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VOL. 41 SYMPOSIUM ESSAY: BLEEDING ON THE JOB

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The following is a part of an essay series for the Volume 41 Symposium, "Are You There Law? It's Me, Menstruation."

In creating inclusive, "period-friendly" workplaces, companies regularly adopt well-meaning but poorly conceived protective policies, which often prove inadequate, and, at times, even harmful to their purported beneficiaries. In our increasingly competitive corporate climate, empowering every member of the workforce to reach their full potential is vital to a company's ability to thrive. An adequate health and wellness program that incorporates ample medical coverage with a corporate culture that normalizes an open discussion of menstruation is critical.

Individuals within a workplace function differently and have particularized needs that affect their productivity and work quality. Common sense dictates that a workplace seeking to optimize its team's performance would ensure that the team members' basic needs are met -- whether a standing desk, an ergonomic chair, a break room, toilet paper, tampons or disposal bins next to toilets.

In building the foundation for a culture that supports honest conversations among employees with diverse identities and perspectives, it is crucial that employee menstrual needs are addressed without reinforcing sexist, patriarchal misconceptions or ostracizing a class of persons. While employers must acknowledge differences between those who menstruate and those who do not, suggesting that certain team members may need "special treatment" invokes anti-feminist tropes that are at best, benevolently sexist, and at worst, outright misogynistic. Enacting protective policies, such as menstrual leave, without addressing underlying sexist attitudes may disincentivize hiring and exacerbate the gender wage gap, as well as reinforce menstrual medicalization and stigma. Alternatively, providing flexible working opportunities for all staff, regardless of whether they menstruate, is an approach that can be incorporated without introducing these risks, while also enabling the employer to reap the benefits of flexible schedules and remote working associated with employee productivity and reduction in tardiness, absenteeism and turnover.

Creating a truly inclusive workplace requires that necessary changes are implemented in a thoughtful and authentic way. Installing coin-operated tampon machines, or even offering free menstrual products, without providing sufficient time and flexibility for bathroom breaks, is insufficient. And beyond products and policies, employers must acknowledge that an overwhelming majority of workspaces were designed without consideration of menstrual health and assess whether the premises has an appropriate ratio of toilets to female employees and

whether office furniture and/or uniforms are offered in colors that could highlight or camouflage blood.

Establishing and maintaining a period-friendly workplace is not merely corporate largesse, but critical to attracting, retaining and enabling a talented workforce. An effective menstrual health policy that incorporates general sensitivity to employee health and wellness, along with appreciation of specific menstruation-related needs, fosters a supportive and collaborative culture where productivity and innovation can flourish. Prioritizing menstrual health, along with general employee well-being, builds a workforce that not only is diverse and integrated, but also unified and engaged, and ultimately, more productive.

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