

Employment

Flexible Working - Change of Place

An employee who has at least 26 weeks' continuous service is legally entitled to request flexible working provided they have not already made an application in the previous 12 months. Employees are allowed to request to change their place of work, often meaning a request to work from home. Employers, across a variety of industries, are increasingly permitting their employees to work from home. This often constitutes splitting their time between office working and homeworking. Employees who have childcare responsibilities may request to work from home one or two days a week as it allows them to collect children from school/nursery. Other employees who have a lengthy commute may be excused that burden once or twice a week allowing them to work from home.

The positives of having a receptive policy in respect of homeworking shows a degree of understanding from an employer towards the needs of their employees. This may foster a higher degree of respect and commitment from staff towards the company and may decrease staff absences and turnover. Usually an employee who is requesting to work from home has a genuine reason to do so and would not ask for this if they didn't need it. If an employer adopts a zero tolerance policy to homeworking then an employee may decide to leave and work for another company whose working structure is more accommodating to their needs.

Employers have to keep up with developments in the marketplace. Many employers, particularly those who work in sectors where a large percentage of their workforce are office based, facilitate and frequently encourage homeworking. Their reason for this may be because they see no difference in productivity whether an employee is home based or office based. Alternatively, they may want to encourage people to work from home as it cuts down on costs: more people working from home means you can downsize your premises. As a result other companies are having to consider allowing homeworking, when they otherwise wouldn't, so that they don't risk losing staff to competitors who are willing to offer a more flexible working arrangement.



Despite the potential positives of homeworking, employers should also be concerned of the dangers of adopting an inconsistent approach. Allowing "favoured" employees to work from home but preventing others can cause resentment. This could impact on performance and staff morale but could even invite allegations of discrimination. If certain people feel they are being disadvantaged due to a protected characteristic, including age, disability, gender, race, religion, sex, sexual orientation, marriage or pregnancy, then an employer could be facing claims of discrimination.

Furthermore, employees often do not have the best working facilities at home compared to at their office. While most staff will be provided with a work laptop, some have to rely on their own devices. This compared to an office environment where to have a desk, screen (sometimes multiple), office chair, personal phone, printer, fax and colleagues all around makes the working environments incomparable. This is in addition to potential IT and internet connectivity problems which tend to multiply when you are home working. All of this may combine to have a negative impact on output and so employers who agree a flexible working request should monitor performance to ensure that output does not decrease on homeworking days.

Therefore an employer has a difficult balancing act on their hands. They have to ensure to keep their workforce happy by being flexible but at the same time you must ensure that productivity is not negatively impacted by being so agreeable to homeworking.

If you require assistance on responding to flexible working requests or drafting homeworking policies then please contact our employment team.

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