsory maternity leave before doing so.

To qualify for leave, an employee must have 26 weeks' continuous employment at the 15th week before the expected week of childbirth (EWC) and remain in that employment when the leave is taken. The employee's partner must also satisfy minimum employment and earnings criteria to be eligible for ShPL.

Employees who qualify for ShPL must notify their employer of their entitlement and intention to take leave at least eight weeks before their first period of leave. This notification must include:

- details of how much ShPL is available
- the amount of leave each parent intends to take
- a non-binding indication of when the employee is intending to take leave.

The parents can subsequently vary the amount of leave that each will take leave by notifying their employers of the change.

The notification must be accompanied by declarations from both parents about their entitlement to take ShPL and that they agree to the amount of ShPL the other parent wishes to take. The system is one of 'self-certification' and an employer is not expected to make detailed checks about an employee's eligibility for ShPL. However, if an employer receives a notification, it can ask for a copy of the child's birth certificate and the name and address of the partner's employer within 14 days. The employee then has 14 days to respond to the request.

An employee must give a separate written notice at least eight weeks before the start of any period of ShPL. The notice must state when the leave will start and end, and can request more than one period of leave.

If employees have asked for a single continuous period of leave, they are entitled to take it. If they have asked for separate periods of leave, the employer can:

- agree to the requested pattern of leave
- refuse the request
- refuse the request but propose alternative dates.

If agreement between employer and employee cannot be reached within two weeks, employees can withdraw their request, or take the leave requested as a single continuous period.

An employee can give up to three notices of their intention to take leave. If a notice is withdrawn because a leave pattern cannot be agreed between employer and employee, it does not count towards this limit.

During ShPL an employee's normal terms and conditions of employment should be maintained, except those relating to pay. Employees can work on up to 20 KIT ('keeping in touch') days during ShPL without bringing the leave to an end, and employees on ShPL who are at risk of redundancy are entitled to be offered suitable alternative employment if there is such a vacancy.

An employee returning from ShPL is normally entitled to return to the same job if they are coming back from a period of leave including ShPL of 26 weeks or less. If the period of leave exceeds this, and it is not reasonably practicable to return to the same job, they are entitled to return to a suitable alternative.

## Adoption leave and pay

Adoption leave works in a similar way to maternity leave. If an individual adopts alone, he or she is entitled to adoption leave. If a couple adopt jointly, they can choose which partner takes adoption leave; the other partner may take paternity leave, whatever his or her sex. The qualifying period and pay are the same as that of birth parents.

## Parental leave

Parents with a child who is under 5 or under 18 and in receipt of DLA each get 18 weeks unpaid leave per child. This can be taken in blocks of between one and four weeks per year (or in blocks of one day if the child receives DLA). Employees must give 21 days' notice of the date from which they wish to take leave. Employers may postpone leave for up to six months in certain limited circumstances, but may not postpone it in the case of a father taking parental leave immediately after the birth of his child. Employees must have one year's continuous employment with the employer to take parental leave.

## Emergency time off for dependants

This provides for employees, whatever their length of service, to have short periods of unpaid time off when there is a domestic emergency, such as when a child or elderly parent is ill (see the working families' factsheet Time Off for full details of the situations that are covered). The employee may take off a 'reasonable' amount of time to deal with the situation and make longer-term arrangements. This will usually be only one or two days after which the employee will be expected to come to some other arrangement.

For full UNISON guidance on all these issues visit the Conditions zone on the Bargaining support website: [www.unison.org.uk/bargaining/conditions.asp](http://www.unison.org.uk/bargaining/conditions.asp)

## Surrogacy

Intended parents in surrogacy and 'foster and adopt' arrangements will also qualify for adoption leave.

## Ante natal appointments

Prospective fathers or mother's partner can take time off to attend two ante natal appointments.

For up to date information on **maternity** pay go to [www.gov.uk/maternity-pay-leave](http://www.gov.uk/maternity-pay-leave)

For up to date information on **paternity** pay go to [www.gov.uk/paternity-pay-leave](http://www.gov.uk/paternity-pay-leave)

## Appendix 4: Best practice examples

### Bristol City Council

*“The process was as important as the outcome. The partnership between unions and management meant that new solutions were found to old problems”*

Jo Morris, Trades Union Congress (TUC) project manager

The Time of our lives was an ambitious work-life project that delivered ‘win-win’ results for staff and managers in a range of services.

The TUC, the Employers’ Organisation for Local Government, Bristol City Council and council trade unions, GMB, TGWU and UNISON, worked together on a European Union-sponsored project which aimed to:

- explore the potential for innovative working patterns that would improve both the quality of council services and employees’ ability to balance their paid work with the rest of their lives
- develop models of partnership between trade unions and employers to enable them jointly to identify better ways to organise work and time
- develop a positive model of flexibility which offers a ‘win-win’ situation for employees, employers and customers
- share experiences of different ways of reconciling work, personal responsibilities and aspirations and access to council services
- widely disseminate lessons learnt.

The projects was set up because the city council was under pressure to deliver better services, improve flexibility, and satisfy employees’ work-life balance aspirations.

Key to success was the commitment from the start of the council’s political leadership and management to solutions that reflected the views of staff and trade unions.

Surveys and focus groups of staff showed that both men and women were interested in trying out different work patterns. Three findings are particularly interesting:

- a higher proportion of women than men wanted opportunities for education and training
- men were more likely than women to say they wanted more family time
- the most common reason for wanting change was the desire to work more effectively in an “uninterrupted, focused way”.

UNISON suggested a pilot flexible working project at the library service, where staff members were demoralised because of recent cuts in the staffing budget. A customer survey had indicated a demand for Sunday opening but staff felt it would be a further incursion on their time.

Staff members were surveyed to see who would like to work on a Sunday. It was made clear that participation would be voluntary, that no one would be compelled to continue to work on a Sunday if they volunteered, and that individuals would benefit, through the usual additional Sunday payments.

Additional staff members were recruited to work on Sundays alongside volunteers from existing staff, many of whom were part-time workers who wanted to increase their hours.

A further staff initiative involved self-rostering, where staff members organise shifts on a team basis; this makes employees feel in control of their own working time and enables them to organise their work more effectively.

Sunday opening has resulted in a marked increase in library use – not only has the number of visitors gone up, but different users have also been attracted to the library, especially families. It has also now become permanent at Bristol Central Library after staff who were keen to swap or increase their hours responded to a work-life balance survey.

Similar initiatives have succeeded in other departments, such as pest control and waste management.

### Andrew, head of N and HS technical services

Andrew has twins under five. He works a nine-day fortnight, which allows him a long weekend every month, giving him time to do some of the personal things he wants to do and allowing him to spend more time with his children and give his wife a break from full-time caring responsibilities. Taking a long weekend once a month doesn't impact on the business, as people know when he is out and the management team support each other.

### Beryl, practice manager, central support services

Practice Manager Beryl uses her two flexi days off per month to visit her elderly parents in Spain who are not very well. Beryl says: "I must say that I feel the work-life policy is the main initiative, especially for women, that makes the council so attractive."

### Colin, pest control officer

Pest control officer and trade union representative Colin is the primary carer for his parents. Both are in their 80s and his mother is disabled. He says: "It's important that staff have the choice to do this. It enables me to pop in to check upon my parents in the morning and early evening on a daily basis. This has been a substantial influence on my working for the city council. I am also able to have the flexibility of working additional hours (overtime) within my locality which makes a huge difference. The view from the workgroup is that there has been a reduction in stress as we are not spending so much time in traffic queues feeling frustrated."

### Donna, contract services receptionist

Donna, a receptionist, has voluntarily reduced her hours during term time, in order to undertake a master's degree. Ella, a night care assistant, who has taken up a basic computer skills course through the TUC and the council, has been working one day a week filling in for Donna. This has enabled Ella to gain experience in a complete change of work environment and Donna to achieve her ambition to continue with her studies.

Donna comments: "Without the opportunity through the work-life balance policy I would not have had the opportunity to continue with my studies."

Ella states: "This is a complete change of career for me, and has given me the chance to try something different without having to give up my permanent post – a great opportunity."

### Fred, strategic development manager, education and lifelong learning

Fred, a strategic development manager, comments: "I was intending to use the other half of my working week to do historical interpretation for English Heritage special events. However, a serious arm injury has left me unable to do that for the foreseeable future. As a consequence I have been working two extra days a week, on a short-term basis in the department, on various short-term projects. This has given me the opportunity to use my existing skills and experience and to develop my knowledge base further."

### London Borough of Merton

*"We had recruitment problems, high levels of sickness and high staff turnover, and there was a general feeling that staff morale was low. We felt we needed to do something proactive."*

Keith Davis, assistant chief executive, London Borough of Merton

At the suggestion of the staff union, UNISON, the council applied for, and received, a £45,000 grant from the government's Challenge Fund to pilot a work-life balance scheme in the housing lettings and benefits departments.

Typical of the problems reported by staff was the experience of housing benefit officer, Carol Wyatt, who had to care for her elderly mother every morning before coping with the rush hour to be at her desk when phone lines opened at 9am.

"I used to get quite stressed sitting on the bus, hardly moving, knowing there was nothing I could

do about it,” said Carol.

Carol told her line manager she wanted to leave.

In lettings there was already a flexitime scheme but it was very limited. Focus groups were run for staff and managers along with a council-wide attitude survey and it was agreed to pilot new options:

- flexi hours from 7am to 7pm
- a 12 – 3pm lunch period
- core hours from 11am to 3pm
- the opportunity to take leave for a couple of hours rather than whole or half days
- the option of homeworking for the management team.

Management, staff and union agreed ground rules focusing on:

- joint staff and management responsibility for problem solving
- mutual flexibility
- an open-minded approach
- respect for the diversity of individual needs
- voluntary schemes – individuals may withdraw from them.

Team working, introduced to empower staff and support management, has been so successful that core hours have been dispensed with in favour of a commitment to necessary cover to provide a viable service to customers. The next agreed goal is the introduction of a nine day fortnight.

Carol Wyatt has stayed at her job. She says: “It has made all the difference; it really does make you feel you’ve got more control over your life. It gives me a chance to organise my working time around my other needs.”

The benefits are:

For the staff: “The main thing is that it empowers staff. Although a manager can still say “no”, now they have to justify their decision, rather than staff having to justify why they should be allowed time off.”

Sean Cunisse, UNISON branch secretary

For the employer: “Now we are asking, why can’t it work? Rather than just saying, ‘It can’t work’, the only thing that could stifle it is lack of imagination.”

Keith Davis, assistant chief executive

## Leeds Metropolitan University

A wide range of flexible working options and innovative leave provisions have been introduced to boost the proportion of women in senior positions.

Leeds Metropolitan University (LMU) is the largest university in England and Wales to have achieved an Investor in People award. The assessment report following successful re-recognition stated: “A good employer in terms of equality of access to training, fair recruitment, pay and conditions.”

The vice chancellor provides strong leadership to ensure the target for increasing the proportion of women in senior positions is achieved, backing the necessary work-life balance policies to support this.

*“The main thing is that it empowers staff. Although a manager can still say “no”, now they have to justify their decision, rather than staff having to justify why they should be allowed time off.”*



New research resulted in a promotional campaign to raise awareness of flexibility and a revision of the way in which policies are presented. The results of this campaign have included, for example, a deputy dean of faculty returning from maternity leave on reduced hours, a human resources operations manager reducing their working week and a senior lecturer returning to different working post adoption leave.

All posts can be considered for part-time, job share and compressed hours arrangements. A range of flexible employment options are on offer, including condensed working weeks and home working. Leave provision is strong and includes bereavement leave, caring for sick dependants, exam and revision leave – all formal policies, jointly negotiated with recognised unions which receive regular updates on take up.

Leave provision also includes flexibility around taking paternity leave and parents can choose to share maternity leave. Another innovation has been the availability of individual staff email facilities through the university's website, enabling staff to work at home and also for those on leave to receive all the updates and news on the website.

Recent organisational restructure changed the role of technical support staff and offered them the opportunity to dispense with the normal working week. Staff can now work flexibly within the boundaries of Monday to Saturday 8am to 9pm.

The human resources department has the right to approve finally any recommendations by managers for a particular option, thus enabling monitoring of take up and maintenance of consistency throughout the organisation. There are regular updates and training for all managers on policy, particularly when updated, revised and reviewed. Managers are encouraged to promote policy through team briefings. All policies are formalised and jointly negotiated with recognised unions who receive regular updates on take up.

Induction includes a specific time for promoting benefits and policies. The university website promotes policies and publishes up to date staffing statistics, including gender data. All staff have access to the site. A fortnightly newsletter also promotes commitment to work-life balance.

LMU has a crèche, holiday playschemes and a care referral service. Counselling and mentoring are available and the employee assistance programme supports staff and immediate dependants on a range of personal and professional issues.

## **Kings College Hospital NHS Trust**

King's College Hospital's Kingsflex scheme has proved key in reducing absenteeism and increasing recruitment. Flexible rostering, widespread part-time working, personalised annual leave and enhanced parental and carer leave are all widely promoted both in-house and in the surrounding area.

King's College Hospital in London, which has 4200 employees, launched a new initiative in 2000, called Kingsflex, to sell what was previously a piecemeal set of policies, which had been developed over several years. This has been widely promoted in-house and in the surrounding area, resulting in many applicants from the local community who might not otherwise have come forward.

"I took up nursing again, rather than going into teaching, after I met somebody in the local playground who told me about the brilliant flex-scheme at King's College," says a King's College Hospital NHS Trust employee.

Comprehensive leaflets were attached to payslips outlining the choices offered under the Kingsflex scheme, with the pros and cons of each option. Kingsflex featured in King's News and was flagged up using email. Roadshows were held where staff could come and raise issues and a mailshot was sent direct to people's homes.

Under the scheme, wards now offer rosters with a combination of short shifts or long shifts, and staff can choose which they work, allowing them to complete contracted hours in a way that is

***“Flexible rostering, widespread part-time working, personalised annual leave and enhanced parental and carer leave are all widely promoted both in-house and in the surrounding area.”***

most suitable to them. Staff may also ‘buy’ annual leave in return for a lower salary or reduce leave in return for more income. There are also examples of staff taking extended leave to travel, with a commitment to getting a job back on their return.

“I believe King’s College’s Kingsflex is absolutely brilliant! I have three children and have been out of professional practice for some time. I was able to undertake a return to practice course on a 9am-2pm basis. I now work term time only and I get annual leave. Therefore working does not affect my children at all. I am really committed and will do anything not to have time off,” comments a King’s College Hospital employee.

To help both employees and managers think through the best flexible option to suit their needs, a new booklet has been launched, which suggests some of the practical considerations employees and their managers need to think about when they negotiate requests. The booklet also clearly sets out the impact on the pay and benefits of each option and provides answers to commonly asked queries.

Kingsflex has board level, departmental and workforce commitment. Targets for reducing absenteeism and turnover are set for managers and flexibility is seen to be key in helping them to meet these.

## Appendix 5: Managers' FAQs

Convincing line managers is absolutely key to the successful implementation of flexible working policies in your organisation. They should be supportive of the concept because they will want their team to be fulfilled and rewarded for their contribution, as well as work more productively. However, the words are easy – making it real is more difficult and managers often see it as more work for themselves. There will be anxieties around flexible working and service provision, but if you have some answers ready it will help them get over these first hurdles.

Below is a selection of some of the most common views expressed by managers with suggested answers:

### **“Everyone will be coming and going when they please. How will we get the work done?”**

Getting the job done is what counts, and people who work flexibly know this better than most. The secret is for employees and managers to agree realistic objectives and to ensure that everyone is clear about when they are out of the workplace and when and how they can be contacted.

### **“If we have flexible hours, does that mean I have to work longer to supervise everyone?”**

Clearly any flexible work programme relies on organisation within the team. Employees who work flexibly should have good self-management skills and will not need extra supervision after the initial settling in period. Flexible working should not result in extra work for someone else, and this includes the manager. Managers should try and make sure they have some flexibility too.

### **“What happens if no one is here to answer the phone?”**

Preparation work should be done by the employee who wants to work flexibly (often in conjunction with their steward) to work out how the job will be carried out if a change in hours means that the phones may not be covered.

### **“Scheduling of team meetings will be very difficult.”**

As part of the introduction of flexible working, team members must be aware of the need to have regular communication through meetings as well as, where appropriate, via email, etc. It should be possible to arrange meeting times to suit all team members, including those working flexibly. Flexible workers may occasionally be asked to change their agreed hours to accommodate key meetings, but this should not be a regular expectation.

### **“How do we engender a proper team culture?”**

If employees realise the benefit of a positive team culture, ask them to come up with ideas for how they can help maintain team spirit. The team must take as much ownership as the line manager in ensuring that flexible working does not affect the service and that includes the proper functioning of the team.

*“Flexible working should not result in extra work for someone else, and this includes the manager.”*

### **“Out of sight, out of mind ... productivity is bound to go down if people are not closely supervised.”**

On the contrary, experience has shown that productivity tends to go up among employees who are able to strike a better work-life balance and who feel trusted to ‘get on with it’.

### **“If I allow one person to work flexibly I shall have to let everyone.”**

All the evidence shows that only a minority of workers want to work flexibly. Working flexibly or taking a break from work depends on the circumstances within the workplace at the time the request is made and must be consistent with service objectives being met. Necessarily,

therefore, some workers will be unable to take advantage of some options simply because of the nature of their work. Someone who works on the reception desk will not be able to work from home but might be able to job share or work shifts. The important thing for managers is to consider each application on its merits and to give sound business reasons for their decision. Manager training will help them to achieve this.

### **“Favourable treatment is often given to mothers with children ... what about men and single people?”**

In the process for considering applications for flexible working, no mention need be made of the reasons for the request.

To avoid accusations of discrimination, try to focus on the feasibility of the request rather than the reason for it.

*“Even if an employee has the right to request flexible working, the planning is a vital part of making it work.”*

### **“Isn’t part-time work only for junior staff? Surely people are not committed to the organisation or their careers if they only want to work part of the week?”**

Research shows that part-time employees, who are managing outside responsibilities as well as their jobs, are often more committed to their work than their full-time colleagues. The test of this is, once again, having measurable objectives, which should be just as demanding as for full timers. There is increasing evidence of senior roles being undertaken

flexibly – and as the demographic make-up of the labour force changes, combined with the changing attitudes of men to the role work has in their whole life, this can be expected to increase.

### **“Will a job share mean I have to spend more time supervising two people rather than one?”**

Managers who have not managed a job share may be anxious about managing two people instead of one. In the early stages of a job share arrangement there is a higher degree of involvement by the manager, simply in terms of making sure the parties are working together properly, that communication processes are in place and that the work is being delivered. In terms of management, there are two performance appraisals to be conducted, etc, although some job share partners choose to have joint appraisals. However, once the arrangement is in place, experience shows that the job sharers develop a strong self-management attitude, particularly if the manager stresses the need for ownership.

### **“We don’t know how to make it work.”**

When an employee initially makes a request for flexible working, he or she should have thought about ways in which a new arrangement might work (with the help of their steward) – it is not up to the manager to do this initial thinking.

The key to making it work is to plan carefully, to put in review dates both for individuals and teams and not to be afraid to reassess the situation if it is not working. Even if an employee has the right to request flexible working, the planning is a vital part of making it work. Once it has been thought through by the individual, a team meeting to discuss the proposal is a good idea and detailed discussions can take place about how to make it work.

### **“How we will know where anyone is if they are working flexibly?”**

A very important part of planning for flexibility is for the flexible worker to share with colleagues details about their working times and when they can be contacted.

If the employee is working from home it will be important to state when they are available for calls, etc – one of the challenges of working from home is that there may well be a tendency for colleagues to think they can be contacted 24 hours a day!

Modern technology allows us to be at the end of a line all the time – flexible workers need to be given assistance so that they are able to put barriers around their “down time”.

### **“If we allow parents to work from home they will use it to manage childcare.”**

Wherever work is carried out, there has to be an understanding that it becomes the workplace, ie it is not doubling up as a childcare facility. However, often parents who work at home may split their days so that they can, for example, go to school to collect their children, perhaps spend time with them until bedtime and then get back to work after that. As long as the work agreed is finished on time, employees can, within reason, do it when they want to. However, this only works with project type work. If an individual is part of a team that needs to be in constant contact they will need to negotiate contact times and regular overlaps with colleagues.

### **“Will those of us who don’t work flexibly have to work harder to allow others to work flexibly?”**

No plans for flexible working should adversely impact on others in the team and this should be discussed at the earliest opportunity when trying to agree a flexible working pattern for an individual. There may well be a re-jigging of responsibilities but there should not be a loading of extra responsibilities on to other people. If the team thinks this may be the case it is important for them to discuss alternatives that will suit them all better and still get the work done.

## Appendix 6: Sources of further information

### UNISON website and links

[unison.org.uk](http://unison.org.uk)

[unison.org.uk/knowledge/unison-knowledge-for-reps/](http://unison.org.uk/knowledge/unison-knowledge-for-reps/)

### Working Families

Free confidential legal advice for parents and their representatives on flexible working, maternity and paternity rights, parental and emergency leave and benefits for working parents.

**Helpline: 0300 012 0312**

[www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

### ACAS

Free advice line giving employment law advice.

**Telephone: 0300 123 1100**

[www.acas.org.uk](http://www.acas.org.uk)

### Government guidance on entitlements

[www.gov.uk](http://www.gov.uk)

# Notes



## Notes



