

A decorative pattern of teal triangles pointing downwards, arranged in a grid-like fashion across the upper and middle sections of the page.

Could Spain's new menstrual leave inspire other countries?

Alliant Global Knowledge Center

14 March 2023

Alliant Global Knowledge Center



Could Spain's new menstrual leave inspire other countries?

By Maya K. Alfaisal, reprinted with permission from Alliant Insurance Services, Global Practice

14 March 2023

On 16 February 2023, the Senate passed new legislation entitling individuals with menstrual pain paid leave, provided the leave is authorized by a physician. The legislation does not specify the maximum duration of menstrual leave. Employees' pay during menstrual leave days will be covered by the social security system at 75% of earnings up to a monthly cap.

Menstrual Leave was introduced as one of the key measures of the Organic Law amending Organic Law 2/2010, of 3 March, on sexual and reproductive health and the voluntary termination of pregnancy ([Ley Orgánica por la que se modifica Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo](#)), which is commonly referred to as the Abortion Law. It was published in the Official Journal (*Boletín Oficial del Estado*, *BOE*) on 1 March 2023. The new provision will come into effect three months after its publication. i.e., 1 July 2023.

The outlook

With this legislation, Spain becomes the first EU country to introduce statutory menstrual leave, and one of less than a handful of countries world-wide to mandate menstrual leave, i.e., Indonesia, Japan, South Korea, Taiwan, Vietnam, and Zambia.

Looking forward, it is anticipated that other countries and/or jurisdictions will consider introducing statutory menstrual leave. In fact, on 14 February 2023, the Congress of Mexico City approved to submit a menstrual leave related proposal to Mexico's Federal Congress, which, if passed at the federal level, would concern all menstruating employees in Mexico, including cisgender women, trans men, non-binary, and intersex individuals. If approved, the proposal would amend certain provisions of the Federal Labor Law ([Ley Federal del Trabajo](#)).

The challenges

When considering implementing menstrual leave policies, be it mandated by law or

offered as a voluntary employee benefit, employers ought to take into account privacy aspects as well as menstrual discrimination given that only individuals with menstrual pain and those who are of menstruating age are entitled to this leave.

The topic of menstruation has been a taboo at the workplace, making it challenging for

individuals who are menstruating to express their needs. The new legislation is a positive initial step that will help mitigate this taboo; make menstrual leave a fundamental and recognized women's health right; and hopefully trigger other gender and/or age-related employment benefits i.e., menopause leave.



Maya K Alfaisal

International Account Manager

As an International Account Manager, Maya works with multinational clients, ranging from small emerging companies to large accounts, by being a main contact for global HR managers and local broker partners daily to ensure clients have consistent support and communication for all benefits-related issues and inquiries. Maya has produced country overview reports, managed renewals, and created benchmark reports on the EMEA, APAC and LATAM regions.

As part of publication services offered by Alliant's Global Knowledge Center, Maya also tracks and researches international news and government policy developments related to global benefits, to produce compliance articles and thematic reports for select countries in the EMEA and APAC regions.

Maya has lived in a total of 8 countries that helped shape her passion for a global career path.

Disclaimer: Alliant Global Compliance articles are designed to provide general information and guidance but have not been customized for any client's particular situation. They are based on information available at the time they are published. Alliant Global Consulting does not provide legal advice, legal interpretation, or legal opinions. Please consult a local legal counsel for such services. These articles are provided on an "as is" basis without any warranty of any kind. Alliant Insurance Services, Inc. disclaims any liability for any loss or damage from reliance on these publications.