

Working Families' response - Transparency of flexible working and family related leave and pay policies

1. Introduction

- 1.1 Working Families is the UK's work life balance charity. In Scotland, Working Families is known as FFWS (Family Friendly Working Scotland). We provide legal advice to parents on their rights in the workplace and work with employers to create family-friendly workplaces.
- 1.2 Working Families has long called for UK employers to take a part-time and flexible by default approach to recruitment. There are 13 million working parents in the UK¹, making up almost 40% of the UK's workforce.
- 1.3 But the labour market isn't working for them. Working Families' research shows that 86% of working parents would like to work flexibly but just under half (49%) do.² Nearly two-thirds (65%) of mothers and half of fathers agreed or strongly agreed with the statement: 'I will stay in my job because I won't be able to get the flexibility I have now elsewhere'.³
- 1.4 The proportion of jobs advertised with flexible working options – including part-time – stands at just 14%, rising to 23% for salaries below £20,000 FTE (Full Time Equivalent)⁴. In order to reach a minimum acceptable living standard in 2019 a couple with two children need to earn £20,600 per parent.⁵
- 1.5 On the current trajectory, it will take more than 50 years for all jobs with salaries above £20,000 FTE to be advertised with flexible working options.⁶
- 1.6 We therefore welcome the consultation on proposals to increase transparency of flexible working and family related leave and pay policies, in particular the government's proposal that large employers are required to advertise vacancies flexibly by default.
- 1.7 To support our response, Working Families carried out two surveys:
 - Working Families' employer members⁷ were asked a series of questions based on the consultation questions posed by the government.
 - Seventy-four members responded. The majority (92%) of respondents were large employers, drawn primarily from the education, legal and finance sectors.
 - Working Families' supporters – parents and carers – were asked a series of questions based on the consultation questions posed by the government.
 - 767 parents and carers responded. The majority of respondents were women (97%) and were parents (fewer than 2% of respondents identified themselves

¹ [Parents and non-parents by sex and age of youngest dependent child and different working arrangements, UK and regions](#), ONS 2018

² [2019 Modern Families Index](#), Working Families & Bright Horizons

³ [2019 Modern Families Index](#) – Working Families & Bright Horizons

⁴ [2019 Flexible Jobs Index](#), Timewise

⁵ [A Minimum Income Standard for the United Kingdom in 2019](#), JRF

⁶ [2019 Flexible Jobs Index](#), Timewise (the current 14% figure is up by nearly 8% from the first Flexible Jobs Index five years ago)

⁷ <https://www.workingfamilies.org.uk/employers/working-families-membership/current-members/>

solely as a carer). Most lived in couple households (88%). Almost two thirds (64%) were aged between 36 and 45. More than half (51%) had two children, and two in five (40%) had one child. More than two thirds of respondents' household annual earned income (before tax) was £50,000 or over.

- Seventy-three per cent identified themselves as a working parent. Of these, half worked part-time and just over a third (35%) worked full-time. The majority (71%) identified themselves as working flexibly. 12% of respondents identified themselves as a parent that wants to work.

1.8 In addition, in February 2019, Working Families held a roundtable discussion for 22 employer members focused on the government's precursor to this consultation – its October 2018 announcement that it would look at creating a duty for employers to consider whether a job can be done flexibly, and make that clear when advertising roles.

2. Overview of key points

- 2.1 Working Families has identified overwhelming support for the main proposals in this consultation. 97% of the employers and 98% of the parents that we surveyed agreed that employers publishing their flexible working policies on their website would be helpful. 99% of employers and 98% of parents thought that publication of family-related leave and pay policies would be helpful.
- 2.2 Publishing these policies will support parents to access information they might need in their current role without fear of negative consequences; and support their decision-making when applying for new jobs. It will also help employers to identify and emulate good practice policies, potentially igniting a flexible and family friendly working good practice 'race to the top'.
- 2.3 Working Families strongly believes there should be a requirement that employers advertise jobs flexibly by default,⁸ using a simple statement (such as *Happy to Talk Flexible Working*), with the types of flexibility available⁹ specified as part of the job ad.
- 2.4 When asked to think about the balance between what is practical to provide in a short job advert and what is useful to a candidate, Working Families' members ranked this option highest. Three quarters of the parents that we surveyed said that seeing this simple statement would make them extremely or very likely to apply for the advertised role.
- 2.5 Job design – of which identifying the types of flexibility available in a role is the final step - is crucial to unlocking more part-time jobs on decent salaries. As Timewise has shown¹⁰, at salaries below £20,000 FTE, 73% of all flexible jobs are part-time while only 13% are 'open to flex'. For flexible jobs paid over £80k FTE, just 27% are part-time while 45% are 'open to flex'.
- 2.6 It is also crucial to creating 'human-sized' jobs. As our research shows, nearly four in five (78 per cent) working parents – including those who work flexibly – are putting in extra hours at work every week, despite evidence that longer hours are counterproductive.¹¹
- 2.7 Any requirement around a flexible by default approach to recruitment should be accompanied by a requirement that employers report on the proportion of jobs advertised, part-time and flexibly, which also specify the types of flexibility available. This is likely to be a catalyst for better job design¹² - unlocking better part-time jobs, particularly for low-paid workers, and guarding against more parents simply having

⁸ This means employers are prepared to be flexible with regards to hours of work, the times during which work is required and where the work is required to be carried out

⁹ Part-time/reduced hours options and if those hours can be flexed, if there are days that must be worked/must be worked at the employer's location, if any/all of the work can be done from home etc.

¹⁰ [2019 Flexible Jobs Index](#), Timewise (the current 14% figure is up by nearly 8% from the first Flexible Jobs Index five years ago)

¹¹ [2019 Modern Families Index](#) – Working Families & Bright Horizons

¹² More information about job design can be found here:

<https://www.workingfamilies.org.uk/employers/htfw/how-do-i-use-the-strapline/designing-a-flexible-job/>

the flexibility to manage too much, including managing a full-time job on a part-time salary.

2.8 The *Happy to Talk Flexible Working* strapline and logo¹³ was co-created with government and has recently been promoted by the Flexible Working Taskforce. It offers a simple approach to employers around job design and flexible recruitment, with the potential to create bespoke approaches to its use based on employer size and/or sector. It is already being used by government¹⁴ and should be promoted widely to employers expected to advertise jobs flexibly by default when the proposed requirement comes into force.

2.9 Employers should be required to provide information about their flexible working and family-related leave and pay policies, and their approach to flexible by default recruitment, as part of their annual gender pay gap reporting.

2.10 In addition to the information the government has suggested collecting, Working Families would like to see the following included:

- How many jobs are advertised on an a) part-time and b) flexible basis, with the flexible working options specified¹⁵ (as a proportion of all jobs advertised, by salary level).
- How many staff are recruited on an a) part-time and b) flexible basis (as a proportion of all jobs advertised, by salary and gender).
Estimates suggest a very large part-time pay penalty – between 26% and 29%.¹⁶ This will help employers identify if they are advertising part-time jobs across all salary bands and if the take-up of part-time work is gendered (including across salary bands), making links to their gender pay gap.

2.11 If the government does decide to link requirements around transparency with gender pay gap reporting, Working Families would also like to see the following included:

- How many staff are promoted on an a) part-time and b) flexible basis (as a proportion of all promotions, by salary and gender).
This is because our research shows that parents working part-time have just a 21% chance of being promoted within the next three years, compared to 45% for their full-time counterparts.¹⁷ Those affected are mainly women – 41% of women in the 2019 *Modern Families Index* work part-time compared to 13% of men.¹⁸

2.12 Almost twice the number of mothers than fathers are on a zero-hours contract or take on casual work.¹⁹ The government must look to include all workers – those who have contracts to personally carry out work – in gender pay gap reporting, for

¹³ www.workingfamilies.org.uk/httfw

¹⁴ <https://civilservice.blog.gov.uk/2019/01/17/promoting-flexible-working-in-the-civil-service/>

¹⁵ See 2.5-7. This will also help shine a light on employers pursuing 35 hours a week in the office modus operandi, albeit with a statement that the job can be done 'flexibly'.

¹⁶ The part-time pay penalty, Manning & Petrongolo 2006

¹⁷ *2019 Modern Families Index* – Working Families & Bright Horizons

¹⁸ Women & the Economy briefing paper, House of Commons Library 2019

¹⁹ [Parents and non-parents by sex and age of youngest dependent child and different working arrangements, UK and regions](#), ONS 2018. 2.2% of employed mothers in the UK are on a zero-hours contract, compared to 1.2% of fathers

example by asking employers to report how many staff are working on a zero-hours, casual, seasonal, or self-employed basis (as a proportion of all staff, by gender). This will help ensure that efforts to create alternatives to low-paid, insecure work through part-time and flexible recruitment by default are not undermined by employer overreliance on insecure work, contributing to the gender pay gap.²⁰

- 2.13 In Working Families' view, enforcement power should sit with a body – either the new single labour market enforcement agency in partnership with the Equality & Human Rights Commission (EHRC), or vice versa – responsible for tackling employer non-compliance and enforcing penalties on them directly. An accompanying reporting requirement will make identifying non-compliance relatively straightforward.
- 2.14 In our experience, employers can find some flexibility in most roles. However, the government may allow employers to advertise vacancies without any flexibility if there are 'business reasons' not to do so; and may signpost employers to the 'business reasons' for refusing a statutory flexible working request currently in place for guidance on this. However, these need to be strengthened as they currently make refusing a flexible working request far too easy (see annex D); and continually reviewed in light of ongoing technological changes facilitating greater flexibility in the future.
- 2.15 During an initial period following a new requirement to advertise jobs flexibly by default being introduced, the enforcement agency can approach employers not offering any flexibility on a wholesale basis and ask them to explain why. Following this approach, it will be clear which employers have found the requirement most challenging, and interventions will have been developed to support them. A stronger enforcement approach could be developed if necessary, where employers wilfully and routinely ignoring the requirement face stronger penalties.
- 2.16 In our experience SMEs can be exemplar employers in terms of the work life balance opportunities they afford their staff. A recent survey by the Federation of Small Businesses found that 89% of small business employers offer all or some of their staff flexible working arrangements²¹. The government should consider how to incentivise a voluntary approach to SME engagement with the transparency measures it has proposed, not least to capture and share good practice and to better understand where SMEs are on their journey and the additional support they need. This should be subject to review, with an expectation that smaller organisations will be subject to mandatory requirements at a later date.
- 2.17 Working Families' research shows that striving for more flexible and family-friendly workplaces pays dividends for employers. Nearly three in five parents (58%) in the 2019 Modern Families Index reported having a flexible and family-friendly employer would make them more likely to stay. Over half (55%) said it would make them more motivated and productive. 98% of parents that we surveyed to inform this response agreed that publishing flexible working and family-related leave and pay policies makes an employer more attractive to work for.

²⁰ Research by Timewise & EY in 2017 found that 1.5 million people are trapped in lower paid low skilled jobs, working below their skill level because they couldn't find better-paid jobs with the working patterns they need

²¹ [Small Business, Bug Heart: Bringing Communities Together](#), FSB 2019

3. Publishing family-related leave and pay and flexible working policies

- 3.1 There is support amongst working parents for more and/or better policies to help them balance work and home. More than a third (36%) of parents that took part in the 2019 Modern Families Index said this should be a priority.²²
- 3.2 Working Families strongly agrees that employers should publish their family-related leave and pay policies on their website, as a step towards creating more flexible and family-friendly workplaces. 97% of employers that we surveyed to inform this response agreed with this proposal. A quarter of Working Families' employer members said they already do this.
- 3.3 There is evidence that family-related leave and pay policies are difficult for parents to access, and that parents feel uncomfortable asking about them. 32% said they were offered information about maternity in their induction pack, while 13% had to actively ask for it because it was not published anywhere in the business. 41% of women said they would feel uncomfortable asking about their maternity benefits. More than one in five (22%) feared it would put them at risk of redundancy.²³
- 3.4 There is evidence that parents feel uncomfortable asking about an employers' family-related leave and pay policies when applying for a new job. 78% of women do not ask about maternity packages at the interview stage of applying for a job.²⁴ Employers publishing their family-related leave and pay policies will support parents to access the information they need and support their decision-making when applying for new jobs.
- 3.5 During our roundtable discussion, employer members told us that gender pay gap reporting requirements have galvanised a raft of initiatives in their organisations. These new proposed requirements could have the same coalescing effect on family-related leave and pay - an area that many employers are already looking at in seeking to close their gender pay gap. This is particularly important when it comes to going beyond the minimum pay for Shared Parental Leave (SPL), which demonstrably increases take-up, particularly among fathers. Working Families surveyed fathers about SPL in 2017: of those that said they wouldn't use SPL (48%), more than a third said it was because they couldn't afford to.²⁵
- 3.6 Any requirement must be clear that the family-friendly policies about which transparency is expected also includes carers leave. Parents feel it is less acceptable to take time off for eldercare than for childcare²⁶ and it is a key issue – with an ageing population, estimates predict that 30% of people will have a caring responsibility by 2025.²⁷

²² [2019 Modern Families Index](#) – Working Families & Bright Horizons

²³ Survey of 1,000 working women in the UK – 500m who had already taken maternity leave and 500 who plan to do so in the future. Glassdoor, 2014

²⁴ Glassdoor, 2014

²⁵ <https://www.workingfamilies.org.uk/news/half-of-fathers-would-use-shared-parental-leave-survey-finds/>

²⁶ [2019 Modern Families Index](#) – Working Families & Bright Horizons

²⁷ Carers UK (2015) Key facts about carers and the people they care for. <https://carers.org/key-facts-about-carers-and-people-they-care>

- 3.7 In addition, any requirement must be clear that the family-friendly policies about which transparency is expected includes workers on non-standard employment contracts. While many statutory rights are not available to people in non-standard roles, this should not prevent employers from extending good practice policies to those on zero, minimum hours or temporary employment contracts.
- 3.8 Working Families strongly agrees that employers should publish their flexible working policies on their website, as a step towards creating more flexible and family-friendly workplaces. 99% of employers that we surveyed to inform this response agreed with this proposal. One in five Working Families' employer members said they already do this.
- 3.9 For working parents, flexible working is still the best way to gain some control over their working lives – where they work, their working time (start and finish) and the hours they work.²⁸ 100% of the parents that we surveyed for this response said they needed some degree of flexibility in their jobs.
- 3.10 During our roundtable discussion, some employer members told us that they already offer some information about the flexibility that they offer, so this presents an opportunity to make the good practice that leading employers have already embraced, more widespread. Employers also identified this type of transparency giving 'permission' to candidates to discuss flexibility at interview, and thus widening the pool of talent they can draw upon.
- 3.11 Working Families' research shows that transparency around these policies - as a step towards creating more flexible and family-friendly workplaces - will help employers to recruit and retain staff. Three in five parents in the *Modern Families Index* reported having a flexible and family-friendly employer makes them happier at work. 58% said it would make them more likely to stay with their employer. Over half (55%) said it would make them more motivated and productive.²⁹
- 3.12 Working Families agrees that publishing policies related to family leave and pay would not be a significant or expensive task for employers. 95% of Working Families' employer members agreed that publishing their family-related leave and pay policies on their public-facing website would be simple and inexpensive. 93% of employers agreed that publishing their flexible working policies on a public-facing website would be simple and inexpensive. Practically, collating and reworking these policies could be time consuming in the first year. The government could take a similar approach to gender pay gap reporting and require publication within a year of commencement.
- 3.13 Working Families believes collecting, holding and making viewable information about an employers' family-related leave and pay and flexible working policies would be very helpful. In particular, it may lead to these policies being available in a more visible and standardised format, empowering parents upon whom the onus to locate this information is currently put - reinforcing the idea that the employer is doing them a favour by offering anything at all.

²⁸ [2019 Modern Families Index](#) – Working Families & Bright Horizons

²⁹ [2019 Modern Families Index](#) – Working Families & Bright Horizons

- 3.14 All the information the government has suggested collecting from employers – whether flexible working may be available from the start; their approach to place, hours and times of work; their approach to informal flexible working and any enhancements to family-related leave and pay – would be helpful to parents considering a new employer and to the government in terms of assessing progress towards a more flexible labour market.
- 3.15 In addition to the information the government has suggested collecting, Working Families would like to see the following included:
- How many jobs are advertised on an a) part-time and b) flexible basis, with the flexible working options specified³⁰ (as a proportion of all jobs advertised, by salary level). 77% (part-time) and 80% (flexible) of our employer members agreed this would be fairly or very effective.
 - How many staff are recruited on an a) part-time and b) flexible basis (as a proportion of all jobs advertised, by salary and gender). 77% (part-time) and 78% (flexible) of our employer members agreed this would be fairly or very effective.
- 3.16 Collecting information on the proportion of part-time jobs advertised and whether or not job ads have specified flexible working options will help the government a) identify if its efforts around part-time and flexible recruitment by default are unlocking better-paid part-time jobs and b) whether or not employers are engaging with the job design process or simply using blanket statements around flexibility in their jobs ads.
- 3.17 If the government does decide to link requirements around transparency with gender pay gap reporting, Working Families would also like to see the following included:
- How many staff are promoted on an a) part-time and b) flexible basis (as a proportion of all promotions, by salary and gender). 80% of our employer members agreed this would be *fairly* or *very effective*.
In addition to our point about part-timers and promotion (2.10), we believe transparency around this information would help parents better understand employers' family-friendly and flexible working *culture*.
- 3.18 Almost twice the number of mothers than fathers are on a zero-hours contract or take on casual work.³¹ It is disappointing the consultation focuses only on employees. It's important that government considers this package of measures as integral to its efforts to support those - particularly women - in low pay. With this in mind, it should look to include all workers – including those who have contracts to personally carry out work – in gender pay gap reporting. This will help ensure that efforts to create alternatives to low-paid, insecure work through part-time and flexible recruitment by default, are not undermined by employer overreliance on insecure work, contributing to the gender pay gap.³²

³⁰ See 2.5-7. This will also help shine a light on employers pursuing 35 hours a week in the office *modus operandi*, albeit with a statement that the job can be done 'flexibly'.

³¹ [Parents and non-parents by sex and age of youngest dependent child and different working arrangements, UK and regions](#), ONS 2018. 2.2% of employed mothers in the UK are on a zero-hours contract, compared to 1.2% of fathers

³² Research by Timewise & EY in 2017 found that 1.5 million people are trapped in lower paid low skilled jobs, working below their skill level because they couldn't find better-paid jobs with the working patterns they need

4 A requirement to report or a voluntary approach?

4.1 Working Families believes a voluntary approach, to encourage greater transparency about an organisation's approach to flexible working and family related leave and pay, will not be effective enough in providing information about employers' policies. Three in five of our employer members felt a voluntary approach to the proposals put forward by the government in the consultation would be *fairly ineffective* or *not at all effective*. Fewer than one in ten felt a voluntary approach would be *very effective*. In contrast, 89% of our employer members felt a mandatory approach would be *very* or *fairly effective*. At a discussion event on these proposals, employers commented that regulatory requirements would 'concentrate minds' internally and enable them to secure senior buy-in around flexible and family-friendly working practices.

4.2 Nearly two-thirds (65%) of mothers that took part in Working Families 2019 *Modern Families Index*³³ agreed or strongly agreed with the statement: 'I will stay in my job because I won't be able to get the flexibility I have now elsewhere', compared to half of fathers, indicating more widespread and embedded family-friendly and flexible working will support women's career progression.

4.3 Working Families therefore agrees that employers should be required to provide this information as part of their annual Gender Pay Gap reporting. As this is already mandatory for large employers, additional reporting requirements are likely to be seen as less burdensome. At the Gender Pay Gap reporting deadline in April 2019, 96% of employers had fulfilled their reporting requirements, rising to 100% following the EHRC's formal investigations.³⁴

4.4 However, we acknowledge an implementation period will be needed to ensure that employers can get the right infrastructure in place to record this information. Employer members at our roundtable identified that there are gaps in their current systems, especially for recording people who work full-time and flexibly.

³³ [2019 Modern Families Index](#) – Working Families & Bright Horizons

³⁴ <https://www.equalityhumanrights.com/en/our-work/news/formal-investigations-lead-100-compliance-gender-pay-gap-reporting>

5 A requirement to say whether jobs may be open to flexible working in the advert

- 5.1 The Right to Request Flexible Working has not been the catalyst for flexible working as the 'norm'. Part-time and reduced hours working in particular remains limited to mothers wanting to reduce their hours³⁵, with implications for their opportunities to progress and increase their earnings.
- 5.2 Flexibility is very often seen as something that needs to be 'earned'. Employers at our roundtable confirmed that often managers are willing to extend flexibility to people already in the organisation, who they know and trust, but are reluctant to make the same offer to candidates at the point of hire.
- 5.3 Despite the legislation, fewer than half of working parents taking part in the 2019 *Modern Families Index* worked flexibly – despite 86 per cent saying they would like to. Many parents said flexibility 'wasn't allowed' in their workplace.
- 5.4 When surveyed, over 84% of employed parents and carers and over 95% of unemployed parents and carers agreed that a lack of quality, permanent part-time job opportunities had been a barrier to applying for a new job. Over 89% of parents and carers surveyed agreed that employers should be required to advertise vacancies with part-time and flexible options.
- 5.5 Working Families believes that employers should be required to advertise jobs part-time and/or flexibly by default, with the starting point being consideration of why a role can't be done part-time and/or flexibly. When surveyed, 89% of our employer members believed a requirement on employers to recruit flexibly would be effective, compared to just 33% who believed a voluntary approach would be effective. Over 97% agreed that advertising jobs with part-time and flexible options is helpful for recruiting and retaining staff.
- 5.6 Just under two thirds of our employer members already require external adverts to identify how flexible a position could be³⁶. More than half ask managers to justify full-time hiring. 31% said this happened for all vacancies.³⁷ A requirement would extend good practice, kickstarting the flexible working revolution that parents and carers – particularly those 'stuck' in flexible jobs³⁸ and seeking employment – so desperately need.
- 5.7 We believe that a simple statement (such as *Happy to Talk Flexible Working*) - with the types of flexibility available specified as part of the job ad – is the best option with regards to an employer requirement to say in a job advert whether flexible working is available.
- 5.8 When asked to think about the balance between what is practical to provide in a short job advert and what is useful to a candidate, Working Families' members ranked this option highest. Nearly three in five (58%) of Working Families' members

³⁵ <https://researchbriefings.files.parliament.uk/documents/SN06838/SN06838.pdf>

³⁶ [2018 Benchmark](#), Working Families

³⁷ [2019 Benchmark](#), Working Families

³⁸ [2019 Modern Families Index](#) – Working Families & Bright Horizons

already use *Happy to Talk Flexible Working* in their job ads, as do many employers based in Scotland^{39 40}. Three quarters of the parents that we surveyed said that seeing this simple statement would make them *extremely* or *very likely* to apply for the advertised role.

LUC, Winner 2019, Family Friendly Working Scotland's Best for Flexible Recruitment Award

LUC look for the flexibility in every role and use the *Happy to Talk Flexible Working* strapline and logo on all recruitment advertising and in job descriptions. They brief recruiters to highlight this when talking to candidates, and openly continue the conversation about flexibility throughout the recruitment process.

Since adopting use *Happy to Talk*, the number of female applicants, and female appointments made at senior level have increased. This includes women returning to work after career breaks and those who would not otherwise have applied for roles advertised as full-time.

LUC operates within a competitive sector from a recruitment perspective. They recognise that recruiting flexibly is a significant step forward in closing their gender pay gap. It also allows the organisation to address skills shortages in the sector while attracting and retaining significant talent, driving business performance and boosting productivity.

In 2018, their staff survey revealed that 75% of respondents said their decision to work for LUC was influenced by the flexible working arrangements available to employees.

5.9 Any requirement must apply to advertising roles on non-standard employment contracts. Potential recruits need tangible information about the likelihood of being able to balance the work alongside care obligations.

5.10 Working Families recognises that candidates learn about roles in many different ways (see Annex C) and understand the government may not want to take an overly prescriptive approach to which mediums are covered by a new requirement. Working Families suggests it sets an initial, minimum expectation that a simple statement on the employer's approach to flexibility, accompanied by the types of flexibility available for the role, is used when advertising vacancies on their own websites, on online jobs boards, in publications and on *Universal Jobmatch*.

5.11 Some flexibility isn't, on its own, enough to deliver work life balance for working parents. As the 2019 *Modern Families Index* shows, nearly four in five (78 per cent) – including those who work flexibly – are putting in extra hours at work every week, despite evidence that longer hours are counterproductive. These long hours are causing damage, intruding on time spent together as a family, on parental relationships and on wellbeing.⁴¹

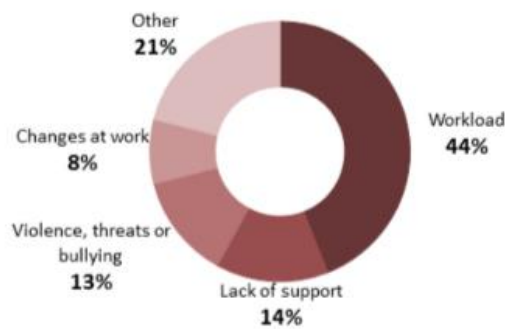
5.12 Most parents said it's the only way to deal with their workload, a finding supported by findings from the Labour Force Survey (LFS):

³⁹ [2018 Benchmark](#), Working Families

⁴⁰ <https://www.familyfriendlyworkingscotland.org.uk/happy-to-talk-case/>

⁴¹ [2019 Modern Families Index](#) – Working Families & Bright Horizons

Stress, depression or anxiety by cause, averaged 2009/10-2011/12



Source: Labour Force Survey
www.hse.gov.uk/statistics/lfs/index.htm

5.13 Job design is crucial to ensuring jobs are ‘human-sized’. Any requirement around a default approach to part-time and flexible recruitment must ensure employers identify the types of flexibility available in job ads. 41% of employers that took part in Working Families’ 2019 Benchmark said that they already analyse all jobs to determine the potential for flexibility before advertising the vacancy. A further 41% said that they do this for some jobs.⁴² Employer members at our roundtable outlined a range of initiatives they are undertaking to support hiring managers, including training on job design and toolkits to identify the right types of flexibility to offer for each role.

5.14 Working Families is suggesting, alongside an overarching requirement that jobs are advertised flexibly by default, a reporting requirement around the number of jobs an employer is advertising part-time and flexibly that includes whether or not flexible working options were specified. This will help highlight this as a good practice approach and guard against job design on a wholesale basis being ignored.

5.15 Better job design – proper consideration of the tasks each role requires and whether these can be done in the hours allotted, as well as of which types of flexible working would work - will help unlock more part-time jobs. Importantly, it will guard against more parents simply having the flexibility to manage too much, helping ensure they aren’t disadvantaged because they can’t put in the extra hours required by poorly designed jobs without compromising their wellbeing and time spent with family, supporting their opportunities to progress.

Lloyds Banking Group, Winner 2017, Top Employers for Working Families Best for Flexible Recruitment Award

- *Job advertisements are specific about the types of flexible working that are possible in the role.*
- *Role design and agile hiring toolkit for line managers launched*

Lloyds Banking Group now proactively considers agility at the point of hire and has moved from printing a generic agility statement on recruitment advertisements to naming specific types of flexibility available.

A survey of 6,000 candidates showed that 90 per cent were in favour of seeing a list of specific types of flexibility on job advertisements. Managers are now asked to select from

⁴² [2019 Benchmark](#), Working Families

a broad range of agile working practices and/or say that they are open to other suggestions from candidates.

This reassures candidates that hiring managers have considered which agile working options are appropriate for the role, meaning their experience is more likely to match. The business provides a role design and agile hiring toolkit for managers, explaining the business case for agility, the agile working practices available, guiding principles and case studies. Managers who advertise roles without agility are expected to provide justification.

Since launch, 90 per cent of all new vacancies have been agile.

- 5.16 Employers that use the *Happy to Talk Flexible Working* strapline and logo for job advertisements are provided with guidance on job design and identifying the kind of flexibility that would work in the role. Telling candidates that they are *Happy to Talk Flexible Working* at the point the role is advertised is the final part of a process, giving parents and carers the confidence to ask about alternative patterns of work and employers the confidence to know how to respond.
- 5.17 Working Families' view, enforcement power should sit with a body – either the new single labour market enforcement agency in partnership with the Equality & Human Rights Commission (EHRC), or vice versa – responsible for tackling employer non-compliance and enforcing penalties on them directly. An accompanying reporting requirement will make identifying non-compliance relatively straightforward.
- 5.18 In our experience, employers can find some flexibility in most roles. However, the government may allow employers to advertise vacancies without any flexibility if there are 'business reasons' not to do so; and may signpost employers to the 'business reasons' for refusing a statutory flexible working request currently in place for guidance on this. However, these need to be strengthened as they currently make refusing a flexible working request far too easy (see annex D); and continually reviewed in light of ongoing technological changes facilitating greater flexibility in the future.
- 5.19 During an initial period following a new requirement to advertise jobs flexibly by default being introduced, the enforcement agency can approach employers not offering any flexibility on a wholesale basis and ask them to explain why. Following this approach, it will be clear which employers have found the requirement most challenging, and interventions will have been developed to support them. A stronger enforcement approach could be developed if necessary, where employers wilfully and routinely ignoring the requirement face stronger penalties.
- 5.20 Some of the benefits to business of a flexible by default labour market include:
- Flexible workers are also more likely to be engaged⁴³, potentially generating 43% more revenue and improving performance by 20%, compared to disengaged employees.⁴⁴

⁴³ [2019 Modern Families Index](#), Working Families & Bright Horizons; also shown in *Doing More With Less?* Human Relations, Kelliher & Anderson 2009

⁴⁴ *People and the bottom line*, Institute for Employment Studies & The Work Foundation 2018

- Flexible working can reduce absence rates as it allows employees to manage disability and long-term health conditions⁴⁵ and caring responsibilities⁴⁶ as well as supporting their mental health and stress.⁴⁷
- 9 in 10 employees consider flexible working to be a key motivator to their productivity at work. For 89% it is a bigger motivator than financial incentives (77%).⁴⁸
- 92% of young people want to work flexibly. Employers that choose flexible working within permanent contracts will likely attract talented workers currently choosing temporary work.⁴⁹

5.21 Some of the benefits to the government and the economy of a flexible by default labour market include:

- Flexible working can play an important part in the delivery of wider social and economic objectives – such as:
 - Closing the gender pay gap. It has been estimated that if the UK gender gap were to be closed, this could generate an additional £150 billion to Gross Domestic Product (GDP) up to 2025 and add 840,000 women to the UK workforce.⁵⁰
 - Helping to enable particular groups to join or stay in the labour market, such as older workers, carers or those with mental health conditions or disabilities. For example, 63% of older workers feel that companies should offer part-time roles; and 78% agree that workplaces should offer flexible working patterns (such as variable start and finish times or the ability to work remotely).⁵¹
- More widespread, embedded and gender-equal flexible working is crucial to the success of other policies the Government is pursuing, such as shared parental leave (fathers need flexible working when they return to work to continue to share care), in-work progression in Universal Credit (parents and carers expected to progress in work need more quality part-time and flexible jobs to be available to avoid ‘cycling’ between unemployment and temporary low-paid jobs), and the health and wellbeing at work agenda (reducing sickness absence, for example).
- The widespread adoption of flexible working in the UK could boost the economy by as much as £90 billion each year.⁵²

⁴⁵ Health and well-being at work survey, CIPD 2018

⁴⁶ Walking the tightrope: The challenges of combining work and care in later life, Age UK and Carers UK 2016

⁴⁷ Health and well-being at work survey, CIPD 2018

⁴⁸ HSBC 2017

⁴⁹ Flex Appeal: Why Freelancers, Contractors and Agency Workers Choose to Work this Way, REC 2014

⁵⁰ The power of parity: advancing women’s equality in the UK, McKinsey & Company 2016, See also, Why diversity matters, 2015, Delivering through diversity, 2018

⁵¹ Ageing Society Grand Challenge survey, Saga & Populus 2018

⁵² The productive value of the untapped workforce: A study into the potential economic impacts of a flexible working culture, Centre for Economics and Business Research 2014

Annex C

The Recruitment & Employment Confederation has collated a useful list of the mediums used to advertise jobs in the UK⁵³:

Former employees and word of mouth

Internal Referrals

People approach us

Advertise on our own website

Social media and professional networks (e.g. LinkedIn)

Online job boards (e.g. Monster)

Recruitment agencies/Search firms

Advertise externally in newspapers/trade/professional press

Jobcentre Plus / Find a job

Talent pools and staff banks

⁵³ https://www.rec.uk.com/_data/assets/pdf_file/0009/470709/REC-Good-Recruitment-in-Gender-Diversity-06.12.18-DIGITAL.pdf

Annex D

Below are the current exceptional circumstances for not accepting a flexible working request. In *italics* are Working Families' suggestions as to how they could be strengthened.

Acceptable reasons for not offering any form of home working:

1. *The nature of the work is such that it is essential for the employee to work in a particular location, and the employer can demonstrate that there would be an insufficiency of work if the employee were to work at home.*
2. *The nature of the work is such that it is undertaken in emergency circumstances and the employer can demonstrate that there could be risk to life or health of others if any of the work is not carried out at the scene of the emergency.*
3. *The nature of the work is such that face-to-face client work, customer selling is essential, and the employer can show that this work cannot be done at home.*
4. *The employer can demonstrate that any form of home working will have a significantly negative impact on their income or their standard of delivery.*

Acceptable reasons for not offering any form of flexible hours:

1. *The nature of the work is such that it is undertaken in emergency circumstances and there could be risk to life or health of others if there were any flexible hours in place.*
2. *The nature of the work is such that face-to-face client work and customer selling is essential and there would be a significant impact on sales if the work were to be done flexibly.*
3. *The employer can demonstrate that fixed hours are essential for the successful running of their business*

Acceptable reasons for not offering part-time hours:

1. *The work is located in a place where travelling to the location would be too time consuming (for example an oil rig, navy or army work), and the time spent travelling is included as part of the working hours.*
2. *The employer can demonstrate that if the same person is not available for at least 35 hours per week this will have a significantly negative impact on their income or their standard of delivery*

Acceptable reasons for not offering a job share or accepting a job share where one is offered by the employee:

1. *The work is located in a place where travelling to and from this location would be too time consuming (for example an oil rig, navy or army work) and the time spent travelling is included as part of the working hours.*
2. *The employer can demonstrate that if the same person is not available for at least 35 hours per week this will have a significantly negative impact on their income or their standard of delivery.*