



Committee for the Economy

OFFICIAL REPORT (Hansard)

Parental Bereavement (Leave and Pay) Bill:
Coalition for Bereaved Workers

15 September 2021

NORTHERN IRELAND ASSEMBLY

Committee for the Economy

Parental Bereavement (Leave and Pay) Bill: Coalition for Bereaved Workers

15 September 2021

Members present for all or part of the proceedings:

Dr Caoimhe Archibald (Chairperson)
Ms Sinead McLaughlin (Deputy Chairperson)
Mr Keith Buchanan
Mr Stewart Dickson
Mr Stephen Dunne
Mr Mike Nesbitt
Mr John O'Dowd
Ms Claire Sugden
Mr Peter Weir

Witnesses:

Ms Bernadine McCrory	Alzheimer's Society Northern Ireland
Mr Marek Zemanik	Chartered Institute of Personnel and Development
Mr Craig Harrison	Marie Curie

The Chairperson (Dr Archibald): I welcome Craig Harrison, the policy and public affairs manager of Marie Curie; Marek Zemanik, a senior public policy adviser in the Chartered Institute of Personnel and Development (CIPD); and Bernadine McCrory, the country director of the Alzheimer's Society NI. I will hand over to you to make an opening statement. We will then invite members to ask questions.

Mr Craig Harrison (Marie Curie): Thank you very much, Chair. Good morning, members. On behalf of the Coalition for Bereaved Workers, thank you for giving us the opportunity to present evidence to the Committee on such an important issue.

The Coalition for Bereaved Workers is a campaigning group of charities, professional bodies and trade union representatives. It exists to advocate for statutory paid bereavement leave for everyone who is bereaved of a close relative or partner in Northern Ireland. Its membership consists of Marie Curie, which is my organisation; Action Mental Health; the Alzheimer's Society NI; Carers NI; the CIPD; Cruse Bereavement Care; NIPSA; and the Irish Congress of Trade Unions. Together, we bring quite a diverse range of voices and experiences to the issues. As individual organisations, we might comment on some of the more nuanced points in the Bill from slightly different perspectives, but we also have a wider collective position. I will take a few minutes to set that out for you. Of course, we would then be happy to take any questions that members may have.

The coalition supports the principles behind the Parental Bereavement (Leave and Pay) Bill. The Bill is an important step towards fixing Northern Ireland's outdated system of legal protection for bereaved workers. When it becomes law, it will make a big difference to people in Northern Ireland who find themselves in the devastating position of having lost a child under the age of 18. While we absolutely

and by no means sit in opposition to the Bill, we also think that it is a missed opportunity and runs the risk of creating a hierarchy of bereavement that will leave the majority of local bereaved people without the support that they need.

I will turn to some of the detail and begin with clause 1. Thankfully, data from the Northern Ireland Statistics and Research Agency shows that only around 1% of deaths here are among people under the age of 18. Of course, that is a great thing that is to be welcomed, but it means that the overwhelming majority of deaths and, by extension, the overwhelming majority of bereaved people who are left behind, including bereaved parents, are not covered by the Parental Bereavement (Leave and Pay) Bill.

It is estimated that around one in 10 workers is impacted by a bereavement at any one time. Those who are not covered by the Bill will continue to face a severely uneven playing field when it comes to accessing paid bereavement leave from work. Decisions on whether they are given time off to grieve and whether that is paid continue to be at the discretion of their employers. While there are certainly many great employers out there that have really compassionate bereavement policies for their staff, unfortunately, that is not universal. For example, in a CIPD survey of working adults in Northern Ireland, just 44% said that paid bereavement leave was available to them. In June of this year, Marie Curie carried out a survey of full- and part-time employees in Northern Ireland who had been bereaved during the preceding 12 months. In that survey, 54% said that, after the bereavement, they had to return to work before they were ready because they could not afford to stay off, and 47% worried that taking time off for the bereavement would affect their job security.

That survey data reinforces the stories and experiences of many bereaved employees and workers that have been shared with our coalition. Earlier this year, we put out our own call for evidence to thousands of people across Northern Ireland about their experiences of bereavement and work, and some of the testimony that we got back was truly shocking. People described being put under pressure by their employers to return to work almost immediately after the death, and, in some cases, that was just one or two days later. Others told us that they were forced to take sick leave just to attend the funeral or the wake, and, in the worst cases, people told us that they were not offered any paid time away at all, which forced them to choose between taking the time off that they needed to grieve and the risk of falling into debt.

In examples like that, the impact on someone's health and well-being is massive. Losing a loved one, whether it is a child, someone aged under 18 or someone else, is a really debilitating experience and has a big impact on our physical and mental well-being. That is made all the worse if our grieving is disrupted and we are not given the time, space and financial security that we need to begin processing the loss away from work. That disruption makes it so much more difficult to come to terms with the death and to manage the impact of our grief, and its effects are felt not just in the weeks and months after the death but potentially years later.

Anyone who has ever lost a loved one will know that there is a long list of practicalities and tasks that need to be addressed after the death, not least arranging a funeral. Even things like that can be a major challenge if someone is not given sufficient time away from work to do them. We should also remember that many people experience bereavement, including the bereavement of a child, following a period in which their loved one was unwell. In such situations, the employee might have provided care to their loved one and, as we know is the case with so many carers, may have had to use annual leave or unpaid time off to accommodate that caring role. When their loved one dies, they are likely to be physically and emotionally exhausted and may not have any avenues available to them to take time away from work in order to begin to come to terms with that loss. That is an unacceptable position for anyone to find themselves in.

The stories that I have been describing are the realities that face many bereaved employees in Northern Ireland. Although our coalition is pleased that the Bill will help to ensure that that sort of thing does not continue to happen to some bereaved parents, we are very concerned that the playing field will continue to be uneven for everyone who falls outside its provisions.

The goal of the Coalition for Bereaved Workers is to see the introduction of two weeks' statutory bereavement leave and pay for everyone who is bereaved of a close relative or partner in Northern Ireland. That would really help to level the playing field and to ensure that more workers and employees receive the support that they need when they lose a loved one. We recognise that delivering that is not possible in totality in the scope of the Bill, and we plead with members and the Department to consider stretching that scope as far as possible so that as many bereaved workers as possible can benefit from the support that the Bill provides. For example, extending the Bill so that it

covers parents who are bereaved of a child who is over the age of 18 will not fix it for a lot of people but it will make a difference for some. Considering how relatively modest the cost of the legislation is expected to be, such an extension would seem to be affordable to the Executive.

Any such extension would still be required to adhere to the same terms and conditions in the Bill, so I would like to concentrate on some of those details. We know that everyone's experience of loss is different, so it is impossible to legislate for the amount of time that different people will need away from work to begin the grieving process. That said, a statutory right to two weeks off is a good start, and so we support that provision. I mentioned earlier the evidence that many bereaved people are offered little or no time off, so two weeks would be a big improvement on that.

Being able to take the leave within a 56-week period of the death was suggested by some Members and perhaps a Minister during earlier stages of the parliamentary process. That is another approach that we support, and it is more closely aligned with the clinical evidence of grief. The once dominant theory that grief is experienced in sequential stages has been largely disproven. For the majority of people, grief is an individual, non-linear experience. Therefore, the 56 weeks reflect that. It allows for important reminder events, such as birthdays and anniversaries, to be covered in the Bill.

I move on to clause 2 on the value of bereavement leave payments. We are supportive of the approach that has been taken elsewhere of around £150 or 90% of someone's average wage. Many of the bereaved people with whom we have engaged had to go off on unpaid leave or sick leave to get the time away from work that they needed. The value of bereavement payments certainly compares favourably with the likes of statutory sick pay, which, members are well aware, is not generous by global standards, within the UK. We know that being plunged into a precarious financial position because of insufficient leave after a bereavement only compounds the impact of loss, so those payments will make an important difference.

At the same time, we support bereavement payments being more closely related to earnings. Consideration should be given to making those payments a day-one right so that as many employees and workers as possible can benefit from the support that they provide. The impact of grief does not change according to how many days or weeks you have been in a job, so it does not seem fair to exclude people from the policy on that basis.

In summary, the Coalition for Bereaved Workers supports the principles of the Bill, but we believe that the Department needs to go further. We need to level the playing field for bereaved workers in Northern Ireland and use the powers devolved to Stormont to deliver a much more ambitious system of legal protections for them whether the person whom they lost is a child aged under 18, a child over 18 or someone else.

I will finish by reading out testimony from Lucy, who is a worker in Northern Ireland and who lost a close loved one while in employment. Her story underlines why we need to do more. She said:

"My relative died on a Sunday. I was back in work on Wednesday morning. I could not afford to stay off work, and was not paid for the two days I had to take. It absolutely affected my ability to grieve. I was completely bereft, exhausted and shell-shocked. Having to worry about money at such a harrowing time is a very real issue. You have no time to grieve. Putting workers in that unpaid position is simply cruel."

That is what the uneven playing field looks like for some bereaved people in Northern Ireland today. I am sure that members agree that that sort of experience should not be tolerated. That is why we need to go further than what is proposed, at this stage, by the Bill, and perhaps we could start with some of the issues that I outlined.

Thank you very much for your time. As I said, I am happy to take any questions that members may have.

The Chairperson (Dr Archibald): Thanks very much, Craig. I found the statistics and feedback that you laid out in your survey and paper quite stark and harrowing. We all recognise the impact that bereavement has on workers and the lack of protection for many of them. As you say, there are examples of good employers, but there are also, as you just highlighted, examples of there not being good protection for workers.

It is entirely counterproductive to force someone back into the workplace very quickly after a bereavement. It potentially defers the impact on their mental health to a later date, and perhaps they

will need to take sick leave at some point in the near future. Of course, as you highlighted, there are practicalities around dealing with a bereavement. Here, funerals often happen very shortly after a bereavement, but, if someone dies in England, for example, it can happen a couple of weeks or even months down the line. Therefore, it is important that there is the ability for people to take leave, and there should absolutely be a statutory minimum entitlement to pay.

You made your points very well about the Bill. I am aware, having met you previously, that you know that it is a cut and paste of legislation that was put in place in Britain. For us, it is the minimum that we can work from. As a Committee, we will want to look at the issue in greater detail in the near future. Obviously, we do not want to delay the Bill's proceeding through its processes to completion before the end of the mandate. However, the issues that you highlighted are certainly ones that we very much believe need to be taken on board and dealt with for workers. Mike, do you have a question?

Mr Nesbitt: Thank you very much. I should declare that I have had a session with the Coalition for Bereaved Workers, including Bernadine and Craig. Instinctively, Craig, I am sympathetic to the logic of the argument. Do you feel that you should make your case on its own merits, or are you, to a certain extent, trying to attach it to the parental bereavement Bill?

Some years ago, on another Committee, we were legislating for the Historical Institutional Abuse inquiry. Some of us were unhappy with the scope because it included only abuse that took place in institutions rather than domestic and other settings. However, the advice that we were given was that, if we wanted to do that and broaden the scope of the Bill, everything would pause, and it could take a very long time to get the Bill over the line. Given the age profile of the victims and survivors, people would die without getting recourse to that channel of information and justice. Given where we are in the mandate, if we were to pause to try to expand the parental bereavement Bill into a Bill for bereaved workers, I doubt very much that we would get it over the line before the end of the mandate. Where are you on that position?

Mr Harrison: I absolutely agree with you, 100%. To be totally, 100% clear about it: we absolutely do not oppose the Bill or want to see it paused or stopped in any way, shape or form. It will make a big difference to bringing a really outdated system of legal protections much more up to date.

Our view is that, as you said, there is a short time frame to get the Bill through during this mandate, so it is important to concentrate on those bits that can be changed at this stage. As the Clerk said, if the Bill will be foundational legislation to be built on later, we need to ensure that the foundation is as robust and strong as possible. That is why we certainly do not want to see it paused, and nor are we advocating at this stage that it be extended to a wider group. However, within the scope of the Bill, there certainly seem to be opportunities to make it better so that we get off to a good start for what comes later. I am thinking particularly about the likes of day-one rights within that context, because, if this becomes a day-one right for bereaved parents, it is much easier to make it a day-one right for wider groups who need it in subsequent mandates.

Mr Nesbitt: That is very reasonable. Thank you very much, Craig.

Ms McLaughlin: Thank you very much for your presentation. I, too, have met the coalition previously. The Bill does not meet the coalition's aspirations, and they are not covered by its current scope. I understand that you do not seek to pause the Bill in order to drive the aims of the coalition forward. However, it is important because the Bill will set the precedent of the day-one right.

We keep asking how much it will cost, how we will pay for it and whether it will drive down money from the block grant etc. It is great that the CIPD is part of the coalition because one issue that really goes under the radar sometimes, and where some of the focus should be put, is how much it is costing us not to do it.

Recently, I did an interview with a journalist. The journalist had moved on to another employer. The reason that she did that was because of how she was treated when she lost her parent. If you are not treated properly, with dignity and compassion, you lose your loyalty to an employer. That never comes back, because, in your moment of most need, the employer was not there for you. All your skills and richness leave with you as well. Employers are sometimes short-sighted in not giving leave at a time of bereavement.

Your position has been well put. As a Committee, we need to think about that in our scrutiny, because our work on parental bereavement leave will impact on the wider ambition to have legal protections for

all employees as a day-one right. We need to take cognisance of that. I have been in that position as an employee who was caring for a parent. I found going back to work nearly impossible. Grieving is a process, but everybody processes it individually. Someone who is coping really well shortly after a bereavement can fall apart very quickly. We should legally protect all our employees.

Mr K Buchanan: Craig, your paper states that paid bereavement leave is not "universal". Is there any sector or business paying for two weeks' leave? I do not need to know the names of individual businesses, but is a percentage doing that? What is the average across business? Is it two days, three days, four days? Do you have any idea what it is?

Mr Harrison: This might be a good opportunity to bring in Marek to touch on that. The CIPD survey that I mentioned looked, at a high level, at the public sector versus the private sector. He might have some insights to share with you on that.

Mr Marek Zemanik (Chartered Institute of Personnel and Development): Thank you, Craig. To give you a bit of background, the survey that Craig mentioned is a survey of 1,000 working adults in Northern Ireland that YouGov ran for us. It is a very broad job quality survey that looks at many dimensions of job quality, one of which is the availability of employee benefits. Given that we are part of the Coalition for Bereaved Workers, we asked a specific question about the availability of paid bereavement leave. As Craig mentioned, we found that about 44% of employees in Northern Ireland had paid bereavement leave available to them. About 15% said that they did not know, and about 40% said that it is not available to them.

When it comes to differences by sector or industry, the sample is strong enough to allow for some high-level analysis. It does not allow us to drill down into differences by industry, for example, but we can see very clearly that there is a difference between public-sector and private-sector employees. A total of 55% of public-sector employees said that it is available to them, compared with only 40% of private-sector employees. That is largely as a result of organisational size, because there is a very big difference between employees working for different sized organisations. As you would expect, only 2% of employees who work for the smallest businesses — businesses that have *[Inaudible owing to poor sound quality]* employees — have paid bereavement leave available. That rises to 40% for those working for medium-sized businesses and then to 59% for those working for larger businesses. That is the extent to which we can use the data. I am afraid that we do not have any other numbers on the average length for which it is being provided across Northern Ireland. This is the closest that we can get to getting an idea of what the differences are between employees.

Mr K Buchanan: OK. Thank you.

The Chairperson (Dr Archibald): No other members want to ask a question. As I said at the beginning, the Committee will certainly want to reflect on this issue in its consideration of the Bill and any recommendations that it makes about the Bill and further work that needs to be looked at, as you highlighted, going into the next mandate. We will reflect the briefing and the issues raised by you and every other organisation that will talk to us about the Bill.

The Committee Clerk: Chair, everything will be reported by Hansard, so we will be able to share the evidence that we receive in each session. All that will also go into the Bill report, along with the minutes and so on.

The Chairperson (Dr Archibald): Thanks very much for taking the time to join us and giving us the information.

Mr Zemanik: Thank you for having us. Thank you.