

Menstrual Leave Policy in India: Addressing Health Needs or Creating Workplace Challenges?

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ABSTRACT

This paper analyses the idea of menstrual leave policies, looking at its benefits, drawbacks, and important discoveries on their use in the workplace. The study emphasises the possible advantages of such measures, such as advancing gender equality, bolstering worker welfare, and fostering a more welcoming and compassionate workplace. The study also explores the difficulties, including the possibility of discrimination, the danger of fostering gender stereotypes, and the uneven application of policies in various sectors. Key findings indicate that menstruation leave, especially when paired with flexible work arrangements like work-from-home rules, can create a supportive and balanced workplace culture. Menstrual leave is an important step towards creating healthier, more equal workplaces by recognising the biological facts of menstruation. The potential impacts on workers and the company must be carefully considered in order to guarantee that menstruation leave policies are used equitably and successfully. This involves developing clear policies and procedures that guard against abuse, prejudice, and injustice while fostering a supportive and empathetic society. Policies must be flexible enough to accommodate the particular requirements of various workplaces. Regular evaluations should also be carried out to track their efficacy and handle any unintended outcomes. Prioritising equity, openness, and inclusion helps employers build a long-lasting workplace that enhances workers' well-being and the success of the organisation as a whole. This research examines menstrual leave policies from an international viewpoint, analyzing existing and proposed legislative measures. It evaluates the potential advantages for employee welfare and gender equality while also addressing the disadvantages and challenges associated with implementation.

Keywords- *Menstrual Leave, Workplace, Policies, Organisations, Menstrual Leave Policies*

INTRODUCTION

Women are biologically different from males in some ways, and they also confront certain physical difficulties, such as menstruation which is a hormonal cycle. Significant physical and emotional stress is common during this period, which can be particularly difficult for working women. Organisations still haven't sufficiently addressed these particular demands, despite the fact that workplaces have become more inclusive and that more women are contributing to economic growth.

Menstrual leave is a kind of leave that enables working women to take paid or unpaid time off from their jobs when they are menstruating, as this condition may have an adverse influence on their capacity to do their jobs well. The central issue with implementing menstrual leave policies is determining whether they would ultimately benefit or disadvantage the well-being of menstruators¹. On the one hand, menstrual leave could provide significant advantages. It allows individuals to manage their health more comfortably, reducing stress and discomfort during their periods and potentially leading to improved job performance and overall well-being. This type of support could also foster a more inclusive and empathetic work environment by recognizing and addressing the diverse health needs of employees.

In India, menstrual leave is not currently mandated by national legislation or recognised by standard sick leave policies. There is no national legal obligation for employers to offer leave expressly for menstruation-related concerns, even though some businesses and organisations have voluntarily implemented menstrual leave policies. Some employees get benefit from menstrual leave, while others may find it difficult to manage work obligations during difficult menstruation cycles due to this lack of official acknowledgement, which leads to disparities in how menstrual health is treated in the workplace.

The lack of legislative safeguards further emphasises how important it is to have more professional conversations about women's health rights.

¹ *The Palgrave Handbook of Critical Menstruation Studies* (Chris Bobel et al. eds., 2020)

International View

Menstrual leave was originally introduced in Communist Russia during World War I, however by the 1920s; female workers had fought for its abolition, which made employers prefer to hire male workers. Soon after World War II, menstruation leave became a national policy in Japan; by the mid-1950s, Indonesia and South Korea had followed suit.

Menstrual leave was formerly seen to be a preventive strategy for women who experienced painful periods; but, since the 1970s, authorities in East Asia have prioritised helping women who have severe menstrual symptoms above reproductive issues. For example, women who have severe menstruation discomfort are entitled to one day off every month under Taiwan's Gender Employment Act of 2002. Since many women experience severe menstrual discomfort, some nations have implemented paid menstruation leave. Specific policies include:

- a) **Indonesia:** Offers two days of menstrual leave per month.
- b) **South Korea:** Provides compensation for unused menstrual leave.
- c) **Taiwan:** Grants three days of menstrual leave each month, which are not counted as sick leave, with a 2002 amendment allowing women to request this leave.
- d) **Zambia:** Allows one day off per month, known as "Mother's Day," to honor women's role in motherhood.
- e) **Italy:** A 2017 parliamentary proposal suggests three paid days per month for women with painful periods, subject to a specialist's clinical statement.
- f) **Mexico:** Grants one day of menstrual leave for women in government courts facing severe difficulties, though the frequency of this leave is unspecified.
- g) **Chile:** A proposed bill aims to provide paid leave for women diagnosed with endometriosis or dysmenorrhea.
- h) **Japan:** Offers menstrual leave to any woman experiencing severe menstrual discomfort that affects her ability to work.²

Legislative Measures

The government has introduced various policies aimed at benefiting women and ensuring they enjoy equal status with their male counterparts. However, a significant area that has been persistently overlooked by successive administrations in India is the implementation of period leave policies for working women³. There is no centralised policy for paid menstruation leave in India, nor there is a legislative framework. Several legislative attempts have been made in the past, such as the Menstruation Benefits Bill of 2017 and the Women's Sexual, Reproductive, and Menstrual Rights Bill of 2018, Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill, 2022 but these proposals were not successful.

Shailendra Mani Tripathi Vs. Union Of India W.P. (C) No. 327/2024 the Supreme Court directed the Union to consult with all stakeholders regarding the implementation of a menstrual leave policy for working women. The Court also raised concerns that such a policy might face resistance from employers and potentially create difficulties for women seeking employment.⁴

Menstrual leave, a policy that allows people to take time from work for menstruation-related problems, may have a variety of effects on an individual's professional position and experience at work. The most important thing to think about is if this legislation will eventually improve or worsen the health of those who menstruate. Could menstrual leave unintentionally increase prejudice and unfavorable views towards menstruators despite its progressive intentions

Possible Advantages of Menstrual Leave

In India, ignorance and taboos still play a major role in managing menstrual health.

Social and behavioral change programs are necessary to address this concern⁵

Employees who suffer from severe menstruation symptoms may benefit greatly from menstrual leave, which will enhance both their general health and output. By recognising and meeting a range of health needs, it may help promote a more accepting and compassionate work atmosphere. Some of the possible advantages of menstrual leave are as follows:

² Prithivi Raj & Antra Pandit, *Implementation Menstrual Leave Policy In India An Empirical Study*, 8 ,2317 (2021).

³ Adrija Bhattacharya et al., *Menstrual Leave at Workplace: Employees' Point of View*, 17 KIIT J. Mgmt., June 2021.

⁴ *Shailendra Mani Tripathi Vs. Union Of India W.P.(C) No. 327/2024*

⁵ Sunaina Kumar, *Menstrual Health in India Needs More Than Just Distribution of Low Cost Sanitary Pads*, ORF (Nov.

11, 2020), <https://www.orfonline.org/expert-speak/menstrual-health-in-india-needs-more-than-just-distribution-of-low-cost-sanitary-pads/>

- **Physical and Mental Health:** Women's physical and emotional health can be enhanced by managing their period symptoms with the use of menstrual leave. This might involve treating emotional suffering in addition to cramping and bloating discomfort. Menstrual leave policies that offer time off specifically for addressing menstruation-related discomfort can be especially beneficial for individuals with menstrual disorders.
- **Prioritizing Women's Health:** Implementing menstrual leave policies can greatly enhance the awareness regarding women's health in the workplace. Organisations create a more encouraging and amiable work atmosphere when they recognise and encourage this facet of women's well-being. This not only boosts morale but also promotes overall productivity, showing that employers value the health and comfort of their employees. Such inclusive policies may increase employee engagement and loyalty while also showing a commitment to diversity.
- **Reducing Taboo Regarding Menstruation:** In India, menstruation remains a taboo subject, making many women uncomfortable discussing it. Programs that promote awareness and understanding can help break down these stigmas surrounding menstruation. Such initiatives not only increase awareness but also educate the opposite gender about menstruation, fostering empathy and support.
- **Creating a Supportive Workplace:** These programs encourage open communication and understanding among the employees, which further contributes to a more encouraging work environment. Women can feel more comfortable talking about their needs when there is a culture of understanding and respect fostered by education on menstruation. This encouraging environment not only enhances overall morale but also promotes teamwork and inclusivity.

Possible Disadvantages of Menstrual Leave

- **Job Displacement:** Menstrual leave policies may make it more likely for women to lose their jobs since employers may choose to hire males rather than women in order to avoid having to pay for monthly leave. In the end, this could have an effect on women's career prospects and overall work experiences.
- **Increased Work Load:** As the number of absenteeism of women employee's increases this will eventually increase the work load in the organisation. This may result in male employees to shoulder a greater burden of work. Those who take menstruation leave may be the target of jealousy or animosity from coworkers, which might give the impression that they lack commitment, reliability, or work ethics.
- **Social Change:** The increased emphasis may reinforce preconceived notions and promote a society in which menstruation is viewed as an uncomfortable or bothersome issue rather than as a normal aspect of health. Women employees during menstruation could face more social difficulties and believe that they are being unfairly scrutinised by their peers.
- **Professional Growth:** A menstrual leave policy might create stigma among workers by creating feelings of unfair treatment. Absences on a regular basis might damage project continuity and team work, which would impede overall productivity and professional development.

Findings

- **Balanced approach:** There should be a balanced approach towards menstrual leave so that the burden is not placed on the male workers.
- **Workplace policies:** Such workplace policies should be implemented that create a flexible work environment during menstruation. Such policies may include work from home, flexible working hours.
- **Reserving medical leave:** When menstrual leave is granted at the workplace, it helps women reserve their medical leave for non-menstrual health issues. Employees may better manage their entire health and wellness by having different leave categories, which eliminates the need to choose between taking time off for menstruation or other medical issues. This strategy promotes a healthy work-life balance and encourages individuals to prioritise their own well-being.
- **Shift In Societal Norms Regarding Menstruation :** The implementation of menstrual leave laws represents a slow change in the way society views menstruation, from shame and silence to open recognition of menstruation as a normal and acceptable health issue. Long-standing taboos are challenged by this shift, which also promotes a more humane approach to workplace regulations.

CONCLUSION

In conclusion, by acknowledging and adhering the particular health requirements of women, menstrual leave policy represent a positive step towards improvement and development in the workplace. This program helps to establish a well-rounded workplace that promotes diversity, advances gender equality, and puts employee well-being first. Policies

that recognise menstruation as a valid health issue reduce stigma and foster a more compassionate, effective work environment. The incorporation of work-from-home rules enhances menstruation leave by providing employees with the comfort and freedom to manage their health without interfering with their job obligations. With all factors taken into account, implementing menstruation leave is an essential step in creating more encouraging, just, and sustainable work environments for all workers.