

New guidance for employers on menopause at work

The Equality and Human Rights Commission has recently published guidance for employers on menopause and the workplace. The guidance explains what the menopause is, its symptoms, the impact it can have at work and the legal obligations that an employer has. We round up the key points to note in our briefing.

What is the background?

Back in January 2023, the Government published its response to a Women and Equalities Select Committee report which had recommended significant changes to the law on menopause in the workplace. The Government rejected the majority of the recommendations, committing only to appoint a “Menopause Employment Champion”, make the right to request flexible working a Day 1 employment right and publish new workplace guidance. You can read more about the Government’s response in our briefing [here](#).

The Government appointed [Helen Tomlinson](#) as its Menopause Employment Champion on 6 March 2023 and the right to request flexible working from Day 1 of employment is due to come into force on 6 April 2024. The new guidance issued by the Equality and Human Rights Commission (EHRC), fulfils the Government’s final commitment.

What does the guidance cover?

The guidance is brief and includes addresses the following areas:

The symptoms of the menopause and perimenopause

The guidance explains what the menopause is and how it typically occurs between the ages of 45 and 55, although it may arise earlier or later. It also explains that perimenopause is the phase where a woman is experiencing menopausal symptoms but is still having periods.

The guidance highlights that the menopause may cause a range of physical and/or psychological symptoms and it links to the NHS website which sets out those symptoms in full.

The impact that menopause symptoms may have at work

The guidance explains that menopausal symptoms may have a significant impact on women at work. It cites statistics from the CIPD, including that 67% of working women who experienced menopausal symptoms said it had “mostly negative” impact on them at work. These negative effects included:

- being less able to concentrate;
- experiencing more stress;
- feeling less patient with clients and colleagues; and

- feeling physically less able to carry out work tasks.

Further, around 50% said they were able to think of times when they were unable to go to work because of their symptoms.

An employer's legal obligations

The guidance points out the menopause symptoms may be treated as a disability in law, which will trigger the duty to make reasonable adjustments and protect the worker from disability discrimination. It also highlights that menopausal workers are protected from age and sex discrimination and that risks to their health and safety should be considered in workplace risk assessments.

The guidance also links to several short “explainer videos” covering:

- menopause and the Equality Act 2010;
- making workplace adjustments and preventing discrimination; and
- how to hold conversations with workers about the menopause.

What does this mean for employers?

The guidance is informative only – it is not statutory guidance setting out rules on how employers should and should not deal with menopausal workers. However, it would be wise for employers to consult the guidance and train members of HR and line managers accordingly. This should aid understanding, promote open conversations and allow managers to identify appropriate support for affected workers. In doing so, it should also have the added benefit of minimising exposure to legal claims.

If you would like to gain a deeper understanding about menopause at work, you can also watch [BDBF's webinar](#) on the subject.

[Menopause in the workplace: guidance for employers](#)

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) or your usual BDBF contact.