



Department for  
Business, Energy  
& Industrial Strategy

# GOOD WORK PLAN

Consultation on measures to address one-sided flexibility

Closing date: 11<sup>th</sup> October 2019



**OGL**

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# General information

## Why we are consulting

This consultation seeks specific views on the proposals made by the Low Pay Commission, to address the issue of 'one-sided flexibility'. In particular, we are seeking views on providing workers a right to reasonable notice of work schedules and providing workers with compensation for shifts cancelled without reasonable notice. It also seeks views on what guidance Government can provide to support employers and encourage best practice to be shared across industries.

## Consultation details

**Issued:** 19<sup>th</sup> July 2019

**Respond by:** 11<sup>th</sup> October 2019

**Enquiries to:**

One-Sided Flexibility Consultation  
Department for Business, Energy & Industrial Strategy,  
Labour Markets, Level 1 Spur,  
1 Victoria Street,  
London, SW1H 0ET

Tel: 0207 215 5000

Email: [goodwork@beis.gov.uk](mailto:goodwork@beis.gov.uk)

**Consultation reference:** Good Work Plan – One-sided flexibility

**Audiences:**

This consultation is for the general public and in particular employers and workers (or representatives) who utilise contracts with variable hours.

**Territorial extent:**

England, Scotland and Wales

## How to respond

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

When responding to the questions, please explain your answers fully, providing any evidence you may have to support your views.

When giving your answers, please consider how each of the proposed policies would impact (if at all) on:

- The workers who would be eligible;
- Employers and workers in different sectors;
- How work would be planned and organised;
- How pay would be calculated and managed;
- You / your workers / those you represent (e.g. retention, morale and working life); and
- The amount of compensation which would be appropriate in each proposed option, when workers would become eligible for it, and when it would be paid.

Please provide responses to the email address above using the response form that can be found at <https://www.gov.uk/government/consultations/good-work-plan-one-sided-flexibility-addressing-unfair-flexible-working-practices>

**Respond online at:** <https://beisgovuk.citizenspace.com/lm/good-work/plan-one-sided-flexibility>

or

**Email to:** [Goodwork@beis.gov.uk](mailto:Goodwork@beis.gov.uk)

### Write to:

One-Sided Flexibility Consultation  
Department for Business, Energy & Industrial Strategy,  
Labour Markets, Level 1 Spur,  
1 Victoria Street,  
London, SW1H 0ET

A response form is available on the GOV.UK consultation page:  
<https://www.gov.uk/government/consultations/good-work-plan-one-sided-flexibility>

When responding, please state whether you are responding as an individual or representing the views of an organisation.

## Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable UK and EU data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

## Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: [beis.bru@beis.gov.uk](mailto:beis.bru@beis.gov.uk).

# Introduction

In October 2016 the Prime Minister commissioned Matthew Taylor (Chief Executive of the Royal Society of the Arts) to conduct an independent review into modern working practices, focused on assessing how employment practices might need to change in order to keep pace with modern business models.

In July 2017 the Review of Modern Working Practices (the review) was published, which included 53 recommendations<sup>1</sup>. The review considered a range of issues, including the implications of new forms of work, the rise of digital platforms and the impact of new working methods on worker rights, responsibilities, freedoms and obligations.

At the heart of these recommendations was an overarching ambition that all work should be fair and decent and for employers to offer opportunities that give individuals realistic scope to develop and progress. This ambition, to generate good jobs and greater earning power for all, is set out further in our modern Industrial Strategy, and we are committed to ensuring the UK labour market remains successful and competitive.

Flexibility has been a key part of enabling business to respond to changing market conditions and has supported record employment rates. Individuals have the opportunity to work in a range of different ways, on hours that fit around other responsibilities. We have continued to support the flexibility in the labour market. In 2014, we extended the Right to Request Flexible Working, to all employees with 26 weeks' continuous service, and are reviewing this right. Additionally, through the Good Work Plan, we have set up a taskforce to work with business to make flexible working a reality for all employees.

However, one of the issues raised through the Taylor review was that a minority of employers abuse this flexibility to transfer excessive amounts of risk to workers, and there is no corresponding benefit to the worker from the flexible arrangement. This has been termed as 'one-sided flexibility', with examples of employers cancelling shifts at short notice or sending workers home when customer demand is low.

Following the recommendations from the review, Government commissioned the independent Low Pay Commission (LPC) to provide advice on the prevalence of one-sided flexibility, the impact of introducing a higher minimum wage for non-guaranteed hours and alternative policy ideas to address the issue.

The LPC's research and engagement with stakeholders found that one-sided flexibility is indeed a problem in some parts of the modern economy, where some employers misuse flexible working arrangements to create unpredictability, insecurity of income and a reluctance among some workers to assert basic employment rights<sup>2</sup>. The Commission did not endorse the proposal to introduce a premium to the National Living Wage (NLW) for non-guaranteed hours worked but instead recommends alternative action. While we agree with the LPC's conclusion that the NLW premium would not be an effective option, we are determined to tackle one-side flexibility while retaining the flexibility that many individuals find so valuable.

This consultation seeks to explore in a greater level of detail the alternative proposals put forward by the LPC, to inform any approach to implementation, and provide information on

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<sup>1</sup> Matthew Taylor, 2017, Good Work: the Taylor review of modern working practices,

<sup>2</sup> Low Pay Commission, 2018, A Response to Government on 'One-Sided Flexibility'.

potential impacts and unintended consequences, delivering on our manifesto commitment to ensure the interests of everyone in the labour market are properly protected.



# The Low Pay Commission's recommendations

As part of the Taylor Review of Modern Working Practices (July 2017), a recommendation was set out stating that 'the Government should ask the LPC to consider the design and impacts of the introduction of a higher NMW rate for hours that are not guaranteed as part of the contract' as a means to address the issue of one-sided flexibility<sup>3</sup>.

Government accepted this recommendation, asking the LPC to investigate the feasibility and design of an NMW premium for non-guaranteed hours, alongside any alternative proposals that would tackle one-sided flexibility.

The LPC published their findings and response to this recommendation in December 2018<sup>4</sup>. They reported on the scale and nature of the issue of 'one-sided flexibility'; assessed the impact of introducing a higher minimum wage for non-guaranteed hours; and considered alternative policy ideas.

Following extensive engagement with stakeholders and evidence gathering, the LPC found many examples of two-sided flexibility, where flexible working arrangements were in place, that suited the needs of both workers and employers. Through their consultation, the LPC received evidence from workers, who appreciated the ability to adapt their working time and arrangements around their personal lives; work additional hours when it suits them; and make use of arrangements such as job-sharing.

However, the LPC concurred with the Taylor Review that one-sided flexibility is a problem that exists within some parts of the labour market, where a minority of employers misuse flexible working arrangements, which the Government agrees with. They found examples where some employers misused flexible working arrangements to create unpredictability of hours, insecurity of income and a reluctance among workers to assert basic employment rights:

- Unpredictability of hours: The Chartered Institute of Professional Development (CIPD) survey of employers found that 17 per cent of employers with low-paid workers who had flexible hours, provided workers with no more than a day's notice prior to their shift.
- Insecurity of income: Evidence from Citizens Advice (2018) found that 49 per cent of workers who are self-employed or in insecure work said their income changed either a fair amount or a great deal from one month to the next.
- Inability to assert rights: LPC Commissioners met with several stakeholders who highlighted instances where workers feared losing their hours when on variable hours arrangements. In one instance, two union members described an example where a member of staff phoned in citing illness. As their manager did not believe them to be genuinely ill, the manager simply reduced their hours rather than deal with the situation through proper channels or speak to the member of staff about it.

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<sup>3</sup> Matthew Taylor, 2017, Good Work: the Taylor review of modern working practices,

<sup>4</sup> Low Pay Commission, 2018, A Response to Government on 'One-Sided Flexibility'.

The LPC noted that estimating the scale of one-sided flexibility is “challenging”, however, using the Skills and Employment Survey, Felstead et al. (2018)<sup>5</sup> estimate that there are approximately 1.7 million individuals who were very anxious that their working hours could change unexpectedly. This provides a benchmark estimate of the scale of the issue.

The LPC recommended that Government considers ways to specifically measure the scale of one-sided flexibility. The work of the Industrial Strategy Council will inform how Government adopts and tracks a set of metrics to measure quality of work in the UK labour market, which will include the nature of the relationship between employers and workers.

The LPC report went on to analyse the merits of a higher NMW for non-guaranteed hours (or “premium”). Employers highlighted that such a policy would raise the cost of flexibility and were sceptical that such a policy would be enforceable. Some worker representatives who responded to the LPC’s consultation were also concerned that a “premium” would legitimise poor working practices or potentially trap workers into precarious work. Consequently, the LPC believed that the “premium” proposal would not effectively address the issue of one-sided flexibility. We accept their judgement here and will not take forward a higher NMW for non-guaranteed hours.

The LPC proceeded to recommend an alternative package of measures, which includes the following:

- A right to switch to a contract which reflects the normal hours worked
- A right to reasonable notice of work schedule
- Compensation for shift cancellation or curtailment without reasonable notice
- Information for workers

The proposed ‘right to switch to a contract which reflects the normal hours worked’ would require an employer to justify any refusal to switch according to conditions clearly defined in legislation. They suggest that the legislation would specify the reference period for determining normal working hours, a qualifying period, and the specific circumstances in which an employer would not be required to offer a contract guaranteeing normal hours worked.

As outlined in the Government’s Good Work Plan, it has been our intention to bring forward legislation that introduces a right for all workers to potentially move towards a more predictable and stable contract, subject to conditions set out in legislation.<sup>6</sup> This was informed by previous consultations and will provide workers with greater certainty around the number of hours a person receives, or fixed days on which they will be asked to work, providing much of the protection that is suggested by the LPC’s proposal. As such, we are taking forward the LPC’s recommendation and will legislate to introduce a right for all workers to switch to a more predictable work pattern. When drafting the legislation, we will give strong considerations to the LPC’s recommended circumstances for refusal. We also agree with the LPC that such a right should be enforced through Employment Tribunals.

With regards to providing information to workers, the LPC recommended that Government should require that information on their three policy proposals be included in a written

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<sup>5</sup> Felstead, Gallie, Green and Henseke, 2018, *Insecurity at work in Britain: First findings from the Skills and Employment Survey 2017*.

<sup>6</sup> BEIS, 2018, Good Work Plan

statement to workers. Through the Good Work Plan, the Government has committed to extend the right to a written statement to all workers, as well as employees, and has laid legislation to make access to a written statement a day one right for both employees and other workers<sup>7</sup>. We want to ensure that the content of a written statement is as useful as possible to both the individual and the employer, so we will be expanding the information required as part of the written statement<sup>8</sup>. Government will consider this additional request from the LPC following the outcome of this consultation.

The LPC also considered alternative options to address one-sided flexibility. As part of their discussions with stakeholders, suggestions were made to ban zero-hours contracts or introduce minimum shift lengths. The LPC recognised that many employers use zero-hours contracts to help adapt to changes in demand and supply, while some staff preferred “the flexibility of a contract where they can choose to turn down shifts”. The LPC were therefore clear in stating that banning zero-hours contracts will not resolve all the problems associated with one-sided flexibility and did not recommend this as an option.

Whilst the LPC received some evidence in favour of minimum shift lengths, they also identified instances and industries where a minimum shift length would be problematic (for example in domiciliary care, where workers have short bursts of activity throughout the day when visiting clients). The LPC stated that the proposal to provide compensation for short-notice shift cancellations could be designed to supersede a minimum shift length policy, and therefore did not suggest the latter as a recommended proposal.

This consultation aims to identify the detail behind the LPC’s two recommendations regarding a right to reasonable notice of work schedules, and a policy to provide compensation for shifts that are cancelled at short-notice. The Government would like to identify what current practice exists in relation to these two recommendations, what impacts they would have on employers and workers, and how best the policies could be designed to ensure they effectively address one-sided flexibility.

In addition to these proposals, we also seek views on how any legislative policies can be supplemented with guidelines for employers. Several organisations who the LPC spoke to suggested codes of practice or improved guidance as a means of tackling the problem of one-sided flexibility. We would welcome views on how employers can drive change within their broader industry, to share best practice and reduce the prevalence of one-sided flexibility

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<sup>7</sup> The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018; The Draft Employment Rights (Miscellaneous Amendments) Regulations 2019.

<sup>8</sup> A full list of additional mandatory contents required in a written statement can be found in the Good Work Plan

# Right to reasonable notice of work schedules

Representations to the LPC highlighted examples where some workers were allocated shifts with limited notice, making it difficult for workers to plan their lives or find other work. This contrasted to good practice by many employers who worked hard to plan ahead and provide good notice of future requirements.

- 1. If you are an employer or worker, what notice (if any), do you / your workers receive of your / their work? Does this vary by different types of work or worker?**
- 2. How are work schedules currently organised or planned, and how are they currently recorded? Are you aware of best practice examples where work schedules are organised or recorded particularly well?**

As a result of these variations in practice, the LPC recommend that every individual should have a right to reasonable and recordable notice of their work schedules. They believe this would discourage poor scheduling practice by employers, reduce unpredictability for workers and aid income security. In practice, this policy would require an employer to provide a “reasonable” period of notice (where “reasonable” is to be defined, balancing both worker and employer needs) to a worker, prior to their shift starting.

We are clear that such a policy should provide workers with notice of when their allocated shifts are, but also not prevent individuals taking work when it is offered. We would expect that, where shifts are offered with less than reasonable notice (such as due to staff illness or overtime), workers would not experience any detriment from employers for turning down those shifts.

- 3. What would you define as ‘reasonable notice’ of work schedules? Does this vary between different types of work or contexts? And what working hours should be in scope?**
- 4. What impact (if any) would the introduction of the right to a reasonable notice of work schedules have on you (or those you represent)? How would existing practices change?**

The LPC note that what is a “reasonable” notice period may vary across employers, and that this could create some difficulty in setting a single fixed period of notice across all industries and forms of work.

Indeed, they found that some employers and employer representatives suggested that Government sets a “minimum standards” for notice. This “baseline” level could then allow employers to go beyond the minimum and provide workers with even further notice, appropriate to their individual circumstances. Conversely, there may be circumstances where the nature of the work limits “reasonable” notice being provided (such as in emergency services) and that a degree of flexibility may be needed.

- 5. In your view, should the right to a reasonable notice of work schedules be something that is guaranteed from the start of someone's employment, or should an individual need to work for a certain amount of time before becoming eligible?**
- Guaranteed from the start of someone's employment
  - An individual needs to work for a certain amount of time before becoming eligible. If so, how long?

**Please explain your answer.**

- 6. In your view, should Government set a single notice period for work schedules which applies across all employers, or should certain employers / sectors be allowed some degree of flexibility from the "baseline" notice period set by Government? Which employers / sectors (if any) should be allowed some degree of flexibility?**
- Government should set a single notice period that applies across all employers
  - Certain employers / sectors should be allowed some degree of flexibility

**Please explain your answer.**

- 7. What would be an appropriate "baseline" notice period and degree of flexibility to you? How would this impact you, or those you represent?**
- 8. In your view, are there any instances where reasonable notice of a work schedule would not need to be given? If so, for which workers / types of work?**

The LPC also states that the provision of reasonable notice should be recorded, such as by printed document, email or text, to assist enforcement and ensure that workers would benefit from such a right. While the mechanism may differ across employers, the need to keep records would be in keeping with other policies. For example, compliance with NMW legislation requires that sufficient records are kept by the employer, to show that they are meeting requirements.

**9. How do you think a reasonable notice of a work schedule would be recorded?**

**10. What impact, if any, would the requirement of recording work schedules have on you (or those you represent) and how you organise work?**

The LPC proposes that the right to reasonable notice should be enforceable by employment tribunal, which we agree with, and we would look to provide guidance, including advice to employers on best practice across different settings and sectors.

**11. If Government were to introduce the right to a reasonable notice of work schedule, what would be most useful for employers within statutory guidance?**

The LPC also propose that this right is subject to penalty where “reasonable” notice has not been provided or where the worker has experienced detriment for turning down a shift offered with less than “reasonable” notice. The LPC have asked Government to consult on what these penalties should be.

**12. What would an appropriate penalty be in the event of non-compliance (when workers are not given reasonable notice of their work schedule, and / or if it is not recorded correctly)?**

# Compensation for shift cancellation or curtailment without reasonable notice

The LPC found some evidence in their consultation that the practice of employers cancelling scheduled shifts at the last minute was thought to be unfair by both employers and workers.

**13. Are shifts or hours of work cancelled by the employer at short notice in your workplace, or in the workplaces of those you represent? Why? Are reasons provided to workers? Are these hours then replaced?**

- Yes – shifts or hours of work are cancelled at short notice
- No – shifts or hours of work are NOT cancelled at short notice

**Please explain your answer.**

**14. How often are shifts or hours of work cancelled by the employer at short notice?**

**15. What notice, if any, is provided by the employer before the shift or hours of work are cancelled? Does this vary at all?**

The LPC recommended that workers who have their shifts cancelled without reasonable notice should be compensated. The LPC believes this would encourage employers to better plan their shifts and allow workers to better manage their lives.

**16. Do you/workers receive compensation if shifts or hours of work are cancelled? If so, what compensation is provided?**

- Yes – I / workers receive compensation if shifts or hours of work are cancelled
- No – I / workers DO NOT receive compensation if shifts or hours of work are cancelled

**Please explain your answer.**

**17. Does this compensation vary by different types of work/worker? If so, how does this vary?**

- Yes – compensation varies
- No – compensation DOES NOT vary

**Please explain your answer.**

**18. Are you aware of any best practice examples from other areas of industry where workers receive compensation for shifts or hours of work which are cancelled?**

As noted by the LPC, the details underpinning this recommendation would determine whether it would effectively address one-sided flexibility. This policy would mean that, if a worker has

their hours cancelled with less than “x” days’ notice (where “x” is a time below which is deemed “short-notice”), the employer would be liable to pay a level of compensation, irrespective of whether the hours are replaced.

In addition to identifying what constitutes “short-notice”, the level of compensation would need to be determined. This would need to appropriately deter poor practice and prohibit employers from reducing shift length to limit the number of hours they cancel, while not excessively placing a burden upon businesses.

The LPC have put forward three options for the level of compensation, which are listed below, however there may be other options (which we would welcome comments on – see question 29 below):

- The value of the shift/hours in question
- A worker’s appropriate NMW rate multiplied by their scheduled number of hours cancelled
- A multiple of a worker’s appropriate NMW rate, e.g. three times the NMW

**19. What impacts, both positive and negative, would this proposed policy have on you (or those you represent) (if any)?**

**20. Noting the three proposed options put forward by the LPC, if compensation were introduced for shifts or hours which are cancelled at short notice, what would you consider to be a ‘fair’ amount of compensation?**

- The value of the shift in question
- The worker’s appropriate NMW rate multiplied by their scheduled number of hours that have been cancelled
- A multiple of the worker’s appropriate NMW rate. If so, what multiple?
- Other. If so, please specify

**21. If compensation were introduced, what should be the cut-off point at which employers have to give their workers notice of a cancelled shift or hours (after which workers would become eligible for compensation)?**

**22. If Government were to implement a policy where the notice period for cancelling shifts or hours of work was longer than the amount of time you suggest above, what impact (if any) would this have on you (or those you represent)?**

**23. Should all types of employer, across all sectors, be expected to pay compensation?**

- Yes – all employers should be expected to pay compensation
- No – NOT all employers should be expected to pay compensation

**Please explain your answer.**



**24. Which workers, if any, should be exempt from receiving compensation?**

**25. In your view, should workers become eligible for compensation from the start of their employment, or should they become eligible after a certain amount of time?**

- Guaranteed from the start of someone's employment
- An individual needs to work for a certain amount of time before becoming eligible

**Please explain your answer.**

As noted by the Low Pay Commission, it is not the case that all workers who have non-guaranteed hours suffer from the issues associated with one-sided flexibility, with many genuine instances of two-sided flexibility. Indeed, there are several examples across whereby flexible working arrangements exist that suit the needs of both workers and employers.

When assessing the scale and nature of one-sided flexibility, the LPC placed particular focus at the lower-paying end of the labour market, with issues around income insecurity most likely to bite lower down the income distribution. It will therefore be important that any policy minimises any unintended consequences on those who enjoy two-sided flexibility and effectively targets workers who are currently exploited. The protection could, for example, apply to those below a certain income level, or those close to or on the minimum wage, or indeed to those on specific contract types (e.g. zero-hour contracts).

**26. How should a policy to provide compensation for short notice shift cancellations be designed to best target workers who experience one-sided flexibility?**

## Guidelines for employers

One alternative option identified by the LPC was the provision of guidelines for employers. Several organisations they engaged with suggested codes of practice or improved guidance as a means of tackling the problem of one-sided flexibility.

Guidance or codes of practice would enable best practice to be shared across employers and industries; and could be used to supplement the policies proposed within this consultation, or as a standalone option that covers a broader range of practices. We would like to seek views on how employers could drive change in practices and share, both across their workforce and the wider industry, guidance on how the issue of one-sided flexibility can be addressed.

**27. What could employers/employer representatives do to share best practice and drive change through their workforce and industry?**

# Consultation questions

Where possible, please explain your answers fully, providing any evidence you may have to support your views.

Background Information	
a.	Name:
b.	Email:
c.	<p>Are you (please select from the following):</p> <ul style="list-style-type: none"> <li>• Business representative organisation/trade body</li> <li>• Central government</li> <li>• Charity or social enterprise</li> <li>• Employer</li> <li>• Individual</li> <li>• Industry or employer association</li> <li>• Legal representative</li> <li>• Local government</li> <li>• Trade union or staff association</li> <li>• Other (please specify)</li> </ul>
d.	<p>If you are an employer or individual, what type of organisation (do you work for) (please select from the following)?</p> <ul style="list-style-type: none"> <li>• Private sector organisation</li> <li>• Public sector</li> <li>• Charity/voluntary sector</li> <li>• Other (please specify)</li> </ul>
e.	If you are an employer, how would you describe the industry in which you operate?
f.	If you are an employer or worker, how would you describe the size of your entire organisation (i.e. across all the sites in your organisation)?

	<ul style="list-style-type: none"> <li>• Micro (1-4 workers)</li> <li>• Small (5-49 workers)</li> <li>• Medium (50-99 workers)</li> <li>• Large (100-249 workers)</li> <li>• Very large (250+ workers)</li> </ul>
g.	<p>If you are responding as an individual, which best describes your contractual status (please select from the following):</p> <ul style="list-style-type: none"> <li>• Full-time</li> <li>• Part-time</li> <li>• Temporary</li> </ul>

### Right to reasonable notice of work schedule

Q1.	If you are an employer or worker, what notice (if any), do you / your workers receive of your / their work? Does this vary by different types of work or worker?
Q2.	How are work schedules currently organised or planned, and how are they currently recorded? Are you aware of best practice examples where work schedules are organised or recorded particularly well?
Q3.	What would you define as 'reasonable notice' of work schedules? Does this vary between different types of work or contexts? And what working hours should be in scope?
Q4.	What impact (if any) would the introduction of the right to a reasonable notice of work schedules have on you (or those you represent)? How would existing practices change?
Q5.	<p>In your view, should the right to a reasonable notice of work schedules be something that is guaranteed from the start of someone's employment, or should an individual need to work for a certain amount of time before becoming eligible?</p> <ul style="list-style-type: none"> <li>• Guaranteed from the start if someone's employment</li> <li>• An individual needs to work for a certain amount of time before becoming eligible. If so, how long?</li> </ul>

	Please explain your answer.
Q6.	<p>In your view, should Government set a single notice period for work schedules which applies across all employers, or should certain employers / sectors be allowed some degree of flexibility from a the “baseline” notice period set by Government? Which employers / sectors (if any) should be allowed some degree of flexibility?</p> <ul style="list-style-type: none"> <li>• Government should set a single notice period that applies across all employers</li> <li>• Certain employers / sectors should be allowed some degree of flexibility</li> </ul> <p>Please explain your answer.</p>
Q7.	What would be an appropriate “baseline” notice period and degree of flexibility to you? How would this impact you, or those you represent?
Q8.	In your view, are there any instances where reasonable notice of a work schedule would not need to be given? If so, for which workers / types of work?
Q9.	How do you think a reasonable notice of a work schedule would be recorded?
Q10.	What impact, if any, would the requirement of recording work schedules have on you (or those you represent) and how you organise work?
Q11.	If Government were to introduce the right to a reasonable notice of work schedule, what support measures would be most useful for employers within statutory guidance?
Q12.	What would an appropriate penalty be in the event of non-compliance (when workers are not given reasonable notice of their work schedule, and / or if it is not recorded correctly)?

### Compensation for shift cancellation or curtailment without reasonable notice

Q13.	<p>Are shifts or hours of work cancelled at short notice? Why? Are reasons provided to workers? Are these hours then replaced?</p> <ul style="list-style-type: none"> <li>• Yes – shifts or hours of work are cancelled at short notice</li> <li>• No – shifts or hours of work are NOT cancelled at short notice</li> </ul> <p>Please explain your answer.</p>
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Q14.	How often are shifts or hours of work cancelled at short notice? Why?
Q15.	What notice, if any, is provided before the shift or hours of work are cancelled? Does this vary at all?
Q16.	<p>Do you/workers receive compensation if shifts or hours of work are cancelled? If so, what compensation is provided?</p> <ul style="list-style-type: none"> <li>• Yes – I / workers receive compensation if shifts or hours of work are cancelled</li> <li>• No – I / workers DO NOT receive compensation if shifts or hours of work are cancelled</li> </ul> <p>Please explain your answer.</p>
Q17.	<p>Does this compensation vary by different types of work/worker? If so, how does this vary?</p> <ul style="list-style-type: none"> <li>• Yes – compensation varies</li> <li>• No – compensation DOES NOT vary</li> </ul> <p>Please explain your answer</p>
Q18.	Are you aware of any best practice examples from other areas of industry where workers receive compensation for shifts or hours of work which are cancelled?
Q19.	What impacts, both positive and negative, would this proposed policy have on you (or those you represent) (if any)?
Q20.	<p>Noting the three proposed options put forward by the LPC, if compensation were introduced for shifts or hours which are cancelled at short notice, what would you consider to be a 'fair' amount of compensation?</p> <ul style="list-style-type: none"> <li>• The value of the shift in question</li> <li>• The worker's appropriate NMW rate multiplied by their scheduled number of hours</li> <li>• A multiple of the worker's appropriate NMW rate</li> <li>• Other. If so, please specify</li> </ul>
Q21.	If compensation were introduced, what should be the cut-off point at which employers have to give their workers notice of a cancelled shift or hours (after which workers would become eligible for compensation)?

Q22.	If Government were to implement a policy where the notice period for cancelling shifts or hours of work was shorter than the amount of time you suggest above, what impact (if any) would this have on you (or those you represent)?
Q23.	<p>Should all types of employer, across all sectors, be expected to pay compensation?</p> <ol style="list-style-type: none"> <li>1. Yes – employers should be expected to pay compensation</li> <li>2. No – employers should NOT be expected to pay compensation</li> </ol> <p>Please explain your answer.</p>
Q24.	Which workers, if any, should be exempt from receiving compensation?
Q25.	<p>In your view, should workers become eligible for compensation from the start of their employment, or should they become eligible after a certain amount of time?</p> <ol style="list-style-type: none"> <li>1. Guaranteed from the start if someone’s employment</li> <li>2. An individual needs to work for a certain amount of time before becoming eligible</li> </ol> <p>Please explain your answer.</p>
Q26.	How should a policy to provide compensation for short notice shift cancellations be designed to best target workers who experience one-sided flexibility?

### Compliance and guidelines for employers

Q27.	What could employers/employer representatives do to share best practice and drive change through their workforce?
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This consultation is available from: <https://www.gov.uk/government/consultations/good-work-plan-one-sided-flexibility-addressing-unfair-flexible-working-practices>

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