Statement on issues related to "moonlighting"

September 23, 2022

About AIITEU

The All India IT and ITeS Employees' Union is a union for all technology workers and all workers in the technology sector in India. We organise workers to improve working conditions in the technology sector in India and to build a better future for the industry.

Context

Moonlighting refers to having a second job, typically secretly, in addition to one's regular employment. The issue has come to the spotlight due to recent developments, such as Infosys warning its employees against moonlighting, and Wipro outright terminating the employment of 300 employees deemed to be moonlighting.

AIITEU position on moonlighting

The All India IT and ITeS Employees' Union holds that working for more than one employer at one time is not inappropriate by itself and does not on its own constitute cheating. In general, workers have the right to use their free time as they see fit; they are not slaves to their employers. This holds regardless of contractual provisions. Not all contractual provisions are automatically legal, eg. employment bonds are usually not upheld by courts of law.

We believe that two main prongs are important in relation to moonlighting. One, that employers should reduce the incentive to moonlight; and two, that when moonlighting does occur, employers must respond with nuance.

1. **Reduce the incentive to moonlight**: Moonlighting cannot be countered without understanding why employees might want to engage in this practice. To this end, employers and the government should strive such that:
   a) All jobs pay reasonable salaries and have reasonable work hours
   b) Jobs are intellectually and personally fulfilling
   c) Policy measures aim to reduce unemployment to reduce cutthroat competition for career growth
   d) Social welfare systems reduce the cost of providing for a family

In the absence of the above, moonlighting is only a strategy used by workers to make the most of an unfriendly working and policy environment. We also recognise that **legitimising moonlighting can legitimise the idea of having two or more jobs to ensure adequate pay, which is a regressive step for workers.**

2. **Respond to moonlighting with nuance**:
   a) One legitimate issue with moonlighting is the potential sharing of trade secrets with competitors; this can be managed through more specific contractual provisions instead of banning moonlighting entirely.
   b) Anti-moonlighting provisions, even very specific ones, should not become a slippery slope into employers controlling employees' free time beyond work hours. Employers should maintain a policy of respecting the right of workers to free time to use as workers see fit. This also means not compelling workers to work beyond the hours specified in their contracts.
   c) Mass termination of employment can be illegal in many contexts; employers should be careful to not use accusations of moonlighting as an excuse to violate labour laws.

Companies and neoliberal ideologues promote "hustle culture" and gig-ification of work, but still seek to maintain control over the time and skills of workers. The All India IT and ITeS Employees' Union strongly believes that concerns over moonlighting can be resolved by tackling its root causes and not by bullying employees.