

# Menopause and The Workplace

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BREAKFAST  
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 23rd November 2022

 8:30 am to 10:30 am

 Debenhams Ottaway Solicitors,  
St Albans

# ‘The Menopause at Work’ Let’s talk about it



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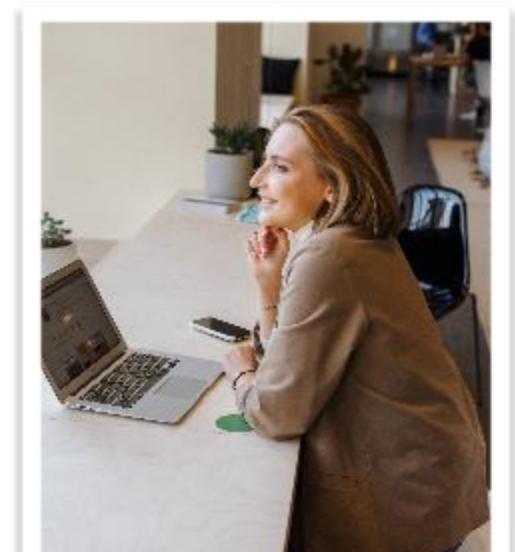
# The Menopause Matters!

- 50 million women by late 2020s (WHO)
- 1.2 billion women by 2030! (WHO)



# Mid-life!

- 50-64y old in work increased by 50% in the last 30y (DWP)
- 45% of women feel menopause symptoms have had a negative impact on their work (BMS)
- 47% of those who needed time off work wouldn't tell employer the reason (BMS)



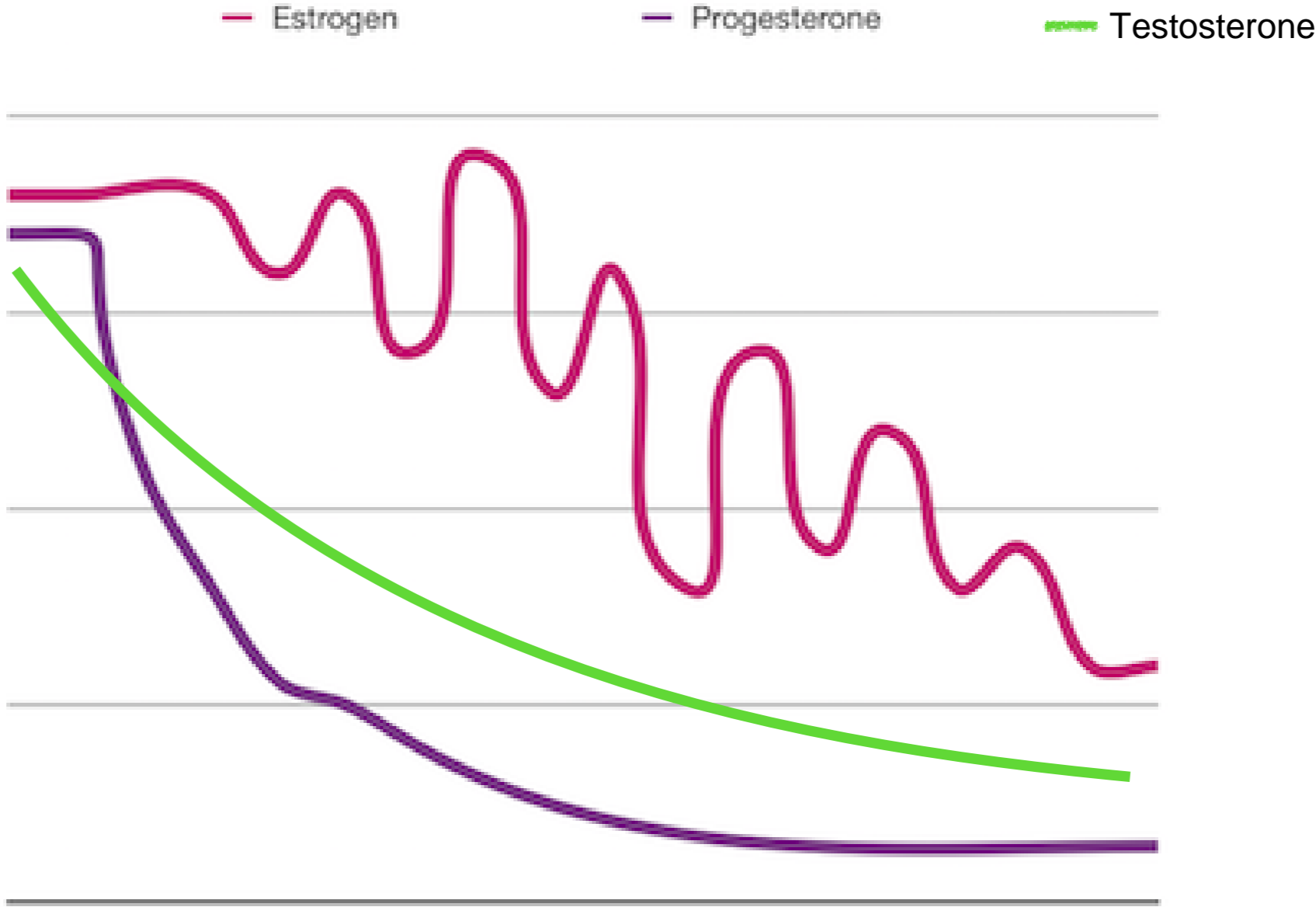


# What is the Menopause

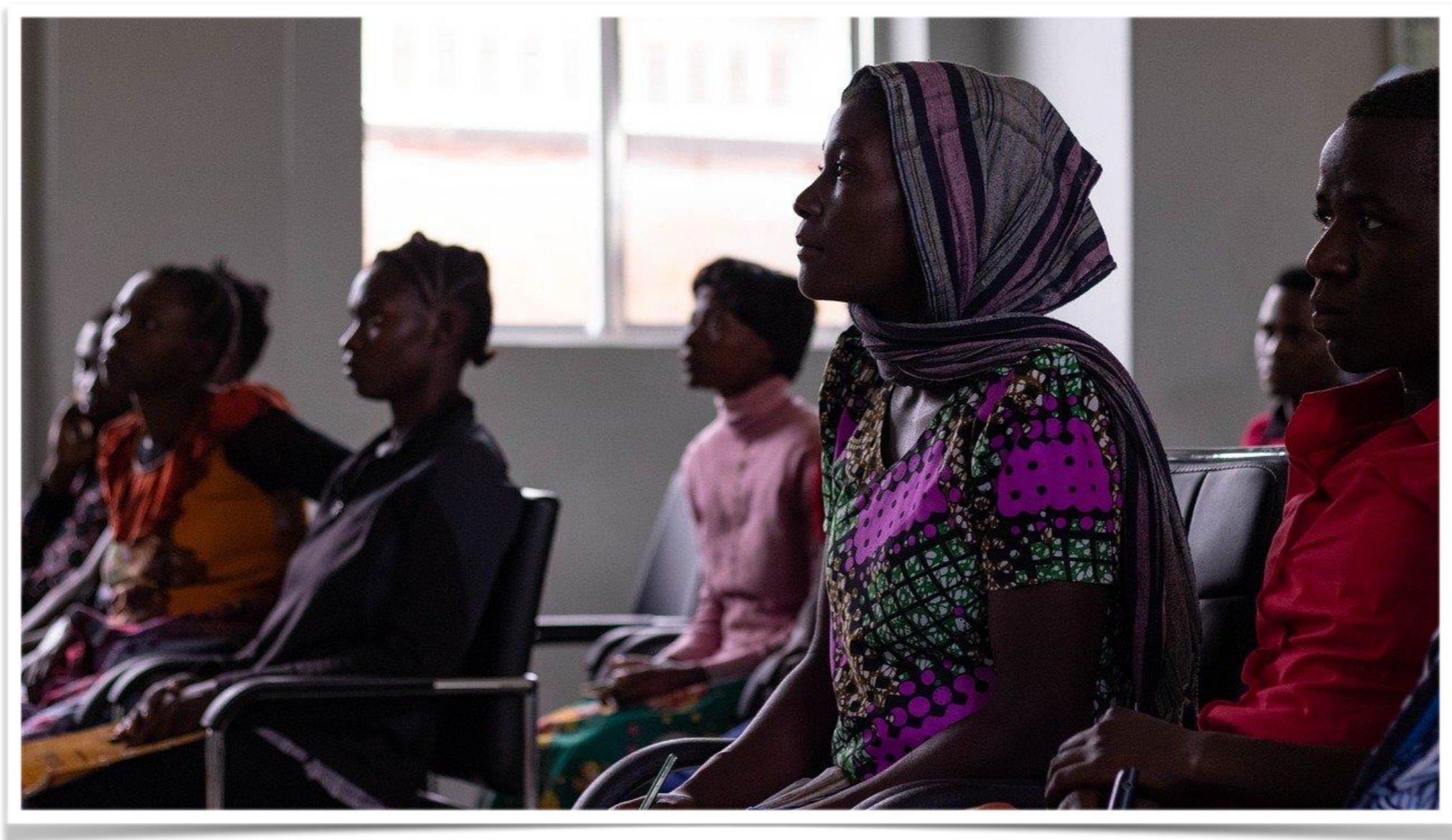
- A natural physiological transition
- Age 45 - 55 year ( Av. age in UK 51y)
- Peri-menopause
- Early menopause
- Premature menopause



# Hormones in the menopause



# Your experience





# Symptoms of the Menopause

Mood swings  
Irritability  
Anxiety  
depression  
Brain fog  
Forgetfulness  
Low energy

Menstrual problems  
Painful sex  
low libido  
Urinary issues

CVD  
Diabetes  
osteoporosis  
Cognitive decline

**fluctuating moods**  
While menopause is sometimes stereotyped as a time of irritability, this isn't the case all the time. You can have different moods that fluctuate between happiness, irritability, and depression.

**problems sleeping**  
Changes in hormone levels can make it difficult to fall asleep at night. This can also make it difficult to make it through the day.

**insomnia**  
Hot flashes and night sweats can disrupt your sleep by waking you up frequently in the middle of the night. Trouble sleeping can also be due to drops in estrogen that help regulate your natural sleep patterns.

**weight gain**  
You may gain some weight as your body retains fat more easily.

**stopping of your periods**  
Menopause basically means your period has stopped. You shouldn't have any symptoms of your monthly flow whatsoever, including spotting.

**lowered sex drive**  
A drop in estrogen combined with vaginal dryness and other discomforts can lower your libido.

**hot flashes**  
A hot flash is a sudden temperature hike. It can make your face red and feel flushed. While hot flashes sometimes occur with night sweats, these can strike at any time of day or night.

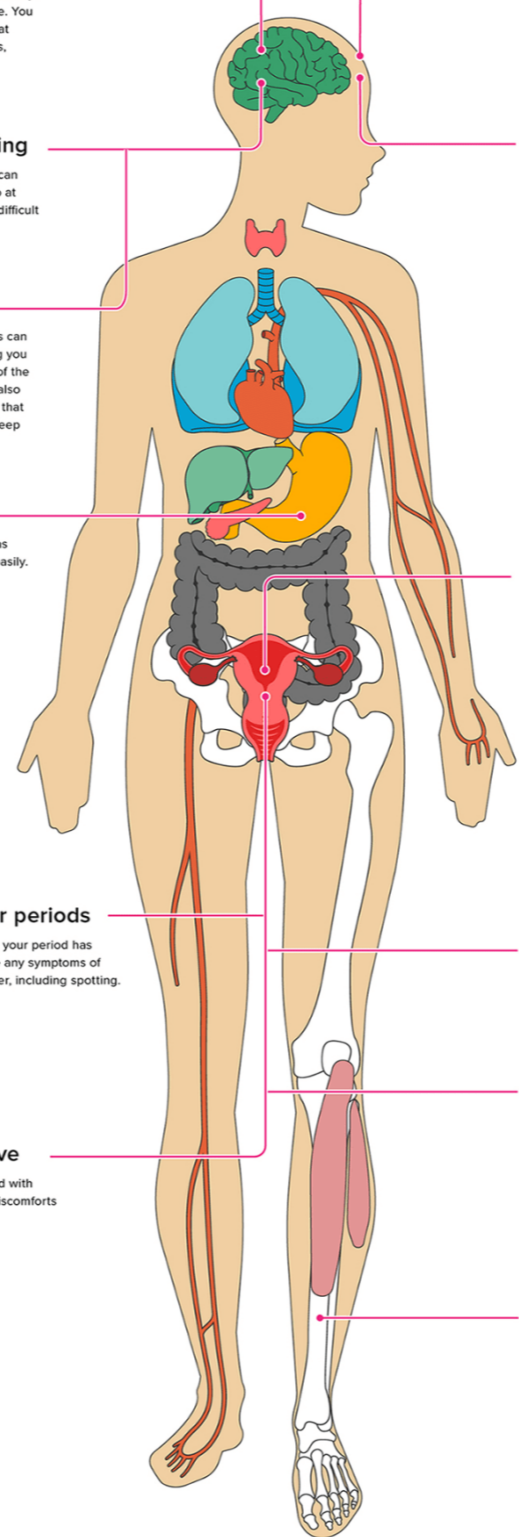
**night sweats**  
Night sweats refer to excessive perspiration at night, which can coincide with hot flashes. You may wake up in the middle of the night drenched in sweat.

**frequent urination**  
If you're hitting the bathroom more frequently, this could be due to dropping estrogen levels that increase the number of times you have to urinate.

**painful sex**  
Even if you do have the drive to get it on, intercourse can be painful for some women.

**vaginal dryness**  
When you're no longer in a reproductive state, your body doesn't produce as much natural lubrication. You may have some vaginal dryness as a result.

**bone fractures**  
Bone density decreases with menopause, which puts you at a higher risk of bone fractures.



Hot flashes  
Night sweats  
Palpitations  
Insomnia

Weight gain  
Bowel issues  
Bloating

Breast tenderness  
Dry skin  
Thinning hair  
Joint and muscle aches

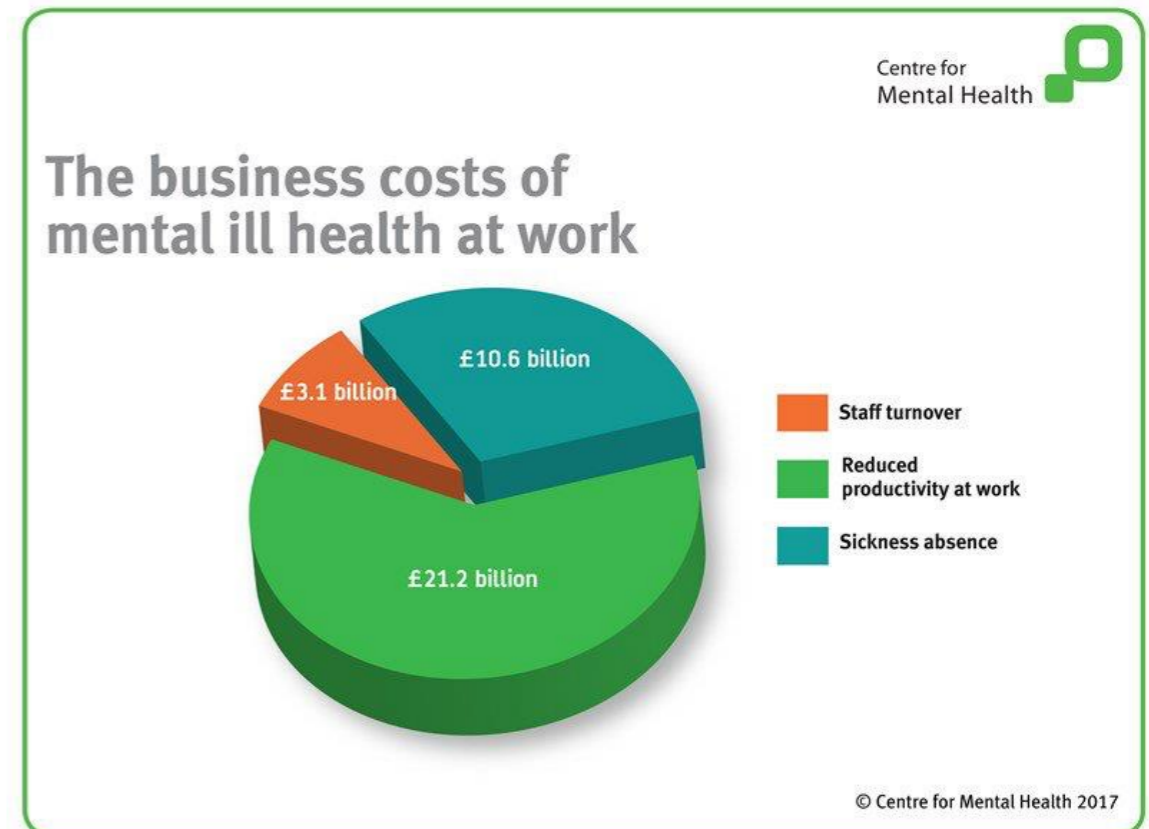


# The impact of menopause symptoms in the workplace

- Absenteeism
- Lower productivity
- Reduced job satisfaction
- Time management issue
- Reducing hours
- Leaving or losing work
- Gendered ageism
- Impact on the bottom line

\* The effects of menopause transition on women's economic participation in the UK

(Research report July 2017)



# A Mindful Approach

- Lifestyle Lifestyle Lifestyle
- Food as Medicine
- Exercise
- Sleep
- Mind and Body
- Mindfulness
- Non-hormonal treatments
- Hormone Replacement Therapy





# Menopause and the workplace – the legal issues

Michael Kerrigan, senior employment lawyer

DEBENHAMS OTTAWAY  
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# Menopause – the legal issues

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# Menopause symptoms: Do they qualify as a disability?

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s6(1) Equality Act

*“A person (P) has a disability if P has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”*



# 4 key questions

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1. Does the person have a physical or mental impairment?
  2. Does that impairment have an adverse effect on their ability to carry out normal day-to-day activities?
  3. Is that effect substantial?
  4. Is that effect long term?
- Knowledge - actual or constructive
  - Must not treat less favourably because of disability
  - Duty to make reasonable adjustments - if substantial disadvantage



# Menopause-related employment tribunals

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## Donnachie v Telent Technology Services Ltd

No reason in principle why “typical” menopause symptoms could not amount to a disability.



# Menopause-related employment tribunals

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## Davies v Scottish Courts and Tribunal Service

Disciplined and dismissed due to forgetful and confused behaviour caused by peri-menopause.



# Recent menopause-related claim

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## Rooney v Leicester City Council (October 2021)

- 10 years employment
- Severe menopause symptoms
- Heavy handed response from employer
- ET held – not disabled-symptoms, did not have a substantial adverse effect
- EAT held – appeal successful, difficult to understand how the ET reached their decision based on the evidence
- Will be considered by new Employment Tribunal



# The Workplace

- Individual responsibilities
- Employer's responsibility
  - Legal responsibility
  - Awareness and Education
  - Flexible supportive environment
  - Reasonable adjustments
  - Menopause Policy
  - Menopause Champion





# Menopause and employment law – what does the future hold?

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# Q&A

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# UPCOMING EVENTS



DEBENHAMS  
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## January Chamber Lunch

Thursday 19th January, 12:00 - 14:00, at Brocket Hall

## Inspiring Hertfordshire Awards 2023 Launch

Thursday 26th January, 18:00 - 20:00, at the Riding School,  
Hatfield House

## Women in Leadership Conference

Friday 3rd March, 09:00 - 15:45, at Sopwell House



# Resources

- [womens-health-concern.org/help-and-advice/factsheets/](https://www.womens-health-concern.org/help-and-advice/factsheets/)
- [www.menopausematters.co.uk](http://www.menopausematters.co.uk)
- Menopause cafe
- <https://www.cipd.co.uk/knowledge/culture/well-being/menopause/>
- <http://www.fom.ac.uk/wp-content/uploads/Guidance-on-menopause-and-the-workplace-v6.pdf>
- <https://www.gov.uk/government/publications/menopause-transition-effects-on-womens-economic-participation>
- <https://www.vitalwellnessclinic.com/2019/03/17/is-there-a-role-for-mindfulness-based-interventions-in-facilitating-optimal-psychological-adjustment-in-the-menopause/>

# Disclaimer

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are our inspiration

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