

FLEXIBLE WORKING ARRANGEMENTS

Sue Kedgley strikes again! From 1 July 2008 employers may have to accommodate flexible working arrangements for employees who have a child under 5 years, a disabled child or a dependent relative and have been with his/her employer for at least 6 months working the qualifying minimum hours.

If passed, the current Employment Relations (Flexible Working Arrangements) Amendment Bill would give qualifying employees the right to request flexible hours, days or place of work. Employers would have to consider requests and respond promptly, but could refuse a request that could not reasonably be accommodated for specified reasons, including an inability to reorganise work among existing staff, detrimental impact on quality or performance, and the burden of additional costs.

If an employer refuses a request, an employee could refer the refusal to a Labour Inspector and then to mediation. If this failed, the employee could go to the Employment Relations Authority who could (if the refusal was not justified) require the employer to reconsider and may award compensation of up to 8 weeks pay.

Employers will no doubt see this new legislation as a further compliance hurdle. However, in the United Kingdom, where similar legislation is in place, 90 percent of employers surveyed reported no significant problems with compliance.