



We published earlier this year about the [Pregnant Workers Fairness Act](#) (PWFA), which requires employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions.” The [PUMP Act](#) earlier this year expanded existing employer obligations under the [Fair Labor Standards Act](#) (FLSA) to provide an employee with reasonable break time to express breast milk for the employee’s nursing child for one year after the child’s birth.

We’ve come a long way to protect parental rights in recent years, adding protections that go above and beyond the [Family and Medical Leave Act](#) (FMLA). One existing gap that remains, however, is how to support employees after the loss of a pregnancy following miscarriage.

While we would like to think that most employees would offer time off in the absence of FMLA, we also understand that many employees are reluctant to ask for time off if there is not a program in place. They may know that they need to take the time, and may be even encouraged to take the time, but many do not “feel right” about asking for the time if there is not something specific to request.

This type of compassionate leave can permit women who go through a miscarriage—as well as their partners regardless of gender, to take paid or unpaid leave for a failed surrogacy, adoption, or fertility treatment, as well as permitting spouses and domestic partners of women who experience a miscarriage to also be eligible for the leave.

While not a requirement (outside of FMLA protection for women needing medical time off), it is a worthwhile policy to consider. Not only does it provide a framework for your employees to take the time they need, but it also provides companies with a competitive edge when recruiting new talent. When companies tell new candidates that they care, nothing shows it more than having the policies in place to show it.