

23 FEBRUARY 2026



Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

- Sam provides an overview of the Employment Rights Act, including the Government's recent changes to the proposed timeline.
- Daniel's video summarises the Government's introduction of fire and rehire provisions.
- Our news article this week takes a deeper look into fire and rehire
- Register for our Employment Law seminars & events below!

The Legal Alternative Podcast



Catch Up on Our Episodes

We'll be back next week with another episode of The Legal Alternative. For now, catch up on previous episodes where we cover a range of Employment & Regulatory Law topics, including our latest video on changes to the Employment Rights Act imposed by the Government.



The Media Hub



Fire and rehire - part 2 of 3

In part 2 of our video series on the new fire and rehire provisions, we consider the first part of the Government's consultation on the issue, which will determine the extent to which employers are prohibited from making changes to benefits or payments in kind to an employee.



In the News



Tribunal rules asking a colleague if they are going through the menopause is not automatically harassment



In *Ms L Waller v Swann Engineering Group Ltd (ET/6017991/2024)*, the East London Employment Tribunal considered whether a manager's comments about menopause amounted to harassment. The case is a helpful reminder that, even when remarks are insensitive, context plays a central role in determining whether the legal threshold for harassment is met.

Background

Lucie Waller joined Swann Engineering Group as a Programme Coordinator in April 2022 and remained there until August 2024. In early 2024, she began experiencing health concerns and discussed these with her line manager, Andrew Gregory. She was undergoing tests to determine whether her symptoms were linked to perimenopause, though the results were ultimately negative.

On 3 June 2024, while speaking to Gregory, Waller briefly lost her train of thought. Gregory responded with: "Is someone going through the change?"

Waller said he later repeated similar comments in their open-plan office, suggesting she was acting in a certain way "because [she was] going through the change".

Gregory accepted that menopause was discussed, though he said he could not recall the precise wording. He also told the Tribunal that the company's Health & Safety Officer (who was herself experiencing menopause symptoms) had encouraged open discussion about menopause in the workplace.

Waller's complaint

Waller was distressed by the comments and later raised her concerns with HR, explaining that they made her *"anxious and upset to come into work"*. The Tribunal also heard that she had been dealing with another gynaecological issue that same day, which had contributed to her emotional response.

Around this time, other workplace issues emerged, including concerns about her lateness and incorrect footwear, which had caused frustration within the team. Later that month, she was moved to a factory office which she described as *"noisy and dirty"*, and she was placed on a performance improvement plan (PIP).

Waller resigned on 22nd July 2024, stating she felt had no choice. Her employment ended a month later.

Tribunal findings

Waller succeeded in her claim for constructive dismissal and partially succeeded in victimisation claims. However, her claim for harassment failed.

The Tribunal found that Gregory's comments (while not amounting to harassment) were nevertheless *"insensitive"* and contributed to a breakdown in trust and confidence. Combined with the way the PIP was implemented, these factors were deemed to have fundamentally damaged the employment relationship.

As for the failed claim of harassment, while the Tribunal described the remarks as *"insensitive"*, it concluded that:

- They were not intended to demean Waller;
- They did not have the effect of violating her dignity or create a hostile work environment; and
- Context indicated that menopause was openly discussed in the workplace.

Specifically, it stated:

- “We take into account the Claimant’s perception. We note that she was upset by the comments at the time. However, we also note that she was not sufficiently upset to make a complaint on the day or for over a month afterwards. She had previously made complaints of discrimination so alleging discrimination against the Respondent was not a new step for her to take.”

Furthermore, the Tribunal ruled that, “having regard to the all-important context” of the fact that she was in a workplace where menopause was openly discussed, the comments did not meet the legal threshold of harassment under the Equality Act 2010. As such, it found her claim that Gregory’s comments amounted to sexual harassment to be “unduly sensitive” attributed to her personal circumstances at the time.

In contrast, in *Ms L Best v Embark on Raw Ltd (ET/3202006/2020)*, the tribunal upheld harassment related to sex and age, including where menopause was raised tactlessly, intrusively, and repeatedly, even after it became clear the comments were unwelcome. In that case, the behaviour did violate the claimant’s dignity and create a humiliating environment.

Key Takeaways for Employers

1. **Context is crucial:** Remarks that touch on protected characteristics (e.g. age and sex) are not automatically harassment. Tribunals will consider intention, effect, workplace culture, and the wider circumstances.
2. **Open conversations require careful handling:** Encouraging a supportive dialogue around menopause can be positive, but managers must understand how to approach sensitive health discussions without making assumptions or causing offence. For instance, in a less open environment, or where comments are persistent, intrusive, or mocking, similar remarks *could* easily amount to harassment under the Equality Act 2010.
3. **Insensitive comments still carry risk:** Even though harassment was not upheld here, the remarks contributed to a successful constructive dismissal claim. A comment may fall short of harassment but still undermine trust and confidence.

Upcoming Seminars & Events



We’re pleased to announce the return of our Employment Law Seminars & Events Programme for 2026!
For more information and to register, please click below:

Managing Poor Performance

26
FEB

TIME

8:30 AM - 10:00 AM

LOCATION

Chadwick Lawrence Wakefield Office, WF1 2DF



Managing Flexible Working Requests - Legal & Practical

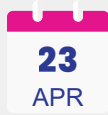


TIME
8:30 AM - 10:00 AM

LOCATION
Chadwick Lawrence Huddersfield Office, HD1 1JS



Employment Law & Salary Guide Update *with Hays*



TIME
8:30 AM - 10:00 AM

LOCATION
Hays Leeds Office, LS1 8EQ



Mental Health Awareness Sessions

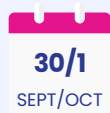
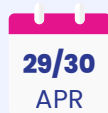


We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.



MHFA 2 day (all day events) - £300 +VAT pp.



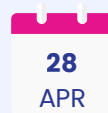
(Includes 3 year membership to the Associate for MFAiders, 3 years access to the MHFA Support App, Immediate wellbeing support via SHOUT charity, Quarterly Webinars and optional Level 3 OfQual Examination accredited with the Royal Society for Public Health)



MHFA Refresher - £125 +VAT pp.

9:30 AM - 13:30 PM (Includes same benefits as above)

Managing Neurodiversity in the Workplace - for Managers (CPD Certified 8hrs) - £250



1 Hour
(9:30 AM)



1 Day
Workshop

Both sessions need to be attended for the full CPD hours manager course, but the awareness can be attended as a stand alone event without the managers day (hope that makes sense). If you have learners just wanting the webinar this will be £50 pp. 1 hour CPD certificate but no access to benefits.

(Learners that attend both the webinar and managers course can access a free learning portal with additional resources for 3 years with new information being frequently, review slides, notes and videos at any time).

More info on MHFA and ND courses can be found here:
<https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid>

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

[Connect with us on LinkedIn](#)