



The limits of flexible working for gender equality

Executive Summary

Work-life balance is intrinsic to the overall wellbeing of workers. Flexible working is often presented as a promotion of this balance however it is evident that the adverse effects of flexible work have the most significant impact on working mothers. The need to improve this type of work is especially crucial in light of COVID-19 in which certain types of flexible work became common practice.

This policy brief explores in detail three important issues that have arisen from flexible working. The policy interventions recommended, which can be implemented on a national level, will provide a greater degree of labour protection and work life balance for working mothers in the UK.

What is flexible working?

Flexible working is commonly known as a 'work-life balance' provision (Ruth Eikhof, 2007), with varying forms such as remote work and part-time work.

In the UK, the right to request flexible work was introduced under 'Section 47 of the Employment Act 2002' (Pyper, 2018, pp. 3-4). Originally, it was only available to 'employees with parental or caring responsibilities.' (Pyper, 2018, p.4). A key focus was to meet 'parents' childcare responsibilities as well as employers' business needs.' (Hall, 2013). The right was later modified to include 'all employees with 26 weeks' continuous employment' under the Children and Families Act 2014 (Pyper, 2018, p.4).

However, given 'gender norms' (Chung et al., 2021, p.218), childcare responsibility predominantly lies with mothers. Therefore, 'Traditionally, more women than men...have requested flexible working.' (Patridge, 2021).

Flexible workers are at risk of constantly being in work mode

- **U.K. working culture often equates long working hours** as 'a sign of performance, commitment, and motivation of workers.' (Chung et al., 2021, p. 226). The UK's 'widespread use of opt-out provisions' of the 1993 European Union Working Time Directive also means that UK workers 'have limited legal mechanisms to enforce the 48 hour limit to the working week.' (Striking women, n.d.).
- **This pressure to work long hours is significantly greater for flexible workers.** For example, due to their reduced physical presence within the workplace, those working from home, often end up being in work mode 'all the time' in order to prove their commitment (Mazmanian, Orlikowski, and Yates 2013; Messenger et al. 2017, cited in Chung et al., 2021, p. 226). Which then leads to an 'encroachment of work on other spheres of life' (Glass and Noonan, 2016; Lott and Chung 2016 cited in Chung et al., 2021, p. 226).

- **Alongside the pressure to work more hours**, flexible work's emphasis on meeting caring responsibilities leaves little room for working mothers' time for leisure.

Proposals:

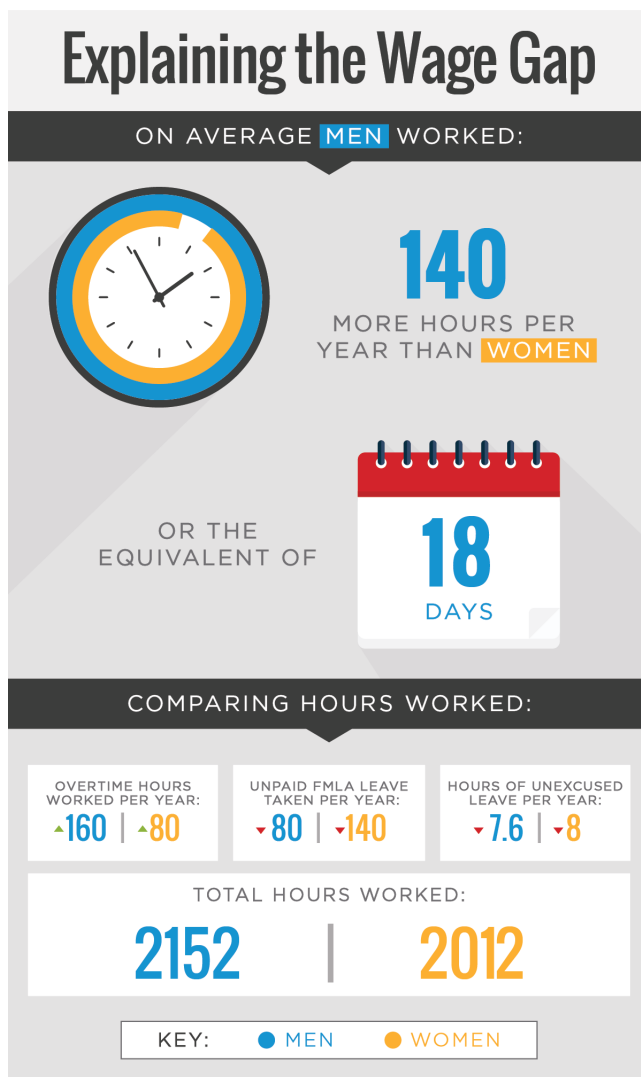
- Workplaces should be encouraged to develop their reward systems in order to recognise work 'productivity not presenteeism.' (Patridge, 2021).
- Mandatory annual leave for "Personal Time" (e.g. rest days) and "Family time" (e.g. childcare). Work-life balance should be divided into three categories: work time, care time, and personal time (Houston 2005, p. 7). Categorising mandatory annual leave would allow employees to ensure they are maximising their time off in the most balanced way.

Flexible workers are paid less

Flexible working affects pay in three ways:

- **Less hours worked usually translate to lower pay.** Both minimum wage workers, and part-time corporate workers rely on the number of hours worked to constitute their final amount of annual or monthly pay. Employees find it impossible to not take up a lot of hours in order to be able to afford their living expenses (Houston, 2005). This is especially common with employees who have childcare responsibilities.

- **Flexible workers are less likely to be entitled to employee benefits.** Workers who are on a flexible working hours contract commonly do not receive benefits such as annual bonuses, healthcare benefits, transportation allowances, and have less annual leave allocation (Collins et al, 2019). Lack of employee benefits also translate to less overall disposable income.
- **Flexible working contributes to the gender pay gap.** The prevalence of part-time work between women is particularly high in the UK due to women still prioritising a 'carer' role. The culture of long-working hours which favours full-time workers, alongside the assumption of men taking the 'breadwinner' role in families, continually perpetuates the wage gap (Smithson et al, 2004).



Proposals:

- Provide childcare subsidies for all employees with children (Houston, 2005). Having nurseries in the workplace, or providing childcare allowance would lessen the burden of employees with children who needed to work more hours for a living.
- Increasing the duration of paternity leave to be equal to maternity leave would rebalance the caring responsibilities to both parents (Haas, 2003).
- Mandate employee benefits equally to all types of employment contracts.

Figure 1 shows a report from [heritage.org](https://www.heritage.org) concluding that gender pay gap is due to women working less hours

Negative Impacts of Flexible Working



(Workingmum's annual survey, Williams, 2018)

- **Flexible working can allow women with children to participate in the labour market but does not always benefit career progression.** The UK's 'high expectations of commitment and long hours of work' (Collins et al, 2019) has a negative impact upon part-time workers, as full time workers are more likely to be favoured for progression opportunities.
- 54% of part-time working mothers recognise that flexible working is a barrier to their career progression (Workingmums Annual Survey, Williams, 2018).

- **Flexible working in the form of remote work presents challenges in regards to career progression.** Office-based workers have an advantage, as working from home 'cannot replace the spontaneous office conversations that are vital for career progression' (Patridge, 2021). The extent to which remote working hinders career progression is exacerbated with 29% of managers surveyed in a recent CMI poll of 1200 bosses admitting that 'promotion opportunities would decrease for remote workers' (Patridge, 2021).

Proposals:

- Increase transparency surrounding internal career trajectories and promotions as a lack of transparency disadvantages women (Jones, 2019, p.49).
- Employer-implemented performance plans to ensure career progression with detailed 'quotas' tailored to individuals as guides for specific promotions.
- Adapt promotions for remote workers to promote inclusivity.

Recommendations

1

Output based reward and pay system instead of working hours based reward system

2

Purposeful mandatory annual leave ensuring employees use time-off for personal time and family time

3

Universal employee benefits in spite of working hours, employment contract, and traditional gender roles

4

Clearer performance plans for women who are taking up flexible working arrangements to ensure career progression

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