

# Your right to time off for family emergencies

**Are you juggling work with caring for a child, relative, partner or friend?**

**Do you sometimes need time off work to deal with an accident or other problem at home involving the person you care for?**

- Every employee has the **right** to take a reasonable amount of time off work to deal with an unexpected emergency involving a **dependant**. Who counts as a dependant is described inside this leaflet.
- You have this right from day one of your job.
- You are protected by law from dismissal or victimisation for using this right.
- In most cases the leave will be unpaid. For more details about what your employer provides check your company handbook, company benefit leaflets or speak to your Usdaw rep or Area Organiser. Your local Usdaw office can be contacted on **0845 6060640**.

**Read on for help and advice in claiming.**



## Who can qualify?

The legal right is called the right to time off for dependants. The right applies to all employees, full-time and part-time, and those on fixed-term contracts.

You have this right from the first day of your job.

## 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 606 0640**.

## Who counts as a dependant?

For the purpose of this right, a dependant includes:

- Close relatives:
  - Your spouse.
  - Your children.
  - Your parents.
- Someone who lives in the same household as you:
  - Your partner.
  - Another relative who lives in your household.
- Someone not in your household but who 'reasonably relies on you for assistance':
  - If you are their primary carer.
  - If you are the only person who can help in an emergency.

It does not include tenants or boarders unrelated to you.

### Example

David had a call at work from his son's school to say that his son was feeling unwell.

Time off for dependants meant that he was able to collect his son from school, take him to the doctor the next day and make arrangements for David's mother to look after him for the rest of the week. David returned to work after one and a half days.

## 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.

1. 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.
2. 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.
3. 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.

**4. 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.

**5. To deal with an unexpected breakdown of care arrangements:**

- Where the normal 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.

**6. 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.

**How much time off can be taken?**

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.

There is no limit set on the number of times an employee can use this right.

**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.

**Protection from dismissal and detriment**

Employees are protected by law from being penalised or dismissed for taking, or seeking to take, time off under this right.

Detriment includes:

- Being selected for redundancy.
- Being moved to a lower grade.

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.

## Further information

Contact your union rep for advice for your workplace.

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

- Workers' Rights (Leaflet No 211).
- Usdaw – supporting working carers (Leaflet no 343).
- Working parents a helping hand from Usdaw (Leaflet no 344).
- Flexible working (Leaflet no 346).

All are on our web site at [www.usdaw.org.uk](http://www.usdaw.org.uk) or copies can be ordered by contacting your local Usdaw office on **0845 6060640**.



**For more information about Usdaw and our campaigns  
please contact your union rep or local union office.**

**telephone: 0845 6060640\***

**web site: [www.usdaw.org.uk](http://www.usdaw.org.uk)**

**e-mail: [parentsandcarers@usdaw.org.uk](mailto:parentsandcarers@usdaw.org.uk)**

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