



Gender, Sexuality, Intimacy, Publishing

Varta Trust Policy on Prevention of Sexual Harassment

(Extract from Varta Trust Organizational Policy)

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Prevention of Sexual Harassment

At Varta Trust, we are committed to creating a safe and respectful workplace for everyone, irrespective of gender. Our purpose with this policy is the protection of our human resources against sexual harassment at the workplace and to ensure that the complaints related to sexual harassment at the workplace are taken seriously and addressed expeditiously. We have a zero-tolerance policy towards sexual harassment of any person at Varta Trust. This includes any unwelcome sexually determined behaviour, directly or indirectly.

The organization shall have a Grievance Redressal Committee (GRC) to handle the processes for ensuring a fair and confidential redressal mechanism without any fear of retaliation. Any violation related to sexual harassment should be reported in writing to the GRC at vartagrc@gmail.com. Access to this email address shall be restricted and shared only by the members of the GRC. Our organizational contact email address is vartablog@gmail.com.

(1) Purpose and scope

This policy applies to all the human resources of Varta Trust irrespective of gender/gender identity, including the Trustees, staff members (full-time/part-time/temporary), and anyone visiting or conducting business with us like volunteers, interns, consultants, contractors, vendors, and visitors. It covers any incidents of sexual harassment that occur within the workplace. Further, this policy applies to any individual attending any event organized by Varta Trust at different venues/locations, as well as to anyone visiting the premises of Varta Trust for meetings or any other activity. This policy does not prevent anyone from pursuing legal action if necessary. In such cases, legal guidance shall be made available, if needed.

(2) Definitions

(a) Aggrieved individual in relation to the workplace means any person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent which includes the Trustees, staff members (full-time/part-time/temporary), volunteers, interns, consultants, contractors, vendors, and visitors.

(b) Complainant can be any aggrieved person. Complainant also includes a representative in case an aggrieved person is unable to make a complaint on account of their physical or mental incapacity or death or any other valid reasons, alleging sexual harassment under this policy. A complainant can also be the legal guardian of an aggrieved person, if such a person is a minor.

(c) Employee means a person employed with Varta Trust for any work on a permanent, temporary, part-time, ad-hoc, or daily wage basis, either directly or through an agent, including a contractor, who, with or without the knowledge of the principal employer, engages a subcontractor, whether for remuneration or not, or working on a voluntary basis

or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or any other person called by any other such name.

(d) Employer means persons who are responsible for management, supervision and control of the workplace, including appointment/removal/termination of the employees and will include all the Trustees.

(e) Grievance Redressal Committee (GRC) is the committee which shall be responsible for receiving, investigating, and resolving complaints or grievances lodged by the aggrieved individual. The GRC shall ensure fair, impartial and expeditious handling of the complaints.

(f) Member means a member of the GRC.

(g) Respondent means the person against whom a complaint of sexual harassment has been made as elaborated in this policy.

(h) Parties means collectively the complainant and the respondent.

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

a. Any unwelcome sexually determined behaviour or pattern of conduct that can cause discomfort and/or humiliate a person at whom the behaviour or conduct is directed, namely:

- Physical contact and advances
- Demand or request for sexual favours
- Making sexually coloured remarks or remarks of sexual nature about a person's clothing or body
- Showing pornography
- Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature, including but not limited to cat-calls, wolf/finger whistles, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures, etc.

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

b. The following circumstances, among others, if they occur or are present in relation to or are connected with any act or behaviour of sexual harassment may amount to 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 the present or future employment status
- Interference with work or creating an intimidating or offensive or hostile work environment for the person
- Humiliating treatment affecting any person's health or safety

(k) Workplace means and includes any department, organisation, undertaking, enterprise, establishment, institution, office, branch, or unit which is established, owned, or controlled by Varta Trust. Workplace also includes any location where the work is being carried out. The definition of workplace includes physical office, remote location as well as virtual office such as online platforms which are used for communication related to work.

(3) Composition of GRC

The GRC shall comprise of:

1. A committee head
2. One member from amongst the staff members
3. One external member, familiar with the issues relating to sexual harassment

Pursuant to this policy, a GRC has been constituted to prevent sexual harassment. Below is the list of the members of the GRC constituted by Varta Trust:

1. Srimoyee Mukherjee, Committee Head, srimoyee.mukherjee2015@gmail.com, 98754 31977
2. Swati Das, Member, swatidas.arambagh@gmail.com, 82503 43453
3. Mahua Seth, External Member, mahua.seth@gmail.com, 98368 44227

The GRC shall have a tenure of two years. If any member wants to leave the GRC, a month's written notice shall be required to be sent to the BoT.

(4) Redressal mechanism

If someone experiences or witnesses any act of sexual harassment in the workplace, we encourage them to report it immediately to the GRC.

The internal grievance redressal mechanism is as follows:

(a) Raising of complaint

a. The first step for the aggrieved individual is to draft a complaint, which should contain a detailed narration of the incident(s) of sexual harassment. The narration must include a description of the incident(s); the date, time, and location along with any documentary evidence or name of any witnesses if available; the name of the respondent; and the nature of the working relationship between the aggrieved individual and respondent. If the aggrieved individual is unable to write, a GRC member shall assist them by transcribing the oral complaint into writing. The preferred languages of writing shall be Bengali, Hindi or English.

b. An aggrieved individual may make in writing, a complaint of sexual harassment to the GRC through email address vartagrc@gmail.com within a period of three months from the date of the incident, and in case of more than one incident, within a period of three months from the date of the last such incident. Complaints arising out of incidents more than three months old shall not be entertained.

c. In case a complaint is lodged against one of the BoT members, the matter shall nonetheless be referred to and handled by the GRC. The GRC shall have the authority to recommend to the BoT regarding the suspension of the concerned Trustee pending the outcome of the inquiry.

d. In case a complaint is lodged against one of the members of the GRC, the matter shall still be adjudicated by the GRC. However, the member against whom the complaint is lodged shall be removed from participation in the proceedings and substituted with another member duly appointed to serve in their place for the duration of the inquiry. The GRC shall have the authority to recommend to the BoT regarding the suspension of the said member pending the completion of the inquiry.

e. The complaint should clearly mention the name and available details of both the aggrieved person and the respondent. Anonymous or pseudonymous complaints shall not be inquired into.

f. The GRC shall mandatorily issue a written acknowledgement, confirming the receipt of the complaint.

g. If the aggrieved individual is unable to make the complaint on account of their physical or mental incapacity or death or otherwise, their representative may make a complaint.

(b) Conciliation

a. Before the GRC initiates an inquiry, it is the duty of the GRC to inform the complainant about their right to proceed with the inquiry or to settle the matter with the respondent through conciliation, provided no monetary settlement shall be made as the basis of conciliation.

b. If the aggrieved individual wants to resolve their complaint through an informal process, then the GRC may take steps to conciliate between the complainant and the respondent before initiating any inquiry. This is possible only if it is requested by the aggrieved person.

c. The aggrieved individual cannot be coerced or pressurized for mutual settlement.

d. If a settlement has been so arrived at, the GRC shall record the same and forward the same to the BoT and provide copies of the settlement to the aggrieved individual and the respondent.

e. In case of conciliation, no further inquiry shall be conducted by the GRC.

f. In case of breach of any terms of settlement, the aggrieved individual may approach the GRC for further action.

(c) Inquiry

The GRC may initiate an inquiry in case of the following situations:

- a. If the aggrieved individual does not request or wish conciliation.
- b. If the procedure of conciliation has failed to produce any settlement.
- c. If the complainant notifies the GRC that the respondent has failed to comply with any terms or conditions of the settlement reached through conciliation.

(d) The following is the procedure of inquiry into a complaint:

- a. The complainant should submit the complaint in writing within three months of the incident. After lodging the complaint, the complainant must submit all the supporting documents, including names and details of the witnesses, if any, within seven working days from the date of lodging of the complaint.
- b. Upon receiving the complaint, the GRC shall forward one copy thereof to the respondent for obtaining a response.
- c. The respondent, within 10 working days of receiving the complaint, shall file their reply to the complaint along with a list of supporting documents, names, and addresses of witnesses.
- d. The GRC shall consider the reply from the respondent and initiate an inquiry in accordance with the principles of natural justice.
- e. The inquiry shall be conducted solely by the members of the GRC.
- f. The GRC shall hear both the complainant and the respondent on date(s) intimated to them in advance.

(e) Interim relief

During pendency of the inquiry, on a written request made by the complainant, the GRC may recommend to the BoT to:

- a. Transfer the aggrieved individual or the respondent to any other workplace.
- b. Grant leave to the aggrieved individual of maximum one month in addition to the leave they would be otherwise entitled.
- c. Restrain the respondent from reporting on the work performance of the complainant.
- d. If the respondent is a direct supervisor of the complainant, or person influencing the career growth of the complainant, the reporting structure shall be changed till the time the inquiry is completed.

(f) Termination of inquiry

In the event of failure to attend the personal hearings before the GRC by the complainant or the respondent on three consecutive dates intimated in advance, the GRC shall terminate the inquiry proceedings or give an ex-parte decision. However, the GRC shall serve a notice in writing to the parties 15 days in advance, before such termination or ex-parte order.

(g) The following factors shall be considered while preparing an inquiry report:

- a. Whether the language (written or oral), visual material, or physical material used was sexually coloured.
- b. Whether the allegations are logical and reasonable.
- c. Whether the credibility of the complainant, respondent, witnesses, and evidence is reliable.
- d. Whether there are any previous instances of harassment involving the respondent or any other similar facts.
- e. Whether both the parties have been given an opportunity of being heard.
- f. Whether a copy of the proceedings was made available to both the parties.

(h) Substantiated complaint

If the allegations against the respondent are proved, the GRC may recommend to the BoT that necessary actions be taken against the respondent as misconduct for sexual harassment in accordance with the service rules and policies which may include:

- a. Counselling
- b. Warning
- c. Written apology from the respondent
- d. Bond for good behaviour
- e. Debarment from supervisory duties
- f. Denial of employee benefits like increments, promotion, etc.
- g. Suspension
- h. Termination

(i) Confidentiality or prohibition on disclosure of information

Varta Trust understands that coming forward with a complaint can be intimidating. Hence, we are committed to uphold confidentiality as the complainant's privacy is of utmost importance to us, and we shall handle the entire process of complaints with discretion.

- a. This policy prohibits any person, including the GRC members, from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved individual, respondent, and witnesses, or any information relating to conciliation and inquiry proceedings.
- b. Any such violation shall also be subject to appropriate disciplinary action in accordance with Varta Trust's organizational policy.

c. The annual report summarizing the complaints and redressal of sexual harassment shall be prepared by a designated person from the GRC. The said report, as well as all the documents regarding the complaints shall be in the custody of the said designated person and shall be termed as 'strictly confidential'.

(j) Malicious allegations

If the GRC comes to a conclusion that the complaint lodged by the aggrieved individual was malicious and untrue and the same has been lodged knowing it to be untrue and/or the aggrieved individual produces any forged or misleading document, then the said complainant shall be subjected to applicable disciplinary action. The action recommended shall align with those proposed for the respondent for substantiated complaints. Further, the GRC should consider that mere inability to substantiate a complaint need not mean malicious intent.

(k) Awareness and training

To create a culture of respect, Varta Trust shall facilitate awareness and training programmes on the prevention of sexual harassment on a regular basis. These sessions will help everyone understand what constitutes sexual harassment, the importance of reporting it, and how to support colleagues who may be affected.

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