

OFFICE OF THE DIRECTOR OF FACTORIES, GOVERNMENT OF A.P. VIJAYAWADA

Circular No. LAE05-12021(31)/2/2022-BSEC-DOF

Dt: 25.10.2022

Sub: Factories Act, 1948 – Section 66 (1)(b)- Restrictions on employment of women in Factories – Further clarification to ensure the safety of women employed in factories during nights shifts – Communicated – Regarding.

Ref: (1) Orders of the Hon'ble High Court of Andhra Pradesh in the W.P.No. 21610 of 1999, Dtd. 02.11.2001.

(2) Circular No. B1/2386/2015; Office of the Director of Factories, Dated: 4-4-2015

In the above reference 1st cited, the Hon'ble High Court of Andhra Pradesh has struck down Section 66 (1)(b) of Factories Act, 1948, as unconstitutional.

In view of the Hon'ble High Court orders, the Director of Factories has issued a circular vide reference 2nd cited above wherein it was clarified that women may be employed in factories in the night shifts i.e after 7 p.m. and before 6 a.m subject to condition that the managements of such factories shall provide adequate safe guards in their factories to ensure occupational safety and Health of women employees, provide amenities like Rest rooms, Lunch rooms, crèche rooms and Toilets for women employees besides adequate protection to ensure their dignity, honor, protection from sexual harassment and transportation from the factory to the door step of their residence.

In continuation of the said clarification, it is further clarified that the managements of factories employing women workers in the night shifts shall comply with the following additional conditions to ensure the Occupational Safety and Health of women workers.

- i. Consent of each women worker required or allowed to be engaged in the night shifts shall be taken in writing in advance.
- ii. No women worker shall be employed against the maternity benefit provisions laid down under the Maternity Benefit Act.
- iii. Adequate transportation facilities shall be provided to all women workers to pick up as well as dropping at their residence.
- iv. The workplace including passage towards conveniences or facilities concerning toilets, washrooms, drinking water, and entry and exit of women employees should be well-lit.
- v. The toilet, washroom and drinking facilities should be near the workplace where such women workers are employed.
- vi. Provide safe, secure and healthy working conditions such that no women worker is disadvantaged in connection with her employment; and

- vii. The provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.

The above information shall be communicated to all the factories which require women to be employed during the night shifts.


Director of Factories

To
The Joint Chief Inspector of Factories, Visakhapatnam
The Deputy Chief Inspectors of Factories in the State
The Inspectors of Factories in the State

Copy submitted to:

1. The Special Chief Secretary, Labour, Factories, Boilers & IMS Department, Government of Andhra Pradesh for favor of kind information.
2. Director of Industries, Government of AP for favor of kind information