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# Comparative Chart of “Right-to-Ask” Laws in the U.S. and Abroad

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**Comparative Chart of “Right-to-Ask” Laws in the U.S. and Abroad**

	<u><b>UNITED KINGDOM</b></u>	<u><b>TITLE VII</b></u>	<u><b>ADA</b></u>	<u><b>NEW SOUTH WALES</b></u>	<u><b>NETHERLANDS</b></u>	<u><b>GERMANY</b></u>
<b>RIGHT PROVIDED</b>	Right of parents to request flexible work hours (Right to change number of hours, timing of hours, work from home)	Right to reasonable accommodations for religious practices (including voluntary “swaps,” flexible schedules, lateral transfer or change of assignment)	Right to reasonable accommodations for disabilities (including flexible schedules, part-time work, and telecommuting)	Right to have reasonable accommodations made (including flexible hours, work-from-home, part-time, and job-share)	Right to reduce or extend hours	Right to reduce hours
<b>COVERED EMPLOYERS</b>	All	15 or more employees	15 or more employees	More than 5 employees (excluding domestic workplaces)	10 or more employees	15 or more employees
<b>ELIGIBLE EMPLOYEES</b>	Employee: (1) has a child younger than age 6 yrs (or younger than 18 yrs if child is disabled); (2) is continuously employed for <b>26 wks</b> ; (3) is the mother, father, domestic partner of mother or father, legal guardian (or married to same) of the child; <u>and</u> (4) has responsibility for child’s upbringing and is making the request in order to care for the child	All employees (defined as “an individual employed by an employer”)	“Qualified individuals with disabilities”  (has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment – and is able to perform the essential functions of the job, with or without reasonable accommodation)	Employee who is <b>responsible to care for or support:</b> any child or step child (whether or not under age 18) if child is wholly or substantially dependent on employee or in need of care or support; or any child or adult in need of care or support if employee is guardian or has parental responsibility; or any immediate family member in need of care or support, including spouse, grandchild, parent, brother or sister (and including step-relatives, relatives of employee’s spouse, half-siblings, relatives by adoption, and relatives by de facto relationship)	Worked for employer for <b>12 mos.</b> prior to request	Worked for employer for <b>6 mos.</b> prior to request
<b>FORM OF REQUEST</b>	In writing (must include requested change, proposed effective date, relationship to child, prediction of effect of change on employer and how such effect might be handled)	Not specified in law	Request by employee (does not have to be in writing); “Interactive Process” (employer and employee should engage in an informal and good faith search for a reasonable accommodation)	Not specified in law	In writing (including intended # of hrs/week, distribution of hrs over week, date to take effect)	No explicit writing requirement, but it is presumed
<b>TIMING OF REQUEST</b>	Must be made at least 14 days before child’s 6th birthday (or 18 <sup>th</sup> birthday in the case of a disabled child); employee limited to making one request every <b>12 months</b>	Not specified in law	Not specified in law	Not specified in law	<b>4 mos.</b> in advance (limited to one request every <b>24 mos.</b> )	<b>3 mos.</b> in advance (limited to one request every <b>24 mos.</b> )
<b>TIME ALLOWED FOR EMPLOYER’S RESPONSE</b>	Employer must meet to discuss employee’s application within <b>28 days</b> and must respond to request within <b>14 days</b> of that meeting	Not specified in law	An employer should respond expeditiously; “unnecessary delays” can result in a violation of the ADA	Not specified in law	At least <b>1 mo.</b> prior to proposed start date	At least <b>1 mo.</b> prior to proposed start date
<b>STANDARD FOR DENIAL</b>	One of the enumerated “business justifications”	“Undue hardship” (anything more than a “de minimis” loss in wages or efficiency)	Not “reasonable” (court created interpretation); “undue hardship” (“significant difficulty or expense”)	Not “reasonable” under the circumstances (court created standard); “unjustifiable hardship”	“Serious business reasons”	“Business reasons”