



- 46% had not told their manager that the menopause was the cause of them not being able to come to work;
- 9% have had the impact of their symptoms lead to disciplinary action;
- 17% have considered leaving work due to lack of support and a further 6% have left work;
- 12% have been discriminated against because of their symptoms;
- 24% say their organisation has a menopause policy or other support.

The Report mentions that workplace support makes a considerable difference with individuals feeling more supported by their colleagues than their employer or manager.

The case of *Mrs M. Rooney v Leicester City Council*

The above case was heard in the UK before the Employment Appeal Tribunal and perhaps serves as a salutary lesson to employers not to underestimate the impact of the menopause on employees and the ramifications if ignored.

In summary Mrs Rooney resigned from her job as a childcare social worker employed by Leicester City Council and brought claims of unfair dismissal, sex and disability discrimination – the disability being cited as the menopause. The article below references the outcome of the hearing before the Employment Appeal tribunal and the view taken that, in this instance, menopause symptoms were classed as a disability.

- [Equality watchdog supports important Tribunal hearing on alleged menopause discrimination | EHRC](#) (2 October 2023)

“Following several preliminary hearings and an appeal, an Employment Tribunal decided at a preliminary hearing in February 2022, that Ms Rooney was disabled at all material times covered by her claims. It ruled that Ms Rooney’s disability was by virtue of her symptoms of menopause combined with symptoms of stress and anxiety.

The case involves the first Employment Appeal Tribunal decision that menopause symptoms can amount to a disability for the purposes of the Equality Act, setting a legal precedent.”

- Baroness Kishwer Falkner, Chairwoman of the Equality and Human Rights Commission said:

‘Menopause symptoms can significantly affect someone’s ability to work. Employers have a responsibility to support employees going through the menopause – it is to their benefit to do so, and the benefit of the wider workforce. Every employer should take note of this hearing.

It is unknown what approach an Employment Tribunal in Jersey would adopt in similar circumstances, but a similar outcome might not be inconceivable.

The Equality and Human Rights Commission (“EHRC”)

The EHRC is Britain’s national equality body and serves as the equality regulator and, as mentioned above supported Mrs Rooney in her case against Leicester City Council.



On 22th February 2024 the EHRC published [Menopause in the workplace: Guidance for employers](#) including explainer videos about the legal obligations of employers (under the Equality Act 2010) and top tips for supporting workers experiencing the menopause.

The approach to menopause in the workplace in Jersey

There is no specific legislation in Jersey in relation to the menopause, but the following have relevance –

- (a) [The Discrimination \(Jersey\) Law 2013](#) (“the Law”) protects those with a long-term impairment that is likely to last for 6 months or more or may last for life. People experiencing discrimination or harassment in the workplace can potentially make a claim against their employer using this legislation, although to date, there is no evidence that a case relating to menopause has been taken to the Employment Tribunals. Secondary legislation in the form of Regulations have been adopted since the Law came into force dealing with Sex and related characteristics, age and disability.

The report to [Draft Discrimination \(Jersey\) Law 201-](#) (P.6/2013) states that the Minister for Social Security reviewed Jersey’s draft Discrimination Law (dated 10 April 2010) with the intention of taking into account any important changes introduced via the Equality Act 2010 which had come in to force during the developed meant of the legislation.

- (a) The [Health and Safety at Work \(Jersey\) Law 1989](#) incorporates employees’ well-being as well as their physical health and safety.
- (b) The [Equality and Diversity Policy](#) has been effective from 12 September 2018 and includes the same protected characteristics as the UK Equality and Diversity Policy.
- (c) Although the Government of Jersey does not currently have a specific menopause policy, on 10 May 2022 it committed to becoming a [Menopause-friendly workplace](#) by signing up to the [51 Employer Pledge](#). Other local employers have also signed the pledge and a list can be found on the webpage. The “51” in the title refers to the age of 51 being the average age a woman or person who was assigned female at birth reaches the menopause. It was launched by the Island’s Diversity Network and those signing up pledge commit to 14 actions, the aim being to provide a workplace where employees experiencing the symptoms of menopause receive the understanding and support they need. One of the actions is to “*treat menopause with the same level of seriousness, care and support as we do with other physical and mental health conditions*”.
- (d) The [Menopause in the Workplace Booklet](#) (Feb 2022) produced by the Jersey Advisory and Conciliation Society (JACS) provides a wealth of information on the menopause including suggestions for the development of a workable “Menopause Policy” for employers and an [Icebreaker Confidential Menopause Meeting Request Form](#). The latter enables employees to write information down about their symptoms prior to a meeting with their employer with the aim of potentially reducing embarrassment for both parties.

A Question in the States

The Minister for Social Security on 14th September 2021 was asked -



“What steps is the Minister taking, or planning on taking, to ensure that those experiencing menopause symptoms are treated fairly in the workplace?” ([OQ.190/2021](#))

The answer directed the questioner to the protections under the Employment and Discrimination Laws which include - *“the right not to suffer any detriment by an employer, the right to ask for their terms and conditions of employment to be varied should they need to have a different working pattern, the right not to be harassed and have their dignity violated and the right for reasonable adjustments to be made to their working environment.”* The Minister added *“I have no plans to further change specifically in relation to menopause but encourage all employers to treat the issue with fairness and sensitivity”*

In terms of the protection afforded by the anti-discrimination law, the Minister stated those experiencing menopause related symptoms from accruing performance related sickness factors if symptoms made a person ill preventing the person from attending work, then it would be treated as a sickness absence.

The Minister added that the topic [menopause] should be spoken about more openly in the workplace and should not be a taboo topic. She provided examples of reasonable adjustments that could be made, for example, employees could request for extra time to do task, a cooler area to work in or five-minute breaks. Furthermore, when asked about all employers having a menopause policy, the Minister said that everyone needs to be encouraged to have one.

Scrutiny Hearings

Further to OQ.190/2021 above, in Quarterly Hearing on 2nd December 2021 of the [Health and Social Services Scrutiny Panel](#), the Minister for Social Security was asked whether she had looked into a menopause policy. She outlined that she had met with Deputy Doublet, had a meeting with approximately five States Members and a representative from Jersey Advisory and Conciliation Service (JACS). The main recommendation of the meeting was a focus on practical adaptations for people experiencing the menopause rather than focussing on policy. She made reference to the [51 Employer Pledge](#) (see above)

A Diversity, Equity and Inclusion Consultant (employed to implement the D.E.I. strategy) attended the [Gender Pay Gap Review Panel](#) on 10th March 2022 and made reference to the existence of a Menopause Café in Jersey and the 14 point pledge. The Government signed the pledge on 10th May 2022.

Strategy for Women's Health

During her nomination speech for the role of Minister for Social Security on 11th July 2022, Deputy Millar stated her intention to ask the Minister for Health and Social Services to develop a strategy for women's health to *“to avoid women having to leave work or curtail their career because of health conditions that are not properly understood, diagnosed or treated. It is good that we have now learned about the issues caused by menopause and that women's health start at 12, and not 50”*.

With a change of Government in January 2024, a decision was taken by the Health Minister to scrap a stand-alone Women's Health Strategy in order to focus on work already in train ([Government announces plans to scrap Women's Health Strategy | Bailiwick Express Jersey](#) 07 May 2024). The article mentions that the Chair of the Health and Social Services Scrutiny Panel



raised concerns that by abandoning the strategy other women's health issues such as menopause would be left unaddressed. [QQ-78-2024.pdf](#) asking for an update on Women's Health Strategy, the response stating that it is not going to be a standalone strategy

Other Jurisdictions

Guernsey:

Guernsey also has anti-discrimination legislation, entitled [The Prevention of Discrimination \(Guernsey\) Ordinance, 2022 - States of Guernsey](#) and a [Health and Safety at Work \(General\) \(Guernsey\) Ordinance, 1987](#). The States of Guernsey, Employment Relations Service have an [Employment and Discrimination Tribunal](#). Menopause in the Workplace has yet to be specifically raised in the States of Guernsey.

Scotland:

A third sector organisation, The Health and Social Care Alliance Scotland (the ALLIANCE) produced the [Scotland's First Women's Health and well-being Plan - Hearing the Voices of Women in Scotland](#) which was followed by The Scottish Parliament document [Women's Health Care Plan 2021-2024](#). The latter contains plans and objectives for assisting people facing the Menopause in the workplace.

The Scottish Parliament debated the topic of menopause in the workplace on 2nd November 2021 and the [debate](#) highlighted that South Lanarkshire Council was the first local authority in Scotland to produce a Menopause in the Workplace policy. The Government noted the stigma and taboo that surrounds the menopause and positively welcomed a public awareness campaign to address this. It was noted that 10 cases relating to menopause in the workplace had been raised at Employment Tribunals.

France:

There is no legislation specifically related to Menopause in the workplace but it is considered under the French Employment Law. This was examined by a French legal company in an article entitled: [Menopause and the Workplace: What are the implications under French Employment Law?](#) The article, published in February 2022 notes that there had been no known cases of unfair dismissal or discrimination cases in France.

Further reading:

- [Menopause in the work plan | Employment Law | Insights](#) BCR Law July 6, 2022
- [Bosses could be sued if 'reasonable adjustments' for menopausal women not made - Jersey Evening Post](#) 22 February 2024 UK News...
- [Reflections on World Menopause Month: Growing Awareness of the Impact of the Menopause in the Workplace - Lexology](#) October 27, 2022