

# Periods And Paychecks: Navigating Menstrual Leave in Modern Employment

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## ABSTRACT

This research paper deeply explores the ideologies of menstrual leave among various parts of the nation and across the globe in the status of Modern Employment. It also examines the concept of menstrual leave and its implications for workplace equity, employee well-being, and organisational productivity. The study explores the impact of menstrual symptoms on work performance, highlighting how discomfort and illness can lead to absenteeism and decreased productivity in the workspace. Through a comprehensive analysis of existing policies and employee experiences, this paper advocates for implementing menstrual leave as a supportive measure that acknowledges the realities of menstruation. The research also addresses potential challenges, such as stigma and unequal treatment, while emphasizing the importance of fostering an inclusive workplace culture. By promoting open dialogue and implementing well-defined menstrual leave policies, organizations can enhance employee satisfaction, reduce absenteeism, and contribute to a more equitable work environment. The findings suggest that menstrual leave is not only a matter of health equity but also a strategic investment in overall organizational success. Though it is addressed in major parts of the country, surveys show that it is ironically unfavourable to working women. In approval of the survey, this probe further emphasizes the stumbles faced by women in the workplace. The purpose of the study is to identify if Menstrual leaves are primarily used by women who need them. Also, the researcher wants to point out the dilemma faced by women in gaining both menstrual leave and not losing their already hand-slipping job offers which will be analyzed based on the Doctrinal method. Further, it addresses advocacy and activism in shaping a workplace suitable for women, which also proves to have a crucial impact on work efficiency.

**Keywords:** Menstrual leave, intersectionality, sexism, period shame, work from home, normalization.

## INTRODUCTION

In a conservative country like India, where social taboos and stigmas are uncommon, the ideology of menstrual leave is alien to most people. In July 2024, the Supreme Court dismissed a petition to make menstrual leave mandatory at the workplace stating that “mandating such leaves will lead to women being shunned from the workforce” as stated by *Indian Express*<sup>1</sup>. The quick dismissals of menstrual leave don’t give us time to engage with the proposal and think it through, because it is a tricky proposal that even women's rights activists have been unsure of, although for different reasons.

Several states in India have enforced menstrual leave in their workforce.

**Bihar:** Since 1992, female employers have been entitled to two days of special leave a month.<sup>2</sup>

<sup>1</sup> Manjima Bhattariya, “Best of both sides: We’re already too late — India needs a menstrual leave policy now” *The Indian Express*, Jul. 19, 2024

<sup>2</sup> Ankita Dwivedi Johri, “When Lalu Prasad gave nod for leave during menstruation” *The Indian Express*, Aug. 31, 2020

**Kerala:** The Government announced Menstrual leave in all State Universities in 2023, in which female students are granted a 2 per cent relaxation in attendance for menstrual issues.<sup>3</sup>

**Maharashtra:** The Government is considering implementing menstrual leave for women employees but is not been formally enacted yet.

**Article 15(3):** Permits special provisions for women countering claims of discrimination against men who can’t avail menstrual leave.<sup>4</sup>

**Article 42** mandates the state to ensure just and humane conditions of work and “maternity relief”. Menstrual leave is seen as an extension of this responsibility, promoting a humane work environment for women during menstruation.<sup>5</sup>

Around the world, many countries have started initiatives to efficiently implement them.

**Japan** has had a menstrual leave provision in their labour law since 1947, but women rarely avail of it because of said cultural taboos.<sup>6</sup>

**Spain** recently passed legislation on menstrual leave for women with exceptionally painful periods after a successful trial period.<sup>7</sup>

In no instance has it been reported that a menstrual leave policy prevents employers from hiring women. Further, **the Women’s Sexual, Reproductive and Menstrual Rights Bill, of 2018** was formulated with the motive of providing sanitary napkins by authorities on their premises and providing three-day leave for women and transwomen during their menstruation. The Bill cites that approximately 40% of girls miss their school

<sup>3</sup> “Kerala announces menstrual leave: Time to talk period” *The Indian Express*, Jan. 24, 2023

<sup>4</sup> The Constitution of India

<sup>5</sup> *Ibid.*, 3

<sup>6</sup> Labour Standards Law, Japan, art.68

<sup>7</sup> “Spain becomes first European nation to pass law permitting ‘menstrual leave’”, *The Economic Times*, Feb. 21, 2023

during their periods and nearly 65% say that it has an impact on their daily activities in school.

The main focus of this paper is to determine if these Menstrual leaves are properly implemented and if they are beneficial to women or do they pose a threat to women in their already gender pay gap implied jobs.

## OBJECTIVE OF THE STUDY

To explain how the root idea of menstrual leave is unfavourable to menstruating women before and after enjoying it. Further, this paper also explains the merits and demerits of such leaves in their workplaces while overcoming the social stigma and taboos faced during menses.

## REVIEW OF LITERATURE

Researchers and scholars have very vividly pointed out the taboos, and social stigmas faced by women all over the world. A 2023 survey in Japan found that 44% of women do not take menstrual leave, even when they are in serious pain mainly because of its impact on their income<sup>8</sup>. As coined by Houppert, the phrase “the culture of concealment” briefs women’s experiences of menstruation and it further manipulates women into mental shaming and secrecy, through menstrual hygiene products<sup>9</sup>. Most of the products are advertised in ways for women to keep themselves “clean” and their periods as secret. Further, the medicalisation of periods nominalises women to be diseased and ill. This nomenclature marks women as not only physically weak but also as emotionally impaired. This

<sup>8</sup> Atsuko Motohashi, “Labour Law, 1947”, *44% of women at Japanese firms never take leave for period pain: int’l survey, 2023*

<sup>9</sup> C. Bobel et al. (eds.), *The Palgrave Handbook of Critical Menstruation Studies*, [https://doi.org/10.1007/978-981-15-0614-7\\_25](https://doi.org/10.1007/978-981-15-0614-7_25)

conceptualisation of menstruation as an illness and the association of menstruation with femininity has established menstruation as a political controversy.

“The menstrual concealment imperative”<sup>10</sup> explains women’s internalized perceptions of periods as diseases, taboos, and stigmas which further contributes to their self-surveillance and self-objectification. The base idea of being oppressed is rooted in this complex. Menstrual discourse itself being a root problem in this case, puts women in a position to be unable to know their bodies.

Biopower is a form of social control enacted through individuals’ internalization of dominant discourses that result in self-disciplinary practices. Ussher argued that biopower builds the female body to be deviant, polluted, and “monstrous”. Such taboos result in prohibited behaviour of women being contextualized, create a need for women to maintain cleanliness and put a need upon women to alter their usual activities during menses. This change in behaviour arises due to the naming of women as irritable and unsexy making them feel judged.

Roberts found that by simply having a tampon visible in her bag, a woman is perceived as less likable, and less competent and that observers made an effort to physically distance themselves from her.

Also, Ussher describes women’s “unspeakable bodies” referring to how the silence surrounding menstrual shame results in women’s self-isolation. She details the powerful influence of the menstrual product industry to conceptualize menstruation as an illness and how it reinforces women’s insecurities.

<sup>11</sup>Bartky notes how gendered notions of power in self-surveillance practices are especially problematic for women and their bodies. She argues that the panoptical

<sup>10</sup> Wood, J. M. (2020). (In) visible bleeding: the menstrual concealment imperative. *The Palgrave handbook of critical menstruation studies*, 319-336.

<sup>11</sup> (Bartky 2014; Foucault 1977).

gaze is male, and therefore the women’s self-surveillance based on this patriarchal view results in their disembodiment. When women practice self-disciplining body projects they do so without coercion but not by their own free will either.

## RESEARCH PROBLEM

This research paper focuses on the disparities faced by women in the workplace due to menstrual leave. Also, it primarily addresses how women face a dilemma with menstrual leave and its improper implications. It also focuses on how women are rather facing challenges due to the menstrual leaves and how the concept of such leaves is mistaken worldwide.

### RESEARCH QUESTION

What are the challenges faced by women with the “beneficial” menstrual leave? What further alterations can be done in the implication of menstrual leave?

What are the social stigmas and taboos menstruating women face in society?

### CONCEPTUAL FRAMEWORK

One of the primary challenges related to menstrual leave is the potential for stigmatization of employees who take advantage of it. In many cultures, menstruation is still considered a taboo subject, leading to negative perceptions about those who openly discuss or seek accommodations for menstrual issues<sup>12</sup>. This stigma can result in employees feeling reluctant to request leave, fearing judgment from colleagues or superiors. These challenges can undermine the intended benefits of such policies and perpetuate existing inequalities in the workplace. Another significant issue is the inconsistent implementation of

<sup>12</sup> McHugh, Maureen C. "Menstrual shame: Exploring the role of ‘menstrual moaning’." *The Palgrave handbook of critical menstruation studies* (2020): 409-422.

menstrual leave policies across different organizations and countries. For instance, some organizations may offer paid leave, while others do not, leading to confusion and disparity among employees. The absence of a standardized approach can create an environment where employees are uncertain about their rights, further complicating their ability to advocate for their health needs. It can also raise concerns about potential discrimination against those who take advantage of it. Employers may harbour biases, consciously or unconsciously, against individuals who utilize menstrual leave, leading to negative consequences in terms of job security, promotions, and pay raises and in turn pushing them into a position to conceal their struggles.<sup>13</sup> Cultural resistance can hinder progress toward creating a more inclusive work environment that acknowledges and accommodates the health needs of all employees. Additionally, without proper education and awareness campaigns, misconceptions about menstruation and menstrual leave can persist, perpetuating a cycle of ignorance and stigma. While menstrual leave is a progressive step toward recognizing and addressing the needs of individuals who menstruate, its implementation is fraught with challenges.

### BIOLOGICAL TURMOIL

A 2016 study reported that dysmenorrhea or severe period pain is very common. According to this study, it is the leading cause of absences from work in females of reproductive age.<sup>14</sup> Dysmenorrhea causes pain and pelvic cramping that manifests just before and during menstruation. The pain can radiate toward the lower back and upper legs and cause significant pain

<sup>13</sup> Levitt, Rachel B., and Jessica L. Barnack-Tavlaris. "Addressing menstruation in the workplace: the

menstrual leave debate." *The Palgrave handbook of critical menstruation studies* (2020): 561-575. <sup>14</sup> Chen X Chen, Kristine L Kwekkeboom, Sandra E Ward (2016) *Res Nurs Health*. 2016 May 13

When severe symptoms make it difficult for a person to do their work, menstrual leave prevents feeling pressured to work.

It offers the time necessary to cope with symptoms, seek treatment, and recover before tackling work duties. Feeling rested can also make a person more productive when they return to work.

Alternatively, companies can support their employees with periods by reducing their hours and allowing them to work from home. This allows them to work in a more comfortable home environment where pain relief methods like medication and heat packs are easily accessible.

### **NEED FOR MENSTRUAL LEAVE**

Both mental and physical discomfort, such as cramps and bloating, can be brought on by menstruation. Indian women often refrain from reporting symptoms associated with gynaecological morbidities; they consider symptoms such as severe pain to be part and parcel of being women.<sup>15</sup> Women may prioritize their health and treat these symptoms without facing financial consequences thanks to paid leave. By normalizing menstruation, this leave will lessen stigma and promote candid conversations about period health. Because it allows women to fully engage in the workforce without compromising money, its effect on work performance aids in closing the gender pay gap. Menstrual vacation, according to studies, can increase productivity by enabling women to efficiently manage their periods and refrain from working while uncomfortable. Additionally, it may help increase staff retention.

### **INTERSECTIONALITY IN MENSTRUAL LEAVE**

<sup>15</sup> Manorama, Swatija, and Radhika Desai. "Menstrual justice: a missing element in India's health policies." *The Palgrave handbook of critical menstruation studies* (2020): 511-527.

The menstruators experience periods in varied forms which are shaped by different factors comprising cultural background, socioeconomic status, and access to healthcare. Additionally, a person from a marginalized community may have cultural attitudes towards menstruation that can affect their willingness to seek leave. In cultures where menstruation is considered "taboo"<sup>16</sup>, individuals may face even greater barriers to requesting menstrual leave, feeling social discrimination. This emphasizes the need for policies that are not only inclusive but also socially sensitive and responsive to the needs of a diverse society. Menstrual leave policies often assume a binary understanding of gender, focusing primarily on women.<sup>17</sup> Nonetheless, not everyone who menstruates identifies as women. Transgender men and non-binary individuals might also experience discomfort during menstruation and feel in need of leave, yet their needs are often overlooked in conventional discussions. Acknowledging these diverse gender identities is crucial for creating inclusive policies that include all menstruators, ensuring that everyone can access support without facing barriers.

### **DEMERITS OF MENSTRUAL LEAVE**

Menstrual leave policies may reinforce negative attitudes about it by implying that people who menstruate cannot perform effectively in the workplace. Hardly any evidence proves that menstrual



leaves are effectively utilized by people who need them and it is highly prone to be misused. Employees might take advantage of the policy and use the leave for non-related absences which can in turn lead to mistrust between the employers and employees. Complicating the workplace dynamics, it is easily presumed that employees who seek menstrual leave are less committed and

<sup>16</sup> Gottlieb, Alma. "Menstrual taboos: Moving beyond the curse." *The Palgrave handbook of critical menstruation studies* (2020): 143-162.

<sup>17</sup> Frank, Sarah E., and Jac Dellaria. "Navigating the binary: A visual narrative of trans and genderqueer menstruation." *The Palgrave handbook of critical menstruation studies* (2020): 69-76.

capable compared to their peers. Such stigmatized perceptions can reinforce negative stereotypes about menstruation and leave workplace discrimination, ultimately affecting career progression and professional relationships with colleagues.<sup>18</sup> The creation of workplace tensions among employees creates a division between them and fosters a culture of resentment, where non-menstruators may feel disadvantaged or overlooked in terms of their own health-related leave needs. While menstrual leave intends to support productivity by allowing employees to rest when needed, there is also a significant concern that frequent absenteeism might disrupt workflow and professionalism.

## SUGGESTIONS AND RECOMMENDATIONS

The flexibility that comes with working from home is one of its biggest benefits. People who work remotely can control their menstruation symptoms in a relaxed setting where they can modify their work schedules and take breaks as needed. Because they can choose to work when they feel most capable, people who have this autonomy may be more productive. The capacity to design a customized work environment that meets physical requirements can significantly impact how people experience their menstrual cycles.

Organizations can adjust their strategy to match the varied demands of their workforce and make sure that every employee feels supported and included by examining workplace demographics. Because they can choose to work when they feel most capable, people who have this autonomy may be more productive. The capacity to design a customized work environment that meets physical requirements can significantly impact how people experience their menstrual

<sup>18</sup> Julia Hollingsworth, "Should women be entitled to period leave? These countries think so", *CNN Business*, Nov. 20, 2020

cycles. By normalizing menstruation and addressing privacy concerns, menstrual leave can be significantly aligned with larger gender equity programs.

For implementation to be successful, managers must be made aware of the significance of menstruation leave. Training sessions should emphasize the policy's role in promoting employee well-being while concentrating on how to manage requests respectfully and privately. To encourage comprehension and acceptance of the policy, it is also crucial to increase awareness among all employees. Workshops, educational sessions, and corporate communications can do this.

Organizations must put in place a system for tracking policy implementation and evaluating its effects on worker well-being and productivity to guarantee the policy's efficacy. Employee input regularly is

quite helpful in this process. Organizations can find areas for improvement and make the required changes to the policy by asking for feedback on their experiences with menstruation leave.

For menstruation leave to be implemented successfully, cultural awareness is essential. A culture of understanding and acceptance where employees feel free to communicate their needs without fear of stigma can be fostered by promoting open communication about menstrual health. Organizations also need to make sure that the policy respects and takes into account the different cultural perspectives on menstruation.

Menstrual leave should be combined with more comprehensive wellness programs to optimize its effects. All employees can benefit from a more encouraging work atmosphere if companies offer comprehensive health benefits, such as mental health days and wellness initiatives. Offering training and resources on menstruation health can increase knowledge and comprehension even further, enabling staff members to successfully manage their health. In obtaining an inclusive mindset among colleagues, it is possible to create a welcoming environment in the workplace to overcome the insecure mindset of the menstruators availing the leave.

Menstrual leave policies similar to the **Japan Labour Law, 1947; Kerala leave policies** and **Bihar leave policies** can be brought into force. It must be noted that in no instance has it been reported that the menstrual leave policy prevents employers from hiring women.

Menstruation is still viewed as a taboo topic in many countries, which creates favourable opinions of those who talk about or ask for accommodations for menstrual problems. Because of this stigma, workers may be reluctant to ask for leave out of concern for criticism from superiors or coworkers. These difficulties have the potential to erode the goals of these policies and maintain current workplace disparities. The uneven application of menstruation leave laws in various organizations and nations is another important problem. For example, there may be disparities and confusion among employees if some organizations give paid leave while others do not. Employees may find it more difficult to advocate for their health requirements in a workplace where they are unsure of their rights due to the lack of a standardized strategy. It may also cause issues.

## CONCLUSION

The connection between compensation and periods emphasizes how crucial it is to address menstruation health in the larger framework of workplace justice. Since menstruation is a normal part of life, it shouldn't be a barrier to someone's capacity to develop in their career or financial security. Organizations may lessen the stigma associated with menstruation, enhance employee well-being, and eventually build a more equal workplace by enacting supportive policies like menstrual leave and encouraging an open culture. In addition to being a health concern, addressing these problems is an essential first step in guaranteeing that everyone, regardless of menstruation experience, has the chance to thrive.

Menstrual leave and periods underscore the pressing need for workplace regulations that take into account workers' particular health requirements. Organizations can recognise the realities of menstruation and foster a supportive and understanding culture by instituting menstrual leave. In addition to helping those who menstruate, this regulation makes the workplace more egalitarian in general. Menstrual leave is a crucial step in creating a more inclusive and healthy workplace as businesses shift their focus to employee wellness. Accepting this shift is a calculated investment in the productivity and well-being of the workers, not merely a gesture of kindness.

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