

Menopause and the Law

Context

Employers are increasingly recognizing the need to make workplaces menopause friendly. As the general population ages, so does the workplace population with Department for Work and Pensions statistics reporting an increase in the employment rate of people aged 50 to 64 years from 57.2% in 1995 to 72.5% in 2019.¹

Women over 50 are the fastest growing group in the workplace² and employers cannot afford to lose this talent. Women may also remain in work as they are not only living longer but may not be able to retire for financial reasons.

The Government acknowledged this important demographic, and their contribution to the UK economy, with the appointment in 2023 of Helen Tomlinson as the Department for Work and Pensions Menopause Employment Champion.³

The Fawcett Society Report *Menopause and the Workplace* highlighted that one in ten women left their job due to the menopause and 44% said their ability to do their job had been affected by menopause symptoms. Eight in ten said they had no support in the workplace.⁴ The latter has resulted in an increase in employment tribunal claims related to menopause which have tripled in less than 2 years.⁵ The true figure is likely to be even higher. As judgments are published online, employers may prefer to settle out of court to avoid negative publicity.

“Acting as a responsible, reasonable employer and operating under the best practice guidelines really is the best way to support your employees and protect yourself from a tribunal.”⁶

What are employers' responsibilities?

The menopause transition can significantly affect someone's ability to work. Employers have both legal and health and safety responsibilities for their employees under the following legislation:

- The Equality Act 2010
- The Health and Safety at Work Act 1974

New guidance has been published by the Equality and Human Rights Commission (EHRC) setting out employers' legal obligations in relation to menopause under the Equality Act 2010. Whilst menopause is not regarded as a protected characteristic under the Equality Act, age, sex, and disability are and tribunal cases relating to the menopause have been successful on these grounds.

For example, if menopause symptoms have a long-term and substantial impact on a woman's ability to carry out normal day-to-day activities, these symptoms may be considered a disability. Consequently, under the Equality Act 2010, an employer will be required legally to make reasonable adjustments and not discriminate either directly or indirectly against their employee. Employers also have a legal obligation under the Health and Safety at Work Act to assess workplace risks.

What can employers do?

How best to support employees during the menopause transition can be daunting particularly for smaller businesses. However, there is now a range of support and guidance for employers including the BSI Standard on Menstruation, Menstrual Health and Menopause in the Workplace⁷. This is free of charge and applicable to all sectors.

The Standard helps employers to:

- Implement best practice
- Raise awareness about menopause
- Address inequalities in the workplace
- Influence workplace culture.

There are several steps employers can take to meet their legal and health and safety responsibilities including:

- Implementing a menopause policy
- Introducing menopause champions
- Reviewing office facilities
- Introducing flexible working arrangements
- Reviewing uniform requirements
- Adjusting tasks and duties
- Having regular conversations with staff and listening to their concerns
- Becoming an accredited Menopause Friendly Employer⁸.

What are the benefits to employers?

Through recognizing and supporting people experiencing menopausal symptoms in the workplace employers can benefit by:

- Improved recruitment and retention
- Promoting themselves as an employer of choice
- Reducing costs due to turnover and associated expenses
- Improved staff engagement and a positive workplace culture.

Suffolk Libraries Menopause & Me project can support employers by providing access to a range of resources like this one and offering training. Employers can also sign our Menopause Pledge.

For further information visit our website: [For employers | Menopause & Me \(suffolklibraries.co.uk\)](https://www.suffolklibraries.co.uk/for-employers-menopause-me)

Additional resources

- [BS 30416:2023 Menstruation, Menstrual Health, Menopause | BSI \(bsigroup.com\)](https://www.bsigroup.com/bs-30416-2023-menstruation-menstrual-health-menopause)
- [Menopause and the Workplace Resources Hub \(helptogeow.campaign.gov.uk\)](https://helptogeow.campaign.gov.uk)
- [Which membership is right for your organisation \(menopausefriendly.co.uk\)](https://www.menopausefriendly.co.uk)
- [Menopause and the Workplace \(fawcettsociety.org.uk\)](https://www.fawcettsociety.org.uk)
- [Menopause at work: managing the menopause \(acas.org.uk\)](https://www.acas.org.uk)
- [Menopause in the workplace: Guidance for employers | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)

¹ [Economic labour market status of individuals aged 50 and over, trends over time: September 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

² [No Time to Step Back: the government's Menopause Employment Champion - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

³ Ibid

⁴ [Menopause and the Workplace \(fawcettsociety.org.uk\)](https://www.fawcettsociety.org.uk)

⁵ [Tribunals Triple In Less Than 2 Years - Menopause Experts](https://www.pearsonlegal.co.uk)

⁶ [Menopause Discrimination - what it could mean for employers \(www.pearsonlegal.co.uk\)](https://www.pearsonlegal.co.uk)

⁷ [BS 30416 - Menstruation, menstrual health and menopause in the workplace \(www.bsigroup.com\)](https://www.bsigroup.com)

⁸ [Which membership is right for your organisation - The Menopause Friendly Accreditation UK](https://www.menopausefriendly.co.uk)