



## IT'S TIME TO STOP TALKING AND PROTESTING CRIMES AGAINST WORKING WOMEN – IT'S TIME TO TAKE ACTION

### KEYWORDS

Women Empowerment, Women Safety, Crimes against Women

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### ABSTRACT

Night shift was in practice from long time, it was legally not approved till recently. In fact, in 1919, International Labor Organization had completely prohibited women from working at night. Factories Act 1948 did not have provisions for women to work past 7 pm. With changing times, in 1990, the ILO adopted a protocol to allow women to work at night. Thus, an amendment to Factories Act 1948 came into existence in 2007. With the onset of information technology and BPO sector, an amendment was brought to the Act in 2002. This amendment allows an exemption to any establishment of IT or IT-enabled service to permit women to work in night shifts. Here, night shift refers to working hours that is between 8 pm and 6 am. This research paper deals with ensuring safety for women employees in IT Companies.

### Introduction

The National Association of Software and Services Companies have highlighted the various measures undertaken by the IT-BPM industry to enhance awareness on the safety of its women workforce. NASSCOM along with leading BPM players highlighted the various best-practices and support systems that are in place to ensure this. Announcing the measures, Mr. Som Mittal, President, NASSCOM said, "The contribution of women to the growth of our industry has been immense and it is our constant endeavor to provide a safe and secure working environment for all our employees.

### Contribution of Women Employees

Mr. Som Mittal, President, (NASSCOM) said the courage and commitment of our women employees that despite the heightened security concerns, we did not see any decline in attendance, productivity and applicants to jobs in this industry". He further added, "The industry follows robust practices and has further enhanced its awareness programs for employees to make them aware of these practices. The NASSCOM Best Practices compendium on women security being released today showcases the comprehensive practices adopted by the industry that can be adopted by other industry sectors."

### TCS' Women Employees on Top

Tata Consultancy Services become the first private sector company in India to employ more than 100,000 women. "Women account for 26-35 per cent of the overall employee base of IT companies in India. Women form 32.7 per cent of the overall employee base at TCS today, up from 25 per cent about five years ago, says Ritu Anand, Vice-President and Deputy Head, Global Human Resources, TCS. The company is also the world's third largest IT employer.

### Rules for Working at Night Shift

#### Working Timings

A clause in the Act mandates IT/BT firms to get permission to allow women to work after 8 pm, by submitting Form R. The form comprises information about women employees who are willing to work at night shifts, mode of transportation provided to them etc.

#### Size of the Firm

The law does not differentiate between a small and a big firm, it is the employer's responsibility to provide transportation facility to women working at night shifts. They cannot avoid their responsibility with claims such as lack of financial backup or logistics support.

#### Transportation Facilities

This new amendment was introduced in 2007. Here are the conditions that the companies need to follow:

1. Provide transport facilities from the residence to workplace and

back, free of cost and with adequate security.

2. Employment of women employees in night shift shall be on rotation basis.
3. The Company should obtain bio-data of each driver.
4. The Company must conduct pre-employment screening of the antecedents of all drivers employed on their own.
5. While hiring drivers through outsourcing, the company should ensure that the collection of bio-data and pre-employment screening of the antecedents of the drivers is carried out by the service providers.
6. The Schedule of route of the pickup and drop is to be decided by the supervisory office of the company only.

#### General Facilities

1. Post adequate number of security guards during night shift.
2. Provide sufficient rest rooms, latrines and washing facilities with water supply separately for women employees so as to secure privacy.
3. The establishment should bear the cost of creche facility obtained by women employees from voluntary or other organizations.
4. Company must have a control room/ travel desk for monitoring vehicle movements.
5. Breach of aforesaid conditions can lead to withdrawal of exemption (from the rule of not letting women employees work at night shifts) granted to the firm.

#### Own personal mode of transport

In such a case, the female employee should give it in writing to the company HR, that she does not need company's transportation. Preferably, she must mention the shift hours, so that the company can understand that despite odd shift hours, she has decided to use her own means of transport. This will make the company non-accountable in case the particular employee faces an untoward incident during the course of her journey. In case a woman employee wishes to avoid using office cab on a particular day, she must give it in writing to the company, by mentioning the specific date and reason.

#### Conclusion

As per Nasscom, the IT sector employs over 1 million women. The \$116-billion industry boasts better gender diversity than sectors such as banking (15 per cent of total employee base) and fast moving consumer goods (around 5 per cent), with the number of women joining the workforce increasing every year, companies are working hard to ensure their safety and security.

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