

## Employment Fact Sheet: Time off work

The law automatically gives you rights to take time off work in certain circumstances. This time off will not always be paid. This fact sheet is about these automatic rights. Your contract of employment may give you extra rights - check it to see what extra rights you have. If you do not have a written contract of employment, you may still have extra rights which have been verbally agreed with your employer, or which have come about because of the way things are usually done in your workplace.

If you are in one of the following groups of workers, special rules may apply and you should get expert advice about your rights to take time off work:

- workers in inland waterways, lake transport and sea fishermen
- trainee doctors, members of the armed forces, police, fire-fighters and coastguards.

### Time off for holidays

Most workers are entitled to a minimum of 5.6 weeks' holiday a year. This is called **statutory holiday**. To work out how many days holiday you can take a year, you need to multiply 5.6 by the number of days you work in a week.

### Time off for public duties

If you need to take time off work because you are involved in public duties, your employer must allow you to take a reasonable amount of time off work. You will not be paid for the hours you have missed unless your contract of employment says so, and you do not have to make up the time later on. People involved in public duties include members of district councils, members of statutory tribunals, school governors, members of district policing partnerships and justices of the peace.

#### What is meant by reasonable time off work?

When deciding how much time to let you take off for public duties, your employer should take into account:

- how much time you need to take off
- how much time off you have had in the past
- the effect your time off will have on the business

## Time off for jury service

If your employer does not want to release you for jury service when you are called, you may be able to postpone your duty but will still have to do it at a later date. You may have to negotiate with your employer to find a time to do your duty that is acceptable to both of you. Your employer does not have to pay you for the time that you take off (unless your employment contract says so) but you can claim money back from the court to make up for some of your financial losses. Your employer is not legally required to allow you time off for jury service but you could be fined if you fail to attend. If your employer dismisses you for taking time off to do jury service, you may be able to make a claim for unfair dismissal to an industrial tribunal. There's a strict time limit for making a claim and you should seek advice straight away - see below.

## Time off for study or training

If you are aged 16 or 17, you are entitled to take time off work to study or train for a qualification to help you reach a certain educational standard. You should be allowed a reasonable amount of time off. It should be paid at your normal rate of pay, and does not have to be made up later on. If you are 18, you also have the right to paid time off to complete any studies or training begun before you started work.

## Time off to have a baby

Time off work to have a baby is called **maternity leave**. Most women employees have the right to take up to one year's (52 weeks') maternity leave. This does not depend on how long you have worked for your employer. You may get paid for some or all of your maternity leave, although you might not get the same rate of pay as usual. This depends on how long you've worked for your employer, how much you earn and what your employment contract says.

## Time off for fathers, partners and civil partners

If you are the father of a new born baby, you may be entitled to take up to two weeks paid leave after the birth. This is called **paternity leave**. If you are the partner or civil partner of the mother of a new born baby, you can also take paternity leave. You must have been employed by the same employer for at least 26 weeks by the end of the 15th week before the week the baby is due. This leave will be paid but may not be paid at your usual rate, depending on your contract of employment.

## Time off when you adopt a child

You may be entitled to time off work when you adopt a child. This is called **Statutory Adoption Leave (SAL)**. To qualify for SAL, you must have worked for your employer for at least 26 weeks before you are told you have been matched with your child.

Statutory adoption leave lasts for up to 52 weeks. This is made up of ordinary adoption leave, which lasts for 26 weeks, and additional adoption leave, which lasts for a further 26 weeks. If you are in a couple, only one of you may take SAL, but if your partner is taking SAL, you can take two weeks' paternity leave instead. This right applies to both heterosexual and same-sex couples. You may not be paid at your usual rate. This depends on your contract of employment.

## Time off to look after your child

If you have a child who is under five years old, you have the right to take time off work to look after them. This is called **Parental leave**. You must have worked for your employer for at least one year before you can take this leave. You can take up to 13 weeks off. The leave will not be paid unless your contract of employment says it will. If your child is disabled and 18 or younger, you can take up to 18 weeks unpaid time off work. This leave does not have to be taken all at the same time, but you should take it in one week blocks. Your employer may be able to limit you to taking no more than four weeks for each child in any one year. You will not have to make the time up later on.

## Time off for emergencies

You are entitled to take reasonable time off work to deal with unexpected problems or emergencies involving close family members, or other people who depend on you. This time off will not be paid, unless your contract of employment says it will, but you do not have to make it up later on. You can take time off, for example, when:

- someone falls ill, or is injured
- someone dies
- care arrangements for someone suddenly break down
- you need to deal with an unexpected incident involving your child at their school.

A close family member usually means a child, husband, wife, civil partner, cohabiting partner or parent. Someone who depends on you may be anyone else who lives with you (other than a lodger, tenant or boarder), or someone who relies on you, such as an elderly or disabled relative or neighbour. This right does not only apply in a sudden and unexpected emergency. It will depend on the circumstances of each case. Your employer should look at the amount of time between you becoming aware of the risk of a problem and the problem actually happening. Your employer should allow you to take the time off you feel you need to deal with the emergency. This may be only a day or two, but could be longer. If you think your employer is being unreasonable see below.

## Time off to visit the doctor or dentist

Your employer may allow you time off work to visit the doctor or dentist but they are not legally required to do so unless your contract of employment says they are. Your employer can, for example, insist that you make these visits outside work hours, that you take holiday leave or that you make the time up later on. You should check your contract of employment to see what rights you have to take time off for doctors or dental appointments.

Pregnant women, however, are allowed reasonable paid time off work for ante-natal care. This time does not need to be made up later on.

If you are disabled and your employer will not let you take time off for a medical appointment connected with your disability, they could be breaking the law. You should get help from an experienced adviser - see further help at the end of this fact sheet.

## Your employer won't let you take time off

If your employer won't let you take time off that you think you are entitled to, you could try to persuade them to change their mind. You could get help from a trade union representative if you have one, a personnel officer, or an experienced adviser (see below). If this doesn't work, you could **raise a written grievance** with your employer, and, if you need to take matters further, make a complaint to an **industrial tribunal**. You should think carefully before doing either of these things, as it might have a negative affect on your relationship with your employer, and could even put your job at risk. There are strict time limits for complaining to an industrial tribunal, and you should check that these do not run out before you make your complaint.

## Your employer dismisses you for taking time off

If you are an employee, your employer should not dismiss you for taking time off work unless they have first gone through a standard dismissal and disciplinary procedure. You are unlikely to be an employee if you are a subcontractor, freelancer or casual worker. If your employer does dismiss you for taking time off, you should talk to an experienced adviser straight away (see below). The adviser may be able to persuade your employer to take you back. If this doesn't work, you may be able to complain to an industrial tribunal. If you are dismissed because of maternity leave, you may be able to make a claim to an industrial tribunal for **unfair dismissal** and either **maternity discrimination** or **sex discrimination**.

## Time limits for making a claim to an industrial tribunal

There's a strict time limit for making a claim to an industrial tribunal. This is usually within three months from the date when the thing you are complaining about last happened. You may need to get help from an experienced adviser to make sure you don't miss the deadline.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk) or look under C in your phone book.

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