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## RESPONSIVENESS TO THE CHANGING GLOBAL ORDER TOWARDS A CONTEMPORARY WORKPLACE: BUSINESS CASE FOR MENSTRUATION LEAVE IN SOUTH AFRICA

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### Abstract

Gender inequality is one of the most complex situations facing society today. Perplexing questions within the workplace include low productivity and poor performance, perpetuated by a lack of consideration from employers, who are mostly male. Monthly menstrual cycles affecting women at work are associated with pain, mood disorders, inferiority complexes, lack of concentration, lack of equanimity, lack of consideration, and intimidation. The current study assessed how work environments can be reformed to accommodate women to achieve better performance and favorable working conditions. Though much has been done to reduce inequality gaps, persistent disparities remain, especially within the developing world. This study addressed Sustainable Development Goal number five on gender equality and reported on aspects of a wider qualitative study. An in-depth desk review of documents, papers, and articles about menstruation leave policy across the globe was undertaken. This study followed the taxonomy of Bosadi Womanhood theory, based on the premise that people create knowledge based on their individual experiences and internal knowledge. Although the article contends that it is imperative for the South African government to implement a menstruation leave policy, South Africa has yet to adopt such a policy in the workplace. Results emerging from the study will enable policymakers to rethink a better framework, which is currently based on objectification and sexism. The study recommends a paradigm shift in terms of working conditions for women within the South African context and urges reconsideration of remedies that sculpt gender-responsive prospects through policy reforms.

**Keywords:** Menstruation Leave, Menses, Periods, Complexity, Female Participation In The Workforce, Sustainable Development Goals, Menstruation Leave Policy

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### 1. Introduction

The issue of menstruation leave has been placed high on the global agenda, as forged by activists and non-governmental organizations in the Global South regarding human rights and gender equality agendas. According to the World Health Organization (WHO 2022), the contestations condemn barriers faced by women and girls who experience embarrassment and shame when lacking the necessary products to use during menstrual periods, which in turn impacts their right to work, education, and health matters; thereby facing discrimination.

Menstruation is a normal, natural function signifying good reproductive health. Significantly, its implications are felt to be broader and negatively affect the labor force. Girls and women experience symptoms such as endometriosis and other illnesses associated with menstruation, which hinder them from executing certain tasks. Most importantly, the experience affects the entire bodily process and functioning, which is estimated to affect approximately 26% of the population globally. This means that, in total, approximately 800 million people menstruating per day will likely be affected (United Nations Fund for Population Activities [UNFPA] 2021). Additionally, Johnston-Robledo and Chrisler (2013) elucidate that the various circumstances range from negative socio-cultural effects, physical experiences, stigmatization, medicalization, and politicization of menstruation. Menstruation leave is considered necessary because it recognizes the unique physical and emotional challenges that many women face during their menstrual cycle.

WHO (2022) seeks a global health policy that will frame and align menstruation to psychological, physical, and social factors while also advocating that people who are menstruating have access to education, information, health, and protective products, and that care is offered when necessary. Menstruators should also not be prevented from participating in activities such as sports and social events, and should be able to live, work and study normally within educational institutions and workplaces. Menstruation should be regarded as a positive and healthy period and not something people have to be ashamed of. Health policies should ensure that these activities are included in the relevant sectoral work plans and budgets, and that performance is measured. The United Nations Children's Fund (WHO 2022; UNICEF 2019) posits that menstruators should have the right to a "clean, sanitary environment such as menstrual management material to absorb or collect blood, that can be changed in privacy as often as necessary for the duration of the menstruation period, using soap and water for washing the body as required and having access to facilities to dispose of used menstrual management materials." Effective menstrual hygiene management is globally acknowledged as a fundamental human right in the context of sexual and reproductive health.

In many sub-Saharan countries, cultural beliefs harbor that menstruating women are sick and hence carry illness and disease. These beliefs inevitably lead to the development of stigma around menstruation that has limited the mobility of African women for centuries (Beinart and Brown 2013). According to UNFPA (2018), among African cultures in South Africa (e.g., Setswana, isiXhosa and isiZulu) the freedom of menstruating women to move around new-born babies, weapons, or cattle is curtailed (Beinart and Brown 2013). They are prevented from touching water or cooking, attending religious ceremonies, or engaging in community activities. This results in menstruating women feeling obliged to hide their condition, and it creates an environment in which menstruators could prefer to be absent from school or work. Armour *et al.* (2019) have shown in their recent study that out of the 90% of women surveyed in Australia, 40% of women take leave of absence from work due to debilitating menstrual pain. Schoep *et al.* (2019) contend that menstruating women in the Netherlands account for an average of nine days of productivity loss per year, principally due to absenteeism. This study included 32 748 women in the Netherlands between the ages of 15 and 45. The findings were that menstruating women missed an average of one workday per year and that they were less productive for an additional 23 days. According to Hashimy (2022), menstruating women are repeatedly labelled negatively and stereotyped as excessively unreliable and unsuited for decision-making, leading to lower pay, inferior positions, fewer responsibilities, opportunities, and promotions at work. As such, just one in five women who "called in sick" due to menstrual problems related the legitimate grounds of their non-attendance from work or school.

According to a survey by Public Health England (2018), women's burdens about period pain and periods are their third-largest reproductive health issues (after evading unwanted pregnancies and their sex lives). The study that informed this article sought to fill research gaps on the topic of menstruation leave policy development at the national and organization levels, and to generate information that could contribute to developing a relevant policy tailored to the South African context. It highlights issues emanating from menstruation leave policy considerations and implementation, as well as the potential implications of a menstruation leave policy for South Africa. These findings should provide a comprehensive framework for exploring the various

aspects of menstruation leave in the context of South African workplaces, and how they fit into the broader global conversation.

First the article discusses potential motives that underline the implementation of a menstruation leave policy. The nature of a menstruation leave policy is highlighted, emphasizing inclusivity and product policy considerations. The literature findings are followed by the theoretical framework and the research methodology. Proposals of a menstruation leave policy are discussed, together with the practical implementation of such a policy at the organizational level. The effectiveness of a menstruation leave policy is also highlighted. The last section discusses the results of the study and considers the possible implications of a menstruation leave policy for South Africa.

## 2. Motives for menstrual leave implementation

According to the National Institute of Child Health and Human Development (2017), the symptoms of menstruation are fatigue, mood disorders, bloating, back pain, headaches, and cramping, all associated with dysmenorrhea. Some women of reproductive age experience abnormal uterine bleeding (Whitaker and Critchley 2016). At the time of ovulation, decision-making gets swayed in various spheres of influence due to hormone levels. Croson and Gneezy (2009) explicate that women are known to be more risk-averse and less competitive than men on average. Most importantly, Speroff and Fitz (2005) illuminate that gender differences exist in the economic domain because, during the menstrual cycle, women demonstrate natural fluctuation in levels of the ovarian hormones' estrogen and progesterone. According to Hennegan *et al.* (2021), absence from work due to menstruation during the last menstrual period is 11% in Niamey, Niger, 17% in Nigeria, and 19% in Burkina Faso.

Menstruation leave policies are distinct in the sense that only menstruators should apply for sick leave, and it is applicable only to people who are of a menstruation age and have an intact reproductive system. In Europe, though the EU Member States' initiatives seek to address health and safety concerns affecting women, there is currently no country that has a national menstruation leave program. Spain has the potential to become the first Western country to provide menstruation leave to women who are experiencing pain during the menstrual period to stay away from work for three days per month. Such policies have been introduced in countries such as Zambia, Indonesia, China, and Japan. In the United States, menstruation leave is not common, as they view it as a complicated issue with many possible ramifications. Inherently, menstruation is not supposed to be viewed as a taboo or as a shameful period where menstruators will shy away from being victimized. If they are in pain and experiencing their periods, everyone will know about it (as depicted by their absence from work); however, it should be regarded as normal, and they should not be fearful of their status and forced to go to work. In fact, they should be allowed to stay at home rather than expose themselves to strain. This study seeks to provide an understanding of the current context in terms of answering the following questions:

- i. What does the current state of menstruation leave policies in South Africa?
- ii. How do South African menstruation leave policies compare to those in other countries with established policies?
- iii. How do menstruation leave policies affect employee satisfaction and productivity in South African workplaces?
- iv. What are the perceived benefits and drawbacks of menstruation leave from the perspective of employees and employers in South Africa?

The study also tried to establish how the cultural and social context in South Africa influences attitudes towards menstruation leave, and the prevailing societal attitudes towards menstruation. Global legal and policy considerations and challenges associated with implementing menstruation leave policies in South Africa (as informed by other countries) were explored regarding how they support or hinder the adoption of menstruation leave policies.

## 2.1. Benefits of paid menstrual leave

WHO (2022) expounds that several countries have laws and policies on menstruation medical leave, which provide relief to menstruators experiencing discomfort, pain, discomfort and other symptoms and signs. According to Barnack-Tavlaris *et al.* (2019), menstruation leave may also be a potential solution to addressing reproductive or menstrual health needs without having to use sick time or vacation time. Paid leave is known to improve employee retention (Boushey and Glynn 2012), which is cost-saving for businesses through reduced turnover costs, encouraging valuable workers to stay with the same employer. Turnover costs an average of one-fifth of an employee's annual salary.

## 2.3. United Nations Convention on elimination of discrimination (Cedaw)

Menstruation leave policies are a topic of discussion regarding gender equality. The United Nations Convention on the Elimination of Discrimination (CEDAW) defines equality as having equal access to political and public life and taking needs like reproductive rights into account. This is not to say that the promotion of equal rights is about making men and women equal. Instead, it promotes equal access and opportunities by acknowledging that everyone's requirements are unique (Office of the High Commission for Human Rights, 2023). According to WHO (2024), period stigma must be ended. Menstrual bleeding lasts three to five days per month during a woman's reproductive years, and menopause sets in around age 45 and lasts for six years after the period has ended. However, the real suffering begins when a woman is treated unfairly and is considered untouchable, dirty, or disgraced because of social, cultural, or religious practices in some parts of the world.

## 3. Nature of menstruation leave policy

### 3.1. Policies on menstruation cycle products

In terms of the nature of menstruation leave policies, menstrual period poverty is defined as a lack of access to menstrual products, hygiene facilities, waste management, and education. Menstrual period poverty leads to loneliness and is the root cause of frustrations and challenges in women's lives, which creates an urgency to address it. Michel *et al.* (2022) posit that menstrual period poverty causes physical, mental, and emotional challenges.

Tampons, menstrual cups, menstrual discs, disposable and cloth sanitary pads, as well as period panties, are often used as sanitary items. Other goods like reusable menstrual cups and tampons, which are less harmful to the environment, are still not widely used in low-income countries. The use of cloth is sometimes portrayed as being unsanitary. As Mahajan (2019) notes, an absorbent, clean cloth is a common and reasonably priced menstrual health product. There is proof that training and peer support dramatically boost menstrual cup adoption and acceptance (Mason *et al.* 2019). The cost of sanitary products is beyond the reach of most indigent persons in South Africa. About seven million South African girls lack the funds to purchase secure menstrual products. In a nation where the majority of people live on less than USD1.90 per day, Nigerian girls and women spend between 2–4 days of their monthly income on menstrual products; the cheapest packet of sanitary pads is USD1.30 (Global Menstrual Collective 2023).

In South Africa, it has been found that access to pads and tampons is not a given in all SA prisons. They are severely restricted and sometimes run out of products, leaving women without any solutions except to beg for more from the guards. More sanitary products are available in the commissary (store for equipment and provisions), but you must pay for them, which most incarcerated women just cannot afford. Elam Empowerment (2023) expounds that period poverty is rampant among incarcerated women, and it is often an overlooked issue.

Menstrual health is a basic human right, and the government must ensure that there is a budget specifically allocated for correctional facilities regarding the provision of menstrual material. The former Minister of Justice and Correctional Services in South Africa (until June 2024), Ronald Lamola, should have prioritized menstrual health for incarcerated women in the South African carceral system, ensuring that the correctional services budget adequately

addresses this vital need. There should be a better balance of budget allocations, as priority is mostly given to male prisons due to their magnitude. Within female prisons, budget allocations for menstrual hygiene are inconsistent, pointing to the potential absence of a direct policy addressing this issue. Incarcerated women resort to using absorbent material such as blankets, newspapers and old rags, which pose threatening illnesses to their lives caused by infection from unhygienic practices and infested material. The same applies to girls from disadvantaged communities who lack sanitary supplies, forcing them to resort to the extent of using cow dung, and even chicken feathers. These practices are not limited to women, but also affect transgender, non-binary people; an aspect which requires an adjustment of language when addressing this as a policy issue. These malfeasances are incongruent with the Bosadi Womanhood theory, which is contextualized in the next section.

An increasing number of governments have turned to policies and regulations to make menstrual products affordable, accessible, and safe. Globally, there has been a move towards removing VAT/GST on menstrual health products to increase their use by making them more affordable, especially in lower-middle-income countries. Some governments have removed taxes on menstrual products (WHO 2022) or are addressing challenges faced in obtaining menstrual products. Countries like Kenya began in 2004 to gradually reduce tariffs on “period goods.” By 2016, Kenya had eliminated value-added tax (VAT) on both imported menstrual products and the raw materials required to make them (World Bank Group 2022). Nigeria did the same by getting rid of VAT on domestically produced goods. South Africa removed VAT on sanitary pads in April 2019, but VAT on tampons remains (Rossouw and Ross 2022). Some nations have eliminated their respective value-added taxes on menstrual products, including Malaysia, Lebanon, Tanzania, Ireland, Colombia, and Mexico. However, removing taxes in these countries did not lead to cheaper menstrual health products. According to WHO (2020), Ethiopia, Ukraine, and other countries’ governments should make menstruation inclusive as part of a broader sexual and reproductive health response for those who are displaced because of war or natural calamities.

#### **4. Theoretical framework**

This study departs from a taxonomy of Bosadi Womanhood theory, which is based on the premise that people create their own knowledge based on their own individual experiences and internal knowledge (Masenya 1996). Bosadism is a theory encompassing racial oppression, sexist African culture, classism as well as general sexism within the context of Black South African women. The debates on the problem of period poverty expounded above are positioned well within this analogy of racial and sexist oppression. Essentially, when relating this to the challenges of incarcerated women, comprising all the racial groups in carceral institutions, it becomes concerning that discrimination against women is still visible and pervasive. A Bosadi perspective is based on the Northern Sotho word *bosadi* (womanhood), which is an abstract noun from the word *mosadi*, meaning “woman, married woman, wife” (Ziervogel and Mokgokong 1975). The word *mosadi* comes from the root, *-sadi*, which has to do with womanhood; *bosadi*, for example, may be translated as “womanhood” or “private parts of a woman.” Though the noun *bosadi* is a Sotho word (Northern Sotho, Southern Sotho and Tswana), it has counterparts in other South African languages. The arguments in this article are based on the Bosadism theory, as the women and girls being referred to in the discussion are *basadi*, according to Masenya’s (1996) description. Examples include: *musadzi* (Venda), *wa nsati* (Xi-Tsonga), *umfazi* (Zulu), and so forth.

#### **5. Research methodology**

An in-depth desk review of documents, papers, and articles about menstrual leave policy across the globe has been undertaken in the wider study. The desk review started in June and continued through August 2023. This article reports on the findings of that study.

### 5.1. Study population and sample

Population refers to the set of participants or objects who share specific features that have been identified (Banerjee and Chaudhury 2010). As this study followed document analysis, the population, in this case, refers to the content analyzed from the documents as well as the literature. The “population of interest” (inside the wider population that the researcher is interested in) is referred to as the target group. The target group should consist of objects that a researcher selects as sample components. The target group that an investigator selects for specific research is merely a portion of the total available population, and that target group epitomizes aspects that fall within the specific interest of the study. The objects in this study were the records identified and reflected in table 1 as n-18.

### 5.2. Sample size

Pitney and Parker (2009) explain that sampling refers to selecting a representative portion of a population to determine the features of the entire population. Sampling is crucial in qualitative research as it assists in answering the research questions, and the researcher must select a sample that will provide insight into the phenomenon under study (Pitney and Parker 2009). This study adopted non-probability sampling to select the participants, which is called purposive and convenience sampling. Non-probability sampling methods do not give each member of a target population an equal chance to be selected for participation. A further objective of qualitative research is the collection of high-quality, non-numerical data, which can only be done by selecting a small, well- informed sample of records. The identification of 18 records led to the screening of 15 records from the 18 identified. The screening involved scanning and skimming to identify the most relevant records to the study, of which 12 records were extracted from those screened because of non-conformance and compliance to the research objectives; this reduced the records to five, which were included in the study. The researcher applied a convenient sampling technique.

**Table 1. Sample of the study**

Identification	Screening	Exclusion	Eligibility	Inclusiveness
Total records identified through database search. N-18	Total records screened. n= 15	Total records after duplicates were removed. n=12	Full text assessed for eligibility. n=5	Study included. n=5

Source: Author’s own compilation

### 5.3. Data extraction and results synthesis

Table two outlines the various article titles, year of publication, location of the publication, type of country-level or firm-level policy, and other menstrual healthcare contexts. Scientific articles have been similarly analyzed and, in their cases, the strength of each scientific article, reasons for their strength ratings, are reported in the table below which provides a descriptive analysis of the findings.

**Table 2. Data extraction**

Article Titles	Year of Publication	Name of the Journal
Could Spain’s New Menstrual Leave Inspire Other Countries?	2023	American Bar Association
The Prevalence and Academic Impact of Dysmenorrhea in 21,573 Young Women	2019	Journal of Women’s Health
Taking leave to bleed: Perceptions and attitudes toward menstrual leave policy, Healthcare for	2019	Women International,
Managing menses: An analysis of workplace inclusivity and representation.	2021	International Journal of Development Research
Female-led Klasha breaks a barrier to gender inclusion in Nigeria with new menstrual leave policy,	2022	Ecosystems

Source: Authors own compilation

### 5.3. Thematic vignettes emerged from the data

This research was inspired by Alvesson and Sköldbberg (2018) who espoused that a research should be considered as a synthetic representation of the themes which elaborate that the original data is relevant while Alexander and Becker (1978), explicated that “vignettes are short descriptions of a person or a social situation which contain precise references to what are thought to be the most important factors in the decision-making processes. The research was grouped into thematic vignettes to be able to locate the themes within those vignettes which are informed by the motives of the research. These findings have then been summarized below.

## 6. Results

Results emerging from the study will enable policymakers to rethink a better framework than existing frameworks based on objectification and sexism. This echoes the approach of Levitt and Barnack-Tavlaris (2020), who discuss the idea of menstruation leave as a policy option that provides employees with time off during menstruation.

## 7. Discussion

### 7.1. Proposed menstruation policy

A progressive and empathetic workplace policy regarding menstruation leave will represent a substantial shift in how employers recognize and address the difficulties that people experience during their menstrual periods (Hashimy 2022). Such a policy will recognize that this normal biological process can, for many, cause discomfort, suffering, and a variety of related concerns that can affect their general well-being and productivity. It should be based on a profound awareness of the physical and emotional complexities surrounding menstruation. Menstruation leaves allots menstruators time off from work if they are being negatively impacted by symptoms or illnesses associated with menstruation. Such a policy may be a potential solution to the negative experiences that menstruators have in the workplace (Barnack-Tavlaris *et al.* 2019). Experts say menstruation leave is a complicated issue with numerous layers, including potential legal and labor ramifications. If passed, the law would, subject to the production of a medical certificate, allow women who experience severe menstruation period pain to take three days of sick leave a month, rising to five days in exceptional circumstances.

### 7.2. Examples and history of menstruation leave policies

Analysts retrace the first national legislation on menstruation leave back to the Soviet Union, where it was introduced in 1922. At this time, the Bolshevik menstrual policy was directed at women working in factory jobs, providing them with two to three monthly days of fully paid leave during their period (Euronews 2021). Menstruation leave is now referred to as “one-day” leave in Zambia, as of 2015. It is a constitutionally protected leave that allows women to take a day off once a month. A female employee has the right to sue her company if this policy is refused to her. Women in Taiwan are granted three “menstruation leave” days annually, in addition to their 30-day yearly sick leave. In Japan, a woman only needs to inform her employer that she is finding working on specific menstrual days to be exceedingly difficult. Her employment is thereafter protected for the remainder of her time. The Labour Standard Act (LSA) grants working adult women in South Korea one day per month of maternity leave.

Organizations such as Coexist (UK), Gozoop (India), and Victorian Women’s Trust (Australia) offer menstruation leave benefits (Barnack-Tavlaris *et al.* 2019). In Nigeria, Klasha, a cross-border commerce technology company, with offices in San Francisco and Lagos, pioneered the implementation of a menstruation leave policy in Africa in 2022, providing for five annual menstruation leave days for female employees (Chukwu 2022). The policy is well implemented in Zambia. Even though Zambia practices a patriarchal culture, the country supports the notion that childbearing and rearing are important functions of womanhood. Few employers implement

menstruation leave in South Korea (Price 2022). A revision of the LSA changed menstruation leave from paid to unpaid leave and stipulated “the request of the female concerned would be a necessary condition” to claim the benefit. Some of the literature findings in terms of a country-specific comparative analysis are presented in Table 3 below.

**Table 3. Country specific situational analysis**

Countries	Leave Conditions	Progress on implementation
Spain	Three-day “menstrual” leave of absence - with the possibility of extending it to five days. Dr’s note required	Passed the law on menstruation leave.
Taiwan	Maximum of three days of menstrual leave per year, with employees receiving half of their regular wage.	Menstrual leave is currently offered in 2002 and amended in 2013.
Indonesia	Industrial right for women miners or factory workers. The law no longer mandates two days of paid leave but instead makes the policy subject to negotiation between employers and unions	Menstrual leave was offered in 1948
South Korea	One day of unpaid leave per month awarded at the employee’s request. All female employees are entitled to the benefit, irrespective of their job status or how long they’re worked in the company. Employers who violate the law are liable for up to two years in prison or a fine of up to 10 million won (around €7,500).	Menstrual leave is currently offered
Zambia	One day of leave from work each month without having to produce a medical certificate or give a reason to their employer	Menstrual leave is currently offered
Italy	Proposing a bill that would have given three fully paid days off to workers who obtained medical certificates	Proposal failed in 2018
Russia		Failed to take off in 2013
Belgium	Four-day week and gives employees the right to ignore their bosses after work.	Approval granted
Japan	Industrial right calendar day, half-day, or by the hour. Women workers simply have to request it, and no medical documentation is required	Implemented in 1947
Portugal	A trial of a four-day week, reignited by the COVID-19 pandemic,	Trial

**Source:** Authors own compilation

## 8. Conclusion and recommendations

The discussion in this manuscript serves to contribute to the policy agenda of the South African government to consider adopting a menstruation leave policy in the workplace. If the South African government and the labor environment provide leave to female workers (aligned with physiological fluxes such as menstruation and menopause), it could bring relief to the most affected. The move could advance gender equality and normalize menstruation in the workplace. However, some analysts voice concern that the adoption of a menstruation leave policy could backfire against women by discouraging employers from hiring them.

The menstruation leave law passed in Spain, the first European country to do so, will be funded by the socialist state. Employees’ pay during menstruation leave days will be covered by the social security system at 75% of earnings up to a monthly cap (Alfaisal 2023). An employer in South Africa, interested in implementing this policy as part of South African women’s constitutional rights, must decide what would constitute a fair leave entitlement and whether this entitlement can be accrued on a monthly basis. Additionally, they need to decide whether an employee needs a doctor’s note in order to take menstruation leave (Moosa 2023).



Employers must be cautious about requesting employees to confirm menstruation or gender identity because the nature of the leave has consequences for privacy issues. In this sense, transgender males and those identifying as gender non-conforming may also be eligible for menstruation leave. Businesses should take precautions to avoid the likelihood that menstruation leave may affect productivity negatively.

This study addressed Sustainable Development Goal number five on gender equality. We recommend a paradigm shift in terms of working conditions for women and a reconsideration of remedies which sculpt gender responsive prospects through policy reforms and the transformation of African societies. We recommend that the government should provide sanitary products to schools, special places of safety, and correctional institutions. Future research should consider economic implications as well as global perspectives and trends to provide future directions to policymakers. The research on economic implications should consider the cost of implementing menstruation leave policies to businesses in terms of productivity, and how they impact on financial performance and operational efficiency of South African businesses. We have learned lessons through this study from global best practices in implementing menstruation leave policies. This would provide direction on potential future developments in menstruation leave policies, and how these might impact South African businesses in preparing and adapting to future changes in global standards regarding menstruation leave.

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