

## Model pregnancy loss policy

It is crucial that staff members who experience pregnancy loss are dealt with sympathetically in the workplace. It should be recognised that such a loss at whatever stage in the pregnancy can severely affect individuals.

But women who miscarry before 24 weeks of pregnancy are only entitled to compassionate leave and, if appropriate, to sick leave, even though pregnancy loss at any time can be an emotionally traumatic experience.

The employer should count any sick leave related to a pregnancy loss such as through miscarriage, ectopic pregnancy or abortion as pregnancy-related and therefore it should be noted separately from other sickness absence and not count towards any trigger points. The employer should not use it against employees, for example, for disciplinary or redundancy purposes.

After any pregnancy loss, the employer should ideally provide special leave or compassionate leave to support both the woman and her partner.

[Case Study](https://www.socialpartnershipforum.org/case-studies/employer-heart-pregnancy-loss-policy-partnership-trade-union-colleagues) – developing a pregnancy loss policy

Birmingham Women's and Children's NHS Trust worked with trade union representatives including from UNISON, to develop and launch an innovative policy offering additional paid leave to parents who lose their babies - the first of its kind in the NHS and UK public sector.

The trust is a UK fertility centre and supports 2,000 families each year through the tragedy of pregnancy loss. The trust has an 82% female workforce and has observed a rapid increase in turnover. Pregnancy loss has a serious impact on individuals and can lead to long term absence and mental health conditions, including PTSD. The trust wanted to tackle the taboo of talking about a baby dying, and their trade unions wanted to support their members and work in partnership to shine a light on this hidden grief.

The trust took the following actions:

* researched other organisations worldwide to see what they were doing for colleagues who suffer a miscarriage
* used this learning to draft changes to their parental leave policy, proposing ten additional days paid leave for mothers and five additional paid days for partners following baby loss
* signed [The Smallest Things Charter](https://www.thesmallestthings.org/), which offers parents of premature babies additional paid leave
* worked with their joint consultative and negotiation committee to develop the trust’s new policy
* got the support of finance colleagues by highlighting the impact of baby loss on sickness absence and turnover
* engaged clinical colleagues with the evidence from [Tommy’s](https://www.tommys.org/) charity to support the business case.

However, it is worth remembering, as [Ros Bragg, Director of Maternity Action](https://maternityaction.org.uk/2021/05/supporting-working-women-who-experience-miscarriage/) warns “Women are well-aware of the high levels of discrimination and unfair treatment meted out to mothers at work and are very cautious about disclosing their pregnancies as a result. Until the government takes action to reduce the incidence of discrimination, many women who miscarry will be too fearful to disclose their circumstances, even where designated leave is available.”

**The following model policy can be used in the workplace to help support parents.**

Please note that the text in square brackets ***[…]*** indicates where you need to complete information specific to your workplace, or elseare notes for you to consider in relation to your negotiations.

### Policy Statement

***[Name of employer]*** aims to facilitate an open, understanding working environment.

***[Name of employer]*** is committed to supporting anyone experiencing pregnancy loss, including (but not limited to):

* Miscarriage: the spontaneous loss of pregnancy until 24 weeks of gestation
* Stillbirth: the loss of a baby after 24 weeks, before or during birth.
* Abortion: a medical or surgical procedure to end a pregnancy.
* Ectopic pregnancy: when a fertilised egg implants and grows outside of the uterus.
* Molar pregnancy: a rare form of pregnancy in which a non-viable fertilised egg implants in the uterus and will fail to reach full term
* Neonatal loss: the loss of a baby within the first 28 days after they are born, often caused by premature births or genetic disorders.

The policy covers topics and issues that some staff members may find difficult or upsetting. You may have experienced your own pregnancy loss or be an expectant parent managing someone that has experienced a loss. If this is the case, you may need to speak to HR or your own line manager for advice or to direct you to the relevant part of the guidance.

### Scope of policy

This policy applies to all staff who are employed at ***[name of employer]*** including part-time and temporary workers, regardless of hours worked or length of service ***[this could be negotiated in line with good practice employers].***

This policy is supported by and developed with the trade unions representing the employees.

### Responsibilities of managers – general principles

Line managers should ensure that all employees are aware of this policy and understand their own and the employer’s responsibilities. Training on issues affecting parents will be provided to all managers.

Line managers (with the support of HR where requested) should discuss support options available for employees experiencing pregnancy loss and encourage them to access the support offered.

Line managers will consider all requests for support sympathetically and will not discriminate against those employees who are experiencing pregnancy loss. All employees must be treated fairly and consistently. Employees need to be confident that they will not be treated less favourably if they take up any support available.

All requests for support for staff experiencing pregnancy loss must be dealt with confidentially and in accordance with the data protection policy.

Line managers will support employees in informing their colleagues about the situation if appropriate.

***[Name of employer]*** will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

### If the loss occurs at work

A pregnancy loss may happen at work. Managers may not be aware that an employee is pregnant: she is not obliged to tell her manager of her pregnancy until 15 weeks before her estimated due date, or as soon as is reasonably practicable after then (approximately 6 months pregnant).

If an employee suspects that she has started to lose her baby she may have bleeding, severe abdominal pain, and may be faint or collapse. She may be very distressed and panicked, embarrassed and frightened.

Managers can help by ensuring that the employee has very quick access to a toilet, and if required, calling her preferred contact or colleague to assist her in getting home or to hospital or a first aid room. In severe cases, you may need to call an ambulance.

If a woman’s partner, relative or close friend is told of the loss while at work, they may need to leave at short notice to provide practical and emotional support.

### Responsibilities of all employees – general principles

***[Name of employer]*** encourage employees to inform their line manager that they are experiencing pregnancy loss at an early stage to ensure that the necessary support can be arranged.

Employees who do not initially feel comfortable discussing the issue with their direct line manager may find it helpful to have a confidential conversation with ***[such as a named person within HR with appropriate training.]***

***[Name of employer]*** encourages employees to speak to their GP when they are experiencing pregnancy loss and to get appropriate medical support.

Employees should report any instances of harassment, victimisation or discrimination experienced because of their pregnancy loss.

If an employee is found to have harassed, victimised or discriminated against another employee in relation to their pregnancy loss, then they will be seen as having committed a disciplinary offence.

### Pregnancy loss leave and pay

All employees who have been affected by a pregnancy loss (including partners and partners of the primary carers in surrogacy arrangements and have acquired or intend to acquire legal parenthood for the child and have parental responsibility through a parental order) are entitled to a minimum of two weeks’ leave on full pay.

If employees continue to be sick after the pregnancy loss leave has ended, ***[name of employer]***’s normal sickness policy applies. However any sick leave related to pregnancy loss will be noted as pregnancy-related separately from other sickness absence and will not be used in relation to any disciplinary or capability procedures.

### Stillbirth

Mothers whose babies are stillborn after the 24th week of pregnancy still qualify for all maternity rights. More details to be found in the **‘Maternity leave and pay policy’ at *[include a link or signpost to the appropriate policy].***

Fathers, partners or nominated carers of expectant mothers at the time of the birth (or shortly after), or partners of the primary carers in surrogacy arrangements and have acquired or intend to acquire legal parenthood for the child and have parental responsibility through a parental order but whose babies are stillborn after the 24th week of pregnancy still qualify for all maternity support (paternity) rights. More details to be found in the **‘Maternity support leave and pay policy’ at *[include a link or signpost to the appropriate policy].***

### Redundancy during pregnancy loss leave or during maternity leave or on return to work:

If an employee’s job is made redundant during their pregnancy (once they have informed their employer), during their pregnancy loss leave, or during their maternity leave until 18 months after the stillbirth occurred, they will be entitled to a similar job on no less favourable terms and conditions, if one is available.

The employee will be given priority over other employees if the vacancy is suitable, without having to go through a competitive process such as a competitive interview.  Otherwise, the normal redundancy policy applies.

***[The redundancy protection is extended to pregnant women as well as new parents or those affected by a pregnancy loss returning to work from a relevant form of leave, as from 6 April 2024 under the ‘***[***Protection from Redundancy (Pregnancy and Family Leave) Act***](https://bills.parliament.uk/bills/3191)***’.]***

### Other support available

Employees are entitled to paid time off to attend medical appointments (or to accompany their partners) relating to pregnancy loss.

Confidential support is also available for individual employees from the **employee assistance programme** and this may include counselling if appropriate, in addition to practical information and advice. ***[include a link or signpost to further information.]***

It is recognised that in any future pregnancy, additional scans and monitoring may be required and this will be accommodated. Requests by partners for additional time off to attend further scans or other antenatal appointments will also be accommodated wherever possible.

Further details on attending antenatal care appointments can be found in the **‘Maternity leave and pay policy’ at *[include a link or signpost to the appropriate policy]*,** and for partners of pregnant women in the **‘Maternity support leave and pay policy’ at *[include a link or signpost to the appropriate policy].***

### Trade union involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this policy.

Union reps will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

### Review and monitoring

***[Name of employer]*** will ensure that all new employees, supervisors and managers will receive induction on the policy.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in ***[name of employer]*’s** offices and through the staff intranet ***[amend as appropriate to your workplace].***

This policy will be reviewed jointly by unions and management, on a regular basis.

### Further information

The Miscarriage Association

[www.miscarriageassociation.org.uk/](http://www.miscarriageassociation.org.uk/)

SANDS

[www.sands.org.uk](http://www.sands.org.uk)

The leading stillbirth and neonatal death charity in the UK.

Tommy’s

[www.tommys.org](http://www.tommys.org)

Provides trusted pregnancy and baby loss information and support.

Petals

<https://petalscharity.org/>

The baby loss counselling charity.

Arc

[www.arc-uk.org/](http://www.arc-uk.org/)

Providing non-directive information and support before, during and after antenatal screening.

Ectopic Pregnancy Trust

[www.ectopic.org.uk](http://www.ectopic.org.uk)

Providing information, education, and support to those affected by ectopic pregnancy

### Signatories

This agreement is made between ***[name of the employer]*** and UNISON, a registered trade union.

This agreement comes into force on:

Date:………………………………..

This agreement will be reviewed on:

Date:………………………………..

SIGNED ……………………………. for ***[name of the employer]***

Date ………………………………..

SIGNED …………………………….. for UNISON

Date ………………………………..