

Is worry tying
you up in knots?

Time
off
work

when
someone

needs looking after



Usdaw Supporting
Parents & Carers

Usdaw
*Union of Shop, Distributive
and Allied Workers*

An Usdaw Guide for members

If **you** are caring for someone or looking after children there will be times when you need to take time off work. If the situation is an emergency, you have a legal right to take time off work to deal with it.

This right is called **Time off For Dependants** and you can find out more about it below. If the situation is not an emergency you may still be able to get time off but this would depend on who you work for and whether Usdaw has been able to negotiate extra rights for parents and carers with them.

Time off in an emergency

Everyone has the right to take a reasonable amount of **unpaid** time off work to deal with an emergency involving someone who depends on them.

To count as an emergency the situation does not need to be life-threatening, it simply needs to be something that has happened unexpectedly. The following situations count as an emergency and would mean that you could take unpaid Time off For Dependants:

In what circumstances can you take time off?

The right enables you to take time off work to take action which is necessary to deal with an unexpected or sudden problem concerning a dependant and make any necessary longer-term arrangements.

If a dependant falls ill or has been injured or assaulted:

- The illness or injury need not be serious or life threatening, and may be mental or physical.
- It may be an occasion when an existing condition deteriorates.
- If the dependant is assaulted, but not injured, you can take time off work to comfort or help them.

To make longer-term care arrangements for an ill or injured dependant:

- For example, making arrangements to employ a temporary carer, or taking a sick child to stay with relatives.

When a dependant is having a baby:

- You can take time off to assist a dependant while she is having a baby.
- This does not include time off after the birth to care for the child. Fathers/partners can take paid paternity leave to do this, or parental leave.

Is the time off paid?

The right does not include entitlement to pay. For details on how this right is implemented in your company check your company handbook, company benefit leaflets or speak to your local Usdaw rep or Area Organiser. Your local Usdaw office can be contacted on **0845 60 60 640***.



The death of a dependant:

- You can take time off to make funeral arrangements, as well as to attend a funeral. Many companies have bereavement leave agreements/policies that allow some paid time off following the death of a close relative.
- If the funeral is overseas, you will need to agree a reasonable length of time off with your employer.

To deal with an unexpected breakdown of care arrangements:

- Where the usual carer of the dependant is unexpectedly absent, for example, a childminder or nurse fails to turn up.
- A school, nursery or nursing home unexpectedly closes.

To deal with an unexpected incident at school.

You can take time off to deal with a serious incident involving your child during school hours, for example:

- Your child has been in a fight.
- Your child is injured or distressed.
- Your child is being suspended from school.

Who counts as a dependant?

To be entitled to time off, the emergency needs to involve someone who is a 'dependant'. This means they must either be your close relative or someone who lives in the same house as you.

This clearly covers non-married partners, including same sex partners, and children, such as step children, who may not be your children but who live in the same house as you. The definition also potentially covers over family or friends who live together. So, for example, an elderly aunt or grandparent who lives in your house could also qualify as a dependant but a tenant, boarder or lodger will not.

In certain situations such as when a person falls ill or is injured, it can also include any person (not necessarily in the same household as you) who reasonably relies on you for assistance. However if you want to use the right to be at the birth of a dependant's baby then that person must be related to you.

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What else do I need to know?

- The right to Time off For Dependants applies to all employees full-time, part-time, those on fixed-term contracts.
- You have the right from day one of your job.
- You are protected by law from being dismissed or victimised for using the right
- There is no set limit on the number of times you can use the right but an employer can take into account the number and length of previous absences when deciding whether a request is reasonable.

How much time off can I take?

You are entitled to a 'reasonable' amount of time off in the circumstances set out. The law does not specify 'reasonable time' as it will vary according to the circumstances.

It may, for instance, be reasonable to allow someone who doesn't have a network of close family members nearby more time off than someone who does. For example, members whose close family are overseas may need more time to make alternative care arrangements than someone whose parents and grandparents live nearby.

Government guidance states:

"for most cases, one or two days should be sufficient to deal with the problem."

For example, if a child falls ill with chicken pox, the employee can take time off to deal with the crisis, visit the doctor and make longer term care arrangements. You are not entitled to take two weeks off to look after the child.

Although there is no limit on the number of occasions on which you can exercise the right to Time off For Dependants, it is not an 'unlimited' right. Case law has established an employer can take into account the number and length of previous absences when deciding whether the time taken off on a subsequent occasion is reasonable and necessary. This came about when a woman employee had taken 17 days off over a period of nine months to care for her son, who had a medical condition that caused him to suffer regular relapses.



Telling your employer

You must tell your employer, as soon as practicable:

- The reason for your absence.
- How long you expect to be away from work.

It is not necessary to give notice in writing.

The right to Time off For Dependants is not intended to provide you with the right to take a day off or more every week or month on a regular basis whenever an existing medical condition causes a dependant to become unwell. It is very much meant to give you time to make alternative care arrangements in emergencies. If you are caring for someone and this means you need either regular time off work or are taking a lot of unexpected time off then see the next section 'I need time off but it's not an emergency' and/or talk to your Usdaw rep or Area Organiser.

Although there is no limit on the number of occasions on which you can exercise the right to Time off For Dependants, it is not an 'unlimited' right.

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Help! – I need time off work but it's not an emergency

There will be situations where you need time off work to care for someone but you won't be able to use **Time off For Dependants**. This might be because the situation isn't an emergency or because you can't afford to take unpaid leave from work.

In these circumstances it might help to know the following:

Usdaw may have agreed with your employer what support can be offered to parents and carers needing time off work. This could include things like swapping your shifts, using annual leave at short notice, paid compassionate leave or working the time back. You should speak to your Usdaw rep or contact your nearest Usdaw office to find out what support there might be where you work.

If you need to change the hours or days you work to help you care for someone you can ask your employer to consider this.

The right to Time off For Dependants applies to all employees full-time, part-time, those on fixed-term contracts.

You are entitled to this right from day one of your job.

You are protected by law from being dismissed or victimised for using the right.

There is no set limit on the number of times you can use the right.

This is called the **Right to Request Flexible Working** and it can help if you want a permanent change to your working hours. You can find out more about this in the Usdaw leaflet called *Flexible Working – Your right to have a say in the hours you work* (Leaflet 346).



Parents have the right to take unpaid parental leave of up to 18 weeks in a year. This has to be taken in blocks of a week or multiples of a week, and cannot be taken as 'odd' days off, (unless the employer agrees otherwise or the child is disabled). Employees cannot take off more than four weeks during a year. A week is based on an employee's working pattern. From April 2015 parents can use this right up until the child's 18th birthday.

The law may not always be the best solution for parents and carers needing time off to care because legal rights in this area are poor. Very often in these circumstances it's about what you can agree with your employer – **that's why being in Usdaw can really help.**

Is worry tying you up in knots?

Don't let worry tie YOU up in knots ...

With the help of your Usdaw rep or Area Organiser you stand a much better chance of getting the support you need at work.

Trade union organised workplaces have better holiday entitlement, improved pension provision and arrangements for time off work. Usdaw aims to improve the things that matter at work such as support for family-friendly policies and flexible working arrangements that work for employees.

For more information or to join Usdaw, visit www.usdaw.org.uk/join

If you believe you have been wrongly refused time off, or you have suffered a detriment by taking your right, contact your Usdaw rep or Area Organiser for advice.



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Get advice

Usdaw
Union of Shop, Distributive
and Allied Workers

For information about your rights at work,
call the Usdaw helpline **0845 60 60 640***,
email **parentsandcarers@usdaw.org.uk**
or visit our website **www.usdaw.org.uk**



*calls charged at local rate

For further information on your rights and benefits see Usdaw's leaflets:

- Workers' Rights (Leaflet 211).
- Working Carers – Know your rights (Leaflet 343).
- Working Parents – Know your rights (Leaflet 381).

All are on our website at www.usdaw.org.uk or can be ordered by contacting your local Usdaw office on **0845 60 60 640***

Join Usdaw today

The best way to ensure your employer respects your rights is to join a trade union. Your employer cannot prevent you from joining a trade union.

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Usdaw can offer you help and advice on all your rights at work, as well as free expert legal services. Staff represented by a trade union are more likely to have better wages and conditions than those who aren't.

Usdaw represents over 430,000 members, mainly in retail and related sectors. The best way to protect and improve your rights at work is to join Usdaw.

Scan here

To view all the latest news and resources from our campaign.†



www.usdaw.org.uk/talktousdaw

† to scan the code, download a QR reader app from your app store. A charge may be applied by your network provider.

To find out more about the work of the Divisional Equalities Forums and Usdaw's equality work, or about joining Usdaw contact:

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