

TUC

Changing the world
of work for good

**Transparency:
Flexible working
and family related
leave and pay
policies**

Introduction

The TUC is the voice of Britain at work. We represent more than 5.5 million working people in 48 unions across the economy. We campaign for more and better jobs and a better working life for everyone, and we support trade unions to grow and thrive.

The Trades Union Congress (TUC) welcomes the opportunity to respond to the BEIS consultation on improving the transparency of employers' flexible working and parental leave and pay policies.

Flexible working is invaluable in helping people achieve a balance between work and home life and we believe that it should be the default position. As well as offering benefits to people across the workforce, making flexible working available in all but the most exceptional of circumstances would be a catalyst for promoting greater gender equality by giving families a greater say in how and when they share their caring responsibilities. It would also help to address some of the barriers disabled workers face in the workplace.

Over the years we have worked with a wide range of organisations to promote flexible working at national level. Trade unions have used the current right to request legislation as a basis to negotiate enhanced flexible working agreements. The TUC and unions have also campaigned for greater flexibility and enhanced leave and pay for parents and carers. The TUC believes that working people should have much greater access to flexible working options and that legislative change is needed to achieve this.

It has been five years since the law on flexible working changed significantly with all employees with 26 weeks' continuous service having the statutory right to request flexible working. However, flexible working is still inaccessible to too many workers, often being seen as a perk for favoured employees rather than a normal way to work in the modern workplace. Employers also currently have an almost unfettered ability to turn down a flexible working request, given the breadth of the eight statutory "business reasons" that can currently be used to justify a refusal.

The TUC believes government should introduce a duty on employers to publish flexible working options in job adverts and give workers the right to take up the advertised flexibility from day one. If employers feel that a role cannot accommodate any form of flexibility, they should be required to transparently set out the exceptional circumstances that justify this.

We also urge the government to strengthen the current right to request flexible working legislation to include a day one right for all workers to request flexible working. The criteria which employers can use to justify refusing requests should also be more tightly drawn and an appeal process should be introduced that allows individuals to scrutinise and challenge the reasons given for rejecting a request.

Role of trade unions

Trade unions play a vital role in the workplace. We bargain for better working conditions for all workers which include policies that help everyone to access flexible working, parental and carers' rights. Only through working together with trade unions can employers create flexible working arrangements that are workable for their workforce. This is because trade

unions are able to resolve the conflicting priorities of workers and present the collective views of the workforce on the kinds of arrangements that should be put in place that are fair for everyone.

A recent TUC report on collective bargaining showed that unions have achieved successes through collective bargaining by delivering better working conditions. The report found that unionised workplaces have more work-life balance policies in place than comparable non-unionised workplaces. In workplaces with union recognition employers are more likely to recognise their responsibility for addressing the work-life balance of their staff, and less likely to say it is the responsibility of the individual staff member..

The TUC are keen to highlight the significant positive role equality reps play promoting equality and preventing all forms of discrimination. For many years we have campaigned for statutory recognition paid time off for equality representatives that mirror the legal status of paid time off for union reps.

Equality reps raise awareness of equality issues such as flexible working, parental and carers rights. They can identify problems early and ensure they are dealt with effectively rather than through costly and time-consuming legal cases. Equality reps can help to develop collective policies and practices that will enable the organisation to reduce turnover and absenteeism. We continue to call for statutory recognition and paid time off for equality representatives.

One sided flexibility

When highlighting the benefits of flexible working in this response, and promoting the introduction of legislation to make flexible working the norm across the UK, we do not see this as including one-sided flexibility, available only on the employer's terms. The flexible working arrangements that we are seeking to normalise are those which reflect genuine, two-way flexibility, helping workers balance work and their life outside the workplace. We would strongly oppose the introduction of any steps which promote employers' ability to have an "on demand" workforce, while minimising their obligations to the people who work for them, through such means as zero-hour contracts.

There is a presumption that there is an autonomy of choice of work in the labour market, but the rise of insecure work has brought with it increased levels of forced flexibility

Recent analysis¹ by the TUC shows that at least 3.7 million workers in the UK, around one in nine of the workforce, are in insecure work. Insecure work is not restricted to any particular corner of the country. It is widespread. Across the UK, insecure workers make up at least 10 per cent of the workforce. These include agency, casual and seasonal workers, those whose main job is on a zero-hours contract and self-employed workers who are paid less than the National Living Wage.

Those in insecure work often don't know what hours they will work (causing chaos with arrangements like childcare) or whether they earn enough to pay their next bills.

¹ <https://www.tuc.org.uk/sites/default/files/Insecure%20Work%20Report.pdf>

Many also miss out on rights and protections that many of us take for granted. These include being able to return to the same job after having a baby and the right to sick pay when they cannot work. Key workplace rights that insecure workers can miss out on include:

- the right to return to the same job after maternity, adoption, paternity or shared parental leave;
- the right to request flexible working;
- the right to protection from unfair dismissal or statutory redundancy pay; and
- key social security rights such as statutory sick pay, full maternity pay and paternity pay.

We therefore recommend that the Government take urgent action to tackle one sided flexibility, in line with recommendations previously made by the TUC².

1. Publishing family-related leave and pay and flexible working policies

Action to address underlying discrimination

The TUC welcomes government's proposals for employers to publish family related leave and pay and flexible working policies on their websites.

But while we support the introduction of these reporting requirements, we believe that this is only one step of many which must be taken to address the systemic discrimination which blights the life chances of too many women. Alongside new reporting, and wider action to address pregnancy and maternity discrimination, far wider reaching change is needed including reform of Gender Pay Gap regulations to include mandatory action plans, wider use of Equal Pay Audits and sectoral collective bargaining. In responses to a range of recent government consultations, in particular around gender and ethnicity pay gap reporting, the TUC has consistently highlighted the importance of transparency and dialogue between employers, employees and trade unions to tackling the barriers workers face accessing parental rights.

Greater transparency on pay and flexible working policies would be beneficial for applicants. We note, however, that this policy proposal echoes the Parental Leave and Pay Arrangements (Publication) Bill proposed by Jo Swinson MP in 2018. When discussing the reasons behind the introduction of this Private Members' Bill, Jo Swinson specifically highlighted the main reason behind this as being direct discrimination by recruiting employers against women of childbearing age³, citing research which indicated that 40% of employers would avoid⁴ recruiting women in this age range. The governments' proposals

² <https://www.tuc.org.uk/FlexibilityAtWork>.

³ <https://leftfootforward.org/2018/09/parental-leave-major-employers-agree-to-publish-policies-in-bid-to-tackle-gender-inequality/>

⁴ <https://www.theguardian.com/money/2014/aug/12/managers-avoid-hiring-younger-women-maternity-leave>

also reflect this, stating that publication of policies is intended to help individuals who are “reluctant to ask for this information for fear of discrimination”.

Although publication of policies would increase the information available to interviewees, meaning that they would not need to openly ask prospective employers about parental leave policies and therefore increase their chances of being discriminated against, this approach merely sidesteps discrimination rather than attempting to eliminate or even reduce it. Without further action to tackle this widespread form of discrimination occurring at recruitment stage, new legislation to promote publication of parental rights policies could almost be seen as a tacit acceptance of this type of pervasive prejudice.

Employment tribunal records⁵ show that few cases involving discrimination against women of childbearing age at interview or recruitment are brought forward. This is likely to be at least in part because the discriminatory decisions are taken after the interview process, with candidates not being privy to the content of discussions or evidence that they were the best candidate, rejected only because of outdated biases around the commitment of new mothers and the perceived ‘burden’ of pregnancy and maternity on employers. Alongside moves to introduce welcome transparency through the publication of policies, government must find more effective ways of tackling this discriminatory behaviour which, although it is unlawful (and has been so for decades), is so common that it risks being normalised. We note that the government has committed to setting up a taskforce on pregnancy and maternity and urge government to ensure that this urgently drives forward the development and implementation of effective measures to address discrimination in this area.

The kind of information that should be published

In considering which information employers should publish there must be a clear focus on the main objective of this measure, which is to enable job applicants and existing employees to make more informed decisions about whether a job will enable them to work flexibly and give them access to workplace policies which will help them as working parents.

The TUC would therefore be keen to see all employers in the private and public sector including SMEs publish the following information:

- Flexible working available from day one of employment. This should also include the types of formal and informal flexible working available.
- Enhanced flexible working policies
- Approach to place, hours and times of work
- Approach to informal flexible working
- Policies relating to Maternity leave and pay; Paternity leave and pay; Parental leave and pay; Adoption leave and pay; Shared Parental leave and pay; any childcare policies, any carers’ leave policies.

⁵ <https://www.gov.uk/employment-tribunal-decisions>

The information should be published in a way that is easy for workers and job applicants to access and understand. One straightforward way of ensuring ease of access for applicants would be to include a web link to relevant policies in job adverts. For current staff steps could include information being posted on a company intranet, on employee notice boards or included in staff newsletters. This information should be sent to new starters along with employment contract and written statement of particulars. Government should also require employers to send the information to representatives of a recognised trade union and to consult on actions that they intend to take to address any barriers workers face in accessing flexible work and parental rights.

We particularly welcome the inclusion of a requirement to publish information on informal, non-contractual approaches to flexibility. This requirement would not only assist applicants to make decisions around future employment but could also bring a level of additional transparency to these decisions and open them up to scrutiny. This could serve to highlight negative or potentially discriminatory practices which block some workers from more formalised flexible working arrangements or disproportionately grant more favourable forms of informal flexibility to particular groups. Although we recognise that for some workers, forms of flexible working that do not include a change in their contract might be preferable, there needs to be full transparency around the use of informal flexible working arrangements. They must not be used as a substitute where workers want the security of formally agreed flexible working arrangements which result in a permanent change to their contract.

A 2016 NASUWT flexible working report⁶ into the experiences of teachers found that a significant proportion of flexible working requests were granted on informal basis. Around 30% of teachers said that they were more likely to be granted flexible working on an informal, rather than formal, contractual basis. The reasons for the informality of approaches were varied but included reluctance on the part of employers to visibly support flexible working. One teacher reported that her headteacher refused to agree to a formal arrangement for flexible working on the grounds that it might encourage other teachers at the school to make similar requests.

Teachers who had access to this type of informal flexible working arrangement were likely to accept such an agreement. However, some found that these arrangements, due to their informality, were revoked at short notice with no reason given. This usually occurred during changes of management at the school. In these circumstances, where reduced hours had not been formally agreed and documented as a variation to contract, teachers found themselves vulnerable to their hours being drastically reduced or increased overnight.

Employers should be required to publish more information than just their policies on the website. In order to give prospective employees a full picture of relevant policy, information should also be provided regarding:

- Enhancements to different types of working parents' and carers' leave including Maternity leave and pay; Paternity leave and pay; Adoption leave and pay, Shared

⁶ <https://www.nasuwat.org.uk/uploads/assets/uploaded/6fd07ce3-6400-4cb2-a8a87b736dc95b3b.pdf>

Parental leave and pay; Parental leave or any other contractual enhancements to family related leave and pay as well as carers' leave policies.

- Any carers' leave or support policies covering all carers including those caring for disabled or ill adults.

The TUC believes that changes to requirements around transparency in this area should be accompanied by requirements for employers to put in place monitoring systems around the take up of these policies and the retention and progression rates of those staff who are affected by them. Such monitoring would support employers to understand the barriers workers face and deliver transparent, equal and fair access to all working parents and carers rights.

Detailed monitoring would also allow larger employers to publish information about the operation of their flexible working policies, which would help individuals gain a realistic picture of how the published policies have been translated into practice.

The TUC believes the following monitoring information should be reported by all employers who are required to report gender pay gap data (currently this applies to employers with 250 staff or more but TUC has consistently recommended reducing this to 150 over a 12 month period:

- The number of flexible working requests granted and rejected broken down by:
 - sex, age, ethnicity, disability and sexual orientation
 - whether the requests were formal or informal
 - employment status (zero hours contract, agency worker, self-employed, freelancer, fixed term contract and permanent employee)
 - pay quartile
- the proportion of jobs advertised as flexible and the proportion of flexible workers appointed
- the number of appeals received, and their outcomes

In our work around gender, ethnicity and disability pay gap reporting, the TUC has consistently stressed the need for employers to not only report on their pay gaps but to also include targeted action plans identifying the steps they will take to address any identified gaps. Transparency is a powerful lever for action. We reiterate our call for mandatory action plans to be published alongside gender pay gap reporting data. The monitoring data discussed above, considering implementation of flexible working, should be used to inform these plans and which should include the steps employers are taking to take to create a supportive workplace culture in relation to flexible working and improve access to parental and carers' rights for all workers.

The government's pay gap portal provides a widely accessible location for individuals who might want to find out more about their prospective employer. Employers should therefore be required to publish this information on the government's gender pay gap reporting

portal along with their pay gap data, narrative and action plan. This would allow prospective and current workers a clear picture of an employer's commitment to flexible working.

A requirement to report or a voluntary approach

The TUC believes a mandatory requirement for employers to publish will be far more effective in achieving the policy aims.

Voluntary approaches have been shown to be largely ineffective in promoting transparency. The most obvious example of this is the voluntary approach that was initially adopted around gender pay gap reporting. Sustained government action promoting a voluntary approach resulted in 280 employers signing up to the scheme⁷, but only five employers actually went on to publish their data. However, when mandatory reporting was introduced more than 10,000 employers reported their gender pay gap in the first year– close to 100% compliance.

Size of organisation

The TUC believes that all employers should publish their flexible working and family related leave and pay policies no matter the size of the organisation. In 2018, total employment in SMEs was 16.3 million; 60% of all private sector employment in the UK⁸. If this policy is to be effective the TUC believes that it needs to apply to all workplaces. Setting a threshold of 250 employees would exclude a significant proportion of the UK workforce.

In addition, all employers required to publish pay gap data, currently those employing more than 250 staff, should publish monitoring data on the operation of their flexible working policies. We reiterate our call for the government to reduce the threshold for reporting to organisations employing 150 or more staff.

A requirement to say whether jobs may be open to flexible working in an advert

The policy changes outlined in the consultation document around flexible working are extremely limited in scope. The TUC is concerned that if wider policy change is not adopted increased references to flexible working in job advertisements could fail to translate into an increase in actual flexible working opportunities. The TUC is a member of the Flexible Working Taskforce and supports the 'Happy to Talk Flexible Working' strapline. This is a useful first step but voluntary action by employers on job advertisements alone will not achieve the changes needed to improve work life balance for all.

The TUC strongly believes that wider changes are required to address the significant barriers to flexible working that exist. As others have pointed out, advertising on its own could lead to 'flexwashing', an approach where flexibility is featured in adverts for

⁷ <https://www.gov.uk/government/publications/think-act-report>

⁸ <https://www.fsb.org.uk/media-centre/small-business-statistics>

reputational advantage but does not extend in reality to workplace practice. The TUC's suggested approach combines the clear benefits of advertising jobs as flexible with a day one right to the advertised flexibility, ensuring that 'flexwashing' does not occur. As set out above, the requirement on larger employers to publish monitoring statistics on the implementation of their flexible working policies would be a further step to driving the necessary change in workplace cultures. Increased reference to flexibility in job adverts is not an acceptable alternative to requiring employers to ensure flexible working provisions are in place, to monitor take up and publish results.

Access to redress

When an individual makes a request for flexible working and it is turned down, they may have access to redress through an employment tribunal if the employer:

- Has not complied with the Flexible Working Regulations in the way that they have handled the request.
- Has committed an act of sex discrimination in turning down the request. More often than not, the sex discrimination claim is one of indirect, rather than direct, sex discrimination.

Although there is a current possibility of taking an employment tribunal claim, the process places considerable demands on potential claimants in terms of time, cost and stress. This should not be the sole source of enforcement. Employment tribunals alone cannot solve this issue. Rather than relying solely upon workers to lodge tribunal claims to enforce their rights individually, it would be preferable, alongside this, to drive change and normalise flexible working through culture change underpinned by legislation and supported by an effective enforcement regime driven by an appropriately funded regulator.

Action required

The current legislative framework supporting flexible working is ineffective. As we have highlighted, for one third of workers, the right to request is merely a right to be rejected, with the consequence being that, with the limitation of one request per year, workers are locked out for the next 12 months. For others, flexible working is a struggle, coming at a cost in workplace cultures where full-time working is the favoured norm.

The TUC believes government needs to act to change this and the steps needed go beyond the proposals set out in this consultation document. As set out in the introduction to this report, the TUC believes government should introduce a duty on employers to publish flexible working options in job adverts and give workers the right to take up the advertised flexibility from day one. If employers feel that a role cannot accommodate any form of flexibility, they should be required to transparently set out the exceptional circumstances that justify this.

The practical steps to this policy should be as follows:

- 1) When employers recruit to a post they would have a legal duty to consider which flexible working arrangements are available in the role and publish these in the job advertisement.
- 2) If an employer considers that no flexible working arrangements are appropriate for the new role, then they would have to set out the exceptional circumstances which justify this decision.
- 3) The new postholder would have a day one right to take up the flexible working arrangements that have been advertised.

In addition to this all workers should have a right to request flexible working from day one, with the criteria for rejection mirroring the exceptional circumstances set out above. Workers should have no restrictions on the number of flexible working requests made.

When a worker transitions from a full-time working pattern, to a more flexible option, a proper evaluation of their role should be undertaken to ensure that their job is appropriately weighted. The TUC recognises that in some roles it is common for part-time workers to work the equivalent of a full-time post in fewer hours. This can result in less time for career development, an unsustainable pattern of working excess hours or elements of working life encroaching on their time outside of the work environment. FDA research in the senior civil service has found that an increase in remote working was identified by members as having the potential to lead to a blurring of the boundaries between work and home, an expectation of constant availability and an encouragement of digital presenteeism. And research by Work Autonomy, Flexibility and Work-Life Balance (WAF project)⁹ has shown that flexible working can often lead to higher workloads. The report found that those working flexibly were more likely to work during their free time to meet work demands.

A right to appeal

There is also a need to strengthen the current legislation through allowing individuals to scrutinise and challenge an employers' reason for rejecting a request.

NASUWT research has shown that that only 8% of teachers said flexible working requests were encouraged in their workplace. Many teachers reported that they did not bother to request flexible working given the low success rates and those that did and were turned down frequently did not seek to appeal the decision as they felt they were unlikely to be successful.

NASUWT case study

"We got a new headteacher about 18 months ago and he had a rule that he only wanted full-time workers in the school and so flexible working requests have been turned down and people are now discouraged from working flexibly or part time."

⁹ http://wafproject.org/wordpress/wp-content/uploads/BT_125709_WAF_report_v3.pdf

“After making my application and it was turned down, I would never apply again – I would rather look for a new post.”

The ACAS code of practice on the Right to Request Flexible work is clear that “the law does not require an employer to allow an appeal”¹⁰ Unions have shared a range of examples with us of where employers have followed this aspect of the guidance. A lack of a right to an appeal process also undermines employees’ confidence in attempting to challenge decisions.

The right of appeal should not be optional. Employers should be required to consider appeals relating to flexible working requests. These should not be conducted by those involved in the initial rejection of the flexible working request.

Enforcement

We have set out what we consider to be the most effective approach to making flexible working the default in workplaces across the UK, however in order for any new rights to have any impact on workers’ lived experience there needs to be a robust system for proactive enforcement. There should be a regulatory and individual route for enforcement.

In regard to a duty to publish flexible working options in a job advert, we feel that the Equality and Human Rights Commission is best placed to take enforcement action. They already have responsibility for taking action around discriminatory advertisements, including job advertisements, which breach the Equality Act 2010. The EHRC sets out a simple process for referring alleged breaches on their website¹¹. The TUC feels that a similar system of enforcement would be effective in the case of a new duty to publish flexible working options (or a justification of the exceptional circumstances which mean that flexible working is not possible) in a job advert. A well-publicised website should be created and administered by the EHRC to allow individuals and organisations, including trade unions, to report suspected breaches of the new duty.

In the case of a failure of an employer to offer advertised flexibility to a successful candidate, we feel that the most appropriate route to redress would be through an employment tribunal.

We recommend that the government undertake a detailed technical consultation to ascertain the specific detail of the enforcement regime.

The EHRC must have its core funding increased to take enforcement action in this new area. In addition, the TUC recommends that the EHRC is given extra programme funding to carry out an extensive monitoring exercise to assess compliance and effectiveness after new regulations come into force.

¹⁰ <https://www.acas.org.uk/media/3923/The-right-to-request-flexible-working-an-Acas-guide/pdf/The-right-to-request-flexible-working-the-Acas-guide.pdf>

¹¹ <https://www.equalityhumanrights.com/en/advice-and-guidance/how-report-discriminatory-advert>

Flexible working: current context

Our recommendations around flexible working are rooted in our recognition that the current approach is significantly flawed. The current right to request legislation encourages employers to be reactive, waiting for individual employees to ask for flexibility. This approach cements flexible working into organisational cultures as the exception rather than the norm. The TUC believes there is a need for a more proactive and collective approach, which is particularly urgent in sectors such as retail, education, health and social care where unions report significant problems with flexible working. Flexible working should be the default, rather than something that is seen as a perk for the favoured few.

Although the vast majority of organisations are clear about the benefits of flexible working for both employers and workers, significant issues remain around both accessing flexible working and negative experiences of those who are able to work flexibly, due to discriminatory attitudes and the impact of workplace systems and cultures which are still constructed around a lack of flexibility being the norm. Recently published TUC research¹² shows that one in three requests for flexible working are being turned down. Our research also found that flexi-time, which is the most popular form of flexibility, is unavailable to over half (58%) of the UK workforce. This number rises to nearly two-thirds (64%) for people in working-class occupations. In addition, three in ten workers (28%) say their desire for more flexible hours is one of the main reasons they might look for a new job.

The TUC has consistently voiced concern over the weakness and lack of substance with the "right to request" legislation with the ease of rejection coupled with a lack of a right to an appeal rendering it a right to be turned down in far too many cases¹³.

Furthermore, in recent years trade unions have reported that accessing flexible working is becoming increasingly difficult for their members, with employees often waiting weeks and even months for a response.

In 2016 TUC conducted a survey of union reps¹⁴ around flexible working. Only six per cent of workplace reps responding to the survey said that getting access to, or maintaining, flexible working arrangements in their workplace had become easier in the last two years. Almost half said it had become harder, while the rest felt it had stayed about the same. Those responding from the public sector were more likely than those in the private sector to say it had become more difficult.

Although the situation is challenging across the board, there are some sectors where it is particularly difficult for workers to access flexible working arrangements. Equity, the entertainment union, has highlighted that the particular challenges faced by those in the entertainment industry where individual performers and creative workers on highly insecure

¹² <https://www.tuc.org.uk/news/one-three-flexible-working-requests-turned-down-tuc-poll-reveals>

¹³ REF TO TUC RESEARCH

¹⁴ https://www.tuc.org.uk/sites/default/files/Congress_2016_TUC%20Equality%20Audit_Digital.pdf

contracts feel they are vulnerable to exclusion from employment opportunities if they make demands in favour of improving work life balance.

Currently, workers are restricted by the limitation of only one flexible working request being allowed in a 12-month period, locking them out from further requests if they are rejected. This is in stark contrast to the flexibility demanded by employers', with sometimes weekly variations in working hours needing to be accommodated by workers.

One group of workers significantly affected by the demands of one sided flexibility, coupled with a resistance from employers to genuine flexible working, are midwives. The RCM finds that a high number of midwives who are not able to return to work within maternity services from maternity leave because they are unable to secure set days. New mothers require set days for nursery/childcare arrangements, but managers are not giving them the opportunity for a stable and predictable working pattern, effectively shutting these women out of employment.

"They say it is too difficult to work off duty around set days this is completely untrue and we challenge but they then say they have too many requests so can't do it. We know that if you have a number of staff requiring set days it can actually make it easier because you can give them opposite days and cover your service." *RCM member*

Many women make flexible working requests in pregnancy or on return to work from maternity leave. Negative experiences around flexible working are still common for new mothers. A range of evidence shared with us by unions has revealed rigid approaches, poor communication and long delays in responding to requests with women returning to work after maternity leave having to wait for weeks or sometimes months for a response to their flexible working requests. Research by BEIS and EHRC¹⁵, published in 2016, revealed that over half of pregnant women and new mothers had experienced discrimination or disadvantage as a direct result of having a flexible working request granted.

"I am just returning back to work after maternity leave. I had no phone calls from work while I was on maternity, in fact I didn't have a meeting with my manager about returning to work until 2 weeks before I was due back to discuss my request to change hours. I told them I could return to work apart from one shift I was having problems with due to childcare issues, so I could swap to another day...I have finally had a phone call today to basically say I can either do my normal hrs (which I have told them I can't do one of the shifts), go work in another department and start at 5am everyday which I can't do, or I have to drop the shift completely which would make me lose nearly £200 a month, is this fair?" - *USDAW case study: retail worker*

A significant barrier to gender equality and pay parity is a lack of flexible working practices. By restricting opportunities to work flexibly at the point of hire, employers limit women's ability to enter and maintain employment and cut themselves off from a proportion of the candidate market. A lack of quality flexible work opportunities trap women in low-paid, part-time or insecure work as they try to find the flexibility they need to balance work with their childcare responsibilities. This perpetuates gender inequalities in the workplace and exacerbates the gender pay gap. 75% of part-time workers are women. Part-time workers

¹⁵ <https://www.equalityhumanrights.com/en/file/10511/download?token=fhYbcMUf>

are paid less than full-time workers with equivalent qualifications and have fewer career pay and progression opportunities compared to full-time workers.

In 2017 we surveyed more than 1,000 low-paid parents¹⁶. Almost half of them were struggling to juggle work and childcare. And 42% told us they felt penalised at work when they asked for flexibility. They reported getting fewer hours and worse shifts after asking for working patterns that fitted their caring commitments, and in some cases they even lost their jobs. The research highlighted negative workplace cultures and lack of access to flexible working as a huge barrier to young parents being able to manage their childcare responsibilities.

A [CIPD 2019 UK Working Lives](#) survey showed UK workers tend to have a poor work–life balance. Based on a measure of how often job demands interfere with family life, the UK ranks 24th out of 25 comparator economies.

The survey finds that, excluding the self-employed, one in five employees (21%) has no flexible working arrangements available to them in their current job. Yet the unmet demand goes far wider than this: overall, two-thirds of UK employees (68%) would like to work flexibly in at least one form that is not currently available to them. For those who do not have the options, the most desirable arrangements are flexi-time (70% of those who cannot use this arrangement would like to do so), compressed hours (58%) and working from home (49%).

For many workers flexible working is not just an optional ‘nice to have’ addition to their working life. Access to flexible working is vital to be able to access work or remain in the workplace.

One example, highlighting the fundamental importance of flexible working is provided by a RCM member who was the victim of domestic abuse. She managed to leave her husband but needed to work flexibly to manage the care of her two children. Her flexible working request was rejected, resulting in her having to leave her job.

A further example from the FDA, is a case where an individual left the civil service after less than two months in post, as the flexible working commitments that had been made when the individual accepted the post did not come in to fruition.

¹⁶ <https://www.tuc.org.uk/research-analysis/reports/better-jobs-mums-and-dads>