timewise

Timewise consultation response

Make Work Pay: improving access to flexible working

Make Work Pay consultation on improving access to flexible working

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Introduction to Timewise

Timewise exists to design work that works for modern lives. We are a non-profit organisation dedicated to creating healthier working lives by working with employers to increase access to fair, secure, flexible work. We believe everyone should have greater autonomy and control over how much, when or where they work, for better health, job satisfaction and living standards. We are the UK's leading experts on job design.

Through our research, we evidence the need for good flexible and predictable work to boost the living standards of low and middle earners. Through our programmes, we trial practical solutions and scale these through consultancy and campaigns. Over the past two decades, Timewise has campaigned for work that better reflects modern working lives through high-profile advocacy and pioneering action research. In the last two years alone we have worked directly with over 50 employers and engaged over 430 employers, generating a positive impact for hundreds of thousands of workers in sectors as varied as construction, childcare and finance. We have helped over 600 people in low to middle income households to access better quality flexible work and raise their living standards. Since 2018, we have adopted a sectoral approach to improving work quality in the UK. A key plank of this has been a series of Pioneer Pilots that test and develop practical solutions to improving work-life balance in shift-based and site-based environments.

We welcome any measures to strengthen access to flexible working in the UK. Increasing employee input and control over working time is beneficial for workers and their families, good for businesses, and good for the economy.

- **For workers:** People increasingly need to manage work alongside the wider pressures of normal life, driven by large increases in the numbers of women[1], dual-earning families[2], older people[3], disabilities[4] and caring responsibilities[5] in paid employment. Timewise research suggests that nearly 9 in 10 people in the

[1] Women and the UK economy - House of Commons Library
[2] Families and the labour market, UK - Office for National Statistics
[3] Economic labour market status of individuals aged 50 and over, trends over time: September 2024 - GOV.UK
[4] The employment of disabled people 2025 - GOV.UK
[5] Juggling work and unpaid care | Carers UK

UK work or want to work flexibly[6] - while global surveys suggest that work-life balance and job security have now surpassed pay as a priority for workers.[7]

- **For business:** The enduring surge in hybrid working since the start of the global pandemic[8] is associated with productivity and retention gains for employers.[9] Similarly, Timewise work to strengthen worker input and control over working patterns in the frontline sectors and roles demonstrates improvements in staff satisfaction, retention, absence and recruitment – including in logistics[10], construction[11], education[12], childcare[13], health[14], social care[15] and retail[16]. Crucially, our analysis with the Institute for Employment Studies shows that within just a few years, savings begin to outweigh the costs of implementing flexible working and begin to deliver financial returns[17].

- **For the economy:** Issues of excessive, inflexible and insecure hours, work-life conflict and burn out are proven drivers of ill-health at work.[18] Frontline sectors associated with these issues – including health, social care, retail, construction, food and accommodation and transport and storage – have some of the highest rates of workers who are economically inactive due to ill-health.[19] The same issues also prevent many people with caring responsibilities, health conditions and disabilities from accessing the labour market.[20] Improving work-life compatibility, therefore, has implications for national productivity, health and social security spending.

[6] Flexible Jobs Index 2023 - Timewise - Flexible Working Research
[7] https://www.randstad.com/press/2025/work-life-balance-tops-pay-randstads-workmonitor-reveals/
[8] Who has access to hybrid work in Great Britain? - Office for National Statistics
[9] See, for example, Organise, 2025, survey results: 'Thanks for voting! Now can you answer a few more questions on flexible working?' and Study finds hybrid work benefits companies and employees | Stanford Report
[10] Timewise report - More than Miles
[11] Construction Pioneers Pilot one year on: what's new? - Timewise
[12] Developing a whole-school approach to flexible working - Timewise
[13] Building the early years and childcare workforce of the future - Timewise
[14] Improving nurses' work-life balance with team-based rostering - Timewise - Research Report
[15] Caring by design - Timewise
[16] Modern retail: a nation of part-time shopkeepers? - Timewise
[17] https://timewise.co.uk/article/reaching-a-positive-financial-return-on-investment-in-flexible-working/
[18] Wilson et al (2025) *Exploring the interactions between job quality, industries and health,* The Health Foundation.
[19] Lanning T (2026) *Works for the Next Generation: The role of job quality in tackling youth inactivity*. Timewise.
[20] Lanning and McNeil (2025) *Healthy by Design*, Timewise

Feedback on the requirement to consult

We support the more robust process set out in the consultation for individuals who are seeking to make a flexible working request. However, we question whether this will result in the necessary wider organisational, cultural and economic changes required to deliver these benefits across the economy. In this response, we therefore set out the further measures that are required to genuinely deliver real flexibility 'by default'.

We welcome the much-needed clarified guidance for employers and employees on the consultation process required for any employer seeking to reject a formal flexible working request. We believe that the new process – including the requirements to meet to address any challenges and consider potential alternatives before rejecting a request; and to communicate the outcome in writing with supporting evidence - will encourage responsible and engaged employers to consider alternatives and make it more difficult to reject a formal request to work flexibly.

On the specific questions in the consultation, we believe:

- Employees should have at least 7 days' notice for a consultation meeting, to enable them to plan.
- The meeting should discuss how to address challenges – although the onus should be on employers to resolve these – and to consider alternative arrangements, start dates and the option of a trial period.
- The right to a reasonable adjustment should be included as a standard consideration for employers responding to flexible working requests – based on evidence about the vital importance of flexible working for those with health conditions and disabilities.[21] Processes for both should be brought into alignment.
- If requests are rejected, alternative arrangements should be considered and employers equipped with guidance on the full range of flexible working arrangements available and their application in the workplace.
- Even if a flexible working request is accepted, there should be a process for agreement over implementation - to reduce the risk of failure to adapt workload in line with new arrangements. In cases where the request is partially accepted, there should still be a meeting to discuss implementation, time periods, workload etc.

[21] Lanning and McNeil (2025) *Healthy by Design*, Timewise

Feedback on plans to produce additional guidance on flexible working

We support any plans to produce additional guidance for employees on flexible working. In our report *Ending the two-tier workforce: towards greater control and more predictable work for frontline workers*[22] we recommended the development of industry-wide sector-specific guidance and best practice models across all low-paying industries and occupation groups to accompany the Employment Rights Act 2025 and code of practice.

There is a common misconception that flexible working is solely about hybrid and remote working. Employees would benefit from guidance on the range of flexible working options available, including guidance for shift workers and those in sectors and roles that cannot be done remotely. As we have previously advocated, this guidance should include worked examples, case studies, webinars and tools to support employees to assess and ask for flexibility.

However, we also feel that *employers* would benefit from additional guidance alongside the statutory guidance, which will by necessity be generic and focused on compliance with the law. Guidance for employers should encourage more ambitious approaches that support improvements in job design and control over working time for all workers. This should be developed by experts with industry input and should include:

- A '*Path to Yes'* framework and guidance for managers including a flowcharts and checklist to help them explore flexible working options and alternatives;
- Sector-specific worked examples that showcase what is possible in sectors where flexible working faces significant operational and cultural challenges;
- Signposting to organisations that can provide support and training for change.

Enforcement and implementation concerns

Despite our broad support for the new measures, we have concerns about enforcement and implementation that have the potential to significantly limit the impact of the legislation. In particular:

- **The reliance on employee-initiated change limits the likely impact of the legislation.** Our experience working in frontline sectors and wider evidence on the impact of legislative initiatives to improve worker input into working time[23] suggest that employee-initiated change has limited impact in the sectors where it matters most. This is due to issues of low worker awareness, power

[22] https://timewise.co.uk/wp-content/uploads/2025/01/Timewise-Ending-the-Two-Tier-Workforce.pdf
[23] See, for example, Icaza Diaz M (2025) What Does it Take for a Fair Scheduling Policy to Work in Practice? WorkRise.

imbalances between workers and employers, and cultural norms (including gendered assumptions about 'ideal' full time workers, which affect men's access to flexible working in particular[24]);

- **Effective implementation is overly dependent on the quality of line management.** Outcomes of any flexible working request are subject to the knowledge and attitudes of line managers, many of whom identify that they lack training and guidance on employment rights.[25] The Department for Business and Trade has already rejected options to provide wider objectivity to the process, including the right to bring a staff representative.

- **Employers will still be able to reject a request for a broad set of 'business reasons'.** Our work with employers shows that it is more difficult to accommodate flexible working in some sectors than in others, and that many will be able to make a business case to reject a request. Yet our work also shows that while there can be upfront costs associated with flexible working, these are typically recouped in as little as a few years due to the wider business benefits.[26] The new 'reasonableness' test is therefore critical and will be subject to further consultation - we are particularly interested in *whether* and *how* the test defines thresholds for the different reasons an employer can reject a request.

- **Enforcement and redress mechanisms are weak.** The current proposals do not include a right to appeal and instead rely on the tribunal system for enforcement when a decision is considered 'unreasonable'. In practice, however, very few employees have the personal or financial resources to challenge employers' decisions through the tribunal process. The UK tribunal system also provides limited funding to support employees to access legal advice[27] and currently faces a significant backlog[28], meaning that employees seeking redress face the prospect of long, stressful processes to access a resolution.

As a result of these limitations, there is a very real risk that the legislation has a minimal impact across many sectors, particularly the frontline sectors where issues of poorly designed schedules, burnout, excessive and insecure hours are most acute.

[24] See, for example: fatherhood-forfeits-and-motherhood-penalties_2016-an-exploration-of-uk-management-selection-decision-making-on-parent-applicants_tcm18-20005.pdf; Timewise report - More than Miles; and Hopkins D and Akyelken N (2022) "Mother Truckers? Gendered work in logistics and freight", in Wright T, Budd L and Isan S (eds), Gender and Work in Transport. Bingley: Emerald.
[25] Managers 'left to figure it out alone' with major employment rights law changes – Intelligent CXO
[26] Flexible Working for All - Timewise
[27] Employment Tribunals and Systemic Barriers for Litigants in Person (LiPs): A Case for Reform – Legal Lens
[28] Tribunal Statistics Quarterly: October to December 2025 - GOV.UK

Beyond the legislation – what further measures are required

Beyond the flexible working legislation, we believe *real* flexibility by default requires a shift in approach focused on driving wider culture and organisational change across businesses and sectors. We advocate three changes to achieve this:

1. **Ensure the legislation provides a trigger for wider culture change:** Consider strengthening the requirements on larger organisations if acceptance rates for flexible working requests are low. Ideas informed by Timewise's *Worker Advisory Group* include: reporting on acceptance levels and action taken to strengthen flexible working (potentially as part of the new Gender Equality and Menopause action plans); providing transparency on what flexible working options have been adopted within large organisations; and involving HR-staff panels in decision-making on granting flexible working requests.

2. **Support and drive implementation:** Achieving real improvements in work-life compatibility in frontline sectors with high levels of ill-health at work will require coordinated support and incentives for change. This is best done through sector-wide coordination and agreements that provide tailored support, guidance and incentives to address cultural and operational barriers to change across sectors and supply chains – led by industry and experts and backed by government. This can be complemented through stronger practical support and training to raise awareness, capacity and skills for change – particularly for small employers.

3. **Give workers a voice in how work is designed:** Team- and organisation-wide initiatives to strengthen consideration of staff preferences in work organisation and design are more effective in driving positive flexible working cultures than the reactive, case-by-case model that frames flexible working legislation in the UK. In the US state of Oregon, new 'Fair Work Week' laws have given workers a right to provide input into their schedules[29]. This provides a stronger lens through which to support cross-organisational improvements. While there are key lessons to learn from the US on how this has been designed and implemented, such models can increase autonomy and control over working patterns, which are vital indicators for job quality and health at work.

[29] What Does it Take for a Fair Scheduling Policy to Work in Practice? | WorkRise

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Timewise's mission is to create healthy, equitable and inclusive workplaces for all by widening access to good quality, flexible work. We are the UK's leading experts on job design and we tackle barriers to change with both policymakers and employers. Through our research, we evidence the need for good flexible and predictable work to boost the living standards of low and middle earners. We believe good flexible jobs enable employees to gain increased autonomy and control over how much, when or where they work. Through our programmes, we trial practical solutions and scale these through consultancy and campaigns.

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