

Women's **Policy Group NI**

WPG Endorsement of Member
Submissions on:
Parental Bereavement (Leave and Pay)
Bill
Call for Evidence
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Introduction:

The [Women's Policy Group Northern Ireland](#) (WPG) is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. It is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQ+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals.

Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG is endorsed as a group that represents all women of Northern Ireland on a policy level and we use our group expertise to lobby to influence the development and implementation of policies affecting women. This group has collective expertise on protected characteristics and focus on identifying the intersectional needs of all women.

We welcome the opportunity to submit evidence to the Parental Bereavement (Pay and Leave) Bill. We also welcome the extensive work that has been done for the Bill to reach this stage. Due to the unprecedented number of public consultations and call for evidence that the WPG is currently responding to, this will be a brief response highlighting our support for the Bill and endorsing the more detailed response of several members of the WPG.

1. Endorsement of WPG Member Responses

Several members of the Women's Policy Group are also making submissions either as individuals or on behalf of their organisations to this call for evidence on the Parental Bereavement (Leave and Pay) Bill. We would like to fully endorse the responses from the following WPG members:

- Women's Resource and Development Agency
- Women's Regional Consortium
- Northern Ireland Public Service Alliance
- Irish Congress of Trade Unions
- Unison
- Employers for Childcare

2. General Comments

The WPG will briefly respond to the questions in this call for evidence.

Summary of WPG Response:

- The WPG believes that parental bereavement leave and pay entitlement should be extended to everyone (all workers) bereaved of a close relative or partner in Northern Ireland.
- The definition of 'parent' should be as wide as possible and include primary carers, stepparents, foster parents, adoptive parents and kinship carers.
- The WPG believes that all bereaved parents/primary carers, regardless of the age of their child, need time to grieve away from work. The WPG believes all parents/primary carers should have the right to paid leave in such a circumstance.
- The WPG also believes paid leave entitlement should be included in this Bill for those who have suffered a miscarriage, as has been introduced in other countries such as New Zealand, as well as in local organisations such as the Women's Resource and Development Agency.
- The WPG believes that all bereaved parents/carers should have the right to parental bereavement leave and pay and this should be at the full rate of pay to ensure reduced levels of pay is not a barrier to this leave.
- The WPG believes that bereaved parents have the opportunity to take two weeks leave and that this should not have to be taken in one-week blocks. They should have the opportunity to take leave in single days throughout the period and this should be paid.
- The WPG would like to see no limit to the time over which the leave can be taken, in recognition of the ongoing impact of grief on parents. However, as a starting point we would prefer the minimum window of opportunity to be 56 weeks to give parents greater choice about when they take their leave.
- The WPG strongly objects to any notice requirement after the death of a child.
- The WPG is strongly against the idea that only workers who have been employed for six months will have entitlement to bereavement leave and pay. The WPG strongly believes that this should be a Day One right for all workers, as the qualifying period seems arbitrary and punitive and would exclude many zero-hours contract workers, agency workers and those on temporary contracts (the majority of those on such precarious contracts are women).
- The WPG urges the government to make both the leave and pay a Day One right for all workers.
- The WPG is opposed to employees only receiving payments by giving notice of when they are intending to take leave.

- The WPG does not believe it is appropriate to require evidence from grieving parents in order to access parental bereavement leave and pay. In addition, in practical terms, there may be delays in obtaining death certificates and it would be insensitive to expect parents or carers already dealing with a traumatic circumstance to have to go through this difficult bureaucratic process in order to receive pay.
- The WPG also believes this would be an uncomfortable requirement to expect employers/managers to have to request this evidence from a newly bereaved employee.

3. Response to Questions in Call for Evidence:

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

The WPG believes that parental bereavement leave and pay entitlement should be extended to everyone (all workers) bereaved of a close relative or partner in Northern Ireland. The current system, where leave entitlement is entirely at the employer discretion, has created a severely unequal access to leave entitlement with many people being denied time, space and financial security needed in a time of grief. The Department for Economy proposals, while well-intended, risk making access to bereavement leave more uneven, with the vast majority of workers being unable to be protected through bereavement leave following the death of a loved one.

As stated in the NIPSA response, deaths for people aged under 20 accounted for just 1% of all deaths recorded in NI in 2019, therefore, the overwhelming majority of deaths and bereaved employees left behind are not covered by the DfE policy.

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

The WPG would like to endorse the following response from NIPSA to this question:

“The definition of a ‘parent’ should be set as wide as possible. The definition should include both biological parents and those with parental responsibility but also take into account the fact that many children live in more than one family home where there is joint custody or shared parenting arrangements including step-parents. Adoptive parents, foster parents and kinship carers (this would need to include caring for a child in informal arrangements as well as those who hold a Special Guardianship Order, a Child Arrangements Order or are kinship foster carers) should also be included. Some parents will be resident, others will be non-resident, and this should not affect entitlement. We would also recommend the inclusion of others with caring responsibilities for a child, for example, grandparents and older siblings to be included in the definition.”

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

The WPG believes that all bereaved parents/primary carers, regardless of the age of their child, need time to grieve away from work. The WPG believes all parents/primary carers should have the right to paid leave in such a circumstance.

In addition, this is particularly important for the parents of a disabled child, who may find themselves in additional financial difficulty with the ending of social security and disability support for the child. Further, unlike England, Northern Ireland does not have the Children’s Funeral Fund to cover the costs of burials or cremations. Existing legislation differentiates between young people aged under and over 25 in terms of income-related benefits and special

educations needs and disability (SEND) support. Setting an upper age limit of 18 risks creating a new precedent in the treatment of young people.

Further, the WPG would recommend that this leave entitlement is extended to those who have suffered a miscarriage. This is a policy being enacted in other countries such as New Zealand, as well as throughout organisations in Northern Ireland, such as the Women’s Resource and Development Agency.

With these reasons in mind, the WPG does not believe that parents or primary carers in Northern Ireland should have to face further financial strain at such a difficult time due to the financial cost of taking unpaid leave from work. The WPG also believes that this leave should apply to all parents/primary carers regardless of the age of the child.

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

The proposals set the statutory rate of pay for this leave at £150.20 or 90% of weekly earnings (whichever is lower). The WPG firmly believes that this leave should be at full pay, as this reduced rate of pay will act as a barrier to may in taking the leave at a time when parents and carers should not have to fear their job stability or income, particularly for those already struggling to make ends meet.

The WPG has made extensive, evidence-based recommendations in relation to payment of parental leave to be at earnings-related rates throughout the economic justice pillar of the WPG COVID-19 Feminist Recovery Plan¹ and the WPG COVID-19 Feminist Recovery Plan: One Year On.

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

The WPG recognises that each person’s grief is unique, and would recommend that We recommend that bereaved parents have the opportunity to take two weeks leave but should not have to take the leave in one-week blocks. They should have the opportunity to take leave in single days throughout the period – when the parent felt it was needed – and for this to be paid.

We would also like to endorse the following recommendation made in the NIPSA response to this call for evidence:

“We recognise that payments such as the one proposed can only be taken in multiples of one-week because of the payment systems operated by Her Majesty’s Revenue and Customs (HMRC). However, we would urge that work is undertaken with the HMRC to seek a solution allowing for one day periods of leave to be taken without losing pay. Indeed, ACAS good practice guidance states, ‘Grief does not have predicted stages and phases. Everyone

¹ WPG COVID-19 Feminist Recovery Plan 2020: <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>; WPG COVID-19 Feminist Recovery Plan 2021: One Year On: <https://wrda.net/wp-content/uploads/2021/07/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf>

reacts differently to bereavement, and this should be understood and respected by both employers and colleagues.'

- **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?**

The WPG would like to see no limit to the time over which the leave can be taken, in recognition of the ongoing impact of grief on parents. However, as a starting point we would prefer the minimum window of opportunity to be 56 weeks to give parents greater choice about when they take their leave.

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

The WPG fully endorses and agrees with the below response from NIPSA:

“NIPSA strongly objects to any notice requirement. In many instances the death of a child will be unexpected, whether it is as a result of Sudden Infant Death Syndrome or an accident or murder. It is therefore unreasonable to expect a parent to give notice of the event or the need for leave. Furthermore, it is insensitive and places unnecessary bureaucratic burdens on parents at a time of extreme distress. The inclusion of a notice period would send the wrong message about the government’s intentions in introducing this right. Whilst it may be possible to give notice of certain planned events e.g. a funeral this would be good practice rather than a necessary legal requirement.”

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

No – see answer to previous question.

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

The WPG is strongly against the idea that only workers who have been employed for six months will have entitlement to bereavement. The WPG strongly believes that this should be a Day One right for all workers, as the qualifying period seems arbitrary and punitive and would exclude many zero-hours contract workers, agency workers and those on temporary contracts (the majority of those on such precarious contracts are women).

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

The WPG is opposed to employees only receiving payments by giving notice of when they are intending to take leave. See reasoning for this in the answers to the previous questions in this response.

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

The WPG does not believe it is appropriate to require evidence from grieving parents in order to access parental bereavement leave and pay. In addition, in practical terms, there may be delays in obtaining death certificates and it would be insensitive to expect parents or carers already dealing with a traumatic circumstance to have to go through this difficult bureaucratic process in order to receive pay.

The WPG also believes this would be an uncomfortable requirement to expect employers/managers to have to request this evidence from a newly bereaved employee.

We would like to endorse the below response from NIPSA:

“We believe the intent of the legislation must be to support employees and improve the relationship between employee and employer at what is an extremely emotional and challenging time. To place more burden on the employee by requesting the supply of evidence undermines the spirit of the Bill.”

ENDS

For questions or queries about this evidence submission and endorsement, please contact Rachel Powell, Women’s Sector Lobbyist, Women’s Resource and Development Agency – rachel.powell@wrda.net