

**Lidia de la Iglesia Aza & Bernadett Solymosi-Szekeres**

## **Menstrual health and employment law, with a special focus on the new regulation in Spain**

### **Abstract:**

The newest and most comprehensive interdisciplinary term of menstruation is menstrual health. This concept enters labour law mainly through the institution of menstrual leave. The paper conducts a comparative research based on the international literature about menstrual health and menstrual leave. This research is essential for sustainable labour law, as menstrual health concerns labour law not only from a fundamental rights perspective, but also to achieve equal treatment. It can also be linked to fair and decent working conditions. Countries follow different practices inside and outside Europe, so there is no common legal solution. The issue has global relevance, yet the EU Member States are doing very little about it, with the recent exception of Spain, with the regulation implemented in 2023 on menstrual leave. Through a qualitative analysis of international literature, the aim of the study is to support the need for labour law regulation of menstruation.

**Keywords:** menstruation, employment law, menstrual health, gender equality, social protection

### **Biography:**

Lidia de la Iglesia Aza: Labour lawyer for over 20 years, passionate about labour law and civil service law. Doctor of Law from the University of Santiago de Compostela, where she has been teaching in the Labour Law Department since 2021. Her areas of research are quite eclectic: Artificial Intelligence on labour relations, gender discrimination, transnational teleworking, etc.

Bernadett Solymosi-Szekeres is an associate professor at the Faculty of Law, University of Miskolc, Hungary. Her research focuses on the national and international issues of labour law and social law, including the right to equal treatment and the reproductive health. Her recent monograph is about menstruation and labour law from the aspects of reproductive health and gender equality.

*“Attention to women's and girls' menstrual needs is critical for global health and gender equality.” (Hennegan et al., 2019)*

## **1. Introduction - Women as actors in labour market and population policy**

The labour market situation of women is very different compared to the situation of men. The extremely high inactivity rate among women with young children, especially lone parents (Carcillo et al., 2006) is striking by European standards, but unskilled, retired and, more recently, young women (Mehta et al., 2025) also find it difficult to find work.

Women work more and earn less than men (Evers et al., 2014), few of them are in managerial positions, and they bear the burden of reconciling work and private life because of the poor division of labour at home (Carrino et al., 2022) and the inflexibility of working arrangements (Goldblatt and Steele, 2019). Although both European commitments in equality (Mazey, 1998) and national economic and social interests dictate that the absolute and relative position of women in the labour market must be strengthened, governments rarely take the necessary steps to do so, and the measures taken are often not sustainable and/or effective. There is a lack of political commitment to equality, and thus a lack of clear vision, strategic thinking, coherence of measures and the social consultation and institutional coordination needed to implement them.

Women's disadvantages in the labour market are largely taken for granted in public thinking and policy. These emerge when they give birth and breastfeed-and via their social role (child-rearing, care of the home). At global level, it is a proven fact that the responsibility for family care falls largely on women. These circumstances mean that women's professional ambitions are often sidelined as they take on this responsibility alongside motherhood when necessary (Moreno, 2023). These difficulties for women are supported by a number of data, as this gap is reflected in several aspects of women's employment. For example, more than 2.7 billion women worldwide are legally restricted from choosing the same job opportunities as men. Of the 189 countries surveyed by the World Bank in 2018, 104 countries were found to have laws prohibiting women from working in certain jobs, while 59 countries have no laws against sexual harassment in the workplace, and in 18 countries a husband can legally prevent his wife from working (Reljanović and Rajić Čalić, 2024). Job segregation is one of the connected issue, when men and women work in different industries, occupations and jobs. This not only maintains the wage gap, but also affects the valuation of the segregated job and the working conditions in it. Work that is predominantly done by women tends to be valued as less valuable and less productive, which in turn affects wages and working conditions (Zwysen, 2024).

However, the relevant EU directives (e.g. Art. 157 TFEU or recent directives like Directive 2023/970 advancing gender pay transparency) and certain growing social problems (feminisation of poverty, child poverty) are prompting decision-makers to do something about the issue (Vajda, 2014).

The regulation of the position of women is therefore particularly important to avoid gender discrimination. In most countries, labour law protection measures for women are mainly linked to women's role as mothers, so some policy choices (Kálmán, 2018) for women are determined by demographic considerations (Vajda, 2014). Demographic trends can be influenced by a range of policy instruments. If a country's government continues to expand its family support system, this will have a positive impact on any population decline (Berde and Drabancz, 2022).

Although traditionally the status of women is closely connected to a country's broader demographic and social strategies – through the lens of fertility – the focus should be their full participation in all areas of life.

Feminist legal scholars have long explored the structural and gendered biases inherent in labour law systems, revealing how these systems have historically placed the normative male worker at the centre and marginalised women's embodied experiences, and not solely based on reproductive considerations.

Women's reproductive process, is protected by social and labour law, thus contributing to the status security of the women concerned. Menstruation, however, although intrinsically linked to women's biology is currently a little-appreciated phenomenon in the labour and social law context, whereas, for example, menstrual poverty, which is a threat to social security, is the focus of ongoing international action plans and programmes (Sommer et al., 2016; Tull, 2019). Contrary to stereotypes, menstrual poverty is not only a recurring monthly problem for homeless or severely disadvantaged women, but also occurs in workplaces (Hunter et al., 2022; Erdey and Várnagy, 2022), schools and universities. But not exclusively for women as while menstruation is *gendered* female, in terms of embodiment, it is not only cisgender women who menstruate, as has been said (Clemmer, 2017) “Not all people who menstruate are women, and not all women menstruate”, but, at any rate, “Menstruation may require accommodation in order to achieve substantive equality” (Goldblatt and Steele, 2019).

Menstrual health, at the intersection of physicality and work, highlights the exclusion. Normal workplace structures typically assume a gender-neutral worker who does not menstruate, breastfeed or have children. Menstrual leave policies challenge this archetype and demand that the law treat menstruation as a legitimate workplace problem rather than a private-health matter. Of course, the beneficial effects of menstrual leave from a gender equality perspective are debatable, which is why it is no wonder that there is a position in the literature that sees it as a legal institution that has a detrimental effect on women's position in the labour market (King, 2020). However, we must not forget that menstruation is not only a fact linked to the labour market situation of women, but also a health issue, so that health considerations are also relevant when analysing the broader focus of such a legal issue. The demand for menstrual awareness in the working environment should be a bid for reform and, as feminist doctrine (Weeks, 2020) has pointed out, “*a demand is not just a goal but a process as such, it must be explained, justified, argued for and debated*”, and this is the main point of this article, contribute to place menstruation at the centre of the labour law debate.

This paper does not aim to analyse all the social and economic problems surrounding menstruation, but rather to focus on the impact that menstruation can have on women's fundamental rights and, from there, its labour law dimension. To this end, following the introductory section of the study, which builds the research on the basis of women's labor market situation, the second section presents menstruation and the related health and fundamental rights concept of menstrual health. These phenomena define the broad focus of the study, from which we narrow the research using deductive research methodology, explaining the relationship between menstrual health and work in the third section. This section presents the existing national regulations on the one hand and refers to international documents and case law on the other, emphasizing the importance of creating menstruation-friendly workplaces. One of the main ways to achieve this is through menstrual leave, which is discussed in the fourth section. This section presents various national regulations, regulatory efforts, and employer practices determining the inclusion of different regulations and case studies, raising

awareness of their existence, this being the distinguishing factor, given the silence in most countries. However, a separate section is devoted to the first European Union member state regulation, as the fifth section contains a detailed examination of the Spanish menstrual leave rules. The sixth section contains a discussion on menstrual leave, highlighting the criticisms that have arisen and making recommendations for the development or introduction of such a policy. The final section summarizes the research findings, drawing attention to the fact that workplace regulations on menstruation are extremely important in achieving real equality, which is still a utopia for most countries, but which can be achieved if social partners and legislators are committed to achieving true equality.

## **2. Menstruation and the underlying fundamental right: menstrual health**

To state the obvious, menstruation and more broadly, the menstrual cycle, are often dismissed and derided. The same goes for menopause, at the further end of the reproductive life span. Challenging the expectation to hide menstruation or menopause is a radical act of defiance against societal norms. This should change, and the first step should be to answer the question “what research questions and social justice engagements, are possible when we centre our attention on menstrual health and politics across the lifespan? And what knowledge is gained when menstruation emerges as a dynamic category of analysis?”

Mainstream acknowledgment of menstruation as a source of struggle – in the media and among policymakers – is a relatively recent phenomenon (Zraick, 2018; Meng, 2018). Menstruation has long been absent from conversation – rarely discussed in private, let alone in public. But once it enters the dialogue, a powerful phrase begins to emerge ‘menstrual equity’ as a frame harkens to the democratic creed and aspiration of civic, economic, and political engagement and opportunity. The concept of “menstrual equity” is broader than a sanitation, hygiene, or public health frame, it is a human rights frame and hence provides a tangible basis for advocacy (Weiss-Wolf, 2020), as the lack of infrastructure so support menstrual health in the work place, for example, should be address has a form of sexism (Nash, 2022).

The United Nations Human Rights Council urges to recognise menstruality as a health and human right issue, rather than a purely hygienic one (Human Rights Council, 2021), and in 2018 the UN Commission on the Status of Women issued recommendations to “take steps (...) to foster a culture in which menstruation is recognised as healthy and natural and in which girls are not stigmatised on this basis” (UN Commission on the status of women, 2018). Anyway, the lack of menstrual awareness at work reflects women’s limited participation in decision - making and priority settings (Moffat and Pickering, 2019).

In recent academic research, menstruation is also the subject of discourse based on human rights and fundamental social rights values. The related research is grounded in a central concept that frames menstruation as a matter of fundamental rights – specifically, the right to menstrual health

Menstrual health has been placed on the global health, education, human rights, and gender equality agendas by grass-roots workers and activists, and has seen a growing number of international organisations, including the WHO, address the issue of menstrual health. „WHO calls for menstrual Health to be recognized, framed and addressed as a health and human rights issue, not a hygiene issue” (Erdey and Várnagy, 2022; World Health Organisation, 2022).

Menstrual health is considered by international organisations to have fundamental rights, human rights and gender equality implications.

WHO also stresses that menstrual health must be understood not only in its physical dimension, but also in its psychological and social dimensions. This includes the need for the persons concerned to work in an environment where menstruation is not stigmatised and does not give rise to feelings of shame. This environment can be called a menstruation-friendly (or period-friendly) workplace, which requires several measures to be taken by employers (Seth, 2023).

Legislators can be involved in promoting menstrual health in various ways, whether by developing policies to tackle menstrual poverty or by regulating the links between menstruation and work. An important aspect of menstruation in labour law can be to ensure that a menstruator is exempted from her work obligations if complaints of painful menstruation persist and make it impossible to work. This can be reflected in labour law in the form of menstrual leave. The following lines will therefore look at some of the links between menstruation and work, since, as anticipated, this paper intends to focus on the labour perspective of menstruation, and on the impact that menstruation has on the working life of women workers. Attention to menstrual issues across the life span surfaces broader societal issues and tensions, including gender inequality.

Article 3 of the International Covenant on Civil and Political Rights, adopted the 16th December 1966 by the General Assembly, resolution 2200A (XXI) established that *“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”*

In addition to this statement, article 1 of Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979, adopted by United Nations General Assembly determines: *“For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”*

Since menstruation is an exclusively female phenomenon, therefore based on gender, any discrimination that menstruating workers may suffer for such biological circumstance should be understood as discrimination.

Even though the ILO has adopted several Conventions and Recommendations on gender discrimination and maternity protection - C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111); C100 - Equal Remuneration Convention, 1951 (No. 100); C156 - Workers with Family Responsibilities Convention, 1981 (No. 156); C183 - Maternity Protection Convention, 2000 (No. 183); C190 - Violence and Harassment Convention, 2019 (No. 190) and R206 - Violence and Harassment Recommendation, 2019 (No. 206), by way of example – no reference to menstruation in the workplace is to be found in the policies designed by these regulatory bodies. It can be found in its WASH4Work hand book (ILO, 2016) in water and sanitation in the workplace, which includes a section stating that *“employers are responsible for providing an improved sanitary facility that allows workers to safely and discretely take care of their business – including for women to manage their menstrual needs”*, without any normative intent and as a purely hygienic approach to the menstrual matter. That

is a hygienic approach to menstruation, rather than a broader view of menstrual health. The menstrual health issue is not even addressed in collective bargaining, as only one ILO document (ILO Gender Equality through Collective Bargaining, 2004, [https://www.ilo.org/actrav/pubs/WCMS\\_111428/lang--en/index.htm](https://www.ilo.org/actrav/pubs/WCMS_111428/lang--en/index.htm)) makes a reference to the fact that women obtained a day of menstrual leave in Zambia and Indonesia.

Anyway, “formal equity” is insufficient to achieve true equality. Scholars advocate for the concept of “substantive equality” to effectively combat gender inequality by acknowledging the deeply ingrained social and systemic dimensions of discrimination, and in this field, menstrual health arises as an issue that needs to be addressed (Sheppard, 2017).

First, menstruation should be briefly discussed as a natural phenomenon, a “cycle of changes that the uterine endometrium undergoes each month in response to the waxing and waning of ovarian hormones in the blood” (Marieb and Hoehn, 2010). It is a biological process that occurs every 3-5 weeks and has a significant impact on the state of the menstruating person. Menstruation is not unknown to any woman of childbearing age (Nőgyógyászati Központ, 2021), however, its effects on the menstruator in the form of severe pain, are not experienced by all menstruators. More than 80 percent of women experience minor or major problems during their menstrual period (Armour et al., 2017; Parker et al., 2010). Around 40% of women of childbearing age report painful menstruation, and 10% experience pain so intense that it prevents them from going about their daily lives normally (László et al., 2007). Severe menstrual pain, or dysmenorrhoea, can affect up to one in four women, making it a problem of social importance (Földi, 2022).

Dysmenorrhoea, from the Greek: dis-,menós: month and rhein: to flow, is chronic pelvic pain of gynecological origin occurring during the menstrual period, also described as menstrual cramps or painful menstruation. The pain can sometimes be so disabling that it negatively affects a woman's daily activities, limiting her social, professional (Schoep et al., 2019) and personal life (Amaya, 2010), and is one of the most common gynaecological problems (László et al., 2007). So, dysmenorrhea is a problem that directly affects women, and, according to the World Health Organization, it should be recognized as a health and human rights issue (World Health Organization, 2022); in turn, the United Nations Population Fund mentions that painful menstruation, “contributes to absenteeism from school and work absenteeism, while at the same time decreasing the quality of life of women” (Lysaght, 2016).

Painful menstruation can be divided into two groups. “On the basis of pathophysiology, dysmenorrhea is classified as primary dysmenorrhea (menstrual pain without organic disease) or secondary dysmenorrhea (menstrual pain associated with underlying pelvic pathology)” (Bernardi et al., 2017). In primary dysmenorrhea, there is no specific disease behind the painful menstruation (Meliora, 2021) and is related to the normal process of menstruation (Mediresource, 2023). However, secondary dysmenorrhea can be caused by several conditions, such as endometriosis, fibroids or hormone imbalance (Sáfrány, 2022). In both cases, the pain can be so severe that it makes it impossible to carry out everyday activities, such as work, for days every month (American College of Obstetricians and Gynaecologists, 2023). The socio-political importance of painful menstruation is therefore very high, with around 30% of women taking painkillers regularly and 20% of them requiring at least 3 hours of bed rest in some cases. It also accounts for around 11.5% of days lost from work (László et al., 2007).

### 3. Menstrual health and work

Menstruation has an impact on the daily life, costs, and work of the menstruating person, so we need to be able to link menstrual health to labour law. In the following, several issues and phenomena are highlighted which look at menstruation from the perspective of work.

Menstruation, including the painful menstruation already described, is a topic that has prompted labour law scholars to examine this phenomenon. The link between stress and painful menstruation is well known, but little is known about the relationship between stress at work and severe dysmenorrhoea. A medical empirical study of more than 400 people in Hungary investigated the extent to which dysmenorrhoea limits their ability to work. This study found that 16.3% of the people surveyed reported severe dysmenorrhoea that limited their daily activities. Compared to matched controls, this group had significantly lower levels of job support and job security (László et al., 2007). The results published by Thurston and colleagues in 2000 and by Christiani and colleagues in 1995 support the hypothesis that high levels of workplace stress increase the risk of dysmenorrhoea (László et al., 2007). From this, there is a reasonable expectation for more employers to create a period-friendly working environment, as this may affect menstruators' perception of pain.

It is striking that menstrual management is not taken into consideration by the public authorities. For this aim, specific countries' policies will be analysed. For example, looking into USA policies about this topic, the U.S. Department of Labor, the Occupational Safety and Health Administration (OSHA) mandates that employers provide all workers with safe, sanitary toilet facilities as well as products required for washing and drying (United States Department of Labor, Title 29 of the Code of Federal Regulations, Part 1910, Section 141). Menstrual products are conspicuously excluded from the list of hygiene necessities, though addressed in meticulous detail in disposal protocols for products used in menstrual hygiene. The justification for the difference in treatment is not made explicit; its basis is the lack of importance that the menstrual health of women workers has historically had.

In Spain, the minimum regulation on sanitary installations in the workplace is set out in Royal Decree 486/1997 (BOE n. 97, 23 April 1997), of 14 April, which establishes the minimum health and safety provisions in the workplace. Annex V, as regards toilets and rest facilities which establishes in section 4 that "Workplaces shall have, in the vicinity of workstations and changing rooms, washrooms with mirrors, washbasins with running water, hot, if necessary, soap and individual towels or other hygienic drying system. They shall also be provided with hot and cold running showers when dirty or polluting work or work involving heavy perspiration is carried out regularly. In such cases, workers shall be provided with the necessary special cleaning equipment". The only reference to the specific needs of women workers, which is at the very least cryptically worded, is contained in paragraph 6, which states that "Special closed containers shall be installed in toilets to be used by women" without even referring to the justification for this need. And, although Article 10 establishes the minimum content required for the company's first aid kit, no reference is made to the need to have hygiene elements for menstrual management. It does regulate that "pregnant workers and nursing mothers shall have the possibility to rest while lying down in appropriate conditions", again without any reference to the needs of menstruating workers.

In Hungary, the implementation of safe and healthy working conditions is essentially the responsibility of the employer. The details of this are laid down in the Joint Decree No. 3/2002 (II. 8.) of the SzCsM-EüM, which sets out the minimum level of occupational safety

requirements for workplaces. According to Section 19 of this Decree, workers must be provided with sufficient and adequate shower facilities if the nature of the work or other health reason so requires. There should be separate showers for men and women or at least the separate use of showers must be guaranteed. Shower rooms should be of sufficient size to allow all workers to clean themselves hygienically without obstruction. Showers should be provided with hot and cold running water. Only the fifth Paragraph of this Section can refer indirectly to the specific requirements of hygiene for women since the legislator expresses here that showers must be equipped with facilities that enable all workers to clean themselves in accordance with hygiene requirements. Where showers are not required, enough suitable sinks with running water (hot water if necessary) should be provided in the workplace environment so that hygiene requirements can be maintained and adequate facilities or equipment for drying hands are available. Separate restrooms with enough toilets and hand-washing facilities must be provided for workers in the vicinity of workplaces, rest rooms, changing rooms and rooms with showers and washbasins. There is no regulation about special containers, contrary to the Spanish legislation. The only gender-specific rule is that separate toilets or separate use of toilets for men and women must be provided. Finally, pregnant women and breastfeeding mothers should be able to rest in a suitable room with a bed during breaks, including during working hours if necessary for health reasons.

At the European Union level, it is noteworthy that in the European Agency for Safety and Health at work (OSHA-EU) report “New risks and trends in the safety and health of women at work”, published on January 20<sup>th</sup>, 2013, meant to examine “the specific challenges in terms of health and safety posed by the more extensive integration of women in the labour market”, the word menstruation is used only once (page 48) in its 382 pages. And only to reinforce the need of a broader view on reproductive health, with a “greater focus on reproductive issues in respect of overall occupational risks in the research agenda”. At least it’s taken in account that as “there is some research on pregnant women and new mothers, there is far less research on other women’s life experiences, such as hormonal effects, menstruation disorders and menopause”.

Menstruation has not been considered either in labour legislation or in occupational risk prevention, and only very recently has it been given minimal attention in experiences that we can still define as almost anecdotal at the global level. However, there are already studies (Schoep et al., 2019) that prove that menstrual symptoms do not typically result in increased absenteeism but do increase presenteeism, defined as going to work despite being sick or in pain for fear of losing one’s job. Presenteeism resulting from menstruation can lead to a decline in productivity (De Arruda et al., 2024). Recognizing this, potential solutions to address these challenges may involve providing individuals experiencing menstruation with increased flexibility during their period (Francis, 2022) (such as the option to work from home or adopt flexible hours), free access to workplace facilities, and the implementation of period leave policies, among other innovative approaches.

These innovations are necessary, because there are workers struggling at workplace because of the menstruation, which can be found in the case law as well. The existence of legal precedents based on menstruation is very limited, thus, one employee in the United States has reported being fired for not adequately managing her periods. In *Coleman v. Bobby Dodd Institute* (D Ga, Civ N° 17-029, 8 June 2017) a woman worker was warned and eventually dismissed from her job for accidentally bleeding on the office chair and carpet due to heavy unexpected flow. Mirs Coleman sued the employer alleging discrimination based on gender, but the District Court of Georgia stated that the dismissal did not constitute sex discrimination on the basis that it wasn’t proved that if a man damages office furniture “due to incontinence”

treatment would have been different. This court recognise that in some circumstances menstruation may be a prohibited ground of discrimination related to gender, but despite such recognition, based on equating menstruation with a disease, dismissed the plaintiff's request. Thus, the Court denies that menstruation is a biological event specific to female biology, that should ground a claim for sex discrimination. In another case, an international shop chain has been accused of spying on staff in Germany regarding how many times they used the toilet and accessing details on their menstrual cycles. "In these types of contexts, we see the occurrence of period stigma, which although it is being challenged by activists, still clearly functions to limit opportunities for women to articulate their workplace needs, and consequently menstruation management becomes an individual project for women at work" (Remnant and Sang, 2019). These cases show a negative approach of employers toward menstruating employees, which prompting the legislator to act to support menstruation in labour law.

As it has been said, one of the approaches to menstrual friendly working environments is the menstrual leave, allowing individuals to take time off work due to menstruation-related challenges, but this policy carries potential implications for those affected, impacting their workplace status.

The crucial question revolves around whether such a policy contributes positively or negatively to the well-being of individuals facing menstruation-related issues (Levitt and Barnack-Tavlaris, 2020). Despite progressive intentions, could these policies inadvertently lead to increased discrimination and unfavourable attitudes towards those requiring menstrual leave?

#### **4. Menstrual leave**

The latest development in labour law in this context is the introduction of menstrual leave at global level. Menstrual leave is defined in the international literature as a leave that allows menstruating persons to take time off from work if they are unable to go to work because of their menstruation; it is a policy that can affect menstruating persons in a variety of ways, including their employment status. Some authors suggest that this influence can take several forms, including potentially negative ones, as it can discriminate against women in terms of employment, wages and promotion (Levitt and Barnack-Tavlaris, 2020). International interdisciplinary research on menstruation is linked to the concept of menstrual health. This also provides a broad context for labour rights thinking, as it is intertwined with sustainability goals, gender equality and fundamental human rights, so it defines not only the research direction but also the policy requirements (Hennegan et al., 2019).

The examples of menstrual leave should be searched basically outside of Europe. If we are searching in the legal options, Japan (Dan, 1986), Indonesia (Matchar, 2014), South-Korea, Taiwan and Zambia (Worley, 2017), three Chinese provinces (Hubei, Shanxi, and Ningxia) (Forster, 2016), Mexico (Levitt and Barnack-Tavlaris, 2020), Taiwan (Chang, et al., 2011), United Arab Emirates (Gregorio, 2023) and one Argentinian province (Federación) can be mentioned.

In most of these regulations, as will be detailed in the following paragraphs, the focus of menstrual leave is placed either on reproductive or on hygienic factors, which differs from the agreed initiatives and the new regulation in Spain, both of which are more focused on the well-being of female workers.

Japan became the first country to introduce menstrual leave in 1947, but it had been debated for twenty years before, as that debate began in 1928 when, according to Barbara Molony (2016), women drivers at the Tokyo Municipal Bus Company demanded days off so they would not have to give up their jobs due to monthly period-related absences. World War II postponed their demands, but soon after the war, "impoverished women, desperate for jobs, found that the lack of adequate toilets and sanitary towels made it impossible to work during menstruation" (Javaid, 2016). After intense lobbying, women's union representatives won the right to paid menstrual leave, and the article 68 of The Standards Law of Japan established that women who suffer from painful periods or whose work could exacerbate period pain are allowed *seirikyuka* (literally "physiological leave"), as it is considered a natural or biological right, and the employer shall take into account the menstrual period.

So, in Japan, legal-level protection has been guaranteed for menstruating women since 1947 (Asboth, 2022). The legislation does not determine the number of the possible days off, but based on the legislation, salary is also not guaranteed during this time (Japanese Labor Standards Act No. 49 of April 7, 1947), since certain employer can decide individually whether these days can be qualified as paid leave. "According to the data of the Japanese Ministry of Labour Law from 2020, 30% of the companies provide full or partial salary for the female colleagues voluntarily. At the same time, only 0.9% of women live with the option of menstrual leave" (Asboth, 2022). Meanwhile, Dan stated that the Japanese trade unions also emphasized that menstrual leave should be provided not just in case of "painful" menstruation but also when it is symptomless as well, since the aim of menstrual leave was the protection of women's fertility (Dan, 1986). However, women who used leave for this purpose were faced with negative consequences such as discrimination and harassment by employers. This resulted in the government proposing to remove menstrual leave from the law to safeguard female workers from discrimination and led to tension between women's labour unions and the government (Dan, 1986). Despite this proposition, menstrual leave in Japan is still in force.

Based on an act from 2003, Indonesia also provides the opportunity for rest time related to menstruation to a maximum of two days of paid leave monthly, but the details should be discussed by the parties concerned, and the employee has the obligation of giving prior notification.

The next example is South-Korea where menstruating women are entitled to one day of unpaid leave every month in the Labour Standard Act of 2007. The employer is obliged to give this leave, and if they don't they can face a fine of thousands of Euros (Asboth, 2022). This regulation not only applies to the private sector, but also to civil servants. Similarly to Indonesia, the practice unfortunately, shows that the employers of this country also do not use the regulation adequately, as they often do not ensure the paid days associated with menstruation, and they require material proof from the employees, hence violating human dignity.

Taiwan regulates menstrual leave to the narrowest extent, since it defines it in one day monthly, to be used up to a maximum of three days per year as it was included in the legislation on January 16, 2002, with the enactment of the Gender Equity at Work Act:

Article 14. Female employees who have difficulties in performing their work during their menstruation period may apply for one day of menstrual leave each month. If the accumulated leaves do not exceed three days in a year, they shall not be counted as days off sick leave. All additional menstrual leave will be counted as sick leave (Asboth, 2022).

An additional point of interest is that 50% of their wage is provided for the time of menstrual leave, such as in case of sick leave (Asboth, 2022; Matchar, 2014), if it does not exceed those three days in a year.

The United Arab Emirates has implemented a menstrual leave on a paid basis. These policies recognise the need to support women in the workplace during their menstrual period, ensuring their well-being and promoting equality in the workplace.

In Africa, Zambia made one day of menstrual leave in a month possible in an act of 2015, moreover, it is available also in case of the lack of medical certificate, and its prior notification by the employee is also not required based on the legislation (Asboth, 2022). The policy is referred to as a “Mother’s Day”, which stresses women’s potential of becoming mothers (Worley, 2017), so Zambia’s policy, highlights women’s presumed role as mothers/future mothers as the basis for this leave.

Public employees of the State of Mexico have been granted the leave for dysmenorrhea, understanding it as a necessity and a debt that the State has with public employees who are at the service of the proper functioning of the public administration, to allow women to exercise their labour activity, taking into account the importance of this leave with the purpose of vindicating "their labour rights, for which the mechanism that allows them the free exercise of their professional activity should be sought, without this implying their physical and emotional well-being" (Contentious Administrative Court of the State of Mexico, 29 June 2017). But this physiological leave establishes precisely the three main beneficiary groups of this leave: women in middle adulthood suffering from disabling dysmenorrhea, women in middle adulthood with discomfort typical of menopause and climacteric; and men in middle adulthood with discomfort typical of andropause. It’s therefore not exclusively a menstrual leave and have a broader spectrum of potential beneficiaries.

In 2014, the municipality of Federación’s province, in Argentina started granting its public employees a paid day's leave to women who felt unable to work during their menstrual period (women's day) (Mamani, 2023).

But, besides legislation, social partners also deal with the issue of menstruation. More employers have rules about the rest time related to menstruation in their organization: for example, the Zomato, a food delivery start-up in India provides ten paid days off in a year as menstruation related leave (Lampért, 2021). Also in India, a digital communication agency called Gozoop has introduced a menstrual measure based on which employees can work from home on one day in a month during the period of menstruation (Levitt and Barnack-Tavlaris, 2020). This is a special approach of menstrual health, since it does not make exemption from work possible, it only differentiates between the places of work.

In Hungary, some employers have introduced menstrual leave in their own organisations. From September 2022, the Council of Representatives of the VI. district of Budapest, on the motion of the mayor, adopted a decision to grant one extra day of paid leave per month to female employees suffering from dysmenorrhea in companies owned by the local municipality. The decision was inspired by the new Spanish legislation, which cited the lack of effective working conditions during the said pain. To benefit from this option, the worker must provide medical proof that she is in severe pain during menstruation. This entitlement is subject to a review every two years, based on which a medical certificate will provide the employee with a total of 12 extra paid days off per year for two years (Szurovecz, 2022). There is no further regulation

on whether there is an upper age limit for requesting menstrual leave. Similar examples can be found in England (Morris, 2016).

In England, Bex Baxter, the director of the social service company called Coexist also started a program in 2016 that made possible for women to stay at home during menstruation. However, the employer could show further achievements over the free day as well, since it established “well-being rooms” in which both menstruating and not menstruating workers could go during the working hours to have some rest and maintain their mental health (Levitt and Barnack-Tavlaris, 2020). Despite the program’s progressive intent, some employees viewed it as a setback for feminist progress. From their perspective, it cast women in a victim role and signalled the end of equal opportunities for advancement (Lampert, 2021).

In France a furniture manufacturing company provides 6-10 paid free days in a year for female employees (Asboth, 2022).

The Period works! initiative, developed by the Swedish organization MENSEN, is a necessary reference in this area. They have developed a unique "menstrual certification", involving employers, employees, and trade unions “to create a more period friendly work life where everybody has the same opportunities”. With this initiative it draw attention to the fact that there are challenges in work environments that may exclude menstruating individuals from the labour market: inadequate facilities, inflexible workloads, including the inability to take bathroom breaks, are some of the challenges that part of the working population has to cope with a daily basis (Hallencreutz et al., 2023). This approach is rooted in employers’ obligation to prevent discrimination at work (Brassart, 2023).

In Australia, the Victorian Women’s Trust (VWT), a women's advocacy agency with a workforce of 15 employees, has implemented a groundbreaking menstrual policy that extends its coverage to employees experiencing menopause – a pioneering initiative. Additionally, the organization has crafted a policy template aimed at encouraging other companies to adopt menstrual leave policies. The genesis of their policy can be traced back to the Waratah Project, an initiative focused on addressing issues related to menstruation and menopause with the aim of eliminating associated stigma. Through an online survey, VWT discovered that 58% of respondents from both Australia and around the globe expressed support for the concept of menstrual leave, believing that its implementation would enhance the overall menstrual experience. VWT's menstrual leave policy offers employees a range of choices, including the option to work from home, work in a designated quiet and comfortable area within the office, or avail themselves of one paid menstrual leave day per month (Melican and Mountford, 2017). Another company, Culture Machine, a digital media firm, offers their female employees one paid day off per month, referred to as “First Day of Period Leave” (Blush Originals, 2017).

In none of this regulations, menstrual leave can be fully understood without placing it within the broader framework of feminist labour rights theory. Feminist legal scholars have long explored the structural and gendered biases inherent in labour law systems, revealing how these systems have historically placed the normative male worker at the centre and marginalised women's embodied experiences. Menstrual leave provides a particularly illustrative case study for examining the tension between formal equality and actual inclusion in labour law. Joanne Conaghan’s foundational work in feminist legal theory highlights the law’s tendency to universalise male experience under the guise of neutrality, thereby excluding or devaluing the specificities of female embodiment (Conaghan, 2013). Judy Fudge similarly argued that the legal concept of the worker has been framed from the perspective of male breadwinning norms,

leaving little room for recognition of the caring and biological processes traditionally associated with women (Fudge, 1991). Menstrual health, at the intersection of physicality and work, highlights this exclusion. Normal workplace structures typically assume a gender-neutral worker who does not menstruate, breastfeed or have children. Menstrual leave policies challenge this archetype and demand that the law treat menstruation as a legitimate workplace problem rather than a private-health matter. Of course, the beneficial effects of menstrual leave from a gender equality perspective are debatable, which is why it is no wonder that there is a position in the literature that sees it as a legal institution that has a detrimental effect on women's position in the labour market (King, 2020). However, we must not forget that menstruation is not only a fact linked to the labour market situation of women, but also a health issue, so that health considerations are also relevant when analysing the broader focus of such a legal issue.

In the same way, social partners have raised concerns about the impact of the menstrual leave, fearing that employers will be less willing to hire women because of it (Mizsur, 2022). These doubts have also blocked legislative processes. An example is the Italian proposal for menstrual leave, which was seen by the social partners as a disadvantage for women workers in terms of their labour market opportunities (Lampért, 2021). Nevertheless, the German literature considers this paid leave to be forward-looking, as it promotes the right to equal treatment of menstruating women, in line with gender-preferential policies (Weisenbürger, 2022). The German solution, however, currently still applies sick leave, with the relief that the exact cause of the illness, i.e. menstruation, does not have to be indicated (Kegel, 2022). The Swiss social partners, on the other hand, are for the time being reluctant to pursue this, as they do not consider that leave is linked to menstruation, but to the resulting sickness, which is in fact the disease to which other existing labour and social law instruments are linked (Woerlen, 2022).

Nevertheless, the fact that the Spanish legislation already provides for a labour law benefit related to menstrual health is a good way forward for legislation in other EU Member States.

## **5. Menstrual leave regulation in Spain**

The regulation of menstrual leave in Spain has been carried out through Organic Law 1/2023 of February 28<sup>th</sup> (BOE n. 51, 1 March 2023), which amends Organic Law 2/2010, of March 3<sup>rd</sup>, on sexual and reproductive health and the voluntary interruption of pregnancy, effective as of June 1, 2023. The bill that led to its approval arose from the coalition government between the Socialist Party and Podemos, the left-wing party and minority partner in the governing coalition. The approval of the regulation has not been unanimously accepted; in fact, it was adopted by 185 votes in favour, 154 against and 3 abstentions.

During the process of drafting this legislation, strong criticism was already received from the different political parties due to its innovative and ambitious nature (López Insua, 2023). This political criticism has been led by the conservative Popular Party (PP), the main opposition party, which warned of the risk of 'marginalisation, stigmatisation' and 'negative consequences

in the labour market'<sup>1</sup> for women. On the other hand, the approval of menstrual leave in Spain has been celebrated by feminist and labour rights organisations as a historic step forward<sup>2</sup>.

Certainly, it is a law that creates new rights for women in Social Security and within the logic of what part of the academia community have called the "right to work without pain (Guaman, 2022)". The regulation is eminently ambitious in nature, aiming, among other things, to break with the outdated schemes that have survived in Spanish law with respect to the biological status of women and which, until now, have been completely neglected, which is why it broadens the range of contingencies protected by Social Security.

The explanatory memorandum of this regulation expressly recognizes that the special situation of temporary incapacity due to disabling menstruation or secondary dysmenorrhea associated with pathologies such as endometriosis, myomas, pelvic inflammatory disease, adenomyosis, endometrial polyps, polycystic ovaries, or difficulty in the outflow of menstrual blood of any type, which may involve symptoms such as dyspareunia, dysuria, infertility, or heavier-than-normal bleeding, among others. It is a question of giving an adequate regulation to this pathological situation to eliminate any type of negative bias in the work environment.

But this is not the only reference that the law makes to menstrual health, as it includes free menstrual management products in educational centers, in situations where it is necessary, as well as in prisons and social centers so that women in vulnerable situations can have access to them (articles 5 quater and 5 quinquies) The public authorities will also promote, in accordance with this organic law, the use of menstrual management products that are respectful of the environment and women's health.

Article 2 of the regulation defines the concepts subject to regulation. As far as this article is concerned, it is necessary to make special reference to paragraphs 4 and 6:

“4. Health during menstruation: The integral state of physical, mental and social well-being, and not merely the absence of illness or disease, in relation to the menstrual cycle. Menstrual management shall mean the way women choose to manage their menstrual cycle, including the use of various menstrual products such as pads, tampons, menstrual cups and similar items. (...)

6. Secondary incapacitating menstruation: Situation of incapacity derived from dysmenorrhea generated by a previously diagnosed pathology.”

In addition, article 3.2 expressly includes within the scope of application of the law trans persons with gestational capacity, so that all the references of this organic law referring to reproductive rights will be applicable to them, including the provisions related to health during menstruation. Article 5.1.j, within the general objectives and guarantees of the standard, includes the generation and effective dissemination of quality information on menstrual education and menstrual management products.

---

<sup>1</sup> Alberto Nuñez Feijoo, President of the Popular Party. Statements at a press conference on May the 13<sup>th</sup>, 2022; [https://www.abc.es/sociedad/abci-feijoo-sobre-bajas-menstruales-medico-baja-no-vicepresidenta-segunda-202205131310\\_noticia.html?ref=https%3A%2F%2Fwww.abc.es%2Fsociedad%2Fabci-feijoo-sobre-bajas-menstruales-medico-baja-no-vicepresidenta-segunda-202205131310\\_noticia.html](https://www.abc.es/sociedad/abci-feijoo-sobre-bajas-menstruales-medico-baja-no-vicepresidenta-segunda-202205131310_noticia.html?ref=https%3A%2F%2Fwww.abc.es%2Fsociedad%2Fabci-feijoo-sobre-bajas-menstruales-medico-baja-no-vicepresidenta-segunda-202205131310_noticia.html)

<sup>2</sup> Coordinadora Feminista. Statements at a press conference on May the 13<sup>th</sup>, 2022 <https://www.elperiodico.com/es/sociedad/20220513/radiografia-bajas-menstruales-opiniones-13653674>

The regulation of menstrual leave is derived to the General Social Security Law, amended in its articles 169 to 176 (BOE N° 261, 31 October 2015). At this point, a new provision is added to the existing regulation on temporary incapacity due to common contingencies, specifying that cases of secondary incapacitating menstruation will be considered special situations under this category. This reference to the regulation of the General Social Security Law is a defective legal technique, since the General Social Security Law does not specify what is understood by "secondary incapacitating menstruation", so that to understand the concept it is necessary to evaluate the explanatory memorandum of Organic Law 1/2023, which means that the Social Security regulation is not complete.

It requires, therefore, a medical prescription of health care and temporary impediment to work, and some doctrine has alluded that it should be diagnosed by a specialist in gynaecology (Miñarro and Molina, 2023), as opposed to ordinary sick leave for common contingencies, and hence is beyond the competence of the family physicians.

In this special situation of temporary disability due to secondary incapacitating menstruation, the subsidy will be paid by the Social Security during sick leave, which is a clear improvement compared to the general regime of temporary disability due to common contingencies, in which the payment is made from the fourth day of sick leave, except for improvements agreed in collective bargaining agreements or employment contracts. This is not the only improvement in the general system, since in medical leave processes due to secondary incapacitating menstruation, each process will be considered new, without counting the purposes of the maximum period of duration of the temporary incapacity situation, and its possible extension. The third improvement is that although it is considered a common contingency, the right to the benefit is not subject to any prior requirement so it is not necessary to have any prior payment made to the Social Security System.

It should be highlighted that Rodríguez, holding the office of the minister of equal opportunities at the time of the legislation, emphasized that it should be interpreted that the employee will be entitled to the leave only in case of serious health complaints (Mizsur, 2022). It should also be noted that this opportunity cannot entirely be interpreted as a sick leave, since this leave is paid by social insurance from the first day (Mátrai, 2022). Criticism would indicate that these new situations, supported by biological conditions and avoiding gender biases, could cause a rebound effect. For example, it would have been pointed out that a medical menstrual leave taken on a monthly basis for some days may be unsustainable for companies. However, it must be insisted that the issue is not simply painful menstruations.

The basis for this special protection has been debated within the literature, particularly regarding whether it stems from the condition of being a woman or, more specifically, from issues related to reproductive health (De Fuentes and Armijo Suárez, 2023). Regardless of the rationale, a wide range of opinions has emerged.

From medical circles it has been considered that this cause of temporary disability was a necessary regulation "claimed for a long time by specialists in the gynaecological care of women" (De Fuentes and Armijo Suárez, 2023), although a better legal definition has been demanded.

This reasoning does not take into consideration the fact that although dysmenorrhea, as considered in the law, is caused by pathological reasons, painful menstruation does not always have an associated underlying organic pathology. Several times, the cause of this pain is not

always known (since there are cases that are not easy to identify) or not yet diagnosed, but under study. There remain, however, the cases of other possible incapacitating menstruations (“primary”, without previous origin or pathology) or those other situations linked to menstrual periods not contemplated in the new situation. Just as they were until now, subject to the process of temporary incapacity derived from ordinary common contingencies or, in other words, with different and worse conditions (Hierro, 2023).

Other critics allude to the fact that hypermenorrhea refractory to treatment should have been included as another cause of menstrual incapacity, that is, heavy bleeding that is not alleviated with the usual drugs, because this pathology, although it is not always painful, has as a consequence “that the woman bleeds so much that it prevents her from carrying out her usual and daily work, since the feminine hygiene products get stained and spilled” (Esteve, 2023). On the other hand, other specialists in gynaecology maintain that the law does not take into consideration the fact that dysmenorrhea must be “refractory to treatment” to be under the scope of this legislation, since “many of the pathologies... usually respond correctly to treatments” hormonal (with the intake of contraceptives or antiandrogens), anti-inflammatories (Pinkerton, 2023; Ferries-Rowe, 2020), so having this type of pathology would not always imply temporal working disability.

For other authors, the description of painful is criticizable, because “it probably distorts the approach, since the greater effect of a work incapacity is required” and they advocate more for teleworking for better menstrual management. That is, more for alternative flexible management measures in companies rather than seeking for paid vacation or sick leave (Miñarro Yanini, 2023). But it should not be ignored that the provision for the special situation of menstrual leave does not exclude the possibility of establishing other measures in collective bargaining, such as the possibility of the woman choosing changes in schedules, functions, teleworking option, irregular working hours, to alleviate absenteeism (Estevez Segarra, 2023).

According to data provided by the Ministry of Equality<sup>3</sup>, as of 28 May 2025, and since its entry into force on 1 June 2023, only 3,059 women have benefited from the allowance covered by this regulation, 1,559 in the first year, lasting an average of three days. The limited duration of this measure and the small number of beneficiaries mean that there is still no data available on the possible adverse effects of menstrual leave on female employment in Spain.

But bearing in mind that the Ministry of Equality's draft bill estimated that the right to leave for incapacitating menstruation would have a maximum additional cost of €23.8 million per year after calculating, based on active population and employment figures, that of the six million women working in Spain in the 16-50 age range, 1% (around 60,000) may suffer from this condition<sup>4</sup>, it is clear that the actual cost of this measure has been well below these estimates.

In any case, it is evident that the fierce criticisms of its approval ignored both the genesis of the rule and its antecedents and previous regulations in other states.

---

<sup>3</sup> <https://efeminista.com/pobreza-menstrual-cyclo-eugenia-mindurry/>

<sup>4</sup> [https://www.congreso.es/es/busqueda-deintervenciones?p\\_p\\_id=intervenciones&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&\\_intervenciones\\_mode=mostrarDetalle&\\_intervenciones\\_legislatura=XIV&\\_intervenciones\\_id=2022112900032002600043474s00031210001220000715621](https://www.congreso.es/es/busqueda-deintervenciones?p_p_id=intervenciones&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_intervenciones_mode=mostrarDetalle&_intervenciones_legislatura=XIV&_intervenciones_id=2022112900032002600043474s00031210001220000715621)

## 6. Discussion on the form and effects of menstrual leave

The Spanish legislation was the subject of conflicting views among the social partners. The stigmatising effect of menstrual leave was raised. According to rights organisations, a general legislative regulation would make it even more difficult for women to find work in the labour market, as an employer could use the significant number of extra paid days off as an argument to opt for a male worker in a job interview (Sáfrány, 2022). Despite the strict rules, the Spanish social partners have raised concerns about the impact of the new legislation. Cristina Antoñanzas, deputy general secretary of the Unión General de Trabajadores (UGT), one of Spain's largest trade unions, has highlighted the stigmatising effect of menstrual leave in the drafting of the legislation (Mizsur, 2022). Meanwhile, Spain's largest trade union, Comisiones Obreras (CCOO), considers this to be a legislative advance that responds to the needs of women who suffer from very painful and incapacitating periods<sup>5</sup>, divergent positions that highlight doubts about this approach, even among workers' representatives.

Despite being a member of the government that approved this regulation, the Spanish deputy prime minister and Minister of Finance, Nadia Calviño, feared that if the proposal passes, employers will be less willing to hire women because of the three days of menstrual leave a month (Mizsur, 2022).

Without doubt, menstrual leave has the potential to positively contribute to the well-being of menstruators in two key interrelated ways: by promoting menstrual health and by destigmatizing menstruation, but it may also give rise to unintended negative consequences. These could include the perpetuation of sexist beliefs and attitudes, the contribution to menstrual stigma, the reinforcement of gender stereotypes and adverse effects on the gendered wage gap. It is a fact broadly expressed that „naming gendered phenomena always risks validating popular beliefs about their naturalisation, a conundrum with which feminists have long had to contend” (Week, 2020, p.587).

Enforcing a workplace policy related to menstruation may necessitate "explicit and public definitions for matters that usually remain implicit and private" (Dan, 1986, p. 2). When an employee opts to take menstrual leave, their supervisor becomes aware of their menstruation status, potentially triggering objectification, sexism, and discrimination, even if on an implicit level. So women may consciously opt not to utilize menstrual leave, if available, as a strategic choice to pursue workplace advancement, including promotions, job training, and building social networks, while seeking to evade negative social judgments (Grose and Grave, 2014).

Due to similar dynamics, menstrual leave might additionally play a role in perpetuating the gendered wage gap while hindering women's advancement in the workplace, commonly referred to as the 'glass ceiling.' Research has indicated that women's absence from work can reinforce stereotypes portraying them as less valuable and dependable employees, thereby undermining their career development progress.

In addition, it is certainly a medical issue how the certifying professional could ascertain the regularity of the severe pain, presumably based on the employee's claim in a particular case. In the absence of further safeguards, this could lead to possible abuses, which could undermine public confidence in the usefulness of the legal instrument, potentially reinforcing its stigmatising effect (Szurovecz, 2022). It is also not certain that leave is the best framework for

---

5

[https://www.ccoo.es/noticia:625744--ccoo\\_a\\_favor\\_de\\_la\\_baja\\_laboral\\_por\\_menstruacion\\_dolorosa&opc\\_id=3f4aab5a06bf3cf965b5397fe82c277c](https://www.ccoo.es/noticia:625744--ccoo_a_favor_de_la_baja_laboral_por_menstruacion_dolorosa&opc_id=3f4aab5a06bf3cf965b5397fe82c277c)

this kind of rest, as it may involve a prior notification obligation, while at the same time menstruation cannot necessarily be calculated to the day in advance for each person concerned, so the question of exemption from the obligation to work may also arise as a possible solution (Remnant and Sang, 2019).

There is also a controversy over the question of whether it is sufficient to agree to work from home on the days concerned. In this regard, Csondor (2022) is of the opinion that, if we assume that menstrual leave is granted by employers to help women in pain who, while suffering, have very limited or no ability to work, it is safe to say that working from home is not a real solution to the problem.

In addition to these legal and social criticisms, the related benefits should also be considered. Perhaps the most important benefit of allowing freedom is the reduction of suffering from the physical symptoms associated with menstruation. There is also the view that the recognition and valuation of menstruation in labour law also entails a destigmatisation of menstruation (Levitt and Barnack-Tavlaris, 2020, p. 563).

In the case of modern gender issues, we can also discover further aspects of this trend towards menstrual health, especially for trans men (Chrisler et al., 2016).

Future solutions to this problem should involve a tripartite social dialogue to decide whether legislative regulation is preferable to individual employer decisions, even if the details are regulated at collective level. However, a prerequisite for a legislative provision is an examination of the question of why, if the doctor certifies a "quasi incapacity to work", a special day off for menstrual pain is necessary (Sáfrány, 2022). It is at this point that individual legislators should reflect on why a loss of capacity to work due to menstrual pain can be treated as incapacity for work, which is a regulated legal institution in labour and social law and can be linked to the legal consequence of exemption from the obligation to work, as well as sick leave and sick pay. It may be a question for the national legal regulatory framework whether incapacity for work encompasses health conditions other than sickness that trigger incapacity for work in such a way that they can be considered a natural phenomenon, not a pathological condition.

This is the approach of the Spanish regulation, which does not establish a special leave linked to menstruation, but rather a specific regulation of common sick leave for secondary dysmenorrhoea.

## **7. Conclusions**

The sections above have shown that the situation of women is influenced by several factors, especially when looking at their role in the labour market. The situation of women is also impinged upon the problem of painful menstruation, which is inextricably linked to issues related to fundamental rights and gender equality, such as menstrual poverty and menstrual health.

Nevertheless, the focus of this research is on the labour law dimension regarding menstruation. A period-friendly employer promotes menstrual health, however, there are insufficient regulations on this matter at the global level. Therefore, the rise of the concept of menstrual leave is of epoch-making importance.

International research suggests that menstrual leave is based on legislative decisions in some nations, while in others it may be linked to employer action. On the legislative actions, the above data shows that there are significant differences in national rules on menstrual leave, so there is no uniform concept and no best practice approach to menstruation in labour law. There can be found a social security-based approach (Spanish solution), but the labour law approach is more common. The remuneration and conditions are all different or only partially the same. It can therefore be concluded that it is extremely important for the national legislator to assess the full range of options, as there are many points at which the menstrual policy of a given nation can be specific.

It is worthwhile for future legislators and employers to reflect on the most appropriate way to introduce menstrual leave in each nation, especially if the justification for its introduction is contested by the relevant social milieu. Tripartite social dialogue is the best way to do this, and the conclusions of an analysis of the legislative environment and social openness may vary from country to country. In any case, this process is inevitable, given the fundamental rights and gender equality dimension of menstruation. At the same time, the way in which menstruation is regulated is not only up to the legislator, since menstruation also involves social taboos. For menstrual leave policies to be fully beneficial to menstruators' well-being, cultural beliefs about and attitudes toward menstruation must change.

Given the existence of various menstrual leave policies worldwide and the ongoing discourse surrounding their extension, it is imperative to engage in critical analysis regarding the potential advantages and disadvantages arising from their implementation. It's a necessity to develop further research to fully comprehend the implications of menstrual leave on the overall well-being and status of menstruators in the workplace. Furthermore, the potential influence of these policies hinges on the manner and context of their implementation, but it's a fact that a more comprehensive approach is needed. This way the legal and social norms are both issues that could become the focus of future jurisprudential and sociological research, not forgetting that, as many feminists' political economists have by now recognized, on several occasions, "the conditions elaborated by feminists to surround women's labour have now become generalized conditions of work" (Adkins and Joniken, 2008, p. 142).

The proposal and implementation of menstrual leave policies can be meaningfully situated within the broader feminist discourse on utopias, particularly as theorised by Kathi Weeks. Weeks argues that feminist utopian thinking is not about blueprinting perfect futures but about reimagining the present. The tool for that is to open spaces of possibility that challenge existing socio-political arrangements. From this perspective, menstrual leave constitutes an utopian demand that contests the normalization of the male body as the standard in the world of work and instead centres the specificity of embodied experiences traditionally marginalized in labour law and employment relations. In *The Problem with Work*, Weeks frames utopias as political tools that illuminate the present from the standpoint of the future and that refuse the realism that seeks to naturalize current social forms. Menstrual leave, viewed in this light, challenges the gendered norms of productivity, availability, and bodily discipline that structure the wage-labour system. It proposes an alternative mode of organising work that acknowledges menstruation not as a liability but as a legitimate bodily experience deserving of accommodation and dignity (Weeks, 2011, p. 12–13, 191–192).

Acknowledging the rights of individuals experiencing menstruation to health, dignity, privacy, and non-discrimination is essential for addressing their workplace needs. However, it is important to consider that heightened visibility may inadvertently perpetuate misogynistic

stereotypes and result in a rebound effect. A truly beneficial transformation of workplace menstrual health promotion can only be achieved through the implementation of a comprehensive human rights framework, firmly grounded in the realization of the rights of individuals who menstruate. A thoughtfully constructed human rights framework for menstrual health in the workplace has the potential to reconcile this paradox.

What is obvious is that workplaces must take in account gendered challenges at work to create equal opportunities and decrease discrimination. To attain this objective, there are several measures that can relieve the menstruation burden, such as restructuring workload organization, incorporating frequent breaks, planning workloads to allow for breaks, providing designated rest areas, offering workplace flexibility, and ensuring paid leave when necessary are crucial steps. The Spanish approach to this measure, where it has been introduced as a variation of ordinary sick leave, with modifications, but with the same guarantee of confidentiality, would possibly be the approach that would lead to the least rebound effect of this type of policy.

Therefore, real equality may require differentiated treatment to rectify inequalities, through the adoption of measures that attack the structural obstacles to equality. As the General Recommendation n° 24, article 4, paragraph 1 of the Convention on the elimination of all forms of discrimination against women, on temporary special measures said, equity does not arise from a strictly equal treatment of men and women but is the result of taking into account the socially and culturally constructed differences between men and women. And this includes all the biological differences, not just the pregnancy related issues, between men and women.

All the employers have the legal responsibility to implement preventive measures against discrimination. It is a fact that meeting menstrual needs in the workplace will absolutely improve the gender equality. Therefore, the recognition of the rights of menstruating persons is mandatory.

Gender equality bargaining is not just related to reducing the gender pay gap or providing work arrangements that improve work-life balance. Equality in the workplace can be achieved by addressing inequality caused by biological difference. Trade unions therefore have a key role when it comes to menstrual health, as they have a direct knowledge of the needs of the workers they are representing.

A cautious approach to menstrual health in the workplace is needed, as otherwise it could reinforce stereotypes about menstruating workers, but the first step is beginning to take on account the fact that every month around 2 billion people menstruate (UN Woman, 2024).

## References

- Adkins L and Jokinen E (2008) Introduction: Gender, Living and Labour in the Fourth Shift. *NORA-Nordic Journal of Feminist and Gender Research* 16(3): 138–149.
- Alma Gyógyszertárak (2015) Menstruációs fájdalmak: van megoldás!. Available at: <https://almapatika.hu/magazin/csalad-es-egeszseg/noi-egeszseg/menstruacios-fajdalmak-van-megoldas> (accessed 23 April 2023).
- Amaya G (2010) Dismenorrea. *Ginecología y obstetricia* 19(11): 291–302. Available at: [https://revistas.udea.edu.co/index.php/ginecologia\\_y\\_obstetricia/article/view/17549](https://revistas.udea.edu.co/index.php/ginecologia_y_obstetricia/article/view/17549) (accessed 23 April 2023).
- American College of Obstetricians and Gynecologists (2023) Dysmenorrhea: Painful Periods. Available at: <https://www.acog.org/womens-health/faqs/dysmenorrhea-painful-periods> (accessed 23 April 2023).
- Armour M, Hyman MS, Al-Dabbas M, Parry K, Ferfolja T, Curry C, MacMillan F, Smith CA and Holmes F (2021) Menstrual health literacy and management strategies in young women in Australia: A national online survey of young women aged 13-25 years. *Journal of pediatric and adolescent gynecology* 34(2):1161–1171. DOI: 10.1016/j.jpag.2020.11.007.
- Asboth B (2022) Menstruációs szabadság - példák a nagyvilágból. Available at: <https://hu.euronews.com/2022/05/26/menstruacios-szabadsag-peldak-a-nagyvilagbol> (accessed 23 April 2023).
- Barnack-Tavlaris JL, Hansen K, Levitt RB and Reno M (2019) Taking leave to bleed: Perceptions and attitudes toward menstrual leave policy. *Health Care for Women International* 40(12): 1355–1373.
- Berde É and Drabancz Á (2022) Népesedési scenáriók magyarországon a családtámogatási program részeredményei és a globális termékenység változásának tükrében. *Köz-Gazdaság* 1: 259–275
- Bernardi M, Lazzeri L, Perelli F, Reis FM and Petraglia F (2017) Dysmenorrhea and related disorders. *F1000Research* 6: 1645.
- Brassart Olsen C (2023) A blessing or a curse? An analysis of menstrual health promotion in the workplace from a human rights perspective. *Nordic Journal of human rights* 41(2): 151–170.
- Blush Originals (2017) First Day of Period Leave [Video File]. Available at: [https://www.youtube.com/watch?time\\_continue=11&v=avPgUxGC1Sg](https://www.youtube.com/watch?time_continue=11&v=avPgUxGC1Sg) (accessed 23 April 2023).
- Carcillo S and Grubb D (2006) From inactivity to work: the role of active labour market policies. OECD Social, Employment and Migration Working Papers.

Carrino L, Nafilyan V and Avendaño M (2022) Should I Care or Should I Work? The Impact of Work on Informal Care. *Journal of Policy Analysis and Management* 42(2) 424–455. DOI: 10.1002/pam.22457.

Chang C, Fen-Ling C, Chu-Hui C and Ching-Hui H (2011) A Preliminary Study on Menstrual Health and Menstrual Leave in the Workplace in Taiwan. *Taiwan Gong Gong Wei Sheng Za Zhi* 30(5): 436–450.

Chrisler JC, Gorman JA, Manion J, Murgó M, Barney A, Adams-Clark A, Newton JR and Mcgrath M (2016) Queer Periods: Attitudes toward and Experiences with Menstruation in the Masculine of Centre and Transgender Community. *Culture, Health, & Sexuality* 18(11): 1238–1250.

Christiani DC, Niu T and Xu X (1995) Occupational stress and dysmenorrhoea in women working in cotton textile mills. *International Journal of Occupational and Environmental Health* 1(1): 9–15.

Conaghan J (2013) *Law and Gender*. London: Oxford University Press.

Csondor C (2022) Munkajogi gondolatok a menstruációs szabadságról. Available at: <https://munkajogportal.hu/munkajogi-gondolatok-a-menstruacios-szabadsagrol/> (accessed 23 April 2023).

Dan A (1986) The Law and Women's Bodies: The Case of Menstruation Leave in Japan. *Healthcare for Women International* 7(1-2): 1–14.

de Arruda GT, Driusso P, de Godoy, A.G. Cordeiro Rodrigues J and Arias Avila M (2024) Presenteeism and associated factors among women with menstrual symptoms. *Arch Gynecol Obstet* 309: 2071–2077.

De Fuentes G, Romero de Tejada C and Armijo Suárez M (2023) La nueva regulación de la dismenorrea o reglas dolorosas. Brief AEDTSS, 15, Asociación Española de Derecho del Trabajo y de la Seguridad Social. Available at: <https://www.aedtss.com/la-nueva-regulacion-de-la-dismenorrea-o-reglas-dolorosas/> (accessed 15 May 2023).

Erdey L and Várnagy E (2022) A menstruációs szegénység mint láthatatlan depriváció – nemzetközi és hazai tapasztalatok. *Külgazdaság* 66(6): 45–81.

Evers A and Sieverding M (2014) Why do highly qualified women (still) earn less? Gender differences in long-term predictors of career success. *Psychology of Women Quarterly* 38(1): 93-106.

Estévez Segarra A (2023) Novedades en materia de Incapacidad Laboral. *Labos* 4: 50–65.

Ferries-Rowe E, Corey E and Archer JS (2020) Primary dysmenorrhea: Diagnosis and therapy. *Obstetrics & Gynecology* 136(5): 1047–1058.

Forster K (2016) Chinese Province Grants Women Two Days 'Period Leave' a Month. *The Independent*, 18 August. Available at:

<http://www.independent.co.uk/news/world/asia/chinaperiod-leave-ningxia-womentwodays-a-month-menstruation-a7197921.html> (accessed 23 April 2023).

Földi I (2022) Hogyan enyhíthető a menstruációs fájdalom?. Available at: <https://www.webbeteg.hu/cikkek/fajdalom/12076/a-menstruacios-fajdalom-enyhitese> (accessed 23 April 2023).

Francis A (2022) Could “menstrual leave” change the workplace?. *BBC, Equality matters*, 26 April. Available at: <https://www.bbc.com/worklife/article/20220426-could-menstrual-leave-change-the-workplace> (accessed 16 January 2024).

Fudge J (1991) Reconceiving Employment Standards Legislation: Labour Law's Little Sister and the Feminization of Labour. *Journal of Law and Social Policy* 7(1): 73–89.

Goldblatt B and Steele L (2019) Bloody unfair: Inequality related to menstruation – Considering the role of discrimination law. *Berkeley Comparative Equality & Anti-Discrimination Law Working Paper*. Available at: <https://ssrn.com/abstract=3485987>. (accessed 19 January 2023).

Gregorio Ibáñez A (2023) Desafíos y avances en la equidad de género en Emiratos Árabes Unidos. *Legal Today*, 9 August. Available at: <https://www.legaltoday.com/destacado/portada/desafios-y-avances-en-la-equidad-de-genero-en-emiratos-arabes-unidos-2023-08-09/> (accessed 16 January 2024).

Grose RG and Grabe S (2014) Sociocultural Attitudes Surrounding Menstruation and Alternative Menstrual Products: The Explanatory Role of Self-Objectification. *Healthcare for Women International* 35(6): 677–94.

Guaman A (2022) Derecho a trabajar sin dolor. Available at: <https://talcualdigital.com/menstruacion-y-trabajo-el-derecho-a-trabajar-sin-dolor-por-adoracion-guaman/> (accessed 5 January 2024).

Hallencreutz R, Rydström K and Simon A (2019) It's time to bring menstrual awareness to workplaces. *Equal times*, 9 May. Available at: <https://www.equaltimes.org/it-s-time-to-bring-menstrual?lang=es> (accessed 18 January 2024).

Hennegan J, Shannon AK, Rubli J, Schwab KJ and Melendez-Torres GJ (2019) Women's and girls' experiences of menstruation in low- and middle-income countries: A systematic review and qualitative metasynthesis. *PLoS Med*, 16(5).

Hierro FJH (2023) Nuevas reglas para la incapacidad temporal: sobre su tramitación telemática y las situaciones especiales establecidas por la Ley Orgánica 1/2023, de 28 de febrero, por la que se modifica la Ley Orgánica 2/2010 de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo. *Revista Española de Derecho del Trabajo* 262.

Human Rights Council (2021) Menstrual Hygiene Management, Human Rights and Gender Equality, A/HCR/47/1.2. Available at: <https://www.ohchr.org/en/statements/2022/06/high-commissioner-human-rights-statement-menstrual-health> (accessed 18 January 2024)

- Hunter E, Palovick K, Teni MT and Kuhlmann AS (2022) COVID-19 made it harder to access period products: The effects of a pandemic on period poverty. *Frontiers in Reproductive Health*, 4.
- Hupkau C, Ruiz-Valenzuela J (2022) Work and children in Spain: challenges and opportunities for equality between men and women. *SERIEs* 13: 243–268.
- Javaid M (2016) Asian countries have been offering females paid menstrual leave for almost 70 years. Available at: <https://timeline.com/asian-countries-have-been-offering-females-paid-menstrual-leave-for-almost-70-years-401056aeb1ec> (accessed 18 January 2024).
- Kálmán J (2018) Nők foglalkoztatási helyzetére ható szakpolitikák Európában. In: Szabó-Morvai A (ed) *Közelkép. Nők a munkaerőpiacon*. Budapest: MTA Közgazdaság- és Regionális Tudományi Kutatóközpont Közgazdaságtudományi Intézet, pp.79–87.
- Kegel N (2022) Spanien ermöglicht Menstruations“urlaub“. Available at: <https://goodnews-magazin.de/spanien-ermoglicht-menstruationsurlaub/> (accessed 23 April 2023).
- Kelemen C (no date) Tényleg normális, ha behalsz a menstruációs fájdalomba?. Available at: <https://www.intima.hu/intim-magazin/endometriozis/tenyleg-normalis-ha-behalsz-a-menstruacios-fajdalomba> (accessed 23 April 2023).
- King S (2020) Menstrual Leave: Good Intention, Poor Solution. In: Hassard J and Torres LD (eds) *Aligning Perspectives in Gender Mainstreaming*. Switzerland: Springer Cham, pp.151–176.
- Lampért Zs (2021) Nem biztos, hogy olyan jó a menstruációs szabadság. Available at: <https://marieclaire.hu/riporter/2021/10/21/menstruacio-munkahely-fizetett-szabadsag/> (accessed 23 April 2023).
- László K, Györffy Zs, Salavecz Gy, Ádám Sz and Kopp M (2007) Munkahelyi stressztényezők kapcsolata a fájdalmas menstruációval. *Mentálhigiéne és Pszichoszomatika* 8(3): 229–239.
- Leuze K and Strauß S (2016) Why do occupations dominated by women pay less? How ‘female-typical’ work tasks and working-time arrangements affect the gender wage gap among higher education graduates. *Work, Employment and Society* 30(5): 802–820.
- Levitt R and Barnack-Tavlaris J (2020) Addressing Menstruation in the Workplace: The Menstrual Leave Debate. In: Bobel C, Winkler I and Fahs B (eds) *The Palgrave Handbook of Critical Menstruation Studies*. Singapore: Palgrave Macmillan. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK565643/#\\_\\_NBK565643\\_dtls\\_\\_](https://www.ncbi.nlm.nih.gov/books/NBK565643/#__NBK565643_dtls__) (accessed 23 April 2023).
- López Insua BM (2023) Derecho a trabajar “sin dolor”: la cara femenina de la incapacidad temporal tras la LO 1/2023, de 28 de febrero. *Revista Internacional y Comparada de Relaciones laborales y Derecho del empleo* 11(2): 42–59.
-

Lysaght P (2016) *La menstruación es importante... Es reglamentaria!*. UNICEF. Available at: <https://www.unicef.org/es/blog/menstruacion-es-importante-es-reglamentaria> (accessed 5 January 2023).

Mamani Mullisaca R. (2023) *Regulación de baja laboral por dismenorrea en la legislación Boliviana*. Final year dissertation. University Mayor de San Andrés, Bolivia.

Marieb EN, Hoeh, K (2010) *Human anatomy and physiology*, 8<sup>th</sup> ed, Pearson Education Inc.

Mazey S (1998) The European Union and women's rights: from the Europeanization of national agendas to the nationalization of a European agenda? *Journal of European Public Policy*, 5(1): 131-152.

Matchar E (2014) *Should Paid 'Menstrual Leave' Be a Thing?* Available at: <https://www.theatlantic.com/health/archive/2014/05/should-women-get-paid-menstrual-leave-days/370789/> (accessed: 23 April 2023).

Mátrai A (2022) *Havi 3 napot maradhatnak otthon a nők Spanyolországban* Available at: <https://hu.euronews.com/next/2022/05/17/havi-3-napot-maradhatnak-otthon-a-nok-spanyolorszagban> (accessed: 23 April 2023).

MediResource Inc. (2023) *Dysmenorrhea* Available at: [www.medbroadcast.com/condition/getcondition/Dysmenorrhea](http://www.medbroadcast.com/condition/getcondition/Dysmenorrhea) (accessed 23 April 2023).

Melican C and Mountford G (2017) “Why We’ve Introduced a Menstrual Policy and You Should Too [Web Log Post].” *Victorian Women’s Trust*. Available at: <https://www.vwt.org.au/blog-menstrual-policy/> (accessed 24 April 2023).

Meliora (2021) *Fájdalmas menstruáció kezelése* Available at: <https://meliorabykoc.hu/rolunk/blog/fajdalmas-menstruacio-kezelese> (accessed: 23 April 2023).

Meng G, Ferreras-Copeland J and Weiss-Wolf J (2018) “Women Are Finally Winning the Period Rights Fight.” *Newsweek*, January 25. Available at: <https://www.newsweek.com/women-fnally-winning-period-rights-fght-790990>. (accessed 17 May 2024)

Mensen, Period Works Available at: <https://mensen.se/en/what-we-do/period-works/> (accessed 18 January 2024)

Mehta BS and Awasthi IC (2025) Youth Employment and Unemployment Situations. In: *Indian Youth’s Journey from Education to Decent Work: Issues and Challenges* (pp. 79-113) Singapore: Springer Nature Singapore.

*Menstrual Leave – die wichtigsten Infos zum Menstruationsurlaub* Available at: <https://erdbeerwoche.com/meine-umwelt/menstrual-leave-die-wichtigsten-infos-zum-menstruationsurlaub/> (accessed 23 April 2023).

Miñarro Yanini M and Molina Navarrete C (2023). *Una reinvencción sistémica de la Seguridad Social: reformas legales y reinterpretaciones judiciales de diligencia debida para corregir sus brechas de género*. Albacete: Bomarzo.

Mizsur A (2022) *Menstruációs szabadság bevezetését tervezik Spanyolországban, három nap járna a fájdalomtól szenvedő nőknek* Available at: <https://telex.hu/kulfold/2022/05/12/spanyolorszag-menstruacios-szabadsag-torvenytervezet> (accessed 23 April 2023).

Monffat N and Pickering L (2019) “Out of order”: the double burden of menstrual etiquette and the subtle exclusion of women from public space in Scotland *The sociological review* n° 7, p. 766.

Molony B, Theiss J and Choi H (2016) *Gender in modern east Asia* Oxfordshire: Routledge.  
Moreno MIR (2023) Womens’ s rights in the workplace – EU vs. Spanish legislation on co-responsibility rights *Stanovništvo* 61(2) pp. 85–107.

Morris S (2016) UK company to introduce 'period policy' for female staff. *The Guardian*, 2 March 2016. Available at: <https://www.theguardian.com/lifeandstyle/2016/mar/02/uk-company-introduce-period-policy-female-staff> (accessed 23 April 2023).

Nash M (2023) Breaking the silence around blood: managing menstruation during remote Arctic fieldwork *Gender, Place & Culture*, 30, 8

Nőgyógyászati K (2021) *Erős, fájdalmas menstruációs vérzés- mi okozhatja?* Available at: <https://www.nogyogyaszatikozpont.hu/nogyogyaszati-hirek/eros-fajdalmas-menstruacios-verzes-mi-okozhatja> (accessed 23 April 2023).

Országgyűlés H (2019) *Keresőképtelenség – táppénz* Available at: [https://www.parlament.hu/documents/10181/1789217/Infojegyzet\\_2019\\_3\\_keresokeptelenseg\\_tappenz.pdf/95e29957-8dd5-c6b6-3e2c-c77726cd6645](https://www.parlament.hu/documents/10181/1789217/Infojegyzet_2019_3_keresokeptelenseg_tappenz.pdf/95e29957-8dd5-c6b6-3e2c-c77726cd6645) (accessed: 23 April 2023).

Parker MA, Sneddon AE and Arbon P The menstrual disorder of teenagers (MDOT) study: determining typical menstrual patterns and menstrual disturbance in a large population-based study of Australian teenagers. *BJOG*. 2010 Jan;117(2):185-92.

Patton E and Johns G (2007) Women’ s Absenteeism in the Popular Press: Evidence for a Gender-Specific Absence Culture *Human Relations* 60 (11).

Pinkerton JV (2023) *Dismenorrea Manual MSD* Rahway: Merck & Co <https://www.msdmanuals.com/es/professional/ginecolog%C3%ADa-y-obstetricia/anomal%C3%ADas-menstruales/dismenorrea>

Reljanović MLj and Rajić Čalić JM (2024) Menstrual Leave and Gender Equality *Strani pravni zivot*, 68(1), pp. 1–14.

Remnant J and Sang K (2019) Her bloody project – managing menstruation at work Available at: <https://www.cost-of-living.net/her-bloody-project-managing-menstruation-at-work/> (accessed 23 April 2023).

Sáfrány Í (2022) Menstruációs szabadság - Tények és tévhitek Available at: <https://das.hu/jogiesetek-es-hirek/menstruacios-szabadsag-tenyek-es-tevhitek/> (accessed: 23 April 2023)

Clemmer C (2017) This Photo Shows That Women Aren't the Only Ones Who Menstruate. Available at: <https://www.self.com/story/women-arent-the-only-ones-who-menstruate-07/24/transgender-activist-tackles-issue-menstruation-powerful-viral-photo>. (accessed 18 May 2023)

Schoepp ME, Adang EMM, Maas JWM, De Bie B, Aarts JWM and Nieboer TE (2019) Productivity loss due to menstruation-related symptoms: A nationwide cross-sectional survey among 32 748 women., *BMJ Open*, 9(6), 1-10. Available at: <https://pubmed.ncbi.nlm.nih.gov/31248919> (accessed 5 January 2024)

Seth M (2023) Why is it important to have a period-friendly workplace? Available at: <https://www.peoplematters.in/article/wellness/why-is-it-important-to-have-a-period-friendly-workplace-37083> (accessed 23 April 2023).

Sheppard C (2017) Chapter Nine. Systemic discrimination and gender inequality: A life cycle approach to girl's and women's rights. In Mendes E and Srighanthan S (eds) *Confronting discrimination inequality in China: Chinese and Canadian perspectives*. Available at: <https://doi.org/10.2307/j.ctt1ckpdk1.15> (accessed 19 January 2024)

Sommer M, Chandraratna S, Cavill S, Mahon T and Phillips-Howard P (2016) Managing menstruation in the workplace: an overlooked issue in low-and middle-income countries. *International journal for equity in health*, 15, pp. 1-5.

Szurovecz I (2022) Menstruációs szabadságot vezetnek be a terézvárosi önkormányzati cégeknél Available at: <https://444.hu/2022/09/01/menstruacios-szabadsagot-vezetnek-be-a-terezvarosi-onkormanyzati-cegeknel> (accessed 23 April 2023).

Thurston SW, Ryan L, Christiani DC, Snow R, Carlson J, You L, Cui S, Ma G, Wang L, Huang Y and Xu X (2000) Petrochemical exposure and menstrual disturbances *American Journal of Industrial Medicine*, 38(5), pp. 555–564.

Tull K (2019) Period poverty impact on the economic empowerment of women *K4D helpdesk Report*, 536, pp. 3-4.

UNICEF (2019) Guidance of menstrual health and hygiene. Available at: <https://www.unicef.org/documents/guidance-menstrual-health-and-hygiene>. (accessed 18 January 2024).

UN Women (2018) Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls, para 38 Available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/62/CSW-Conclusions-62-EN.PDF> (accessed 18 January 2024).

UN Women (2024) Period Poverty – why millions of girls and women cannot afford their periods Available at: <https://www.unwomen.org/en/news-stories/explainer/2024/05/period-poverty-why-millions-of-girls-and-women-cannot-afford-their-periods> (accessed 18 January 2024)

United Nations (2019) International Women's Day—8 March 2019 Women's Menstrual Health Should No Longer Be a Taboo Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24258&LangID=E>. (accessed 9 January 2024)

Vajda R (2014) Munkaerőpiac, foglalkoztatás, vállalkozónők. In: Juhász, B. (ed.) *A nőtlen évek ára: A nők helyzetének közpolitikai elemzése*. pp. 99–152 Available at: [http://real.mtak.hu/25164/1/vajda\\_notlenevek.pdf](http://real.mtak.hu/25164/1/vajda_notlenevek.pdf) (accessed: 23 April 2023).

Wash4Work: a self-training handbook (2016) Guide 3.5 Menstrual Hygiene Management, n° 16. Available at: [https://www.ilo.org/global/docs/WCMS\\_535058/lang--en/index.htm](https://www.ilo.org/global/docs/WCMS_535058/lang--en/index.htm). (accessed 15 January 2024)

Weeks K (2011) *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*. Durham–London: Duke University Press.

Weeks K (2020) Anti/Postwork Feminist Politics and a Case for Basic Income *TripleC* 18 (2): 575-594

Weiss-Wolf J (2020) U.S. Policymaking to Address Menstruation: Advancing an Equity Agenda *The Palgrave Handbook of Critical Menstruation Studies*, p. 539-540.

Weisenburger L (2022) *Die Menstruation ist kein Urlaub!* Available at: <https://www.apotheken-umschau.de/mein-koerper/weibliche-geschlechtsorgane/kommentar-die-menstruation-ist-kein-urlaub-873409.html> (accessed 23 April 2023).

Woerlen S (2022) Befreiung oder Stigmatisierung? Der spanische «Menstruations-Urlaub» spaltet die Gemüter Available at: <https://www.watson.ch/international/schweiz/481139145-spanien-offeriert-frauen-menstruations-urlaub-das-musst-du-wissen> (accessed: 23 April 2023).

Worley W (2017) The Country Where All Women Get a Day Off Because of Their Period *The Independent*. Available at: <https://www.independent.co.uk/news/world/africa/zambia-period-day-off-women-menstruation-law-gender-womens-rights-a7509061.html> (accessed 19 January 2024)

World Health Organisation (2022) Statement on menstrual health and rights Available at: <https://www.who.int/news/item/22-06-2022-who-statement-on-menstrual-health-and-rights> (accessed: 23 April 2023).

Zraick K (2018) It's Not Just the Tampon Tax: Why Periods Are Political *The New York Times*. Available at: <https://www.nytimes.com/2018/07/22/health/tampon-tax-periods-menstruation-nyt.html>. (accessed: 25 April 2023)

Zwysen W (2024) Women at work: doing different jobs, still unequal Available at: <https://www.socialeurope.eu/women-at-work-doing-different-jobs-still-unequal> (accessed 6 April 2025).