



CHANGES TO HOW EMPLOYERS MUST DEAL WITH FLEXIBLE WORKING REQUESTS



Since 2014, all employees who have worked with the same employer for at least 26 weeks have had the right to make a statutory flexible working request. An employee can make a flexible working request in relation to their hours of work (for example, requesting to work part-time), the times that they work (for example, requesting an earlier or later start time) and their place of work (for example, requesting to work from home).

In light of the increase in more flexible ways of working since the pandemic, Parliament has recently passed the Employment Relations (Flexible Working) Act 2023, which will come into force soon, on a date to be announced. This Act is designed to make it easier for employees to make flexible working requests by making changes to the process that employers must follow when dealing with these requests, as summarised below:

- The number of flexible working requests that an employee can make in any 12 month period has been increased from one to two.
- The time that employers have to make a decision on a flexible working request has been reduced from three months to two, unless extended by agreement. Extensions may happen where the employer offers the employee a trial period of their proposed working arrangements.
- Employers now have an obligation to consult with the employee

before refusing a flexible working request. What constitutes adequate consultation is not set out, however an Employment Tribunal would expect an employer to hold at least one meeting with the employee to discuss their request and explore whether it can be implemented.

- Employees no longer need to state in their flexible working request what effect they believe their requested changes would have on the employer and how this effect might be dealt with.

Importantly, the Act does not make any changes to the list of eight reasons that an employer can rely on when refusing a statutory flexible working request. This means that employers will still be able to refuse a flexible working request where it is not possible for the business to accommodate it and one of the eight statutory grounds applies.

Nevertheless, employers should ensure that they carefully consider any flexible working request on

a case-by-case basis rather than flatly rejecting requests made by employees. This is especially the case where a flexible working request relates to an employee with an underlying health condition or to an employee with caring responsibilities (whether in relation to a child or a disabled person), as there is a risk that refusing such a request could amount to indirect disability or sex discrimination.

Just Employment Law are

employment law specialists with expertise in assisting employers with a wide range of employment matters, including drafting flexible working policies and advising employers on dealing with flexible working requests. If you are interested in learning more about our services, please contact us on 0141 331 5150 or at enquiries@justemploymentlaw.co.uk.

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