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## Employment E-Brief 8

### GOVERNMENT PUBLISHES CONSULTATION DOCUMENT ON FLEXIBLE WORKING

As from April 2003 employers will have to consider applications for flexible working from employees who are parents of children aged under 6, or of disabled children aged under 18. Employers who do not consider requests seriously risk being taken to tribunal and possibly having to pay compensation. It is also possible that an employer will be ordered to reconsider an employee's application.

The details of this new statutory right will be fleshed out by regulations which were published in draft last week. They come in 2 parts covering:

- ▶ the eligibility requirements, the entitlement to make a complaint to a tribunal for breaches, and the maximum amount of compensation that a tribunal may award
- ▶ the procedure that an employer will need to follow when considering an application to work flexibly and the employee's right of appeal

The Government is seeking views on a number of issues, including:

- ▶ whether it is appropriate to include adoptive and foster parents within the scope of the right
- ▶ whether requests should be made on a statutory form or whether there should be more freedom about the form of an application
- ▶ what level of compensation a tribunal may order for breach
- ▶ who should be allowed to accompany the employee at meetings with the employer to discuss the application

The deadline for submitting responses is 10 October 2002, following which the Government will publish their response. Given that the new right is expected to come into force in April 2003 we can expect the final regulations very early in the new year.

*This update is for guidance purposes only and should not be regarded as a substitute for taking specific legal advice from your usual Metcalfes' contact.*

