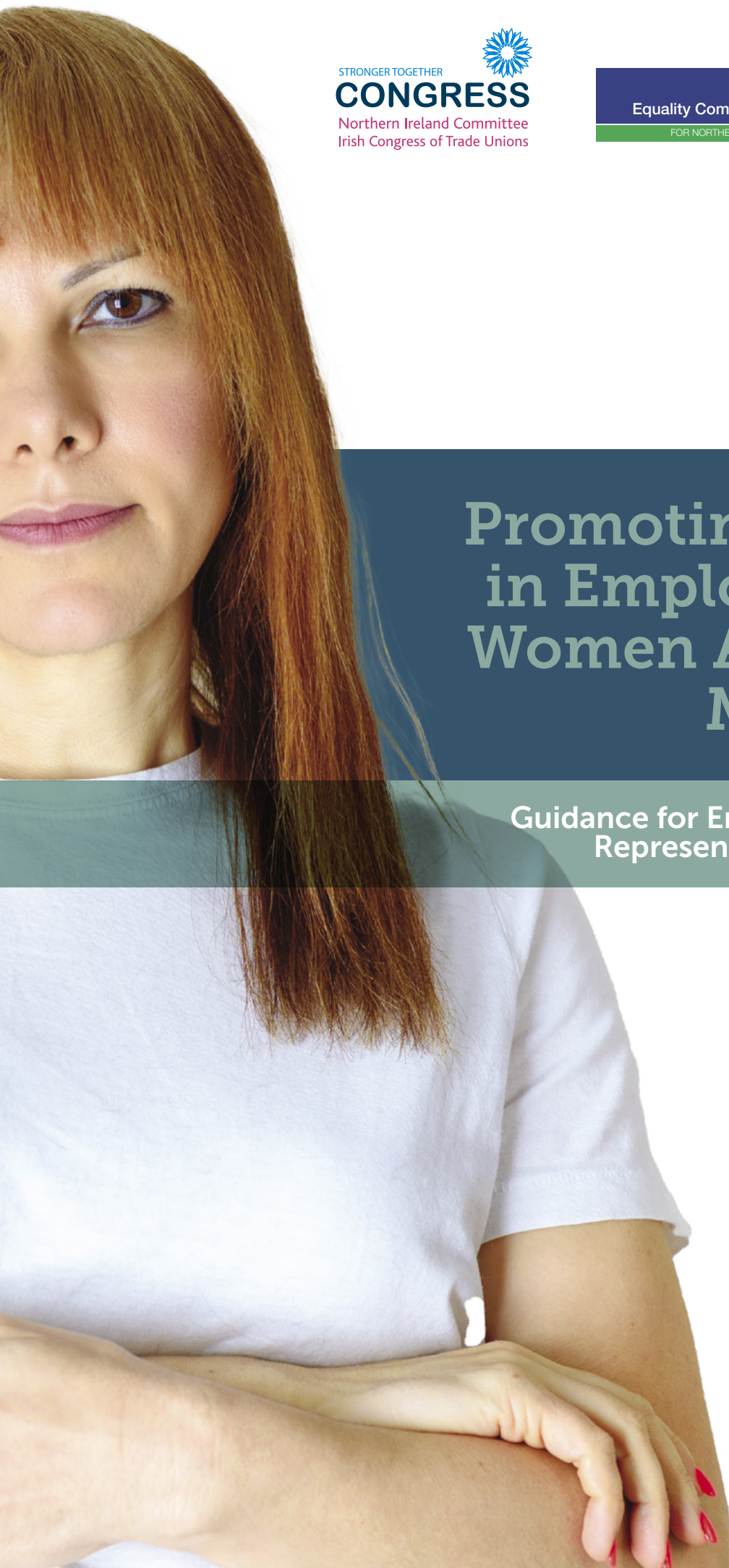




Promoting Equality in Employment for Women Affected by Menopause

Guidance for Employers, Trade Union
Representatives and Employees



Understanding the menopause

This guidance has been produced by the Irish Congress of Trade Unions, the Equality Commission for Northern Ireland and the Labour Relations Agency. It includes an overview of why menopause is a workplace issue and a checklist to enable employers to assess the extent to which their current workplace policies and practices meet the needs of women with menopausal symptoms.

Menopause is a normal and natural ageing process for women, which usually happens between the ages of 45-55. It can result in a range of symptoms which may be physical, psychological and emotional, the most common of which include hot flushes, sleep disturbance, mood changes, headaches and weight gain.

While we predominantly refer to 'women' in relation to the menopause in this guidance, we also recognise and appreciate that the menopause and menopausal symptoms can impact people of all genders. Menopause can still be experienced by some trans men and non-binary people, particularly those who haven't pursued or have been unable to access medical forms of transition. Trans people of all genders can require support and flexibility in the workplace, however they may have additional needs around privacy, confidentiality, and access to specific support for dealing with menopause as a trans person.

For more information on the menopause see <https://www.nhs.uk/conditions/menopause/>

Menopause in the workplace

Women make up nearly half of the working population in Northern Ireland and with the recent change in pension age, it is likely that more women will be working into later life. This changing demography, together with an employer's duty of care to their employees and a greater openness in discussing the difficulties faced by those experiencing menopausal symptoms, helps explain why employers should ensure that they have the appropriate policies and procedures in place.



Employers also have a *duty of care* to their employees

In 2018, the Irish Congress of Trade Unions received over 2,400 responses to an [online survey](#) which sought to explore how the issue of menopause effected people in work. The results revealed that not only did women face real challenges in the workplace as a result of menopausal symptoms, but that often there was little or no support available to them.

Why should employers consider menopause in their workplaces?

Responding positively to the specific needs of individual employees is a key component of building an inclusive and welcoming working environment. An employer who seeks to understand and accommodate the needs, experiences and priorities of their employees is one that is likely to gain greater staff loyalty, lower rates of absenteeism and higher rates of productivity. It therefore makes *good business sense*.

Employers also have a *duty of care* to their employees under health and safety law which includes assessing and considering the specific requirements of employees affected by menopausal symptoms.

A failure to support women affected by menopausal symptoms may contravene certain *equality* laws.



Health and safety considerations

Employers must minimise, reduce and where possible remove workplace health and safety risks for employees. This includes:

- Ensuring menopausal symptoms are not made worse by the workplace conditions and/or work practices; and
- Making changes to help employees manage their symptoms when doing their job.

An employer must generally assess health and safety risks for employees. Regarding the menopause and perimenopause (the menopausal transition), an assessment should, for example, include:

- The temperature and ventilation in the workplace;
- The materials used in an organisation's uniform, if there is one, and whether the uniform might make an employee going through the perimenopause or menopause feel too hot or worsen skin irritation;
- Adequacy of restroom facilities;
- Whether toilet and washroom facilities are easily available; and
- Whether cold drinking water is easily available.

For information on how to carry out a health and safety risk assessment, visit the Health and Safety Executive Northern Ireland website at <https://www.hseni.gov.uk/topic/risk-assessment>.

An employer must generally assess health and safety risks for employees

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, depending on the specific facts of their cases, 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 women affected by menopause. Summaries of these tribunal cases are appended with key lessons. These indicate that employers should:

- Be aware that a failure to respond to the needs of employees affected by menopausal symptoms could be viewed as direct/indirect sex discrimination and/or a failure to make a reasonable adjustment;
- Ensure all policies are implemented fairly and consistently; and
- Ensure those with management responsibilities are familiar with the organisation's policies on supporting women affected by menopause.

It is important that employers are aware that menopause can affect women in different ways and consideration should be given to the specific issues that may impact on older women, younger women, disabled women, women in same sex relationships, transgender and non-binary people as well as Black, Asian and minority ethnic women.

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Employer checklist

Many employers will have the basics in place to ensure there is a workplace environment which enables staff to raise sensitive or personal issues, including menopausal symptoms, with their managers. Employers should also recognise that employees have a right to privacy and may not wish to discuss their menopausal symptoms in the workplace.

This checklist, whilst not exhaustive, should enable employers to assess the extent to which their current policies and procedures meet the needs of women with menopausal symptoms.

Checklist Table

In the workplace:		Yes	No	Not Sure
1	A commitment to supporting women affected by menopause is contained in all relevant policies. These may include the Equality Policy, Harassment Policy and Reasonable Adjustment Policy.			
2	The impact of menopause is considered when implementing relevant policies and procedures, for example absence, performance/capability management, discipline and grievance.			
3	Training is provided to relevant staff, trade union representatives and managers, raising awareness of menopause and relevant policies and procedures.			
4	Managers and supervisors are made aware of their specific responsibilities to support women affected by menopausal symptoms.			
5	Regular risk assessments are conducted to minimise or where possible remove workplace risks for women experiencing menopausal symptoms.			
6	Managers and supervisors, in conjunction with trade union(s), promote a working environment that encourages women affected by menopausal symptoms which impact on their work, to discuss those matters with appropriate personnel e.g. line manager, human resources and well-being champion.			
7	Negative attitudes related to menopause are robustly challenged.			
8	Where relevant, staff are referred to obtain appropriate medical support and advice, which may include accessing an Occupational Health provider.			
9	Regular staff surveys are conducted which include questions about health and well-being, to include menopause.			
10	Monitor the effectiveness of our strategies and interventions to assist those of our staff affected by menopause.			



Tribunal decisions

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.



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.

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. 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.

Good practice examples

Belfast Health and Social Care Trust

Belfast HSC Trust is committed to proactively and inclusively supporting, managing and enabling its diverse workforce; 28% of its staff are aged between 45-54 and 78% are female, making menopause an issue of significant importance.

The Trust organised three 'Café Menopause' events in partnership with HR, Ulster University, Regional Menopause Clinic and TU colleagues, to enable staff to come together and discuss the menopause openly and share their experiences. This was a unique opportunity to dispel myths, answer questions and address concerns. The feedback was very positive and those staff in attendance advised that they welcomed the opportunity to talk in a safe and confidential space.

A Menopause Toolkit was developed, in partnership with Business in the Community (NI), for staff and managers to provide additional support. Further information can be accessed [here](#).

Police Service of Northern Ireland (PSNI)

The PSNI has developed a number of initiatives to support women affected by menopause.

The Pause for Thought Conference (November 2019), organised by the PSNI and the Police Federation, aimed to support women affected by menopause and examined the range of available support and the role of various therapies and nutrition in helping to reduce menopause symptoms. Guidance was developed to provide advice to women affected by menopause and to assist managers in their role, which included ensuring ongoing advice and support in the PSNI's Internal Wellbeing Hub.

A senior Occupational Health professional summed up the PSNI's approach to menopause at work:

"Educating and informing managers about menopause, how it can affect women and the impact it can have in workplace means managers are better equipped to sensitively conduct helpful conversations, and provide the right support".



Further information on menopause

Useful Resources

There are many useful resources available for employers, trade unions and employees. This list is not exhaustive.

[NHS Guidance on menopause symptoms and treatment](#)

[NICE guidance on menopause diagnosis and management](#)

[CIPD The Menopause At Work- A guide for people professionals](#)

[Daisy Network](#)

[Faculty of Occupational Medicine of the Royal College of Physicians](#)

[Henpecked: Menopause in the Workplace](#)

[Irish Congress of Trade Unions menopause survey results](#)

[TUC Wales Cymru – The Menopause in the Workplace](#)





How we can help

Irish Congress of Trade Unions

The ICTU is the trade union federation representing affiliated trade unions across the island of Ireland. Trade unions can bargain collectively for their members on salary and important terms and conditions as well as workplace policies, including on the menopause. Trade unions can also provide advice to members as well as representation when engaging with employers.

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Labour Relations Agency

We provide an impartial and confidential employment relations service to those engaged in industry, commerce and the public services. Our services include the provision of advice on good employment practices and assistance with the development and implementation of employment policies and procedures. The Agency offers a wide range of training seminars/webinars, briefings and workshops.

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Twitter: [@LRA_NIreland](https://twitter.com/LRA_NIreland)



Equality Commission for Northern Ireland

We provide advice and information on equality law as it applies in Northern Ireland through advice, support and guidance.

We share good practice examples with other organisations in Northern Ireland.

Website: www.equalityni.org

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