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Creating a Bereavement Care Policy

An employer's guide to designing and implementing
better support for employees in the aftermath of loss

Bereavement care: The missing piece for employee well-being

The most difficult time in any employee's life may be the days, weeks, and months after a loved one has passed away. After the funeral, things are expected to go "back to normal" in terms of routine and responsibilities, but in reality nothing is normal.

Empathy's Cost of Dying Report revealed that most employees are stretched to the limit emotionally, physically, mentally, and financially after a loved one dies.

And yet, bereavement care has been largely ignored until recently, despite the potential it holds as a key driver of employee well-being, productivity, and recruitment.

Largely, this is because of cultural taboos around death.

Since loss is not the type of problem people tend to talk about at length with their coworkers or their managers—as opposed to other major life events, such as the birth of a child—bereaved employees' needs have not been prioritized.

However, while employees may be suffering in silence, the effects of loss speak loud and clear.

In the U.S., companies are suffering grief-related productivity losses of an estimated \$113 billion per year. And for employees, their mental and physical health, their family relationships, and even their jobs are at stake.

The burden they are carrying is often misunderstood and, thus, minimized. But these real problems have real solutions, and implementing them can transform employees' experiences and create a culture of care.

In essence, a robust bereavement care policy is one of the most powerful levers a company can pull to improve employee well-being.

When you make employees' lives better, everyone wins. Here's what you need to know to get started.

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Bereavement care today

What the law requires

The federal government "does not require payment for time not worked, including attending a funeral," according to the Fair Labor Standards Act.

But since 2014, there has been a growing trend among states to write new rules. Oregon was the first state in the union to enact bereavement leave legislation, and in less than a decade, five more states have addressed the issue: Illinois, Maryland, California, Minnesota, and Washington. And Vermont, Massachusetts, and New Jersey may follow suit soon—as of July 2023, all three states have active bereavement leave legislation under consideration.

Oregon	The Oregon Family Leave Act guarantees two weeks of unpaid bereavement leave for workers at companies with at least 25 employees.
Illinois	An employer covered by the Family Medical Leave Act must provide an FMLA-eligible employee with up to 10 working days of unpaid bereavement leave after the death of a family member or the loss of a planned addition to the family, such as a miscarriage, stillbirth, or a failed adoption.
Maryland	Employers with 15 or more employees must allow them to use paid time off after the death of an immediate family member.
California	Workers are guaranteed five days of unpaid leave they can use over a three-month period after the death of a close relative.
Washington	The state's Paid Family and Medical Leave Act (PFML) was amended to make paid leave available for bereavement under certain circumstances.
Minnesota	There is no statewide bereavement leave law, but a law that went into effect July 1, 2023, in Bloomington guarantees workers can use sick leave to recover after the death of a family member.

What most companies provide

Bereavement leave policies in the U.S. typically give the employee 1 to 5 days off: enough time to hold a funeral, gather with family, and attend to immediate business.

Beyond the first week, though, the real work begins. For the Cost of Dying Report in 2023, Empathy surveyed 1,485 Americans who experienced a recent loss. The findings revealed that bereaved employees dedicate 420 hours of work over 13 months, on average, to settle a loved one's affairs. If probate is involved, that average goes up to 18 months.

With a full-time job, the math simply does not add up.

Since bereaved employees have been suffering quietly for so long, policies that address their needs **have the potential to truly transform the culture and atmosphere of a workplace.**

How employees are handling the situation

As employees try to do two jobs at once for months, their performance inevitably suffers. This is particularly true for top performers, who are more likely to be serving as executor and thus holding legal responsibility for guiding the estate through probate.

Executors are entrusted with settling their loved one's affairs and are empowered to act on behalf of the estate in any way they see fit. They tackle hundreds of hours of labor: guiding the estate through probate, selling property to pay debts, dealing with taxes, settling inheritance disputes among family members, and more.

At the same time, they can be held legally responsible if beneficiaries or heirs claim they have acted inappropriately and reduced the value of the estate.

The strain is intense:

43%

of full-time employees have trouble concentrating in the aftermath of loss.

93%

suffered from at least one physical or mental symptom.

30%

found themselves significantly less productive.

73%

reported confusion, sometimes known as “brain fog,” with 38% of them (28% overall) saying it lasted for a few months or more.

83%

experienced anxiety, 56% of whom (46% of all respondents) suffered from it for a few months or more.

30%

say their memory was impaired, and another 30% reported unusual anger or irritability.

Source: The Cost of Dying Report, Empathy (2023)

An employee who serves as executor tends to be a leader at work as well, since being chosen by their family in this way indicates leadership and competence. So, as they struggle, the teams they lead may struggle as well.

While executors overall tend to carry more of the administrative and legal burden of settling an estate, there are all kinds of challenges that an employee dealing with loss is facing.

One employee may be helping their widowed mother, who is in shock and facing financial ruin. Another may be helping their children adjust to the death of their parent, and downsizing their home and budget after the

death of their spouse. Another may be dealing with their own health issues as they grieve a loved one. For instance, caregiver burnout is common among those supporting someone through long-term illness. Any of these issues can be time-consuming and distracting, and the length of time an employee deals with them can vary greatly.

Grief experts say that there is no “right” way to grieve, and that everyone grieves differently. Thus, whether an employee’s burden is weighted toward handling logistics or in dealing with the world-shattering effects of loss, it is crucial that companies create guardrails to deal with these situations effectively.

Bereavement care policy as the missing piece in benefits plans

Rethinking your bereavement care policy is crucial to staying competitive, both in terms of performance and in terms of recruitment.

Just as the demands on “sandwich generation” employees—who are caring for children and aging parents—have led to better parental benefits, bereaved employees’ experiences must be acknowledged and addressed.

For these reasons, change is happening quickly, with companies looking for ways to improve the well-being of their workforce and the employee experience:

- Mental health and well-being solutions remain key areas of focus for 2024 for employers seeking new benefits, according to the recent Vendor Survey conducted by WTW, a global advisory, broking, and solutions company.
- The No. 1 HR priority for 2023 is “improving the employee experience for key retention populations,” according to Mercer’s Global Talent Trends 2022–2023 Study.
- Talent attraction and retention remain crucial, with 50% of the 11,000 professionals surveyed by Mercer anticipating that their organization will struggle to meet demand with their current talent model.

How to use bereavement care to boost employee well-being

A reimagined bereavement policy must address their biggest pain points, first and foremost.

The challenges may be logistical, they may be emotional, they may even be financial. After all, families spend \$12,702 to settle a loved one's affairs, on average.

Since bereaved employees have been suffering quietly for so long, policies that address their needs have the potential to truly transform the culture and atmosphere of a workplace.

And by bringing the experience of bereavement out of the shadows, companies are sending a strong message to all employees and employment candidates: We're in this together, and you will not be forgotten.

Source: The Cost of Dying Report, Empathy (2023)

Writing your own bereavement care policy

Approaching bereavement care should first be an exercise in identifying specific needs among employees. As described above, bereaved employees are in a time crunch and a financial crunch—on top of the anguish of grief and the common physical and mental changes that accompany it. Once needs have been assessed, consider the following approaches for full-circle bereavement care.

Include pregnancy loss

Miscarriage occurs in about one-fourth of pregnancies, according to the National Institutes of Health data. And yet, for such a common occurrence, pregnancy loss is rarely addressed in employee benefits.

While fertility continues to emerge as a major area of focus for benefits packages, the experience of miscarriage should be treated with the same level of respect. Women need significant support during this major life change, and the significant physical and emotional strain it brings.

Expand the definition of family

Pew Research shows that the percentage of children living in a “traditional” home (with two heterosexual parents in their first marriage) has been steadily dropping for decades. In 1960, 73% of homes fit this description, but by 2014 only 45% did. As these children have grown up and entered the workforce, they are increasingly a part of mutually supportive relationships that go beyond their mother, father, and siblings.

Chosen families are more and more important as well. In 2017, Center for American Progress data showed that 32% of people in the U.S. have taken time off work to care for a friend or chosen family member with a health-related need.

In addition, diversity, equity, inclusion, and belonging (DEI+B) goals are increasingly being recognized by HR teams as companies focus on building inclusive spaces to bolster the well-being of employees. In order to respect employees’ cultural and religious traditions, policies need to be built to include funeral and grief rituals that involve the extended family.

Writing bereavement policy in a way that respects the importance of these relationships creates a framework that better aligns with the reality of employees’ lives.

Help employees with red tape

Many HR leaders are finding that they can improve their employees' experience using their health care benefits by adding support through benefits navigation and care advocacy.

This is particularly true for employees in high-deductible health plans (HDHPs), whose coverage can be more complex than health plans of the past. When they have help figuring out their coverage, though, the experience is much easier.

Similarly, bereavement bureaucracy is confusing, time-consuming, and draining—so applying the same remedy of support can be a game-changer for employees who are already exhausted and overwhelmed with grief.

For this reason, applying the concepts of benefits navigation and care advocacy can meaningfully support employees in a true time of need, by helping them navigate things like probate, inheritance taxes, and even funeral planning. For example, services like Empathy offer personalized plans, with the support of a Care Manager every step of the way, that save employees 189 hours of labor, on average.

Create a policy for intermittent leave and reduced schedules

The Family and Medical Leave Act (FMLA) was enacted in the U.S. to offer federally mandated leave to employees dealing with a number of urgent family issues, including caregiving through illness.

The FMLA does not include bereavement leave. However, it can be useful as a model for creating your own policy for intermittent leave or reduced schedules.

For employees dealing with the bureaucratic and legal tasks of loss, which must be done during traditional business hours, intermittent leave is particularly helpful. And reduced schedules, commonly used for employees returning from maternity leave, offers the flexibility for managers to allow employees to ease back into work before resuming their full-time duties.

Offer grief training for managers and employees

Most employees want to help a coworker who is clearly suffering, and convey their support and condolences during hard times.

However, they may struggle to say “the right thing,” which creates anxiety, uncertainty, and tension in the workplace. In some cases, people may say nothing at all, thinking that they'll avoid upsetting their colleague if they don't mention their loss, which only intensifies their coworker's isolation.

In these ways, “grief illiteracy” is a major source of stress for both bereaved employees and their colleagues. To combat it, make grief training a part of the onboarding process to help colleagues feel confident in how to support each other.

In addition, train managers on empathetic leadership specifically related to employees' grief, including education on cultural and religious practices related to mourning.

Finally, make it known that well-being is a priority, with managers modeling behavior that promotes health and wellness. For instance, taking all of their vacation days has nothing to do with bereavement, but it shows that benefits, overall, are an important investment in employees.

Provide support in addition to time off

With a holistic view of all of the things a bereaved employee is dealing with, it is easier to craft a policy that is a custom fit for an organization. Addressing three major areas is key:

Grief support

Access to help 24 hours a day is particularly important, since grief is a round-the-clock experience. A person to talk to, calming audio companions, and guided meditations are invaluable tools during sleepless nights, a common experience after loss.

Administrative and legal support

Settling a loved one's estate is a particularly cruel set of tasks, in terms of timing. After all, grief is made harder by logistics and logistics are made harder by grief. An employee who is handed a long to-do list at the moment when they are most depleted can easily feel overwhelmed.

And right from the start, the initial tasks of shutting down a loved one's financial and digital life—bank accounts, social media, and autopay subscriptions—are more complex than many expect.

Empathy, a service that offers bereaved families comprehensive support for navigating grief and settling the estate, provides personalized care for employees to address all the challenges of loss. With a dedicated Care Manager helping them every step of the way, each employee receives a custom plan, time-saving tools, and grief resources.

Connections to trusted professionals

By vetting and compiling a list of service providers, companies can save employees precious time and energy. Some companies also are subsidizing these costs, either through partner discounts or reimbursement to lessen the financial burden most families carry.

The list of professionals can focus on everything from immediate needs in the initial days and weeks to longer-term tasks like completing probate and filing taxes:

- House cleaners
- Child care
- Pet care
- Meal delivery services
- Estate and probate lawyers
- CPAs for tax preparation
- Estate sale professionals
- Property management
- Junk removal
- Home cleaning and landscaping
- Grief counseling
- Psychotherapy

With Empathy, employees receive in-depth information and guidance on all of these topics, with dedicated Care Managers assisting with professional recommendations as needed.

And finally: Don't focus too much on edge cases

One of the biggest concerns when creating any new policy is, understandably, how much will it cost in practice? And, more specifically: Will this be abused?

When it comes to bereavement leave, it's best to write a policy for the vast majority of employees. Their suffering is real, and alleviating that is the goal.

The dreaded edge cases—those who might abuse the bereavement policy and falsely claim time for family funerals—are best dealt with through management and performance evaluations. After all, if they are suspected of abusing policy, they likely have other performance issues. Address them directly instead of writing a policy that treats every employee like a criminal.

“Bereavement policies should therefore be flexible and agile enough to cover any number of cultural expectations an employee may need to adhere to. That means allowing individuals to define what they see as ‘family,’ as well as granting employees whose traditions entail longer grieving periods more flexibility.

After all, employees should feel at ease when they return to the workplace—and not as if their needs or absence was an imposition,” says Paurvi Bhatt, MPH, Healthcare Executive, Care Economy Leader, and Empathy Advisor.

“Facilitating this does not mean crafting separate policies tuned to each employees’ particular upbringing or heritage, but rather creating a singular but highly adaptable policy that is both equitable and inclusive.”

More and more companies are taking this approach, with the Society for Human Resource Management reporting that many employers are moving away from requesting a death certificate or other verification and are trusting employees to determine their need for leave.

Improving bereavement care is an assured step toward a greater culture of compassion—make sure that the way a policy is written doesn't undermine the mutual support and trust it is meant to create.

Sample policy

The following is a theoretical policy, using language from the Society for Human Resources Management as a starting point for companies that are considering a new approach to bereavement leave.

Objective

The Bereavement Leave Policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members and fellow employees or retirees of [Company Name].

Eligibility

All full-time, active employees are eligible for benefits under this policy.

Procedures

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If an employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available vacation for additional approved time off as necessary. Employees under discipline for attendance issues may be required to provide documentation with regard to their bereavement leave.

Employees are allowed up to [xx] consecutive days off from regularly scheduled duty with regular pay in the event of the death of a close member of your family or community.

Employees are allowed [xx] days off from regular scheduled duty, to be used intermittently or consecutively, in the event of the death of a close member of your family or community.

Conclusion

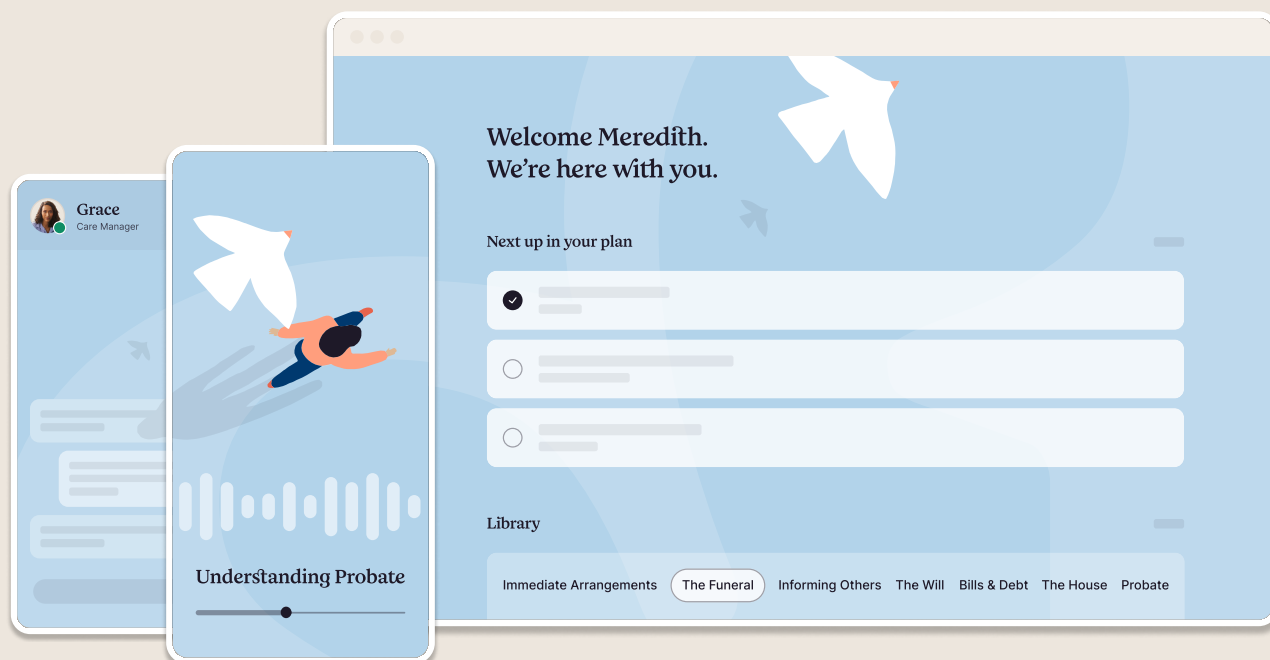
In its 2022 article *The Surprising Benefits of Work/Life Support*, the Harvard Business Review makes an exhaustive case for rethinking the relationship between employer and employee: “For many companies, the ideal worker remains somebody unencumbered by family obligations, who can adhere to the kind of demanding daily schedules and career trajectories that were standard for white men in the 1950s and have intensified since.”

Research shows that support through difficult times promotes productivity, reduces turnover, and improves employees’ mental and physical health. And yet, the Harvard Business Review concludes, “To succeed, at some point every worker needs work/life support...But they don’t receive it—or learn about company benefits—nearly as often as they should.”

In the aftermath of loss, not only are employees getting insufficient support as they deal with challenges that push them to their limits, they are likely not complaining—because they believe they should be able to handle it.

Bereavement is often called a “quiet” event, since employees tend to talk about it with coworkers less than they would other milestones, like having children or even going through fertility treatments. But while cultural taboos around death may keep people from talking about it, the effects are all too real.

By meeting the needs of bereaved employees for perhaps the first time, a new “normal” can be created. And in rethinking bereavement care policy, employers can create a new pillar of support that addresses an acute drain on energy, productivity, and morale.



Loss is hard enough. But every time an employee experiences the death of a loved one, they are also handed a crushing load of responsibilities. With holistic, human-centered care, Empathy eases the burden for families as they navigate the practical and emotional challenges of loss.

Empathy's 24/7 Care Team offers dedicated, one-on-one support from experts who can help with anything from planning a funeral to handling the complexities of probate—as well as the challenging emotions of grief.

Plus, Empathy's award-winning platform includes:

- A personalized, step-by-step checklist detailing every task they may need to complete.
- The ability to collaborate with up to 10 family members on the same account, sharing a secure vault for important documents.
- Tools offering comprehensive support for navigating grief: everything from audio companions to guided meditations and calming breath exercises.

To learn more about how Empathy can offer crucial support for your employees,
book a demo or visit us at empathy.com.

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