

## Rights at work

*discipline, grievances and dismissals*

*equality and discrimination*

*information and consultation*

*parents at work*

*pay*

*> time off*

*trade unions and representation*

# Acas can help *with your employment relations needs*

Every year Acas helps employers and employees from thousands of workplaces. That means we keep right up to date with today's employment relations issues – such as discipline and grievance handling, preventing discrimination and communicating effectively in workplaces. Make the most of our practical experience for your organisation – find out what we can do for you.

## **We inform**

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website **[www.acas.org.uk](http://www.acas.org.uk)**.

## **We advise and guide**

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

## **We train**

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

## **We work with you**

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.

# Time off

## What is this leaflet for?

This leaflet gives a brief outline of rights to time off work. It includes basic information on:

- Who is entitled to the rights
- How people complain if they are denied a right they believe they are entitled to.

For detailed information about a particular right, visit [www.acas.org.uk](http://www.acas.org.uk).

## Rights covered

- Adoption leave
- Annual leave
- Time off for antenatal care
- Time off for dependants
- Time off to accompany a worker to a disciplinary or grievance hearing
- Time off for employee representatives
- Time off for European Works Councils
- Time off to accompany an employee at a flexible working hearing
- Jury service
- Maternity leave (ordinary)
- Maternity leave (additional)
- Parental leave
- Paternity leave

- Time off for occupational pension scheme trustees and directors of trustee companies
- Time off for public duties
- Time off for job hunting or to arrange training when facing redundancy
- Time off for safety representatives
- Time off for study or training
- Time off work for trade union duties and activities
- Time off for union learning representatives
- Time off under the Working Time Regulations.

Visit the Acas website at [www.acas.org.uk](http://www.acas.org.uk) for further information on all the rights with links to detailed guidance on the Department for Business, Innovation and Skills (BIS) website. View and order **Acas Publications** online at [www.acas.org.uk/publications](http://www.acas.org.uk/publications).

If you do not have easy access to the internet (world wide web) at home or at work try:

- your local library. Most medium-sized or large public libraries provide internet access including a limited period free of charge. In some areas other sources of free access are available.
- Internet cafes, which provide access to the internet for a fee.
- UK online centres. These were set up by the Department for Education and Skills to help people with no computer skills to access the internet. There are around 6,000 UK online centres. Call the free UK online helpline **0800 77 1234** to find your nearest centre.

This leaflet is one of a series which outlines individual employment rights – other titles include *Discipline, grievances and dismissals, Equality and discrimination, Information and consultation, Parents at work, Pay* and *Trade unions and representation*. Information on the law is for guidance only – you may need to seek legal advice on your particular circumstances.

Advisers on **Acas' national helpline 08457 47 47 47** can answer **questions on most employment relations matters** including rights and duties, but cannot provide legal advice. Acas also offers a wide range of products and services for organisations of all sizes and the people who work in them. Our aim is to improve organisations and working life through better employment relations.

# Rights to time off

## Adoption leave

Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

An eligible employee can take up to 52 weeks' adoption leave. This is made up of 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave. To qualify for adoption leave, an employee must:

- be newly-matched with a child for adoption by an adoption agency and
- have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

Statutory Adoption Pay is the same as the standard rate of Statutory Maternity Pay: £124.88 a week or 90 per cent of average weekly earnings if this is less than £124.88 (reviewed every April). Statutory Adoption Pay (SAP) is paid for up to 39 weeks.

The additional paternity leave regulations 2010 came into force on 6 April 2010. The right to take up the 26 weeks additional paternity leave is available to adoptive parents who are notified of having been matched with a child on or after 3 April 2011. In the case of children adopted from overseas the child should have entered Great Britain on or after 3 April 2011. For further information visit Business Link at [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

## Annual leave

Most workers – whether part-time or full-time – are legally entitled to 5.6 weeks' paid annual leave. Additional annual leave may be agreed as part of a worker's contract. A week's leave should allow workers to be away from work for a week – ie it should be the same amount of time as the working week. If a worker does a five-day week, he or she is entitled to 28 days' leave. If he or she does a three-day week, the entitlement is 16.8 days' leave. Employers can set the times that workers take their leave, for example for a Christmas shutdown. If a worker's employment ends, he or she has a right to be paid for the leave time due and not taken.

For further information visit the 'Holiday entitlement' section of the Department for Business, Innovation and Skills (BIS) website at [www.bis.gov.uk](http://www.bis.gov.uk) or visit Directgov at [www.direct.gov.uk](http://www.direct.gov.uk).

## Time off for antenatal care

All pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parentcraft classes.

## Time off for dependants

All employees are entitled to a reasonable time off work without pay, to deal with an emergency involving a dependant. For example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral.

## Time off to accompany a worker to a disciplinary or grievance hearing

Workers have the right to take paid time off during working hours to accompany fellow workers employed by the same employer to certain disciplinary and grievance hearings.

## Time off for employee representatives

Employees who act as representatives for consultation about redundancies or business transfers, or are candidates to be representatives of this kind, are entitled to reasonable time off with pay during working hours to perform these functions and to receive appropriate training.

## Time off for European Works Councils

Employees are allowed reasonable time off with pay to perform their functions as a member of a special negotiating body or a European Works Council, as an information and consultation representative or as a candidate in an election to be such a member or representative.

## Time off to accompany an employee at a flexible working hearing

Parents of children 16 and under or disabled children under the age of 18 and carers of adults have the right to apply to their employer to work more flexibly. The employer has a statutory duty to consider the request seriously and to refuse it only if there are clear business grounds for doing so. If the employer and employee meet to discuss the request at a flexible working hearing then the employee can be accompanied by a colleague – who has the right to paid time off during working hours to attend.

## Jury service

Jury service is a public duty. Unless someone is disqualified, has the right to be excused or has a valid reason for discretionary excusal then they must serve. All jurors are selected at random by computer from the electoral register. Everyone on the electoral register from the ages of 18 to 69 may be selected even if they are not eligible to serve on a jury. Some people never get called, others get called more than once. Courts can pay for loss of earnings, travel costs and a subsistence rate during jury service. An employee can make a complaint to an employment tribunal if they are dismissed or suffer detriment for taking time off for jury service.

## Statutory maternity pay

A woman is entitled to Statutory Maternity Pay (SMP) if she has been employed by her employer for a continuous period of at least 26 weeks ending with the 15th week before the expected week of childbirth, and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions. SMP can be paid for up to 39 weeks; it is payable by the employer but partly (or, for small firms, wholly) reimbursed by the state.

From April 2010 the standard rate of SMP is £124.88 a week (or 90 per cent of your average weekly earnings if this is less than £124.88 a week). For the first six weeks the rate is 90 per cent of average weekly earnings with no maximum limit. The standard rate of SMP is reviewed every April.

## Maternity leave

All pregnant employees are entitled to take 52 weeks' statutory maternity leave regardless of their length of service. This is made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML). To qualify for maternity leave, an employee must tell her employer by the end of the 15th week before the expected week of childbirth:

- that she is pregnant
- the expected week of childbirth, by means of a medical certificate if requested
- the date she intends to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.

An employer must then write to the employee, within 28 days of her notification, setting out her return date. If an employee wishes to return to work early while on maternity leave she must give her employer eight weeks' notice.

During her maternity leave (OML and AML) she is entitled to benefit from all her normal terms and conditions of employment, except for

wages or salary – for more information visit BusinessLink at [www.businesslink.gov.uk](http://www.businesslink.gov.uk) or Directgov at [www.direct.gov.uk](http://www.direct.gov.uk).

At the end of her maternity (OML or AML) she is entitled to return to her original job. If a redundancy situation arises, she must be offered a suitable alternative vacancy if one is available. During maternity leave, she may also work and be paid as usual for up to 10 'Keeping in Touch days'.

### Parental leave

Employees who have completed one year's service with their employer are entitled to 13 weeks' unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption with the employee or as soon as the employee has completed a year's service, whichever is later. It may be taken at any time up to the child's fifth birthday (or until five years after placement in the case of adoption). Parents of disabled children can take parental leave until the child's 18th birthday.

Employees remain employed while on parental leave and some terms of their contract, such as contractual notice and redundancy terms, still apply. At the end of parental leave they have the right to return to the same job as before or, if that is not practicable, a similar job which has the same or better status, terms and conditions as the old job. Where leave is taken for a period of four weeks or less, the employee is entitled to go back to the same job.

### Paternity leave

Employees who:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner and
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or the end

of the week in which the child's adopter is notified of being matched with the child

can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

This must be completed:

- within 56 days of the actual date of birth of the child, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.

The right to return to work is the same as for 'Parental leave' (see page 8).

Most employees are entitled to Statutory Paternity Pay (SPP) from their employers (see the leaflet on *Pay* in this series).

The additional paternity leave regulations 2010 came into force on 6 April 2010. The right to take up the 26 weeks additional paternity leave is available to fathers and partners of mothers of children due on or after 3 April 2011. For further information visit Business Link at [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

### **Time off for occupational pension scheme trustees and directors of trustee companies**

Employees who are trustees of an occupational pension scheme or directors of trustee companies are entitled to reasonable time off with pay to carry out any of their trustee's duties or to receive training relevant to those duties.

### **Time off work for public duties**

Employers must give employees who hold certain public positions reasonable time off to perform the duties associated with them. This provision covers offices such as justice of the peace (JP), prison

visitor, and member of a local authority, a police authority, a statutory tribunal, and certain health and education authorities. Employers do not have to pay employees for the time off taken for these public duties.

### **Time off for job hunting or to arrange training when facing redundancy**

An employee who is being made redundant is entitled to take reasonable time off with pay (but only 2/5ths of a week's pay in total, regardless of the length of time off allowed) to look for another job, or to make arrangements for training for future employment. The employee, who must have at least two years' continuous service, can take the time off within working hours while under notice.

### **Time off for safety representatives**

Safety representatives are entitled, under certain conditions, to time off with pay to carry out their functions and to undergo training.

### **Time off for study or training**

Employees aged 16 or 17 who have not achieved a certain standard in their education or training have the right to reasonable time off with pay to study or train for a relevant qualification which will help them towards that standard. Certain employees aged 18 have the right to complete study or training already begun. For more details visit the Department for Innovation, Universities and Skills (DIUS) website at [www.dius.gov.uk](http://www.dius.gov.uk).

From 6 April 2010 employees in businesses with 250 or more employees have the right to request time off work to train. This right works in a similar way to the right to request flexible working. It will be extended to cover all businesses from 6 April 2011. For more information visit the BusinessLink website at [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

## Time off work for trade union duties and activities

An employee who is an official of an independent trade union which is recognised by the employer must be allowed reasonable time off with pay during working hours to:

- carry out union duties
- consult with the employer, or receive information from the employer, about mass redundancies or business transfers; or
- undergo training for union duties (as approved by the union or by the Trades Union Congress).

An employee who is a member of an independent trade union which is recognised by the employer is also entitled to reasonable time off for certain trade union activities – for example, attending a union conference. The employer is not obliged to pay the employee for time off for these activities.

## Time off for union learning representatives

Union learning representatives are entitled to reasonable paid time off for training and for carrying out their duties. Union members are entitled to unpaid time off to consult their learning representative, as long as they belong to a bargaining unit for which the union is recognised. These rights are limited to independent unions in organisations where they are recognised for collective bargaining purposes.

## Time off under the Working Time Regulations

As well as the right to paid annual leave and a limit on the average hours a worker can be required to work (48 hours), the Working Time Regulations give other rights to time off including:

- 11 consecutive hours' rest in any 24-hour period
- an in-work rest break if the working day is longer than six hours
- one day off each week
- a limit on the normal working hours of night workers to an average eight hours in any 24-hour period, and an entitlement for night workers to receive regular health assessments.

The Regulations apply to all workers, including the majority of agency workers and freelancers.

The rights of young workers – those over the minimum school leaving age but under 18 – differ in the following ways:

- a limit of eight hours working time a day and 40 hours a week
- not to work between 10pm and 6am or between 11pm and 7am (except in certain circumstances)
- 12 hours' rest between each working day
- two days' weekly rest and a 30-minute in-work rest break when working longer than four and a half hours.

## Who has these rights?

**Most people are entitled to the statutory rights listed in this leaflet, although, in many cases, [qualifying conditions](#) must be fulfilled before a right may be claimed.** Some rights apply to all employees as soon as they start work; others depend on factors such as length of service, continuity of employment and activities in addition to the job (eg union work). For certain rights, various groups of people are excluded. Most rights apply only to employees but some apply to wider groups of workers. Always check detailed information on qualifying conditions using the links provided on the Acas website at [www.acas.org.uk](http://www.acas.org.uk).

Employers and employees are free to agree better terms than those required by legislation in their contract of employment. A contract of employment is an agreement entered into by an employer and employee under which they have certain mutual obligations – for more information visit the Department for Business, Innovation and Skills (BIS) website at [www.bis.gov.uk](http://www.bis.gov.uk).

Employers must give employees a **written statement of the main particulars of employment within two months** of the beginning of the **employment**. It should include, among other things, details of pay, hours, holidays, notice period and an additional note on disciplinary and grievance procedures.

## What happens if there is a *dispute about rights at work?*

If employers and employees have a dispute about any of the rights listed in this leaflet they have the following options:

1. **Resolve the dispute.** Employees should always try to resolve a problem or dispute with their manager or employer first. This should be through the organisation's own grievance procedure. An independent third party or mediator can also help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. Both sides can also come to Acas for advice, either from the helpline or a conciliator.

Acas also offers conciliation before a claim is made to an employment tribunal (known as Pre-Claim Conciliation). Pre-Claim Conciliation can save time, money and stress and promote a quick solution which suits the employer and employee and helps them avoid a permanent breakdown in their relationship. For more information ring the Acas helpline on 08457 47 47 47 (lines open 8am-8pm Monday to Friday and 9am-1pm Saturdays).

2. An employee can make a **complaint to an employment tribunal** if he or she believes an employment right has been denied or infringed. In most cases, people who are treated detrimentally for exercising their rights may also complain to a tribunal. Complaints

normally must be made within three months of the date of the alleged infringement – although there are exceptions (follow the links on the Acas website for details). For nearly all types of complaint, once an application is received an Acas conciliator will contact both parties to see if a settlement can be reached before the case reaches a hearing.

3. **Acas Arbitration Scheme.** For cases of alleged unfair dismissal and complaints under the right to request flexible working only, both parties can choose to have their case heard by an independent arbitrator appointed by Acas. The hearing is private, informal, non-legalistic, quick and confidential and the arbitrator's decision final. The remedies are the same as through an employment tribunal.
4. A **tribunal hearing** has various remedies and awards it can make, depending on the type of case. For example, if the tribunal decides an employee has been unfairly dismissed, the remedy could be re-instatement, re-engagement or monetary compensation, depending on the circumstances. Costs can also be awarded. A tribunal hearing is public.

# Acas Publications

*Book time with your  
Employment specialist*

Whether you need to know how to write a contract of employment, how much holiday you are entitled to or about the latest employment legislation, our range of booklets and leaflets give practical information and advice for both employers and employees on employment matters.

You can choose from our handbooks offering comprehensive guidance to the modern workplace or our Getting it Right pocket guides, providing vital checklists to help small firms run their business.

View and order online at [www.acas.org.uk/publications](http://www.acas.org.uk/publications).

Other Acas material on this subject includes:

- Acas Advisory Booklet – *Flexible working and work-life balance*
- Acas Advisory Leaflet – *Lay-offs and short-time working*
- Acas Advisory Leaflet – *Holidays and holiday pay*
- Acas Code of Practice – *Time off for trade union duties and activities*

# Acas Training

Our training is carried out by experienced Acas staff who work with businesses every day. They will show you the value to your business of following good practice in employment matters and how to avoid the common pitfalls. We also run special training sessions on new legislation.

Look at the Acas website ([www.acas.org.uk/training](http://www.acas.org.uk/training)) for up-to-date information about all our training or if you want to book a place online.

Training sessions are specially designed for smaller companies and our current programme includes:

- Managing discipline and grievances at work
- Managing absence at work
- Essential skills for supervisors
- Having difficult conversations
- Contracts of employment – how to get it right
- Employment law update.

We also have free online learning to help you – just go to [www.acas.org.uk](http://www.acas.org.uk) and click on **e-learning** to look at the topics covered.

Information in this booklet has been revised up to the date of the last reprint – see date below. For more up-to-date information check the Acas website.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

November 2010

# Helpline 08457 47 47 47

**08456 06 16 00**  
for Minicom users

**08702 42 90 90**  
Acas publications orderline

To view a full list of Acas publications  
go to [www.acas.org.uk/publications](http://www.acas.org.uk/publications)

**08457 38 37 36**  
Acas Customer Services Team who  
can provide details of services and  
training in your area or visit  
[www.acas.org.uk/training](http://www.acas.org.uk/training)

**08456 00 34 44**  
for questions on managing  
equality in the workplace

## Acas' Main Offices

- National  
London
- East Midlands  
Nottingham
- East of England  
Bury St Edmunds, Suffolk
- London
- North East  
Newcastle upon Tyne
- North West  
Manchester
- North West  
Liverpool
- Scotland  
Glasgow
- South East  
Paddock Wood, Kent
- South East  
Fleet, Hampshire
- South West  
Bristol
- West Midlands  
Birmingham
- Yorkshire and Humber  
Leeds
- Wales  
Cardiff

[www.acas.org.uk](http://www.acas.org.uk)



INVESTOR IN PEOPLE