

**GUIDELINES ISSUED BY GOVERNMENT OF TAMILNADU – FACTORY INSPECTORATE – FOR
ENGAGING WOMAN EMPLOYEES IN NIGHT SHIFT**

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Prevention of sexual harassment and certain procedure to be followed when female employees are employed during night shifts

(a) 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 procedure for the resolution, statement or prosecution of the acts of sexual harassment by taking all steps required.

(b) All employers or persons in charge of work place of factory should take appropriate steps to prevent sexual harassment and they should take the following steps:-

(i) Express prohibition (through notification, publication and circulation in appropriate ways) of Sexual harassment in any form such as unwelcome sexually determined behavior either directly or by implication or advances or contact or gain contact or demand sexual favours or make sexually coloured remarks or showing pornography or any other unwelcome physical, verbal or non-verbal contact of sexual nature ;

(ii) The rules or regulations shall be framed by the managements 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 which are existing in the Standing Orders ;

(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 women employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

(c) 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 victimized 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 warrant. The employer shall take appropriate disciplinary action if such conduct amounts to misconduct in employment.

(d) The employer shall maintain a complaint mechanism in the factory / establishment and the said mechanism should ensure time bound treatment of complaints. Such mechanism should be adequate to provide, where necessary, a Complaint Committee, a special counsellor or other support services including the maintenance of confidentiality.

(e) Such Complaint Committee should be headed by a woman and not less than half of its members should be women, besides a Non-Governmental Organisation's representation in the Committee. Such person should be familiar with the issues of sexual harassment.

(f) The female employees should be allowed to raise issues of sexual harassment to workers in the Workers' Meeting and other appropriate forums.

(g) The female employees should be made aware of their rights, in particular, by prominently notifying the guidelines on the subject,

(h) 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 factory should take all " steps necessary and reasonable to assist the affected person in terms of support and preventive action.

(i) The employer shall provide proper lighting not only inside the factory / establishment, but also surroundings of the factory / establishment and to all places where the female workers may move out of necessity in the course of such shift.

(j) The employer shall see that the women workers are employed in a batch of not less than ten and the total of the women worker employed in a night shift shall not be less than $\frac{2}{3}$ rd of the total strength.

(k) Sufficient women security shall be provided during the night shift at the entry as well as exit points.

(l) Sufficient number of work sheds shall be provided for the female workers to arrive in advance and also leave after the working hours.

(m) Separate canteen facility shall be provided for the female workers.

(n) Separate transportation facility shall be provided wherever transportation is provided by the employer or the occupier of the factory / establishment

(o) Apart from the facilities which are permissible, an additional holiday shall be permitted for the women workers during their menstruation period, which shall be a paid holiday for the two night shifts.

(p) The factory / establishment shall provide appropriate medical facilities and also make available at any time of urgency by providing necessary telephone connections and where more than hundred female workers are employed in a shift, a separate vehicle be kept ready to meet the emergent situation such as hospitalisation, whenever there is a case of injury or incidental acts of harassment etc.

(q) Wherever the factory / establishment provides boarding and lodging arrangement, for the female workers; the same shall be kept exclusively for the women under the control of women wardens or supervisors,

(r) During night shift not less than 1/3rd of strength of the supervisors or shift in-charge or foreman or other supervisory staff shall be women.

(s) There shall be not less than twelve consecutive hours of rest or gap between the last shift and the night shift whenever a women worker is changed from day shift to night shift and so also from night shift to day shift;

(t) In other respects, the provisions of The Factories Act and the Rules of other statutory provisions with respect to the hours of work and the Equal Remuneration Act and all other Labour Legislations shall be followed by the employer.

(u) The Employer shall appoint not less than two Female Wardens per night shift who shall go round and work as Special Welfare Assistants.

(v) The Female Workers who work in night shifts and regular shifts shall have a monthly meeting through their representatives with Principal Employer once in eight weeks as grievance day and the employer shall try to comply ah just and reasonable grievances.

(w) The Employer shall be at liberty to employ female workers as a whole or in part during night shift, provided, the above directions be complied with.

(x) The employer shall send a fortnightly report to the inspector of factories about the details of employees engaged during the night shifts and shall also send express report whenever there is some untoward incident to the inspector of Factories and local police station as well.

(y) The area Factories Inspectors and the Labour Officers shall strictly enforce the directions and make it a point to take note of the non-compliance in their inspection from time to time and see that the employer complies with the directions by appropriate action. The State Government is directed to circulate the copy of the above instructions to all the inspector of Factories in the State.