

## Time off work

### What are your rights?

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#### **Time off to look for a new job if you are being made redundant**

If you are being made redundant, you are entitled to be paid for reasonable time off during your notice period to look for another job, provided that you have been continuously employed for 2 years by the date your notice expires (although there are exclusions to this for certain employees). What is 'reasonable' depends on your circumstances including where you live, the type of work you do and how far you are willing to travel for that work. If your employer refuses to allow you to take time off for this purpose or does not pay you, you could bring a claim in the employment tribunal.

#### **Time off to care for dependants**

You are also entitled by law to take a reasonable amount of unpaid time off work to deal with an emergency involving someone who depends on you for help or care, such as your spouse, partner, children or parents. Examples of when you could do this include when a dependant becomes ill or injured, if you need to deal with an unexpected disruption or breakdown of care arrangements for a dependant or if they die and you need to arrange and attend their funeral.

What is 'reasonable' will again vary according to the individual circumstances, but usually one or two days would be considered reasonable. You should inform your employer as soon as possible. Whilst your employer is under no obligation to pay you for taking time off, they may still choose to do so. You should check whether this is covered in your contract of employment.

Despite the fact that these rights are granted by law, your employer may think worse of you for taking the time off. If they refuse to allow you to take time off you could go to an employment tribunal to enforce your rights. If your employer dismisses you, makes you redundant or penalises you for exercising this statutory right (for example, by demoting you or not giving you a promotion or training), you could bring a claim against them which can include for automatic unfair dismissal.

#### **Time off for doctors, dentist and hospital appointments or to care for non-dependants**

There is no automatic right to take time off to care for non-dependants or to attend doctors and hospital appointments. However, you should check whether there are any terms in your employment contract which do allow you to take time off work in these situations and whether such time off is paid. Even if your contract does not cover this, your employer may still grant you leave at their discretion, otherwise you may have to use part of your holiday entitlement. However, disabled employees should be allowed to take time off for hospital appointments otherwise they could bring a claim for discrimination on the grounds of disability.

#### **Annual leave**

Employees are entitled to a minimum of 5.6 weeks' paid annual leave, which can include bank holidays if your employer so chooses. Many employers do agree to pay bank holidays on top of this minimum entitlement. Your employer has the right to control when you take your leave and can refuse your request in certain situations or can order you to take all or any of your holiday at a particular time.

You may receive extra leave in addition to your basic entitlement, but this would be at the discretion of your employer so you should check your employment contract. You should be paid for annual leave at the same rate as your normal pay.

If you are not getting your full holiday entitlement, you should raise a grievance with your employer. If this is not successful, you can try to enforce your right before an employment tribunal, provided you do this within 3 months of your employer's refusal to let you take holiday.

#### **Career breaks**

In recent years there has been a rise in the popularity of career breaks and if you are thinking of taking one, you should check whether your employer operates a sabbatical policy. If they do not, you could still try to negotiate with them to show how it would benefit both parties. If they do have such a policy, there will often be a requirement that you have worked for them for a certain number of years in order to qualify. In addition, the policy will probably provide that leave is at the employer's discretion. Employees are advised to enter into a written agreement with their employer to confirm the terms of leave. Usually the leave will be unpaid and the employer will agree to keep your job open for you on exactly the same terms, providing you return to work within the agreed period of time.

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