

**Supporting
workers
experiencing
miscarriage and
pregnancy loss**

**TUC Submission to the Women and
Equalities Select Committee.**

Introduction

The TUC is the voice of Britain at work. We represent over 5 million working people in 48 unions across the economy. More than half of trade union members in the UK are women. We campaign for more and better jobs and a better working life for everyone, and we support trade unions to grow and thrive.

Pregnancy loss affects a quarter of all pregnancies, many trade union members and workplace reps will have supported someone who has experienced pregnancy loss, and many will have experienced it themselves.

The TUC recognises that more needs to be done to support families experiencing pregnancy loss and to close the gap in statutory rights that mean that anyone who experiences pregnancy loss before 24 weeks has no entitlement to leave or pay.

Losing a baby at any stage of pregnancy can have devastating and lifelong impacts on a person's emotional and physical wellbeing as well as on their partner and families.

The lack of provision for families experiencing miscarriage and other forms of early pregnancy loss such as ectopic pregnancy or molar pregnancy, and the stigma surrounding such loss leaves too many parents struggling with often little or no support to deal with their grief at work. Low paid workers and those in insecure, temporary employment are amongst those commonly excluded from statutory parental bereavement leave specifically and carer friendly employment rights more broadly.

Trade unions have been making progress in workplaces to negotiate for better workplace policies, some examples of which we have included in this submission. However, we believe everyone who needs it (including partners) should have access to paid leave in the event of pregnancy loss and that employers should ensure support is flexible and part of access to other support measure such as flexible working.

TUC Policy

Trade unions have campaigned for better support for families experiencing pregnancy loss for some time, and increasingly our affiliates are making progress with workplace agreements. Our policy on better support for families who have experienced pregnancy loss was formalised at Congress this year with an unanimously passed motion calling for the introduction of a day one right to paid miscarriage leave for anyone (irrespective of employment status or earnings) who has experienced a miscarriage or other forms of early pregnancy loss before 24 weeks of pregnancy, coupled with the provision of specialist support that recognises the extremely traumatic experience of miscarriage for all those involved.

TUC Northern has also recently worked with the Miscarriage Association to develop guidance for workplace reps on negotiating for better workplace policies regarding how to support workers who have experienced pregnancy loss.¹

Union progress in the workplace

The TUC Equality Audit² 2024 highlights where unions are making progress on workplace agreements regarding a range of issues, including paid leave in the event of pregnancy loss before 24 weeks and wider support policies. This is great to see but the audit also revealed that while things are improving, most workplaces do not provide this type of support, leaving many workers without a workplace policy or statutory entitlements. This often means that workers must rely on sickness or annual leave, which is wholly unacceptable and can lead to the triggering of sickness and absence scrutiny and disciplinarys.

Our Equality Audit 2024 found:

- Just over a third (35 per cent) of reps surveyed said that their employer had policies and procedures in place relating to leave for miscarriage and child loss above the statutory minimum.
- By sector, around 33 per cent of reps who responded to our survey and worked in the private sector said that their employer had policies and procedures in place regarding miscarriage and child loss above the statutory minimum. This rose to 37 per cent of those who responded and worked in the public sector.

There are growing moves towards provision in collective agreements for employees to receive full pay for a number of days or weeks following miscarriage. While in some cases this is covered by general compassionate leave arrangements, increasingly there is a more clearly defined miscarriage clause, or a clause stating that employees suffering miscarriage are entitled to occupational sick pay.

The highest number of days at full pay offered specifically in a miscarriage agreement recorded by Labour Research Department Payline is at Virgin Money, which provides

¹ [TUC Northern Miscarriage & Pregnancy Loss in the Workplace: Policy & Reps Guidance | TUC](#)

² This audit considers the huge range of issues unions address in their search for improved equality for all workers. It also examines the processes by which unions work to achieve it. As in the earlier audits, this one was carried out through a survey of national TUC affiliates. 43 of the TUC's 48 affiliates replied. This response rate of 90 per cent is an improvement on 75 per cent in 2020 and represents 99.7 per cent of the TUC's membership. The survey was completed by unions at the end of 2023. The national union survey was supplemented by two other pieces of research: 1. A survey of workplace reps to find out what equality issues they have been facing in their workplace and the training, information and support they use to help them deal with those issues. 2. Analysis of parental leave and pay agreements on LRD's Payline database of collective agreements. This is aimed at obtaining local information not always held nationally.

for 10 days plus another 10 days at the manager's discretion. Other agreements providing for 10 days' non-discretionary paid leave include Dover Fuelling Solutions, Leicestershire County Council, RSA Insurance Group (UK), RSPCA, Stagecoach Cambus (at Cambridge, Fenstanton and Peterborough), Suffolk Fire & Rescue Service, Tesco (retail), TSB and Virgin Media O2.

The NEU has reached agreement with Oasis Community Learning that goes beyond this by providing anyone who loses a child under the age of 18 with 10 days' leave on full pay and a further 15 days' unpaid.

Usdaw has reached agreement with Tesco that staff experiencing miscarriage before 24 weeks are entitled to two weeks' leave at full pay. An overview of agreements Usdaw has reached are shared in the appendix.

And, thanks to campaigning by the FDA, PCS and others, there is now civil service-wide agreement that staff suffering miscarriage are formally entitled to support from Employee Assistance Programmes, civil service special leave provisions, flexible working hours and arrangements for supporting partners.

The GMB has also recently launched its Pregnancy Loss Charter³ that sets out one month's leave for the pregnant parent and two weeks leave for a partner or co-parent.

³ [Pregnancy Loss Charter | GMB Union](#)

Appendix

Udaw examples of workplace policies

Employer	Parental Bereavement Pay and Leave	Miscarriage/Baby Loss
Tesco	Ten days leave (pro-rata) paid at contractual pay.	Ten days leave (pro-rata) at contractual pay should someone experience a miscarriage, ectopic or molar pregnancy, or a medical termination before 24 weeks.
Martin Brower	<p>All MB colleagues are eligible to five days paid compassionate leave (at contractual pay) which applies to everyone from their first day of employment. Parents eligible for Statutory Parental Bereavement Pay receive the first five days as paid compassionate leave at their contractual pay and the remaining five days as Statutory Parental Bereavement.</p> <p>Colleagues with less than 26 weeks' service receive five days paid compassionate leave only.</p>	Miscarriage is considered as a bereavement and parents are able to take five days paid compassionate leave (at usual rate of pay).
AF Blakemore	Four weeks' leave and pay. No service/earnings requirement.	Miscarriage in weeks 12-24: one week's leave and pay for the mother and two days' leave and pay for the partner. No

		service/ earnings requirement.
Kellogg's	<p>Kellogg's Pregnancy Loss Policy (2021) provides all employees who experience pregnancy loss with two weeks' paid leave at usual pay. No service or earnings requirement.</p> <p>The pregnancy loss policy applies (but is not limited to) the following circumstances: miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy and neonatal loss.</p> <p>Employees are also entitled to paid time off to attend appointments or accompany their partners to appointments related to pregnancy loss (eg abortion).</p>	<p>Two weeks' leave paid at full pay. No service or earnings requirement.</p> <p>Plus colleagues are entitled to paid time off to attend appointments or accompany their partners to appointments related to pregnancy loss (for instance in the case of abortion).</p> <p>Very good model policy.</p>