

# Equality Act Review Campaign Policy Briefings

To inform Government and Parliamentary Debate

## Why Menopause needs further specified protection under the Equality Act 2010

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### Background

Menopause occurs when a woman stops having a menstrual cycle (periods) and is no longer able to get pregnant naturally. This typically begins between the ages of 45-55, with an average age of 51 within the UK (NHS, 2021). Menopause can occur gradually, with less consistent periods, or as a sudden stop, making the onset unpredictable and specific to each woman. Common symptoms include hot flashes, night sweats, difficulty sleeping, anxiety, and problems with memory and concentration (NHS, 2021; TUC, 2021). This time of transition into menopause is called perimenopause and can last for four years or longer (BUPA, 2020). Women of menopausal-onset age make up 11% of the employment force, along with 23% of all women in employment in the UK (TUC, 2021).

In 2022 survey, of those experiencing menopausal symptoms, only 8% said that it did *not* affect their work (Milligan & Rookes, 2022). The age group experiencing menopause are also likely to be entering senior-level positions within their organizations, making the impacts of menopause significant in limiting the furthering of women's careers' (The National, 2022). This universal experience is largely unprotected in critical legislation, such as the Equality Act 2010.

### Current Protection:

Menopause is currently unprotected under the Equality Act 2010. Women who feel that they are being put at a disadvantage due to menopause can argue under the Act's protected characteristics of age, disability, gender reassignment, and sex, but this gap leaves room for unsuccessful claims due to the lack of specific menopause-based protections (ACAS, 2022; The National, 2022). The claim then becomes dependent on the knowledge base of the ruling bodies, along with the willingness to disclose symptoms and experiences by the woman herself to show how her experience of menopause falls under the protection of these pre-existing protected characteristics. This leaves far too much at stake for women, having to endure advocating for their rights during or after inequitable treatment has occurred, rather than having a proactive level of protection in place already.

### Recommendations:

We recommend that **menopause be recognized as a protected characteristic under the Equality Act 2010**, along with being **recognized as an ongoing and qualifying condition under the definition of disability within the Equality Act 2010**. These protections must be inclusive of all individuals capable of experiencing menopause, including individuals identifying as transgender and non-binary. Additionally, it is imperative for **workplace menopause policy** to be implemented, with emphasis on options of flexible working, sickness absence, and support networks (Kurnatowsk et al., 2022).

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These interventions would assist in addressing the ongoing challenges women face within employment because of menopause, while ensuring appropriate protection and support throughout their experience. This would make for a more inclusive workplace and enable women to continue their career paths.

## Sources:

ACAS (2022). *Menopause and the law: Menopause at work*.

<https://www.acas.org.uk/menopause-at-work/menopause-and-the-law>

BUPA (2020). *Menopause Health Information*.

<https://www.bupa.co.uk/womens-health/menopause-support>

Kurnatowski et al. (2022). *United Kingdom: Employment - Let's talk about the "M" word - Harnessing positive momentum on menopause in the workplace*. Lexology.

<https://www.lexology.com/library/detail.aspx?g=56531065-8214-484f-99be-aef56784c3f3>

Milligan & Rookes (2022) *The menopause: What your school should provide by law*. TES.

<https://www.tes.com/magazine/analysis/general/menopause-legal-requirements-schools-help-staff>

NHS. (2021). *Menopause*.

<https://www.nhs.uk/conditions/menopause/>

The National Wales (2022). *Menopause—What are your legal rights in the workplace?*

<https://www.thenational.wales/news/20042146-menopause-perimenopause-legal-rights-workplace/>

UC (2021). *Menopause and the workplace*.

<https://www.tuc.org.uk/research-analysis/reports/menopause-and-workplace>