

# Menopause reforms: Government ducks major change

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In July 2021, the Minister for Employment asked members of a “Roundtable of Older Workers” to look at the issue of menopause and employment in light of the impact that menopause can have on women’s working lives. The Roundtable members published their [report](#) on 25 November 2021 (the **Report**). The Report set out recommendations for Government, employers and wider societal and financial change. On 18 July 2022, the Government published its response to those recommendations (the **Response**). In this briefing we discuss the recommendations of most interest to employers.

## **Enact the dual discrimination provisions of the Equality Act 2010**

The Report recommended that the Government enact the dual discrimination provisions set out in the Equality Act 2010. These provisions would entitle a worker to complain of discrimination arising out of the combination of two protected characteristics, rather than one as is presently the case. This change would help menopausal workers who have typically found it difficult to succeed with complaints based on a single protected characteristic (e.g. disability, age or sex).

However, the Government has declined to enact these provisions. In its view, the existing scheme provides sufficient protection and further changes are not needed. The Response states that “this is borne out by recent cases which show that employees have scope within the Act to challenge discriminatory treatment – claiming under one or more the three relevant characteristics”. This statement is somewhat surprising given that there have been so few menopause-related claims in the last five years (62 out of over 90,000) and even fewer successful claims (seven out of 62).

## **Launch a collaborative and Government-backed employer-led**

## **campaign**

The Report recommended the launch of an employer-led campaign covering:

- the importance of open conversations about the menopause in the workplace;
- the importance of training line managers;
- the importance of awareness-raising and action to combat bias and harassment;
- the need for workplace adjustments;
- the value of support groups and specialist support;
- sick leave and performance management procedures;
- flexible working rights; and
- returner programmes to include and highlight post-menopausal opportunities.

The Government's Response agrees that employers play a critical role in the effectiveness of menopause communications. Therefore, the Government supports this recommendation and has committed to appointing "Menopause Employment Champions" to work with business to spearhead a campaign outlining the benefits of recruiting and retaining menopausal workers.

The Government will also use its existing links and partnerships with business to increase the reach of menopause communications. It will also encourage the development of support within organisations by providing links to advice, guidance and case studies.

### **Larger employers to put in place workplace awareness, training and support via Employee Assistance Programmes**

The Report recommended that large employers put in place workplace awareness, training and support via Employee Assistance Programmes (EAP) (or via a "menopause champion" where there is no EAP).

The Government's Response says that it will encourage larger employers to ensure that menopause forms part of the EAP offering. Beyond this, it says that the Government is exploring options for additional support for women's reproductive health issues within the workplace, including menopause.

## What does this mean for employers?

These commitments do not compel employers to make any changes for menopausal workers and nor do they offer such workers any greater form of legal protection. However, the emphasis on raising awareness through better communications, offering training and providing support all contribute to the growing momentum around menopause as a workplace issue.

The Response is not the end of the matter. We are awaiting the recommendations of inquiries conducted by the Women and Equalities Committee and the All-Party Parliamentary Group on Menopause. That said, given the Government's Response to this Report it seems unlikely that there will be changes to the law any time soon.

However, the focus on this issue, and the pressure to improve the position for menopausal workers, is unlikely to go away. Employers who wish to be considered employers of choice should take steps to support workers now, rather than wait to be forced to do so. If you would like to know more about how your business can support menopausal workers, please join our lunchtime webinar on this topic 7 September 2022. You can find out more about the webinar, and how to register, [here](#).

**BDBF is a law firm based at Bank in the City of London specialising in employment law. If you would like to discuss any issues relating to the content of this article, please contact Principal Knowledge Lawyer Amanda Steadman ([amandasteadman@bdbf.co.uk](mailto:amandasteadman@bdbf.co.uk)) or your usual BDBF contact.**

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