



14 February 2020

S20.05

## **Submission to the Education and Workforce Select Committee on the Holidays (Bereavement Leave for Miscarriage) Amendment Bill (No 2)**

### **Introduction**

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. This submission has been prepared by the NCWNZ Employment Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

### **1. Summary**

- 1.1. NCWNZ welcomes the chance to submit on this Bill and supports the proposed legislative change which will ensure clarity regarding an entitlement to leave in the case of miscarriage or stillbirth. The Bill would make it clear that the unplanned end of a confirmed pregnancy by miscarriage or still-birth constitutes grounds for paid bereavement leave for the mother and her partner or spouse and that the duration of the bereavement leave should be up to three days.

### **2. Issues**

- 2.1. It is important that the loss experienced by women and their families in the event of a miscarriage and stillbirth is recognised appropriately. We believe that workers should be provided with adequate time to grieve, and be afforded time to recover, whether that is physically or emotionally.

- 2.2. We acknowledge that many employers do provide support to workers through paid leave and also through established Employee Assistance Programmes (EAP). While good employers will provide support including paid leave, not all employees will have access to this type of support, particularly those women in low paid industries.
- 2.3. Currently, as workers are unsure of their rights, they are less likely to want to enter into a dispute with their employer, particularly at such a sensitive time. In particular Maori and Pacific women and women from migrant cultures may currently avoid raising this sensitive issue. This Bill would help people stay in employment and provide opportunity and guidance on how employers can provide appropriate support. We recommend that, if this Bill becomes law, the Ministry of Business, Innovation and Employment (MBIE) run an information campaign to inform all New Zealand communities of the new entitlement.
- 2.4. Making this proposed change to the legislation would provide a clear entitlement for both the mother and her partner to take entitled leave. We particularly note and support that:
- Clause 3 provides that the Bill amends the Holidays Act 2003
  - Clause 5 amends section 70
  - The proposed wording for the amendment to Section 69 of the Holidays Act, makes it very clear that there is an entitlement to bereavement leave, by adding clauses C and D to Section 70.
- 2.5. Only a few other countries have similar, paid bereavement laws albeit in some cases without the clarity proposed here. In India women are entitled to six weeks leave for miscarriage, in Ontario women are entitled seventeen weeks for the loss of a baby within seventeen weeks of the due date and in the United Kingdom there is an entitlement to maternity leave due after the end of the twenty fourth week in the case of miscarriage. We therefore welcome the open comprehensive entitlement in this Bill contingent only on the unplanned loss of a confirmed pregnancy.
- 2.6. In the interest of continued clarity, we note that there is no mention of who would be accepted as confirming a pregnancy and recommend that registered midwives as well as general practitioners be considered authorities able to do so.
- 2.7. We also note that there may be some circumstances, such as the loss of twins, where you would be entitled to and would need more than three days. Our interpretation is that the miscarriage of twins would entitle the mother and partner to two lots of bereavement leave, i.e. six days.
- 2.8. This Bill may be a small and simple change in legislation, but if passed, it will make a significant positive difference. Providing people with the necessary support, confidentiality and workplace protections, increases productivity and saves employers the significant costs in recruitment, retention, retraining and health and safety.

### 3. Recommendations

- 3.1. NCWNZ supports the Bill to amend the Holidays Act (Bereavement Leave for Miscarriage).
- 3.2. NCWNZ recommends clarifying that midwives as well general practitioners can confirm pregnancies.
- 3.3. NCWNZ recommends the Ministry of Business, Innovation and Employment promotes and advises on the new entitlement to all New Zealand communities.

### 4. Conclusion

- 4.1. Miscarriage and still-births are often not discussed, but have a major impact on families. The unexpected death of a child is a major issue affecting people's well-being, their employment, their ability to retain jobs and their productivity whilst employed and has significant flow on impacts on their workplace colleagues.
- 4.2. In conclusion NCWNZ support this Bill as it will support positive employment relations and it is the right thing to do. The cost will be minimal but the impact will be widely felt.



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