

## **View from the Chair; Business Newsletter; 27 September 2022 Geraldine McGahey, Chief Commissioner, Equality Commission NI**

### **Flexible Working Solutions**

One thing the pandemic has brought in its wake is a renewed focus on attracting and retaining staff across almost all sectors and business types. While the latest labour market indicators from NISRA show record levels of payrolled employees, payroll earnings and employee jobs, measures of total employment such as employment rate and hours worked, unemployment and economic inactivity have not yet returned to their pre-pandemic position.

What has all this got to do with the Equality Commission and its work?

It has to do with how employers can attract more and better employees in a tight labour market and what, within the law, they can do to retain them – and continue to offer equality of opportunity at work as they do so.

It's instructive to look at the just over 65% of all employed people in Northern Ireland who are aged between 20 and 49, the ages at which they are likely to be bringing up their families, and the further 32% who are 50 and over, when they may have other, different demands on their time, for example, to care for grandchildren or older relatives.

One of the things that employers can offer is flexible working – it's popular because it is of real help.

It's something that you can offer to different staff not just on the basis of what suits your business, you can also work with individual employees on the basis of what they need – and this of course may well change through time and as their circumstances change.

Flexible working is useful in dealing with employees in any of the equality groups – women or men, perhaps as carers, people with disabilities, older people for example. Offering flexible working is a good way too of opening up jobs to groups of people under-represented in the workforce, improving diversity and inclusion within your organisation.

It's useful to speak to staff who ask to be considered for flexible working about what might suit them and their particular needs, an arrangement that's tailored to the individual and their contribution to the workplace and will not impact on your business.

Think about solutions other than just adjusting hours worked – although that may help some employees. Other options, such as part time or term time working, job

sharing, working from home, hybrid working or working condensed hours may suit your business and your employee.

It's worth remembering that many employees have a legally enforceable employment right to ask for flexible working arrangements. Requests for flexible working may be made for any reason. It would be unwise to make snap decisions, especially refusals, about your employees' requests for flexible working: you must follow legally enforceable procedures and provide reasoned, fair and justifiable decisions.

This is about common sense communication and discussion. It does not mean that the needs and rights of employees will necessarily over-ride the needs of your business, or vice versa. But it does mean that sometimes an employee's legal rights will require you as an employer to weigh your business needs against the needs of your employee in order to reach an appropriate and proportionate balance between the two.

We are here to help, with advice and training to keep you on the right side of employment equality law. We have online guidance which includes a six step process to get you started with flexible working and a training webinar, 'Managing Flexible Working in a post-pandemic context' on 6 October. You can ring us on 028 90 500 600 or email us at [enquiries@equalityni.org](mailto:enquiries@equalityni.org) for one to one free and confidential advice.