



**AZB & PARTNERS**  
ADVOCATES & SOLICITORS

**UPDATE ON ENGAGEMENT OF WOMEN IN NIGHT SHIFTS IN HARYANA (MAY, 2025)**

On May 08, 2025, the Labour Department of Haryana Government ("**Department**") in the exercise of its powers under the Punjab Shops and Commercial Establishments Act, 1958 as applicable to Haryana ("**Haryana S&E Act**"), has issued a notification (available [here](#)) prescribing **revised conditions for employing women in night shifts** from 08:00 PM to 06:00 AM ("**Notification**").

The Notification applies to engagement of women in night shifts in establishments engaged in IT, ITES, banking, three-star or above hotels, hundred per cent export-oriented establishments, logistics and warehousing sectors ("**Permitted Sectors**") and supersedes all previous notifications related to the employment of women during night shifts ("**Erstwhile Notification(s)**").

Notably, certain obligations under Erstwhile Notification such as the requirement to engage a minimum strength of 1/3<sup>rd</sup> women,<sup>1</sup> provision of work sheds, canteen facilities,<sup>2</sup> provision of 12-hours rest between shifts, etc. have been omitted in the Notification; apparently in an endeavour to promote ease of doing business, while simultaneously ensuring that safety of women employees in night shifts is not compromised.

The Notification now provides the following revised conditions for establishments engaging women in night shifts in Permitted Sectors in Haryana:

1. **Exemption**: The employer of Permitted Sectors shall seek an exemption from the Labour Commissioner or Chief Inspector of Shops of Haryana within one (1) month prior to the period for which the exemption for engagement of women is required. Once granted, such exemption is valid for a period of one year unless there is any change in security or transportation arrangements, or other details of the occupier / director / manager.
2. **POSH**: It will be the duty of the employer or other person responsible for the establishment to prevent or deter the commission of acts of sexual harassment and to provide the procedures for resolution or prosecution of acts of sexual harassment by taking all steps required as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder ("**POSH Act**"). The employer must also submit a copy of the annual return under the POSH Act to the Labour Commissioner, Haryana.<sup>3</sup>
3. **Consent & Working Conditions**:

The employer must also ensure compliance with the following:

- 3.1. **Consent**: Obtain consent in writing from the woman employee confirming her willingness to work at night and submit a declaration to this effect to the Department.

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<sup>1</sup> For night shifts in logistics and warehousing establishments.

<sup>2</sup> For non-IT/ITES establishments where more than 50 female employees were engaged.

<sup>3</sup> The Erstwhile Notification also imposed specific procedural requirements relating to POSH Act on aspects such as complaint redressal mechanisms, working conditions, awareness, harassment by a third-party, initiating appropriate action as per law action in the event of a criminal case, etc. However, these conditions have been removed from the Notification which now simply requires an employer to prevent and deter sexual harassment by taking steps as per the POSH Act.

- 3.2. Lighting: Provide proper lighting in and surrounding the establishment and all other places where women employees move out of necessity during the shifts.
- 3.3. Security: Provide sufficient security guards during the night shifts.
- 3.4. Transportation: Provide transportation facility from the woman employee's residence to the workplace and back and ensuring that each vehicle used for transporting women employees is equipped with security guards (including female security guard), well trained and responsible drivers, proper communication channels CCTV cameras, GPS, etc., in each vehicle.
- Additionally, a woman employee working in night shift has the option to opt out of employer-provided transportation by submitting her consent to travel to the workplace by herself. Further, employers can now pool transportation services through tie-ups with external transporters / vendors.
- 3.5. Strength / Quorum: Ensure that the women employees are employed in a batch of not less than four.<sup>4</sup> However, the said quorum of four women employees is relaxed for women engaged in the IT/ITES sector in senior positions (earning over INR 1 lakh per month) if they have consented to work at night.
- 3.6. Medical Facility: Provide appropriate medical facilities by engaging a doctor / female nurse at night provided that the employer may pool ambulance and other necessary medical facilities by a tie-up with nearby hospitals to meet any emergency during night shifts.<sup>5</sup> Important telephone numbers such as hospitals, ambulance, police, etc., should also be displayed at prominent places.
- 3.7. Boarding / Lodging: Where an establishment provides boarding and lodging facilities for women employees, it should ensure that the same is kept exclusively for women and under the control of women wardens or supervisors.
- 3.8. Compliance: Ensure compliance with the Haryana S&E Act and all other applicable statutes concerning the hours of work, equal remuneration, employee state insurance, Haryana Labour Welfare fund, etc.

### **Concluding Remarks**

The Notification appears to have significantly simplified the compliance requirements for employers in Permitted Sectors compared to the Erstwhile Notification(s).

Besides other differences highlighted above, other miscellaneous compliance obligations under the Erstwhile Notification such as holding grievance meetings, submission of details of women employees working in night shifts in annual report, maintaining vehicle logs and boarding register, etc. have also been omitted by the Notification. By expressly allowing employers to partner with external vendors for transportation and medical facilities, the Notification appears to have provided clarity on there being no requirement for provision of these facilities in-house.

Lastly, the Notification allows women employees to opt-out from employee transportation facilities and exempts women at senior positions from the requirement of working in batches of four women, thereby promoting independence and flexibility both for the employers and the women employees.

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<sup>4</sup> The obligation that at least 1/3<sup>rd</sup> of the total strength (including supervisors or shift in-charge) in logistics and warehousing establishments shall be women, has been done away with under the Notification.

<sup>5</sup> The obligation to provide a separate vehicle to meet emergencies (such as hospitalization in case of injury, incidents of sexual harassment) when more than 100 women employees are working in night shifts has been omitted in the Notification.