

# “Right To Menstrual Leave- A Shift From Period Shaming To Period Friendly Environment.”

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## I. INTRODUCTION

Why, in the twenty-first century, when human beings have evolved in every sphere, including technology and the development of vaccine for a lethal virus, period is still a taboo subject?

Disgust, shame, and embarrassment are commonly connected with periods. And it has to stop.

Due to the pervasive patriarchal society, women have historically been considered inferior to men. Due to male dominance, they were denied a variety of chances. However, as time has passed, things have changed. Women are now treated similarly to males, yet the obstacles they encounter remain unchanged like working during menstruation. Dysmenorrhoea, often known as Period pain, affects roughly half of the women in the world. It causes headaches, abdominal cramps, sluggishness, anxiety, loss of energy, nausea etc.

And so, therefore, in order to attain full equality between men and women, menstruation leave is a problem that must be addressed. As Menstrual leave ensures that women are afforded the same legal protection as men, achieving real equality.

Menstrual leave is an optional paid or unpaid leave, in which a woman may take a day or two off from her employment while she is menstruating. Employers can play a big role in uplifting and normalizing the healthcare of women in the workplace

## PROBLEMS CAUSED BY WORK DURING PERIODS-

Toiling during periods can lead to perilous health problems. Some of them are elucidated hereunder:

### 1. Health-

- One-tenth women suffer from severe cramps, which lead them to distraction and low productivity during work.

- Endometriosis, which causes severe pelvic pain and even infertility, leads to health retardation among women.

2. **Hygiene-** Women travel during employment, which disables their access to clean washrooms for changing sanitary napkins. The usage of napkin for more than four hours can act as a perfect environment for the growth of harmful bacteria and yeasts. Lack of hygiene during periods can result in maximization of chances of incurring:

- Reproductive tract infections
- Risk of cervical cancer
- Risk of urinary tract infections
- Incidents of rashes in genitals

## MENSTRUAL LEAVE, PAST AND PRESENT-

Because menstruation was and still is a taboo subject in some nations, the genesis of menstrual leave is unknown.

However, according to my study, menstrual leave was first adopted in India in 1912. A school in Kerala granted leaves to girls for periods about 105 years ago. A government school for girls in 1912 granted leaves to its students and staff in case menstruation even during annual examination. P Bhaskaranunni in his book, “Kerala in the 19<sup>th</sup> Century” revealed that the decision of granting leaves during periods was made by the head master V P Viswanathan Iyer. Tests in the ancient Tripunithura School were conducted regularly but some teachers and female students could not come to school due to menstruation. Considering the gravity of the situation, Iyer on January 19, 1912, approached the inspector of Thrissur School; within five days the education director allowed girls to take leave on the day of menstruation and asked the school authority to rearrange an examination for the girls who fail to take an exam during periods.

Menstrual leave was implemented in some factories in Communist Russia after the First World

War. The Russian policy was only in use for 5 years in the 1920s women workers asked for it to be stopped because it wasn't needed and resulted in employers favoring 'cheaper' and 'more reliable' male staff (sometimes even sacking female workers and replacing them with men).

Japan made menstrual leave a national policy directly after the Second World War (1947). Indonesia and South Korea (previously part of the Japanese Empire) followed suit in the early 1950s.

The timing of these developments is no accident. During wartime, larger numbers of women were employed in factories and jobs previously dominated by men. But, when peace finally came, it was felt that returning soldiers had a greater entitlement to paid employment than women. Plus, significant population loss during the wars also raised concerns about national fertility.

The fact that strenuous labour can sometimes cause delayed or absent menstruation was used to argue that some jobs were unfit for women, or that women required one or two days off during menstruation, 'for the sake of national fertility'.

Menstrual leave was therefore a type of 'motherhood' protectionist policy. In several countries, women were also forced to retire upon marriage and were banned from working night shifts or occupations suddenly deemed too dangerous or unhealthy for them.

#### **COUNTRIES THAT OFFER PAID MENSTRUAL LEAVE-**

1. Indonesia-Two days per month paid leave.
2. South Korea- Menstrual leave policy was initiated since 2001, it states women must be paid for unused menstruation leave.
3. Taiwan- grants paid three days leaves per month which is not to be equated with sick leaves.
4. Zambia- grants one day off per month.
5. Italy- it is the first European country to grant three days paid period leave.
6. Japan-this policy came into being in 1947 and now finally Japan obligates paid menstrual leave to women.

There are ongoing debates in the Philippines, France, Brazil, and Hongkong to follow up with the same policy.

#### **MENSTRUAL LEAVE IN INDIA –**

As mentioned above, a school in Kerala allowed period leaves to schoolgirls in 1912, whereas, women employees in Bihar Government services have been eligible for two days of such leaves in a month. There are numerous more industries and business in India that provide

women with menstrual leave. Like last year in August, a food company, "Zomato", enabled women to take up to 10 days of period leave per year, but there is no such central rule addressing Menstrual Leave.

Menstrual Benefit Bill, 2017 was introduced allowing women the right to avail a four-day menstrual leave. The bill, however, was rejected by the Ministry of Woman and Child Affair but there are many who applauded the bill, which shows that India is only a few steps away from enacting a policy that will benefit all working women of the society.

Essentially, the grounds made against menstrual leave are that some individuals believe it violates the right to equality, which is frequently claimed by men. Another viewpoint is that this makes women more susceptible because firms prefer to hire male staff over female employees. Lastly, it will exacerbate the stereotype that women are too sensitive, too emotional, or even too expensive to be hired as employees in our society.

The last two arguments are essentially a problem with societal thinking that every woman has to deal with on daily basis, and this type of thinking should not be aired by not supporting menstruation leave.

#### **POSITION OF MENSTRUAL LEAVE WITH RESPECT TO THE RIGHT OF EQUALITY-**

Article 14 of the constitution of India guarantees 'equality before the law' and 'equal protection of the law' to any person within the territory of India. The contention regarding the discriminatory nature of the policy can be challenged upon the constitutional provision under Article 14 that talks about the notion of 'Equality before law' and if there are rules that supervise the behavior of all the employees, there shall exist equality on equal footing. As men do not menstruate, women given no choice shall not fall behind because of their biological structure. The menstrual leave policy is also guarded by Exception 15(3) of Article 15(1) of the Indian Constitution which gives power to the legislative body to make rules and special provisions on positive discrimination that would benefit the victims of patriarchy that is, women and children. Further, Article 42 of Indian Constitution under the Directive Principles of State Policy (DPSP) empowers the state to make sure that there are just and reasonable conditions of work as well as maternity relief for women.

## II. CONCLUSION

Period leaves support women's right to health by lowering the risk of health problems. This supports their right to dignity by allowing them to take such leave without having to suffer silently or use the excuse of illness. Furthermore, the time leave ensures that women are afforded the same legal protection as males, achieving full equality. The Menstruation Benefit Bill, 2017 has gained momentum and has mixed views. The people against it put forth the arguments that it might increase the pay gap between male and female employees. There is a need to embrace biological differences by both men and women. Menstruation is something that happens only to women. This is a part of the uniqueness and it does not necessarily imply gender-inequality. Moreover, by addressing menstrual leave at National level, we are moving away from period-shaming environment and towards one that is period-friendly.

## REFERENCES

- [1]. [5cf6994b-ed51-4546-8189-62a96872ee74.pdf](#)
- [2]. [d0422e7f-da47-4a58-b6a3-a8f8f3ddf45f.pdf](#)
- [3]. <https://blog.ipleaders.in/tremendous-move-period-shaming-period-friendly-environment-india-proposes-welcome-menstrual-leave-policy/>
- [4]. <https://www.menstrual-matters.com/ml-origins-1/>
- [5]. <https://www.thehindu.com/opinion/op-ed/should-women-be-entitled-to-menstrual-leave/article32407772.ece>
- [6]. [https://link.springer.com/chapter/10.1007/978-981-15-0614-7\\_43](https://link.springer.com/chapter/10.1007/978-981-15-0614-7_43)
- [7]. Kerala School in Tripunithura Granted Leaves For Periods, in 1912 | India.com
- [8]. Period leave debate is a reminder that workplaces must provide for women's needs (scroll.in)