

THE CODE OF PRACTICE FOR EMPLOYERS ON

REQUESTS FOR UNPAID LEAVE OR PART TIME WORK

This code of practice applies to all requests for part time work or unpaid leave, including for employees who have a statutory right to make such requests due to maternity, parental or adoption leave

How You Should Approach Requests for Part Time Work

How You and Your Employee Should Approach Requests for Additional Leave

How You Should Approach Requests for Part Time Work

The request

1. A request from an employee should be in writing and should include the following information:

i. the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect

ii. what effect, if any, they think the requested change would have on you as the employer and how, in their opinion, any such effect might be dealt with to minimise disruption to the business

What should you do with a request?

2. Once you have received a written request, you must consider it. You should arrange to talk with your employee as soon as possible after receiving their written request. If you intend to approve the request then a meeting is not needed.

3. You should allow an employee to be accompanied by a work colleague for this and any appeal discussion and the employee should be informed about this prior to the discussion.

Discuss with employee

4. You should discuss the request with your employee. It will help you get a better idea of what changes they are looking for and how they might benefit your business and the employee.

5. Wherever possible the discussion should take place in a private place where what is said will not be overheard.

Consider the request

6. You should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and your business and weighing these against any adverse business impact of implementing the changes, see 9 below. In considering the request you must not discriminate against the employee.

7. Once you have made your decision you must inform the employee of that decision as soon as possible. You should do this in writing as this can help avoid future confusion on what was decided.

8. If you accept the employee's request, or accept it with modifications, you should discuss with the employee how and when the changes might best be implemented.

9. If you reject the request it should be for one of the following business reasons:

i. the burden of additional costs

ii. an inability to reorganise work amongst existing staff

iii. an inability to recruit additional staff

iv. a detrimental impact on quality

v. a detrimental impact on performance

vi. a detrimental effect on ability to meet customer demand

vii. insufficient work for the periods the employee proposes to work

viii. a planned structural change to your business

10. If you reject the request you should allow your employee to appeal the decision. It can be helpful to allow an employee to speak with you about your decision as this may reveal new information or an omission in following a reasonable procedure when considering the application.

Deal with requests promptly

11. It is vital that all requests are dealt with as quickly as possible so that your employee knows the decision and can make the necessary arrangements for childcare etc.

12. If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, you can consider the request withdrawn. If you do so, you must inform the employee.

How You and Your Employee Should Approach Requests for Additional Leave

The request

13. A request from an employee should be in writing and should include the following information:

i. the date of their application and the additional time they are seeking

ii. what effect, if any, they think the additional leave would have on you as the employer and how, in their opinion, any such effect might be dealt with

What should you do with a request?

14. Once you have received a written request, you must consider it. You should arrange to talk with your employee as soon as possible after receiving their written request. If you intend to approve the request then a meeting is not needed. If you arrange a meeting this should be confirmed in writing

15. You should allow an employee to be accompanied by a work colleague for this and any appeal discussion and the employee should be informed about this prior to the discussion. The role of the work colleague is to support the employee. The work colleague can take an active part in the meeting but is not there to take a leading role

Discuss with employee

16. You should discuss the request with your employee. It will help you understand why additional time is needed

17. Wherever possible the discussion should take place in a private place where what is said will not be overheard.

Consider the request

18. You should consider the request carefully looking at the benefits for the employee and weigh these against any adverse business impact of implementing allowing the additional leave, see below. In considering the request you must not discriminate against the employee.

19. Once you have made your decision you must inform the employee of that decision as soon as possible. You should do this in writing as this can help avoid future confusion on what was decided.

If you reject the request it should be for one of the following business reasons:

i. the burden of additional costs

ii. an inability to reorganise work amongst existing staff

iii. an inability to recruit additional staff

iv. a detrimental impact on quality

v. a detrimental impact on performance

vi. a detrimental effect on ability to meet customer demand

vii. a planned structural change to your business

20. If you reject the request you should allow your employee to appeal the decision. It can be helpful to allow an employee to speak with you about your decision as this may reveal new information or an omission in following a reasonable procedure when considering the application.

Deal with requests promptly

21. It is vital that all requests are dealt with as quickly as possible so that your employee knows the decision and can make any necessary arrangements for childcare etc.

22. If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, you can consider the request withdrawn. If you do so, you must inform the employee in writing.