

EMPLOYEES' TIME OFF FOR DEPENDENTS

A recent Court case has highlighted the need for employers to be flexible in circumstances where an employee finds it necessary to take time off work to care for a dependent such as a child or older person, or to make alternative arrangements. An employee has the lawful right to take a reasonable amount of time off work to take necessary action in certain situations affecting their dependants.

A bank imposed a warning on an employee who had informed the bank on 8 December that a child minder would be unavailable on 22 December. The employee's attempts to find alternative child-care cover failed and it had been necessary for them to request the day off work. The bank refused the request and treated their absence on 22 December as unauthorised and issued a disciplinary warning.

To exercise the right the employee must, as soon as reasonably practicable, tell their employer the reason for their expected absence and how long they may be away from work. If the employer unreasonably refuses to allow the employee to take time off or imposes a disciplinary sanction, the employee may complain to an employment tribunal.

The Court emphasised the 'necessity' of the employee taking time off work, not just the unexpected nature of it. The greater the time to make alternative arrangements, the less likely it will be that necessity will be established.

If despite attempts to make alternative arrangements and the need not being unexpected, it remains necessary to take the time off, an employee should not be penalised as a result.

Chamber members should be careful if denying an employee time off for such purposes; the situation should be looked at in terms of the necessity for the time off rather than just whether it's a short term emergency.

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