

Enabling Work from Home for Employees in IT SEZs

After series of deliberations and Government engagements by NASSCOM, the work from home provisions are now amended by Ministry of Commerce in line with our recommendations.

On March 7, 2019, Ministry of Commerce has allowed the provision of work from home for employees working in IT Special Economic Zones (SEZs). This has been the long standing demand of the IT sector. With the current amendment all employees of an SEZ unit will be able to work from home subject to some conditions. The new rules would be useful for all SEZ companies who are looking to offer flexibility and undertake progressive HR practices.

This latest position has been notified as [Special Economic Zones \(2nd Amendment\) Rules, 2019](#). The rules allows work from home to the following category of employees:

1. Employees of IT and ITES Special Economic Zone units
2. Employees of IT and ITES units registered as Other Service Provider with Department of Telecommunications
3. Employees temporarily in-capacitated
4. Employees travelling and offsite employees of Special Economic Zones

As a background, prior to 2016, IT SEZ units were allowed to offer work from home restrictively only to employees incapacitated or travelling. In 2016 with over one year of advocacy efforts NASSCOM had requested the Government to allow work from home to all employees of IT SEZ units. Along with emphasising the need for this provisions, NASSCOM also helped the Government in developing suitable safeguards to ensure that this provision is not misused by companies. As a result of this, Instruction 85 was issued allowing work from home to all employees of SEZ units. Last year for some reasons these provisions of work from home were amended again in SEZ Amended Rules 2018 and completely overlooked instruction 85 issued in 2016. With the latest notification, the matter has been addressed satisfactorily.