



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART 8A

#### FLEXIBLE WORKING

#### [<sup>F1</sup>80F Statutory right to request contract variation

- (1) A qualifying employee may apply to his employer for a change in his terms and conditions of employment if—
- (a) the change relates to—
    - (i) the hours he is required to work,
    - (ii) the times when he is required to work,
    - (iii) where, as between his home and a place of business of his employer, he is required to work, or
    - (iv) such other aspect of his terms and conditions of employment as the Secretary of State may specify by regulations, and
  - [<sup>F2</sup>(b) his purpose in applying for the change is to enable him to care for someone who, at the time of application, is—
    - (i) a child who has not reached the prescribed age or falls within a prescribed description and in respect of whom (in either case) the employee satisfies prescribed conditions as to relationship, or
    - (ii) a person aged 18 or over who falls within a prescribed description and in respect of whom the employee satisfies prescribed conditions as to relationship.]
- (2) An application under this section must—
- (a) state that it is such an application,
  - (b) specify the change applied for and the date on which it is proposed the change should become effective,
  - (c) explain what effect, if any, the employee thinks making the change applied for would have on his employer and how, in his opinion, any such effect might be dealt with, and

*Status: Point in time view as at 08/03/2013. This version of this provision has been superseded.*  
*Changes to legislation: Employment Rights Act 1996, Section 80F is up to date with all changes known to be in force on or before 19 May 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)*

- (d) explain how the employee meets, in respect of the [F3] child or other person to be cared for, the conditions as to relationship mentioned in subsection (1)(b) (i) or (ii)] .
- (3) F4 .....
- (4) If an employee has made an application under this section, he may not make a further application under this section to the same employer before the end of the period of twelve months beginning with the date on which the previous application was made.
- (5) The Secretary of State may by regulations make provision about—
  - (a) the form of applications under this section, and
  - (b) when such an application is to be taken as made.
- (6) F4 .....
- (7) F4 .....
- (8) For the purposes of this section, an employee is—
  - (a) a qualifying employee if he—
    - (i) satisfies such conditions as to duration of employment as the Secretary of State may specify by regulations, and
    - (ii) is not an agency worker [F5](other than an agency worker who is returning to work from a period of parental leave under regulations under section 76)];
  - (b) an agency worker if he is supplied by a person (“ the agent ”) to do work for another (“ the principal ”) under a contract or other arrangement made between the agent and the principal.

[ Regulations under this section may make different provision for different cases.  
F6(9)

- (10) In this section—
  - “ child ” means a person aged under 18;
  - “ prescribed ” means prescribed by regulations made by the Secretary of State. ]]

Textual Amendments	
<b>F1</b>	Pt. 8A inserted (6.4.2003) by <a href="#">Employment Act 2002 (c. 22), s. 47(2)</a> ; S.I. 2002/2866, <a href="#">art. 2(3)</a> , Sch. 1 Pt. 3
<b>F2</b>	S. 80F(1)(b) substituted (6.4.2007) by <a href="#">Work and Families Act 2006 (c. 18), ss. 12(2)</a> , 19; S.I. 2006/1682, <a href="#">art. 4(a)</a>
<b>F3</b>	Words in s. 80F(2)(d) substituted (6.4.2007) by <a href="#">Work and Families Act 2006 (c. 18), ss. 12(3)</a> , 19; S.I. 2006/1682, <a href="#">art. 4(a)</a>
<b>F4</b>	S. 80F(3)(6)(7) repealed (6.4.2007) by <a href="#">Work and Families Act 2006 (c. 18), ss. 12(4)</a> , 15, 19, <a href="#">Sch. 2</a> ; S.I. 2006/1682, <a href="#">art. 4</a>
<b>F5</b>	Words in s. 80F(8)(a)(ii) inserted (8.3.2013) by <a href="#">The Parental Leave (EU Directive) Regulations 2013 (S.I. 2013/283)</a> , regs. 1, 2
<b>F6</b>	S. 80F(9)(10) inserted (6.4.2007) by <a href="#">Work and Families Act 2006 (c. 18), ss. 12(5)</a> , 19; S.I. 2006/1682, <a href="#">art. 4(a)</a>

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**Changes to legislation:**

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