

PROTOCOL FOR THE PREVENTION OF AND RESPONSE TO SEXUAL, GENDER-BASED AND WORKPLACE HARASSMENT

Declaration of principles

The Bosch i Gimpera Foundation (FBG) aims to create a safe and respectful workplace environment for everyone.

All the employees of the Bosch i Gimpera Foundation have the right to be treated with respect and dignity and have the obligation to treat with respect the people they come into contact with for work purposes (clients, suppliers, external collaborators, etc.) and to collaborate to ensure that everyone is shown due respect.

In accordance with these principles, the Bosch i Gimpera Foundation is committed to preventing any kind of harassment on the grounds of sex or sexual orientation in the workplace, and under no circumstances does it permit or tolerate mobbing. Such behaviours, which shall not be ignored, will be severely prosecuted and will be considered as very serious labour violations, in accordance with the provisions of Article 60 of the sectoral collective bargaining agreement currently in force (or that which may replace it in the future).

It should be emphasised that it is the responsibility and obligation of all employees of the institution to prevent such undesirable conducts. In this regard, managers and heads of committees must take an active role to prevent such conducts from occurring within their area of responsibility. Likewise, legal representatives of employees should prevent harassment by raising staff awareness of this issue and informing the institution of any such conduct of which they may become aware.

In this document, the Bosch i Gimpera Foundation establishes the specific protocol for action and processing of complaints in relation to any type of harassment as specified herein. The Foundation will endeavour to analyse and respond to these situations internally according to criteria of efficiency and promptness, always maintaining confidentiality and preserving the presumption of innocence of all the people involved.

Scope of application

This protocol applies to all situations arising from any activity that may take place within the environment of the FBG or in relation to the professional and work activities promoted, organised or coordinated by the FBG, subject to the following specifications:

Subjective scope of application

This protocol shall be applied to denounce, investigate and propose sanctions in case of harassment or discriminatory conduct on the grounds of sex, sexual orientation or gender identity, workplace harassment, and other sexist conducts that may occur within the FBG in relation to any person who interacts with the personnel of the FBG, whatever their relationship with the same may be. Depending on the circumstances, these persons may be considered both as perpetrators and passive subjects of the conducts described in this protocol.

This protocol also extends to cases of sexual harassment and any type of harassment for reasons of sex, sexual orientation, or gender identity, as well as workplace harassment and other sexist conducts on the part of people who, despite not having any employment

relationship with the Bosch i Gimpera Foundation, carry out activities or provide services for the Bosch i Gimpera Foundation as suppliers, as well as entities or companies linked to it for academic or research purposes. In these cases, the Foundation will adopt the appropriate measures (termination of external internship agreements, replacement of the people involved, etc.).

The Bosch i Gimpera Foundation will offer support and protection to any person affected by any of the situations described in this protocol.

Temporary scope of application

This protocol applies to any person who may have a professional or employment relationship with Bosch i Gimpera Foundation staff, whether on a temporary or permanent basis.

It also applies to situations that may arise after the termination of the employment relationship with the Bosch i Gimpera Foundation of any of the persons involved, within the time limits provided for by the applicable general legislation.

Content

Types of harassment

Sexual harassment or discrimination

Sexual harassment or discrimination is any verbal, non-verbal or physical behaviour of a sexual nature that is unwanted by the person who suffers it and that is intended to violate the dignity of a person or to create an intimidating, hostile, degrading, humiliating, offensive or upsetting environment, or that produces these effects. It is a form of abuse that is exercised based on a perception or feeling of psychological or physical power over the person being harassed and that may take place in any sphere of relations between people, with or without hierarchical links. Harassment may originate in the workplace and continue outside it, or vice versa. A single act, because of its allegedly criminal or highly offensive nature, may in itself constitute a case of harassment.

It is always up to the person subjected to such conduct to decide whether it is offensive to them, on the grounds that such conduct is unwanted.

Gender-based harassment or discrimination

Gender-based harassment or discrimination refers to any behaviour that is unwanted by the person who suffers it and which is related to a person's gender as a consequence of access to paid work, promotion in the workplace, employment or training and which is intended to violate the person's dignity and to create an intimidating, hostile, degrading, humiliating or offensive environment, or which produces these effects.

This includes pregnancy, maternity and paternity harassment, i.e. any unfavourable treatment related to pregnancy, maternity, paternity or the undertaking of other forms of family care.

Harassment because of sexual orientation

Harassment on grounds of sexual orientation is defined as behaviour that is unwanted by the person subjected to it and that relates to their sexual orientation and is intended to violate their dignity and to create an intimidating, hostile, degrading, humiliating or offensive environment for them, or has these effects.

Harassment because of gender identity

Harassment on the basis of gender identity is defined as any behaviour towards

transgender persons or persons undergoing gender or sex reassignment and towards their feeling of belonging to any given sex, regardless of biological sex, that is unwanted by the person subjected to it.

Workplace harassment

Workplace harassment has been defined as repeated and continuous psychological harassment in the workplace, with a focus on specific individuals, in an attempt to subdue them emotionally and psychologically, or when the aim is to undermine their competence, their job security or their promotion.

Second-order harassment

Second-order sexual harassment is defined as physical or psychological violence against persons who publicly support victims of sexual harassment. In addition to physical assaults, second-order sexual harassment can also involve retaliation, rumour spreading, workplace harassment and bullying, among others.

Types of harassment

There are different forms of harassment, depending on the direction of the interactions between the harasser and the harassed person and the organisational levels involved. Whatever the type of harassment, it often creates an intimidating, humiliating or otherwise adverse and hostile environment for the person being harassed. The first consequences of harassment are low performance or high absenteeism of the person under harassment, due to psychological pressure, which can lead to abuse of authority and coercion in the face of possible promotion or professional advancement of the person under harassment.

Downward vertical harassment is committed by someone who holds a higher position in an organisation against one or more employees who occupy lower positions.

Upward vertical harassment is committed by one person or a group of persons against another person or group of persons who hold higher positions in an organisation.

Horizontal harassment refers to harassment between employees in the same position or on the same level.

Harassing behaviour

Harassing behaviours may occur in the workplace and during working hours or outside the workplace and working hours, provided they are work-related. Likewise, sexually harassing behaviours of any kind may also occur between FBG staff and external third parties, such as suppliers or collaborating companies.

Unwanted behaviours

In a situation of harassment, the person being harassed is subjected to unwanted behaviour. When reference is made to unwanted behaviour, it is understood that the person who suffers it does not solicit it and, moreover, considers it unwanted.

Behaviour involving sexual overtones or of a sexual or sexist nature

This type of behaviour, which can be verbal, non-verbal or physical, includes a wide range of situations, from seemingly harmless actions —such as jokes or comments about a person's physical appearance—to actions that may be considered serious and may amount to a criminal offence, such as forcing a person to engage in sexual activity.

Behaviour that violates a person's dignity or creates an intimidating, hostile, offensive, degrading or humiliating environment

It occurs when harassing behaviours are persistent. However, a single isolated instance, if

it is sufficiently serious, can be considered as harassment.

Cumulative harassment

The existence of combined situations in which one person is subjected to harassment motivated by several of the causes included in this protocol or in combination with situations not covered in this protocol must be the object of reinforced protection and specific attention by all the units and responsible bodies involved, and the person under harassment be afforded the widest possible support.

Description of harassing behaviours and how they differ from other behaviours

As a guide, the following acts shall be considered to constitute sexual harassment:

- Making sexual advances or humiliating, degrading or obscene comments of a sexist nature or on the basis of sexual identity or orientation.
- Pushing to meet for inappropriate dates or sexual encounters within or outside of the FBG work environment.
- Writing letters, notes, e-mails or any type of text or graphic message of a sexual nature addressed to the person being harassed.
- Posting comments or disseminating photographs or other material of a sexual nature, on any platform, directed at or about the person who is the subject of inappropriate attention.
- Cornering or deliberately seeking to be alone with someone unnecessarily to create an intimidating or upsetting environment.
- Asking for sexual favours.
- Deliberate and unsolicited physical contact (unwanted pinching, touching, kissing, massaging, or any kind of unwanted physical contact).
- Intentionally touching the genitalia of the person under harassment.
- Forcing sexual intercourse under pressure, coercion, intimidation or chemical submission (conduct punishable as sexual abuse or sexual assault).

As a guide, the following acts shall be considered as harassment on the grounds of sex or gender, sexual identity or orientation:

- Making public or private comments with the intention of abusing, discrediting or humiliating someone.
- Impersonating the identity of any person in any setting for the purpose of publicly humiliating them.
- Invading someone's privacy for the purpose of making them uncomfortable and publicly using the information thereby gathered.
- Deliberately posting or disseminating personal or confidential information about a person in order to mock or negatively influence their public image.
- Publicly discrediting someone, both in terms of their abilities and skills and in relation to any other personal aspect.
- Deliberately isolating a person from their social environment and forcing their exclusion from collective or shared activities.
- Combining any of the behaviours described above.
- Any abusive behaviour of a physical or mental nature, even if not of a sexual nature, in the context of pranks or hazing of newly recruited staff.

Description of other sexist behaviours

In addition, as part of the University of Barcelona's preventive policy against discrimination based on gender, sex, gender identity or sexual orientation, any sexist conducts other than

harassment, but related either to sex and gender or to a lack of respect for the gender identity or sexual orientation of any person, shall also be the object of investigation, attention and proper disciplinary measures.

As a guide, the following conducts shall be considered as sexist behaviour for the purposes of this protocol:

- Making public comments, orally or in writing, of a sexist, homophobic or transphobic nature that are not directed at any specific person. Public comments are understood to be those made in the context of a class, meeting, practical session, conference, lecture, public presentation, in tribunals, committees, teaching materials, digital platforms and other digital media aimed at the university community in general or at any specific group (regardless of its size), as well as in working groups, committees or governing and participatory bodies of the University of Barcelona or the Bosch i Gimpera Foundation.
- Disseminating within the university community images of a sexist, homophobic or transphobic nature that are not aimed at any specific person, under the same conditions as those mentioned in the previous section.
- Preventing the expression of complaints of any kind or the organisation of activities, symposia or conferences at any UB centre.
- Engaging in any of the behaviours described above in the context of activities outside the facilities of the University of Barcelona that are carried out in collaboration with the UB as part of the curricular itinerary.
- Recommending sexist, homophobic or transphobic literature, unless within the framework of a research project or for critical purposes.
- Imposing uniforms or specific clothing that is not necessary for the type of activities carried out.
- Demanding the performance of work or professional activities of a sexist nature.
- Organising work, professional or leisure activities with a merely symbolic presence of women or with a total absence of women without a justified motivation.
- Addressing other members of the organisation or students in a sexist or homophobic manner, whether inside or outside the workplace, and being disrespectful of the rights of transgender people, even when this conduct does not target any specific person.

Procedural guarantees

In cases of harassment, given the characteristics of the personal situations and the actors involved, the following principles are to be taken into account:

- Principle of fairness
- Principle of respect for personal dignity
- Principle of non-discrimination on grounds of race, sex, religion, language, opinion, place of birth or residence or any other personal or social condition or circumstance.
- Principle of confidentiality
- Principle of voluntariness
- Principle of equal opportunities
- Principles of efficiency, coordination and participation
- Principle of promptness

Phases of the procedure

Response

In all cases of harassment, the response should be swift and expeditious and should

respect the privacy, confidentiality and dignity of the persons affected. It is also necessary to provide sufficient protection for the victim in terms of safety and health, and to take into account the possible physical, moral and psychological consequences of the situation.

Submitting a complaint

All complaints must be submitted, orally or in writing, to the designated contacts (Mercè Tejedor Sánchez, Head of Human Resources, and Miquel Sureda, member of the Works Council), who must register and review the complaint and send it over to the Equality Commission.

Complaints can also be lodged directly with the Equality Commission, either in writing (at the e-mail address igualtat@fbg.ub.edu) or orally. If the complaint is submitted orally to the heads of the Equality Commission, written record will be drawn up, which must be signed by all present.

Evidence

Together with the complaint, the complainant must provide any relevant evidence within their reach, without being required to undertake any evidentiary action on their own. The persons responsible for handling the complaint must carry out the actions aimed at investigating the facts, and must report it to the Equality Commission for its processing.

In the event that the Equality Commission considers that the protocol should not be applied, it must communicate this in writing to the complainant, who will have a period of fifteen days to appeal against the Commission's decision. In the event that the Commission considers that it is not a case covered by the protocol, but an interpersonal conflict, mediation may be offered.

Fact-finding phase

Maximum information. During the processing of the complaint, the Equality Commission shall request as much information as possible from all the persons involved in order to be able to make an initial assessment of the case.

Promptness and confidentiality. The information-gathering process must be carried out with the utmost confidentiality and sensitivity and with respect for the rights of each of the persons concerned. In order to avoid the dissemination of confidential information, the information about the investigated situations should in no case include the names of the persons involved.

Interviews. All persons concerned shall be interviewed, namely the person allegedly responsible for the harassment, the person or persons allegedly harassed, and any witnesses and other related persons, if applicable.

Support. Throughout the investigation, the persons involved may be assisted by any person or association of their choice, including trade union, legal or professional representatives if they so request. All those involved are obliged to maintain confidentiality about the existence of the proceedings and about their actions in relation to these.

Obligation to collaborate. All members of the university community and all persons who have or have had a relationship with the FBG are obliged to collaborate with the Equality Commission throughout the investigation.

Application of standardised and validated instruments, if deemed necessary.

Right of recusal and abstention. The person or persons under investigation have the right to recuse those involved in the procedure for any legally established reasons, and the investigators have the right to abstain from participating, for the same legal reasons, with the subsequent referral of the case to other persons.

Right to be heard. The persons against whom the complaint has been lodged shall have the right to be heard during the proceedings. The proceedings will not be valid if this opportunity has not been offered to the persons against whom the complaint has been lodged. Any failure to appear may lead to the conclusions deemed appropriate by the acting body in view of their investigation of the facts.

Coordination and intervention of third parties. When the case involves responsible third parties outside the structure of the Bosch i Gimpera Foundation, the handling of the case will necessarily require the collaboration of the bodies responsible for institutional relations in the respective centres. In the event that persons from other universities, companies or institutions are involved, the management or governing body must be informed beforehand.

Conflict of interest. Situations may arise in which the relationships that a person may have with others may be suspected of having unduly biased their actions in connection with this protocol. When someone is aware of a conflict of interest, they have a duty to refrain from intervening in the case.

Final phase of the procedure

Once all the facts have been analysed and investigated, the Equality Committee shall draw up a report and send it over to the Management Committee, which, in accordance with its powers, may decide:

- I. To resume the investigation, to continue gathering information and evidence on the facts, if it considers that the facts that are the object of the complaint or those responsible for these facts have not been determined.
- II. To terminate the procedure with the adoption of the necessary corrective measures.
- III. To initiate the corresponding disciplinary proceedings, in accordance with Article 60 of the sectoral collective bargaining agreement or any other that may replace it in the future.
- IV. To file away the proceedings

All persons involved must be informed of this decision.

Duration of the proceedings

The proceedings may last for a maximum of thirty days from the lodging of the complaint. The Equality Committee is empowered to extend this period if it deems it necessary, taking into account the complexity of the case.

Follow-up of the case

It is up to the Equality Committee to decide, if it deems it necessary, whether it is necessary to follow up and monitor the case.

Filing and custody of the case dossier. Once the procedure has been completed and the agreed actions have been implemented, the entire dossier will be forwarded to Human Resources and to the Equality Committee for filing and safekeeping.

Confidentiality. The entire procedure and the documentation relating to it are confidential.

The obligation of confidentiality extends to all persons involved in the procedure. Accordingly, only the parties involved in the case and the members of the Equality Commission, as well as all persons involved in the procedure, shall have access to the documents related to any kind of harassment on grounds of sex or sexual orientation or gender identity or workplace harassment, and are obliged to maintain confidentiality.

Dissemination. The Bosch i Gimpera Foundation must disseminate the approval of this protocol through the dissemination channels it considers most effective.

Revision. This protocol will be revised every two years.

Regulations

- European Parliament Resolution on workplace harassment [2001/2339/(INI)]
- Law 31/1995 of 8 November on prevention of occupational hazards
- Royal Decree 39/1997 of 17 January on the Regulation of Prevention Services
- Organic Law 1/2004 of 28 December on comprehensive protection measures against gender violence
- Law 5/2008 of 24 April on the right of women to eradicate gender-based violence
- Law 11/2014 of 10 October to guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons and to eradicate homophobia, biphobia and transphobia.
- Bosch i Gimpera Foundation's Occupational Hazards Prevention Plan
- Guidelines for the incorporation of sexual and gender diversity in Catalan universities following Law 11/2014.
- Technical Prevention Note 489 of the National Institute for Safety and Health at Work on violence in the workplace.
- Technical Prevention Note 476 of the National Institute for Safety and Health at Work on psychological harassment in the workplace.
- Technical Prevention Note 854 of the National Institute for Safety and Health at Work on psychological harassment in the workplace.
- Amended Articles 2, 3, 4, 7, 8, 9, 15, 15, 19 and 29 of Law 5/2008.

This list of regulations is not comprehensive.

This protocol will come into force the day after its approval by the Board of Trustees of the Bosch i Gimpera Foundation.