



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART 8A

FLEXIBLE WORKING

[^{F1}80G Employer's duties in relation to application under section 80F

- (1) An employer to whom an application under section 80F is made—
- [^{F2}(a) shall deal with the application in a reasonable manner,
 - (aa) shall notify the employee of the decision on the application within the decision period, 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.

[If an employer allows an employee to appeal a decision to reject an application, the
^{F3}(1A) reference in subsection (1)(aa) to the decision on the application is a reference to—

- (a) the decision on the appeal, or
- (b) if more than one appeal is allowed, the decision on the final appeal.

(1B) For the purposes of subsection (1)(aa) the decision period applicable to an employee's application under section 80F is—

Status: Point in time view as at 31/12/2020. This version of this provision has been superseded.
Changes to legislation: Employment Rights Act 1996, Section 80G is up to date with all changes known to be in force on or before 19 August 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)

- (a) the period of three months beginning with the date on which the application is made, or
- (b) such longer period as may be agreed by the employer and the employee.

(1C) An agreement to extend the decision period in a particular case may be made—

- (a) before it ends, or
- (b) with retrospective effect, before the end of a period of three months beginning with the day after that on which the decision period that is being extended came to an end.]

[An application under section 80F is to be treated as having been withdrawn by the ^{F4}(1D) employee if—

- (a) the employee without good reason has failed to attend both the first meeting arranged by the employer to discuss the application and the next meeting arranged for that purpose, or
- (b) where the employer allows the employee to appeal a decision to reject an application or to make a further appeal, the employee without good reason has failed to attend both the first meeting arranged by the employer to discuss the appeal and the next meeting arranged for that purpose,

and the employer has notified the employee that the employer has decided to treat that conduct of the employee as a withdrawal of the application.]

^{F5}(2)

^{F5}(3)

^{F5}(4)]

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
- F2** S. 80G(1)(a)(aa) substituted for s. 80G(1)(a) (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 132(2), 139(6); S.I. 2014/1640, art. 3(1)(l) (with art. 10)
- F3** S. 80G(1A)-(1C) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 132(3), 139(6); S.I. 2014/1640, art. 3(1)(l) (with art. 10)
- F4** S. 80G(1D) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 132(4), 139(6); S.I. 2014/1640, art. 3(1)(l) (with art. 10)
- F5** S. 80G(2)-(4) repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 132(5)(b), 139(6); S.I. 2014/1640, art. 3(1)(l) (with art. 10)

Status:

Point in time view as at 31/12/2020. This version of this provision has been superseded.

Changes to legislation:

Employment Rights Act 1996, Section 80G is up to date with all changes known to be in force on or before 19 August 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.