



PUMP COURT
CHAMBERS

“Heaven Needed You More”
Miscarriage, pregnancy loss,
bereavement leave and employment law

Rebecca Paterson, 23 June 2026

The Pre-ERB Position

- Section 80EA of the Employment Rights Act 1996 (“ERA”) gave legislative authority for regulations entitling an employee who is a “bereaved parent” of a child under 18 to take up to two weeks’ off work within 56 weeks.
- Section 80EE ERA extended this right to children who were still born after 24 weeks of pregnancy.
- The right **did not** include miscarriage or pregnancy loss pre-24 weeks.
- The right was restricted to bereavement related to the loss of a child.



The Pledge

- Ahead of the 2025 election, Labour introduced it's "Plan to Make Work Pay" which included the following:
- **Bereavement leave:** *"Going through the loss of a loved one can be one of the hardest things a person must go through. While the vast majority of employers give their workers the time off that they need, the law remains outdated and ill-defined. Labour will clarify the law and entitlement, introducing the right to bereavement leave for all workers"*



Consultation

- Consultation on bereavement leave took place between 23 October 2025 and 15 January 2026. The Government was considering:
 - Eligibility;
 - The types of pregnancy loss to be included;
 - The total duration of leave;
 - The window in which leave can be taken;
 - Notice and evidence required.



The Employment Rights Act 2025

- Section 18:
 - More general 'bereavement leave'
 - Day-one right to bereavement leave
 - Entitlement of at least one week
 - Includes pregnancy loss before 24 weeks
- Section 152 and Schedule 12 ERA 2025:
 - 6 months for bringing a tribunal claim (no earlier than October 2026)



The Bereaved Partner's Paternity Leave Regulations 2026

- Up to 52 weeks' unpaid leave for the partner of someone who has died within the first year of their child's life or adoption on or after 6 April 2026
- Day one right for employees who have responsibility for bringing up the child
- Up to 8 weeks' leave if also suffer loss of child/adoption end
- Notice requirements:
 - If less than 8 weeks since loss – before due to start work that day
 - If more than 8 weeks since loss – 1 weeks' notice



What can be done now?

- Amend policies to include extended paternity leave in the event of the death of the mother (if not already done!)
- Ahead of legislative changes **due to take effect in 2027**, employers could do the following to ensure preparedness and certainty:
 - Align policies for bereavement leave to include baby/pregnancy loss;
 - Include set periods of leave for all loss;
 - Include terms on whether the same will be paid or unpaid to ensure certainty.



Contact details



Rebecca Paterson
Call: 2021

Rebecca acts for both Claimants and Respondents across the full spectrum of employment law.

She has experience drafting complex pleadings and representing clients in cases involving discrimination, unfair dismissal, protective awards, and worker status. She advises on restrictive covenants and drafts claims and interim injunctions for companies seeking to enforce them.

She has expertise advising medical professionals on the nuances of their employment contracts, including those involving consultant Job Plans, and is adept at navigating the overlap between employment disputes and professional regulation.

Rebecca has provided specialist consultancy services for Paris Smith LLP, and assists firms with finalising settlement agreements.



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London Chambers

3 Pump Court
Temple
London
EC4Y 7AJ
Tel: +44 (0)20 7353 0711
Fax: +44 (0)845 259 3241
Email: clerks@pumpcourtchambers.com

Winchester Chambers

31 Southgate Street
Winchester
SO23 9EB
Tel: +44 (0)1962 868 161
Fax: +44 (0)845 259 3240
Email: clerks@pumpcourtchambers.com

Swindon Chambers

3 Newbridge Square
Aylesbury Street
Swindon
SN1 1HN
Tel: +44 (0)1793 539 899
Fax: +44 (0)845 259 3242
Email: clerks@pumpcourtchambers.com

Canterbury Chambers

6 - 8 Longmarket
Canterbury
Kent
CT1 2JS
Tel: +44 (0)1227 764 899
Email: clerks@pumpcourtchambers.com