



## **Parental Bereavement (Leave and Pay) Bill Survey**

**Issued By: Committee for the Economy**

**August 2021**

### **1.0 Introduction**

This response has been made by The Women's Regional Consortium which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion. The seven groups are as follows:

- Training for Women Network (TWN)
- Women's Resource and Development Agency (WRDA)
- Women's Support Network (WSN)
- Northern Ireland Rural Women's Network (NIRWN)
- Women's TEC

- Women's Centre Derry
- Foyle Women's Information Network (FWIN)

The Women's Regional Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support.

### **Endorsement of Women's Policy Group Response**

We wish to fully endorse the response made by the Women's Policy Group (WPG) on which the Women's Regional Consortium is represented.

#### **1. There should be a legal entitlement to employee parental leave and pay (if eligible) in NI?**

We welcome the proposals to introduce parental leave and pay to those who have suffered the death of a child. It is clear that in these circumstances there is a need for compassion and understanding from employers so that they do not add to the distress and worry of their employees at a very difficult time.

Deaths in children account for a relatively small number of overall deaths and this therefore leaves many employees without access to leave and pay on the death of a loved one. The ability to access leave and the possibility of financial hardship should not be added to the list of considerations of those who are bereaved regardless of how they experience loss – as a parent, a child, partner, sibling, etc. We therefore believe that the right to bereavement leave and pay should be extended to **all** employees experiencing close family bereavement.

The impact of Covid19 has brought issues of bereavement to the fore. Many more people have been touched by death and grief as a result of the pandemic. It has shown the need for employers to be flexible and compassionate and to have policies in place to deal with these situations.

**2. The definition of 'a parent' should extend beyond biological parents to 'primary carers'. What is your view?**

We would like to see the definition of a parent to be as broad as possible including legal parents, biological parents, adoptive parents and others who are not the child's legal parents but who have a long-term relationship with a child which is parental in nature and who have provided day to day care in place of the child's legal parents.

We also wish to highlight that a child's death is very much a family loss. Everyone in the family is affected including mothers, fathers, sisters, brothers, grandparents, aunts and uncles. As previously stated we believe that the right to bereavement leave and pay should be extended to all employees experiencing close family bereavement.

**3. The Bill should apply to parents/ primary carers of a child up to the age of 18? What is your view?**

The loss of a child is keenly felt regardless of the age of the child when they die. We therefore suggest that the Bill should apply to parents/primary carers of a child no matter what age they die. Changing the definition to son or daughter would allow all bereaved parents time to grieve away from work.

As previously stated, we believe that the right to bereavement leave and pay should be extended to **all** employees experiencing close family bereavement.

**4. The leave entitlement is for a period of at least two weeks. What is your view?**

There are issues for both employer and employee if a bereaved employee returns to work too quickly after bereavement. This can impact on their productivity, motivation and sickness levels and in some cases may lead to employees leaving their jobs. Managing bereavement poorly can result in significant costs to the employer and the wider economy and the converse is also true if employees have entitlements to paid bereavement leave it will be beneficial not only for the employees themselves but for their employers and the wider economy.

The proposals set the statutory rate of pay at £150.20 or 90% of weekly earnings whichever is lower. The purpose of this leave and pay should allow parents time to grieve without financial worries being added to their list of concerns at a very difficult time. We are concerned that this low rate of pay will mean financial worries for some parents especially those on the lowest incomes who will struggle to make ends meet as well as having the financial worry of affording high funeral costs. We would ideally like to see the leave paid more generously than the statutory rate. It is likely that many parents will have additional bills to be paid at this time over and above their normal bills.

The cost of a funeral is a substantial outlay with the average cost of a basic funeral in Northern Ireland costing £3,222 according to SunLife's Cost of Dying report.<sup>1</sup> This figure only relates to the actual cost of the burial and does not take into account additional costs. Current Government help for funeral costs is completely inadequate to cover the cost of even a basic funeral. The existing level of help available through a Social Fund Funeral Expenses Payment (for those on low incomes) is up to £1,000.<sup>2</sup>

We are of the view that Government should provide a more generous financial contribution considering the nature of this leave and the relatively low numbers involved. If Government do not provide more generous financial support than the statutory minimum we would like to see employers being more generous and offering this leave with full pay.

#### **5. The Bill will allow for two weeks leave to be taken together or in separate blocks of one week. What is your view?**

Each person's grief is unique and everyone reacts differently and therefore has different needs. This grief is likely to be compounded at specific times such as birthdays, anniversaries and other special occasions. We therefore believe that there should be maximum flexibility around how this leave is taken. Providing access to this right as flexibly as possible can help bereaved parents to make the

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<sup>1</sup> [Funeral Costs in the UK | Cost of Dying 2021 | SunLife](#)

<sup>2</sup> <https://www.nidirect.gov.uk/articles/funeral-expenses-payment>

transition back to work in the way that best suits them. We would ideally like to see this leave offered in smaller blocks such as units of a day without losing pay.

**6. Regulations to follow at a later date intend to allow for leave to be taken up to 56 weeks after the death of a child. Is this appropriate?**

We would ideally like to see no limit to the time over which the leave can be taken. If a time limit is to be applied, we would like to see 56 weeks as the minimum length of time over which the leave can be taken. As grief re-emerges over significant events such as birthdays this would provide sufficient time to access this leave.

As previously stated people experience grief individually and not everyone's experience is the same. While some people may benefit from the two weeks immediately after the death of a child others might find it more beneficial to have some leave to be taken at a later date perhaps at another time where the loss may be significantly felt such as a birthday or anniversary of the death.

**7. What notice should be required very soon after the death of a child?**

We do not believe that parents should be required to provide notice to their employer if the leave is to be taken very soon after the death of a child. Parents will be consumed by grief at this time and it would be unreasonable and insensitive to expect them to provide notice in these cases. In some cases the death of a child will be totally unexpected and there will be no warning that this is going to happen.

**8. Do you consider that notice should be required if leave is taken at a later date?**

Where leave is to be taken at a later period it may be more reasonable to require notice especially if the leave is taken to coincide with a planned event but this should be as light touch as possible.

We advocate maximum flexibility around notice requirements if the leave is to be taken at a later period. If notice is required in these circumstances it should not be a legal requirement and employers should be as flexible and compassionate as possible.

**9. The qualifying period for bereavement pay will be 26 weeks' continuous employment. What is your view?**

We do not believe that there is a requirement for a qualification period for payment of parental bereavement pay. We firmly believe that entitlement to bereavement leave and pay should be a 'day one' right.

The loss of a child is an extremely traumatic event in anyone's life regardless of how long they have been working for their employer. It is cruel and unfair to deny someone the access to this pay simply on the basis of how long they have worked for their employer. This is especially the case given the relatively low numbers of people affected by a child's death in Northern Ireland. We therefore believe this is not a major issue for employers and should be provided to all employees regardless of their length of service.

A qualifying period would also exclude those employed on zero-hours contracts, agency workers and those on temporary contracts, many of whom are women. These workers often face significant difficulties meeting length of service qualifying periods in order to access statutory rights.

**10. What is your view that in order to receive payments an employee must give notice of when they are intending to take leave?**

We are generally opposed to notice requirements for this leave and pay – see our previous answers to Questions 7 and 8.

**11. What is your view that evidence to be provided for parental bereavement PAY should be in line with employer guidance?**

We do not believe that there should be any evidence requirements for parental bereavement leave and pay. In these circumstances parents will be in shock and consumed by grief. It would therefore be insensitive for the employer to require evidence. We believe that many employers would be uncomfortable in asking an employee for evidence in these circumstances also.

This legislation must be in place to support employees in these circumstances not add a bureaucratic burden on the employee at a very difficult and emotional time. A

requirement to produce evidence to access this leave and pay could adversely affect the relationship between the employee and the employer rather than allow for the employer to be supportive at this challenging time.

We do not believe that there is a need for evidence requirements for this provision to mirror those of existing family leave. This type of leave is not comparable with many of the existing types of family related leave many of which are more associated with happy times.