



*Championing better  
work and working lives*

## **The Menopause and the Workplace**

**Submission to the Women and Equalities Select Committee**

**Chartered Institute of Personnel and Development (CIPD)**

**September 2021**

## **Background**

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 155,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

## **Our response**

**What is the nature and extent of discrimination faced by women experiencing the menopause?**

We focus our response to this question on the workplace, as that is our area of expertise and focus at the CIPD.

The menopause is a natural stage of life experienced by most women and yet it remains a taboo subject in many workplaces. While some menopausal women receive help and understanding from colleagues and managers, research shows that many do not disclose their symptoms to management (Griffiths et al 2010). Many employees are too embarrassed to discuss the issue or think their manager would be embarrassed. The result is that most women ‘typically suffer in silence’, while often a few small practical adjustments at work could make a world of difference to someone experiencing some of the uncomfortable symptoms of the menopause. The research also shows that nearly one in five women thought that the menopause had a negative impact on their managers’ and colleagues’ perceptions of their competence at work. This reluctance to discuss the menopause is understandable, but there should be no need for women to feel isolated and scared to seek the support that could transform their working life.

The menopause is also an equalities issue. Under the Equality Act 2010, employers have a duty not to discriminate and employees should be treated with respect in terms of their age and gender. As the menopause is a strictly female condition, any detrimental treatment of a woman related to the menopause could represent direct or indirect sex discrimination.<sup>1</sup>

If a woman experiences serious symptoms from the menopause transition that amount to a mental or physical impairment which has a substantial and long-term adverse effect on her ability to carry out day-to-day activities, this could be classed as a disability under the Equality Act.<sup>2</sup>

Failure to make reasonable adjustments could lead to a discrimination claim. There have already been successful employment tribunal claims in relation to the menopause. In 2012, in the case of *Merchant v BT plc*, the tribunal upheld the employee’s claim of direct sex discrimination when her employer failed to deal with her menopause symptoms in the same way that it would have dealt with other medical conditions.<sup>3</sup>

In another case in 2018, an employee had substantial medical problems related to the onset of menopause. The tribunal found that her employer had discriminated against her on grounds of disability, particularly as it had failed to consider her disability’s impact on her conduct.<sup>4, 5</sup>

There is also a strong health and safety, as well as legal, case for taking the

menopause seriously at work. Employers have a duty of care for the health and safety of their workers, and for taking into account any risks to their health and wellbeing from the working environment. This includes a responsibility to ensure that any factors in the workplace do not worsen someone's menopausal

## **What is the economic impact of menopause discrimination?**

Women in the age bracket typically experiencing menopause transition are the fastest-growing employee group in the labour market. They are also typically at the peak of their careers, representing a highly skilled and experienced talent pool. The level of support that women receive at this stage of their working life can be pivotal in facilitating their continued economic participation. According to CIPD research, three in five (59%) working women between the ages of 45 and 55 with menopause symptoms have said that it has a negative impact on them at work; three in ten (30%) said they had been unable to go into work because of their symptoms, but only a quarter of them felt able to tell their manager the real reason for their absence.

A 2017 Evidence review <sup>6</sup>, from the Government Equalities office and the Rt Hon Justine Greening covering 104 publications, explored the extent to which menopause transition impacts on women's economic participation.

Few studies were identified about women being unable to look for a job, reducing their working hours, identifying negative effects on their careers, or leaving or losing jobs due to transition. There were none examining transition-related effects on finding a job or on women's wages. This does not mean these connections do not exist; rather that they are not discussed in the evidence base.

The economic cost of menopause transition includes two types of costs:

- Extensive margin costs are associated with women leaving work or losing their jobs because of 'bothersome' transition symptoms.
- Intensive margin costs are associated with women staying at work and trying to cope with problematic symptoms.

These costs are borne by women themselves, their partners and families, their employers and wider society. Some are easier to estimate than others – e.g., lost wages when a woman leaves her job versus her reduced self-esteem due to leaving work. Some costs are a direct result of transition symptoms – such as lost wages due to quitting work. Others are indirect – like lost promotion opportunities.

Overall, evidence for the costs of the effects of the menopause transition on women's economic participation is limited. Available data suggest most women in the UK do not leave work due to transition. Some US data measure aspects of intensive margin costs, like lost productivity because of transition symptoms. But these data are not easily generalisable to the UK, because of psychocultural differences between the two contexts. The US data also has methodological problems which affect its quality. No UK data exist for extensive or intensive margin costs.

**How can businesses factor in the needs of employees going through the menopause?**

With the right support, there's no need for women to press pause on their career during the natural transition of menopause. But many women will continue to suffer in silence unless we break the taboo and start talking openly about the menopause at work.

Creating an organisational framework to support female employees experiencing the menopause transition means recognising that this is an equality, occupational health and people management issue. Employers therefore need to approach the menopause holistically, and integrate relevant provision across the policies and practices in all of these three areas to be effective.

Employers need to support people with menopausal symptoms in the same way they would support someone with any other health condition. Information and education about the menopause should be included as part of the organisation's inclusion and diversity training for the whole workforce, and health and wellbeing policies should signpost to the support available.

There is no one-size-fits-all approach to menopause transition at work due to the unique way in which a woman can experience the range of potential symptoms, and so support and adjustments need to be tailored to suit an individual's unique needs. Therefore, a 'cafeteria approach' can be helpful - such as tailored absence policies, specialist support from an employee assistance programme and/or occupational health, flexible working arrangements, workplace adjustments based on individual need and informal support networks such as menopause cafes. Developing and communicating a strategy based on employee need and preference helps to empower the woman experiencing menopause transition to manage her symptoms with the right organisational support in place at the right time.

Our **recommendations** to employers include:

- Review existing policies and frameworks and look for opportunities to specifically highlight menopause issues within these or through a stand-alone policy.
- Help to break through the silence in your organisation: if there's a culture where everyone can talk openly about health issues, such as the menopause, women are much more likely to feel confident about asking for the support they need to be effective in their role.
- Identify reasonable adjustments. Small adjustments to someone's job or working pattern can help people manage their symptoms and continue to perform well in their role.

- Enable line managers to support their teams by educating them about the menopause, who it can affect, and how they can support colleagues experiencing it.
- Get your senior leadership team on board. Make support for the menopause a key part of your strategy to attract, retain and develop female talent. Present a persuasive vision for change and a strong case for future-proofing your business.

**How can practices addressing workplace discrimination relating to menopause be implemented? For example, through guidance, advice, adjustments, or enforcement.**

We believe that practices to address menopause discrimination in the workplace can best be implemented by employers adopting a proactive and positive approach that embeds good practice. Policies and practices should include practical education and guidance for employees and line managers and supportive adjustments such as flexible working opportunities.

We believe there are **four pillars of support** organisations should focus on:

**Open up the culture** – Encourage open conversations about the menopause, provide information for people to help break down the taboo. Ensure that you involve all employees and managers in these conversations. Menopause is an organization wide issue and relevant to men as well as women.

**Develop a supportive framework** – This could include a specific menopause policy or guidance or support for those experiencing menopause transition. Organisations should make clear what support is available and regularly communicate this.

**Manage health/absence** – Organisations should treat an employee with menopause symptoms in the same way they would manage and support someone with any long-term health condition. Absence management policies should be fair and flexible enough so that they don't unfairly penalise someone who is experiencing on-going menopause symptoms.

**Educate and train line managers** – Educate and train line managers so that they understand the organisation's approach to the menopause, they are aware of menopause symptoms and the support that's available, they are comfortable having sensitive conversations with team members and making reasonable adjustments to suit the needs of individuals.

- **What are examples of best or most inclusive practices?**

In the CIPD's 2019 Menopause guidance<sup>7</sup> for People Professionals, we shared a number of case study examples of good and inclusive practice in terms of creating menopause-friendly organisations. We featured the following organisations:

- The Environment Agency
- Network Rail
- Civil Service HR Team
- West Midlands Police
- Severn Trent
- The Solicitors Regulation Authority

We attach the Network Rail case study as an Appendix to this submission.

Helpful practices included:

- Viewing the menopause as a serious and pressing business issue
- Gaining senior level sponsorship
- Holding focus groups with employees including employee networks to understand the issues
- Ensuring that men are part of the conversation
- Providing a suite of accessible resources around the menopause including a short film
- Training for line managers, flexible working, reasonable adjustments and flexible sickness and absence policies that don't unfairly penalise women experiencing long-term menopause symptoms
- Embedding support so that line managers and employees are empowered to manage symptoms and adjustments themselves in the longer-term
- Understanding and providing support relating to premature medically-induced menopause
- Use of reasonable adjustment passports
- Setting up a buddy scheme for women to support other women experiencing the menopause
- Exploring specific cultural aspects of the menopause
- Online private menopause discussion and support groups.

**How should people who experience the menopause but do not identify as women be supported in relation to menopause and the workplace?**

We recognise and appreciate that the menopause can impact trans and non-binary people who don't identify as women. Menopause can still be experienced by some trans masculine and non-binary identified people whose female characteristics may persist at this stage of their lives. They require the same support and flexibility in the workplace as others with similar symptoms.

**How well does current legislation protect women from discrimination in the workplace associated with the menopause?**

The 2017 Evidence review, from the Government Equalities office and the Rt Hon Justine Greening, paints a consistent picture of women in menopause transition feeling those around them at work are unsympathetic or treat them badly, because of **gendered ageism**.

Under the Equality Act 2010, employers have a duty not to discriminate and employees should be treated with respect in terms of their age and gender. As the menopause is a strictly female condition, any detrimental treatment of a woman related to the menopause could represent direct or indirect sex discrimination.

If a woman experiences serious symptoms related to the menopause transition that amount to a mental or physical impairment which has a substantial and long-term adverse effect on her ability to carry out day-to-day activities, this could be classed as a disability under the Equality Act.

As mentioned above, there have been several successful employment tribunal discrimination claims in relation to the menopause. However, tribunal claims rely on employees understanding that their organisation has discriminated against them under the Equality Act. They also rely on an individual having the capacity to make a tribunal claim in the first place, which may be particularly difficult if they are experiencing debilitating menopause symptoms. Tribunal waiting times are now extensive, and will also be another factor in someone's ability to bring forward a claim. Meanwhile, the individual's employment relationship could be severely impacted, with a risk of long-term sickness absence and/or departure from the workplace.

- **Should current legislation be amended?**

**What further legislation is required to enable employers to put in place a workplace menopause policy to protect people going through the menopause whilst at work?**

We think all workplaces should have a framework to support employees experiencing menopause transition. This could include a specific menopause policy, or inclusion in another policy such as health and wellbeing, and/or training, education and guidance around the menopause for employees and managers.

In 2021, we found that 24% of 421 organisations said they had a policy, framework or guidance in place that related to the menopause.

Question: Does your organisation offer any support to women going through menopause (such as a policy, framework or guidance)?

Answer choice	Percentage	Responses
Yes	23.75%	100
No	72.21%	304
Don't know	4.04%	17



We are not calling for legislation to mandate employers to have a specific menopause policy because it's for every organisation to decide how best they can develop a framework of support to suit the needs of their workforce. A compulsory requirement would be too prescriptive and risks a tick box approach or a policy being left on the shelf. Actions on the ground are the most important to enable real change.

We're not convinced that further legislation would have the desired impact and there's a risk of using regulation as a blunt tool. The core issue is how do we significantly raise employers' awareness and understanding of a) their responsibilities and b) the steps they should be taking in their organisation to build working environments that support women experiencing menopause transition? At this stage we are not convinced that a new law is necessarily the silver bullet to achieve these aims. It's likely that new legislation could face the same barriers as current law, for example employers not being aware of the menopause as a workplace issue, or clear enough on their obligations and how to implement an effective framework. This doesn't mean that the existing regulatory framework can't be improved: much more can be done to improve awareness and compliance by employers to avoid discrimination and create healthy, safe and supportive work environments in relation to the menopause.

With this in mind, we believe there is scope to improve the balance of responsibility for the enforcement of equality rights more broadly between individuals and the state. We are concerned that responsibility for enforcement is too heavily weighted on individuals and echo the difficulties faced by individuals in enforcing their rights highlighted previously by the Women and Equalities Committee Inquiry on enforcing the Equality Act, including poor knowledge of their rights. Individuals' access to justice in cases of discrimination is also hampered by their inability to obtain legal aid for employment tribunal cases. Bolder and more targeted use of the EHRC's unique enforcement powers could help to rebalance the enforcement burden away from over-reliance on individuals. The culture around enforcement also needs to change so that there is greater awareness by employers of the consequences of not complying with their statutory equality obligations, including how these are relevant to the menopause.

CIPD has consistently called for a high-profile, Government-led 'Know your Rights' campaign, through trusted organisations like Acas, to ensure that employees have access to information, advice and guidance (IAG) to help them assert their rights and seek redress if necessary. We believe there is a significant gap in this area. The EHRC also has a key role to play to ensure that employers and employees have

access to high-quality IAG that is effectively targeted and disseminated.

We also think Government should follow the recommendations laid out in the CIPD's Menopause Manifesto (detailed in the question below) to highlight this issue of the menopause as a priority public policy issue and to raise awareness of the menopause as a workplace issue, rather than rely on making prescriptive legislative changes relating to a menopause policy.

**How effective has Government action been at addressing workplace discrimination related to the menopause, and what more can the Government do to address this issue?**

We think the Government should focus its efforts on highlighting the menopause as a priority public policy issue, ensuring that the interests of people experiencing menopause transition are represented across government departments and raising awareness of the menopause as a workplace issue with employers.

The CIPD launched a Manifesto for the Menopause at Work<sup>8</sup>, in Parliament in 2019, which called on the Government to specifically:

1. Ensure that menopause is referenced as a priority issue in its own public policy agenda on work, diversity and inclusion.
2. Nominate a Menopause Ambassador to represent the interests of women experiencing menopause transition across Government departments.
3. Support an employer led campaign to raise awareness of the menopause as a workplace issue.

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### **Network Rail puts the menopause centre stage to enhance gender equality and workforce capability**

*Janet Trowse, Head of HR, and Karen Venn, then Diversity and Inclusion Project Manager, outline how their 'menopause project' is rooted in Network Rail's HR business strategy to boost the recruitment and retention of valuable female talent.*

Network Rail views the menopause as a serious and pressing business issue. Operating in a predominantly male industry, it is firmly positioned as part of the company's strategic target to increase its female workforce from around 17% to 20% by 2020. *'Skills shortages are only going to intensify and we need to ensure we attract and retain valuable female talent,'* says Karen, Diversity and Inclusion Project Manager. *'The menopause can have a significant impact on women's health and well-being and their ability to balance work with other demands and it's vital we support them.'*

By working together on the project to raise awareness and develop organizational support for the menopause, Janet and Karen bring together the strategic side of HR and diversity and inclusion, a combination that helps to integrate their work across the business. Both are passionate about the menopause as an issue that needs serious focus, but they are clear it cannot be viewed primarily from a philanthropic perspective if it is going to receive sustained corporate attention. As Karen explains: *'We presented a persuasive vision for change, but securing the leadership's commitment required a robust business case based on enhancing talent attraction and retention, safety and well-being and organisational performance.'* Presenting compelling workforce data and the need to retain female employees in the 40–60-year age band was a vital part of making the business case concrete and tangible to Network Rail.

*'It was also important to set the wider context,'* says Janet. *'We view the menopause as part of a Zeitgeist in terms of gender equality, linked to other key workplace issues about women's economic participation such as the gender pay gap, increased awareness around sexual harassment and equal pay claim tribunal wins.'* She is quick to add that the menopause is not just about women, however, but an issue also affecting men and the organisation as a whole.

Janet and Karen emphasise the importance of gaining strong senior sponsorship and applying a robust project methodology to their work on the menopause. *'Deliver first and capture the imagination of those who hold the purse strings,'* they advise. The project started off as 'budget neutral'; this meant investing a lot of their own time and showing the impact of their investment to encourage future commitment from the board. From the outset the project had a clear 'exit strategy', with the ultimate aim being to embed support and awareness around the menopause so effectively that line managers and employees would be empowered to manage it themselves in the long term.

At an early stage, the project leaders 'put out feelers' to gauge the level of interest,

by using the intranet to post communications about the menopause. Every comment they received was positive and indicated a need for further information. Encouraged, the team produced a suite of accessible resources aiming for maximum reach and engagement, including a short film developed with Deborah Garlick of Henpicked: Menopause in the Workplace. Downloadable on a smartphone, some male employees have shown the film to their female partners at home. A launch event on the menopause at Network Rail attracted a lot of interest and was a big success. And the company's Safety Central intranet site attracted 1,200 visits within the first eight weeks.

The project was underpinned by a strong partnership ethos. *'We were keen to work with partners inside and outside the organisation to increase the reach and impact of our work and make it sustainable,'* says Janet. As well as benefitting from the expert input of Henpicked, they collaborated with their HR advice and guidance and employee assistance providers as well as external organisations such as ENEI and Severn Trent. The team say it was vital to invest time in engaging employees on the issue, and they held several focus groups and connected with employee networks inside Network Rail. Dr Richard Peters, Chief Medical Officer, and Loraine Martins MBE, Director Diversity and Inclusion, provided sponsorship and guidance.

Network Rail's project to build awareness and support for women going through the menopause has had a significant impact across the organisation, and the climate has opened up considerably around the issue. The project leaders have learned a lot from their work, which they are keen to share with other organisations.

One learning point is that engagement with employees is vital, but to handle with care.

As Janet says: *'First of all, don't assume every woman wants to talk about the issue, but it's also important that the conversation isn't completely dominated by women's personal stories and focuses upon the business case for an inclusive workplace and the information and organisational support available.'* In a similar vein, Karen advises to balance the challenges associated with the menopause with the positive benefits of employment such as the attraction, selection, promotion and retention of women.

Another issue raised as part of the employee engagement piece was having the right level of sensitivity around gender-neutral language. Resisting the 'obvious stereotype' and having male employees on board is seen as one of the key success factors of the project, particularly in view of the strong male gender workforce profile.

Finally, both project leaders emphasise that approaching the project with the same rigour and methodology as any other business imperative has been the defining reason for its success so far. As Janet comments: *'At the centre of the project has been its focus as part of our people strategy and the need to future-proof our business – essentially it's about how we attract, retain and develop the very best talent.'*