

A Study on Internal Complaints Committee (Pertaining to Sexual Harassment at Workplace in IT Firms of Chennai) with special reference to Tidel Park and DLF Cybercity

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Abstract: Sexual harassment at workplace is a growing concern at a global level. A mechanism to address and tackle this issue, initiated in India is the mandatory establishment of Internal Complaints Committee in all technological firms that consist of more than 10 employees. The study involves assessing employee awareness levels in IT organisations, establishing the availability of functional ICC, and comparing the functioning of ICC to the guidelines prescribed in the IT firms of Chennai with special reference to Tidel Park and DLF Cyber City. Additionally, the study considers the viewpoints of both ICC members and employees, making it a thorough and significant contribution to the body of knowledge on workplace sexual harassment in Chennai's IT industry. The data was collected through interview and a self-completion questionnaire methods making it a both qualitative and quantitative study. The study revealed that 83% of the eligible offices hosted an Internal Complaints Committee . It was further found that only 88% of the population studied were aware of the existence of the Internal Complaints Committee at their workplace. Although the ICCs in the IT firms situated in Tidel Park and DLF Cybercity were operational, their awareness and performance needed to be improved. The study also emphasises the importance of workplaces to foster a climate where employees can come forward with reports of sexual harassment without fear of retaliation.

Key Words: ICC, Workplace, Chennai, Sexual Harassment, Information Technology (IT).

1. INTRODUCTION:

The issue of workplace sexual harassment has become a global concern in recent years, particularly in the wake of the #MeToo movement. It is an undeniable fact that every workplace, including the Information Technology (IT) sector, is vulnerable to such harassment. According to a poll by the National Association of Software and Services Companies (NASSCOM), 25% of women in the Indian IT industry reported experiencing sexual harassment at work. In a similar vein, an IIT Delhi survey found that nearly 40% of women working in the IT industry had experienced sexual harassment. These figures show that there is an urgent need for more aggressive action to address this problem and make Indian IT workplaces safer for all employees. In response to this issue, the Ministry of Science and Technology of the Indian government has mandated the formation of Internal Complaints Committees (ICC) in all workplaces employing ten or more employees in 2013 under the Prevention of Sexual Harassment (PoSH) act. The ICC plays a key in addressing complaints of sexual harassment and creating a safe and comfortable workplace environment for employees. The role of ICC includes conciliation, enquiry, interim relief and compensation once a case of sexual harassment at workplace gets reported. However, the effectiveness of the ICC in IT firms, specifically in Chennai, remains a question of concern. This research paper aims to study the existence, awareness about ICC, and functioning of ICC in IT firms in Chennai that help us gauge its efficiency, with a special reference to Tidel Park and DLF Cybercity. The data was collected through interview and a self-completion questionnaire methods making it a both qualitative and quantitative study. The proposed study aims to address these gaps in the literature by examining the existence of ICC, its awareness among the employees and functioning of the ICC in IT firms of Chennai with special reference Tidel Park and DLF Cybercity in terms of sexual harassment at workplace.

2. LITERATURE REVIEW:

According to Megha Mehta (2021), Internal complaint mechanisms constituted under Indian laws against sexual harassment have failed, as these are located in the 'desire-dominance' paradigm of sexual harassment. The definition of sexual harassment under the Vishaka Guidelines and POSH primarily focuses on unwelcome 'sexual' behaviour. Thus, the use of internal complaint mechanisms and procedures is premised upon the assumption that sexual harassment is a problem of unwelcome sexual advances made by individual (male) harassers towards female employees. This fails to take into account the broader conditions of gender discrimination, in the context of which sexual harassment is only one of the tools by which structural dominance is exercised over women and others who fail to conform to hegemonic standards of gendered behaviour at the workplace. Mehta argues that if the situation is to be remedied, the definition of sexual harassment under POSH has to be expressly modified to one targeted at removing all forms of behaviour, against persons of any gender or sexual orientation, which may create a hostile work environment based on gender discrimination.

Dr. Kavita Dhull (2019) in the research on Internal complaints committee under sexual harassment act emphasizes that the position of women in this world is actually responsible for the same as the women herself will be reluctant to help her female colleague as they feel the repercussions which might take place if they stand against the male members due to male dominance, economic dependence, the cultural beliefs which make her go to the back foot. Due to the #MeToo movement, the she-box created, the internal complaints committee, the legal awareness, the decision of various cases by the court and media which has made women come up with the problems she was facing from long time.

According to Dr. Surabhi Dhingra (2022), corporate Governance is followed in a different spirit across different organisations. ICC is the nodal institution that helps prevent, prohibit, and redress sexual harassment incidents. Compliance in spirit will help organisations form a safe working environment leading to saving of costs for individuals, organisations and help reduce health issues associated with victims of sexual harassment. Corrective measures by top managements can help their own organization as well as society at large.

According to Kamalaveni (2021), the response to sexual harassment in working place is not recognized because of patriarchal nature of the working environment. The chapter is concluded with the findings that men and women employees remain unaware of the provisions of the act and the employees are hesitant to register complaints in the working environment. The act places the responsibility on the employer to form an IC to function as a Redressal forum for working women. The Sexual Harassment Act 2013 mandates the constitution of IC committee by employer in the institution having more than 10 employees. The sexual harassment act 2013 has completed eight years and the implementation part is still challenging. So the current research was undertaken to study the challenges involved in the effective implementation of the complaints committee. Hence it was suggested to conduct a series of awareness programs about the IC powers and functions among employees at regular intervals in the institutions.

In another study, Surabhi Dhingra (2022) argues that the impact felt by those who suffer the flak of malicious complaints is rather intense. Hence, the effort must be on to plug the loopholes. The PoSCH Act needs urgent steps for effective implementation of existing provisions as well as changes in legal and constitutional framework to deal with sexual harassment of women at workplace provided, they are genuine complaints.

3. METHOD:

From reviewing the existing literature, it is understood that not all the IT firms host an ICC of their own, though the Government mandates. There was also a possibility of a partially functional or even a dysfunctional ICC. Hence it leaves a question on the credibility of ICCs in IT firms in a city like Chennai

Significance of the study

The study's significance lies in evaluating the awareness levels of employees in IT firms, confirming the availability of functional ICC, and comparing the functioning of ICC to the guidelines prescribes. Moreover, the study takes into account both the employees and ICC members' perspectives on ICC, making it a comprehensive and valuable contribution to the literature on workplace sexual harassment in the IT sector of Chennai. The purpose of the study chosen falls under the category of applied/action research, as suggestions can be derived from this study that can help in improvising the effectiveness of ICCs.

Objectives of the study

Identifying the knowledge gap from the previous studies, it is important to look for the availability, accessibility and working of ICC in IT firms of Chennai and their role in tackling and prevention sexual harassment incidents at workplace. Hence, the major objectives of the study are as follows:

- To find out the existence of ICC in IT firms that have more than 10 employees.

- To gauge the awareness levels of ICC in IT firms among the employees
- To get insights on the functioning and efficiency of ICC

Operational Definition of Sexual Harassment at Workplace

Sexual harassment at the workplace can be operationally defined as any unwelcome sexual behaviour, advances, requests for sexual favours, or verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The "work environment" mentioned here includes both physical and virtual spaces where work is performed as well as leisure spaces related to work like official parties and other events.

3. RESEARCH DESIGN

The research methodology used in this study is a mixture of both qualitative and quantitative approaches. This is because the data collection is done in 3 phases:

Phase I : Telephonic interview that enquires the existence of ICC, targeting PR officers and HR Managers

Phase II : Circulation of the self-completion questionnaire through PROs and HR Managers

Phase III : Telephonic interview with volunteers who have exposure to the working of ICC in real time

While the questionnaire is close ended and collects quantitative data, the two Interviews are structured yet provide qualitative data.

4. UNIT OF ANALYSIS:

Chennai being a hub of growing IT industry, is vast universe for the study. Hence two major IT parks in Chennai that are best known at the continental level, Tidel park and DLF Cybercity are chosen. The inclusion criteria includes all the accessible companies that have more than 10 employees. The exclusion criteria for the population studied is all the other companies that were inaccessible through primary contacts or had less than 10 employees working in them.

Sampling Technique

The sampling method used in the first phase of the data collection in getting telephonic interview is convenience sampling. The HRs/PRs were then requested to administer the questionnaire to their employees on a random basis.. DLF and Tidel Park together have around 60 offices. With the available resources only 43 offices were reachable to contact regarding the research. Out of the 43 offices that were contacted, 30 of the offices hosted an Internal Complaints Committee. Out of the 13 offices that did not have an ICC, 6 of them had less than 10 employees, which does not legally require an ICC . Out of which only 17 office agreed to participate in the research. Questionnaire for data collection was sent to only the 17 of the available offices. The PRs/HRs contacted were asked to distribute the questionnaire to their colleagues at all levels.

Tool of Data Collection

The questionnaire administered was a digital self-completion questionnaire. The procedures for data collection were treated with confidentiality. All the questions in the questionnaire were approved by the HRs/PRs contacted. All the participants were given access to the survey once they provided their consent. Participants were informed that this was an anonymous survey containing sensitive questions and participation was voluntary, with the only intention of serving academic purposes, in advance. It had a total of 31 questions that elicit information on the availability, awareness and effectiveness of the ICC. The questionnaire had 3 sections and the respondent was automatically directed to sections based on the answers. The responses were automatically recorded using google forms application. The section I of the questionnaire collected basic demographic details of the respondent, while section II collected data with regards to the subjective definition of sexual harassment of the respondent, their awareness of ICC, it's members and its provisions. It further enquires about their exposure to sexual harassment at workplace. The later section was answered by respondents who have agreed upon being exposed to sexual harassment in the previous section and contained questions that collects details on the incident of the sexual harassment and the response of the ICC to it. Contact details of volunteers who would be interested in narrating their experience of functioning of ICC was collected for a telephonic interview to further have insights on the mechanism of ICC. The interview was conducted ensuring an amicable environment for the respondents, assuring their anonymity and informing the purpose of the study.

Pilot study: The tool of data collection constructed was administered to five volunteers who fell under the inclusion criteria. Since two of the respondents expressed that the length of the questionnaire was too long, questions that collected demographic details of the respondent that did not match with the aims of the study were removed.

Data collection

Tidel Park and DLF Cybercity have about 60 operational offices that belong under the information and communication sector, put together. Only 43 offices could be contacted about the research using the resources at hand. Thirty of the 43 offices that were contacted have an internal complaints committee in place. Six of the 13 offices without ICCs had fewer than 10 employees, which is not legally required to have one. A total of 17 offices consented to disseminate the self-completion questionnaire in order to collect data for the research project. When the data collection is complete, 57 responses were taken into account for this study out of the 61 that were recorded at the conclusion of the data collection.

4. DISCUSSION:

The present study aimed to investigate the awareness and functioning of the Internal Complaints Committee (ICC) in IT firms located in Tidel Park and DLF Cybercity. The study employed both qualitative and quantitative methods, including questionnaires and interviews, to gather data from employees. The findings of the study revealed that the majority of the participants were young employees with less than ten years of work experience, and the average income of the population studied fell in the bracket of Rs. 5 lakhs to Rs. 10 lakhs per annum. The study found that while most of the employees were aware of the existence of the ICC in their office, only a limited percentage of them were knowledgeable about the members that constituted the ICC or its provisions. Moreover, the study also revealed that only half of the population expressed uncertainty about the ICC providing a supportive environment for the individual subjected to sexual harassment. An even higher percentage of 74% showed uncertainty about victim blaming complex in the ICC. These findings suggest that more efforts are required to improve the awareness and knowledge of employees about the ICC. The study also found that a significant proportion of employees believed that sexual harassment could range from sexually colored remarks to physical advancements. Additionally, the study revealed that a considerable number of respondents had experienced or witnessed sexual harassment at their workplace. However, only 26% of the population expressed a willingness to approach the ICC if they were subjected to sexual harassment. These findings highlight the need for companies to create a safe and supportive environment for employees to report incidents of sexual harassment without fear of retaliation. Further, the study found that while the ICCs were functional, they did not conform to the standards prescribed by the PoSH Committee and government mandates. Additionally, the study found that the Vishaka Guidelines and POSH's definition of sexual harassment primarily emphasized inappropriate "sexual" behavior. This neglects to consider the more widespread forms of gender discrimination, in which sexual harassment is only one of the means used to exert structural dominance over women and other people who don't adhere to hegemonic norms of gendered behavior in the workplace. Therefore, the ICCs need to be restructured to address all forms of gender discrimination in the workplace.

5. ANALYSIS:

The data collected from the questionnaire and interview method from the employees who work in IT firms of Tidel Park and DLF Cybercity are studied to draw conclusions. This study being both qualitative and quantitative, used the questionnaire method as well as the interview method to elicit data on the existence, awareness and functioning of the ICC. It is found from the data collected that most of the respondents fell under the age of 20-25 and 25-30. This could be due to the sudden boom of IT firms since the early 2000's. Male and female participants were almost equal in number, which brought in a gender-neutral perspective to the study. Most of the respondents have a work experience of less than 10 years. This implies that the IT sectors are filled with youngster on a major portion. The average income of the population studied fell in the bracket of Rs.5 lakhs to Rs. 10 lakhs per annum. The average working hours of the population studied is 8 hours per day. Most of the population expressed satisfaction with regards to the safety and security protocols taken by their offices. Moving on, a total of 43.8% of the respondents believe that sexual Harassment can be anything ranging from sexually coloured remarks to physical advancements. Most of the population, that is around 88% of them are aware of the existence of the ICC in their office. This shows us that ICCs are popular among the employees. Yet when it comes to knowing the members that constitute the ICC or the provisions of the ICC, only 65% and 60% of the population were aware. A vast majority of 50% of the population expressed uncertainty about the ICC providing a supportive environment for the individual subjected to sexual harassment.. An even higher percentage of 74% show uncertainty about victim blaming complex in the ICC. On the other hand 60% of the population do not take a stand if there is tendency of the ICC to falsify claims. On asking the respondents who have been exposed to sexual Harassment at workplace, 14% of the total population have personal experience, 14% have witnessed sexual Harassment and 10% have heard of sexual Harassment at their workplace. Only 26% of the population expressed that they would certainly approach ICC if put in a position of a victim. 80% of the respondents who have been exposed to sexual Harassment at workplace have agreed that it is through the form of physical advances and following verbal Harassment and lewd gestures. In 7 out of 10 cases, the incident of sexual Harassment is reported at workplace out of which 6 are

taken to the attention of the ICC while 1 is left unredressed . Out of the 6 cases taken up by the ICC, 5 have been resorted formally and 1 case is settled informally. Out of the 5 cases reported by ICC, only the verdict of 3 are said to be satisfactory to the individual subjected to sexual harassment. On further interview , we realise that **though the ICCs are functional, they do not keep with the standards prescribed by the PoSH Committee and the government mandates.** The Vishaka Guidelines and POSH's definition of sexual harassment primarily emphasise inappropriate "sexual" behaviour. The utilisation of internal complaint processes and procedures is therefore predicated on the notion that sexual harassment is an issue.

Some (male) harassers have made unwanted sexual advances towards female employees. This neglects to consider the more widespread forms of gender discrimination, in which sexual harassment is merely one of the means used to exert structural dominance over women and other people who don't adhere to hegemonic norms of gendered behaviour in the workplace. It is appreciable that almost all the eligible offices host their own ICCs. Though the employees are aware of the ICC to a certain extent there is still a lot of social stigma that hurdles them from approaching the ICC. Talking of the functioning of the ICC, though there have been positive cases in the interview the failed ICC encounter cannot be neglected. The efficiency of ICC can be assessed from the fact that a vast majority of the population agreed that they would approach the ICC at times of need. Though being uncertain, a huge sum of population have agreed that the ICCs are approachable though there is a tendency for false claims and victim blaming. The process of filing a complaint and resorting should be made even more easier for the victim

6. FINDINGS :

Based on the analysis of the data collected from the questionnaire and interview methods from employees who work in IT firms of Tidel Park and DLF Cybercity, the following findings were drawn:

Demographic information:

- 77 % of the respondents were between the ages of 20-25 and 25-30, with less than 10 years of work experience.
- The gender distribution of the study population was of 51% male and 49% females.
- The average income of the population studied was between Rs. 5 lakhs to Rs. 10 lakhs per annum.
- The average working hours of the population studied was 8 hours per day.

Awareness and functioning of ICC:

- 88% of the respondents were aware of the existence of the ICC in their office, but only 65% and 60% of the population were aware of the members that constitute the ICC or the provisions of the ICC.
- 50% of the population expressed uncertainty about the ICC providing a supportive environment for the individual subjected to sexual harassment, while 74% were uncertain about the victim blaming complex in the ICC.
- 60% of the population did not take a stand if there was a tendency of the ICC to falsify claims.
- Only 26% of the population expressed that they would certainly approach the ICC if put in a position of a victim.

Experience of sexual harassment:

- 14% of the total population have personal experience, 14% have witnessed sexual harassment and 10% have heard of sexual harassment at their workplace.
- 80% of the respondents who have been exposed to sexual harassment at the workplace agreed that it was through the form of physical advances and following verbal harassment and lewd gestures.
- In 7 out of 10 cases, the incident of sexual harassment is reported at the workplace, out of which 6 are taken to the attention of the ICC while 1 is left unredressed.
- Out of the 6 cases taken up by the ICC, 5 have been resorted formally and 1 case is settled informally.
- Out of the 5 cases reported by ICC, only the verdict of 3 are said to be satisfactory to the individual subjected to sexual harassment.

Functioning of ICC:

- ICCs are functional, but they do not keep with the standards prescribed by the PoSH Committee and the government mandates.
- Some (male) harassers have made unwanted sexual advances towards female employees, neglecting to consider the more widespread forms of gender discrimination.
- A lot of social stigma hurdles employees from approaching the ICC.
- Though being uncertain, a huge sum of population have agreed that the ICCs are approachable though there is a tendency for false claims and victim blaming.
- The process of filing a complaint and resorting should be made even easier for the victim.

7. RECOMMENDATIONS:

Considering the current scenario of the ICCs it is necessary to further study on it to discover its various dimensions and ambiguities in order to build efficient and safe working spaces. Further studies on the existence, awareness, and functioning of internal complaints committees (ICCs) in IT firms of Chennai could include a comparative analysis across different regions, an evaluation of the effectiveness of ICCs in addressing complaints, an investigation of employee perceptions of ICCs, an exploration of the role of management in promoting the awareness and functioning of ICCs, and an examination of the impact of cultural factors on the functioning of ICCs. These studies could help identify best practices and areas for improvement in the complaint handling process and enhance the effectiveness of ICCs in addressing complaints of sexual harassment and discrimination.

8. CONCLUSION:

In conclusion, the findings of the study suggest that while the ICCs in IT firms located in Tidel Park and DLF Cybercity were functional, there is a need to improve their awareness and functioning. Additionally, the study highlights the need for companies to create a safe and supportive environment for employees to report incidents of sexual harassment without fear of retaliation. The following suggestions are made out of the study in order to create a more efficient and functional Internal Complaints Committee

- Regular training and awareness events:
ICC members should be trained and sensitised on a regular basis to ensure that they are aware of the latest laws, procedures, and policies related to sexual harassment. Such training will equip them with the skills and knowledge necessary to conduct investigations in a fair and sensitive manner. (Source: National Commission for Women, India)
- More diversity in ICC membership:
The ICCs should have a diverse membership composed of individuals from different backgrounds, genders, and age groups. This will help the committee be more representative of the workforce and understand the concerns of all workers. (Source: International Labour Organisation)
- Provide adequate resources:
The ICC should be provided with adequate resources, including a separate budget, infrastructure, and staff to effectively carry out its functions. This will help ensure that the Committee has the necessary resources to conduct thorough and timely investigations. (Source: Ministry of Women and Child Development, India)
- Prompt processing of complaints:
The ICC should prioritise the timely processing of complaints to prevent further harm to the victim and to maintain the credibility of the Committee. This can be achieved by setting strict deadlines for the investigation process and regularly monitoring the progress of the investigation. (Source: International Labour Organisation)
- Periodic review and evaluation:
The ICCs should periodically review and evaluate its operations to identify opportunities for improvement and address any shortcomings. This will help to ensure that the Committee operates effectively and efficiently. (Source: National Human Rights Commission, India)

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