



A continued shift towards greater control for workers over their working patterns?

The trend towards employees gaining greater control and flexibility over their working hours is set to continue. We discuss below some recent developments.

Permanent shift to a four-day working week?

From June to December 2022, the UK hosted the largest ever trial of a four-day working week across 61 companies and around 2,900 workers. The key conditions of the trial were that pay remained at 100% whilst working time was reduced from five days to four. Recent published trial results show that 56 of the 61 companies that took part have continued with the four-day working week, 18 of which have confirmed a permanent shift to the new working pattern.

Campaigners of the four-day working week, such as the 4 Day Week Campaign, are keen to point out the benefits for both employers and employees. Surveys of employees who took part in the trial show a significant reduction in stress, which could lead to a reduction in the number of sick days, thus improving reliability, efficiency and retention for employers.

It is also thought that a four-day week can have an impact on gender equality. It is widely accepted that women continue to be the primary carers for children and contribute disproportionately to caring responsibilities (as mentioned in our recent [article](#) on International Women’s Day 2023), with research finding that women are far more likely than men to have to take time off work to look after children. A four-day working week could enable these parental caring responsibilities to be shared more evenly regardless of gender (as was apparent from the results of the trial).

Flexible working reforms

The UK Government plans to bolster employee’s rights in relation to flexible working requests. The Employment Relations (Flexible Working) Bill passed its Second Reading at the end of October 2022 and the UK Government’s response to the flexible working consultation “Making flexible working the default” was published in December. The proposed changes would:

1. Allow employees to make two requests in a 12-month period (as opposed to only one request as is currently the case);



2. Require employers to respond to requests within two months (as opposed to the current three months); and
3. Remove the requirement for employees to explain how their flexible working request, if granted, would affect their employer and how the employer might deal with those effects.

The government has committed to making the right to request flexible working a day one right (removing the current requirement for 26 weeks' service).

Although none of these changes will require employers to accept flexible working requests, they encourage a more responsive process and remove some of the hurdles employees have to make when making the requests.

Predictable terms and conditions for workers

At the start of February, the UK Government also announced its support for Workers (Predictable Terms and Conditions) Bill, a Private Members Bill. The Bill, if passed, will introduce a new statutory right for workers and agency workers with unpredictable working days or times, or fixed term contracts of less than 12 months, to make formal applications to their employer for more predictable working patterns (which would bear resemblance to the process for flexible working requests).

The idea behind the Bill is partly to address the power imbalance where workers are signing up to zero-hour contracts. This means that the new rights will likely affect industries that are heavily reliant on zero-hours contracts and issue working schedules on an ad hoc basis, sometimes with very short lead times. Workers have reported a number of negative effects of the unpredictability of working patterns, including to childcare and other caring commitments, as it is difficult for workers to appropriately organise and budget for their childcare needs when they do not know until the last minute when they will be called into work.

There are likely to be qualifying conditions to benefit from the rights proposed by the Bill (such as having at least 26-weeks' service) but these are to be set out in regulations.

Common trends in reforms

Both bills, combined with the success of the four-day working week trial, will be welcome news to workers who would either like more flexibility or more certainty in their working weeks (such as working parents and workers with caring responsibilities outside of work). The effect of the reforms is to promote a formal structure whereby employers must consider employees' needs with regards to their working schedules. This follows a general cultural trend in the UK in favour of employee-led flexible working arrangements, including remote working, part-time working, and flexible hours.

Nevertheless, the real impact of any of these reforms will only be known after they come into force. There will be some commentators who say that the reforms do not go far enough for employees and others who say that the burden placed on employers could outweigh any benefits.