

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Time Off Work: Ante-Natal Care Etc

Section 127: Time off work to accompany to ante-natal appointments

643. *Subsection (1)* inserts new sections 57ZE to 57ZI in the Employment Rights Act 1996 (ERA) and *subsection (2)* amends sections 47C, 99 and 225 of the ERA.
644. New section 57ZE creates a right for an employee to take time off during working hours to accompany a pregnant woman to an ante-natal appointment made on the advice of a designated health care professional. The right is available to:
- The husband, civil partner or partner of the pregnant woman;
 - The father or parent of the pregnant woman's expected child; and
 - An intended parent in a surrogacy situation who meets specified conditions.
645. The right to take time off under section 57ZE can be exercised on up to two occasions for a maximum of six and a half hours on each occasion. An employee is not entitled to take time off unless the employee gives the employer (if the employer so requests) a declaration in the specified form.
646. New section 57ZF provides that an employee who is unreasonably refused time off by an employer may present a complaint to an employment tribunal within the designated time limits. If the complaint is substantiated, the tribunal must make an order to this effect and must award compensation of twice the hourly salary of the employee for the period of absence.
647. New section 57ZG creates a right for certain agency workers to take time off during working hours to accompany a pregnant woman to an ante-natal appointment made on the advice of a designated health care professional. The right is available to:
- The husband, civil partner or partner of the pregnant woman;
 - The father or parent of the pregnant woman's expected child; and
 - An intended parent in a surrogacy situation who meets specified conditions.
648. The right to take time off under section 57ZG can be exercised on up to two occasions for a maximum of six and a half hours on each occasion. An agency worker is not entitled to take time off unless the agency worker gives the temporary work agency or hirer (if either of them so request) a declaration in the specified form.
649. New section 57ZH provides that an agency worker unreasonably refused time off by the temporary work agency, the hirer, or both, may present a complaint to an employment tribunal within the designated time limits. If the complaint is substantiated, the tribunal must make an order to this effect and must award compensation of twice the hourly

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

salary of the agency worker for the period of absence. Where both the temporary work agency and hirer have unreasonably refused time off, the tribunal can apportion the compensation according to each party's relative fault.

650. New section 57ZI sets out which agency workers have the right to time off under section 57ZG.
651. *Subsection (2)(a) and (b)* amend sections 47C and 99 of the ERA to give an employee a right not to be subjected to a detriment and a right not to be unfairly dismissed, as a result of exercising or proposing to exercise a right to time off work to accompany a pregnant woman to an ante-natal appointment. A similar right for an agency worker not to be subjected to a detriment is created in section 129.
652. *Subsection (2)(c)* amends section 225 of the ERA to provide that the calculation date to be used for determining a week's pay for an employee is the date of the appointment in question.