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My employer wants to change the hours I work

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What happens if your employer is proposing changes to your working hours and you are not happy about the proposed changes?

You need to check the wording in your contract about the hours you work, it may specifically detail the exact hours or it may say something like '40 hours a week - hours to be agreed with the Practice Manager' in which case your contract already allows for your specific hours to be changed.

To make any contractual changes the employer has to consult with everyone and explain the reasons for the proposed change(s).

If you don't agree to the proposed changes you should explain your reasons to your employer. They should listen to your point of view, but they may not change their mind. If you cannot resolve the issue, you can raise a formal grievance using your company's grievance procedure (or the Acas Code of Practice if your employer does not have a procedure in place).

If your employer can show there is a really good business reason for the change and that their actions are a proportionate means of achieving a legitimate aim then in general terms it can be lawful for the change to be imposed.

Ultimately, if you do not agree, your employer can serve notice that your existing contract will be terminated and you should be offered re-engagement on the new terms. A fair process should be followed and you will have the right of appeal.

Note – if you do not agree to the changes but you do not say this and you start working to

the new shift pattern, it is likely to be taken that you have agreed to the changes.

If you feel unable to work with the changes, you may decide to leave. You might be able to claim constructive dismissal at an employment tribunal if you consider the changes are significant and fundamental and you have been with your employer for at least two years. Constructive dismissal can be complicated and difficult to prove so you should always seek advice before resigning.

If you decide to leave you may be able bring a claim for a breach of contract, but this is usually only small compensation. If, however if your employer has also discriminated against you your claim will be bigger. (You can also bring a claim of breach of contract in a County Court whilst still employed, but if you lose you will have to pay your employer's costs).

It is unusual, but if you have received significant and fundamental changes to your contract and you work under the new contract even though you have objected to it you may be able to claim you have been dismissed, even though you are still working. It would be important that you make it clear you do not agree to the changes and try to resolve the situation with your employer.

So, in summary if your employer wants to change your hours and you don't agree to the change, there are several areas to consider and it is best if some meaningful consultation can take place.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email nickyackerley@hrsupportconsultancy.co.uk.