



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

#### *<sup>F1</sup>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**

#### <sup>F2</sup> 57A Time off for dependants.

- (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—
- (a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
  - (b) to make arrangements for the provision of care for a dependant who is ill or injured,
  - (c) in consequence of the death of a dependant,
  - (d) because of the unexpected disruption or termination of arrangements for the care of a dependant, or
  - (e) 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—
- (a) tells his employer the reason for his absence as soon as reasonably practicable, and

*Status: Point in time view as at 06/04/2016.*

*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 12 June 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 [<sup>F3</sup>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))

#### <sup>F4</sup> **57B Complaint to employment tribunal.**

- (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.
- [ Section 207A(3) (extension because of mediation in certain European cross-border <sup>F5</sup>(2A) disputes) [<sup>F6</sup>and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply] 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.]

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**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) inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **regs. 2, 38**
- F6** Words in s. 57B(2A) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 24**; S.I. 2014/253, art. 3(g)

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