

Women and Equalities Committee



**Equality at work:
Miscarriage and
bereavement leave:
Government Response**

First Special Report of Session 2024–25

HC 803

Women and Equalities Committee

The Women and Equalities Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Government Equalities Office and its associated public bodies.

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First Special Report

The Women and Equalities Committee published its Second Report of Session 2024–25, [Equality at work: Miscarriage and bereavement leave](#) (HC 335) on 15 January 2025. The Government’s response was received on 19 March 2025 and is appended below.

Appendix: Government Response

Introduction

We are grateful to the Women & Equalities Committee (the Committee) for their recent inquiry into the experiences of women and their partners who experience a pre-24-week pregnancy loss. The Government is pleased to have the opportunity to respond to their conclusions and recommendations. The report highlights the impact of pregnancy loss on women and their partners, including their physical and mental health. The Government expects good employers to be compassionate in these circumstances and to respond to their employees’ needs in a sensitive way.

Summary of recommendations

On 15 January 2025, the Committee published a report following their inquiry into miscarriage and bereavement leave. This inquiry included examining the case for extending the bereavement leave measures in the Employment Rights Bill to also provide for those who suffer pregnancy loss before 24 weeks. The Committee put forward several recommendations to address the impact of miscarriage and bereavement on individuals and families. The central recommendation of the report is to introduce a statutory bereavement leave entitlement for miscarriages and pregnancy losses before 24 weeks of pregnancy. The Committee proposed amendments to the Employment Rights Bill to extend the statutory parental bereavement leave scheme, currently available to parents bereaved by the loss of

children up to the age of 18 and stillbirths (from 24 weeks), to employees who experience pre-24-week pregnancy losses. This would entitle employees affected by pre-24-week pregnancy loss to two weeks of leave.

Other conclusions in the report were about the current support available and recommending that the Government should work with organisations to promote the benefits of generous and flexible pre-24-week pregnancy loss leave policies and strengthen guidance, so managers and employees are aware of them.

We will address the Committee's recommendations throughout the report below.

Existing Legal Framework

There are existing entitlements and protections available to those who experience pregnancy loss.

Employees may be eligible for statutory parental bereavement leave and pay if they or their partner lose a child from 24 weeks of completed pregnancy (a stillbirth) up to the age of 18, provided they meet certain eligibility criteria. This entitlement provides up to two weeks of paid leave, which can be taken together or separately, within 56 weeks of the child's death.

In a case where a child is stillborn after 24 weeks of pregnancy, employee parents may also be entitled to statutory maternity, paternity and shared parental leave and pay provided they meet certain eligibility criteria.

Employees are also entitled to take reasonable time off work to deal with an emergency involving a dependent (also known as Time off for dependents). A dependent can be a spouse, partner, child, grandchild, parent, or someone who relies on the employee for care. An employer must not treat their employee unfairly for taking time off or refuse reasonable time off in these circumstances.

Under the Equality Act 2010 a woman is protected against discrimination in the workplace that arises because of her pregnancy, any illness related to her pregnancy, or absence because of that illness; including miscarriage. This protection extends two weeks after the end of the pregnancy. After this period, a woman is still protected by the Equality Act 2010's sex discrimination protections if she is treated less favourably because she suffered a miscarriage.

Additionally, the Employment Rights Act 1996 also provides special protection for pregnant employees and new parents in redundancy situations. The redundancy protected period starts when an employee informs their employer of their pregnancy and extends until 18 months after

the birth of the baby. This ensures new mothers have additional protection from redundancy even after returning from maternity leave and also requires employers to offer suitable alternative vacancies if available.

The Government recognises the points made by the Committee that these existing entitlements may not provide adequate support for parents who experience pre-24 week pregnancy loss.

Government response to the Women and Equalities Committee's conclusions and recommendations

The Committee came to three conclusions and two recommendations. The Government has carefully considered these and addressed each one in turn.

Conclusion One

Recent progress towards recognising the grief of women and their families who experience pre-24-week pregnancy losses is welcome, but a baby loss certificate does not go far enough, and it should be backed up by statutory support. The physical and emotional impacts can be severe and comparable to other forms of bereavement. Partners of women who experience a loss are also likely to experience it as a bereavement and are a vital source of support as their partners recover.

Government response

This Government recognises that experiencing a miscarriage or pregnancy loss can be an extremely difficult time and we are determined to make sure all families receive safe, personalised and compassionate care.

We acknowledge that more can be done to support parents who experience pregnancy loss before 24 weeks, which is why during the Report Stage debate on the Employment Rights Bill, the Government accepted the principle of bereavement leave for pregnancy loss. The Department of Business and Trade looks forward to further discussions with the Committee regarding the introduction of a statutory entitlement for such leave as the Bill moves to the House of Lords.

We recognise the impact that grief from a pregnancy loss can have on women and their partners and why it is important they receive appropriate support.

The Pregnancy Loss Review (published in July 2023), looked at how to improve the care and support for women and their families when experiencing a pre-24 week gestation baby loss and made 73 recommendations. The Government will ensure that we listen to women and their families, and learn lessons from recent inquiries and investigations, including this report. Following a recommendation made in the report, in

February 2024, the Department for Health and Social Care launched the Baby Loss Certificate service as an additional way to acknowledge the grief that women and their partners experience when facing a pre-24-week pregnancy loss. This service allows those who have experienced a baby or pregnancy loss to record their loss and receive a certificate to provide recognition of their loss if they wish to do so. This is a voluntary scheme, and certificates are free and optional for all parents who have experienced any loss under 24 weeks gestation (or pre-28 week baby loss for losses prior to October 1992), are at least 16 years of age, and live in England.

Additionally, many NHS Trusts have introduced specialist bereavement midwives who are trained to care for and support parents and families who have suffered the loss of their baby. Bereavement standards are similarly in place to support in such scenarios. For example, The National Bereavement Care Pathway (NBCP) is a set of standards and guidance that trusts should follow when a patient has suffered a pregnancy or baby loss, with the aim of ensuring that all bereaved parents are offered equal, high quality, individualised, safe and sensitive care. As of June 2024, all NHS England Trusts have signed up to the NBCP. As of November 2024, maternal mental health services have been set up in 41 out of 42 integrated care system areas of England, with the final one being supported to be operational as soon as possible, to provide care for women with moderate/severe or complex mental health difficulties arising from birth trauma or loss.

Many public sector organisations are showing commitment to supporting staff through pregnancy loss. The Civil Service has implemented guidance on miscarriage to support departments, which includes offering counselling and advice from Employee Assistance Programmes, sick and special leave, flexible working hours and arrangements for supporting partners as well as advice to managers to enable them to help their team member during this difficult time. The Department of Health and Social Care has signed the 'Pregnancy Loss Pledge' signalling the department's public commitment to supporting staff through pregnancy loss. Additionally, NHS England published a new national policy framework, in May 2024, entitling NHS staff who experience a miscarriage in the first 24 weeks of pregnancy up to 10 days additional paid leave and up to 5 days paid leave for their partners. The new guidance supports NHS employers to provide their employees, managers and colleagues with advice on how to support people affected by baby loss, including ensuring staff who return from work after their pregnancy loss are offered occupational health support which may include referrals to specialist services at their trust, or specialist miscarriage and baby loss charities and organisations.

Conclusion two

Sick leave is an inappropriate and inadequate form of employer support in the aftermath of a miscarriage or pregnancy loss. 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 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.

Government response

The Government recognises that for many women the period of bereavement after miscarriage is not sick leave and that its classification as that can be seen as insensitive. However, for those who are unwell due to symptoms related to pregnancy loss before 24 weeks and are unable to return to work, Statutory Sick Pay (SSP) can be used. Eligible employees can self-certify their incapacity for work for the first seven days of their sickness absence, protecting their confidentiality during this period. They can take further time, if necessary, if they receive a Statement of Fitness for Work from a healthcare professional (otherwise known as a fit note).

The Government expects employers to be sympathetic to individual circumstances and to respond sensitively to support their staff experiencing pregnancy loss. The Advisory, Conciliation and Arbitration Service (ACAS) has published guidance¹ that assists both employers and employees during such times.

One of the issues highlighted in the Committee report is the concern that sickness absence due to miscarriage or pregnancy loss might count towards an employee's overall sickness absence entitlement. 'Pregnancy and maternity' is a 'protected characteristic' under the Equality Act 2010, ensuring women are treated fairly and have equal opportunities during and after pregnancy. If an employee is put at a disadvantage and treated less favourably because of a pregnancy-related illness or related time off this could be considered discrimination. It is because of this protection in the Equality Act 2010 that ACAS guidance is clear any sickness absence related to pregnancy should be recorded separately from other sickness absences and should not count towards any review or trigger points in the absence policy. Women who believe their dismissal was discriminatory or unfair, or that they have suffered detrimental treatment, can take their case to an Employment Tribunal.

1 [Stillbirth or miscarriage - Time off work for bereavement - Acas](#)

Recommendation one

There has been good progress among employers in recent years in acknowledging miscarriage as a bereavement. An increasing number 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. However, we are concerned that such schemes are not always sufficiently well promoted. The Government should work with organisations including the Chartered Institute for Personnel and Development (CIPD), 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.

Government response

The report acknowledges the significant progress employers have made in recent years in recognising miscarriage as a form of bereavement. An increasing number of organisations are providing more flexible leave options, allowing employees to take bereavement leave in a way that best suits their needs, whether in a single block or in separate periods. Additionally, employees have the right to request flexible working policies, which can further support their needs during such times. Furthermore, as highlighted during the Report Stage debate, the Government fully accepts the principle of bereavement leave. We recognise how important it is for employers and employees to know what is available to them and the benefits of implementing schemes, as many good employers already have. However, as the Committee has demonstrated, more can be done to highlight the good work of employers. With that in mind, the Government will work with stakeholders such as CIPD, ACAS and TUC, to understand what can be done to help highlight this work and investigate where existing guidance can be strengthened further.

Conclusion three

While there have been incremental improvements in recent years, substantial gaps in employer-led provision remain. The case for a minimum standard in law is overwhelming. A period of paid bereavement leave should be available to all women and partners who experience a pre-24-week pregnancy loss.

Recommendation two

We intend to table amendments to the Employment Rights Bill in the name of our Chair for consideration at Report stage. The amendments are set out in annex B of this report. They 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 stillbirths 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. We call 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.

Government response

Currently, employees may be eligible for statutory parental bereavement leave and pay if they or their partner lose a child from 24 weeks of pregnancy (a stillbirth) up to the age of 18, provided they meet certain eligibility criteria. This entitlement provides up to two weeks of paid leave, which can be taken together or separately, and is the only statutory right currently available for bereavement.

A new bereavement leave entitlement is being introduced through the Employment Rights Bill that will provide a minimum of one week of unpaid leave to grieve for other loved ones.

The Government agrees that more can be done to support parents who experience pregnancy loss before 24 weeks. The Committee's report was invaluable in highlighting both the emotional and physical impacts that pregnancy loss can have on employees and their partners, as well as the gap in support for those who experience a pregnancy loss before 24 weeks. Whilst we recognise that grief is a personal issue and affects people in different ways and at different times, we are mindful that many experience pregnancy loss as a form of bereavement.

As set out during the Report Stage debate on the Employment Rights Bill, the Government accepts the principle of bereavement leave for pregnancy loss. We look forward to further discussions with the Committee as the Bill moves to the House of Lords.

Conclusion

We are grateful to the Committee for their work in highlighting the gap in support for women and their partners who experience a pre-24-week pregnancy loss. The Government recognises the importance of creating a supportive work environment for those affected by pregnancy loss and bereavement, ensuring those impacted receive the necessary time and support to cope with their loss. We look forward to continuing discussions on this important topic.