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LET'S TALK ABOUT IT: MENSTRUATION AND MENOPAUSE AT WORK¹

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More than ever, women² play a vital role in the U.S. economy, now comprising almost half of the workforce.ⁱ Women's labor force participation rate has increased significantly since it was first analyzed in the 1940s,ⁱⁱ and under the Biden-Harris Administration, women are participating in the labor force at a record-high rate.ⁱⁱⁱ Additionally, more women are working later into their lives; one in 10 workers is a woman aged 55 or older.^{iv} Yet, women continue to face barriers and discrimination throughout their working lives. U.S. policymakers and employers have taken steps to address the ways some life events that women commonly experience, such as pregnancy, childbirth and related medical conditions,^v may affect their work, including the recent implementation of the PUMP Act^{vi} and Pregnant Workers Fairness Act.^{vii} Furthermore, the Biden-Harris Administration has committed to key investments in women's health research and innovation, including menopause-related research, and been vocal about the impacts of menopause on women's lives.^{viii} However, menstruation and menopause have not been addressed comprehensively in the context of work. Despite impacting about half the workforce, menstruation and menopause are perceived as taboo personal issues.^{ix} This has contributed to the lack of understanding about their impact on workers and what types of policies and supports can be implemented to help improve employee experiences at work.

Menstruation, Menopause and Work

Increasingly, employers and employees alike are recognizing the need to ensure that all workers have equitable access to employment, regardless of their health needs or caregiving responsibilities.^x Policymakers and employers have expanded meaningful protections and benefits for workers, including by providing reasonable accommodations to people who experience limitations involving pregnancy, childbirth and related medical conditions,^{xi} providing break time and space for employees to pump breast milk,^{xii} and expanding access to unpaid or paid time off for workers to take care of their own health or to care for a loved one.^{xiii} These efforts have strengthened the labor force by enabling more people to enter and stay at work; beyond that, recognizing that about half the workforce experiences menstruation and menopause, these protections and benefits help ensure all workers can have dignity at work.^{xiv} No worker should be made to feel ashamed or endure discrimination, harassment or bullying for biological realities that are largely out of their control.^{xv}

The menstrual cycle and the menopause transition are unique to each individual but many of the symptoms and experiences are shared. Although the exact timing can vary and can be unpredictable due to a number of factors,

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² While this fact sheet generally refers to women, the content of this brief is inclusive of all people who menstruate and experience menopause, irrespective of gender identity or demographic background. Where possible, we use gender-neutral and inclusive language.



the menstrual cycle typically involves monthly bleeding, referred to as menstruation or a “period.” Symptoms such as painful cramping, headaches or heightened anxiety may also occur during this cycle.^{xvi} Menstruators in their 40s³ often begin experiencing the menopause transition,^{xvii} also known as perimenopause, which is associated with a wide variety of symptoms⁴ such as irregular periods, hot flashes and sleep disruptions.^{xviii} Perimenopause can last between two and eight years but for most, the menopause transition lasts about four years before menstruation ceases entirely.^{xix}

Implementing policies and practices that address these and other experiences of menstruation and menopause can help employees continue to fully participate in and contribute to the workforce. Employers already implement some policies and protocols needed to support those managing symptoms of menstruation or the menopause transition. These policies include basic workplace standards such as access to restrooms,^{xx} handwashing facilities,^{xxi} and clean drinking water;^{xxii} regular breaks during work hours;^{xxiii} and other low-cost workplace flexibilities and accommodations, which could include:⁵

- Access to temperature controls or ventilation such as fans and windows that can be opened;
- Uniforms made of breathable fabric and with options in dark colors;
- Flexibility in uniforms and dress code, including the option to layer different articles of clothing that can be removed or added;
- Opportunities to change clothes during work hours;
- Access to bathrooms, including at an increased frequency;
- Sufficient supply of varied period products in bathrooms;
- Access to an adequate number of frequently emptied waste disposal units in or near toilet facilities; and
- Scheduling and work flexibilities such as telework, flexible work hours or shift modifications.

Although menstruation and menopause are experienced by close to half of the labor force, these biological processes are surrounded by stigma,^{xxiv} and employees may not be comfortable disclosing challenges or concerns related to them. Proactively making workers aware of workplace flexibilities for menstruation- and menopause-related reasons can help create an environment in which workers and managers are more comfortable discussing these topics and requesting the help they need. Employees who feel supported can continue to thrive in the workplace through menstruation and the menopause transition. Moreover, this support can strengthen the labor force as a whole by facilitating greater retention among workers who may otherwise cut back hours, leave their job or retire early.^{xxv}

³ Some menstruators may begin the menopause transition earlier, often as a result of certain surgeries, medicines or health conditions. See <https://www.womenshealth.gov/menopause/early-or-premature-menopause>.

⁴ While every individual's experience is different, research suggests that Black women are more likely than white women to go through early menopause and report greater vasomotor symptoms (e.g., hot flashes and night sweats). See <https://doi.org/10.1186/s40695-022-00073-y>.

⁵ The implementation of many of these policies and protocols is not required by law. The suggested accommodations do not represent legal obligations, but instead reflect topics that employers and employees may voluntarily choose to address.



More specifically, employers can consider implementing the following policies:

- Guaranteeing access to paid sick leave⁶ and explicitly citing menstruation- and menopause-related symptoms as allowable reasons to take sick leave, whether for related medical appointments or for symptom management, and ensuring that employees and their managers are aware these are allowable reasons to use sick leave;
- Training workers and managers about the symptoms of menstruation and menopause and how they can impact employees at work, as well as training on existing policies to support workers who are experiencing symptoms;
- Including support services (e.g., connections to appropriate counseling or medical resources) for menstruation and menopause in any Employee Assistance Program (EAP) offered; and
- Ensuring coverage for menstruation and menopause management and treatments in job-based health insurance.

Legal Protections for Menstruating and Menopausal Workers

Although federal law currently does not explicitly protect against discrimination based on menstruation or menopause, in certain cases employees may be protected under laws and regulations prohibiting employment discrimination, including harassment,^{xxvi} on the basis of age,^{xxvii} sex,^{xxviii} disability^{xxix} or a combination of these characteristics.^{xxx} For example, while menstruation and menopause are not disabilities themselves, in some instances symptoms may meet the definitions outlined in federal laws such as the Americans with Disabilities Act (ADA).^{xxxi} Applicants and employees are also protected from retaliation for requesting a reasonable accommodation or asserting their rights to be free from employment discrimination including harassment.^{xxxii}

In some cases, individuals experiencing severe symptoms related to menstruation or the menopause transition may qualify for leave under the Family and Medical Leave Act.⁷ Employees may also be covered by sick leave requirements for federal contractors^{xxxiii} or by state paid family and medical leave^{xxxiv} or sick leave^{xxxv} laws that can be used for menstruation- or menopause-related reasons.

Additionally, there may also be protections for workers in some sectors or industries to guarantee access to sanitation facilities. For example, the sanitation standards adopted pursuant to the Occupational Safety and Health Act (OSH Act)⁸ require employers to provide sanitation facilities for workers in general industry,^{xxxvi} construction,^{xxxvii} maritime^{xxxviii} and agricultural settings.^{xxxix} Agricultural field sanitation standards further require certain agricultural employers to provide potable drinking water, toilet facilities and handwashing facilities to hand laborers working in fields. Covered agricultural employers must also provide notification to each employee of the location of the water and sanitation facilities, and they must allow employees reasonable opportunities during the workday to use those facilities.

⁶ Currently only 15 states and Washington, D.C. have enacted sick time laws. See <https://www.abetterbalance.org/paid-sick-time-laws/>. Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, requires parties that enter into covered contracts with the federal government to provide covered employees with up to seven days of paid sick leave annually. For more information, see the website of the U.S. Department of Labor Wage and Hour Division (WHD): <https://www.dol.gov/agencies/whd/government-contracts/sick-leave>.

⁷ See the WHD's website for more information about qualifying health conditions: <https://www.dol.gov/agencies/whd/fact-sheets/28p-taking-leave-when-you-or-family-has-health-condition>.

⁸ The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) enforces most of these standards, except that WHD has been delegated authority by the Secretary of Labor to enforce field sanitation requirements under 29 CFR 1928.110 in many agricultural settings. Also, some States with OSHA-approved State Plans enforce these requirements. For more information, visit the WHD's website on these requirements: <https://www.dol.gov/agencies/whd/fact-sheets/51-osh-act-field-sanitation>.



Conclusion

Throughout all phases of their lives, women participate in the labor force and are critical to our economy. And yet, many women are silently working through the realities of menstruation and menopause without adequate support. The Biden-Harris Administration remains committed to ensuring that women have access to good jobs and safe workplaces free from discrimination throughout their working lives. Employers can take action with meaningful worker protections, flexibilities and accommodations to ensure workplaces are more inclusive of employees experiencing menstruation and menopause; reduce the stigma surrounding these aspects of life; and improve menstruators' quality of life at work. Policymakers can codify these objectives by, for example, guaranteeing access to paid sick leave and following examples of states^{xl} that are requiring government bodies and/or schools to provide menstrual products at no cost. These actions can improve worker recruitment and retention and, in turn, strengthen the overall labor force as the Administration continues to build an economy that works for all. More importantly, these protections and accommodations signal a willingness to help all workers maintain the dignity they deserve, telegraphing to women, in particular, that they belong and are respected members of the workforce.



Federal Resources

Several federal agencies provide additional information about menstruation and menopause and/or the legal protections available to support individuals experiencing them at work:

[Department of Health and Human Services' Office on Women's Health](#)

- [Menstrual Cycle](#)
- [Menopause](#)

[National Institute on Aging](#)

- [What is menopause?](#)

[U.S. Equal Employment Opportunity Commission \(EEOC\)](#)

- [Age Discrimination](#)
- [Sex-based Discrimination](#)
- [Disability Discrimination](#)
- [Harassment](#)
- [Retaliation](#)

[Department of Labor's Office of Federal Contract Compliance Programs \(OFCCP\)](#)

- [Executive Order 11246](#) – prohibits federal contractors and subcontractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.
- [Section 503 of the Rehabilitation Act of 1973](#) – prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities.

[Department of Labor's Wage and Hour Division \(WHD\)](#)

- [Family and Medical Leave Act](#)
- [Executive Order 13706](#) – requires parties that enter into covered contracts with the federal government to provide covered employees with up to seven days of paid sick leave annually, including paid leave allowing for family care.

[Department of Labor's Women's Bureau](#)

- [Paid Leave](#)
- [Women, Work, Aging and Financial Security](#)
- Webinar: [The Menopause Transition and Work](#)



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