

<u>Home</u> > <u>Guidance</u> > Menopause in the workplace: Guidance for employers

Table of contents

On this page
Background
Menopause and perimenopause
Impact at work
Employers' legal obligations
Explainer videos
Menopause and the Equality Act 2010
Making workplace adjustments and preventing discrimination
Conversations about the menopause
Acknowledgements
Contact Acas for further information

Menopause in the workplace: Guidance for employers

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Watch the explainer videos

Background

These resources are designed to help employers understand their legal obligations in relation to supporting workers experiencing menopausal symptoms.

Menopause and perimenopause

Menopause is when a woman's periods stop due to lower hormone levels. It usually happens between the ages of 45 and 55, but can also be earlier or later. It can happen for a number of reasons, including:

- naturally
- genetics
- surgery
- cancer treatments

Sometimes the reason is unknown.

Perimenopause is when a woman has symptoms of menopause, but periods have not stopped.

The menopause can cause a range of both physical and psychological symptoms. You can find more information on the range of symptoms <u>here</u>.

Impact at work

Menopause symptoms can have a significant impact on women at work.

Research by the Chartered Institute of Personnel and Development found that two thirds (67%) of working women between the ages of 40 and 60 with

experience of menopausal symptoms said they have had a mostly negative impact on them at work.

Of those who were negatively affected at work:

- 79% said they were less able to concentrate
- 68% said they experienced more stress
- nearly half (49%) said they felt less patient with clients and colleagues,
 and
- 46% felt less physically able to carry out work tasks.

As a result of this, over half of respondents were able to think of a time when they were unable to go into work due to their menopause symptoms.

<u>Further research by the Fawcett Society</u> found that one in ten women surveyed who were employed during the menopause left work due to menopause symptoms.

Employers' legal obligations

Under the Equality Act 2010, workers are protected from discrimination, harassment and victimisation on the basis of protected characteristics including <u>disability</u>, <u>age</u> and <u>sex</u>.

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 could be considered a disability. If menopause symptoms amount to a disability, an employer will be under a legal obligation to make <u>reasonable</u> <u>adjustments</u>. They will also be under a legal obligation to not directly or indirectly discriminate because of the disability or subject the woman to discrimination arising from disability.

Women experiencing menopause symptoms may also be protected from <u>direct and indirect discrimination</u>, as well as <u>harassment and victimisation</u>, on the grounds of age and sex.

Under health and safety legislation, employers also have a legal obligation to conduct an assessment of their workplace risks.

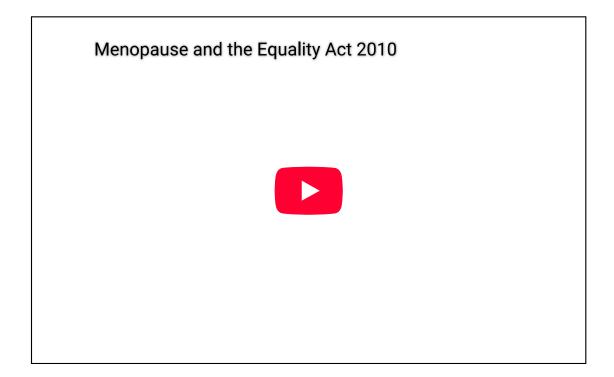
Explainer videos

Watch these videos to find out about:

- · your legal obligations as an employer
- · top tips for supporting workers experiencing menopause

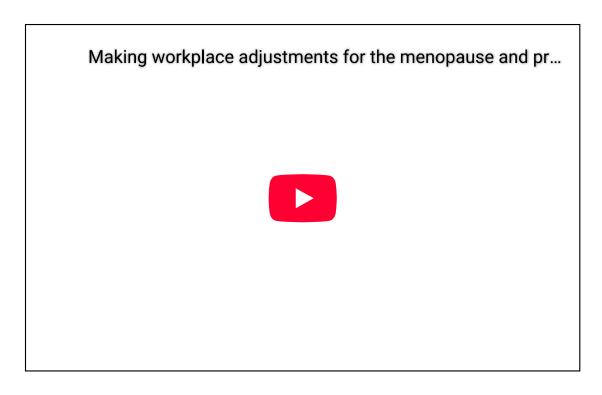
Menopause and the Equality Act 2010

This video is an introduction to menopause in the workplace. It details how workers experiencing menopause symptoms may be protected by the Equality Act 2010, and outlines the legal obligations that employers have under the Act.



Making workplace adjustments and preventing discrimination

This video provides examples of workplace adjustments in practice and changes that employers can make to support their workers and prevent discrimination. It explains the risks associated with failing to make such adjustments and outlines the benefits of taking proactive steps.



Conversations about the menopause

This video provides guidance on having conversations about the menopause. It explains key ways that employers can encourage a culture where workers feel able to talk about their symptoms and ask for adjustments to their work. It explains how employers can involve all workers in conversations about the menopause, and the benefits of doing so.





We spoke to staff at the University of Greenwich to find out how they have created a menopause-friendly workplace.

Watch the:

- Learning and development video
- Uniforms video
- <u>Understanding menopause in a legal context video</u>

Acknowledgements

The following organisations were part of our reference group. Their contribution supported the development of these resources.

- · Chartered Institute of Personnel and Development
- Chartered Management Institute
- Federation of Small Businesses
- Henpicked: Menopause in the Workplace
- The Fawcett Society
- The Menopause Charity
- Wellbeing of Women
- Welsh Government

Contact Acas for further information

If you are involved in an employment dispute or are seeking information on employment rights and rules, you can contact the Advisory, Conciliation and Arbitration Service (Acas):

Freephone: 0300 123 1100 (8am to 6pm Monday to Friday)

Text Relay service: 18001 0300 123 1100.

TRANSCRIPT: Menopause and the Equality Act 2010

A significant proportion of women report that menopause symptoms can negatively affect them at work and, in some cases, make them feel forced to leave the workforce. Symptoms can be both physical and psychological.

It is essential that employers recognize the impact that the menopause and perimenopause can have on women and ensure that they are fulfilling their legal obligations in this area.

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 could be considered a disability: under the Equality Act 2010, workers are protected from discrimination, harassment, and victimization on the basis of disability, sex, and age.

If menopause symptoms amount to a disability, an employer will be under a legal obligation to make reasonable adjustments and to not discriminate against the worker.

Making reasonable adjustments is also important in fulfilling health and safety obligations, improving the well-being of the workforce, increasing productivity, and helping to attract and retain valuable talent.

TRANSCRIPT: Making workplace adjustments for the menopause and preventing discrimination.

Under health and safety legislation, employers have a legal obligation to conduct an assessment of their workplace risks. Workplace adjustments can also be a key part of supporting workers experiencing the menopause. It is good practice to consider how the physical working environment, such as room temperature and ventilation, may affect women experiencing menopausal symptoms.

Where possible, employers should consider providing rest areas or quiet rooms, as well as cooling systems or fans for women experiencing hot flushes. Employers can also support workers by relaxing uniform policies or allowing them to wear cooler clothing.

Promoting flexibility will also help women experiencing menopausal symptoms. Employers may allow staff to work from home where possible. They can also make changes to shift patterns, such as by varying start and finishing times. This can be particularly helpful on warmer days, or when the worker has had a poor night's sleep. It can help reduce the impact of menopause symptoms such as difficulty sleeping, hot flushes, and brain fog.

If a worker's menopause symptoms amount to a disability under the Equality Act 2010, failing to make reasonable adjustments will amount to disability discrimination. Employer policies, such as uniform policies, that disadvantage women experiencing menopausal symptoms could also amount to indirect age, sex, or disability discrimination.

Menopause-related absences should be recorded separately from other types of absence. Taking disciplinary action because of menopause-related absence could be unlawful discrimination, unless justified. Equally, using language that ridicules a worker in relation to their menopausal symptoms could be harassment related to age, sex, or disability.

If a male worker suffered from a health condition that had similar symptoms to the menopause, an employer may make allowances for this during a performance review. If

they did not do the same for a woman experiencing menopausal symptoms, this could be unlawful discrimination, unless justified.

The costs of failing to make workplace adjustments for staff can run into hundreds of thousands of pounds when taking into account the loss of talent and costs of defending a claim. Yet fulfilling legal obligations by making changes to the workplace and the working environment does not need to be difficult or costly. Making workplace adjustments will help organisations to attract and retain valued workers.

TRANSCRIPT: Conversations about the menopause

A key way to support workers is to have open conversations about the menopause. Doing so will help encourage a culture where women feel able to talk about their symptoms and ask for adjustments to their work.

Involving all workers – not just managers – in these conversations will help them feel confident in supporting colleagues. This can be done through training, including manager training, lunch-and-learn sessions, and opportunities for women to discuss their experiences and get support.

You can also provide safe spaces, for example, through staff networks and help for those who are supporting somebody else, either at work or at home.

Conversations can be less formal, too. They may consist of regular reminders to workers about the support available to them and confidential one-to-one meetings with managers to discuss any issues they're experiencing.

Employers can also support women by introducing a menopause policy that outlines the support available and provides guidance to managers and colleagues. It is good practice to widely communicate any policy to workers on a regular basis.

It is important to have regular, open conversations with workers to find out what support they need and to keep this under review. Each woman experiencing the menopause will do so differently, and there is no 'one-size-fits-all'.