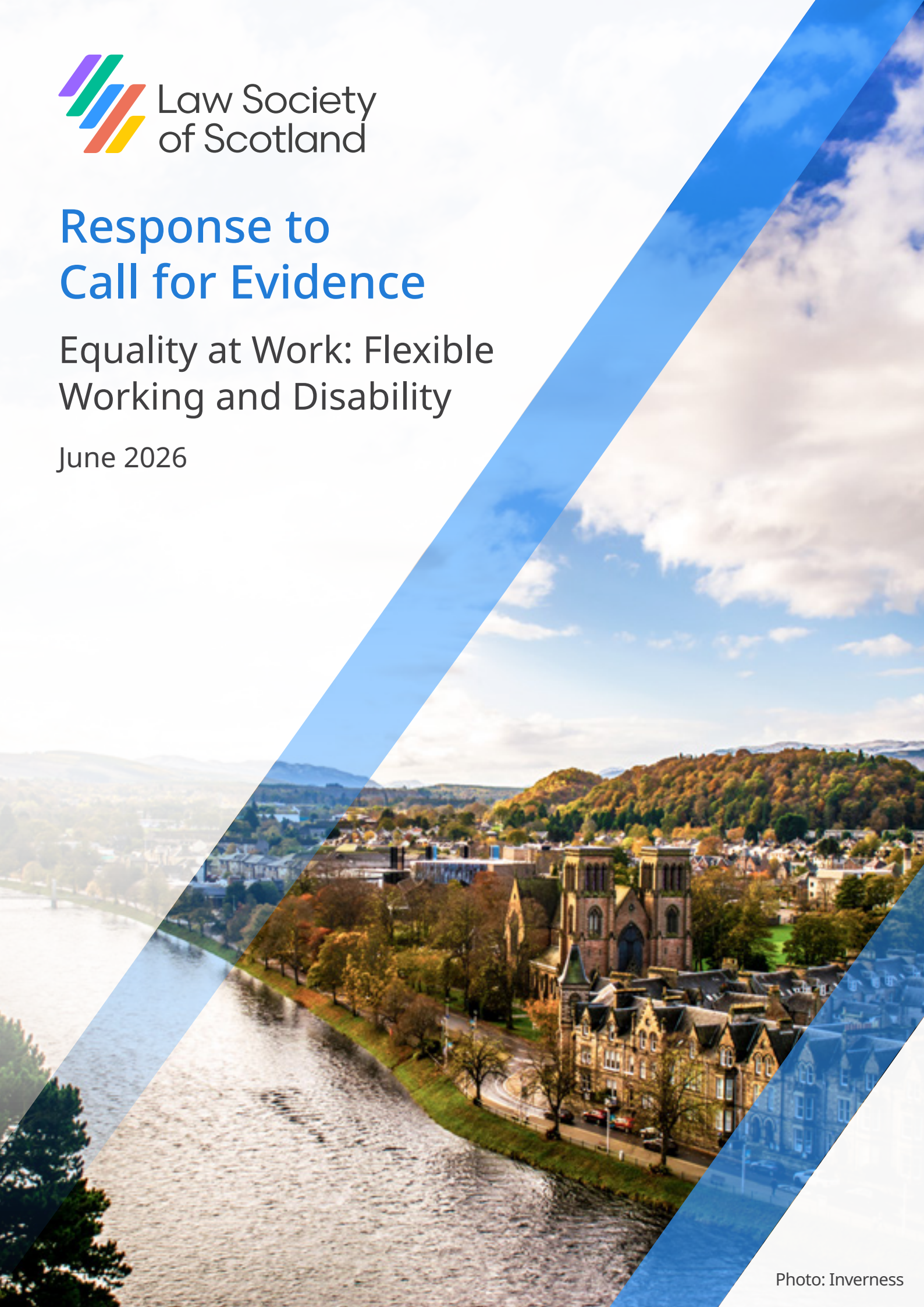


Response to Call for Evidence

Equality at Work: Flexible Working and Disability

June 2026



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Inquiry

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1. Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Equalities Law sub-committee welcomes the opportunity to consider and respond to the UK Parliament Women and Equalities Committee Call for Evidence *Equality at work: flexible working and disability*¹. The sub-committee has the following comments to put forward for consideration

2. General comments

This response covers three of the ten terms of reference outlined in the Call for Evidence. We also responded to an earlier UK Government consultation *Make Work Pay: Consultation on improving access to flexible working*². As the terms of reference cover similar areas to those covered in the earlier consultation, we also refer to our submissions within our response³.

3. Response to the terms of reference

3.1. To what extent will the flexible working provisions in the Employment Rights Act 2025 benefit disabled workers and jobseekers? Are there further legislative or policy steps the Government could take to increase disabled people's access to flexible working?

Answer: We consider that it is too early to say how or whether the recent adjustments to the statutory flexible working provisions in the Employment Rights Act 2025 ("ERA") will be beneficial to disabled workers and jobseekers.

Our view based on what information is available at present is that the changes to flexible working in the ERA are very modest and we consider that it is doubtful whether they will benefit disabled workers given that it will still be straightforward to turn down an application. The primary right for a disabled person is the right to reasonable adjustments under the Equality Act which is much stronger than the rights relating to flexible working.

¹ [Call for evidence - Committees - UK Parliament](#)

² [Make Work Pay: consultation on improving access to flexible working](#)

³ [Consultation response](#)

In order to strengthen the protections under the ERA we recommend that the protections be enhanced specifically for disabled workers so that they receive preferential treatment in relation to access to flexible working. For example, the legislation on the right to request flexible working should be reformed to set up a presumption that a disabled worker's statutory request is a reasonable one. Employers w/should only be able to rebut that presumption if they do so in a better, more consistent and justifiable manner with clear evidence, and particularly more than is currently stipulated in the existing legislation whereby they only need to identify one of a number of statutorily prescribed reasons for rejection. Having said this, exceptions should be built into the legislation for small employers who will have more limited resources, since the impact on them of such requests will be much greater.

3.2. How clear and well understood is the law around employers' Equality Act duties to provide flexible working options and associated aids and equipment as "reasonable adjustments"?

We consider that this is not well understood. Employers often deal with requests for changes in hours related to disability under their flexible working policy and can turn such applications down, when they should be treated as a request for reasonable adjustments, which is subject to different considerations. Employers struggle to understand that making reasonable adjustments can involve treating disabled employees *more* favourably than other and often refuse adjustments on that basis, or because they do not want to 'set a precedent'. One 2023 study, *Disability, reasonable adjustments and the Scottish legal profession*⁴ found that disabled members of staff in the Scottish legal profession found it difficult to request flexible working as a reasonable adjustment and it was better understood as a reasonable adjustment by employers if the person is more senior in the organisation.

3.3. How effective is the Equality and Human Rights Commission in enforcing disabled people's rights to flexible working? What steps could the Commission take to improve understanding, compliance and enforcement?

We are not aware of any enforcement in this area by the Equality and Human Rights Commission so in practice it is not effective.

⁴ [Disability, Reasonable Adjustments and the Scottish Legal Profession Wallace, R. \(Author\). 2023](#)



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