

Bereavement Leave, Unpaid Parental Leave and Paternity Leave entitlement– The Employment Rights Bill

As part of the employment rights bill, the Labour government is planning to make changes to Bereavement Leave, unpaid Parental Leave and Paternity Leave. In this article we are going to cover these changes and explain what the intended changes are.

If you need immediate support, get in touch with one of our experts on 0844 561 8133 and quote your membership number.

What is the existing policy on bereavement leave?

At present, there are no statutory rights for employees wanting to take bereavement leave (unless they are a parent and have lost a child under the age of 18 years old). Many employers up and down the country will have to be compassionate when handling time off requests in these circumstances.

As there is no legislation for bereavement leave, there is the opportunity where employees don't receive the time off to grieve.

What is the current policy on paternity leave and unpaid parental leave?

Currently in the UK, employees wanting to take paternity leave must have worked for their employers for 26 weeks to be eligible, and if they like to take unpaid parental leave, they must have worked for their employer for a year prior to taking leave.

As it stands, a parent who'd like to take paternity or unpaid parental leave, will lose their eligibility if they change employers.

To become eligible again, they need to build up their weeks of service.

This can encourage employees to maintain their current employment if they are expecting to become a parent or are a parent. This is a problem for employees because they may change jobs for a pay rise and this is a problem for businesses as it limits the candidates in their recruitment pool, resulting in hire regret if the wrong person is put into a role.

How do they plan to change bereavement leave?

As part of the Employment Rights Bill the government is planning to establish a new entitlement for employees, Bereavement leave.

This will become part of the day one rights for employees to have a protected time off to grieve. This will provide a baseline for employers, and support employees who otherwise wouldn't have received time off.

What is the policy intent for Paternity leave and Unpaid Parental Leave?

The Bill will remove the weeks service an employee would have to accrue to be eligible for both paternity and unpaid parental leave. Meaning employees will be entitled to paternity leave and unpaid parental leave from day one of employment

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. Although this is subject to the employee giving the required notice.

By removing the continuity of service, this aligns both types of leave with other parental leave entitlements (maternity and adoption leave).

The government has also stated that they are removing the restrictions where paternity leave must be taken before shared parental leave. Employees eligible for shared parental leave will lose their right to paternity leave if they have already taken a period of shared parental leave for the child.

This change gives employees more flexibility with the types of leave available to them when they need to look after their child.

How will bereavement leave work?

As the Employment Rights Bill plans to introduce bereavement leave, this will also include the existing right to Parental Bereavement Leave. The change will also set out the framework details for Statutory Bereavement Leave. This will require the secretary of state to put together regulations outlining the entitlement for employees.

The government has stated that they will consult on the details that will be included in the secondary legislation. This is to ensure the entitlement is crafted with the employee needs and concerns at the centre of the decisions.

How will paternity leave and unpaid parental leave work?

A part of the Employment Rights Bill, plans to remove the continued service requirement.

The labour government is also planning to lay out the secondary legislation for the change. They've also announced that they are planning to review the parental leave system, to ensure they provide the 'best possible' support for families.

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