



**Department of Business and Trade consultation  
on - *Make Work Pay: consultation on improving  
access to flexible working***

**Unite the Union**

**Response**

**April 2026**

## About You

Unite is the UK's largest trade union with over 1.2 million members across all sectors of the economy, including health, transport, manufacturing, financial services, food and agriculture, information technology, service industries, construction, energy and utilities, local government and the not-for-profit sector. Unite also organises in the community, enabling those not in employment to be part of our union.

Equality is a pivotal element of Unite's comprehensive agenda, which encompasses job security, equitable pay, and favourable working conditions. To ensure these values are actively promoted and upheld, we have established a dedicated equality department. This department oversees multiple Equality Committees, each designed to address the specific needs and challenges faced by various groups, including women, individuals with disabilities, members of the LGBT+ committee, Black and Asian Ethnic Minorities (BAEM) groups, and young workers. These committees play an essential role in advocating for inclusive practices and fostering an environment where every member can thrive, thereby enhancing the overall integrity and fairness of our organisation.

Unite has consistently championed equal opportunities, striving to eliminate barriers in the workplace and across all facets of society. **As part of our commitment to this mission, we have conducted a thorough consultation process to gather comprehensive insights and concerns our members on the issue of flexible working.** Through this effort, we aim to amplify the voices and intersectional concerns of our members and ensure their experiences shape our advocacy in this call for evidence.

Our submission examines current challenges, best practices, and recommendations to improve access to flexible working arrangements. This consultation should be used as an opportunity to shift flexible working from a discretionary benefit to a genuine workplace right.

### Contact

**This document is submitted on behalf of Unite the Union.**

**For further information about this response, please contact Irina Do Carmo (Equality Research Officer):**

## Executive Summary

Unite welcomes the Government's consultation on improving access to flexible working and supports the principle that flexible working should be treated as a core workplace right rather than as a benefit at the employer's discretion.

As a trade union representing over 1.2 million workers across all sectors of the economy, Unite's evidence demonstrates that the April 2024 legislative changes have not delivered the meaningful improvement workers were expecting. While the duty on employers to consult before rejecting a flexible working request was a positive step, too many employers continue to treat consultation as a procedural exercise rather than a genuine attempt to reach an agreement.

Our survey of members found that:

- **29% reported that their employer had rejected "a few" statutory flexible working requests since April 2024;**
- **14% reported that their employer had rejected "many" requests;**
- **Only 25% said their employer hadn't rejected requests;**
- **Just 10% reported that their employer had accepted most requests;**
- **52% selected all four measures proposed in this consultation to address barriers to flexible working, demonstrating strong support for stronger enforcement, better awareness, and greater employer transparency**

This evidence shows that flexible working remains inconsistently applied and too often inaccessible, particularly for women, parents, carers, disabled workers, Black and Asian ethnic minority workers, older workers, and those in frontline and public service roles.

Unite believes the current framework remains too weak because it offers only a right to request, not a meaningful right to access flexible working. Employers can continue to rely on broad statutory business reasons to reject requests, often without transparency, evidence, or genuine consultation. Tribunal remedies are too limited to serve as an effective deterrent, and many workers feel discouraged from challenging unfair refusals.

Flexible working has a direct impact on equality, retention, wellbeing, and productivity. A lack of flexible working is driving people, particularly women, carers, and disabled workers, out of secure and better-paid employment. Workers should not have to choose between decent work and the flexibility needed to manage family life, disability, or caring responsibilities.

### Unite therefore calls for:

- a stronger presumption in favour of flexible working from day one of employment
- a requirement for employers to provide evidence-based justification for refusals
- stronger enforcement mechanisms and increased Employment Tribunal penalties
- better compliance with the ACAS Code of Practice
- improved guidance for both employers and workers
- greater transparency during recruitment about flexible working arrangements
- stronger recognition of the role of trade unions and collective bargaining in delivering flexible working solutions

Flexible working should be recognised as a central feature of good work, workplace equality, and labour market participation, not as an optional perk. This consultation should be used as an opportunity to move from a limited right to request towards a genuine right to flexible working.

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### 1. Since the requirement to consult on flexible working was introduced in April 2024

Unite welcomes the introduction of the requirement for employers to consult with workers before rejecting a flexible working request. This was a positive step that recognised that flexible working should be treated as a fundamental workplace issue rather than an individual favour granted at the employer's discretion.

However, in practice, the change has not delivered the improvement workers expected. According to Unite research, many employers continue to treat consultation as a procedural “tick-box exercise” rather than a genuine attempt to reach agreement. Workers report that decisions are often predetermined before consultation, with meetings focused only on discussing alternatives to refusal rather than properly considering the original request.

Results from our flexible working survey reveal employer rejections of statutory flexible working requests since April 2024:

- **29% of respondents** reported that their employer had rejected “**a few**” statutory flexible working requests
- **14%** reported that their employer had rejected “**many**” requests
- Only **25%** said their employer had rejected **no** statutory flexible working requests
- **21%** said their employer had **accepted some requests**

- While **10%** reported that their employer had **accepted most requests**.

This demonstrates that rejection remains common and that many employers still do not approach flexible working positively.

*“The way in which the FWR [flexible working requests] are being dealt with has got worse instead of better.”*

*“It always comes down to service needs.”*

Unite is concerned that a widespread workplace culture persists in which flexible working is treated as a privilege rather than a core workplace right. This particularly affects women, disabled workers, carers, BAEM, older workers, and those in frontline and public service roles, where access is often most restricted.

**Flexible working must be recognised as central to retaining skilled workers, improving equality, and supporting high-quality jobs.**

Unite’s evidence shows that access to flexible working is often the deciding factor in whether workers remain in employment or are forced to leave. Members repeatedly report that, when flexibility is denied, they are left with little choice but to reduce hours, move into lower-paid or less secure roles, or exit the labour market entirely. This is particularly acute in sectors already facing recruitment and retention challenges, including health, local government, transport and manufacturing. As one member stated, *“Flexible working can mean the difference between staying in a job and leaving it,”* while another reported, *“I wouldn’t be able to work without it.”* These experiences underscore that flexible working is not a marginal benefit but a key tool for workforce retention and skills preservation.

The equality dimension is equally significant. A lack of access to flexible working disproportionately affects women, who continue to bear the majority of unpaid caring responsibilities, as well as disabled workers, carers, and older workers. Without access to flexible arrangements such as predictable hours, adjusted shifts, or reduced working patterns, these groups face structural barriers to staying in employment or progressing in their careers. Members have reported that requests related to maternity return, disability, or caring responsibilities are frequently refused on vague “business grounds,” reinforcing existing inequalities. This undermines wider policy goals around gender equality, disability inclusion, and extending working lives.

Furthermore, flexible working is a key component of high-quality jobs. When genuinely available, workers report improved job satisfaction, better mental health, increased productivity, and stronger engagement with employers. Flexible working enables workers to manage their responsibilities more effectively, reducing stress and absenteeism while supporting sustained participation in the workforce. Conversely, when flexibility is denied, workers experience burnout, disengagement, and reduced morale, which can negatively impact organisational performance.

Unite's findings therefore make it clear that flexible working is not merely an individual preference but a structural labour market issue. Embedding flexible working as a core condition of employment is essential to building a modern, inclusive, and productive workforce.

## **2. When handling flexible working requests, do line managers discuss any of these with the employee who made the request?**

Our evidence suggests that the quality of consultation depends heavily on individual managers rather than on clear organisational standards. Unite's survey responses indicate significant inconsistency in how flexible working requests are handled, with outcomes often determined by managerial attitude rather than by a transparent or structured process. Members reported very different experiences within the same organisation, suggesting that employer policies are either unclear or not applied consistently in practice.

In some cases, line managers discuss limited alternatives, such as amended hours, compressed hours, or partial homeworking. However, these discussions are often narrow in scope and do not constitute a genuine attempt to identify workable solutions. This reflects wider concerns raised by Unite representatives that the statutory duty to consult is often treated as a procedural requirement rather than a meaningful dialogue.

Survey responses and member testimony indicate that these discussions are often superficial and fail to engage meaningfully with viable solutions. For example, members described instances in which requests were dismissed too quickly without proper consideration, or alternatives were proposed without genuine flexibility or willingness to compromise. As one respondent noted, "It always comes down to service needs," suggesting that consultation can be reduced to a justification exercise rather than a problem-solving process.

Common failures identified through Unite's evidence include:

- **Managers entering consultations with a pre-determined decision to refuse**  
Members frequently report that outcomes appear to be decided in advance of any meeting. This undermines the purpose of consultation and reinforces perceptions that the process is a "tick-box exercise." One respondent stated, "*When a manager decides that they don't want to approve a flexible working request, they simply ignore all guidance without recourse.*"
- **Failure to properly consider the original request**  
Rather than engaging with the request itself, some employers immediately propose alternatives or reject it outright. This reflects concerns that the current framework encourages employers to move quickly to refusal rather than genuinely assess feasibility.
- **Little or no discussion of alternatives such as job shares, phased arrangements, or adjusted shift patterns**  
Unite's evidence highlights a lack of creativity in employer responses. For example, multiple workers requesting reduced hours may be refused

individually, with no attempt to explore whether a job-share arrangement could meet both employees' and business needs.

- **Lack of evidence provided to justify rejection**

Members report that refusals are often based on generalised assertions rather than concrete evidence. Employers rarely provide data or analysis to demonstrate why a request cannot be accommodated, limiting transparency and accountability.

- **Reliance on vague references to “business needs” without explanation**

Broad statutory reasons, such as impact on performance or service delivery, are frequently cited without further detail. As reflected in member feedback, this creates frustration and a perception that these reasons are used as default justifications rather than as evidence-based conclusions.

- **Failure to involve trade union representatives where appropriate**

In unionised workplaces, members report that representatives are not always engaged in the process, despite their potential to identify workable solutions and ensure fair treatment.

Overall, many members report that consultations focus on why flexible working cannot work rather than on how it could be made to work. This reflects a broader cultural issue in which flexibility is still seen as an exception rather than a standard feature of job design. Unite’s evidence suggests that without clearer organisational standards, stronger enforcement, and a requirement for evidence-based decision-making, the duty to consult will continue to be applied inconsistently and ineffectively.

### **3. In your view, has overall access to flexible working improved since the 2024 changes were introduced?**

Only marginally, and not consistently.

While awareness of the right to request flexible working has increased, approval rates and actual access have not improved significantly for many workers. The statutory framework remains too weak because it is still a “right to request” rather than a meaningful right to access flexible working.

Our evidence demonstrates that many workers continue to face rejection on the same broad statutory business grounds, often applied without transparency or scrutiny. This is particularly true in sectors such as manufacturing, transport, health, local government, and other public services, where workers report that flexibility is routinely dismissed as “*not operationally possible.*”

### **The April 2024 changes have not addressed the fundamental imbalance of power between employer and worker.**

Without stronger enforcement and clearer obligations on employers, flexible working remains inaccessible for too many.

#### **4. Examples, positive or negative, regarding overall access to flexible working arrangements since the April 2024 changes**

Negative examples remain far more common.

Members report examples of:

- part-time requests rejected without meaningful consultation;
- requests from parents returning from maternity leave were refused on vague “business grounds”;
- disabled workers denied adjusted working patterns despite clear health benefits;
- carers unable to secure predictable working hours;
- multiple workers seeking reduced hours are being refused individually, with no exploration of whether job-sharing arrangements could work;
- frontline workers told flexible working is only available to office-based staff.

Unite is concerned that many workers still feel they must choose between progression, security and pay on the one hand, and flexibility on the other.

Positive examples usually occur where a strong local union organisation exists and where employers engage constructively through collective bargaining rather than relying solely on individual statutory requests.

This demonstrates that collective solutions are more effective than individualised rights alone.

#### **5. Has your employer rejected any statutory flexible working requests since April 2024?**

Yes.

As highlighted throughout this consultation, our members continue to report regular rejections of statutory flexible working requests, particularly for part-time work, remote working, predictable hours, and adjusted shift patterns.

Rejections are frequently justified using broad statutory reasons such as “*detrimental impact on performance*” or “*inability to reorganise work,*” often without evidence.

Employers are rarely required to demonstrate that alternatives were genuinely explored, and workers often feel discouraged from challenging refusals due to the limited remedies available.

This undermines confidence in the system and reinforces the perception that the process is largely symbolic rather than enforceable.

## 6. Impact of statutory flexible working on work and personal life

Flexible working has a major impact on workers' wellbeing, equality, retention and productivity.

Where flexible working is genuinely available, members report:

- improved work-life balance
- better mental health and reduced stress
- improved job satisfaction
- greater ability to manage caring responsibilities
- reduced financial pressure from childcare and travel costs
- improved retention and reduced absenteeism
- stronger productivity and engagement

Where flexibility is denied, the opposite occurs.

Workers, especially women, parents, carers and disabled workers, are often forced to reduce their hours, leave secure employment, accept lower-paid work, or leave the labour market entirely.

### **A lack of flexible working is driving people out of jobs.**

Workers should not have to choose between decent work and the flexibility needed to manage family life, disability, or caring responsibilities. Flexible working should be recognised as a core element of good work, not an optional benefit. This principle reflects the Government's stated intention behind its reforms to flexible working rights, particularly through the Employment Relations (Flexible Working) Act 2023 and the accompanying regulations implemented in April 2024.

When introducing the reforms, ministers consistently emphasised that flexible working should become a **normal and expected feature of working life**, rather than something exceptional or limited to certain roles or individuals. The Government has stated that flexible working reforms are intended to support workers to "*achieve a better work life balance,*" recognising that this can lead to "*happier, healthier and more productive employees.*"<sup>1</sup> This would be particularly significant for groups facing structural barriers such as parents, carers, BAEM and disabled workers.

During the passage of the legislation, ministers highlighted that the reforms were intended to "**encourage a more constructive dialogue**" between employers and employees and to shift workplace culture so that flexible working is considered **from the outset of employment**, rather than only after long service. The move to make flexible

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<sup>1</sup> [https://assets.publishing.service.gov.uk/media/69a6bf1ca2495f2d259f1397/factsheet-flexible-working-feb-2026.pdf?utm\\_source=chatgpt.com](https://assets.publishing.service.gov.uk/media/69a6bf1ca2495f2d259f1397/factsheet-flexible-working-feb-2026.pdf?utm_source=chatgpt.com)

working a **day-one right to request**, alongside the introduction of a duty to consult before refusal, was explicitly framed as part of this cultural shift<sup>2</sup>.

Government statements accompanying the reforms also recognised the **economic and organisational benefits** of flexible working, including improved recruitment, retention and productivity. Ministers pointed to the role of flexible working in helping employers access a wider talent pool and retain experienced staff who might otherwise leave the workforce<sup>3</sup>.

However, Unite's evidence suggests that this intended cultural shift has not yet been realised in practice. While the legislation aimed to embed flexible working as a standard feature of modern employment, many employers continue to treat it as a discretionary benefit. The continued reliance on broad business reasons for refusal, limited consultation, and inconsistent application across workplaces demonstrates a gap between the **legislative intent** and **workplace reality**.

This reinforces the need for further reform to ensure that flexible working is not only encouraged in principle but delivered in practice as a core component of good work.

## **7. What topics should additional guidance for employees on flexible working cover?**

In Unite's view additional guidance should include:

- **clear explanation of the legal right to request flexible working from day one;**
- **examples of all forms of flexible working, not just homeworking ;**
- **how to make an effective request;**
- **employer obligations to consult meaningfully;**
- **what evidence employers should provide when refusing a request;**
- **how workers can challenge unfair refusals;**
- **trade union support and the role of collective bargaining;**
- **specific protections for parents, carers, BAEM, disabled workers and older workers;**
- **examples of successful arrangements including job shares, predictable hours, compressed hours and phased return arrangements.**

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<sup>2</sup> Hansard: Employment Relations (Flexible Working) Bill. Volume 830: debated on Friday 19 May 2023. Link: [https://hansard.parliament.uk/lords/2023-05-19/debates/D9EC8C52-C1EA-4BC4-8766-6C443419A017/EmploymentRelations%28FlexibleWorking%29Bill?utm\\_source=chatgpt.com](https://hansard.parliament.uk/lords/2023-05-19/debates/D9EC8C52-C1EA-4BC4-8766-6C443419A017/EmploymentRelations%28FlexibleWorking%29Bill?utm_source=chatgpt.com)

<sup>3</sup> Ibid.

Guidance should also challenge the misconception that flexible working is only relevant to office-based or professional roles.

Unite's evidence shows that this perception is a significant barrier to access, particularly for workers in frontline, operational and shift-based roles across sectors such as manufacturing, transport, health and social care, retail and logistics. In these sectors, flexible working is often incorrectly equated with homeworking or remote work, leading employers to conclude prematurely that flexibility is not feasible. As a result, many workers are denied access without meaningful consideration of alternative forms of flexibility that are compatible with the nature of their work.

Flexible working encompasses a wide range of arrangements beyond homeworking, including predictable shift patterns, compressed hours, annualised hours, job sharing, part-time work, flexitime, and phased retirement. Unite members report that these options are rarely considered in non-office settings, despite clear evidence that they could be implemented with appropriate workforce planning. For example, members have highlighted cases where requests for reduced hours were rejected individually, with no attempt to assess whether job-sharing arrangements could be introduced, or where shift workers were denied predictable schedules despite ongoing issues with last-minute rota changes.

This misconception also disproportionately affects equality. Workers in lower-paid, manual, and public-facing roles, who are typically women, BAEM workers, or those with caring responsibilities, often have the least access to flexible working. This reinforces existing labour market inequalities, creating a two-tier workforce in which flexibility is available primarily to higher-paid, office-based staff.

Guidance must therefore explicitly set out how flexible working can be applied across sectors and job types, with practical examples tailored to operational environments. It should challenge employers to move beyond a narrow understanding of flexibility and encourage a proactive approach to job design, workforce planning, and consultation with trade unions. Without this, flexible working will remain unevenly distributed and inaccessible to many of the workers who would benefit most.

## **8. What format should additional guidance take?**

Guidance should be practical, accessible and widely promoted.

This should include:

- accessible language;
- sector-specific case studies;
- workplace posters and summary guides with copies available in brail and neuro-accessible documents;
- digital resources and interactive tools;
- model policies for employers;
- jointly produced union-employer guidance;

- stronger ACAS guidance with clear compliance expectations.

Trade unions should be actively involved in developing and promoting this guidance to ensure it reflects real workplace experience.

### **9. Which ways to address barriers to flexible working should be explored further?**

Considering barriers to flexible working, results from our survey show overwhelming support for stronger action across all areas: **52% of respondents selected all four proposed measures**, indicating broad support for a comprehensive approach to improving access to flexible working.

This included support for:

- encouraging organisations to communicate their flexible working policies during recruitment;
- improving enforcement of the right to request flexible working;
- improving employee awareness of different flexible working arrangements;
- improving employer awareness of the range of flexible working options available.

Demonstrating a clear consensus among members that improving access to flexible working requires stronger enforcement alongside better awareness and transparency from employers.

Therefore, Unite supports all of the options listed:

#### **(a) Encouraging organisations to communicate their approaches to flexible working with candidates**

Yes.

Flexible working should be discussed transparently at the recruitment stage. Too often, workers discover restrictions only after accepting a role. Unite believes employers should be expected to advertise flexibility by default.

#### **(b) Improving enforcement of the right to request flexible working**

Strongly yes.

This is essential. Tribunal penalties are currently too weak and do not incentivise compliance. Employers must face meaningful consequences for failing to consult, failing to respond properly, or refusing requests without evidence.

### **(c) Improving employee awareness about different arrangements**

Yes.

According to our evidence, many workers remain unaware of the full range of flexible working options available beyond remote working.

### **(d) Improving employer awareness about different arrangements**

Strongly yes.

Many employers demonstrate a lack of creativity and assume flexibility is impossible without exploring practical solutions such as job shares or redesigned shifts.

### **(e) Something else**

The Government should move beyond a “right to request” and establish a stronger presumption in favour of flexible working as the default position from day one of employment. In Unite’s view, employers should be required to justify refusals with clear evidence, and workers should have stronger rights to challenge refusals.

Additionally, trade unions and collective bargaining must be central to improving access. Flexible working works best when it is embedded in workplace agreements rather than left to individual negotiation.

The Government has an opportunity to move flexible working from a limited procedural right to a genuine labour market reform. Without stronger legal rights, improved enforcement, and collective bargaining, flexible working will remain inaccessible for many of the workers who need it most.

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