



Circular No – 024 / 2024

Date:18.03.2024

To

All Members of the Association

ENGAGING WOMEN WORKERS
ON OVERTIME WORK IN FACTORIES

1. The Factories (Karnataka Amendment) Act 2023 received the ascent of the President on 10.07.2023. The Government notified in the gazette on 07.08.2023 from which the amendments under the above Act have come into force.
2. The amended Act amongst others replaced section 66 of the Factories Act which contain restriction on employment on women in the factories.
3. The statement of object and reasons for inserting the amendment as above clearly stipulate that the amendment is to enable the employment of women on overtime, providing for equality and equal opportunity to work and earn and also to enable employment of women round the clock subject to the condition to secure safety and health of the women workers working in the night shifts, upon obtaining written consent from the women workers who are interested to work in night shift.



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4. The Association had received feedback from the members that the Directorate of Factories have declined to give exemption under Section 65 of the Factories Act read along with Rule 116 of the Karnataka Factories Rules for engaging the women employees on overtime.
5. The action of the department is not in accordance with the object of inserting the amendment to the section 66 of the Factories Act.

The Association has, therefore, taken up with Director of Factories Boilers, Industrial Safety & Health Government of Karnataka to intervene in the matter and clarify the position having regard to the object of the amendment. Copy of the letter dated 16.03.2024 addressed to the Authority is enclosed for the information of members.

For KARNATAKA EMPLOYERS' ASSOCIATION
Sd/
[B C Prabhakar]
President



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KARNATAKA EMPLOYERS' ASSOCIATION

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B.C. Prabhakar, B.A., B.L.,
President

Date:16.03.2024

Director
Factories, Boilers, Industrial Safety & Health
Karmika Bhavana
Bannerghatta Road,
Bengaluru – 560029

Dear Sir,

Sub: Women workers to work overtime in Factories
Ref: Exemption under Section 65 of the Factories Act
Read Along with Rule 116 of Karnataka Factories Rules

1. The Association has been informed by the members that the Department has declined to grant exemption to the women workers to work on overtime in Factories, on the application made by the Factories under Section 65 of the Factories Act.
2. The Association would like to place the following for your consideration and to reconsider the issue with regard to grant of exemption to the women workers to work overtime in factories.
3. The Factories (Karnataka Amendment) Act 2023 received the ascent of the President on 10.07.2023. It has been notified in the gazette on 07.08.2023 from which the amended Act has come into force.
4. The amended Act amongst others replaced the section 66 of the Factories Act which contain the further restriction on employment of the women.
5. The provisions of Section 66 prior to insertion of the amendment and post amendment read as under:

Section 66 of the Factories Act prior to amendment	Section 66 of the Factories Act post amendment
<p>66. Further restrictions on employment of women:</p> <p>1) The provisions of this chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:</p> <p>a) no exemption from the provisions of section 54 may be granted in respect of any women:</p> <p>b) No woman shall be required or allowed to work in any factory except between the hours of 6.AM and 7.AM. Provided that the State Government may be notification in the official Gazette in respect of any factory or group or class or description of factories vary the limits laid down in clause (b) but so that no such variation shall authorize the employment of any woman between the hours of 10PM and 5.AM.</p> <p>c) there shall be no change of shifts except after a weekly holiday or any other holiday.</p> <p>2) The State government may make rules providing for the exemption from the restrictions set out in sub-section (1) to such extent and subject to such conditions as it may prescribe, of women working in fish-curing of fish-</p>	<p>66. Further restriction on employment of women:</p> <p>The provisions of this chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:-</p> <p>a) no woman shall be required or allowed to work in any factory except between the hours of 6.AM to 7.PM. provided that a woman may be required or allowed to work in any factory between the hours of 7.PM to 6.AM subject to the following conditions, namely:-</p> <p>i) To xvi)</p> <p>b) There shall be no change of shifts except after a weekly holiday or any other holiday.</p>

<p>canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to or deterioration in, any raw material.</p> <p>3) The rules made under subsection (2) shall remain in force for not more than three years at a time.</p>	
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6. The statement of object and reasons for inserting the amendment as above clearly stipulate that the amendment is to enable the employment of women on overtime, providing for equality and equal opportunity to work and earn and also to enable employment of women round the clock subject to the condition to secure safety and health of the women workers working in the night shifts, upon obtaining written consent from the women workers who are interested to work in night shift.
7. Having regard to the above object for which the amendment was inserted, clause a) of Section 66(1) which reads as "a) **no exemption from the provisions of section 54 may be granted in respect of any women.**" was deleted in the amended section.
8. Section 54 of the Factories Act, inter-alia provides that no adult worker shall be required or allow to work in a factory for more than 9 hours in any day subject to the provisions of Section 51. Section 51 stipulates that no adult worker shall be required or allowed to work in a factory for more than 48 hours in any week.
9. With the removal of the clause-a) of section 66(1) the stipulation that exemption from section 54 of the Factories Act is not available to the woman workers in the factory, it implies that the women workers may also be engaged on overtime work.

10. Section 65 of the Factories Act empowers the Directorate of Factories to grant exemption about engaging the workers on overtime. The exemption is subject to the terms and conditions as stipulated in Rule-116 of Karnataka Factories Rules 1969.
11. If the Directorate declines to grant exemption to the women employees while exercising powers under Section 65 of the Factories Act, the object with which the amendment was inserted would be defeated. It may be reiterated that the object of the amendment was to enable the employment on women on overtime, providing for **equality and equal opportunity to work and earn and also to enable employment of women round the clock subject to the condition to secure safety and health of the women workers in the night shift, upon obtaining written consent from the women workers who are interested to work in night shift.**
12. **The Authority may please appreciate that the directorate of Factories cannot pass an order which would defeat the object of the amendment itself.**
13. The Association request your good-self to intervene in the matter and issue appropriate instructions to the authorities in the department who are authorized to grant exemption under section 65 of the Factories Act and instruct them that to grant exemption for engaging women workers on overtime which will be in consonance with the object of the amendment.
14. We would appreciate your immediate action and also advise us about the action taken in this behalf.

For Karnataka Employers' Association

B. C. Prabhakar

B.C. Prabhakar
President

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