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Wipro takes a stand, sacks 300 staffers for moonlighting

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BENGALURU: The IT services industry is waging a war against moonlighting. Wipro chairman Rishad Premji on Wednesday said the company has fired 300 employees in the past few months for working for direct competitors while being on the rolls of Wipro. On Wednesday, addressing an event of the All India Management Association (AIMA) in Delhi, Premji said, "Employees can have a transparent dialogue with the organisation about their second or weekend work, but we discovered 300 employees who were working for direct competitors. There is no place for them."

The disclosure comes just weeks after he described moonlighting as "cheating - plain and simple" in a tweet. And it comes on the heels of a stern email from Infosys to its employees saying disciplinary action,

including termination, would be taken if anyone was found to be moonlighting.

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Premji said he has been receiving hate mail since he made the statement on Twitter, but he continues to stand by what he said then.

The massive talent shortage in technology, combined with the greater privacy provided by work-from-home, seems to have encouraged a significant section to moonlight in their spare time.

Moonlighting is the practice of working for an external paid project, while being full-time on the rolls of a company. Most companies have stringent rules that prohibit employees from taking up external work, except with mutual agreement.

While some new-age companies like Swiggy and Cred have taken a more generous view of the phenomenon, much of the IT services industry has over the past few days rallied against it. TCS COO N Ganapathy Subramaniam has been quoted as saying that moonlighting is an ethical issue and that the IT sector would lose out from such practices in the long term. Sandip Patel, MD of IBM India, noted that everyone who is hired signs a contract that they would be working full-time for IBM, and "notwithstanding what they can do with the rest of their time, it (moonlighting) is not ethical."

Infosys's email to employees noted that moonlighting is not permitted as per the employees' code of conduct. It used taglines like 'No two-timing, no moonlighting' and 'No double lives', and said employees cannot take up other assignments during or outside business hours.

Brent Hyder, president and chief people officer in California-based Salesforce, said the company does not allow moonlighting. "If you work for us full-time, you do not work somewhere else full-time. We do not plan to change that," he said.

One exception in the IT services world was C P Gurnani, CEO of TechM, who said the moonlighting problem was not rampant, and he may consider changing the company policy to allow employees to pursue another job.

Vikram Shroff, head of HR law at law firm Nishith Desai Associates, told TOI that IT companies typically build anti-moonlighting provisions into the employment contract, HR policies, and code of conduct, which courts may enforce to protect the employer's interests.

However, IT union Nascent Information Technology Employees Senate (NITES) believes the employees have a case, and

described Wipro's move to terminate contracts as unethical. "We have urged the employees to come forward and join us as we are gearing up for a legal battle against illegal clauses mentioned in the offer letter," NITES president Harpreet Singh Saluja said.