

Miscarriage & Pregnancy Loss in the Workplace

Guidance for Reps



MISCARRIAGE
ASSOCIATION

The knowledge to help

Representing workers experiencing pregnancy loss and making the trade union case for change

Pregnancy loss affects a quarter of all pregnancies. If you're a trade union officer or rep for any length of time, it's likely that at some point, one of your members will be affected. You might have experienced miscarriage or pregnancy loss yourself.

The emotional toll of a loss varies from person to person, but for many, if not most, it is felt as a bereavement – regardless of how early the pregnancy ends.

Misogyny that still impacts society means that pregnancy loss is rarely discussed and often poorly understood. This taboo means that too few employers understand the impact and implications on the lives of workers.

It may be that you aren't informed when pregnancy loss affects a colleague and it might be that colleagues have experienced it already without you being aware.

This guidance is designed to help you as a trade union rep be the best informed, so you can respond with compassion and care, and are prepared to advocate in the best possible way on behalf of your members.

Trade union reps can play a role in breaking the taboo, as well as ensuring workers are given the time and space they may need to recuperate. Responding in the right way can mean the difference between workers feeling supported with the solidarity of their colleagues or else run the risk of long-term problems with their health and well-being.

It is also important to recognise the impact on partners, who may also need time and support to come to terms with their own loss/bereavement. You can have a crucial role in offering this support. While these discussions can be delicate, often fraught with emotion and vulnerability, your advocacy is invaluable.

This guide has been produced to equip you with the necessary knowledge and skills to provide empathetic, effective support to your members during what can be one of the most difficult times in their lives.

In doing so you can play a role in supporting their health, wellbeing and livelihood, help combat the cultural taboo around pregnancy loss and tackle the misogyny that is still prevalent our workplaces and communities.

What is Pregnancy Loss?

Pregnancy loss can be experienced in many ways, and no two people's experiences will be the same. If a member in your workplace informs you about a pregnancy loss, it's important you understand the key differences:

- A **miscarriage** is the spontaneous loss of a pregnancy before 24 weeks. It can be described as:
 - Early miscarriage, if it occurs before 13 weeks.
 - Late miscarriage, or second trimester loss, if it occurs between 13 and 24 weeks.
- A **stillbirth** is a baby who dies after 24 weeks of pregnancy, but before or during birth.
- An **ectopic pregnancy** is when a fertilised egg implants itself outside of the womb, usually in one of the fallopian tubes. Unfortunately, it's not possible to save the pregnancy, and it usually has to be removed using medicine or an operation. Symptoms tend to develop between the 4th and 12th week of pregnancy. An ectopic pregnancy can be life-threatening if the tube ruptures
- A **molar pregnancy** is when there is a problem with a fertilised egg, meaning a baby does not develop the way they should. It often requires specialist follow-up care or treatment over several months.
- **IVF failure (embryo transfer loss)** is when a cycle of fertility treatment doesn't work, usually due to implantation failure.
- **Abortion or termination** is the artificial removal or expulsion of an embryo or foetus. This can be for any reason, but also includes where there is a foetal anomaly or risk to maternal health.

Legal rights and pregnancy loss

The TUC's view is that every worker who experiences pregnancy loss deserves access to the time and space they need to recuperate.

However, under current UK law, the right to statutory leave is dependent upon reaching 24 weeks' gestation: the point which marks the difference between a miscarriage and a stillbirth.

Workers who experience stillbirth, pregnancy loss after 24 weeks' gestation, are **entitled to exercise their full rights to maternity/paternity/parental leave and pay**. That means that they receive up to 52 weeks' maternity leave and 39 weeks' Statutory Maternity Pay or Maternity Allowance. See more on maternity rights on the [TUC website](#). In addition, they are also entitled to two weeks' statutory Parental Bereavement Leave.

This is written into law, and employers should understand their obligation to provide it.

However, workers and their partners who experience baby loss before 24 weeks (miscarriage) – **regardless of whether this is after one week, or right up to 23 weeks and 6 days** – have no legal entitlement to specific statutory pay or leave.

At the TUC we believe that workers who experience a miscarriage deserve an entitlement to statutory leave. Everyone who experiences pregnancy loss will feel and approach the situation in a different way, but forcing workers to have to negotiate sick leave with the employer often adds stress to an already traumatic and uncomfortable situation.

Until we can achieve a change in the law, however, we have produced the *TUC Model Miscarriage & Pregnancy Loss Policy*, attached to this document. The policy offers two weeks' paid leave for those who experience the physical miscarriage and one week of paid leave for partners and provides a guideline to improve employers' responses to pregnancy loss.

It may be that your employer has its own policy to support workers who experience a miscarriage with pay and leave entitlements. We strongly recommend investigating this before you need to support a member, so you know in advance how best to advise them.

If your employer **does not** have its own policy, consider presenting them with the *TUC Model Miscarriage & Pregnancy Loss Policy* attached to this document. It is intended to be a tool for reps to secure new, or improved, workplace policy that will enhance outcomes for your colleagues.

If your employer **does** have its own policy, review it carefully and consider how it matches up to the *TUC Model Pregnancy Loss Policy*. Are the provisions less generous, or an improvement on the TUC's? Are there guidelines to govern the employers' response? If you are concerned that the employer's policy could be better, consider using the *TUC Model Miscarriage & Pregnancy Loss Policy* as a tool to negotiate improvements.

Acknowledging pregnancy loss

It is vital to understand the emotional impact of pregnancy loss. Reps should recognise that pregnancy loss, regardless of its stage, can be a profound and emotional experience for those involved. It's not just a physical event but also an emotional and psychological one.

When you first learn of a member's loss, we recommend only approaching them privately, with empathy and sensitivity. Use gentle language, and ensure your tone is compassionate. A simple expression of consolation, such as "I'm truly sorry for your loss," can be meaningful.

It is incredibly important to steer clear of clichés and overly optimistic statements that may invalidate their feelings. Phrases like "You can try again" or "Everything happens for a reason" can be more hurtful than helpful.

Workers who experience pregnancy may not wish to discuss it openly – it is a rep's job to ensure that the member feels safe and supported when discussing their loss. This might involve finding a private and comfortable space to talk away from the workplace.

It may be necessary, especially if the member is seeking to exercise their right to leave, for discussions to take place with management or HR on how to approach the issue. Such discussions can be wide-ranging and might involve:

- Leave arrangements
- Concluding or handing over workload
- Confidentiality within the organisation

Such conversations can be difficult, especially if the member is concerned about their position in the organisation. It is always a good idea having a rep present in any discussions with management or HR.

Ensure you are sensitive to cultural and individual differences in how pregnancy loss is experienced and mourned. There are some case studies of pregnancy loss on the [Miscarriage Association website](#) which may be helpful.

Communication and Listening

If you are still unsure of how to talk with and support a member who has experienced pregnancy loss, consider:

- Engaging in conversations with an open mind. Ask simple, open-ended questions like "How are you feeling today?" or "Is there anything specific you need right now?"
- Practicing active listening. This means not just hearing the words but also understanding the emotions behind them. Acknowledge their feelings, and offer affirmations that you are there to listen and support.
- Each individual's experience with loss is unique. Avoid making assumptions about how they should be feeling or reacting. Allow them to lead the conversation about their experience.
- Pay attention to the language the member uses to describe their experience and mirror it. Some may refer to their loss as a 'pregnancy loss', while others might use more personal terms like 'losing a baby'.
- Offer regular check-ins, but also give them space. Let them know you are available for support whenever they feel ready to talk or need assistance.

Providing Support

If you're supporting a member who has experienced pregnancy loss, the first and most important thing to remember to consider is their emotional wellbeing. Responding with empathy and consideration could help lessen the emotional impact and help them feel supported by their trade union.

It is important not to rush into conversations around workplace rights, leave and working arrangements until they are ready: ensuring a member's wellbeing is equally as important. Immediately following a pregnancy loss, it is worth offering continuous support and check-ins if you are able to do so, to show the member that their wellbeing is a continuing priority.

Many employers offer access to professional support services through their HR function, such as counselling or bereavement support groups, often via an Employee Assistance Programme. There are also external organisations or charities that specialise in pregnancy loss support, such as the Miscarriage Association.

From the perspective of a trade union rep, we would recommend encouraging members going through hardship to take up such opportunities: not only might they have practical and emotional benefits, their use can demonstrate to the employer the seriousness of what that member is going through, and that options for recuperation are being taken up and exhausted.

However, such provision can vary in quality and availability, and as the trade union rep you cannot attest to good procurement. It might be worth making this clear to members whenever recommending such services, to help manage expectations and prevent disappointment.

It is important, once they are ready, that you ensure the member is fully aware of their rights under employment law, and any specific workplace policies related to pregnancy loss. This includes information on leave entitlements and flexible working options.

It might also be worth considering asking the member if their access requirements for work have changed because of their experience. You should be prepared to advocate on behalf of the member for reasonable workplace adjustments. This could include flexible hours, a phased return to work, or adjustments to their workload.

If you have a health and safety rep in the workplace, it might also be helpful to involve them in these discussions.

Ensuring the best level of support from an employer: points to consider

The most pressing issue for the member is likely to be their ability to take time off work. This might be immediate leave following the loss or additional time off if they are struggling to

cope. It's very important to be familiar with the organisation's policies on compassionate and medical leave to advise effectively.

If the pregnancy loss concerned is a stillbirth (post 24 weeks) the member will be entitled to take their full maternity or parental leave.

If the pregnancy loss is a miscarriage (pre-24 weeks), unfortunately, the only entitlement to paid leave will come from the employer's policies, or sick leave.

In the case of a miscarriage where the employer does not have a policy around Pregnancy Loss, we would recommend speaking to your member about requesting discretionary Special Leave. If taking this route, it is important to ensure any leave will be paid in full and that it can start immediately.

Otherwise, in this scenario the only option might be sick leave, and as with any other illness they will need to provide a fit note if on leave for more than 7 days in a row. Their sick pay rights will likely be set out in their contract, but if not they may only be entitled to statutory sick pay.

It is important to note that leave of this nature is protected under 'pregnancy-related leave' rules. Such leave is covered under the Equality Act 2010, and must be recorded separately to general sickness leave and must not be used against an employee in relation to attendance management (specifically for warnings, redundancy and/or promotion decisions). The leave covers both the physical and psychological effects of miscarriage.

It is common in scenarios where immediate leave is being considered that workload management forms part of discussions. This is not something the member should have to deal with immediately after a trauma, and it might be good to be prepared as the rep to ensure they are not expected to manage their own leave process: this should be handled by their line manager and the wider organisation in their absence.

After a period of leave, it might be a good idea to suggest and support a phased return to work, if beneficial. This could involve starting with reduced hours or lighter duties and gradually increasing to their usual workload. There is no right to a phased return and the employer may reject it, however, it can benefit colleagues if they don't feel up to taking on the full work week/workload straight away.

There is also a new formal right to request flexible working. On their return, the member may want to move to part-time hours, working from home, or flexible start and end times to accommodate medical appointments or to manage grief. Under the law, the employer now has to respond to such a request.

Finally, if the member's role involves physical work, ensure that appropriate health and safety assessments are conducted to accommodate any physical after-effects of the pregnancy loss.

Confidentiality and Privacy

Confidentiality is vitally important in handling information about the member's pregnancy loss. Information should only be shared with others on a need-to-know basis, and with the member's explicit consent.

Members may have different preferences regarding who knows about their loss and how much they know. Respect their decisions and support them in how they choose to handle their situation with colleagues. Their wishes should also be made clear in any discussions with management or HR.

However, it is worth bearing in mind that a need may arise for the organisation to explain their absence.

In this scenario, we recommend discussing the issue sensitively in advance with the colleague. It is vitally important that if they have concerns around confidentiality, that these are communicated to their manager responsible, or HR, clearly and at the earliest opportunity.

In terms of your own work, as with all trade union issues, you should be aware of the sensitivity of the information you hold and the legal implications of mishandling information.

Ensure that any records or notes are stored securely and are accessible only to those who are authorised – this especially applies to an issue as personal and sensitive as pregnancy loss.

When liaising between the member and managers or HR, balance the need for transparency regarding their absence or work adjustments with respect for their privacy. Clearly communicate what will be shared and seek their guidance.

Educating colleagues and raising awareness

Too few people understand the prevalence of pregnancy loss – for many, the issue carries a taboo, caused by the underlying misogyny which affects our society. The less that the impact of pregnancy loss is discussed, the more that taboo is encouraged, which makes experiencing it even more difficult, traumatic and isolating

Reps could help tackle this situation by taking steps to ensure colleagues and employers are aware of the issues around pregnancy loss, and have the necessary policies in place to support workers when it takes place.

Educating management and colleagues about the impact of pregnancy loss could involve organising training sessions, or distributing informational materials, such as those available free from the Miscarriage Association.

This work can also include negotiation with management over workplace policies related to pregnancy loss, ensuring they are compassionate and comprehensive. We would strongly encourage you to look at and use the *TUC Model Pregnancy Loss Policy* as a benchmark for this, and a negotiating tool to secure better policies. For example, securing defined leave for workers who experience a miscarriage.

It is especially important to also be vigilant against any form of discrimination faced by those who have experienced pregnancy loss.

This includes ensuring that there are no negative career repercussions and that any leave or adjustments are not held against workers in performance evaluations or career progression opportunities. It would always be a good idea to include your Equalities Rep, if you have one, in discussions if you have these concerns.

Experiencing miscarriage at work

It can be especially difficult for someone to experience a miscarriage while they are at their workplace. In the role of a supportive colleague, you can provide emotional support and ensure the worker gets the support they need.

When someone experiences a miscarriage at work, try to offer immediate reassurance and emotional support. Help them to a private area and ensure they have access to a toilet, especially if there is heavy bleeding.

If there are signs of severe distress, such as heavy bleeding or fainting, it might be necessary to call an ambulance. For less severe cases, you could assist them in arranging transportation to their home or hospital.

Offer to speak to the employer or appropriate personnel about the situation. As the trade union rep, you can ensure that the employer takes responsibility for any immediate work-related issues and respects the confidentiality of the situation. Usually, it would be necessary for them to make a general announcement explaining the affected worker's absence due to an emergency, without revealing personal details. Propose the temporary redistribution of work tasks if necessary.

Finally, if a worker learns about their partner's miscarriage, facilitate their immediate departure from work, ensuring they receive the same level of support and discretion.

A vital role for trade unions

The issue of pregnancy loss in the workplace is not just a matter of policy or health, but a profound human concern that deeply affects individuals and their ability to participate in the workforce. It is an area where trade unions have a crucial role to play, not only in supporting workers but in actively shaping a workplace culture that is compassionate, inclusive, and respectful.

The experience of pregnancy loss is often shrouded in silence. This not only intensifies the emotional trauma for those directly affected but also perpetuates a work environment where individuals feel compelled to mask their grief, potentially leading to long-term mental health issues. Trade unions, as defenders of workers' rights and well-being, must challenge this.

By advocating for supportive policies and practices, unions can help in normalizing conversations around pregnancy loss, ensuring that it is recognized not as a weakness or a purely personal issue, but as a significant life event that deserves understanding and support. This shift is vital in dismantling the underlying misogyny that often informs workplace attitudes towards gender and health.

Supporting workers through pregnancy loss is not just about compassionate leave or flexible working arrangements; it's about affirming their value and dignity in the workplace. It's about creating an environment where all workers feel seen and supported, regardless of their gender or the challenges they face.

In doing so, trade unions can lead the way in building a more equitable and empathetic workplace culture, fostering a sense of community and solidarity that goes beyond the traditional boundaries of labour rights. This is not only a moral imperative but a strategic necessity in the ongoing struggle for a fairer, more humane world of work.

TUC Model Miscarriage & Pregnancy Loss Policy

1. Scope and Purpose This policy aims to support employees who experience any pregnancy loss pre-24 weeks, including miscarriage, ectopic pregnancy, molar pregnancy, embryo transfer loss, and abortion. It applies to all employees, regardless of their length of service, position, or hours worked, and extends to partners and surrogates.

2. Definitions

- **Miscarriage:** The spontaneous loss of a pregnancy before the 24th week.
- **Ectopic Pregnancy:** A pregnancy where the fertilised egg implants outside the uterus and is not viable.
- **Molar Pregnancy:** A rare complication of pregnancy characterised by the abnormal growth of trophoblasts (cells that normally develop into the placenta).
- **Embryo Transfer Loss:** Loss of pregnancy following an embryo transfer during fertility treatment.
- **Abortion:** Medically or surgically induced termination of a pregnancy.

3. Leave Entitlements

- **Pregnancy Loss Leave:** Employees experiencing pregnancy loss pre-24 weeks are entitled to up to 10 working days of fully paid leave. This leave is available irrespective of the stage of pregnancy at which the loss occurs up to 24 weeks.*
- **Partner Leave:** Partners of individuals who have experienced pregnancy loss are entitled to up to 5 working days of fully paid leave.
- **Surrogacy Leave:** In cases of surrogacy, the intended parent(s) are entitled to the same Partner Leave as if the pregnancy loss had occurred to them directly. (5 days)
- ***NB.** Employees who experience later losses (post 24 weeks) are entitled to full maternity/paternity rights, leave and pay, along with 2 weeks Parental Bereavement Leave and pay. [Add info/Link to related policies and entitlements.]

4. Confidentiality and Support

- **Discretion and Privacy:** All discussions and information pertaining to the employee's situation will be treated with the utmost confidentiality and sensitivity.

- **Counselling Services:** Employees have access to free, professional, and confidential counselling services, either through an Employee Assistance Programme (EAP) or other designated support services. [Link here]

5. Medical and Supportive Appointments

- **Paid Time Off:** Employees are entitled to reasonable paid time off for medical appointments related to pregnancy loss, including follow-up care and counselling sessions.
- **Flexible Scheduling:** The organisation will facilitate flexible scheduling to accommodate these appointments.

6. Return to Work

- **Phased/Flexible Return:** On returning to work, employees can request temporary adjustments to their working pattern or environment. These may include lighter duties, flexible hours, remote working options, or a phased return to work.
- **Wellbeing Support:** Managers will work with employees to assess their needs and implement supportive measures in a sensitive and discreet manner.

7. Managerial Support and Training

- **Guidance for Managers:** Managers will receive training and guidance on how to effectively support employees experiencing pregnancy loss, including understanding their responsibilities under this policy.

8. Further Support and Resources

- [The Miscarriage Association](#) – an organisation which offers free support and information for anyone affected by miscarriage, ectopic or molar pregnancy
- [Petals](#) – provides specialist support and counselling after pregnancy loss
- [Tommy's](#) - a charity that funds research into pregnancy problems and provides information for parents-to-be.
- [SANDS](#) can offer you support if your baby dies during pregnancy or after birth.
- [ARC](#) a national charity offering parents support through antenatal screening and its consequences, including bereavement.
- [Abortion Talk](#) - a new charity offering people the chance to talk about abortion in a non-judgemental and supportive environment.

- [The Fertility Network](#) – a charity offering resources and support for those affected by fertility issues
- [The Ectopic Pregnancy Trust](#) – supporting people with early pregnancy complications

9. Policy Review and Updates

- This policy will be reviewed regularly [add timescale eg. min. every 3 years]to ensure its effectiveness and compliance with evolving employment laws and best practice.

This policy affirms our commitment to providing compassionate and comprehensive support to all employees experiencing pregnancy loss, recognising it as a significant life event that warrants understanding and support in the workplace.