

# PROTOCOL FOR THE PREVENTION OF PSYCHOLOGICAL, , SEXUAL AND GENDER IDENTITY HARASSMENT

**GERMANS TRIAS I PUJOL  
RESEARCH INSTITUTE (IGTP)**

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## 0. Introduction

The real inequality between women and men that still exists in our society can be found in many different areas, one example being the presence of sexual harassment and harassment on the grounds of sex in the workplace. Additionally, this violates a significant number of basic fundamental rights of the person: freedom, privacy and dignity, non-discrimination on the grounds of sex, security, health and physical and moral integrity. There are also cases of harassment based on sexual orientation, gender identity and/or gender expression that are considered to be discriminatory behaviour.

## 1. Regulatory framework

The existing regulatory framework provides protection: Both work standards and the regulations for equality between women and men, which emphasize the need to articulate practical and effective ways of prevention, protection, and response against this type of behaviour within the framework of the organization itself.

The normative framework of fundamental rights in the international, state, and Catalan spheres prohibits behaviours contrary to the freedom and dignity of people, and declares the right to equality and non-discrimination on the grounds of sex. In this sense, the Spanish Constitution obliges the public authorities to transcend mere formal equality by promoting the conditions for this equality to be real and effective (Articles 14 and 9.2). This includes the right of everyone to life, and to physical and moral integrity, without in any case being subjected to torture or to inhuman or degrading treatment or punishment (Article 15). In addition, our Constitution continues, these rights are binding on all public authorities and can only be regulated by law. The Statute of Autonomy of Catalonia also highlights the right of all women to live free from all forms of discrimination, and urges the public authorities to take the necessary measures to ensure non-discrimination on the grounds of gender (Articles 19, 41, and 45). Organic Law 1/2004, of 28 December, on comprehensive protection measures against gender-based violence, was the first regulation to provide for a comprehensive system of protection for victims of gender-based violence: it implemented a series of very diverse legislative measures and included awareness-raising, prevention, and detection measures in the field of education, with the aim of preventing and eradicating gender-based violence.

The United Nations had already recognized at the Fourth World Conference in 1995 that violence against women is an obstacle to achieving the goals of equality, development, and peace, and violates and undermines human rights and fundamental freedoms.

In this sense, Law 5/2008, on the right of women to be free of gender-based violence, seeks to establish mechanisms for recognizing and creating guarantees regarding the basic right of women to live without any manifestation of such violence. Law 17/2020, of 22 December, amending Law 5/2008, on the right of women to be free of gender-based violence has the function of expanding, strengthening, and updating Law 5/2008, and also of protecting the rights of transgender, cisgender, and non-binary people, in order to respect gender diversity.

Organic Law 3/2007 recalls in Section II of the Statement of Grounds that the greatest novelty of this Law lies, however, in the prevention of these discriminatory behaviours and in the provision of active policies to make the principle of equality effective. Such an option necessarily

implies a projection of the principle of equality onto the various areas of the ordering of the social and work reality in which inequality can be generated or perpetuated.

Effectively applying the “transversal dimension of equality”, which is required by the Organic Law in the field of sexual harassment and harassment on the grounds of sex, means that all current regulations must be read under the umbrella of constitutional rights that are intended to protect, and that these regulations should not be separate areas, but should be interrelated and should collaborate with each other, pursuing common goals.

In this sense, the definition and implementation of a policy against any type of harassment through action protocols agreed between the management of the company and the legal representatives of the workers is a key tool to address and deal with the problem.

For this transversal dimension of equality to be useful, it is essential to have the support and commitment of companies and organizations, which must act forcefully and pursue and eliminate sexual harassment, and harassment on the grounds of sex, sexual orientation, gender identity and/or gender expression in organizations.

The Germans Trias i Pujol Research Institute (*IGTP*) has the approval of the Negotiating Committee for the preparation of the new Protocol on Psychological Harassment, Sexual Harassment and Gender Identity Harassment. The Harassment Protocol presented below is a tool for preventing and dealing with any type of harassment, and is updated and resized according to the current needs of the staff.

## 2. Purpose of the Protocol

### 2.2. Prevention

The spirit and intention of this new Protocol is to develop and present the contents from the perspective of integrating prevention. The regulatory framework and studies in this area indicate that the Protocol is an effective tool in the prevention and intervention in the earliest stages of these situations within the organization, given that the difficulties involved in a posteriori protection in the face of acts and behaviours of harassment are serious and numerous, and especially the effects they have on the health of the people who suffer them.

### 2.3. Actions

Specifically, this Protocol makes it possible for all the interventions to be undertaken to be carried out in a coordinated and effective manner in the face of harassment, and which differs from the concept of procedure in that the latter consists of specific measures, rules, or acts, formally established, that address the approach to a situation of psychological harassment, sexual harassment, or gender identity harassment. The organization attaches importance to sensitivity and training in the face of this problem, and the need to remember the existence of this essential tool for working in an environment free from all kinds of harassment.

### 2.4. Values of the Germans Trias i Pujol Research Institute (*IGTP*)

It should be stated that the *IGTP*, as a research centre, assumes the responsibility of maintaining a work environment free from all discrimination and any conduct that involves harassment of any kind.

The wording of this Protocol has been undertaken with the aim that all people working in the organization receive fair and respectful treatment by all, so that any abusive, hostile, or offensive behaviour, whether verbal or physical, is not tolerated.

The importance of having a Protocol for the Prevention of Psychological Harassment, Sexual Harassment, and Gender Identity Harassment is evident, given that the simple provision and dissemination of the Protocol can be a motivating element to change incorrect attitudes within the organization.

## 2.5. Acts

The main objective of the Protocol is to establish the key guidelines and actions necessary to prevent and act on complaints of moral or sexual harassment, with the explicit aim of eradicating this type of conduct in the workplace.

The application of this Protocol is based on the right of persons to receive dignified and respectful treatment with regards to their privacy and their physical and moral integrity in a safe working environment.

The ultimate goal of this protocol is prevention and awareness in order to eradicate behaviours that may lead to discrimination and harassment, as well as to comply with Article 48 of the "Organic Law for the Effective Equality of Women and Men" and to establish specific measures for prevention and protection against any type of harassment.

A statement of principles has been prepared with the aim of showing the commitment, assumed jointly by the Management and the Legal Representatives of the Workers, to the prevention and elimination of psychological harassment, sexual harassment, and gender identity harassment. It is important to disseminate it to the entire workforce, thereby impacting on the responsibility of each party to ensure a harassment-free work environment.

The *IGTP* will need to inform all staff of the existence of the new Protocol on Psychological Harassment, Sexual Harassment, and Gender Identity Harassment, so there will be actions associated with dissemination, communication, and training, in order to raise awareness of its existence in the workforce and the people it relates to.

## 3. Statement of Principles

The *IGTP* aims to be an equitable and non-discriminatory body, which allows us to work in a productive, safe, tolerant environment, and which takes into account equal opportunities. It also wishes to be an organization which is respectful to all the people who work for it, and to others with whom it is related for work reasons (external companies, suppliers and/or collaborators, among others).

The *IGTP* has established the following principles:

1. All persons linked to the organization have the right to have their dignity respected.
2. Workplace harassment, sexual harassment, and gender identity harassment shall not be permitted or tolerated under any circumstances. Such harassment will not be ignored and will be disciplined severely.
3. Guaranteeing its personnel and all the people related to the organization, a respectful work environment free of any type of harassment no matter the manner in which it may appear.

The *IGTP* requires that all persons linked to the organization, and especially those with authority over others, assume the following commitments:

- Avoid those actions, behaviours, or attitudes that are or may be offensive, humiliating, degrading, annoying, hostile, or intimidating.
- Act appropriately and in solidarity when faced with these behaviours or situations, not ignoring them, not allowing them to be repeated or to worsen, making them known by asking for support from the right people, and giving support to those people who may be suffering.

#### 4. Scope of application

The provisions of this protocol shall apply to all persons linked to the organization regardless of whether or not they have a contractual relationship with the *IGTP*.

The provisions of this Protocol shall apply to any type of harassment and, in particular, to cases of harassment at work, sexual harassment, and gender identity harassment.

The provisions of this protocol will be applied both inside and outside of the *IGTP* work centre, in the event that people are there for professional or work reasons.

The *IGTP* also assumes the following commitments and guarantees:

- Disseminate this protocol and guarantee access for all people linked to the organization.
- Provide information and training opportunities for all people linked to the organization, including the management team and people in positions of responsibility, in order to help create greater awareness of this issue and to understand the corresponding rights, obligations, and responsibilities.
- Provide specific support and assistance to people who may be suffering harassment.
- Articulate and make known the different internal ways of resolving harassment within the organization.
- Ensure that all accusations and complaints are dealt with rigorously, and processed fairly and promptly.
- Act with respect in order to protect the privacy and dignity of those affected.
- Treat the data and information in the proceedings in a completely confidential manner.
- Guarantee the right to information on procedures, rights and duties, phases, and results for all persons involved.
- Ensure that the people involved in the procedure act in good faith while searching for the truth and clarifying the facts reported.
- Ensure that there will be no reprisal against the harassed person filing an internal accusation or complaint, or against persons involved in any way in the resolution process.
- Provide services and facilitate contact with external professionals if deemed appropriate.
- Make known the different external ways of resolving situations of harassment within the organization.
- Take care of the health of people who have suffered harassment: if it has direct effects on health they can request care, guidance, and medical reports through the occupational risk prevention service. In the event of medical leave linked to harassment, whether or not an accident at work has occurred must be considered.

Likewise, the provisions of this protocol will be applied both if the events take place within the normal working day and outside it, as long as the events constitute a part of the employment relationship.

## 5. Concepts and definitions

In this section are definitions of harassment, in particular sexual harassment, gender identity harassment and psychological harassment, given that the *IGTP* wishes this protocol to also serve to prevent and avoid any kind of harassment or discrimination on the grounds of birth, functional diversity, sex, race, religion, opinion, or any personal or social circumstance, as well as any sexual orientation, and gender expression of a person.

In some cases, sexual harassment, harassment due to sex, or other forms of harassment can occur unintentionally. But in all cases it is unacceptable.

### 5.1. Sexual harassment

Sexual harassment is any unwanted sexual, verbal, or physical behaviour that has the purpose or effect of infringing on a person's dignity, or in particular when an intimidating, degrading, offensive, or annoying environment is created or an environment that produces this effect.

Sexual harassment is distinguished from freely accepted and reciprocal approaches, in that sexual harassment is behaviour that is unwanted by the person subject to it.

By way of example, but in no way being limited to or exclusive, sexual harassment could be constituted by the behaviours described below:

#### Examples of Sexual Harassment (Verbal Behaviour)

- Annoying sexual innuendos.
- Propositions or pressure for sexual activity.
- Insistence on participating in social activities outside the workplace (after the person subject to it has made it clear that this insistence is annoying and inappropriate or has shown it to be so by their behaviour).
- Offensive flirting, insinuating comments, and sly or obscene comments.
- Unwanted phone calls.
- Comments on physical appearance, either directly to the person, or indirectly by making such comments or behaving in such a way with third parties.
- Offensive sexual jokes or teasing.
- Addressing someone in an obscene or derogatory manner.
- Spreading rumours about a person's sex life.
- Explaining or asking about fantasies or sexual preferences.
- Speaking of and/or indicating sexual abilities, capacities, or disabilities.
- Pushing or offering to arrange specific appointments or sexual encounters.
- Demanding sexual favours.
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## Examples of Sexual Harassment (Non-Verbal Behaviour)

- Showing sexually suggestive or pornographic photos.
- Objects, writing, graphics, or vignettes with sexual content.
- Looks or gestures of a sexual nature that people find uncomfortable.
- Obscene gestures.
- Inappropriate whistles.
- Letters, notes, messages, or communication by any means which is of an offensive nature with sexual content.
- Use of drawings, photographs or representations, or Internet images with sexually explicit content.
- Creating an intimidating, hostile, or offensive environment (environmental harassment).

## Examples of Sexual Harassment (Physical Behaviours)

- Deliberate and unsolicited physical contact (pinching, touching, unwanted massages).
- Unwanted hugs or kisses.
- Excessive or unnecessary physical closeness.
- Cornering, or deliberately seeking to be unnecessarily left alone with a person.
- Intentionally or allegedly accidentally touching the sexual parts of the body.

It is important to note that a single isolated incident can constitute sexual harassment.

<https://www.youtube.com/watch?v=E4WTnJCMrH8>

### To be borne in mind

There is a type of sexual harassment within the aforementioned behaviours that involves an element of coercion. It is known as "*quid pro quo*" harassment and consists of forcing the victim to choose between submitting to sexual requirements, or losing or suffering harm to certain benefits or working conditions, which affect access to vocational training, employment, promotion, remuneration or any other decision in relation to this matter. This is an abuse of power or authority and incorporates a type of sexual blackmail.

*Quid pro quo* exchange harassment is almost always intentional. There is an asymmetry of power between the active and the passive subject. Active subjects are people who have the power to decide on the employment relationship, that is, any person who is hierarchically superior, be they political positions, the company's management staff, or the person who legally represents them. It can be a single incident, depending on the severity.

To the extent that it involves an abuse of authority, the active subject shall be the one who has the power, either directly or indirectly, to provide or withdraw a benefit or working condition.

There is also a type of *environmental harassment* where the active subject of the harassment creates an intimidating, hostile, degrading, humiliating, or offensive work environment for the victim, as a result of unwanted attitudes and behaviours of a sexual nature. It usually requires insistence and repetition of actions depending on the severity of the behaviour.

Environmental harassment can occur unintentionally and can occur between equals, or ascending and descending. It is frequent, severe, and prolonged.

It can be carried out by any member of the organization, regardless of their position or status, or by third parties located in some way in the facilities of the organization.

Depending on the type of link between the harassing person and the harassed person, it can be:

- Horizontal harassment: between colleagues.
- Descending vertical harassment: Management/Managers – subordinate person.
- Ascending vertical harassment: subordinate person – superior.

## Clarifications

### What is considered sexual harassment at work?

Sexual behaviours which are not desired/unwanted by the person receiving them. Unwanted is understood to be when:

- The person does not ask for or initiate this action.
- The person considers this event undesirable and offensive.

Three behaviours must occur at the same time: the request or requirement of any behaviour of a sexual nature, the persistence of this requirement, and rejection or displeasure on the part of the person who receives it.

### What are behaviours of a sexual nature or with sexual connotations?

Behaviours of a sexual nature or with sexual connotations include a wide variety of behaviours and range from seemingly innocuous actions (offensive jokes, rude or derogatory comments about a person's physical appearance) to actions that are manifestly serious and constitute by themselves a criminal offence (such as forcing someone to have sex).

### What is the aim and intention?

The aim is to attack the dignity of the person or to create an intimidating, hostile, degrading, humiliating, or offensive environment, through behaviours of a sexual nature.

The lack of intentionality on the part of the person who initiates the offensive actions does not exonerate them from responsibility.

In order to create an intimidating, hostile, and humiliating environment, in most cases, a repetitive pattern of offensive behaviours or actions is needed.

## 5.2. Harassment on the grounds of sex, sexual orientation, and gender identity and/or gender expression.

Any behaviour based on the sexual orientation, and gender identity and/or gender expression of a person that has the purpose or effect of attacking their dignity or physical or mental integrity or to create an intimidating, hostile, degrading, humiliating, offensive, or annoying environment will be considered harassment on the grounds of sex, sexual orientation, gender identity, or gender expression. This will be considered to be discriminatory conduct.

Harassment on the grounds of sex or aimed at LGBTBIQ+ people (lesbian, gay, transgender, bisexual, intersex and queer people) is manifested by the repetition and accumulation of offensive behaviour toward a person because of their gender or sexual orientation.

As an example, but in no way being limited to or exclusive, some behaviours that may demonstrate the existence of this type of harassment are indicated below.

### Examples of Harassment Based on Sex, Sexual Orientation, Gender Identity, and/or Gender Expression:

- Discriminatory conduct due to having a sexual orientation, gender identity, and/or gender expression, or being a woman.
- Offensive ways of talking to a person.
- Ridiculing and underestimating the abilities, skills, and intellectual potential of people.
- Using sexist/gender humour offensively.
- Undervaluing the work done by members of these groups.
- Ridiculing people who take on tasks that have traditionally been taken on by the other sex or gender (e.g. male nurses).
- Ignoring contributions, comments, or actions (excluding, or not taking seriously).
- Assigning a person a job of lesser responsibility than their abilities or professional category.
- Assigning meaningless tasks or tasks which are impossible to accomplish.
- Condescending or paternalistic attitudes.
- Sabotaging work or deliberately preventing access to the appropriate means to perform it (information, documents, equipment).
- Offensive ways of addressing a person.
- Underestimating a person's abilities, skills, and intellectual potential because of their sex, sexual orientation, gender identity and/or expression.

Harassment on the grounds of sex is also considered to be that which occurs due to pregnancy, maternity, paternity, or in the exercise of any labour right with regards to work/life balance such as the arbitrary refusal of permissions to which the person is entitled.

Recognition of this type of harassment always requires a pattern of repetition and systematic accumulation of offensive behaviours.

In Annex 1 there is a glossary with definitions of groups identified by sexual orientation, gender identity, and/or gender expression.

### Clarifications

The difference between sexual harassment and harassment on the grounds of sex, sexual orientation, gender identity, and/or gender expression is that while the former is confined to the sexual sphere, harassment on the grounds of sex, sexual orientation, gender identity and/or expression, supposes a much wider type of discriminatory work situation without there having to be a sexual intention on the part of the aggressor.

<https://www.youtube.com/watch?v=1QbTZYiQ6BA>

### What is considered harassment on the grounds of sex, sexual orientation, gender identity and/or expression at work?

- Undesirable/unwanted behaviour by the person receiving it.
- Behaviour that relates to a person's gender.
- Behaviour that aims to create an intimidating, hostile, degrading, humiliating, or offensive environment.

### 5.3. Psychological harassment, or *mobbing*

The terms *mobbing*, *moral harassment at work* or *psychological or occupational harassment at work* are used to describe a situation in which a person, or group of people, exercises a set of behaviours characterized by systematic and recurrent, abusive and unfair, psychological violence for a prolonged period on another person in the workplace, causing harm to their dignity.

It should be noted that certain hostile actions can occur at certain times at work, although in order to constitute psychological harassment the behaviour needs to be, as already stated, systematic, repeated, taking place over a certain period of time, and directed at a person. As such, high-pressure situations at work or labour conflict should not be confused with psychological harassment. These are primarily situations of disagreement, such as clashes, discussions, and possible conflicts, which can occur at work. Psychological harassment, on the other hand, consists of a malicious, systematic, and sustained attack on a person over time.

The following are, by way of example only, a series of specific behaviours that, complying with the requirements set out in the previous point, could constitute psychological harassment at work (workplace harassment, moral harassment, or mobbing).

#### Examples of Psychological Harassment (Organized Attacks):

- Forcing someone to perform tasks against their conscience.
- Judging a person's performance offensively, or covering up their efforts and/or skills.
- Questioning and overruling the person's decisions.
- Not assigning them tasks, or assigning them meaningless or degrading tasks.
- Denying access to or hiding the means to perform work or providing erroneous data.
- Assigning jobs that require a much higher skill or qualification level than they have or that require a much lower qualification level than the one they have.
- Giving them contradictory orders or orders which are impossible to obey.
- Manipulating work tools (e.g. deleting files from a computer).
- Threatening or putting pressure on people who support the harassed person.
- Stealing belongings, documents, or work tools.
- Manipulating, concealing, or returning correspondence, calls, messages, etc.
- Denying access to or creating difficulty in accessing permits, courses, activities, etc.

#### Examples of Workplace Harassment (Attacks Reducing the Chances of Communication):

- Changing the person's location by separating them from their peers (isolation).
- Ignoring the person's presence.
- Not addressing the person.
- Not allowing colleagues to talk to the person.
- Not allowing the person to express themselves.
- Avoiding all eye contact.
- Eliminating or restricting means of communication available to the person (phone, email, etc.).
- Implicit hostile communication: isolating the person, ignoring them when they are present.
- Explicit hostile communication: criticism, constant interruptions when attempting to communicate.

#### Examples of Activities That Affect the Physical or Mental Health of the Victim:

- Verbal threats, threats in writing or threats using any electronic means.
- Screaming or insults.
- Physical threats and aggression.
- Making intimidating phone calls.
- Provoking the person, forcing them to react emotionally.
- Intentionally incurring expenses to the detriment of the person.
- Causing damage to the workplace or their belongings.
- Requiring the person to perform work that is hazardous or harmful to health.

#### Examples of Attacks on Privacy and Personal or Professional Reputation:

- Manipulating the person's professional or personal reputation using rumours, denigration, and ridicule.
- Implying that the person has psychological problems, trying to make them undergo a psychiatric examination or diagnosis.
- Mocking gestures, voice, physical appearance, or disabilities, and using nicknames, etc.
- Criticizing of nationality, political or religious attitudes and beliefs, private life, and so on.

### Clarifications

#### What is not considered psychological harassment at work?

Conflicts between two or more people, even if they are violent. It must be borne in mind that in a conflict there are two people who disagree and who argue with more or less success, but on the same level. In contrast, with harassment there is no discussion because there is no problem to be solved. In fact, what the harasser is trying to do is slow down or prevent any communication.

We must also take into account the following cases, which do not constitute harassment:

- A singular act: a particular discussion, punishment or bad mood; a change of place or work centre without prior consultation but which is justified, or an unscheduled shift change, among others.
- A collective event of an organizational nature, even if it is not justified or has not been previously spoken of. Failure to pay a productivity supplement, a reduction in salary, modification of working hours, cancellation of overtime, etc.
- The legitimate pressure that is exerted by a superior in order to encourage people to work more or do better. The difference lies in the fact that with psychological harassment, when the harassing person pressures the victim, they do so not only with malicious intent, but also with the goal of preventing the victim from working well so that they can be reprimanded later.
- Continued exposure to negative working conditions inherent in the task, be they physical (handling of excessive weights), hygienic (inhalation of pollutants), ergonomic (standing all day), psychosocial (the task is more demanding than the ability of the person can cope with), organizational (excessive pace of work), or social (low salary).
- Frequent non-constructive criticism or work-related assessments, as long as they are explicit and not an attempt at retaliation.

- Supervision or control of the work as long as it does not affect the dignity of the person.

It should be noted that any of these situations, if they become abusive, can be the starting point of harassment.

## 5.4. Cyberbullying

The concept of cyberbullying also needs to be defined. This type of harassment includes threats, humiliation, and attacks of any type of harassment using communication technologies (social networks, mobile, Internet, etc.).

### Examples and Situations Constituting Cyberbullying:

- Impersonating the person, in order to harm them, access their mail or social networks, or to use their name in embarrassing material.
- Sending a person messages and/or derogatory audiovisual content, regardless of whether it includes sensitive content regarding their privacy, control the times a person can connect to social networks, make repetitive and unwanted calls, inappropriate follow-up of activity on social media through messaging, public comments, and so on.
- Posting content on web pages or social networks that affects the image or privacy of a person; sending emails to disseminate embarrassing information.
- Deceiving a person into sharing confidential information and/or spreading rumours.
- Posting threats on websites or social media.

Cyberbullying often affects the dignity of its victims, in such a way that other people may contribute to ridiculing or supporting or approving of the abusive content, and responding to it, or sharing private information.

## 5.5. Risks and Consequences

As M. France Hirigoyen (2001) points out, anyone can suffer a case of workplace harassment. A number of causes can be identified that make it easier for harassment to occur, such as:

- The rejection of different values.
- Envy, jealousy, and/or rivalry.
- The fear of losing a job, of not being good enough to do it, insecurity in one's own work, fear of marking oneself out from a group, and so on.
- Secrets that need to be kept (fraud, corruption, small irregularities that the affected person refuses to hide).
- The need to influence: to dominate the other person, to gain power, or to maintain it.

With regards to sexual harassment or harassment due to sex, this can occur in any profession, workplace, or professional category, and in any age group. It should be noted that studies and experience show that most people who suffer from this type of harassment are women.

Although it is a phenomenon that goes beyond professional categories, qualifications, or income, the groups of women in the most vulnerable situation are:

- Single women with family responsibilities (single mothers, widows, separated and divorced women).
- Women accessing professional sectors or traditionally male categories for the first time (in which women have little presence) or occupying jobs that have traditionally been considered for men.
- Young women who have just started their first job (usually temporary).
- Women with disabilities.

- Immigrant women belonging to ethnic minorities.
- Women with occasional and temporary contracts; sub-contracted women.
- Members of the LGBTIQ+ community.

It should be noted that anyone can suffer some kind of discrimination in their life that leads to harassment, as harassment is linked to structural and power inequalities. Cases of multi-discrimination can occur, with someone suffering discrimination due to more than one situation of vulnerability.

Harassment can have consequences both for the people who suffer it directly and for the organization itself.

Working people who suffer some form of harassment may have physical, mental, or social symptoms, such as:

- Anxiety, apathy, and accentuated and continuous fears.
- Feelings of failure, helplessness, and frustration.
- Feelings of guilt.
- Loss of self-esteem and undervaluing oneself.
- Concentration problems, decreased attention, and memory problems.
- Sleep disorders.
- Social behaviour disorders (aggression, irritability, hypersensitivity to criticism, isolation, deterioration of the person's social life).
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For companies and organizations the consequences can be:

- Alteration in interpersonal relationships.
- Decreased quantity and quality of work.
- Increased absenteeism.
- Increased rotation of staff.
- Deterioration of the work climate.
- Increase in accidents at work.
- Lack of concern for customer satisfaction and users.
- Fall in creativity and innovation.

There can also be consequences for the family and social environment, as seeing the person demotivated, with no desire to work, and generally isolated, can lead to family breakdown, discomfort in relationships, loss of enthusiasm and interest in common projects, and failure to carry out family responsibilities.

It should also be borne in mind that social isolation and not protecting health causes a reduction in the work force, and economic costs associated with treatments, disabilities, and disability pensions, among others.

## 6. Rights, obligations, and functions

If harassment occurs, there are legal obligations imposed on the company or organization, the legal representatives of the workers, and the workers themselves who are part of the workforce.

## 6.1. Rights and obligations of workers

All persons linked to the *IGTP* and defined within the scope of this protocol have the right to work in a healthy environment and to not suffer any type of harassment. They are also required to:

- Treat others with respect. Show respect and consideration to all the people who work at the *IGTP*, as well as to all the people with whom they interact.
- Avoid behaviours that may make another person feel uncomfortable, excluded, or which places them in an unequal position.
- Not ignore situations of harassment and report those which they know about using the channels established in this Protocol.
- Respect the affected people, and their privacy and confidentiality, throughout the process and also once the procedure has been completed.
- Cooperate in the investigation process of an internal complaint.

## 6.2. Obligations of management and managerial positions

The *IGTP* is responsible for guaranteeing the right of all people to a productive and safe work environment, and is obliged to build an environment that respects the dignity of the workers in the organization.

The management team and the people in charge are required to:

- Treat all people with respect and politeness, avoiding any behaviour or attitude that may be offensive, annoying, or discriminatory.
- Ensure that the organization has the material and human resources to carry out all the provisions of this protocol.
- Watch for signs of any kind of harassment.
- Encourage workers to inform them of these situations using the established pathways and processes.
- Monitor the situation at the *IGTP*.
- Contribute to changing the organizational culture by integrating equal opportunities between women and men as a value, and assuming zero tolerance towards harassment.
- Receive appropriate training in order to prevent situations of harassment.

## 6.3. Functions of the Legal Representatives of the Workers (*RLPT in Catalan*)

It is up to the *RLPT* to contribute to preventing and dealing with harassment by:

- Raising awareness in workers.
- Participating in the preparation and monitoring of the Protocol.
- Proposing actions, studies, procedures, and mechanisms for understanding the scale of the problem within the *IGTP*.
- Supporting and encouraging people who suffer some type of harassment.
- Ensuring that all cases are dealt with and managed.
- Avoiding retaliation by workers who are involved in the acts of harassment.
- Receiving information through the channels established in this protocol concerning harassment or behaviours of which they are aware.
- Ensuring the effective application of disciplinary actions.

## 6.4. Commission for the Prevention of Harassment (CPH)

### 6.4.1. Make-up

The **Commission for the Prevention of Harassment (CPH)** will have the same make-up as the Equality Commission of the organization. The constitution of the two commissions will be carried out taking into account the following criteria:

- There will be between four and eight members.
- An attempt will be made to find a balance between the number of women and men.
- There will be at least one person from the Personnel Management Unit.
- There will be at least one person from the Steering Committee.
- There will be a balance between the legal representatives of the staff and the representatives of the organization.
- As far as possible, care will be taken to have a balanced representation of the different professional categories and departments.

The Equality Commission or Negotiating Commission that will become the Prevention of Harassment Commission is represented in Annex 5.

In the event of the resignation of one or more members, substitutes will be sought within one month. It is possible to give up looking for substitutes as long as the commission is not left with less than four members. The *CPH* is constituted for a period of four years, after which it must be renewed, in whole or in part, or its make-up will be extended.

### 6.4.2. Functions

The *CPH* has the following functions:

- Ensuring compliance with and the full effectiveness of the principles, commitments, rights, and obligations set out in this Protocol.
- Clarifying any doubts that may arise regarding the scope and definitions established in the sections concerning concepts and definitions.
- Promoting preventive actions.
- Assisting and advising people who may be suffering harassment and the presumed harassers
- Ensuring compliance with the guarantees established in this Protocol.
- Receiving complaints, analysing facts and resolving procedures that are carried out.
- Start formal reporting processes, agreeing on precautionary measures and resolving the procedures that are carried out.
- In the case of a formal complaint members of the CPH will be persons of reference, members of the investigating commission, or the Commission set up for the case as established in each case.
- In the case of a formal complaint a report will be sent to the Management with a proposal of disciplinary proceedings, in accordance with this Protocol.
- Following up on harassment.
- Ensuring the proper make-up of the Commission for the Prevention of Harassment.
- Collaborating on integrating equal opportunities for women and men as a value, and sensitivity to the need for prevention of harassment in the organizational culture of the *IGTP*.

The *IGTP* has an ombudsperson, as a specific mediator in the field of research and investigation.

## 7. Prevention of Harassment

This Protocol will be permanently available to any entitled person, who can consult it and/or obtain a copy. All persons who form part of the subjective scope of Point 2 shall be entitled. The Protocol itself is a tool for prevention and in this context its existence must be made known.

All the same, the Protocol shall be disseminated in the following cases and by the following means:

- At the time of its approval, the Protocol will be posted on the website.
- An email will be sent annually outlining the key aspects of the Protocol and identifying the people who are part of the *CPH*. This information will be published in April, mentioning that 28 April is the day of health and safety at work.
- A clause will be included in all new employment contracts mentioning the existence of this Protocol and a copy will be given to the person joining.
- A clause will be included in all commercial contracts with external collaborators mentioning the existence of this Protocol.
- The *CPH* may propose, with the approval of the Management, the inclusion of a clause in any other contracts in which it is considered appropriate.

### Awareness actions

The *CPH* and, where applicable, the *RLPT*, will organize specific awareness-raising actions regarding:

- Concepts and types of harassment.
- Rights and obligations.
- Harassment prevention policy.
- Internal and external ways of dealing with harassment.

### Training actions

The *IGTP* will organize periodic and specific training for the following profiles:

- The management team and people with positions of responsibility.
- Members of the Harassment Commission.
- The team making up the Personnel Unit.
- Other persons who may form part of the processes established in this protocol.

In the event of harassment occurring within the organization, there are two ways of resolving it: internally and externally. Using one path of resolution in no way excludes the possibility of using the other.

## Ways of resolving situations of harassment

CHANNEL	PROCEDURE
INTERNAL	<ul style="list-style-type: none"> <li>▪ Phase 1. Communication and counselling (Section 8.2)</li> <li>▪ Phase 2. Internal complaint (Section 8.3)</li> <li>▪ Phase 3. Investigation (Section 8.4)</li> <li>▪ Phase 4. Resolution (Section 8.5)</li> <li>▪ Phase 5. File of discipline/sanctions in the case (Section 8.6)</li> </ul>
EXTERNAL	<ul style="list-style-type: none"> <li>▪ Administrative Proceedings</li> <li>▪ Legal Proceedings</li> <li>▪ Criminal Proceedings</li> </ul>

## 8. Dealing with harassment through internal channels

### 8.1. Preliminary aspects

Five phases of intervention are identified when resolving situations of harassment internally:

- Phase 1. Communication and counselling
- Phase 2. Internal complaint
- Phase 3. Investigation
- Phase 4. Resolution
- Phase 5. File of discipline/sanctions in the case

#### Guarantees

All internal accusations and complaints will be treated with thoroughness, speed, impartiality, and maximum confidentiality.

#### Precautionary and preventive measures

Depending on the risk and/or harm to the harassed person, once the procedure has begun, the need may arise to implement precautionary measures, for example for the person to show the effects of the situation with regards to emotion, feelings, fear, sleep, or misunderstanding caused by colleagues in the Institute, or for other reasons such as the existence of similar precedents or accounts that threats exist.

In all cases, efforts will be made to limit contact between the person presumed to be harassed and the person reported for harassment.

The most common precautionary measures are: change of job, reorganization of working time, remote working or paid leave, without this meaning the undermining of working conditions of the harassed person. If necessary, the person affected is recommended to apply for medical leave for unfitness for work from the mutual insurance body or their doctor.

Preventive measures should help combat the risk of harassment, such as training and providing information when used preventively.

## 8.2 Phase 1. Communication and advice

The IGTP will assist and advice to people linked to the IGTP who may be suffering harassment, or who are witness to situations of harassment.

The process is initiated with a communication or complaint, by the person allegedly harassed or by any person who is aware of an alleged situation of harassment.

### Guidelines for the allegedly harassed person

- Make clear that you consider the claims, situations, and attitudes to be offensive and tell the person who is creating the situation that you do not want it to be repeated.
- Document sexual harassment, harassment due to sex, and moral harassment. Take notes and record incidents.
- Ask for support, get information, consider, and assess all existing options within the framework of the organization itself (internal channels) or legal action (administrative, judicial, and criminal proceedings).

### Guidelines for witnesses

- Warn the person who is creating this situation that their behaviour is inappropriate.
- Support the person suffering in this situation.
- You can contact any member of the Harassment Committee to provide or ask for information, and/or file an internal accusation or complaint.

The aim of this phase is to inform, advise, and support the allegedly harassed person.

It is important to report harassment as soon as possible after the events, but in no case is a deadline set for doing so, as, due to the emotional impact of these situations, it is often difficult to act immediately.

The situation can be communicated to any of the members of the CPH. Then the person allegedly being harassed can choose a person of reference from the members of the CHA and can call on outside support if necessary. The person of reference should have no link to the allegedly harassed person, as far as this is possible.

The person of reference for the allegedly harassed person (PRPA in Catalan) will interview the person who is considered to have suffered harassment to obtain an outline of the case (in order to assess the origin of the conflict and the risk to which the person may be exposed) and:

- They will help the person identify whether or not the behaviour qualifies as harassment.
- They will provide psychological assistance to the person who may be suffering harassment. If applicable, they can provide other avenues of support, and medical or psychological referrals.
- They will provide legal advice to the person who may be suffering harassment. They will provide information on the different options available for resolving the problem (internal and external channels) and give advice about the most recommendable route or routes.
- They will inform the allegedly harassed person about their rights, the content of the protocol, and the options and actions to be taken).
- They will advise, accompany and inform the affected person throughout the process.

- They will protect the allegedly harassed person and can propose precautionary and/or preventive measures if necessary (Section 8.1)
- They will notify the person that the situation will be monitored.
- They will recommend writing down a completely confidential description of the events (Document describing the events) which will serve to make the report (formal report form) in the case that they wish to make a formal report the situation (Section 8.3 of the protocol).

Once Phase 1 has been carried out, the case will be followed up for a period of one month, after which the full CPH will resolve the process, at the proposal of the member of the CPH who has led the case, according to one of the following possible outcomes:

1. Declare that there was no harassment.
2. Declare that the situation of harassment has been resolved satisfactorily.
3. Declare that the situation of harassment has not been resolved.

This resolution will be issued during the month of follow-up. If the resolution is outcome “1” or “2”, there will be no need to wait until the end of the period.

Once the process has been resolved, a report will be recorded on the Incidence Sheet. All necessary measures will be taken to ensure confidentiality.

It should be mentioned that if the affected person decides not to file a complaint, the CA reference person may still consider that there is some evidence of the existence of harassment based on the information received. Management will be informed, so that the IGTP can adopt preventive awareness-raising and training measures to deal with the perceived indications, so that, for example, more dissemination of the Protocol can be done as well as carrying out zero-tolerance campaigns against harassment.

### 8.3. Phase 2. Internal complaint

In cases of sexual harassment or harassment due to sex, and in accordance with the provisions of Article 13 of Organic Law 3/2007, for Effective Equality between Women and Men, the person making the complaint only needs to provide indications that there have been discriminatory acts, with the defendant needing to prove the absence of discrimination.

This phase can only be initiated by the person who has suffered the alleged harassment, by presenting a formal report. The person of reference (PRPA) together with the person allegedly harassed will draft the formal report of complaint (Annex 2) which must state:

- Name and surnames of the person making the complaint.
- Name, surnames, and position of the alleged harasser.
- Objective details of the facts that are considered relevant: descriptions, dates, duration, and frequency of the events, avoiding emotional statements.
- Name and surnames of possible witnesses.

The person of reference will advise the person allegedly harassed on the submission of the complaint and will inform the affected persons of the status of the process.

**The person who makes or files a complaint has the right to:**

- Have it dealt with quickly while, in all cases, meeting the established deadlines
- Choose a reference person from the CPH to advise them throughout the process.
- Be accompanied by someone they trust (internal or external to the Institution) throughout the process.
- Receive information on the evolution of the case
- Receive information on the corrective actions that result
- Understand that no record of the complaint or formal report will be on their personal file, in the case that it was made in good faith
- Receive fair treatment.

## 8.4 Phase 3 Investigation

The reference person will communicate the existence of a formal report to the Commission for the Prevention of Harassment (CPH). Within seven calendar days from the receipt of the complaint, the CPH must rule on the following aspects:

- Start of investigation or filing of the complaint in the event that it was manifestly unfounded.
- Appointment of two investigators to form the **Commission for Investigation (CI)**. These people will be chosen by the CPH, will be equal parts company and worker, and possible conflicts of interest are to be avoided.
- Adoption or not of precautionary measures during the investigation of the case (presented in Section 8.1)

The Commission for Investigation *CI* can receive advice from professionals in psychology, medicine, occupational risk prevention, or law and has the following functions (there is an internal action guide for investigators to consult if necessary):

- Receive and analyse the formal report and the documentation provided
- Inform the person reported that a formal report has been received and that it is their right to choose a person of reference from the CPH to be their **person of reference for a person reported (PRPR)**
- Interview the person who filed the complaint
- Interview possible witnesses
- Interviewing the person reported
- Receive the evidence that the accused person or complainant deem appropriate to provide
- Obtain other evidence by any means that is reasonable and legal
- Write a report that will be sent to the management with the prior approval of the CPH

**The person accused of harassment has the right to:**

- Be informed of the type of harassment they are accused of
- Choose a person of reference from the CPH, who will advise, accompany and inform them during the process
- Be accompanied by somebody they trust (internal or external to the institution) throughout the process
- That in the case that the investigation finds that there has been no harassment, no record of the case will appear on their personal file
- The fact that the case does not appear on their personal file is compatible with a report being kept by the CPH.
- Receive fair treatment
- The investigation will be carried out as quickly as possible, except in case of holidays or other paid leave making the parties involved unavailable

## 8.5. Phase 4. Resolution

The investigation process should end with a Binding Report, which includes the conclusions that have been reached. The Binding Report must include:

- Identification of the person allegedly harassed and the person allegedly doing the harassing
- List of people who have participated in the investigation and in the preparation of the report
- Background to the case, complaint, and circumstances.
- Circumstances and other acts (recurrence, and physical or psychological condition, among others)
- Conclusions
- Corrective measures

Once the report has been issued by the *CI*, and according to it, within 30 calendar days, the *CI* and the persons of reference must decide that:

1. **There is no situation of harassment:**  
 The complaint should be put on record and closed. The *CI* may, if it deems it appropriate, include a proposal for precautionary measures. Precautionary measures are those aimed at avoiding possible conflicts related to the complaint process, which will be studied for each case (for example requesting leave for health reasons, as a measure).
2. **There is a situation of harassment:**
  - Initiate disciplinary proceedings. Disciplinary measures are considered to be those sanctions imposed on the harassing person by virtue of the disciplinary power of the employer, in accordance with Article 58 of the *TRLET*.

- Adoption of corrective measures of an organizational nature. Corrective measures are those aimed at avoiding the possible continuity of the harassment. In case of change of job, the person who has been harassed will have preference when it comes to continuing in the same place.
- Decide on ancillary measures aimed at providing the victim of harassment with psychological or medical support (specialist care) and/or legal support (to go to court).

Any proposal of precautionary, corrective, disciplinary, or accessory measures must be submitted for the approval of the Management. In the event that the Management deviates from the *CI* proposal, it will provide the reasons why it has not approved the measures, or approved other different measures, in writing. The resolution of the Management will be issued within seven calendar days from the date of the resolution of the *CI*. In the case of silence from the Management, the *CI* proposal will be considered accepted and will have full legal effects.

The resolution/report must state the identifying data of the complainant and the accused, the cause of the complaint and the facts ascertained, the conclusions of the *CI*, which must be provided in accordance with the content of the report, and the corrective measures derived from it.

A copy of the resolution/report will be sent to the complainant and the accused.

Once the process has been resolved, the entire file will be kept for the period established by labour regulations and, where applicable, criminal regulations. All necessary measures will be taken to ensure confidentiality.

An annual report will be made to the *RLPT* and to the Management of all cases of harassment that have occurred in the institution.

## 8.6. Phase 5 Disciplinary or sanctioning file

The *IGTP* does not currently have any specific collective agreement for the centre; it is governed by the Workers' Statute and specific agreements with the *RLPT*.

On the other hand, Article 54 of the *TRLET* establishes that the employment contract may be terminated by decision of the employer/organization, through dismissal based on a serious and culpable breach by the worker, with contractual breaches considered as being (Parts c and g):

- Verbal or physical insults to the business community or to the people who work in the company or to those relatives who live with them.
- Harassment on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual harassment or harassment due to sex towards business people or persons working in the company.

It should be noted that harassment is considered to be serious or very serious misconduct, depending on the circumstances of the case.

For the purposes of grading the applicable sanctions, the intensity, duration, and severity of the harassment will mainly be taken into account and, secondly, any aggravating or mitigating circumstances. The following will be considered to be aggravating circumstances:

- Recurrence.
- The existence of two or more complainants.
- The existence of reprisals or intimidating conduct subsequent to the complaint (or prior complaint, if applicable).
- That the harassing person is the victim's hierarchical superior, directly or indirectly, or has the capacity to decide on the victim's professional situation.
- That the harassed person suffers from some type of disability, physical or mental.
- That the harassed person does not have a permanent contract.

It should be noted that very serious misconduct can lead to the dismissal of the person who has behaved inappropriately with regards to any type of harassment.

The sanctions will be classified according to the gravity of the facts, and the harassment is classified as mild, serious, or very serious (in Annex 7 examples of harassment can be found according to the gravity of the facts, which will be evaluated by the *CI*):

LEVEL	SANCTION
<b>Mild harassment</b>	Attend conferences or actions specifically related to the type of harassment carried out. The minimum duration of all the days or actions will be 10 hours and the deadline for attending them will be 3 months from the notification of the resolution. In the event that the commitment is not fulfilled, the sanction will be reviewed, with a corresponding one being imposed.  Written reprimand or suspension of salary and work for 2 days.
<b>Severe harassment</b>	Suspension of salary and work from 3 days to 15 days
<b>Very serious harassment</b>	Suspension of salary and work from 15 days to 90 days.  Dismissal.

## 9. Dealing with harassment through external channels

The use of internal channels when dealing with cases of harassment is in no way incompatible with the simultaneous or subsequent use of external channels.

### 9.1. Administrative proceedings

The harassed person or any other person who has knowledge of the facts may submit a complaint to the Labour and Social Security Inspectorate (Article 52.1.a Royal Legislative Decree 5/2000, of 4 August, approving the revised text of the Law on Infractions and Sanctions in the Social Order *TRLISOS*)

According to Article 8.13 and 8.13 bis of the *TRLISOS*, very serious infringements are:

- Sexual harassment, when it occurs within the scope of the faculties of business management, whatever the activity of that business.

- Harassment on the grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation and harassment on the grounds of sex, when it occurs in the scope of the faculties of business management, whatever the activity of that business, provided that, known to the employer, they had not taken the necessary measures to prevent it.

According to Article 13 of the *TRLISOS*, this constitutes a very serious infraction in the matter of prevention of occupational risks, not to adopt any other preventive measure applicable to the working conditions in execution of the regulations on prevention of occupational risks from which a serious and imminent risk for the health and safety of workers is derived.

However, it should be borne in mind that if the harassment protocol is working properly (the staff knows about it, the people in the commission perform their duties, the organization has put in place the means to resolve the harassment internally, etc.), and, in general, the institution has acted with due diligence, they would in principle be exempt from liability for conduct that may occur.

## 9.2. Labour court proceedings

The harassed person may request the termination of the employment contract with the right to compensation for unfair dismissal (Article 50 of the *TRLET*). However, it should be borne in mind that the person must continue to work until there is a final ruling, except in the event that the judge allows the suspension of the obligation to go to work as a precautionary measure.

## 9.3. Criminal court proceedings

Sexual harassment is a crime, so the sexually harassed person can file a criminal complaint against the person allegedly doing the harassing. This is a crime according to Article 184 of the Penal Code (Organic Law 10/1995, drafted according to Organic Law 15/2003). The criminality is limited to sexual harassment and not in all cases, but to those in which someone requests favours of a sexual nature, for themselves or for a third party, in the field of an employment, teaching or service provision relationship, be it continuous or regular, and cause the victim to suffer an objective and seriously intimidating, hostile or humiliating situation with this behaviour.

Likewise, workplace harassment has recently been included as a sub-type of crime within the crime of coercion according to Article 173 of the Penal Code (Organic Law 10/1995). More specifically, this crime will be committed by those who, in the field of any employment or civil service relationship and taking advantage of their superior position, repeatedly commit hostile or humiliating acts against another that involve serious harassment of the victim.

## 10. Follow-up

The CPH will prepare an annual report containing the most relevant data related to the application of the protocol. The annual reports will be attached to the protocol as annexes.

In order to carry out a minimum evaluation, and thus carry out a follow-up, these four basic indicators are proposed:

Follow-up indicators:

1. Number of working people who have communicated sexual harassment or harassment due to sex in the place of work, as a percentage of the total number of workers.
2. Number of working people who have made a complaint of sexual harassment or harassment due to sex in the place of work, as a percentage of the total number of workers.
3. Annual number of preventive and/or awareness-raising measures carried out in the company (awareness-raising/training hours and list of measures).
4. Number of disciplinary procedures that have been carried out in the organization during the year.

## 11. Legitimacy

The procedure followed to approve this protocol and comply with the provisions of Article 48.1 of Organic Law 3/2007 has been as follows: once the protocol has been approved by the Equality Commission, and given that in the *RLPT* is represented there, it is formally approved and communicated to the entire staff.

## 12. Validity

This protocol will have an indefinite duration, but may be reviewed periodically, with a duration of four years. It may therefore be amended or, where appropriate, repealed, following an approval mechanism similar to that set out in the previous point, that is to say, it must be approved by the Equality Commission. In the event that this occurs, the corresponding documentation will be attached to this protocol as an annex.

### 13. Reference regulations and information documents

- Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.
- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking of human beings and the protection of victims and replacing Framework Decision 2002/629/JHA of the Council.
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 laying down minimum standards on the rights, support, and protection of victims of crime, and replacing Framework Decision 2001/220/JHA of the Council.
- Spanish Constitution of 1978. Articles 9.2, 14, 18.1, and 35.1.
- Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence.
- Organic Law 3/2007, of 22 March, for the effective equality of women and men.
- Law 17/2015, of 21 July on the effective equality of women and men.
- Royal Legislative Decree 2/2015, of 23 October, approving the consolidated text of the Workers' Statute Law.
- Royal Legislative Decree 5/2015, of 30 October, approving the consolidated text of the Law on the Basic Statute of Public Employees.
- Royal Legislative Decree 5/2010, of 4 August, approving the consolidated text of the Law on Infractions and Sanctions in the Social Order.
- Organic Law 10/1995, of 23 November, of the Penal Code.
- Criminal Prosecution Act.
- Law 31/1995, of 8 November, on the prevention of occupational risks (*BOE* no. 269, of 10.11.1995).
- Law 12/2009, of 10 July, on education (*DOG* no. 5422, of 16.7.2009).
- Law 5/2008, of 24 April, on the right of women to eradicate gender-based violence. Published in the Official Gazette of the Parliament of Catalonia, no. 251/VIII, of 28 April 2008.
- Law 17/2020 of 22 December, amending Law 5/2008, on the right of women to eradicate gender-based violence (*DOG* no. 8303).
- Protocol of action in matters of harassment of the Diputació de Girona. [file:///D:/GRUP%20PITAGORA/Conservatori%20Musica/protocol\\_dictamen\\_igualtat.pdf](file:///D:/GRUP%20PITAGORA/Conservatori%20Musica/protocol_dictamen_igualtat.pdf)

## 14. Annexes

### ANNEX 1: Glossary

**Anti-discrimination clauses.** In the drafting of a document, such as in collective agreements, clauses may be placed in relation to any of the matters covered by the agreement in order to avoid discrimination and advance equal opportunities.

**Anti-discrimination commission or equality commission.** Some agreements provide for such commissions to promote and monitor the anti-discrimination measures that have been introduced in the agreement or in current regulations. In general, it is a commission in charge of ensuring equal opportunities in which opinions and proposals are gathered and debated with a view to achieving equal opportunities.

**Awareness.** The set of pedagogical and communicative actions aimed at generating changes and modifications in the social imaginary that allow progress towards the eradication of violence against women.

**Biological sex.** Made up of primary characteristics, such as testicles and ovaries, and of secondary ones, such as beards and breasts.

**Cisgender.** Said of a person who identifies with the gender that was assigned to them at birth according to their biological characteristics.

**Direct discrimination on the grounds of sex and sexual orientation.** The situation in which a person is, has been, or may be treated in a less favourable manner than another in a comparable situation due to their sex or sexual orientation. In all cases, any order to discriminate directly on the grounds of sex and sexual orientation is considered discriminatory.

**Discriminatory retaliation.** An adverse treatment or adverse effect that occurs against a person as a result of the filing of an accusation, claim, complaint, lawsuit, or appeal of any kind, intended to prevent, reduce, or report discrimination or harassment to which they are subjected or have been subjected. *Related to a guarantee of indemnity if there is retaliation.*

**Equal opportunities between genders.** Absence of obstacles or barriers due to gender with regards to economic, political, cultural, and social participation.

**Follow-up.** Work process that focuses on the periodic collection of information to monitor the results of an intervention according to certain criteria or indicators.

**Gender.** A concept that refers to social differences (as opposed to biological ones) between women and men that have been learned, change over time, and present variations between cultures, so they are susceptible to modification, reinterpretation, and reconstruction.

**Gender equality.** A concept that argues that all human beings are free to develop their personal skills and make decisions without gender limitations, and that different behaviour, aspirations, and needs are equally considered, valued, and favoured.

**Gender equity.** Impartiality of treatment on the basis of gender, which can mean both equal treatment and treatment that, although different, can be considered equivalent in terms of rights, benefits, obligations, and opportunities.

**Gender expression.** Mode in which a person communicates their gender identity to others through behaviour, their way of dressing, hairstyles, voice, personal characteristics, interests or affinities.

**Gender identity (and sexual identity).** The person considering themselves to be a man, to be a woman or to be both. This is the overall result of the whole process of sexualization. The identity process can be dynamic and may vary. It may happen that the person's identity does not match the one given to them by others.

**Gender impact assessment.** Analysis of proposals to know if they will affect different gender identities, to adapt them, to avoid discriminatory effects, and to promote equality of opportunities between genders.

**Gender mainstreaming.** A long-term strategy that consists of the systematic integration of equal opportunities between genders in organizations and their culture, programmes, policies, and practices in all areas.

**Gender perspective.** An analysis technique that takes into account gender differences in any activity and scope of an intervention.

**Indicator.** Data or data set that helps to objectively measure the evolution of a process or activity.

**Indirect discrimination on the grounds of sex and sexual orientation.** The situation in which a seemingly neutral provision, criterion, or practice places persons of one sex or sexual orientation at a particular disadvantage over persons of the other sex or sexual orientation, unless such provision, criterion, or practice can be justified objectively pursuing a legitimate purpose and that the means to achieve that purpose are necessary and appropriate. In all cases, any order to discriminate indirectly on the grounds of sex and sexual orientation is considered discriminatory.

**Inequality of treatment.** Lack of equality in treatment of various groups in an arbitrary and systematic way, favouring one group over the others.

**Intersex.** Person with sexual characteristics of both sexes. These people are part of human biological diversity.

**LGTBIQ+.** This is the acronym used to refer collectively to Lesbian, Gay, Bisexual, Transgender, Intersex, queer people and anyone identifying as a non-normative gender.

**Multi-discrimination.** The concurrence of various factors of discrimination, the consequences of which, for the person suffering them, may be greater than the simple sum of discriminations that make it up (for example, when elements of gender and race, social class, gender and disability, or sexual orientation and age come together). Multi-discrimination is a more serious attack on the right to equal treatment and non-discrimination.

**Non-binary people (or non-binary gender)** are those people that have a gender identity that is outside the traditional male/female classification, that is, outside the gender division set in the so-called gender binarism, initially based on the biological characteristics of birth, and which assigns, beyond biology, predetermined roles (of behaviour, of ways of speaking, of ways of dressing, and ultimately of ways of living and feeling) to each of these categories.

**Precautionary measures.** A set of actions or decisions that are taken in a reasoned manner when there are indications of sexual harassment or harassment on the grounds of sex, without prejudging the end result, and which can be taken as a guarantee of the protection of the parties involved.

**Prevention.** The set of actions aimed at avoiding or reducing the incidence of the problem of violence against women through the reduction of risk factors, and preventing its normalization, and those aimed at raising public awareness, especially that of women, in the sense that no form of violence is justifiable or tolerable.

**Preventive measures.** A set of actions (defined, planned, carried out, and evaluated) that aim to prevent any sexual harassment or harassment on the grounds of sex.

**Protocol.** An instrument negotiated with the agents involved, which includes a set of measures to prevent and address sexual harassment and/or harassment on the grounds of sex.

**Repair.** The set of legal, economic, social, work, health, educational and similar measures taken by the various bodies and agents responsible for intervention in the field of violence against women, which contribute to the restoration of all areas damaged by the situation experienced.

**Resolution measures.** The process of intervention defined in the company to deal with communications and complaints of a situation of harassment or harassment on the grounds of sex.

**Sexual orientation.** Refers to the object of sexual desires.

**Stereotypes.** These are sets of very simplified mental beliefs or images with few details about a particular group of people that are generalized to all members of the group. The term is often used in a pejorative sense, as stereotypes are considered illogical beliefs that can only be dismantled through awareness, reflection, and above all education.

**Transgender.** A person who does not identify with the gender that was assigned to them at birth according to their biological characteristics, either because they feel they are of the opposite gender or because their identity does not fit into the traditionally established gender categories.

## ANNEX 2: RESOURCES FOR PEOPLE WHO HAVE SUFFERED HARASSMENT

These services are local and we cannot answer to whether they speak English.

- SIAD/PIAD: atenció psicològica i assessorament jurídic a dones.
- SIAD LABORAL CCOO.
- SAI/Centre LGTBI: atenció psicològica i assessorament jurídic persones col·lectiu LGTBI.
- SIE/SARA: violències masclistes (i violència sexual no aguda el SARA).
- Hospital Clínic: violència sexual aguda.
- EMMA Vall d'Hebron: abús sexual infància.
- UAVDI: atenció a persones amb discapacitat intel·lectual.
- SAH: servei atenció homes agressors.

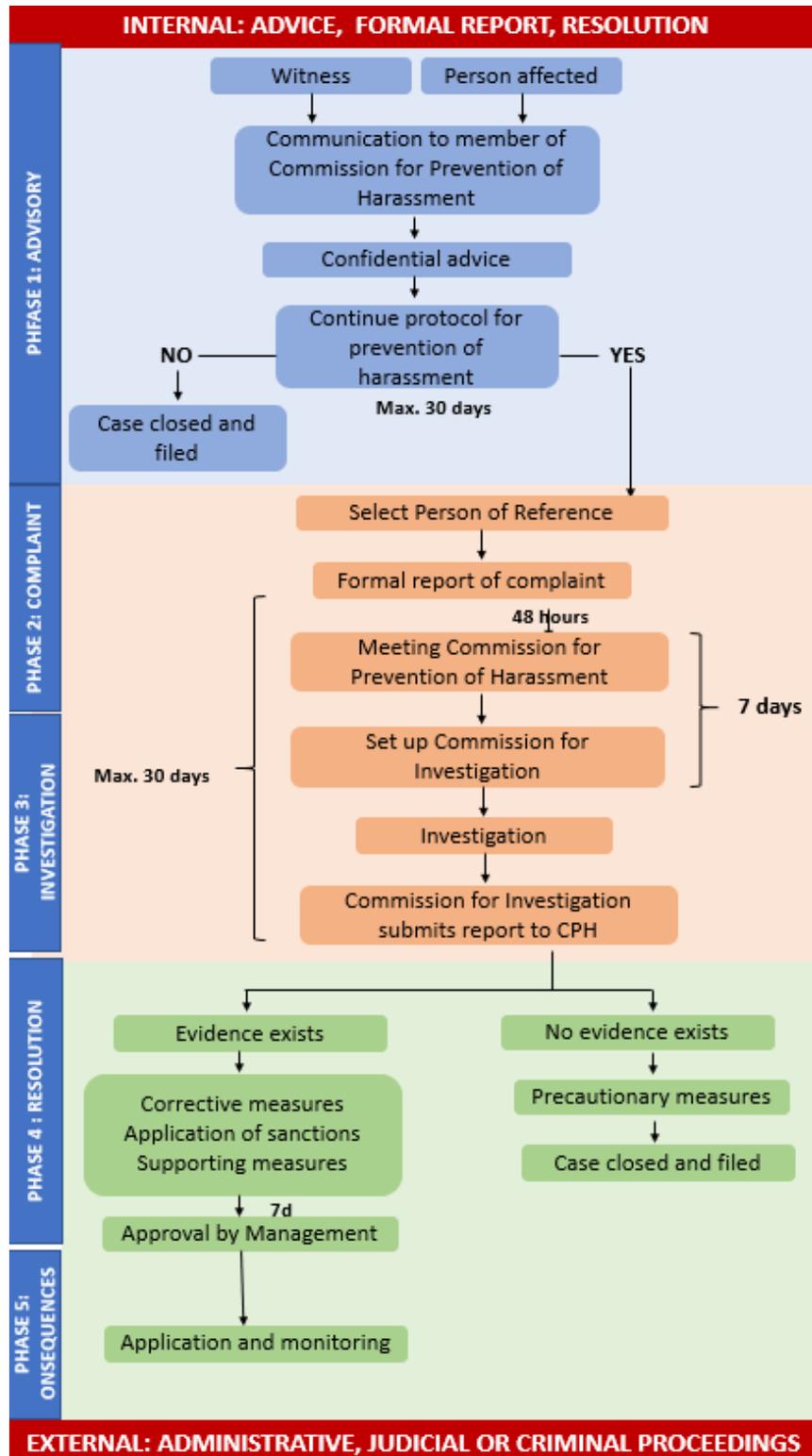
### ENTITATS

- AADAS: associació atenció dones agredides sexualment.
- Fundació Vicky Bernadet o Fundació Concepció Juvanteny: abús sexual infància.
- Hèlia Dones, Connexus, Exil: atenció violències masclistes i sexuals.

**If you think you are being harassed or want more information about it, you can contact any member of the Commission in person or by email. Or contact: [comite\\_igualtat@igtp.cat](mailto:comite_igualtat@igtp.cat)**

ANNEX 3 is not translated, it is a summary of the main text on principles.

## ANNEX 4: Scheme of complaints procedure



## ANNEX 5: EQUALITY COMMITTEE/HARASSMENT COMMISSION

Name	Representation	sex	contact
Berta Martín	Workers' Committee	D	bmartin@igtp.cat
Marta Arch	Workers' Committee	D	march@igtp.cat
Helena Mazuelas	Workers' Committee	D	hmazuelas@igtp.cat
Montserrat González	Company	D	mgonzalez@igtp.cat
Harvey Evans	Company	D	hevans@igtp.cat
Antoni de la Torre	Company	H	atorre@igtp.cat

Substitute: José Ponce (Workers' Committee) (jmponce@igtp.cat)

Substitute: Julia Garcia-Prado (Company) (jgarcia@igtp.cat)

In the case of one or more people leaving the commission the members will look for substitutes as long as there are at least 4 members. The Commission for the Prevention of Harassment is constituted for a 4-year period after which it must be partially or totally renewed, or the membership extended.

If you think you are suffering any type of harassment, or you need more information you can contact any of the members of the Harassment Prevention Committee personally, or by email, or write to [comite\\_igualtat@igtp.cat](mailto:comite_igualtat@igtp.cat)

The members of the committee were updated in October 2021

Annex 6 is not translated, it is the same as the examples of harassment in the main text above.

## ANNEX 7: Levels of Harassment and Sanctions

LEVEL	BEHAVIOUR SEXUAL HARASSMENT	BEHAVIOUR HARASSMENT (OPOTHERS)
<b>Mild harassment</b>	<ul style="list-style-type: none"> <li>• Sexual jokes with the person</li> <li>• Sexual comments about the person</li> <li>• Getting too close</li> <li>• Insinuating looks and/or gestures</li> </ul>	<ul style="list-style-type: none"> <li>• Cancel or restrict the possibilities of speak to a person and not allow that they be heard</li> <li>• Systematically evaluate the work and attitude of the person negatively and as low, without apparent motive</li> </ul>
<b>Severe harassment</b>	<ul style="list-style-type: none"> <li>• Ask questions about sex life</li> <li>• Make sexual insinuations</li> <li>• Openly ask for sexual relations without pressure</li> </ul>	<ul style="list-style-type: none"> <li>• Judge the work of the person they are harassing in an offensive way using clearly unpleasant language</li> <li>• Coerce the person regarding holidays, and holidays established in the working calendar</li> <li>• Coerce the person regarding the taking the shortened working day without justification</li> <li>• Coerce the person regarding training offered by the company</li> </ul>
<b>Very severe harassment</b>	<p>Sexual harassment identifiable as verbal, non-verbal, or physical in the situation in which it occurs with the aim of harming the dignity of a person. Specially when a threatening, hostile, degrading, humiliating or offensive environment is created. In the case of sexual harassment, the person who is the object will have their place of work protected.</p> <p>Examples</p> <ul style="list-style-type: none"> <li>• Unwanted hugs or kisses</li> <li>• Touching, pinching</li> <li>• Cornering</li> <li>• Pressure for sex in exchange for</li> </ul>	<p>Moral (psychological) harassment, this being understood as abusive behaviour, psychological violence carried out over a prolonged period over a person in the work environment, demonstrated in repeated behaviours, acts, orders or words that ai to discredit, belittle, or isolate a worker so that they abandon their work producing a progressive and continuous harm to their dignity and psychological integrity. It is considered worse if the person carrying out the harassment has some kind of hierarchic authority over the person being harassed in the structure of the company.</p> <p>Examples</p> <ul style="list-style-type: none"> <li>• Oblige a person who has been the object of harassment to carry out undignified tasks that do not correspond to the functions assigned to them</li> </ul>

	<p>improvements or threats</p> <ul style="list-style-type: none"> <li>• Forcing sexual relations under threat of firing</li> <li>• Sexual assault</li> </ul>	<ul style="list-style-type: none"> <li>• Refuse to sign a doctoral thesis although the annual monitoring commission has approved it</li> <li>• Not let the person take the days holiday and days off established in the work calendar without justification</li> <li>• Not let the person take advantage of intensive timetables without justification</li> <li>• Not let the person take training offered by the company</li> <li>• Harassment on grounds of racial or ethnic origin, sex, religion or beliefs, disability, age or sexual orientation</li> </ul>
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## ANNEX 8: PHASE 1: Communication sheet

(INTERNAL DOCUMENT FOR THE CPH. TO BE COMPLETED BY THE REFERENCE PERSON)

### HARASSMENT COMMUNICATION SHEET

No. \_\_\_\_\_

Date of receipt \_\_\_\_\_

DETAILS OF THE REFERENCE PERSON (advisor). Member of the CA who the applicant came to.

Name and surname	
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DETAILS OF THE PERSON COMMUNICATING THE FACTS (witness or affected person who communicates the facts).

Name and surname	
Phone	
Professional category	
Department, Unit or Area of Work	

DETAILS OF THE PERSON ALLEGEDLY HARASSED (victim).

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the accused	

DETAILS OF THE PERSON ALLEGEDLY DOING THE HARASSING (accused).

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the victim	



## ANNEX 9: PHASE 2: Complaint form

(DOCUMENT TO BE COMPLETED BY THE PERSON OF REFERENCE WITH THE PERMISSION OF THE AFFECTED PERSON)

### HARASSMENT FORMAL COMPLAINT FORM

Complaint number:

Date of receipt:

Type of harassment:

DETAILS OF THE PERSON ALLEGEDLY HARASSED (victim).

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the accused	

DETAILS OF THE PERSON ALLEGEDLY DOING THE HARASSING (accused)

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the victim	

**Important:** *The complaint will be treated in a confidential manner. It is essential that the information provided is truthful and appropriate. Names of witnesses can be included for the events that took place.*

**TYPES OF HARASSMENT** (psychological, sexual, on the grounds of sex, sexual orientation, gender identity and/or gender expression, employment).

#### DESCRIPTION OF THE CIRCUMSTANCES

Describe in chronological order, the behaviour, including witnesses and documentation that prove the facts (can be done in the attached sheet).



## ANNEX 10: PHASE 2: Report on the Complaint

(INTERNAL DOCUMENT OF THE CPH. TO BE COMPLETED BY THE INVESTIGATION COMMITTEE)

### HARASSMENT COMPLAINT REPORT

Details of people on the **CPH** involved in the case:

Reference person for harassed person	
Reference person for accused person	
People on the Investigation Commission	
External people/advisors	

Details of the **harassed person**

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the accused	

Details of the **accused person**

Name and surname	
Address	
Phone	
Professional category	
Department, Unit or Area of Work	
Hierarchical relationship with the victim	

**TYPES OF HARASSMENT** (psychological, sexual, on the grounds of sex, sexual orientation, gender identity and/or gender expression):

**CAUSES OF THE FACTS**

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## ANNEX 11. Follow-up indicators

Follow-up indicators:

1. Number of working people who have communicated sexual harassment or harassment on the grounds of sex in the place of work, as a percentage of the total number of workers.

**Distribution Table by Sex of Person Communicating Harassment**

Communications Women	Communications Men	Communications Totals	% with respect to staff

2. Number of working people who have made a complaint of sexual harassment or harassment on the grounds of sex in the place of work, as a percentage of the total number of workers.

**Distribution Table by Sex of Person Making a Complaint**

Complaints Women	Complaints Men	Complaints Totals	% with respect to staff

3. Annual number of preventive and/or awareness-raising measures carried out in the company (awareness-raising/training hours and list of measures).

**Preventive and/or Awareness Measures in the Year 20XX:**

Types of measures	Actions/Hours
Awareness actions: <ul style="list-style-type: none"> <li>▪ Web information</li> <li>▪ Communications</li> <li>▪ Emails</li> </ul>	
Training actions: <ul style="list-style-type: none"> <li>▪ CA sessions</li> <li>▪ Management and managers sessions</li> </ul>	

<ul style="list-style-type: none"> <li>▪ Personnel management unit</li> <li>▪ Staff</li> <li>▪ Other</li> </ul>	
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4. Number of disciplinary procedures that have been carried out in the organization during the year.

**Table of Types of Disciplinary Measures Carried Out in 20XX**

Number of sanctions	Type of harassment	Sanction	Date of sanction
1			
2			
3			

Total sanctions: 3 sanctions during the year 20XX

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