Flexible working and work-life balance
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# Flexible working and work-life balance

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why is there a need for work-life balance and flexible working?</td>
<td>2</td>
</tr>
<tr>
<td>Matching customer and business needs</td>
<td>2</td>
</tr>
<tr>
<td><strong>What are the different kinds of flexible working?</strong></td>
<td>3</td>
</tr>
<tr>
<td>Flexible working hours</td>
<td>3</td>
</tr>
<tr>
<td>Flexible working weeks</td>
<td>5</td>
</tr>
<tr>
<td>Other ways of increasing flexibility</td>
<td>7</td>
</tr>
<tr>
<td>Flexible contracts</td>
<td>9</td>
</tr>
<tr>
<td>Flexible places of work</td>
<td>10</td>
</tr>
<tr>
<td><strong>How do I develop a policy to benefit from work-life balance?</strong></td>
<td>13</td>
</tr>
<tr>
<td>Why are you making changes and what do you and your employees want out of them?</td>
<td>13</td>
</tr>
<tr>
<td>What are your options?</td>
<td>14</td>
</tr>
<tr>
<td>How are you going to draw up the policy?</td>
<td>14</td>
</tr>
<tr>
<td>How are you going to put the policy in place?</td>
<td>15</td>
</tr>
<tr>
<td>How well is it working and could it be improved?</td>
<td>16</td>
</tr>
<tr>
<td>Future trends</td>
<td>16</td>
</tr>
<tr>
<td><strong>Your questions answered</strong></td>
<td>18</td>
</tr>
<tr>
<td><strong>Appendix: Important changes to making Employment Tribunal claims</strong></td>
<td>21</td>
</tr>
<tr>
<td><strong>Acas Training</strong></td>
<td>23</td>
</tr>
<tr>
<td><strong>Acas Publications</strong></td>
<td>24</td>
</tr>
</tbody>
</table>
Why is there a need for work-life balance and flexible working?

The hours and times people work have always been subject to change but the pace of this change is now more rapid than ever because:

- **customers** expect to have goods and services available outside traditional working hours
- **organisations** want to match their business needs with the way their employees work
- **individuals** want to achieve a better balance between work and home life.

Matching customer and business needs

Organisations are under constant pressure to produce goods and services, of the right quality and the right price, as and when customers want them. This pressure can often mean that new ways of working have to be found to make the best use of staff and other resources.

Flexible patterns of work can help you to address these pressures by maximising the available labour and improving customer service.

Flexible working can also help you to reduce absenteeism and increase productivity, employee commitment and loyalty.

What is flexible working?

There are many different forms of flexible working. Flexible working can describe the place we work – such as homeworking – or the kind of contract we are on – such as a temporary contract.

Common kinds of flexible working include part-time working, flexitime, job sharing and shift-working. For more information see p3.
What are the different kinds of flexible working?

There are many different forms of flexible working that cover the way our working hours are organised during the day, week or year. Flexible working can describe the place we work – such as homeworking – or the kind of contract we are on – such as a temporary contract.

Flexible working hours
Flexible working hours include:

- part-time work
- flexitime
- overtime.

Part-time work
Part-time is when employees are contracted to work for anything less than the normal basic full-time hours.

Part-time workers make up 25% of workers in Britain and 80% of them are women.

What are the advantages and disadvantages?
Machinery and other equipment can be used more efficiently if part-time workers cover lunch breaks and operate twilight shifts.

Where do they work?

Part-time
Part-time workers are often found in hotels, restaurants, health and social work, shops, warehouses, business and financial services and agriculture.

Flexitime
Flexitime is mostly used for office-based staff below managerial level in the public sector and in private sector service organisations. Manufacturing companies are less likely to operate flexitime.

Overtime
Overtime is most common among manual workers. Other groups, such as professional staff, often work considerable amounts of unpaid overtime.

Employee levels can also be increased during times of peak activity and the hours of operating extended by using part-time workers in the evening or at weekends.

The employment of part-time workers may lead to higher training, administrative and recruitment costs. For example, it may take longer to
recruit two part-timers than one full-timer to cover the same hours of work. Providing a continuous level of service may also be more difficult.

**Flexitime**

Flexitime allows employees to choose, within set limits, when to begin and end work. Employees are required to work during core times and must work an agreed number of hours during a settlement or accounting period (typically four weeks). Outside the core times, at the beginning or end of each day, are flexible bands when employees may choose whether to be at work. For example:

<table>
<thead>
<tr>
<th>Bandwidth</th>
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<tbody>
<tr>
<td>08.00- 10.00</td>
</tr>
<tr>
<td>10.00- 12.00</td>
</tr>
<tr>
<td>12.00- 14.00</td>
</tr>
<tr>
<td>14.00- 16.00</td>
</tr>
<tr>
<td>16.00- 18.00</td>
</tr>
</tbody>
</table>

The total period your workplace is open is called the bandwidth. You need to decide what happens at lunch breaks – start and finish times and the maximum and minimum lunch period that can be taken.

Hours of attendance are recorded and added up at the end of each settlement period. Within limits, employees can carry over any excess or deficit in the number of hours they are required to work (typically a day to a day and a half a month). Some schemes allow employees to take excess hours as additional leave, known as flexi-leave.

**What are the advantages and disadvantages?**

For employers, flexitime can aid the recruitment and retention of staff. Flexitime can also improve the provision of equal opportunities to staff unable to work standard hours.

On the debit side, flexitime can result in increased administration costs. These may include the costs of keeping records, and extra heating...
and lighting. Providing adequate supervision throughout the bandwidth may also be difficult.

Overtime
Hourly paid workers are more likely to have a recognised system of paid overtime than salaried staff. UK companies have traditionally worked higher levels of overtime than other European countries.

What are the advantages and disadvantages of overtime?
Overtime can provide flexibility for employers to meet fluctuations in demand, bottlenecks in production and labour shortages without the need to recruit extra staff. Providing paid overtime, even with premium payments, is often less costly for employers than recruiting and training extra staff or buying extra capital equipment.

Employees can become fatigued when working excessive overtime. This can result in high absence levels and unsafe working practices.

WARNING:
Overtime should not be used to compensate for low pay. The regular working of long hours can adversely affect employees’ performance, health and home life.

Flexible working weeks
Flexible working weeks include:
- job sharing
- compressed hours.

Job sharing
Job sharing is a form of part-time working where two (or occasionally more) people share the responsibility for a full-time job. They share the pay and benefits in proportion to the hours each works. Job sharers may work split days, split weeks, or alternate weeks.

What are the advantages and disadvantages?
Job sharing can increase flexibility when used to meet peak demand, for instance by both sharers being present when workloads are heavy. However, the employees must agree any changes to the contracted hours.

If one partner is absent, due to illness or holiday, the other partner can carry on with at least half the work. Two people can also bring a wider range of skills, experience, views and ideas to the post. Job sharing is particularly useful for carers or parents of young children and can make it easier for women to return to work after maternity leave.
Successful job sharing depends to a large extent on the partnership between the sharers. Employees need to work well as a team and think about how their working styles complement each other.

Disadvantages can include the extra costs of induction, training and administration. If one job sharer leaves, it may be difficult to find someone to complement the hours worked by the remaining sharer. If the job share involves managing or supervising staff, this may create problems with staff who find it difficult working for two managers. Job sharing also places added responsibility on supervisors, who must allocate work fairly and ensure that the job sharers communicate effectively.

**Compressed working weeks**
Compressed working weeks involve the relocation of time worked into fewer and longer blocks during the week. This does not necessarily involve a reduction in total hours worked or any extension in individual choice over which hours are worked.

Through starting early and/or finishing late, employees can build up additional hours which they take as a day or half-day away from work.

**What are the advantages and disadvantages?**
Compressed working weeks can help with recruitment and reduce overtime, employee turnover and absenteeism. However, it may be difficult to schedule work and to provide sufficient cover within the compressed working period. In addition, where employees are highly interdependent, time off must be on a strict rota basis.

For employees, compressed working weeks can provide a longer weekend and increased leisure opportunities.

Some employees, however, may find it difficult to adjust quickly to work after a long weekend and the longer daily work periods of compressed working weeks can increase fatigue.

**A compressed week**
9am-6pm: Monday, Tuesday, Wednesday, Thursday
9am-1pm: Friday (total: 40 hours)

An employee can also sometimes opt to work nine days out of 10 in a fortnight.

**A normal week**
9am-5pm: Monday, Tuesday, Wednesday, Thursday and Friday (total: 40 hours)
Other ways of increasing flexibility
These include:
● shiftwork
● annual hours
● term-time working.

Shiftwork
Shiftwork is a pattern of work in which one employee replaces another on the same job within a 24-hour period. Shiftworkers normally work in crews, which are groups of workers who make up a separate shift team. In some shift systems, each crew will regularly change its hours of work and rotate morning, afternoon, and night shifts.

Continuous shift systems provide cover for 24 hours, seven days a week. Non-continuous shift systems provide cover for less than the total hours available in a week – for example five 24-hour periods in seven days, or 12-hours out of 24.

What are the advantages and disadvantages?
Shiftwork can reduce unit costs because capital equipment is operated more intensively and cheaper off-peak electricity can be used. Rotas in some shift systems can enable a more flexible response to peaks and troughs of demand. Shiftwork can provide higher earnings for employees and allows them to use shops and social facilities at times when they are less crowded.

Why is shiftwork on the increase?
Economic reasons
Shiftwork allows employers to keep up with rapid changes in equipment and IT. It can maximise the use of a plant, reduce production costs and increase output.

Social reasons
To meet customer demands retail outlets are commonly open seven days a week and in some cases for 24-hour periods.

Shiftwork is widespread in industries which must run on a 24-hour cycle, such as newspaper production, utilities and hospital and emergency services.

On the debit side, shiftworking increases wage and labour costs and can disrupt employees’ social and domestic lives. It can also upset employees’ body rhythms and cause them to lose sleep. The Health and Safety Executive (HSE) has produced a risk index for shiftworkers, which helps employers to analyse the link between shift patterns and employee fatigue. The risk index and other related information can be found in the ‘human factors’ section of the HSE website at www.hse.gov.uk.
Annual hours
Under an annual hours system the period within which full-time employees must work is defined over a whole year. Typically, the annual hours an employee is contracted to work are split into:

- **set shifts** which cover the majority of the year
- **unallocated shifts** which the employee can be asked to work at short notice.

In some systems the employee is paid for unallocated shifts and ‘owes’ the time to the company. The company holds these hours or ‘payback’ shifts in reserve and can ask employees to work them at short notice, to cover for colleagues or to cope with peak demand. The company then monitors the hours worked for each employee to identify any ‘underspend’ or ‘overspend’.

The company may not call back all the shifts it is owed – to the advantage of the employee. Annual hours can apply to all employees, but in practice the system is often restricted to shiftworkers.

**How are annual hours calculated?**
A typical formula to calculate ‘annual hours’ is:

\[
\text{annual hours} = (\text{number of weeks per year} - \text{contractual annual leave and bank holidays}) \times \text{number of working hours per week}.
\]

The following example is based on a 39-hour week and five weeks annual holiday:

<table>
<thead>
<tr>
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<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Length of year</td>
<td>52.00 weeks</td>
</tr>
<tr>
<td>Deduct</td>
<td></td>
</tr>
<tr>
<td>(a) Annual holidays</td>
<td>5.00 weeks</td>
</tr>
<tr>
<td>(b) Public holidays</td>
<td>1.60 weeks</td>
</tr>
<tr>
<td>Total working weeks</td>
<td></td>
</tr>
<tr>
<td>= 45.4 x 39 hours per week</td>
<td></td>
</tr>
<tr>
<td>= 1770.6 annual hours</td>
<td></td>
</tr>
</tbody>
</table>

**What are the advantages and disadvantages?**
Annual hours can give you greater employee flexibility, reduce overtime and maximise productivity and efficiency. One of the main benefits for employees may be improved basic pay.

One disadvantage is that those groups of employees who have high overtime earnings may resist the introduction of annual hours. Most annual hours agreements specify that employees can be asked to work extra hours at short notice, which can reduce their freedom to plan leisure time. In addition, the seasonal nature of certain businesses may mean that employees will work longer hours during the spring and summer months.
**Term-time working**
Term-time working gives employees the opportunity to reduce their hours or take time off during school holidays.

*What are the advantages and disadvantages?*
It solves the problem of childcare for parents and the structured working gives employers plenty of time to plan ahead to cover absence.

However, the long absences during prime holiday time may make it difficult to arrange cover, particularly in specialist roles. Term-time working can also put pressure on other colleagues who feel they cannot take holidays during school holiday periods.

**Flexible contracts**
Flexible contracts include:
- temporary working
- fixed-term contracts
- sub-contracting
- zero hours contracts.

**Temporary working**
A temporary worker is someone employed for a limited period whose job is usually expected by both sides to last for only a short time. Temporary workers may be employed directly by the employer or by private agencies. Agencies will recruit, select and sometimes train temporary workers and hire them out to employers.

**Fixed-term contracts**
Temporary workers are sometimes hired on fixed-term contracts. A fixed-term contract is a contract of employment based on a definite period or the completion of a specific task. Employment ends when the contract expires and no notice need be given by the employer. Fixed-term contracts can sometimes be ended by notice on either side before the expiry date of the contract.

*What are the advantages and disadvantages?*
Temporary workers and workers on fixed-term contracts can provide greater flexibility because the number employed can vary to take account of changes in demand for the product or service. These workers can also provide cover for permanent staff on leave, as well as additional support during peak times or to carry out specialist projects.

However, organisations which use agency ‘temps’ are dependent largely on the screening and testing methods used by the agency to select staff. Using temporary staff and fixed-term contracts may also restrict the training opportunities for other members of staff. Also,

**WARNING:**
You need a period of notice for fixed-term contracts. This means that if circumstances change you can terminate the contract during the course of the fixed term.
employees who have been employed on successive fixed-term contracts for a period of four continuous years can become permanent employees.

Sub-contracting
Sub-contracting is the use of a commercial contract to ‘get the job done’. Sub-contracted workers range from permanent employees of large organisations – such as building, computer or catering firms – to small one person businesses.

**What are the advantages and disadvantages?**
It is easy to arrange contracts as and when a particular job needs doing. It is often cheaper to sub-contract work to a contractor who can provide ready trained staff and expertise for a limited period. On the other hand, contract workers may sometimes not be as well motivated as directly employed staff and may also have a different working ‘culture’ from those directly employed.

**A worker or an employee?**
An employee is someone who works for an employer under a contract of employment. A worker is a term that includes employees and also other groups such as agency workers or anyone carrying out work who is not genuinely self-employed.

**Legal Facts:**
Under the National Minimum Wage Regulations 1998 workers on ‘stand-by-time’, ‘on-call time’ and ‘downtime’ must be paid the National Minimum Wage provided they are at the place of work and required to be there. Similarly, such time is likely to count as working time under the Working Time Regulations 1998 if the worker is required to be on-call at the place of work.

**Zero hours contracts**
Zero hours contracts are arrangements where people agree to be available for work as and when required but no particular number of hours or times of work are specified.

**What are the advantages and disadvantages?**
Zero hours contracts may suit some people who want occasional earnings. However, these contracts can be misused. For example, employees might be asked to clock off during quiet periods while remaining on the premises.

**Flexible places of work**
Many employees spend all or part of their working week away from their employers’ workplace. This form of working is often called ‘teleworking’ and includes:
- homeworking
- mobile working and hot-desking.
**Homeworking**
Homeworking is when employees do their job from home, either occasionally or as a permanent working arrangement. It requires a working relationship that is based upon trust and encourages employees to manage their own work.

**What are the advantages and disadvantages?**
Advances in technology make it far simpler to keep in touch and work away from the business. An increasing number of organisations see homeworking as an effective working option.

**TIP:**
You need to think about how you will supervise your homeworker and monitor their performance. It can help to agree how often the employee comes into the office. Also, keep in regular contact via email and phone.

Homeworking can provide savings on office space and other facilities. Many homeworkers find they can manage their job and home more easily and give a better performance. Others say that they sometimes feel stressed and isolated. Some homeworkers feel they put in more hours without lunch breaks and find it hard to switch off.

<table>
<thead>
<tr>
<th>Is your job suitable for homeworking?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone sales</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Receptionist</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Researcher or writer</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Doctor or nurse</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Customer service</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Mechanic</td>
<td>✓</td>
<td>x</td>
</tr>
</tbody>
</table>

**Mobile workers and hot-desking**
Traditional mobile workers include sales representatives and delivery drivers. They usually receive instructions by phone or computer at home or in their vehicles.

There is a growing trend for managerial, professional and other staff to spend time working away from their office base and to share desks with colleagues when they are in the office. This is known as hot-desking.

**What are the advantages and disadvantages?**
Mobile working and hot-desking can provide savings on office space and other facilities. It can improve productivity as people are not interrupted by the day-to-day distractions of office life and politics. They also reduce or eliminate time spent on travelling and lower absence and turnover rates.
On the debit side, remote working is not suitable for all types of job. Providing suitable technology can be expensive and some people may feel socially isolated. Despite improvements in technology, managers may sometimes find it difficult to communicate with and manage remote workers. Career development and training may suffer and health and safety issues and the recording of working time may also be problematic.
How do I develop a policy
to benefit from work-life balance?

To develop a flexible working policy you need to answer the following questions:

**Step 1** – Why are you making changes and what do you and your employees want out of them?

**Step 2** – What are your options?

**Step 3** – How are you going to draw up the policy?

**Step 4** – How are you going to put the policy in place?

**Step 5** – How well is it working and could it be improved?

**Why are you making changes and what do you and your employees want out of them?**

The way your business is organised should reflect the needs of your business, your customers and your employees.

But what is your main motivation for making changes – improved production levels, better customer care or more committed employees?

There may be concerns on both sides about the impact of flexible working. Employees may feel guilty about the effect their new working hours will have on the business or colleagues. They may also fear that their career prospects will be damaged if they work part-time or from home.

Employers may worry about a lack of control over who does what and when, and increasing costs for administration and training.

**Checklist**

- Plan any changes well in advance
- Think about the needs of your business
- Identify what you and your employees want to get out of flexible working
- Consult widely with employees and employee representatives
- Do your research – what will work best?
- Set up a task group to introduce a policy
- Use a suitability questionnaire
- Review the likely impact of flexible working on production, staffing, supervision, contracts etc
- Check what the law says
- Trial any changes before implementation
- Monitor how it’s working.
What are your options?
Before you make any changes to your working patterns find out what your employees think. They will be aware of the practical implications and potential problems of introducing new forms of flexible working.

Think carefully about the suitability of different forms of flexible working in your organisation. For example, you may be planning to introduce shiftwork in order to increase production levels. However, shiftwork tends to work best where:

- labour costs are low compared with capital costs
- developments in technology are rapid and plant needs to be replaced regularly.

Or you might be talking to your employees about how to introduce overtime. But how much overtime should you pay – and for how much work?

The common overtime rate for Monday to Saturday is **one and a half** times the basic rate. For Sunday and Public Holidays, the usual rate is **double time**.

Some organisations specify a minimum number of hours to be worked before they pay overtime – commonly between 15 minutes and one hour over the basic working week.

Other organisations vary premiums according to the length of time worked – for example, time and a third for the first two hours and time and a half thereafter on Monday to Friday.

How are you going to draw up the policy?
Set up a task group with management, union or other employee representatives to plan, draw up and introduce your flexible working policy.

Research has shown that establishing trust between managers and employees is essential if flexible working is to succeed. You may also need to overcome the scepticism of line managers about the feasibility of introducing new working patterns.

Whatever kinds of flexible working your task group agrees is best you need to decide how you intend to manage:

- time off for religious observances
- time off for training
- career breaks
- bereavement leave
- jury service
- statutory and public holidays
- other special paid/unpaid leave.
Any new pattern of flexible working will affect the way your business operates and the relationship between managers and employees.

Anticipate the impact of flexible working on production systems, staffing levels, monitoring and supervision of staff, and the systems you have for communication and consultation.

**WARNING:**
You must agree any variation in an employee’s contract of employment with the employee – for more information see the Acas guide *Varying a contract of employment* at [www.acas.org.uk](http://www.acas.org.uk)

**How are you going to put the policy in place?**

You have researched your ideas, consulted with employees and set up a task group to draw up the policy.

However, have you thought how the system will work in practice? For example, if you are introducing flexitime are you going to record the time worked by employees by:

- manual time sheets?
- clocking systems using time-clock cards?
- computerised electronic systems using swipe cards?

If you have decided to introduce job sharing for certain posts how do you recruit the two people who seem most compatible with each other? It might be worth arranging a meeting between two job sharers before you make the final selection.

Where possible, trial any new system for flexible working before introducing it permanently. This can help to iron out any problems and overcome any fears or anxieties about how new working patterns might affect performance or output.

A well prepared policy still needs to be promoted. Your employees need to know that you regard the policy as a fundamental part of the culture of the business. For example, if you have drawn up a policy to improve the work-life balance of your employees communicate your commitment in writing for example:

> We believe in helping everybody in the business to achieve a better balance between work and home life and:

- agree to consider **all requests for changes to working arrangements** that help support a better work-life balance (see Acas leaflet *Handling requests in a reasonable manner to work flexibly: an Acas guide*).
recognise that there are potential benefits for individuals and the business when they are able to manage work and other areas in their lives

continue to ask what staff need and how best to achieve it. This means consulting with managers, unions or employee representatives openly to find the best options

provide a written policy that includes clear terms and procedures and working practices that reflect the needs of the business and employees

provide training throughout the organisation to ensure everybody is clear about the purpose, aims, terms and procedures of the policy

lead by example and encourage all employees to feel they can use the policy with confidence

make changes to the policy so it continues to reflect the changing needs of the business and employees.

How well is it working and could it be improved?

Revisit the policy to ensure it’s still achieving what it was designed for. If the circumstances of the business or those of your employees change the policy will need to be adjusted.

Consult with management, union or other employee representatives and reach agreements on any revised terms. Continue to encourage use of the policy by communicating its benefits and success.

An employee questionnaire can be a useful way of getting feedback on how the policy is working. You might also want to monitor:

- absence levels
- take-up of flexible working.

All policies need to be reviewed from time to time. Team meetings and performance appraisals can be used to analyse how things are working and for coming up with new ideas.

Future trends

In the future there is likely to be increasing focus on the link between flexible working and:

- health and wellbeing
- diversity
- planning for retirement.
Employers have a ‘duty of care’ to protect employees from risks to their health and safety. These risks might include stress caused by working long hours or not being able to balance work and home life. Flexible working can help to improve the health and well-being of employees and, therefore, improve their levels of attendance.

Many employees have specific needs at work. These needs might relate to religious beliefs or to their role as a parent or carer. A diversity policy can help you to understand the individual needs of your employees – and to develop a culture which values the differences between individuals. For more information see the Acas guide Delivering equality and diversity at www.acas.org.uk/publications.
Your questions answered

**Q:** I want to introduce shiftwork in my company so we can expand and meet customer demands. However, the new working pattern does not fit in with some of my employees because of religious observances. What can I do?

**A:** This is an area for consultation wherever possible. As an employer, you have a right to run your business effectively and your workers have rights protecting them from discrimination because of their beliefs.

Talk openly to your employees and see if they can carry out their religious observance at different times. This may resolve the difficulty as many religions are flexible about the timing of observances. For more information see the Acas equality guide *Religion or belief and the workplace* in the Publications section of our website at www.acas.org.uk. Also view a SHAP calendar of religious festivals, available at www.shap.org.

Alternatively, involve workers and their representatives in reviewing your current shift patterns. There may be a suitable compromise that suits everyone and helps you build goodwill and commitment amongst your employees.

**Q:** My business has seasonal peaks best met by using temporary staff. Are there any legal considerations to bear in mind?

**A:** Temporary workers have rights under the Employment Rights Act which cover terms and conditions of service. These depend on length of service. However, most employees (and even applicants for your jobs) are covered by discrimination legislation. Temporary staff also have many other rights from day one – such as those relating to the Working Time Regulations and the National Minimum Wage. It is good practice to treat all your employees in the same fair way, whether permanent or temporary.

**Q:** Does job sharing mean less accountability and more training?

**A:** It certainly does not mean any less accountability. There may be marginally more training but this should be seen as an investment in your company.

Job sharing can take many forms and give you greatly increased...
flexibility. For example, during periods of absence you may be able to use the skills of the other sharers to cover the work.

Many employers find that it encourages closer cooperation between the job sharers by making it their responsibility to divide tasks and handover updates. This way, the job-share manages itself and you reap the benefits of greater staff retention and loyalty.

Q: If I allow my employees to work from home how can I trust them?

A: There are two key elements to a successful home working arrangement. Firstly, determine what you want the homeworker to do. In other words, set targets, outputs or objectives for the worker. Secondly, ensure you keep in touch with all homeworkers, updating them with ongoing developments and training to ensure they feel part of the company.

Monitoring and assessing the performance of homeworkers is perhaps the most significant managerial challenge. It can be helpful to measure an employee’s effectiveness in terms of output rather than the hours they work.

Give feedback promptly and sensitively if things go wrong. If you find yourself unhappy with the output of your employee then you will need to discuss whether homeworking is suitable for them.

Q: If I went along with every piece of good practice in this booklet I’d have no one at work at all. Flexible working – what’s in it for me?

A: What’s in it for you is retention of existing skilled and valued staff. By offering flexible working you create a workforce that is reliable (because their other commitments are being met) and committed to the success of your business.

Employees are less likely to leave their jobs if they are happy and well motivated. This means you get a proper return on your investment of training and development.

Q: I want to be fair to all my employees – helping them balance their work and home lives – but there are so many regulations for so many different people. How can I be both fair and consistent in the way I introduce flexible working?

A: The basic principle of fairness is for you to create a working environment that enables each employee to give of their best to the company.

There are some areas where the law specifies what you must do, for example around maternity, carers
and working parents (for more information on your legal requirements visit www.acas.org.uk).

The key to a successful flexible working policy is to involve all your staff and any representatives. Together you can design working patterns that deliver your business objectives and allow your employees a degree of influence over their working environment.

Remember, as the employer you are still in control.
Appendix: Important changes to making Employment Tribunal claims

Previously, an employee could go straight to the tribunal service, but this will change. From 6 April 2014, if an employee is considering making an Employment Tribunal claim against their employer, they should notify Acas that they intend to submit a claim.

Details of how and where to do this are given below.

Acas will, in most circumstances, offer to assist in settling differences between employee and employer. Employers intending to make a counter-claim against an employee must follow a similar procedure.

The process for agreeing settlement is called Early Conciliation. It is handled by experienced Acas conciliators and support officers and is:

- free of charge
- impartial and non-judgmental
- confidential
- independent of the Employment Tribunal service
- offered in addition to existing conciliation services.

Early Conciliation focuses on resolving matters on terms that employee and employer agree.

Early Conciliation may not resolve matters in every claim. When this is the case Acas will issue a certificate that is now required for a claim to be submitted to an Employment Tribunal.
From July 2013, employees have been required to pay a fee to “lodge” a claim at the Employment Tribunal, followed by another fee if the claim progresses to a tribunal hearing. In some cases, other fees may also apply. If a claim is successful, the employee may apply for the costs of the fees to be covered by the employer. Some employees, including those on low incomes, may be exempt from fees.

Remember, when a claim is lodged with a tribunal, Acas will continue to offer conciliation to both sides until the tribunal makes a judgment and, if the claim is successful, a remedy decision (usually financial compensation) has been made.

To find out more about Early Conciliation, go to www.acas.org.uk/earlyconciliation

To find out more about Employment Tribunal fees, go to www.justice.gov.uk/tribunals/employment
Acas Training

Our training is carried out by experienced Acas staff who work with businesses every day. They will show you the value to your business of following best practice in employment matters and how to avoid the common pitfalls. We also run special training sessions on new legislation.

Look at the Acas website for up-to-date information about all our training or if you want to book a place online, just go to www.acas.org.uk/training or call the Acas customer services team on 0300 123 1150.

Training sessions are specially designed for smaller companies and our current programme includes:

- Managing discipline and grievances at work
- Managing absence at work
- Employment law update
- HR management for beginners
- Having difficult conversations
- Contracts of employment: how to get it right
- New employment legislation
- Redundancy and restructuring.

We also have free online learning to help you – just go to www.acas.org.uk and click on e-learning to look at the topics covered.
Acas Publications

Book time with you

Employment Specialist

Whether you need to know how to write a contract of employment, how much holiday you are entitled to or about the latest employment legislation, our range of publications give practical information and advice for both employers and employees on employment matters.

View and order online at www.acas.org.uk/publications

You can also sign up for Acas’ free e-newsletter. It will keep you informed about the latest developments in employment legislation as well as best practice advice on a range of employment-related topics.

If you would like to join our mailing list, subscribe online at www.acas.org.uk/subscribe
Information in this booklet has been revised up to the date of the last reprint – see date below. For more up-to-date information go to the Acas website www.acas.org.uk.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

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