

All employees have certain employment rights. This fact sheet is about additional employment rights for people who care for someone because they are ill, frail or have a disability.

Flexible Working and Carer Leave

Carers have the right to request flexible working patterns to help them manage both work and their caring responsibilities. Flexible working patterns can include:

- flexible start and finish times
- distributing working hours over a year rather than a month
- job sharing or part-time working
- homeworking and teleworking
- term-time working.

You can request flexible working if you:

- are an employee and have been working for your employer for at least 26 weeks
- you have not made a previous request for flexible working in the last 12 months
- you are caring for (or expect to start caring for) a partner, parent, son, daughter, grandparent, sister, brother, aunt, uncle, or a person who fits none of these categories but lives with the carer.

Caring can include personal care, emotional support, keeping the person you care for company, helping with financial matters or paperwork and escorting the person you care for to medical appointments. You will not be asked to provide any proof of the caring relationship when you make your application, but it may help to give as much information as you can.

You will have to make a written application, and there is a set procedure that you and your employer must follow. This includes time limits for your employer to respond to your request.

Your employer can refuse your request if they have good business reasons for doing so. If your request is refused, you can appeal to your employer. If your appeal is refused, you may be able to take further action if the process was not followed correctly, proper consideration was not given to the facts of your case or you have been discriminated against in some way. If you think this is the case, seek legal advice.

Even if you do not meet the conditions above, you may still be able to request flexible working because many employers have their own flexible working policies - check with your HR or personnel department.

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 employers 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.

A right to time off for emergencies

All employees who have worked for their employer for at least a year have the right to take a 'reasonable' amount of time off work to deal with an emergency involving a dependant, such as a breakdown in care arrangements. A dependant could be your mother, father, son, daughter or partner or anyone who lives with you and is solely dependent on you. It is at the employer's discretion whether the leave is paid or unpaid.

To use this right, you must inform your employer as soon as possible after the emergency. This right can also give you some protection from victimisation and dismissal. If you think you have been treated unfavourably because of using this right, seek advice from your union or a legal adviser.

Protection from discrimination

All employees have the right to be treated equally in the workplace irrespective of their age, disability, race, religion or belief, sex or sexual orientation. Currently there is no specific protection for carers, but this may change in the near future. The European Court of Justice recently found that laws relating to discrimination of disabled people should also apply to their parents and carers, this is called 'discrimination by association'. This case now has to go back to a UK tribunal to decide if this can become part of UK law. This could give carers extra protection against discrimination in the workplace.

If you need advice about your employment rights contact your trade union or call the Community Legal Advice helpline on 0845 345 4 345. This is a free and confidential service. Or contact the Advisory, Conciliation and Arbitration Service (ACAS) on 08457 47 47 47.

If you care for a person aged 18 or over and would like advice about social security benefits contact the Carers Unit on 0115 8783569.

email	carersunit@nottsc.gov.uk
phone	0115 8783569
post	Carers Unit, West Bridgford House, Loughborough Road, West Bridgford, Nottingham, NG2 7UN.
internet	www.nottinghamshire.gov.uk/carers