

GOVERNMENT OF KARNATAKA

No. ITD/180/PrS/2015

Karnataka Government Secretariat,
5th Phase, 5th & 6th Floor M.S. Building,

Dated: 15.10.2015

CIRCULAR

In light of recent unfortunate incidents, it has come to the fore that some of IT/ITES/BPO companies employing women may not have been complying by statutory obligations required to ensure safety of women employees. The IT/ITES/BPO sector companies have been exempted from restrictions on employment of women during night shifts as long as they provide transport to such employees.

As per the Karnataka Shops and Commercial Establishments Acts and Rules, hereinafter referred to as Acts and Rules, IT and other knowledge based companies are allowed to employ women as long as prior permissions are obtained from the competent authority (Rule 24 -B 1 and B 2). Also under the Industrial Employment (Standing Orders) Act, 1946, the Labour Department has notified that IT and other knowledge based companies shall be exempt provided they comply with the provisions of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and other minimum obligations.

From the above, it is clear that the State government has facilitated the IT/ITES sector by easing regulatory framework to a large extent. However, these exemptions should not be mis-utilized to the extent it compromises the safety of employees especially women employees.

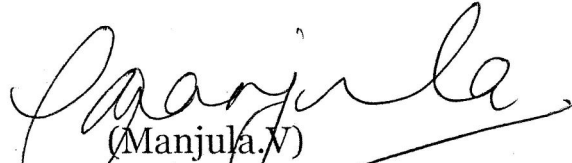
The Departments of IT, BT and S&T would like to work with the industry associations in order to create greater awareness about the rights of women employees through various enactments of the state and also involve the various stake holders in this exercise. As a step in this direction it is proposed to conduct Awareness among the stake holders like the HR and Logistics department heads and women employee representatives so as to ensure greater reach out and in this we request the assistance of the industry associations.

The exemptions provided by the competent authority through Form S under the rules prescribed by the Act contains a list of conditions / checklist for companies to comply with to ensure basic facilities related to safety of women are in place in all organizations. The guidelines are enclosed for your information. Additional Good practices that can be followed are also enclosed.

In achieving the above objectives, an important step shall be that a Senior Office bearer of the Industry organization is nominated as liaison officer for this issue. It is also requested that a senior executive be appointed as the "Women's Safety Officer" in every office establishment of a company and to oversee the transport and security arrangements for women employees.

The industry organizations are requested to circulate this letter and guideline amongst their members for necessary compliance.

Ensuring sustained joint efforts on each side shall be an effective approach towards the larger objective of ensuring safety of women in the state.



(Manjula.N)
Principal Secretary to Government,
Information Technology, Biotechnology
and Science and Technology Department.

To:

- 1) President - IESA
- 2) President - Association of Bangalore Animation Industry (ABAI)
- 3) Regional Director - American Chamber of Commerce in India (AMCHAM)
- 4) President - Consortium of Electronic Industries of Karnataka (CLIK)
- 5) Vice President & President Elect - CSI -
- 6) CEO - Electronics City Industries Association (ELCIA)
- 7) President - MAIT
- 8) Regional Head - NASSCOM
- 9) Managing Director - KBITS

Copy for information:

- 1) PS to Additional Chief Secretary to Government – Commerce and Industries Department.
- 2) PS to Additional Chief Secretary to Chief Minister.
- 3) PS to Additional Chief Secretary to Government – Labour Department.
- 4) PS to Director General of Police Karnataka.
- 5) PS to Commissioner Police.

CONDITIONS

(Under Rule 24-B(2) of KAR SHOPS & COMMERCIAL ESTABLISHMENTS RULES, 1963)

- 1) The regulations stipulated under Sections 7,8,9,10 and 12 of the Act shall continue to apply to the women employees working during night shift.
- 2) Transport facilities from the residence to workplace and back shall be provided free of cost and with adequate security.
- 3) Employment of women employees shall be on rotation basis.
- 4) Adequate number of security guards shall be posted during night shift.
- 5) Sufficient rest rooms, latrines and washing facilities with adequate water supply shall be provided separately for women employees so as to secure privacy.
- 6) The establishment should bear the cost of crèche facility obtained by the women employees from voluntary or other organizations.
- 7) Employer has to notify any change in respect of any information furnished in Form R within 15 days.
- 8) The Company shall obtain bio-data of each driver conduct pre-employment screening of the antecedents of all drivers employed on their own. As regards the drivers employed throughout sourcing, the company shall ensure to its satisfaction that the collection of bio-data and pre-employment screening of the antecedents of the drivers is carried out by the service providers;
- 9) The Schedule of route of the pickup and drop shall be decided by the supervisory office of the company only, in case of exigencies, change of drivers/ routes/ shifts shall be allowed only with the prior knowledge of supervisory officers/ employees;
- 10) The telephone number, particularly Mobile Phone Numbers and address of the women employees shall not be disclosed to unauthorized persons;
- 11) Careful selection of routes shall be made in such a way that ordinarily no women employees shall be picked up first and dropped last;
- 12) The company shall provide security guards at work place and for night shift vehicles when women employees are being picked up first or dropped last;
- 13) The designation supervisors of the company/ service providers may randomly check the vehicles on various routes as far as possible;
- 14) Company shall have a control room/ travel desk for monitoring vehicle movements.
- 15) Breach of Aforesaid conditions attracts withdrawal of exemption granted.

ADDITIONAL GUIDELINES

1. Conduct induction on women's rights for safe transport and also their duties towards safe travel.
2. Women to be provided escorts from drops starting at 6.45 pm to pickups till 6 am. The 6.45 pm timing is there to avoid issues in case of traffic jams or similar delays.
3. Individual SMS to be sent for each trip with details of vehicle, driver and approximate pickup time.
4. Each trip sheet for escort duty must carry a special prominent sticker marking it as a critical trip and cabs are allowed to proceed for drops only after transport checks that there is an escorts present on the cab. For pickups the cab is sent on an empty trip along with an escort from office location to pick up location to ensure presence of escort.
5. At the end of each escort trip women employees to sign off on safe arrival at destination.
6. Women employees to be empowered to refuse boarding a cab if they feel uncomfortable for any reason. There is to be no penalty for late reporting or even absence due to such a situation.
7. Women employees are not to be allowed to sit in front seat
8. Women employees are to be mandated to report any concern immediately and expect action
9. Special care to be taken in terms of cab routing and occupancy for transportation of pregnant women employees
10. And of course regular briefings to transport agencies, drivers and security escorts on importance of safety and their responsibilities.
11. Incorporate guidelines around background verification check for drivers employed by transport providers
12. Regular / Random breathe check of Drivers to avoid the drunken state of drivers/ support staff.
13. The designation supervisors of the company / service providers may randomly check the vehicles on various routes as far as possible;
14. Company shall have a control room/travel desk for monitoring vehicle movements
15. Breach of aforesaid conditions attracts withdrawal of exemption granted.