

FLEXIBLE WORKING

JT HRCONSULTANCY LTD



Overview

An employee's statutory right to request flexible working was dramatically widened in June 2014. Before this date, employees needed to meet prescriptive eligibility requirements, such as having caring responsibilities for either a child or an adult in need of care. Now, all an employee needs to be eligible to request flexible working is 26 weeks' continuous service and not to have made a previous request within the last year. The statutory procedure for dealing with flexible working requests was also repealed.

That said, even eligible employees do not have the right to work flexibly, but rather a right to submit a request to their employer for flexible working. On receipt of the request, following the law change, the employer is under a duty to consider the request in a reasonable manner, but does not have to follow a statutory procedure.

KEY POINTS

- The right to request flexible working is available to employees with a minimum of 26 weeks' continuous service with the employer.
- No qualifying period of employment is required for claiming unfair dismissal where an employee has been dismissed for making a request for flexible working.
- The right to request flexible working applies to both full-time and part-time employees.
- If a request for flexible working is refused, the employee must make any claims to an employment tribunal within three months of the 'relevant date'.

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