

Written evidence submitted by Claire McCartney [MEW0088]

Dear Chair,

Thank you very much indeed for inviting me to provide oral evidence to the Committee last week as part of your inquiry 'Menopause and the workplace'; I enjoyed the session and hope it was useful.

I wanted to take this opportunity to follow up with the Committee on the question you posed about whether the menopause should be a protected characteristic under the *Equality Act*. I did not have the opportunity to answer on behalf of the CIPD during the session, so I just wanted to share the CIPD's position.

We think it is an interesting idea and recognise that there are positives and negatives that need to be considered.

On the positive side, it could act to raise employer awareness of the importance of not discriminating on the grounds of the menopause and raise employees' awareness of their right not to be discriminated against. This change would also have the advantage of protecting anyone who was experiencing menopausal symptoms, including those who are trans or non-binary.

However, if it were to be included as a protected characteristic, then there would have to be some very careful thinking about the legal definition of the menopause – and the implications of who that would include and exclude.

The question of effective enforcement would also have to be considered for it to make meaningful change. Our view is that a first step that is needed before any changes to legislation are considered is much improved enforcement of the existing provisions of the *Equality Act*. The rationale for any new law is fundamentally undermined if it cannot be enforced effectively.

For example, it is very clearly against the law for an employer to discriminate against women on the basis of pregnancy or maternity leave, however there is strong evidence

Written evidence submitted by Claire McCartney [MEW0088]

from the EHRC that discrimination by employers against pregnant women and new mothers is widespread.¹

CIPD's view is that much better enforcement of the *Equality Act* in its existing form should be the first priority and would in itself provide much better protection from discrimination for women going through the menopause.

This would require more resources for the EHRC and a range of other changes to the labour market enforcement system. We have made the call for this in our recent report *Revamping labour market enforcement*.²

I do hope this is helpful.

Yours sincerely,

Claire McCartney
Senior Resourcing and Inclusion Adviser, CIPD

February 2022

Written evidence submitted by Claire McCartney [MEW0088]

¹ <https://maternityaction.org.uk/2021/04/action-plan-on-maternity-and-pregnancy-discrimination/>

² <https://www.cipd.co.uk/knowledge/fundamentals/emp-law/employees/labour-market-enforcement-uk#ref>