

DRAPER LANG QUARTERLY



Menopause for employers

DID YOU KNOW:

- 44% OF WOMEN SAID THEIR ABILITY TO DO THEIR JOB HAD BEEN AFFECTED BY MENOPAUSE
- ONE IN 10 HAVE LEFT THEIR JOB BECAUSE OF THEIR SYMPTOMS
- TRIBUNAL CASES CITING MENOPAUSE INCREASED BY 44% IN 2021

Menopause doesn't just affect women but, broadly speaking, [half of the workforce](#) will go through the menopause and, from the stats above, about half of those will see their [working life affected](#). Employers should consider its impact on their own team.

In April 2022 the Fawcett Society published a report [Menopause and the Workplace](#) which showed that 8 out of 10 women receive no support from their employers during the menopause.

Symptoms for everyone differ, but if employer support is that limited, it is no wonder working life is being affected. It is shocking that one in 10 of the people who responded to the Fawcett Society survey said that they had left a job due to their symptoms, and sad that 52% felt said that they had lost confidence at work. These are huge statistics, but it [does not have to be that way](#).

[Good menopause care](#) from employers, would lead to [increased retention and productivity as well as decreased absenteeism](#) in the workforce.

However, this topic has been taboo for so long that many employers do not know where to start. There is talk of menopause becoming a protected characteristic under the Equality Act, but that is a long way off.

[ACAS have a lot of helpful information online](#). Openness, good lines of communication and flexible working will go a long way, but that alone is not enough. Employers must have an understanding of menopause and its impact and they should demonstrate their understanding so that employees feel they can speak up when they need support.

Staff training and a [Menopause Policy](#) are great places to start. Menopause champions can be a great addition, especially in a larger organisation. These are increasing in number, rather like mental health first aiders.

Does your organisation have a Menopause Policy? If not, it's time to address this. Why?

- Education - better trained staff can spot when colleagues need support
- Openness and communication - demonstrates that you understand and want to help. Being vocal as an employer will encourage people to identify issues and ask for help.
- Productivity - it follows that if you help people they will perform better, be happier, more productive and likely more loyal too.
- Why not? It's the right thing to do and very easy to put in place.

WE'VE BEEN DRAFTING A LOT OF MENOPAUSE POLICIES RECENTLY, AND HELPING EMPLOYERS WITH TRAINING NEEDS.

[TALK TO OUR TEAM](#) IF YOU WOULD LIKE TO KNOW MORE.



4 day working week trial

Many employers have embraced the concept of hybrid working following the pandemic but some employers are going further by [offering staff 100% of their pay for working 20% less hours](#).

Between June and December 2022, more than 3,300 workers at over 70 companies are taking part in a 'four-day week' trial to test the effect on productivity of staff working fewer hours.

The companies, who range from local small businesses to large financial firms, are taking part in recognition that [since the pandemic the focus of competition for staff is quality of life and work life balance](#). There may be climate benefits too. Researchers working on the trial will measure the impact on productivity and the wellbeing of its workers, as well as the impact on the environment and gender equality.

Permanent changes will involve formal changes to terms and conditions, which are hard to undo, and part time workers should not be treated any less favourably than those who work full time, so care must be taken if you are embracing this seemingly positive new way of working to make sure you don't trip up.

Other news

- **Voluntary redundancy - employers can still face claims!** In the case of *White -v- HC-One Oval Limited* Ms White was employed as a part time receptionist and accepted voluntary redundancy during a restructuring exercise. She later disputed the circumstances of the redundancy and brought a claim for unfair dismissal. The claim was initially struck out, but, on appeal, the Employment Appeal Tribunal found the strike out had been an error of law and remitted the claim for a full merits hearing. This is a salient reminder of the need to follow a fair process even in a voluntary redundancy situation...just in case!

- **Ethnicity pay gap reporting will not be mandatory** – The Government has confirmed that ethnicity pay gap reporting will not be made mandatory. Since 2017, companies with more than 250 staff have had to provide gender pay gap information and a consultation began in 2018 to consider extending this to ethnicity pay reporting. BEIS will publish guidance on voluntary ethnicity pay reporting in the summer.
- **Long Covid - a growing issue** - An estimated 1.8 million people in the UK are experiencing long COVID symptoms, according to the Office of National Statistics. 44% of people self-reporting long COVID had been affected for at least a year and 13% for at least two years. The condition is not automatically a disability under the Equality Act 2010, however it might be a disability if a person's symptoms meet the test for disability which is applied by Tribunals. Employers should follow best practice when considering reasonable adjustments and flexible working to support affected workers.
- **Hybrid working increases productivity - again!** The CIPD has reported a significant increase in the number of employers stating that home and hybrid working has increased their organisation's productivity or efficiency, based on a survey of over 1,000 employers. When asked about increased home and hybrid working in October and November of 2021, [41% of employers responded that these new ways of working had increased productivity or efficiency in their organisation](#). This is a jump from 33% of employers that said the same in December 2020. This is accompanied by a decrease in the number of employers that reported a negative impact of home and hybrid working (from 23% in 2020 to 18% in 2021).
- **Paid leave for period pain** - Spain is legislating to introduce medical leave for people who experience severe period pain. Up to three days per month will be paid for by the state from day one and this may extend to five days for particularly severe cases. A doctor's note will be required and it is not expected to apply to those who experience mild discomfort.

COMING UP

A new Statutory Code on “Fire and rehire” is to be introduced “when parliamentary time allows”.

This follows the well-reported actions of P&O earlier this year. A non-statutory code on the same topic was published by ACAS in November 2021.

Extension of ban on exclusivity clauses - in May the Government announced proposals to extend the ban on exclusivity clauses to workers whose earnings are below £123 per week (£123 being the Lower Earnings Limit), estimated to be 1.5m workers throughout the UK.

Legislation for these reforms will go before Parliament “later this year”.

A response to the Government's consultation on **disability workforce reporting** - both voluntary and mandatory - for large employers (over 250 employees), is expected imminently. [Watch this space!](#)

There is still **no date for the implementation of the Employment Bill** which will see changes to protections from redundancy for those returning from maternity leave, greater rights for carers and vulnerable workers and making flexible working the default. See our [Winter Update](#) for full details of what this will contain.

We wish you all a happy and healthy summer!

We love to hear from you, so please [get in touch](#) if you would like to know more about anything featured in this update, or to give us any feedback.

