

Menopause in the workplace

It's time to talk

Why is menopause a workplace issue?

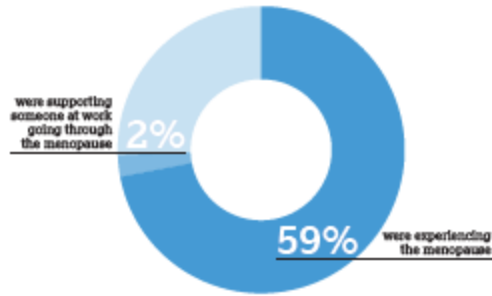
- Women make up nearly half of the working population in Northern Ireland (48%) and with changes to pension age and other workplace issues, more women are working longer. (source: Labour Force Survey).
- There are approx 266,000 people over the age of 50 in employment in Northern Ireland. Of these people, 125,000 are women which makes the female share of over 50's employment **47%**. Consequently, many women are or will work through a little discussed stage of life, the menopause.

How do women feel?

- In May 2018, the Irish Congress of Trade Unions conducted an online survey in Northern Ireland to explore how the issue of the menopause effected people in work.
- The survey ran for a four-week period and attracted 2,471 responses, the largest response to an ICTU survey conducted in Northern Ireland.

Survey results

59% said that they are currently experiencing the menopause, **2%** of respondents said they were supporting someone at work going through the menopause. The remaining respondents said that they were either likely to experience the menopause in the future or were post menopausal.



99%

said that they did not have or didn't know if they had a workplace menopause policy. **Only 1%** of respondents said that they had a menopause policy.

49%

said that the menopause had been treated as a joke in their workplace.

28%

said that the menopause was treated negatively in their workplace



Only 40% said that they would feel comfortable talking about the effect that the menopause was having on them and only in a confidential setting with either a line manager or a union rep.

55% of respondents

said that the gender of their line manager would influence their decision to talk to their line manager.



96%

said that they would welcome a workplace



97%

said that they would welcome training for union reps and managers so that they could support women

Voices from the survey

“I would not currently consider applying for a new job to avoid a steep learning curve in a new environment whilst dealing with menopause symptoms.”

Voices from the survey

- I'm sitting here at 9am having been awake from 3am with a migraine I've had for now the third day - all hormone/menopause related - yet I can't tell anyone what the problem is ! I couldn't sleep on at 6am when my alarm went off and get some well deserved rest- I had to "soldier on!"

Voices from the survey

- I work in a school environment and there is nothing in place to allow you to leave the classroom when you are experiencing severe symptoms

The legislative context

- Employers have a *duty of care* to their employees under health and safety law which includes assessing and considering the specific requirements of female employees affected by menopausal symptoms.
- A failure to support female employees affected by menopausal symptoms may contravene certain *equality* laws.

Equality considerations

- Statutory equality law does not expressly provide protection for menopause or perimenopause as such. However, women who suffer discrimination in employment that is related directly or indirectly to them having menopausal symptoms may be able to seek legal remedies if alleging that they have suffered unlawful discrimination or harassment on the grounds of sex, disability or age.
- There have been a number of successful tribunal cases which provide employers with important lessons in how to support female employees affected by menopause.

Ms M Davies v Scottish Courts and Tribunals Service (2018)

- A woman with menopause may be deemed to be a disabled person under the Disability Discrimination Act 1995, if her symptoms are long term and substantial. In such a case, the employer is bound by the **reasonable adjustment duty**.
- One of the reasonable adjustments to physical features required by Ms Davies was to be located close to the toilet. The other adjustment was access to cold water on the desk for medication. The employer considered neither adjustment and Ms Davies was successful in her claim of failure to make a reasonable adjustment. The Tribunal also found that her dismissal was unfair.

Voices from the survey

- Had to provide a letter from the doctor to be able to have a fan on my desk.

A v Bon Marche Ltd (2020)

- This anonymised case demonstrates the importance of considering comments about menopause in the workplace and when they may be construed as harassment on grounds of sex and age. In this case, the Tribunal held that Ms A had been subject to a lengthy course of harassment and abuse by her line manager in relation to being menopausal and agreed that she was discriminated against on protected grounds of age and gender.

Merchant v BT plc (2012)

- Ms Merchant was dismissed following a final warning for poor performance. She had previously given her manager a letter from her doctor explaining that she was “going through the menopause which can affect her level of concentration at times”. The manager decided not to carry out any further investigations of her symptoms, in breach of BT’s performance management policy. The tribunal upheld her claims of direct sex discrimination and unfair dismissal and held that the manager would never have adopted “this bizarre and irrational approach with other non-female-related conditions”. The manager also incorrectly decided that his wife’s experience of menopause was relevant evidence for his employees.

Voice from a respondent

Suffer in Silence

No support

No one interested how you are feeling

No facilities to freshen up after you have been sweating a lot

Just feel alone in dealing with the symptoms you are experiencing on an every day basis.

Time to change this!