



Employment Rights Act 1996

1996 CHAPTER 18

PART VI **E+W+S**

TIME OFF WORK

^{F1}Dependants

Textual Amendments

F1 Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, **Sch. 4 Pt. II**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II**

^{F2} 57A Time off for dependants. **E+W+S**

- (1) An employee is entitled to be permitted by his employer to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary—
- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
 - to make arrangements for the provision of care for a dependant who is ill or injured,
 - in consequence of the death of a dependant,
 - because of the unexpected disruption or termination of arrangements for the care of a dependant, or
 - to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.
- (2) Subsection (1) does not apply unless the employee—
- tells his employer the reason for his absence as soon as reasonably practicable, and

Status: Point in time view as at 31/12/2020.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Dependants is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) except where paragraph (a) cannot be complied with until after the employee has returned to work, tells his employer for how long he expects to be absent.
- (3) Subject to subsections (4) and (5), for the purposes of this section “ dependant ” means, in relation to an employee—
- (a) a spouse [^{F3}or civil partner] ,
 - (b) a child,
 - (c) a parent,
 - (d) a person who lives in the same household as the employee, otherwise than by reason of being his employee, tenant, lodger or boarder.
- (4) For the purposes of subsection (1)(a) or (b) “ dependant ” includes, in addition to the persons mentioned in subsection (3), any person who reasonably relies on the employee—
- (a) for assistance on an occasion when the person falls ill or is injured or assaulted, or
 - (b) to make arrangements for the provision of care in the event of illness or injury.
- (5) For the purposes of subsection (1)(d) “ dependant ” includes, in addition to the persons mentioned in subsection (3), any person who reasonably relies on the employee to make arrangements for the provision of care.
- (6) A reference in this section to illness or injury includes a reference to mental illness or injury.

Textual Amendments

- F2** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, **Sch. 4 Pt. II**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II**
- F3** Words in s. 57A(3)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 151**; S.I. 2005/3175, **art. 2(2)** (Subject to art. 2(3)-(5))

^{F4} **57B Complaint to employment tribunal. E+W+S**

- (1) An employee may present a complaint to an employment tribunal that his employer has unreasonably refused to permit him to take time off as required by section 57A.
 - (2) An employment tribunal shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date when the refusal occurred, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F5}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]
- (3) Where an employment tribunal finds a complaint under subsection (1) well-founded, it—
 - (a) shall make a declaration to that effect, and

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- (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the employer’s default in refusing to permit time off to be taken by the employee, and
 - (b) any loss sustained by the employee which is attributable to the matters complained of.]

Textual Amendments

- F4** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, **Sch. 4 Pt. II**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II**
- F5** S. 57B(2A) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 12(14)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Status:

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Changes to legislation:

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