

Your rights at work

You may be one of the UK's 3 million working carers, dealing with the stresses of what might seem like two jobs - one paid, one unpaid - and meeting the needs of both. You may feel unable to disclose your caring responsibilities at work in case you are seen as less able to do your paid job. But with the right support, you can do both.

This guide aims to help you understand your rights.

What are my legal rights?

You may find that the best or only way to manage your work and caring responsibilities is to change your work arrangements. Carers now have more statutory rights at work to help balance these responsibilities. Employers may also be able to offer additional flexibility through their own policies and procedures.

Right to request flexible working

What are your legal rights around altering your working arrangements?

The right to request flexible working was first introduced in 2003 for parents of young and disabled children.

Since 30 June 2014 (Children and Families Act 2014) the right to request flexible working has been extended to all employees with 26 weeks service - the requirement to be a parent or carer has been removed. Visit the ACAS website for more information.

Flexible working could include flexi-time, home working, annualised hours, compressed hours, shift swapping, self-rostering, staggered hours, job sharing, term-time working, part-time working and flexible holidays.

Employees who have worked for their employer for at least 26 weeks can apply to make a permanent change to their terms and conditions. Only one request is allowed per year so it is important that you think carefully about your request and the potential financial implications of any change. You will have to make a written application to make a permanent change to your terms and conditions. Employers can refuse a

request, but must give good business reasons from a specific list which is set out in the law.

Although there is no legal requirement for an appeal the ACAS Code of Practice recommends that an employee should be allowed to appeal against a negative decision, and be accompanied by a work colleague or union representative at an appeal meeting.

If you are allowed to appeal and decide to go ahead, this must be considered and decided upon within the three month time limit, unless an extension has been agreed.

For more information on the right to request flexible working, along with the appeals process and a template request letter see the Requesting Flexible Working section.

Rights to time off

You have some rights to time off in an emergency and additional rights if you have children.

A right to time off in emergencies and parental leave

The Employment Rights Act 1996, as amended by the Employment Relations Act 1999, give carers rights to help them manage work and their caring responsibilities. (These laws are called the Employment Rights (Northern Ireland) Order 1996 and the Employment Relations (Northern Ireland) Order 1999 in Northern Ireland.)

A right to time off for emergencies

All employees have the right to take 'reasonable time off' to deal with an emergency involving a dependant. Whether the time off is paid or not is at the discretion of your employer. To use this right to time off, you must inform your employer as soon as possible after the emergency has happened. This right can also give you some protection from victimisation or dismissal.

A dependant includes your husband, wife or partner, child or parent, or someone living you as part of your family. Others who rely on you for help in an emergency may also qualify.

Situations where leave might be taken are:

- A disruption or breakdown in care arrangements
- When a dependant falls ill or has been assaulted or in an accident (including when the victim is hurt or upset rather than physically injured)

- To make longer term arrangements for a dependant who is ill or injured (but not to provide long term care yourself)
- To deal with an incident involving a child during school hours
- To deal with the death of a dependant.

Parental leave

Employees who have at least one year's continuous service and are responsible for a child aged under 5, or under 18 if the child receives Disability Living Allowance, are entitled to:

- 18 weeks (unpaid) parental leave per child to look after their child, or
- 18 weeks (unpaid) parental leave per child to look after their disabled child.

Leave can be taken in blocks of 1 week up to a maximum of 4 weeks leave in a year (for each child); or in one day, or multiples of a day if the leave is to care for a disabled child, again to a maximum of 4 weeks in a year. Collective or workforce agreements may allow employees to take leave in smaller blocks and/or may allow employees to take more than 4 weeks off in a year.

You may take leave at any time up to a child's fifth birthday; but for the parents of a child in receipt of Disability Living Allowance, leave may be taken any time up to the child's eighteenth birthday. For parents who have adopted a child, the leave must be taken during the 5 years from the date of placement or before the child's eighteenth birthday, whichever is the sooner.

Discrimination

You have the right to be protected from discrimination in the workplace.

Protection from discrimination

Although up until recently carers have not been directly (or explicitly) protected from discrimination in the workplace, this situation has now changed. If you are looking after someone who is elderly or disabled, the law - under the Equality Act 2010 - will protect you against direct discrimination or harassment because of your caring responsibilities. This is because you are counted as being 'associated' with someone who is protected by the law because of their age or disability.

Direct discrimination is where you are treated less favourably than someone else because you are caring for an elderly or disabled person. This could include your employer:

- refusing to offer you a job because of your caring responsibilities
- not offering you a promotion because of your caring responsibilities

The Government Equalities Office, in partnership with the British Chambers of Commerce, Citizens Advice, ACAS and the Equality and Diversity Forum, has published a series of summary guides and “quick start” guides including a guide for carers, [Equality Act 2010: What do I need to know as a carer?](#)

There is also a new [Equality Advisory Support Service](#) (EASS), which replaces the Equality and Human Rights Commission's Helpline.

The service provides information, advice and support on discrimination and human rights in England, Scotland and Wales, recognising the constitutional, legal, social and policy differences. The service is free and fully accessible by phone, email, fax, post, video link for those who wish use BSL and has access to advocacy services for those with mental ill health and people with a learning disability. Chat facilities will also be launched soon.

The service can:

- advise what the Equality Act 2010 says and how this applies to you
- advise you of options on how you may be able to resolve your issue
- advise you of options for informal resolution and guide you through this process
- assist you further, if you are unable to resolve your issue informally
- help you work out if you are eligible for civil legal aid
- provide support if you are considering making a claim yourself
- assist you in finding local sources of support.

See the Downloads section for Equality Advisory Support Service flyer which tells you more about the service below.

Beyond your rights

Many employers offer help and support beyond the basic legal requirements. Find out ways your employer might help you.

Do I have any other rights?

In addition to the statutory rights your employer must give you, they may offer more support. This will be outlined in your contract and the organisation's policies. For

example, you may be able to use leave arrangements, paid or unpaid, at the discretion of your employer to cover intensive periods of care. Some employers offer paid and/or unpaid career breaks, often after a specified period of service with them, so check your organisation's policies. Sometimes the support you need is very simple like access to a telephone or information and advice. Some examples of contractual/organisational rights that may be available are given below.

Flexible working arrangements

You could find out if your employer offers flexible working patterns to help you work and care, for example flexible starting and finishing times or compressed working hours. See the section on flexible working to find out more.

Leave arrangements

You can use leave arrangements, paid or unpaid at the discretion of your employer, to cover intensive periods of care. Find out if your employer has provisions for carers leave, or compassionate leave. If you are thinking of giving up work because of a long-term caring commitment, find out if your employer could offer you a career break, allowing you to keep your options open, ensuring that you can go back, and keeping you in touch with the world of work.

Practical support from your employer

As a working carer you are likely to need access in your workplace to information and advice, directly from your employer or through your employer signposting you to where you can get help.

Find out what information is available through your line manager, human resources (HR)/personnel department, welfare officer or occupational health advisor, trade union or staff association representative or your colleagues. Support might include an in-house information line, intranet or carers network, or access to an Employee Assistance Programme.