

Factsheet: Day 1 Bereavement Leave, Unpaid Parental Leave, and Entitlement to Paternity Leave in the Employment Rights Bill

What is the current policy/legal framework?

Bereavement Leave

There is currently no statutory right for employees to take bereavement leave following a death (except parents who lose a child aged under 18). While most employers respond compassionately to requests for time off in these circumstances, the absence of legislation means there may be instances where employees are not provided appropriate time off to grieve.

Paternity Leave and Unpaid Parental Leave

Currently an employee must work for their employer for 26 weeks before they are eligible for Paternity Leave, and for a year of before they are eligible for Unpaid Parental Leave. This means parents who want to take Paternity Leave or Unpaid Parental Leave lose their entitlement if they leave their job to work for another employer and must build back up these weeks of service with a new employer before they qualify to take the leave.

The current rules may deter employees from changing jobs if they are a parent or expect to become one, and do not want to lose their entitlement to leave. This a problem for employees because those who switch jobs get pay rises, and it's also a problem for businesses because they may attract a smaller pool of applicants and not be able to hire the best possible candidate.

Policy intent

Bereavement Leave

The Employment Rights Bill will establish an entitlement to Bereavement Leave. This will be a day one right to protected time off for employees to grieve the loss of a loved one. It will provide a clear baseline for employers and protect those employees who might not have otherwise received time off from their employer.

Paternity Leave and Unpaid Parental Leave

The Employment Rights Bill will remove the requirement for employees to have worked with their employer for 26 weeks to take paternity leave, or a year to take unpaid parental leave. Employees will be entitled to Paternity Leave and Unpaid Parental Leave from their first day, subject to giving required notice.

Removing the continuity of service requirements brings Paternity Leave and Unpaid Parental Leave into alignment with other parental leave entitlements, such as Maternity Leave and Adoption Leave.

We are also removing the restriction for Paternity Leave to be taken before Shared Parental Leave. Currently, when Shared Parental Leave is taken, fathers or partners lose their right to take any Paternity Leave they have not already taken. By removing these restrictions, we will provide more flexibility for employees to take advantage of the different types of leave available to them to care for their child.

How will it work?

Bereavement Leave

The Employment Rights Bill introduces a new statutory right to bereavement leave, which encompasses the existing right to Parental Bereavement Leave. The measures in the bill set a framework for establishing the details of statutory bereavement leave and require the Secretary of State to make regulations giving an entitlement to protected time off for bereaved employees.

The bill sets out that regulations will establish who will be eligible to take bereavement leave through the relationship to the deceased and how the leave can be taken. The regulations will also set out the length of leave, which must be a minimum of one week (it will remain two weeks for a child) and that the period of time that the leave must be taken in must extend to at least 56 days after the person's death.

We will consult on the details to be set out in secondary legislation, ensuring that the entitlement is sculpted with the needs of employees and the concerns of employers at the forefront.

Paternity Leave and Unpaid Parental Leave

The Employment Rights Bill will remove the requirement to complete continuity of service requirements enabling employees to give notice of their intention to take Paternity Leave or Unpaid Parental Leave from their first day in a new job. The government will lay secondary legislation to bring the changes into effect and we continue to engage with stakeholders, who have expressed broad support for making Paternity Leave and Unpaid Parental Leave day one rights.

We have also committed to reviewing the parental leave system. This review will focus on ensuring that parental leave offers the best possible support to working families.

Key Stats

Bereavement Leave

- During the pandemic, an estimated three million people¹ faced bereavement each year (UK Commission on Bereavement, 2024) and nearly two million people² in employment suffered intense grief per year (Marie Curie, 2021). Introducing statutory bereavement leave will help support these employees and give them time to grieve. Intense grief impairs an employee's ability to work and puts individuals at risk of related physical and psychological conditions.
- Charities have estimated that bereavement costs the UK economy an estimated £23 billion a year in lost Gross Value Added (GVA) and costs the UK Treasury an estimated £8 billion in reduced tax revenues, increased healthcare costs and income support payments³ (Sue Ryder, 2019).

Paternity Leave

Tens of thousands of fathers brought into scope of paternity leave.⁴

¹ Introducing the UK Commission on Bereavement, The UK Commission on Bereavement, 2024

² Respecting and Supporting Grief at Work, Marie Curie, 2021

³ Grief in the workplace, Sue Ryder, 2019

⁴ https://assets.publishing.service.gov.uk/media/65c100dac4319100141a4593/paternity-leave-and-payimpact-assessment.pdf