


What to know when putting together your firm's miscarriage policy

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One-in-four pregnancies will end in miscarriage. Workplace policies that grant leave to those who have lost a pregnancy are, however, significantly less common.

Last month, when New Zealand's parliament unanimously voted to give three days bereavement leave, it joined a number of other countries in the APAC region that grant paid time off following a miscarriage or stillbirth occurring at any stage of a pregnancy.

The UK and US don't currently afford similar statutory rights to workers, leaving it to individuals to agree the terms of any leave with employers.

So, what should workplaces in the ad industry be doing to address these gaps in legislation? And how can they offer support to people who might be struggling physically and emotionally?

Normalizing policy

Many Asian countries have had national legislation in place for years. In India, anyone who suffers a miscarriage at any stage of pregnancy is granted up to six weeks of full-paid leave. Indonesia also grants six weeks, while Mauritius grants three and the Philippines offers up to 60 days.

The normalization of miscarriage legislation in the APAC region also carries the benefit of encouraging workplaces to create their own policy, even if the specific country does not legislate.

As Bernadette Chan, regional HR director for VMLY&R Asia, explains, her agency is currently undertaking plans to standardize the terms of its miscarriage policy across the region.

“India and Singapore have specific miscarriage leave policies that allow women to take a period of time off. In other countries, our employees would use compassionate or sick leave. However, this is something we are working to standardize across the region.

“All our offices across Asia have time off in our policies in the event of a miscarriage. In some markets this falls under compassionate and or sick leave, and in two of our largest offices – Singapore and India – we have specific policies around miscarriage leave, depending on the pregnancy term.

“However, we are currently exploring ways to roll this out across the region to meet the needs of our team while taking into account cultural sensitivities in each country.”

Chan points out that miscarriage policies often only apply to mothers and advises anyone looking at their own to consider the impact such a loss has on men.

“The specific miscarriage leave policies in India and Singapore apply to women, as they take into account pregnancy term and therefore medical as well as emotional healing.

“However, when you talk about implementing policy that improves circumstances for a larger group of people, you also need to think about how you support the group’s wider infrastructure, so we are looking at ways to expand policy such that men are also entitled to time off.”

Changing attitudes

Alongside offering leave to both parents, the developments in New Zealand also mark a shift away from the view that miscarriage is purely a medical event, acknowledging it as a loss that can have serious mental and emotional consequences, as well as physical ones.

In the UK, the loss of pregnancy that occurs past 24 weeks grants workers time off under their maternity rights. However, the country does not currently afford any specific statutory rights to workers who have suffered a miscarriage before this time.

While there is “no time limit on sickness absence after a miscarriage if a GP or medical practitioner has certified the sickness as pregnancy-related,” as Lorraine Jennings, director of wellbeing services and culture change at Nabs, explains, in lieu of certification from a doctor, people who have suffered a miscarriage would normally have to claim time off under their statutory sick pay.

Yet this does not account for the emotional impact of miscarriage and an employer is not obligated to grant compassionate leave (paid or unpaid) on the grounds of miscarriage.

“Miscarriage can be devastating and will affect somebody’s working life, as well as their personal life, for a number of reasons, both physical and emotional,” says Jennings.

”It is your duty as a leader to lead with empathy and to put your people’s wellbeing at the center of how you operate. This means being as supportive as you can be to those who are affected by this issue.”

Creative agency Creature implemented its miscarriage policy a few years ago after its founder, Dan Cullen-Shute, and his partner suffered their own loss.

“When you tell people you’ve lost someone like a parent, people know what to say and you know how to describe how you are feeling. When the miscarriage happened, I suddenly realized I didn’t know how to talk about it at all and then I realized it was the same for everybody at work.

“The idea of introducing a miscarriage policy became two-fold. Firstly, it was to support the people who had gone through it or were going through it, and then it was to open up the conversation, which is so hard to have otherwise.”

Cullen-Shute emphasizes that having a policy in place means that people might in turn feel more able to be open with their employers about their situation, rather than feeling uncomfortable asking for time off – or even concealing what has happened to them for fear of penalization or judgment.

“If people were more comfortable talking about miscarriage, then suffering a miscarriage would be significantly less of a problem in terms of the emotional and mental health damage that it does.”

Putting a policy in place

Katie Johnston, a senior associate at global HR and legal firm Lewis Silken, echoes Cullen-Shute’s sentiments that having policies regarding leave following a miscarriage goes a long way to tackling the taboo.

“Employees might be more amenable to opening up about their situation if they can see that there are HR policies in place to protect them,” she says.

“People aren’t legally obligated to inform their employer they’re pregnant until around 25 weeks, so there is a high chance that a miscarriage will occur without the employer even knowing that you were trying for a baby.

“It beggars belief that there is no support for miscarriage that occurs before the 24-week mark – a lot of employers don’t have any kind of miscarriage policy and they absolutely should.”

As for what terms can be included in a workplace miscarriage policy to make the event more tolerable, Jennings from Nabs suggests employers should recognize that both the person who was pregnant and also their partner are likely to be affected.

“Practically this means time off for medical appointments related to the loss, such as scans or monitoring, as well as time off for therapy appointments and bereavement or compassionate leave. You may also have a personal days allowance offered in your annual leave policy that you could allow people to use in the days following a miscarriage.”

Jennings also suggests that terms covering sick leave and sickness pay, how leave is recorded and a return to work plan – such as offering a phased return – might also be included.

Johnston stresses that training to help familiarize manager with what an employee might be going through can help make the return to work transition more comfortable. “It is difficult for people to come back to the workplace having gone through a miscarriage when there are no laws that acknowledge what they might be going through.

“And because it’s such a difficult topic – and these are issues that may have also personally affected managers – training is very helpful as then everyone is more familiar with what any individual might be going through.”

With miscarriages as common as they are, it is surprising that legislation and the normalization of workplace policy have not followed suit. As Cullen-Shute concludes, for the most part it is something that people simply won't have considered.

“For me, I always thought my industry and my workplace was very progressive and it was only when I went through the pain of miscarriage that I realized how little support there is and how little it's talked about.”

Implementing a company policy around miscarriage will mean that both employers and workers alike know where they stand when it comes to taking leave from work following a loss.

The physical and emotional repercussions of miscarriage can be severe and companies cannot rely on culture alone to ensure their employees are supported during a difficult time. With change afoot in countries such as New Zealand, firms across the rest of the world now have an opportunity to lead the way and implement a policy that will tackle the taboo of this prevalent, yet under-discussed issue.

Previously, we have looked at how companies are handling Covid-19 vaccination policies and at how firms can support menopausal people in the workplace. If there is an issue you feel workplaces ought to be addressing, get in touch with ellen.ormesher@thedrum.com and tell us more.