

DDF Hg 02/05/17
Government of Himachal Pradesh
Department of Labour & Employment.

No. Shram(A)4-3/2017.

Dated Shimla-2, the

1st May, 2017

NOTIFICATION

31/5/17
In supersession of this department Notification No. Shram(A)4-29/93-II, dated 10-06-2016 and pursuant to judgment of Hon'ble High Court of Madras passed on 08-12-2000 in W.P. No. 4604 to 4606/ 1999 and others (Vasanthar R Versus Union of India and others) vide which provisions of Section 66(1)(b) of Factories Act, 1948 has been set aside, the Governor, Himachal Pradesh is pleased to permit employment of women workers in factories situated in Himachal Pradesh in three shifts subject to the following conditions:-

1. That unit employing women workers in three shifts should be registered under Factories Act, 1948.
2. That before women workers are engaged in night shift, prior consent of women workers will have to be obtained from women workers and copy of the same shall be submitted to the Labour Officer of the concerned area.
3. That management will have to take adequate measures in accordance with guidelines & norms to be observed to prevent sexual harassment of women workers at work place as laid down by the Hon'ble Supreme Court of India in case of Vishakha & others Vs State of Rajasthan (JT1997(7)SC-384).
4. That no women worker shall be engaged alone to work in night shift and lady supervisor shall also be deployed by the management in each shift and each floor.
5. That the concerned factory shall provide transport facilities to the women workers for pick up and dropping from their hostel / residence to their work place and back.
6. That the lady escort shall be provided in the vehicle along with women workers during their transportation from work place to their residence / hostel & back.
7. That the arrangement for meals shall also be made in the canteen of the factory, so that the women workers can take their meals within factory premises during night shift.
8. That no women worker will be employed in Hazardous Process as defined in Factories Act, 1948 during night shift.

9. That working hours of women workers will be regulated in accordance with the provisions of Section 51 to 65 of Factories act, 1948.
10. That management will be responsible for providing welfare facilities as provided in Section 42 to 50 of Factories Act, 1948.
11. That provision of Section 27 of Factories Act, 1948 regarding prohibition of employment of women workers near cotton openers will have to be followed by the managements.
12. That the management will have to furnish necessary details regarding number of women workers being engaged in different shifts to the concerned Labour Officer of their area.
13. That the management will be responsible for compliance of other provisions of Factories Act, 1948 related to health & safety.
14. That the management will ensure health check up of women workers initially prior to their employment in night shift and subsequently on quarterly basis.
15. That, if any deviation of above mentioned terms & conditions is found at any stage, the unit shall not be allowed to engage women workers in the night shift.

By order

R.D.Dhiman
Principal Secretary (Lab.& Emp.) to the
Government of Himachal Pradesh.

Encls No. Shram(A)4-29/93-II dated Shimla-171002, the 1st May, 2017

Copy forwarded to the following for information and necessary action:

1. The Director General, Factory Advice Service and Labour Institute, N.S Mankikar Marg, Sion, Mumbai.
2. All the Administrative Secretaries to the Government of Himachal Pradesh.
3. All HOD's/ Divisional Commissioners / Deputy Commissioners in Himachal Pradesh.
4. The Under Secretary, Ministry of Labour & Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
5. The Director General, Labour Bureau, Government of India, Shimla-171004.
- ✓ 6. The Labour Commissioner-cum- Chief Inspector of Factories, H.P.Shimla-171001 w.r.t. his letter no. L&E(Fac)9-116/05 dated 22.4.2017.
7. The ALR-cum-Joint Secretary Law to the Government of Himachal Pradesh-2.
8. Guard File.

(Ved Prakash)

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