

## Stillbirth or miscarriage

If a child is stillborn after 24 weeks of pregnancy:

- the birth mother can get up to 52 weeks of statutory maternity leave or pay
- the birth father can get up to 2 weeks of paternity leave or pay
- the partner of the birth mother or adopter can get up to 2 weeks of paternity leave or pay

They are both entitled to 2 weeks of parental bereavement leave after they finish their maternity or paternity leave.

While the legal name for the time off is 'statutory maternity' and 'statutory paternity' leave, some employees might not want to call the time off 'maternity' or 'paternity' leave if their baby has died. Employers should be sensitive to the employee's preference and be led by them when having conversations about leave.

Read more about:

- [parental bereavement leave and pay](#)
- [paternity leave and pay](#)
- [pregnancy at work](#)
- [statutory maternity leave and pay](#)

## Time off after a miscarriage

If a miscarriage happens in the first 24 weeks of pregnancy, there's no entitlement to statutory maternity, paternity or parental bereavement leave.

However, many people would still consider miscarriage a bereavement. An employer should still consider offering time off at what can be an extremely difficult time, both physically and emotionally.

Some employers might offer a period of paid leave specifically for pregnancy loss.

Discussing a miscarriage can be very upsetting. Employers should treat anyone affected by miscarriage with care, in a way that acknowledges their loss. The employer should also support them in the same way they would [support someone after a death](#).

## Protection for time off after a miscarriage

If a miscarriage happens in the first 24 weeks of pregnancy, any sickness absence the birth mother needs to take is likely to be considered a 'pregnancy-related illness'.

'Pregnancy and maternity' is a 'protected characteristic' under the Equality Act 2010. If an employee is put at a disadvantage and treated unfavourably because of a pregnancy-related illness or related time off this could be discrimination.

Any sickness absence that is pregnancy-related should be recorded separately from other sickness absence. You should not count these absences towards any [review or trigger points](#) in your absence policy.

Find out more about:

- [pregnancy and maternity discrimination](#)
- [fit notes and proof of sickness](#)

## Supporting an employee after a miscarriage

Employers should consider what's best for their employee, depending on their specific circumstances and needs. They could support someone's return to work by:

- agreeing to make [reasonable adjustments](#) to their working patterns
- allowing a phased return or period of home working

Employers could also consider:

- creating a miscarriage policy that offers paid leave
- including miscarriage in any existing bereavement leave policies