



# Employment Bulletin

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## Men Can Be Flexible Too

Both men and women can request flexible working. However, a recent TUC report found that men are more likely to have a request to work flexibly turned down by their employer.

The Work and Families Act 2006 extends the right of employees to request flexible working from 6<sup>th</sup> April 2007. Please see the Bulletin "New Flexible Working Rights – Your 1 month warning" for more information.

There are many men who would like to work flexibly. For example, they may be a single parent or may earn a lower salary than their partner. If a man resigns following the rejection of his request for flexible working, he could bring a claim for constructive dismissal in the Employment Tribunal. If he can show that a woman who made a similar request for flexible working would have had more favourable treatment he could claim sex discrimination. The risk for employers is therefore huge as potential compensation is unlimited for a sex discrimination claim.

Recently a fireman won over £100,000 for sex discrimination. Miss Kelly, a female colleague, had made a string of spurious complaints against him over a period of three years. Devon Fire and Rescue Service took no action against Miss Kelly even though investigations found that her complaints were spurious. A personnel officer told the Claimant: "If you had been a woman the whole thing would have been handled differently".

This case highlights the danger employers face in treating men differently to women.

### Practical Tips

- Remember that men too can request flexible working.
- Make sure that you're consistent when dealing with men and women.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact a member of the Employment Team on 0151 600 3000. If you no longer wish to receive the bulletin please let us know by return email.

This bulletin is for general guidance purposes only and should not be used for any other purpose.

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