

# Menopause at work

#### 1. Managing the menopause

Managing the effects of the menopause at work is important for both employers and their staff.

For those experiencing symptoms it can be a difficult and stressful time. Everyone will experience the menopause differently and for some, symptoms can be quite severe and can affect people both physically and mentally.

The menopause is a natural stage of life which affects most women and other people who have a menstrual cycle. This can include:

- trans people 'trans' is an umbrella term used to describe people whose gender is not the same as the sex they were assigned at birth
- people with 'variations of sex development' (VSD) some people might prefer to identify as intersex or use the term 'differences in sex development' (DSD)

It's important for employers to be aware of all of the people who might go through the menopause and menopause symptoms and to support them all equally.

The menopause usually happens between 45 and 55 years of age but it can also happen earlier or later in someone's life. For many people symptoms last about 4 years, but in some cases symptoms can last a lot longer.

There are 3 different stages to the menopause:

- perimenopause
- menopause
- postmenopause

Some people might also experience early menopause or go through medical menopause earlier in their lives. These types of menopause can be medically complicated, so employers should consider this when supporting their staff.

All stages and types of the menopause are different and symptoms can vary from person to person, and range from very mild to severe.

Find out more about the menopause and its symptoms on the NHS website

# Why it's important

For employers, the menopause is a health and wellbeing concern for staff and needs to be handled sensitively.

It's important for employers to be aware that the menopause and its symptoms can affect staff at any time. Being aware of this can help staff continue to do their job confidently and effectively.

The menopause can also have an impact on those supporting someone going through the menopause, for example a relative, partner, colleague or carer.

Although the menopause will only be experienced by women and other people who have a menstrual cycle, men should also be included in conversations and training. This is because they might be supporting others going through it.

Supporting and creating a positive and open environment between an employer and someone affected by the menopause can help prevent the person from:

- · losing confidence in their skills and abilities
- · feeling like they need to take time off work and hide the reasons for it
- · having increased mental health problems such as stress, anxiety and depression
- · leaving their job

#### If someone is discriminated against

If an employee or worker is put at a disadvantage or treated less favourably because of their menopause symptoms, this could be discriminatory if connected to a protected characteristic.

Find out more about how the menopause is related to the law

### 2. Supporting staff

It's important for employers to support staff through every stage of the menopause. Having early and regular follow-up conversations with staff to understand their needs can help make sure support and procedures are in place so they can continue to do their job effectively.

#### Find out how to talk with staff about the menopause

Employers should consider how the person's job role and responsibilities could make their menopause symptoms harder to deal with, for example if:

- · they work long shifts
- they cannot take regular toilet breaks
- · their job requires a uniform which may cause discomfort
- their job does not have much flexibility

There are several steps employers can take to make sure they have early conversations with staff and find solutions before problems arise.

# **Training managers**

It can give staff more confidence to talk to their managers about the effects of the menopause on their work if they know the managers are trained to:

- · talk and listen sensitively
- · find ways to give support
- · have knowledge of the menopause and its effects
- · know what support and guidance the organisation can offer

Employers should train all managers, supervisors and team leaders to make sure they understand:

- how the law relates to the menopause
- · how to talk with and encourage staff to raise any menopause concerns
- how different stages and types of menopause can affect staff
- · what support and workplace changes are available to staff
- how to deal with menopause issues sensitively and fairly
- · how gender identity links to the menopause and why it's important

Acas provides training on menopause at work.

#### Carrying out health and safety checks

By law, employers are responsible for the health and safety of all staff, including those working from home.

Employers must conduct a risk assessment of their staff's work and workplace, including any work from home. This includes:

- generally assessing health and safety risks at work
- · minimising, reducing and where possible removing health and safety risks for staff

For staff affected by the menopause this includes:

- ensuring menopause symptoms are not made worse by the workplace or its work practices
- making changes to help staff manage their symptoms when doing their job

For the menopause, a risk assessment could include:

- the temperature and ventilation of the workplace
- the material and the fit of the organisation's uniform, if there is one, and whether it might make staff going through the menopause feel too hot or cause discomfort
- whether there's somewhere suitable for staff to rest if needed, for example a quiet room
- · whether toilet facilities are easily accessible
- · whether cold drinking water is available
- whether managers and supervisors have been trained on health and safety issues relating to the menopause

Find out more about risk assessments on the Health and Safety Executive website

Employers should review risk assessments regularly to make sure their staff's working environments remain safe and healthy.

Employers should also make sure that staff know they can approach their managers to raise any health and safety issues and will not be put at a disadvantage or treated less favourably if they do.

# Developing a menopause policy

To help staff feel supported it's a good idea to have a policy specifically for the menopause. This should be shared across the whole organisation, be regularly reviewed and be the basis for any training the organisation gives to managers.

Having a menopause policy can help everyone in the organisation understand:

- what the menopause is and how it can affect people
- · how it affects everyone differently
- · what support is available to staff affected by it

The menopause policy could also:

- explain what training is provided to managers, supervisors and team leaders
- explain who the organisation's point of contact is for queries related to the menopause
- show how the organisation is open and trained to talk and listen sensitively about the effects of the menopause
- include the employer's commitment to support its diverse workforce and to prevent discrimination

Even if there is a policy, employers should make some allowances when supporting staff through the menopause because everyone's experience will be different.

You should also review your current health, safety and wellbeing policies to make sure they cover any links with the menopause. This could include reviewing:

- · diversity and inclusion policies, for example on sex, race, disability and gender reassignment
- flexible working policies
- · absence management policies
- · sickness reporting policies

#### Managing sickness absence and job performance

Because the menopause can be long term and affects everyone differently, managing absence from work should be handled sensitively.

Employers should keep talking with their staff and be prepared to:

- · make changes to help staff continue to work
- take into consideration any performance issues which might be because of menopause symptoms

It's a good idea for employers to talk to staff about any changes that could help them do their job. Staff should also be given a reasonable amount of time to adjust to any changes made.

When someone is off sick because of the menopause, the employer should record these absences separately from other absences. This is because there may be times when it could be unfair or discriminatory to measure menopause-related absence as part of the person's overall attendance record.

It's also good practice for an employer to allow staff to go to medical appointments related to the menopause. There is no law for this type of time off, but employees and workers might have a right to paid or unpaid time off written in their employment contracts.

Employers must not discriminate against someone because of their menopause symptoms.

Read more about how menopause relates to the law

# Having menopause and wellbeing champions

Having a menopause or wellbeing champion at work could help people affected by the menopause. The champion could be a point of contact if staff need advice, or someone to initially talk to if they are not comfortable talking to their managers.

With support from the champion, employers, HR and managers could:

- run workshops in the organisation to raise awareness among staff
- let all staff know that the employer will try to support those having difficulties because of symptoms, for example through
  posters or newsletters

- check that health and safety risk assessments cover the different stages of the menopause
- · set up a support network for staff affected by the menopause
- · tell staff where they can find more information

It's also important that employers raise awareness among staff that they will handle menopause in the workplace sensitively, and with dignity and respect.

#### 3. Talking with staff

To make sure the right support is available, employers and line managers should invite staff to talk with them privately about how the menopause is affecting them at work and what could help.

Employers should make sure they get training for their managers on talking about the menopause so they:

- · know how to have conversations with all staff about the menopause
- know what support is available to women, trans people and people with variations of sex development (VSD) going through the menopause
- · understand their role when it comes to offering support to staff
- understand any organisational policies related to the menopause
- · know how the menopause relates to the law and discrimination
- know that the menopause can affect everyone differently and that the support needed can vary from person to person

Managers should also be encouraged to talk about the menopause with all staff alongside other equality and diversity and health and wellbeing topics to normalise the topic.

### **Organising conversations with staff**

Individual conversations with staff affected by the menopause should always be confidential and held in private where both the manager and staff member are comfortable and will not be disturbed.

The manager should:

- allow the staff member to decide how much information they wish to disclose in the meeting
- · ask general questions, but let the staff member lead the conversation
- not ask them if they want to talk about the menopause, or suggest what symptoms they might be experiencing
- · not make any assumptions about the person's symptoms and should consider any needs they have

Managers should respect the person's wishes for privacy and not disclose any information to other colleagues without their permission.

If someone wants information about their menopause symptoms to be shared, the manager should let them decide:

- · what they want and do not want their colleagues to know
- · who will be told and who will do the telling

It might be helpful to keep a written record of what has been agreed about confidentiality and the sharing of information.

# Why people might not talk about their symptoms

People might not talk about their menopause symptoms at work because they:

- · feel it's a private or personal matter
- feel their symptoms might be embarrassing to share with others
- do not know their line manager well enough
- are not sure if their line manager will be sympathetic
- · feel they will not be taken seriously
- · are worried about confidentiality
- think they will be seen to be less able to do their job
- are worried that job security or promotion opportunities might be taken away
- are worried about outing themselves as a trans person, non-binary person or a person with variations of sex development (VSD)

Employers should also listen to people's experiences and remember that the menopause may affect different people in different ways throughout their lives.

## Giving staff the option to talk with someone else

If staff affected by the menopause want to, employers should give them the option of talking with someone other than their manager. This would help staff who might not be comfortable with approaching their line manager first to talk about how the menopause is affecting them.

The employer should make sure this person has all the necessary knowledge and training to deal with conversations about the menopause. They could be, for example a:

- member of HR
- trade union representative (if the person is a trade union member)
- counsellor from the organisation's employee assistance programme
- · menopause or wellbeing champion

Managers should be involved in agreeing any changes, even if the person has an initial conversation with someone else.

# Supporting trans, people with variations of sex development and non-binary employees

It might not always be obvious who is experiencing menopause symptoms. It's important for employers to remember that the menopause affects most women and other people who have a menstrual cycle. This can include:

- trans people 'trans' is an umbrella term used to describe people whose gender is not the same as the sex they were assigned at birth
- people with 'variations of sex development' (VSD) some people might prefer to identify as intersex or use the term 'differences in sex development' (DSD)
- those who identify as non-binary non-binary people do not think of themselves as simply male or female

Employers should support everyone equally and keep conversations confidential and private. This is particularly important because someone might talk about their gender identity when discussing their menopause symptoms and might not want it more widely known.

It might also be a criminal offence to disclose information about a person who has a Gender Recognition Certificate.

Employers should consider that:

- not all trans, VSD or non-binary people take hormones, but those who do can experience menopause symptoms when stopping or restarting treatment
- trans men might experience menopause symptoms if their ovaries remain and they're not given hormone therapy
- trans men and intersex women might experience surgical menopause if their ovaries are removed
- trans men and intersex women might not experience menopause symptoms with hormone therapy, but they may experience hormonal disruption
- trans women and intersex women might experience some of the symptoms related to the menopause if their hormone therapy treatment is interrupted or hormone levels change

#### Agreeing to changes with staff

It might be agreed that the employer can make a change at work to help someone going through the menopause. If the effects of the symptoms cause a disability, the employer must make reasonable adjustments.

Changes an employer could make to help support someone include:

- being flexible where possible over start and finish times to help them manage their symptoms
- · allowing them to take breaks when needed
- providing a private area where they can rest to help manage their symptoms
- · allowing them to work from home when practical
- · allowing them time off if they cannot carry on working that day
- changing certain duties in their role
- where appropriate, letting the person have control over their working environment, for example having a desk next to a window that opens or providing them with a fan

If someone believes a longer term change to their job would help them with their menopause symptoms they could make a <u>flexible</u> working request.

Employers should make sure managers are objective and knowledgeable in discussing, considering and agreeing any changes with staff.

Changes should be agreed in writing and managers should have follow-up conversations with staff to make sure the changes are working for both them and the employer.

The frequency of follow-up conversations might differ from person to person, depending on how their symptoms and needs change. It's important to remember that the changes agreed at work might need to be reviewed as the person goes through the different stages of the menopause.

Find out more about reasonable adjustments

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# 4. Menopause and the law

Employers should make sure they have steps, procedures and support in place to help staff affected by the menopause.

Having regular conversations with staff and listening to their concerns might help resolve issues early on before any potential legal action is taken.

Employers should make sure they know how the menopause relates to the law, including the:

- Equality Act 2010, which protects workers against discrimination
- Health and Safety at Work Act 1974, which says an employer must, where reasonably practical, ensure everyone's health, safety and welfare at work

The menopause is not a specific protected characteristic under the Equality Act 2010. But if an employee or worker is put at a disadvantage and treated less favourably because of their menopause symptoms, this could be discrimination if related to a protected characteristic, for example:

- age
- disability
- · gender reassignment
- sex

Find out more about discrimination and the law

#### Age discrimination

Employees and workers are protected from being put at a disadvantage or treated less favourably because of their age. This could include less favourable treatment because they're going through the menopause, because it is usually related to the age of the person.

It's important for employers to remember that age discrimination and harassment can also affect younger people who go through medical or early menopause. For example, it could be age discrimination if a colleague makes a rude joke about young people going through the menopause.

Find out more about age discrimination

### **Disability discrimination**

In some cases, the menopause could be considered a disability under discrimination law.

If someone is disabled, their employer must make reasonable adjustments to reduce or remove any disadvantages they might experience because of it. For example, this might include agreeing to record absence because of the menopause separately from other sickness absence.

It's a good idea for employers to focus on supporting the person, rather than trying to work out if someone's condition is a disability.

If someone affected by the menopause is put at a disadvantage and treated less favourably because of something related to their disability, this could be 'discrimination arising from disability'.

Find out more about:

- disability discrimination
- making reasonable adjustments
- · supporting disabled people at work

# **Gender reassignment discrimination**

Gender reassignment is a protected characteristic under the Equality Act 2010. A person has the protected characteristic of gender reassignment if they are planning to go through, are going through or have gone through a process (or part of a process) to reassign their sex. This could be by changing physical or other attributes related to someone's sex.

In the Equality Act 2010, the term 'transsexual' is used to describe people with the protected characteristic of gender reassignment. Many people prefer to use the word 'trans' or 'transgender' rather than 'transsexual'.

If an employer puts an employee or worker at a disadvantage or treats them less favourably because they have, or someone thinks they have, the protected characteristic of gender reassignment, this could be discrimination.

#### Sex discrimination

If someone is treated less favourably or put at a disadvantage because of their sex, this could lead to a discrimination claim.

Employers should also be aware that unwanted behaviour about someone's menopause symptoms could count as harassment or sexual harassment depending on the nature of the behaviour.

Find out more about sex discrimination

# If someone thinks they've been discriminated against

If an employee or worker feels they have been put at a disadvantage or treated less favourably they may be able to <u>make a claim to an</u> employment tribunal.

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