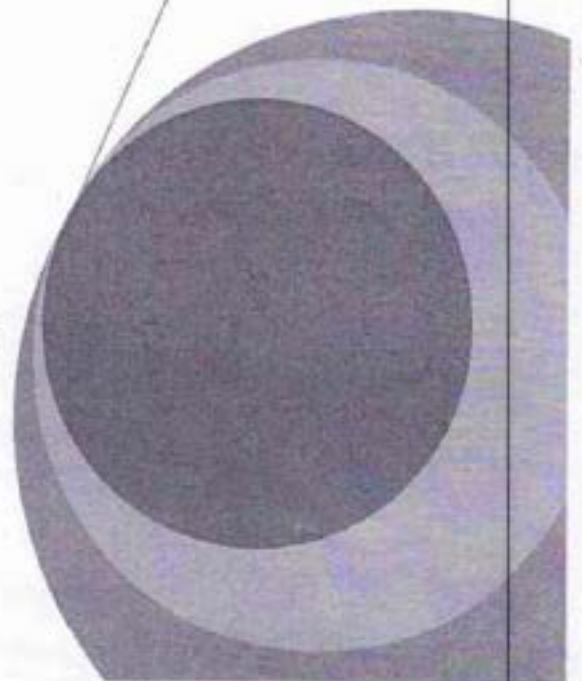
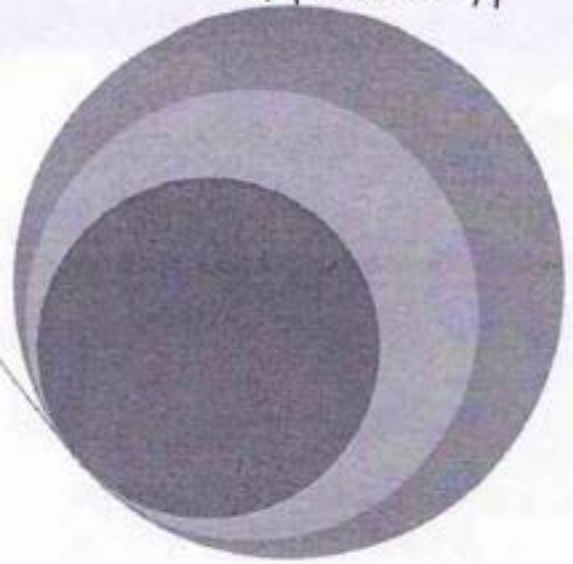


Internal Policy on Prevention of Sexual Harassment of Woman

**Himachal Pradesh Board of School Education
Dharamshala PIN 176213**



**PREVENTION OF SEXUAL HARRASMENT (POSH)
INTERNAL POLICY OF HPBOSE**

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11/1/20

Prevention of Sexual Harassment of Women at Workplace Internal Policy

1. Introduction:

The provisions regarding prohibition of sexual harassment of women at workplace are contained under Rule 3-C of CCS(Conduct)Rules 1964, which provides that:

- (i) No Government servant shall indulge in any act of sexual harassment of any woman at her work place.
- (ii) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

This policy has been framed in accordance with provisions of the Act and rules framed there under. Accordingly, whole the policy covers all the key aspects of the Act and if any part of the policy arise in conflict with the Act, then provisions of the POSH Act shall prevail over the policy.

2. Objective

Rule 2
The policy has been designed and framed in order to create such a safe and conducive work environment especially woman employees , the POSH policy is being framed , in line with provisions of the prevailing Act and rules. The main objective of the policy is to provide its woman employees a workplace free from harassment/discrimination and to treat them with dignity and respect. Further it also emphasizes on prevention, prohibition and redressal of complaints of Sexual harassment and matter related to it. This is zero tolerance policy against sexual harassment, incorporating the rules and procedures as mentioned in the Act. This policy shall encourage woman employees to come forward to report any sexual misconduct without any fear and restriction and with an assurance that the complaint will be taken seriously and an unbiased inquiry conducted.

2. Scope:

This Policy equally applies to all categories of woman employee of the HPBoSE, whether permanent/contractual/daily-wager/part-time/out sourced. HPBoSE is committed to provide a safe environment for all woman employees free from discriminations on any ground and from harassment at work including sexual harassment . This office will operate a zero tolerance policy for any form of sexual harassment in the work place.

3. Definitions:

- a) "Act" means "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013" and any amendment thereto.

b) "Aggrieved Woman" means any female Employee or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace,

c) "Internal Complaints Committee" means a committee by that name, constituted by the Board office as per the provisions of the Act.

d) "Respondent" means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.

e) "Employee" means a person employed in HPBoSE.

f) "Employer" means the Chairman of Board as per clause 4.1(c) of HPBoSE General Regulations, 1993 updated upto July, 2017.

g) "Workplace" means any place within premises/field offices of HPBOSE.

h) "Sexual harassment" means and includes:-

"...such unwelcome behavior of a male employee towards a female employee (whether directly or by implication) as:-

- Physical contact;
- A demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

Physical conduct:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, folding or inappropriate touching;
- Physical violence including sexual assault
- Physical contact
- The use of job related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a woman's appearance, age, private life etc.
- Sexual comments, stories and jokes
- Condescending or paternalistic remarks
- Sending sexually explicit message (by phone/email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling

4. Functioning of Committee:

A. Lodging a Complaint:

- a) The Aggrieved Woman makes a complaint offline (written application) or through online link available on website : Hpbose.org directly to the Presiding Officer or any member of the Internal Complaints Committee within three months of the last incident.
- b) Where an Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by her relative or friend.
- c) Where an Aggrieved Woman, for any other reason, is unable to make a complaint, a complaint may be filed by a person who has knowledge of the incident, with the written consent of the Aggrieved Women.
- d) The internal complaints Committee may, for the recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.

B) Conciliation:

The Internal Complaints Committee may, before initiating an inquiry, at the request of the complainant take steps to settle the matter between her and the Respondent through conciliation. However, no monetary settle shall be made the basis of the conciliation. Where a settlement has been arrived at as mentioned above, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the Employer to take action as specified in the recommendation and shall provide copies of the settlement to the complainant and the respondent.

C. Inquiry into Complaint:

The Internal Complaints Committee shall proceed to make inquiry in to the complaint in accordance with the provisions of the service rules applicable. Such an inquiry (with due conciliation as appropriate) shall be completed within a period of three months. Confidentiality of the complaint procedure will be maintained.

The Principle of natural justice shall be observed by the Internal Complaints Committee while dealing with the complaints. Further, the ICC shall follow the procedure as given in the Civil Procedure Code for summoning and attendance.

D. Inquiry report:

On the completion of such inquiry, the internal committee shall provide the report of its findings to the Employer within a period of 10 days from the date to completion of enquiry and such report be made available to the concerned parties. The Employer shall act upon the recommendation within 60 days of its receipt by him.

In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the Internal Complaints Committee and it shall notify to the Employer.

5. Penalties to Respondent:

If the sexual harassment complaint is proved prima-facie right to the Internal Complaints Committee based on the material and/or witness verified by them, then the Committee will recommend to the Employer punishment to the Respondent in terms of:

- Warning in writing
- Immediate suspension from the service
- Immediate termination
- May immediately refer the case based on the gravity and merits of the case to the local police/judiciary

6. Punishment for false complaints:

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action may be taken by the Employer as per service rules applicable on recommendations of the committee.

7. Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken shall not be published, communicated or made known to the public, press and proceedings media in any manner.

8. Assurance:-

- a) Express prohibition of sexual harassment will be notified and circulated.
- b) Prohibition of sexual harassment is included in the Service and Conduct Rules. As far as possible, case is taken to see that lady employee if sitting late hours i.e. beyond 7.30 P.M. for official work, are escorted home or some arrangements are made for them to reach home safely.
- c) Complainants or witnesses will not be victimized or discriminated while dealing with the complaints.

9. Appeal

Any person aggrieved of the recommendations/decision so made under the aforesaid clause of the said policy or non-implementation of the recommendation may prefer an appeal within the period of 90 days to the Court or Tribunal in accordance with provisions of the service rules.

10. Modification and Review of the Policy

The HPBoSE reserves its right to modify and review any of provision of this policy.

11. Savings

In case of any dispute in the Internal Sexual Harassment Policy, the decision of Employer shall be final.

Committee Members:

1. Smt. Surindra Devi (J.S) --- Presiding Officer *Neel*
2. Sh. Mohan Singh (D.S) --- Member --- *Sh*
3. Smt. Ashu nee Hardai(A.S) --- Member *Ashu*
4. Smt. Kavita Dhiman (S.O) --- Member *Kavita*

36/433C. Prohibition of sexual harassment of working women

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
- (2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (1) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely :-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment :-

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes,-

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;

- (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house.