

PROTOCOL ON PREVENTION AND ADDRESSING OF SEXUAL HARASSMENT AND GENDER-BASED HARASSMENT



PROTOCOL ON SEXUAL HARASSMENT AND GENDER-BASED HARASSMENT

INSTITUT CATALÀ DE PALEOECOLOGIA HUMANA I EVOLUCIÓ
SOCIAL



**Generalitat
de Catalunya**



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Introduction

1. Introduction

The Catalan Institute of Human Paleoeology and Social Evolution (IPHES-CERCA hereinafter) is a CERCA center (Research Centers of Catalonia, Generalitat of Catalonia) affiliated with the Rovira i Virgili University (URV), dedicated to the development of research, teaching, and knowledge transfer in various fields related to the study of Human Evolution and Behavior.

In 2017, IPHES-CERCA established a Gender Equality Committee, with the general goal of ensuring real and effective gender equality in all areas of the Institute and the mission of preventing and addressing any gender conflict within all activities organized or participated in by the institution.

In 2017, IPHES-CERCA received the "HR Excellence in Research" award, reflecting the center's commitment to the policies and practices of the Human Resources Strategy for Researchers (HRS4R, in English) in line with the Charter for Researchers and the Code of Conduct for the Recruitment of Researchers of the European Union.

IPHES-CERCA also adheres to the CERCA Code of Conduct, approved by the Management Committee on June 27, 2019, which establishes a reference framework for providing a commitment to best practices in the scientific and management aspects of CERCA centers.

In November 2022, the Gender Equality Committee actively initiated the development of this Protocol, which falls within the planned measures of the current Gender Equality Plan (<https://www.iphes.cat/gender-equality-plan>), with the primary goal of establishing mechanisms for prevention and awareness to prevent situations of sexual harassment, based on gender, identity, or sexual orientation, and defining the procedure to follow in case such situations occur, as well as specifying the different avenues an affected person can pursue.

With this protocol, IPHES-CERCA reaffirms its commitment to achieving safe workspaces, labor relationships based on freedom and respect among individuals, and consequently free from situations of sexual harassment and gender-based harassment. It also expresses a zero-tolerance policy towards any form of harassment and a clear and unequivocal disapproval of offensive, discriminatory, and/or abusive behaviors and attitudes.

1.1. Institutional commitment

IPHES-CERCA declares its zero-tolerance policy towards sexual harassment, gender-based harassment, gender identity, and sexual orientation harassment, and therefore commits to:

- Formally declare and spread its rejection of all forms or manifestations of sexual harassment or gender-based harassment, gender identity, and sexual orientation harassment.
- Promote a culture of prevention against sexual harassment, gender-based harassment, gender identity, and sexual orientation harassment through educational, informational, and awareness-raising actions for the entire IPHES-CERCA community.

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- Report, investigate, and sanction any behavior that may constitute sexual harassment or gender-based harassment, gender identity, and sexual orientation harassment.
- Support and provide guidance to individuals who have experienced sexual harassment or gender-based harassment, gender identity, and sexual orientation harassment.

This commitment is public and communicated to all staff, management areas, services, collegiate bodies, or other commands as they appear on the Institute's organizational chart, as well as to any third parties associated with IPHES-CERCA. In this way, both IPHES-CERCA and individuals linked to it express their commitment through this protocol to eradicating sexual harassment, gender-based harassment, gender identity, and sexual orientation harassment in the workplace and research context. Therefore, no such behaviors are tolerated or considered justified in any activity initiated or co-organized by IPHES-CERCA.

To achieve this goal, the involvement of each individual within the organization is considered essential, especially those who hold leadership and authority positions over others, and commit to:

- Do everything possible to prevent behaviors and attitudes that constitute sexual harassment, gender-based harassment, and harassment based on gender identity or sexual orientation.
- Respond to these behaviors in an appropriate and supportive manner, following the guidelines established by this protocol. This includes acknowledging, rejecting, and preventing their recurrence or escalation, informing the relevant individuals, seeking help, and providing support to those who experience them.

IPHES-CERCA acknowledges and facilitates participation, whenever research and service work needs allow, through available mechanisms, in training activities and in the preventive actions and dissemination activities outlined in this protocol (see section 3 "Scope of Application" and section 5 "Procedure of Action").

1.2. Goals and Content

The content of this protocol is mandatory, developed in accordance with the timeline set by the 2021-2025 equality plan and comes into effect upon its communication to the company's staff.

Likewise, the protocol will be reviewed according to the conditions and timeframes specified in the equality plan it is integrated into.

This procedure does not prevent the victim from exercising their right to report, at any time, to the Labor and Social Security Inspectorate, as well as to the civil, labor, or criminal jurisdiction.

The main objective of this protocol is to prevent instances of sexual harassment and harassment based on gender, gender identity, and sexual orientation that may occur within IPHES-CERCA and among the members of the academic and work community or in the context of interpersonal relationships. It aims to eradicate and penalize such behaviors while protecting and supporting individuals whose rights have been violated.

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Considering harassment as a behavior closely linked to power dynamics and real cultural inequalities, i.e., to structural inequalities and the need for an intersectional approach, the following specific objectives are outlined:

- Inform, educate, and raise awareness among all IPHES-CERCA personnel regarding gender equality, sexual harassment, and gender-based harassment.
- Establish an intervention and support procedure to address and resolve these situations detected promptly and within specified timeframes.
- Ensure a work environment where everyone respects the integrity and dignity of others, providing guidelines to identify harassment situations and other sexist behaviors.
- Implement the necessary preventive measures to avoid these specific harassment situations.
- Guarantee the rights to fair treatment and confidentiality of the affected individuals.

Specifically, this protocol allows for all the interventions that need to be carried out to be coordinated and effective in addressing harassment. It distinguishes from the concept of a procedure, as the latter consists of formally established measures, rules, or specific actions aimed at addressing situations of sexual harassment or gender-based harassment, gender identity, and sexual orientation.

First, this document defines the concept of sexual harassment, gender-based harassment, gender identity, and sexual orientation. It then outlines the rights, obligations, and responsibilities of all the individuals involved.

Next, it delves into the realm of prevention. In this regard, it presents two types of actions: *proactive actions*, implemented before the occurrence of a case of sexual harassment or gender-based harassment, gender identity, and sexual orientation, and *reactive actions*, which come into play once a case of harassment has already occurred. To avoid having to react when the case has already occurred, the emphasis is placed on proactive actions.

Prevention has been made the central axis of the text, being both comprehensive and inclusive, aiming to provide a very practical, systematic, and comprehensible tool. It is designed to be adaptable to all types of organizations, regardless of their sector, nature, or size.

Finally, the document outlines a process of action, monitoring, and evaluation that allows for continuous improvement and adaptation to necessary changes.

Therefore, this document is made available to you with the conviction that it is a useful tool for facilitating the eradication of harassment and contributing to the improvement of the quality of work and the well-being of the workforce.

2. Sexual Harassment and Gender-based harassment

2.1. Sexual harassment: concept definition, key elements and examples

According to Article 7.1 of Organic Law 3/2007 of March 22, on effective equality between women and men (LOIEDH):

"Without prejudice to the provisions of the Criminal Code, for the purposes of this Law, any behavior, whether verbal or physical, of a sexual nature that has the purpose or effect of violating a person's dignity, in particular when it creates an intimidating, degrading, or offensive environment, constitutes sexual harassment."

The applicable regulatory framework at IPHES-CERCA¹ states that sexual harassment comprises any unwanted verbal, non-verbal, or physical behavior of a sexual nature that aims to create an intimidating, hostile, degrading, humiliating, offensive, or bothersome environment. These behaviors represent an attack on the dignity and freedom of an individual, on their physical or moral integrity, and pose a risk to their health. A single act, due to its allegedly criminal or highly offensive nature, can by itself constitute a case of harassment.

As an example, and without excluding or limiting, it is considered that the following behaviors, either individually or in combination with others, can indicate the existence of sexual harassment:

- **Verbal:**
 - Spread rumors, ask for or provide details about a person's sexual life and preferences.
 - Make obscene and offensive sexual comments or jokes.
 - Make sexual insinuations or humiliating, sexist comments.
 - Make crude comments about the body or physical appearance.
 - Offer or pressure to arrange compromising dates or engage in unwanted leisure activities.
 - Make demands for sexual favors.
- **Non-verbal:**
 - Direct lascivious looks at a person's body.

¹ Article 7.1 of Organic Law 3/2007, of March 22, on effective equality between women and men (hereinafter referred to as LOIEDH), Article 2, Section p) of Law 17/2015, of July 21, on effective equality between women and men (hereinafter referred to as LIEDH), and Article 4, Scope, Third Section, b) of Law 17/2020, of December 22, amending Law 5/2008, on women's right to eradicate male violence.

Sexual Harassment and Gender-based harassment

- Make obscene gestures to or in front of a person with the intent of being appreciated.
- Use graphics, cartoons, drawings, photographs, or explicit and offensive sexual content from the internet.
- Send letters, notes, or email messages with sexually explicit and offensive content.
- **Physical:**
 - Excessive, invasive, and unwanted physical proximity.
 - Cornering; deliberately seeking unnecessary one-on-one situations with someone.
 - Imposing deliberate and unsolicited physical contact (pinching, touching, giving unwanted massages).
 - Intentionally or accidentally touching sexual body parts.
 - Forcing sexual relations under pressure, coercion, intimidation, or chemical submission (behavior subject to criminal sanctions as sexual abuse or assault).

2.2. Gender-based harassment: concept definition, key elements and examples

The definition of gender-based harassment is set forth in Article 7.2 of Organic Law 3/2007, of March 22, on effective equality between women and men (LOIEDH):

"Gender-based harassment constitutes any behavior carried out based on a person's gender, with the purpose or effect of violating their dignity and creating an intimidating, degrading, or offensive environment."

It is also stipulated in Article 2, Section o) of LIEDH and in Article 5, Third Section, Subsection a) of Law 5/2008, of April 24, on women's right to eradicate male violence:

"(...) any behavior that, due to a person's gender, is carried out with the purpose of violating their dignity or their physical or psychological integrity or of creating an intimidating, hostile, degrading, humiliating, offensive, or bothersome environment, or that leads to these same effects, as provided for in Article 5 of Law 5/2008, of April 24, on women's right to eradicate male violence. Also, Article 7.4 of LOIEDH states that '(...) conditioning a right or an expectation of a right on accepting a situation constituting sexual harassment or gender-based harassment is also considered an act of discrimination based on gender.'"

The applicable regulatory framework at IPHES-CERCA states that gender-based harassment comprises any **unwanted** (continuous and systematic) **behavior related to a person's gender, whether verbal or physical, carried out with the purpose or effect of violating the dignity, identity, or working conditions of women solely because they are women.** This creates an

Sexual Harassment and Gender-based harassment

intimidating, hostile, degrading, humiliating, offensive, or bothersome environment that hinders their promotion, job functions, access to managerial positions, compensation, and professional recognition in parity with men as a result of their access to paid work, workplace advancement, employment, or training.

Article 5 of Law 17/2020, of December 22, amending Law 5/2008, on women's right to eradicate male violence, introduces a third type of male violence in the workplace, which pertains to discrimination due to pregnancy or maternity.

Unlike sexual harassment, gender-based harassment always requires a pattern of repetition and systematic accumulation of offensive behaviors. The actions must be carried out continuously and systematically.

By way of example, and without excluding or limiting in any way, the following are considered behaviors that could be gender-based harassment, among others:

- **Verbal**

- Insulting a worker based on their gender.
- Ridiculing or belittling a person's capabilities, skills, and intellectual potential due to their gender.
- Using sexist humor.
- Making comments about and assessing a person's physical appearance or encouraging provocative dressing.
- Treating someone unfavorably related to pregnancy, maternity, paternity, or behaviors that may affect their exercise of rights related to the reconciliation of personal, family, and work life.
- Disclosing intimate information among colleagues based on a person's gender.

- **Non-verbal**

- Having condescending, patronizing attitudes.
- Engaging in offensive and discriminatory behaviors based on gender.
- Ignoring contributions, comments, or actions of a person due to their gender.
- Creating a sexually hostile environment.
- Assigning a position of lower responsibility than a person's abilities based on gender.
- Sabotaging a person's work or preventing access to suitable resources due to gender.
- Creating obstacles that prevent participation in professional promotion processes based on the gender of the worker.
- Assigning arduous tasks that are not typical of the job due to the person's gender.

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- Conducting searches without legitimate cause in their personal belongings: bag, phone, agenda, etc.

2.3. Harassment based on sexual orientation and gender identity

The definition of harassment based on sexual orientation and gender identity is included in Article 4.g) of Law 11/2014 for guaranteeing the rights of LGBTI individuals and eradicating homophobia, biphobia, and transphobia:

"Harassment based on sexual orientation, gender identity, or gender expression: any behavior rooted in a person's sexual orientation, gender identity, or gender expression that aims to or results in violating their dignity or their physical or psychological integrity or creating an intimidating, hostile, degrading, humiliating, offensive, or bothersome environment."

If the behavior is assessed in isolation, it may not be relevant, but it becomes significant when it is systematically repeated, resulting in an accumulation of offensive actions.

By way of example, and without being exhaustive, the following behaviors are considered to potentially indicate the existence of harassment based on gender identity and sexual orientation:

- **Verbal:**
 - Making comments or insults based on a person's gender identity or sexual orientation.
 - Using offensive forms of addressing a person.
 - Ridiculing or underestimating a person's abilities, skills, and intellectual potential due to their gender identity or sexual orientation.
 - Making public or private comments aimed at harassing, discrediting, or humiliating a person.
 - Publicly discrediting the person who is the target of the behavior in terms of their abilities and skills, as well as any other personal aspect.
- **Non-verbal:**
 - Impersonating the identity of an affected person in digital environments to achieve their public humiliation.
 - Publishing or deliberately disseminating personal or confidential information of the targeted person in order to mock them or alter their public image.
 - Ignoring contributions, comments, or actions of a person based on their gender identity or sexual orientation.
 - Invading the privacy of the targeted person with the purpose of causing discomfort and publicly using the obtained information.

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- Deliberately isolating a person from their social environment and forcing their exclusion from collective or common activities.
- Engaging in discriminatory behavior based on their gender identity or sexual orientation.

2.4. Types of harassment

Harassment takes on various forms, depending on the direction of interactions between the harasser and the victim, as well as the affected organizational levels. In any type of harassment, an environment is often created that intimidates, humiliates, or is unfavorable and aggressive to the victim. The initial consequences are reduced performance, absenteeism, or psychological pressure, and it can escalate to the abuse of authority that could involve coercion regarding potential professional promotion or career advancement.

Depending on the direction of interactions between the harasser and the victim and the affected organizational levels, the following types can occur:

Depending on the **direction of interactions** between the harasser and the victim and the affected organizational levels, the following types can occur:

- Vertical downward harassment: pressure exerted by a person with hierarchical superiority over one or more employees.
- Vertical upward harassment: pressure exerted by an employee or a group of employees on a person with hierarchical superiority.
- Horizontal harassment: pressure exerted by an employee or a group of employees on one of their colleagues.

Depending on the **cases of sexual harassment and harassment based on sex**, the following types can occur:

- Sexual exchange harassment or sexual blackmail (quid pro quo): the harassed person is forced to choose between submitting to sexual demands or losing certain work-related benefits or conditions; the person's refusal to engage in sexual conduct is used to deny access to training, employment, promotion, salary increase, or any other job-related decision. It involves an abuse of authority by a person hierarchically superior in the employment relationship over a subordinate.
- Environmental harassment: it is behavior that creates an intimidating, hostile, humiliating, offensive work environment with comments of a sexual nature, jokes, etc. (usually requiring insistence and repetition of actions, depending on the seriousness of the behavior) for the person who is the target of harassment.

Depending on the **cases of gender identity and sexual orientation harassment**, the following types can occur:

- Direct discrimination: a situation in which a person is, has been, or may be treated in a less favorable way than another in a similar situation due to their gender identity and sexual orientation.

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- Indirect discrimination: a situation in which a provision, criterion, interpretation, or presumably neutral practice may result in a particular disadvantage for lesbian, gay, bisexual, transgender, or intersex (LGBTIQA+) individuals compared to those who are not.
- Discrimination by association: a situation in which a person is subjected to discrimination based on gender identity or sexual orientation as a result of their relationship with a LGBTIQA+ person or group.

Scope of Application

3. Scope of Application

When qualifying a situation as "work-related" harassment², it is essential to consider that the boundaries of the work environment are not determined by the physical location, whether it occurs during working hours, or the form of legal affiliation with the institution.

The decisive factor is the causal relationship between the harassment and the job: it would not have occurred if the person had not been providing their services to IPHES-CERCA. In this regard, any place or moment where people meet for professional and work-related matters is considered the "work environment" for harassment purposes. This also includes trips, conferences, training sessions, meetings, excavations, or social events of IPHES-CERCA, etc.

Applying the same criterion, harassment is considered work-related when the connection or relationship between individuals is established due to the work or profession they are engaged in. Therefore, acts of sexual harassment, gender-based harassment, harassment based on sexual orientation, and/or harassment based on gender identity can occur in the workplace and during working hours, or outside of the workplace and working hours if it is related to the job.

Likewise, acts of sexual harassment, gender-based harassment, harassment based on sexual orientation, and/or harassment based on gender identity can occur between individuals at IPHES-CERCA and external persons, such as suppliers or collaborating companies. In other words, it originates in the work environment and may continue outside of this context, as well as cases involving multiple forms of discrimination.

The Protocol shall apply to all situations arising from any activity that takes place within the workplace or in connection with activities, professional, training, or research activities promoted, organized, or co-organized by IPHES-CERCA, with the details listed in the following points.

3.1. Scope of application in terms of objectives and location

This protocol will be applicable in the cases described for any conduct of sexual harassment and harassment based on gender, gender identity, and sexual orientation that occur within the headquarters of IPHES-CERCA. It will also apply to activities that take place outside the facilities and in which IPHES-CERCA is involved in organization, coordination, or supervision, and have a relationship with research, academic, or professional activities, regardless of their type, including, for research staff and students:

- Academic activities conducted outside regular class hours or off-campus.
- Archaeological fieldwork and fieldwork campaigns.
- Conferences, scientific meetings, and congresses.

² All references to harassment included in this section pertain to sexual harassment and harassment based on gender, sexual orientation, gender identity, or gender expression.

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- Curricular and extra-curricular internships carried out by students but arranged or supervised by IPHES-CERCA.
- Activities related to scientific dissemination, communication, and outreach.
- Other non-formal activities organized by IPHES-CERCA staff (dinners, leisure activities, team-building activities, or similar events).

3.2. Scope of application in relation to time

The protocol will be applicable to any person who may have a temporary, permanent, or merely transient relationship with IPHES-CERCA. It is also applicable to situations that have occurred after the termination of the relationship of any of the individuals involved with IPHES-CERCA, within the temporal limits established by the relevant general legislation.

3.3. Scope of application in relation to individuals

The protocol will be applicable for reporting, investigating, and proposing sanctions in cases of sexual harassment and harassment based on gender, gender identity, and sexual orientation that occur in the workplace of IPHES-CERCA, regardless of their affiliation, and specifically:

- Research staff, including those directly or indirectly associated, affiliated, visiting, or with any form of direct work relationship.
- Research support staff.
- Guest teaching staff.
- Students, both those in official programs and others in courses organized or co-organized by IPHES-CERCA, including exchange students.
- Interns.
- External individuals, whether or not they have any affiliation with IPHES-CERCA, who perform activities or provide services to or for IPHES-CERCA as a supplier, entity, or company linked by contractual agreements.

The individuals mentioned may have both the status of perpetrators or victims of the behaviors described in this protocol.

In cases where the situations outlined in this protocol occur between members of IPHES-CERCA but outside the work environment, this protocol will be applied to investigate the events and propose the necessary preventive measures. In the case of individuals who are not employed by IPHES-CERCA, their respective institutions will be informed of the initiation of the procedure, and the case file will be forwarded to them.

3.4. Groups with special needs of attention or protection

Harassment is a phenomenon that goes beyond professional categories, levels of education, and income levels, from an intersectional perspective. Harassment, in the forms considered in

Scope of Application

this protocol, which are predominantly experienced by women, can occur in any profession, work environment, or professional category, and at any age group. However, there are certain groups or collectives in a more vulnerable situation who require special protection:

- Single women with family responsibilities (single mothers, widows, separated and divorced women).
- Women entering traditionally male-dominated sectors or professional categories for the first time (where women have little presence) or occupying positions that have traditionally been considered male-oriented.
- Young women who have just obtained their first job (generally of a temporary nature).
- Trans women.
- People with functional diversity and/or some form of disability.
- Migrants.
- Racialized individuals.
- Women with temporary and subcontracted contracts.
- Survivors of gender-based violence.
- Minors.

There is another group especially vulnerable to harassment, which is the LGBTIQ+³ collective. Therefore, this protocol will also apply in cases of harassment based on sexual orientation, gender identity, or gender expression.

³ According to the Law 11/2014 of October 10, to guarantee the rights of lesbians, gays, bisexuals, transgenders and intersex people and to eradicate homophobia, phobia and transphobia, every person has the right not to be discriminated against based on sexual orientation, gender identity, or gender expression. In this protocol, the acronym LGBTIQ+ is used because it also includes the groups of intersex (I) individuals, queers (Q), asexuals (A), and others (+), who have historically been marginalized.

Awareness, information and training

4. Awareness, information and training

The elaboration and application of this protocol is also an instrument that aims to:

- Bring the issue of harassment to the forefront of the agenda and discussions at IPHES-CERCA (normalize discussion about the topic and include it in the talks).
- Clearly and vehemently express disapproval and surveillance of these behaviors and attitudes.
- Emphasize that all individuals in the center, at all levels, have the right to have their dignity respected and the obligation to collaborate to ensure that everyone is respected.
- Define clear and precise procedures to address the situation once it has occurred.

With its distribution, all individuals should know that certain behaviors and attitudes will not be tolerated and that there are mechanisms in place to take immediate action if they become aware of them. In this regard, the Gender Equality Commission will ensure that communication regarding harassment is:

- Easy to understand. Plain and comprehensible language will be used for everyone.
- Accessible. It will be disseminated and presented using the usual internal channels (internal bulletins, training, etc., through the Gender Equality Commission's email, Thursday seminars related to sexual harassment, for reasons of gender, gender identity, and sexual orientation, at least once a year, both in person and online, and informative posters) and external channels (website).
- Consistent with the overall policies of IPHES-CERCA, especially with the Equality Plan.
- Sustained over time. To ensure its continuity over time and make the protocol known to all individuals joining IPHES-CERCA, it will be included in the Welcome Guide and sent in the welcome package to IPHES-CERCA.

Likewise, with the aim of minimizing situations that may lead to harassment, it is considered necessary to provide an indicative but not exhaustive list of the following data available in Human Resources (HR) that can be helpful in indicating the need for intervention from an assessment and review perspective of psychosocial risk factors. These are two key elements that can facilitate the diagnosis of potential workplaces where specific actions are advisable as a preventive measure⁴.

Studies will be carried out to understand the incidence of such behaviors at IPHES-CERCA and their characteristics, seeking identifiers of the issue and its impact on the health of workers and the effectiveness of IPHES-CERCA:

- Absenteeism rates

⁴ Technical Criterion 69/2009 on the actions of the Labor and Social Security Inspectorate regarding harassment and violence in the workplace.

Awareness, information and training

- Reduced productivity in a unit
- Complaints about certain leadership styles
- Complaints about interpersonal issues among colleagues
- Job positions with higher-than-average turnover rates
- Increased sick leave
- Increased accident rates
- Workplace climate indicators
- Other signs that may affect relationships and the work environment.

Regarding psychosocial risk factors, it is considered that this will be a tool developed within the scope of Occupational Risk Prevention (PRL), as it can be useful in cases where, even though there is no explicit harassment, there may be a deterioration in the work environment that, if not managed correctly, could lead to a critical situation. Acting preventively allows for the possibility of conciliation, mediation, or initiating coaching, which can help restore a positive work environment.

Therefore, this protocol is not intended to address, prevent, manage, or resolve conflicts arising from psychosocial risk factors, which should be handled following the specific and unique harassment protocol.

It is necessary for the staff of the center to be involved in the process of changing the model of social relations at IPHES-CERCA. Each of the following three groups of employees should have clear roles:

- **Individuals with executive and managerial responsibilities:** They play a crucial role in creating a work culture. They must demonstrate that no offensive or bothersome behavior is tolerated and support the established policy and procedure.
- **All staff members:** Employees must be informed about their rights and responsibilities from the beginning, as well as the established procedures.
- **Those with direct responsibilities in the process:** These individuals are specifically trained and informed, as they will be responsible for managing potential communications and reports of harassment situations.

Training sessions will be conducted at least once during the validity of this protocol and as often as necessary.

The specific content to be covered, considering the unique needs of the mentioned groups, is detailed in the following table, subject to modifications and other specific measures:

Block	Topics to discuss
Block 1. Basic training aimed at all staff	<ul style="list-style-type: none"> - What is and what is not harassment. Identifying the problem. - Policy and measures for prevention, awareness, and information regarding

Awareness, information and training

<p>Block 2. Training aimed at management and middle management positions involved in the procedures described in this protocol.</p>	<p>harassment.</p> <ul style="list-style-type: none"> - Internal processes: communication and reporting management system. - Review of Block 1. - Management and middle management role in implementing the prevention policy (identifying signs, actions to take, and practical tools). - Key skills for action: communication and conflict management. - Attention to diversity.
<p>Block 3. Specific training for the designated contact individuals identified in the protocol.</p>	<ul style="list-style-type: none"> - Block 1 - Block 2 - Protocol phases. - The role of the designated contact individual. - Information handling and language usage.

5. Procedure for action

5.1. Ways to resolve harassment situations

This section will introduce the objectives and characteristics of the advisory, investigation, resolution, and response systems and processes for addressing harassment. There are two avenues for resolution: internal (via IPHES-CERCA) and external (administrative and/or legal). The use of one resolution avenue does not exclude the possibility of using the other.

The internal avenue, within the framework of IPHES-CERCA, is based on two main objectives:

1. The definition of clear and precise procedures to resolve the situation with the necessary guarantees.
2. The definition and establishment of support and assistance mechanisms for individuals who may be experiencing a harassment situation.

5.1.2. External avenues: Administrative and Criminal

The external resolution avenues are the administrative route (Labor and Social Security Inspectorate⁵) and the judicial route. The suitability and appropriateness of each process will depend on various factors such as the severity and scope of the incident or incidents and the position of the alleged harasser in relation to the harassed person (if there are differences in power, status, etc.).

It is recommended to first resort to the administrative route, and then to the labor court route. The action of the Labor and Social Security Inspectorate (administrative route) not only has the benefit of immediacy and official investigation, but the facts established in this action are presumed to be true and can be used in a subsequent labor court process. The criminal judicial route should be used from the moment a conduct may constitute a crime.

Administrative procedure

Labor inspection is regulated by Law 23/2015, of July 21, which organizes the Labor and Social Security Inspection System, and the implementing regulations. Reports related to harassment will be assigned (as per Instruction 3/2011) to personnel who are properly trained in the subject. The inspection procedure may be planned or requested (based on complaints or requests from other organizations).

These actions take precedence and will commence within 24 hours in the case of sexual harassment and issues related to maternity risk, and within 7 days in cases of gender-based discrimination. The Labor Inspection's role is to investigate how the organization has responded

⁵ On March 1, 2010, the transfer of responsibilities from the Labor and Social Security Inspection (ITSS) to the Government of Catalonia became effective. For this reason, and since that date, the Labor Inspection of Catalonia has been effectively responsible for the inspection of public functions in the autonomous community of Catalonia in various areas, including those related to gender equality and discrimination, and consequently, in matters of sexual harassment and harassment based on gender.

Procedure for action

upon learning of harassment incidents. In certain cases, the Labor Inspectorate itself will formally report these incidents to the organization.

Regarding harassment matters, the Labor Inspectorate doesn't investigate the individual accused of harassment but rather focuses on the organization as the entity responsible for ensuring that:

- The work structure and conditions are suitable to prevent harassment.
- The organization has mechanisms in place to prevent and address such cases of harassment.
- All internal reports and complaints are thoroughly investigated.

Judicial procedure

The legal options available in cases of harassment are two: labor jurisdiction and criminal jurisdiction.

- **Labor jurisdiction⁶**. With this legal procedure, it is possible to reach a conclusion within the following terms:
 - To declare the existence or absence of a violation of fundamental rights and public freedoms, as well as the right or freedom infringed.
 - To declare the radical nullity of the action of the employer, employer association, public administration, or any other individual, entity, or public or private corporation.
 - To order the immediate cessation of actions contrary to fundamental rights or public freedoms or, if applicable, the prohibition of interrupting a behavior or the obligation to carry out an omitted activity, when either is enforceable according to the nature of the violated right or freedom.
 - To restore the plaintiff to the integrity of their right and the reinstatement of the situation to the moment before the violation of the fundamental right occurred, including the compensation that may be due.
- **Criminal jurisdiction⁷**. Two possible situations are foreseen in which the penalty can be more severe:
 - If the person guilty of sexual harassment has taken advantage of a situation of labor, teaching, or hierarchical superiority, or with the explicit or tacit

⁶ From a labor perspective, Law 36/2011, which regulates the social jurisdiction, provides a specific procedural modality in Articles 177 and following for the protection of fundamental rights and public liberties.

⁷ Sexual harassment in the workplace can constitute a crime. Workplace sexual harassment is classified as a crime under Article 184 of Organic Law 10/1995, of the Penal Code. Furthermore, the conduct of gender-based discrimination in employment is defined as a crime in Article 314 of the Penal Code. To the extent that gender-based harassment qualifies as an act of discrimination in employment, it would fall within the criminal category mentioned earlier.

Procedure for action

announcement of causing harm to the victim related to their legitimate expectations within the mentioned relationship.

- If the victim is especially vulnerable due to their age, illness, or personal situation.

It is recommended to use the administrative procedure before resorting to labor court. The facts proven by the Labor Inspectorate in its actions not only have a presumption of certainty but are the result of on-site investigative work at the workplace, ensuring immediacy, especially in cases of sexual harassment and gender-based harassment.

5.1.3. The internal route: the procedure

The procedure can be initiated through communication or directly through internal reporting⁸. The communication can be made by the affected person or any person who notices harassment. The report can only be made by the affected person. We distinguish three phases.

Phase 1: Communication and Counseling.

The aim of this phase is to inform, counsel, and support the harassed person and prepare for the internal complaint and investigation phase (Phase 2), if necessary.

This phase, with a maximum duration of *three business days*, begins with the communication of the perception or suspicion of harassment, triggering the actions of communication and counseling.

The communication can be made by:

- The affected person⁹.
- Any person or persons who notice harassment behavior.

The report can be submitted to any of the designated contact individuals mentioned in section (4.2.3), and it should be filed once the events have occurred, as soon as possible, given the emotional impact associated with these situations. It can be submitted in writing, or via email (in person or electronically). Making an internal report in writing is mandatory and should be done using the form provided in *Annex I* of this protocol.

At the end of this initial phase, three scenarios may arise:

There can be three possible scenarios at the end of this phase:

- If the affected person decides to file a formal complaint, the designated contact person will provide advice and support to help specify the complaint.
- If the affected person decides not to file a formal complaint, but the designated contact person, based on the information received, believes there is evidence of a situation of harassment, an investigation may be initiated.
- If the affected person decides not to file a formal complaint, and the designated contact person, based on the information received, believes there is no evidence of a situation of harassment, the case will be closed, and no further action will be taken.

In all cases, the received communications will be taken into account for statistical purposes as part of IPHES-CERCA's Protocol monitoring, without identifying the individuals involved.

⁸ All references to reporting in this procedure refer to internal reporting.

⁹ The harassed person is any individual subjected to harassment behaviors that occur within the organization and structure of IPHES-CERCA, regardless of their affiliation with this institution. The factor determining IPHES-CERCA's responsibility is not the contractual relationship of the harassed or harassing person, but the context in which such behavior occurs.

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Phase 2: Internal Complaint and Investigation.

The purpose of this second phase is to thoroughly investigate the events in order to issue a binding report on the evidence (or lack of evidence) of a situation of harassment and to propose intervention measures.

The investigation begins based on the complaint made by the affected person (assisted, if requested, by the individual of reference). The person making the complaint only needs to provide evidence that substantiates the situations of harassment, and it is the presumed harasser's responsibility to prove their absence, following the principle of reversal of the burden of proof.

All individuals involved in the procedure are obligated to maintain strict confidentiality and discretion and shall not transmit or disclose information about the content of filed, ongoing, or resolved complaints.

The complaint shall be submitted in writing to the reference person who received the communication, using the internal complaint form provided in *Annex II*. The Investigation Committee will thoroughly examine harassment complaints within the framework of the organization, issue a binding report on the existence or absence of a harassment situation, and make recommendations, if necessary, for interventions and measures that are deemed appropriate.

The investigation process will conclude with a binding report that includes the reached conclusions and proposes appropriate corrective measures. The Investigation Committee is responsible for managing and safeguarding, while ensuring confidentiality, all documents generated in this second phase (statements, documents submitted by the affected person, interview summaries, binding reports, etc.). The report from the Investigation Committee will be sent to the Individual of Reference within a maximum period of 20 business days.

Phase 3: Resolution.

The aim of this third and final phase is to take the necessary actions, considering the evidence, recommendations and intervention proposals from the binding report of the investigation committee.

Based on the binding report prepared by the Investigation Committee, Human Resources and Occupational Safety and Health will present the proposal to the Management Committee, which will issue the case's resolution and communicate it to the reporting party and the reported party. This resolution will be issued within a maximum of 30 working days from the start of the procedure (submission of the complaint) as follows:

- If there is sufficient evidence of the existence of a proven situation of harassment: initiation of a sanctioning process for a proven case of harassment and the adoption of corrective measures (for example, organizational changes like a change of workplace or location, and, if necessary, the initiation of a sanctioning process, specifying the offense and the degree of the sanction).
- If there is insufficient evidence of the existence of a situation of harassment: the report will be closed and filed.

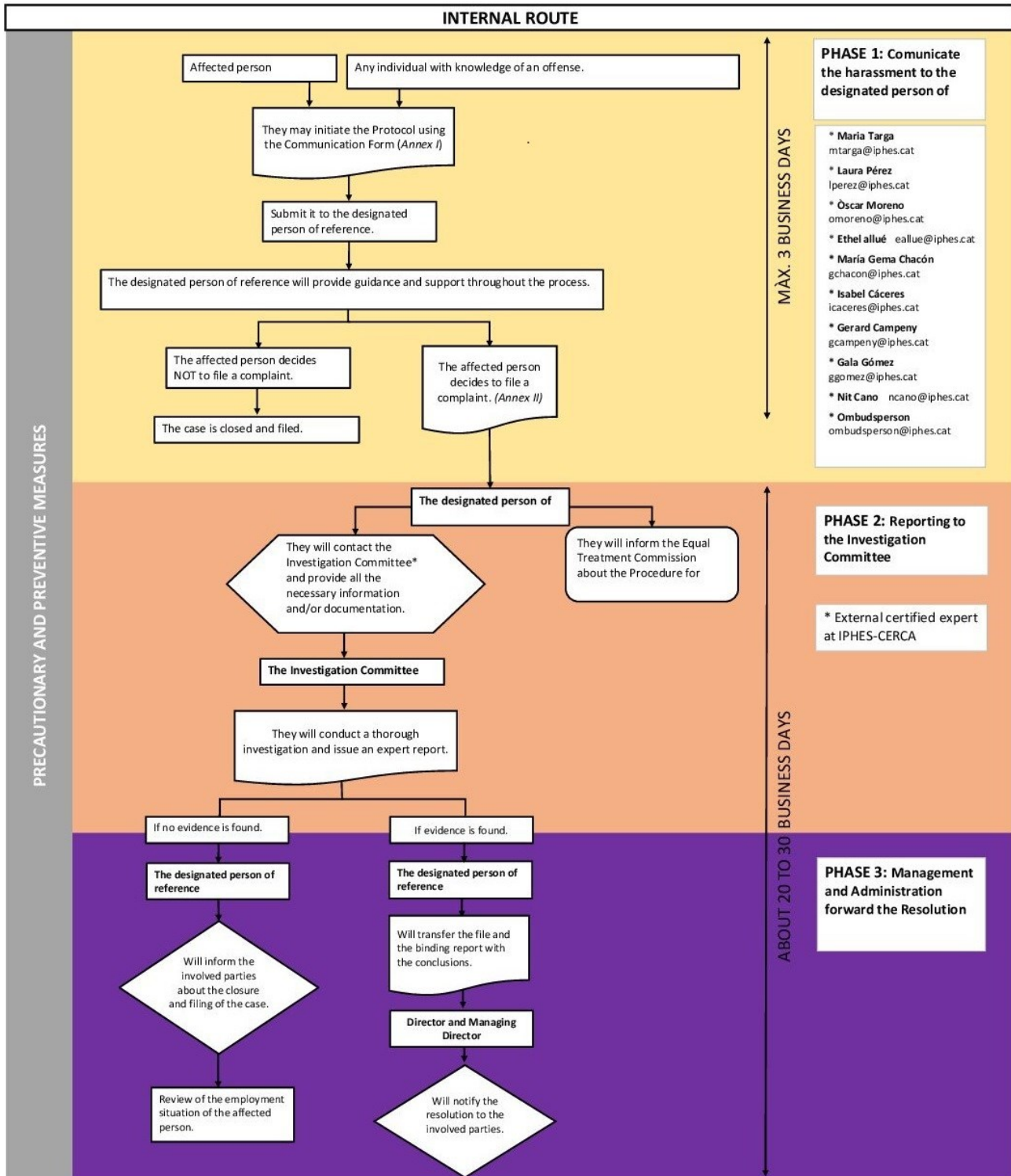
The resolution shall include the identification details of the reporting person and the reported person, the reason for the complaint, and the established facts.

In the case of initiating a disciplinary procedure, it should be carried out following the Statute of Workers Rights (TRLET). Harassment is considered a serious or very serious offense, depending on the circumstances of the case. It is essential to establish sanctions consistent with the severity of the behavior, with special consideration given to any aggravating circumstances mentioned in the report.

If the investigation reveals that another offense, different from harassment, is committed and is defined by current regulations (such as filing a false report, among others), the corresponding disciplinary procedure must be initiated, following the established and specific process.

Furthermore, whether the procedure results in a sanction or not, a review of the employment situation of the person who filed the complaint should be conducted.

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In cases where a minor is affected by this type of situation, it will be necessary to immediately inform the Mossos d'Esquadra (Catalan police), the legal guardian, and the Department of Social Affairs about the facts. This notification does not exempt IPHES-CERCA from conducting an internal investigation if they receive the complaint form.

5.2. Guarantees and Principles of Action

To achieve the mentioned objectives, the entire intervention procedure ensures:

1. **Respect and Protection:** Acting with respect and discretion to protect the privacy and dignity of the individuals affected. The individuals involved are accompanied and advised by one or more trusted individuals from the company's environment. The safety, integrity, and dignity of the affected individuals.
2. **Confidentiality of the Affected Individuals:** The information collected during the proceedings is confidential. Health-related data is handled specifically and is included in the file only after obtaining the express authorization of the affected person.
3. **Precautionary Measures:** If necessary to protect the affected individuals, as appropriate for each case, during the procedure and until its conclusion, there are indications of harassment, the individuals responsible for the different intervention phases can propose the adoption of precautionary measures to the company's management (e.g., a change of workplace, reorganization of working hours, paid leave, etc.). These measures should not, under any circumstances, result in a detriment to the working conditions and/or wages of the harassed person, who must accept them.
4. **Right to Information:** All individuals involved have the right to information about the procedure, their rights and responsibilities, the ongoing phase, and, based on their level of involvement, the outcome of the phases.
5. **Support from Trained Individuals:** The company relies on the assistance of individuals trained in the matter throughout the procedure.
6. **Diligence and Promptness:** The procedure provides information about the timeframes for resolving the phases to ensure promptness and quick resolution of the complaint.
7. **Fair Treatment:** Ensuring impartiality and fair treatment for all individuals involved. Everyone participating in the procedure acts in good faith to seek the truth and clarify the reported facts.
8. **Protection Against Possible Retaliation:** No person involved should suffer retaliation for participating in the process of reporting or denouncing a situation of harassment. In personal records, only the results of the investigated and proven complaints should be included.
9. **Collaboration:** All individuals summoned during the procedure have a duty to participate and provide their cooperation.

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10. **Health Surveillance:** Individuals perceiving a situation of harassment with health effects can request medical attention, guidance, and a health surveillance report through the Occupational Risk Prevention Service. If there is health damage that results in sick leave and the link between harassment and the affected person's sick leave is established, this sick leave should be considered a workplace accident.

11. **Other planned and punitive measures** necessary to ensure the action procedure.

In cases of harassment, given the characteristics of personal situations and the involved parties that need to be addressed, the principles governing the actions within this protocol are as follows:

- Principle of non-discrimination based on race, gender, religion, language, opinion, place of birth or residence, or any other personal or social condition or circumstance.
- Principle of equity.
- Principles of effectiveness, coordination, and participation.
- Principles of the disciplinary regime, as outlined in Article 94 of the EBEP (legality, specificity, non-retroactivity of unfavorable punitive provisions and retroactivity of favorable ones to the alleged offender, non bis in idem, proportionality, guilt, presumption of innocence).

Additionally, the following criteria must be taken into account:

- Before the commencement of the intervention phases outlined in Section 3.3.1 of this protocol, anyone associated with IPHES-CERCA who suspects they are experiencing harassment or anyone who becomes aware of a possible case of harassment may contact the Gender Equality Committee or the Ombudsperson to receive the necessary guidance.
- The individual affected by behavior that may constitute harassment as per this protocol is entitled to file a complaint and has the right to receive a response. IPHES-CERCA is obligated to document the complaint in writing, as well as all the steps taken during the process.
- The procedure must ensure the right to compensation, thus prohibiting any adverse treatment or negative consequences for the person as a result of filing a complaint or denouncing harassment.

5.3. Parties involved. Rights, obligations and responsibilities

In accordance with the current legal framework¹⁰, all individuals have the right to freedom, dignity, integrity, and health. Faced with harassment, the organization, the designated individuals of reference, and the staff have a series of legal obligations.

¹⁰ Articles 15, 17, and 43 of the Spanish Constitution, as well as equality of treatment and opportunities and non-discrimination in the workplace, in accordance with articles 9.2, 14, and 35 of the Spanish Constitution. The Statute of Autonomy of Catalonia (EAC) also emphasizes the right of all women to live

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5.3.1. IPHES-CERCA Management

Management is formed by two parties:

- The **Management Committee** of the Institute, which is the superior body of executive decisions and administration of the institute. Its functions are:
 - Being informed of the resolved procedures.
 - Endorsing the punitive measures that may arise from the application of the protocol.
- IPHES-CERCA **Management and Administration** are the highest ordinary authorities and oversee the execution of the decisions made by the *Management Committee*. Their functions are:
 - Promptly inform the *Management Committee* of any potential cases of sexual harassment, gender-based or gender identity and sexual orientation-related harassment within the scope of IPHES-CERCA.
 - Implement the precautionary measures proposed by the designated individuals of reference and/or the Investigation Committee.
 - Implement the preventive, corrective, and/or punitive measures proposed by the Investigation Committee.

Legal Obligations. In order to protect employees from harassment, our legal framework¹¹ establishes a series of obligations for the organization, which are based on a wide range of applicable rules, primarily as follows.

1. **To ensure the rights of workers in the employment relationship¹²:**
 - a) To not to be sexually or gender discriminated.
 - b) To ensure physical or mental integrity and proper safety and hygiene policies.
 - c) To ensure respect for their privacy and due consideration for their dignity, including protection against harassment.
2. **To promote a work environment that prevents harassment.** This obligation implies that:
 - a) On the one hand, it must guarantee the labor rights indicated in the previous section, as well as respect the working conditions to which workers are entitled,

free from any kind of discrimination and urges public authorities to take the necessary measures to ensure gender non-discrimination (articles 19, 41, and 45).

¹¹ The Organic Law 3/2007 for the effective equality between men and women (LOIEDH), Law 5/2008, of April 24, on women's right to eradicate male violence (LIEDH), Royal Legislative Decree 1/1995 of March 24, approving the Consolidated Text of the Statute of Workers Rights (hereinafter, TRLET), and Law 31/1995 of November 8, on the Prevention of Occupational Risks (hereinafter, LPRL). Non-compliance with these obligations entails holding companies accountable and may lead to the imposition of fines and compensation (see section 4.2 regarding external avenues).

¹² In accordance with articles 4.2.c) d) and e) and 18 of the Statute of Workers Rights, as well as article 7 of the LOIEDH and article 33 of the LIEDH.

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as established in the Statute of Workers Rights, without prejudice to any improvement measures that the organization may decide to adopt.

- b) On the other hand, it must ensure that the health of its employees is not harmed during the employment relationship¹³.

3. **Establish specific procedures for the prevention of harassment** and for handling the communications and complaints made by employees. These specific procedures must include two types of measures:

- a) Preventive measures: The prevention of harassment is intended to be achieved through the measures outlined in section 3 of this protocol.
- b) Investigative procedures for complaints: The organization must have procedures for investigating specific cases of harassment that occur and apply them when it becomes aware of these cases.

Responsibilities. Failure to comply with the obligations mentioned in the previous section results in the imposition of administrative and judicial responsibilities on the institute. The monitoring and control of business compliance with regulations are the responsibility of the Labor Inspectorate, administratively, and labor or criminal judicial bodies, judicially.

1. **Administrative responsibility:** Administrative responsibility is imposed following a prior investigation by the Labor Inspectorate. This administrative activity can result in the detection of business non-compliance¹⁴ in various areas:

- a) In labor relations¹⁵: The responsibility demanded of IPHES-CERCA is not for the occurrence of harassment in its organization but for not having acted diligently to investigate and prevent it, despite being aware of a potential case of harassment.
- b) In the field of occupational risk prevention¹⁶: Non-compliance with occupational risk prevention may be related to the lack of investigation into health damage to the worker (work-related accidents resulting from harassment situations), lack of coordination and cooperation measures, and failure to protect particularly sensitive individuals.

¹³ Article 14 of the LPRL establishes the right of workers to health, as well as the employer's duty to protect the health of workers. This health guarantee is achieved through preventive measures, as outlined in the LPRL. These measures are primarily managed through the assessment of psychosocial risks (Articles 14, 15, and 16 of the LPRL, among others).

¹⁴ In accordance with Royal Legislative Decree 5/2000, of August 4, which approves the Consolidated Text of the Law on Infringements and Penalties in the Social Order (hereinafter TRLISOS), harassment constitutes an offense in labor relations matters.

¹⁵ It constitutes a violation of Article 48 of the LOIEDH and Article 33 of the LIEDH, classified as a serious administrative offense in labor relations matters under Article 7.10 of the TRLISOS. It also represents a violation of Article 4.2.e) of the TRLET in connection with Article 7 of the LOIEDH and Article 2 of the LIEDH.

¹⁶ It constitutes a violation classified as a serious offense in occupational health and safety under Articles 12.1.b) and 12.6 of the TRLISOS.

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c) Other administrative responsibilities¹⁷.

2. **Criminal judicial responsibility:** Regarding sexual harassment, the Penal Code establishes¹⁸:

- a) Anyone who solicits sexual favors for themselves or a third party within the scope of an ongoing or habitual employment, teaching, or service relationship and, through this behavior, causes the victim to be in an objectively and severely intimidating, hostile, or humiliating situation, must be punished as the perpetrator of sexual harassment with imprisonment for three to five months or a fine of six to ten months.
- b) If the person guilty of sexual harassment has taken advantage of a position of work, teaching, or hierarchical superiority or with the explicit or tacit announcement of causing harm related to the legitimate expectations that the victim may have within the mentioned relationship, the penalty is imprisonment for five to seven months or a fine of ten to fourteen months.
- c) When the victim is especially vulnerable due to their age, illness, or situation, the penalty for cases described in subsection a) is imprisonment for five to seven months or a fine of ten to fourteen months, and for cases described in subsection b), it is imprisonment for six months to one year.

Regarding gender-based harassment, the Criminal Code¹⁹ establishes:

- a) Anyone subjecting a person to degrading treatment seriously impairing their moral integrity will be punished with imprisonment for six months to two years.
- b) Those who produce serious discrimination in work, whether public or private, against someone on the basis of their gender, and fail to restore equality under the law after an administrative warning or sanction, repairing the resulting economic damages, will be punished with imprisonment for six months to two years or a fine of twelve to fourteen months.

2. **Labor judicial responsibility**²⁰: According to the Statute of Workers Rights, a worker can voluntarily request the termination of the contract when:

- a) Changes in working conditions could harm them professionally or damage their dignity.
- b) Any other serious breach of obligations by the center's management occurs, including conduct that violates the fundamental rights of workers, among other things.

¹⁷ Work-related accidents: The INSS (National Social Security Institute) decides on this qualification (in a process called a contingency determination procedure), in accordance with Article 1 of Royal Decree 1300/1995, of July 21, which develops, in terms of work-related disabilities within the Social Security system, Law 42/1994, of December 30, on fiscal, administrative, and social order measures.

¹⁸ Article 184 of the Criminal Code.

¹⁹ Articles 173 and 314 of the Criminal Code.

²⁰ In accordance with Article 50.1, section a) and c), and Article 50.2 and 56 of the TRLET.

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- c) In these two cases, the worker is entitled to the compensation for unfair dismissal as provided in Article 56 of the Statute of Worker Rights.

5.3.2. Gender Equality Commission

The Gender Equality Commission acts with full independence, impartiality, and objectivity of criteria. It is composed of 9 individuals who may change every 4 years. Its functions are:

- Participate in the promotion and development of prevention policies aimed at avoiding situations of sexual harassment.
- Support the Harassment Investigation Committee whenever requested.
- Support individuals involved in the different phases of the procedure established in this Protocol when necessary.
- Implement the dissemination and training actions outlined in section 4 of this document.
- Be proactive in raising awareness and reporting sexist behaviors.

5.3.3. Designated individuals of reference

These are the individuals responsible for informing, advising, and supporting the affected person throughout the process. At IPHES-CERCA, they will be:

- Maria Targa Montserrat
- Laura Pérez Llord
- Òscar Moreno Moliner
- Ethel Ann Allué Martí
- María Gema Chacón Navarro
- Isabel Cáceres Cuello de Oro
- Gerard Campeny Vall-Llosera
- Gala Gómez Merino
- Nit Cano Cano
- Francisco Zapater Esteban

It is a necessary requirement that these individuals have training in equality issues and have the respect and trust of IPHES-CERCA and its staff to perform their functions for all members of the organization. The functions of the designated individuals of reference will be:

- Inform the affected person about their rights (both labor and constitutional), the content of the protocol, available options, and actions they can take.
- Provide support and guidance to the affected person throughout the process.
- Assist in drafting the complaint and provide guidance on its submission if requested by the affected person.

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- Propose to the director of IPHES-CERCA, if necessary, the adoption of precautionary and/or preventive measures if the seriousness of the situation recommends it. In this case, to ensure compliance with the law, the relevant legal consultation will be carried out.
- Manage and safeguard the documentation, if any, in the communication and advisory phase, ensuring the confidentiality of all documents and information generated during this phase.

To ensure the promptness of the process and the working conditions of the designated individuals of reference, their workload will be adjusted during the procedure's duration, and they will set an automatic response message on their contact email in case they are not working due to vacation or sick leave.

At IPHES-CERCA, in accordance with the legal framework²¹ and following the guidelines of the trade unions, the following obligations and recommendations are established:

Obligations: Contribute to preventing harassment. Engage in defining IPHES-CERCA's anti-harassment policy, help create more awareness and sensitivity on this issue, collaborate in establishing a consistent penalty system according to the seriousness of the behaviors, etc.

Recommendations: Participate in all phases of the Protocol and in all actions taken for the Protocol's implementation and monitoring, contribute to identifying risk situations, support workers who may be experiencing these situations, ensure the effective application of penalties without repercussions, etc.

5.3.4. Harassment Investigation Committee

The Investigation Committee will thoroughly study harassment complaints within the framework of the Institute, issue a binding report on the presence or absence of a harassment situation, and make recommendations, if necessary, on the interventions and measures that are required.

An external expert service, separate from the IPHES-CERCA, will assume the tasks of the Investigation Committee and make decisions in consensus with the person in charge of HR and OHS (Occupational Health and Safety).

Their functions will be:

- Investigate potential cases of sexual harassment, gender-based or due to gender identity and sexual orientation, within the framework of IPHES-CERCA. In the investigation process, the complaint and submitted documentation will be analyzed, interviews will be conducted with the individuals involved and potential witnesses, informing them of the need for confidentiality in the process.
- Issue a binding report regarding the situations described in the previous section about the existence or absence of a harassment situation. The report must include, at a minimum, the following information:

²¹ Articles 45 and 48 of the LOIEDH and Articles 32.2, section e), and 33.3 of the LIEDH.

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- Identification of the individuals involved.
- A nominal list of the people who participated in the investigation and the report's preparation.
- Any relevant background, if available.
- Details of other actions taken and evidence provided.
- Evaluate the presence of aggravating factors:
 - If the accused person is a repeat offender.
 - If there are threats, intimidation, or retaliation by the harasser.
 - The rank or position of the harasser relative to the victim.
 - If the victim has any documented medical disabilities, physical or psychological issues.
 - If there are pressures on the victim, their family, or witnesses with the goal of diverting or avoiding the investigation.
- Issue the final conclusions of the investigation.
- Make recommendations, if necessary, regarding required interventions and measures.
- Propose, if applicable, the adoption of precautionary, corrective, or preventive measures to the IPHES Management.
- Safeguard the documentation generated during the investigation phase.

5.3.5. Staff

It constitutes the set of personnel described in section 3 "Scope of Application." Their functions will be:

- Report any potential situations of sexual harassment, based on gender or sexual identity, and sexual orientation that they detect.
- Collaborate in the procedures by providing information related to the investigated facts.
- Participate in the annual information, dissemination, and training sessions or activities as outlined in section 4.

The regulations that protect the employees²² against harassment establish the following rights, obligations, and recommendations:

Rights. Employees have the right to a healthy working environment and to be free from harassment. Additionally, any employee of the center has the right to report possible harassment situations of which they are aware without facing reprisals.

²² Articles 4, 5, and 19 of the TRLET, the Statute of Autonomy of Catalonia, and the Spanish Constitution, among others.

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Obligations. Employees have the obligation to treat others with respect and to cooperate with the center in the investigation of an internal harassment complaint.

Recommendations. An active role by employees is recommended to ensure zero tolerance for harassment. Workers play a key role in creating a workplace where harassment is unacceptable. They can contribute to preventing it through their awareness of the issue and by upholding standards of behavior that are not offensive to others. At the same time, they can prevent harassment by making it clear that they find certain behaviors unacceptable and by supporting colleagues who may be experiencing such situations and are considering reporting them.

Monitoring and evaluation

6. Monitoring and evaluation

From the beginning of the protocol implementation, regular monitoring will be conducted to record incidents and their causes, with the aim of adjusting actions as necessary. This monitoring will be complemented by an evaluation of activities, work processes, and the results and impacts of the actions.

The monitoring and evaluation processes will collect both quantitative information (generated by counting systems and work process records) and qualitative information (subjective in nature, such as personal assessments, perceptions, opinions, feelings, etc.), while considering the gender perspective throughout the methodological process.

A system of monitoring and evaluation indicators should be developed as needed, ensuring that all data is disaggregated by gender and with a gender-focused approach. The following are proposed as basic indicators:

- Number and types of information, awareness, and training actions of the protocol conducted for the management team and staff.
- Number and types of sexual harassment situations detected at IPHES-CERCA.
- Number and types of gender-based harassment situations detected at IPHES-CERCA.
- Number of reported cases of sexual harassment and gender-based harassment, identity, or sexual orientation-based harassment at the center.
- Number of cases resolved.
- Number and types of corrective measures implemented.
- Average number of cases resolved within the established timeframe.

The evaluation will be carried out by the Gender Equality Commission with the participation of other individuals involved in the various processes, if necessary. If deemed necessary, it can also be conducted by an external person/company not affiliated with IPHES-CERCA.

Annually, the Gender Equality Commission will submit a progress report to the Board of Directors.

Reference documents

7. Reference documents

The main reference documents are the following:

- Comissió d'Igualtat i del Temps de Treball del Consell de Relacions Laborals de Catalunya (2021). *Guia d'elaboració del protocol per a la prevenció i abordatge de l'assetjament sexual i per raó de sexe a l'empresa*. Consell de Relacions Laborals de Catalunya, Barcelona.

https://treball.gencat.cat/Guia_Protocol_Assetjament_DEF.pdf

- Institut Català de les Dones (2009). *Protocol Marc per a una intervenció coordinada contra la violència masclista*. Generalitat de Catalunya

https://dones.gencat.cat/web/.content/03_ambits/docs/vm_protocol_marc.pdf

- Direcció General d'Igualtat d'Oportunitats en el Treball (2008). *Recull de termes Dones i treball*. Departament de Treball, Generalitat de Catalunya.

https://treball.gencat.cat/web/.content/24_igualtat/Recursos/Eines/Estudis_igualtat/Documents/Recull_termes_Dones_Treball_cat.pdf

Legal Framework

The applicable legal framework is as follows.

European Legislation

- Agreement 190 (2019) concerning the Elimination of Violence and Harassment in the workplace
- R206 (2019) Recommendation concerning violence and harassment.

Spanish Legislation

- Spanish Constitution of December 27th, 1978 (Articles 9.2, 14, 15, 17, 35 and 43).
- Royal Legislative Decree 1/1995, March 24, approving the Consolidated Text of the Statute of Worker Rights (TRLET).
- Organic Law 10/1995, November 23, on the Criminal Code (Articles 173, 184, and 314).
- Law 31/1995, November 8, on the Prevention of Occupational Risks (LPRL).
- Royal Legislative Decree 5/2000, August 4, approving the Consolidated Text of the Law on Social Order Offenses and Penalties (TRLISOS).

Reference documents

- Law 62/2003, December 30, on fiscal, administrative, and social order measures. Chapter III (Article 28.1.d).
- Organic Law 3/2007, March 22, for effective equality between women and men (LOIEDH).
- Technical Criteria CT 69/2009 and CT 104/2021 of the Labor and Social Security Inspection on harassment and violence in the workplace.
- Law 17/2020, December 22, amending Law 5/2008 on the right of women to eradicate male violence.
- Law 15/2022, July 12, comprehensive for equal treatment and non-discrimination.
- Organic Law 10/2022, September 6, on comprehensive guarantee of sexual freedom.
- Law 4/2023, February 28, for real and effective equality of transgender persons and for the guarantee of the rights of LGBTQ+ persons.
- Royal Decree 901/2020, October 13, regulating equality plans and their registration.

Catalan Legislation

- Statute of Autonomy of Catalonia of July 19, 2006 (Articles 19, 41, and 45).
- Law 5/2008, of April 24, on women's right to eradicate male violence.
- Law 11/2014 of October 10, to guarantee the rights of lesbians, gays, bisexuals, transgender, and intersex people and to eradicate homophobia, phobia, and transphobia.
- Law 17/2015, of July 21, on effective equality between women and men (LIEDH).
- Law 17/2020, of December 22, amending Law 5/2008, on women's right to eradicate male violence.

Links of Interest

8. Links of interest

Women in Catalonia have access to various public information and support services that operate coordinately throughout the territory. Below you will find the contacts for some of these services.

- **The Information Offices of the Catalan Women's Institute and the Information and Support Services for Women (SIAD)**, whether municipal or regional, provide information on various matters such as health, employment, housing, services, and resources for women, and, when necessary, refer individuals to the relevant entities and organizations responsible for these matters.

https://dones.gencat.cat/ca/ambits/atencio-a-les-dones/mapa_siad/

- **The Specialized Intervention Services for Gender-Based Violence in Tarragona (SIE)**, under the Department of Labor, Social Affairs and Families, provide comprehensive, continuous, free, and quality assistance that takes into account the diversity of situations and the uniqueness of each individual. This assistance is based on social and educational support, psychological care for both women and their children, and legal counseling.

bustia.sietarragona@gencat.cat

- **The phone number 112** is an emergency call service, which is a tool for managing incidents or emergencies.

<https://112.gencat.cat/ca/el-112/que-es-el-112/index.html>

- **The Comprehensive LGBTI Care Service (SAI)**. This resource is set up to respond to situations of discrimination and to any need for accompaniment, support, or information that the public may have regarding sexual and gender diversity, aiming to become a local reference point for LGBTIQA+ matters.

siad@tarragones.cat

- **The permanent service for the prevention of gender-based violence** of the Catalan Institute for Women through the 900 900 120 hotline is public, free, and confidential, operating every day of the year, 24 hours a day.

[https://igualtat.gencat.cat/ca/ambits-dactuacio/violencies-masclistes/linia-datencio-contra-la-violencia-masclista-900-900-120-/](https://igualtat.gencat.cat/ca/ambits-dactuacio/violencies-masclistes/linia-datencio-contra-la-violencia-masclista-900-900-120/)

- **The WhatsApp information service against gender-based violence** provided by the Mossos d'Esquadra through the number 601 00 11 22 offers police advice and answers questions every day of the year, 24 hours a day. This resource is intended to help women become aware of the tools at their disposal, their rights, and, if necessary, how to proceed with a police report.

https://mossos.gencat.cat/ca/detalls/Noticia/WhatsApp_violencia_masclista

Links of Interest

[clista](#)

Glossary of terms

9. Glossary of terms

In the history of humanity, the struggle for equal opportunities has not been without conflicts and has been subject to continuous changes both in its goals and the meaning of the terminology used at each moment. The ways of combating inequalities have also changed according to sociopolitical and economic contexts.

In the current context, the fight against inequalities can only be understood from a transversal perspective, where the causes are not independent but interconnected, sharing the same oppressive system. The intersectional view suggests that various biological, social, and cultural categories such as age, gender, ethnicity, class, disability, sexual orientation, religion, origin, and other identity axes interact at multiple and often simultaneous levels.

For this reason, it has been considered useful and necessary to include a glossary of terms that goes beyond what is contained in this protocol, with the aim of clarifying concepts related to the prevention and response to harassment cases and encouraging reflection on certain concepts that can assist in the deconstruction process and contribute to reversing situations of discrimination.

Androcentrism: A discriminatory and biased perspective that places cisgender heterosexual men at the center of everything. It starts from the idea that what is good for these men is also good for the rest of humanity, without considering women or other members of the LGBTQIA+ community.

Androgyny: The quality of a person who expresses themselves through a blend of feminine and masculine attributes and behaviors, beyond the binary model. Someone androgynous doesn't necessarily have to be hermaphroditic or intersex (although they can be).

Asexual: A person who does not experience erotic attraction towards others, although they may still feel emotional attraction to other people. However, asexual individuals can have a libido, become aroused, and engage in sexual activities.

Binarism: A hierarchical social organization system that posits that there are only two genders: male and female, which are "objectively" assigned at birth based on one's biological sex. It is the foundational concept for the discrimination or violence against any gender identity, expression, or experience.

Bisexual: A person who feels sexual, physical, emotional, or romantic attraction to individuals of their own gender or the opposite (according to a binary definition). According to a non-binary definition (hence, non-discriminatory), it is a person who feels sexual, physical, emotional, or romantic attraction to individuals of any gender.

Cisgender: Used to describe a person who identifies with the gender that was assigned to them at birth based on their biological characteristics. For example, when a person with female genitalia identifies with the female gender that society assigned to them at birth.

Glossary of terms

Coercion: Refers to physical, psychological, or moral violence that someone exercises over another person with the aim of forcing them to say or do something against their will or to inhibit some action or thought.

Demisexual: Individuals who only experience sexual attraction when they have an emotional connection with someone else.

Unsubstantiated internal report: A report for which the evidence indicates that there has been no sexual harassment or harassment based on sex, or that there is not enough evidence to prove that it has occurred. An unsubstantiated internal report, made in good faith, should not result in consequences. However, the organization should take preventive, awareness-raising, and/or training measures.

Unequal treatment: Lack of equality in the treatment of different groups in an arbitrary and systematic manner, favoring one group over others.

Detection: The implementation of various theoretical and technical tools that allow for the identification and visibility of issues related to male violence, whether it appears early or in a stable manner, and also provide insight into situations that require intervention to prevent their development and chronicity.

Discrimination: The application of distinctions and unequal, arbitrary practices carried out against a person or group in a specific context based on reasons such as sex, ethnicity, ideology, age, sexual orientation, gender identity, gender expression, or others.

Direct discrimination based on sex and sexual orientation: The situation in which a person who is, has been, or may be treated based on their sex or sexual orientation is treated less favorably than another person in a comparable situation. In any case, any order to discriminate directly based on sex and sexual orientation is considered discriminatory.

Indirect discrimination based on sex and sexual orientation: The situation in which a seemingly neutral provision, criterion, or practice puts people of one sex or sexual orientation at a particular disadvantage compared to people of the other sex or sexual orientation, unless this provision, criterion, or practice can be objectively justified by a legitimate purpose, and the means to achieve this purpose are necessary and appropriate. In any case, any order to discriminate indirectly based on sex and sexual orientation is considered discriminatory.

Gender expression: The way in which a person externally manifests elements related to gender, whether through clothing, overall appearance, behavior, affinities, etc. Gender expression does not necessarily coincide with gender identity.

Phallocentrism: An attitude that centers on exalting the penis as the indisputable focus of any sexual relationship, while relegating the pleasure of people with vaginas to a secondary position.

Gay: A homosexual man, meaning he feels sexual, physical, emotional, or romantic attraction exclusively toward other men.

Guarantee of immunity from retaliation: The right not to experience any adverse treatment as a result of filing a complaint, claim, report, lawsuit, or appeal of any kind

Glossary of terms

aimed at preventing discrimination and demanding the effective implementation of the principle of equal treatment between women and men. This situation is also considered gender-based discrimination. Related to "discriminatory retaliation."

Gender: A set of culturally based characteristics related to behavior and identity patterns on the basis of which the social distinction between men and women is established.

Gender fluid: Refers to individuals who do not identify with a single gender identity (female, male, or others) but can combine and change identities depending on the context. For example, they might emphasize feminine characteristics one day and some more masculine ones the next.

Heteronormativity: A set of power relations that normalize a particular sexuality, in this case, that men are attracted to women and vice versa. It marginalizes anyone who falls outside the ideal frameworks of heterosexuality, monogamy, binarism, and gender conformity.

Homosexual: A person who is sexually attracted to individuals of the same sex.

Gender identity: A sense of belonging to a particular gender. Gender identity relates to people's identification with the social roles attributed to men and women, regardless of the gender assigned to them at birth based on their biological characteristics.

Intersex: A person who has naturally developed physical sexual characteristics of both men and women.

Reversal of Burden of Proof: Procedural principle²³ that, in the presence of sufficient evidence by the person alleging discrimination or claiming that their fundamental rights have been violated, it is the other party (the organization) that must prove that its conduct has been appropriate, objective, and compliant with the applicable legal and regulatory provisions. If they cannot prove the correctness of their conduct, the alleged discrimination or rights violation will be presumed to exist.

Lesbian: A homosexual woman, meaning she is sexually, physically, emotionally, or romantically attracted exclusively to other women.

Precautionary Measures: A set of actions or decisions taken on a reasoned basis when there are indications of sexual harassment or gender-based harassment, without prejudging the final outcome, and that can be adopted as a guarantee for the protection of the parties involved.

Resolution Measures: The final intervention process at the center to address reports and complaints of a harassment situation.

Preventive Measures: A set of actions (defined, planned, implemented, and evaluated) aimed at preventing any sexual harassment or harassment based on sex.

²³ This is intended to address the inadequacy of the principle that is still in force in civil law (Article 1214 of the Civil Code), which states that "the burden of proving obligations falls on the person claiming their fulfillment." Due to the difficulty of proving violations of fundamental rights and discriminatory conduct, the Constitutional Court, since Judgment 38/1981, allowed flexibility in the burden of proof in both matters.

Glossary of terms

Misogyny: Hatred towards women solely because they are women.

Multidiscrimination: The convergence of various discrimination factors, the consequences of which, for the person experiencing them, can be greater than simply the sum of the individual forms of discrimination (for example, when elements of gender and ethnicity, social class, gender and disability, sexual orientation, and age, etc., come together). Multidiscrimination represents a more severe attack on the right to equal treatment and non-discrimination.

Chosen Name: It is the name of the gender with which a transgender person identifies until they can process the change of name on their ID (the name assigned at birth).

Pansexual: Refers to individuals who are attracted to any person, regardless of their sex, gender, gender identity, gender expression, or sexual orientation. They feel this attraction not only in a sexual context but also in an emotional or intimate relationship context.

Patriarchy: A system of social, political, and economic organization that prevails worldwide and is the primary form of women's oppression. Women are confined to the private sphere (primarily as reproductive functions), while men occupy the entire public sphere, thus rendering the other half of the world's population invisible.

Gender Perspective: An analytical approach that considers the differences between women and men in any activity and context of intervention.

Work-Life Balance Policy: A measure aimed at improving the quality of personal and work life for employees, allowing greater compatibility between the two.

Procedure: Specific measures, rules, and/or formally established actions designed to address a situation of sexual harassment and/or harassment based on sex.

Protocol: An instrument negotiated with the involved parties that encompasses a set of preventive and responsive measures to address sexual harassment and/or harassment based on sex.

Prevention: The set of actions aimed at avoiding or reducing the incidence of issues related to male violence by reducing risk factors, preventing their normalization, and raising awareness among citizens, especially women, that no form of violence is justifiable or tolerable.

Queer: An umbrella term that provides shelter for many gender identities. Queer individuals resist static binary identities and navigate between genders.

Reparation: A set of legal, economic, social, labor, health, educational, and similar measures taken by various organizations and agents responsible for intervening in cases of male violence, contributing to the restoration of all areas damaged by the experienced situation.

Discriminatory Retaliation: Adverse treatment or negative effects that occur against a person as a result of filing a complaint, claim, report, lawsuit, or any type of action aimed at preventing, reducing, or reporting the discrimination or harassment to which

Glossary of terms

they have been or are being subjected. Related to the guarantee of indemnity against retaliation.

Gender Roles: These are expectations regarding appropriate behavior and attitudes for men and women.

Monitoring: A working process aimed at the periodic collection of information to assess the outcomes of an intervention according to specific criteria or indicators.

Awareness: A set of educational and communicative actions aimed at generating changes and modifications in the social imagination, allowing progress toward the eradication of male violence.

Sex: In the context of sexual identity and gender, external genital organs. A set of biological characteristics, especially of genetic, organic, and hormonal nature, upon which the distinction between men and women is established. In the context of sexual behavior, individual or collective physical activity that primarily seeks the satisfaction of sexual impulses.

Trans: Refers to individuals who feel that their gender does not align with the gender assigned at birth based on their biological characteristics. For example, in binary terms, a person born with male genitalia (and thus recognized as a male by society) but identifies as female. Or conversely, someone identified as female at birth due to having female genitalia but identifies as male. In non-binary terms, it includes anyone who doesn't feel represented by the gender assigned at birth. It's important to note that this person doesn't need to have undergone surgery or hormonal treatment because gender is a matter of self-identity. This is why there are women with penises and men with vulvas.

Secondary Victimization or Revictimization: Additional mistreatment inflicted on individuals in situations of harassment as a direct or indirect consequence of the deficits, both in quantity and quality, of interventions carried out by responsible organizations, as well as misguided actions from other involved parties.

Annex I. Prior Notification Form

Space reserved for the Entry Registry

File Number

Internal Use Document of IPHES-CERCA for the Prevention and Addressing of Sexual Harassment Based on Gender, Gender Identity, and Sexual Orientation.

Personal Information of the alleged harasser	
Name or Chosen Name** and Surname	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary
Job Position	E-mail Address
Contact Phone	

Personal Information of the individual submitting the notification	
Name or Chosen Name** and Surname	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary
Job Position	E-mail Address
Contact Phone	

Personal Information of the affected individual/allegedly harassed	
Name or Chosen Name** and Surname	DNI/NIE
Age	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary
Workplace Address	Job Position
Contact Phone	E-mail Address

Account of the events*** (specify the reason and attach the supporting documentation)

If there are witnesses to the events, they should be identified by name, last name, and email address.

** In any data processing carried out during the processing of this complaint, the current legal framework for the protection of personal data will be respected.*

*** Name by which a transgender person identifies themselves while they cannot process the change of their ID's name (the name assigned to them at birth).*

****If there's not enough room, please fill another sheet and number it.*

**** Fill as many fields as possible.*

Annex II. Report Form

Space reserved for the Entry Registry

File Number

Internal Use Document of IPHES-CERCA for the Prevention and Addressing of Sexual Harassment Based on Gender, Gender Identity, and Sexual Orientation.

Personal Information of the reported individual	
Name or Chosen Name** and Surname	DNI/NIE
Age	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary
Workplace Address	Job Position
Contact Phone	E-mail Address

Personal Information of the reporting individual	
Name or Chosen Name** and Surname	DNI/NIE
Age	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary
Workplace Address	Job Position
Contact Phone	E-mail Address

Account of the events* (specify the reason and attach the supporting documentation)**

If there are witnesses to the events, they should be identified by name, last name, and email address.

** In any data processing carried out during the processing of this complaint, the current legal framework for the protection of personal data will be respected.*

*** Name by which a transgender person identifies themselves while they cannot process the change of their ID's name (the name assigned to them at birth).*

****If there's not enough room, please fill another sheet and number it.*

***** Fill as many fields as possible.*

Is there prior notification submitted for the same reason as this complaint? *To be filled by the designated individual(s) of reference.*

Yes No

If affirmative, what recommendations have been given by the designated individual(s) of reference:

Existence of evidence of a harassment situation
Non-existence of evidence of a harassment situation

I have received

Signature of the person receiving the report

Signature of the reporting individual

Name or Chosen Name** and Surname

Date and place

Negotiating Committee for the Protocol

10. Negotiating Committee for the Protocol

Due to the establishment of the Negotiating Committee for the Protocol on the Prevention and Addressing of Sexual Harassment, on the grounds of sex, gender identity, and sexual orientation at IPHES, in compliance with Articles 45 and 46 of the Organic Law 3/2007 of March 22, on effective equality between women and men, as well as the implementing regulations and amendments established by Royal Decree-Law 6/2019 of March 1, on urgent measures to ensure equal treatment and opportunities for women and men in employment and occupation, and Royal Decrees 901/2020 regulating Equality Plans and their registration, and 902/2020 on gender pay equality, both dated October 13.

Both parties mutually acknowledge their capacity and legitimacy as valid counterparts to negotiate the Protocol and AGREE to establish the Negotiating Committee, defining its competences and operating rules.

Establishment and Composition of the Negotiating Committee for the Protocol on the Prevention and Addressing of Sexual Harassment, on the Grounds of Sex, Gender Identity, and Sexual Orientation at IPHES

The Committee for the negotiation of the Protocol on the Prevention and Addressing of Sexual Harassment, on the grounds of sex, gender identity, and sexual orientation at IPHES, will be constituted as follows:

On behalf of the company by:

Maria Targa Montserrat, General Manager of IPHES

Laura Pérez Llord, Head of Human Resources at IPHES

On behalf of the staff, in the absence of Worker Representatives of the Prevention of Occupational Risks (RLPT), the major trade unions:

Neus Roig Saiz; Union Delegate from the UGT Public Services of Catalonia

Josep Maria Cabezas Salvador; Union Delegate from FECCOO of Catalonia.

Functions of the Negotiating Committee for the Protocol

The negotiating parties agree that the Committee will have the following competencies:

- Negotiation and development of the preventive measures that will be integrated into the Protocol.
- Stipulation and negotiation of measures for addressing harassment through proactive actions.

Negotiating Committee for the Protocol

- Identification of the scope of application, the necessary material and human resources for its implementation, as well as the individuals or bodies responsible, including a timetable of actions.
- Definition of measurement indicators and the necessary data collection instruments for conducting research, monitoring, and evaluation of cases of sexual harassment due to sex, gender identity, and sexual orientation.
- Submission of the Protocol for approval before the competent labor authority for the purpose of its registration, deposit, and publication.

Operating Rules of the Negotiating Committee for the Protocol on the Prevention and Addressing of Sexual Harassment Based on Sex, Gender Identity, and Sexual Orientation at IPHES

The Commission for the negotiation of the Protocol on sexual harassment based on sex, gender identity, and sexual orientation at IPHES agrees to appoint Maria Targa as the Chair and Neus Roig as the Secretary from among its members.

Both parties agree that the functions of the Chair and Secretary of the aforementioned protocol negotiation committee will rotate alternately between each representation.

Minutes of this meeting will be recorded by the business representation.

Meetings of the Negotiating Committee

The Committee agrees to hold 2 meetings and establishes the following meeting agenda for the development and negotiation of the Protocol for the prevention and management of sexual harassment based on sex, gender identity, and sexual orientation:

1. Meeting to identify needs and recommendations (April 25, 2023).
2. Meeting for the review, validation of proposals, and approval of the Protocol (May 23, 2023).

At each meeting, minutes will be taken, including:

- A summary of the topics discussed.
- The complete or partial agreements reached.
- Points on which there is no agreement, which may be revisited, if necessary, in subsequent meetings.
- The meeting minutes will be approved and signed by all members of the Negotiating Committee of the Protocol, with any necessary statements.

Adoption of Agreements

The parties must negotiate in good faith with a view to reaching an agreement, requiring the majority of each of the parties for the adoption of agreements, both partial and total. In any

Negotiating Committee for the Protocol

case, this agreement requires the approval of the majority of the representation of the workers who make up the Committee.

The Negotiating Committee for this Protocol may receive support and specialized external advice on gender equality in the workplace, which will participate with a voice but without a vote, or any other person deemed appropriate, with prior notice and approval from the members of the committee.

In case of disagreement, the Negotiating Committee of the Protocol for the prevention and addressing of sexual harassment and for reasons of gender, gender identity, and sexual orientation at IPHES may resort to autonomous conflict resolution procedures and bodies, if agreed upon, subject to the involvement of the joint committee of the respective agreement, where provided for in the agreement.

The result of the negotiations will be documented in writing and signed by the negotiating parties for subsequent submission by the Negotiating Committee for the Protocol for the prevention and addressing of sexual harassment for reasons of gender, gender identity, and sexual orientation at IPHES, to the competent labor authority for registration, deposit, and publication of the Protocol for the prevention and addressing of sexual harassment and gender, gender identity, and sexual orientation as provided for in Royal Decree 713/2010, of May 28, on the registration and deposit of collective labor agreements.

Confidentiality

The individuals comprising the Negotiating Committee for the Protocol for the prevention and management of sexual harassment based on gender, gender identity, and sexual orientation at IPHES, as well as any experts assisting them, must at all times observe the duty of confidentiality regarding information that has been expressly communicated to them as confidential.

In any case, no document provided by the organization to this Committee may be used outside the strict scope of its purpose or for different purposes than those which prompted its delivery.

Replacement of the individuals in the Negotiating Committee

The individuals who are part of this Negotiating Committee for this Protocol will be replaced in the event of a vacancy, absence, resignation, the end of their term, or for justifiable reasons, or if their appointment is revoked by the appointing authority.

Individuals who are no longer part of the Negotiating Committee for the aforementioned Protocol at IPHES and represent the organization will be replaced by the organization itself. If they represent the staff, they will be replaced by the legal representation body and/or the labor union of the staff according to their internal functioning rules, if they have already been established. If not, they will be replaced by individuals representing a labor union authorized for this negotiation. In the event of a replacement, a written document will be prepared, specifying the date of the replacement and the reason, and including the full name, ID number, and position of both the outgoing and incoming individuals. This document will be appended to the

Negotiating Committee for the Protocol

minutes of the establishment of the Negotiating Committee for the Protocol for the prevention and management of sexual harassment based on gender, gender identity, and sexual orientation at IPHES.

Negotiating Committee for the Protocol

Maria Targa Montserrat

Laura Pérez Llorc

Neus Roig Saiz

Josep Maria Cabezas Salvador