

## Exploring the Boundaries of Moonlighting: Balancing Act in Professional Practice

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### INTRODUCTION

The HR department of 'Global Consulting Company' Bengaluru experienced a weird scenario in the midst of June 2022 when the company was put to a lot of tumult. The General Manager HR was shocked when one of the junior executives of the organisation levelled serious charges against her Senior Manager Mrs. Kavitha Malhotra. Even though the complaint was overtly seen as frivolous, the authority felt it has potential to impact greatly on the productivity of the entire department if not attended. The allegation against Mrs. Malhotra was on her attention to other company affairs neglecting her own office colleagues. As per the allegation, this attitude of the middle level manager was slowly leading to a compromised work culture inside the department. The matter was then forwarded to the 'Internal Ethics Department' of the organisation for further enquiry. The General Manager was dumbfounded upon receiving the reply from the investigating department two days later. It was surprising to see how people can manipulate the loopholes of their workplace policies to generate individual personal returns. He was taken aback to see the said Senior Manager against whom the charges were levelled is actually in the payroll of 26 other companies and perfectly active in office duties along with 'Global Software Company'. The entire shell shocked team was clueless about their future action. When talks about terminating Mrs. Malhotra was befallen, some members of the team did not shy away from extolling her multitasking capacity.

The example of Mrs Malhotra for being on the payroll of several companies simultaneously became news in the Corporate Office circle. People started talking about the matter naming term 'Moonlighting' and highlighted how the term got more prominence and turned a universal corporate headache for the policy makers. after the pandemic is over. This has further surfaced as an agenda item in the corporate planning department.

**Keywords:** Moonlighting; productivity; work culture; multitasking; policy makers; corporate planning.

### Background of the case

In the post pandemic era, the overall corporate efficiency was nosedived. During the period when the pandemic struck, corporates were struggling to maintain the inter-personal relationship intact among the employees.

When the bond among the employees was going down, the menace of moonlighting was steadily surfacing in equal pace. Leading corporate houses have advantages in dealing with such menace as due to their brand value they enjoy employee loyalty and respect. But the low rung corporations are badly affected by this menace. These

small or start-up companies are always worried about a potential dent in their talent management system. They fear difficulties while timely sourcing talents from the market. Hence these small and medium companies neither want to accept moonlighting fearing revenue loss nor wish to be stern in their HR policy to stop this menace fearing talent loss (Seema, 2019).

During the post COVID period, the concept of moonlighting became a hot topic for discussion in corporate circles (Behera, B., Kapoor, A., Nayak, P. K., Usmani, A., & Vadi, V. R., 2023). Factors like the sudden decline in the number of projects, WFH (work from home) or remote working model allowed a free hand for the employees to find other sources of income apart from the income through the parent company (Rajan, G., & Medhekar, K. V., 2023). Location flexibility and free hours allowed them to take up more than one job suiting their skill set and management abilities. Getting more income using the same skill became their priority and forgot a possible 'conflict of interest'. When the Indian 'gig economy' pushed everyone to earn extra, the practice of moonlighting seemed justified to many although they are fully aware of its unethical nature in a workplace (Seema, Vikas Choudhary, and Garima Saini 2021).

In the Indian IT sector there is no proper legal framework to safeguard the employers from employees moonlighting (Monika Gaulti, 2021). While there is a provision in Factory Act 1948 to deny dual employment by factory workers the service sector like IT or ITES does not have any such provisions to restrict employee's secondary employment. Ethically (Monika Gaulti, 2021). One's own employer should be fully aware about the professional aspects of its own employees. But in practice the concept of moonlighting allows the employee of a company to pursue two jobs simultaneously without informing their service companies.

In current times due to the remote working model adopted by the software companies, employees are pushed to a system centric operation. This type of system centric work can be carried out from any geographical location if connected to the internet enabled central server of the company. This actually helped the employee to work beyond the scheduled office hours to earn extra income (Rajan, G., & Medhekar, K. V., 2023). Furthermore, they were also able to work on weekend holidays. The problem only comes when they work for the competitor companies using the same technical skill set which they use in their parent company without informing the parent company.

The zenith of this menace of moonlighting is the theft of intellectual property rights. There is always a risk of data piracy and knowledge theft. Top intellectual property rights are the one where someone steals an idea, creative expression or invention from an individual or a company. It includes theft of patents, copyrights, trademarks or trade secrets including names, logos, symbols, inventions, client list and more. Intellectual property stealing cases are nowadays becoming rampant and require smart intellectual property management software to check its proliferation. So, it is quite obvious why companies are fearing moonlighting.

Companies can sue the person for stealing their IP and make him/her liable for serious penalties such as fines, imprisonment, civil charges, suspension of trade licences etc. With the companies having such apprehensions -why give the Moonlighting concept a chance to proliferate?

Moonlighting is not entirely new in society. In the past, we noticed how our school and college teachers used to conduct tuitions during their free hours in the evenings and weekends. In similar lines, a person who pursues a career in IT but skilled in yoga if wishes to teach yoga may proceed for additional income while pursuing the passion. Doctors who work for the government hospitals attend private clinics adjacent to their residences in their free time. Senior executive managers handle weekend classes in leading business schools to enlighten the budding managers by sharing their experience of corporate assignments. Even the housemaids and babysitters do the same type of multiple jobs in a day for many households to earn extra income. Today people pursue certain hobbies like painting, singing, dancing, yoga, meditation etc. Once they gain mastery in these artistic skills they would like to share their knowledge with others. Along with regular professional assignments employees pursue these types of passions as well. So Moonlighting typically refers to the practice of working a secondary job outside of one's regular working hours (Kaukab Ara and Aisha Akbar, 2016). If they commercialise it in the market and earn with the consent of the parent employer, this will be known as 'business interests.' otherwise 'moonlighting'. But such definitional clarity is absent in corporations so the HR departments of the companies are trying to frame a common policy on moonlighting. The policy in its implementation may vary from one organisation to the other depending upon their respective work culture. Experts opine in favour of a norm to take place as a clause in their offer letter to potential employees to ward off any future complications.

## **Company background**

The 'Global Consulting Group', Bengaluru (GCG) is a charity organisation which provides pro bono consulting services to other charitable agencies operating in 'not for profit' mode. GCG does this by connecting the university students with experienced professionals who work together to solve business problems for other operational entities combining the energy and passion of today's youth with experience and wisdom of industry leaders. The company currently has 130 volunteers across several locations in Australia and has completed over 150 projects for clients such as the United Nations TedEx, Saint Vincent De Paul and Left Right Think Tank. GCG is sponsored by Bain and Co and Alpha Beta and has informal partnerships with a range of reputed consulting firms. It enjoys a sizable number of overseas projects and clients.

GCG recruits high performing and passionate University students from top Universities across the globe to work with the real not for profit projects of organisational relevance. Students are provided with formal on-the-job training as well as mentoring to develop their core consulting skills. By combining the talents of students and experienced consultants GCG brings fresh perspectives, industry best practices, staff augmentation and access to networks to allow not-for-profit to rapidly overcome their most processing issues with zero cost. As a result, not-for-profit ventures are able to operate at their full potential and maximise their impact in the society.

Companies like Infosys and Wipro reject it but Swiggy likes to adopt it (Sabarwal, H., 2022). Moonlighting creates problems for non-profit organisations like GCG. Other organisations are not far from being stung by it. In India the menace has taken multiple forms in a big way post-pandemic so much that it has become a household name in the corporate circle. Companies like Swiggy are in favour of the concept and it encourages its employees to go for secondary income without affecting the productivity of their full-time job and assignment given by the company (Sabarwal, H., 2022). Sometimes it seems companies are also trying to play safe in times of crisis.

In the recent scenario we came across some companies who adopted unique strategies to control moonlighting. While verifying the universal account number (UAN of EPF) one employer was able to find multiple provident fund contributions. When two or more PF contributions are made to the same UAN

number then it indicates moonlighting practiced by the employee. In a similar instance Wipro India Ltd fired 300 employees for Moonlighting by tracking their EPF accounts.in 2022. However, if an employee takes up a job as a consultant, freelancer or part timer they do not make PF contribution for such works and in such cases, it is difficult to track. However, new age technology can be deployed to track employee movements by using tracking devices given to employees solely for office work and to get to know when an employee uses it. In some other cases companies hire third party agencies to know better their employee loyalty and accountability.

To get more insight about Moonlighting we need to be aware of following types of it;

- 1) Blue Moonlighting - The employee is engaged in multiple jobs but finds difficulty to handle.
- 2) Quarter Moonlighting-The employee works on a part-time basis after his regular job.
- 3) Half Moonlighting- The employee spends 50% of his available time for a part-time job.
- 4) Full Moonlighting- The employee spends equal amounts of time for both the jobs.

## **Dilemma**

The investigation report is now on the table of General Manager HR Mr Ramesh Srivastava. The challenge before him is to find the best solution for this incident and to frame a policy to prevent such happenings in the future. His dilemma is whether to fire this accused Senior Manager Mrs Malhotra or reward for her multitasking ability that too without demotivating other employees in the company. The second dilemma is to contain the moonlighting concept in the company by framing a policy which will prevent other people from adopting this practice in future.

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