



Parliamentary Inquiry Response

Equality at work: flexible
working and disability

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Underpinning research

This response is based on learnings from 3 research projects:

- 1) [Work After Lockdown](#) (funded by the ESRC): This project followed organisations for 18 months as they adapted to sudden remote working practices, and started to develop more formalised hybrid working. This research is referred to here as (1).
- 2) [Post-pandemic case studies in five sectors](#) (funded by Acas): This research explored how industry differences in policy and practice have influenced organisations' use of flexible working since the pandemic, and within a changing legislative framework. It captured informal and formal flexible working policies and practices and has been used to inform Acas's revised Code of Practice on flexible working. It is referred to here as (2).
- 3) Young people and hybrid working: This research explored the challenges for young people around new working practices. Young people in three organisations were interviewed longitudinally on how and why they used different workspaces and kept diaries on their everyday decisions. This research is at the analysis stage and is referred to here as (3).

Summary

- Flexible working is a vital tool for improving disabled people's employment outcomes and those of staff with long-term health conditions. It can help employees manage chronic illnesses, neurodiversity, fatigue, medical appointments, and commuting challenges, and to remain in work. Flexible working can be particularly beneficial for people with fluctuating conditions, neurodivergent workers, and older workers managing health issues.
- Access to desired flexible working arrangements can be uneven. Many disabled workers, such as younger neurodivergent employees, either lack a formal diagnosis or are reluctant to disclose their condition because of concerns about career progression. Employers may lack knowledge of reasonable adjustments, while open-plan offices and desk-booking systems can create barriers for people with sensory and mobility needs.
- The flexible working provisions of the Employment Rights Act 2025 are a positive development but may have limited impact because many disability-related adjustments are

arranged informally through managers or under 2010 Equality Act reasonable-adjustment provisions, rather than through statutory flexible working requests. Our research indicates that it is beneficial for organisations to offer a mix of formal and informal flexible working arrangements, particularly for employees with unpredictable health conditions.

- Return-to-office requirements could disproportionately disadvantage disabled employees who have benefited from hybrid working.
- Our recommendations to enhance disabled employees' access to flexible working include: providing clearer guidance on applying the ERA's 'reasonableness' test in disability-related cases; building better employer understanding of reasonable adjustments; encouraging greater transparency about flexible working in job advertisements; improving access to schemes such as Access to Work; and reconvening the Flexible Working Taskforce.
- Our response considers questions 1, 2, 5, 6 and 7 of the inquiry.

Response to the inquiry's questions, based upon our research

1. For which groups of people with Equality Act protected characteristics is flexible working most advantageous?

- 1.1 Flexible working offers benefits to disabled people by enabling them to work in non-standard ways better suited to their individual needs. It thus has an important role in tackling workplace inequalities. **Neurodivergent young people** in our hybrid working research (3) found that open-plan office spaces posed acoustic and social challenges that were difficult to overcome due to intractable design features. Here, remote working offered a protected space for focused work and to recharge from the emotional burden of masking in offices.
- 1.2 For example, Ivy¹, an architecture officer with ADHD, developed a hybrid working pattern that enabled her to be seen as a productive worker by her employer, but which also generated her job's necessary outputs by factoring in regular remote working days: *"That's again part of the reason why I probably can only do three days a week in the office. I'd find it too draining to be in an office doing that every single day."* On a practical level, Ivy found it difficult to channel her job's creative aspects in a noisy office environment; earmarking some remote working time for this work was essential to her professional development.
- 1.3 **Commuting can pose challenges for employees with certain health conditions**, and thus hybrid working can enable disabled persons to work full-time, which may not be possible if they have to comply with full-time office presence expectations. Forms of flexible working, such as compressed or variable hours, can help employees avoid peak commuting times, offering benefits for menopausal women or those with mobility restrictions. And more variable working hours can enable those with a range of conditions to earmark time during the working day for the therapies and treatments that sustain their health and work quality.
- 1.4 In our research on young people and hybrid working (3), we observed **a strategy of remote working during periods of poor health**. April, who had a sensory processing condition and a long commute, explained how being in the office for consecutive days made her feel: *"If I had to be in the office like this all the time, I would hand my notice in. I am tired, in pain, and*

¹ All names used are pseudonyms.

my ability to do my job has suffered.” She felt like her time became compressed when she had to be in the office on several consecutive days. She found this ‘draining’, and that there was a “physical impact on my health with my disability. It’s just not sustainable long-term; I was exhausted by the end of the week [...] I was going to bed at nine and getting home at six. I was barely having time to eat food, let alone have a social life.” The expectation of fixed working patterns can be unsustainable in the face of variable and unpredictable conditions; hence, flexible working was a valuable tool for enabling people to design working patterns that reflected, rather than exacerbated, differences in health and disability.

- 1.5 For those with long-term health conditions, remote working offered a layer of flexibility to tailor work patterns around well-being. Elijah was epileptic and was adept at recognising days when he was at risk of a seizure, when he would work remotely. This approach, as with presenteeism more broadly, posed its own risks, since he was not taking appropriate rest during periods of compromised health: *“I don’t really take sick leave regardless, so I probably struggle, I’d carry on working.”* Such instances underscore the importance of **sensitive, skilled line management in matters of disability and flexible working.**
- 1.6 Our Work After Lockdown research (1), conducted during the pandemic, also observed **remote working benefits in keeping those with disabilities and health issues, whose conditions were accentuated by age, in work longer**, an aspect that can be valuable in managing and sustaining ageing workforces.¹² Some line managers in this research also observed that remote working enabled employees to manage chronic conditions more effectively, resulting in reduced sickness rates and improved workforce well-being.
- 1.7 Well-managed flexible working, that is, arrangements that were supported by managers to ensure that working patterns were health-sustaining, played a strong role in keeping those with a range of disabilities and health conditions in work. A challenge here is that disabilities and health conditions may not be known to managers, and **it is imperative that managers invest time in understanding remote workers’ unique needs in order to support remote work effectively.**³ For example, this might be done through intentional catch-ups with employees who might be struggling with anxiety.
- 1.8 While serving as a thematic research lead in parliament, Parry supported the **Lords’ special inquiry into homeworking in the UK**. It was notable that **this inquiry received a significant amount of evidence submitted by individuals with disabilities or long-term health conditions and by parents of children with additional needs**. This included reflections on chronic conditions such as Crohn’s disease and endometriosis, mental health challenges, and neurodiversity, regarding how hybrid and remote work had enhanced individuals’ work experience and/or enabled them to commit to working hours that would not be possible in offices, and to take steps during the day to engage in health-protecting activities such as exercise and therapies. This outcome is consistent with the government’s priority to increase employment rates of those with disabilities. **Paragraphs 137-146 of the Lords report expressly consider disability and can be of particular interest to WEC’s inquiry.**⁴

² Parry, J., Young, Z., Bevan, S., Veliziotis, M., Baruch, Y., Beigi, M., Bajorek, Z., Richards, S. and Tochia, C. (2022) [Work After Lockdown: No going back: What we have learned working from home through the COVID-19 pandemic](#)

³ Parry, J. and Beigi, M. (2026) [Line managing employee circumstances in the context of enforced remote working: learnings from COVID-19 lockdown practices](#), *Human Resource Development International*, early online version.

⁴ House of Lords (2025) [Is working from home working?](#) Select Committee on Home-Based Working, report on

1.9 Notably, in response to the Lords' report request for clarification from the government as to whether remote and hybrid working were being considered as part of measures to support work transitions for those with disabilities and limiting long-term conditions, the government confirmed that this was the case and that remote and hybrid working might be considered a 'free adjustment'⁵ but also that the Access to Work scheme could be used to support remote-working equipment. This aspect may be under-utilised.

2. For which groups is flexible working more problematic, and how can the problems be addressed?

2.1 In our hybrid work research (3), we noted that the challenges for neurodiverse young people were twofold. Firstly, many had not yet received a formal diagnosis of their condition and were in the early stages of learning about the workplace support they would benefit from. This meant they were still some distance from raising their needs with their employers, which limited the range of flexible work adaptations they could access. Indeed, there were sometimes tensions expressed about raising a need for reasonable adjustments, with an implicit concern that this might damage their prospects for progression at a point in their careers when they were keen to advance.

2.2 Secondly, among those who had received a diagnosis and raised the issue with their employers, there was limited organisational knowledge of how to support more neuro-inclusive workplaces, with the burden often falling on neurodiverse young people to make suggestions. At an early stage in their journey, they were often not in a position to know what workplace support would help them manage their needs around neurodiversity, let alone what flexible working options were available and aligned with these needs.

2.3 The generic design of open-plan offices that many hybrid workplaces have moved towards is not neuro- or disability-inclusive, and can pose a challenge for disabled employees who require adjustments around their office space. Specifically, desk booking systems overlook the need for diverse working space. There is a need for office workspaces that include a minimum proportion of permanent spaces adapted to the needs of people with disabilities.

5. To what extent is the Employment Rights Bill [now Act, 2025] likely to make flexible working the "default"? Are further statutory rights to flexible working required, particularly for some groups, e.g., disabled people and carers?

- a. While the flexible working components of the 2025 Employment Rights Act (ERA) are designed to improve access to flexible working and to make organisational decision-making more transparent, our 2022-23 research for Acas (2), which involved case study research in five large and diverse organisations (and in which we discussed with employers their readiness around impending legislative change), indicated that **statutory requests represented a minority of common organisational routes to flexible working**.⁶ Further, there was a tendency for them to be avoided by applicants and utilised in situations where alternative processes had been exhausted

session 2024-26.

⁵ DBT (2026, 4 March) [Government response to the report of the House of Lords Home-Based Working Select Committee](#), paragraph 64.

⁶ Parry, J., Bradbury, B. and Veliziotis, M. (2024) *Organisational case studies on flexible working*, Acas [Organisational case studies on flexible working | Acas](#)

or where the request involved a particularly complicated and perhaps untested contractual change. The consequence of this gap between legislation and widespread organisational practice is that the changes provided by the ERA currently affect a limited proportion of flexible working experiences.

- b. While this may change if the legislation is successful and is perceived as easy to access, more often, the kind of **varied and urgent flexible working applied for around unpredictable health conditions can align with more informal mechanisms and managerial knowledge of employees' circumstances**. At the time of our research for Acas (2022-23), organisations reported instances in which more formalised disability-related working arrangements were made around reasonable adjustments under the 2010 Equality Act, rather than through flexible working legislation, since the former was perceived to be better adapted to these. If the government's intention is for reasonable adjustments to working patterns to be easier to address under the ERA, then explicit guidance for employers and employees will be beneficial in signposting them. Such clarity will complement the intentions of the 2025 ERA legislative change around the 'reasonableness test' applied to employers' decisions in assessing statutory requests for flexible working.

6. Are there good examples of employers taking an inclusive approach to flexible working more informally, without requiring statutory requests? What are the benefits of a non-statutory approach?

6.1 Our research for Acas (2) developed a four-fold typology of flexible working in organisations, which intentionally and simultaneously operated in all of the case studies:

- (i) Statutory, formal right to request flexible working
- (ii) Non-statutory, organisational formal process of application
- (iii) Non-statutory, informal but regular flexible working
- (iv) Non-statutory, informal, ad hoc flexible working

6.2 Not only did these four pathways represent often different types of flexible working arrangements, but they were motivated by different circumstances. While (ii) and (iii) represented more regularised flexible working in organisations, there was also a need to support more unpredictable variations (iv), for example, which might be driven by sick children or medical appointments. **By mobilising multiple approaches to organising flexible working, organisations were able to adopt a more inclusive approach to supporting diverse employee needs.** (iii) and (iv) tended to be organised and agreed with managers, often without an organisational record being taken of flexible working requests.

6.3 **In terms of health and disability issues, the predictability/variability of how these affected working was an important influence on which type of flexible working was considered more suitable.** For example, flexible working around conditions like migraines or epilepsy was often managed in an informal, ad hoc way (iv) using daily and non-contractual variations, since it was not possible to predict precisely how conditions would impact work. For example, flare-ups of conditions could prompt employees to work remotely to reduce the likelihood of health deterioration. Conversely, regular flexible working patterns, such as compressed hours or regularised hybrid working arrangements, could complement the management of chronic conditions (ii) or (iii).

6.4 For example, an HR manager in a local authority explained that they might deliberately avoid statutory requests when supporting urgent or complex requests driven by a health crisis, preferring to craft relatively informal working arrangements that offered experimentation. It was felt that this made requests more likely to be accommodated by the organisation over the longer-term and to be sustainable: *"So rather than just turn it down and say, 'We just can't do it,' I think it's about trying it and then we've got real data as to why that's not operationally possible. So if we're not really sure about flexible work, we say we'll trial it for 3, maybe 6 months, and then we can make a decision based on actual facts."* By contrast, it might be that a more stable disability, where the applicant's needs were relatively predictable, could be straightforward to align with a formal flexible working arrangement (i) or (ii) that involved contractual change.

6.5 **The benefits of a non-statutory, informal approach** were felt to be that it offered greater flexibility in designing, trialling, and sustaining flexible working arrangements that suited both parties. Secondly, it encouraged dialogue between applicants and employers, which fostered a better understanding of the drivers of flexible working and, ultimately, an enhanced commitment to making flexible working arrangements successful. Since informal flexible working tended to be organised by managers rather than at an organisational level, this also had advantages around coordinating teams' varied flexible working patterns.

7. What are the key equality considerations for employers planning to require greater physical presence in office and other locations by workers who have previously been working remotely? Is clearer guidance or legislation required on this?

7.1 Our 2022-23 research for Acas (2) saw some managers and HR professionals raising a concern that where employers used the business reasons set out in the pre-ERA legislation around the need to maintain service provision in assessing statutory requests, then this could have **discriminatory impacts** for employees with caring responsibilities and/or health conditions who were seeking to access flexible working.⁷

7.2 Employees, particularly those with disabilities, may have benefited from the ability to work in a hybrid way. However, their motivations can be invisible to employers where staff have been managing flexible working arrangements informally (approach (iii) outlined above), and have offered teams hybrid working opportunities without deeper discussion about individual needs. Where workers' established working patterns are threatened by return-to-office mandates, they might seek to protect them through a statutory request, shifting the overall balance of flexible working organisation for employers.

7.3 Employers will benefit from the revised Code of Practice that Acas is currently developing to enhance guidance and understanding about the new reasonableness test of the 2025 ERA, and to minimise discriminatory outcomes and subsequent tribunal cases.

Policy recommendations:

- Ensure that **guidance** around implementing legislative changes around statutory requests for flexible working **makes specific reference to applying the reasonableness test to circumstances relating to health and disability**. This will ensure that the system is both more straightforward to navigate and applied fairly in these circumstances.

⁷ Parry, J., Bradbury, B. and Veliziotis, M. (2024) *Organisational case studies on flexible working*, Acas [Organisational case studies on flexible working | Acas](#)

The use of case studies will be valuable in conveying this information to employers in an actionable way, and attention should be given to industry-specific issues to support employers in ensuring they are both compliant and motivated to develop best practice around flexible working in relation to disability that supports staff retention and loyalty.

- Prioritise developing guidance for employers who have fewer resources to deploy in adjusting to legislative requirements and who lack in-house HRM expertise, such as SMEs.
- Reconvene the **Flexible Working Taskforce** at this crucial time in practice change around flexible working, and ensure that its membership is transparent and includes key credible stakeholder experts, such as Acas.
- **Extend the support of schemes like Access to Work to individuals who are pre-diagnosis,** and who would benefit from greater support and knowledge around disability in getting into and sustaining decent work, so that they don't become stuck in a cycle of disadvantage. Alongside this, tackle the known delay in Access to Work.
- Encourage greater transparency at the point of advertisement about the flexible working opportunities associated with jobs, so that disabled applicants can make informed decisions.
- **Tackle employer knowledge gaps about deploying reasonable adjustments in relation to flexible working** with accessible guidance, and case studies illustrating different scenarios and best practice, such as being proactive in offering reasonable adjustments routinely to new starts and promoting the use of adjustment passports.

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