



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

Flexible working and job sharing in the agricultural sector: guidance

Overview of flexible working and job sharing in the agricultural sector in Wales.

First published: 3 April 2024

Last updated: 3 April 2024

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Introduction

Applicable from 6 April 2024

This guidance note is intended to provide general information only and should not be relied upon as legal advice. Please consult with a qualified employment lawyer if you have any specific questions.

Adopting flexible working arrangements can make it easier for people to work in and pursue a career in agriculture in Wales. This has benefits for agricultural employers including in relation to the recruitment and retention of staff. By implementing flexible working arrangements, agricultural employers can create a more attractive and productive workplace.

This guidance note provides an overview of flexible working and job sharing in the agricultural sector in Wales.

What is flexible working?

Flexible working is an arrangement that allows employees to have more control over their working hours. This can include working part-time, compressed hours and flexi-time.

For example:

An agricultural worker working 39 hours per week could agree with their employer that they will work these hours in 4 days with 3 days off per week.

An agricultural worker could agree that they will work 25 hours per week.

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What is job sharing?

Job sharing is a type of flexible working arrangement where two or more people share the responsibilities of one full-time job. This can be done in a variety of ways, such as working alternating days or weeks, or working different hours each day.

For example:

An employer could hire two agricultural workers and they split the role between them, one completing their agreed working hours at the beginning of the week and the other at the end of the week ensuring that the role is covered full time, but by two agricultural workers instead of one.

Benefits of flexible working and job sharing

There are a number of potential benefits of flexible working and job sharing in the agricultural sector, including:

- increased satisfaction and retention
- improved work-life balance
- allowing caring responsibilities to be taken into consideration
- access to a wider pool of job applicants
- increased productivity
- reduced absenteeism, and
- improved health and well-being

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Legal considerations

An agricultural worker who is an employee (see agricultural worker status below) has the right to request flexible working arrangements from their employer. They do not have to have a specific reason for making the request.

That request must be made in writing and set out the flexible working arrangement requested e.g. part-time working, flexible working or changes to contractual working hours.

An employer must consider all requests for flexible working seriously and respond within a reasonable timeframe, which is generally considered to be within two months.

If an employer is minded to reject a request then they must consult with the employee before doing so.

Employers can only refuse a request on one of eight valid business reasons, which include:

- the burden of additional costs (e.g. cost of hiring and employing additional workers as cover)
- a detrimental effect on the employer's ability to meet demand
- the inability to reorganise work among existing staff (e.g. if there is no-one available to cover the flexible working arrangement)
- the inability to recruit additional staff (e.g. if the employer considers they will struggle to recruit someone to cover the flexible working arrangement)
- a detrimental impact on quality
- a detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work (e.g. if the flexible working request proposes that the employee works during times where there will not be a sufficient amount of work for them to do, or it

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will not be feasible to do the work that needs to be done at those times)

- planned structural changes (e.g. if an employer is looking to make changes to staffing or rotas etc.)

If an employer cannot accommodate the request that has been made, alternative options can be considered and discussed with the employee. A trial arrangement can also be agreed to assess whether the flexible working arrangements requested are workable.

If an employer refuses a request, they must provide a clear explanation for their decision in writing and give the employee a right to appeal.

An employee can make up to two flexible working requests in any 12-month period.

The employer should:

- ask for the request in writing.
- consider the request fairly.
- discuss it with the employee.
- look at other options if the request is not possible.
- make a decision based on facts and not personal opinion.
- only turn down the request if there is a valid business reason (as set out above).
- give the employee a decision within 2 months of receiving the request (unless this has been extended by agreement).

Implementing flexible working

If you are an agricultural employer and you are considering implementing flexible working or job-sharing arrangements, you should discuss with your workers

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what their needs and preferences are in terms of flexible working and monitor any arrangements you put in place to ensure they are working effectively.

Further information

For further information on flexible working and job sharing in the agricultural sector, please refer to the following resources:

The UK Government's website on flexible working: <https://www.gov.uk/flexible-working>

The ACAS Statutory Code on flexible working: <https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html>

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