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### Beyond Administrative Compliance: Evaluating Night-Shift Regulations, Care Infrastructure, and Gender Equity in the Hybrid Economy

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#### Abstract

The post-pandemic restructuring of the Indian corporate ecosystem has formalised flexible, hybrid, and distributed operational models. Concurrently, the codification of Indian labour jurisprudence via the four new Labour Codes aims to modernise employment standards whilst safeguarding employee welfare. This conceptual paper evaluates the gendered implications of these statutory reforms, focusing on the intersection between progressive legislative intent and practical corporate execution. Specifically, it analyses the operational frictions arising from the liberalisation of nocturnal female employment under the Occupational Safety, Health and Working Conditions (OSH) Code, 2020, and the decentralisation of physical childcare obligations under the Code on Social Security, 2020.

Through a critical synthesis of emerging industrial trends and socio-legal frameworks, this study highlights a profound “flexibility paradox.” It argues that transferring the socio-spatial burden of night-shift safety entirely onto private enterprises creates a financial premium on hiring women, risking soft economic exclusion. Furthermore, statutory ambiguities surrounding crèche mandates in remote contexts, combined with a corporate culture that implicitly rewards physical presenteeism, threaten to institutionalise a “flexibility stigma” that stalls female career velocity. The paper concludes with actionable policy recommendations, advocating for public-private safety infrastructure corridors and transferable childcare vouchers to ensure that India’s updated labour architecture fosters genuine systemic equity rather than administrative compliance.

**Keywords:** Labour Codes 2020, Gender Diversity, Flexible Working, Night-Shift Regulations, Indian Corporate Sector.

**Abbreviations:** FLFPR: Female Labour Force Participation Rate; OSH: Occupational Safety, Health and Working Conditions; HR: Human Resources.

#### 1. Introduction

India’s corporate landscape has shifted dramatically. The old standard of working nine-to-five inside a physical office cube is fast disappearing. In its place, we now have a chaotic mix of hybrid systems and flexible schedules. On the surface, everyone cheers this on as a massive win for inclusion. But look closer. When these new corporate habits collide directly with India’s newly consolidated labour laws, a massive gender problem comes to light. The state rolled out the four new Labour Codes to sweep away a messy heap of outdated, colonial-era laws. They wanted to make businesses faster and more agile, while keeping basic worker rights intact. Yet, a fierce debate has broken out among economists. Nobody can agree on whether these legal updates will actually pull India’s

stubbornly low Female Labour Force Participation Rate (FLFPR) out of the mud, or just push it down further.

The real friction is the massive gap between idealistic laws and daily corporate reality. After the pandemic hit, HR managers scrambled frantically to rewrite workplace policies so employees could survive domestic chaos at home (Budhwar *et al.*, 2021). Meanwhile, global bodies keep shouting that developing economies must tear down structural workplace biases immediately (International Labour Organization, 2025). The updated Indian codes try to answer this. They formalise flexible hours, open night-shift roles to women, and mandate corporate childcare infrastructure.

But let’s be entirely realistic here. Do these laws actually empower women? Or do they just build a fresh set of hidden hurdles? This paper dissects that exact dilemma. The focus is



flatly on the friction between legal ideals and corporate execution, tracking night-shift security rules and hybrid crèche setups. Ultimately, this study argues that without aggressive government enforcement and a total rejection of presenteeism, these laws will backfire. They risk creating a deep “flexibility stigma” that turns progressive policies into a quiet system of soft exclusion across the formal Indian economy.

## 2. Materials and Methods

This study utilizes a critical conceptual synthesis methodology to evaluate the gendered operational realities of India’s structural labour transformations. The framework relies on a comparative evaluation matching statutory text against real-world industry feedback. Specifically, the study cross-references the provisions of the Occupational Safety, Health and Working Conditions (OSH) Code, 2020, and the Code on Social Security, 2020, against operational industrial data.

The data analysed includes recent policy frameworks from the NITI Aayog (2025), joint corporate capability reports from NASSCOM-FICCI (2024), and global benchmarks provided by the International Labour Organization (2024, 2025). Academic literature regarding female labour vulnerabilities was systematically evaluated to identify systemic friction points. The analysis tracks two primary compliance streams: corporate physical logistics for nocturnal worker transport, and physical spatial dynamics for childcare asset deployment in hybrid setups.

## 3. Results and Discussions

### 3.1 Night-Shift Regulations: Autonomy versus Safety

The rules for women working night shifts in India have flipped completely. We have finally walked away from decades of patronising, protectionist laws and entered an era of legal gender autonomy. For generations, old statutes like the Factories Act of 1948 flatly banned companies from putting women on overnight shifts. The state claimed this was for their own safety, but the actual result was a heavily restricted job market. The Occupational Safety, Health and Working Conditions (OSH) Code, 2020, blows that approach apart. Under Section 43, women can now legally work late-night hours in any sector. They just have to give explicit consent, and the employer must meet strict safety criteria (Ministry of Labour and Employment, 2020b). Recent government notifications have officially set the timelines for rolling this out across individual states (Ministry of Labour and Employment, 2025).

This looks like a flawless victory for equality on paper. But for actual businesses, it is a logistical nightmare. The state has essentially offloaded the entire burden of public safety onto private employers. For a firm to schedule female workers between 7:00 PM and 6:00 AM, the compliance list is brutal. Management must provide secure, GPS-tracked cabs, intense workplace lighting, active grievance cells, and separate women-only rest zones. Because of these rules, a woman’s basic right to work late is tied directly to a massive, incredibly expensive corporate security setup.

This setup creates a massive risk of hiring bias. In low-margin manufacturing zones or entry-level service firms, the sheer financial cost of these safety protocols can make companies stop hiring women altogether (Kaur, 2025). When a law makes one specific demographic more expensive to employ, profit-driven businesses change their tactics. They often hide their biases by simply hiring men, who require zero extra safety overheads (Mazumdar, 2022). This means the OSH Code’s progressive framework could accidentally shrink the job market for women under the guise of keeping them safe.

We also cannot separate this issue from the raw reality of Indian streets. Working late means women have to navigate urban spaces that are often dark, isolated, and systemically hostile at night (Kumar, 2024). A multinational tech campus might be perfectly secure and monitored, but the roads outside are a different story. This massive gap forces female workers to carry a heavy psychological burden, as they must constantly run personal safety risk assessments before taking on night assignments. If the law treats night-shift access as just another corporate compliance box to tick, real empowerment will fail. The old, state-enforced night ban will simply be replaced by a modern, market-driven hurdle.

### 3.2. The Infrastructure of Care: Crèche Mandates and the Formal Workplace

Good childcare is non-negotiable if we want to keep women in the formal workforce. In India, providing this support has evolved from an occasional corporate duty into a strict legal mandate. This transition started with the Maternity Benefit (Amendment) Act, 2017. That law made it mandatory for any company with fifty or more workers to offer accessible crèche facilities near the office (Ministry of Law and Justice, 2017). Now, this exact rule has been woven into the broader Code on Social Security, 2020 (Ministry of Labour and Employment, 2020a). Section 67 maintains that fifty-employee threshold, solidifying childcare as a core worker right rather than an optional corporate perk.

But the post-pandemic shift toward remote work creates a massive logical puzzle: where exactly is the “workplace” now? The new codes were written with traditional, physical offices in mind. Today’s service sector, however, runs on scattered, hybrid, and remote teams. This geographical split creates a massive blind spot in policy. If an employee does her job entirely from her living room, does the company still have to provide a physical crèche? The law is completely silent on whether businesses should fund local neighbourhood daycares or if keeping one central facility at an empty head office is enough to satisfy the rules. This massive grey area allows firms to tick the legal box while completely abandoning their remote staff.

Worse still, building these facilities creates huge operational bottlenecks, especially in expensive urban business areas. In major tech hubs like Bengaluru, Gurgaon, or Mumbai, renting extra commercial space for a compliant, clean daycare requires a massive amount of capital. Industry insights show that companies face intense space constraints and high liability risks when trying to build these centres on-site.

(NASSCOM-FICCI, 2024). To avoid these massive overheads, firms often sign deals with third-party daycare networks. While this satisfies the legal text, these partner centres are often miles away from where employees actually live, making them completely useless for hybrid professionals splitting their time between home and office.

When state-mandated care infrastructure fails to match modern working habits, the burden falls entirely on the individual. Without scalable, flexible, and legally recognised childcare options, female professionals must rely on a chaotic patchwork of informal family help. This systemic failure keeps women from competing fairly with male colleagues who rarely carry the same domestic responsibilities. If the Social Security Code is to be more than a passive bureaucratic checklist, its enforcement rules must adapt to the flexible economy, ensuring corporate care systems are actually useful.

### 3.3. The Flexibility Paradox in the Post-Pandemic Landscape

Human resource managers love to pitch flexible working as the ultimate cure for gender inequality. The argument sounds perfect: by letting people work from anywhere, women can balance career progression with traditional family expectations. But a closer look reveals a troubling reality known as the flexibility paradox. Rather than automatically levelling the playing field, unmanaged flexible structures can lock gender gaps firmly in place. They shift the physical boundaries of work without fixing the underlying inequality (Chung and van der Horst, 2020). When the line between office and home disappears, domestic spaces get completely swallowed by corporate demands, forcing women to handle an intense double burden of work deadlines and unpaid household chores at the exact same time.

This paradox is hitting the Indian service sector incredibly hard, as it has aggressively embraced permanent hybrid setups over the last few years. National policy data shows that while services drive urban female employment, the complete lack of clear work boundaries heavily damages working conditions and mental health (NITI Aayog, 2025). Because the new labour codes fail to establish a legal “right to disconnect,” flexibility usually just means being available 24/7. Female professionals, who still handle the vast majority of household management due to deep cultural norms, get trapped in an exhausting multitasking loop. Instead of freeing up female talent, flexibility can end up tethering women to the home, leaving them with far less time for high-visibility corporate projects.

On top of that, working from home for long periods triggers a career penalty known as the flexibility stigma. In companies that still quietly reward physical presence, managers often view remote workers as less committed or less ambitious. Because women are statistically far more likely to use flexible or home-based options to balance family needs, they bear the worst of this career slowdown (International Labour Organization, 2024). Working remotely cuts women off from spontaneous office chats, casual mentoring, and key decision-

making moments that happen naturally in physical office hallways.

The result is a deeply divided workforce: an on-site, mostly male group climbing the corporate ladder rapidly, and a remote, mostly female group facing slower promotions and stagnation. If flexible setups are left entirely to market forces without clear laws protecting hybrid workers, they will not create equality. Instead, they will act as a tool of soft exclusion – keeping female headcount numbers stable on company dashboards while quietly blocking women from entering senior corporate leadership.

## 4. Conclusion and Policy Recommendations

The overhaul of India’s labour laws marks a massive turning point for the business landscape, but its success depends on moving past simple bureaucratic box-ticking. This analysis shows that the progressive wording of the new Labour Codes is not an instant cure for workplace inequality. While expanding night-shift options and codifying childcare rules are good steps, executing them in a fragmented, post-pandemic market creates a real risk of soft exclusion. Without smart, proactive integration, high safety compliance costs and vague hybrid care rules will likely distort hiring and widen corporate gender gaps.

To stop flexible working from permanently slowing down women’s careers, Indian policymakers and business leaders need to make targeted changes. First, state-level authorities must rewrite childcare rules to officially cover hybrid work. Companies should be allowed to offer flexible, local daycare vouchers instead of being forced to build expensive, centralized on-site facilities. Second, the safety rules for night shifts should be backed by public-private investments in municipal transport corridors, lowering the financial penalty of hiring women for late shifts.

Ultimately, corporate human resources must move away from an old-school culture that measures value by desk time, switching instead to objective, output-based metrics. If these legal updates are going to successfully raise the country’s female labour participation rate, corporate governance must look beyond simple checklists. Only by actively protecting the career growth of remote and hybrid workers can India ensure its new labour laws build a truly inclusive economic future.

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