

Menopause and the Workplace

Equity's submission to the Women and Equalities Committee Inquiry

This submission is on behalf Equity, the UK's largest trade union in the arts and entertainment industry. We represent over 47,000 actors and creative workers including directors, designers, choreographers, dancers, singers, entertainers, comedians, stage management and audio artists.

This submission focuses on providing a response to these priorities within the call for evidence:

1. What is the nature of discrimination faced by women experiencing the menopause?
2. How can government factor in the needs of employees going through the menopause?
3. How can practices addressing workplace discrimination relating to the menopause be implemented?

What is the nature of discrimination faced by women experiencing the menopause?

Equity's membership comprises a majority of women members and thus addressing issues of sex-based discrimination are important areas of policy and strategy. As such the union submitted evidence to an earlier inquiry (2018) by the Women and Equalities Committee around reform of statute and workplace practice relating to sexual harassment.

Whilst the TUC has identified that 9 out of 10 workers of menopausal age felt that the menopause has affected their working lives detrimentally¹ Equity's experience across the entertainment industry includes the follows illustrations of the nature and extent of discrimination:

1. Sex-based discrimination across the cultural and creative industries, and specifically that based around reproductive and biological status, is predicated in part on the significant lack of expertise in managerial roles in understanding and applying extant workforce statutory rights, accompanying good practice, and embedding these in workplace policy and practice. This problematic vacuum is acknowledged across arts funding agencies² and industry bodies.

In an authoritative review of skills, talent, and the impact on diversity across the cultural industries, it has been acknowledged that, '*much of the work is often low-paid and precarious, jeopardising the health and wellbeing of the workforce, and there are significant concerns about how improvements are hampered by management and leadership capability and poor working practices*'.³

2. As a result of this, the experience of Equity is that members experience a lack of understanding of good practice in managing menopause as a workplace issue,

¹ Supporting working women through the menopause (TUC) 2017

² Leadership, workforce development and skills in the arts, creative and cultural sector: Evidence Review (Arts Council) 2019

³ Skills, talent and diversity in the creative industries (NESTA – PEC) 2019

and of applying health, safety and welfare safeguarding measures. It is not untypical that a member finds that a termination of contract is the resolution of a scenario where managers feel incapable or unwilling to confidently manage potential sickness absence, nor to consider flexible working arrangements.

How can government support the needs of employees going through the menopause?

Given the extent of continuing discrimination faced by women around factors of age, sex and disability related to menopause, government has a key role to play in reviewing and revising extant statute and accompany good practice guidance.

Recommendations:

1. Introduce the menopause as an explicit, new protected characteristic within the Equality Act (2010).
2. Undertake an extensive, national awareness raising campaign around this new protection, emphasising that allied managerial issues are relatively nil-cost and easily understood.
3. Renew and reinforce guidance for employers and industry bodies:
 - Introduce a new ACAS Code of Practice on menopause and including an express focus on those with the status of worker and the self-employed.
 - Review and refresh all ACAS guidance for employers including around managing the impact of menopause.
 - Introduce a model policy on managing menopause, ensuring that this caters for small-to-medium-sized businesses also.

How can practices addressing workplace discrimination relating to the menopause be implemented?

As has been shown through the recent experience of addressing sexual harassment and abuse, it is possible to address discrimination strategically.

Recommendations:

1. The GEO and BEIS should seek to work in concert with trade unions in disseminating any new and/or refreshed guidance across their respective industries. Trade unions should be consulted on this joint approach, and this should be co-ordinated by ACAS.
2. There should be an express focus on those industries like the entertainment industry which has a historical pattern of failing to understand and implement statutory protections and allied good practice guidance. Here again, industry unions should be seen as central to a strategic dissemination, implementation and monitoring exercise.
3. Where new statutory rights are in force healthcare practitioners should be briefed to ensure that they can cascade this information to patients, and particularly where the patients are experiencing a poor workplace response to menopause.