

Response ID ANON-XCP7-1RWT-G

Submitted to Making Flexible Working the Default
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About you

What is your name?

Name:

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What is your email address?

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What is your organisation?

Organisation:

United Kingdom Petroleum Industry Association

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Are you (select the appropriate option):

Other (please specify)

Please specify (if other)::

Representing the views of member companies in a trade association

Are you (select the appropriate option):

An employer or someone who is responding on behalf of an employer

If you are an employer, how would you classify your organisation?

Classification of organisation:

Trade Association

If you are an employee, what type of organisation do you work for?

Private Sector Organisation

Other (please specify):

If you are an employer, how many employees work for your organisation?

Number of employees (employer):

8

If you are employed, how many people work for your organisation?

Micro business (0-9 employees)

If you represent employers or employees, who do you represent?

An Industry or Employer Association

Who do you represent?:

Introduction

Legislative changes to better support flexible working

Making the Right to Request flexible working a day one right

1 Do you agree that the Right to Request Flexible Working should be available to all employees from their first day of employment?

Disagree

Please give reasons for your answer, including any considerations about costs and benefits that may affect employers and/or employees:

The principle of a right to request flexible working from day 1 is not supported. Due to the operational nature of the downstream sector, flexible working cannot be offered to all employees regardless of their time working at the company. Nonetheless, COVID-19 has shown that a number of roles across the sector can be done remotely on occasion and it may be that more businesses in the downstream sector will move to more flexible working arrangements – this is a response from companies that was a balance and extending the rights of employees to request flexible working from day 1 goes considerably beyond what was appropriate during COVID (which was far from a business as usual situation) and the current arrangements represent a fair balance for both employees and employers that has been appropriately resourced by company human resource functions

2 In your organisation, do you currently accept requests for flexible working arrangements from employees that have less than 26 weeks continuous service? Please answer this question from the perspective of the employer.

No

Whether the eight business reasons for refusing a Request all remain valid

3 Given your experiences of Covid-19 as well as prior to the pandemic, do all of the business reasons for rejecting a flexible working request remain valid? Please answer this question from the perspective of the employer.

Yes

If you answered yes, please give reasons for your answer:

Reasons 2, 4, 5, 6 are most likely to be used by members to reject flexible working requests, we would also suggest that the reasons could be expanded to also expressly address:

- 1) whether practically the role could be performed remotely/flexibly – as we noted in question 9, not all operational and supporting plant roles can be performed remotely, and
- 2) the level of experience/ training/ supervision needs/ need to get to know the business/other employees and any performance issues, that are necessary parts of onboarding/training for new employees to a company.

Due to the operational nature of some roles (control room personnel cannot work remotely for example and shift patterns are necessary for 24/7 operational environment), those reasons outlined above (both new and existing) can adequately explain the need to reject flexible working requests. Ultimately, while some costs could be incurred to allow some roles to move to remote working, this is not always going to be the principal driver of a decision, particularly where there would be other unacceptable risks that arose e.g., security risks and regulatory compliance.

If you answered no, please state which reasons from the list (see 'Reasons for refusing a flexible working request' above) are no longer valid and why:

n/a

Requiring employers to suggest alternatives, where possible

4 Do you agree that employers should be required to show that they have considered alternative working arrangements when rejecting a statutory request for flexible working?

Neither agree nor disagree

Please give reasons for your answer.:

For non-operational roles, it could be argued that employers could provide proof that they have considered alternative working arrangements when rejecting a request, however, for operational roles there should be no such requirement - please see previous section (Q12 of the whole consultation) for more on the reasons that such roles cannot be done flexibly.

5 Would introducing a requirement on employers to set out a single alternative flexible working arrangement and the business ground for rejecting it place burdens on employers when refusing requests?

Yes

Please give reasons for your answer:

Yes, it would take additional time and should be unnecessary where the role cannot be performed remotely (see also Q12 of the whole consultation).

6 If you answered yes to question 5, would this requirement have an effect on the time taken by employers to handle a request?

Yes, it would take additional time (please state estimated additional minutes/hours in the box below)

Time taken by employers to handle a request:

The Administrative process underpinning the Right to Request flexible working

7 Do you think that the current statutory framework needs to change in relation to how often an employee can submit a request to work flexibly?

No

Please give reasons for your answer:

The current framework places reasonable (and already resourced) requirements on employers to respond. The current framework also avoids potentially timewasting requests and in most cases the statutory framework likely to be backstop only as it is unclear what would change more than yearly for most employees so often that they would need to request flexible working more often.

8 Do you think that the current statutory framework needs to change in relation to how quickly an employer must respond to a flexible working request?

No

Please give reasons for your answer:

3 months is a reasonable time to respond, particularly in complex cases and as noted in (Q19 overall or Q7 above) there is potential for timewasting requests which place additional burden on employers which would be exacerbated if requirements were tightened.

9 If the Right to Request flexible working were to be amended to allow multiple requests, how many requests should an employee be allowed to make per year?

No amendment required

Please give reasons for your answer, including any consideration about costs, benefits and practicalities:

Please see answers 7 and 8 above

10 If the Right to Request flexible working were amended to reduce the time period within which employers must respond to a request, how long should employers have to respond?

No amendment is required

Please give reasons for your answer, including any consideration about costs, benefits and practicalities:

The current arrangement gives time for the business to consider the request, put plans in place and ensure the administrative tasks are carried out in a timely manner such as impact on workloads, and pay and benefits, which can take time to coordinate properly. Any shortening of the timelines may not be practicable regardless of new resource requirements to enact it.

Requesting a temporary arrangement

11 Are you aware that it is possible under the legislation to make a time-limited request to work flexibly?

Yes

12 What would encourage employees to make time-limited requests to work flexibly? Please provide examples.

Provide examples of what would encourage employees to make time-limited requests to work flexibly:

- Caregiver responsibilities may be a consideration (while situation is adjusted to)
- COVID19 may offer examples e.g. unexpected travel / quarantine restrictions
- To allow a trial period to understand longer term trends in workplace working
- Restructuring or office refurbishment may be opportunities for time limited arrangements.

Additional actions: beyond the current framework for flexible working

13 Please share your suggestions for the issues that the call for evidence on 'ad hoc' and informal flexible working might consider.

Suggestions for call for evidence:

Some roles are unable to work flexibly on any arrangement due to their responsibilities (i.e. related to plant operation, safety of those operations etc) and organisational structure (e.g. requiring 24/7 coverage) – see also Q12 of the overall consultation