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MENSTRUAL LEAVE: BRIDGING THE GENDER GAP IN EMPLOYEE WELL BEING AND PRODUCTIVITY.

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ABSTRACT

This paper deliberates about the conviction of menstrual leave for the female employees to support them and about the gender equality. It focuses on the issues faced by females during their menstrual cycle. This analysis evaluates the literature, including studies that link menstruation to the mental health issues and about their productivity. This paper also acknowledges the concern about menstruation related social norms have been addressed as are efforts to increase the awareness. It includes about the transgender and non- binary individuals. This paper is recognized as an essential part of accepting and promoting workplace culture.

[Keyword: - Menstrual leave, gender inequality, menstrual policies, progressive workplace, stigma.]

INTRODUCTION

The concept of menstrual leave is provided the provision for female employees for their better health and wellbeing. This provision is required because many women face numerous challenges related to their physical and mental health during this time period. Women's body type is biologically different from men's. Menstrual leave also raises many questions related to the gender equity at work place. In extreme cases we found the women in menstruation cycle is in absent mind and also have low productivity related their work. Sometimes it changes into anxiety, depression and stress which is ultimately not a good symptom. This leave can help women employees to work in a better way for rest of the month and we observe that day by

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day the many females are joining the organization and help to contribute for the growth of economy. According to Article 21 of Indian constitution, the right to life is also expand the concept of it because a women cannot able to perform work in their menstruation period. In 1990's Bihar is the first state who give menstrual leave for 2 days after that Kerala is following this. In 2022, **“Right of women to menstrual leave and free access to menstrual health”**² proposed the bill which specifies that women's get three day paid leave during this time. Due to lack of awareness this menstruation is a taboo for the society they did not even want to discuss about it. This environment creates restrictions is for the individual to mange their health while they pursue their professional goals. The aim of this policy is to give the support during menstruation, it depends on the organization to give paid or unpaid leave. This concept is not new because many countries like south Korea, Japan, Indonesia, Italy and many more.

The purpose is to research on this topic in depth which includes the challenges, benefits, and about the implications of it. Its aiming to create situations that respect and serve the various need of people who menstruate this paper seeks to identity most important factors for organizations and law makers who want to enforce or improve menstrual leave policies. It seeks to shed illumination on the crucial role of time off for menstruation for advancing monthly capital, female wellness and welcoming workplaces.

LITERATURE REVIEW

World Health organization, stated that mental health is a well being where any individuals is acknowledges their own abilities and able to deal with everyday stress, capable to work effectively as well as profitability. So, we found from several studies that mental health is in a direct connection with menstruations because it disturbs the mental health of an individuals. This problem effects more than 90% of women. A significant number of people worldwide experience menstruation, a natural cycle that can impact work, education and health care. The menstruation leave is a right for the working women, because many individuals are not able to bear the pain and they need proper rest while this time. Every organization needs to handle this sensitive and unique issue very smartly because this leave is also considering a point of gender inequality. However, the women are unable to use them, when both the genders believed that such leave could have advantages. A significant number of people are in favour of implementing the leaves. The policy related their period leave leads all the organizations in the right and effective directions. There are unexpected variations in the efficiency of male and

² Paid menstrual Leave: a Legal Enigma

female academics when it comes to the impact of family responsibilities depending on factor such as gender, race and parenthood. According of Times of India, Maharashtra National Law university, issued policy of given menstrual leave for the girl's students and they are eligible to take leave for one day on the base of self – certification. MNLU stated that it a small step taken to recognizes the need of a female and girls' student as well as they provide many other benefits for them it includes like hot water bag, medicines, pads etc.

In the year 2023, a **PUBLIC INTEREST LITIGATION (PIL)** is filled in the month of January before the Supreme Court, which seeks that all states have to frame a policy for menstrual leave for students and employees. After that Supreme court disposed this PIL and suggest them to submit this to the Union Minister of Women and Child Development. In our country we have law related Indian labour law where the employees can ask for sick leaves but no specific laws which addresses this menstrual leave. Some questions arise regarding this issue and in response to this question in the Lok Sabha, the Minister of Women and Child Development stated that central government employees are not qualified enough for any menstrual leave provisions, that the government is not looking for any suggestion which includes such vacations in the **centre civil service (Leave) rules, 1972**. It stated that the government has broadened access to product for menstrual hygiene and created a number of activities to increase the public's understanding of menstrual health and hygiene.

In the UNICEF Report, it was mentioned that more than 71% girls are not aware of this menstruation, because of the taboos. Many organizations like Swiggy, Zomato etc. these are become the first companies who announces paid menstrual leave for two days during a month. In the New York Daily Times¹ also noted in one of its articles that the aspects that due to this fact the US has implemented period leave some of the major topics discussed in the disgrace neighbouring menstrual which outs strip every National Boundaries and the barbarous way of survival they mainly focused in these aspects.

This menstrual leave, helps all the menstruator to take proper rest and relax their body in this hard time. But there is a question arises, whether this policy could give the benefits for the organization, if they give them paid leave? Again, if the male employees question this leave as a gender discrimination in workplace? We have many questions in our mind related this issue.

This research Is based to handle the problem, menstruator are facing in their work life because no provision regarding this is introduced to us. For this no employees are able to take leave from the organizations. In this research, it becomes a familiar topic and aren't any taboo for the

society which is followed from longer times. It is a biological process and we have lack of quantity data in this particular subject. All individuals have their rights to live their life according to them and it is also including individuals' health care and menstrual health for women. Many arguments have arisen on the women are they less capable from a man to handle the situation? Sometimes this is the first concern for every organization when they are hired any female employees or related to their promotions. Even from many researches, we are able to know that female is more productive but in their menstrual cycle they became less productive. It also a question whether this paid leave going to hamper any economic growth? This leave also considered as a more useful and powerful tools for the women employment in our country. It is an important policy to promote this women's empowerment. Many peoples are related this topic with feminism as well, but it is not about the feminism because it is a way to promote the gender equality awareness in our society.

This concept is not restricted in workplace, many institutions have given menstrual leave to their female students also. We have the state Kerala, where in the year 2017 they started a policy to provide leave for the students to make comfortable. Thereafter it become a issue in the society to provide menstrual leave in the schools because society believes it is not necessary as well it hampers the education of that students. Organizations can help to grow level of equality upon women in the employment as well as open up more economic opportunities by offering women this freedom to handle the menstrual cycle. It is ultimately going to improve results among working mothers and female employees for their well-being.

RESEARCH GAP

From all the valuable articles related to menstrual leave have certain gaps. In my research, some key elements are been not covered in many studies. Research is basically focus on women's and girl student, we can also focus on the transgender and the non- binary individuals who also have to face this issue in their day-to-day life. Many organizations have their transgender employees and they have a right to take privileges of this policy like other female employees have.

Research should be based on the policies related to the menstrual leave which have broader impact on women's participation in workplace, especially in those areas where the women's are under presented. If these initiatives motivate more women to become and continue to the workforce. It also can be focused on the employee's experience to understand this outlook. These can be contributed more for the comprehensive understanding of menstrual leave.

Here are some research questions: -

What are the various opinions carried by the employees, men and society towards this menstrual leave.

Should every organization want to include the concept of menstrual leave either paid or unpaid in their leave policy.

SUGGESTIONS

There are some suggestions regarding menstrual leave:

There should be flexible leave options if, employees want they can do work from home without take any leave.

Proper guidelines regarding menstrual leave should be notified to all the employees and it should be mentioned in the rule book of organizations.

Taboos related to the menstrual leave should be reduced after giving the proper education of menstruation to all the individuals in an organization.

Organization should take the follow up from the management team about the feedback and how people use this policy. After this we can ensure that menstrual leave provision is effective.

CONCLUSION

There are many policies related to women introduced by our government in India for helping the women's and give them equal opportunities to build themselves in education, household and many more. But the policy related to the menstrual leave, is required for our employees to grow and keep them healthy and safe.

In this research, it was found that more than 25% of women don't want to introduce this policy in India, because they believe that this would be injustice for the male employees. And on the other hand, 4.5% Men show their interest to introduce this policy for women to support them.

In our Modern country, we actually don't introduce proper work culture for women's where they feel safe and healthy. This policy can be a step forward to gender equality where it promotes basically health and well-being. It can be a way to break the stigma related to menstruation and they start accept that it is a biological process. Menstrual leave is an example of boosting awareness of the relationship between gender, health and employment.

This policy is often to be inclusive and flexible in order to satisfy the needs of a wide range of people and circumstances. This also delicates the balance between the needs of female and which ensure about fairness to the work culture.

By implementing this menstrual policy is meaningful towards the society and for female employees and as well as students. This policy should be examined properly by the concerned authorities.

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