

Women in the night shift: Terms and conditions apply

Sargun Kaur and Sirjan Kaur

Business Standard, 17 March 2022

<https://www.business-standard.com/article/current-affairs/women-in-the-night-shift-terms-and-conditions-apply-1220317009391.html>

We all know women who log night shifts at the Cyber-hub, Gurgaon or IT hub, Bangalore or a bank office. But, it's not as simple as clearing multiple rounds of interviews, and working hard every day at your job. No! In 13 Indian states, women can only be employed for night-shifts if their employers comply with a set of conditions mandated under their Shops and Establishments Acts.

These conditions are levied to ensure safety, health, and 'adequate protection of privacy, dignity and honour' of the woman employees.

Transport-related conditions, for example, create a mini-inspectorate out of the HR department and the transport service providers. For example, security guards at the office have to ensure that the woman has boarded the vehicle, and the driver has to ensure that the woman has entered her residence before leaving for the next destination. The supervisory office of the company will design the route of pick-up from the office and drop to the employee's residence. The routes have to be designed in such a way that no woman is picked up first or dropped off last. States like Karnataka and Telangana also mandate that the movement of these vehicles should be tracked by the control room/ travel desk of the company. Grown women have to bid adieu to their right to privacy to work at night.

Lawmakers missed an important detail: what happens in case a grown woman wants to use her own vehicle for transportation at night? No state accounts for this situation, at least not in publicly available acts, rules and notifications. Women's safety is a contentious issue, and any slip-up can lead the company to the courtroom. In the absence of clear directions, companies have come up with their own ways of dealing with grey areas. Conversation with people in the industry suggests that the companies ask the woman employees to sign a declaration that they do not want to use the office transport, and therefore, will be responsible for their own safety.

There are also days when you call up a friend to pick you up from the office. While the list of conditions do not tell companies what to do in such a situation, we understand that the companies try to ensure that woman employees are picked up by their 'blood relatives' only. That too preferably from the reception area where the CCTVs can at least capture the person who is there for the pick up.

In Haryana, companies have to maintain a boarding register and a movement register. The boarding

register records the “date, name of the model manufacturer of the vehicle, vehicle registration no., name of the driver, address of the driver, phone/contract no of the driver, and time of pickup of the women employees from the establishment destination.” The movement register daily records the female employee’s time of pick-up and drop off, their destination, along with their signature during the drop off. One HR officer we talked to, caustically referred to himself as a hostel warden and pointed out the irony of asking your female boss to sign the company register everyday before she leaves the office.

Some states require that women can only work at night if they are accompanied by a minimum number of female employees. In Andhra Pradesh, a female employee can work at night only if she is accompanied by four other female employees. In Kerala, a female employee can work at night only in groups of five, of which two employees should be women.

Karnataka and Kerala exempt women in managerial roles from restrictions on working at night. It is almost as if the issue of female safety vanishes when women take up managerial roles. We can apply similar reasoning to states like Assam, Gujarat and Madhya Pradesh that exempt women working in central and state government offices from restrictions on working at night.

We understand that there are law and order problems in India. We understand that women’s safety is a serious issue. We also understand that some of these ideas may help draw women into the workforce. But perhaps these options should emerge out of negotiations between employees and firms, without the state’s whip.

Our research for the State of Discrimination index shows that the State repeatedly mollycoddles adults on the basis of sex. The first-order issue is the way these conditions trivialise a woman’s agency. To even begin on the second-order issues like the cost of complying with these conditions and the disproportionate burden they place on women’s employment would require another article. International Women’s Day, 2022 called for breaking the bias. When will we break the bias in our laws to allow women to burn the midnight oil, freely?