



DAV PUBLIC SCHOOL

SECTOR-49, GURUGRAM

CBSE AFFILIATION NO. 531179

Charu Maini
Principal

POSH (Prevention of Sexual Harassment) Policy on Respect for Gender

1.0 Objective

We at DAV Public School, Sector 49, Gurugram, believe in creating and sustaining an empowered and enabling work environment on the principles of inclusiveness and respect for all stakeholders. We recognize the pivotal role that organizations such as ours play in weaving the social fabric and ensuring that through its policies and practices, it positively contributes towards gender-based challenges and imbalances in the society.

2.0 Scope & Definitions

The Policy on 'Prevention and Redressal of Sexual Harassment at the Workplace' is applicable to all persons employed for any work on regular, temporary, ad-hoc or daily wage basis including contract workers, probationers, trainees or apprentices working for remuneration or on a voluntary basis at the workplace, irrespective of the nature, terms and location of employment. It also extends to visitors or guests.

This Policy comes into force with immediate effect.

The workplace includes:

1. All offices or other premises of the organization or where related activities are performed.
2. Any place visited by the Employee during the course of employment including transportation provided for such journey.
3. Any social, business or other functions.

MANAGED BY: DAV COLLEGE MANAGING COMMITTEE, CHITRA GUPTA ROAD, NEW DELHI

School Address: Uppal's Southend, Sector-49, Sohna Road, Gurugram-122018

Phone: 0124-4227866, 4255975; E-mail: info@dav49gurugram.org ; Website: www.dav49gurugram.org

In this Policy the following shall mean:

1. **Aggrieved Employee:** The Employee subjected to/ reporting an incident of disrespectful behavior and/ or sexual harassment.
2. **Respondent:** means a person against whom the Aggrieved Employee has made a complaint.
3. **Sexual harassment:**
 - a. Physical contact and advances.
 - b. Demand or request for sexual favours as a quid pro quo or otherwise; verbal abuses; lurid stares, remarks / jokes about person's sex life or sexually coloured remarks.
 - c. Offensive gestures; touching in a sexual manner or coerced acts of sex and assault (also covered under Indian Penal Code).
 - d. Showing and/ or forwarding pornographic pictures or stories through any media such as email/instant message/SMS, phone calls; displaying of sexually suggestive objects, pictures, magazines or posters in Workplace or writing communication that has a sexual tenor.
 - e. Implied or explicit promise of preferential treatment in employment or threat of detrimental treatment in employment or threat about the present or future employment status or circumstances which interfere with the Employees work or which creates an intimidating or offensive or hostile work environment or humiliating treatment which is likely to affect the Employees health or safety.
 - f. Any other unwelcome physical, verbal or nonverbal conduct of a sexual nature.

3.0 Redressal mechanism

In line with 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2012, the Rules prescribed there under and the organization has institutionalized a comprehensive and robust redressal mechanism for any misconducts of disrespect.

3.1 Organization structure

The Organization has constituted a Internal Complaints Committee (ICC) to look into all complaints relating to gender-based disrespectful behavior. The ICC shall operate under highest principles of confidentiality, fairness and justice and implement provisions of this Policy in letter and spirit.

Appendix 1.0 gives details of the structure of the ICC and their roles and responsibilities.

3.2 Complaint management& Implications of misconduct

3.2.1 The Aggrieved Employee may approach any member of the ICC to make a written complaint against any act of gender-based misconduct. If the complaint cannot be made in writing, the Presiding Officer or any ICC member will provide reasonable assistance to the Aggrieved Employee for making the complaint in writing. The Aggrieved Employee shall submit 6 copies of the complaint along with supporting documents, if any, and the names and addresses of the Witnesses.

- 3.2.2** In case of offenses under the IPC, the ICC shall support the Aggrieved Employee if he/she chooses to file an additional complaint with the local police. Where the Respondent is not an employee, the ICC shall also initiate action for a gender-based misconduct at Workplace under the IPC or any other law if the Aggrieved Employee so desires.
- 3.2.3** The Aggrieved Employee shall file a complaint with the ICC within 3 months from the date of the incident or in case of series of incidents, within 3 months from the date of the last incident. The ICC may extend this period by another 3 months if it is satisfied with the circumstances which prevented the Aggrieved Employee from filing a complaint within the said period.
- 3.2.4** Further, the legal heir or any other individual can represent the Aggrieved Employee in case of her/his inability to file a complaint, on account of the physical/mental inability or death.
- 3.2.5** The ICC shall acknowledge receipt of the complaint within 2 working days. The ICC shall submit a copy of the Complaint to the Respondent within 7 working days from the date of receipt of the Complaint. The Respondent should file his/her reply to the Complaint along with supporting documents and the names and addresses of witnesses within 10 working days from the date of receipt of the Complaint.
- 3.2.6** The ICC may before initiating an enquiry, at the request of the Aggrieved Employee take steps to settle the matter between the Aggrieved Employee and the Respondent through conciliation. If a settlement is arrived at during the conciliation, the ICC shall record the settlement and forward the same to the Management. When the matter is settled through conciliation, no monetary settlement shall be made.
- 3.2.7** In case if any of the condition of the settlement arrived under Conciliation is not complied by the Respondent, then the Aggrieved Employee may inform the ICC who shall in turn proceed to make inquiry into the complaint or forward the complaint to Police, as the case may be.
- 3.2.8** The ICC shall conduct the required inquiry and complete the investigation within 90 days from the date of the Complaint. The parties to the Complaint shall not be allowed to bring any legal practitioner to represent them before the ICC. The ICC shall conduct the required inquiry and complete the investigation within 90 days from the date of the complaint.
- 3.2.9** Interim reliefs may be granted at the written request of the Aggrieved Employee such as transfer of Aggrieved Employee or the Respondent to any other Workplace or grant leave to Aggrieved Employee upto 3 months (in addition to the Employee's normal entitlement) or restraint the Respondent from reporting to the Workplace or grant any other such relief.
- 3.2.10** The ICC shall have the power to summon/enforce attendance of any person/witness and/or discovery and production of documents. Concealing / destroying of any evidence relating to the complaint attracts proceeding and appropriate penalty as per the Service Rules.
- 3.2.11** Upon completion of the inquiry, the ICC shall provide a report of its findings to the Management, within 10 days from the date of completion of the inquiry. The report shall be made available to the concerned parties by the Management.
- 3.2.12** If the ICC concludes that the allegations against the Respondent have not been proved, then it shall recommend that no action is required to be taken.

3.2.13 If the ICC concludes that allegations have been proved against the Respondent, then it shall recommend the following to the Management:

3.2.13 (a) Take action for the gender-based disrespectful behavior as a misconduct as per Service rules, including a written apology, undergoing a counseling session, warning, reprimand or censure, withholding of promotion, withholding of pay rise / increments, suspension or termination of services.

3.2.13 (b) in case of sexual harassment, deduct (irrespective of the Service rules applicable to the Respondent) from the wages/salary of the Respondent such sum as may be appropriate to be paid to the Aggrieved Employee or to her legal heirs as per section 15 (Determination of Compensation) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2012 which takes into consideration the following while determining the amount of compensation:

- i. Mental Trauma, pain, suffering and emotional distress caused to the Aggrieved Employee;
- ii. Loss in career opportunity due to incident of sexual harassment;
- iii. Medical expenses incurred by the victim for physical or psychiatric treatment;
- iv. Income and financial status of the Respondent; and
- v. Feasibility of such payment in lump sum or installments.

3.2.14 The Management has to act upon the recommendations within 60 days of its receipt.

3.2.15 In cases of sexual harassment, any person aggrieved by the findings of the ICC or non-implementations of the recommendations, may prefer an appeal to the jurisdictional Industrial Tribunal.

3.2.16 In the case where a false complaint has been filed and the investigation has proved that the intent of the complaint was purely to defame the Respondent, disciplinary action, which may also result in termination, will be initiated against the Complainant by the Management. If the ICC concludes that during an enquiry, any witness has given false evidence, it shall recommend to the Management to take such action against the Witness as prescribed in the Service rules.

3.2.17 If the Organization is unable to make a deduction from the salary of the Respondent of the amount to be paid to the Aggrieved Employee, it may direct the Respondent to pay the amount to the Aggrieved Employee failing which the ICC shall forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer nominated by the Government.

4.0 Confidentiality

The ICC will operate under complete confidentiality of all aspects of the complaint including the information and identity of the Aggrieved Employee, the Respondent and the Witnesses. Violation of this clause attracts penalty as per by the Service rules or as may prescribed otherwise.

However information may be disseminated regarding the issue and action taken without disclosing the identity or related particulars leading to the identification of the parties involved.

5.0 Communication, Awareness & Training

It is our intent to affirmatively prevent disrespect and misconduct of any nature. The ICC, shall on a regular basis create greater consciousness and appreciation of gender-issues and the merit of having harmonious relationships between employees at DAVPS, Sector-49, Gurugram, of both genders. This includes:

- a. Communicating the Policy for Respect for Gender from time to time.
- b. Organize workshops and awareness programs for sensitizing employees.
- c. Provide training and counseling to the ICC members to update & renew their competencies.

6.0 Review

The Policy on Prevention and Redressal of Sexual Harassment shall be reviewed from time to time by our Management, for any amendments, given past learnings, changes in law or societal dynamics.

It is our endeavor to pursue a conducive work environment that promotes camaraderie, in a way that upholds not only individual dignity, but also respect for each other, all aiming to help one another enhance each other's self-esteem.



20.08.2020

Principal
DAV Public School, Sector-49, Gurugram

Appendix 1.0

Internal Complaints Committee (ICC)

- a. The ICC shall comprise of at least 4 members and would be constituted by the Management
- b. The ICC shall be represented by both the genders and shall be such that at least half the members are women. The Members of the ICC shall hold the office for a maximum tenure of 3 years.
- c. The Presiding Officer of the ICC shall be a senior female employee.
- e. The Committee will also have one member from amongst Non-Governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. The member appointed from such non-government organization or association shall be paid the prescribed fees or allowance holding the proceedings of the ICC.
- h. During the inquiry, a minimum of 3 members including the Presiding Officer shall be present.
- i. The ICC shall in each calendar year prepare an annual report containing the number of cases filed, if any, and their disposal which is to be submitted to the Management.

j. The list of the ICC Members is as below:

S.NO	Name	Designation	Role
1	Ms. Charu Maini	Principal	Presiding Officer
2	Ms. Pooja Yadav	PGT English, In-charge Senior Wing	Member
3	Ms. Chanda Narula	TGT Maths, Supervisory Head	Member
4	Mr. Prateek Walia	PGT Physical Education	Member
5	Ms. Taru Uppal	Counsellor	Member
6	Mr. Vinay Nirwan	LDC	Member
7	Ms. Arti Chaudhry	Consultant	External Member