



## Dilemmas Surrounding Paid Menstrual Leave

This editorial is based on [“A demand that could hamper gender equality”](#) which was published in The Hindu on 15/02/2024. The article discusses the importance of raising awareness about menstruation due to the inadequate representation of women in various sectors. While offering paid leave for menstruation could increase awareness, it might also exacerbate gender disparities.

**For Prelims:** [Bahini Scheme](#), [Menstrual Hygiene Scheme](#), [Rashtriya Kishor Swasthya Karyakram](#), [NFSH-5](#), [Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill, 2022](#), [Anaemia](#).

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

The **Sabrimala temple controversy** highlighted the discrimination against menstruating women, sparking debates about gender equality and the need to eliminate such practices. **However, the demand for paid leave for menstruation works to undermine it.** Menstrual cycles can be challenging - almost debilitating for some - but to collectively label all those belonging to a gender without considering the potential adverse effects, is trivialising the women empowerment movement.

### What is the Sabarimala Temple Controversy?

- A group of five women lawyers challenged Rule 3(b) of the **Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965**, which authorised restriction on entry of women “of menstruating age” to the shrine. They moved to the apex court after the Kerala High Court upheld the centuries-old restriction, and ruled that only “tantri (priest)” is empowered to take decisions on traditions.
- The petitioners argued that the restrictions are against [Articles 14](#) (Equality before law), [15](#) (Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth) and [17](#) (Abolition of Untouchability) of the Indian Constitution.
- According to the [Supreme Court \(SC\)](#) judgement, the prohibition was based on a natural, physiological process. When you are suggesting that menstruating women cannot enter a temple, they are basically being castigated based on their gender.
- The majority in judgement has stated that the right to equality would prevail over right to practice.

### How will the Paid Menstrual Leave Exacerbate Gender Equality?

- **Dissuades Companies From Hiring Women:**
  - The [World Economic Forum’s \(WEF’s\) Global Gender Gap Report 2021](#) says that the gender global gap has widened (instead of shrinking).

- In the current situation, it would take the world 135.6 years to achieve gender equality. Looking at it specifically at the workforce level, a woman earns 84 cents for every dollar that a man makes.
- The participation of women in the labour force is significantly lower than that of men, and even fewer women hold leadership positions.
  - If mandatory paid leave for periods is added to this, it would end up further dissuading companies from hiring women.
- **Validates Social Stigma Around Menstruation:**
  - If the government ratifies 'special status' for menstruating women, it validates the social stigma around menstruation. It would exacerbate period shaming in a country where large swathes of people (both men and women) consider menstruation to be 'impure'.
  - Arguments in favour of paid leave for menstruation will claim that granting special status to menstruation would aim to create subject awareness. But this would only magnify it. It could turn out to be another well-meaning step that ends up widening the gender gap inadvertently.
- **Case of Japan Reinforcing the Exacerbation of Gender Equality:**
  - There are countries such as Japan that provide leave for painful menstruation- but it is mostly unpaid, and unused. Women claim that they are reluctant to avail this leave and 'broadcast' that they are on their period, for the fear of sexual harassment.
  - Data shows that a mere 0.9% of women in the workforce avail menstrual leave days in Japan. As per the WEF's ranking in 2019, Japan ranked 121 out of 153 in terms of gender equality. It has slipped to the 125th position in 2023.
  - It is interesting to note that though young women in Japan have higher education levels than men, **it is in the workforce that disparities creep** in. Women in Japan are less likely to be employed (even with the same credentials) than men, and are often paid less.
- **Concerns Surrounding Its Implementation:**
  - If paid leave for menstruation were to be introduced, the challenge lies in its implementation. Determining legitimate use of such leave and preventing potential misuse would be complex.
  - Additionally, defining acceptable enforcement methods for employers poses another dilemma. Instances like the 2020 incident in Bhuj, Gujarat, where 66 girls were forced to strip to verify menstruation status, or the 2017 case in Muzaffarnagar where 70 girls faced similar treatment, underscore the **need for sensitive and respectful policies regarding menstruation.**
- **Normal Physiological Phenomenon:**
  - Menstruation is a normal physiological phenomenon and only a small proportion of women or girls suffer from severe dysmenorrhea or similar complaints; and most of these cases are manageable by medication.

## What are the Arguments Supporting Paid Menstrual Leave?

- **Period Poverty:**
  - Lack of awareness about menstrual hygiene and related issues is a significant barrier in India. Many girls and women, particularly in rural areas, have limited knowledge about menstrual health, including proper hygiene practices, use of sanitary products, and management of menstrual discomfort.
    - A survey conducted by the NGO **Child Rights and You (CRY)** revealed that access to sanitary pads was limited to many girls, with 44.5% of girls admitting to using homemade absorbents or cloth.
    - The report also found that around 11.3% of the girls did not know the correct cause of menstruation and said that it was a curse from God or caused by disease.
  - In India, 20% of menstruators have Polycystic ovary syndrome (PCOS) and approximately 25 million suffer from endometriosis.
- **Lack of Access to Affordable Sanitary Products:**
  - Access to affordable and hygienic menstrual products is a major challenge in India. Many women, especially those from low-income backgrounds, struggle to afford sanitary pads or tampons.
    - The most recent [National Family Health Survey \(NFHS\)-5](#) report has highlighted how approximately 50% of women between the ages of 15 to 24 in

India continue to rely on the use of cloth for menstrual protection.

- Experts caution that reusing cloth can increase the risk of contracting multiple infections, attributing this practice to a combination of insufficient awareness and societal taboo around menstruation. Girls are often compelled to leave school or face social exclusion during their menstrual cycles.

▪ **Stigma and Shame:**

- Menstruation is still surrounded by social stigma and cultural taboos in many parts of India. Menstruating women often face discrimination, restrictions, and isolation, leading to feelings of shame and embarrassment. This stigma can prevent open discussions, limit access to information and resources, and perpetuate negative attitudes towards menstrual hygiene.
  - The CRY report also found that hesitation or shyness to purchase pads from the shops, difficulty in disposing of pads, poor availability and no knowledge of pads were the reasons for not using sanitary pads.
  - As much as 61.4% of girls have accepted that a sense of embarrassment existed in society with regard to periods.

▪ **Inadequate Sanitation Facilities:**

- In many areas, the lack of proper sanitation facilities, including clean toilets and water supply, poses a significant barrier to menstrual hygiene. Insufficient infrastructure in schools, public places, and households can make it difficult for women and girls to manage their periods safely and with dignity.
- Women in informal work (e.g., construction work, domestic work etc.) often have no access to washrooms, clean water for bathing, and cost-effective hygiene products and their safe disposal. Often, they also lack privacy to change their menstrual products.

▪ **Limited Healthcare Services:**

- Rural areas often face a shortage of healthcare providers, including doctors, nurses, and midwives, who are specifically trained in addressing menstrual health issues.
- This shortage further hampers women's access to knowledgeable healthcare professionals. This lack of healthcare infrastructure also contributes to the persistence of myths and misconceptions about menstruation.

▪ **Cultural and Religious Practices:**

- Certain cultural and religious beliefs and practices can impede menstrual hygiene. For example, some communities consider menstruating women as impure and restrict their participation in religious activities or social gatherings. Such practices can further reinforce stigma and hinder proper menstrual hygiene practices.
- In Maharashtra, a study found that the practice of segregating menstruating girls and women to 'kurmaghars', or "period huts", with no sanitation and other basic facilities poses a significant barrier to conducive sexual and reproductive health outcomes among females.

▪ **Lack of Policy Measures:**

- The [2022 'Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill'](#) specified three days of paid leave for women and transwomen during their periods, and additional benefits for students is yet to become an Act. **Only two states, Kerala and Bihar**, currently have menstrual leave policies for women.

## What are the Suggestions for Adopting Effective Menstrual Leave Policies?

**Menstrual leave policies** are largely unsuccessful because they focus on the 'wrong problem'. The problem is not the menstruating human body. The problem is that, especially in places where menstrual leave has already been implemented, workers have inadequate access to decent working conditions, rest or toilet breaks, sick leave, or medical treatment. Also, women continue to shoulder an unequal share of unpaid childcare responsibilities. **Therefore, these policies should promote the following perspectives:**

▪ **Promoting Menstrual Health Literacy:**

- Due to inadequate menstruation education (in schools and medical training), most people know very little about the nature, prevalence of, or effective treatment options for menstrual symptoms.
- Therefore, a key part of improving menstrual health in the workplace would be to ensure that employers, employees (and their doctors), all have access to high quality information

about menstrual health.

▪ **Incorporating Adequate Rest Breaks:**

- For workers who menstruate, being able to take a break and access a toilet and clean water is especially important, but all workers would benefit from better working conditions.
- Rest breaks have been shown to decrease the likelihood of workplace injury or illness, as well as improving productivity and efficiency. Providing hygienic toilet facilities also reduces the risk of coughs, colds and other infectious illnesses spreading through the workforce.

▪ **Access to Effective Treatment:**

- Most workplaces (and schools etc.) in the UK could easily provide free 'emergency' period products (e.g. tampons and pads), ibuprofen (anti-inflammatory medication), heated pads or hot water bottles, hot drinks, etc.
- In the case of severe cyclical symptoms, employees should be supported and encouraged to access quality medical advice and treatment options, as soon as possible.

▪ **Flexible Working Conditions:**

- Evaluations of menstrual policies in the workplace, recommend greater flexibility in work practices because most people only need a relatively short amount of time to rest/ manage menstrual symptoms before being able to return to work.
- So, being able to work from home (if applicable) or take time out for a portion of the working day, is better than having to take a whole day of leave.

▪ **Not Adopting Sex-Specific Policies:**

- Global evaluations of employment policies from the past several decades have consistently shown that gender or sex-specific policies (no matter how 'good' their intention) end up harming the very people they aim to help.
- The trick is to identify the needs of 'women' (and ideally other marginalised groups) and to design policies for all employees that take them into proper consideration.
- That way, the policy actually helps everyone and does not accidentally make colleagues or employers feel any resentment towards 'women' in general (or any other marginalised group).

▪ **Ensuring Equal Wages and Job Opportunities:**

- It is no coincidence that the countries where menstrual leave has been implemented tend to have relatively large gender pay gaps. Those included in a 2017 [OECD report \(Organisation for Economic Cooperation and Development\)](#) are; India (56%); Korea (37%); Indonesia (34%); and Japan (26%). The OECD country average is 15%.
- Large gender pay gaps reflect both horizontal and vertical gender segregation. This means that women and men tend to work in different jobs, and those associated with women are paid less. This results in women workers having less power at work and in wider society.
- Ensuring equal wages and job opportunities would go a lot further than menstrual leave in improving gender equality at work, and it wouldn't accidentally reinforce any menstrual/ gender myths.

▪ **Adequate Standards for Working Conditions and Labour Rights:**

- In the majority of countries that endorse menstrual leave, this specifically refers to improving or eliminating, 'sweatshop labour' conditions. In the UK and similar economies, it is about protecting those with 'zero-hour' contracts, or other vulnerable working populations such as migrant workers, or anyone forced to work long hours for low pay, or in uncomfortable or dangerous conditions.
- If global minimum labour standards could be improved regarding (flexible/ maximum) work hours, (fair and living) wages, appropriate rest and toilet breaks, health and safety standards (applicable to all workers), sick leave, and equal opportunities, (including menstrual health literacy) there would be absolutely no need for any additional 'menstrual leave' type policy.
  - In fact, the [World Health Organization \(WHO\)](#) says governments "should make schools, workplaces and public institutions supportive of managing menstruation with comfort and dignity".

**Note:**

- **Sweatshop Labour:** It refers to working conditions that are characterised by low wages, long hours, poor working conditions, and often, exploitation of workers. These conditions are typically

found in factories, especially in developing countries, where workers, often including children, are employed to produce goods for export to developed countries.

- **Zero-Hour Contracts:** These are employment agreements where the employer is not obligated to provide the employee with a minimum number of working hours, and the employee is not obligated to accept any work offered. This type of contract is often criticised for its lack of job security and stability, as well as for the potential for exploitation by employers.

## What are the Various Govt Schemes to Promote Menstrual Hygiene Management?

- [The Right of Children to Free and Compulsory Education Act \(RTE\), 2009](#)
- [Menstrual hygiene scheme launched by the Ministry of Health and Family Welfare](#)
- [Rashtriya Kishore Swasthya Karyakram](#)
- [SABLA programme of Ministry of Women and Child Development](#)
- [National Rural Livelihood Mission of the Ministry of Rural 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](#))

## Conclusion

While some advocate for paid menstrual leave to raise awareness, this approach could inadvertently widen the gender gap. It is crucial to recognize the diverse experiences of menstruation and tailor support accordingly, rather than blanketly categorising it as a biological disadvantage.

Implementation of such policies must be mindful of potential misuse and ensure respect for individual privacy and dignity. The global gender gap report reveals persistent disparities, emphasising the need for nuanced, inclusive approaches to address menstrual challenges while advancing gender equality.

### **Drishti Mains Question:**

Discuss the implications of implementing paid menstrual leave on gender equality and workforce dynamics, citing global examples. 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)**