



The Right To Request Flexible Working

An advice leaflet for Usdaw members



Your Right To Request Flexible Working

There are times when juggling work and home life can be hard going. Sometimes Usdaw members might want to change their hours of work to make life a bit easier.

Anyone who has worked in the same job for 26 weeks or more can ask for a change in their working arrangements. You can ask your employer for different hours of work or you can ask to change the days you work.

This leaflet explains this right, which is called the Right to Request Flexible Working. This is not a new right but previously only parents and carers could make use of it.

Unfortunately, agency workers are excluded from this right but this doesn't stop them asking for a change in their working hours. It simply means they cannot ask under the formal right to request procedure outlined in this leaflet.

It is important to bear in mind that the law gives you the right to ask for a change in your working arrangements. Your employer must consider this and only refuse where there are clear business reasons for doing so.



If You Want to Change Your Hours

Anyone can ask for a change in their working arrangements. If you have worked for your employer for more than 26 weeks, you have the Right to Request Flexible Working.

Usdaw recognises that some members might be under particular pressure juggling work and home life. They include parents, carers and grandparents. The Right to Request Flexible Working might be particularly helpful for these groups of members.

Disabled members might want to ask for different hours of work to help them manage their disability and work.

However, disabled workers who need to change their hours of work have additional rights under the Equality Act or the Disability Discrimination Act in Northern Ireland.

For more information see Usdaw's leaflet *Supporting Disabled Members* (leaflet 383).

The Government have committed to removing the 26 week qualifying period, meaning all employees will have the right to request flexible working from day one of employment. The Employment Relations (Flexible Working) Bill will also allow employees to make 2 requests in any 12 month period (currently 1 request) and require employers to respond to requests within 2 months (currently 3 months). The Bill is currently making its way through parliament and there is no date yet for when the changes proposed will come into effect. Reps and members will be kept updated when this happens.

Usdaw continues to make the case that these reforms do not go far enough to support members seeking hours the fit round their childcare.



Other Legal Rights

Parental Leave

Parents of children under the age of 18 have the right to 18 weeks unpaid parental leave per child if they have worked for their employer for more than one year; they must take this leave before the child's 18th birthday.

Time off for dependants – Everyone has the right to take unpaid reasonable time off work to help family members who depend on them in an emergency. Usdaw members have also successfully used this right to:

- Finish work at 3pm to collect children from school.
- Work school term times only.
- Stop working Saturdays for a limited period of six months. In this case the person's partner had left to work abroad and she could no longer continue to work the Saturday shift.
- Change from working an evening shift to an afternoon shift.

Carers Leave

In February 2023 the Government passed the Carer's Leave Bill, which is currently making its way through parliamentary processes. The Bill will entitle unpaid carers to one week of unpaid Carer's Leave a year, and apply to eligible employees from day one of employment. It follows a 2019 manifesto commitment and lengthy consultation process to which Usdaw responded. While we welcome this as a step in the right direction, we do not believe the Government is going far enough. As the right is unpaid, it may be difficult for low paid carers to use – therefore Usdaw continues to call for a paid period of leave alongside further improvement to rights for working carers. There is not yet a date when the Bill will come into effect and the Union will keep reps and members updated.



How Do I Go About Asking for a Change to My Working Arrangements?

There are three key points to remember.

1. You must make your request in writing. There is a standard form produced by Usdaw that you can download and use at: www.usdaw.org.uk/FlexiAppForm and a more detailed briefing on the Right to Request Flexible Working that can be downloaded from the Usdaw website: www.usdaw.org.uk/FlexiBriefing You can also get a copy by calling **0161 224 2804** or by contacting your local Usdaw office.
2. You can only make one request in a 12 month period. Even if your request is turned down you cannot make another formal Right to Request Flexible Working, but there is nothing to stop you asking your employer for a change informally at any time.
3. Any request that is agreed represents a permanent change in your contract, terms and conditions. However, employers can agree to a change for a shorter period of time. If an agreement has been made that you will revert back to your old hours of work after a specified period make sure you obtain this agreement in writing.

Case Study

Karen is a single parent, working 16 hours a week behind a bar. She has a son who is diabetic. He requires regular medication and has strict dietary requirements.

Karen normally works 2pm-5pm on a Monday, however her employer suddenly decides to change her hours to 2pm-6pm without consultation.

Karen cannot comply with this change as she has to be there for her son to make sure he takes his medication and eats properly. Her employer does not even try to understand the implications the changes have for Karen. She resigns.

Karen took the case to tribunal and won. The tribunal found that there had been indirect sex discrimination and awarded compensation for loss of earnings and injury to feelings.

The Right to Request Flexible Working Procedure

Available to ANY employee with 26 weeks service at the date of the request.

A request can be made for any reason.

Employers should respond in a 'timely' manner. They must decide on a request, including any appeal, within three months.

Employers should set up a meeting with you to discuss your request.

Your employer should allow you to be accompanied at the meeting.

Your employer should give you a decision in writing.

Your employer should consider an appeal.

Anyone who has worked in the same job for 26 weeks or more can ask for a change in their working arrangements.

You can ask your employer for different hours of work or you can ask to change the days you work.

You have a much better chance of having your request taken seriously if you involve your Usdaw rep. If you are thinking of using the Right to Request Flexible Working get in touch with Usdaw - we can help.

What Does Your Employer Have to Do?

Your employer should do the following:

- Arrange to discuss your request with you as soon as possible.
- Allow you to be accompanied by a trade union rep at any meeting your employer decides to hold about your request.
- Deal with your request in a 'timely manner'. Your request must be decided on within three months from when it was received, including any appeals. This time period can be extended but only as long as you agree.
- Consider your request carefully and can only reject your request if there are clear business reasons for doing so.

Five Good Reasons to Join Usdaw

Members of Usdaw really do get a better deal at work. As an Usdaw member you are more likely to:

1. Have more of a say in the hours you work.
2. Work hours that fit around your core commitments.
3. Receive more maternity or paternity pay.
4. Be offered some paid time off to care for your children.
5. Be covered by an equal opportunities policy.

More Information

Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline **0800 030 80 30** to connect you to your regional office or visit our website: **www.usdaw.org.uk**

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

Join Usdaw

You can join online at:
www.usdaw.org.uk/join



Scan the QR code
to join today.

What Happens Next

Once we process your application, you will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.



www.usdaw.org.uk

UsdawUnion

