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EXTRAORDINARY

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HARYANA GOVERNMENT

LABOUR DEPARTMENT

Notification

The 7th June, 2022

No. 17217.— Whereas the State Government of Haryana has notified to allow employing women in night shifts i.e. from 7:00 PM to 06:00 AM in IT, ITEs, Banking establishments, three star or above hotels, hundred per cent export oriented establishments *vide* notification No. 6/3/2002-1Lab dated 27.08.2003 and notification no. 6/3/2022-1Lab dated 01.12.2004 and further in logistics and warehousing establishments, *vide* notification No. 14939 dated 17.05.2022;

Whereas the State Government of Haryana in exercise of the powers mentioned under Section 28 and Section 30(3) of the Punjab Shop and Commercial Establishments Act, 1958, has laid down certain conditions for employing women in night shifts in respect of their security and safety so as to safeguard the interest of the women workers any IT, ITEs, Banking establishments, three star or above hotels, hundred per cent export oriented establishments and logistics and warehousing establishments in the State of Haryana, registered under the Punjab Shops and Commercial Establishments Act, 1958 wants to employ women workers in night shifts may apply for this exemption under Section 28 of the Act, prescribed as under.

No application for grant of exemption shall be entertained unless received by the Labour Commissioner or Chief Inspectors of Shops of Haryana within one month before the date of commencement of the period in respect of which the exemption is required. Such exemption will be valid for one year, and such exemption shall be granted on the following conditions:

1. It shall be the duty of the employer or other responsible persons at the work places or institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution; statement of victim or prosecution of acts of sexual harassment by taking all steps required as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (now onwards Act). The employer/occupier must submit a copy of Annual Return which is to be submitted to the District Authority under the Act and also to the Labour Commissioner, Haryana.
2. All employers or persons in charge of work place or factory should take appropriate steps to prevent sexual harassment and they should take the following steps:
 - (i) Express prohibition of sexual harassment in any form such as unwelcome sexually determined behaviour either directly or by implication or advances or contact to gain contact or demand sexually favours or make sexually coloured remarks or showing pornography or any other unwelcome physical verbal or non-verbal contact of sexual nature;

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- (ii) The Rules or regulations shall be framed by the shop/establishment management relating to conduct and discipline prohibiting sexual harassment and provide for appropriate penalties in such rules against the offenders and also introduce amendments wherever necessary as prescribed in the "Act".
 - (iii) Provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
3. In case of any criminal case the employer shall initiate appropriate action in accordance with the penal law without delay and also ensure that victims or witnesses are not victimised or discriminated while dealing with the complaints of sexual harassment and wherever necessary, at the request of the affected worker, shift or transfer the perpetrator, if circumstances so warrant. The employer shall take appropriate disciplinary action if such conduct amounts to misconduct in employment.
4. The employer shall maintain a complaint redressal mechanism in the shop/establishment itself and the said mechanism should ensure time-bound treatment of complaints. Such mechanism should be at any rate to provide, when necessary a Complaint Committee, a special counsellor or other support services including the maintenance of confidentiality.
5. Such Complaint Committee should preferably be headed by a woman and not less than half of its members should be women besides a non-governmental organization's representation in the committee. Such person should be familiar with the issues of sexual harassment as is prescribed under the "Act".
6. The female employees should be allowed to raise issues of sexual harassment to workers in the Workers' meeting and other appropriate forums, written or in electronic form or through a complaint box.
7. The female employee should be made aware of their rights in particular by prominently notifying the guidelines on the subject.
8. Wherever there is a harassment at the instance of a third party, either by an act or omission, the employer and person in charge of the shop/establishment should take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
9. Declaration/consent from each women worker including security guard, supervisors, shift- in-charge or any other women staff to work during night shift i.e. between 07.00PM to 06.00AM shall be obtained and a copy of the same shall be forwarded to the Labour Commissioner, Haryana.
10. The employer shall provide proper lighting not only inside the shop/establishment, but also surrounding of the shop/establishment and to all places where the female workers may move out of necessity in the course of such shift.
11. The employer shall see that the women workers are employed in a batch not less than ten and the total of the women workers employed in a night shift shall not be less than 2/3rd of the total strength.
12. Sufficient women security shall be provided during the night shift at the entry as well as exit point.
13. Sufficient number of work sheds shall be provided for the female workers to arrive in advance and also leave after the working hours.
14. Separate canteen facility shall be provided for the female employees, if number of female employees are more than 50.
15. The employer shall provide transportation facility to the women workers from their residence and back (for the night shift) and security guards (including female security guard) and each transportation vehicle shall also be equipped with CCTV cameras.
16. The establishment/management shall provide appropriate medical facilities and also make available at any time of urgency by providing necessary telephone arrangement and where more than hundred women workers are employed in a shift, a separate vehicle be kept ready to meet the emergent situation such as hospitalization, whenever there is a case of injury or incidental acts of harassment etc.
17. Wherever the establishment/management provides boarding and lodging arrangements for the women workers, the same shall be kept exclusively for the women under the control of women wardens or supervisors.
18. During night shift not less than 1/3rd of strength of the supervisors or shift-in-charge or other supervisory staff shall be women.

19. There shall be not less than twelve consecutive hours of rest or gap between the last shifts and the night shift wherever a women worker is changed from day shift to night shift and so also from night shift to day shift.
20. In other respects, the provisions of the Haryana Shops and Commercial Establishments Act, 1958 and the rules of other statutory provisions with respect to the hours of work and the payment of Equal Remuneration Act and all other Labour Legislations shall be followed by the employer.
21. The female workers who work in night shifts and regular shifts shall have a monthly meeting through their representative with principal employer once in eight weeks as grievance day and the employer shall try to comply all just and reasonable grievances.
22. The employer shall be at liberty to employ women workers as a whole or in part during night shift, provided, the above directions be complied with.
23. The employer shall send a half yearly report to the Labour Commissioner Haryana about the details of employees engaged during night shifts and shall also send immediate report, whenever there is some untoward incident, to the Labour Commissioner and local Police Station as well.
24. The Management will ensure that the Security Incharge / Management have maintained the Boarding Register/Digitally signed computerized record consisting the Date, Name of the Model & Manufacturing of the Vehicle, Vehicle Registration No. 'Name of the Driver, Address of the Driver, Phone/Contract No.' of the Driver and Time Pick up of the women employees from the establishment destination.

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