

PART ONE

The case for flexibility

Part One of this book will begin by considering exactly what is meant by the term 'flexible working', the various forms of work flexibility in common use and the UK statutory framework in which it operates. It will then go on to consider the broader benefits of flexible working, issues of demand and availability, and then finally it will explore common barriers to flexible working and the myths associated with it and those who undertake it.

This section of the book will also review a range of evidence about flexible working, drawing particularly on academic research and industry survey data to provide readers with the information that enables them to make an evidence-based case for flexible working in their own organization.

Flexible working

An overview

What is flexible working?

Exactly what do we mean when we use the term ‘flexible working’? It is undoubtedly a broad expression that means different things to different people. It often, somewhat unhelpfully, invokes ideas of part-time or reduced-hours working, but there is much more to flexible working than simply a reduction in contractual hours. Flexible working does refer to part-time work, but it can also refer to a range of other changes to the traditional arrangement of work, as well as increased worker control over when and where their work takes place. Flexible working can also be seen as a shift; a shift from the employer being in complete control of working hours and patterns, to a state where the employee has achieved a degree of control for him- or herself.

In its broadest sense flexible working is any form of working pattern that sits outside the norm for the organization concerned. For many organizations and their workers, that norm is Monday to Friday, 9 to 5 – or something very similar. This is what this book refers to as the default model of work. There are many forms of flexible working, some of which are better understood and more commonly used than others. Some of these forms of flexibility have long been in use, whereas others have developed in recent years, becoming possible only through the advent of enhanced technology. How we define flexible working has evolved too; work can be flexible across several dimensions including when, where and how particular work is undertaken.

‘When’ (sometimes referred to as time flexibility) relates to the hours of work, both in terms of how many hours are worked in total as well as the timing of them. There are varying degrees of worker autonomy in relation to time flexibility, from complete employee control over when work is undertaken to systems with detailed constraint such as flexi-time combined with core hours. ‘Where’ work is undertaken (or location flexibility) has in particular been influenced by technology advances in recent years; many workers are now able to undertake their full range of duties anywhere with a wifi connection. Work can take place in the office, a home, a co-working space, a client’s premises, a train or a coffee shop. Workers have the potential to be increasingly untethered from a physical space – where of course the organizational culture permits. Finally, there is ‘how’ work is undertaken. This can be categorized again into methods for undertaking as well as ‘how much’ work is undertaken.

On a practical level, flexible working arrangements can be both formal (agreed by way of the contract of employment, often via an organization’s internal policy or statutory process) or informal (agreed locally between an employee and their immediate line manager, on a regular or ad hoc basis). The approach taken in each case is very much related to the culture of the organization, and the extent to which flexible approaches to work are enabled and encouraged.

There are many reasons why people work flexibly, and the drivers behind it can vary depending on the nature of the particular flexible working arrangement. The 2019 CIPD *Working Lives* survey looked into why people work flexibly. Surprisingly perhaps, and contrary to the stereotype of who personally wants to use flexible working, providing care for children or other relatives amounted to just under a quarter of reasons for those surveyed. Other reasons included more leisure time (more associated with compressed hours working) undertaking education or training, illness or disability, and the reduction in commuting time (with 12 per cent of workers stating this as their primary reason for working flexibly). The data regarding childcare is perhaps lower than might have been expected, at least according to the myths about flexible working, but this data was highly gendered. Of those who stated this as their main reason, only 13 per cent of the respondents were men as compared to a quarter of women.

Forms of flexible working

There are many different ways in which employees can undertake and organizations can offer flexible working. This section summarizes the typical forms of flexible working arrangements in common use.

Part-time/reduced-hours working

Part-time working is usually defined as any agreed contractual hours that are fewer than the typical working week for the relevant organization. According to the OECD data, in 2018 part-time employment amounted to just over 23 per cent of total employment in the UK (OECD, 2019). Hours may be worked over any pattern, including working fewer full days or undertaking shorter working days over a normal (usually five-day) working week. Part-time working remains the most common form of flexible working, particularly amongst female employees. This is generally considered to reflect our gendered society where women still undertake the majority of childcare and domestic labour.

Job-share

A typical job-share takes place when two individuals share a full-time role with equal responsibility for its duties. Some organizations have specific requirements or policies around job-share arrangements, such as the parties providing cover for each other during holiday periods. Others will allow the participating individuals to manage their own arrangements. The job-share may or may not be an equal split in terms of hours or days of work. Employees may split the responsibilities of the role completely (perhaps based on the specific skills or experience of the participants), or take joint responsibility for all of the work undertaken. Some job-share arrangements have a crossover or handover period where both parties have a defined time, such as a few hours or half a working day, when they are both in the workplace together; this can therefore slightly increase employer costs when compared to one full-time employee. Challenges of job-sharing can include effective communication between the parties and the need to ensure that the sharers are taking equal responsibilities and workloads.

Job-sharing as a form of flexible working can be underused. Managers can feel that a job-share arrangement means that they personally will have double the work with two employees to manage, review and develop. The

success of a job-share relies to a large extent on the parties who are sharing the role. They will need clearly agreed ways of working as well as effective methods of communication. Practical issues can arise if one party leaves the organization in terms of securing a replacement. Conversely, when job-shares work well, the employer can benefit from two engaged and productive employees. Like part-time working, job-shares are often undertaken by female workers.

Compressed hours

Employees who work compressed hours typically work the normal full-time working week undertaken by their organization, but do so over a period other than five standard working days, for example, four or four-and-a-half days. This can have the benefit for employees of reduced commuting (for a four-day pattern) and potential reduced childcare costs. It does, however, lead to longer hours in the office on working days and means that employees are unavailable on one day a week, which may indicate why it is not currently a widely used form of flexible working.

Nine-day fortnight

Similar to compressed hours, full-time hours are worked over nine days rather than the more traditional 10, with employees working a longer working day on each of the nine days to allow for a non-working day. In practice, the non-working day is often a Friday, although it does not have to be. Some organizations adopt a nine-day fortnight as a standard operating model. The organization does not normally close on non-work days with the actual day off varying from employee to employee. This pattern has the benefits of reduced commuting but does not have the same long-day implication of compressed hours as the additional time is spread over nine and not four days. This form of flexible working can be undertaken on an individual as well as an organizational basis. From a talent attraction and retention perspective, this particular arrangement is extremely valuable – the opportunity to have a day off every two weeks without any impact on pay is an attractive employee benefit that may not be easily replicated at another organization.

Annualized hours

Annualized hours are similar to compressed hours. The employee is contracted to a set number of hours and paid in equal increments although the

actual worked hours may vary week to week or month to month. This can be linked to seasonal demand. For example, an organization with high demand on the approach to Christmas may require employees to work more hours in November and December, but fewer during quieter summer months. Annualized hours sometimes include some ‘core hours’ that are required each week or day.

Part-time, term-time

Employees who have a part-time, term-time arrangement do not work during school holidays. Depending on the nature of the agreement between employee and employer, this may just be the long summer holiday or all of the school holidays throughout the year. Salary is reduced accordingly but is still paid in equal instalments throughout the year. This arrangement can work well for organizations that have quieter periods during the summer months and is popular in educational institutions. Employees can benefit significantly from the reduction in childcare costs.

Flexi-time

Flexi-time typically refers to arrangements whereby an employee can be full- or part-time, and is required to work during daily core hours (often 10am–4pm) but their actual start and finish times are at the discretion of the employee, and may even vary day to day. Some organizations accompany flexi-time with ‘time off in lieu’ (TOIL) arrangements where employees can work more hours each day than their contractual obligation and then take that time in lieu through an agreed process. Most organizations develop their own policies and processes around the operation of flexi-time arrangements, some of which have a greater degree of employee autonomy than others.

Remote/homeworking

This simply means working from a location other than the normal workplace – usually the home. It is also sometimes referred to as ‘teleworking’. Remote working allows for what Cooper and Hesketh (2019) call a ‘distributed working day’ – one where employees can work according to their personal orientation rather than 9 to 5 – assuming their organization permits it. Remote working can take place for the entire working week, where the

employee rarely attends the workplace in person and is therefore managed remotely, or just for some of their working pattern. Patterns can be fixed (a set number of days per week or month) or variable/ad hoc. Again, many organizations have policies and processes around how homeworking operates in practice. This particular pattern is good for sustainability and well-being (reducing the carbon footprint of commuting as well as reducing commuting costs and stressors) and can help employees to have greater control and autonomy over their work. Homeworking can also provide a welcome respite from the busyness of the much-criticized open-plan office. It does, however, present a number of practical implications that organizations need to assess, including issues such as insurance, reimbursement of expenses, health and safety, and data protection. Homeworking is on the increase – a TUC survey in May 2019 found that over the last decade there has been an increase of over 27 per cent of the number of homeworkers, and a number of studies associate it with higher levels of job satisfaction (TUC, 2019a).

Staggered hours

In this case, employees work at different start, finish or break times to what is typical for the organization. For example, rather than working 9 to 5, an employee may work 7 to 3 to avoid peak commuting hours, or take a shorter lunch break to allow for an earlier finish. This can be operated on a fixed or rotating basis.

Self-rostering

This is typically used in environments where employees work shifts. Employees work either full- or part-time and are delegated responsibility within their team for determining what shifts each of the team work. Some organizations will simply refer to this as ‘shift swapping’. Most organizations operating a self-rostering system will have a policy or process and agreed parameters that must be adhered to. This form of flexible working can provide control to employees who might otherwise have more limited flexible working opportunities than other workers – for example, a warehouse operative or security guard would be unable to work from home.

Zero-hours contracts

Zero-hours contracts are a form of flexibility, albeit a contentious one. Employees engaged on a zero-hours contract will have a formal contract of

employment but no guarantee of a given (or indeed any) number of hours each week or month. In recent years zero-hours contracts have been criticized for providing precarious employment and exploiting workers. This particular form of flexibility is concerned with employees themselves being flexible, rather than flexibility provided for them by the organization – and it often seems that the employer benefits from this form of flexibility more than the employee. Research, however, suggests that some workers do value this form of flexibility (CIPD, 2013). In the case of zero-hours contracts, often the flexibility offered is more favourable to the organization than the employee, and the uncertainty they cause for workers may well negate the benefits more commonly associated with other forms of flexible working. Where an organization chooses to offer zero-hours contracts, it is good practice to guarantee a minimum number of hours that will be offered and state parameters around how arrangements will work in order to provide some certainty and security to employees.

Career breaks/sabbaticals

More common in some professions and industries than others, career breaks and sabbaticals are agreed periods of time away from work (ranging from a few months to a few years) during which the contract of employment typically continues but the employee does not receive any pay or benefits. At the end of the break the employee will return to their previous post. This time away from work can be undertaken for any reason and organizations will differ in their overall approach to the rules of career breaks. For example, some policies will preclude the individual from taking other paid employment during a career break. Some organizations also use career breaks as a reward for long service and include it as part of an employee benefits package. There can be many benefits to a career break. It can allow employees to take time out for a range of personal reasons such as undertaking a period of learning, providing care or travelling. The organization can retain an individual who might otherwise have left the business to pursue these non-work goals. In a world where employees will be working much later in life, career breaks may become more popular in the future.

Phased retirement

Typically, phased retirement involves the reduction of hours on a phased, reducing basis, as the individual approaches retirement. The length of

the phasing will vary depending on the agreement reached between the individual and their organization and can include reducing hours over months or even years.

Alternative forms of flexible working

As we can see, flexible working comes in many forms. Many of the forms of flexibility detailed here so far are a form of permanent employment with a single employer – a working pattern negotiated or agreed that typically sits outside the Monday to Friday, 9 to 5 default. However, these are not the only trends currently being seen in the workforce in relation to flexibility. Forms of working that sit outside the default are sometimes seen in the nature of the employment relationship, the employee benefits provision and even ways of working. Some of forms of flexibility or peripheral working are outside the scope of this book, but are nonetheless a form of workforce flexibility. Sometimes, workers choose (or may feel forced into) these non-standard forms of working because they are unable to access alternative working arrangements with their employers.

One such trend is the rise of self-employment. More people are undertaking self-employment (over 4.8 million workers in the UK in 2017 according to the Office of National Statistics) or a portfolio career (sometimes called a ‘slashie’ because of the slash dividing the different roles – for example, ‘I am an Uber driver/barista’) where people have more than one job that may be unrelated to each other and which may or may not be permanent forms of employment (Hot Spots Movement, 2019). ‘Gig economy’ (again often a form of self-employment) is another term that has come into increasing use and typically refers to workers taking multiple short-term assignments (‘gigs’). One form of such gigs is sometimes known as ‘platform working’ where an online platform is used to connect workers to work. Examples include Uber driving or food delivery apps like Deliveroo. The aforementioned Taylor report has called for greater clarity in the law in relation to the rights of these atypical workers (Taylor, 2017).

Employee benefits

Flexibility can also sometimes be seen through the provision of employee benefits. In recent years it has become increasingly popular to allow employees the option to purchase (and sometimes sell) additional annual leave.

Some organizations also allow what are sometimes known as ‘duvet days’. These are an allowance of days (usually just one or two per year), often added on to an annual leave allowance, where employees can simply opt to take the day off if they do not wish to attend work for any reason. There is no requirement to provide prior notice and employees can simply stay under their duvet.

These are not typical forms of flexible working, and certainly fall outside the statutory framework, but they do represent other examples of employers empowering their employees to have more flexibility and choice about how often they work, as well as their work–family life balance.

Hot-desking

Another workplace trend popularized in recent years is ‘hot-desking’. In this concept, employees do not have a permanent workspace allocated to them. Instead, the employer provides a range of (usually) open-plan spaces for people to use as they see fit – the idea being that employees can simply use whichever desk is free for the time that they need it. Hot-desking can also be combined with remote or homeworking. A primary motivation for the introduction of hot-desking is the ability for organizations to reduce office space and therefore reduce costs, although the approach is not always popular with employees.

Formal vs informal working patterns

In practice many organizations operate a whole range of working patterns for many reasons and working patterns can often evolve during employment. Some people want or need permanent flexibility; others need it just for a specific or short period of time. Much flexible working is informal, and this can bring both benefits and challenges. In a mature organization with high levels of trust and where relationships between managers and team members are strong, informal flexibility can work well. Employees can be enabled to work in the way that works best for them. Informal flexible working can, however, be problematic in two ways. Firstly, it is invisible to the organization and cannot be measured or monitored, which may lead to unfairness or inconsistency of approach. Secondly, employees with informal arrangements can be vulnerable in the event of a line manager change.

Formal flexible working requests will usually amount to a permanent change to terms and conditions of employment for the employee. This process can be time-consuming and lead to a rigidity of approach as well as having the unintended consequence of reducing ad hoc flexibility. However, it does provide employees with certainty and security.

There is no one ‘best’ type of flexible working arrangement and no one single way to approach its implementation. Not all forms of working will suit every organization and some are more suited to particular jobs types and professions than others. A successful flexible working arrangement is one that is mutually beneficial and fits the context of the organization and role – a subject to which we will return in later chapters.

Flexible working and the law

In the UK, employees have a statutory right under the Employment Rights Act 1996 (as amended by the Employment Act 2002) to make a request for flexible working, subject to meeting certain criteria. The legislation was first introduced in 2003 by the then Labour government. Initially, the right applied only to parents of children under six or disabled children up to the age of 18. At the time of its introduction, the primary aim of the legislation was the provision of support to working parents and encouraging women to return to the labour market after having children. The right to request flexible working was later amended in 2007 to include carers of ‘near relatives’, but after some debate, still not the parents of older children. In 2010 the Conservative Party pledged in their manifesto to extend the right to request flexible working to parents of children under the age of 18, which they subsequently introduced after coming to power. Finally, in 2014 the right was extended to all employees, regardless of status, by way of the Children and Families Act. At the same time, this legislation also replaced a formally complex and statutory procedure with a simpler requirement to consider requests ‘reasonably’.

This early framing of flexible working as being a benefit for working parents (initially of young children) and those with caring responsibilities has had long-term repercussions for the acceptance of flexibility, as we shall explore later.

Should an individual wish to make a request for flexible working, the eligibility criteria must first be satisfied. The individual must be an employee of the organization in the legal sense of the word; the right to request

flexible working and its associated processes do not apply to atypical workers such as contractors, agency staff or the self-employed. The employee must also have 26 weeks continuous service with their employer before a request can be made, and only one request can be made in a rolling 12-month period. The employer may, however, choose to apply their own policy that exceeds these minimum statutory requirements and many now choose to do so. In their application, the employee may make a request to change the hours that they are required to work, the times that they are required to work and/or where they work.

The legislation sets out a framework both for the making and considering of requests. Employees should put a request in writing to their employer, outlining the working pattern that they are seeking and the date from which they wish it to be effective. They should consider any potential impacts of their request on the organization and include details within their application as to how they believe these impacts can be overcome, as well as make a formal declaration that they have not already made a request in the previous 12 months.

The legislation then requires the organization (or typically, in practice, the employee's line manager) to consider the employee's request in a reasonable manner and within a reasonable timeframe.

The employer, upon receipt of the application, can simply decide to agree to the request, in which case they should communicate this to the employee and detail the new terms and conditions of employment along with the effective commencement date. When a request is accepted, it amounts to a permanent change to the contract of employment between the parties and neither can unilaterally change those terms in the future without going through formal due process. The employee does not have the right to return to their previous working pattern (without a new formal agreement) and the employer cannot require them to do so. When the legislation provided for flexible working only for parents of children under the age of five, it was not unusual to find employers who believed that flexible working arrangements would terminate at a given point, but this is not the case, either previously or today.

If the request cannot be immediately agreed, a meeting must take place with the employee to discuss the request – in practice this will normally be undertaken by the employee's line manager. A decision must then be made to either accept or reject the request.

Where it is not clear initially whether a proposed working arrangement will be successful or suitable, an employer may offer the employee a trial

period of the proposed new working arrangements. The length of a trial period is not specified in law and may be agreed by the parties, and can be for as long as is necessary to genuinely assess the impact of the proposed working pattern. During a trial period there is no change to the terms and conditions of employment and in the event a trial is not successful after its conclusion, the employee will revert to their former pattern of working. This will amount to a rejection of a request (see below) and therefore if the organization offers an appeal under their internal processes, this should also apply in these circumstances.

If, following due consideration (or an unsuccessful trial period), the employer decides to decline the request for flexible working, they may do so only for one or more reasons from a prescribed list. These are:

- the burden of additional costs;
- a detrimental effect on ability to meet customer demand;
- an inability to reorganize work among existing staff or recruit additional staff;
- a detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes;
- such other grounds as may be specified in regulations made by the Secretary of State.

The reason upon which the employer is relying in order to reject the request must be stated in writing to the employee.

Although the employer has discretion in the consideration of flexible working requests, it has been established via case law that a failure to reasonably agree to requests can amount to discrimination under the Equality Act 2010 and therefore an employee may bring a claim for discrimination against their employer. They can do so whilst continuing in employment, and there are no costs incurred by the employer from this. There is no limit on compensation awards for discrimination claims in the Employment Tribunal and compensation award may also be made for injury to feelings.

There is no statutory right of appeal against a rejection of a flexible working request, although this is included in many organizations' internal policies. The entire process must be concluded within three months, including the right of appeal where offered.

A supporting Acas Code of Practice (Acas, 2013) on flexible working provides additional guidance to employers. This Code sets a number of recommendations to employers, including:

- arranging to talk to an employee as soon as possible after receiving their written request (unless they are going to simply agree it, in which case a meeting is not necessarily required);
- discussing the employee's request with them in private;
- allowing the employee to be accompanied to any meetings by a work-based colleague or a trade union representative (this is also not a statutory right under the legislation but is typically included in many workplace policies);
- considering requests carefully, including giving thought to the potential benefits of the requested changes and weighing them carefully against any potential business impacts.
- informing the employee of the decision in writing as soon as possible – but certainly within the prescribed three-month time period;
- allowing the employee to appeal against the decision to another manager if the request is rejected.

In addition to the right to request flexible working, employees have a further legal right not to be subjected to any detriment because they have done so.

An employee has the right to bring a claim in the Employment Tribunal (in addition to the potential ground of complaint for discrimination, discussed above) against their employer on the grounds that the employer has failed to comply with its duties under the relevant legislation (such as to deal with the request within three months or in a reasonable manner), or that it has based its decision to reject the request on incorrect facts. In the event that the Tribunal finds that the complaint is well founded, they may make a declaration to that effect and either require the employer to consider the request again or pay compensation to the employee. The maximum compensation that can be awarded is eight weeks' pay, capped at the prevailing statutory maximum set annually by government. If an employee does bring Employment Tribunal proceedings against their employer in relation to a flexible working request, the Tribunal may take into account any failure of the employer to follow the recommendations of the Acas Code.

Further potential changes to flexible working legislation are under consideration. In 2019 the government began consulting on a range of potential

changes relating to working family legislation, including flexible working. One of these potential changes is creating a duty for employers to consider whether a job could be undertaken on a flexible basis prior to advertising it, as well as the requirement for organizations to publish their flexible working policies. The consultation has concluded but the government is yet to publish its intentions.

This chapter sets out the minimum legal requirements to which an organization must adhere. In practice, many choose to go above and beyond the statutory minimum and improve their offering through their policy approach. Employment law can only have a limited impact by itself – employees also need to feel that they can make use of their rights and that there will be no career or other consequences from doing so. Without this, legal rights are meaningless.

The statutory framework set out here has a number of limitations contained within it that have resulted unintentionally in barriers to the effective implementation of flexible working. Later chapters will explore how organizations can improve upon the legal requirements and overcome its inherent challenges.

Whilst this chapter has focused on the legal requirements (within the UK specifically) for flexible working this is not the only way that employees can access flexible working arrangements. Many employees do not make formal requests through an internal policy; they simply agree informal arrangements with their line manager. This might be ad hoc (such as an occasional request to spend a day working from home) or something more structured. Informal arrangements may not require changes to contractual terms and conditions of employment, and therefore do not necessarily require the level of formality (or HR processes) of formal requests. As it is often unrecorded it is difficult to estimate how widespread this sort of flexibility is across the workforce, or even within a specific organization. Interestingly, one study has indicated that informal working arrangements lead to enhanced performance when compared to colleagues who have formalized and contractual flexible working arrangements via internal policies. Although the reasons for this are not entirely clear it is possible that the process itself influences this outcome (De Menezes and Kelliher, 2016). Arguably, informal flexible working reflects a more adult working relationship where employees and managers can work out for themselves effective ways of working that are mutually beneficial. This does, however, require a particular kind of organizational culture (and management competence) that may not exist in all workplaces.

As we can see, flexible working is indeed a wide and varied term. It encompasses many different forms of working, all of which have one thing in common: flexible working differs in some way from the default working model of (broadly) Monday to Friday, 9am–5pm, so typical of many workplaces. As we will explore in later chapters, these differences bring with them both challenges and benefits, for individuals, managers and organizations alike.

Demand and availability

Recent years have seen a range of surveys and research undertaken into the demand for and availability of flexible working, by industry bodies, academics and campaign organizations. Broadly, this research indicates that the current demand for flexible working is outstripping the supply of available flexible jobs. This may indicate that the current legislation on flexible working isn't working or does not go far enough to deliver flexibility for those who want or need it.

Studies consistently find that flexibility is a benefit that employees and potential employees keenly value, potentially even more so than monetary rewards. For example, a poll by Investors in People asked employees to choose between a 3 per cent pay rise and other benefits; more than a third would prefer a more flexible approach to working hours (*HR Magazine*, 2013).

This isn't just a UK trend; 35 per cent of employees in the United States say that they would change their job to access more flexible working arrangements (Cooper and Hesketh, 2019) although adoption and usage of flexible working practices there is also described as slow and uneven (Munsch, 2016).

There currently appears to be a significant gap between those employees that want to work flexibly and those that can access the ability to do so – or certainly a gap between policy and practice. The Government Equalities Office suggests that many organizations are ostensibly committed to flexible working, but not providing it in practice (Nicks *et al*, 2019; Jones, 2019).

In January 2019 the CIPD published their Megatrends report, focusing on the UK and global picture of flexible working. Its findings suggest a mixed picture of flexible working availability, and an overall slow pace of change. The most popular form of flexible working in the UK is part-time work; now around a quarter of employees in the UK work less than

full-time, with the majority (three-quarters) of them being women. Women are also more likely to work flexibly overall, often because they are combining work with care or domestic labour (CIPD, 2019a).

Homeworking is one form of flexible working that is on the increase (most likely as a result of improvements in technology enabling remote access to workplaces); globally it is estimated that more than two-thirds of people around the world work away from the office at least once every week, according to the International Workplace Group (IWG, 2019).

Other forms of flexible working such as compressed hours and nine-day fortnights are, however, much less utilized, with only around 2 per cent of UK employees using the latter working pattern (Wheatley, 2017). Public-sector workers are more likely to use flexible working arrangements than private-sector workers, and employees in larger organization are more likely to have a wider range of flexible working arrangements available to them than those in smaller companies. Overall, the use of almost all forms of flexible working arrangements did not increase significantly between 2007 and 2013 (CIPD, 2019a).

Even when an organization does offer flexible working opportunities, not all employees can get the particular type of flexible working that they really want or need; 36 per cent of employees said that the particular type of flexible working that they wanted to work was not available to them in their current role (Working Families, 2018). Overall, it is estimated that around 87 per cent of employees would like to work flexibly at some level (Timewise, 2019). According to the CIPD, 32 per cent of employees would like to change their current working arrangements, the majority of whom would like to change their start or finish time, change the number of days they work each week or decrease the total number of hours they work (CIPD, 2019a). For example, the TUC estimate that around 4 million more workers would like to work from home even occasionally, but are not given the opportunity to do so.

The availability of flexible working is also influenced by seniority in organizations. CIPD research found that employees without management responsibility are most likely to work part-time, but are less likely to work other forms of flexible working than those who do undertake management roles. In comparison, senior and middle managers are mostly likely to report being able to work from home on a regular basis (31 per cent and 24 per cent respectively) when compared to more junior colleagues, and are also more likely to use flexible hours schedules. Junior managers are least likely to work flexibly at all (CIPD, 2016)

Where flexible working is available, there can be significant differences between exactly what can be accessed. Just under three-quarters of employees said that their workplace offered at least one form of flexible working arrangement. Some of these, however, are much more common in use than others – and who uses them is highly gendered, with men and women undertaking different forms of flexibility with different outcomes for them personally (Wheatley, 2017). So when we hear that flexible working is increasing, there is a complicated picture underneath the headlines and it does not necessarily follow that all organizations are offering it, or are offering the full range of the different forms of flexibility.

The majority of UK organizations now offer some forms of flexible working, with only around 10 per cent of employees saying that their employer offers no flexible working at all. Of those that have no access to flexible working, 78 per cent would like it. More than half the workforce would like to work flexibly in at least one form that is not currently available to them in their current place of work (CIPD, 2019c).

With regard to applications for flexible working, an online survey conducted by the TUC in August 2019 found that 1 in 3 applications for flexible working are turned down; the same survey showed that 3 in 10 employees say that their desire for increased flexibility would be one of the main factors in deciding whether to look for a new job opportunity (TUC, 2019b).

On the matter of flexible working for job seekers, every year flexible working consultancy Timewise produces the *Flexible Working Jobs Index*, a major study into job advertisements in the UK, reviewing 6 million jobs from over 300 online job boards. In 2019, this survey found that just over 15 per cent of jobs are advertised as potentially suitable for flexible working – a rise from the first Index in 2015 of 9.5 per cent. Almost half of those advertised flexible opportunities were for either part-time jobs or job-shares (which is another form of part-time working). Although the data indicate consistent growth in the expressed availability of flexibility, this amounts to just a few percentage points each year. The data also varies considerably when the salary is taken into account: flexible working is offered in 23 per cent of job adverts where the salary is less than £20,000 per annum but between £20–34,000 the availability of flexible jobs drops to 14 per cent. When it comes to higher-paid roles, the fastest growth rate for advertised flexible roles are those paying in excess of £60,000 per annum, trebling across the lifetime of the Index. The Index also highlights significant differences between sectors and role types (Timewise, 2019). From this we can conclude that not only offering flexible working but actively promoting it

and encouraging it at the point of hiring can be a significant talent acquisition opportunity for all organizations.

These multiple sources of data indicate that there is a significant gap between the demand for flexible working and its availability to many workers. Where flexibility does exist, sometimes this amounts to just a few limited forms of flexibility such as part-time working, and not the wider range of potential forms of flexible working arrangements that could be employed.

We can therefore perhaps think of flexible working as something that exists on a spectrum. At one end of the spectrum, flexibility is actively discouraged, bringing with it negative consequences for those who work (or seek to work) flexibly. In the middle of the spectrum is tolerance; flexible working is permitted but not necessarily entirely accepted or normalized. It may exist under the radar or in the shadows. At the other end of the spectrum, flexibility is celebrated, actively encouraged and entirely open. The reader of this book may wish to reflect on where they think their own organization currently sits along this scale of flexibility.

KEY TAKEAWAYS

- There are many forms of flexible working, although the level of their use varies significantly. Flexible working can take place both through formal agreements or informal practices.
- Flexible working can take place through when people work (time flexibility), where they work (location flexibility) and in how work is done.
- Although flexible working is on the increase overall, this increase is slow and demand for flexible working is currently outstripping supply. This can present an opportunity for employers to embrace.
- The evidence about demand and availability supports the idea that it is time for a flexible working revolution.
- The statutory framework in the UK has evolved over several years, and is supported by an Acas Code of Practice which sets out how an organization can reasonably consider requests.
- The statutory framework is a minimum standard; organizations can and often do go above and beyond this standard in providing flexible working opportunities for their employees.

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