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Supporting Older Women in the Workplace: Guidance for EIS Representatives

Supporting older women members in the workplace: guidance for EIS representatives

Contents

Introduction	page 1
Definitions: Who are 'older women'?	page 2
Legal context	page 3
Issues affecting older women at work	page 3
Specific issues in educational establishments	page 7
Supporting women from diverse backgrounds	page 8
Advice to EIS Members	page 9
Advice to EIS Representatives	page 9
Advice to Local Association/Branch Secretaries	page 9
Further reading	page 11
Annex A: Working through the menopause	page 12

Introduction

This guidance aims to set out the issues women can face in the workplace as they age, and to offer guidance on supporting those women to enable them to enjoy fulfilling, healthy working lives, free from discrimination, in which their contribution and experience are recognised and valued.

The EIS celebrates the contribution of women who have taught for many years, and the insight and experience they bring to their workplaces. That rich experience should be respected and valued by everyone working in the education sector. Sadly, that is not always the case. In the education sector, as in wider society, women can encounter age and sex discrimination, sometimes in combination. These are issues affecting many women aged 50-64 at work.

The Scottish Commission on Older Women reported in 2015 on the issues impacting on women aged 50-64 in the workplace today, finding that:

- Over 74% of women in Scotland are in paid employment, with a significant number of those being over 50
- Women over 50 today are healthier and can expect to live longer lives
- Older women need to work and want to work, but they also often have caring responsibilities for partners, for elderly parents and for grandchildren
- Public policy and employer practices rarely support this, e.g. there is no statutory right to leave for carers
- Employment practices often fail to take account of the changes that take place across the whole life cycle

- Older women report additional stresses and feeling undervalued as a result of this
- Black and Minority Ethnic older women's experiences are hard to capture, due to their 'near invisibility' in official statistics.

The Commission stated that "*statistics on the increasing number of older women in employment are encouraging*" but "*they mask widespread and serious on-going challenges of pay inequality, job insecurity, underemployment, a lack of opportunities for development and career progression, and both implicit and explicit age discrimination that leaves many older women feeling vulnerable in the workplace.*"

Definitions: Who are 'older women'?

This guidance arose from an AGM resolution about supporting 'older women'. The Scottish Commission on Older Women report, "Older women and work: Looking to the future", published in August 2015, defined older women as aged 50-64. However, the term 'older women' varies greatly in perception, policy and statistics. In most instances throughout this guidance, the age band 50 – 64 is used to capture the experiences of those in late working life, and over 65 for those who are entitled to receive a state retirement pension.

However, many women over 50 do not feel 'older'; and some women self-define as older well before they reach the age of 50 (especially if they have had children and are perceived by colleagues as 'older'). Some women would prefer to be referred to as mature, experienced or wise, due to the negative connotations of the word 'older' in an ageist society, in which youth is revered. Some women will continue working well beyond the age of 64, especially as the pension age changes.

Another factor to be considered is whether women identify as being menopausal or perimenopausal. The perimenopause is the start of transition towards menopause, and begins some years before the menopause itself. It usually starts in a woman's 40s, but can sometimes start in her 30s.

The menopause is a natural part of ageing that usually occurs between 45 and 55 years of age, as a woman's oestrogen levels decline. In the UK, the average age for a woman to reach the menopause is 51. However, around 1 in 100 women experience the menopause before 40 years of age. This is known as premature menopause or premature ovarian insufficiency. Some women experience a surgically-induced menopause.

This guidance therefore, whilst largely aimed at supporting members aged 50-64, will be of relevance to a wide range of members, some of whom will fall outside of this age bracket. EIS Representatives should use their judgment as to whether this guidance applies to the members whom they are supporting.

Legal context

The Equality Act 2010 provides important legal context for supporting older women members. It designates both age and sex as 'protected characteristics', the characteristics which are explicitly protected from discrimination by this law.

The Equality Act created a Public Sector Equality Duty, which obliges public authorities to have due regard to the need to eliminate discrimination, harassment, and victimisation, as well as advancing equality of opportunity and fostering good relations between those with and without protected characteristics.

Older women may be susceptible to discrimination and it is important for Trade Union reps to locate their experiences within equalities legislation, where relevant. For example, some menopausal women may experience particularly severe symptoms which mean that they would be classified as disabled under the Equality Act 2010, depending on the severity of the symptom and their effect on day to day activities. If that is the case, the employer is under a legal duty to make 'reasonable adjustments'.

Also, as the menopause affects only females, any detrimental treatment of a woman on grounds of her menopause could amount to direct or indirect sex discrimination under the Equality Act.

When supporting older women members, a starting point should be to consider whether they have experienced direct or indirect sex, age or disability discrimination, or harassment or victimisation, as described by the Equality Act.

Issues affecting older women at work

The issues that affect older women in the workplace can be summarised as falling into four main areas:

- 1. Health related issues**
- 2. Professional esteem issues**
- 3. Gender role issues**
- 4. Financial issues**

Health related issues:

- **The impact of the menopause.** The menopause is the time when a woman stops having periods, sometimes referred to as 'the change of life'. It is a natural part of ageing that usually occurs between 45 and 55 years of age, although sometimes earlier. It can cause a range of physical and mental symptoms, which vary enormously across the population, from mild to very debilitating. Some symptoms may be sufficiently debilitating as to necessitate 'reasonable adjustments' to working arrangements under Equality Law, and others will require more temporary, minor adjustments. The menopause is very rarely discussed at

work and many managers will have no awareness of the issues involved. This means that many women feel that they have to hide their symptoms and are less likely to ask for the adjustments that may help them. (For more information on working through the menopause see Annex A at pages 11-13).

- **Health and safety issues**, such as inadequate access to toileting and washing facilities. Older women may need more frequent access to toilets, or may, due to erratic periods, need access to washing facilities. Building design does not always take into account the number of female staff who require toilets in close proximity to classrooms.
- **Tiredness** due to the physical and mental demands of the job, and to sleep deprivation. The menopause can cause insomnia and night sweats, which can exacerbate pre-existing tiredness. This can also be exacerbated by having caring roles outside of work.
- **The impact of conditions which affect more women than men**, e.g. chronic pain and arthritis. Women are at significantly higher risk of nearly all types of arthritis except gout. This is particularly true for osteoarthritis of the knees. The rate of osteoarthritis in women increases rapidly after menopause. Women are also more likely than men to experience chronic pain, caused by conditions such as fibromyalgia, osteoarthritis, chronic fatigue syndrome, and endometriosis.
- **Mental health issues, including stress and anxiety**, especially when juggling multiple responsibilities, such as caring for children and elderly parents alongside work responsibilities. The HSE reports that almost 60% of people suffering from work-related stress are women. Research has also found that women face additional workplace pressures, such as not being valued or promoted, unequal pay, and being judged for their dress/appearance; and that women's stress levels are more likely to remain high after work, particularly if they have children at home. Sometimes, older women can find themselves the oldest member of staff in an educational establishment, often working alongside a very young workforce, with limited understanding of the issues, such as menopause, that older women experience, and limited sympathy. This can cause stress, anxiety, and a sense of isolation.
- **Absence management issues**. Employers' absence management policies do not always take account of the health implications of the menopause, and members may find asking for menopause-related sick leave acutely embarrassing, particularly if the Headteacher is a younger male. There are also certain types of health screening which impact more on older women, e.g. mammograms. Absence management policies should not discriminate on the grounds of age or gender, but many older women find that, in practice, policies are inflexible and do not take account of their needs.

"I didn't feel supported as a young mother, and I don't feel supported now that I'm at the other end...I can't even get time to go to the dentist"

Judith, 54 - Primary teacher, East of Scotland

Professional esteem issues:

Many of the challenges facing older women working in educational establishments are common across the education workforce: the challenges of managing a large workload, within a Working Time Agreement, in a time of rapid change, with less time for collegiate working, and often in inadequate or poorly designed facilities e.g. open plan classrooms which are too noisy, or new build schools with no staffrooms, too few toilets, long corridors and heavy doors.

However, there are some issues which are disproportionately experienced by older women in the education workforce. These include:

- **Reduced access to Professional Learning:** assumptions can be made about how valuable this will be to staff whose careers are perceived to be ending in the foreseeable future; often these can be founded on stereotyped attitudes about what Professional Learning opportunities older women staff would value, e.g. assuming that they will not want to take part in learning about digital technologies.
- **Reduced access to promotion** opportunities, and assumptions made about lessened ambitions. Many older women report having assumptions made about their career intentions, and being excluded from development opportunities which are targeted at younger members of staff. When older people apply for promoted posts, they may experience discrimination. Research on employment practices across the workforce has found that older women experience greater discrimination in hiring than older men and younger women.
- **Challenging relationships with colleagues,** especially younger colleagues who may perceive older women as less fit, competent or dynamic; who may be less rigid aware of the Working Time Agreement; or who may undervalue older women's experience and judgment. Older women members report such behaviours as colleagues laughing when they are experiencing menopausal symptoms, re-allocating tasks without consultation, or assuming that good classroom management was because the teacher had been allocated an 'easy class' rather than due to years of experience. A lack of shared facilities such as staffrooms can exacerbate these issues as this can inhibit regular, open discussions.
- **Questioning one's professional competence,** especially when changes are made to the education system. Members report feeling overwhelmed by the pace of change. With anxiety and short-term memory and concentration lapses being a common menopausal symptom, this can be exacerbated by trying to keep pace with ever-changing systems and processes, and lead to older women questioning their own abilities.

"Once you are over 60 you are written off"

Selma, 63 – Primary teacher, North East Scotland

Gender role issues:

- **Balancing caring responsibilities with work**, often caring for ageing or disabled parents, e.g. parents with dementia, at the same time as having parenting responsibilities for older children or grandchildren. Women comprise 95% of lone parents, so older women with caring responsibilities will not always be sharing these with a partner. Women often struggle to access the flexible working arrangements that would facilitate easier balancing of these responsibilities.
- **Balancing unpaid labour with work.** Research by the Office of National Statistics has found that women carry out an overall average of 60% more unpaid work than men. Women put in more than double the proportion of unpaid work when it comes to cooking, childcare and housework, and on average do 26 hours of unpaid work per week. Overall, 36 to 45 year olds carried out the most unpaid work, however, people aged 46 to 55 provide the highest share of unpaid transport, and those in the 56 and over age group delivered the highest level of adult care, and also did the most cooking and laundry. Balancing multiple responsibilities can add to stress and fatigue.
- **Misogynistic and ageist attitudes** that can leak from society into the workplace and lead to e.g. inappropriate 'jokes' about ageing, or the repetition of gender stereotypes. Older women can be described in misogynist language such as 'old biddie', 'old wifie', or 'battleaxe', and may be subject to stereotypes about women being less good at using technology or better at certain pastoral duties.

"We are the sandwich generation, caring for ageing parents, and for teenagers. It is very difficult to get time off for appointments for ageing parents".

Sue, 51 - Additional Support Needs teacher, Central Scotland

"I feel like I'm driving about five cars all at once"

Joan, 51 - caring for older parents and FE lecturer,
West of Scotland

Financial issues:

- **Income inequality.** Women typically have less income, fewer savings, and greater reliance on social security benefits than men. Twice as many women rely on benefits and tax credits as men. Women who have worked part-time for some or all of their career, often due to caring responsibilities, will have a lower income over their lifetime, with resultant impacts on their financial security in later life.
- **Issues arising from the increasing pension age.** The pension age has been increasing steadily since the 1995 Conservative Government's Pension Act, which included plans to increase women's SPA (State Pension Age) to 65, the same as men's. The 2011 Pension Act advanced this. The changes were implemented with little or no personal notice, faster than promised, and with no time for women to make alternative plans. Retirement plans have been shattered with devastating consequences. Now many women face the prospect of working well into their sixties. To women who have had their pension age moved as they head towards the end of their careers, this can be profoundly unsettling, and can also create severe financial stress.

"I won't leave work until I'm 66 whether I want to or not [because of the pension age changes]."

Irina, 63 - Primary teacher, East of Scotland

Specific issues in educational establishments

Whilst there are pressures on all older women at work, there are specific issues for older women teachers/lecturers, which EIS reps and employers should take particular cognisance of. These include:

- Unsuitable or too few **toilet facilities** in new school buildings which have been designed around the children's and not the staff needs
- **Classroom obligations**, meaning that teachers needing to take a break for health-related reasons (e.g. experiencing a hot flush due to the menopause) cannot, as they can't leave children unsupervised, especially as teacher shortages mean that there are fewer colleagues available to cover classes
- School **facilities which undermine collegiate time**, e.g. no central staffroom, meaning there is less sharing of experience between colleagues
- A **lack of resources** for basic equipment/reasonable adjustments, such as fans
- An increasing **culture** in some sectors of education of learners as consumers, requiring immediate access to lecturers, which exacerbates teaching/lecturing staff stress levels
- An increasing **expectation that new technology should be used**, and that all communication will be digital, e.g. school developments shared on

- social media platforms, with no concomitant investment in training, excluding those colleagues who lack skills or equipment to participate
- The **expectation that staff will participate/demonstrate certain skills**, e.g. in Physical Education, which is not always possible as people age
 - The **inadequacy of work-stations** in many classrooms, which can be especially challenging for teachers with osteoporosis caused by menopause
 - **Poor audibility** – as hearing ability can often diminish with age, large open-plan/team-teaching or noisy working environments can be more problematic, especially when working with younger children who may be less clearly spoken
 - An expectation that teachers will be able to attend voluntary twilight training/CPD, and **inflexibility around the provision of Professional Learning** where this is arranged without due reference to working time agreements and collegiate discussion
 - An expectation that where **training or meetings** are postponed and subsequently re-scheduled that teachers will be able to attend at short notice
 - The **removal of machines for dispensing sanitary protection products** from some educational establishments, and the poor provision of these in others
 - The move towards **'hot-desking'/multi-campus working** in some sectors, meaning women employees lacking a private space, e.g. a desk drawer, in which to store sanitary protection items or items of assistance during the menopause e.g. a fan or a change of clothing.

Supporting women from diverse backgrounds

Women are not a homogenous group. There may be specific issues to consider in regard to supporting older women with other protected characteristics under the Equality Act 2010 (e.g. women with disabilities, women from BME backgrounds, women who are gay or transgender), so policies and support should take cognisance of that.

For example, lesbian women may face stereotyped assumptions about them having fewer caring responsibilities than other women, or women with disabilities may find that these worsen as they age. BME women face stereotyped assumptions about their religious and cultural backgrounds, e.g. whether they need time off for religious festivals.

There can also be specific issues for women working in rural or remote areas, including isolation, and more guarded approaches to open conversations about women's health issues.

It is important to be mindful of the multi-layered experiences of women from different groups, and when in doubt about the potential impact of a policy or approach, to consult those affected, and seek Equality Impact Assessment.

Advice to EIS Members

All teachers and lecturers are advised to:

- Participate in Professional Learning on gender equality issues
- Make use of gender equality education resources to challenge all forms of sex discrimination, including discrimination against older women
- Ensure that sexist and ageist incidents, and incidents of disability discrimination, are reported and recorded using appropriate formal procedures
- Be aware of the added vulnerabilities of certain groups, such as women experiencing the menopause.

Advice to EIS Representatives

EIS representatives are advised to:

- Raise issues pertaining to older women at work with employers
- Take account of the specific needs of older women members in any discussions of policies such as Absence Management, Flexible Working, Dignity at Work or Health and Safety
- Advise members as to their legal rights to protection from sex and age discrimination and, where relevant, disability discrimination (see Menopause guidance at Annex A)
- Work with the Local Association/Branch to promote gender equality initiatives, that challenge misogyny, and promote a more gender-equal workplace in which regular open discussions about gender issues are the norm, and women are not embarrassed to raise issues affecting them
- Promote collegiate working whenever possible and encourage all members to value the rich experience brought by older and more experienced members to educational establishments.

Advice to Local Association/Branch Secretaries

EIS Local Association/Branch Secretaries are advised to:

- Discuss this advice with the local Executive Committee/Committee of Management/Board of Management, and any appropriate action that it may wish to take
- Discuss within LNCTs/JNCTs or other negotiating fora the effectiveness of current gender equality strategy, policies and approaches in operation within the authority/college/university
- Ensure that the local authority/college/university has robust mechanisms in place for reporting, monitoring and responding effectively to sexist and ageist incidents and incidents of sex, age and disability discrimination
- Discuss how those at greatest risk of sex, age and disability discrimination are being supported in the workplace
- Encourage the provision of Professional Learning for staff on gender, age and disability equality matters
- Seek to influence the content of locally developed policies, including through the use of Equality Impact Assessment, taking into account the specific

needs and experiences of older women members, and consulting them where relevant

- Engage with EIS Equality Reps in developing work in this area
- Emphasise the importance of a respectful, trusting and collegiate learning environment
- Seek further advice as required from Area Officers or EIS HQ.

Further reading

British Occupational Health Research Foundation, 2011 research: Women's experiences of working through the menopause:

http://www.bohrf.org.uk/downloads/Womens_Experience_of_Working_through_the_Menopause-Dec_2010.pdf

TUC menopause guidance:

http://www.tuc.org.uk/sites/default/files/TUC_menopause_0.pdf

UK Government - Help and Support for Older Workers:

<https://www.gov.uk/government/publications/help-and-support-for-older-workers/help-and-support-for-older-workers>

Age Action Alliance employer toolkit:

<http://ageactionalliance.org/employer-toolkit/>

Scottish Women's Convention – older women's conference:

<https://www.scottishwomensconvention.org/content/resources/Older-Womens-Conference-Report.pdf>

Scottish Commission on Older Women, full report:

<http://www.stuc.org.uk/files/Womens%20page/Older%20women%20report/SCOW%20Report%20FINAL%20Embargoed%20200815.pdf>

Menopause information (NHS):

<http://www.nhs.uk/Conditions/Menopause/Pages/Symptoms.aspx>

NUT – Teachers working through the menopause: Guidance for members (E&W)

<https://www.teachers.org.uk/files/menopause-a4-for-web--9968-.pdf>

FBU: Good Practice Guidance for Menopause:

<https://www.fbu.org.uk/publication/fbu-good-practice-guidance-menopause>

ACAS guide to Age Discrimination: Age and the Workplace:

<http://www.acas.org.uk/media/pdf/e/4/Age-and-the-workplace-guide.pdf>

Equality and Human Rights Commission – age discrimination:

<https://www.equalityhumanrights.com/en/advice-and-guidance/age-discrimination>

WASPI campaign (Women Against State Pension Inequality):

<http://www.waspi.co.uk/>

Pensions advice (UK Government):

<https://www.pensionsadvisoryservice.org.uk/>

EIS pensions advice:

http://www.eis.org.uk/Pensions/Pension_Updates.htm

EIS Gender Equality resources:

<http://www.eis.org.uk/Equality/Gender.htm>

Annex A: Working through the menopause ***Why is the menopause a workplace matter?***

The menopause is an occupational health issue of growing importance. Women make up almost half the workforce, and there are an estimated three and a half million women over the age of 50 currently in work. That number will rise as the retirement age for women increases. It is also an equality issue.

The menopause is the time when a woman stops having periods, sometimes referred to as 'the change of life'. Periods usually start to become less frequent over a few months or years before they stop altogether. Sometimes they can stop suddenly.

The menopause is a natural part of ageing that usually occurs between 45 and 55 years of age, as a woman's oestrogen levels decline. In the UK, the average age for a woman to reach the menopause is 51. However, around 1 in 100 women experience the menopause before 40 years of age. This is known as premature menopause or premature ovarian insufficiency.

Some women may experience particularly severe symptoms which mean that they would be classified as disabled under the Equality Act 2010, depending on the severity of the symptom and their effect on day to day activities. If that is the case, the employer is under a legal duty to make 'reasonable adjustments'.

Also, as the menopause affects only females, any detrimental treatment of a woman on grounds of her menopause could amount to direct or indirect sex discrimination under the Equality Act.

Symptoms and impact of menopause

Menopause can result in intermittent symptoms, including:

- 'hot flushes' and sweating including night sweats
- increased susceptibility to fatigue and stress
- low mood or anxiety
- short-term memory or concentration problems
- insomnia
- dry skin and eyes
- heavier or more unpredictable periods
- recurrent lower urinary tract infections
- osteoporosis.

Menopausal symptoms can begin months or even years before a woman's periods stop and last around four years after their last period, although some women experience them for much longer.

Some women may require time off for medical appointments and/or treatment. Sometimes, when menopause results from medical intervention, as opposed to occurring naturally and gradually, it can be a sudden and acute change, requiring more extensive leave, due to the severity of symptoms.

Research has found that over half of working women experiencing menopause

do not disclose their symptoms to their manager; and where women have taken time off work to deal with their symptoms, only half of them disclose the real reason for their absence. Women should experience no detriment because they may need time off due to the menopause, but many feel anxious that this will not be the case.

The majority of women feel they need further advice and support at this time. Many of the symptoms of menopause, including heavy and painful periods, hot flushes, mood disturbance, fatigue and poor concentration pose significant and embarrassing problems for some women, leaving them feeling less confident. Hot flushes and sweating can also cause embarrassment for women teachers dealing directly with pupils, parents and colleagues. Many women are not comfortable disclosing their difficulties to their managers, particularly if those managers are younger than them, or male. Trade unions have an important role in addressing these issues and supporting members at this time of change.

What can help?

EIS reps can ensure that employers are made aware of the range of ways in which they can be sensitive to the needs of menopausal women in the workplace. They can suggest measures such as:

- access to temperature controls/ ventilation (e.g. fans) /open windows
- access to cold drinking water
- access to flexible working arrangements, as needed – this may be only on a short-term basis
- access to part-time hours, if desired, sometimes on a short-term basis
- gender-sensitive absence management/sickness absence policies and procedures
- policies to promote gender equality and tackle negative attitudes to older women more generally
- adequate workplace sanitary facilities with private washing and changing facilities
- adequate sanitary disposal facilities
- considering menopause related issues in H&S risk assessments
- training for managers on how the menopause can affect women, and on what adjustments may be necessary to support colleagues at this time
- inclusion of issues such as the menopause in wider occupational health awareness campaigns, demonstrating a positive attitude to the issue and that it is not something that women should feel embarrassed about
- making guidance on the menopause freely available in the workplace
- ensuring that appraisal and capability policies and procedures are not applied in such a way as to discriminate unlawfully against women teachers going through the menopause
- ensuring that 'reasonable adjustments' are considered for women whose symptoms qualify as a disability under the Equality Act.

What can women experiencing menopause do?

Women experiencing menopause can help themselves by wearing natural fibres (man-made fibres exacerbate hot flushes and sweating), carrying a bottle of water and eating regularly and healthily (research has shown that a balanced

diet can help alleviate symptoms). Women can also consult their GPs about management of the menopause. Pharmacists can advise on vitamins and supplements which may help alleviate symptoms.

Women should be honest about reasons for sickness absence, so as to ensure they are legally protected from discrimination. Women with concerns about unfair treatment, including for example capability procedures arising during menopausal symptoms, should raise these with their EIS representative.