



**Institut Català de Paleoecologia
Humana i Evolució Social**

**PROCEDURE FOR COMBATING
WORKPLACE HARASSMENT AND
VIOLENCE**

**CATALAN INSTITUTE OF HUMAN
PALEOECOLOGY AND SOCIAL EVOLUTION**

**EDUCATIONAL ZONE 4
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HR EXCELLENCE IN RESEARCH

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1. INTRODUCTION

This protocol presents actions to prevent, identify and resolve situations of psychological, sexual, gender, racial, religion or sexual orientation harassment and discrimination which may occur at the Catalan Institute of Human Paleoeology and Social Evolution (hereinafter IPHES) in a single document. It also represents an institutional commitment to completely eradicate these behaviours and guarantee the health of those who have been subjected to them.

This document defines the actions and responsibilities of the bodies that will address these situations, and ensures that a variety of measures will be taken to guarantee that the procedures to assess each of the actions are applied correctly using the methods best suited to each case in accordance with the general principles of this protocol, in accordance with the Catalan, Spanish and European legal frameworks.

2. OBJECTIVES

The general objective of this protocol is to define a framework for actions to be taken in the event of psychological, racial, religion, sexual, gender-based or sexual orientation harassment or discrimination with the explicit aim of eradicating this type of conduct in the context of IPHES, if it should occur.

As such, this protocol primarily aims to act as a guide for preventing, identifying and resolving these situations.

The specific objectives are as follows:

- To develop strategies to raise awareness among IPHES' personnel and collaborators.
- To collect information required to conduct diagnoses in the IPHES.
- To improve channels of coordination between bodies and committees working on the subject and to encourage comprehensive actions.
- To bring a diversity of resources to bear misconducts in order to address each type of harassment as quickly as possible.
- To create an agile circuit responses procedure.
- To define the roles and responsibilities of personnel at IPHES.

3. LEGAL FRAMEWORK

Article 15 of the Spanish Law 31/1995 of 8 November on the prevention of occupational risks establishes the general principles that can serve as an inspiration for organisational prevention actions, particularly prevention planning, with the aim of seeking a coherent whole that combines different techniques, the organisation of work, working conditions, social relations and the influence of environmental factors on work.

Article 1 of the Spanish Royal Decree 39/1997 of 17 January, which approves regulations governing prevention services, states that the prevention of occupational risks as an action executed within a company must be an integral part of all activities and decisions, technical processes, organisation of work, and the conditions in which work is done, and must be applied throughout the company's hierarchy at all levels.

Article 4 of the Spanish Revised Text of the Employee Statutory Law approved by Royal Legislative Decree 1/1995 of 24 March establishes the right of workers to not be discriminated against, to physical integrity, to an equitable health and safety policy, and to respect for their privacy and consideration of their dignity, including protection against verbal or physical abuse of a sexual nature.

Catalan Law 5/2008 of 24 April on the right of women to eradicate gender-based violence covers but is not limited to the concepts of violence in the workplace, sexual harassment and harassment based on gender, which are also included in this protocol. Articles 27, 28 and 29 define actions to be taken by the administration in the workplace.

In Spanish Organic Law 3/2007 of 22 March on effective equality between women and men, Article 6 refers to direct and indirect discrimination, Article 7 to sexual harassment and gender-based harassment, Article 8 to discrimination on the grounds of pregnancy and motherhood, Article 9 to indemnity against reprisals, Article 10 to the legal consequences of discriminatory conduct, Article 11 to positive actions, Article 12 to effective legal protection, and Article 13 to establishing proof. Article 13 specifies that in actions involving gender-based discrimination, the respondent must prove the absence of discrimination in the measures taken and their proportionality. Article 62 also refers to protocols on measures to combat sexual harassment and gender-based harassment.

Articles 115, 116 and 117 of the Spanish Royal Legislative Decree 1/1994 of 20 June, which ratifies the consolidated text of the General Law on Social Security, establish the

concepts of occupational accident and occupational disease, as well as non-occupational accident and common disease.

The Spanish Royal Decree 171/2004 of 30 January, enacted via Article 24 of Law 31/1995 of 8 November on the prevention of occupational risks, addresses coordinating business activities.

Catalan Law 17/2015 of 21 July on effective equality between women and men is intended to provide a framework to combat discrimination against women in all areas of everyday life, and, as the text of the regulation demonstrates, this is based on the need to eradicate the patriarchal and sexist system.

Furthermore, in order to guarantee the protection of all parties, when an investigative process shows that a complaint is unsubstantiated, that the information or testimonies provided are false, or that this protocol has been applied in bad faith, the Direction of the IPHES may initiate disciplinary proceedings against persons who initiated or took part in the procedure.

4. HARASSING BEHAVIOURS

Harassment is considered any unwanted conduct related to a person's race or ethnic origin, religion or belief, disability, age, gender or sexual orientation or forcing sexual practices that has the purpose or effect of violating the dignity of a person and creating an intimidating, humiliating or offensive environment.

Harassment has different forms according to the direction of the interactions between the harasser and the person who is the object of the harassment, and the organisational levels affected:

- Vertical downward harassment: pressure applied by a person hierarchically superior to one or more workers
- Vertical upward harassment: pressure applied by a worker or a group of workers who are hierarchically inferior on a person with a higher hierarchical position
- Horizontal upward harassment: pressure applied by a worker or a group of workers on one of their colleagues

1. Psychological harassment and discriminatory harassment

These terms refer to exposure to intense psychological violence directed, repeatedly and over an extended period, towards one or more people, by other people acting from a position of (not necessarily hierarchical) power with the purpose or effect of creating an intimidating environment that disrupts the victim's working life. In the context of an employment relationship, this violence is not in accordance with the organisation's labour requirements and implies both an attack on the dignity of the person and a risk to their health.

In order for the aforementioned behaviours to be considered psychological harassment, all the conditions of the above definition must be met, although destructive intent and/or purpose will only be considered aggravated for the purposes of the application of this protocol.

These processes are expressed through psychologically violent behaviours (humiliation, criticism, stigmatisation, social isolation and even verbal violence at different intensities) that represent an attack on the dignity or physical or psychological integrity of the person who is the object of them. This set of behaviours is defined by the deliberateness of the practitioner, a highly systematic approach and persistence over time. One characteristic that defines this process is asymmetry in terms of the resources and possibilities available to harassed parties to defend themselves from these types of behaviours.

Psychologically abusive behaviours which lack any of the components of repetition and persistence over time that define psychological harassment must nonetheless be the object of preventive treatment. They must be stopped promptly, and, where appropriate, punished in accordance with organisational regulations, even if these are not considered harassment and do not meet the definition provided above.

2. Sexual harassment

This is considered to be any unwanted verbal, non-verbal or physical conduct of a sexual nature with the aim or effect of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating, or offensive environment.

The decision as to whether a certain behaviour is sexually undesirable is always made by the recipient.

As such, sexual harassment is a series of verbal, non-verbal and/or physical behaviours of a sexual nature that are not desired by the recipient, or a single incident that may constitute a case of sexual harassment on its own due to its highly offensive or criminal nature. This is a form of abuse in which the person perpetrating the abuse feels they have psychological or physical power over the person harassed. It can occur in any context of relationships between people (work, teaching, domestic, etc.), without the need for any sort of hierarchical superiority.

3. Harassment based on gender or sexual orientation

This is considered to be unwanted behaviour related to a person's gender or sexual orientation involving access to remunerated work, promotion in the workplace, employment or training that has the purpose or effect of violating an individual's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

5. SCOPE OF APPLICATION

The scope of application is all IPHES employees and collaborators, regardless of their function, hierarchical level or conventional applicable norms.

6. RIGHTS AND DUTIES

All employees and collaborators have the right to a healthy and safe working environment, and, therefore, to be free from harassment and violence at work.

Duties of the IPHES' Direction:

- It will endeavour to ensure that working conditions are continuously improved and that relationships between workers respect privacy, equality and dignity.
- It is responsible for ensuring that the prevention service's professional activity and technical criteria are respected and will provide sufficient material, human and financial resources to all units involved so that they may perform their duties as laid out in this protocol.
- It must ensure compliance with this protocol.

- It is responsible, in conjunction with the internal committee, is responsible for ensuring that corrective measures are implemented once an intervention has been completed.
- It must guarantee that workers are informed of their rights and the laws that protect them, as well as mandatory disciplinary measures and procedures for lodging enquiries, complaints and charges.
- It must execute any corrective and preventive measures that might be applied in accordance with the recommendation of the units that have investigated, studying each case in order to resolve the problem and/or prevent the appearance of new cases.

Employees and collaborators have the following obligations:

- They must treat colleagues, superiors and subordinates respectfully, with dignity and fairness.
- No person may be discriminated against on the basis of race, religion, age, nationality, sex or any other personal condition.
- Any conduct or behaviour that may be considered physical, psychological, or emotional harassment or abuse of authority, as well as any conduct that may create an environment that is intimidating or offensive towards the rights of others is prohibited.
- If an employee or collaborator should become aware of a situation of harassment, they are obliged to report it and maintain confidentiality of the parties involved.
- Misconduct cannot be justified with directions from a superior or ignorance of the code.

Confidentiality:

Information generated and provided as a result of actions taken in the application of this protocol will be deemed confidential and may only be accessed by personnel directly involved in processing it. This information is subject to the provisions of Article 22 of Spanish Law 31/1995 of 8 November on the prevention of occupational risks, and Articles 10 and 11 of Organic Law 15/1999 of 13 December on the protection of personal data. For these purposes, this information will be treated in the same manner as classified information.

7. INTERNAL INQUIRY COMMITTEE

The committee is responsible for investigating all cases where intervention is requested due to indications of harassment. The committee will issue a report with the conclusions of its investigation and proposals for actions to take, and is responsible for ensuring corrective measures are implemented.

The committee will be comprised of the following members:

- One member from the management area.
- One member from the research department.
- One member from the technical and scientific services department.

8. MEASURES

1. Preventive measures

Preventive actions will be implemented to the extent deemed necessary.

1. Development of strategies to raise awareness
 - Provide training and information.
 - Notify personnel of the existence of the harassment protocol.
 - Disseminate information to the different groups and work categories.
2. Allocation of a diverse range of resources to resolve every type of harassment as quickly as possible
 - Study work climate (psychosocial risks).
 - Establish procedures to resolve interpersonal conflicts.
 - Conduct training and awareness-raising sessions, especially on sexual harassment.

2. Intervention measures

1. Intervention is initiated when written request is made by the person concerned addressed to HR, using the internal dispute reporting form.

2. HR will report the case to Steering Committee and the Internal Inquiry Committee, initiating the **Procedure for Combating Workplace Harassment and Violence** (appendix).
3. The Internal Inquiry Committee, together with the prevention service, will issue a report at the end of the investigation based on the conclusions of the inquiry, including, if appropriate, recommended precautionary measures and the urgency of applying them.
4. The Direction of the IPHES will then proceed accordingly:
 - In the event of an interpersonal labour conflict or other similar situations, the corrective measures recommended in the prevention service's report will be applied where appropriate.
 - The person or persons concerned will receive a written notification of the outcome of their request.
5. The director will take appropriate measures in accordance with the findings of the investigation, open a dossier if appropriate, and terminate application of the protocol.
6. The persons concerned will be written informed of all these actions and of the resolution and proposed corrective measures.
7. When the examination of a case leads to the conclusion that there has been harassment resulting in damage to physical or psychological health, this will be deemed an occupational accident and will be processed with the occupational accident and disease mutual insurance provider so that it can be recognised and the physical and/or psychological damage to the person's health addressed.

3. **Precautionary measures:**

During an investigation, consideration should be given to whether actions should be taken to limit or prevent contact between the person making the complaint and the alleged harasser or whether support and/or advice should be provided.

9. COMPLIANCE WITH THE PROTOCOL

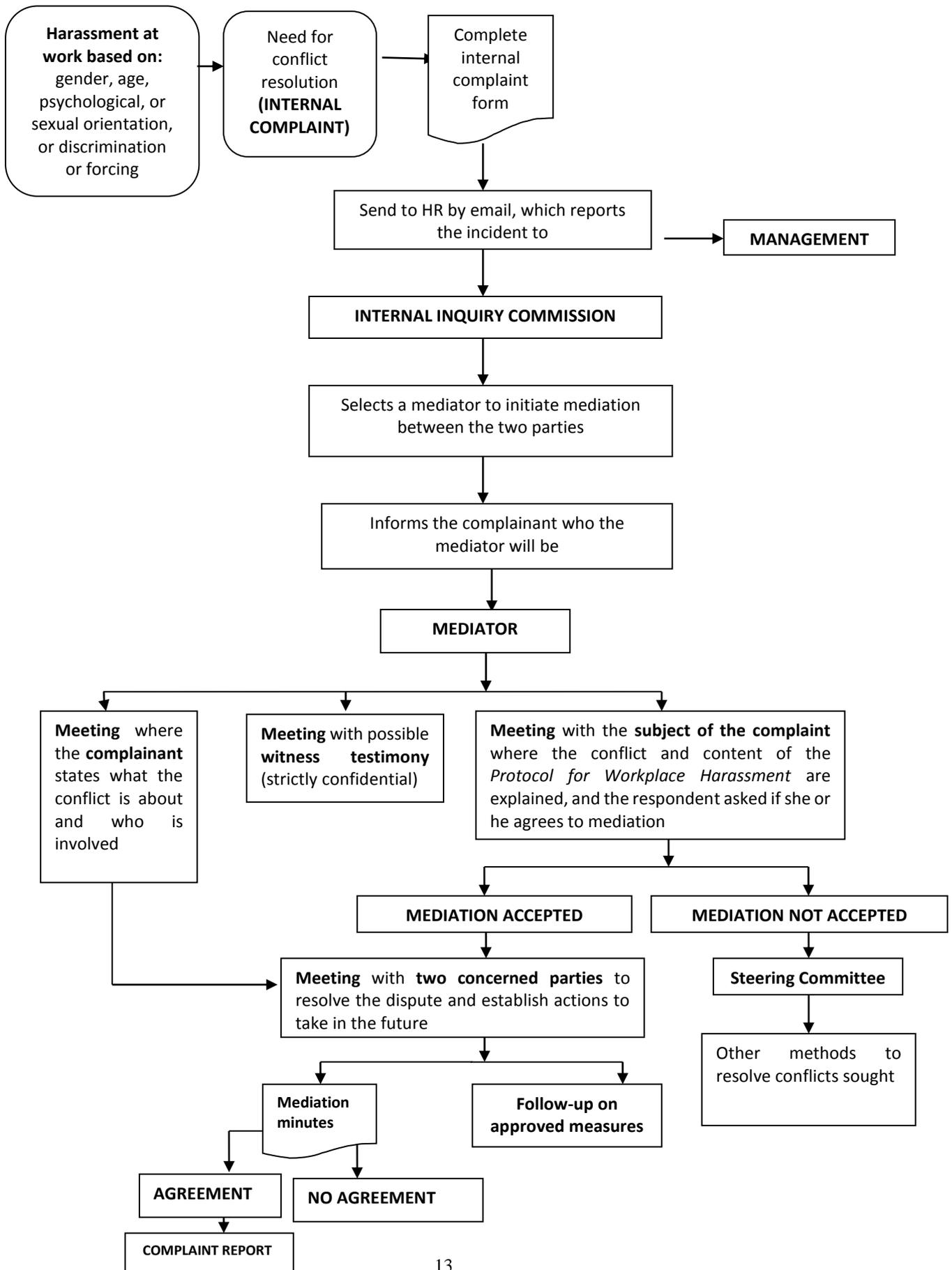
- Compliance with this protocol is mandatory for all IPHES workers and collaborators.
- All current employees as well as anyone who joins the company will be duly informed of the content of this protocol and the procedure to follow in the event of harassment or violence.
- In the event of any harassment or intimidation, IPHES will take the appropriate organisational and legal measures to prevent and punish the behaviour.

Tarragona, 24 January 2017


Maria Targa Montserrat

10. APPENDICES

APPENDIX 1. PROCEDURE FOR COMBATING WORKPLACE HARASSMENT AND VIOLENCE



APPENDIX 2

PROTOCOL FOR APPOINTING INTERNAL INQUIRY COMMITTEE RESPONSIBLE FOR INVESTIGATING THE HARASSMENT OR VIOLENCE COMPLAINT

**PROTOCOL FOR APPOINTING INTERNAL INQUIRY COMMITTEE
RESPONSIBLE FOR INVESTIGATING THE HARASSMENT OR VIOLENCE
COMPLAINT**

THE CATALAN INSTITUTE OF HUMAN PALEOECOLOGY AND SOCIAL EVOLUTION recognises that internal complaints and investigation processes for harassment or violence may be initiated at any time.

In the event that this process is initiated, an Internal Inquiry Committee will be appointed to investigate of the facts, bearing in mind the following:

The Internal Inquiry Committee will be appointed with the aim of ensuring confidentiality and respect for the persons concerned at all times. The IPHES Internal Inquiry Committee is comprised by:

Vanessa Altès Batalla, ID no. 39724473-T

Palmira Saladié Ballesté, ID no. 77834241-X

Lucía López-Polín Dolhaberriague, ID no. 08926087-V

The aforementioned persons have accepted their appointment and will endeavour to perform their duties in accordance with this protocol to allow them to address and resolve situations of violence and harassment.

CATALAN INSTITUTE OF HUMAN PALEOECOLOGY AND SOCIAL EVOLUTION	Employees appointed to the Internal Inquiry Committee
Name, ID no., signature and stamp	Name, ID no. and signature
Name, ID no., signature and stamp	Name, ID no. and signature
Name, ID no., signature and stamp	Name, ID no. and signature

APPENDIX 3

INTERNAL DISPUTE REPORTING FORM

INTERNAL DISPUTE REPORTING FORM		
Name and surname of the individual you believe is being harassed or subjected to violence		
Name and surname of the alleged harasser		
Position of the alleged harasser		
Description of event		
Dates, length, and frequency		
Location		
Name and surnames of possible witnesses		
Employee submitting complaint	CATALAN INSTITUTE OF HUMAN PALEOECOLOGY AND SOCIAL EVOLUTION	Reference person
Name, ID no. and signature	Name, ID no., signature and stamp	Name, ID no. and signature
Date:	Date:	Date: