Nicky Ackerley BA(Hons)
Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.
Email: nickyackerley@hrsupportconsultancy.co.uk.

I.V.F treatment and working

Nicky Ackerley BA(Hons)

More and more women are undertaking IVF treatment and naturally a proportion of these women and are in employment. If you're lucky your employer may have a policy for employees who are undergoing IVF treatment, which covers notification, time off pre-conception, flexible working, reduced hours, counselling and how sickness absence relating to IVF is measured. However, it is still quite unusual for an employer to have a policy in place and most women and their employers have to rely on existing legislation and good practice around sickness and maternity.

Any time off you have for IVF treatment or sickness should be treated the same as any sickness and normal medical appointments. If employees are usually permitted to attend a medical appointment, then consistency is important, and this time off should also be permitted within the same remit of 'reasonable'.

If the time off is to be unpaid, it is important that the employer can demonstrate that this is applied irrespective of the circumstance and this rule is applied consistently.

Generally, employers are encouraged to view time off for IVF sympathetically and in a similar fashion to an antenatal appointment.

You might find it helpful to talk to your employer about your treatment, but this is a very personal decision, it can allow for your employer to be flexible and supportive, but you might prefer not to share this information. Frequent requests for unexplained time off, can potentially lead to difficulties so do consider this and plan for how you will manage it.

If you decide to talk to your employer about your treatment, it will help them if you have some ideas about how you might be able make up for lost time, how your schedule could be arranged so there is more flexibility, maybe home working in part might help, is there a colleague who might step in for you at short notice?

It is worth planning how to manage the time away from work for IVF treatment. Appointments can be unpredictable. An employer might agree to a temporary flexible working pattern. It can be an emotionally difficult time and may affect your energy levels and how you are feeling physically. You may need time off after some procedures, and you may be advised to modify your work duties if your job is physically demanding.

There is currently no specific statutory protection for employees undergoing IVF treatment and Infertility is not a disability for the purpose of the Equality Act. A woman will be entitled to protection from unfavourable treatment and time off for ante natal care once the embryo has been transferred. A woman is considered to be pregnant from the point of the implantation. If the implantation of the embryo is not successful, the woman still has this protection for two weeks after she finds out the embryo transfer has not worked.

If the IVF treatment is not successful, you may need time off to help to grieve. People vary in how they deal with physical and emotional stress. You will have the right to sick leave according to your employer's normal sickness procedures. Partners too should not be forgotten and may require support as well.

If you have a miscarriage before 24 weeks of pregnancy and take sick leave, this is protected in the same way as sick leave for pregnancy related reason and should not be included in any sickness calculations or be taken into consideration for any employment reasons. It is generally unlawful to dismiss anyone for absence directly as a result of miscarriage.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email AdvisoryService@bvna.co.uk

This article has been republished with minor changes. These changes do not impact the academic content of the article.

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