

# Factories (Gujarat Amendment) Ordinance, 2025:

## Key takeaways

7 July 2025

With an intent to grant relaxation to the factories situated in Gujarat as regards work time regulations, thereby boosting economic activities, attracting investments and generating employment, the Labour, Skill Development and Employment Department of Gujarat promulgated the Factories (Gujarat Amendment) Ordinance, 2025 on 1 July 2025 (Ordinance). The Ordinance introduces certain significant changes to the Factories Act, 1948 (Factories Act) as applicable to Gujarat, which are set out below:

### Women allowed to work in night shifts:

Section 66 of the Factories Act allows women to work in factories only between 6 am and 7 pm. Further, under the proviso to Section 66, such hours may be extended by a notification of the state government, provided that the prescribed conditions are adhered to. These conditions correspond to the responsibility of the employer, inter alia to:

- (a) prevent / deter the commission of any acts of sexual harassment and provide the procedure for resolution / prosecution of acts of sexual harassment;
- (b) provide appropriate working conditions in respect of work, leisure, health and hygiene, along with ensuring that there is no hostile environment towards any women workers;
- (c) maintain a complaint redressal mechanism;
- (d) provide proper lighting and CCTV coverage in and around the factory where the female workers may move out of necessity, along with sufficient women security at the entry and exit point;
- (e) ensure that the women workers are employed in a batch not less than 10 and not less than 1/3 of the staff working during night shift are female workers; and
- (f) provide transportation facility to the women workers from their residence and back along with security guards such that each transportation vehicle is equipped with CCTV and GPS.

Further, no employer is permitted to mandatorily require female workers to work during the night shift and must accordingly obtain their written consent to be available.

### Amendment to the overtime provisions:

Section 59 of the Factories Act pertains to the requirement of making overtime payments to workers in a factory working beyond their prescribed regular working hours.

As per the Ordinance, a worker who works in any factory for more than (i) 9 hours in any day or for more than 48 hours in a week for 6 days a week; (ii) 10 hours in any day for more than 48 hours in a week for 5 days a week; and (iii) 11.5 hours in any day for 4 days a week or works on paid holidays, will be entitled to overtime wages at the rate of twice their ordinary rate of wage. Notably, it is only scenario (i) that is covered under the Factories Act.

## Authority to increase the working hours limit:

Sections 54, 55 and 56 of the Factories Act pertain to the prescribed limits for daily working hours, rest intervals and spread over, respectively.

That said, as per the Ordinance, the state government of Gujarat may (i) extend the daily working hour limit from 9 hours to 12 hours (inclusive of the rest interval), and subject to a maximum of 48 hours in a week along with the mandatory written consent of the workers; (ii) extend the total number of hours of work without an interval from 5 hours to 6 hours; and (iii) increase the spread over up from 10.5 hours to 12 hours.

In case of an extension as per (i), the remaining days of the said week for the worker shall be paid holidays.

## Comments

Some of the aforesaid changes introduced by the Ordinance seem to be in alignment with similar amendments being brought about by other states, and to the extent these entail facilitating night shift work by women subject to their consent, they seek to promote equality at the workplace. While the conversion of the Ordinance into a permanent law is awaited, we do not foresee any impediment in this regard.

That said, the permission to have women workers undertake night shifts may also pose certain logistical challenges as employers may not be practically able to ensure that a fixed number of female workers is always available during a night shift, specifically in case there is no operational requirement for such staffing. Similarly, the deployment of female security personnel is often subject to practical constraints, including the limited availability of such personnel through contractors in certain regions. In light of this, it may be interesting to note how strictly the compliance vis-à-vis these conditions may be enforced by the authorities.

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