

Implementation Menstrual Leave Policy In India: An Empirical Study

Prithivi Raj, Antra Pandit

1 Assistant Professor of Law Narsee Monjee Institute of Management Studies (NMIMS) University, Hyderabad, India E-Mail: attorneypraj@gmail.com

2 Advocate and Legal Consultant, Jammu, India

Abstract

Menstruation is a natural, normal biological process experienced by half of the humanity, yet it is not given its due importance due to unnecessary embarrassment, shame, illiteracy and poverty. Women experience menstrual discomfort and cramps on a regular basis. On the first day of their cycles, more than half of all female employees experience significant cramps and agony. The concept of first-day-of-period leave is crucial to this discussion. The paper contains details about "The Menstruation Benefits Bill, 2017." A law requiring all organisations to provide Menstrual Leave or Period Leave could be a step in the right direction. The goal of the study is to learn about men's and women's attitudes around menstrual leave in the workplace and how they differ. The writers of this research report sought to learn what employees thought about such a leave. More than 340 respondents (women) from institutions in the organised sector in India's Jammu Territory completed a self-structured questionnaire. This study employs an analytical descriptive research design. This article also sheds information on several countries that provide unpaid menstruation leave or have procedures in place to compensate for it. The information associated with 'The Scope of Menstruation Leave Policy in India' is contained in this paper.

Keywords: Menstrual Leave, Period Leave, Special Leave.

Introduction

"Agreed, with hard work and persistent effort it is indeed possible for women to do the same things and gender doesn't necessarily deter us from setting professional goals. But periods sometimes do".

Indira Nooyi, - Chief Executive Officer of Pepsico.

The menstrual cycle is a natural occurrence that ensures a woman's body is in good health. Regardless, it is accompanied with anxiety and excruciating torment. Menstrual symptoms include illness, fever, and shortness, as well as lack of fixation, sluggishness, impaired energetic control, and so on, all of which have an undeniable impact on a woman's appearance. A few women's conditions are so severe that they are on the verge of dying. Menstrual leave as a medico-legal help is a strong and sedative concept. Menstrual pain is something that every working woman has to deal with. For women in more educated settings as well, menstruation poses a significant barrier. While it may be a normal and painless natural process for some women, several women face debilitating conditions in relation to menstruation such as PCOS, PCOD and ovarian cysts, among others. More than employment, women require rest throughout their menstrual period. However, there are no policy efforts in place to address this need. Women are now employed in practically every sector of the economy, and their performance is comparable to that of males. It has also been noticed that in many industries, female employees outperform male employees and handle work-related issues with more subtlety than the latter. However, one of the key concerns that continues to impede working women's effectiveness is

the difficulties they confront during their periods. The extreme pain that women experience during that time has a negative impact on their mental and physical wellbeing. Menstruation, according to one Australian study, can cause an increase in body temperature and cardiovascular strain, which can have a negative impact on women's performance. Women's energy levels may also be reduced, though this varies from woman to woman.

International Scenario of Menstrual Leave Policy

After the First World War, Communist Russia implemented menstrual leave for the first time in a long time. The Russian system was clearly being used for a long time during the 1920s-women labourers requested that it be stopped because it wasn't required, and this resulted in businesses preferring 'less expensive' and 'more solid' male staff (occasionally terminating female specialists and replacing them with men). Japan made menstrual leave a public strategy straight after WWII. In the mid-1950s, Indonesia and South Korea (then a part of the Japanese Empire) took appropriate measures. The fact that strenuous work can occasionally result in a missed or postponed monthly cycle was used to argue that some jobs were unsuited for women, or that women needed a couple of days off during their period, 'for public wealth,' As a result, menstrual leave served as a protective 'parenthood' technique. In a few countries, women were also forced to retire upon marriage and were prohibited from performing night shifts or jobs that were deemed overly dangerous or unsuitable for them. Since the 1970s, East Asian menstruation leave policies have been supported on the grounds that they benefit women who are suffering from severe period pain or heavy leaking, rather than focusing on public fertility. For example, in 2002, Taiwan passed the Gender Employment Act, which made it possible for women suffering from severe menstrual symptoms to seek for one day of leave per month. Some countries provide unpaid menstruation leave or have policies in place to compensate for it. Given that roughly one in every five women has significant menstruation pain that interferes with daily activities, various countries provide paid menstrual leave, including the following:

- a) Menstrual leave in Indonesia is two days each month.
- b) Women in South Korea are compensated for unused menstruation leave.
- c) Three days each month in Taiwan that are not counted as sick leave. In 2002, a Menstruation leave amendment was incorporated to Taiwan's Act of Gender Equality in Employment, allowing female representatives to request Menstruation leave.
- d) Women in Zambia are permitted one day off every month. Women in Zambia are provided one menstruation leave day each month. The event is referred to as a "Mother's Day," and it celebrates women's capacity to become mothers.
- e) In 2017, Italy introduced a measure in parliament for a Menstruation Leave Strategy, which would require employers to provide three paid days per month to female employees who have painful periods, as long as they provide a clinical statement from a specialist.
- f) In Mexico, women working in government courts are entitled to one day of menstruation leave if they are experiencing serious difficulties; however, the agreement does not specify whether this day is granted once a year or once a month.
- g) In Chile, a bill is being introduced that would provide women with paid leave if they were diagnosed with endometriosis and dysmenorrhea.
- h) Japan's Menstruation Leave policy allows any female professional to take time off if she is experiencing severe period discomfort that prevents her from working.

There are no similar policies in Europe or the United States of America, but efforts are being made to put them in place.

Situation in India

Since 1992, the Bihar government has provided women employees with two days of period leave. Women are free to choose which two days of the month they want to work without having to justify their decision. A few private organisations, such as Culture Machine, a Mumbai-based media company, have just begun to give menstruation leave. Recognizing pain and the stigma associated with menstruation, Culture Machine Media Pvt. Ltd has implemented a leave policy known as First Day of Period (FOP) Leave, under which women can take a day off on the first day of their period, when the pain is usually the worst. Employees at Culture Machine's Blush have the option of applying for a leave of absence on days when their pain is unbearable, with no questions asked.

The idea of Menstrual Leave militates the idea of equality in work places. In the word of Devlina Mazumdar, HR head, Culture Machine told India Today, "It's time we accept women are biologically differently built and there is no shame to admit that one is on their period. This policy will make the workplace women friendly and also it's optional".

Dr Jyaanti Dutta, Clinical and Socio Analyst, says, "Menstrual leave will take away from the efforts of women who are trying to establish a leave playing fields, moreover as periods are personal and private, women might not want go public". There is always the scope of taking sick leave if some women feel they need it.

In 2017, Ninong Ering, a Lok Sabha Member of Parliament from Arunachal Pradesh, introduced the Menstruation Benefits Bill as a private members' bill. It is a bill that would provide facilities for female employees at work during menstruation and related issues. A gender-sensitive labour policy is outlined in the bill. Women employed by both public and private establishments registered with the Central and/or state governments would have been entitled to two days of menstrual leave each month, for a total of 24 days of leave per year, under the Bill. The bill's most important section is Section 4. This section allows women to take paid time off during their periods. During menstruation, a woman who works in a registered establishment or is a student in or above Class VIII is entitled to a four-day paid leave or leave from school. However, if a woman prefers to work instead of taking paid leave, she can do so, and she will be entitled to an overtime payment at the authorised amount.

Multi-National and Other Companies implementation of Menstrual Leave

Thomson Reuters Foundation is providing menstrual leave to female employees as part of its official policy and is urging lawmakers to pass legislation that would allow all working women to take off from work for the first day of their period. The Mavericks, a Gurgaon-based management advisory company, has introduced the option to work from home on two days for its women employees during their menstruation. W&D, often known as 'Wet and Dry,' a New Delhi-based company, is implementing a menstrual leave policy. This company manufactures feminine hygiene goods such as intimate area washes, tampons, and other similar items for women. Zomato announced, in August 2020, that its female and transgender employees would be able to take up to ten days of paid period leave a year as part of an effort to eradicate "menstrual stigma".

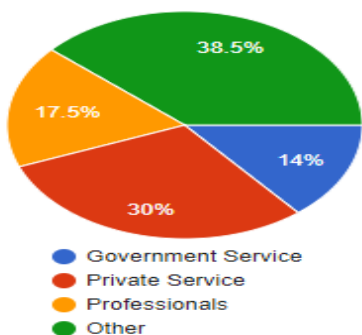
Analysis for Menstrual Leave Policy

Women with 'menstrual flexibility' can take time off during their period and make up for it on other days. According to Owens, the policy permits women to work in accordance with their bodies' natural rhythms. It is less likely to incite anger among men or prevent women from being recruited. The granting of wellness leave to all employees would be an even more generally inclusive solution. 'Wellness leave' acknowledges that all employees may require time off when they are not eligible for sick leave. For example, during one of her monthly periods, a woman may experience unpleasant cramps or diarrhoea, whereas a male employee may experience acute stress and concomitant physical symptoms such as headaches, muscular discomfort, or weariness. Employees may be subjected to medical procedures that they do not want their coworkers or managers to know about. Female employees experiencing a medical termination of pregnancy or male employees undergoing an intimate medical treatment, for example, may not want to divulge this information on sick-leave forms or doctor's certifications. Employers can respect employees' privacy and right to leave by granting a set number of wellness leaves each year. Women can be awarded a limited number of additional wellness leaves per year than men because they have greater reproductive concerns. Wellness leave, on the other hand, cannot be based solely on gender, but also on the employee's job and kind of work. It might be claimed that physically demanding job (blue collar labour or manual labour) necessitates more paid time off than white collar work done in the relative comfort of an office. This raises the question of whether different responsibilities within an organisation require tailored leave policies, which is a difficult question to answer but one that should be addressed in future employee welfare discussions.

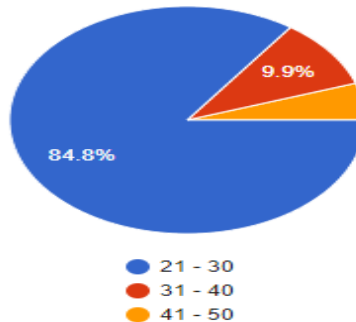
Data Analysis and Findings of the Empirical Study

The study was done on three hundred forty three women working in organized sector in territory of Jammu, India. Most of the respondents in the study are in their thirties. The results of the empirical study has been presented below:

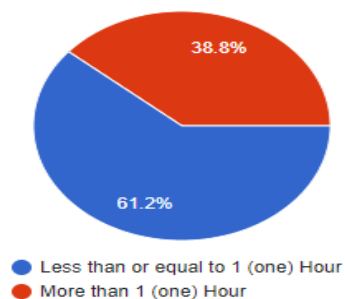
F 1. NATURE OF WORK



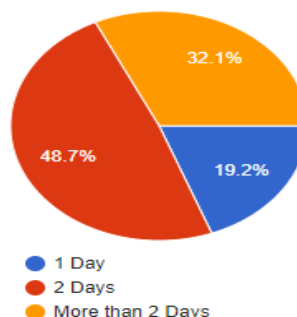
F 2. AGE GROUP



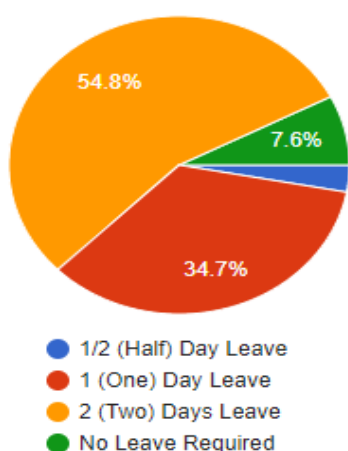
F 3. TRAVELLING HOUR IN A DAY



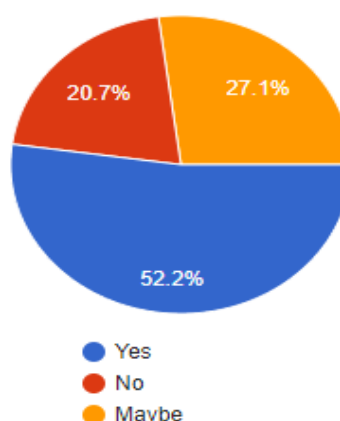
F 4. NUMBER OF DAYS PAINFUL IN A CYCLE



F 4. SUGGESTION FOR LEAVE



F 5. DO YOU AGREE TO WORK FROM HOME INSTEAD OF TAKING LEAVE?



Conclusion

Menstrual hygiene and women’s health affect everyone in the society because it happens to every woman and affects every man who is born to a woman. It matters to all of us. Menstruation is a perfectly normal biological procedure that keeps a woman's body in good shape. It is, however, accompanied by discomfort and excruciating pain. Nausea, fever, weakness, lack of concentration, weariness, and poor emotional control are some of the unpleasant symptoms, all of which have an impact on a woman's performance. Some women's conditions are so severe that they are on the verge of passing out. This necessitates government acknowledgement so that even female employees feel valued. True, not all women are affected by this pain and discomfort, but the majority of them are, which is important for the government to consider when making legislation. Menstruation isn't something that women decide on every month. As a result, if a woman is having difficulties, she should be allowed to take a leave of absence. However, presuming that this criterion is imposed and enforced on businesses, it may have a detrimental impact. Representatives can abuse the benefit of time off, defeating the point of the benefit offered to them. There are numerous measures that the government can take to ensure sex value, such as making the workplace more sensitive and inclusive of sexual orientation, understanding the situation of a menstruating woman and providing her with breaks when she needs them, making sanitary napkins readily available at work, providing separate toilets for men and women, and proper disposal of sanitary napkins. Although a menstrual leave policy may be feasible, these precautions must also be taken. It may be beneficial to reduce the number of leaves taken during certain seasons and provide the option of working from home. Instead of

providing the menstruating women with four days of paid leave, any two days of paid leave during those days can be made available because the women who are suffering from PCOS and PCOD may get the benefit of it. If the women, during their periods, are suffering in a manner where they can't come to office may permitted to work from home.

REFERENCES

1. Fernandes, D. (2017, August 4). A response to Bharka Dutt's argument that period leave is regressive. Youth Ki Awaz. New Delhi.
2. Kapsos, S., (2014), "Why is female labour force participation declining so sharply in India?", ILO Research Paper No.10, International Labour Office
3. Maguire et al, (n.d), "Women and Menstruation in the EU", Eurohealth Policy Brief
4. Martin, E. (1987). *The Woman in the Body: A Cultural Analysis of Reproduction*: Beacon Press
5. Nikore, M., (2019), "Where are India's working women? The fall and fall of India's female labour participation rate", London School of Economics South Asia Blog, Retrieved from <https://blogs.lse.ac.uk/southasia/2019/10/22/where-are-indias-working-women-the-fall-and-fall-of-indias-female-labour-participation-rate/>
6. Urvashi Prasad, India needs a menstrual leave policy, *The Hindu*, June 07, 2018 available at <https://www.thehindubusinessline.com/profile/author/Urvashi-Prasad-16476/> U
7. Worley, W., (2017), "The country where all women get a day off because of their period", *Independent*, Retrieved from <https://www.independent.co.uk/news/world/africa/zambia-period-day-off-women-menstruation-law-gender-womens-rights-a7509061.html>
8. <https://economictimes.indiatimes.com/magazines/panache/ahead-of-its-time-this-kerala-school-grantedmenstrual-le?from=mdr>
9. <https://edition.cnn.com/2020/11/20/business/period-leave-asia-intl-hnk-dst/index.html>
10. <https://fairygodboss.com/articles/paid-menstrual-leave-yes-please>
11. <https://livewire.thewire.in/gender-and-sexuality/gender-equality-zomato-new-period-leave-policy/>
12. <https://www.nytimes.com/2017/07/24/health/period-pain-paid-time-off-policy.html>
13. <https://www.womens-health-concern.org/help-and-advice/factsheets/period-pain/>