



# Employment Rights Act 1996

## 1996 CHAPTER 18

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

#### FLEXIBLE WORKING

VALID FROM 06/04/2003

#### [<sup>F1</sup>80G Employer's duties in relation to application under section 80F

- (1) An employer to whom an application under section 80F is made—
  - (a) shall deal with the application in accordance with regulations made by the Secretary of State, and
  - (b) shall only refuse the application because he considers that one or more of the following grounds applies—
    - (i) the burden of additional costs,
    - (ii) detrimental effect on ability to meet customer demand,
    - (iii) inability to re-organise work among existing staff,
    - (iv) inability to recruit additional staff,
    - (v) detrimental impact on quality,
    - (vi) detrimental impact on performance,
    - (vii) insufficiency of work during the periods the employee proposes to work,
    - (viii) planned structural changes, and
    - (ix) such other grounds as the Secretary of State may specify by regulations.
- (2) Regulations under subsection (1)(a) shall include—
  - (a) provision for the holding of a meeting between the employer and the employee to discuss an application under section 80F within twenty eight days after the date the application is made;

*Status: Point in time view as at 24/04/2000. This version of this provision is not valid for this point in time.*

*Changes to legislation: Employment Rights Act 1996, Section 80G is up to date with all changes known to be in force on or before 12 July 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) provision for the giving by the employer to the employee of notice of his decision on the application within fourteen days after the date of the meeting under paragraph (a);
  - (c) provision for notice under paragraph (b) of a decision to refuse the application to state the grounds for the decision;
  - (d) provision for the employee to have a right, if he is dissatisfied with the employer's decision, to appeal against it within fourteen days after the date on which notice under paragraph (b) is given;
  - (e) provision about the procedure for exercising the right of appeal under paragraph (d), including provision requiring the employee to set out the grounds of appeal;
  - (f) provision for notice under paragraph (b) to include such information as the regulations may specify relating to the right of appeal under paragraph (d);
  - (g) provision for the holding, within fourteen days after the date on which notice of appeal is given by the employee, of a meeting between the employer and the employee to discuss the appeal;
  - (h) provision for the employer to give the employee notice of his decision on any appeal within fourteen days after the date of the meeting under paragraph (g);
  - (i) provision for notice under paragraph (h) of a decision to dismiss an appeal to state the grounds for the decision;
  - (j) provision for a statement under paragraph (c) or (i) to contain a sufficient explanation of the grounds for the decision;
  - (k) provision for the employee to have a right to be accompanied at meetings under paragraph (a) or (g) by a person of such description as the regulations may specify;
  - (l) provision for postponement in relation to any meeting under paragraph (a) or (g) which a companion under paragraph (k) is not available to attend;
  - (m) provision in relation to companions under paragraph (k) corresponding to section 10(6) and (7) of the Employment Relations Act 1999 (c. 26)(right to paid time off to act as companion, etc.);
  - (n) provision, in relation to the rights under paragraphs (k) and (l), for the application (with or without modification) of sections 11 to 13 of the Employment Relations Act 1999 (provisions ancillary to right to be accompanied under section 10 of that Act).
- (3) Regulations under subsection (1)(a) may include—
- (a) provision for any requirement of the regulations not to apply where an application is disposed of by agreement or withdrawn;
  - (b) provision for extension of a time limit where the employer and employee agree, or in such other circumstances as the regulations may specify;
  - (c) provision for applications to be treated as withdrawn in specified circumstances;
- and may make different provision for different cases.
- (4) The Secretary of State may by order amend subsection (2).]

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#### Textual Amendments

- F1** Pt. 8A inserted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), [s. 47\(2\)](#); [S.I. 2002/2866](#), [art. 2\(3\)](#), Sch. 1 Pt. 3

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