



LexCognito

This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.

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Rules for Side Hustle

The work environment in the corporate world has been constantly evolving due to rapid digital transformation, which has been further intensified post pandemic and challenges posed by it. The corporates have been embracing unique and flexible work models to woo its workforce with a view to withstand existential crises while the employees have been found indulging in side hustle to have a fulfilling and stable career.

The side Hustle includes activity or business which one pursues in addition to his/her main employment. The employment terms generally contain rules for devotion of full-time and efforts on the job along with confidentiality obligations for the employees who are also restricted by non-compete and other restrictive covenants. However, what if they engage themselves in some activity or business outside their normal working hours which is also not competing with the business of the employer?

Such side hustle may pose certain issues requiring resolution for a fair and long-lasting employer-employee relationship with desired work-life balance.

The rules of employment should be made to ensure transparency. Accordingly, the kind of risks associated thereto can be timely accessed and protected. The confidentiality obligations, non-compete and other restrictive covenants must be comprehensive and backed with adequate rights and remedies in the hands of employers for effective protection. Some roles might require very tightly worded contractual clauses to hedge larger risks involved.

While employees are generally obligated to devote their full-time and efforts for their employment during normal working hours and not focus on anything else, there might be situations requiring them to extend beyond the normal working hours which law also permits up to the limits prescribed therein. This must be factored in the terms of employment.

A constant review and updation of these rules and effective implementation to achieve the underlying objectives is critical in the present times.

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