



Sports in the news - what do the employment lawyers think this July?

Addressing the Dress Code: From Wimbledon to the Workplace

Following calls from campaigners for Wimbledon to “*address the dress code*”, which originates from the 1800s, this year marks the first year that Wimbledon have relaxed their all-white clothing rule; a welcome change from players nervous about irregular and unexpected menstrual bleeding. It’s clear that this concern extends beyond the court and into workplaces, with the British Standards Industry (BSI) recently introducing guidance for employers on how to manage workplace uniforms to support menstruating employees. What changes might we see to workplaces seeking to support employees with menstruation?

Flexibility with workplace dress codes is a relatively low cost and easy to implement change that can have a very positive impact on employees suffering with anxieties around both menstruation and the menopause. American tennis player, Coco Gauff, has described that the change at Wimbledon will “*make a world of difference*”.

British tennis player Heather Watson has reported taking contraception to prevent her from menstruating at Wimbledon due to fear of bleeding on her white under-shorts and has previously spoken about underperforming due to symptoms of dizziness and nausea resulting from menstruation. Gauff describes that her anxieties relate to memories of referees notifying her that she was “*showing*” during tournaments, which echoes the stresses which many employees feel in the workplace, (a 2021 UK survey by [Bloody Good Period](#) of 3,000 respondents found that 89% experienced anxiety and stress at work due to their period).

The BSI’s recent guidance on menstruation, menstrual health and menopause in the workplace ([BS 30416](#)) also highlights the cause for concern with workplace uniforms, recommending that employers provide “*additional or alternative uniforms*” and “*uniforms in a dark colour*”. The guidance recognises that flexibility with workplace uniforms can make the workplace more accommodating to menopausal employees suffering with symptoms relating to thermoregulation, suggesting that “*where uniforms are required to be worn, provide a comfortable size, ideally made from breathable natural fabric (such as cotton or bamboo), and easy to launder.*” Simple changes like these may help employers manage key staff retention issues - a recent Fawcett Society survey highlighted that almost half of those surveyed (44%) said that symptoms related to menopause impacted the way that they worked and 10% have left employment due to it.

Beyond dress codes, the conversation on supporting menopause and menstruation in the workplace continues. This is against a backdrop of broader reforms and calls for change to recognise the medical impact of painful periods and menopausal symptoms, including the introduction in Spain of up to five days medical leave for menstruation pain. Some UK employers are referring to menstrual pain within their sickness absence policies to help break the taboo, following in the footsteps of Channel 4 who publicly launched their [Period Policy](#) in March this year. This may be a welcome move to employees working through the discomfort. A survey of 1,419 women by period care company Yoppie, found that 84% would like to see more done to address the issue through policies, such as menstrual leave. Given this, what other changes might employers consider to ensure that women are supported at work during the different phases of their cycle?

Organisations may consider implementing specific flexible working agreements and policies governing this, to ensure that those with challenging symptoms relating to menstruation and the menopause can continue to work in a way which is comfortable for them. This may include offering rest breaks, working from home flexibility and time off for medical appointments or support. Whilst this support may be available in practice from employers, it can help reduce the taboo and demonstrate organisational support to include specific reference to menopause and menstruation in existing policies or as separate freestanding policies. Employers may promote inclusion by recognising in policies and employee communications that menopause and menstruation are natural changes, that may be coupled with genuine health concerns that require support, as opposed to gender-based weaknesses.

The BSI guidance offers helpful tips on how to provide support in the context of intersectionality and cultural stigma. The standard provides practical recommendations for employers which could help tackle these challenges, such as recommending that organisations appoint a workplace menstruation and menopause advice advocate to act as a first point of call for those who are uncomfortable speaking to their managers. It also stresses the importance of open communication with employees around support requests, and training for managers on how to navigate sensitive conversations. The ways in which employers can support those experiencing the menopause in the workplace continues to be a hot topic, with the government publishing their response to the Women and Equalities Select Committee's report at the beginning of this year. The Labour party recently discussed introducing a mandatory requirement for employers with over 250 employees to publish and implement a "*menopause action plan*" as part of their campaign if they came into government. However, while there is growing case law around the classification of menstrual health and menopausal symptoms as a disability under the Equality Act 2010, the government rejected calls earlier this year to make menopause a protected characteristic; you can read our article, 'Making menopause a protected characteristic: the challenges' [here](#).

Regardless of the current political agenda, we expect that this will remain a hot topic on and off court. And one for employers focusing on development of their diversity, equality and inclusion policies to keep under review to cultivate a workplace which retains talent and supports those who menstruate or experience the menopause.