

A Matter of Human Rights, Not Luxury: Enacting Legislation for Uniform Guaranteed Access to
Menstrual Products Across Canada.

by

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A Practicum submitted to the Faculty of Graduate Studies of

The University of Manitoba

In partial fulfilment of the requirements of the degree of

MASTER OF HUMAN RIGHTS

Faculty of Law

University of Manitoba

Winnipeg

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Abstract

Access to menstrual products is essential in protecting the human rights of menstruators. Limited access to menstrual products infringes on several fundamental human rights, including the right to health, education, work, gender equity, and dignity. The protection of these rights remains inadequately addressed across Canada. Ensuring access to menstrual products in schools, workplaces, and public institutions such as prisons and public facilities is crucial for protecting the rights of all menstruators in Canada. Using a policy analysis, this paper aims to understand if existing government laws and initiatives in Canada addressing access to menstrual products align with international human rights standards. The findings of this research show that current efforts to provide access to menstrual products are uneven and fail to meet the needs of Canadians, particularly marginalized communities. Despite some progress, significant gaps in legislation leave many without guaranteed access to these products, failing to adhere to international human rights law. This paper argues for comprehensive legislation across Canada to ensure access to menstrual products in schools, workplaces, and public institutions. Such legislation would protect the rights of menstruators and align with international human rights standards, addressing disparities in access. Standardizing legislation across provinces and territories, allocating funds for menstrual products through federal and provincial budgets, requiring businesses to provide products, providing coverage through insurance are key recommendations for achieving uniform access.

Acknowledgements

I would like to express great thanks to my advisor Dr. Rory Henry for his guidance, my examiner Dr. Adele Perry for her expertise, Dr. Mary Shariff and Dianne Seaberg for their behind-the-scenes coordination, Damaris Pereda and the staff at PERIOD. for their inspiration, and finally to my special people for their support at home.

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PART 1: Introduction

My Practicum placement with PERIOD., a non-profit organization that dedicates its work to menstrual equity, made clear to me the challenges to human rights due to the state of period poverty in Canada and the frailty of the patchwork of initiatives across the country. Access to menstrual products is fundamental in the protection of human rights and in addressing period poverty. Despite its importance, this issue remains inadequately addressed by current legislation in Canada, falling short of the standards necessitated by international human rights obligations. Access to menstrual products is a matter of human rights because it impacts one's rights to health, education, work, gender equity, and dignity. This paper will conduct a literature review examining the state of period poverty in Canada and its consequences on human rights. By using a policy analysis, this paper will review existing government laws and initiatives, including private member's bills across provinces, territories, and the federal government regarding access to menstrual products with a specific focus on schools, workplaces, and public institutions and analyze whether they align with international human rights standards. The research findings demonstrate that current efforts leave gaps in access and the unequal protection of the human rights for menstruators, and fail to adhere to international human rights obligations. This research suggests the enshrinement of current initiatives into law so that access to menstrual products is uniformly accessible and consistently guaranteed across provinces and Canada, ensuring the protection of rights for menstruators and paving the way to address period poverty.

Access to Menstrual Products as a Matter of Human Rights Under International Law

Inadequate access to menstrual products negatively impacts a variety of human rights outlined in international human rights law. The lack of access to menstrual products acts as a

barrier to the right to health by forcing menstruators to use products for longer than recommended or resorting them to use unsafe alternatives, posing serious risks to their health (Lukindo et al., 2022). The right to education and work is impeded because without access to menstrual products, menstruators are often forced to miss school or work. If menstruators do not have enough products and leak through their clothing, this can bring shame and embarrassment and is a violation of their right to dignity. Lastly, the right to gender equity is restricted by the consequential absenteeism from school and work, further perpetuating inequality for women and menstruators (Barrington et al., 2021, as cited in Lee et al., 2024).

Canada has the obligation to protect, respect, and fulfill these rights because they have signed and ratified international treaties that outline these rights. Canada cannot possibly uphold these rights without addressing period poverty and access to menstrual products. Canada signed and ratified the *International Covenant on Economic, Social and Cultural Rights* as well as the *International Covenant on Civil and Political Rights* in 1976 meaning that they must take all appropriate measures to the maximum of its available resources to uphold the rights outlined in these treaties (Government of Canada, 2017; Government of Canada, 2024). To respect the rights of menstruators, Canada must not interfere with the realization of these rights. To protect these rights, Canada must prevent other groups and individuals from violating these rights. Lastly, to fulfil these rights, Canada must take proactive steps to recognize menstruator's rights (United Nations, n.d.).

The *International Covenant on Economic, Social and Cultural Rights* outlines the rights to education, work, and the highest attainable standard of physical and mental health (*International Covenant on Economic, Social and Cultural Rights*, 1966). Article 13 of the covenant describes the right to education for everyone. The article specifically outlines that access to education must be accessible to everyone through all appropriate means (ICESCR,

1966, Art. 13 (2)(b)). This includes ensuring students have access to menstrual products so that they can attend school without worrying about menstrual management. Article 7 outlines the right to work and favourable working conditions which should include providing menstrual products to employees so that they are able to work comfortably and stay at work if they unexpectedly start their period without access to products (ICESCR, 1966, Art. 7). Finally, article 12 of the covenant discusses the right to the highest attainable standard of physical and mental health (ICESCR, 1966, Art. 12 (1)). A lack of products puts menstruators health at risk.

Additionally, the *International Covenant on Civil and Political Rights* outlines the right to inherent dignity (*International Covenant on Civil and Political Rights*, 1966). The stigmatization of leaking or being unable to comfortably manage hygiene when unable to access menstrual products can bring shame for those who menstruate.

Furthermore, the *Convention on the Elimination of All Forms of Discrimination Against Women* outlines women's rights (*Convention on the Elimination of All Forms of Discrimination Against Women*, 1979). Articles 2 and 3 of the convention condemn discrimination of any form, and acknowledge the development and advancement of women, respectively (CEDAW, 1979, Art. 2; CEDAW, 1979, Art. 3). This means women and girls should not have to worry about how they are going to manage their periods with limited access to menstrual products instead of focusing on school and work.

In addition, the *Convention on the Rights of the Child* further outlines the right to education on an equal basis as well as the right to leisure, play, and recreational activities for individuals under the age of 18 (*Convention on the Rights of the Child*, 1989). Section E of article 28 specifically outlines the state party's responsibility to take measures to encourage regular attendance of students at school (CRC, 1989, Art. 28 (e)). Ensuring access to menstrual

products will allow young menstruators to fully participate in school and other activities, without discrimination, providing them with equal opportunities to succeed.

Given Canada's human rights commitments, and the impact that period poverty has on these rights, provincial and federal jurisdictions must address the issue of access to menstrual products through legally binding frameworks to ensure the protection of human rights for menstruators across Canada.

PART 2: Literature Review

Access to menstrual products is a critical issue tied to human rights, yet there is limited research that attempts to understand the importance of this topic. There is a lack of peer-reviewed studies on period poverty in developed countries, specifically Canada, with even fewer studies that pay attention to the policy and legislation that protects human rights. This paper conducted a literature review on the impact of period poverty in Canada to understand how menstruators rights are being violated and the need for more legally binding frameworks that ensure access to menstrual products.

A review of the literature shows two main issues. First, period poverty is a relevant issue here in Canada where one in six menstruators struggle to afford menstrual products (Women and Gender Equality Canada, 2023). Second, the consequences brought by the lack of access to menstrual products - this includes, having to choose between buying menstrual products and other essential groceries, and absenteeism causing missed opportunities in school, work, and social events, which act as barriers to human rights.

The State of Period Poverty in Canada

A study done by Plan International (2022) describes how, in Canada, 21 percent of people who have periods have struggled to afford menstrual products (Plan International Canada, 2022). The study also states that 22 percent of menstruators have to ration menstrual products, including wearing products for longer than they should (Plan International Canada, 2022). This problem increases in rural settings, including Indigenous communities, where menstrual products can cost \$45 per box (Rushowy, 2021, as cited in Lee et al., 2024). Heather Lane's research with Moon Time Connections (2024) reported that 74 percent of Indigenous participants from Northern and remote communities could not always access menstrual products, as well as 55 percent of participants in non-remote communities (Lane, 2024). Across studies, the research finds that period poverty disproportionately impacts marginalized communities including individuals living with lower incomes, those who might be unhoused, and transgender and non-binary individuals (Barrington et al., 2021, as cited in Lee et al., 2024).

A study from Nova Scotia (2022) found that 65 percent of menstruators did not have enough funds to buy menstrual products at various points in their life (Lukindo et al., 2022). The cost of menstruation does not only encompass menstrual products. Menstruators spend money on medication for pain management, underwear and laundry, and lost work time (Rome & Tyson, 2024). This is not just a one-time payment either. Menstruators can have their period for up to forty years of their lives and spend an average of \$6000 on menstrual products in their lifetime, which is likely an underestimate (Harrison et al., 2022, as cited in Rome & Tyson, 2024; Craggs, 2018, as cited in Lee et al., 2024).

While the studies on access to menstrual products in Canada are limited and have varying data in terms of period poverty, they all show that period poverty is a significant issue here and even more so for marginalized individuals.

The Consequences of Period Poverty and Its Impact on Human Rights

The data above highlights that period poverty and access to menstrual products is a significant issue in Canada. The consequences of period poverty include health issues and lower attendance at school, work, and social activities, thus violating the rights to health, education, work, gender equity, and dignity.

With limited access to these products, menstruators are forced to reuse products, wear them for longer than recommended, find alternative products, or miss school and work because of having no products (Lukindo et al., 2022). This can lead to health consequences like toxic shock syndrome and other infections (Harrison et al., 2022, as cited in Rome & Tyson, 2024).

The United Way Period Promise Research Project (2021) showed that 18 percent of participants had missed school, 21 percent had missed work, and 26 percent had missed a social event at various times (United Way Period Promise Research Project, 2021). This number increases when looking at the percentage of menstruators that had to leave these events early because of a lack of menstrual products but who did not miss the event entirely (United Way Period Promise Research Project, 2021).

A Plan International study (2019) found that over half of Canadian menstruators have missed activities every now and then because of limited access to menstrual products, 12 percent said that it is a common occurrence for them (Nanos, Plan International Canada, 2019). As for younger menstruators, Lukindo et al. (2022) found that 40 percent of menstruators had to miss school or other social activities because of a lack of products (Lukindo et al., 2022). Andrew Maroko (2021) says that this inability to participate in social activities such as work, school, and other activities perpetuates gender inequality. (Houston et al., 2006, as cited in Maroko et al., 2021; Sommer et al., 2016, as cited in Maroko et al., 2021).

Another consequence of being unable to afford menstrual products is having to choose between two necessities. A Canadian study found that one out of four menstruators had to make the decision between choosing whether to buy menstrual products or paying for other necessities such as rent and groceries (Léger, Plan International Canada, 2023). In the same study, 15 percent of menstruators said that their inability to purchase menstrual products leaves them excluded from daily activities (Léger, Plan International Canada, 2023).

Existing literature shows the negative impact that period poverty has on human rights. Studies primarily focus on the consequences of period poverty but do not analyze the effectiveness of existing government laws and initiatives in ensuring access to menstrual products. This paper aims to fill this gap by analyzing the attempts of the government to address this issue.

PART 3: Methodology and Findings

Methods

This research looks at the state of current government laws and initiatives in Canada that aim to address access to menstrual products to determine whether Canadian governments are doing enough to protect the rights of menstruators, particularly in schools, work, and public institutions and facilities. A list of all provincial, territorial, and federal laws and government initiatives regarding access to menstrual products were generated into a table and reviewed to better understand the state of menstrual product accessibility in Canada. For the purposes of this table, “laws” refers to measures that have been written into legal frameworks, and “initiatives” includes government commitments that have not yet been enacted into law, private member bills that have had their first reading, provincial or federal funding, or pilot projects.

The investigative process involved a policy analysis by completing a variety of online searches to identify existing laws as well as any government initiatives across all provinces and territories. This began with a review of all government websites at the provincial, territorial, municipal, and federal levels to find any relevant legislation, news releases, policies, pilot projects, or funding pertaining to access to menstrual products. Following this, an online search was completed using keywords such as “menstrual products”, and “feminine hygiene products”, and “access”, and “the name of the province, territory, or Canada”. This led to findings of press releases from various news outlets, news releases from municipal websites, and other documents published by the provincial governments outside of their webpages. News releases and other documents were included in the table if they specifically discussed access to menstrual products. Furthermore, this study only explored government initiatives and laws and did not include non-government initiatives in the analysis, therefore our findings do not represent all efforts to improve access to menstrual products in Canada.

Findings

Table 1

Findings on Government Laws and Initiatives, Including Private Member’s Bills, Regarding Access to Menstrual Products Across Canada

	Laws	Initiatives
British Columbia	2019 Changes to the Support Services for Schools Order	Menstrual Products in Some Public Facilities (City of North Vancouver)

Alberta		• Free. Period. Program (City of Calgary) • Menstrual Products in Some Public Facilities (City of Edmonton)
Saskatchewan		• Menstrual Products in Schools & Shelters (Government of Saskatchewan & Shoppers Drug Mart)
Manitoba		• Bill 226 (The Public Schools Amendment Act) • Menstrual Products in Some Municipal Buildings (City of Winnipeg) • Menstrual Products in Schools & Shelters (Government of Manitoba & Shoppers Drug Mart)

Ontario	• 2025 Amendments Made Under the Occupational Health and Safety Act	• Menstrual Products in Schools (Government of Ontario & Shoppers Drug Mart)
Québec		• Menstrual Products in Some Municipal Facilities (Ville de Montréal) • Government Strategy for Gender Equality
Newfoundland and Labrador		• Menstrual Products in Schools (Government of Newfoundland and Labrador)
Prince Edward Island		• Menstrual Products in Schools, Food Banks, & Shelters (Government of Prince Edward Island)
Nova Scotia		• Bill 77 (Free Menstrual Products Act)

		• Bill 154 (An Act Respecting Free Menstrual Products) • Menstrual Products for Students (Government of Nova Scotia) • Menstrual Products in Some Public Facilities (Halifax Regional Municipality)
New Brunswick		• Never be Caught Off Guard Project (Government of New Brunswick) • Menstrual Products in Public Libraries (Government of New Brunswick)
Yukon		• Menstrual Products in Schools (Council of Yukon, Indigenous Services Canada,

		Government of Yukon)
Northwest Territories		
Nunavut		• Funding for Menstrual Products (Indigenous Services Canada)
Canada	• 2023 Amendments to the Canada Labour Code	• Menstrual Equity Fund Pilot • Menstrual Products for the Territories (Indigenous Services Canada) • Menstrual Products in First Nations Operated Schools (Minister of Indigenous Affairs)

As seen in the table above, the search found a limited number of existing laws regarding access to menstrual products, but several initiatives were found, including first readings of private member bills, funding, government strategies, and pilot projects at the municipal, provincial, and federal levels.

Existing Federal and Provincial Laws in Canada

Canada has several initiatives regarding access to menstrual products but are seldom written into law. The laws that do exist take steps to address access to menstrual products, but they do not ensure universal guaranteed access in Canada, failing to adhere to international human rights obligations. Only one of the current laws addresses access to menstrual products in schools, two in the workplace, and none that address access in public institutions.

The only federal law regarding access to menstrual products in Canada was implemented as recently as December 2023. Amendments made to section 9.17 of the *Occupational Health and Safety Regulations*, consolidated under part two of the *Canada Labour Code*, requires federal employers to supply pads and tampons to their employees in all washrooms (Canada Gazette, 2023). This legislation is a step in the right direction, but only applies to federally regulated workers, which are a relatively small percentage of the population and are usually not among those in the highest need financially. Additionally, Canada has eliminated taxes on menstrual products across all provinces and territories, but only as recently as 2015 (Watters, 2015).

The only two provinces that have established any legislative framework applying to access to menstrual products are British Columbia and Ontario. In British Columbia, the amendments made to the Ministerial Order for Support Services for Schools (No. 149/89) ensures that British Columbia education boards provide menstrual products to students (British Columbia Ministry of Education and Child Care Governance, Legislation and Workforce Branch, 2024). This amendment, implemented in 2019 ensures that all students who may need menstrual products, regardless of their gender identity, have access to them in a way that is always available and freely accessible (B.C. Ministry of Education and Child Care, 2024). This

amendment directly eliminates barriers to education for menstruating students by promoting inclusivity, equality, health, and well-being to improve student performance.

Amendments made under Ontario's *Occupational Health and Safety Act* in January 2025, require that construction sites that are longer than three months and that have more than 20 regular workers, provide menstrual products on site to their employees (*Ontario Regulation 213/91*, 2024, s 28.1(2)(a)). This change in legislation creates a more inclusive work environment in a male dominated industry. Although this will help many workers, not all construction workers will have access to these products on site when needed. If the project is only two and a half months long or has less than 20 regular workers, menstruators will not be provided with menstrual products on site. As we can see with the limited number of laws addressing access to menstrual products, the bulk of initiatives are pilot projects or programs dependent on annual renewal of support and funding. Federal and provincial governments must create more legally binding frameworks that provide equal access to these products to ensure the protection of human rights of all people as required under international human rights obligations.

Initiatives Regarding Access to Menstrual Products in Schools

Canada has the obligation to fulfill the right to education which means provinces should enshrine current initiatives into law to ensure all students have equal access to menstrual products like in British Columbia. Such initiatives have proven difficult. For example, a private members bill that aimed to provide access to menstrual products in schools in Manitoba was introduced by the then New Democratic Party opposition member Uzoma Asagwara. Bill 226 was designed to amend *The Public Schools Act* to require menstrual products be available to students in Manitoba schools (*The Public Schools Amendment Act*, 2022). This bill had its first reading in 2022, any further progression was blocked by the Conservative Pallister government.

The Minister Responsible for the Status of Women at the time, Rochelle Squires acknowledged the importance of having access to menstrual products, the inconsistency in providing these products in schools, and the associated health concerns (Manitoba Legislative Assembly, 2022). Despite this acknowledgement, the government refused to proceed with the idea. However, it is worth noting that the NDP has now been in government for over a year and has not reintroduced this bill—and would not respond to inquiries on this issue to determine its future fate.

Rather than enshrining legislative requirements, the Governments of Saskatchewan, Manitoba, and Ontario have created a partnership with Shoppers Drug Mart that enables them to give students access to free menstrual products in schools (Government of Saskatchewan, 2023; Government of Manitoba, 2022; Government of Ontario, 2021). Unfortunately, as of now, this initiative is only proposed to last three years in each province. In Ontario, 18 million menstrual products will be distributed to school boards over the three years, 9.9 million in Manitoba, and 12 million in Saskatchewan (Government of Ontario, 2021; Government of Manitoba, 2022; Government of Saskatchewan, 2023). Although it is a significant initiative, this funding is time limited and dependent on the private organization, Shoppers Drug Mart, and can disappear at any time.

Similarly, the Governments of Prince Edward Island, Nova Scotia, Newfoundland and Labrador, and New Brunswick have announced initiatives and pilot projects to provide access to free menstrual products in schools, but nothing has been written into legislation yet. First, Prince Edward Island's Minister Responsible for the Status of Women, Natalie Jameson promised free menstrual products in schools back in 2020 (Fraser, 2020). Additionally, the Government of Nova Scotia stated that students from grades four and up would have free access to menstrual products (Department of Education and Early Childhood Development, 2019). Furthermore, a Government of New Brunswick news release announced a pilot project called *Never be Caught*

off Guard Project, which will allocate \$115,000 to school districts to provide students in grades six to twelve with access to free menstrual products (Department of Education and Early Childhood Development, 2022). Finally, the Government of Newfoundland promised that by January of 2022 there would be free menstrual products in at least one washroom in all schools with students in grades four and up (Office of Women and Gender Equality Education, 2021). Collectively, all of these initiatives are based on government direction at the time they were created. Without enshrining these initiatives into law, they are all subject to elimination overnight, or years later during budget cuts.

Indigenous students face the same risks. Through the Menstrual Equity Fund Pilot, the Federal Government funded an initiative that would roll out free menstrual products in First Nations schools and to governments across the Yukon, Northwest Territories, and in Inuit Nunangat (Indigenous Services Canada, 2024). However, with a change in government, this funding can easily be reversed, highlighting the need for legally binding frameworks. Although the Minister of Indigenous Services Canada, Patty Hajdu has acknowledged that menstrual products are a basic need and highlighted the importance of having access to menstrual products in schools to allow students to thrive, she did not introduce any plans to make access to menstrual products permanent for Indigenous students as her government was willing to do for Federal workers (Indigenous Services Canada, 2021).

None of the existing laws or government initiatives identified in our search address access to menstrual products in post-secondary institutions. The Centre for Human Rights Research at the University of Manitoba conducted a report on period poverty on their campus to identify the state of menstrual equity practices by auditing washrooms and surveying students and staff (Tennent et al., 2024). Their report found that only 2.98 percent of washrooms on campus had free menstrual products available, 8.5 percent had coin-operated dispensers with

products, but only 37.2 percent of those dispensers were functioning and filled with supplies (Tennent et al., 2024). Although their survey results showed that 77.9 percent of students found themselves unexpectedly needing products on campus without access to any, while another 66.23 percent had leaked while on campus, menstrual products were seldom found (Tennent et al., 2024). This demonstrates the impact this had on student's right to education with 850 of the 1732 respondents sharing how they had to miss class due to managing their periods (Tennent et al., 2024).

With the current state of government laws and initiatives, there are disparities in access across schools in the country. There are disparities between provinces; students who attend school rurally, and in the city; disparities among school divisions; and disparities for marginalized students such as Indigenous pupils. While little work on this has been done in Canada, a study done in Uganda shows how inadequate access to menstrual products is a key factor in school absenteeism (Miiró et al., 2018). A group of 352 girls were questioned, some shared how they had to use clothes or pieces of old sheets because disposable absorbent products were too expensive. Results showed that 19.8 percent of the girls had missed a minimum of one day of school during their last period (Miiró et al., 2018). One of the main reasons for missing school was because of the fear of leaking at 38.5 percent, behind menstrual pain at 92.5 percent (Miiró et al., 2018). An alternative trial done in Kamuli, Uganda in partnership with Plan International provided sanitary products to students in reference to low education markers in the district (Montgomery, 2016). The study found that schools that did not provide sanitary pads had a 17.1 percent greater decrease in attendance than the students who were provided with sanitary pads (Montgomery, 2016).

On the education front, it is clear that rights are endangered by a lack of full and effective coverage. Current government efforts to address access to menstrual products in schools do not

align with international human rights standards. Without current efforts being written into law, access to menstrual products will remain unequal and continue to disproportionately impact the rights of marginalized students. To ensure equal access to menstrual products for all students across Canada and school divisions, each province and territory should implement legislation so that students can learn without worry about menstrual management.

Initiatives Regarding Access to Menstrual Products in the Workplace

Canada has the obligation under international human rights law to protect the right to work and cannot guarantee the protection of this right without passing laws that provide access to menstrual products in the workplace. As above mentioned, federally regulated workers and some construction workers in Ontario are the only employees in Canada who have access to free menstrual products in their workplaces protected by law.

The occupational and workplace health and safety codes and regulations for each province outline the regulations that must be followed concerning toilet facilities in the workplace. All but one ensures that menstrual products are provided for some workers. British Columbia's *Occupational Health and Safety Regulations* specifically outline that washrooms must be provided with all the supplies that are necessary for their use (*British Columbia Regulation 296/97, 1998, s 4.85(3)(c)*). It does not however define which products are deemed necessary for use, although most menstruators would argue that menstrual products are just as much a necessity as toilet paper and soap, as they are all required for managing hygiene in the washroom. The *Occupational Health and Safety Regulations* should specifically outline which products are necessary for use, including menstrual products so that employers are required to offer these necessary products to their employees. By failing to explicitly mandate the provision of menstrual products in workplace washrooms, Canada is not fulfilling its obligation to

safeguard the rights to health, work, dignity, and gender equity. Alberta's *Occupational Health and Safety Code* as well as Manitoba's *Workplace Safety and Health Act and Regulations* both acknowledge the use of menstrual products. They both outline a requirement for a covered disposal container for people to dispose of their menstrual products but does not require workplaces to provide these products (*Alberta Regulation 191/2021*, 2009, s 360(c); Government of Manitoba, 2022). New Brunswick's *Occupational Health and Safety Act Regulations* and Yukon's Workers Safety and Compensation Board mandate that employers provide toilet paper and hygiene supplies but lacks a definition for "hygiene supplies" (*New Brunswick Regulation 91/191*, 1991, s. 5(7)(f); Workers Safety and Compensation Board Yukon, 2022). This ambiguity allows the employers to decide if they are going to provide menstrual products, despite their necessity.

An opposition member's private bill from Nova Scotia was introduced and had its first reading regarding access to menstrual products in the workplace. The bill would have provided workers with access to free menstrual products at work but was not passed into law. Bill 154, *An Act Respecting Free Menstrual Products* would have added a definition of menstrual products to the *Occupational Health and Safety Act* in Nova Scotia outlining the requirement for employers to provide employees with menstrual products in workplace washrooms (*An Act Respecting Free Menstrual Products*, 2019). Like Manitoba's opposition bill regarding schools, this Bill disappeared and has not resurfaced.

Having access to menstrual products in the workplace not only helps menstruators themselves but can benefit employers by increasing productivity. By looking at international research that studies this benefit, we can extrapolate value to Canadian businesses. A study in Namibia looked at women's experiences at work while on their period to find suggestions on what would help women feel more comfortable at work (Mbongo et al., 2023). The study made

clear that menstruators have to leave work early at times because they do not always have products to manage their period (Mbongo et al., 2023). Inadequate access to menstrual products acts as a barrier to the right to work for menstruators because it can lead to loss of work. This loss of work not only affects menstruators, but employers as well through lost productivity.

Another study done on four workplaces that implemented menstrual management interventions in Kenya and Nepal, including the provision of menstrual products over the course of ten months, aimed to identify any positive returns on their investments (Krishna et al., 2024). Benefits of the intervention for employees included feeling more supported by employers and a higher quality of work while menstruating. For employers, benefits included improved job performance, reduced absences, reduced staff turnover, and decreased health costs (Krishna et al., 2024). A cost benefit analysis was done on the study in Nepal and Kenya to see if the menstrual hygiene management interventions improved business outcomes (Eaton et al., 2023). The study found that these interventions had a positive return, with the average benefit-cost ratio for the businesses ten months after the interventions being 1.4 and went up to a ratio of 2.3 after 24 months (Eaton et al., 2023). While the cost benefits would be different in Canada, there would still be quantifiable savings worth exploring. The outcomes of this study should persuade Canadian governments and businesses alike to supply menstrual products to their employees, not only to protect employees' right to work as required under international human rights obligations, but to better their economic returns.

Initiatives Regarding Access to Menstrual Products in Public Institutions and Spaces.

International human rights treaties, which Canada has signed and ratified, outline the protection of human rights for everyone in Canada. To protect these rights, access to menstrual products in public facilities is essential and should be accessible to everyone. Canada cannot

guarantee the protection of rights for everyone equally, unless legislation is there to ensure universality.

Public facilities and institutions like the Correctional Service of Canada should be required under specific written law to provide menstrual products to inmates. Although Canadian prisons must provide menstrual products, this obligation is not always formally written into law. Without legislative backing, the quality and accessibility of menstrual products remain neither guaranteed or equitable. For example, the conservative government cut social program spending in prisons in 2013, which included shutting down kitchens and resorting to frozen meals (Comack et al., 2015). This same thing can be said for accessing menstrual products. Many of the provincial correctional services acts do not mention menstrual hygiene products in writing at all. For example, the Correctional Service Acts of British Columbia, Saskatchewan, and Alberta do not mention access to menstrual hygiene products for inmates (Government of Saskatchewan, 2012). Some acknowledge that inmates will be provided with the “necessary” hygiene products; however, this vague definition often creates barriers to accessing these essential items (*British Columbia Regulation 284/78*, 1978, s. 56(2); *Alberta Regulation 205/2001*, 2001, s. 13). Without inmates' access to menstrual products being specifically written into law, the quality, quantity, and distribution of these products in a timely manner are not guaranteed. The Government of Ontario's website states that inmates will be provided with menstrual products but does not list the quantity, quality, or timely accessibility of these products (Government of Ontario, 2021). As for federally regulated prisons, Section 83 of the *Corrections and Conditional Release Regulations* states that inmates must be provided with all items “necessary” for personal health and sanitation (*Corrections and Conditional Release Regulations*, 1992, s 83(2)(c)). As with many policies described in this paper, if menstrual products are not specifically listed as a

product that is considered “necessary” for hygiene management, these products are not technically required to be provided by law, leaving them more difficult to receive.

Providing menstrual products in public facilities, such as public washrooms is essential in protecting the rights of those who are living with poverty, or low incomes, as they might not have the means to afford these products. To ensure human rights obligations are met, all public washrooms, regardless of marked gender, should provide menstrual products to ensure that menstruators who are living in poverty, as well as transgender menstruators, have equal access to these essential items, safeguarding their right to health and dignity. There are initiatives across Canada from different provincial and municipal governments to provide menstrual products in some public restrooms such as libraries and other government buildings. Those that exist are at risk of discontinuation in the face of budget cuts or a change in government without the enshrinement of them into law.

Nova Scotia introduced a second private opposition member’s bill regarding access to menstrual products that sought to ensure that menstrual products were available in all public washrooms of government-operated services (*Free Menstrual Products Act*, 2021). Unfortunately, this bill was not allowed to proceed by the governing party.

Outside of proposed bills, the province of Québec has promised to facilitate access to menstrual products through a five-year government strategy to realize gender equality (Gouvernement du Québec, 2023). This includes focusing on increasing access to menstrual products for vulnerable women and girls living in alternate living environments and making use of family-type resources (Gouvernement du Québec, 2023). The city of Montréal specifically, is attempting to tackle the issue of period poverty by putting menstrual products in several municipal buildings across the city (Ville de Montréal, 2024).

Other provinces have also started to put menstrual products in public buildings, often libraries because of their accessibility to unhoused individuals. The city of Calgary, Winnipeg, North Vancouver, Edmonton, the Halifax municipality, and the province of New Brunswick have all stated the availability of free menstrual products in select city facilities (City of Calgary, n.d.; City of Winnipeg, n.d.; City of North Vancouver, 2020; Rosove, 2021; Halifax Regional Municipality, 2020; Government of New Brunswick, 2023). Although this is a start, it is not a permanent solution. For example, Winnipeg's pilot project to provide these products in libraries is only set for one year (City of Winnipeg, n.d.). The problem with these initiatives not being enshrined in law is that there are no permanent funds allocated to this issue and they are at annual risk of discontinuation or elimination in budget cuts, or with changes in governing officials.

The Federal Government committed to a menstrual equity fund pilot in 2022 to tackle the challenges of affordability in accessing menstrual products (Women and Gender Equality Canada, 2023). The project started in September of 2023 and has since established pilot sites across the country in different provinces and territories. These sites include community centers, shelters, and community organizations (Women and Gender Equality Canada, 2023). This pilot project is the same project that works with Indigenous Services Canada to provide menstrual products in First Nations schools on reserves and in federal schools across Canada (Women and Gender Equality Canada, 2023). This pilot was also able to pass the legislation that led to the provision of free menstrual products in federally regulated workplaces as mentioned above (Women and Gender Equality Canada, 2023).

Udit Dave et al.'s article (2022) explores how inadequate access to menstrual products contributes to health and social consequences and suggests that providing free menstrual products to the public is cost-effective (Dave et al., 2022). The article uses New York's

legislation as an example to show the relatively low health costs of providing menstrual products in public spaces. This implementation costs \$5.88 per person per year compared to toilet paper which costs \$86.96 per person each year (Montano, 2018, as cited in Dave et al., 2022). The cost of supplying toilet paper in washrooms was more than fourteen times higher than providing menstrual products. By providing menstrual products in public washrooms, those experiencing homelessness will have access to essential items preventing health consequences down the road and reducing health costs associated with infections and other complications from using products for longer than recommended or using unsafe alternatives. Canada must enact laws that require public washrooms and institutions to provide menstrual products to reduce barriers to the right to health and dignity of menstruators in Canada while adhering to international human rights law.

Part 4: Discussion

Period poverty disproportionately impacts marginalized communities, making it an intersectional human rights issue that Canada must address under international law. Many individuals across Canada, and disproportionately, lower-income marginalized individuals live in food deserts even within urban cities leaving accessing menstrual products a challenging task. Without guaranteed access to these products in schools, at work, and in public facilities through law, the rights of menstruators continue to be violated. In the context of Canada, Slater et al. (2017) found that 1 in 8 people in Winnipeg, Manitoba are living in food deserts if we look at how close they are to commercial grocery stores, which are more affordable than smaller local grocery stores (Slater et al., 2017). By providing access to menstrual products in schools, at work, and in public spaces this will make access to menstrual products more accessible for those with lower-incomes and people living in food deserts across Canada. Eliminating period poverty by providing access to menstrual products, as seen in other countries such as Scotland is

achievable, beneficial, and cost-effective (Wise Economy Global, 2020, as cited in Dave et al., 2022). Canada should follow their lead to protect the rights of their citizens and adhere to international human rights law.

Part 5: Recommendations and Conclusion

The Importance of Enshrining Human Rights Protection in Law

The common element with the existing measures to provide access to menstrual products is the way in which it could be eliminated by the stroke of a pen, or a sharpie as is currently the case in the United States with many socially progressive initiatives. Access to menstrual products must be enshrined into law to guarantee rights and their long-term protection. Canada cannot guarantee the protection of human rights given its obligation under international human rights law without passing laws that guarantees access to menstrual products. A patchwork of initiatives cannot effectively guarantee the rights to health, work, education, gender equity, or dignity of menstruators. While the provincial, territorial, and federal governments have taken initiatives to provide menstrual products in schools, workplaces, and public institutions, these efforts alone are not sufficient. Government initiatives and the array of various pilot projects must be enshrined into law to ensure equal protection of rights for menstruators, establishing durability, enforceability, and so they are less likely to be subject to misinterpretation, inaction, or elimination with changes in government.

In Frank Cross's article "The Relevance of Law in Human Rights Protection" (1999), Cross argues that the protection of rights does not always need to be written into the Constitution. He suggests that social norms can exceed the authority of legal language (Cross, 1999). While Cross believes that social norms can have more authority than law, this research argues that human rights are most effectively protected when they are enshrined into legal

frameworks. To assert that rights can be protected when they are not specifically enshrined into the Constitution, Cross uses the example of the right to an abortion. He states that “The U.S. Constitution does not specifically mention abortion, yet such a right is constitutionally recognized” (Cross, 1999, p.89). Evidently, this right is no longer protected across the United States after the overturning of *Roe v. Wade*, raising the question of whether this is because the right was assumed rather than enshrined into law. Cross’s view overlooks the fact that the protection of human rights, when not specifically written into law, remains vulnerable to political shifts and reinterpretation. The example of *Roe v. Wade* is a case in point: although abortion was recognized as a constitutional right for nearly 50 years, its protection was never fully secured into the Constitution or law. Cross’s argument, while insightful, fails to account for the fact that rights are far more secure when they are directly enshrined into law rather than relying on social norms that can change over time and with different governments.

Christopher Cotropia’s article (2021) suggests that law symbolism alone can bring change. By legislating for access to menstrual products it suggests legitimacy and power which can alter social norms (Cotropia, 2021). Although, instead of relying solely on social norms, law can influence changes in norms while also providing legal protection. If access to menstrual products were to be enacted into law the way soap and toilet paper are, after a while it will become expected that all washrooms provide these products.

By creating more laws like the 2023 amendments to the *Canada Labour Code*, the 2019 changes to British Columbia’s Ministerial Order for Support Services for Schools, and the amendments under Ontario’s *Occupational Health and Safety Act*, governments would better protect, respect, and fulfill the right to health, education, work, gender equity, and dignity. If all provinces and territories were to enshrine their current initiatives, bills, and pilot projects into law, the rights of menstruators would be more securely protected and universally guaranteed

throughout the country. Canada needs more laws that particularly address access to menstrual products in schools, workplaces, and public institutions and facilities to protect human rights of menstruators. Not only will this benefit menstruators, but it will also benefit productivity in Canada by increasing attendance in schools and at work.

It must be understood that Canada has the obligation to respect, protect, and fulfill the international treaties that it has signed and ratified. Once it is understood that access to menstrual products is a matter of human rights, governments across Canada must do everything it can to recognize these rights to all appropriate means.

To ensure the protection of these rights, recommendations are further outlined. The Canadian Government should consider implementing laws that require businesses, organizations, and public institutions to provide menstrual products as they do with toilet paper and soap through occupational health and safety acts. This will benefit productivity, which in turn, positively impacts the economy. Not only does providing free menstrual products benefit attendance and productivity, but it can also benefit the organizations providing these products through other means. A study done in 2024 by Kelley Massengale et al., shows that agencies who provide free menstrual products have seen positive outcomes. These organizations can build relationships with their clients leading them to miss less appointments, utilize further resources from the organization that they were not originally seeking, and stay with this organization for longer periods of time (Massengale, 2024).

This research suggests that legislation will likely have to start with requiring businesses to provide these products to their employees and to the public if they have public washrooms, rather than government initiatives to fund the provision of menstrual products to all public washrooms across the country. Although, if menstrual products were defined as medically necessary for health rather than a consumer good, it could be designated through the *Canada*

Health Act and covered through insurance companies and by the government for those without insurance. The *Canada Health Act* outlines that its main objective is to promote health and access to health without financial barriers (Government of Canada, 2025). As mentioned above, menstrual products can be expensive and are not a one-time purchase, creating barriers to health and access to menstrual products, and so this change in definition should be considered.

It takes time for a bill to pass. The Federal New Democratic Party introduced three private members bills before garnering enough support for the bill to eliminate taxes on menstrual products passed (Scala, 2022). The party in government and public needs to care about the issue. We understand that women and menstruators are suffering but this does not mean that everyone supports this issue. The issue of access to menstrual products must be reframed as a human rights or productivity issue to garner more support for legislation change. Scala (2023) describes this link between human rights and menstrual equity as strategic and deliberate to create anger and ridicule the blatant sexism which is the lack of legislation on this topic (Scala, 2023). Once it becomes law that menstrual products must be provided just like toilet paper and soap, it will become a norm.

Many individuals and organizations may think that having to provide menstrual products in their respective spaces will be costly due to individuals taking more than they need. This viewpoint is misguided because if there were menstrual products available everywhere in the same places where toilet paper and soap are provided, menstruators would not need to stock up on products the way they might need to now. The idea that they would take more than they need also implies that they will not use these products, when in reality they are taking them for use at a later time when they might not have had access to them. Human rights are not protected without the provision of menstrual products, addressing any issues of possible wasting would encourage businesses to provide these products.

Access to menstrual products impacts human rights and therefore must be protected as required under international human rights law. Menstruators should not have to rely on third-party organizations and volunteers to provide them with these necessary hygiene management tools. Without access to menstrual products being written into law, menstruators' right to health, education, work, dignity, and gender equality are not equally guaranteed or universally protected. There is a need for a call to action for federal and provincial governments in Canada to respect, protect, and fulfill these rights as outlined in international human rights law. These rights must be enshrined into law so that they are consistently guaranteed and equally recognized across Canada, rectifying inequities and creating equal opportunities for menstruators.

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