

The case for flexi hours - know your rights

Innovation in technology has revolutionised the workplace, enabling employees to work from home, on the go or from a different country. Gone are the days when employees clock in at 9am, work in a specified location and then clock out at 5pm.



Fiona Leppan, director in Cliffe Dekker Hofmeyr's Employment practice

This has seen an increase in the implementation of flexi hours and a complete change in the traditional employer/employee relationship. Fiona Leppan, a director in Cliffe Dekker Hofmeyr's Employment practice, believes that the rise in the popularity of flexi hours is mainly due to many organisations using it to help reduce job losses as a result of retrenchments.

"I have seen local businesses becoming much more aware of international trends, like flexi hours. Because of tough trading conditions, companies are starting to realise how effective flexi hours can be to help reduce operating costs, as there is no need to have so many employees in one location. However, flexi hours should only be applicable in industries that are outcome orientated and not hourly driven like most manufacturing or mining operations," she explains.

The benefits of flexi hours

If used correctly, flexi hours can be beneficial to both the employee and the employer.

"The employer expects a certain outcome to be achieved, irrespective of how an employee achieves this. For an employee,

flexi hours enable them to have the perfect work-life balance. They get to work the hours they want and still be available to fetch the children from school. In turn, this will help motivate employees to work harder to achieve the desired outcome, which in itself is advantageous for the employer,” she says.

However, if this relationship becomes one-sided and the employee is no longer capable of delivering what he/she is contractually obliged to, then the relationship will come undone.

Things employers must consider

Fatima Moosa, Cliffe Dekker Hofmeyr’s national HR manager, believes that at the outset of any employer/employee relationship, there needs to be a meeting of the minds, with regards to what is required from the employee.

“Communication is key. Employees must understand what is expected of them and in turn, employers must take into account the circumstances the employee finds themselves in. For example, if an employee is a single parent, the employer must make provisions to allow that employee to fulfill his/her family responsibilities,” says Moosa.

Every employment contract that is signed must specify the employee’s expected outcomes and under which parameters the employee is expected to work. These contracts may differ from person to person, and will relate to the role that the employee needs to fulfil in terms of the business requirements. For example, some employees may need to work remotely, while some don’t.

“At the end of the day, these contractual requirements need to be agreed upon and signed up front. Most importantly, each contract must state that if the employee fails to achieve the desired outcomes, the employer reserves the right to retract the flexible arrangement. This will help protect employers against under-performing employees who tend to abuse the flexi hour policy,” concludes Moosa.

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