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Menstrual Leave: Wording and Implementation Can Either Make-it or Break-it

Nadia Rifai

Introduction

Globally, 1.2 billion women within menstruating age, or between the ages of 12 to 49, approximately, are employed. Data shows that a significant proportion of these women, especially in low- and middle-income countries, face workplace related health inequalities in relation to menstruation (Torres & Rodríguez, 2021). Menstruation is a biological process experienced by more than half of the world's population. Females can relate over experiences of first periods, missed periods, painful symptoms, and mood swings. They also share similar experiences of shame and the need to conceal their menstrual cycles, including the use of euphemisms for menstruation such as "that time of the month," "Aunt Flo," "riding the crimson wave," "strawberry week," and others. A study conducted by the International Women's Health Coalition found that more than 5,000 euphemisms were used to describe menstruation in 10 different languages (Litman, 2018). Advertisements for menstruation products also promote concealment culture. Broadly, these advertisements emphasize the "invisibility" of their products, the ability of their products to prevent "accidents," and often do not use the word "blood." Further, when the product's absorbency is portrayed, a light blue fluid is used rather than a red one, which would be more realistic (Levitt & Barnack-Tavlaris, 2020).

When a person is unable to completely conceal their menstruation cycle, they commonly experience shame and stigmatization. In a very shocking case, Alisha Coleman, an employee at a 911 call center operated by Bobby Dodd Institute in the U.S., was fired for leaking blood as a result

of unpredictable menstrual symptoms associated with pre-menopause. The termination statement stated that she was not practicing “personal hygiene” and did not maintain a “clean, neat appearance” while on duty (Chandler, 2017). Even more shocking was the outcome of Coleman’s lawsuit against her former employer: the case was completely dismissed. Coleman’s employer’s lawyers successfully argued that the case was (1) not protected under Title VII of the Civil Rights Act, since menstruation is apparently unrelated to pregnancy or childbirth and (2), there was supposedly no proof that the termination was discriminatory. However, what if a male employee had soiled company property due to a medical issue, would he be fired? How could a menstrual leave policy have potentially prevented this situation from happening?

To answer this question, the paper presents an overview of menstrual leave. It then reviews several existing menstrual leave policies and makes recommendations for implementing menstrual leave policies in Lebanon.

Overview: What is Menstrual Leave?

Menstrual leave is a gender-specific employment policy that is distinct from both sick leave and policies that provide flexible work options. Menstrual leave policies give women the opportunity to take additional paid or unpaid leave from work while they are menstruating (Torres & Rodríguez, 2021).

Menstrual leave first appeared in Russia, where the effects of rapid industrialization in the 20th century on women’s fertility were a major concern. Regardless, a policy was not put in place to act upon this idea. In 1947, Japan became the first country to formally adopt a national law regarding menstrual leave in response to a major decline in the country’s overall population following World War II. Once again, concerns about fertility fueled popular discourse about a menstrual leave policy. So, it is clear that menstrual leave policies were not, in the beginning, a feminist victory, but rather they were part of an oppressive patriarchal framework meant to control women’s fertility and reproduction. However, as knowledge about reproductive processes has increased,

the purpose of menstrual leave policies has shifted from protecting women's fertility to serving as a benefit for women with severe menstrual symptoms (Torres & Rodríguez, 2021). Following this development, menstrual leave has more recently been incorporated in national employment and work laws mainly in East Asia. Today, more employers are starting to provide menstrual leave for their employees.

Menstrual leave is a critical issue for workers in the informal sector. For example, informal sector employers have no legal obligation to provide sanitary-related items. However, even when sanitary pads or tampons are provided, women are not allowed to use them freely. Agricultural workers, for example, spend long days in fields that are remotely located from the nearest sanitary facilities. Garment and textile workers in urban contexts live and work in overcrowded spaces with little privacy and hygienic spaces. In many cases, the unavailability of menstruation products at work commonly forces these women to use discarded factory clothes as an alternative to a pad or a tampon, which might cause skin irritation (Sommer et al., 2016). As a response to such conditions, menstrual leave has been introduced into some national laws and institutional policies globally.

Balancing Benefits and Disadvantages

The main purpose of menstrual leave policies is to provide women who experience pain, discomfort, heavy bleeding, and menstrual cycle-related illnesses such as dysmenorrhea and endometriosis the ability to deal with these symptoms in the comfort of their homes rather than at work. Another advantage of menstrual leave policies is that by making a distinction between menstrual leave and sick leave, companies actively combat the medicalization of menstruation (Levitt & Barnack-Tavlaris, 2020). While these are important benefits, there are several important disadvantages worth noting. First, while it makes sense that women in pain should not be forced to work, what is less clear is how being at home will help them. Severe menstrual symptoms that impair normal functioning usually require medical attention. Normalizing such symptoms instead of recommending to employees that they seek medical help might be counterproductive. Second,

discussing menstruation can normalize the topic and destigmatize it. This could potentially reduce gender discrimination and self-objectification. However, as Torres & Rodríguez (2021) note, the prevalence of severe menstrual symptoms is highly exaggerated. This is generally because research participants in studies about menstruation tend to recall severe symptoms more frequently than average symptoms.

There are several disadvantages to implementing menstrual leave policies. For example, why should menstruation—a normal bodily function—require a special policy? Further, such a special policy, specific only to women, might have negative consequences for gender equality. As one study noted, menstruating women are viewed particularly negatively in the workplace. They are often considered to be less competent, less amiable, and more irrational (Roberts et al., 2002). Therefore, when a woman takes menstrual leave, and discloses her menstrual status to her colleagues, she might experience more discrimination. In some cases, male colleagues have tried to take advantage of a woman's absence in the workplace to prove themselves professionally by staying overtime or offering to finish up any delayed work caused by her leave (Torres & Rodríguez, 2021).

Some workplaces require verification to approve menstrual leave, such as a medical certificate, a colleague's testimony, or visual proof. A detailed description of the experience of Indonesian NIKE factory workers depicts the humiliation and abuse women face to approve their menstrual leave. Besides having to go through the office bureaucracy, menstrual leave is not confirmed until workers go to the workplace clinic, pull down their pants, and show their menstrual blood (Lahiri-Dutt & Robinson, 2008). In addition, menstrual leave is a double-edged sword for transmen. Transmen might feel an increased amount of danger when exercising their right to menstrual leave because they often face increased gender discrimination and transphobia while menstruating. Further, by simply taking menstrual leave, transmen might be forced to out themselves to their colleagues, which they might not want. This outing can also propagate violence and hate towards them (Torres & Rodríguez, 2021).

In light of these disadvantages, why is menstrual leave still applied? Many agree that menstrual leave was meant to protect women who work in physically demanding and exploitative workplace environments, rather than those who work in an office. These women have no way to attend to the sudden onset of menstruation. For example, in 1928 female bus drivers in Tokyo complained that it is difficult to manage menstruation when they are forced to stay in restrictive uniforms, do not have access to toilets, and do not have any rest periods while they are working. In addition, in countries that do not offer paid sick leave or do not facilitate short notice sick leaves, women often choose to endure menstrual pain rather than taking a day off without pay (Torres & Rodríguez, 2021).

Zomato's Menstrual Leave Policy

On August 8, 2020, Zomato's CEO and Founder Deepinder Goyal sent a letter to all of Zomato's employees. The letter started by telling them that the company has trust in its employees and fosters a culture of acceptance and diversity (Goyal, 2020). Therefore, effective immediately, all women (including transgender women) employees at Zomato will have an additional 10-day menstrual leave each year. Goyal notes that the 10-day policy accounts for the fact that on average, a person experiences approximately 14 menstruation cycles a year, some of which occur over the weekend (or non-working days). The new policy enables employees to use only one day of menstrual leave per menstruation cycle.

Goyal also stated that the company wants to destigmatize menstruation. Therefore, employees should not be ashamed to apply for period leaves. Employees can bluntly state in any internal communication that a meeting or a deadline will be delayed due to menstrual leave. To further ensure that no shaming or discrimination happens throughout this process, a specific email address is available for employees to use to report any harassment that they experience in relation to menstrual leave (Goyal, 2020).

Future Super's Menstrual Leave Policy

Future Super is an Australian superannuation fund that focuses on zero fossil fuel investments and clean energy projects. Future Super's Chief Operating Officer Leigh Dunlop stated that "it's unfair women should have to dip into their personal or holiday leave to manage the regular symptoms of periods and menopause." Therefore, last November the fund announced a menstrual and menopause leave (Tu, 2021).

This policy is different compared to Zomato's menstrual leave policy in multiple ways. First, Future Super's policy also recognizes menopause as a draining experience with severe symptoms that might impair productivity. Second, this policy provides 12 days of menstrual leave per year and it does not require any medical proof. However, not all women experience symptoms that require leave. Some women might just need a quick rest or need to work in a comfortable environment. Therefore, Future Super also offers the opportunity to complete work from home or complete tasks in the workplace in a quiet area away from the main office (Victorian Women's Trust, 2021).

Policy Recommendations

Currently, Lebanon does not have a national law concerning menstrual leave. However, as discussed, menstrual leave policies can be problematic. I will argue below for two alternatives to the conventional menstrual leave policy can addresses these shortcomings. These include (1) renaming sick day leave as wellness leave and (2) creating period-friendly workplaces.

Suggestion #1: Renaming the sick day leave as wellness leave

Rebranding sick leave as "wellness leave" can ensure the safety, happiness, health, and productivity of a company's workforce. This change is not in name only. While sick leave mainly covers illness and treatment, wellness leave is broader. It can include a wide array of activities that promote the physical, emotional, and psychological wellbeing of the employee. Wellness leave

covers, for example, sickness, mental health, burnout, menstruation, annual wellness exams, and even sports and competitions such as marathons (Modgil, 2020).

Wellness leave is also particularly interesting because it minimizes any gender discrimination that might be caused by menstrual leave. A woman on wellness leave can take off from work for a variety of reasons, not only menstruation. Thus, she is not forced to disclose her menstruation to her colleagues unless she chooses to. Further, wellness leave will not leave men feeling wronged because they have fewer workplace benefits. Men can also benefit from wellness leave.

Since wellness leave encompasses a wide range of activities, there is a chance that the policy could be abused by employees. However, it is recommended that only two days in a row can be granted without documentation. Any leave that extends beyond that can be granted upon the submission of medical documents (Verma, 2021). This step will ensure that the leave is not abused but also grants employees in need of medical treatment their right to do so.

Suggestion #2: Creating period-friendly workplaces

While one of the components of a period-friendly workplace could be providing menstrual leave or work-from-home options for employees, other steps can be implemented to increase employee productivity.

Ensuring that all employees have access to menstruation products is crucial. In some cases, employees cannot afford menstrual products, especially because they must be changed every few hours. Even if employees can afford the products, menstruation can begin unexpectedly when the employee is unprepared. Without access to the appropriate menstruation products, this could cause the employee a lot of embarrassment and stress, which will distract them from their work. Therefore, companies should provide free menstrual products. According to Free the Tampon's research, it would cost around \$5 to \$7 annually per employee for companies to supply adequate menstrual products in the workplace. Similarly, companies should consider providing employees

access to on-site medical staff, who can provide painkillers or other medication when necessary (Knox, 2020).

Providing employees with opportunities to de-stress and relax, both in the workplace and outside it, can also help create a period-friendly workplace. Periods are a stressful time for many people because of the pain, the constant fear of leaking, and mood swings. Companies can introduce ways for employees to manage their stress and to relax, such as a silent break room, or hosting yoga and mindfulness sessions. These initiatives can enhance employee wellbeing and will, as a result, increase employee retention and productivity (Knox, 2020).

Companies can also raise awareness about menstruation in order to destigmatize it. Policies should be established to protect employees from gender-based discrimination and harassment if it occurs.

Conclusion

While menstrual leave was originally implemented to protect women's fertility, it is currently used meant to support women workers who suffer debilitating symptoms during their menstrual cycles. However, menstrual leave policies have been heavily criticized for their various disadvantages. To respond to these critiques, this paper presented several recommendations to create period-friendly workplaces and to emphasize employee wellbeing. These recommendations are important as countries all over the world work to protect their employees from gender-based discrimination.

References

- Chandler, M.A. (2017, September 11). This woman said she was fired for leaking menstrual blood at work. The ACLU is suing for discrimination. *The Washington Post*.
https://www.washingtonpost.com/local/social-issues/ga-woman-said-she-was-fired-for-leaking-during-her-period-at-work-the-aclu-is-suing-for-discrimination/2017/09/08/50fab924-8d97-11e7-8df5-c2e5cf46c1e2_story.html
- Free the Tampons. (n.d.) *How can I get my workplace to stock menstrual products*.
https://www.freethetampons.org/uploads/1/1/9/6/119665890/kit_for_businesses.pdf
- Goyal, D. (2020, August 8). *Introducing period leaves for women*. Zomato.
<https://www.zomato.com/blog/period-leaves>
- Knox, C. (2020, August 26). *How to create a period-friendly workplace and why it's crucial to company success*. See Her Thrive. <https://www.seeherthrive.com/blog/2020/8/26/how-to-create-a-period-friendly-workplace-and-why-its-crucial-to-company>
- Lahiri-Dutt, K., & Robinson, K. (2008). "Period problems" at the coalface. *Feminist Review*, 89(1), 102–121. DOI: 10.1057/fr.2008.5
- Levitt, R. B., & Barnack-Tavlaris, J. L. (2020). Addressing menstruation in the workplace: The menstrual leave debate. In C. Bobel, I.T. Winkler, B. Fahs, K.A. Hasson, E.A. Kissling, & T.A. Roberts (Eds.), *The Palgrave Handbook of Critical Menstruation Studies* (pp.561–575). Singapore: Palgrave Macmillan. DOI: 10.1007/978-981-15-0614-7
- Litman, J. (2018, June 5). *Menstruation stigma must stop*. *Period*. The Public Health Advocate.
<https://pha.berkeley.edu/2018/06/05/menstruation-stigma-must-stop-period/>
- Modgil, S. (2020, August 17). *Razorpay renames sick leaves to "wellness leaves"*. People Matters.
<https://www.peplematters.in/news/wellness/razorpay-renames-sick-leaves-to-wellness-leaves-26687>
- Roberts, T. A., Goldenberg, J. L., Power, C., & Pyszczynski, T. (2002). "Feminine protection": The effects of menstruation on attitudes towards women. *Psychology of Women Quarterly*, 26(2), 131–139. DOI: 10.1111/1471-6402.00051
- Sommer, M., Chandraratna, S., Cavill, S., Mahon, T., & Phillips-Howard, P. (2016). Managing menstruation in the workplace: An overlooked issue in low- and middle-income countries. *International Journal for Equity in Health*, 15(86), 1–5. DOI: 10.1186/s12939-016-0379

- Torres, L.D., & Rodríguez, V. (2021). Gender, work and health inequalities. In J. Hassard, & L.D. Torres, L.D. (Eds.), *Aligning perspectives in gender mainstreaming: Gender, health, safety, and wellbeing* (pp. 61–76). Switzerland: Springer.
- Tu, J. (2021, April 12). *Superannuation introduces paid menstrual and menopause leave*. Women's Agenda. <https://womensagenda.com.au/latest/superannuation-introduces-creates-paid-menstrual-and-menopause-leave/>.
- Verma, P. (2021, February 15). *Companies roll out wellness leaves for employees*. The Economic Times. <https://economictimes.indiatimes.com/tech/tech-bytes/companies-roll-out-wellness-leaves-for-employees/articleshow/80919825.cms>
- Victorian Women's Trust. (2021). *Menstrual policy*. <https://www.vwt.org.au/menstrual-policy-2/#:~:text=This%20policy%20supports%20employees%20in,taboo%20surrounding%20menstruation%20and%20menopause.>