

## **Newsletter - Employment Law Update November 2023**

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### **1. Menopause in the Workplace**

A number of recent cases in the Employment Tribunal have highlighted the needs to make reasonable adjustments to accommodate Employees who are suffering Menopausal symptoms.

Claimants have been able to make successful claims for Disability Discrimination, (*Lynskey v Direct Line; Rooney v Leicester City Council*) due to the fact that their symptoms were long lasting and affected their ability to do day to day activities at work.

Employers can defend themselves against claims if they can prove that they have taken “reasonable steps” to put practical measures in place to prevent the risk of discrimination.

Part of that defence is to ensure that Employers have an up-to-date policy and procedure, and that staff and members of the management team are trained to be aware of the procedure and how it is implemented. To assist with this, we have provided a draft outline of such a procedure below.

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### **Menopause Policy**

#### **Introduction**

The purpose of this policy is to assist with creating an open and menopause friendly workplace where we ensure that necessary help is known about and offered to those affected. Menopause can have a big impact on life and work for a number of years.

#### **Effects of Menopause**

Physical symptoms of menopause can include the following:

- hot flushes
- insomnia
- fatigue
- poor concentration
- headaches
- skin irritation
- urinary problems

As a result of these symptoms of the hormone imbalance, individuals going through the menopause can also experience psychological difficulties, including:

- depression
- anxiety
- panic attacks
- mood swings
- irritability
- problems with memory
- loss of confidence

It is also recognised that Hormone Replacement Therapy medication, which is often prescribed can have side effects which cause problems including nausea, headaches and leg cramps which can affect the individual in the workplace.

#### **Communication**

If an individual is struggling with any aspect of their role because of menopause symptoms, this should be discussed with their Manager who will treat the matter in the strictest confidence.

During any discussions management will consider any adjustments that can be put in place to provide support in the workplace. Individual needs will be addressed sensitively and confidentiality will be maintained. A follow up meeting will be arranged to see whether any adjustments put in place are effective, or if they need adjusting.

#### **Making adjustments**

Management will explore making adjustments to the working environment to help with daily activities, with the aim of reducing the effect that the menopause is having at work.

Because people are affected differently by the menopause any adjustments will differ for each individual depending on their role, and the symptoms being experienced, which are affecting performance.

Examples of adjustments that could be made include:

- changing working location to be closer to toilet facilities, away from hot and cold spots around the office, or to provide better access to natural light
- implementing further temperature control, such as access to a fan
- providing a quiet place to work
- providing access to sanitary products
- considering flexible working or working from home
- allowing changes to normal rules on work wear
- assessing how work is allocated
- allowing additional rest breaks
- changing start and finish times
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Once appropriate adjustments are identified and agreed, they will be reviewed regularly to ensure they are continuing to have the desired effect and providing the support needed.

As menopause is defined as a disability, we are legally obliged by the Equality Act 2010 to make reasonable adjustments to an employee's role or working conditions to accommodate them at work and not place them at a disadvantage. We will ensure that we comply with our obligations in this regard.

You may be entitled to make a Flexible Working Request, details of how to request this can be found in our policies/your contract.

### **If you are unwell due to menopausal symptoms**

You are not expected to come to work if you are unwell because of menopausal symptoms. If you are unwell you should inform us by following the usual sickness reporting procedure.

### **Training**

We will ensure that all levels of management are trained on the effects of the menopause and how to approach discussions with employees who are experiencing the menopause. Managers will also be trained regarding how adjustments can be made to an individual's role to support the individual with any difficulties they are experiencing.

### **Behaviour of others**

There is an expectation that all employees will conduct themselves in a helpful and openminded manner towards colleagues experiencing difficulties during the menopause.

We maintain a zero-tolerance approach to bullying and harassment and will treat any complaints seriously. If you feel that you have been mistreated please address this through the Grievance Procedure.

Further information can be found at: <https://menopauseintheworkplace.co.uk/wp-content/uploads/2018/06/Menopause-Policy-v013.pdf>

## **2. Christmas Closure & December Receipts**

The office will close at lunchtime on Friday 22<sup>nd</sup> December 2023 and re-open on Tuesday 2<sup>nd</sup> January 2024. We will be available via email only for emergencies over this period.

Due to the Christmas Break, December receipts will not be sent out until January 2024.

*Merry Christmas  
and a Happy new Year*

### **PROFILE**

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