

The News Media Association’s Response to the Employment Rights Bill Public Bill Committee’s [Call for Evidence](#).

1. Background

- 1.1. The News Media Association (“**NMA**”) is the voice of UK national, regional, and local news media in all their print and digital forms - a £4 billion sector read by more than 46.2 million adults every month. Our members publish around 900 news media titles - from The Times, The Guardian, The Daily Telegraph and the Daily Mirror to the Manchester Evening News, Kent Messenger, and the Monmouthshire Beacon.
- 1.2. Currently, the Employment Relations (Flexible Working) Act 2023 grants employees the legal right to request flexible working, which employers can decline if they consider one of the grounds specified under Section 80G of the Employment Rights Act 1996 (“**ERA 1996**”) has been met. This framework strikes an appropriate balance between the needs of employees and employers and has proven well-suited to the journalism industry.
- 1.3. The Employment Rights Bill (“**ERB**”) raises the threshold of the current request system. Clause 7 introduces a ‘reasonableness requirement’ into Part 8A Section 80G of the ERA 1996, compelling employers to provide a reasonable justification for refusing flexible working requests and to explain their reasoning to the employee. However, the lack of clarity on what constitutes ‘reasonable’ creates uncertainty and puts the news industry at risk. If this requirement alters the current balance, making it unduly difficult for publishers to decline unreasonable flexible working requests – particularly for journalists – it could severely affect the quality of journalism publishers are able to produce.

2. Response

- 2.1. We write on behalf of our membership to request that the Committee examines in detail whether the flexible working provisions under Clause 7 of the ERB could make it unduly challenging for industries such as news media to decline flexible working requests. News media organisations rely heavily on the physical presence of employees in the office and on the ground to meet the unique demands of their roles. The prospect of flexible working arrangements becoming ‘the default’ for journalists – like the impossibility of nurses or construction workers working from home – is an outcome that must be avoided.
- 2.2. Clarity on this issue is vital. Without clear assurances that news media organisations will retain the ability to decline such requests unhindered by the increased threshold, it may become necessary to explore sector-specific exemptions from Clause 7. This is critical to ensure the protection of the news media industry, along with the quality journalism and readership it serves.

2.3. To support the Committee in examining why it is crucial that Clause 7 on flexible working does not impede news organisations from requiring employees – most notably journalists – to work on-site, and why an exemption may be necessary if reassurances are not provided, we have outlined the following considerations:

- I. **Immediate and Certain Information Sharing:** Successful journalism depends on the ability to share information instantly and with certainty – a primary reason for why journalists have worked in large, open-plan newsrooms for more than a century.
- II. **Reaching Speciality Knowledge:** Each journalist develops unique expertise, contacts, and skills. When major stories break, newsrooms must quickly assemble teams of journalists with the right knowledge and connections to investigate every angle, including those not immediately apparent to editors. This is best achieved through in-person collaboration, as publishers have learned from experience through the initial period of the COVID-19 lockdown.
- III. **Real-Time Interdisciplinary Collaboration:** Effective journalism often demands real-time cooperation between reporters, editors, digital teams, and legal advisers. These teams must work together to verify facts, avoid misinformation, coordinate coverage, securely assess sensitive information from confidential sources, and make rapid editorial decisions. Remote working would severely disrupt this critical process.
- IV. **Proximity to Key Sources:** Quick access to Parliament, government buildings, courts, and news conference venues is essential for responding to unfolding stories – a logistical advantage that remote working cannot reliably provide.
- V. **Training and Mentorship:** The news industry has a strong tradition of successful training schemes for young journalists. Trainees gain invaluable experience from working closely with skilled journalists, far surpassing what can be taught in a classroom.
- VI. **Experience from Lockdown:** During lockdown, journalists worked from home using available technology, but our members reported significant concerns about the impact on journalistic quality. Many employers prioritised a safe return to the office as soon as circumstances allowed.

2.4. The critical nature of on-site journalism was underscored during the COVID-19 lockdown, when journalists and news media workers were granted ‘Critical Worker’ status. This designation recognised the undeniable necessity for journalists to access the premises, even in unprecedented circumstances.

2.5. We are particularly worried that, should the Government via guidance or courts adopt an overly burdensome interpretation of ‘reasonable’ under Clause 7, it would disrupt the existing balance. Making remote working ‘the default’ in the context of news risks placing unreasonable pressure on employers, jeopardising the quality of journalism, and leading to costly and disruptive legal disputes that could hinder newsroom operations.

2.6. To conclude, we urge the Committee to undertake a detailed examination of Clause 7 in the context of the journalism industry. We are confident that other sectors face

similar challenges. Absent the ability to provide clear reassurances, we urge the Committee to consider the merits of amending the legislation to allow for exemptions in specific sectors where the essential nature of the working and training environment makes a potentially burdensome threshold for declining flexible working impractical and counterproductive for both employers and employees.

News Media Association

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