

BEREAVEMENT IN THE WORKPLACE

A GUIDE FOR
COMPANIES



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Authoresses and author

Aurélie Masciulli Jung

Melissa Ischer

Katja Haunreiter

Marc-Antoine Berthod

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“ Coming back to work after three days, I quickly found myself overwhelmed by tasks that had piled up in my absence. I was embarrassed to ask for help from my colleagues and had problems concentrating, so the stack of files continued to grow without me daring to alert my supervisor.”

Samantha, bereaved employee

MEMENTO

Consider the individual and social dimensions of bereavement

Integrate the fact that there is no “normal” or “standard” duration for grief

Approach bereavement situations without reference to family configurations

Take particular care and pay special attention at the time of the bereaved employee’s return to work

Ask bereaved persons what their needs and expectations might be

Offer a regular “listening space” over a prolonged period of time to bereaved employees or to colleagues of a deceased employee

Jointly re-evaluate the needs of the grieving employee at regular intervals

Provide adapted work arrangements in a flexible manner to accommodate the needs expressed by the bereaved employee

Define internal policies for dealing with bereavement situations ahead of time



“Of course experience helps with posture, but often things have not been anticipated and protocols, or ways to do things, emerge depending on situations that have occurred. It would be better to ask: if it happens now, what do we have on hand?”

Sabine, HR director

INTRODUCTION

While bereavement may seem to primarily belong to the domain of the private and intimate, it is important to let go of a focus limited to the individual experience of bereavement, and to take into account the global impacts of the loss of a loved one. The professional sphere plays a crucial role in providing support during bereavement, since the work environment represents an important part of the relational life of professionally active men and women. It is thus recommended that companies formally identify bereavement as a possible event that requires global management, including the person concerned and his or her co-workers as well as the professional environment. Companies should also take into account the importance given to the loss of a loved one by the grieving employee, regardless of formal kinship ties, in order to adequately adapt work conditions and provide appropriate support.

OBJECTIVES

Bereavement as an issue concerns company managers, human resources departments, supervisors and colleagues when a member of staff loses a loved one. Many companies already implement some of the practices presented in this guide, or are developing more innovative ones, with the goal of supporting their staff. It is important to collectively think about knowing what to say, how to behave, as well as what can be done for grieving persons in the long run, based on the principle that grief has phases of varying intensity and is experienced in a non-continuous manner over time. This brochure has the goal of promoting dialogue on bereavement situations experienced in the world of work. It invites company management, HR services and supervisors to reflect on this issue and proposes a range of recommendations to help conceptualise and anticipate the management of bereavement in the work place.

BEREAVEMENT IN THE WORK PLACE

Bereavement is the pain felt by those close to a deceased person after his or her death. While the psychological dimension is important to understand the experience of the loss of a loved one during a period of varying duration, it is not in itself sufficient to comprehend all aspects of a bereavement situation or to introduce appropriate recommendations, especially in a complex social environment such as that of a company.

Highly variable elements in the individual, socio-economic and cultural realms must be taken into consideration, as they make each experience of grief singular and unique. One bereavement can hardly be compared to another:

- there is no “normal” or “standard” duration for grieving;
- the nature of the relationship between the bereaved person and the deceased is fundamental;
- the cause and circumstances of the death are highly significant; they may induce shock in the bereaved person.

The meaning the bereaved person gives to the loss is the most crucial element. It enables others to understand the intensity of feelings of grief and is much more significant than the formal degree of kinship with the deceased, though the latter is usually the basis of rules pertaining to compassionate leave.

PSYCHOLOGICAL PERSPECTIVES ON BEREAVEMENT AND GRIEF

- Bereavement is viewed as “a task” that one is obligated to carry out and that may be experienced as difficult. It should primarily be understood as a process
- Non-linear stages characterise the grief experience (denial, anger, bargaining, depression, acceptance)
- The loss of a loved one brings on emotional and physical manifestations (sleep and appetite disorders, fatigue, muscle pain, stress, anxiety, irritability, social withdrawal, memory loss, poor concentration, etc.)

SOCIAL PERSPECTIVES ON BEREAVEMENT AND GRIEF

- Bereaved persons remain integral members of their network of social relationships
- The person’s environment (in terms of family, social, professional relations) is involved even if it is not directly affected (indifference can reinforce negative emotions)
- Bereavement can induce a temporary or more longstanding feeling that life has lost its meaning (spiritual dimension); this could bring about a decreased investment in professional activity
- Experiencing bereavement entails finding ways of navigating a system of social relationships, including in the realm of work

OCCUPATIONAL HEALTH

THE WORKPLACE AND THE ISSUE OF BEREAVEMENT

The workplace must be seen as involved in the sharing of emotions following a death because it is the locus of numerous exchanges, formal as well as informal. The work environment, the management of professional relations by human resources departments, the style of management implemented by supervisors as well as the attitude of colleagues towards bereaved staff are all crucial parameters to take into account when a member of personnel has lost a loved one.

BEREAVEMENT: A PSYCHOSOCIAL RISK AND A SOCIAL RESPONSIBILITY

The responsibility of managers concerns all work-related factors that may negatively impact the health of employees. This duty of protection also applies in cases of bereavement. In some cases, employers may have to implement specific measures in order to deal with this particular circumstance:

- bereavement may be a risk factor at different levels (mental, social, physical) and requires a high level of vigilance;
- coming to work may offer respite, or even provide access to a healing environment, but working may also worsen the burden on the grieving member of staff (for instance through heightened fatigue).

RETURNING TO WORK

It is expected of bereaved persons that they return to their previous activities and reach their usual level of productivity after a relatively short period of time. However, grieving employees often experience decreases in their performance (loss of concentration, anxiety, irritability, feelings of helplessness, lowered ability to make decisions) when they come back to work, or even several months after the death of a loved one:

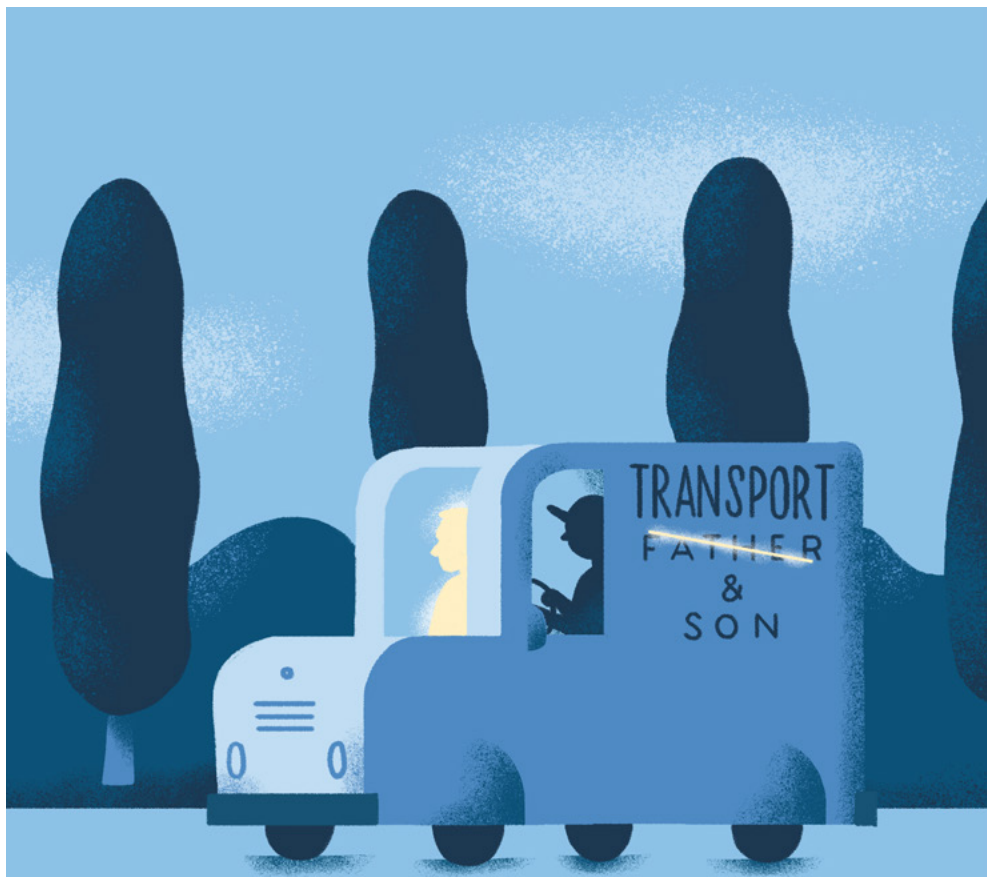
- a broad range of affects (anger, sadness, feelings of guilt) and of physical signs (lack of appetite, sleep disorders, fatigue) may be exhibited;
- bereaved employees may be particularly sensitive to perceived work pressures on the part of supervisors and/or colleagues, and such perceptions may lead to further negative feelings or symptoms.

It must be emphasised that the bereaved person may also be experiencing a sharp personal increase in administrative tasks that can induce significant psychological stress (repatriation of the body of the deceased, sorting out personal effects, handling inheritance issues, terminating the lease for a flat, etc.).

REPRESENTATIONS

Before offering support to bereaved persons, it is important to first become conscious of one's own representations of death: what would be very serious for me may not be so for others, and vice versa:

- make sure that unequal treatment of different members of staff is avoided;
- refrain from stereotyping or stigmatising the behaviour of individuals in terms of ethnic origin, gender, sexual orientation, spiritual beliefs or cultural background, or in relation to their status in the hierarchy of the company.



“ When the death of an employee occurred in the workplace, we set up a crisis support intervention with an external specialist team. These professionals were on site and made themselves available to provide listening space to anyone who felt the need to talk, whatever their degree of professional proximity with the deceased employee. We also contacted the family and offered our support.”

Lucie, head of HR

WHAT ROLES FOR COMPANY MANAGEMENT AND FOR HR DEPARTMENTS?

Company management should be made aware of issues pertaining to bereavement and to support in bereavement situations. The goal is to anticipate the type of situations that may present themselves (perinatal death, death taking place abroad, death after a prolonged illness, death in the workplace, etc.) and to think about the type of support the company is prepared to offer, over and above existing contractual rules:

- identify existing good practices in the professional field that could be implemented;
- broaden compassionate leave arrangements beyond the next of kin;
- handle the issue of dissemination of death announcements within the company in accordance with the wishes of bereaved persons;
- plan some type of commemoration in the event of the death of a member of staff.

Every bereaved person has different needs for support. The most important thing is to make a range of possibilities available so that employees can make use of them – or turn them down – depending on their individual needs:

- favour spontaneous, informal and frequent exchanges;
- make existing measures, as well as special arrangements that can be requested, clear to all staff;
- inform of one's availability.

Initiatives from supervisors or colleagues may be greatly appreciated. It is not so much a matter of knowing what to “say”, but rather one of knowing what to “do”:

- propose a space for discussion and exchanges when the employee returns to work;
- inform the bereaved employee about available internal and external resources;
- explain existing modalities for returning to work and possible adaptations in terms of activities, work load.

Bereaved persons are then free to take up or decline these offers, but they are generally grateful that these opportunities are being proposed.

A FEW RECOMMENDATIONS

- Imagine and discuss in advance various configurations among management, human resources departments and supervisors
- Identify situations that have already been experienced within the company and review what measures were taken at the time, what was well received and what could be improved, as a basis for written guidelines: the goal is to build a body of internal “precedents” that can enable management to avoid reliance on “verbal culture”, as it can be a cause of unequal treatment
- Define an internal policy of bereavement management
- Inform and provide opportunities for all company personnel to participate in ongoing discussions about bereavement and available resources
- Create and update a shared log containing concrete actions to be implemented in case of sudden death or bereavement
- Retain some flexibility on the issue of the formal family relationship between the deceased person and the employee as defined in the collective contract or the company contract (parents, children but also friends or other relatives)
- Offer a specific space for listening to the bereaved employee, such as a special meeting when the person comes back to work
- Regularly ask supervisors how the bereaved employee is doing
- Limit the number of persons the bereaved employee may have to turn to for support or information
- Offer support for carrying out administrative procedures

OFFERING MORE...

Company management and HR departments can go further and integrate more supportive arrangements into their institutional policies. Even before bereavement occurs, it is recommended to take into account the needs of company staff with regard to helping and supporting a family member or colleague in end-of-life situations.

POSSIBLE ACTIONS

- **Raise the awareness of HR and management staff about bereavement and support for grieving employees**
- **Appoint trained bereavement referents in the company**
- **Provide discussion space on bereavement issues in the context of the work place**
- **Be flexible about compassionate leave requests**
- **Recognise the impact on both parents of perinatal deaths: miscarriage, non-functional pregnancy, extra-uterine pregnancy, death in utero, medical or voluntary pregnancy termination, death of the infant during or after birth, etc.**
- **Gather information about administrative and social support measures in cases of bereavement**

WHAT ROLES FOR SUPERVISORS?

Supervisors are directly concerned with, and play a crucial part in announcing the death as well as welcoming the bereaved employee back at work:

- maintain a clear professional stance as a supervisor;
- make oneself available for the bereaved employee;
- initiate informal exchanges with the bereaved person;
- inform about available internal and external resources;
- take into consideration formal requests from the bereaved employee in terms of adaptation of work activities, and offer temporary arrangements;
- be careful not to propose anything that might not be feasible or that might upset the bereaved person.

Direct colleagues of bereaved employees will often be called upon to provide emotional support and/or to take over some informal tasks:

- pay attention to the well-being of colleagues of the bereaved person;
- provide spaces for formal and informal exchanges;
- inform company management or HR services of the situation of their team or service.

It is recommended that supervisors themselves organise the ways in which workloads are adapted, in accordance with the wishes of the bereaved person, so that possible tensions or conflicts between colleagues or team members can be avoided.

A FEW RECOMMENDATIONS

- Offer regular formal and informal discussion times
- Take into account the impact of bereavement not only at the time of employees' return to work, but in the long term
- Propose lessening the workload of bereaved employees and avoid delegating new tasks
- Give information about arrangements pertaining to returning to work
- Ensure that the dissemination of information concerning the death of their loved one to other employees is discussed with bereaved employees
- Take into account the guilt that may be experienced by bereaved employees about their decreased performance level and regularly reassure them
- Identify and deal with the pressure that may be brought to bear on bereaved employees by management or by colleagues
- Organise the handover of tasks to colleagues while making sure both bereaved employees and their colleagues are in agreement with the arrangements being made
- Be aware of the risk bereaved persons run of becoming isolated
- Give information about available internal resources (contact person)
- Orient bereaved employees towards external support if they request it (social accompaniment, psychological support, relevant associations and self-help groups, etc.) and offer time off work for this external help

IN CASE OF DEATH OF AN EMPLOYEE'S LOVED ONE

When employees lose a loved one, they usually inform their direct supervisor and/or the HR Department that they will be absent from work:

- be open and compassionate about the announcement;
- inform employees of their rights in terms of compassionate or special leave;
- inquire about their needs during the next few days;
- make yourself available – identify a contact person;
- handle the necessary replacement arrangements.

Bereavement can last a long time; make sure to regularly enquire about the bereaved person's needs and ensure that the opportunity to grieve is offered without defining a set end to the bereavement period.

In the case of any death, but particularly when the death of a loved one occurs abroad, employees may face organisational and financial difficulties:

- organisation of a funeral service;
- need to travel (in particular to travel abroad);
- repatriation of the loved one's body;
- psychological or medical help.

Management may offer financial assistance in case of difficulties, for instance by way of a salary advance or – when a 13th salary is included in contracts – via its prorated payment in advance.

A FEW RECOMMENDATIONS

- Offer a regular listening space over a long period of time, depending on the bereaved person's needs
- Check whether the bereaved employee wants the death of their loved one formally announced
- When an employee loses a loved one, send a gift (flowers for example) to the home of the bereaved staff member
- Propose sending a collective condolence message, such as a card
- Ensure that representatives from the company attend the funeral, if the bereaved employee agrees to their presence
- Accept requests for time off so that staff members can accompany their colleague to the funeral

IN CASE OF DEATH OF A STAFF MEMBER

The death of an employee and colleague may occur in many different contexts: death after an absence from work due to illness, accident in the workplace, accident outside the workplace, or even suicide. The announcement of the death may come as a surprise (even if the employee has been ill for a long time) and may be experienced by company staff as brutal, particularly if the information is not disseminated in an official manner. In cases of the death of a staff member, all employees may experience grief, whatever their degree of proximity with the deceased colleague.

Possible measures – or interventions – are threefold:

- measures concerning the end of the person's contract by the HR Department. Depending on the collective contract's conditions and/or on internal rules governing personnel, some formal dispositions may have to be taken, such as paying the surviving relative several months' salary;
- contact with the family of the deceased employee and advice to relatives about available benefits and support systems;
- support for the deceased person's colleagues and organisation of some form of symbolic ceremony.

SOME RECOMMENDATIONS

- **Integrate the case of the death of an employee into company crisis management plans**
- **If a death occurs in the workplace, set up a crisis cell staffed by psychologists or by chaplains**
- **Send a gift (flowers for example) to the home of the family of the deceased employee**

- Publish a death announcement in the local papers in the name of the company, after the publication of the family's announcement (do not publish an announcement if the family does not do so)
- Delegate members of company management or HR to go to the funeral and participate in the reception if the family is in favour of it
- Welcome and accompany the deceased employee's loved ones of they wish to come in and pick up the employee's personal effects
- Take the grief of bereaved colleagues into account in the long run
- Send a gift (flowers for example) to the home of the loved ones of the deceased person

POSSIBLE ACTIONS

- Provide a "golden" or memory book in which colleagues can write a message, that will then be given to the family
- Propose a ritual (for instance: organise a minute of silence or a lay ceremony within the company)
- If a company newspaper exists, publish an article/obituary
- Mention the death of the staff member during the company's annual staff evening, among important events having affected the company during the year and plan a short remembrance speech by management or by colleagues

LEGAL ASPECTS

All deaths bring about potentially complex legal consequences that depend on the circumstances of the death (accident, illness) as well as on characteristics of the deceased person: for instance, relevant legal measures are different if the deceased person was an employee of the company who was married with children, or if the death was that of the unborn child of an employee.

Most measures are financial in nature; benefits may be derived from one or several laws, such as professional and non-professional accident insurance for funeral costs in case of accidental death (14 LAA), surviving children's benefits as defined by art. 23ss LAVS (*OASI*), 18ss LPP (*professional pension legislation*), 30ss LAA (*accident insurance*), the right to maternity leave according to art. 23 RAPG (*loss of earnings and benefits in case of maternity*) in case of death in utero, or military insurance benefits (*LAM*) if the deceased employee died during military service.

In addition to benefits derived from social insurance legislation, other rights stem from legislation pertaining to legally mandated employment contracts (CO), collective bargaining contracts in force at the company, cantonal legislation concerning the posthumous payment of salaries to public servants, as well as private insurance the deceased may have individually contracted ("life-insurance" as defined by 3rd pillar pension legislation); the latter must be requested by relatives of the deceased person, but it may be useful to remind them of its possible existence. Finally, the issue of time off given for organising the funeral and for taking care of administrative procedures must be raised: is there a right to paid "leave", at what conditions and for how long?

The diagrams below present the most usual situations, as well as some references to their legal bases. They also contain some suggestions for management teams who may further develop their HR policies in this field.



“ A member of staff lost her baby when she was eight months pregnant. In order to ensure that she did not, herself, have to look for the relevant information concerning her right to maternity leave as well as the expected date of her return to work, I contacted the HR department so that I could give her specific and verified information.”

Françoise, member of company management

DEATH OF RELATIVE/LOVED ONE OF A COMPANY EMPLOYEE

The duration of paid “leave” is determined by jurisprudence pertaining to art. 329 al. 3 CO, the specific employment contract of the employee, collective bargaining contracts or applicable legislation on public sector employment (for instance LPers - legislation on federal employees’ work conditions): the duration of leave is generally higher for closer relatives as defined by the Civil Code, and may go up to 5 days for direct-line kin (parents or children) as well as spouse or life partner, to 3 days for “less close relatives” (particularly siblings and grandparents) and to “time to be taken to attend the funeral” for other loved ones.

Any absence from work beyond leave provided for by the employee’s contract must be justified by a doctor’s certificate, just as in the case of any sick leave due to non-work related illness, i.e. usually after 1 to 5 days of absence; the right to receive one’s salary is defined by the employment contract’s dispositions for the financial coverage of sick leave (324a al. 1 and 2, 324a al. 4 CO, collective contract or legislation defining employment conditions for public employees).

FURTHER SUGGESTIONS

1. Most contracts only allow for very short “leave” when the death concerns a person other than a member of the immediate family: yet management may wish to take into account the closeness of emotional ties between the deceased person and the employee and to grant more extensive leave time when appropriate.
2. In case of a funeral taking place far away from Switzerland, arrangements should be made to determine how the employee’s absence will be recorded: as vacation time, as overtime compensation or even as unpaid leave.

PERINATAL DEATH

FOR THE FEMALE EMPLOYEE

BEFORE THE 23RD WEEK OF PREGNANCY

- A doctor's certificate is required with the same conditions as in the case of non work-related illness, usually after 1 to 5 days of absence; the right to paid sick leave depends on the specific terms of the employment contract (324a al. 1 and art. 324a al. 4 CO, collective contract or legislation pertaining to public employees)
- Coverage of medical costs is defined by 64 al. 7 LAMal (Health insurance legislation)

AFTER THE 23RD WEEK OF PREGNANCY

- 14 weeks according to art. 16i ss LAPG (with partial salary compensation); longer leave may be specified by the terms of the employee's employment contract, of a collective contract in force, or of legislation applicable to public employees
- A possible entitlement derived from cantonal law in cases excluded from LAPG may exist
- Coverage of medical costs is defined by 64 al. 7 LAMal (Health insurance legislation)
- The employee is not allowed to return to work for 8 weeks, in accordance with 35a al. 3 LTr (Labour law)

FOR THE SPOUSE EMPLOYED BY THE COMPANY

If necessary, submission of a doctor's certificate with the same conditions as in cases of non-work related illness, usually after 1 to 5 days of absence; the duration of paid sick leave depends on the terms of the specific employment contract (324a al. 1 and 2, 324a al. 4 CO). A right to paternity leave actually only exists if the baby is born alive (16j al. 3 let d LAPG). Paternity leave is terminated if the infant dies during the leave period.

DEATH OF AN EMPLOYEE WITH DEPENDENT FAMILY MEMBERS

DEATH CAUSED BY ILLNESS (NON WORK-RELATED)

SPOUSE / LEGALLY REGISTERED PARTNER

- Posthumous salaries according to the terms of the employment contract or to art. 338 CO, cannot be cumulated with those mentioned below under “minor children”
- Pension according to art. 23ss LAVS (OASI) (conditions differ if the surviving spouse is a man or a woman, cf 13a al. 2 LPGA), in some cases complementary benefits from LPC AVS/AI (Complementary benefits to OASI/Disability Insurance) may be granted
- Pension according to art. 19 and 19a LPP (Professional pension) if the deceased was affiliated to the company’s pension plan (according to conditions specified by the pension plan)

LIFE PARTNER

- Posthumous salaries according to the terms of the employment contract or 338 CO
- Pension according to 20a LPP (Professional pension) if the deceased was affiliated (according to conditions specified by the pension plan)

EX-SPOUSE

- Pension, within limits set by 24a LAVS (OASI)

MINOR CHILDREN AND YOUNG ADULT CHILDREN IN TRAINING UP TO 25 YEARS OF AGE

- Posthumous salaries according to the terms of the employment contract or 338 CO (legal guardian)
- Pension according to 25 LAVS, possible right to complementary benefits from LPC
- Professional pension from 20 LPP if the deceased person was affiliated

For employees without dependent family members: only the funeral costs in case of death by accident (14 LAA) will be covered by insurance; possible rights of third parties to the LPP assets of the deceased are defined by the specific rules of the professional pension plan concerned.

DEATH CAUSED BY AN ACCIDENT OR BY WORK-RELATED ILLNESS

SPOUSE/LEGALLY REGISTERED PARTNER

- Funeral costs according to 14 LAA (Accident insurance)
- Posthumous salaries according to the terms of the employment contract or to 338 CO, cannot be cumulated with those mentioned below under “minor children”
- Pension according to 23ss LAVS (OASI) (conditions differ if the surviving spouse is a man or a woman, cf 13a al. 2 LPGA), in some cases complementary benefits from LPC AVS/AI (Complementary benefits to OASI/Disability Insurance)
- Pension according to 28ss LAA, or in rarer cases LAM (Military insurance)
- Pension according to 19 and 19a LPP (Professional pension) if the deceased was affiliated to the company’s pension plan (according to conditions specified by the pension plan)

LIFE PARTNER

- Posthumous salaries according to the terms of the employment contract or 338 CO
- Pension according to 20a LPP (Professional pension) if the deceased was affiliated (according to conditions specified by the pension plan)

EX-SPOUSE

- Pension, within limits set by 29 al. 4 LAA (Accident insurance)

MINOR CHILDREN AND YOUNG ADULT CHILDREN IN TRAINING UNDER 25 YEARS OF AGE

- Posthumous salaries according to the terms of the employment contract or 338 CO (legal guardian)
- Pension according to 25 LAVS, possible right to complementary benefits from LPC
- Professional pension from 20 LPP if the deceased person was affiliated



“ Once I show that things are OK, that I am back to my normal work load... then nothing. It's understandable but at the same time, if HR would be sensitive enough to ask how I am doing later, to leave a door open to talk after a year, it would be a nice thing. There are moments that are harder, milestones to go through. Right now it has just been a year and it isn't easy. It should be possible to express one's needs again.”

Camille, bereaved employee

FOR MORE INFORMATION

This guide is based on the book by Marc-Antoine Berthod and António Magalhães de Almeida “Vivre un deuil au travail. La mort dans les relations professionnelles” published in 2011 by HETSL.

www.hetsl.ch/laress/publications/detail/vivre-un-deuil-au-travail/

TRAINING ON THE MANAGEMENT OF BEREAVEMENT

The Haute école de travail social et de la santé Lausanne (HETSL) offers short courses on death and bereavement in the workplace in its Continuing Education Unit.

The HETSL Continuing Education Unit also offers tailor-made training courses delivered directly in companies.

Contact: Unité de formation continue (UFC) :
 formation.continue@hetsl.ch
 www.hetsl.ch/formation-continue/



This booklet can be downloaded for free, in French, German, English and Italian at the link:
www.hetsl.ch/deuil-au-travail/

EXPERT GROUP

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António Magalhães de Almeida
Élisabeth Henny
Élyse Persoz
Romaric Thiévent
Yolanda Marcote, mother of Emma



“ The role of a chief executive is to observe. This duty of observation means having a look at the mental, physical and emotional health of the company’s staff. In cases of bereavement, it’s never over.”

Stéphane, CEO

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IGAB Interessengemeinschaft Angehörigenbetreuung
CIPA Communauté d'intérêts Proches aidants
CIFC Comunità di interesse Familiari curanti



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