



MODEL MENOPAUSE POLICY

Model menopause policy

The menopause is something that all women will experience. This means that many older female employees are undertaking their role while enduring symptoms ranging from hot flushes to depression and reduced concentration.

Having an effective menopause policy in place can help raise awareness and understanding of the issue, improving retention, helping to ensure a diverse workforce, and reducing the potential for sex, age and disability discrimination.

XpertHR provides a model policy to guide organisations on informing their workforce about the menopause and the support available to employees experiencing menopausal symptoms.

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Model menopause policy

When to use this model menopause policy

Use this model policy to inform managers and employees about the menopause and associated rights and to outline the training and support on offer for those experiencing menopausal symptoms.

Policy wording

Introduction

This policy sets out the rights of employees experiencing menopausal symptoms and explains the support available to them.

The menopause is a natural event in most women's lives during which they stop having periods and experience hormonal changes such as a decrease in oestrogen levels. It usually occurs between the ages of 45 and 55 and typically lasts between four and eight years. However, each woman's experience will differ, and menopausal symptoms can occasionally begin before the age of 40. Perimenopause, or menopause transition, begins several years before menopause. Women may start to experience menopausal symptoms during the final two years of perimenopause.

While symptoms vary greatly, they commonly include:

- hot flushes;
- night sweats;
- anxiety;
- dizziness;
- fatigue;
- memory loss;
- depression;
- headaches;
- recurrent urinary tract infections;
- joint stiffness, aches and pains;
- reduced concentration; and
- heavy periods.

Each of these symptoms can affect an employee's comfort and performance at work. The organisation has a duty to provide a safe working environment for all employees and therefore commits to ensuring that adjustments and additional support are available to those experiencing menopausal symptoms.

Available support

The organisation aims to facilitate an open, understanding working environment. [All employees must attend a training session on [the menopause/health issues including the menopause] to increase

awareness. Managers are also required to attend this session as well as separate training to enable them to assist employees who are going through the menopause.]

Employees are encouraged to inform their line manager that they are experiencing menopausal symptoms at an early stage to ensure that symptoms are treated as an ongoing health issue rather than as individual instances of ill health. Early notification will also help line managers to determine the most appropriate course of action to support an employee's individual needs. Employees who do not wish to discuss the issue with their direct line manager may find it helpful to have an initial discussion with a trusted colleague or another manager instead. They can also raise the issue with [HR/occupational health] if they need support.

A variety of initiatives such as [our **employee assistance programme** and **mental health first-aid programme**] are also on offer. Further details of these are set out [in the organisation's **employee wellbeing policy**/on the intranet].

The organisation's intranet signposts external sources of help and support for employees and managers, including information on:

- **Menopause matters**, which provides information about the menopause, menopausal symptoms and treatment options;
- the **Daisy Network** charity, which provides support for women experiencing premature menopause or premature ovarian insufficiency; and
- the **Menopause Café**, which provides information about events where strangers gather to eat cake, drink tea and discuss the menopause.

Reasonable adjustments

Temperature control

The organisation strives to achieve a comfortable working temperature for employees. The organisation will allow flexibility within its dress code where reasonable. [There is an air conditioning system in operation in the building, chilled water is provided on each floor, and desk fans will be provided upon request.]

Flexible working

The organisation recognises that difficulty sleeping is a common symptom of the menopause. To reflect this, as well as the impact of other common symptoms, we aim to facilitate flexible working wherever possible. Requests for flexible working could include asking for:

- a change to the pattern of hours worked;
- permission to perform work from home;
- a reduction in working hours; or
- more frequent breaks.

Employees should discuss such requests with [their line manager/HR]. Depending on the circumstances, requests may be approved on a permanent or temporary basis.

Data protection

The organisation will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the organisation becomes aware of the issue is held securely and accessed by, and disclosed to, individuals only for the purposes of providing the necessary support.

How to use this document

This is an example document and should be adapted to suit your circumstances.

Law relating to this document

Leading statutory authority

Health and Safety at Work etc Act 1974

Employment Rights Act 1996

Equality Act 2010

Data Protection Act 2018

Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

Flexible Working Regulations 2014 (SI 2014/1398)

General Data Protection Regulation (2016/679 EU)

Discrimination

The menopause can, depending on the severity of the symptoms, amount to a disability for the purposes of the Equality Act 2010. Employers must ensure that they do not treat employees less favourably than others as a result of a disability and must also make reasonable adjustments as required to ensure that disabled employees are not disadvantaged as a result of their disability.

Employers must also ensure that employees experiencing the menopause are not indirectly discriminated against. For example, a requirement to wear a uniform made of uncomfortable, synthetic fabric could indirectly discriminate against an employee experiencing regular menopausal hot flushes on grounds of disability, sex and age.

The Equality Act 2010 also precludes discrimination arising from disability. This is where an employee is treated unfavourably because of something arising as a result of a disability. A comparator is not necessary for a successful claim under this provision, and it is a defence for the employer to show that it did not know and could not reasonably have been expected to know that an employee had a disability. Unfavourable treatment can be defended if it is a proportionate means of achieving a legitimate aim.

The Equality Act 2010 also contains provisions on harassment. Harassment is defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Employers may be liable for the actions or comments of employees. It is therefore important to ensure that employees receive adequate training on appropriate behaviour.

Health and safety

The Health and Safety at Work etc Act 1974 imposes a duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. Employers should consider whether or not a risk assessment is necessary to identify how working conditions could affect those experiencing the menopause in the workplace.

Flexible working

Employees who have over 26 weeks' continuous employment are entitled to make a flexible working application. Whatever their length of service, reasonable adjustments for disabled staff could include

allowing them to work flexibly. The refusal of a flexible working request without objective justification may also lead to an indirect discrimination claim in an employment tribunal.

Unfair dismissal

It should also be remembered that all employees who have over two years' continuous service have a right not to be unfairly dismissed. A reason for dismissal may be unfair if the employer has failed to take adequate steps to support an employee. For example, although capability is a potentially fair reason for a dismissal, it will be found to be unfair if the employer has not carried out a proper investigation into the reasons.

Data protection

The General Data Protection Regulation, which came into force on 25 May 2018, requires employers to comply with principles for processing personal data. One of these principles is that of data minimisation, which requires organisations to delete data once it is no longer necessary to process it. In light of this, line managers should record only the personal information required to handle any issues arising from the menopause and ensure that this information is not kept longer than necessary.

Relevant case law

Davies v Scottish Courts and Tribunals Service ET/4104575/2017. An employment tribunal upheld the unfair dismissal and disability discrimination claims of a court officer whose menopausal symptoms led to an incident in which she thought her medication had contaminated a water jug.

Notes

It is good practice to implement a menopause policy. Such a policy can help raise awareness and understanding of menopausal symptoms and encourage employees to discuss their own symptoms. It is also good practice to clearly set out the different options and support available to employees going through the menopause.

Warning

When considering requests for flexible working, employers should be aware that such requests may fall under the reasonable adjustments required to be made for disabled employees.

Employers may also be liable for the actions of employees. It is therefore important to train employees on appropriate behaviour to avoid any instances of harassment.

Future developments

None.

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