

## **Is there a need for menstruation/menopause leave in the Australian workplace?**

In 2023, the Women's Economic Equality Taskforce examined the data of the current state of women's economic inequality. They found that the average Australian woman earns \$1 million less than Australian men across her career, whilst 30% of Australian men do not think gender inequality exists.

One cause is a disparity in the number of paid days worked by men and women. Typically, women work 32.5 hours/week compared to 39.3 for men. Part of these can be attributed to maternity, but also to a lack of menstruation and menopause leave, which impact females who cannot perform to the best of their ability during their period/menopause, and instead have to take personal days off whilst men do not need to do the same.

### **Menstruation and menopause in the Australian workforce**

The ABC found in 2022 that there are increasing demands for female employees to be afforded paid menstrual and menopausal leave, and for these provisions to be protected in the Fair Work Act. The proposed policy would give employees who have painful period/menopausal symptoms one day a month or 12 days a year of paid leave.

In 2017 YouGov found that 92% of Australian women have, at some point, experienced period pain and gone to work, with 77% of those saying their pain affected their ability to work. Moreover, one in nine women are either diagnosed with or suspected of having endometriosis (a condition that causes increased period pain), according to the International Journal of Obstetrics and Gynaecology.

Sydney Colussi, a PhD candidate at the University of Sydney remarked that "if the right to work is to be properly upheld, the law needs to protect women from discrimination they face for reproductive issues at all stages of their life". This alludes to the fact that for women to contribute to the workforce, menstruation and menopause protections are necessary. Nonetheless, this may not be the best way to go about change.

### **Countries with menstruation and menopause protections**

In Japan, Article 68 of the Labour Standards Law states (and has since 1947) that employers cannot make women work on days when they have especially difficult periods.

However, women do not get compensation for time taken off. The Guardian interviewed a worker from the Japanese government that revealed "lots of women in another department used to take menstrual leave because they didn't realise those days off were unpaid. As soon as someone pointed out that they weren't getting paid during that time, they stopped taking time off".

Further, social stigma minimises the attractiveness of the policy. Another The Guardian interviewee found that "if you're trying to prove yourself in a man's world, you're not going to take menstrual leave in case it's interpreted as a sign of weakness".

This amounts to less than 10% of women taking menstrual leave in Japan. Also, this policy does not account for menopause, another main driver of women taking time off work due to pain and other symptoms.

In 2023, Spain passed a law establishing the right to a three-day menstrual or menopausal leave of absence (provided you have a doctor's note). Equality minister Irene Montero hailed "a historic day of progress for feminist rights" - but was it?

In the 11 months since the law was introduced, menstrual leave was taken only 1,559 times, when Spain has a workforce of approximately 24.2 million people, 46.8% of whom are women. This is likely because the wording of the legislation limited menstrual leave to conditions such as endometriosis, rather than your average uncomfortable period.

### **What does this mean for Australia?**

Menstruation/menopause leave is a provision that could close the gap between men and women in the workforce. When it is paid, it allows for women to receive payment for as many days out of the year as men, a large stride. Though this legislation exists, it hasn't been utilised to its maximum capacity, it marks a step in the right direction in evening the playing field for men and women in terms of the number of days they can receive payment. However, stigmatisation and instances where leave is afforded without pay minimises the extent to which this policy is helpful. If similar leave was to be implemented in Australia, it would require thoughtful planning and education, as well as compensation for the days females choose to take off.

Ultimately, this legislation could not be implemented without the social climate to accompany it. There is a genuine possibility that women will only become more undesirable employees if they are taking up to 12 days off per year that their male counterparts will show up and contribute to the productivity of the workforce for. Therefore, the implementation of menstruation/menopause leave is not realistic if Australian society doesn't adapt alongside its implementation.

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