

Working Part-time and Flexible Working

The Part Time Workers Regulations provide that part-time workers are entitled to equal treatment with their full time colleagues.

An employer risks inviting a claim if a part-time employee receives less favourable treatment than full time workers.

There is now also a right for certain employees to request part-time or flexible working hours. Flexible working could mean working less hours, condensing the working week into fewer days, or a change to the place of work or the hours worked. To make a request the employee must have been in continuous employment with the same employer for a period of not less than 26 weeks and only one request can be made in each 12 month period. This is a right to request flexible working. An employer is not required to automatically accept the request but must show that proper consideration has been given. If the employer wishes to reject the request it must be for one of 8 specific reasons, as follows:

- the burden of additional costs
- a detrimental effect on the ability to meet customer demand
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficiency of work during periods when you propose to work
- planned structural changes

If a request is made it must be dealt with reasonably, and you must inform the Employee of your decision within 3 months, or any longer period which is specifically agreed between you.

. If you decide to refuse the application you must state the grounds for refusal. There is no strict requirement to allow an employee to appeal your decision but ACAS recommends that you do.

The employee may have grounds for a claim if the employer fails to deal with the request appropriately and if that claim is successful the Tribunal can award compensation of up to 8 weeks pay. If an employee is dismissed for making a request they may have a claim for unfair dismissal.

The above information is not intended to be a complete or definitive statement of the law. For more information or advice please contact our Employment Law team.