

EQUITY

**Equity response to Make Work Pay: leave for bereavement  
including pregnancy loss**

**January 2026**

## About

Equity is the largest creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers.

## Contact

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## Summary

1. While the proposals to create a statutory right to bereavement leave are a welcome step, only employees will be eligible. A significant number of self-employed and limb (b) workers – which includes the majority of Equity members – will not see new rights. Self-employed workers are often among those most in need of time off for bereavement, given low earnings and the impact of precarity.
2. In key sectors of the entertainment industry, Equity has negotiated bereavement leave – with pay – where statute provides none: for example, in theatre an employer must not unreasonably refuse a request for leave following a bereavement, on full pay for a period to be agreed. However, there is a strong case for legislation in this area to set a floor of rights for all self-employed workers, including our members when they work in areas not currently covered by collective agreements.
3. The UK could look to Belgium as a model of bereavement leave for self-employed workers, explained further below.

## Introduction

4. Bereavement affects everyone at some point in their working lives. A 2020 survey by Sue Ryder showed that in the preceding 12 months, 7.9 million people in employment experienced a bereavement.<sup>1</sup> It is, therefore, crucial that workers can rely on the support they need from their employer following a bereavement, not only to meet the needs of the worker in that period but also to prevent problems arising at work and the worker falling out of employment. Indeed, 56% of employees in a survey by the UK Commission on Bereavement said they would consider leaving their job if their employer did not provide proper support if someone close to them died.<sup>2</sup>
5. It is particularly welcome that the proposals extend to pregnancy loss. The TUC's Equality Audit 2024 found that just over a third (35 per cent) of union reps surveyed said that their

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<sup>1</sup> Sue Ryder, '[Grief in the workplace](#)' (September 2020)

<sup>2</sup> Employment Rights Bill: evidence for the Business and Trade Select Committee. 26 November 2024. Submission from Cruse Bereavement Support, Hospice UK, Marie Curie, the National Bereavement

employer had policies and procedures in place relating to leave for miscarriage and child loss above the statutory minimum. This often means that workers must rely on sickness or annual leave, which is wholly unacceptable and can lead to the triggering of sickness and absence scrutiny and disciplinarys.

#### *Limb (b) and self-employed workers*

6. It is disappointing that new bereavement rights will not be extended to those who do not have employee status but have the intermediate status of 'limb (b)' workers – because they are nonetheless in a position of economic vulnerability – never mind those who are fully self-employed. When Equity members work as performers on our core collective agreements – in theatre, film and TV – they generally have limb (b) worker status. In other areas, such as variety performers, designers and directors, they work on a fully self-employed basis.
7. Limb (b) workers are, by definition, those workers in more precarious employment and typically experience low pay. Research shows that low-paid workers are at higher risk of experiencing persistent grief, not only because of the relatively higher impact of financial losses post-bereavement, but because they face more barriers in accessing appropriate services and information to help them cope with grief.<sup>3</sup> The government should consider, therefore, the strong case for extending the proposed new rights to all workers.
8. For fully self-employed workers, the government might look to Belgium as an example to follow. In 2022, Belgium introduced an entitlement for self-employed workers to take a maximum of ten days' paid bereavement leave following the death of their child, spouse, or cohabiting partner. The entitlement also covers the death of a spouse's or cohabiting partner's child, whether biological, adopted, or in foster care.<sup>4</sup>

#### *Statutory pay*

9. Bereavement can bring significant additional costs, including paying for the funeral, settling debts and adjusting to a very different family income, all while needing to maintain mortgage or rent payments. This is on top of short-term cash flow difficulties if bank accounts are difficult to access.
10. The current proposal for the new leave entitlement to be unpaid is problematic for several reasons. Low-paid workers and those struggling financially will be unable to take a period of unpaid leave away from work. As explained above, low-paid workers are particularly vulnerable to the impact of bereavement. Sue Ryder's 2020 research highlights that the security paid leave brings, dealing with potential concerns around the employer's perception of or treatment of them, can give workers the time and space to come to terms with their loss.

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<sup>3</sup> Newsom, C., Stroebe, M. S., Schut, H., Wilson, S., Birrell, J., Moerbeek, M., & Eisma, M. C. (2019). Community-based counselling reaches and helps bereaved people living in low-income households. *Psychotherapy research*, 29(4), 479-491.

<sup>4</sup> Brussels Times, '[House approves extension of bereavement leave](#)' (18 June 2021)

11. Statutory parental bereavement leave is a paid entitlement. But newly introduced forms of bereavement leave will be unpaid. The government risks unnecessary confusion for both workers and employers. This will also create a hierarchy of bereavement with some forms of bereavement attracting enhanced entitlements.
12. Failing to provide statutory pay could undermine the government's policy intent of giving people the right to time off in bereavement and pregnancy loss situations.
13. With the foregoing general comments in mind, Equity responds to the specific consultation questions as follows.

## Question responses

<b>1</b>	<b><i>Which relationships between the employee and the person who has passed away should qualify for the bereavement leave entitlement? Please select all that apply.</i></b>
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14. We support option "(d)".
15. The consultation rightly recognises that "family structures in modern Britain are diverse and evolving. The government is committed to ensuring the law reflects this reality. Blended families, extended families, shared parenting, and chosen families (close friends and relationships that are not related but take the place of a traditional family) deserve consideration and recognition too. For example, a blended family may include step-parents, step-siblings and half-siblings or others who play a significant parental or familial role."
16. Eligibility for bereavement leave should be broadly defined and based on the nature of the relationship between the applicant and the bereaved person – to include carers, for example – rather than eligibility being rigidly defined by typical family relationship labels.
17. ACAS guidance should provide examples of the types of relationships which could be covered.

<b>3</b>	<b><i>Should bereavement leave for pregnancy loss be restricted to the person who has physically experienced the pregnancy loss?</i></b>
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18. No. The primary legislation makes it clear that this bereavement leave right can apply to both pregnant women and their partners.
19. We would recommend the following groups are able to take this leave:
  - a. a spouse, civil partner, the other parent, or partner (who is in a committed long-term relationship) with the person who physically experienced the pregnancy loss;
  - b. the intended co-parent of the child who was expected to be born (who may not live with or be in a committed relationship with the pregnant woman or person) This could include ex-partners;
  - c. intended parents in a surrogacy arrangement.

<b>5</b>	<b><i>Do you agree that all the types of pregnancy loss listed above by the Government should be eligible for bereavement leave?</i></b>
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20. Yes

<b>6</b>	<b><i>Are there any additional forms of pregnancy loss that should be included?</i></b>
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21. Yes, it should be made clear that the new entitlement arises in cases of medical terminations conducted under Abortion Act 1967 provisions on selective termination and foetal reductions, where one or more foetus or embryo is terminated in a multiple pregnancy. The new right should also arise in the case of any other single foetal demise in multiple pregnancy, whether by medical termination or not.
22. We welcome the statement in the consultation that recognises the difficulties in compiling an exhaustive list of pregnancy loss situations that should be covered by the regulations. We encourage the government to draw out further relevant types of pregnancy loss.

<b>7</b>	<b><i>How long should unpaid bereavement leave be?</i></b>
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23. Two weeks. Those who have experienced pregnancy loss should have equal rights to bereavement leave as those who lose a baby after 24 weeks. There is no hierarchy of grief and the legislation should reflect this.
24. The guidance needs to be clear that bereavement leave is flexible and can be used in addition to other types of leave. All experiences of loss are different, and some physical experiences are more complex than others. Employees should have access to the leave and time off they need to recover, both physically and emotionally.
25. Parents who lose a baby before 24 weeks of pregnancy should have the same right to two weeks of paid bereavement leave as those who lose a baby after 24 weeks of pregnancy.
26. It is vital that people have the choice between sick leave and the proposed unpaid bereavement leave, and the opportunity to use both when recovering, if needed.

<b>8</b>	<b><i>Do you think employees should be offered the same amount of leave for all types of scenarios, and all relationships to the deceased, that you have selected above?</i></b>
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27. Yes

<b>10</b>	<b><i>For bereavement leave, which of the following options for the leave entitlement to begin would be most appropriate?</i></b>
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28. Option B, from the "date of knowledge of the death or pregnancy loss".
29. There may be circumstances where the bereaved does not become aware of the death until after the date of death. Therefore, it is appropriate that right materialises when the person starts experiencing grief.

**11*****Which of the following options for taking Bereavement Leave would be most appropriate?***

- 30. Bereavement leave should be available to be taken discontinuously, in whatever arrangement an employee requires.
- 31. For example, someone may recover physically and return to work after a few days, but later, the grief and potential trauma they have experienced may impact them more than they expected. They should be able to take bereavement leave during this time, as they are processing their grief.
- 32. Discontinuous leave would also allow for leave to be taken to attend a funeral, mark an anniversary or special memorable day.
- 33. There could also be unintended consequences of a bereaved worker having to take a whole week off when they just require one day of leave. This could cause unnecessary disruption to both the employer and worker.

**12*****Which of the following windows for taking Bereavement Leave would be most appropriate?***

- 34. There should be a longer and more flexible window in which a worker can use the leave, in order to accommodate possibly length probate processes, inquests or public inquiries.

**13-17*****Notice & evidence requirements******Notice***

- 35. Any notice obligation placed on employees should be light-touch in recognition of the traumatic and potentially sudden reason they need to take leave. Employees should inform their employer as and when they are practically able to.
- 36. Of course, in the case of pregnancy loss it will generally be impossible to give notice in advance for leave taken at the time of the loss.
- 37. The format of the notice should be oral rather than written. The onus should be on the employer to keep a record of the notice being given.
- 38. Even for leave taken some time after the loss, there should not be a significant notice requirement: the onset of poor mental health could be immediate and devastating, with no warning window to be able to provide notice.
- 39. The government should replicate the approaches taken with similar employment rights such as the right to statutory parental bereavement leave, right to time off for dependents and the right to neonatal care leave. In respect of the statutory parental bereavement leave, the worker need only give oral notice on the day they wish to take the leave.

***Evidence***

- 40. There should not be a requirement to provide evidence of bereavement or pregnancy loss.
- 41. This would risk heightening the distress experience by those suffering bereavement, but also mean the leave is harder to access, exhausting to get, and for early pregnancy losses, potentially impossible to provide. It would also be inequitable to ask for evidence of a pre-24-week loss when evidence is not required for taking leave following a loss post 24-weeks.