



Equality Hub

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Rt Hon Caroline Nokes MP  
Chair, Women and Equalities Committee  
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Dear Caroline

Thank you for your letter 12 May about the menopause inquiry. I respond to your questions below:

**What is the Government Equality Office's view on introducing a new protected characteristic of menopause to the Equality Act 2010?**

**a. Who, if anyone, has the Government consulted with before formulating that view?**

As introducing menopause as a new protected characteristic into the Equality Act is not an actual or proposed Government policy, there has not been any public consultation on it. However, we are aware of stakeholder views on the question from a variety of organisations who have provided oral evidence, including:

- Deborah Garlick, Founder and Director at Henpicked - Menopause in the Workplace
- Nikki Pound, Women's Equality Policy Officer at Trade Union Congress
- Claire McCartney, Senior Policy Adviser (Resourcing and Inclusion) at Chartered Institute of Personnel and Development
- Lynda Bailey, Co-Founder and Director, Talking Menopause and former Inspector at West Midlands Police
- Chris Pitt, CEO at First Direct
- Sharon Ollivier, Senior Training and Development Partner at South Tees Hospitals NHS Foundation Trust

Our key objective is to ensure that women going through the menopause are treated fairly at work by ensuring that employers are fully aware of the challenges faced by these women and their current legal obligations, including under the Act.

Introducing menopause as a new protected characteristic in the Act would require primary legislation and we have no current plans to revise the Equality Act 2010. We note that with the exception of the evidence session with members of the legal profession, this option has not been generally proposed in oral evidence to the Committee.

The “fit” of menopause as a characteristic into the Act would require careful consideration. Wherever possible the Act is intended to create protection across all the relevant areas, and menopause does not seem to align with this, being only relevant to Part 5 of the Act (Employment).

**2. Some of our witnesses suggested that the current legislation is ambiguous, for example the uncertainty around whether menopause symptoms amount to a disability. How might clarifying the law assist employees claiming discrimination, as well as their employers?**

Although as I have said there are no plans to revise the Equality Act 2010, it is obviously important that employers and others are clear about the law, not least where it relates to circumstances like the menopause which affect large numbers of employees. In consultation with EHRC and Acas, Equality Hub officials will assess whether existing guidance on the menopause adequately reflects the growing body of relevant tribunal caselaw, and the good practice approaches for example mentioned by some witnesses to your committee’s inquiry; and whether improvements can be made to increase employer and employee understanding of the law.

**3. What are the Government’s plans in relation to s14 of the Equality Act, which would allow a claim of ‘combined discrimination’ to be brought?**

We have no plans to implement the dual discrimination provision in the 2010 Act. We believe that protection under the existing protected characteristics is adequate and that enactment would introduce unwelcome regulatory complexity and place new costly burdens on business and the public sector.

Commencement of this provision cannot be done on a “cherry-picking” basis and would therefore introduce a further 20 combined protected characteristics along with “age/sex”, creating an unhelpful distraction for employers from what they should be doing – complying with the current law with its existing protected characteristics and being aware of the guidance.

An employee or service user may currently bring a discrimination claim on two or more grounds, which the courts can consider within a single claim.

Thank you for your letter.

Best wishes,

*Debbie Stedman-Scott.*

**BARONESS STEDMAN-SCOTT**  
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