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Flexible Working Time Arrangements in the United Kingdom

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1. Introduction

Policy context and economic circumstances

In the UK, the ageing population will impose increasing demands on the working age population and increase the demand for care workers. The main policy responses have been a) to increase the supply of labour i) from older people (through abolition of a compulsory retirement age for most jobs) and ii) through inward mobility and migration; and b) to encourage greater availability of flexible working for people providing unpaid care to older people. It is unclear whether the latter would increase or decrease the labour supply. With recession and growing public concern over inward mobility and migration, policy aims have shifted from increasing the labour supply to reducing migration.

Thus flexible working-time does not feature strongly on the UK agenda in respect of a response to the ageing population. Instead, it has been seen as a measure to promote gender equality and better work life balance. It enables people, predominantly women, to better juggle dependent care, particularly childcare, and paid employment. The need for flexible working is driven in the UK not only by individual work-life balance preferences, but by the high costs and logistical difficulties of arranging childcare.

A further issue moulding employment in the UK, is the drive to reduce 'red tape' i.e. to reduce legislation and regulation for employers.

Legislation

Over many years, government's main approach to increasing the availability of flexible working time has been through exhorting employers to offer flexible working time and through emphasising their business benefits.

However, since 2002, parents with a child aged under six or a disabled child aged under 18 have had the right to request flexible working. This was extended to those caring for an adult (living with the applicant or a related adult) (from April 2007) and parents of children aged under 17 (April 2009). Employers should only refuse requests if there are good business reasons for doing so. A consultation is underway on extending the right flexible working to all employees. In addition, since 2000, legislation requires that part-time workers should be treated equally to full-time workers¹. Otherwise, flexible working time is largely unregulated.

¹ The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

It is unclear whether the right to request has increased the availability of flexible working². However, it may have affected who makes a request and the type of flexibility sought. There has been an increase in requests for flexitime and decrease in requests for part-time; there has been an increase in requests by those already working part-time³.

The extent of flexible working in the UK

Flexible working-time arrangements are common in the UK. They were available⁴ in some form to 90 percent of employees (in 2006)⁵. Most available was part-time working (available to 69 percent of employees). Working reduced hours for a limited period, flexitime and job sharing were each available to around half of employees, whilst a compressed working week and term-time working were available to around 35 percent. Working from home on a regular basis was available to 23 per cent.

Take up of flexible working time practices is also high. In 2010, 42 per cent of employed women worked part-time (as did 11 per cent of men)⁶, with women working an average of 29 hours per week, compared with 37 hours for men⁷. Women working part-time averaged 18 hours (and full-time 37 hours, compared with 40 for men). These patterns should be seen against an economic activity rate for women of 70 per cent (and employment rate of 65 per cent)⁸.

In 2006, 26 per cent of employees worked flexitime and 19 per cent worked from home on a regular basis⁹. Thirteen per cent worked term-time only and ten per cent worked reduced hours for a limited period, whilst compressed working weeks and job sharing were less common (worked by eight per cent and six per cent of employees respectively). As well as being more likely to work part-time, compared with men, women were more likely to take up term-time working, flexitime and jobsharing.

2. Policy debate

The current policy debate is over the possible extension of the right to request flexible working (see above).

However, a number of important concerns in relation to flexible working time have been identified in the literature in relation to the effects of flexible working on gender equality. In part this pertains to gender differences in take up of flexible working time arrangements and that this reinforces the idea that unpaid dependent care is primarily a woman's job. In part, it pertains to the availability of flexible working at higher occupational levels and the impact of flexible working on career trajectories and earnings. Most evidence suggests that flexible practices are less available at higher levels and for managers, with the result that progression is more limited for those

² Hegewisch, A. (2009) Flexible working policies: a comparative review. London: Equality and Human Rights Commission.

³ Ibid.

⁴ whether or not the employees takes up the practice.

⁵ Hooker, H., Neathey, F., Casebourne, J. and Munro, M. (2007) The third work-life balance employee survey: main findings, DTI Employment Relations Research Series no. 58. London: DTI.

⁶ Annual Population Survey, Jan 2010 – Dec 2010, from NOMIS. Part-time here is defined as under 30 hours per week.

⁷ Annual Survey of earnings and Hours, 2010, from NOMIS.

⁸ Annual Population Survey, Jan 2010 – Dec 2010, from NOMIS.

⁹ Hooker *et al.* 2007 op. cit.

working flexibly¹⁰. Part-time working remains highly concentrated in a small number of low paid occupations¹¹. For part-time working at least, consequences are occupational downgrading and a reduction of in lifetime earnings. Employees continue to believe that seeking flexible working can impact on their career progression¹². These concerns have led to debate over the quality of part-time jobs, the accessibility of jobs to flexible working arrangements and the take-up of flexible working arrangements amongst men.

Increasing the number of hours worked by part-timers has not been a policy concern. This would tend to be seen as governed by individual and employer choice and childcare (and other dependent care) demands.

Of some concern, in relation to care of older adults has been the need for flexibility to cope with variable and unpredictable demands. To date, this has been addressed through the Employment Relations Act 1999 which entitles employees to take a 'reasonable amount of unpaid (unpaid) time off work' to deal with emergencies or unexpected situations involving a dependent relative.

3. Transferability issues

The focus of the paper is on the development of practices allowing flexibility with full-time or higher part-time hours and through initiatives such as 'Customised Working', 'Work and Informal Care' and 'Taskforce Mobility Management' (including the latter stimulating the adoption of measures through Collective Labour Agreements (CLAs).

The UK has a history of initiatives which exhibit some of the main characteristics of these approaches: employer exhortation, the identification and emphasis on business benefits and quality marking. For example, major programmes of quality marking have been undertaken by government (e.g. Investors in People, a, previously, government initiative which quality marked employers' human resource development procedures) and by voluntary organisations (e.g. Stonewall's Diversity Champions, assessing employers' gay-friendliness). Employers for Carers, an employer group (supported by Carers UK) which promotes carer-friendly employer policy and practice, emphasising the business benefits and providing advice and support.

Other key aspects of the Dutch approaches are the involvement of the social partners and government funding. In the UK, action involving all social partners is less common and government initiatives have more often involved employers and/or the voluntary sector, with trade unions acting separately.

This suggests the approaches would be relatively easily transferable, although they may not involve all social partners.

¹⁰ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work-Life Balance Employer Survey: Main Findings*. Employment Relations Research Series No. 86. London: BERR; Metcalf, H and Nadeem, S (2007) *Work-life policies in Great Britain: What works, where and how?* Department for Business Enterprise & Regulatory Reform, Employment Relations Research Series No.77 London: BERR; Perrons and Sigle-Rushton, 2006 op. cit; But see Hooker *et al.* 2007 op. cit.. This suggests greater availability of some flexible working practices for managerial employees.

¹¹ Grimshaw, D. and Rubery, J. (2007) *Undervaluing women's work*. Manchester: EOC; Manning, Alan and Petrongolo, Barbara (2007) *The part-time pay penalty for women in Britain*. Centre for Economic Policy Research, London; Mumford, K. and Smith, P.N. (2007) 'The gender earnings gap in Britain: including the workplace' *The Manchester School*, December, 75, 6: 653-672.

¹² Visser, F. and Williams, L. (2006) *Work-life balance: Rhetoric versus reality?*. London: The Work Foundation.