



GOVERNMENT OF ODISHA  
LABOUR & E.S.I. DEPARTMENT

Notification

Bhubaneswar, dated 31<sup>st</sup> October, 2022

No. LESI-LL3-LABGNC-0005-2022- 8957 /LESI. In exercise of the powers conferred by sub-section (2) of section 3 of the Odisha Shops and Commercial Establishments Act, 1956 (Odisha Act 30 of 1956) (hereinafter referred to as the said Act), the State Government do hereby exempt the shops and commercial establishments in the State from the applicability of section 23 of the said Act, allowing the engagement of women employees in night shift, subject to the following conditions, namely:-

1. Willingness of women employees to work in night shift shall be obtained in writing;
2. There shall be at least five women employees in one night shift;
3. Employment of women employees in night shift shall be on rotation basis;
4. The establishment shall provide transport facilities from the residence of the women employees to the workplace and back free of cost and with adequate security and such transport facility shall have CCTV and GPS for tracking and monitoring;
5. The establishment shall obtain Bio-data of each driver and conduct pre-employment screening of the antecedents of all the drivers employed on their own. As regards the driver employed through outsourcing, the establishment shall ensure to its satisfaction that the collection of Bio-data and pre-employment screening of the antecedents of the drivers is carried out by the service provider;
6. The schedule of route of pick-up and drop shall be decided only by the supervisory office of the establishment. In case of exigencies, change of drivers/ routes/ shifts shall be allowed only with prior knowledge of supervisory officers/ employees;

7. Careful selection of routes shall be made in such a way that no woman employee shall be picked up first and dropped last and the establishment shall provide security guards for night shift vehicles when women employees are being picked up first or dropped last;
8. The establishment shall have a control room or travel desk for monitoring movement of vehicles and the designated supervisor of the establishment shall randomly check the vehicles on various routes as far as possible;
9. Adequate number of security guards shall be posted during night shift;
10. Sufficient rest rooms, toilets, and washing facilities with adequate water supply shall be provided separately for women employees so as to secure privacy;
11. The establishment shall bear the cost of crèche obtained by the women employees from voluntary or other organizations;
12. The provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as applicable to the establishment shall be adhered to scrupulously;
13. If any establishment fails to comply with the above conditions it shall lead to cancellation of the Registration Certificate; and
14. That, these exemptions shall not affect the application of any other law for the time being in force to the concerned establishment.

By order of the Governor



(CHITHRA ARUMUGAM)

Principal Secretary to Government

Memo No. 8958 /LESI, dated 31.10.2022

Copy forwarded to the Director, Printing, Stationery and Publication, Odisha, Cuttack with a request to publish this notification in an extraordinary issue of Odisha Gazette.



Additional Secretary to Government

Memo No. 8959 /LESI, dated 31.10.2022

Copy forwarded to the Industries Department / Labour Commissioner, Odisha, Bhubaneswar for information and necessary action.



Additional Secretary to Government