

## Written evidence from Witness Community [MEW0035]

### About Community Union

Community is a general union, with membership in sectors across the economy including steel, justice and custodial, education, manufacturing, finance and professional, the self-employed, and the third sector.

### What is the economic impact of menopause discrimination?

In 2019, we surveyed 600 women members of Community about their experiences of menopause in the workplace. 73% of respondents said that menopause symptoms impacted their ability to function at work.

There is a serious risk that women who experience discrimination because they are undergoing the menopause transition leave the workforce altogether. The UK has an ageing workforce, and with 3.5million menopausal women in work, they are one of the fastest growing parts of the workforce. Yet 1 in 4 menopausal women have considered leaving work<sup>1</sup> because of the impact of their symptoms in the workplace. The cost of recruiting new staff means there is a clear business case for supporting employees who experience the menopause.

Discrimination is clearly a factor driving the trend for women to leave the workforce, reinforced by lack of support put in place. There is often an unwillingness amongst women to ask for such support as shown by our survey which found 74% of respondents had sought no help at work. Women do not feel able to seek support because of stigma at work and fear that they will be discriminated against if they disclose that they are experiencing the menopause.

Reinforcing these findings, in April/May 2020 we surveyed our 20,000 member strong education section, a majority female workforce, collating responses from women about their experiences of the menopause. This was an additional survey following the one we have conducted in 2019, focusing on our education section members which work as:

- Nannies
- Early Years and Childcare – nursery, crèche, SENCO, private or local authority
- Heads and Leaders – primary, secondary, FE or HE
- Teachers and Tutors – primary, secondary, FE, HE, supply or self-employed
- Support Staff – in classroom, midday supervisor, administration or maintenance team
- Students – on full-time vocational courses
- Newly Qualified Teachers – following a full-time vocational course

Our 2020 education section survey showed that:

53% of our members told us that the menopause had caused them problems and issues at work.

18% said their experiences had prevented them from applying for a promotion.

The extent of the discrimination that women face is illustrated by the fact that only 11% had sought support from their workplace, with many stating that by asking for help they would be perceived negatively, or that they believed no help would be available.

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<sup>1</sup> Wellbeing of Women Survey 2016 cited <https://www.local.gov.uk/our-support/workforce-and-hr-support/wellbeing/menopause/menopause-factfile>

Some of the things our members told us include:

- 'I did not connect a sudden lack of confidence with the menopause at the time, I thought I wasn't coping with the rapid changing landscape and constant demands of the job.'
- 'Men have little idea how women going through the menopause actually feel. To most of them it's just "hot flushes" and a bit of a joke.'
- 'I don't feel I was taken seriously when I explained how I was feeling and about my anxieties in relation to my work.'
- 'It was suggested I was finding the role too difficult. That maybe I should change career!'

It's clear that skilled workers are not being supported to live up to their full potential because of the lack of understanding of the menopause and lack of support for workers who go through it. Many women are being dismissed on competency grounds for issues that could have been resolved with adjustments to working conditions.<sup>2</sup>

In 2017 the Department for Education conducted a review of the evidence<sup>3</sup> into the effects of the menopause transition on women's economic participation in the UK. The research found evidence that women experiencing the menopause transition face difficulty looking for work, reduced hours, and feared redundancy, but also that menopausal symptoms were driving people out of the workforce altogether.

### **How can businesses factor in the needs of employees going through the menopause?**

We have set out the components we believe contribute to a comprehensive menopause policy below, in answer to the question about best practice, however, at a high level the following elements are important.

Businesses need to ensure their staff members, HR and management in particular, are educated about the effects that menopause can have on women. There is little awareness of the menopause, particularly among younger staff, men, and managers, but also among those who are suffering from menopause themselves.

More compassion and understanding are needed particularly amongst managers. There is a disturbing lack of best practice in terms of employer provisions for women. We note a significant stigma surrounding the menopause which prevents it from being discussed openly.

In many cases, businesses can deliver better support in the workplace by making small adjustments which deliver a big difference.

When we asked members in our Education section what would help them to manage their menopausal symptoms at work, they cited factors like 'The ability to go to the toilet when needed.' 'Better control over the room temperature or an adjustment to the dress code.' 'A support system where there is someone to talk to that understands what it is like.'

To ensure that they are appropriately factoring in the needs of employees going through the menopause, employers should carry out a risk assessment to consider the specific needs of workers who are undergoing the menopause designed to ensure that the working environment will not exacerbate those symptoms.

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<sup>2</sup> [https://www.tuc.org.uk/sites/default/files/Menopause%20survey%20report%20FINAL\\_0.pdf](https://www.tuc.org.uk/sites/default/files/Menopause%20survey%20report%20FINAL_0.pdf)

<sup>3</sup> <https://www.gov.uk/government/publications/menopause-transition-effects-on-womens-economic-participation>

**How can practices addressing workplace discrimination relating to menopause be implemented? For example, through guidance, advice, adjustments, or enforcement.**

Advice and education are essential as well as enforcing existing equality legislation to ensure that employers are following best practice.

**What are examples of best or most inclusive practices?**

We believe it is best practice for employers to work together with workers and their representatives to design a comprehensive menopause policy and to follow it.

Members in our Voice (Education) section told us that they did not know whether their employer had a menopause policy- just 5% said they knew that their employer had one.

At Community we have developed a model menopause policy which sets out best practice which we work with employers to implement at their locations.

Our best practice policy includes:

- A commitment to programme of action that will make the policy effective and to support staff experiencing the menopause.
- Provision of appropriate information and training (for colleagues and managers) so staff can understand the effects on the menopause and be comfortable about discussing it and addressing the impact that it can have on employees. Some employers set up informal support mechanisms like peer support groups.
- Recognition that symptoms can be different and will affect different workers differently.
- Ensuring that workers are not disadvantaged because of their symptoms.
- Commitments to handle data around the menopause in line with legislation and the internal data protection policy.
- Provision of a contact for employees with menopause to discuss any issues they do not feel able to speak to their line manager about.
- Flexibility through the sickness absence management system that consider the likelihood that increased sick days may be needed to manage menopausal symptoms. Recording menopausal related absence as an ongoing condition. Embedding these principles into the sickness absence policies and procedures.
- Support for staff whose performance is affected by menopause rather than moving directly to capability or disciplinary procedures. Embedding these principles into capability and disciplinary policies.
- Ensuring that the experiences of workers experiencing menopause is considered by undertaking Risk Assessments that specifically consider the impact on those experiencing menopause.
- Fulfilling the employer's duty of care through providing adequate access to toilets, cold water, natural light, and fresh air.
- Consideration of **reasonable adjustments** for those experiencing menopausal symptoms. Note that since the severity and nature of symptoms can vary significantly, not all women will need the same or any support. Such adjustments could include:
  - Control over environmental factors – e.g. desk fans on request, review of office seating plans so that affected employees can be near the window or open doors, or away from direct sources of heat such as radiators, fitting blinds to windows, greater access to chilled drinking water, and to toilets and washing facilities.

- Flexibility over uniform and dress codes should they exacerbate symptoms such as hot flushes and sweating, and provision of additional spare uniforms. Where uniforms are provided, to use natural fibres wherever possible.
- Changing/washing facilities for staff to change clothes during the working day.
- For employees who are required to drive as part of their usual work pattern, duration of travel to be reduced and increased rest breaks provided.
- Flexible working arrangements, including options for flexitime (to work around symptoms or adjusting start and finish times for example), shift-swapping, and homeworking.
- Flexibility around the taking of breaks, or increased breaks during the working day, and providing cover as necessary for these breaks.
- Flexibility around attending relevant medical appointments.
- Temporary changes to the employee's duties which allow to cope better with symptoms such as hot flushes.
- Provision of private spaces for women to rest temporarily, to talk with a colleague or to phone for personal or professional support.

This is not a definitive list and it is best practice for employers to consider additional suggestions put forward by staff. It's important that workers who are affected by menopause policy and practice are consulted and able to shape the provisions put in place. This includes through engagement with trade unions.

We have implemented our policy with a number of employers we work with including the NSPCC, a leading children's charity.

### **How well does current legislation protect women from discrimination in the workplace associated with the menopause?**

Existing legislation sets out that though the menopause is not an illness or a disability, the effects of the symptoms can be disabling for women. Consequently, a court could find that an employer who had not properly supported women undergoing the menopause is guilty of discrimination. Menopause discrimination can be, and has been classed as age, sex, or disability discrimination.

Despite the fact that the equality act protects workers against discrimination, when Community surveyed our members about their experiences of menopause in the workplace, in 2019, we found that 81% had had no support or adjustments. This indicates that workers are not being supported within the limits of current legislation.

An employer must also minimise, reduce or where possible remove workplace health and safety risks for workers, which includes making sure that menopausal symptoms are not made worse by the workplace or its work practices and making changes to help workers manage their symptoms when doing their job.

Again, in theory this provision provides significant protection for women experiencing the menopausal transition, however, in practice existing legislation is not being used to its full effect.

### **Should current legislation be amended?**

We do not believe there is a requirement for amendments to existing legislation, rather resources need to be invested in providing clear and unambiguous guidance to employers, information to workers, breaking the stigma and educating employers. There should also be a route through the

courts to challenge discrimination where it occurs, however, this should be a last step. There should be a preventative duty on employers to ensure discrimination does not occur in the first place.

**What further legislation is required to enable employers to put in place a workplace menopause policy to protect people going through the menopause whilst at work?**

The recent Menopause (Support and Services) Private Members' Bill would be a welcome step and effective in raising awareness within the workplace and for all employers to have menopause guidelines in place to be able to support women experiencing symptoms.

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