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The Reproductive Body

TOO PERSONAL FOR WORKPLACE POLICY?

It is July 2017 and Mumbai-based digital media company Culture Machine introduces “First Day of Period” leave, a new policy that provides one day of paid leave for employees experiencing period pain.¹ The announcement is made via a company YouTube video that includes the surprised but positive reactions of young women employees and a short explanation by management detailing their motivations for introducing the policy. The women who work at Culture Machine are cool millennials. Their responses to the policy announcement are funny and relatable. “Are you serious?” asks one woman in disbelief. Others exclaim, “Oh my god, that would be the best thing” and “This is brilliant, man” and “I think that’s damn cool.” They are amazed that management, including male managers, recognise menstruation as a normal part of a woman’s life and that for some women, period discomfort makes work difficult.

Managers at Culture Machine identify period pain and discomfort as part of having a feminised workplace and frame First Day of Period Leave as a “no brainer.” Devleena S. Majumder, president of human resources, says the new policy helps to destigmatise periods: “This is not an embarrassment, this is part of life.” Cofounder of Culture Machine and COO/CTO Venkat Prasad agrees: “We wanted to make sure that our colleagues feel appreciated and also, in a society like in India, where [the] ground reality of women empowerment is still talk . . . we wanted to walk the talk.” The video ends

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with a call to action, asking viewers who think menstrual leave is a good idea to sign a Change.org petition asking the Indian Ministry of Woman and Child Development and the Ministry of Human Resource Development to implement period leave as national policy.

The video and the petition received national attention. However, it turned out not everyone was as excited about the idea of period leave as the young women at Culture Machine. Within a month of the announcement a global debate had erupted and the media backlash was on, with dozens of news articles and opinion pieces panning the policy.

A “Disservice” to Feminism

A key voice in the global debate was renowned Indian television journalist and author Barkha Dutt. Dutt railed against First Day of Period Leave in her monthly column for *The Washington Post*: “Our menstruation has been used against us in all sorts of ways—to shame us, embarrass us, sexually repress us and, of course, make us feel dirty . . . Now comes a bizarrely paternalistic and silly proposal to further ghettoize us. A campaign in India has urged providing women a day off for the first day of their periods.”² Dutt goes on to argue that workplace menstrual leave will have a negative impact on women: “First-day of period leave may be dressed up as progressive, but it actually trivializes the feminist agenda for equal opportunity, especially in male-dominated professions. Worse, it reaffirms that there is a biological determinism to the lives of women, a construct that women of my generation have spent years challenging . . . around the world, menstruation has been a basis for barriers. Girls can be denied an education because of cultural taboos, relative poverty and lack of basic facilities during a period—and here we are, elite and spoiled women, demanding the right to stay at home. Does no one see the irony?” Dutt cites India’s extremely low female labour force participation rate in the formal economy (around 27 percent) to then argue that “instead of focusing our feminist energy on such alarming statistics, goofy ideas such as period leave create grounds for workplace discrimination or, worse, a denial of some roles completely.” In Dutt’s view, menstrual leave is yet another barrier to women’s workforce participation. Ultimately, Dutt concludes that this policy is “a disservice to the seriousness of feminism.” With that, she delivered a monumental slap-down to the women and managers at Culture Machine.

Dutt was not the only one unhappy about this new workplace policy idea. Feminist activists, scholars, governments, and unions across the globe

remain divided about the need for workplace menstrual leave and other accommodations for the reproductive body at work. The debate is heated and sometimes personal. In response to Dutt's original column, Bedatri Datta Choudhury and Pujarini Sen published a piece in the *HuffPost* pushing back against Dutt's framing of period leave as anti-feminist. They argued that "if you don't get painful, uncomfortable periods, you don't have to take menstrual leave. If you do, then you should. We don't think that makes us any less feminist or makes this policy 'harebrained' and 'stupid' or any of those names you as a feminist chose to call what other women are demanding as a right."³ Choudhury and Sen are young women—like those in the Culture Machine video—a generation or so younger than Barkha Dutt. They argue that workplace policies should reflect the diversity of the workforce and that it is time to "challenge and change" workplace cultures that do not acknowledge and accommodate the reality of women's reproductive bodies. Menstruation, they argue, is a normal event, and thus the opportunity to take period leave, if required, should also be normal.

The menstrual leave debate is far from settled, and each new policy innovation for the reproductive body at work seems to spark another round of global dissent. When Spain became the first European country in 2023 to introduce paid menstrual leave (following a successful pilot in the Catalan city of Girona) debate was fierce, as commentators and scholars clamoured to point out perceived dangers, including potential backlash to the policy.⁴

The global debate about menstrual leave breathed new life into old feminist questions about the reproductive body and how it fits into broader conversations about gender equality at work. In the years since, the policy terrain has expanded to include most aspects of the reproductive body. Across the globe, decision-makers are experimenting with new workplace policies to accommodate a wide range of reproductive health concerns and interventions including fertility treatments and testing, pregnancy loss, and menopause—to name just a few.

For decades, activists and scholars have grappled with the difficult question of how to approach the female body in the male-dominated world of paid work. Traditional feminist thinking has preferred to limit engagement with the body at work, with the exception of pregnancy. Fearful that too great a focus on the body might reinforce gender inequalities and maintain barriers to labour market participation, scholars have been reticent to shine a spotlight on the reproductive body at work. Now it is time to rethink. Global policy innovation and debate require us to take a deep breath and re-engage with the messy and difficult subject of the reproductive body and how it is

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located within the workplace. In this book we grapple with the ongoing tension in feminist research and activism and ask: How can we recognise and accommodate the material realities of the body, without further disadvantaging women and setting back decades of feminist progress?

Our approach to this question comes from our position as feminist scholars with expertise in gender and work. While there is a burgeoning interest in menstrual, fertility, and menopausal health, our focus and contribution is to investigate how these issues are addressed *in the workplace* and their impact on gender equality and economic security over the life course. In taking this approach we contribute to the long tradition of scholarship that has explored and illuminated the complex relationship between reproductive rights, labour rights, human rights, and gender justice. We stand on the shoulders of these activists and scholars, who are responsible for securing and defending labour rights and protections for pregnant and breastfeeding workers and those with childcare and family responsibilities. We contribute to this critical and unfinished work by exploring aspects of reproductive embodiment that, to date, have not received the same level of attention in labour law and organisational or workplace policy. Even as pregnancy, lactation, and breastfeeding remain essential components of the reproductive life course that demand careful and ongoing policy attention, these specific issues are directly related to childbirth and childrearing. In this book we shift attention to some of the more taboo and stigmatised aspects of the reproductive body that are part of the complex experience of human reproduction.

The reproductive life stages we cover in this book include menstruation and related health concerns like menstrual pain (dysmenorrhea), heavy or prolonged bleeding (menorrhagia), and chronic pain associated with endometriosis. They also cover fertility-related health concerns including the use of assisted reproductive technologies like oocyte cryopreservation (commonly referred to as egg freezing), intrauterine insemination (IUI), and in vitro fertilisation (IVF), as well as different kinds of pregnancy loss, including miscarriage, stillbirth, and abortion. At the latter end of the reproductive life cycle, they cover perimenopause (the physiological transition into menopause) and menopause, which occurs twelve months after the final menstrual period.

Mirroring these life stages, we adopt a *life-course approach* to the reproductive body that considers the dynamic relationship between the life cycle and the career cycle. This takes us into the taboo territory of the “leaky” and

“volatile” female body that has long been discussed in feminist theory and philosophy, but rarely in the context of paid work.⁵ Long considered off-limits, these topics have been strategically avoided by feminist activists and scholars who, like Barkha Dutt, are quite rightly concerned that women’s bodies will be weaponised against them, with harmful gender stereotypes and theories of biological determinism relegating women back to the sphere of unpaid, reproductive work. This has meant important components of many women’s workplace experiences have been left unexamined and, more importantly, unsupported.

When we talk about the reproductive body at work, we are directly challenging the entrenched notion of the ideal worker as someone who can dedicate all their time to paid work, unencumbered by care responsibilities or the needs of their body.⁶ This worker is usually assumed to be a cisgender man with either no children or a partner who is fully responsible for the household and childcare. To date, efforts to disrupt the ideal worker norm have focused on workplace laws, policies, and protections for pregnancy, maternity, childcare, and, to a lesser extent, lactation and breastfeeding. However, there are many other stages and dimensions to having a reproductive body that extend beyond childbirth and infant care. Not all women want, or are able, to have children. But even if pregnancy and childcare are off the table for some people, this doesn’t mean they are disembodied.

Everyone has a body that, at some point during the reproductive life cycle, may require a degree of support and recognition, regardless of their gender, family formation possibilities, desires, or intentions. This makes the workplace an important site for exploring the relationship between the reproductive body and gender equality. You don’t choose to have a body, you just do, and with it comes a range of reproductive functions and experiences that are often beyond individual control and shaped by social, cultural, organisational, and legal norms and policies. This means that inequality related to the reproductive body will be experienced in different ways, and to varying degrees, by different people. As feminist scholars have long argued, patterns of gendered inequality in all areas of life intersect with broader structures of disadvantage such as systemic racism, poverty, and colonialism. An individual’s ethnic and cultural heritage, geographic location, age, ability, sexuality, and gender identity, along with their employment status, working rights, industry, and occupation, can create specific types of vulnerability and disadvantage that impact their reproductive rights, bodies, and activities.⁷

Women's increased participation in the labour market means that the ideal (cis male) worker is an artefact of a foregone era that needs to be discarded to reflect the needs of a contemporary, increasingly feminised global labour force. It is time for workplaces to catch up with the times and to accommodate the reproductive bodies and activities of workers. It is no longer just or viable to expect women to "make do" and "fit in"—to mould themselves to the ideal worker prototype. We need *ideal workplaces* that are willing to recognise, respect, and accommodate the reproductive body, not ideal workers who are assumed not to have one.

Too Personal for Workplace Policy?

There are few topics more personal than your period, fertility journey, or menopause transition. For this reason, these reproductive issues have long been considered "too personal" or inappropriate to discuss in the workplace. But times have changed, and the policies considered in this book—policies that already exist—blur the traditional boundary between our public and private (or productive and reproductive) lives to bring the reproductive body more fully into the realm of public policy and the employment relationship. Feminists have long said that "the personal is political"—that what happens in our personal lives, at home and to our bodies, are innately political issues that require careful policy consideration and attention. With this call to action at the front of our minds, we are writing this book in the feminist tradition of bringing taboo, uncomfortable, and hidden aspects of women's lives into the public domain. In this case, that domain is the workplace.

But here comes the tricky part. Just because a policy addresses a highly personal and taboo topic like menstruation or infertility does not necessarily mean it will have positive outcomes for women and gender equality. We have been interested by the way in which workplace reproductive policies present both risks and opportunities for gender equality, and the way in which policy motivation, design, and context shapes the potential impact of new policy settings. When policymakers talk about "equality" they are balancing competing considerations: treating women the same as men or acknowledging and accommodating difference. This is why some feminists object so vehemently to policies like menstrual leave, which shine a spotlight on biological differences between cisgender men and women. Concern about policies that highlight the female body in the workplace are not unfounded. Women's bodies have historically been a cause of discrimination and workplace exclusion. The fear that sex-based policies, like menstrual leave, could

backfire on women and reinforce regressive notions of biological determinism is a real risk that highlights the polarising nature of workplace policies that address the reproductive body.

This goes to the heart of the “sameness versus difference” debate in feminist theory and practice. Treating women and men exactly the same sounds attractive, but this approach overlooks critical differences in women and men’s capacity to engage in paid work over the life course, and in the same way. Women experience different barriers to workforce participation. An obvious and well understood example is pregnancy and childbirth. Women require paid time away from work for childbirth and recovery, which safeguards maternal and child health and supports labour market attachment and economic security. Unfortunately, research shows that employer discrimination, demotion, and job loss still occur even when women have access to job-protected paid maternity leave. However, without this critical entitlement women are ultimately left more vulnerable than men to labour market exclusion and detachment.

The difficulty is that gender equality demands more than a “fixed” approach that locks in gender roles, norms, and expectations. For example, the care of young infants following childbirth can and should be a shared responsibility between both parents. This requires a gender-neutral entitlement in the form of paid *parental* leave that covers birth and non-birth parents. Only the sharing of early infant care and treating both new parents the same through the provision of paid parental leave has the potential to deliver gender equality in the workplace. This is the tension that lies at the heart of policymaking for workplace gender equality. The challenge is how to move dynamically, back and forth, between the need to recognise and accommodate sex-based differences, where necessary and appropriate, and when to enforce gender-neutral entitlements that are equally available to all workers. This dynamic becomes particularly challenging when we talk about highly gendered and taboo topics like menstruation.

Acknowledging this, the reproductive policies considered in this book come with a range of risks and opportunities for gender equality. Depending on their design, rationale, and implementation, reproductive policies can potentially reinforce, remedy, or revolutionise and transform the workplace gender order as we know it.⁸ Reproductive policies can *reinforce* the current gender order if they uphold and embed traditional gender roles and male-oriented workplace norms, such as the male breadwinner and female homemaker model. They can also *remedy* workplace inequalities related to the reproductive body if they help to recalibrate or compensate

for material differences in men and women's experiences in paid work, for example by addressing inadequate workplace sanitation facilities. Reproductive policies that *revolutionise* and transform the workplace gender order will fundamentally disrupt male-oriented systems, practices, and norms, including the ideal worker norm, which disadvantage or penalise workers for having a reproductive body.

Addressing the risks and opportunities that come with reproductive policies, we aim to push boundaries and revisit traditional wisdom about what gender equality in the workplace looks like. In doing so, we keep the risks that come with acknowledging the body at work in full view, even as we investigate the potential opportunities for policy and practice. While the risks are very real, it is our view that they should not limit critical engagement with new policy domains that meet the challenges relevant to an increasingly feminised global workforce.

This means the reproductive policies we examine demand a lot from researchers, policymakers, and employers precisely because they force us to engage in new ways with old and uncomfortable questions about gender, work, and the body. In this book we argue that it is time to push the boundaries in theory, policy, and practice. The risks should be part of, but not prevent, the conversation. If we continue to expect people to mould their bodies and behaviours to notions of the ideal worker, then full equality will never be achieved. This will be a tough conversation but, more often than not, these are the most important conversations to have. Simply ignoring women's bodies—which has long been the status quo in workplace policy and practice—is no longer an option.

To help us navigate this complex and contested terrain, we adopt a multidimensional approach to gender equality developed by feminist scholar and renowned Oxford law professor Sandra Fredman. In this framework, the notion of equality is considered from four different points of view. These include the gendered distribution of resources and opportunities, gendered patterns of discrimination and stereotyping, whether the voices and experiences of women inform policy development, and whether policy transforms male-oriented norms and practices. This multidimensional understanding of equality allows us to explore the risks, opportunities, and transformative potential of policies that recognise and accommodate the reproductive body in the workplace.

Guided by Fredman's equality framework, we ask two main research questions. First: Who is introducing new policies for the reproductive body at work, and more importantly, why? This is largely a "mapping" process to help

us better understand the policy landscape and its key actors—governments, employers, unions, and workers.⁹ Understanding who is designing and implementing these policies, and their motivations for doing so, is critical to making sense of the opportunities and challenges that come with reproductive policymaking. Second: Can this new era of workplace reproductive policies deliver gender equality at work? This question seeks to make sense of the complex and contested nature of the evolving policy domain and the global debate it has triggered. Throughout the book, we explore evidence of current practice across the global labour market and what it tells us about the potential impact on workplace gender equality. Drawing on Fredman's equality framework, we critically examine the multiple and at times conflicting implications of these new policies for gender equality at work.

Sex-Based Policymaking: Tensions, Limitations, and Language

Before we begin to answer these questions, it is important to take a step back and clarify the focus and scope of this book in relation to the body, sex, and gender identity, as well as the language we use throughout. Many of the reproductive health concerns covered in this book, for example menstruation and menopause, are highly gendered because they are widely considered hallmarks of female bodily experience. However, it is critical to acknowledge that many people across the sex and gender spectrums, not just cisgender women, will experience menstruation, menopause, and other bodily processes that are gendered female. To quote transgender menstrual health activist and artist Cass Clemmer, “not all people who menstruate are women, and not all women menstruate.”¹⁰

This is an important reminder that sensitive navigation of the sex/gender spectrum is needed to ensure that reproductive policies do not exclude transgender, gender-fluid, and nonbinary people. To deliver full equality for all people, reproductive policies must be gender-inclusive and affirming, meaning they not only recognise and accommodate the bodies of trans, nonbinary and gender-fluid people, but are also developed in consultation with these communities and implemented with the utmost care and sensitivity to individual privacy and safety. This is critical because the prevalence of cisnormativity and transphobia within organisations means that trans and nonbinary workers may not wish to disclose their gender identity at work.¹¹

Our focus on equality in this book means it is intended for, and welcoming of, all audiences who wish to engage with the tricky topic of the

reproductive body at work. It is our firm view that unless workplace laws, policies, and procedures respect and accommodate the reproductive bodies of *all* workers, regardless of gender, then full equality will not be achieved. However, it is important to manage expectations and acknowledge our own positionality and limitations as researchers. As cisgender women and academics writing in the field of gender and work, the bulk of our research to date has focused on inequalities experienced by cisgender women. This reflects our collective research focus on inequalities embedded in the traditional gendered distribution of labour, which presumes a male breadwinner and female homemaker model. This perspective has shaped our approach in this book. Throughout the volume, we grapple with the difficult question of “the body” in the male-dominated world of paid work. As we show, there are inherent risks that come with labour laws and policies that acknowledge biological differences between cis men and women, which could embolden some to argue that women are better suited to unpaid, reproductive work in the home. Accordingly, in this book we primarily focus on ciswomen (referred to as “women” or “ciswomen” throughout) and their experiences of reproductive embodiment and inequality in the workplace. While this is a limitation of our analysis, we are conscious that non-cis people face distinct forms of inequality and discrimination that should not be conflated with the experiences of those who fall within the gender binary. This is reflected in the important work of researchers who are exploring the lived, embodied experiences of transgender, nonbinary, and gender-fluid people in the workplace.¹² We celebrate and welcome this research, which is an essential contribution to the ever-evolving conversation about gender and the reproductive body at work.

While the arguments presented here focus primarily on ciswomen, our analysis shows that unless we respect and accommodate the reproductive bodies of all people, then inequality will persist, and the ideal worker norm will remain firmly intact.¹³ Amid all the complexity, the most important thing in this sensitive policy domain is recognition and respect for the bodies of all workers, no matter their sex or gender identity.

Why Now?

As scholars interested in gender equality in the workplace, home, and community, we are not surprised by the debate sparked by Culture Machine’s First Day of Period Leave in 2017, or subsequent debates over similar reproductive policy innovations. These are just the latest policies to act as a

lightning rod in the wider debate about women's rights, roles, and recognition in paid work—surfacing old and new perspectives, expectations, hopes, and fears. That women's participation in paid work attracts controversy is par for the course and a pervasive feature of economic and political debate for more than two hundred years (part of which we explore in chapter 2). What is interesting to us is the global reach and rapid development of the wide variety of policies for the reproductive body. The depth of global engagement in this evolving policy space and the widening scope of these policies requires exploration and explanation. What is it about the current moment that means the reproductive body is grabbing the attention of governments, employers, unions, and workers? We suggest there are four big changes driving this heightened interest: demographic and labour market trends; workforce sustainability challenges; post-pandemic attitudes to work; and growing research evidence on the reproductive body as an underacknowledged driver of workplace gender inequality.

DEMOGRAPHIC AND LABOUR MARKET SHIFTS

Women's participation in paid work has increased steadily in almost all countries over the past hundred years. In high-income economies women's employment outside the home took off in the years following the sexual revolution of the 1960s and 1970s due to widespread access to the new contraceptive pill, as well as increased participation in tertiary education. As second-wave feminism gained momentum, women challenged their exclusion from the workplace and politics. In lower-income economies women had always worked and continued to do so as informal labourers in agriculture, services, and industry. However, women's participation in formal labour markets increased as many of these countries became independent, began to build modern economies, and engaged in export-led economic development. Women's global participation rates currently sit at around 50 percent, compared with men who average almost 80 percent, and have been relatively steady since the 1990s. However, rates vary enormously across geographic regions and country income groups, with high-income countries recording rapid and large increases in women's workforce participation, while lower-middle-income countries (for example, countries like India, Kenya, and the Philippines) record persistently low rates of participation with little change over time.¹⁴

Global trends in women's labour force participation raise pressing questions about how to best accommodate women in the workplace and how

to make work more attractive to this important group. This has led governments, unions, and employers operating in very different economic contexts to think about the role of workplace reproductive policy in attracting, retaining, and accommodating women and their bodies at work. With women in high-income countries deepening their workforce participation and remaining actively engaged across the life course—including throughout their childbearing years and into their late sixties—the reproductive body is more present than ever in the workplace. Unions in some countries and especially in the hyper-feminised health, education, and care sectors have responded to this transition, searching for novel ways to improve working life for members during periods of low wage growth like those that characterised the early twenty-first century. As union density continues to decline overall (but also becomes more feminised) in many countries, unions find themselves more than ever needing to demonstrate their relevance to the everyday needs of workers. In this way, employer needs for workforce sustainability are converging with union relevance around policies that accommodate the reproductive body at work.

The demographic changes facing the global and national economies are another reason why reproductive policies are at the frontier of workplace policy innovation. Rapid ageing of the population, combined with fertility rates that, outside sub-Saharan Africa, are below replacement levels and declining, mean that the world's economic officials and international financial institutions are prioritising strategies to boost economic growth and productivity, and to maintain standards of living.¹⁵ Policies to support labour supply and productivity are high on government agendas. Immigration is one way to keep national labour markets vibrant, but this is a policy pathway that is not always politically viable or easily implemented. In countries like Japan and South Korea immigration has not been part of the national economic development plan, with natural population increase the only source of new workers.¹⁶ Even in countries with liberal immigration histories, the politics of immigration can shift quickly, making this a fraught and easily politicised option, as we see now in the United States, the United Kingdom, and much of Europe. It is in this global policy context that boosting female labour force participation has emerged as core economic policy in many countries. Policies that support female labour supply, attachment, and retention are now understood to be key productivity measures, as have those that support fertility and family formation. Reproductive policies are part of this mix.

WORKFORCE SUSTAINABILITY CHALLENGES

Workforce sustainability is another related challenge that is testing governments, unions, and employers. The global “war for talent” has become acute on account of two critical changes in the structure of advanced economies: the shift to services and technological innovation.¹⁷ Advanced economies around the world have seen a rapid rise in the value of, and employment opportunities delivered by, the service economy, as the contribution of agriculture and manufacturing has declined. In wealthy countries a growing proportion of service jobs are in the highly feminised care economy—in health, aged care, childcare, and disability services as well as education and other human services. The COVID-19 pandemic showed us how important these sectors are to national well-being and household economic security. But the intensity of the pandemic left many frontline essential workers burnt out, unable to continue in the sector even as global demand for these workers spiked. Low wages and undervaluation of these essential services in the labour market have emphasised workforce sustainability challenges. At the same time, the global demand for all types of engineers, electricians, and other emerging technology professionals has also grown. Rapid innovation in AI, robotics, and the green energy transition requires sustained access to skilled workers who can work in these emerging sectors. However, given the male-dominated profile of the relevant education and skills pathways, start-ups and companies in these fields are often unwelcoming and even hostile to the girls and women who might otherwise be interested in pursuing these jobs and building their careers in them.¹⁸

The urgent need to grow and sustain skilled workforces in both the hyper-feminised care economy and male-dominated tech sector has energised policymakers to experiment with new strategies to attract and retain skilled workers. As employers and governments have been thinking about policy alternatives, we have seen a growing interest in meeting the needs of the female reproductive body at work as a possible workforce sustainability measure. Of course, policies that support workers to manage fertility and form families have a very direct impact on long-term national workforce sustainability.

CHANGING ATTITUDES

Women workers’ attitudes, expectations, and aspirations for work and workplaces have also changed over time, and in ways that make reproductive policies more attractive. Changing expectations about the role of work

and how it fits with the rest of life have become especially marked in the years following the COVID-19 pandemic. Dissatisfaction with the status quo alongside generational change has seen workers around the globe increasingly prioritise personal well-being, care, and life beyond paid work.¹⁹ In the post-COVID context the expectation that employers will accommodate workers' family and care needs is high in countries like Australia, the United Kingdom, and Japan.²⁰ Where millennial and Gen Z workers are unhappy about workplace practices that overlook and penalise individuals who do not conform to the model of an ideal worker, they pursue alternative employers. Older women with complex care arrangements also prioritise employers who are willing to support these responsibilities alongside paid work.²¹ Young women who have invested in skills and education expect to pursue fulfilling and meaningful work over their life course, increasingly into their late sixties. This means they are likely to be engaged in paid work across the reproductive life cycle and expect employers and governments to support them with appropriate policies.

GROWING RESEARCH EVIDENCE AND UNANSWERED QUESTIONS

While research questions and findings vary and methodological challenges persist, there is a growing field of international research that explores the personal and national economic impact of the reproductive body on workforce participation and gender equality.²² For example, there is a small but growing body of academic research on the challenges that women face when trying to balance work with the demanding schedule and high cost of fertility treatments.²³ In the context of declining fertility and demographic change, governments around the world are increasingly interested in policies that support family formation, including support for the cost of assisted reproductive technologies (ARTs). There is also research that shows workplaces do not offer workers the time, support, and resources they need following a pregnancy loss.²⁴ This research indicates a need for more workplace supports and protections for these important reproductive issues. However, a lack of data on the long-term impact of different workplace policy responses makes it difficult to identify best-practice approaches with progressive outcomes for workers and gender equality.

There is also emerging evidence on the impact of menstrual pain on workplace participation and economic security. Several studies from high-income countries show that menstruation can affect participation and

workers' economic security, which in turn impacts workplace gender equality.²⁵ Available data shows that a proportion of workers who experience debilitating menstrual symptoms may moderate their work patterns. Some may take a day off work, while others choose to “soldier on”—remaining present at work but potentially less productive due to symptom and pain management. Researchers have attempted to quantify the relationship between menstruation and patterns of absenteeism and “presenteeism”—that is, where a worker is physically present but less engaged with work. For example, a 2019 study of more than 30,000 women in the Netherlands found that “lost productivity” due to menstruation-related symptoms led to a total loss of almost nine days per year for the cohort, with most productivity lost on account of worker presenteeism—almost seven times higher than the loss due to absenteeism.²⁶ There are risks that come with framing absenteeism and presenteeism related to menstruation as lost productivity because this assumes a non-menstruating worker is always working at 100 percent capacity. This strikes us as a false assumption. Researchers have also pointed out the difficulties in accurately reporting, measuring, and quantifying the impact of menstrual symptoms on work, making claims around lost productivity difficult to substantiate.²⁷

Fewer studies explore the relationship between menstruation and work in low- and middle-income countries, but some are available and show that some women report missing work due to menstruation.²⁸ Among community groups, regions, and countries where cultural, social, and religious norms limit women's mobility during menstruation the impact on women's economic opportunities and security can be profound.²⁹

Severe and sustained debilitating menstrual symptoms, especially when associated with chronic conditions like endometriosis, can lead to a lot more than taking a few days off work. Workers with endometriosis are at high risk of reduced workforce participation and economic insecurity, with research showing that this condition is associated with women working in jobs and careers that are different to the one they are trained for, at lower levels of responsibility and pay, with reduced hours, and with increased risk of losing promotion opportunities.³⁰ These labour market outcomes constrain workers' earning power and can impact lifetime economic security. However, as mentioned earlier, a lack of empirical data on new workplace supports for those experiencing severe and chronic menstrual pain makes it difficult to identify a best-practice policy response.

Later in the life course, research shows that when workers experience very difficult menopause symptoms, or have inadequate organisational

support, they may reduce their hours or exit the workforce altogether.³¹ Available research also shows that menopausal workers are wary of asking for extra support or flexibility because they fear being discriminated against and missing out on future opportunities.³² This has a significant personal and economic impact for individuals and national economies. Like menstruation, estimates of the total economic impact of worker's reproductive health experiences, including menopause, vary widely across national settings and study types with researchers modelling three different ways in which work is affected: through absenteeism, presenteeism, and other modifications to work life, including reduced hours and early retirement.³³ The total economic impact on women's retirement security has also been modelled for some countries, with methodologies for estimating these costs still being developed by researchers and policymakers.³⁴ Like research on menstruation, fertility, and pregnancy loss, the research on menopause shows more must be done to support workers at this life stage, but the question of what kinds of policies are needed remains open and contested.

Moving Forward

The global scope and rapid pace of new policy innovations around the reproductive body at work is significant. Historically, governments and workplaces have mainly recognised and accommodated biological differences between cis men and women in the workplace via paid maternity and parental leave for pregnancy, childbirth, and childcare, and sometimes through subsidies for early childhood care and education. Until recently the taboo topics of menstruation, pregnancy loss, fertility treatment, and menopause have rarely factored into workplace policy frameworks. The reproductive policies considered in this book are a new and evolving policy frontier that activate a more comprehensive understanding of the reproductive body and its functions over the life course. The experiences that come with having a reproductive body are much more than any one specific moment or event in the life cycle. Just as people age and their working lives change over time, from education and training to early and mid-career to retirement, the reproductive bodies and capacities of people are also evolving.

As we move into a new and changing era of work, it is critical and timely that we revisit the topic of reproductive embodiment. We do this by exploring how the body shapes workforce participation *over the life course*—from the childbearing and caring years through to menopause and post-fertile working life. This means re-engaging with the fundamental and enduring question of

how to address biological differences in the workplace—a challenge that has vexed activists, policymakers, scholars, and the feminist movement for decades. While we argue that a shift in how we think about work, the reproductive body, and gender equality is important and welcome, there are attendant risks—especially as rapid policy development outpaces robust empirical evaluation of the need, cost, and impact of this new suite of workplace policy innovations.

What is clear is that in the absence of adequate data and evaluation, the global controversy around measures to accommodate the reproductive body at work, reignited by Culture Machine's First Day of Period Leave and the implementation of subsequent initiatives, remains alive, with the impact of such measures not yet fully known. The global debate has also created a powerful group of stakeholders in this policy area, including large global corporations, health professionals, unions, workers, the feminist movement, and governments. It is a policy debate that touches on some of the most personal of issues, which have become highly public and politicised in the context of conversations about working rights and conditions, gender-equality measures, family planning, and official concerns about the future of work and workforce sustainability.

In the chapters that follow we take up these issues and look deeply into the history and motivations of workplace policy innovation related to the reproductive body. We begin by exploring the history of workplace reproductive policies and setting up a theoretical framework to help us make sense of them, before taking a closer look at how they might affect gender equality at work. In chapter 2, we explore the many historical and contemporary controversies surrounding the reproductive body within the feminist movement and the difficult question of how to treat the body in the male-dominated world of work. As we show, this remains a contested and open question among activists, scholars and policymakers.

In chapter 3 we consider the theoretical implications of this new wave of workplace reproductive policies for gender equality at work. Here we set out our conceptual framework, drawing on a multidimensional approach to equality developed by feminist academic and lawyer Sandra Fredman. This framework requires a nuanced, context-sensitive analysis of reproductive policies that considers their impact on gendered patterns of disadvantage, discrimination, and stereotyping, as well as their capacity to amplify the voices of women and transform male-oriented institutions like the workplace. This multidimensional framework supports our analysis of reproductive policies throughout the book and helps us to make sense of their complex implications for workplace gender equality.

Having established the conceptual frame and contemporary interest in this policy domain, we develop a systematic analysis of legislative and policy innovations developed by government, employers, and unions to support the reproductive body at work over the life course. Understanding the role and contributions of these actors and how they fit together is essential because no single actor can deliver the structural change needed to achieve full gender equality at work. This makes it critical to consider how different policy pathways including law reform, employer policy, and collective bargaining can intersect to progress gender equality in the workplace.³⁵

In chapters 4, 5, and 6 we address our three key reproductive policy domains—menstruation, fertility (specifically fertility treatments and pregnancy loss), and menopause. In these chapters we explore a variety of case studies that illustrate the global reach of new policies for menstruation, fertility, and menopause and analyse the many different drivers and approaches to policy design, funding, and implementation. We show how governments, employers, and unions manage the inherent risks and tensions that come with these policies, including public backlash, stigma, and charges of sexism (or “reverse sexism” in some cases). We also show how these actors seek to capitalise on the potential opportunities these policies offer in relation to women’s labour force participation, productivity, profitability, workforce sustainability, and family formation. In each of these chapters, Fredman’s framework helps us to evaluate the risks and opportunities and their competing implications for workplace gender equality.

In chapter 4 we focus on menstruation and consider how governments, employers, and unions around the world are developing new workplace supports for a biological process that has long been taboo and stigmatised in the world of work. Though menstruation is a reality for a significant portion of the global workforce, this chapter shows that the topic of workplace menstrual policies remains highly controversial and contested. This is not surprising given the focus of the policy domain on the female body and the risks that come with highlighting biological differences in the workplace. However, the chapter also shows that different countries, sectors, and organisations have unique policy concerns and considerations, ranging from inadequate toilet facilities for women to broader questions about how employers can build “period-friendly” workplaces.

In chapter 5 we focus on workplace supports for fertility treatments, family planning, and pregnancy loss. Like workplace menstrual policies, reproductive policies that provide leave, flexibility, and other benefits for workers on their family formation journeys are complex, controversial, and

context-dependent. In this chapter we explore the different motivations of key policy actors and the unique challenges that come with designing and implementing new supports for assisted reproductive technologies, such as IVF and egg freezing, and for pregnancy loss—including miscarriage, stillbirth, and abortion. This policy area raises questions not only about the reproductive body in the workplace, but also the reproductive roles, needs, and responsibilities of men and women, birth and non-birth parents.

In chapter 6 we consider perimenopause and menopause and evaluate how governments, employers, and unions, mostly in high-income countries, are adapting their workplace policies and practices to support mature women workers. In a context of ageing populations, the rising participation of women in the global labour force, and workforce sustainability crises in essential (and highly feminised) sectors like healthcare and social services, these actors are rethinking the needs of this historically underserved group. Unlike the first two policy areas considered in this book, workplace menopause policies draw our attention to gender inequality related to sexism and ageism in the workplace. As we show, this policy area raises important questions about labour market attachment and economic security at a key point in the life course when many women are at the peak of their careers.

We conclude in chapter 7 with a final analysis of the risks and opportunities embedded in this new policy domain and its implications for workplace gender equality. Returning to Fredman's multidimensional equality framework, we evaluate whether and how the reproductive policies considered in this book can contribute to building genuinely inclusive and diverse workforces that deliver gender equality and economic security over the life course. We conclude by arguing that even though this policy area raises important risks that should not be ignored, workplace gender equality requires governments, unions, and employers to take the reproductive body seriously as an important topic in the future of work and employment relations. This requires a transformation of labour market norms, policies, and institutions as we currently know them, including a wholesale rejection of the tired ideal worker norm and a concerted effort to build *ideal workplaces* that respect and accommodate the reproductive bodies, capacities, and responsibilities of all workers. As feminist activists and scholars have long argued, the personal is political, and the deeply personal experiences of reproductive embodiment are no exception. The reproductive body is now on the political agenda—whether we are ready or not.

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