

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 from 24 weeks of completed pregnancy until aged 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 before they are eligible for Unpaid Parental Leave. This means parents lose access to these entitlements 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 is a problem for employees because those who switch jobs tend to get higher pay rises. 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.

This will give employees the right to give notice of their intent to take leave from their first day in a new job. The notice periods remain unchanged, with Paternity Leave requiring 15 weeks' notice before the expected week of childbirth, or as soon as reasonably practicable, and Unpaid Parental Leave requiring 21 days' notice or as soon as reasonably practicable.

Removing the continuity of service requirements brings Paternity Leave and Unpaid Parental Leave into alignment with Maternity Leave and Adoption Leave.

We are also removing the restriction on taking Paternity Leave after taking 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. The measures in the Bill set a framework for establishing the details of Bereavement Leave and require the Secretary of State to make regulations giving an entitlement to protected time off for bereaved employees.

The detail of the new Bereavement Leave entitlement will be set out in secondary legislation. This will include who will be eligible to take Bereavement Leave through the relationship to the deceased and how the leave can be taken. It will also include the length of leave, which must be a minimum of one week 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.

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.

Key Stats

Bereavement Leave

Some sources estimated that 1 in 10 employees may be affected by bereavement of any type (i.e. any family member or friend) per year¹. 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 payments² (Sue Ryder, 2019).

Paternity Leave and Unpaid Parental Leave

Tens of thousands of fathers will be brought into scope of paternity leave.³

Approximately 1.5 million will be brought into scope of unpaid parental leave.⁴

Evidence from Scandinavia suggests that giving fathers more parental leave leads to a more equal division of household chores and childcare⁵. Fathers who spend time with their child in their first year, particularly parenting on their own, are also more likely to be involved with their children subsequently. There is also evidence that increased involvement of fathers improves outcomes for children⁶.

¹ Widely reported (hypothetical) estimate based a study in Ireland in 2002.

² [Grief in the workplace](#), Sue Ryder, 2019

³ <https://assets.publishing.service.gov.uk/media/65c100dac4319100141a4593/paternity-leave-and-payimpact-assessment.pdf>

⁴ https://assets.publishing.service.gov.uk/media/67c5741416dc9038974dbd3f/Impact_assessment_day_1_right_to_paternity_leave_and_unpaid_parental_leave.pdf

⁵ Kotsadam, A. and Finseraas, H. (2011) – The state intervenes in the battle of sexes: Causal effects of paternity leave.

⁶ Norman, H., Fagan, C. and Elliot, M. (2017) – How can policy support fathers to be more involved in childcare? Evidence from cross-country policy comparisons and UK longitudinal household data

Common questions

Bereavement Leave

What will the Bereavement Leave entitlement look like?

The detail of the new Bereavement Leave entitlement will be set out in secondary legislation. This will include who will be eligible to take Bereavement Leave through the relationship to the deceased and how the leave can be taken. It will also include the length of leave, which must be a minimum of one week 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.

Due to the sensitive and personal nature of bereavement, we will be consulting stakeholders on the entitlement's details. This will ensure the entitlement is constructed with the needs of employees and employers at the forefront.

Are you extending Bereavement Leave to include pay?

The Bill deals with the introduction of leave only. This is the minimum entitlement. It would be at employers' discretion to enhance the entitlement in length or offer pay, as a number already do.

Will those who experience pregnancy loss before 24 weeks be eligible for Bereavement Leave?

The Government acknowledges that more can be done to support parents who experience pregnancy loss before 24 weeks, which is why during the Report Stage debate of the Employment Rights Bill the Government accepted the principle of Bereavement Leave for pregnancy loss. The Government looks forward to further conversations about support for those who suffer pregnancy loss as the Bill continues its parliamentary passage.

Paternity Leave and Unpaid Parental Leave

When will these changes come into force?

Secondary legislation is required to bring the changes into effect. We anticipate that the majority of reforms arising from the Employment Rights Bill will take effect no earlier than 2026.

Are there plans to make other changes to paternity leave?

As well as the measures set out in the Employment Rights Bill, we have committed to reviewing the parental leave system. This review will focus on ensuring that parental leave offers the best possible support to working families.