

Menstrual Leaves and Sustainable Development Goals: Myopic and Hyper-Myopic Perspectives

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Abstract

This paper examines the historical development and evolution of the discourse surrounding menstrual leave, focusing on its relevance within the Indian context and on a global scale. It highlights the myopic perspective, which predominantly addresses menstrual leave in the organized sector, and the hyper-myopic viewpoint that considers the plight of individuals working in the unorganized sector and transgender individuals, a perspective often overlooked. The study further investigates the alignment of menstrual leave policies with the “Sustainable Development Goals (SDGs)” and reveals that such policies can significantly contribute to the realization of several SDGs, including “SDG3 (Good Health and Well-being), SDG5 (Gender Equality), SDG6 (Clean Water and Sanitation), and SDG8 (Decent Work and Economic Growth)”. Practical and research implications are also discussed.

Keywords: Menstrual Leaves, organized sector, unorganized sector, SDGs, India

1. Introduction

The progress of a nation's human capital determines its economic development. Women are now engaged in a variety of activities in addition to household duties as a result of shifting gender norms. Even once-exclusively male professions are now being pursued by women. Both the organized and unorganized sectors have seen an increase in the number of working females. (Bhattacharya *et al.*, 2021). With the advent of the 21st century, many organisations felt the need to design women centric policies at workplaces in order to reduce the distinctiveness between the terms of employment for men and women. However, the study of “Menstruation” still remains an overlooked domain in a country like India (Arora & Nigam, 2018).

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Menstruation refers to the normal monthly flow of mucosal tissue and blood through the vagina from the inner lining of the uterus. It is more commonly known as “period”. An individual female’s menstrual cycle varies depending on the increase and decrease in hormone levels in the body. Normally, it lasts from two to five days. It is one of the first indicators of female puberty, which typically starts between the ages of 9 and 15 years old. Different women feel different amounts of physical pain and suffering throughout their menstruation, as well as hormonal changes that lead to mood swings. According to one research, one in ten women’s menstrual cramps are so severe, it disrupts their daily lives (Arora & Nigam, 2018). Menstrual leave refers to a type of leave which is granted to an individual to take time off from work if they are unable to perform work duties due to the physical and emotional discomfort.

The global development community, which addresses a spectrum of issues from poverty to climate change and sustainability, is long overdue in recognizing the possible effects of addressing menstruation leave on achieving the “Sustainable Development Goals (SDGs)”, which are part of the Agenda 2030 for sustainable development that was endorsed by the United Nations Member States. The research community has endeavoured to explore the connection between Menstrual Hygiene and Health in several noteworthy research works, including the research conducted by Loughnan *et al.* (2020), Pednekar *et al.* (2022), and Sommer *et al.* (2021). However, to the best of the authors' knowledge, there have been no attempts to investigate the relationship between menstrual leave and specific SDG targets. Another often overlooked aspect is the narrow perspective on menstrual leave, which primarily considers women in the organized sector, while neglecting the challenges faced by women working in the unorganized sector and transgender individuals.

The paper’s main goal is to shed light on the significance of menstrual leave policies in India as a catalyst for advancing a range of Sustainable Development Goals (SDGs). This overarching aim is pursued through three specific objectives:

1. Critical analysis of the historical development and evolution of the discourse surrounding menstrual leave in both the Indian context and on a global scale.
2. Drawing attention to the extensively debated myopic perspective on menstrual leave and the often-neglected hyper-myopic viewpoint.
3. Investigating the SDGs that exhibit the strongest alignment with both the myopic and hyper-myopic perspectives on menstrual leave.

2. Literature Review

2.1 Historical and Legal Aspects of Menstrual Leaves at Global Level

2.1.1 Historical Aspects at Global level

After the First World War, there was a resurgence in the female workforce in most of Europe and elsewhere (Goldin, 1991). During this period, the first fleeting implementation of menstrual leave occurred in a few enterprises in Russia. Through national policy, the Soviet Union enacted special protective labour regulations in 1922 and 1931 that outlined the conditions for menstruation leave (Ilic, 1994). The Bolshevik menstrual policy offered two to three days of paid leave during menstruation to women who worked in factories. In order for women to be able to perform their reproductive and maternity duties, the period leave policy was also initiated to “protect the health of women workers” (Ilic, 1994). Soon after World War II, Japan made menstruation leave a national policy. Indonesia and South Korea (earlier a part of Japan) also took measures in this direction in the mid-1950s followed by Taiwan (Raj & Pandit, 2021). Spain became the first country in Europe to offer paid menstruation leave to women for three days at work, with the possibility to extend it to five days if the pain was particularly bad, in February 2023.

2.1.2 Legal Aspects at Global level

Legal aspects of a policy have an impact on both the places people live and work. It is expected from governments that they provide the stability that comes from knowing that all rights are upheld and protected by having a strong rule of law (United Nations Global Compact). A functional legal framework includes:

- a. Clearly understandable laws that make legal rights certain and enforceable.
- b. A fair and unbiased judiciary that upholds transparency, timeliness, and predictability in the settlement of issues
- c. Public institutions that are effective and efficient that enable people and businesses to positively impact the economy and society.

Referring to the literature for legal aspect, it can be concluded that the idea of period leave is not a novel one. The initiative is being supported by many nations in an attempt to create workplace regulations that are more women-centric. Menstrual leave is provided by few nations as part of their employee welfare programs, particularly for women (Table 1)

Table 1 Employee Welfare Programs, Particularly for Women

Country	Policy	Source
Japan	Japan made menstrual leave a part of their labour code in the year 1947. Employers are prohibited from asking women who are going through a difficult phase to work on suchdays by Article 68 of the law.	ILO, 1995
Indonesia	According to article 18 of the labour standards, female employees who are having menstrual pain are exempt from having to report to work on the first two days of their cycle	UNICEF, 2003
South Korea	All female employees in South Korea are entitled to a day of "physiologic leave" permonth under Article 73 of the country's labour law.	ILO, 1997
Taiwan	According to Article 14 of the Act of Gender Equality in Employment, a female employee having difficulties in performing her work during her menstruation period may request one-day menstrual leave each month. The extra days are instead credited toward sick leave if more than three of these leaves are taken in a calendar year.	MOL, 2021
Vietnam	According to the latest amendment, a female employee can consider availing three daysof menstrual leave each month.	Saigoneer, 2020
Zambia	Introduced the idea of a Mother's Day to Africa, granting female employees the right to one day of unpaid time off each month without the need for an explanation or a doctor'snote.	BBC News, 2017

2.2. Historical and Legal Aspects of Menstrual Leaves at Indian Level

2.2.1 Historical Aspects at Indian level

According to the literature, menstrual leave was first adopted in India in 1912 by a government school in Kerala, particularly in Tripunithura during their annual examination. According to P Bhaskaranunni's book, "Kerala in the 19th Century," the headmaster, V P Viswanathan Iyer, took the decision to provide leaves throughout intervals. Regular tests were given in the ancient Tripunithura School, although some female teachers and pupils were unable to attend because of their periods. Iyer approached the inspector of Thrissur School on January 19, 1912, explaining the seriousness of the situation. Within five days, the education director gave girls permission to take time off on the day of menstruation and requested that the school reschedule exams for girls who missed them because of their periods (India Today, 2019). Furthermore, a few state governments and businesses have taken some measures to preserve women's dignity in a patriarchal environment and lessen the shame attached to menstruation. For instance, the Bihar government established a "special leave" for women in 1992, allowing them to take two days off per month without having to give a reason. Additionally, to all other permissible leaves, this is one (Krishnan, 2017).

2.2.2 Legal Aspects at Indian level

Year 2017 saw the introduction of "The Menstruation Benefits Bill" in the Lok Sabha by Mr. Ninong Ering, an Arunachal Pradesh-born former member of parliament. The primary goal of the measure was to give two days of paid menstruation leave per month in order to establish a gender-sensitive labor policy. It also provided that in case if a woman decides to continue to work during her menstruation, it shall be counted as overtime and the individual shall be entitled to thirty minutes of break twice a day (The Menstruation Benefits Bill, 2017- as introduced in Lok Sabha). But this was not passed further and as a result never became a part of our legislation. This bill is still under consideration (Bhalla, 2017). This Bill served as an attempt to reduce the stigma around menstruation in India, where the term is still greeted with raised eyebrows and disgust due to outmoded beliefs and traditions that still view it as filthy or impure (Kanodia & Srivastava, 2021). Kerala's Chief Minister Pinarayi Vijayan stated in January 2023 that female students in all state universities under the Department of Higher Education will be granted menstruation leave (The Indian Express, 2023). A public interest lawsuit was submitted to the Indian Supreme Court in February 2023 to again pass a resolution for the same. But it got rejected as the court argued that it was an issue for the executive policy's decision and this should be considered by the Ministry of Women and Child Development.

Furthermore, the jury which was headed by Chief Justice D Y Chandrachud also added that this step will discourage organizations from hiring women employees (The Indian Express, 2023).

Considering the concept of menstrual leave from a legal lens, it is important to examine the constitutionality of the same. Article 14 of the Indian Constitution reads as- “14. Equality before law- The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.” In contrast to the positive obligation of this article, the state should not interfere with the rights of individuals. Accordingly, the laws must be made available if they are beneficial to society.

The Indian Constitution's Article 15 reads, “Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth” and clause 3 of this article reads that “Nothing in this article shall prevent the State from making any special provision for women and children”. This article's third clause gives the federal government or the states the power to enact any legislation that would benefit women and children. Therefore, the center has the authority to develop rules and policies dealing to menstruation leave for the benefit of women and children across the country.

Another provision with the help of which the period leave policy can be justified is Article 42 which is counted under the “Directive Principles of State Policy”. As a result, the State must provide for maternity leave and fair and decent working conditions. In addition to this, Article 21 also favours the need for menstrual leave policy in India. According to this article, having the ability to live with respect is part of the right to life. Women often experience prejudice and humiliation at work because of their periods in a country like India where they are already dealing with a variety of societal stigmas, including from other women and from the general public. This infringes upon their constitutional right to a dignified life (Bhattacharya *et al.*, 2021). In order to outlaw such activities, put an end to the suffering of these female employees, and prevent any abuses of their constitutional rights, the government is well within its rights to step in and establish such a policy.

2.3 Corporate organizations in India supporting menstrual leaves

A few years ago, some private businesses began to provide menstruation leave, including the Mumbai-based media organization Culture Machine. In acknowledgement of the difficulty and the shame surrounding menstruation, it implemented a leave policy known as First Day of Period (FOP) Leave, allowing females to take leave on the first day of their period, when the pain is unacceptable (Raj & Pandit, 2021). A digital media company called Gozoop utilized a similar approach for their organizational structure after that. For its

female and transgender employees, the well-known food delivery app Zomato announced ten days of yearly leave on August 8, 2020 (Chakraborty & Mishra, 2021). The proprietor claims that ladies are 10 times more productive when they are well-rested. Swiggy, another online company offering meal delivery services, came next, giving its female employees two days off each month. Additionally, the female staff at Byju's, one of the top Edtech businesses in India, can now decide whether to take two half-day leaves or a full day off each month. The policy at Mathrubhumi, another Malayalam media outlet, allows female employees to work from home or take a full day off for their period. MV Shreyams Kumar, the managing director, stated in his statement that demonstrating menstruation leaves is not an act of compassion for women. Instead, it is proof that businesses comprehend them. In addition to these, businesses such as Magzter in Chennai, IndustryARC in Hyderabad, and FlyMyBiz in Kolkata are supporting their female employees by establishing policies in similar vein (Azmi, 2023).

2.4. Menstrual Leaves- Myopic, Hyper-myopic and SDGs

2.4.1 Myopic View of Menstrual Leaves

The policy makers are led toward success by the limited perspective on menstruation leave by focusing only on women's empowerment. Menstrual leave can surely enhance women's general wellbeing by acknowledging the special difficulties that women experience during their menstrual cycles and giving them time off to treat their symptoms (Swani, 2020). This will increase production and lower absenteeism. This can further support the economic empowerment of women by enhancing women's overall job opportunities.

As every coin has two sides, and the menstrual leave policy is no different. Often organizations do not consider the dark side of this policy such as employees might abuse the policy to take extra vacation time, or they could simply make up an ailment to obtain time off. The organizational structure of the company can be affected, which would erode morale and trust in employer-employee relationships (Maheshwari, 2022). Secondly, some employers may come up with a clause that the employees are required to disclose their organizations about their periods and other health issues as a result of the policy implementation. This could make some women workers feel uncomfortable and ashamed in front of their coworkers since they may feel degraded. Moreover, in some cultures and nations where it is still considered taboo, it may be seen as impolite or offensive. For instance, Zambia created this legislation with the mental exploitation or privacy of the female employees in mind. As a result, it has made it customary to cite menstrual leave as "Mother's Day" (BBC News, 2017). Furthermore, as per the rejection of PIL by the "Supreme Court of India", it stated that this policy discourages recruiters from hiring women employees in the workforce (Hindustan Times, 2023). Menstrual leave, for example, is one example of a sex-specific employment policy that can

unwittingly but easily perpetuate false and harmful social stereotypes that portray “all women” as less capable, less trustworthy, or more costly workers than males (King, 2021).

Lastly, this policy keeps the gender pay gap in the workplace alive as it is unfair for males in the workplace since men don't have rules that specifically address their issues, whereas women have. For example, organizations already have laws like maternity leave that provide females additional leave time over men. But considering the concept of equity, as men don't experience menstruation or the symptoms that go along with it, it is equally crucial to notice that making the claim that they lack a specialized relief policy is quite ambiguous.

2.4.2 Hyper myopic View of Menstrual Leaves

The myopic perspective of menstrual bills, which primarily centers on the concerns of salaried women (The Menstruation Benefits Bill, 2017), has resulted in a glaring omission of discussions surrounding the needs of menstruators in the unorganized sector and trans menstruators. These aspects have been conspicuously absent from policy considerations and have, regrettably, remained largely excluded from advocacy platforms.

The ongoing discourse surrounding the necessity of menstrual leave for Indian working women reveals a stark disparity in perspective. While some consider it a crucial requirement, others perceive it as a luxury reserved for salaried elites. Notably, legislative initiatives, debates, and research predominantly center on menstrual benefits for women in salaried roles, inadvertently neglecting a substantial segment of society employed in the unorganized sector. According to a 2018 report by the “International Labor Organization” (ILO, India), approximately 82 % of the female workforce in the country is concentrated within the informal sector (Dey, 2023). The accuracy of this figure is challenging to ascertain due to the unregistered status of numerous informal workers.

The very real challenges of pain, cramps, reduced concentration, nausea, and fatigue that women grapple with during menstruation, leading to decreased productivity, are inescapable. Nevertheless, women employed in the informal sector often find themselves financially unable to take a day off during their menstrual cycle as either they are either the prime earner or are contributing substantially alongside the male member (Bhattacharya *et al.*, 2021).

Concerns related to privacy and the availability of hygienic disposal spaces, which are vital for menstruating women working in the unorganized sector (Manimekalai, 2021), have remained largely unaddressed. These issues continue to be overlooked even amidst ongoing discussions surrounding menstrual leave policies.

Often, women in the informal sector resort to unwholesome measures, such as limiting their water intake or enduring prolonged periods without access to proper restroom facilities (Venugopal *et al.*, 2016). These women often shy away from seeking medical advice due to the societal stigma attached to discussing menstrual problems, and they may lack the financial means to access necessary healthcare and treatments. While legislative bills address menstrual benefits, such as rest breaks, women in the unorganized sector frequently lack access to even the most rudimentary restroom facilities, let alone those that meet hygienic standards and rest hours and leaves (The Menstruation Benefits Bill, 2017).

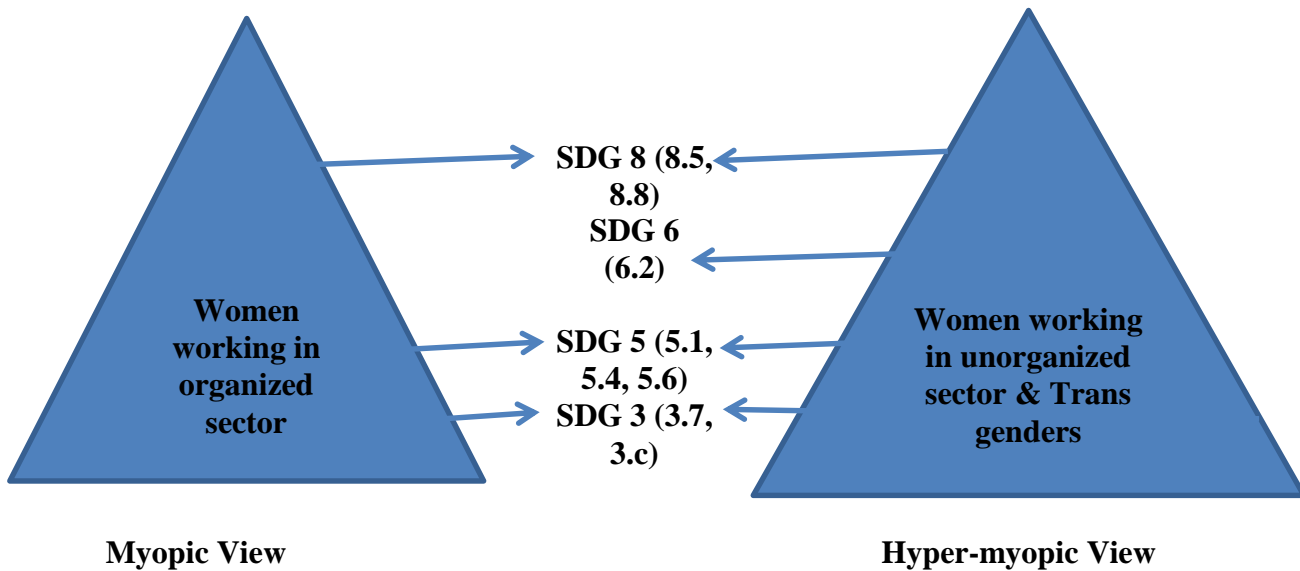
For effective menstrual policy, the focus should center on women toiling in the unorganized sector, where they engage in physically demanding work. These demanding labor roles can exacerbate the already distressing pain and cramps associated with menstruation, and, in some cases, result in health complications. Media coverage from Maharashtra's Beed district exposed the plight of women working in the unorganized sector. Contractors from the region have refused to hire women who menstruate. Forcibly due to financial hardship, over 10,000 female sugarcane cutters have resorted to undergoing surgical procedures to remove their uteri in order to secure employment (Pandey, 2022).

Menstruation is not a women thing (Weiselberg, 2022); trans men and non-binary individuals experience dysphoria, or discomfort with one's biological assigned gender (Alhelou *et al.*, 2022). While some private sector companies have been swift to incorporate menstrual leave policies that acknowledge the needs of trans menstruators in their progressive HR policies. These considerations are notably absent in discussions surrounding menstrual bills. General lack of awareness among the public contributes to the overlooking of the feelings, experiences, and physiological requirements of transgender individuals (Weiselberg, 2022). Certainly, they contend with physical, mental, and emotional challenges more intensely than cisgender women (Levitt & Barnack-Tavlaris, 2020). What is more, transgender individuals frequently encounter difficulties when seeking access to public restrooms that correspond with their gender identity, exacerbating their daily struggles (Alhelou *et al.*, 2022). This predicament is compounded during their dysphoric menstrual cycles.

2.4.3 Myopic and Hyper-myopic of Menstrual Leaves and SDGs

Menstrual hygiene plays a crucial role in advancing SDG targets, particularly in terms of health, education, gender equality, and sanitation. So, it is essential to explore the connections between menstrual leave and SDGs while considering the myopic and hyper-myopic views on menstrual leave in India (Figure 1).

Figure 1: Framework for myopic and hyper-myopic view of Menstrual Leaves in India and SDGs



Source: <https://sdgs.un.org/goals>

When examining both the myopic and hyper-myopic perspectives on menstrual leave, which encompass women working in the organized and unorganized sectors, as well as transgender individuals, there is a potential for achieving target 3.7 (“access to sexual and reproductive health-care services”) and 3c (“retention of the health workforce”) of SDG3 (“Good Health and Well Being”), which focuses on promoting good health and well-being by allowing menstrual leave for these diverse groups.

Similarly, with respect to SDG5 (“Gender Equality”), both perspectives highlight how menstrual leave can contribute to achieving SDG 5.1 (“eliminating discrimination against all women”) and 5.6 (“ensuring access to sexual and reproductive health and reproductive rights”).

Regarding SDG6 (“Clean Water and Sanitation”) and SDG8 (“Decent Work and Economic Growth”), the hyper-myopic view strongly supports the attainment of target 6.2 (“ensuring access to adequate and equitable sanitation and hygiene for all, including ending open defecation, with special attention to the needs of women, girls, and vulnerable populations”) and targets 8.5 (“promoting full and productive employment and decent work for all women and men, including young people and persons with disabilities”) and 8.8 (“protecting labour rights and promoting safe and secure working environments for all workers, including migrant workers”). These goals focus on both the unorganized sector and transgender individuals, thereby encompassing a broader and more inclusive approach.

3. Discussions and Conclusions

Menstrual health has frequently been overshadowed in the landscape of public health issues, yet it remains an indispensable human right that must not be marginalized. Given the significant number of individuals who menstruate in India, the introduction of menstrual leave is an urgent necessity and can no longer be disregarded as a foreign idea. Clearly, “The Menstrual Bill 2017” has played a critical role in shattering the taboo surrounding menstruation in India and sparking discussions that explore the advantages and disadvantages of this legislation. One perspective suggests that enacting such policies could unintentionally strengthen existing stereotypes and continue discrimination. On the other hand, an alternative viewpoint contends that menstrual leave may appear progressive, but it essentially aims to provide women with equal work opportunities, as if men could menstruate (King, 2021), they would have already enjoyed this privilege. However, for women, the struggle continues. While notably a few corporates have recently revised their leave policies to give space to menstrual leave, the Indian legal structure is not ready to address this aspect as of date. In fact, the legal perspective is itself not clear in how it sees things because, on the one hand, the Supreme Court of India took a progressive step by publishing a handbook on combating gender stereotypes, but, on the other hand, this was also opinionated as it could discourage employers from hiring women (Supreme Court of India, 2023). Menstrual leave should not be dressed as a privilege or a disadvantage for one gender but rather as a recognition of a common health issue and a way to an inclusive and sustainable world.

Another aspect that was discussed in the paper is that myopic view of this aspect, that caters exclusively to salaried women. Moreover, a regrettably uninformed perspective fails to acknowledge that not all individuals who menstruate identify themselves as women. There is a hyper-myopic perspective to this that says that the plight of women working in unorganized sector and trans gender who have their own set of plights gets exacerbated during the menstrual cycle.

Likewise, an important alignment exists between menstrual leaves and SDGs, though not explicitly mentioned in any of the SDG, yet directly linked in achieving several of the proposed 17 SDGs. Companies, policymakers, and stakeholders with a commitment to achieving Sustainable Development Goal (SDG) targets, particularly in the areas of health (SDG3), gender equality (SDG5), clean air (SDG6), and decent work (SDG8), can engage in discussions regarding menstrual leaves. This way efforts can be multiplied and resources can be mobilized to foster an equitable and sustainable world.

4. Practical and Research Implications

In the realm of research, future endeavours should focus on several key objectives. First, there is a need to empirically validate the proposed connections between menstrual leave policies and specific Sustainable Development Goals (SDGs). Second, researchers should delve into the empirical assessments of consequences of these policies, within the organized and unorganized sectors. Lastly, it is essential to expand the overarching perspective on menstrual leave to encompass the concept of menopause leave. Although the notion of menopause leave has faced rejection by the UK government, the Indian administration has the potential to pioneer the acceptance of such policies, especially considering the lower average age of menopause at 46.2 years in India compared to 51 years in Western countries (Ahuja, 2016). This move could have profound implications for gender equality and workplace well-being. In the context of applied research, organizations that are more outspoken about menstruation concerns and provide support to menstruators at work without stigmatizing it will help bring about the much-needed change in the workplace. Menstrual leave may provide an additional benefit for people who identify themselves as transmen, genderqueer, or non-binary. Because menstruation may be a time when these people are more likely to experience transphobia and other forms of gender discrimination. These individuals may feel safer if they are also given this type of leave. In addition to this, the policy can also contribute for not just physical well-being but also the mental well-being of the working menstruators. At the very least, organized and unorganized sectors may work together to implement this leave policy amongst the unorganized labour force.

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