

'Time to grieve': case for statutory miscarriage bereavement leave is 'overwhelming'

12 months ago



New employment laws must include bereavement leave for those who miscarry during pregnancy, a new report by the [Women and Equalities Committee](#) (WEC) has said.

A period of paid leave "should be available to all women and partners who experience a pre-24-week pregnancy loss", it concluded, adding: "the case for a minimum standard in law is overwhelming".

The report's central recommendation announced the Committee's intention to table amendments to the Government's flagship Employment Rights Bill in the name of WEC's Chair Labour MP Sarah Owen and called on Ministers to support or adopt them.

Such a law change would bring things in line with existing provision for baby loss after 24 weeks. The report found clear evidence that the impacts pre and post 24 weeks are very similarly felt as bereavement. Currently there is no statutory acknowledgement of the grief many women and their partners will feel after a pre-24-week pregnancy loss and the effects this may have on their working lives, it said.

MPs on the cross-party committee raised concerns that recent progress towards recognising the grief of women and their families who experience pre-24 week pregnancy losses, while welcome "does not go far enough".

Outlining the scale of the issue, the report undertaken as part of the Committee's Equality at work inquiry, cited data estimating that more than one in five pregnancies end before 24 weeks, adding that about one in five women will experience a miscarriage in their reproductive lifetime.

The physical and emotional impacts of pregnancy loss, the report noted, can be severe and comparable to other forms of bereavement, with partners of women who experience a loss also likely to experience it as a bereavement, while being a vital source of support as their partners recover.

Sick leave, it concluded, is an “inappropriate and inadequate” form of employer support in the aftermath of a miscarriage or pregnancy loss as it does not afford women adequate confidentiality or dignity and puts them at high risk of employment discrimination.

The low rate of Statutory Sick Pay, it added, means that many women and their partners simply cannot afford to take the time off they need, putting their wellbeing and future work prospects at risk.

The report found that, while there has been good progress among employers in recent years in acknowledging miscarriage as a bereavement and incremental improvements, “substantial gaps in employer-led provision remain”.

It cited examples showing an increasing number of employers are establishing excellent pregnancy loss policies, including generous and flexible periods of paid leave for women and partners. The benefits, for employees and employers, of a generous and flexible approach are clear and far outweigh the minimal costs of establishing such schemes, the report concluded, but added such schemes are not always sufficiently well promoted.

MPs recommended the Government should work with organisations including the Chartered Institute for Personnel and Development, the Advisory, Conciliation and Arbitration Service (Acas) and the Trades Union Congress, to promote the benefits of generous and flexible pre-24-week pregnancy loss leave policies and strengthen guidance to ensure that, where such policies are in place, managers, employees, and prospective employees are aware of them.

The Committee’s proposed amendments to the Employment Rights Bill seek to extend the same entitlements to statutory parental bereavement leave and pay as are currently available to parents bereaved by the loss of children and stillborn babies, to employees who experience pre-24-week pregnancy losses.

This would include those who experience miscarriage, ectopic pregnancy, molar pregnancy, in vitro fertilisation embryo transfer loss, and terminations for medical reasons.

Chair comment

Chair of the Women and Equalities Committee and Labour MP Sarah Owen said: “Miscarriages and pregnancy losses can be devastating for women and their families with both emotional and physical consequences. As the data shows, such experiences are sadly not uncommon and yet current legislation has not caught up with this stark reality.

“I was not prepared for the shock of miscarrying at work during my first pregnancy. Like many women, I legally had to take sick leave. But I was grief stricken, not sick, harbouring a deep sense of loss.

“The Committee’s report found many private sector employers, plus the NHS, the largest public sector employer of women, are successfully offering paid bereavement leave for those who miscarry, but provision is not universal.



"The case for a minimum standard in law is overwhelming. A period of paid leave should be available to all women and partners who experience a pre-24-week pregnancy loss. It's time to include bereavement leave for workers who miscarry in new employment rights laws."

"WEC is calling on the Government to support our amendments, or bring forward its own, to ensure that all those who experience the physical and emotional pain and grief of pregnancy and baby loss are able to access the support they need."