

# Menopause and the law

Employers should make sure they have steps, procedures and support in place to help staff affected by the menopause.

Having regular conversations with staff and listening to their concerns might help resolve issues early on before any potential legal action is taken.

Employers should make sure they know how the menopause relates to the law, including the:

- Equality Act 2010, which protects workers against discrimination
- Health and Safety at Work Act 1974, which says an employer must, where reasonably practical, ensure everyone's health, safety and welfare at work

The menopause is not a specific protected characteristic under the Equality Act 2010. But if an employee or worker is put at a disadvantage and treated less favourably because of their menopause symptoms, this could be discrimination if related to a protected characteristic, for example:

- age
- disability
- gender reassignment
- sex

[Find out more about discrimination and the law](#)

## Age discrimination

Employees and workers are protected from being put at a disadvantage or treated less favourably because of their age. This could include less favourable treatment because they're going through the menopause, because it is usually related to the age of the person.

It's important for employers to remember that age discrimination and harassment can also affect younger people who go through medical or early menopause. For example, it could be age discrimination if a colleague makes a rude joke about young people going through the menopause.

[Find out more about age discrimination](#)

## Disability discrimination

In some cases, the menopause could be considered a disability under discrimination law.

If someone is disabled, their employer should consider making reasonable adjustments to reduce or remove any disadvantages they might experience because of it. For example, this might include agreeing to record absence because of the menopause separately from other sickness absence.

It's a good idea for employers to focus on supporting the person, rather than trying to work out if someone's condition is a disability.

If someone affected by the menopause is put at a disadvantage and treated less favourably because of something related to their disability, this could be 'discrimination arising from disability'.

Find out more about:

- [disability discrimination](#)
- [making reasonable adjustments](#)

## **Gender reassignment discrimination**

Gender reassignment is a protected characteristic under the Equality Act 2010. A person has the protected characteristic of gender reassignment if they are planning to go through, are going through or have gone through a process (or part of a process) to reassign their sex. This could be by changing physical or other attributes related to someone's sex.

In the Equality Act 2010, the term 'transsexual' is used to describe people with the protected characteristic of gender reassignment. Many people prefer to use the word 'trans' or 'transgender' rather than 'transsexual'.

If an employer puts an employee or worker at a disadvantage or treats them less favourably because they have, or someone thinks they have, the protected characteristic of gender reassignment, this could be discrimination.

## **Sex discrimination**

Unfair treatment to an employee or worker because of their sex could lead to a discrimination claim.

Employers should also be aware that unwanted behaviour about someone's menopause symptoms could count as harassment or sexual harassment depending on the nature of the behaviour.

[Find out more about direct and indirect discrimination](#)

## **4. If someone thinks they've been discriminated against**

If an employee or worker feels they have been put at a disadvantage or treated less favourably they may be able to [make a claim to an employment tribunal](#).

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