

EQUITY

Equity submission – Make Work Pay: Improving access to flexible working

About

Equity is the largest UK creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers. They work on stage, on TV and film sets, on the catwalk, in film studios, in recording studios, in night clubs and in circus tents.

Most Equity members work on short-term contracts and generally work on the basis that they are self-employed, with limb (b) worker status in some roles.

Summary

1. As freelance workers in the performing arts and entertainment industry, Equity members generally do not have employee status and, therefore, do not benefit from the rights that the status brings. While Equity supports the government's aim to strengthen the right to flexible working, our freelance members will not benefit from the proposed changes.
2. If protections were to be extended to apply to workers with limb (b) status, the government's proposed timeframe requirements for decision-making will be insufficient for many working in the creative industries on short-term contracts at short notice.
3. In order to improve access to flexible working for Equity's members in the performing arts and entertainment industry, and across the creative industries more broadly, the government should root legislation in a right to flexible working as opposed to a right to request and implement a duty on employers and engagers to advertise opportunities for flexible working when hiring.

16. Has overall access to flexible working improved since the 2024 changes were introduced?
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4. As the 2024 changes to flexible working apply to employees only, they have limited impact for Equity's members working the creative industries. Most Equity members work on the basis that they are self-employed, with some having limb (b) status in certain roles such as actors and stage managers. Many members, such as variety performers, designers and directors, work on an entirely self-employed basis. As such, for the majority of our members, the 2024 changes, designed to reflect the realities of working in a conventional, regular workplace, have not impacted their rights to access to flexible working.

Flexible working in the creative industries

5. Owing to the project-based nature of work in the industry, it can often be inflexible, with producers being unwilling to make arrangements for flexibility around rehearsal and performance schedules. Recent research by the Creative Industries Policy and Evidence Centre (CPEC) found that across the creative industries, just 22% of jobs have flexible working arrangements.¹ When looking specifically at Music, Performing & Visual Arts, this drops to 17%.²
6. There is a general assumption that self-employed workers have a higher degree of autonomy over hours worked and their flexibility than those in industries with regularly scheduled working hours. While this can be the case, the flexibility offered by self-employment varies significantly within the creative industries. For instance, CPEC note that in the Screen Industries, autonomy over work hours is below the average of workers across the economy.³
7. Due to the highly competitive nature of the performing arts and entertainment industry, those working in precarious, short-term engagements may not request flexible working arrangements for fear of losing or not getting work. In particular, the inaccessibility of the industry for those from working class and ethnic minority backgrounds may prevent workers from those backgrounds from feeling able to make flexible working requests. This is reflected in CPEC's research, which found that, while 65% of self-employed workers had a lot of influence over their working hours, this varies dramatically when looked at on race and class lines. 34% of workers from Black, Asian or Minority Ethnic backgrounds reported having a lot of influence over their working hours, while 42% of those from Working Class backgrounds reported the same compared to 44% of white, non-working class workers.⁴
8. Equity supports the call in a recent motion passed by TUC Women's conference for the government to fund initiatives in shift-based and creative sectors to develop flexible solutions.

Parents and carers

9. The lack of flexible working in the industry has a particular impact on parents and those with caring responsibilities, and disproportionately the burden of this impact falls on women within these dynamics. Research by Parents & Carers in Performing Arts (PiPA) conducted in 2024 found that lack of flexible working was a top 5 issue for

¹ [Creative Industries Policy and Evidence Centre, Good Work Review: Job Quality in the Creative Industries, 2023](#)

² *ibid*

³ *ibid*, p.19

⁴ *ibid*, p20

parents and carers working in the industry, with 60% of those surveyed saying that this was a top issue for them. When looking just at the freelance workforce, this number rises to 77%.⁵

10. 71% of freelancers surveyed said that their reproductive decisions were impacted by working in the performing arts, with the nature of the industry as well as lack of statutory support for self-employed parents creating a particularly difficult environment for new parents and carers to navigate. This has a particular impact on women who, when having children, were far more likely to reduce their working hours or give up work altogether than men surveyed. 85% of women had to reduce their working hours when having children compared to 71% of men and 50% of women gave up a job or paid work compared to 35% of men.⁶ When comparing this to research focused across all employment types and industries, these percentages are significantly higher. Polling by the TUC found that 14% of women polled who had children or are expecting a child have lost a job, or felt forced to leave a job, due to pregnancy or becoming a parent.⁷

17.	Do you feel the proposed objective is appropriate for the consultation meeting?
18.	[if No or Don't know] What do you think should be the objective for this consultation meeting
19.	How much advance notice do you think an employee should receive before the meeting is held?
20.	Do you agree with the proposed requirements for setting up the meeting?
21.	[if No or Don't know] What do you think the requirements for setting up the meeting should be?
22.	In your view, which of the elements set out in the suggested process above should be part of the meeting between a decision maker and employee about a statutory flexible working request?
23.	Do you agree that employers should be required to communicate the outcome of the meeting, as well as the outcome of the statutory request, in writing?
27.	Do you have any further thoughts or suggestions on the process for the requirement to consult outlined above?

⁵ [PiPA, Balancing Act: Take Two, May 2024](#)

⁶ *ibid*

⁷ [TUC, 'Number of new and expectant parents losing their job or facing unfair treatment at work "alarming high", January 2026](#)

Employment status

11. Equity supports the government's aims to improve fair access to flexible working through setting out requirements for consultation, however, these proposals will not have impact for a majority of Equity's members who work on short-term engagements on a self-employed or limb (b) basis. Should the government extend day one rights to limb (b) workers, the proposals in this consultation would be insufficient to increase access to flexible working in the industry due to the nature of employment in the performing arts and entertainment industry.
12. As such, we are grouping our response to questions around the consultation meeting into one. For those with employee status and industries with conventional working patterns, Equity supports the recommendations laid out in the TUC's response to this consultation.

Short-term engagements

13. Engagements in the performing arts and entertainment industry are often for short periods of time, sporadic, and can be arranged at short notice. Average engagement lengths for those working in theatre are just a few months, whereas for those working in film and TV, engagements can be as short as a week or just a few days. In audio and commercials, engagements often last a day or a few days.
14. In light of this, even if day one rights to request flexible working were extended to limb (b) workers, it is likely that the two-month decision period would be insufficient to afford creative workers the ability to have flexible working arrangements in place for their engagement. In many cases, the decision period is likely to run longer than the entire length of the engagement.
15. For a framework of right to request flexible working to work effectively in the creative industries, where workers are engaged on contracts for a period of days, weeks or months, the government should ensure that the process for requesting flexible working, and for the employer to make a decision, can take place ahead of the first day of the contract.
16. Where consultation meetings are taking place, workers should have the right to be accompanied by a trade union representative and should be given sufficient opportunity to organise this. Decision-making requirements should also include a clear right of appeal for those requesting flexible working arrangements.
17. In addition, we support the TUC's call on the government to introduce a duty on employers to advertise what extent of flexible working arrangements are available

when advertising a job. This would ensure that conversations can begin well in advance, which is of particular importance given Equity members' short-term and itinerant pattern of work.

36.	Which, if any, of the following ways to address barriers to flexible working do you think we should explore over the years ahead?
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18. A significant step towards addressing barriers to flexible working for many Equity members and workers in the broader creative industries would be extending rights to limb (b) status through the creation of a single worker status. Equity welcomed the government's previous commitment to consulting on this issue and urges the government to consult fully across sectors and with trade unions.
19. Equity agrees with the TUC that, while flexible working legislation rests on a right to request, there will continue to be barriers between workers and access to flexible working. TUC Women's Conference recently passed a motion calling for flexible working to be made the default across all industries and, to support this initiative, for the government to fund initiatives to develop flexible working solutions in the creative industries and in shift-based work.
20. To this end, Equity supports calls for the government introduce a duty on employers to advertise capacity for flexible working in any roles that they are hiring for. If an employer believes that there is no capacity for flexible working in the role, an employer should be required to justify why this is the case. This would begin to address barriers to accessing flexible working based in inequitable access for people with protected characteristic groups and from working class backgrounds.
21. To underline this, the right to request flexible working should be strengthened and become a right to flexible working. As highlighted by the TUC, there is a risk that regardless of the enhanced statutory requirements being consulted on, it is still far too easy for employers to refuse flexible working requests for business reasons.
22. The statutory framework behind flexible working should be premised in a right to flexible working as opposed to a right to request, to shift the balance towards a position where employers are required to act in good faith to implement arrangements with their employees.

Contact

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