



# Factsheet: Flexible Working

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## What is the current policy/legal framework?

Employees currently have the right to request a flexible working arrangement from their first day in a job. Employees can ask their employer for a flexible working arrangement up to two times in every twelve months, and their employer must give their decision within two months.

Flexible working arrangements include:

- Part time
- Flexible hours ('Flexitime')
- Staggered shifts
- Compressed hours
- Term-time hours
- Job shares
- Remote work
- Hybrid work

Employers can refuse a flexible working request for one (or more) of eight possible business reasons set out in legislation, and they must consult with the employee before rejecting a request. However, the current legislation provides no detail on how this consultation should be conducted.

There is currently no requirement for employers to explain their decision. Employment Tribunals cannot currently consider the reasonableness of a decision to refuse a flexible working request. This has led to a lack of transparency around decisions on flexible working, with some requests that could be reasonably implemented being turned down.

According to Timewise's 2023 Flexible Jobs Index, while nearly 9 in 10 employees want to work flexibly, only 6 in 10 currently do.<sup>1</sup>

## Policy Intent

The new measures aim to support access to flexible working, ensuring that employers accept reasonable and feasible requests.

Flexible working helps people achieve a better work life balance, which can lead to happier, healthier and more productive employees. This is good for employees and good for businesses. It is also particularly valuable for those with health conditions and caring responsibilities, including parents with young children.

## How will it work?

We are retaining the approach of the existing legal framework for flexible working, where an employee makes a request and an employer can agree or reject. But we are making some important changes to make it more likely that flexible working requests are accepted.

The Employment Rights Bill will amend existing legislation so that:

- Employers can only reject a flexible working request where it is reasonable to do so on the grounds of one (or more) of the eight business reasons already set out in primary legislation.

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<sup>1</sup> Timewise. *The Timewise Flexible Jobs Index 2023*. 2023. Available at: <https://timewise.co.uk/wp-content/uploads/2023/11/Timewise-Flex-Jobs-Index-2023.pdf> (Accessed: March 2025)

- If an employer wants to reject a request, they will need to consult with the employee (as they currently do), but in doing so follow a specified process, to be set out via secondary legislation.
- If an employer rejects a request, they must explain to the employee why their decision is reasonable.

Taken together, these measures will mean that employers should accept a flexible working request, except where it is not reasonably feasible. Employers will still be able to refuse requests that aren't feasible or reasonable in line with the existing eight business reasons for rejection.

## Key Stats

According to a 2023 Chartered Institute for Professional Development (CIPD) survey, almost two-fifths (38%) of organisations say that more home/hybrid working has increased their organisation's productivity/efficiency. Just 13% say it has decreased their organisation's productivity/efficiency.<sup>2</sup>

Research by the Equal Parenting Project found that over 75% of UK managers believe flexible working increases productivity, and 62.8% believe it boosts motivation.<sup>3</sup>

In a Department for Business poll commissioned in 2018, when asked what workplaces should do to become more welcoming to older workers, 78% of those aged 50 years and over said that workplaces should introduce flexible working, including home working arrangements.<sup>4</sup>

## Common questions

*Does flexible working actually support businesses – won't this just cost them more money?*

- Businesses report that flexible working is beneficial, particularly when it comes to attracting more applicants, increasing productivity, and employee motivation. An employer will only have to accept a request where it reasonable to do so. We recognise that there will be circumstances where businesses will not be able to offer the particular flexible working arrangement being requested.

*Is this a push for home-working or a four-day week?*

- No. This legislation is not about introducing a four-day week or letting everyone permanently work from home. This is about giving all employees better access to flexible working arrangements where feasible and encouraging more conversations around flexibility.

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<sup>2</sup> CIPD. *Flexible and Hybrid Working Practices in 2023*. 2023. Available at: [https://www.cipd.org/uk/knowledge/reports/flexible-hybrid-working-2023/#:~:text=Almost%20two-fifths%20\(38%25\),decreased%20their%20organisation%27s%20productivity%2Fefficiency](https://www.cipd.org/uk/knowledge/reports/flexible-hybrid-working-2023/#:~:text=Almost%20two-fifths%20(38%25),decreased%20their%20organisation%27s%20productivity%2Fefficiency). (Accessed March 2025)

<sup>3</sup> University of Birmingham. *Managers believe flexible working can boost productivity*. 2023. Available from: <https://www.birmingham.ac.uk/news/2023/managers-believe-flexible-working-can-boost-productivity> (Accessed: March 2025)

<sup>4</sup> ONS. *Living longer: impact of working from home on older workers*. 2021. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/livinglongerimpactofworkingfromhomeonolderworkers/2021-08-25> (Accessed: March 2025)