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[Blog article](#) by Paul Oakes, Equality Commission, Advice & Compliance

## **The menopause - a workplace equality issue?**

Many equality issues in the workplace come quickly to the Commission's attention because people affected by them contact us with complaints. Sometimes, however, it is the other way round. Even though it is not a common cause of complaint to the Commission, the second most discussed issue discussed by employers at the Commission's seminars last year was the impact of the menopause as an equality issue in the workplace. Issues arising from the menopause can sometimes have an effect on women's ability to do their job effectively – and employers' reaction to this can cause problems.

A UK Government report from July 2017 made the point that women should not be made feel that the subject is taboo. They should feel able to talk to their employers about menopausal symptoms and how these might impact on their work. Just as any employee should feel able, without embarrassment or censure, to talk openly about any health issue affecting them.

This call for "normalisation" arose from consideration of data indicating that most women feel reluctant to raise this issue. A BBC News report noted that this was the feeling of 70% of respondents to one of its surveys.

Employers also need to bear in mind that there may be legal implications if they do not engage effectively with any of their employees affected by menopause. In a 2012 case, *Merchant -v- BT Plc.* a tribunal made a finding of unlawful sex discrimination. In that case a manager had not complied with the employer's capability procedure in dealing with an employee whose underperformance related to menopause symptoms.

In a more recent case, *Davies -v- Scottish Courts & Tribunal Service* in May 2018, an employee's menopausal symptoms were deemed to be a disability for the purposes of the Disability Discrimination Act. So, when dealing with employees who have menopausal symptoms, employers should consider whether the employee is disabled as a result of those symptoms. And, if they conclude that they are, then they should consider what reasonable adjustments they might be able to make for them.

So - what can employers do to engage effectively with employees experiencing menopausal symptoms?

Firstly, they should recognise that menopause can be a very significant issue for many women and may impact on their ability to work effectively. They also need to acknowledge that this may have legal implications for them as employers.

An important step would be to ensure that menopause is considered as part of the employer's wider occupation health awareness campaign and strategy – to make sure that those affected by menopause feel comfortable in raising it as a workplace equality issue.

It would be good practice to develop a policy on menopause, recognizing it as an equality issue in the workplace and demonstrating their commitment to addressing it as such. That would include ensuring that supervisors and managers are trained to engage effectively with staff affected by menopause and are in a position to implement any adjustments which will minimise the impact of those symptoms.

These could include measures such as ensuring staff are close to toilet facilities, are able to work beside open windows or have access to a fan. Of course, it is important that employers consult with employees affected by menopausal symptoms too establish what they would regard as the most effective adjustments for them.

Employers should ensure that workplace health and safety audits consider the workplace risks associated with menopause and also make appropriate adjustments to other workplace policies. For example, they could include a specific commitment in their equal opportunities policy to promote equality of opportunity for those affected by the menopause.

The Equality Commission can provide advice and guidance to any employer who feels they may need support in dealing with these issues. Contact us on our Enquiry Line on 028 90 500 600.