

# Returning to work

If you were working before your baby was born, you might start thinking about returning to work. For some parents, going back to work can feel daunting; for others, the routine of work can be helpful. This section explains your leave entitlements and also discusses how you can help make the transition from home to work.

## Legal entitlements

If you are the birth mother, your baby died either before or during birth, and your baby was at least at 24 weeks of pregnancy, this is considered a stillbirth in law and you are entitled to the same leave as mothers in your position whose babies are born alive. This could include Statutory Maternity Pay, Maternity Allowance or income-related benefits from the State. The same entitlements apply if your baby was born alive and then died, even if your baby was born before 24 weeks gestation.

If you are self-employed, you are not entitled to Statutory Maternity Pay. Depending on how long you have been self-employed and your National Insurance contributions, you may be entitled to Maternity Allowance.

If you are a partner, or a co-mother, you are entitled to one or two weeks of parental or paternity leave. Couples can also take Shared Parental Leave as long as notice to take the leave was given before the baby died.

If your baby died before birth and was under 24 weeks, this is considered a late miscarriage. Unfortunately, you are not entitled to maternity leave or maternity allowance.

Birth mothers who have early or late miscarriages may be entitled to sick leave as long as their GP can provide a note to this effect. It is good practice for your employer to record sickness following miscarriage separately from other Sick Leave so that it does not count towards your sickness record. Long-term sickness could form part of your sickness record. Compassionate leave may be granted for bereaved parents, but this will be at the discretion of the employer.

The Parental Bereavement (Pay and Leave) Act will come into effect in 2020. It is expected to require employers to offer an additional two weeks of paid leave to anyone who experiences the death of a child under the age of 18. This entitlement does not depend on the length of service. Parents of babies who are stillborn will also be entitled to this leave. It is envisaged that the leave will need to be taken within 56 days of the bereavement, although it does not have to be taken as block leave. Parental Bereavement Leave is independent of maternity leave.

## Deciding when to go back to work

The decision about when to go back to work may depend on how you are feeling, your physical health, finances, and work-related factors. Birth mothers who get paid maternity leave may not need to think about returning to work for some time.

When you are ready to think about going back to work, you need to contact your employer to discuss practical details. You may be offered, or want to request, a phased return to work. This could involve working only a few days a week or a few hours each day for the whole week. You could also explore the option of home working. If you have a full-time job, you could request part-time working for a short period of time. Although employers have a legal obligation to consider this, there is no legal obligation for them to accept the request.

Once you have agreed a date to return to work, you may find it helpful to talk to your manager or employer about how you are feeling and what might help you settle into the work environment. You could also ask to visit your workplace and meet up informally with your colleagues before you return to work. Think about how you might like to share the news with your manager or your colleagues and whether you would like to tell everyone directly or have your manager or a trusted colleague tell people on your behalf.

If you named your baby, you could share their name, anything you feel comfortable sharing about how they died, and anything else you feel is relevant for them to understand. Let your employer know if there is anything you would like them to do or communicate to colleagues that you feel would be helpful for you.

*My return to work was completely my own decision and I felt it was the right time to try, on the basis that upon returning I might find that it was too soon and I would need some more time off.*

Andrew

## Being back at work

In addition to settling into your role after a period of absence, there are various things which might feel difficult for you. There might be colleagues who are pregnant or those who visit during their maternity leave to introduce their new baby. There might also be colleagues who have experienced the death of a baby at an earlier time. If you are the birth mother, colleagues may have seen you pregnant so might be more sensitive to your situation. For fathers,

co-mothers, foster parents and adoptive parents, the loss may seem less obvious to other people and more isolating for you.

Grief can be tiring. You may be surprised at how exhausted you feel and you might find that you struggle to concentrate and remember things. You may find that you are very sensitive to what people say, or that you lack confidence about making decisions. Some parents become frustrated with themselves and anxious that they can no longer cope with work. However, all of these reactions are common effects of grief and should pass with time and support.



If you suddenly feel overwhelmed, take a break if you can. You could possibly go for a short walk or find a quiet space to be alone. You may also find it helpful to find somewhere private to talk to a sympathetic colleague, phone a family member or friend, or phone the Sands Helpline. If you find that being back at work is too difficult, you could talk to your manager or employer about having some more time off or talk to your GP and see if you can have sick leave.

## Dates and anniversaries

Certain dates and the days leading up to them may be particularly difficult; for example, the anniversary of your baby's due date or the day they died. Many bereaved parents feel particularly sad before or during special holidays. If you attended antenatal classes, hearing about other babies being born may be especially hard.

You may want to consider booking leave on dates that you expect to be especially difficult for you. This can take the pressure off and perhaps give you an opportunity to do something different or visit a place that has special meaning for you. From 2020 if these dates fall within the first 56 days of your baby's death, you could use your leave under the Parental Bereavement (Pay and Leave) Act to do this. The Act is due to come into effect sometime in 2020.

Returning to work might represent a certain sense of "normal" for you even if nothing seems normal. Falling into a routine does not mean that there won't be occasions when you need to take time off to process your grief, or that you are "forgetting" or not honouring your baby. At work, it is important to communicate your practical and emotional needs as far as you feel able with your employer. The Sands Bereavement Support Services Team may be able to help you to communicate this to your employer or manager.

