working families

changing the way we live and work

Consultation on measures to increase transparency in the UK labour market recommendations – response from Working Families

1 Introduction

1.1 Working Families is the UK's work life balance charity. We support working parents and carers to tackle discrimination, achieve flexibility in the workplace, and navigate the in-work benefits system through our free Legal Advice Service. We also work directly with employers on enabling them to create family friendly workplaces that work for people and the economy.

1.2 Many parents and carers we speak to are forced into agency work, casual work or become self-employed because their need for flexibility is so acute – and, crucially, they cannot find it elsewhere in the labour market[1]. In our response to the Taylor Review of *Employment Practices in the Modern Economy* we made the case for a level playing field on parental rights between workers and employees.

1.3 We welcome the opportunity to respond to this consultation, and the wider commitments that the Government has made in response to the Taylor Review of Modern Working Practices – in particular commitments on written statements for workers as well as employees; and rights for workers to request a change in contract to improve predictability.

1.4 We are pleased to see the government's commitment to taking immediate steps to implement the Taylor Review's recommendation on payslips by legislating to extend the right to payslips to all workers, and to improve the quality of the information provided on those payslips. Payslips for workers in particular can often be opaque in terms of premiums, travel time and holiday pay.

1.5 Alongside implementation of Taylor's recommendations the government should also consider that the efficacy of any new rights depends on parents' ability to use them – in our experience, parents are often reluctant to exercise their rights in case they are given less work as a result. As part of its approach to implementing Taylor's recommendations, the government should ensure that extending more and better rights to working parents and carers does not push more into forced self-employment, as an unintended consequence. Finally, it should consider how to give a stronger role to employers in terms of transparency; for example, encouraging employers to be proactive in terms of recognising when a worker might benefit from a more stable contract.

1.6 We have responded to those questions of most relevance to the thousands of working parents we support every year through our Legal Advice Service. If you have any

[1] The proportion of flexible jobs remains low in comparison to very high demand – 9.8% of quality jobs are advertised flexibly and 54% of employees currently work flexibly (Timewise Flexible Jobs Index, 2017)

queries or would like any further information about the points in this response please contact
n, Head of Policy and Campaigns, or

Section A: Written Statements

2. To what extent do you agree that the right to a written statement should be extended to cover permanent employees with less than one month's service and non-permanent staff?

2.1 Working Families strongly agrees. We believe in a level playing field on parental rights between workers and employees, and this principle applies here. All parents and carers – regardless of their length of service or employment status – should have a written statement outlining the rights designed to help them manage their childcare and work responsibilities.

3. Items that should be included on a principal written statement.

3.1 Working Families agrees that all the currently prescribed contents of a principal written statement are helpful in setting out employment particulars; and we agree that the additional items suggested in the consultation paper should also be included. In addition, we would suggest the employer include:

- Any support with childcare that they offer
- Maternity, paternity, shared parental and adoption leave and pay entitlements
- Emergency and parental leave entitlements
- Flexible working entitlements.

Working Families suggests a table of rights is included, outlining the name of the right, a brief description of the right, any terms, conditions and limitations (which would include limitations by employment status) and any differences for parents and carers of disabled children (whose need for these rights is very often more acute).

3.2 The government should consider including signposting to organisations (such as Working Families) that are able to provide support to workers around the rights to which they are entitled, what to do if they experience difficulties at work and the benefits and tax credits that might support them in work.

3.3 Finally, written statements should be easy to understand; we encourage the government to speak to parents and carers about any templates developed, for feedback and refinement.

4. To what extent do you agree that the principal written statement should be provided on (or before) the individual's start date?

4.1 Working Families strongly agrees. As stated previously, parents and carers need a written statement at the earliest opportunity, to help them manage their childcare and work responsibilities.

5. To what extent do you agree that other parts of the written statement should be provided within two months of their start date?

5.1 Working Families strongly agrees. Information that cannot be provided initially – due to a probationary period, for example – should be provided as a follow-up. It should not be a reason for delaying providing it on (or before) a start date.

5.2 It's crucial that employers that do not provide written statements are subject to penalty. And that any enforcement mechanism should help ensure providing written statements becomes part of an employers' normal way of working; as opposed to being dependent on individuals being willing to bring a claim.

Section B: Continuous Service

6. What length do you think the break in continuous service should be?

6.1 Working Families strongly agrees that the one week break in continuous service (for the purpose of determining qualifying periods) should be extended by *at least* one month, to give parents and carers the best possible chance of accessing the key rights that are currently dependent on a qualifying period. It should be made clear that parents' statutory rights to time away from the workplace (annual leave and parental leave, for example) count towards continuity.

Section C: Holiday Pay

7. What is your understanding of atypical workers' arrangements in relation to annual leave and holiday pay?

7.1 In our experience (and related to the point we made in the introduction section about parents and carers and their fears in terms of exercising their rights) parents working in the 'gig' economy are often apprehensive about claiming annual leave and holiday pay in case they are offered less work. It's crucial that, alongside rights like these, parents have the ability to actually use them.

7.2 Along with improving support for employees and workers around annual leave and holiday pay, improving awareness around parental leave is crucial. TUC research found very low awareness of the right to unpaid parental leave amongst young parents[2]. This can often be used in combination with annual leave and holiday pay by parents and carers (in the school summer holidays, for example) to help manage the balance between work and family life. Again, alongside awareness, parents should feel they can actually use their rights.

Section D: Right to Request

8. Do you agree that we should introduce a Right to Request a more stable contract?

8.1 A survey by Child Poverty Action Group (CPAG) and Working Families in 2017 found that parents and carers value permanent jobs and put a premium on job security[3]. Therefore, Working Families strongly agrees that workers should have the right to request a more predictable and stable employment contract, going beyond the right to request a permanent contract already available to agency workers and those on a zero-hours contract.

8.2 No group of workers should be excluded from this right.

8.3 It's important that their introduction takes into account the crucial role of line managers in terms of making the right work as intended; and that hidden discrimination is not an unintended consequence.

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[2] Better jobs for mums and dads, TUC, 2017

[3] https://www.workingfamilies.org.uk/publications/britain-works/

8.4 Employers should take account of the individual's working pattern in considering a request. As previously stated, predictability in terms of their working pattern (and ideally, flexibility within that) is highly valued by parents.

8.5 In our view, one month is an appropriate length of time for an employer to respond to a request; with a six week to two-month deadline in terms of the conclusion of any appeal process.

Section E: Information and Consultation of Employees Regulations (2004) (ICE)

9. Should the ICE regulations be extended to include workers in addition to employees?

9.1 Yes. This will help create a more level playing field on parental rights between workers and employees.

Working Families
May 2018