



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART 8A

#### FLEXIBLE WORKING

#### [<sup>F1</sup>80F Statutory right to request contract variation

- (1) A qualifying employee may apply to his employer for a change in his terms and conditions of employment if—
  - (a) the change relates to—
    - (i) the hours he is required to work,
    - (ii) the times when he is required to work,
    - (iii) where, as between his home and a place of business of his employer, he is required to work, or
    - (iv) such other aspect of his terms and conditions of employment as the Secretary of State may specify by regulations, <sup>F2</sup> ...
  - <sup>F3</sup>(b) .....
- (2) An application under this section must—
  - (a) state that it is such an application, [<sup>F4</sup>and]
  - (b) specify the change applied for and the date on which it is proposed the change should become effective, <sup>F5</sup> ...
  - <sup>F5</sup>(c) .....
  - <sup>F6</sup>(d) .....
- (3) <sup>F7</sup> .....
- [<sup>F8</sup>(4) An employee may not—
  - (a) make more than two applications under this section to the same employer during any period of 12 months;
  - (b) make an application under this section to an employer if another such application to the same employer is proceeding.

---

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Employment Rights Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

(4A) For the purposes of this section an application is “proceeding” during any of these periods—

- (a) the period—
  - (i) beginning when the application is made, and
  - (ii) ending when the application is concluded;
- (b) any period—
  - (i) beginning when an appeal against a decision to refuse the application is brought, and
  - (ii) ending when the appeal is concluded;
- (c) any period—
  - (i) beginning when, in accordance with section 80G(1C)(b), the decision period for an application or appeal is extended with retrospective effect, and
  - (ii) ending when the application or appeal is concluded.

(4B) For the purposes of this section an application or appeal is “concluded” when any of these events occurs—

- (a) a decision is made on the application or appeal under section 80G;
- (b) the application or appeal is withdrawn;
- (c) the application or appeal is disposed of by agreement;
- (d) the decision period specified in section 80G for the application or appeal ends without a decision, withdrawal or agreed disposal.]

(5) The Secretary of State may by regulations make provision about—

- (a) the form of applications under this section, and
- (b) when such an application is to be taken as made.

(6) <sup>F7</sup> .....

(7) <sup>F7</sup> .....

(8) For the purposes of this section, an employee is—

- (a) a qualifying employee if he—
  - (i) satisfies such conditions as to duration of employment as the Secretary of State may specify by regulations, and
  - (ii) is not an agency worker [<sup>F9</sup>(other than an agency worker who is returning to work from a period of parental leave under regulations under section 76)];
- (b) an agency worker if he is supplied by a person (“ the agent ”) to do work for another (“ the principal ”) under a contract or other arrangement made between the agent and the principal.

<sup>F10</sup>(9) [ Regulations under this section may make different provision for different cases.

<sup>F11</sup>( 10 ) .....]]

**Textual Amendments**

**F1** Pt. 8A inserted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), s. 47(2); S.I. 2002/2866, art. 2(3), Sch. 1 Pt. 3

---

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Employment Rights Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- F2** Word in s. 80F(1)(a)(iv) repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 131(2)(a)**, 139(6); S.I. 2014/1640, art. 3(1)(k) (with art. 10)
- F3** S. 80F(1)(b) repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 131(1)**, 139(6); S.I. 2014/1640, art. 3(1)(k) (with art. 10)
- F4** Word in s. 80F(2)(a) inserted (6.4.2024) by [Employment Relations \(Flexible Working\) Act 2023 \(c. 33\)](#), **ss. 1(2)(a)**, 2(2) (with s. 1(7)); S.I. 2024/438, reg. 2
- F5** S. 80F(2)(c) and word omitted (6.4.2024) by virtue of [Employment Relations \(Flexible Working\) Act 2023 \(c. 33\)](#), **ss. 1(2)(b)**, 2(2) (with s. 1(7)); S.I. 2024/438, reg. 2
- F6** S. 80F(2)(d) and word preceding it repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 131(2)(c)**, 139(6); S.I. 2014/1640, art. 3(1)(k) (with art. 10)
- F7** S. 80F(3)(6)(7) repealed (6.4.2007) by [Work and Families Act 2006 \(c. 18\)](#), ss. 12(4), 15, 19, **Sch. 2**; S.I. 2006/1682, **art. 4**
- F8** S. 80F(4)-(4B) substituted for s. 80F(4) (6.4.2024) by [Employment Relations \(Flexible Working\) Act 2023 \(c. 33\)](#), **ss. 1(3)**, 2(2) (with s. 1(7)); S.I. 2024/438, reg. 2
- F9** Words in s. 80F(8)(a)(ii) inserted (8.3.2013) by [The Parental Leave \(EU Directive\) Regulations 2013 \(S.I. 2013/283\)](#), regs. 1, 2
- F10** S. 80F(9)(10) inserted (6.4.2007) by [Work and Families Act 2006 \(c. 18\)](#), **ss. 12(5)**, 19; S.I. 2006/1682, **art. 4(a)**
- F11** S. 80F(10) repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 131(2)(d)**, 139(6); S.I. 2014/1640, art. 3(1)(k) (with art. 10)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Employment Rights Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 80F(2)(a) word inserted by [2023 c. 46 Sch. para. 8\(2\)\(a\)](#)
- s. 80F(2)(c) and word omitted by [2023 c. 46 Sch. para. 8\(2\)\(b\)](#)
- s. 80F(4) substituted by [2023 c. 46 Sch. para. 8\(3\)](#)
- s. 80F(4) substituted for s. 80F(4)-(4B) by [2023 c. 46 Sch. para. 22\(3\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 163(6) inserted by [2022 c. 35 Sch. 5 para. 27](#)

- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18