

Tackling taboos on menopause in the workplace

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Employers are being advised to review their support for women experiencing problems in the workplace because of the menopause or risk compensation claims, following an employment tribunal ruling.

A woman with an unblemished 20 year service record was sacked by the Scottish Courts and Tribunal Service ([SCTS](#)) following an incident that led to a health and safety investigation and later to a disciplinary procedure. She won her case for discrimination after the tribunal ruled that her menopause was a disability and she was awarded more than £19,000 and reinstated by SCTS.

The judgment did not suggest that experiencing the menopause amounted to a disability in itself, but said that the symptoms may have physiological and physical consequences that meet the definition of disability under the [Equality Act 2010](#), with a substantial and long-term adverse effect on a person's ability to carry out day-to-day activities.

The tribunal heard that the woman suffered significant medical problems as a result of going through the menopause, sometimes experiencing heavy bleeding for several weeks, together with stress, memory loss and tiredness and was at a risk of fainting.

The average age of menopause is 51, often with the start of the transition beginning several years earlier. In the UK, the number of women at work in their fifties has risen steadily and the ruling is expected to drive further awareness of the topic, which until recently has been typically taboo for many employers.

Employment partner, [Karen Cole](#), said:

"In the past there has been a stigma around discussing issues to do with women's health, similar to the taboo

concerning mental health, but those boundaries are breaking down and employers cannot ignore this issue."

She added:

"It demands a shift in attitude for many to understand that the impact for some women going through the menopause will be the same as having a long-term health condition, for which reasonable adjustments must be made. So, for example, you may need to review working hours sleep is badly disturbed."

As well as being responsive to the situation, good employers will look to raise awareness within their organisation to ensure women feel able to raise problems, and to be sure that fellow workers understand how menopausal symptoms might affect their co-workers, and to normalise this life stage through open discussion."

What the law says

[The Health and Safety at Work Act 1974](#) requires employers to ensure the health, safety and welfare of all workers. In the case of menopausal women, this could include risk assessments that consider their specific needs, to make sure the working environment does not make symptoms worse, for example because of an overheated or poorly ventilated office, and that welfare is supported through facilities such as toilets and access to water.

The Equality Act 2010 prohibits discrimination on the grounds of sex, whether directly, indirectly or by harassment. An example in the case of menopause could be where an employer does not consider symptoms arising from the menopause to be mitigating factors in reviewing performance, where similar symptoms arising through another condition would be taken into account for male workers.

For further advice and information, why not contact employment lawyer, [Karen Cole](#), today.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

