



Department for Business and Trade - Call for evidence on non-statutory flexible working

UNITE the Union Response

November 2023

Call for evidence on non-statutory flexible working

Unite - the Union Response

Introduction

Unite is the UK's largest trade union with over one 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 who are not in employment to be part of our union.

Unite supports the TUC response and would like to make the following points:

1. Unite has been and will continue to call for:
 - Flexible working as a default in all jobs.
 - Flexible working rights as a DAY ONE right for all those engaged in work.
 - Flexible working instead of the right to request it.
2. In case of informal requests, they are more likely to be turned down, as there is no obligation on the employer to consider the request and hence the status quo often prevails. Even in organisations where Unite has a national agreement, this policy isn't always implemented at local level since local managers find it easier to turn down informal requests rather than look into making the necessary changes.
3. We are finding that employers are citing almost any business related grounds for refusal without properly looking into the circumstances. It is therefore, vital that employers consider all cases positively, sympathetically and find a satisfactory arrangement for all concerned.
4. All requests should be granted unless in exceptional circumstances.
5. Employers should objectively justify any refusal, as without this, flexible working opportunities can be denied on a generalised basis.
6. Employers should provide a detailed explanation in writing to include the key facts, as to why the request has been refused. They should have to say how they considered requests and whether they have looked at all possibilities.
7. When a request is accepted it should not become a permanent change unless it is specifically asked by the employee.

- 8.** Employers should negotiate a policy on flexible working with the relevant trade union, which enables those with the skills, experience and commitment needed to remain in work while they carry out their family responsibilities as well as health needs.
- 9.** There should be monitoring of the number of flexible working acceptance and rejection that include sex, race, disability, sexual orientation, trans+ identity, age and seniority. This should be followed by action plans to remedy any issues.
- 10.** We have found that employers who are committed to provide flexibility, regularly review and improve their work-life balance arrangements, provide training for those managers responsible for the operation of these arrangements, and provide time off for union representatives to receive this training, too. Therefore, there should be regular reviewing and monitoring of the effectiveness of flexible working arrangements built into the employer's procedures. This should specifically include:
 - Review data on requests for flexible working to ensure that they are working in practice, or to identify particular needs in a certain occupation or area, or lack of take-up amongst particular groups of workers
 - Training for all managers operating flexible working systems, and paid release for union representatives to receive such training
- 11.** While recognising that smaller employers often require additional support as they do not have eg. Human Resource departments or Equality Officers to assist, our experience with some smaller employers is that they have a positive approach to flexible working, because of greater knowledge and understanding of individual workers' situations. It would be important not to always assume that smaller employers will not provide flexible working.
- 12.** Our members have been telling us that the top reason for choosing a particular employer is their policy and positive attitude towards flexible working. It has been cited by members as a great retention tool in their organisations.