

# dohr:

*Making the workplace a better place to be*  
with Donna Obstfeld (Chartered FCIPD)



## TAKING TIME OFF FROM WORK

## YOUR QUESTIONS ANSWERED

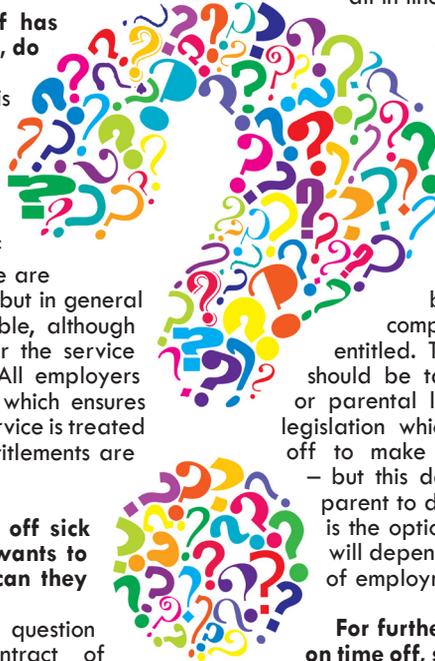
but legally there is nothing stopping an employee requesting their sick time (which may be unpaid) as annual leave, which is paid. The employer cannot force this switch of sick leave to holiday leave on employees, as employees are entitled to sick pay / leave and to their full annual leave entitlement – all in line with their contractual terms.

**Q A member of my staff has been called for Jury service, do I have to let them go?**

In general, the answer is yes. Unless the employee is in an absolutely critical role, they are required by law to serve and as their employer you could be held in contempt of court if you fail to let them go. There are some exceptions to this rule, but in general Jury service is non negotiable, although it may be possible to defer the service i.e. to a less busy period. All employers should have a clear policy which ensures employees know how Jury service is treated and how pay and leave entitlements are affected.

**Q An employee has been off sick for a few days and now wants to take the time as holiday, can they do that?**

Our first answer to this question is "what does your contract of employment say?". If you forbid sick time being converted, then the answer will be no,



**Q An employee has had time off sick, but on return to work, I have discovered it was their child who was sick, what can I do?**

This is always a difficult situation to deal with, especially if you pay sick leave. An employee is in effect committing fraud by taking money from the company to which they are not entitled. Time off to care for children should be taken as annual leave (paid) or parental leave (unpaid). There is also legislation which provides emergency time off to make arrangements for childcare – but this does not usually allow for the parent to do the caring. Of course, there is the option of unpaid time off, but this will depend on your policy and contracts of employment.

**For further information and guidance on time off, sick leave and parental leave please contact DOHR on 01923 504100 or email [enquiries@dohr.co.uk](mailto:enquiries@dohr.co.uk)**

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