



Issue of Menstrual Leave for Women

For Prelims: Menstrual Health, [Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill, 2022](#), [Right of Children to Free and Compulsory Education Act \(RTE\), 2009](#), [The National Guidelines on Menstrual Hygiene Management](#).

For Mains: Menstrual health – Challenges, Consequences and Way Forward

Source: [IE](#)

Why in News?

Recently, the [Supreme Court](#) has asked the Central Government to frame a **model policy on menstrual leave for female employees**.

- The court emphasised that this matter falls under the realm of **policy-making** and not within the court's jurisdiction.

What is the State of Menstrual Leaves in India?

- **Menstrual (Period) Leave:** It is a kind of leave where the working women have the option to avail either paid or unpaid leave from the institution of her employment during her period of menstruation as such a condition adversely affects her ability to work .
- **Implemented the Policy:** Bihar and Kerala are the only Indian states that have introduced menstrual leave policies for women.
 - **Bihar's policy was introduced in 1992**, allowing women employees two days of paid menstrual leave every month.
 - **Kerala** in 2023 has also allowed menstrual leave to female students of all universities and institutions and up to 60 days maternity leave to female students above the age of 18.
 - Some companies in India have introduced [menstrual leave policies](#), including **Zomato**, which announced a **10-day paid period leave per year in 2020**.
 - Other companies, such as **Swiggy and Byjus**, have also followed suit.
- **Legislative Measures Taken:**
 - There is **no law** governing menstrual leave in India and also there is **no centralised direction for 'paid menstruation leave'** in India.
 - **Attempts Made in the Past: Parliament has seen attempts to introduce menstrual leave and menstrual health products related bills, but they have not been successful so far.**
 - Example: **The Menstruation Benefits Bill, 2017'** and **Women's Sexual, Reproductive and Menstrual Rights Bill in 2018**.
 - **Right of Women to Menstrual Leave and Free Access to Menstrual Health**

Products Bill, 2022:

- The proposed Bill **provides for 3 days of paid leave for women** and transwomen during the period of menstruation.
- The Bill cites research that 40% of girls miss school during their periods, and nearly 65% said it had an impact on their daily activities at school.

Countries Having Implemented Menstrual Leaves:

- Spain, Japan, Indonesia, Philippines, Taiwan, South Korea, Zambia and Vietnam.
- **Spain is the first European country to grant paid menstrual leave** to workers, with the right to three days of menstrual leave per month, which can be expanded to 5 days.

Why is there a Need for Paid Menstrual Leave for Women?

- **Health and Well-being:** Menstruation can cause **physical discomfort (cramps, bloating)** and emotional distress. **Paid leave allows women to prioritise their health** and manage these symptoms without financial penalty.
- **Workplace Inclusivity and Gender Gap:** This leave will normalise menstruation, reducing stigma and encouraging open discussion about menstrual health. Its impact on work performance helps address the gender pay gap by enabling women to fully participate in the workforce without sacrificing income.
- **Productivity and Retention:** Studies suggest that menstrual **leave can improve productivity** by allowing women to manage their periods effectively and avoid working while experiencing discomfort. It can also **contribute to higher employee retention**.
 - As per **IMF**, equal participation of women in the workforce will increase India's **GDP** by **27%** and will add **USD 700 billion to its GDP by 2025**. Thus economic **growth and gender equality go hand in hand**.
- **Legal Perspectives:**
 - **Article 15(3):** Permits **special provisions for women**, countering claims of discrimination against men who can't avail menstrual leave.
 - **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.

Case Study on Maternal Healthcare Access for Tribal Population in Gujarat

- **About Study:**
 - The study focuses on the **tribal population in Gujarat, which constitutes 14.8% of the state's total population**. It examines the accessibility of healthcare facilities for maternal care across 14 tribal-concentrated districts.
- **Mapping Healthcare Disparities:**
 - The average **coverage of pregnancy care in Gujarat's tribal districts is 88%**, with 80% receiving antenatal care (ANC), **90% giving birth at healthcare facilities**, and 92% receiving postnatal care (PNC).
 - However, **ANC coverage is notably lower in districts** like Banaskantha, Mahisagar, Sabarkantha, Dahod, and Bharuch, **falling below WHO-prescribed thresholds**.
- **Transportation Constraints:**
 - Over **50% of households reside more than 25 km away from tertiary care facilities**, and about **30%** live away from community healthcare centres and primary

healthcare centres. Further, limited resources and social stigma **often prevent women**, especially in rural areas, from using public transportation available.

UN Report on Maternal Deaths

- As per the [UN report](#), India had more than **17% of global maternal deaths** in 2020, the highest share among ten countries responsible for a majority of maternal, stillbirth, and newborn deaths.
- It stressed the importance of focusing on maternal healthcare to reach [Sustainable Development Goals \(SDG\)](#) for better maternal and child health outcomes and healthcare access.

What are the Arguments Against the Menstrual Leaves?

- **Discouragement of Hiring Female Employees:** Paid menstrual leave might **disincentivize companies** from hiring women due to **perceived absenteeism**.
 - Employers may perceive **female employees as a liability** due to the additional burden of paid leave every month.
- **Discrimination at Workplace:** Accommodating menstrual leaves may disrupt workflow, increase workload for other team members, or create resentment among employees who do not receive similar benefits.
- **Enforcement Issues:** Implementing **paid leave for menstruation** raises challenges such as **determining legitimate use, preventing misuse**, and defining acceptable enforcement methods for employers.
 - This has been highlighted by **incidents like those in Bhuj 2020** where 66 girls were forced to strip to verify menstruation status **and similar incidents in Muzaffarnagar**.
 - **Sensitivity and respect are crucial in developing policies around menstruation.**
- **Reinforcing Stigma:** Special leave policies could **highlight menstruation as a negative aspect**, potentially leading to period shaming and discrimination.

Govt Schemes to Promote Menstrual Hygiene Management:

- [Menstrual hygiene scheme launched by the Ministry of Health and Family Welfare](#)
- [Rashtriya Kishore Swasthya Karyakram](#)
- [SABLA programme of the Ministry of Women and Child Development](#)
- [Swachh Bharat Mission and Swachh Bharat: Swachh Vidyalaya \(SB:SV\)](#)
- [Guidelines for Gender Issues in Sanitation, 2017](#)
- [The National Guidelines on Menstrual Hygiene Management](#)
- **Scheme for Promotion of Menstrual Hygiene** among adolescent girls in the age group of 10-19 years (supported by the [National Health Mission](#))

Way Forward

- **Promoting Menstrual Health Literacy:** Ensure that employers, employees, and medical professionals have access to **high-quality information about menstrual health** and effective treatment options.
- **Incorporating Adequate Rest Breaks:** Provide workers, especially those who menstruate, with

the ability **to take breaks and access clean toilet facilities**. This benefits all workers and reduces the risk of workplace injuries and illnesses.

- **Incentivising Menstrual Leave Policies:** The government could **incentivise menstrual leave** by providing **tax exemptions to companies** offering it and by introducing **gender-neutral leave policies** for all employees.
 - Consideration could also be given to government aid covering leave costs through **Direct Benefit Transfer (DBT)**.
- **Access to Effective Treatment:** Workplaces should provide **free emergency period products, pain medication**, and support for employees to access quality medical advice and treatment for severe menstrual symptoms.
- **Flexible Working Conditions:** Allow for flexible work arrangements, such as the ability to **work from home or take shorter breaks**, rather than requiring full-day leave.
- **Adequate Standards for Working Conditions and Labour Rights:** Improve global minimum labour standards regarding work hours, wages, health and safety, and equal opportunities, which would **eliminate the need for separate menstrual leave policies**.

Drishti Mains Question:

Discuss the need for a policy measure on menstrual leave for women. What are its implications on gender equality and workforce dynamics? What measures can ensure its effective implementation?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. What are the continued challenges for women in India against time and space? **(2019)**

Q. Male membership needs to be encouraged in order to make women's organisations free from gender bias. Comment. **(2013)**

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