



JSA Prism Employment Law

May 2025

Haryana revises working conditions for women

On a regulatory roll aimed at modernising labour norms and championing gender inclusivity in the workplace, the Government of Haryana on May 8, 2025, released 2 (two) pivotal notifications under the Punjab Shops and Commercial Establishments Act, 1958, as applicable in Haryana ("**Haryana S&E Act**") and Factories Act, 1948 ("**Factories Act**"). These back-to-back notifications refine the legal framework surrounding employment of women during night shifts in designated sectors. Superseding previous notifications on the subject, these comprehensive updates reflect a broader governmental push to foster safety and equitable working conditions for women, particularly in roles involving non-traditional hours.

Shops and Establishment Notification (May 8, 2025)

The Haryana S&E Act prohibits employment of women during night shifts (i.e., 8:00 PM to 6:00 AM). However, by way of amendment dated September 27, 2003, the government amended Rule 15 of the Punjab Shops and Commercial Establishments Rules, 1958 to exempt Information Technology ("**IT**") establishments, IT Enabled Services ("**ITeS**") establishments, banking establishments, 3 (three) star or above hotels and 100% exports-oriented establishments from this requirement. Thereafter, from time to time the government of Haryana notified conditions regulating night shifts for the aforesaid sectors.

The notification issued under the Haryana S&E Act dated May 8, 2025 ("**S&E Notification**"), updates the rules for employing women during night shifts (8:00 PM to 6:00 AM) in the above-mentioned sector, now also including logistics, and warehousing. This notification supersedes all previous notifications on the subject.

To avail the exemption, an establishment must apply to the Labour Commissioner or Chief Inspector of Shops of Haryana, at least 1 (one) month prior to the date on which the exemption is applied for. The exemption granted by the relevant authority will be valid for a period of 1 (one) year.

Key conditions

1. **Declaration:** Employers must submit a declaration of having procured the consent of each woman employee to work during night shift.
2. **Anti-sexual harassment:** Employers will deter sexual harassment at the workplace and provide for resolution, besides undertaking other compliances under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**PoSH Act**").

3. **Lighting and security:** Employers must provide sufficient lighting both inside the premises and in the surrounding areas, including any spaces that female employees may need to access during their night shifts, along with adequate security personnel during night shifts.
4. **Transportation:** Employers must provide safe transportation for women employees to and from their homes. This may be arranged through pooled services in partnership with external transport vendors. Each vehicle must be equipped with security features such as security guards (including a female guard), trained drivers, CCTV, and GPS.

Unlike other States, the notification explicitly allows women employees to arrange for their own transportation, provided they submit written consent. This provision reduces the employer's liability compared to jurisdictions where no such flexibility is provided, as the onus of arranging transportation falls on the employee once consent is given.

5. **Batch size:** Women should work in groups of at least 4 (four) during night shifts. However, this requirement is waived for senior women employees in the IT/ITES sector earning over INR 1,00,000 (Indian Rupees one lakh) per month, provided they consent to night work.
6. **Medical facilities:** Employers must arrange for medical support during night shifts, either through an on-site doctor or female nurse, or *via* tie-ups with nearby hospitals for emergencies. Important emergency contact numbers must be prominently displayed on the premises.
7. **Boarding/lodging:** If accommodation is provided, it must be exclusively for women and managed by female wardens.
8. **Legal compliance:** Employers must continue to adhere to all applicable laws related to working hours, wages, Employees' State Insurance (ESI), and the Haryana Labour Welfare Fund (Haryana LWF), among others.

To further ease compliance for businesses while continuing to prioritise the safety and well-being of women workers, several earlier requirements have been revised or removed. These include the previous stipulation of maintaining a minimum of one-third female staff, mandatory work sheds and canteen facilities, and the requirement for a 12 (twelve) hour rest between shifts. By removing these requirements, the government has made it easier for employers to meet compliance standards, while still maintaining essential safety measures for women employees.

Factories Act Notification (May 8, 2025)

Similar to the Haryana S&E Act, the Factories Act also prohibits employment of women during night shifts, except by notification from the State Government. The notification issued under the Factories Act dated May 8, 2025 ("**Factories Notification**"), outlines similar conditions for factories seeking exemption to employ women during night shifts (7:00 PM to 6:00 AM). This exemption is valid for 1 (one) year from the date of issuance.

Key conditions

1. **Consent:** Written consent from each woman worker including security staff, supervisors, or any other women staff is mandatory to work night shifts.
2. **Legal compliance:** Factories must comply with the PoSH Act and other relevant laws.
3. **Lighting and Surveillance:** Adequate lighting and CCTV cameras must be installed inside and around the factory, covering all areas accessible to women.
4. **Batch size:** Women workers must work in groups of at least 4 (four).

5. **Transportation:** Employers must provide transportation facilities for women employees working night shifts. In addition to the transportation requirements stipulated under the S&E Notification, the Factories Notification also requires the management to ensure that the driver's biodata is collected and that a thorough pre-employment screening is conducted by the service provider, in case the driver has been engaged through outsourcing.
6. **Security:** At least 1 (one) female security guard must be present during night shifts.
7. **Medical facilities:** A doctor or female nurse must be engaged during night shifts. Ambulance services and hospital tie-ups are allowed for emergencies. Emergency contact numbers must be displayed prominently.
8. **Other labour laws:** Factories must comply with the Factories Act, and other labour laws relating to rest intervals, holidays, canteen, and restroom facilities.
9. **Incident reporting:** Any untoward incidents must be reported promptly to the Assistant Director of Industrial Safety and Health and local police authorities.
10. **Additional conditions:** The State Government reserves the right to impose further conditions as necessary.

Comparison of the S&E Notification and the Factories Notification

Sl. No.	Aspect	S&E Notification	Factories Notification
1.	Applicable Law	Haryana S&E Act	Factories Act
2.	Sectors	Specific sectors: IT, ITES, banking, 3-star+ hotels, export units, logistics, warehousing	Factories
3.	Night Shift Timings	8:00 PM to 6:00 AM	7:00 PM to 6:00 AM
4.	Consent	Consent required from women working night shifts	Mandatory written consent from all women workers including security guards, supervisors, shift in charge or any other women staff
5.	Lighting and Security	Proper lighting and sufficient security guards; no explicit mention of female security guards	Proper lighting and CCTV inside and around factory; at least 1 female security guard
6.	Transportation	Similar provisions; no explicit mention of driver screening	Similar provisions including pre-employment driver screening mandatory
7.	Batch size	Minimum four women per batch; relaxed for senior IT/ITES women earning > INR 1,00,000 /month	Minimum four women working together
8.	Medical Facilities	Doctor/female nurse on-site or <i>via</i> hospital tie-ups; emergency contacts displayed, and ambulance/medical facilities may be pooled.	
9.	Additional Facilities	Earlier requirements like canteen, work sheds omitted to ease compliance	Separate canteen/rest room facilities mandated
10.	Reporting	No explicit mention of incident reporting	Incident reporting to relevant authorities mandatory
11.	Validity	No specified validity period; appears ongoing regulation	Exemption valid for 1 year

Conclusion

The S&E Notification streamlines previous compliance requirements by removing obligations such as grievance meetings, detailed reporting, and in-house facility maintenance. It allows partnerships with external vendors for transportation and medical services and grants women greater flexibility-such as opting out of employer-provided transport and relaxing batch-size requirements for senior staff. This approach balances business convenience with the safety and autonomy of women employees.

By simplifying compliance (removing mandates like minimum women strength of one-third and canteen/work shed requirements), the notification promotes ease of doing business while maintaining core safety provisions including lighting, security, transportation, and medical facilities. The enhanced flexibility for senior women employees and allowance for outsourcing reflect a modern, sector-specific regulatory approach.

The Factories Notification takes a more detailed and stringent approach, emphasising factory-specific safety measures such as mandatory incident reporting and driver background checks. Both notifications share the common goal of enhancing the safety and well-being of women employees during night shifts through robust infrastructure, informed consent, and clear compliance guidelines. Together, these notifications mark a progressive step towards safer and more flexible working conditions for women during night shifts in Haryana.

Employment Practice

JSA has a team of experienced employment law specialists who work with clients from a wide range of sectors, to tackle local and cross-border, contentious and non-contentious employment law issues. Our key areas of advice include (a) advising on boardroom disputes including issues with directors, both executive and non-executive; (b) providing support for business restructuring and turnaround transactions, addressing employment and labour aspects of a deal, to minimise associated risks and ensure legal compliance; (c) providing transaction support with reference to employment law aspects of all corporate finance transactions, including the transfer of undertakings, transfer of accumulated employee benefits of outgoing employees to a new employer, redundancies, and dismissals; (d) advising on compliance and investigations, including creating compliance programs and policy, compliance evaluation assessment, procedure development and providing support for conducting internal investigations into alleged wrongful conduct; (e) designing, documenting, reviewing, and operating all types of employee benefit plans and arrangements, including incentive, bonus and severance programs; and (f) advising on international employment issues, including immigration, residency, social security benefits, taxation issues, Indian laws applicable to spouses and children of expatriates, and other legal requirements that arise when sending employees to India and recruiting from India, including body shopping situations.

JSA also has significant experience in assisting employers to ensure that they provide focused and proactive counselling to comply with the obligations placed on employees under the prevention of sexual harassment regime in India. We advise and assist clients in cases involving sexual harassment at the workplace, intra-office consensual relationships, including drafting of prevention of sexual harassment (POSH) policies, participating in POSH proceedings, conducting training for employees as well as Internal Complaints Committee members, and acting as external members of POSH Committees.

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