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Research Article: 6

Work Place Menstrual Leave in India: An Exploratory Study on Employees' Perception in Urban Kolkata

Abstract

Women and men exhibit biological differences and face distinct physical challenges. One of these challenges is the monthly hormonal cycle experienced by women, commonly known as menstruation. During this time, women undergo both physical and mental strain. Working women often find it more challenging to cope with such stress. While workplaces are becoming more inclusive and increasing employment opportunities for women who contribute to the country's economic growth, organizations have not adequately addressed women's specific needs. Many women require rest during their menstrual cycle, but there are currently no policies in place to address this need. This matter has been a topic of discussion in the Indian parliament, but no legislation has been enacted yet. Taking a step towards progress, it would be beneficial to pass legislation that mandates menstrual/ menstruation leave or period leave in all workplaces.

This research paper aims to explore the employees' perspectives on such leave and consider its constitutionality. The study was conducted using convenience sampling on employees from selected multinational corporations across industries and hierarchies, located in urban Kolkata. The analysis indicates that most of the respondents, regardless of gender, support the implementation of a period leave policy in their organization. This research endeavour strives to have a positive impact on fostering inclusivity in Indian workplaces in the future.

Keywords: Gender Equality, Inclusive Workplace, India; Menstrual Leave, Period Leave.



Divyani Datta

Assistant Professor

Dept. of Commerce (Evening)

St. Xavier's College (Autonomous)

Kolkata, INDIA

divyanidatta@sxccal.edu

1. INTRODUCTION

A country's ability to advance economically depends on how well its productive human resources are used. Due to shifting gender norms, women are no longer only employed in domestic tasks but are also participating in a variety of economic pursuits. Women are achieving success in numerous areas and are now entering professions that have historically been reserved for men. Both the unorganised and the organised sectors have experienced this surge of female workers. In the unorganised sector, they either provide most of the income or support the efforts of their male counterparts. Even though she rarely receives compensation for these contributions, the fact that she is involved in the economy is nevertheless a positive development.

Women have made significant contributions to the formal economy, especially in the service industry. Companies are now acknowledging the capabilities of women in sectors such as manufacturing and are actively working towards achieving a more balanced gender ratio. Despite these commendable efforts, India's female labour force participation rate (LFPR), which measures the percentage of working-age women who are employed or seeking employment, has been on the lower side. This implies that more than three-quarters of women above working age in India are not

engaged in any form of employment. Throughout history, both men and women have held jobs in various fields. The working circumstances for men and women were, however, always unequal, and the situation remained largely unchanged until the 20th century. The 21st century, however, brought in several policies in the workplace that focused on women. With the introduction of numerous women-centric legislation, such a change in perspective initially emerged in Europe. From there, it expanded all over the world. Even in historically male-dominated societies like India, the government has implemented numerous programmes specifically for women to ensure that they benefit and have an equal standing to that of their male counterparts.

The policy of period leaves for working women, however, has been one of the key issues that India's successive administrations have consistently ignored. The type of leave which employed women may choose to avail, whether paid or otherwise, during their menstruation period is referred to as menstrual leave. It is generally believed that such leaves would help to counter their physical discomfort of working during this phase, adding on to their benefit and relief. This study enfolds with the primary objective of understanding the standpoint of employees of leading business houses in India on this issue. Further, the constitutionality of period leaves has been highlighted to add clarity on

the topic at hand. Except for a select few cases, no policy has yet been established or attempted to be disseminated by the institutions to address the issue that working women face worldwide. Due to social taboo and a lack of measurable data on the subject, study on this topic has also remained limited, making this research venture exploratory in nature. The data gathered for this study can be used as a guiding principle by the legislature or the appropriate organisations to develop such a period leave policy or any other related policy. The concerned authorities can take up the inevitable shortcomings of the existing study and address them for a smooth implementation of such a policy.

The research paper has been divided into five sections. It opens with a conceptual discussion on the background of the study followed by a brief review of literature. The research objectives and methodology are enumerated in the third section. The fourth section deliberates over the analysis and findings of the study while section five puts forward the conclusions and summary observations.

2. LITERATURE REVIEW

In order to obtain a clear picture of the current situation around period leaves and identify the gap that needs to be filled, a brief review of the literature available on this subject was undertaken by delving into

relevant resources. The following articles have been valuable in providing a concise summary of the fundamental issues outlining our research objective. *Barnack - Tavlaris et al. (2019)* presented a commentary in which they largely highlighted gender equality and how affirmative action is not the same as discrimination. "Since when women claim to be treated equally, it implies that they want to be treated like men", which is not at all the case, this literary article directly challenges the thought system that advocates against period leave. This article also briefly examines the inequalities that women experience in various countries. *Swani, R. (2020)*, examined the diverse responses from Indian women to Zomato's adoption of period leaves. It paid particular attention to the conflicting opinions held even by different groups of women over a policy that prioritises women, with some supporting it and others opposing it. It also emphasised the proactive adoption of this policy by the State of Bihar, which has given female employees two days of paid leave each month since 1992. Because this State is regarded as lagging in terms of gender equality and women's empowerment, attention is being paid to it. The current situation calls for an all-encompassing approach to the concept of period leave (*Raj, P. 2021*). His study discusses at large intricate observations of The Menstruation Benefits Bill of 2017. Additionally, it backed the period leave

policies that some nations around the world have adopted. It also covered the biological perspective on menstruation and menstrual leave policy. The constitutional implications of such a policy, the issue of women's privacy, and the first and foremost concern of appropriately protecting women's dignity through such menstrual leaves are the most crucial issues that have been covered by this paper. According to *Levitt & Barnack - Tavlaris (2020)*, India's GDP will expand by 27% and reach a staggering USD \$700 billion by 2025 if equal involvement of women in the workforce occurs. Therefore, as seen in their study, economic growth and gender equality are mutually exclusive. This justifies offering women more favourable employment terms and better working circumstances. "Millions of girls and women face discrimination and health challenges in India because of their lack of awareness regarding menstruation" (*King, S. 2021*). As observed in his study, more than 60 percent young Indian women do not have access to proper education and awareness regarding menstruation. The circumstances that contributed to the implementation of period leave in the USA were explored by *Widyani (2022)* in her study of the interrelationships between menstrual leave legislation, gender sensitivity, and discrimination against female workers. Menstrual taboos, which transcend all boundaries of geography and subject

women to degrading methods of living, were one of the major topics covered.

3. RESEARCH OBJECTIVES AND METHODOLOGY

Each research endeavour has objectives that it sets out to accomplish. In a similar manner, the current study has been undertaken to provide an overview of the constitutionality of menstruation leaves in India and to understand how employees perceive selected aspects of the same.

The methodology of research can be viewed as an analysis of the various steps a researcher takes to logically investigate his research problem. It takes the shape of a research blueprint that details the procedures for collecting data, selecting a sample, utilising a tool like a questionnaire, processing the data gathered, and ultimately interpreting it. The current research is exploratory in nature. In this study, descriptive and quantitative research approaches were employed. The method of study used has been interpretivism.

The present study utilized questionnaires, a well-established research technique in the social sciences field. The questionnaire developed for the purpose of the study was distributed to employees from selected multinational corporations across industries and hierarchies, located in urban Kolkata. Of the total 250 responses received, 50 had to be eliminated due to incompleteness

of filling out relevant data. The final sample stood at 200 responses. Convenience sampling was used as the data collection method. Care was taken to ensure that the respondent pool is representative of demographic diversity. Prior to participation, all participants were informed about the study's objectives and provided their consent accordingly.

To ensure adherence to ethical research standards, strict confidentiality measures were implemented to safeguard the participants' identities and personal information. Considering the relatively small sample size, MS Excel was deemed an appropriate tool for analysing the research findings.

4. ANALYSIS AND FINDINGS

- ***Menstrual Leave- Constitutionality in India***

The Indian Constitution's Article 14¹ precisely states that The State shall not deny to any individual within the territory of India, equality before the law or the equal protection of the laws. Discrimination against people based on their birthplace, ethnicity, caste, religion, or gender is forbidden. The framers of our Constitution demonstrated great skill in formulating this Article, which encompasses both a negative obligation and a positive responsibility for the State. The negative duty

pertains to the State's obligation to refrain from interfering with the rights of its citizens, while the positive duty places the onus on the State to enact laws that safeguard those in need. Consequently, the essence of this Article is not centred on treating everyone equally, but rather on preventing unjustifiable preferential treatment among different classes. Equal protection of the laws signifies that individuals in similar circumstances should be subject to the same legal principles.

When considering the validity and acceptance of an act that safeguards women's right to maternity leave, it becomes challenging to justify why the concept of menstrual leave should be singled out as discriminatory towards those who are unable to utilize it. This is particularly relevant because menstruation is an involuntary occurrence that affects both mental and physical well-being, leaving individuals with no control over its impact.

Article 42² of the Constitution helps shed light on the justification for adopting such a policy that caters towards providing period leaves for women employees. The Directive Principles of State Policy chapter includes this article. The State is required to "make provision for securing just and humane conditions of work and maternity relief" in

1

<https://www.iitr.ac.in/internalcomplaintscommittee/annexure.pdf>

2

<https://www.mea.gov.in/Images/pdf1/Part4.pdf>

accordance with this article. Additionally, discrimination based only on sex is prohibited by Article 15³. Clause 3 of the article allows the State to establish specific provisions exclusively for women and children, without any prohibition from Article 15. Consolidating the essence of the two Articles, it is apparent that the Constitution imposes a responsibility on the State to assist women in seeking employment and to ensure a physically and emotionally healthy workplace for female employees. The former particularly refers to "just and humane conditions of work". Considering the period leave policy in relation to this, the practise of compelling female employees to work through their menstrual cycles in the absence of such a policy would be considered unjust, inhumane, and in violation of this Article. According to Article 42, the State has a duty to provide "just and humane conditions of work" for female employees and to uphold this duty.

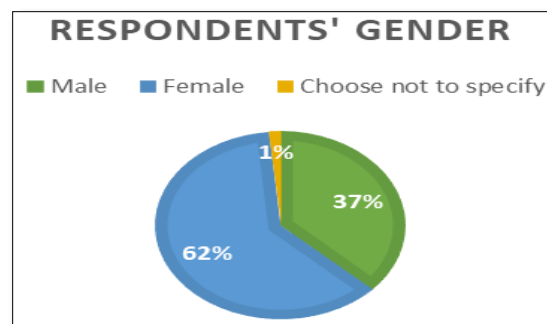
The Indian Constitution's Article 21⁴ which gives everyone the right to life provides further support for the constitutional legality of such a strategy. According to Article 21 of the Indian Constitution, "No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law." According to this article, having the ability to live with dignity 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 must deal with a variety of societal stigmas, including from other women and from the general public. As a result, their constitutional right to live in dignity is violated. The government is perfectly within its rights to intervene and create such a policy in order to forbid such practises, to stop the suffering of such female employees, and to prevent constitutional rights from being violated.

• ***Menstrual Leave at the Workplace - Employees' Perception***

The study examined the responses to questions about menstruation leave in order to better understand employee attitudes and acceptance in this area. Certain questions were broad in nature, posed to all respondents regardless of gender; where as others were intended especially for female respondents. A structured questionnaire was developed as such to initially comprehend the general aspects of the topic under study before proceeding to the specifics.

Figure 1: Gender Profile of Respondents



³ <https://lawctopus.com/clatalogue/clat-pg/article-15-under-the-indian-constitution/>

⁴ <https://www.careerlauncher.com/upsc/article-21/>

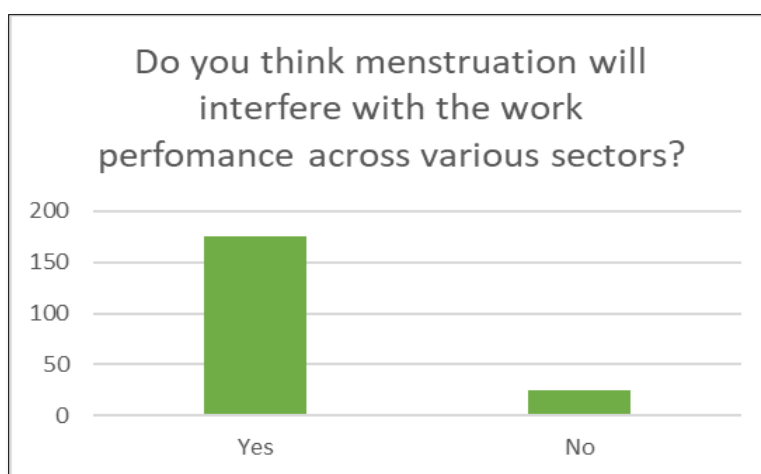
The study's demographic analysis as depicted in Figure 1 indicates that approximately 62% of the participants identified as female. Irrespective of gender, most respondents fell within the 30 - 40 age range, with a notable presence in the IT sector, followed by the financial and education sectors. A small percentage, less than 10%, were engaged in various other professions not previously mentioned.

Figure 2: Respondents' Awareness of Menstrual Leave



A key question was whether respondents were familiar with the term's menstruation and menstrual leave. Both were answered in the affirmative by approximately 90% of the respondents, as referred to in **Figure 2**. Consequently, the study proceeded to analyse the responses to further understand the level of acceptance regarding the outlined notions.

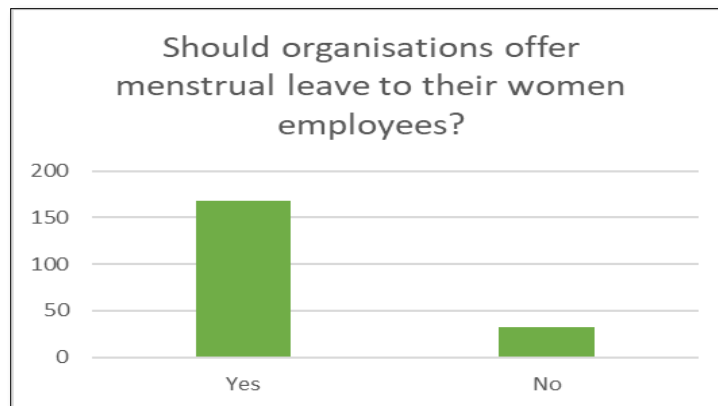
Figure 3: Respondents' Perception on Menstruation interfering with Work Performance



The initial question inquired if respondents thought menstruation will interfere with their work performance in various sectors. Surprisingly, both men and women voiced similar views, with

no significant gender differences. As a result, persons from different professional backgrounds, regardless of gender, have collectively recognised and accepted that menstruation can influence a woman's job performance. **Figure 3** outlines graphically that close to 160 respondents answered in the affirmative to the above question.

Figure 4: Respondents' Perception on Organisation offering Menstrual Leave



There was considerable consensus on whether period leave should be awarded. Menstrual leave should be offered to women, according to most respondents of either gender and across age groups. Menstruation can be challenging to manage, regardless of one's occupation. As illustrated in **Figure 4**, over 80% of the respondents agreed that menstrual leave should be available across all industries, rather than being limited to select few.

Figure 5: Respondents' Perception on Biasness of Menstrual Leave towards Men



In examining the question of whether granting menstrual leave to women would be unfair and biased towards men, **Figure 5** depicts that the survey results challenge the prevailing assumption. Interestingly, a greater number of male respondents expressed disagreement compared

to their female counterparts. This finding highlights the presence of ambiguity and a patriarchal mindset deeply ingrained in societal perceptions surrounding such "taboo" topics. It becomes evident that a patriarchal mindset is not limited to a specific gender but can manifest across diverse individuals.

Figure 6: Respondents' Perception on Paid Menstrual Leave



Figure 6 graphically presents that most women, about 85%, and all men respondents agreed that menstruation leave, if availed, should be paid. It was discovered that some of the female respondents had rejected the chance of receiving compensation in exchange for taking menstruation leave which might be explained by their own scepticism and denial of menstruation leave as a right.

Figure 7: Female Respondents' Perception on availing Menstrual Leave



As was already noted, certain questions were exclusively posed to female respondents in order to get their opinions and meet the research's purpose. It should be emphasised here, that over 70% of the women who responded to this study did not work a desk job. A notable contradiction emerged when respondents were asked if they would personally take advantage of menstrual leave if it was offered. As showcased graphically in **Figure 7**, those who had previously expressed support

for its introduction were themselves hesitant to avail of it, even if it were available. This observation suggests that there is still a prevailing discomfort and lack of openness surrounding the topic, leading to a discrepancy in personal discussions. The reasons for this hesitation are likely to be multifaceted and varied.

Figure 8: Female Respondents' Awareness of Indian Constitutional Provisions for Menstrual Leave

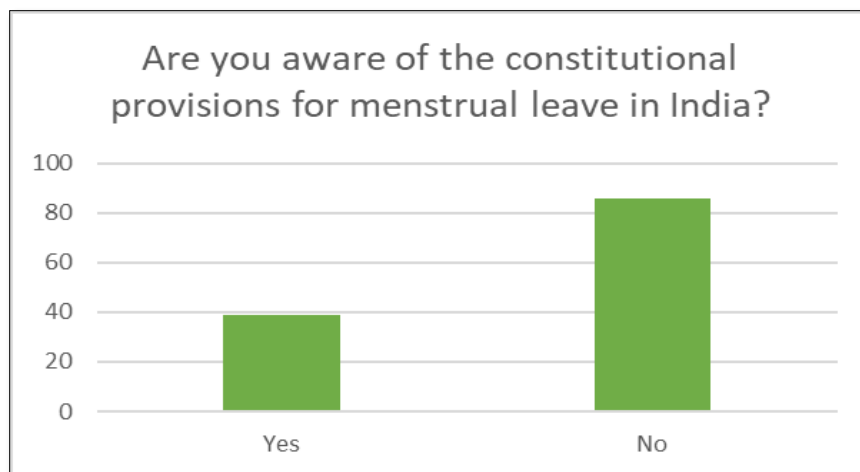


Figure 9: Female Respondents' Awareness of Indian Companies Granting Menstrual Leave



Figure 10: Female Respondents' Awareness of Organisational Work Relief Measures during Menstruation

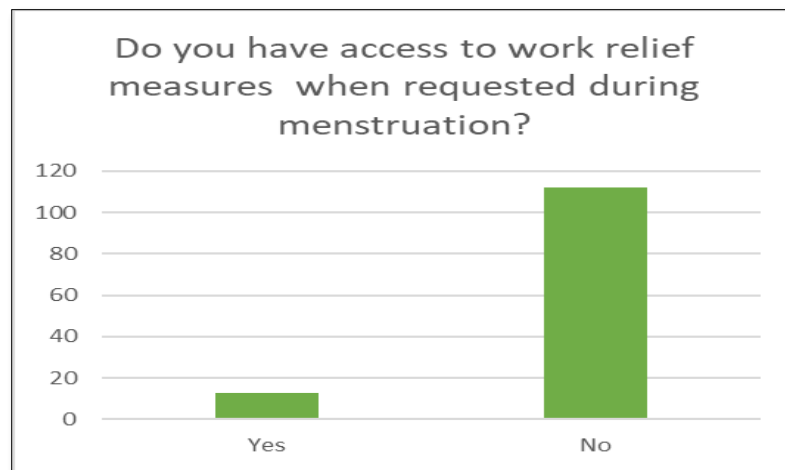


Figure 8 outlines the fact that as few as forty female respondents (approximately) were aware regarding the constitutional provisions regarding menstruation leave in India. This highlights the necessity of educating workers, particularly female workers, in this approach. When asked if they knew of companies in India that granted their employees menstruation leave. **Figure 9** depicts more than 70 women respondents were unable to respond.

Lastly, **Figure 10** gives us an idea that merely 10% of the female respondents reported having access to relief measures such as shortened working hours or the option to work from home when requested during menstruation.

5. POLICY RECOMMENDATIONS

Certain policy recommendations for ease of implementing menstrual leaves in India that may be suggested are:

- ***Establishing Legal Framework:***

A legal framework should be created that recognizes and mandates menstrual leaves as a legitimate form of leave for all working women. This framework should outline the number of days allowed per cycle and ensure protection against any discrimination or penalties for taking menstrual leave.

- ***Awareness and Education:***

Conducting awareness campaigns and educational programs to destigmatize menstruation and promote understanding among employers, colleagues, and society at large should be considered as a primary step towards implementation of menstrual leaves at the workplace. These initiatives can help address any misconceptions or biases surrounding menstrual leave and foster a supportive environment.

- ***Flexible Work Arrangements:***

Encouraging employers to implement flexible work arrangements such as remote work, flexible hours, or compressed workweeks to accommodate menstrual leave should be considered. This can empower women to take time off when needed while minimizing disruption to work productivity.

- ***Employee Support Programs:***

Encouraging the establishment of employee support programs that cater specifically to menstrual health and well-being may be considered as a step in the desired direction. These programs can include access to counselling services, support groups and resources for managing menstrual discomfort or related health issues. By offering these programs, employers can demonstrate their commitment to supporting their employees' overall health and create a workplace culture that values and prioritizes menstrual health.

- ***Period-friendly Workplace Policies:***

Implementation of period-friendly workplace policies, such as providing menstrual products in restrooms, creating comfortable and hygienic spaces for changing and disposal and allowing breaks for menstrual management are most desirable. These policies can create a supportive and inclusive environment for women employees.

The implementation of menstrual leaves should be done in consultation with relevant stakeholders, including employers, employees, government bodies and women's rights organizations, to ensure a comprehensive and effective approach. By implementing such policy recommendations, we can strive towards creating a more holistic

approach to menstrual health and support the well-being of women in India.

6. LIMITATIONS OF THE STUDY

No study is perfect in nature as there is always scope for its improvement. The current study also has certain areas that could be finetuned in subsequent research endeavours. The limited sample size used in the study due to the exploratory nature of this research is not representative of every diverse perspective. It could be increased in the future to strengthen the scope of the study further. Also, still being in its initial stages, there is little availability of secondary data for the study under consideration.

Lastly, the research pool for this topic was restricted only to the employees of urban Kolkata region. Creating a respondent pool across different nationalities might add on to the diversity of the current study.

CONCLUSION

The topic of period leave has largely remained unaltered even though India's successive governments have adopted numerous pro-women legislations for equal participation and treatment of women employees. The purpose of this study was to outline whether it is necessary to implement a policy of period leaves for female employees and the constitutional justification for the same. The empirical approach of this study

highlights the perception of selected employees towards the introduction of such a policy.

According to the study's findings, most respondents-regardless of their gender-strongly support the adoption of a menstrual leave policy in their organisation. Interestingly, the empirical data showed that there were five times as many male respondents than female respondents who said they did not think a policy like that would be unjust to them. Despite a limited number of participants in the study, it challenges the concept that male employees are typically against pro-women legislation, particularly when it comes to a period leave policy.

The availability of adequate working conditions and equality for female employees would be hampered by a failure to implement women-centric policies at the national level. A situation like that would impede women's general growth, which would have a negative domino effect on the advancement of the nation. It is essential to conduct more research on the topic of women-centric policies and make significant attempts to convert the results into workable legislation. Furthermore, it is crucial for the pertinent authorities to closely monitor and guarantee the successful implementation of these policies.

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