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Track 9: Gender in Management

‘Menopause and Workplace Discrimination: A Review of UK Employment Tribunal Judgement (2017-2024)’

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Abstract

This paper examines how menopause-related workplace discrimination is understood and adjudicated in UK Employment Tribunal (ET) judgments between 2017 and 2024. Despite increasing public and policy attention to menopause as a workplace issue, legal and organisational responses remain fragmented and under-theorised. Drawing on 114 ET cases, this study uses a socio-legal and critical feminist framework to explore how menopause is framed in legal discourse, how employers respond to menopausal workers, and what this reveals about structural norms underpinning UK labour practices.

Theoretically, the analysis is grounded in the concepts of ableism and the ideal worker norm, which together illuminate how workplace institutions continue to privilege consistent, rational, and emotionally regulated labour—standards that menopause often disrupts. The findings show that claimants face significant barriers in gaining legal recognition for menopause-related impairments, and that employer responses often reflect a narrow understanding of productivity and professional comportment. While some tribunals have begun to recognise menopause as a disabling or discriminatory condition, the broader legal framework remains ill-equipped to accommodate gendered, fluctuating, and stigmatised health experiences.

This paper contributes to socio-legal and gender in management scholarship by demonstrating how employment law both reflects and reproduces normative assumptions about the body, work, and legitimacy. It calls for legal reform and organisational change to better support embodied diversity in the workplace.

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1. Introduction

This paper analyses UK Employment Tribunal (ET's) claims heard between 2017-2024, building on existing literature (A. Brown, 1992; S. Brown, 2022; Fitzgerald, 2024; Lord & Redfern, 2013; Roberts, 2007) to establish the number of ET's that have dealt with claims around 'menopause' which highlights how menopausal workers often endure challenging symptoms in silence while remaining employed.

Unfortunately, a significant number eventually leave the labour market or reduce their participation, either by cutting back their working hours, stepping away from paid work, or exiting entirely, to manage the realities of menopause (Cronin et al., 2023; Hickey et al., 2017; Orts Llopis, 2024). These problematic coping mechanisms, it is argued, are exacerbated by inadequate anti-discrimination and dismissal laws, which fail to offer sufficient protection or remedies and require urgent reform (Cahn et al., 2024; Crawford et al., 2021; Myhill & Sang, 2023; Waughray et al., 2022; Westwood, 2024).

While stronger anti-discrimination protections are critical, the paper posits that effective flexible working arrangements (Griffiths et al., 2013, 2016; Hardy et al., 2017; Jack et al., 2016) can provide a more practical and impactful solution for managing the tensions between menopause and workplace demands.

Recent literature (Alzueta et al., 2024; Bariola et al., n.d.; Beck & Brewis, 2024; Cahn et al., 2024; Cowell et al., 2024; Daly et al., 2024; Dennis & Hobson, 2023; DePree & Lohrberg, 2024; Fitzgerald, n.d.; Jack et al., n.d.; James, 2024; Jermyn, 2023; Kopenhager & Guidozzi, n.d.; Kyomuhendo, 2024; Myhill & Sang, 2023; O'Neill et al., n.d.; Rees et al., n.d.; Roberts, 2007; Safwan et al., 2024; Sauer, 2024; Verburch et al., 2024; Westwood, 2024) has increasingly assessed the inclusion / acceptance / handling of menopause in the workplace to enable a more frank and open discussion around the issue, the challenges faced by workers with this condition (S. Brown, 2022; Griffiths et al., 2013; Hardy, Hunter, et al., n.d.; Hunter et al., 2012) and develop strategies on ways employers can better handle the situation (Banks, 2019; Brewis et al., 2017; Dean, n.d.; S. S. Faubion et al., 2023; S. S. Faubion & Shufelt, 2022).

This paper addresses these gaps by examining how UK Employment Tribunal (ET) claims involving menopause have been adjudicated between 2017 and 2024, with a focus on

how legal reasoning and employer responses reflect deeper structural assumptions about gender, health, and work.

The analysis is guided by two interrelated theoretical frameworks: ableism (Campbell, 2009) and the ideal worker norm (Acker, 1990; Riach & Jack, 2021). These concepts help us understand why menopause—despite affecting a large proportion of the workforce, remains difficult to articulate as a legally protected workplace issue. The ideal worker is constructed as a rational, reliable, and consistently productive figure, free from bodily disruption or emotional fluctuation. Menopause, by contrast, introduces variable and often invisible symptoms that disrupt these norms, including fatigue, memory issues, and mood disturbances. As such, menopausal employees are often required to ‘prove’ their impairment within legal frameworks that presume a medically diagnosable, static, and visible disability, revealing an ableist bias in how workplace exclusion is recognised and redressed.

This paper addresses the following research questions:

1. How do Employment Tribunal claims involving menopause reflect and challenge the ableist assumptions embedded in UK workplace norms?
2. In what ways do legal framings of menopause (e.g., as a disability or health condition) reinforce or disrupt the ideal worker model in tribunal reasoning?
3. How do employer responses to menopause-related claims—both in practice and within legal arguments—reveal underlying expectations about bodily regulation, emotional control, and normative productivity?
4. What do these cases indicate about the institutional limits of current equality law in accommodating embodied diversity, particularly conditions that are gendered, fluctuating, and stigmatised?

To answer these questions, the authors analysed 113 UK Employment Tribunal decisions that explicitly reference menopause. Using a mixed-method approach that combined automated case identification (via Python and GPT-4) with qualitative content analysis, the authors examined how tribunals frame menopause, how employers respond to menopause-related claims, and how claimants construct their own experiences in legal narratives. In doing so, the authors aim to understand not just the legal outcomes, but the broader cultural and organisational logics underpinning these cases.

The paper proceeds as follows. Section 2 reviews the relevant literature on menopause, work, and legal recognition, highlighting the current lack of socio-legal analysis in this area. Section 3 explores the legal framework and tribunal precedents concerning menopause. Section 4 outlines the methodological design, including ethical and epistemological considerations. Sections 5 and 6 present and discuss the findings in light of the theoretical framework as well as research questions. Section 7 concludes with implications for policy, law, and future research.

2. Literature and the research gap

As mentioned above, the impact of menopause on women's participation in the workforce has gained increasing attention in recent years. Several studies cited have explored the effects of menopausal symptoms on workplace performance, employer support, and legal implications related to discrimination. This review synthesises key research findings, methodologies, research questions, and gaps identified in the existing literature, emphasising the need for proactive workplace interventions and legal considerations.

Studies indicate that menopausal symptoms can negatively impact work performance, job satisfaction, and career progression. Fitzgerald (2024) highlights that symptoms such as fatigue, mood swings, and cognitive difficulties often affect performance and productivity, leading to decreased engagement and, in some cases, premature exits from the workforce. Additionally, Jack et al. (2016) emphasise that the impact of menopause is exacerbated by workplace policies that do not accommodate these physiological changes, leaving employees with limited resources, support and less satisfied in their jobs (O'Neill et al., 2023a). These studies highlight the need for organisational awareness and structured support systems, including flexible working hours, access to medical consultations, and mental health assistance.

Several studies further explore the consequences of a lack of employer support. Bariola et al. (2017) discuss the role of occupational stress and its link to menopause-related health challenges, demonstrating that high-pressure work environments can worsen symptoms. Moreover, the stigma (Hardy et al., 2019) surrounding menopause in professional settings may lead to social isolation (Edwards et al., 2021), increased absenteeism (S. Faubion et al., 2024), and reduced career advancement opportunities (S. Brown, 2022; O'Neill et al., 2023b). Research suggests that companies that foster open conversations (Hardy et al., 2019) around

menopause can alleviate some of these barriers, improving both employee well-being (Jack et al., 2016) and overall workplace culture (Dean, 2019; Hardy, 2020; Rees et al., 2021).

Menopause-related employment tribunal cases have risen in recent years pointing to systemic workplace challenges:

Table 1. Employment Tribunal judgements mentioning 'menopause'

Year April - March	Cases
2017-18	4
2018-19	3
2019-20	8
2020-21	15
2021-22	14
2022-23	19
2023-24	33
2024-25* (*only Quarter 1 & 2 figures were analysed)	18

Brown (2022) and (Fitzgerald, 2024) discussed the increasing number of discrimination claims linked to menopause, indicating a need for clearer legal frameworks to protect affected employees. Current legal protections under equality and disability legislation in many jurisdictions remain ambiguous when applied to menopause-related issues, leading to inconsistent case outcomes (Cahn et al., 2024; Myhill & Sang, 2023; Orts Llopis, 2024; Westwood, 2024)

Studies by Bryson et al. (2021) and Bariola et al. (2017) explore the causal relationships between employment conditions, stressors, and menopausal symptoms, reinforcing the necessity for gender-sensitive employment policies. Commentators (Griffiths et al., 2016; Jack et al., 2016; Pryor, 2023) argue that workplace adjustments, such as temperature control, extended leave policies, and training on menopause awareness for managers, could reduce litigation cases by fostering more supportive environments (Chander, 2021; Hardy, 2020; Jack et al., 2016; Rees et al., 2021). Furthermore, organisations that implement comprehensive menopause policies are likely to benefit from improved employee retention, reduced litigation

risks, and enhanced workplace morale (Beck et al., 2021; Riach & Jack, 2021; Targett & Beck, 2021).

Most of these studies employed qualitative and mixed-method approaches to explore menopause-related workplace experiences. Jack et al. (2016) conducted a systematic review to analyse employer policies, while Bryson et al. (2021) used a difference-in-difference estimator to assess the impact of early menopause on work participation. Fitzgerald (2024) relies on survey data to measure workplace accommodations and support, drawing from large-scale employee reports to assess patterns in employer engagement.

Other research incorporated case studies of workplace policies to determine best practices in accommodating menopausal employees. Bariola et al. (2017) conducted in-depth interviews with menopausal employees and HR professionals to identify key barriers in policy implementation. These varied methodological approaches provide a decent understanding of how menopause impacts different industries and work settings, informing future research directions and policy recommendations. However, a lack of detailed analysis on tribunal judgements, in particular comments made through the facts of the case, has led to a gap in the research which drove the researchers to analyse all available tribunal judgements between 2017-2024 (HMCTS) that mentioned ‘menopause’ and derivatives (see methodology below). The researchers were then able to determine what type of claims involved ‘menopause’, analyse the facts of these cases, the overall outcome of the cases and how these cases have been handled by the courts.

Through this research gap, as well as findings from the literature, a number of key research questions were identified:

1. How do Employment Tribunal claims involving menopause reflect and challenge the ableist assumptions embedded in UK workplace norms?
2. In what ways do legal framings of menopause (e.g., as a disability or health condition) reinforce or disrupt the ideal worker model in tribunal reasoning?
3. How do employer responses to menopause-related claims—both in practice and within legal arguments—reveal underlying expectations about bodily regulation, emotional control, and normative productivity?

4. What do these cases indicate about the institutional limits of current equality law in accommodating embodied diversity, particularly conditions that are gendered, fluctuating, and stigmatised?

These questions guided the researchers in being able to assess the outcome of tribunal claims to determine workplace inclusivity, legal clarity, and a supportive environment for menopausal employees. Addressing these gaps in this paper would allow for more targeted policy recommendations and a deeper understanding of menopause-related employment challenges.

To assist in the analysis of the data, the study was underpinned by the intersecting theoretical frameworks of ableism and the ideal worker norm. Ableism, as conceptualised by Campbell (2009), privileges able-bodied norms and constructs bodily or cognitive impairments as deficits. In the workplace, this results in normative assumptions about what constitutes a ‘fit’ or ‘productive’ employee—assumptions that menopausal employees frequently challenge (Crawford et al., 2021).

Menopause-related symptoms such as fatigue, cognitive fog, and emotional volatility are often construed as a deviation from expected performance standards (Jack et al., 2016), leading to disciplinary action, exclusion, or dismissal. Yet, these reactions often mask deeper structural biases embedded within the ideal worker model, one that presumes constant availability, linear career trajectories, and emotional self-regulation (Acker, 1990; Riach & Jack, 2021). When menopause is not framed as a legitimate workplace issue but as a private or medicalised concern, it is rendered invisible within organisational and legal discourses—an act of epistemic exclusion that reinforces both sexism and ableism.

Thus, this study positions menopause as a contested category: it occupies a liminal space between disability, sex, and age discrimination but is formally protected by none. The inconsistent tribunal rulings on whether menopause qualifies as a disability under the Equality Act 2010 reflect this ambiguity, suggesting a broader institutional discomfort with non-visible or fluctuating impairments (Westwood, 2024).

3. Menopause and the law

The menopause refers to a point when menstruation ceases, usually at around 51 years of age but it can happen much earlier and / or as a result of medical treatments (WHO,2024). It is a significant life transition, typically beginning with the onset of symptoms 1–2 years before the final menstrual period, during the peri-menopausal stage (Hamoda et al., 2020). These symptoms, often challenging, persist for an average of seven years, with 20% of women experiencing vasomotor symptoms, such as hot flushes and night sweats, for up to 15 years post-menopause (Hamoda et al., 2020).

In the UK, the average age of natural menopause is 51, though it can occur earlier for some individuals with the typical age range for the onset of menopausal symptoms falling between 45 and 55 years (Bull et al., 2018; Swaminathan et al., 2023). In a survey carried out by the House of Commons Women and Equalities Committee (House of Commons Women and Equalities Committee, 2022) 99% of respondents stated that they experienced at least one menopause symptom. ‘Difficulty sleeping’ was the most reported (81%), followed by problems with memory and/or concentration (75%), and then hot flushes and night sweats (both 73%). A significant number (69%) reported anxiety or depression as a symptom. 92% reported that these symptoms affected them at work, reporting they were less able to concentrate (72%), experienced increased stress (70%) and a loss of confidence (67%

For many the menopause has positive elements. Indeed, it has been described by some as a ‘transformative’ experience (de Salis et al. 2017) and this aspect of menopause can get lost in the negative narratives and needs to be better recognised (Rowson et al. 2023). The menopause is however a very subjective experience, for some it is positive and steady, but for many hormonal levels can fluctuate to such an extent that a variety of debilitating symptoms can be experienced over many years. Negative symptoms can be physical, including hot flushes, irregular / longer and very heavy periods and associated anaemia, migraines, tiredness, sleep problems, vaginal dryness and aching joints (Fitzgerald, 2024; Griffiths et al., 2013; Jack et al., 2016). Decline in oestrogen levels can also increase the risk of heart disease and pelvic organ prolapse. Symptoms can also be emotional / cognitive, including anxiety, mood swings, loss of confidence or creativity (Goldstein 2000), brain fog, insomnia and memory problems (Kendall-Raynor, 2022).

In the UK, 67.8% of women aged 50–64 are engaged in paid employment (ONS,2024 while approximately 85% of women between 40 and 55 experience menopausal symptoms (Kulakiewicz et al., 2021) . These symptoms typically last seven years but can persist for up to 10 years (Hillard, 1997), with 67% of women (aged 40–60 in employment) say they have had a mostly negative effect on them at work (CIPD, 2023). In the UK, while menopause is not explicitly designated as a protected characteristic under employment law, several legal frameworks offer protections to employees experiencing menopausal symptoms.

Employment Tribunal Judgements

Recent tribunal cases have underscored the importance of employer support for menopausal employees. For instance, a teacher was awarded £60,000 for unfair dismissal and disability discrimination after her employer failed to accommodate her menopause-related health concerns (Mrs A Shearer v South Lanarkshire Council: 4107433/2023). An analysis of tribunal judgments has found the following compensation payments made within this studies cases:

Table 2: Compensation payments in menopause related ET cases

Case ID	Compensation Received	Compensation elements
Case 5	£3,177	Compensation for loss of income - £ 434.72 Injury to feelings - £2,000.00 Interest on injury to feelings - £ 742.28
Case 12	£1,000	The Respondent breached Regulation 12 of the Working Time Regulations 1998 in respect of the Claimant's rest breaks and shall pay compensation the sum of £1,000 to the Claimant.
Case 16	Not Mentioned (remedy would be addressed in a separate hearing)	
Case 18	£190,804.36	1. In respect of unfair dismissal: (a) A basic award of £13,172.50; (b) A compensatory award of £156,830.43 subject to the statutory cap. 2. Damages for wrongful dismissal of £20,801.43 subject to grossing up.
Case 24	£15,000	By consent, it is agreed that the Respondent will pay the claimant £15,000.00 in respect of damages for harassment and wrongful dismissal.

Case 27	£1,000	The claimant shall pay the costs of the respondent summarily assessed in the sum of £1,000.
Case 30	£16,796.02	<u>Unfair Dismissal</u> Basic award Gross weekly pay of £327 x 9 years of continuous service x 1.5 = £4,414.50 Less 20% reduction for conduct £ 3,531.00 <u>Compensatory award</u> Loss of earnings for 7 weeks from 1/10/2020 to 20/11/2020 @ £284.61pw = £1,992.27 Loss of pension @£7.92 for 39 weeks = £308.88 Loss of statutory rights £500.00 Subtotal £2,801.15 Increase of 10% for failure to comply with ACAS Code + £280.12 = £ 3,081.27 Decrease of 20% for contributory conduct - £616.27 = £2,465.02 Indirect discrimination Injury to feelings £10,000 Interest for 12 months @ 8% £800
Case 35	£15,311.80	
Case 38	£2,000	
Case 40	£20,057.74	The compensation which the claimant should receive for that breach of section 15 is in the agreed sum of £2,000, on which no interest is payable.
Case 42	£9,899.15	
Case 46	£99,659.02	The Respondent shall pay the Claimant a grand total of £125,604.98 in compensation for all claims, including injury to feelings, past and future loss, interest, an ACAS uplift and grossing up. The grand total includes: -A global injury to feelings award of £20,000 plus £3,235.07 interest. -An award for past economic loss of £23,972.97 plus £1,938.86 interest. -An award for future economic loss of £15,345.04. -Compensation for wrongful dismissal of £7,553.52 -An Unfair Dismissal basic award of £2,412.00 -An award for unfair dismissal loss of statutory

		rights of £376.60. -An award for unpaid expenses of £6,589.61 -An award for unpaid holiday pay of £1,625.51 -An ACAS uplift of 20%.
Case 62	£2,365,614.13	
Case 69	£8,922.50	
Case 75	£5,500	
Case 78	£ 64,645.07	
Case 116	£7,094.91	
Case 118	£27,975	

(Source: HMCTS ET Judgments 2017-2024)

Menopause-related tribunal cases in the UK have gained significant attention in recent years, reflecting a growing awareness of how menopausal symptoms can impact employees and lead to workplace disputes. These cases typically involve claims of discrimination—often based on disability, sex, or age—as well as unfair dismissal, under the framework of the Equality Act 2010. While menopause itself is not a protected characteristic under UK law, symptoms can sometimes qualify as a disability if they have a substantial and long-term adverse effect on an individual’s ability to carry out normal day-to-day activities.

In summary, while UK employment law does not specifically list menopause as a protected characteristic (Westwood, 2024), existing legislation related to sex, age, and disability discrimination, along with health and safety obligations, provides a framework to protect and support employees experiencing menopausal symptoms as outlined in some of the cases above. Employers are also encouraged to adopt supportive measures and remain informed about best practices to ensure compliance and promote employee well-being (Steffan, 2020).

4. Methodology

To obtain the source material used for this paper two customised Python scripts were created. Both scripts were developed with the support of Claude’s Sonnet 3.5 model to rapidly prototype the necessary functionality combined with previous experience developing web robots. The first script performed a simple download of all the relevant PDFs documents from the website - <https://www.gov.uk/employment-tribunal-decisions>. The script requested PDFs from this location using the keywords ‘menopause’ and restricted the location to decisions for

England and Wales. The PDFs were saved to the local hard drive of the computer running the Python script. The script was written to automatically download all the relevant PDFs for a case and to step through the individual pages of decisions presented by the website. This was possible with the use of the Python library, BeautifulSoup.

The result was 216 individual PDF files relating to 118 cases. Individual cases ranged from a single PDF up to six separate PDFs (meaning six separate tribunal appearances). Not all of the individual PDFs explicitly mention menopause but due to their association with a PDF relating to an individual case that did mention menopause they were also included. The Employment Tribunal data exhibits a relatively high level of variability which mitigates against consistent structured data. Even at the level of a naming convention for files there are a range of differences. For example, the name of the claimant might include only the first initial, two initials or only a family name. Depending on where the claim was heard and the gender of the claimant there are also cases of files with either Ms or Miss. Because the filename starts with the full name of the claimant starting with their possibly honorific or an initial, the alphabetical sorting of files is effectively useless.

Once the relevant PDFs had been collected to the local hard drive, they were then examined through a second Python script. The purpose of this script was to conduct initial analysis of the content of the PDFs and produce a structure comma-separated values (CSV) file of all the data. The first step of this process was to extract the text from the proprietary PDF format to straight text. This was done with the Python library PDFPlumber. Other libraries do exist and while they are generally consistent the nature of the PDF format may produce slightly different results as a result. This is one reason the CSV that was produced was considered an initial – rather than final – analysis. The final CSV had a series of columns that assist in explaining what was being discovered through this initial analysis. This script was developed iteratively. By testing the script and understanding the range of data and variability of formats being used it was possible to tease out several factors that appeared to be relevant to the collection of claims.

What was finally gathered and documented in the CSV included a range of relevant fields. Some of these fields were gathered directly from the available information, some utilised regular expression – a pattern of characters that can be identified in the document, and some utilised generative AI through the ChatGPT Application Programmers Interface (API) to

identify and systematise the narratives contained in the PDF. The API utilised ChatGPT 4. The API was given a system context, ““You are a helpful assistant analysing legal documents.” and a user context, “Analyse the following text and answer these questions: 1. Is this case based on Menopause/Menopausal discrimination where the judge has to state whether the person has been discriminated based on menopause? (Yes/No) 2. Does this case mention Menopause/Menopausal without the judge having to make a decision about discrimination based on menopause? (Yes/No) 3. Based on the document, was the decision in favour of the claimant or respondent, or was there some other form of decision? Text:...”

This approach proved useful to provide an indicative body of systematised data that could be further cleaned and examined for specific details. The work does emphasise the need for attention to create structured data in court reporting that is destined to become publicly available. Providing a structured and consistent cover sheet across the many locations where tribunal cases are heard would promote better and more detailed analysis. Utilising a more machine-readable format, even HTML or Markdown, rather than PDFs for documents intended for public use would also contribute to greater transparency and would rapidly mature the academic discourse around these topics.

While the data collection process relies heavily on digital scraping and AI-supported classification, this study’s methodology is grounded in the emerging field of critical digital legal studies (Crawford & Schultz, 2019). Rather than treating Employment Tribunal data as neutral, the authors interpret it as the product of layered epistemologies: judicial reasoning, claimants’ narratives, and the structuring logic of legal categories.

The use of Python and GPT-4 API for document analysis was not an attempt to mechanise legal reasoning but to generate a structured corpus amenable to critical analysis. The tribunal judgments were not merely coded for presence/absence of menopause mentions but were qualitatively assessed in relation to legal reasoning, affective language, and outcomes.

Ethical considerations guided our approach. While tribunal judgments are publicly accessible, the authors excluded personal identifiers, anonymised references where necessary, and considered the potential for harm in representing sensitive medical or psychological information (Markham & Buchanan, 2012). Furthermore, the use of generative AI was carefully bounded: models were used for initial classification only, and all interpretations were subject to human review grounded in socio-legal analysis (Banakar and Travers, 2005).

5. Employment Tribunal judgements involving the menopause

A total of 118 cases mentioned menopause in employment tribunal judgments between 2017-2024, of which 113 were suitable for analysis. The nature of the claims varied across the cases. However, Age Discrimination, Disability Discrimination, and Sex Discrimination were the most common. Many of these cases involved at least one of these three types of discrimination, and in some instances, all three were present.

Table 3. Total number of cases analysed per jurisdiction

Total Cases	Age Discrimination	Disability Discrimination	Sex Discrimination	Other Claims (Not Age/Disability/Sex Discrimination)
113	27	79	37	21

Only 21 cases did not involve Age, Disability, or Sex Discrimination. Instead, these cases included claims such as Race Discrimination, unlawful wage deductions, unfair dismissal, and others.

Table 4. Total number of cases outcomes per outcome

Total Cases	Age Discrimination	Disability Discrimination	Sex Discrimination
113	27	79	37
Claimant won - 29	Dismissed -16	Dismissed - 47	Dismissed - 25
Respondent won - 80	Struck Out - 5	Struck Out - 7	Struck Out - 6
Not Mentioned - 4	Succeeded - 3	Succeeded - 13	Succeeded - 2
	Not Found -2	Not Found - 6	Not Found - 2
	Not Mentioned -1	Not Mentioned - 4	Not Mentioned - 1
		Withdrawal - 2	Withdrawal - 1

Among the 113 cases analysed, 29 were decided in favour of the claimant, while 80 were in favour of the respondent. The remaining 4 cases had no clear outcome mentioned.

Table 5. Total number of cases outcomes per region

Locations	No. of Cases accepted
Ashford	1
Birmingham	5
Bristol	8
Bury St Edmunds	4
Cambridge	2
Cardiff	4
Dundee	1
East London	11
Exeter	2
Hull	2
London South	14
London Central	13
Leicester	1
Leeds	4
Liverpool and Manchester	1
Liverpool	6
Manchester	8
Midlands West	3
Middlesbrough	1
Nottingham	3
Newcastle	3
Reading	1
Swansea	1
Southampton	2
Watford	7
Cloud Video Platform	6
Total	113

Through manually analysing the data, a set of themes were drawn which helped categorise the analysis into a set of criteria that would then help answer the research questions. These themes were:

Menopause Acting as a Stressor

20% of the cases highlight the impact of menopausal symptoms on various aspects of the claimants' lives, including their physical, mental, and emotional well-being, as well as their professional performance. This suggests that menopause acts as a stressor on their work performance. Many described the menopause as significantly affecting their judgment, memory, and ability to manage work responsibilities, with symptoms like hot flushes, night sweats, and 'foggy brain' impairing their functionality. While some claimants acknowledged unacceptable behaviour or performance, they argued that disciplinary actions, including dismissals, were disproportionate or did not account for their medical conditions. Others faced challenges in providing medical evidence to substantiate the link between their symptoms and impairments, leading to disputes over whether the menopause met statutory criteria for disability. Despite varied outcomes, the cases underscore the need for greater understanding and accommodation of menopause-related challenges in the workplace.

Recognition of Menopause as a Disability

37% of the cases demonstrate the need around recognising menopause as a disability, highlighting the significant physical, mental, and emotional challenges it poses for individuals. Claimants reported severe symptoms, including extreme anxiety, depression, fatigue, cognitive impairments, and physical discomfort, such as swelling, hot flushes, and pain, which substantially impacted their ability to perform day-to-day activities and professional duties. Some employers acknowledged menopause-related impairments as disabilities under the law, while others dismissed the link or failed to provide adequate accommodations. Instances of discrimination and a lack of awareness were also evident, with claims of dismissal, failure to consider symptoms during evaluations, and inappropriate comments. The evidence underscores the need for clearer policies, better understanding, and a more consistent approach to recognising menopause-related impairments as disabilities, ensuring fair treatment and support for affected individuals in the workplace.

The Psychological and Emotional Impact of Menopause in the Workplace

8% of the cases highlight the profound psychological and emotional effects of menopause on claimants, often exacerbating existing conditions like anxiety and depression. Symptoms such as mood swings, tearfulness, forgetfulness, low resilience, and difficulties with decision-making were frequently reported. In some instances, menopausal symptoms, including disrupted sleep, hot flushes, and night sweats, intensified feelings of sadness, hopelessness, and stress. Several claimants attributed their mental health struggles to both menopause and workplace pressures, with medical evidence linking their anxiety and depression to this stage of life. Despite acknowledging these challenges, the lack of consistent medical records or evidence regarding the impact of menopause without treatment was noted in some cases. These experiences underline the need for employers to recognise menopause as a significant factor influencing emotional and psychological well-being in professional environments.

Impact of Menopause on Health and Daily Functioning

14% of the cases mentions the diverse and significant ways menopause can affect individuals' health, emotional well-being, and ability to manage daily tasks. Claimants reported a wide range of symptoms, including extreme anxiety, hot flushes, disrupted sleep, muscle tension, fatigue, mood swings, cognitive impairments, and physical pain, often exacerbated by hormonal imbalances. Some experienced severe challenges, such as difficulty maintaining mental clarity, managing work responsibilities, and even performing basic tasks like showering. In many cases, menopause was linked to additional health issues, such as high blood pressure, coccydynia, and an increased risk of osteoporosis. The effects were further compounded by stress from life circumstances, such as caregiving duties. While some respondents recognised menopause as a contributing factor to impairments, others struggled to acknowledge its impact or lacked awareness of the connection.

Menopause in the Workplace: Challenges, Misunderstandings, and Support

36.2% of the cases reveal a spectrum of experiences regarding menopause in the workplace, highlighting challenges, misunderstandings, and varying levels of support. Some claimants reported that their menopausal symptoms, including anxiety, fatigue, cognitive impairments, and physical discomfort, were exacerbated by workplace stress and lack of

accommodations. Many faced inadequate recognition of menopause as a contributing factor to their performance, with some employers demonstrating a lack of awareness or support. While policies such as menopause networks and wellness plans were implemented in certain workplaces, confusion about procedures, such as whether GP sick notes were required for menopause-related absences, persisted. Additionally, instances of alleged discrimination and failure to accommodate menopause-related needs were noted, including claims of age and disability discrimination. The findings emphasise the importance of raising awareness, providing adequate support systems, and fostering an inclusive environment to address the impact of menopause on employees effectively.

Discrimination and Workplace Challenges due to Menopause

27.4% of the cases illustrate the discriminatory attitudes and lack of understanding surrounding menopause in workplace settings. Claimants frequently reported dismissive remarks, ageist and sexist undertones, and a lack of appropriate support for their menopausal symptoms, which often intersected with other health conditions. Instances included being labelled as ‘just menopausal’, experiencing unkind comments about their age and appearance, and facing accusations of using menopause as an excuse for behaviour or performance issues. Some claimants alleged harassment, including inappropriate comments and minimisation of their symptoms. Others faced adverse treatment such as dismissal or were pressured to resign, citing menopause-related remarks as the catalyst. Additionally, misunderstandings around menopause as a disability, including the conflation of menopausal symptoms with mental health issues, further compounded the challenges.

This analysis of ET claims involving menopause highlights the complex and evolving relationship between menopause and workplace discrimination law in the UK. The findings reveal that a significant number of cases involve claims of age, sex, and disability discrimination, illustrating the multifaceted legal challenges faced by menopausal employees, which could be aligned to the lack of a specific protected characteristic around Menopause.

The evidence suggests that menopause-related symptoms can have profound effects on employees’ physical, emotional, and cognitive well-being, often leading to workplace disputes, disciplinary actions, and in some cases, dismissals.

To sharpen the analytic edge of our findings, the authors offer a brief comparative reflection. Unlike menopause, conditions such as hypothyroidism, chronic fatigue syndrome (CFS), and autoimmune disorders like lupus are more routinely medicalised and, crucially, more readily recognised as disabilities under workplace law. Yet they often affect women disproportionately and present with similarly variable or invisible symptoms (Werth & Blevins, 2014).

This comparison reveals an asymmetry in how the law, and workplaces, recognise certain conditions over others. While tribunal claimants with CFS or lupus may still face evidentiary hurdles, their claims are less likely to be trivialised or treated with suspicion than those based on menopause, which continues to carry cultural stigma and is often reduced to a ‘natural life stage’ rather than a potential impairment. This legal-cultural framing creates what the authors term the credibility gap in menopause discrimination claims: employees must not only demonstrate impairment but challenge deep-seated assumptions that menopause is ‘not that serious’.

This comparison strengthens the case for more coherent legal guidance and organisational policy frameworks that recognise the intersectional nature of workplace exclusions, rooted not only in gender or age, but in embodied normativity.

6. Discussion

A key theme emerging from the analysis is the inconsistent recognition of menopause as a disability (Cahn, 2021). While some tribunals acknowledge its impact as a long-term impairment requiring workplace accommodations, others dismiss claims due to a lack of sufficient medical evidence or legal precedent. This inconsistency underscores the urgent need for clearer legal frameworks that explicitly recognise menopause as a workplace issue deserving of protection under equality and employment law (Crawford et al., 2021; Myhill & Sang, 2023; Waughray et al., 2022; Westwood, 2024).

Moreover, the analysis from the cases highlights the varying levels of employer awareness and support. While some organisations had implemented menopause-friendly policies and flexible working arrangements, many cases reflect a lack of understanding, inappropriate managerial responses, and, in some instances, outright discrimination. The absence of structured workplace guidance further exacerbates the challenges faced by

menopausal employees, often forcing them to navigate an adversarial legal system to seek justice.

Several studies highlighted that menopause symptoms negatively affect workplace performance, leading to absenteeism, reduced productivity, and in some cases, early retirement (Fitzgerald, 2024; Griffiths et al., 2013; Huseth-Zosel et al., 2014; Jack et al., 2016). Bryson et al. (2022) analysed the economic consequences of menopause and found that early menopause increases the likelihood of job loss and financial insecurity.

Research by Jack et al. (2016) suggests that organisations implementing menopause-friendly policies, such as flexible work arrangements and awareness training, improve retention and job satisfaction among menopausal employees. However, Fitzgerald (2023) argues that many workplaces still lack adequate support structures.

Menopause stigma and lack of awareness exacerbate workplace challenges. Bariola et al. (2017) found that women often hesitate to disclose menopause-related difficulties due to fear of negative judgment. This silence contributes to workplace inequalities and hinders policy development.

Moving forward, the findings of this study emphasise the importance of legal and organisational reforms. First, explicit legislative recognition of menopause as a potential disability would help ensure consistent protections and accommodations. Second, greater employer education and awareness are crucial to fostering a more inclusive work environment that accommodates menopausal employees' needs without stigma or bias. Finally, structured data collection and reporting in tribunal cases would enhance transparency and facilitate more informed policymaking.

In answering the research questions below the authors were able to link the collected data with the studies theoretical lens of ableism and the ideal worker:

1- How do Employment Tribunal claims involving menopause reflect and challenge the ableist assumptions embedded in UK workplace norms?

The data from 113 tribunal cases indicate that menopause is rarely treated as a legitimate source of workplace disruption in ways that command formal recognition or support.

Instead, symptoms such as hot flushes, cognitive decline, anxiety, and fatigue are often reinterpreted by employers as behavioural or performance deficiencies—justifying disciplinary action or dismissal. This reflects the ableist underpinnings of organisational culture, which assumes employees are consistently physically and mentally ‘able’, and able to regulate emotions, energy, and productivity regardless of age or embodied experience (Campbell, 2009).

Claimants who attempted to articulate menopause-related impairments in legal terms were frequently required to medicalise their experiences to gain credibility. Yet even with medical evidence, the threshold for proving disability under the Equality Act was inconsistently applied. The implicit norm being challenged here is one of unencumbered embodiment: a worker who can function without variation or accommodation. These tribunal cases demonstrate how menopause disrupts this norm and exposes the fragility of workplace structures that depend on able-bodied ideals.

However, some judgments did reflect a growing sensitivity to these issues—particularly where judges recognised the complex and episodic nature of menopause. In these instances, tribunals served as sites where ableist assumptions were at least partially contested. These cases are crucial in showing how legal discourse can evolve to accommodate a more inclusive understanding of bodily diversity, even as the overall picture remains inconsistent.

2- In what ways do legal framings of menopause (e.g., as a disability or health condition) reinforce or disrupt the ideal worker model in tribunal reasoning?

The legal outcomes in menopause-related tribunal claims demonstrate that menopause remains a legally ambiguous condition. While some tribunals accepted it as a disability, particularly where symptoms were severe and long-lasting, others dismissed claims for lack of clear, objective evidence or because symptoms were considered part of ‘normal ageing’. This reliance on narrow biomedical framings is itself a reflection of the ideal worker model, which presumes a predictable, rational body that either functions properly or is pathologically impaired in ways that are objectively measurable.

In cases where menopause was dismissed as a ‘life stage’, legal reasoning reinforced the idea that workers should self-manage such experiences outside the workplace. This both depoliticises menopause and embeds the idea that ‘real’ disability must conform to traditional notions of permanence and medical legibility. This excludes not only menopause but other fluctuating and invisible conditions such as chronic fatigue syndrome or autoimmune disorders, which may disproportionately affect women and other marginalised workers (Williams, 2011).

However, tribunals that framed menopause in light of sex and age discrimination sometimes went further in questioning the neutrality of workplace practices. For instance, where employers failed to consider adjustments or demonstrated overtly dismissive attitudes, judgments occasionally pointed to structural bias. These moments of disruption are important, they show the law’s potential to challenge, rather than reinforce, normative models of the ideal worker.

3- *How do employer responses to menopause-related claims, both in practice and within legal arguments, reveal underlying expectations about bodily regulation, emotional control, and normative productivity?*

Employer responses in the tribunals analysed overwhelmingly centred on performance, attendance, and conduct, evaluated through a lens that left little room for health-based explanation. In numerous cases, claimants were placed on performance improvement plans, subjected to capability hearings, or dismissed outright, even when they had raised concerns about menopause-related health issues. Where adjustments were considered, they were often superficial or implemented only after formal complaints, indicating a reactive rather than anticipatory stance.

These patterns reflect a normative expectation of self-regulation, employers assumed that workers should manage any health-related challenges privately and silently, without disruption to business operations. This reinforces a narrow model of productivity rooted in masculine-coded expectations of constant presence, output, and composure (Acker, 1990). Emotional symptoms like anxiety or depression were especially stigmatised, sometimes being used to question a claimant’s professionalism or fitness for their role.

The legal strategies adopted by employers often mirrored these assumptions. Rather than acknowledging menopause as a workplace issue, employer defences frequently framed it as irrelevant or overblown. This adversarial posture reflects broader organisational discomfort with embodied disruption and reveals a deep-seated preference for uniformity, control, and denial over inclusion and care. In doing so, employers inadvertently reasserted the ideal worker norm and resisted attempts to reframe menopause as a legitimate basis for organisational responsibility.

4- *What do these cases indicate about the institutional limits of current equality law in accommodating embodied diversity, particularly conditions that are gendered, fluctuating, and stigmatised?*

The tribunal decisions collectively reveal that current equality law in the UK struggles to account for conditions that are neither fully medicalised nor openly discussed in workplace cultures. Menopause exists in a legal grey zone: it may qualify as a disability in some cases, or as a factor in sex or age discrimination, but there is no statutory clarity or consensus. This legal ambiguity compounds the stigma already surrounding menopause, making it difficult for workers to frame their experience in ways that resonate with the law.

Moreover, the reliance on medical evidence and the requirement to demonstrate substantial and long-term impact imposes significant evidentiary burdens on claimants, especially when the symptoms are intermittent, subjective, or culturally minimised. These structural features of the legal system perpetuate a form of institutional ableism, in which only the most extreme or medically verified cases are seen as legitimate.

These limitations underscore the need for reform in how equality law conceptualises embodied difference. Rather than relying solely on traditional disability thresholds, future legal frameworks might recognise menopause as an independent ground for protection or as part of a broader move toward recognising the workplace impact of fluctuating health conditions. Such an approach would not only enhance legal clarity but also challenge the normative assumptions that continue to define work, health, and inclusion.

7. Conclusions

This study has shown that the treatment of menopause within UK Employment Tribunal claims from 2017 to 2024 reveals fundamental tensions between embodied health experiences and prevailing workplace norms. Drawing on the intersecting frameworks of ableism (Campbell, 2009) and the ideal worker norm (Acker, 1990), the authors argue that many of the difficulties faced by menopausal employees stem not from individual health limitations but from organisational and legal structures that marginalise bodily variability and normative disruption.

The ‘ideal worker’ continues to be constructed as rational, reliable, and unencumbered—an abstraction historically aligned with male, mid-life, non-disabled bodies. Menopause, by contrast, introduces non-linear and unpredictable symptoms that challenge expectations of consistent performance, emotional regulation, and uninterrupted presence. Employment tribunals often become the site where these tensions are adjudicated. Yet, our analysis reveals inconsistency in how menopause is interpreted, sometimes as a legitimate impairment worthy of accommodation, at other times dismissed for lack of ‘objective’ medical evidence. This patchiness reflects an underlying *ableist epistemology*, in which fluctuating or invisible conditions struggle to gain recognition within legal and organisational discourse.

Moreover, the findings illustrate how menopause remains culturally and institutionally coded as a personal issue, rather than a legitimate workplace matter. Claimants were frequently forced to frame their experiences in the language of disability, often unsuccessfully, to meet legal thresholds shaped by an able-bodied norm. Even when menopause was acknowledged, employer responses often lacked the structural support necessary to effect meaningful inclusion. This reinforces a form of epistemic injustice, where women’s testimonies about their own bodies are treated as insufficient, unless backed by formal diagnosis or occupational health reports.

Orts Llopis (2024) draws on Koschut’s (2018, 2020) emotion discourse analysis and theories of othering, stigma, and interpellation to analyse how courts construct menopausal claimants. This can be positioned alongside this study’s theoretical framing of ableism and the ideal worker norm to build a more intersectional and discursive analysis, in the future, of how menopausal claimants are perceived as ‘deviant’ from normative expectations of performance and resilience.

To move forward, employment law must explicitly recognise menopause as a condition that can give rise to workplace disadvantage, not merely through its biological symptoms, but through the social meanings attached to those symptoms within a gendered and ableist employment culture. Legal reform should consider adding menopause as a named ground for discrimination or issue formal guidance under the Equality Act to clarify its treatment under disability law. At the same time, organisations must reimagine performance and presence standards that better accommodate bodily diversity across the life course.

By shifting the analysis away from biomedical individualism and toward the structural critique of workplace norms, this paper contributes a socio-legal understanding of how menopausal employees are governed, judged, and too often excluded. The employment tribunal is not just a venue of redress, but a mirror of the values embedded within our labour regimes; values that must now be re-examined if work is to become truly inclusive.

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