

Item 3

11th August 2022



Glasgow City Council

Wellbeing, Empowerment, Community, Citizen
Engagement and General Purposes City Policy Committee

Report by Robert Anderson, Head of HR

Contact: Lynn Norwood, Senior Strategic HR Manager
Ext: 29037

Paid leave for employees who experience a miscarriage.

Purpose of Report:

This report provides an overview of existing arrangements in place to support employees who experience the loss of their baby during pregnancy and presents recommendations to enhance the support available including the provision of paid leave for employees who experience a miscarriage.

Recommendations:

It is recommended that the committee

- (1) Note the contents of this report; and
- (2) Endorse the enhancement of the Council's Employment Conditions of Service - Leave to extend the existing provision of two weeks' Parental Bereavement Leave to employees who experience a miscarriage.

Ward No(s):

Citywide:

Local member(s) advised: Yes No consulted: Yes No

PLEASE NOTE THE FOLLOWING:

Any Ordnance Survey mapping included within this Report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. The OS web site can be found at <http://www.ordnancesurvey.co.uk> "

If accessing this Report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale

PLEASE NOTE THE FOLLOWING:

Any Ordnance Survey mapping included within this Report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. The OS web site can be found at <http://www.ordnancesurvey.co.uk> "

If accessing this Report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale

1. Background

- 1.1. In the UK a miscarriage is legally defined as the loss of a baby up to 23 weeks and 6 days of pregnancy, and a stillbirth refers to the loss of a baby from 24 weeks.
- 1.2. Miscarriage is the most common type of pregnancy loss, affecting around one in four known pregnancies whilst stillbirth is less common, affecting around one in 200 pregnancies.
- 1.3. Under current UK legislation, employees who experience stillbirth are entitled to two weeks Statutory Parental Bereavement Leave. They are also entitled to Maternity or Paternity Leave in addition to any Shared Parental Leave planned prior to their loss.
- 1.4. Employees who lose their baby before 24 weeks of pregnancy are not afforded these provisions. Instead, they must rely on annual leave, sick leave, or unpaid leave if they feel unable to return to work after their loss.
- 1.5. This creates an arbitrary cliff edge at 24 weeks where women who miscarry at 23 weeks and 6 days accumulate sick days, lose annual leave, or pay whilst those who experience stillbirth at 24 weeks have their loss acknowledged as a bereavement and are afforded the permission and time to grieve their loss.

2. Paid leave for employees who experience a miscarriage

- 2.1. The loss of a baby at any stage of pregnancy can be a major source of grief and trauma and can have a significant impact on the mental health and wellbeing of women and their partners.
- 2.2. A recent study on the mental health impact of miscarriage published in the Lancet Public Health Journal found that the incidence of miscarriage quadrupled the risk of suicide and doubled the rate of depression for both women and men.
- 2.3. It is therefore critical that employees are fully supported through this personal life event. Their loss should be acknowledged, and they should get time to grieve so that they can start to process the miscarriage without worrying about their finances and employment.
- 2.4. It is also important that they receive the wrap around care, compassion, and support upon their return to work - responsive to individual needs and with an understanding that everyone will experience grief differently.
- 2.5. Unfortunately, there is a stigma around miscarriage, with many people feeling unable to discuss their loss with friends, family, or colleagues. This can hinder their recovery as they often feel unable to reach out for the support they need. More should therefore be done to enable open conversations about miscarriage and to allow people to discuss the issue openly in a comfortable way.

- 2.6. Recognising and introducing paid leave for employees who suffer a miscarriage will help open the door to more parents seeking the support they need and deserve. It will also show expectant parents that it is normal and healthy to grieve a loss prior to 24 weeks of pregnancy.

3. Campaign for legislative change

- 3.1. The Scottish Government has committed to introduce three days of paid miscarriage leave within the public sector, however employment law powers to introduce this in the private sector and across the UK remain reserved to Westminster.
- 3.2. A Private Members Bill calling on the UK Government to introduce at least three days of paid miscarriage leave recently passed its second reading at the House of Commons and is progressing through parliament with strong cross-party support.
- 3.3. The Bill would bring in at least three days paid leave for all UK employees who experience a miscarriage before 24 weeks of pregnancy. This mirrors the current recognised international good practice approach of New Zealand and Australia.
- 3.4. New ACAS guidance on supporting bereaved employees now includes advice for employers on how to support employees who experience a miscarriage. The guidance suggests that, whilst there is no current bereavement leave entitlement for a miscarriage, employers should still treat it as a bereavement and look to support employees in the same way as they would after a death including the provision of leave.

4. Workplace support

- 4.1. The Miscarriage Association has launched a comprehensive online resource hub which provides information and support for employees following a miscarriage, molar pregnancy, or ectopic pregnancy.
- 4.2. The hub also has guidance for their colleagues, managers, and HR on how to raise awareness and create a supportive workplace where miscarriage can be openly discussed.
- 4.3. Employers are urged to sign up to the Miscarriage Association's Workplace Pregnancy Loss Pledge, where they can demonstrate their commitment to support employees following a miscarriage. This includes affording them appropriate time off to grieve, and a supportive work environment conducive to recovery.
- 4.4. 120 organisations have signed up so far including two Scottish Local Authorities, namely Fife Council and West Dunbartonshire Council.

5. Current position within the Council

- 5.1. The Council's Employment Conditions of Service - Leave currently provides two weeks' Parental Bereavement Leave paid at the employee's normal rate of pay for employees who lose a baby *after* 24 weeks of pregnancy.
- 5.2. There is currently no such provision for employees who lose their baby *before* the 24 weeks.
- 5.3. Whilst the Council has an extensive range of supportive policies, information and resources in place to support the health and wellbeing of employees, there are no specific supports for employees who experience pregnancy loss.

6. Next steps

- 6.1. The Council is fully committed to supporting the health and wellbeing of all its employees and recognises the devastating impact that the loss of a baby at any stage of pregnancy could have on the long-term mental health and wellbeing of its employees.
- 6.2. The Council should take the opportunity to enhance the support available to employees by:
 - Committing to the best practice standards set out in the Miscarriage Association's Workplace Pregnancy Loss Pledge.
 - Extending the existing provision Parental Bereavement Leave to include employees who experience a miscarriage before 24 weeks of pregnancy - including ectopic and molar pregnancies which also result in early pregnancy loss.

7. Implications for the Council

- 7.1. The above steps will demonstrate the Council's commitment to supporting the health and wellbeing of all employees in line with its Staff Health and Wellbeing Strategy.
- 7.2. The extension of existing Parental Bereavement Leave provisions aligns to the Council's usual generous, good practice approach of going beyond the statutory minimum and reinforces the Council's reputation as a caring and compassionate employer who values and looks after its people.
- 7.3. It is expected that any costs associated with this extension will be offset by those that would otherwise have arisen through employees taking sick leave immediately following a miscarriage, and due to the longer term mental ill health resulting from, or exacerbated by, the miscarriage combined with a lack of appropriate support.

- 7.4. By extending the existing Parental Bereavement Leave provisions to include employees who experience a miscarriage, the Council will be applying the good practice approach highlighted in the new ACAS guidance by treating miscarriage as a bereavement and providing leave for employees to grieve and start to process their loss.
- 7.5. The Parental Bereavement Leave category required already exists within our existing SAP system so will not require a technical update.

8 Policy and Resource Implications

Resource Implications:

<i>Financial:</i>	Financial resources required are covered by agreed budgets.
<i>Legal:</i>	Conditions of Service - Leave will be updated to meet the requirements detailed in this report.
<i>Personnel:</i>	No direct personnel implications or significant changes to processes/procedures.
<i>Procurement:</i>	No relevant procurement issues.

Equality and Socio-Economic Impacts:

<i>Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.</i>	Yes
<i>What are the potential equality impacts as a result of this report?</i>	Positive Impact
<i>Please highlight if the policy/proposal will help address socio-economic disadvantage.</i>	N/A

Climate Impacts:

<i>Does the proposal support any Climate</i>	N/A
--	-----

Plan actions? Please specify:

What are the potential climate impacts as a result of this proposal?

Enhanced leave arrangements to support employees who are bereaved parents will have a positive social impact in the organisation, and therefore indirectly, externally to our citizens through positive workplace productivity.

Will the proposal contribute to Glasgow's net zero carbon target?

N/A

Privacy and Data Protection Impacts:

N/A

9 Recommendations

9.1. It is recommended that the committee

- (1) Note the contents of this report; and
- (2) Endorse the enhancement of the Council's Conditions of Service - Leave arrangements by extending the existing Parental Bereavement Leave provisions to support employees who experience a miscarriage.