

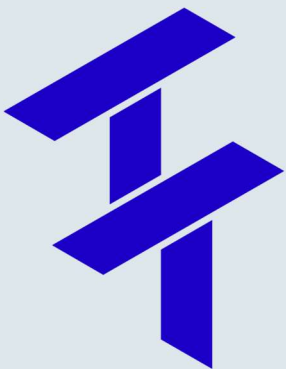
# Tecnotree

## Prevention of Sexual Harassment Policy (POSH)

Tecnotree HR Policy

Policy

Company Internal  
Issued  
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## Revision history

Version	Issued	Author name	Reviewer Name	Approver Name	Description
1.0	30.06.2021	Tecnotree	Surya S Sivaram	Anil Peter Monteiro	First release
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# Preface

## About this document

Tecnotree is committed to providing a workplace that is free of harassment and bullying irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, or economic status. Tecnotree Employees have the right to work in an environment free from any form of discrimination and conduct which can be considered harassing, coercive, or disruptive particularly behaviours that tantamount to sexual harassment as defined in this policy. This policy ("Policy") will assist individuals who believe they have been subjected to sexual harassment seek support and remedial action.

The policy is in place to provide protection against sexual harassment of workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

## Audience

This policy applies to all categories of employees of the organization, including permanent employees, permanent management, workmen, temporary employees, trainees, consultants, advisers, ad hoc employees, daily wage earners, probationers, apprentices, employees on contract, and so on, at its workplace or at visits to partner organizations. The policy is applicable to all categories of employees as stated above, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.

The policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of the organization.

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# 1. Definitions

The following are some of the definitions associated with Prevention of Sexual Harassment Policy (POSH):

- **Complainant**  
Any Employee, of any age, whether employed or not who alleges to have been subject to any act of sexual harassment by the Respondent.
- **Employee**  
Means a person employed at a workplace for any work on regular, temporary, ad hoc, or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- **Employer**  
Means any person responsible for the management, supervision, and control of the Workplace. The term “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation.
- **Respondent**  
Means a person against who the Complainant has made a complaint as per the Policy.
- **Workplace**  
Shall mean and include in addition to the place of work Head office / Branch offices, it shall also include any place where the Complainant or the Respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Tecnotree, including remote working, transportation provided for undertaking such a journey and includes work from home situation as well.

## 2. Roles and Responsibilities

This section provides information on the roles and responsibilities.

### 2.1. Responsibilities of Individual

It is the responsibility of all to respect the rights of others and to never encourage harassment. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment. This can be achieved by:

- Refusing to participate in any activity which constitutes harassment.
- Supporting the person to reject unwelcome behaviour.
- Acting as a witness if the person being harassed decides to lodge a complaint.

All employees are encouraged to advise others of behaviour that is unwelcome. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour. Additionally, all employees of the Organization have a personal responsibility to ensure that their behaviour is not contrary to this policy.

### 2.2. Responsibilities of Managers

All managers at Tecnotree must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the Complainant, Respondent/s, or witnesses are not victimized in any way.

Employees and Managers are expected to maintain decorum while working from home as well. Behaviours to be kept in mind while working from home are annexed herewith as **APPENDIX B**.

### 3. What Constitutes Sexual Harassment

Sexual Harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication):

- Physical contact and advances.
- A demand for sexual favours.
- Making sexually coloured remarks.
- Showing pornography
- Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

Further, the following circumstances may amount to sexual harassment if it occurs or is present in relation to any other act of sexual harassment:

- Implied or explicit promise of preferential treatment in employment.
- Implied or explicit threat of detrimental treatment in employment.
- Implied or explicit threat about present or future employment status.
- Interference with work or creating an intimidating or offensive or hostile work environment.
- Humiliating treatment likely to affect health or safety.

An indicative list of behaviours that constitute sexual harassment is enclosed at **APPENDIX A**.

## **4. Prohibition of Workplace Sexual Harassment**

Tecnotree has a 'zero-tolerance' approach to any instance of sexual harassment. Sexual harassment of any individual at Tecnotree's workplace, whether during or after office hours, is strictly prohibited under law and this policy. For the purpose of this policy, it is clarified that 'workplace' also includes any place visited by an employee arising out of or during the course of employment and also while an employee is working from home.

## 5. Internal Committee

Tecnotree has constituted an Internal Committee (“IC”) to investigate into allegations of Sexual Harassment at Tecnotree’s workplace. Tecnotree reserves the right to add, remove or replace the IC members from time to time. The members of Tecnotree’s IC are annexed in **APPENDIX C**.

The IC at each location shall comprise of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace.
- At least 2 members from amongst employees, committed to the cause of women and having legal knowledge.
- One external member, familiar with the issues relating to sexual harassment.
- Not less than half of the IC Members shall be women.
- The term of the IC Member shall not exceed 3 years.

The IC is responsible for:

- Receiving complaints of sexual harassment at the workplace.
- Initiating and conducting inquiry as per the established procedure.
- Submitting findings and recommendations of inquiries.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.
- Coordinating with the employer in implementing appropriate action.
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format.
- The IC shall meet regularly to ensure effective implementation of the policy and to monitor effective/timely redressal of complaints, if any.

## **6. Third Party Harassment**

Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the employees have come in contact, directly or indirectly, because of the organisation having a relationship/business relationship with them.

Where the Sexual Harassment at the workplace occurs as a result of an act or omission by any third party, the organisation shall take all steps necessary and reasonable to assist the affected employee in terms of support and preventive action.

## 7. Reporting Sexual Harassment

Complaints under this Policy may be lodged with any member of the IC.

Complaints should be made in writing or via email (as soon as possible, not later than 3 months from the date of occurrence of the incident alleged to constitute sexual harassment (in case of a series of incidents, within a period of 3 months from the date of the last incident). The Complainant may request the IC to provide reasonable assistance for making the complaint in writing. In case the Complainant is under any physical or mental incapacity, the complaint can be made by the legal heir, or any other person authorized in writing by the Complainant. Hard-copy complaints should be submitted to regional HR Manager and email complaints should be sent to [posh@tecnotree.com](mailto:posh@tecnotree.com). All complaints, whether in hard-copy or email form, should be clear and should include details of the incident or incidents, supporting documents, names of individuals involved and the names and addresses of the witnesses. The IC may extend the time limit not exceeding three months, if it is satisfied that there were unavoidable circumstances which prevented the Complainant from filing a complaint within the said period.

If the Complainant would like to initiate action under Bharatiya Nyaya Sanhita, 2023, he/she may inform the IC of the same, and Tecnotree shall provide necessary assistance to file such complaint.

Any person receiving the complaint is recommended to keep note of the following:

Complaints are heeded and the Complainant informed that Tecnotree takes their concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be quick. Situations are not pre-judged. Written notes are taken while listening to the person. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the Complainant. All notes are kept strictly confidential. Complainant's agreement is taken before proceeding with the matter, which involves a formal investigation. The Complainant is advised that although the process is confidential, the Respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the Complainant's identity. Care is taken to prevent any disadvantage or victimization of either the Complainant or the Respondent.

In the event the Complainant is unable to make a complaint on account of the Complainant's physical or mental incapacity or death or any other reason which prevents the Complainant from making a complaint, then the Complainant's legal heir or any other person as mentioned below may make the complaint on the Complainant's behalf under the policy:

- In the event the Complainant is unable to make the complaint on account of the Complainant's physical incapacity, the complaint may be filed by any one of the following:
  - The Complainant's relative or friend.
  - The Complainant's co-worker.
  - An officer of the National Commission for Women or State Women's Commission (in case the Complainant is a woman).
  - Any person who has knowledge of the incident, with the written consent of the Complainant.

- In the event the Complainant is unable to make the complaint on account of the Complainant's mental incapacity, the complaint may be filed by any one of the following:
  - The Complainant's relative or friend.
  - A special educator.
  - A qualified psychiatrist or psychologist.
  - The guardian or authority under whose care the Complainant is receiving treatment or care.
  - Any person who has knowledge of the incident jointly with the Complainant's relative or friend, or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the Complainant is receiving treatment or care.
- In the event the Complainant is unable to make the complaint for any other reason, the complaint may be filed by any person who has knowledge of the incident, with the Complainant's written consent.
- In the event of the death of the Complainant, the complaint may be filed by any person who has knowledge of the incident, with the written consent of the Complainant's legal heir.

## 8. Resolution Process

### Conciliation:

Before the IC initiates an inquiry into the complaint, the Complainant may request the IC to settle the matter between the Complainant and the Respondent through conciliation before initiating an inquiry. However, monetary settlement shall not be made the basis of the conciliation. The IC shall then record the settlement arrived upon and forward the same to the employer to take action as specified in the recommendation. The IC shall provide the copies of the settlement to the Complainant and the Respondent. Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

### Inquiry:

All claims of sexual harassment will be promptly and thoroughly investigated by the IC in accordance with the principles of natural justice and the provisions of law. In conducting the inquiry, a minimum of three committee members including the Presiding Officer should be present. Neither the Complainant nor the Respondent shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.

- Upon receipt of the complaint, the IC will send one copy of the complaint to Respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- All proceedings of the inquiry is documented.
- The IC interviews the Respondent separately and impartially. IC states exactly what the allegation is and who has made the allegation. The Respondent is given full opportunity to respond and provide any evidence.
- Detailed notes of the meetings are prepared which may be shared with the Respondent and Complainant upon request.
- Any witnesses produced by the Respondent are also interviewed and statements are taken.
- If the Complainant or Respondent wishes to cross examine any witnesses, the IC facilitates the same and records the statements.
- In case Complainant or Respondent seeks to ask questions to the other party, they may give them to the IC which asks them and records the statement of the other party.
- The inquiry procedure ensures absolute fairness to all parties. The IC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process. The IC shall have the right to terminate the inquiry proceedings or to give an ex parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the presiding officer. Provided that such termination or ex parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned. The inquiry shall be completed within 90 days from the date of complaint.

- IC shall forward the copy of finding to both the parties to make representation against findings of the IC.
- IC shall submit an enquiry report to Tecnotree authorized representative upon conclusion of the inquiry, within a period of ten days from the date of completion of the inquiry and such report will be made available to the concerned parties.
- The report of the IC shall be deemed to be the enquiry report for purposes of any disciplinary rules applicable to the employee against whom a complaint of sexual harassment was made.
- The employer shall act upon the recommendations within 60 days and confirm to the IC. In the event the IC determines that the complaint is false or malicious, the IC may recommend to Tecnotree to subject the individual making the false complaint to disciplinary action, up to and including termination of employment. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not attract action against the Complainant.

**Interim Relief:**

During pendency of the inquiry, on a written request made by the Complainant, the committee may recommend to Tecnotree to:

- Transfer the Complainant or the Respondent to any other workplace.
- Grant leave to the Complainant of maximum 3 months, in addition to the leave he/she would be otherwise entitled.
- Prevent the Respondent from assessing Complainant's work performance.
- Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, Tecnotree will inform the committee regarding the same.

## 9. Disciplinary Action

In the event that the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to Tecnotree that no action is required to be taken in the matter.

In the event that the IC arrives at the conclusion that the allegation against the Respondent has been proved, possible disciplinary action will be in direct proportion to the seriousness of the offence.

Any person found guilty of violating this policy as substantiated by data and facts, will be subject to any of the below mentioned disciplinary action, leading up to and including termination of services, based on severity of case. It could range from:

- A letter of warning that will be placed in the personal file for an offence that is deemed minor by the IC such as offensive behaviour that is verbal, graphic or through gesticulation.
- Immediate transfer or suspension without pay for a complaint of harassment that is written or if more than one complaint is lodged against a single person for a minor offence.
- Dismissal of the Respondent will be invited if the offence is serious enough such as in the case of emotional and physical harassment.
- When there are complaints punishable under the Indian Penal Code, 1860, Tecnotree shall take action in accordance with the act and provide assistance to the Complainant, if he/she so desires, to lodge complaint with the appropriate authority.
- Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to his/ her legal heirs. In case Tecnotree is unable to make deductions from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Complainant. In case the Respondent fails to pay the sum referred above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.
- Other disciplinary actions can include:
  - Written apology
  - Reprimand or censure
  - Withholding of promotion
  - Withholding of pay rise or increments
  - Termination of service
  - Undergoing a counselling session
  - Carrying out community service
  - Monetary compensation

Irrespective of and without prejudice to complaints initiated before the IC, the Complainant may, at his/her sole discretion, also choose to lodge a complaint for the same offence with the police. The IC shall provide reasonable assistance to the police in its investigation. IC may take note of the findings by the police and/or any other competent authority, in arriving in its recommendations and conclusion. The Respondent shall be subject to any findings or order of any competent authority, including but not limited to, a Court of Law.

**Punishment for false or malicious complaint and false evidence:**

If the complaint is found to be false and malicious, the Complainant shall be liable for appropriate disciplinary action. However, this shall not include complaints in respect of which the investigation has remained inconclusive due to circumstances which have rendered the offence difficult to prove and/or such complaints which have been made in good faith. The malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

The disciplinary action recommended by the IC should be disclosed to the Respondent and the Complainant separately. The IC at all times shall be sensitive to the possibility of the Respondent displaying retaliatory behaviour. Tecnotree shall act upon the recommendation given by the IC within sixty days of receipt of the recommendation.

**Procedure for determining compensation:**

The IC may consider various factors as required under the law for the purpose of determining the sums to be paid to the Complainant and may take the following into consideration:

- The mental trauma, pain, suffering, and emotional distress caused to the Complainant.
- The loss in the career opportunity due to the incident of sexual harassment.
- Medical expenses incurred by the victim for physical or psychiatric treatment.
- The income and financial status of the Respondent.
- Feasibility of such payment in lump sum or in instalments.

## 10. Protect Against Retaliation

Tecnotree forbids any form of retaliation or victimization against anyone who has filed a complaint of workplace sexual harassment or has cooperated with the IC in any investigation of a complaint of workplace sexual harassment.

Individuals are encouraged to report to [posh@tecnotree.com](mailto:posh@tecnotree.com) if faced with victimization or retaliation.

Retaliation and/or victimization constitute misconduct as per Tecnotree policy warranting disciplinary action.

## 11. Confidentiality

All incidents/grievances reported will be treated seriously, sensitively and with utmost confidentiality as is practically possible. Contents of the complaint, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by Tecnotree shall be treated as confidential.

If any person entrusted with the duty to handle the complaint, inquiry, or any recommendations of the IC, contravenes his/her confidentiality obligation, he/she shall be liable to disciplinary action, in accordance with the provisions of Tecnotree policies, as applicable.

### **Appeal:**

The Complainant and the Respondent shall have the right to appeal to the Tribunal/Court of appropriate jurisdiction within ninety days of the decision of the IC if they are not satisfied with the decision of the IC.

### **Local Committee:**

If the employer is unable to recover the amount of compensation from the Respondent, employer shall forward the Inquiry Report to the District Officer of the Local Committee.

If the complaint is against the employer himself, complaints can be filed before the District Officer of the Local Committee.

### **Filing of Police Complaints:**

If the Complainant prefers, it is the duty of the employer to assist the Complainant in filing complaint with the police.

If it is a grave offence, then employer is duty-bound to report the matter to police.

## **12. Consensual Relationships**

Tecnotree believes romantic or sexual relationships between a manager or other supervisory employee and his or her staff (reporting directly or indirectly), could create compromising conflicts of interest at work.

It is therefore in the best interest of all concerned, that if there is such a relationship, the involved parties inform management so that the reporting chain can be changed to ensure no direct or indirect reporting relationship.

## **13. General**

All Employees at Tecnotree have a responsibility in contributing to a mature and respectful work environment. All employees are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or inadvertently.

Tecnotree reserves the right to modify and amend the provisions of this policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this policy to the extent deemed necessary by Tecnotree from time to time. If any of the provisions contained herein are found to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

Please contact your regional HR for any questions or further guidance in relation to this policy.

# A1 APPENDIX A

## **Sexual harassment may include:**

- Using sexually abusive and offensive language or comments that put down people because of their sex or sexual orientation or appearance.
- Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees in a sexual manner.
- Sexual messages, text, or images which may be perceived by the recipient as creating a hostile work environment.
- Suggesting or insisting that someone wear revealing clothes.
- Intrusive questions about sexual activity, tales of sexual exploits, comments about people's (women/men) bodies or intruding on the privacy of an employee.
- Repeated requests for sexual favours, sexual advances or repeated pressure for dates and social contact especially when person invited has refused/ignored similar invitations.
- Sexually suggestive comments, sexually coloured propositions, insults, or threats.
- Telling lewd jokes about sex or sexual orientation.
- Offensive language that insults/demeans including using terms of endearment.
- Singing or humming vulgar songs, ballads, or words.
- Graphic descriptions of pornography including graffiti in the office premises.
- Displaying of books, photographs, paintings, films, pamphlets, packages, and so on containing "indecent representation of women/men".
- Material that is sexual in nature, sexist, sexually explicit is displayed in the workplace, circulated, or put in someone's workplace or belongings, or on a computer or fax machine or on the internet or any other public display system or public in the work premises.
- Offensive gestures, staring, leering, or whistling with the intention to insult or discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture, or exhibiting any object with the intention that such word, gesture, or object be heard or seen by an employee.
- Sounds, gestures or display of offensive books, pictures, cartoons, magazines, calendars; or derogatory written materials at one's desk or workplace.
- Viewing, showing, or mailing pornographic posters, Internet sites, cartoons, and drawings.
- Suggestive letters, phone calls, electronic instant messaging, or e-mail messages.
- Intentional touching of the body, example- Unwelcome hugs, kisses, brushing, fondling, pinching, patting and so on.
- "Accidentally" brushing sexual parts of the body.
- Any displays of affection which can make others uncomfortable or are inappropriate at the workplace even if the recipient welcomes it.

- Indecent exposure or coerced sexual intercourse.
- Use of technology to induce different remote sensations on the body including, but not limited to pain and sexual stimulation.
- Sexual assault or using criminal force on any woman, intending to outrage, or knowing it to be likely that he will thereby outrage her modesty.

## A2 APPENDIX B

### THE DO'S AND DON'TS OF REMOTE WORKING

#### DO'S

- Avoid taking calls in your bedroom/kitchen, spaces with elements such as suggestive posters or with laundry hanging in the background, or common spaces that may consist of family members/housemates.
- Do set and respect boundaries - remote working is not an excuse for late-night calls, incessant messages, or even unrealistic deadlines. Respect your co-workers.
- Set boundaries and assert yourself if you feel like a line is being crossed.
- Be aware of your words online - Do not to say anything online that you would not do offline. This includes problematic opinions on people's appearances, sexual innuendos, and misogynistic "jokes". Remember that even sharing such content can make you party to creating a hostile work environment.

#### DON'Ts

- Do not become overfamiliar - Do not ask personal/invasive questions to colleagues or clients or make them feel uncomfortable by asking to interact with their family members/housemates.
- Do not use social media as a license to cross boundaries- do not make colleagues uncomfortable with actions like constant pokes, direct messages, inappropriate comments on posts, or liking/saving old pictures of them. This may build a case for cyber-stalking!
- Do not make sexist remarks about household chores – do not make sexist jokes, misogynistic comments, and value judgments. These triggering statements create a hostile work environment and are therefore very much against organizational codes of conduct.
- Do not force social interaction outside of work. Do not make these events mandatory and maintain respectful behaviour throughout.

## **A3      APPENDIX C**

### **IC Members:**

- Surya S Sivaram (Presiding Officer)
- Joel Patrick
- Kollipara Yaswanth Kumar
- Poonam A Mohan
- Srividya Sriram (External member)

## **Definitions and References**

### **Definitions**

<b>IC</b>	Internal Committee
<b>POSH</b>	Prevention of Sexual Harassment

### **References**

None