

NEXT IAS

**DAILY EDITORIAL
ANALYSIS**

TOPIC

**Debate on Menstrual Leave
in the Indian Workplace**

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DEBATE ON MENSTRUAL LEAVE IN THE INDIAN WORKPLACE

In Context

- The Supreme Court making it mandatory for employers to **grant menstrual leave could be counter-productive on women's participation** in the workforce, but asked Centre to consider framing a model policy on the issue after consulting states and stakeholders.

What is Menstrual Leave?

- Menstrual leave or period leave refers to all **policies that allow employees to take time off** when they are experiencing menstrual pain or discomfort.
- In the Lok Sabha, at least three attempts were made in recent years to bring in private member Bills to propose menstrual leave.

Menstrual Leave in the Light of Gender Gap

- **Gender Gap:** The World Economic Forum'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.
- **Labour Force Participation:** 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.
- **Risk of Discrimination:** If one adds mandatory paid leave for periods to this, it would end up further dissuading companies from hiring women.
- **Social Stigma:** If the government ratifies 'special status' for menstruating women, it validates the social stigma around menstruation.
- **Period Shaming:** It would exacerbate period shaming in a country where large swathes of people (both men and women) consider menstruation to be 'impure'.
- **Lack of Access to Affordable Sanitary Products:** In India, accessing affordable and hygienic menstrual products poses a significant challenge. A considerable number of women, particularly those with low-income backgrounds, encounter difficulties in affording sanitary pads or tampons.
 - ♦ The latest **National Family Health Survey (NFHS)-5** report underscores that approximately 50% of women aged 15 to 24 in India still resort to using cloth for menstrual protection.
- **Cultural and Religious Practices:** Specific cultural and religious beliefs and practices may hinder proper menstrual hygiene. For instance, in certain communities, menstruating women are viewed as impure, leading to restrictions on their involvement in religious activities or social gatherings.

Case Study of Japan

- There are countries such as Japan that provide leave for painful menstruation- but it is mostly unpaid, and unused.
 - ♦ Data shows that a mere **0.9% of women** in the workforce avail menstrual leave days in Japan.
- **Reason:** Women claim that they are reluctant to avail this leave and **broadcast** that they are on their period, for the **fear of sexual harassment**.
 - ♦ This is the situation (today), even though this policy was introduced in Japan more than seven decades ago.
- **Gender Gap in Japan:** As per the World Economic Forum's ranking in 2019, Japan ranked 121 out of 153 in terms of gender equality. It has slipped to the **125th position in 2023**.
 - ♦ Women in Japan are less likely to be employed (even with the same credentials) than men, and are often paid less.

Menstrual Leaves in Other Nations

- Erstwhile Soviet Russia had taken a **policy decision to pay women** who absented from work due to pain during the menstrual period.
- Few provinces in China have provisioned **two-day paid leave for women**. Indonesia offers women two days' leave a month, but they rarely take it as employers perform physical examinations on them before allowing the leave.

Challenges in Implementation

- **Equality Concerns:** Opponents argue that providing special leave for menstruation may perpetuate gender stereotypes and undermine efforts to achieve gender equality in the workplace.
- **Risk of Discrimination:** There is a concern that providing menstrual leave could lead to discrimination against women in hiring decisions or promotions.
- **Operational Challenges:** Critics suggest that introducing menstrual leave policies might create operational challenges for businesses, especially small and medium-sized enterprises.
- **Privacy Issues:** Women might prefer to keep their health-related matters private, and introducing a specific leave category for menstruation could infringe on personal privacy.

Way Ahead

- Women are fighting hard for equity in their workplaces and leadership positions and **menstruation leave could be held against them** and reinforce their physical challenges.
- Recognising the **diverse nature** of menstrual experiences is essential.
- Tailoring support and being accommodative on a **case-by-case basis** promotes inclusivity, while also addressing the individual needs of those navigating their difficult periods.

Menstrual Hygiene and Health schemes in India

- **Menstrual Hygiene Scheme:** It was launched in **2011 for adolescent girls in the age group of 10-19 years** and focussed on the distribution of low cost sanitary napkins in communities through ASHAs.
- **Swachh Bharat Abhiyan:** Under it The Ministry of Jal Shakti and Education launched the National Guidelines on Menstrual Hygiene Management (MHM) for rural areas.
- **The Ministry of Chemicals and Fertilizers** implements the **Pradhan Mantri Bharatiya Janasudhi Pariyojna (PMBJP)**, under which the Janasudhi Kendras have been set up that provides **Oxo-biodegradable sanitary napkins named Suvidha at Rs. 1/- per pad only**.
- **The School Health and Wellness Programme** launched jointly by the MoHFW and MoE includes a component on awareness generation on MHM through weekly interactive classroom sessions taken up by trained teachers in schools.

Source: TH

Mains Practice Question

[Q] Critically evaluate the arguments for and against mandatory menstrual leave in India, considering the socio-cultural context and the potential impact on women's workforce participation.

