
MENSTRUAL LEAVES: AN INDIAN SCENARIO

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ABSTRACT

This paper explores that Women who possess distinct biological characteristics compared to men, resulting in specific bodily challenges being a natural process. One such challenge is their hormonal cycle, commonly referred to as menstruation. During this time, women endure both physical and mental stress. However, working women encounter additional difficulties in managing this stress. Women frequently encounter menstrual discomfort and cramps as a regular occurrence. A significant number of female employees, exceeding fifty percent, undergo considerable agony and cramps on the initial day of their menstrual cycles. The notion of granting leave specifically for the first day of menstruation holds paramount importance in this discourse. While workplaces are gradually becoming more inclusive, with an increasing number of women contributing to economic growth, organizations have not adequately addressed this unique requirement. Rather than prioritizing work, women primarily require rest during their menstruation period. Unfortunately, there is a lack of policy initiatives aimed at addressing this need. Although the topic has been deliberated in parliament, no legislation has been enacted thus far. However, the paper also acknowledges that Implementing a law that mandates Menstrual Leave or Period Leave in all organizations would be a positive step forward. Enacting legislation that mandates all organizations to offer Menstrual Leave or Period Leave could be a progressive measure towards addressing this issue. Ultimately, the paper concludes that implementing a legal provision for menstrual leave in India is crucial for addressing the various issues related to workplaces or in any other sector, and even necessary so that women can look after themselves.

Keywords: Menstrual Leave, Menstrual Stigma, Legislation, Legal Provision, Work, Workplace, Women

1. Introduction

Combating the social stigma associated with menstruation and advance gender equality in both the workplace and society, it is imperative to establish a legal framework for menstrual leave in India. Menstrual leave entails granting women the opportunity to take time off from their professional or educational responsibilities during their menstrual cycles. Although certain companies in India have taken the initiative to implement voluntary menstrual leave policies, the absence of a legal provision remains a significant gap. This paper contends that enacting a legal provision for menstrual leave is crucial to safeguard women from discrimination in the workplace and to ensure their entitlement to time off during their menstrual cycles.

According to research conducted at University College London, and published earlier this year revealed that period pain can be “as bad as having a heart attack”. Given the biological complexity of females and the intense pain they have to suffer, they shall have the right to be entitled with leave during menstruation. In addition, women are least productive in terms of job during the menstruation, especially on the first and the second day of the menstrual cycle due to unmanageable discomforts. Thus, it may not be much fruitful to the employers in terms of production. Therefore, with both the perspectives of the female employees as well as the employers, menstrual leave is desirable.¹

The researcher has chosen this topic because,

This is an issue that requires an attention to be brought forth since it has various impacts on the women as well as the capacity in which she is working, or taking education, sports, etc. or any kind of field that she is working in gets affected to some or the other extent.

One may argue that there is always a scope for a woman employee to avail sick leave from their bucket of leaves ordinarily available to them. However, menstruation is a natural biological process which does not, as such, emanate from any illness or disease. Therefore, it is high time that we normalise as well as acknowledge the concept of “menstruation” and accommodate and support women’s needs where necessary, so far as professional

¹ The Menstruation Benefit Bill, 2017

commitments are concerned.²

Menstruation can't be treated/ charged under the sick leave because this is a normal phenomenon that takes place every month. And provisions under sick leave can be those which are common to all, since, menstruation is process that takes place only in women body Thus, separate provisions for it are required to be made just like Maternity leave.

2. Meaning, Definition and Concept of Menstruation

Menstruation, or period, is normal vaginal bleeding that occurs as part of a woman's monthly cycle. Every month, your body prepares for pregnancy. If no pregnancy occurs, the uterus, or womb, sheds its lining. The menstrual blood is partly blood and partly tissue from inside the uterus. It passes out of the body through the vagina. This cycle occurs every month.

Periods usually start between age 11 and 14 and continue until menopause at about age 51. They usually last from three to five days. But in certain cases where by a woman is facing some disorder then the number of days may vary.

Besides bleeding from the vagina, women may face:

- Abdominal or pelvic cramping pain
- Lower back pain
- Bloating and sore breasts
- Food cravings
- Mood swings and irritability
- Headache and fatigue³

So, for each and every month a woman bleeds for around 3-5 days or so on.

² SCC ONLINE BLOG, Looking Beyond The Law: The Case Of Menstrual Leave In India, AVAILABLE AT <https://www.sconline.com/Blog/Post/2023/03/07/Looking-Beyond-The-Law-The-Case-Of-Menstrual-Leave-In-India/>, Last Seen On 20-01-2024.

³ Medilineplus, Menstruation, <https://medlineplus.gov/menstruation.html#:~:Text=Menstruation%2C%20or%20period%2C%20is%20normal,Tissue%20from%20inside%20the%20uterus>, Last Seen On 19-01-2024.

3. Menstruation and women

The Menstrual Phenomenon is natural in its own ambit but due to the changing environment, lifestyle various new problems have arisen and are affecting the health of a Woman, these can be referred to as Menstrual disorders.

For Eg, PCOD, PCOS, Abnormal menstrual bleeding, Pain or cramping, Depression, Headaches, Emotional distress, Bloating or fullness in the abdomen, Abnormal uterine bleeding - Excessive or prolonged menstrual bleeding, Amenorrhea - The absence of menstrual bleeding, Oligomenorrhea - Light or infrequent menstruation, Fibroids - Noncancerous uterine tumours, Menstrual syndrome (MS) - Physical and emotional discomfort prior to menstruation, Menstrual dysphonic disorder (MDD) - Severe physical and emotional discomfort prior to menstruation.⁴

Menstrual disorders such as dysmenorrhea, menorrhagia, and irregular cycles are common among women in reproductive age group and they are responsible for physical, behavioural, and emotional changes around the time of menstruation. These disorders affect the normal functioning and social life of women and limit their daily activities. They are also an important cause of college/school absenteeism among adolescents.⁵

Quality of life (QOL) of women with these disorders is compromised. The World Health Organization (WHO) defines QOL as “the individuals’ perception of their position in life in the context of the culture and value systems in which they live and in relation to their goals, expectations, standards, and concerns.”⁶

In India, due to cultural, social, political reasons menstrual problems are often not talked about. The Menstrual cycle is considered to be a normal monthly sequence and is not expected to be enlarged and talked about openly in the society. Numerous cultures continue to uphold long-standing beliefs and concepts concerning menstruation, and it is noteworthy that there

⁴ Baylor Medicine, Healthcare: Obstetrics And Gynaecology, Available At <https://www.bcm.edu/healthcare/specialties/obstetrics-and-gynecology/ob-gyn-conditions/menstrual-disorders>, Last Seen On 18-01-2024.

⁵ Karthik Balajee Laksham, Menstrual Disorders And Quality Of Life Of Women In An Urban Area Of Puducherry: A Community-Based Cross-Sectional Study, Available At <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6396583/>, Last Seen On 18-01-2024.

⁶ The World Health Organization Quality Of Life Assessment (WHOQOL): Development And General Psychometric Properties, Available At <https://pubmed.ncbi.nlm.nih.gov/9672396/>, Last Seen On 19-01-2024.

exist resemblances in beliefs and taboos regarding this natural process among the prominent cultures.

The characterization of menstruation as "unclean" or "threatening" served the purpose of constructing a social hierarchy and legitimizing specific conduct, ultimately resulting in the differentiation and segregation of men and women. In fact even talking about the periodic cycle in open with other person specifically with the other gender is considered to be a bad thing. Thus, this gender inequality could be brought to an end by awareness amongst citizens as well as having given paid leaves to the menstruating women.

The concept of menstrual leave involves granting women the option to take paid time off from their work obligations while they are experiencing their menstrual cycles. This policy aims to provide women with the opportunity to address their physical and emotional needs during this time.

4. Positive Impacts if menstrual leaves are granted-

- a. Menstrual leave can help reduce stigma and promote open conversations about menstruation in the workplace. By introducing this policy, organizations can create a more inclusive culture and break down the taboos surrounding menstruation. This initiative acknowledges that menstruation is a natural and biological process, fostering understanding and empathy among employees. It encourages open dialogue and eliminates the discomfort and ignorance that have traditionally surrounded this topic.
- b. Menstrual leave is a clear demonstration of the commitment to equality, as it acknowledges the need to balance work and personal life. Similar to family and parental leave, it emphasizes the importance of managing personal health alongside work responsibilities. This inclusive approach highlights the organization's strong dedication to equality.
- c. Menstrual leave has a positive effect on productivity. Women who experience physical discomfort and emotional stress during their periods often struggle to concentrate and perform at their best. By introducing menstrual leave, employers demonstrate their awareness of these difficulties and offer a solution that enables women to take time off when necessary. Consequently, women come back to work feeling rejuvenated both physically and mentally, resulting in higher productivity and improved job performance.

d. Menstrual leave to female employees promotes loyalty and satisfaction among the workforce. By prioritizing the well-being of women in the workplace and providing them with this benefit, it helps to create a sense of loyalty and happiness. This positive atmosphere strengthens the connection between employees and their companies, leading to better retention rates.

e. It focuses on is the physical well-being. When women have their menstrual periods, they often experience different physical symptoms like headaches, tiredness, bloating, stomach cramps, backaches. These symptoms can vary in how severe and how long they last for each person. By providing the choice of taking menstrual leave, women are given the power to rest and recuperate during this time, which helps to relieve discomfort and pain. This chance to rest not only reduces physical strain but also gives their bodies the opportunity to heal and feel refreshed.

f. Menstrual leave is a way to acknowledge and support the emotional well-being of women. The hormonal changes that occur during menstruation can cause mood swings, irritability, and feelings of sadness or anxiety for some women. By recognizing the impact of these fluctuations, menstrual leave allows women to prioritize their mental health. This, in turn, helps to regulate emotions better and enhances their overall sense of well-being.

g. Menstrual leave goes beyond personal advantages and contributes to creating a positive environment at work. By introducing this policy, the organization shows its commitment to embracing diversity, inclusivity, and recognizing the specific requirements of women. As a result, a workplace culture that is more supportive and empathetic is established, where employees feel truly heard and supported.

h. Surprisingly, taking menstrual leave can actually help decrease the number of days employees are absent from work. When women are given the option to take time off during their periods, they tend to organize their schedules accordingly, making sure they are present and productive for the rest of the month. This leads to a more reliable and consistent work attendance pattern.

5. Negative Impacts if menstrual leaves are granted

a. Employers may have reservations about hiring women if they believe that they take

more frequent leaves, which could affect job opportunities. The implementation of menstrual leave raises concerns about reduced job prospects for women. While the intention of menstrual leave is to improve women's health and well-being, there is a possible risk that employers may misunderstand it as resulting in more frequent absences, influencing their hiring decisions. This worry highlights the delicate balance between recognizing women's needs and preventing unintended consequences. The fear of perceiving frequent absences may cause employers to worry that providing menstrual leave could reinforce the idea of increased absenteeism among female employees. This concern stems from the potential misconception that women may exploit this benefit, potentially leading to biases in the hiring process.

b. Unequal Work Distribution is another possible issue. Employers, worried about frequent absences, may unintentionally give women less important tasks to minimize disruptions. This could unintentionally result in an unequal distribution of work responsibilities, restricting women's opportunities for career development and progress. When colleagues have to fill in for those on menstrual leave, it can lead to more work for others and possibly create resentment.

c. The redistribution of tasks due to menstrual leave creates a complex situation at work. While the purpose of offering menstrual leave is to prioritize women's health and well-being, it could also mean more work for others. This situation may cause feelings of resentment and strain relationships within the team. Finding a balance between meeting individual needs and maintaining workplace efficiency becomes a crucial challenge in these scenarios.

d. The policy may unintentionally reinforce gender stereotypes. Providing menstrual leave could unknowingly support the belief that women are less capable physically or emotionally at work. This could spread harmful prejudices, affecting women's career advancement and limiting the recognition of their abilities beyond their biological experiences.

e. The implementation may unintentionally cause divisions among the employees. Certain male coworkers might see the policy as favoritism, which can create feelings of unfairness or resentment. These divisions can harm team unity, hinder collaboration, and undermine the inclusive work environment that organizations strive for.

f. It is crucial to handle requests for menstrual leave with privacy and sensitivity. HR

should create a comfortable environment for employees to ask for this leave without any fear of judgment or discrimination. This may require providing specialized training to HR staff.

6. Menstrual Leave a Way forward-

Educating employees about the purpose and benefits of menstrual leave can help reduce negative perceptions and encourage understanding among colleagues. In the ongoing pursuit of creating inclusive and empathetic workplaces, the role of education and sensitization emerges as a powerful catalyst for transformation. This holds particularly true in the context of menstrual leave, a topic that has the potential to foster understanding and support among colleagues while challenging longstanding taboos and misconceptions. By dedicating efforts to educate employees about the purpose and benefits of menstrual leave, organizations can actively contribute to reducing negative perceptions, cultivating empathy, and ultimately fostering a more supportive and harmonious work environment. Menstrual leave, as an essential component of comprehensive leave policies, serves not only as a means to address physical discomfort but also as a platform to acknowledge and respect the unique challenges faced by those who menstruate. However, its implementation can sometimes be met with skepticism, ignorance, or even resistance due to cultural or societal norms. To counter these reactions, educational initiatives become vital tools in bridging the gap between awareness and acceptance. It's important for employers to ensure that hiring decisions are based on skills, qualifications, and experience rather than gender-related considerations. In the dynamic landscape of today's professional world, the concept of equal opportunities takes centre stage as a fundamental pillar of ethical and progressive employment practices. At its core, equal opportunities encapsulate the principle that every individual, regardless of gender or any other characteristic, should have an equal chance to succeed and thrive within the workplace. One of the most crucial facets of upholding this principle lies in the realm of hiring decisions, where the focus should unequivocally be on skills, qualifications, and experience rather than any form of gender related considerations.⁷

7. Conclusion

At the end it can be said that as each and every coin has two sides similarly does every policy

⁷ Bhagyamma G, The Impact of Menstrual Leave on Women's Employment Opportunities: A Comprehensive Analysis, Journal on Vulnerable Community Development, 1 (1) Of 2023, Pg. 178-191, APIS – 3920 – 0020 | ISSN – 2583 – 8067.

and law, The realities of workplace are far different that those on papers and it would be again up to the employers of a particular workplace upon which way they entertain this policy. Talking about menstrual leaves and discussing about its pros and cons is easy but implementation of it would be practically difficult lots of issues could be faced by the corporates as well as the female employees in the near future. But, as the world has overcome the taboo of girl child birth, female education, working of females, maternity leave, health and sanitation facilities, and lots of other issues so would this be.

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