



TIME OFF FOR DEPENDANTS

The Employment Relations Act 1999 provides that an employee is entitled to be permitted to take a reasonable amount of unpaid time off which is necessary:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependant who is ill or injured;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or;
- to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her.

This is provided the employee tells the employer the reason for the absence as soon as reasonably practical and where possible how long the absence is expected to last.

Note: Except in exceptional circumstances, employees will be expected to inform their manager/supervisor in the same way and within the same time limits as for sickness absence.

The definition of “dependant” is:

- a spouse;
- a child;
- a parent;

- a person who lives in the same household as the employee, otherwise than by reason of being his, or her, employee, tenant, lodger or boarder.

Also any person who reasonably relies on the employee:

- for assistance on an occasion when the person falls ill or is injured or assaulted, or;
- to make arrangements for the provision of care in the event of illness or injury.

Notes:-

- (i) The time off is unpaid.

Managers will need to consider the relationship between these provisions and the Councils arrangements for Compassionate Leave contained in the Condition of Service Handbook. Clearly even when Compassionate Leave is not considered appropriate an employee may rely on their rights under the Act to take unpaid time off.

- (ii) The amount of time must be “reasonable”.
- (iii) Unlike Parental Leave, a child does not have to be the child of the employee, only dependent on him/her.
- (iv) The right is to time off to arrange care. It does not mean the employee has a right to take extended time off to care for a sick child.
- (v) Under National Circular 3/02 the Council will consider requests for time off for events which although foreseeable are of a serious nature such as to make the presence of the employee necessary. For example to settle an elderly relative into a care home or attend a hospital appointment or planned operation with a child or partner.