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It's Time For Employers To Address Menopause, Experts Say

By [Anne Cullen](#) · 2023-08-03 15:32:28 -0400 · [Listen to article](#)

Women over 45 make up a fifth of the labor force, yet the vast majority of U.S. employers don't have any training or policies addressing menopause. Experts say these gaps can push valuable workers toward the door and potentially spark discrimination claims.



Despite its ubiquity, menopause is largely ignored in workplace training programs, accommodation policies and benefits packages, experts say. (iStock.com/Muhammad Safuan)

All women, as well as some transgender men and nonbinary people, will experience menopause when they reach a certain age. Menopause and its prelude condition, perimenopause, can bring on hot flashes, trouble sleeping, joint and muscle pain, memory problems, headaches, depression and heart palpitations, among other symptoms, which can range in their severity.

The transition often begins between ages 45 and 55 and usually lasts about seven years but can continue as long as 14 years, according to the [National Institutes of Health](#).

Women make up above half of the U.S. labor force, and more than 40% of that cohort is over the age of 45. Approximately 1.3 million women in the U.S. become menopausal each year, according to NIH.

However, despite its ubiquity, menopause is largely ignored in workplace training programs, accommodation policies and benefits packages, experts say.

"It's important for everyone to remember — whether you're an employer, worker or a union rep — that periods, perimenopause and menopause all happen at work," said Marcy L. Karin, a professor at University of the District of Columbia's David A. Clarke School of Law, who has written extensively on the issue.

"I'd advise all employers to think about their spaces and what structures are in place that make it hard to work if you are someone who is in menopause or perimenopause," Karin added.

Women with severe menopausal symptoms have a higher chance of cutting back their working hours or leaving their jobs altogether, according to a study of about 3,000 women published in 2020 by the University of Southampton in England.

A 2021 [Mayo Clinic](#) survey of nearly 4,500 working women between 45 and 60 found that over 13% reported an adverse work outcome — including absences, decreased work hours, terminations, resignations or job changes — specifically because of menopause.

The Mayo Clinic researchers urged employers to lend support to those in their workforces experiencing menopause, pointing out that managing the symptoms is associated with an increase in workplace performance.

Laura Noble, founder and managing partner of employee-side firm The Noble Law, said the data makes clear that "employers need to be proactive in addressing" menopause.

"Women are dropping out of the workforce because of menopause and because there's no mechanism in place to address those issues," Noble said. "These are incredibly valuable employees that you want to keep, you want to make sure they stay with your organization."

While menopause typically isn't considered a disability under the Americans with Disabilities Act — a federal law mandating that employers provide accommodations to disabled workers — experts said using the ADA's framework is a good idea when evaluating menopause accommodations.

Aside from offering generous time-off allotments, experts said businesses should craft policies that afford accommodations to those experiencing menopause, adjustments that can take the form of desk fans, lighter uniforms, additional breaks or remote work.

Employers can also set up support groups, select a health plan that covers menopause care and offer flexible spending accounts or a cash stipend to help employees afford menopause treatment, like hormone therapy.

And experts said educating workforces about menopause can reduce stigma, encourage more women to seek out workplace arrangements that help them manage their symptoms and curb the risk of a discrimination lawsuit arising from an ill-advised joke or remark.

"In our society, there has been a history of stereotypes or jokes about women who are going through menopause, and mood changes or mood swings as a result, or hot flashes," said disability law expert Jonathan Mook of [DiMuroGinsberg PC](#), who represents employers. "Avoid those types of negative thinking when managing a workforce; it'll get you into trouble."

Title VII of the Civil Rights Act bars workplace discrimination on the basis of someone's sex or age. Because menopause is typically associated with women over 40, Mook said jokes or condescension about the condition can open the door for claims of sexist and ageist bias and harassment.

For example, in 2021, a California federal judge refused to throw out a female dentist's claim that her supervisor created a hostile working environment in part by making a snide joke about menopause in her direction.

The judge cleared the dentist's harassment claim to go to trial, finding that the menopause remark, coupled with other offensive comments and discriminatory actions, could support the allegation. The two sides later settled the case.

In Georgia in 2020, a federal magistrate judge declined to dismiss state law harassment and emotional distress claims brought by a clinic worker over crude comments a urologist directed at her about menopause.

The "derogatory and patently offensive comments," including "stereotyped statements about going through menopause and her appearance as a female," combined with the doctor's other misconduct — including jacking up the operating room temperature to make the co-worker sweat to support his menopause jokes — was "sufficiently outrageous and extreme" to move the case ahead, the judge said.

A federal judge signed off on the magistrate judge's recommendation the following year, and the parties later reached a settlement to resolve the state law claims, as well as Title VII claims the clinic worker had brought.

And in 2014, in another case that was settled ahead of trial, a New York federal judge refused to hand a car dealership a win on a former employee's harassment claim alleging that the company's owner repeatedly demeaned female co-workers with rude and derogatory language, including calling them emotional, in need of medication and "menopausal."

"It isn't an ADA disability, but it's this correlation" between women and older age, Mook said. "Again, avoiding the stereotypes here is very important."

Despite the current gaps in legal protections surrounding menopause, experts pointed out that some employers aren't waiting for compliance obligations to kick in before making changes.

The U.K. has been [leading the way](#) on menopause protections, with England's [Department for Work and Pensions](#) appointing a menopause employment champion earlier this year, and a rising number of British employers [rolling out menopause policies](#).

Karin of UDC's David A. Clarke School of Law said the movement is making its way to the U.S.

"The conversation has come across the pond," she said. "Employers here are voluntarily creating policies that are inclusive of menstruation and menopause."

Earlier this year, San Francisco biotech firm [Genentech](#) announced that it is offering employees menopause-related benefits, including virtual support, like access to classes on

managing menopause symptoms and available treatments and expert referrals to in-person providers.

Another California-based tech firm, [Nvidia](#), also offers menopause support resources, including videos, articles and the ability to chat with an expert.

Prominent policymakers are starting to pay attention as well.

New York City Mayor Eric Adams said in a speech in January that menopause is something that's been "ignored for so many years," but he is looking to change that up and make the city's workplaces "more menopause-friendly." City leaders have promised to assemble an expert committee to examine how to make workplaces more supportive of menopause.

On the federal level, Democrats from both chambers floated resolutions in July that expressed support for paid menstrual leave and remote work accommodations for workers experiencing debilitating menstrual or menopause symptoms.

The lead sponsor of the House measure, Rep. Grace Meng, D-N.Y., said in a statement that the U.S. should follow Europe's lead on menopause.

"Looking at Europe, some countries have started to provide employees with paid menstrual leave to normalize the impact that menstruation and menopause can have on a human," Meng said. "This resolution targets a holistic approach to addressing working moms and the commonsense flexibilities that they need to grow their economic power and care for their families."

The [U.S. Department of Labor](#) has also hosted two roundtables this summer addressing menstruation and menopause at work. Karin, a panelist at both events, said these programs are having an impact.

"The Department of Labor roundtables are kick-starting the conversation," she said. "And the law is starting to follow suit."

DiMuroGinsberg's Mook said he wouldn't be surprised to see more measures proposed to support employees experiencing menopause.

"We may start to see some movement legislatively on both a state or federal level with respect

to issues related to menstruation and menopause," Mook said. "We're getting more protections with respect to pregnancy, childbirth and breastfeeding, so, potentially, there could be some legislative movements here next."

"It's a possible new frontier," Mook added.

--Additional reporting by Ashish Sareen and Adele Redmond. Editing by Abbie Sarfo and Emma Brauer.

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