

**Government of Himachal Pradesh
Department of Labour & Employment**

Shram (A)3-4/2022

Dated: Shimla-171002, the

12th August, 2022

NOTIFICATION

Vide Judgment dated 08.12.2000 of Hon'ble Madras High Court in Case No" W.P.4604 to 4606 of 1999 and others (Vasantha R versus Union of India and others), provision of Section 66(1)(b) of the Factories Act 1948 has been set aside. By virtue of which, now women can be employed in factories in the night shifts i.e. from 07:00 P.M. to 06:00 A.M. Hon'ble Madras High Court in its judgment has also laid down certain conditions for employing women in night shift in respect of their security and safety so as to safeguard the interest of the women workers. In view of the above decision and in consonance with point number 113 of Business Reform Action Plan-2022, and further in supersession of this department notification number Shram A(4)-3/2017 dated 01.05.2017 the Governor of Himachal Pradesh is pleased to permit employment of women workers in factories situated in the State of Himachal Pradesh during night shifts i.e. from 07.00 P.M. to 06.00 A.M from the date of publication of notification in Official Gazette which shall remain valid for three years subject to following conditions:-

1. No woman worker shall be bound to work without her consent before 06:00 AM and after 07:00 PM.
2. No woman employee shall be required or allowed to work for more than eight hours in any day not for more than 48 hours in any week
3. No women shall be employed against the maternity benefit provisions laid down under the Maternity Benefit Act, 1961
4. Adequate transportation facilities alongwith guard shall be provided to women employee to pick up and drop at her residence.
5. The occupier shall intimate the arrangement proposed by him to the concerned Inspector of region for verification affording him a minimum period of seven days for such verification.
6. Employer shall ensure sufficient supervision during such working hours and journey thereof.

7. Employer shall provide lighting not only inside the establishment, but also surroundings of the establishment and to all places where the female employees may move as per her necessity in the course of such shift.
8. Employer shall provide appropriate medical facilities and also make available at any time of urgency by providing necessary telephone connections and where more than hundred female employees are employed in a shift, a separate vehicle shall be kept ready to meet the emergent situation such as hospitalization, whenever there is a case of injury or incidental acts of harassment etc
9. Wherever the establishment provides boarding and lodging arrangements for the female employees, the same shall be kept exclusively for the women under the control of women wardens or supervisors.
10. The female employees who work in night shifts and regular shifts shall have a monthly meeting through their representatives with principal employer once in eight weeks as grievance day and the employer shall comply all just and reasonable grievances.
11. Employer shall send a fortnightly report to the Inspector about the details of employees engaged during night shifts, and shall also send express report whenever there is some untoward incident to the Inspector and local Police station as well.
12. The toilets, washroom and drinking water facilities should be near to the workplace including passage towards conveniences or facilities concerning to these amenities. Further, entry and exit of women employees should be well-lit.
13. The employer shall provide safe, secure and healthy working condition such that no women employee is disadvantaged in connection with her employment.
14. The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishment, shall be complied with.

By order

Secretary(Lab.&Emp.) to the
Government of Himachal Pradesh

Endst No. (A)3-4/2022 dated Shimla-171002, the

12th August, 2022

1. The Secretary, Ministry of Labour & Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi
2. The Secretary, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Government of India
3. All the Administrative Secretaries to the Government of Himachal Pradesh.
4. The Labour Commissioner-cum-Director of Employment, Shimla-1, HP
5. The Director Industries, HP Udyog Bhawan, Bemloe, Shimla-1 alongwith copy of the Scheme.
6. All the Head of the Departments in Himachal Pradesh.
7. All the Managing Directors/Chief Executing Officers of Corporation & Boards in HP.
8. All Deputy Commissioners in Himachal Pradesh.
9. The Controller, Printing & Stationery, HP, Shimla-3 for publication in the Rajpatra.

(Anil Kumar Katoch)
Under Secretary(Lab. & Emp.) to the
Government of Himachal Pradesh
