

These notes refer to the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c.5) which received Royal Assent on 21 March 2022

Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022

EXPLANATORY NOTES

OVERVIEW

7. Currently, employed parents who lose a child while accessing existing family related leave and pays rights, such as Maternity or Paternity Leave and Pay, are entitled to remain on that leave and in receipt of that pay for its agreed duration; and employed parents who lose a child due to a stillbirth from 24 weeks' gestation are entitled to take statutory Maternity or Paternity Leave and Pay
8. This Act does not change these entitlements but will result in employed parents having additional rights: firstly, to time away from work following the death of a child aged under 18 or a miscarriage; and secondly, to pay during such time.
9. It requires regulations to be made that will result in employed parents having, from the first day of employment, a right to a minimum of 2 weeks leave from work to help them to come to terms with the loss of a child or miscarriage, should they wish to take it. Regulations will also result in employed parents having, from the first day of employment, a right to a statutory flat rate of pay or 90% of their average weekly earnings per week (whichever is lower and subject to a lower earnings limit), in respect of the leave.
10. The regulations providing for parental bereavement leave and pay must apply, at the latest, in respect of children who die on or after 6 April 2023. However, in relation to parental bereavement pay, the regulations may provide that in respect of children who die, at the latest, before 6 April 2026, the right is not available immediately upon commencement of employment, but rather following 26 weeks of employment.
11. The regulations providing for miscarriage leave and pay must apply, at the latest, in respect of miscarriages experienced on or after 6 April 2026.