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1 Introduction

Situations of harassment at work, in any of its modalities, are part of the psychosocial risks that workers can face.

This is inappropriate behaviour, which must be clearly defined, since it must be taken into account that the term *inappropriate* has different meanings depending on cultures, concurrent circumstances, and even local customs. That is why deciding that a particular conduct is inadequate always corresponds to the person who suffers it.

This protocol, which brings together in a single document the actions to prevent, detect and resolve situations of psychological, sexual, gender-based or sexual orientation-based harassment, and other discrimination that may occur at the Dr. Josep Trueta Girona Biomedical Research Institute (IDIBGI), also represents a commitment by the governing bodies and the management of the foundation for the total eradication of these behaviours and to guarantee the health of people suffering from these situations.


2 Regulatory references

Article 4 of the revised Text of the Law of the Statute of Workers, approved by the Royal Legislative Decree 1/1995, of March 24, covers labour rights pertaining to not to being discriminated against, to physical integrity, to an adequate policy of security and hygiene, and in respect of privacy and consideration of the dignity of workers, including protection against verbal or physical offenses of a sexual nature.

One of the main objectives of law 31/1995, of November 8, regarding Work Health and Safety, is to preserve and protect the health of workers within the work framework. This protection should not only be done in the face of the physical risks, but also in regard to those risks that can cause psychic deterioration in the health of workers.

Law 5/2008, of April 24, concerning the right of women to eradicate sexist violence, includes, among others, the concepts of violence in the workplace, sexual harassment and harassment for reason of gender, integrated in this protocol. Also, articles 27, 28 and 29 define the actions that the Administration must carry out in the world of work.

Organic Law 3/2007, of March 22, for effective equality between women and men, refers to art. 6, regarding direct and indirect discrimination; to art. 7, regarding sexual harassment and for reason of gender; art. 8, regarding discrimination due to pregnancy and maternity; art. 9, regarding indemnity

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in face of reprisals; to art. 10, regarding the legal consequences of discriminatory behaviours; art. 11, regarding positive actions; to art. 12, regarding the effective judicial guardianship, and art.13, that regulates the proof, and that specifies that in discriminatory actions on the basis of gender, the person reported for such acts will hold the responsibility for proving the absence of discrimination in the measures adopted and in their proportionality. Also, art. 62 mentions the protocol of action against sexual harassment and gender-based harassment.

Under these workers' right, the IDIBGI undertakes to regulate, through this protocol, the problem of harassment at work, establishing a method that is applied both to prevent and resolve possible cases that may occur, with the due guarantees and taking into account current labour regulations.

3 Objectives

The general objective of this protocol is to define the framework of action in relation to cases of harassment, be it psychological, sexual, due to gender or sexual orientation and any other form of discrimination, with the explicit purpose of eradicating this type of behaviour within the Dr. Josep Trueta Girona Biomedical Research Institute (IDIBGI).

Therefore, above all, it aims to be a guide for the prevention, detection and resolution of these cases that always entail confrontation, aggression and destruction.

The specific objectives are:


- Develop awareness strategies.
- Obtaining the information necessary for the elaboration of diagnoses on this subject within the organization.
- Enabling diversified resources for the early resolution of each type of harassment.
- Creating agile circuits of intervention.

Define the roles and responsibilities of the different agents.

4 Areas of application

The protocol is applicable to all personnel employed by the IDIBGI, as well as to collaborators, regardless of the role they carry out or the hierarchical position they occupy.

It will also be applicable to external companies and collaborators in application of the obligations established by the coordination of business activities to which article 24 of Law 31/1995, dated November 8, obliges in terms of Worker Health and Safety.

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As a consequence of the enforcement of this law, if a case of harassment occurs between IDIBGI personnel and staff from a contracted external company or IDIBGI client company, the Foundation will inform the company of the existence of the protocol and the corresponding business coordination mechanisms will be applied. Therefore, there will be reciprocal communication of the case, so that each party applies the respective procedure and executes the corrective measures it considers convenient.


5 Confidentiality, registration and statistics

All communications of alleged harassment of a sexual nature or for reasons of gender are to be included in the general registry of risk events for properly codified harassment within the Worker Health and Safety services and with HR, in order to treat them statistically.

This information will be subject to the regime provided for in article 22 of Law 31/1995, dated November 8, regarding Worker Health and Safety and this registry is regulated by the data protection law, and guarantees the confidentiality of the data it contains.

Statistical reports may contain a non-nominative listing of the events investigated. The fields that it will contain are:

- Registration number.
- Date of communication of the alleged harassment situation.
- Initial means of resolution of the conflict: Formal or informal
- Start date for remedial actions
- Existence of witnesses: Yes or no
- Result of the Report: Presumption of harassment is considered or disregarded
- Need for precautionary measures: Yes or no
- Opening of disciplinary file: Yes or no
- Type of sanction imposed

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6 Content

6.1 Harassment behaviours

Harassment is described as any unwanted conduct related to racial or ethnic origin, religion or convictions, disability, age, sex or sexual orientation of a person, that has either the purpose or the consequence of attempting against their dignity and creating an intimidating, humiliating or offensive environment.

Harassment presents different modalities, depending on the direction of the interactions between the harasser and the person who suffers it and the affected organizational levels:

- Downward vertical harassment: Pressure exerted by a person with hierarchical superiority over one or more workers.
- Upward vertical harassment: Pressure exerted by a worker or a group of workers on a person with hierarchical superiority.
- Horizontal harassment: Pressure exerted by a worker or a group of workers on one of their peers.


6.1.1 Psychological harassment and discriminatory harassment

This refers to exposure to intense psychologically violent behaviours directed, repeatedly and prolonged through time, toward one or more people, by other people acting from a position of power, which is not necessarily hierarchical, for the purpose or effect of creating an intimidating environment that disrupts the victim's working life. Said violence, framed within a working relationship, does not respond to the needs of the organization of work and involves both an attack on the dignity of the person and a risk to their health.

In order to consider the aforementioned behaviours psychological harassment, all the conditions of said definition must be given, although intentionality and/or destructive purpose will only be considered aggravating, for the purposes of the application of this protocol.

These processes manifest themselves through behaviours of psychological violence (humiliation, criticism, stigmatization, social isolation or even verbal abuse of different intensities) that represent an attack on dignity or physical or psychological integrity for the person who suffers them. This set of behaviours is characterized by:

- **The intentionality** of those who practice them.
- A high level of **systematization and persistence** over time.

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- **Asymmetry** regarding the resources and the possibilities of the harassed person to defend themselves in the face of these types of behaviours.
- **Clearly intended and focused behaviours** towards a person or a very small group of people.
- The **basic goal** of getting rid of a person because they are uncomfortable, either for personal or other reasons.

Psychological abuse behaviours that do not present all the components of repetition and persistence in the time of psychological harassment must also receive preventive treatment and / or be aborted promptly and, if applicable, must be sanctioned in accordance with the rules of the organisation, although they are not considered harassment as they do not meet all the aforementioned characteristics.

6.1.2 Sexual harassment

Any verbal, nonverbal or physical behaviour of a sexual nature that is unwanted and that aims to or produces the effect of attacking a person's dignity or creating an intimidating, hostile, degrading, humiliating, offensive or annoying environment.


Deciding that a particular behaviour is sexually unwanted always corresponds to the receiver.

Therefore, sexual harassment is a series of verbal, non-verbal and / or physical behaviours of a sexual nature, that are not wanted by the receiving person, or a single incident that, due to its extremely offensive or criminal nature, can constitute a case of sexual harassment in and of itself. It is a form of abuse that is exercised from a perception or feeling of psychic or physical power over the harassed person and that can be given in any area of relationship between people (labour, teaching, domestic, etc.), without necessarily having a hierarchical superiority (See annex 1 - behaviours of the harassing person and consequences).

6.1.3 Harassment due to gender or sexual orientation

It constitutes unwanted behaviour related to a person's gender or sexual orientation in terms of access to paid work, promotion in the workplace, employment, or training, that has the purpose of, or produces the effect of, attacking the dignity of the person and creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

The consideration of gender-based harassment always requires a pattern of systematic repetition and accumulation of offensive behaviour (see annex 1 - behaviours of the harassing person and consequences).

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6.1.4 Other discrimination


This protocol may also be used for the purpose of orientation, to deal with and resolve discrimination situations for other reasons.

6.2 Behaviours not considered harassment

Below are a number of situations not considered harassment, although if they become abusive (with the exception of: "a collective organizational circumstance" and "negative working conditions inherent to the task") they can become the starting point for a harassment situation.

It is also important to keep in mind that, while not considering them as harassment behaviours, they are unwanted behaviours and can lead to a sanction.

- **A singular act:** A discussion, punishment or one-off bad mood, a change of place of work or work centre (among others) without prior consultation but that is justified.
- **A collective organizational circumstance,** even if it is not justified or previously consulted: not getting paid a supplement for productivity, a decrease in salary, a modification to work schedule or elimination of extra hours.
- **Legitimate pressure** that is received from a superior to work harder better. The difference lies in the fact that in psychological harassment when the harasser presses the victim not only do they do it with malicious intent but their objective is to prevent the victim from working well to be able to chastise them later.
- **Conflicts** between two, or more, interlocutors, however violent they are. Keep in mind that in a conflict there are two interlocutors that do not agree and who argue with more or less resolve, but at the same level. In cases of harassment there is no discussion because you do not want to resolve a problem, on the contrary, the harasser tries to stop or prevent any communication.
- **The continued exposure to negative working conditions inherent to the task,** be they physical (manipulation of excessive weights), hygienic (inhalation of pollutants), ergonomic (standing all day), psychosocial (demands of the task that are greater to the person's ability), organizational (excessive work rate, job offloading due to poor organization) or social (low salary).
- **Frequent constructive criticism** or evaluations regarding work, as long as they are explicit and not at the service of an attempt to retaliate.


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- **The supervision or control** of the work as long as it does not affect the dignity of the worker.
- **Isolation** arising from **the activity itself** or where the work is being undertaken.
- Rumours, gossip and informal communications circulating around the organization. A lack of communication attributable to the personality of the person or the location of their workplace.
- **Professional stagnation** due to lack of professional merit or the impossibility of access to certain promotion systems.

6.3 Preventive actions

Preventive actions are aimed at avoiding the emergence of conflict:

- **Disclosure of the protocol:**
 - Inform workers of the existence of the protocol when they start their work relationship as a new worker.
 - Send it to all the staff and publish it on the IDIBGI website.
- **Organization of work:** Carry out actions aimed at maintaining a good working climate and motivation for the staff.
- **Avoid, in the working environment, the existence of the following conducts:**
 - Comments on private life, appearance, sexual condition, constant criticism, imitations etc.
 - Sending explicitly sexual graphics, drawings and photographs.
 - Phone calls, messages, emails with sexual content.
 - Verbal aggressions (shouting, insults, threats, offensive disqualifications, etc.)
 - Physical aggressions, deliberate physical contact, excessive and unnecessary invasion of personal space.
 - Attacks on religious or political beliefs, nationality, race, sexual conditions, disabilities etc.
 - Any other behaviour that has the cause or purpose of discrimination, abuse, vexation or

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humiliation of the person.

- **Detecting cases** or possible cases **using alert indicators**, while checking whether symptoms such as the following appear in the workplace:
 - At the collective level: Unpleasant work environment, unhealthy labour climate, common presence of conflicting situations in the same area, common presence of rumours without justification, the use of criticism as a common attitude, shouting or discussions, a decrease in performance without reason, an increase in labour absenteeism without foundation, etc.
 - At the individual level: Abnormal or irregular behaviour or conduct, unjustified rage or anger, anxiety or depression, persistent and exaggerated perception of injustice, abuse of toxic substances (alcohol, tranquilizers, sleeping pills, drugs etc.), decreased performance without reason, increased labour absenteeism without foundation, etc.
- **Awareness actions aimed at the staff as a whole:**

Develop awareness strategies:


Plan specific training at all hierarchical levels. Bringing together Health and Safety, Human Resources and legal advisories.

Disseminate information through intranets and other media:

- ✓ Develop informative flyers that incorporate preventive measures and make them widely available.
- ✓ Conduct information sessions for staff to explain their rights and the regulations and laws that protect them, established sanctions and the procedure for activating the protocol.
- ✓ Provide information about the existence of the protocol and the telephone number that the Institut Català de les Dones provides for cases of violence.
- ✓ Provide information about the administrative procedure against harassment through an electronic address and telephone number.
- ✓ Establish a section of frequently asked questions on the website.
- ✓ Offer training and informational capsules to management positions.
- ✓ Report the existence of the harassment protocol in the Staff Incorporation Manual.
- ✓ Establish a system (mailbox, email or phone) where you can consult and receive advice on harassment anonymously.

Carry out studies to know the incidence of this type of behaviour within the organization and the characteristics that it presents and seek identifiers of the problem and its impact on the health of the workers and the effectiveness of the organizations:

- ✓ Increased temporary disability.
- ✓ Increased absenteeism.
- ✓ Schedule breaches.

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- ✓ Disciplinary problems.
- ✓ Increase in accidents.
- ✓ Decrease in productivity.
- ✓ Increased requests for change of workplace.
- ✓ Increased demand for medical care by people in a given labour environment.

Enabling diversified resources for the early resolution of each type of harassment.

- ✓ Establishing early identification instruments for conflicts or mediation for the use by management.
- ✓ Establish procedures for the resolution of interpersonal conflicts.
- ✓ Carry out training and sensitization sessions, especially on sexual harassment for the health and safety technicians and [health and safety] prevention delegates.

6.4 Intervention actions

The proceedings are initiated after a written and registered intervention request (see annex 2) addressed to HR or directly to the IDIBGI address has been received.

The application may come from the affected person, from a co-worker, from the human resource unit or from the [health and safety] prevention delegate.


In the event that the request for intervention is not submitted directly by the affected person, their express and informed consent must be included to initiate the proceedings of this protocol (see annex 3). If the person does not give consent to study the case affecting them, the prevention technicians will carry out the actions they deem appropriate in the psychosocial field in the area where they are located and will act consequently, establishing the corrective measures they deem appropriate.

During all the actions, the people involved may be accompanied and advised by a person of their confidence that is part of the work environment.

The HR area or management will communicate the case to the [health and safety] prevention service, which will carry out an investigation using the tools available, which will guarantee the involvement of all affected parties.

HR and the [health and safety] Prevention Service will meet with the harassed person. As a result of the meeting, several scenarios may arise:

- a) It is concluded that it is not a case of harassment (according to the behaviours described in point 6.2).
- b) It is concluded that this may be a case of harassment at work. In this case attempts will be made to resolve it via an informal procedure or, if this is not possible, the formal procedure

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will apply.

6.4.1 Informal procedure

Seek a solution through dialog and negotiation between the parties (avoiding the parties meeting directly during the negotiation) or through a mediator (with the presence of an HR representative and one from management). A specific period will be determined for the performance of the resulting actions, which will be monitored by HR and the [health and safety] Prevention Service.

The mediator, who must be accepted by the parties, will act objectivating the situation, determining the measures for its solution and finding the resolution of the problem, or if applicable, proposing to escalate it to the formal procedure.

The actions resulting from this informal procedure shall be performed within a maximum period of 15 days, and the result shall be communicated in writing to the IDIBGI Management.

Situations of sexual harassment or gender-based harassment are not always perceived as such, both in terms of the person who undertakes the behaviour or the person who receives it. That is why it is important that when these behaviours occur, we let the other person know about our disagreement with these behaviours, preventing misunderstandings or that the situation escalates.

It will be the decision of the person who is considered the subject of a harassment situation to try to resolve the conflict informally, either:

directly, that is, addressing the author of the acts and informing them that their attitude is offensive, rejecting their pretence and requesting that they cease their conduct.


with the intervention of the figure of a mediator, who will be in charge of informing the person who is behaving in the reported way. If, through informal resolution, the conflict is resolved, it will be incorporated into the general registry of risk events of the health and safety risk Prevention Service and the process will be closed.

If the informal resolution pathway has not worked or the severity, of the facts so requires it, it will be escalated to the formal resolution pathway.

The actions resulting from this informal procedure shall be performed within a maximum period of 15 days, and the result shall be communicated in writing to the IDIBGI Management.

6.4.2 Formal procedure

When the informal procedure does not yield results, or, due to the severity of the case, it is inappropriate to solve the problem, the formal procedure will be resorted to:

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a) Research will be conducted by the Health and Safety Risk Prevention Service. If deemed convenient, the possibility of external mediation for the parties may be considered appropriate. In this sense, the prevention service has, in its central unit, professionals prepared to face these cases.

b) Burden of proof: According to the provisions in Organic Law 3/2007, in procedures in which the allegations of the claiming party are based on discriminatory actions due to gender, materialized in behaviours of sexual harassment or behaviour constitutive of gender-based harassment, it is up to the sued party to prove the absence of discrimination in their actions and the proportionality of their acts.

The claiming party must previously provide the signs of harassment that trigger the inversion of the burden of proof.

c) The Prevention Service will issue a report at the end of the investigation, which will be sent to HR and the management of the IDIBGI (see Annex 5). The maximum amount of time from filing the request until the release of the report will be 30 calendar days.


d) The Management and / or Board of the IDIBGI will act consequently:

- 1) If it is an interpersonal labour conflict or other situations it will, if applicable, apply the corrective measures advised in the report. It will report, in writing, to the people affected by the resolution of their application (see Annex 4).
- 2) If the report finds evidence of an alleged harassment case, the IDIBGI management will evaluate the information available and may opt to:
 - a) To initiate procedures for a disciplinary file and / or a sanction according to the defined sanctions regime.

OPENING OF A DISCIPLINARY FILE

In the event that as a result of the actions carried within the reserved information file, there are indicators of a disciplinary offence or if the evidence presented is directly conclusive and susceptible, a disciplinary file will be encoded within the maximum period of 15 days, where the typification of the offence allegedly committed by the harassing person will be recorded and an instructor appointed for the file, in the event that due to the severity of the facts it is necessary, the relevant precautionary measures will be adopted.

If these measures entail a change of workplace, it must be guaranteed that the person allegedly harassing is to be the one to change, unless the victim decides they want to transfer. To ensure protection against possible reprisals, confidentiality must also be guaranteed throughout the process and the transfer, whoever is transferred, must be carried out swiftly.

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Precautionary measures, in no case, will pose a detriment or contempt to the labour or wage conditions of the victim.

The instructor of the case, at any time during the process of the disciplinary record, in the case of observing the possibility of existence of criminal responsibilities, will place the facts in knowledge of the Courts.

RESOLUTION OF THE DISCIPLINARY FILE

Once the instructor has performed the pertinent the actions, in accordance with the mandatory legal procedure, they will issue a resolution proposal, which will be sent to the members of the Equality Plan Technical Commission and raised to the competent manager so that they may dictate the corresponding resolution.

Although it is not the subject of this protocol, retaliatory behaviours against a person who has filed an internal complaint of sexual harassment or gender-based harassment, or against a person who has collaborated in the investigation constitute a serious or very serious offense and can lead to the opening of a disciplinary file.

Should a complaint be presented presentation for alleged sexual harassment or gender-based harassment that, after the investigation and the procedure carried out is described as non-existent, and whose result is proven to have been in bad faith, a disciplinary file will be opened against the person who filed said complaint.

Should a disciplinary file result in a sanction that does not entail a forced transfer or dismissal, appropriate measures will be taken so that the harassing person and the victim will not coexist in the same work environment and the victim will have the option of remaining in their workplace or the possibility of requesting a transfer, that cannot suppose any detriment to their working conditions.


If retaliation has occurred or there have been damages to the victim during harassment and / or the investigation process, they will have the right to be restored to the working conditions existing before the case.

If the result of the file is overruling, but with an express statement about the good faith of the complaint, the person who filed the complaint may request a transfer, and for these purposes the Human Resources Service will study the feasibility of carrying it out.

The members of the Technical Commission of the Equality Plan will monitor the effective imposition and compliance of the sanctions motivated by the assumptions of sexual harassment or for reasons of gender. For this reason, these cases must be notified to Human Resources Management.

SANCTIONS

Within the framework of the sanctioning power of the company, and under the assumption that the investigation of the facts shows that there has been a situation of harassment, the company will impose sanctions.

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The graduation of offences for sexual harassment or gender-based harassment are considered a very serious offence, offences that can be sanctioned with:

- suspension of salary and work from 21 to 60 days.
- Transfer of department or service for a period of 3 months to one year.
- Disqualification from being promoted to a higher category for 3 years at most.
- Dismissal.

- b) Constituting an internal commission of inquiry to continue the study of the case and, once the investigation has concluded and the report is issued (see Annex 6), to carry out the necessary actions, preventing the parties involved from suffering harm, especially to ensure there is no double victimization.

The internal Investigation Commission.


It must carry out the investigation of all cases in which the Manager or the Director, requests intervention due to harassment and issue a report with the conclusions of their investigation and proposals for action for the Manager or the Director.

The Investigation Commission will integrate influential people, with decision-making capacity within the company and several departments, and especially the area or department responsible for the HR and Health and Safety Risk management, however competent bodies such as the Centre de Seguretat i Salut, belonging to the Department of Labour and other departments, depending on the type of harassment.

The following will be a part of the commission:

- A member of the human resources unit.
- A member of the legal advisory department of the company.
- A technician specialized in ergonomics and applied psychosociology from the Health and Safety Prevention Service.
- A specialist in work medicine.
- A member of the management or board.
- In requests for intervention due to psychological harassment:
A technician from the Centre de Seguretat i Salut Laboral, belonging to the Department of Labour that will act as an advisor.
- In requests for intervention due to sexual harassment or gender-based harassment, a specialized person from the Institut Català de les Dones (ICD) or the competent bodies in the matter will be part of the commission, when it comes to a case regarding sexual orientation, and the equality agent from the IDIBGI, if this figure exists, will act as an adviser.

- c) When the investigation concludes that there has been harassment with resulting

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damage to health, whether physical or psychic, the case will be derived to the workers' health insurer, who, along with the report issued, will evaluate the case from a medical point of view and will take care of the physical and / or psychic damages that the health of the person has suffered.

- d) The basic prevention unit will record reported harassment cases (see Annex 7) and report twice-yearly to the central prevention unit, which will perform statistical monitoring and promote the modifications it deems appropriate for a better operation of the procedure.

The UCP will report semi-annually to the Sub directorate General for Social Policy, Labour Health and Safety Prevention any cases of harassment reported to the IDIBGI and the IDIBGI Peer-to-Peer Commission for the Prevention of Labour risks.

The General Sub directorate of Social Policies, Labour Health and Safety Prevention will also monitor all consultations that could have been submitted to the bodies, entities and associations that work on this problem: Programa per al Col·lectiu Gai, Lesbià i Transsexual, Institut Català de les Dones (ICD), Òrgan Paritari de Polítiques d'Igualtat (OPPI), Comissions paritàries de prevenció de riscos laborals, Inspecció de Treball i de la Seguretat Social and other associations dedicated to related matters.

Statistical data will be kept to reach the peer-to-peer policy body, the Sectoral and corresponding Labour Health and Safety risk Prevention Joint Commission, and to the General Labor risk Prevention Joint Commission.

- e) The monitoring of the execution and compliance with the corrective measures of the application of this protocol will correspond to the HR area, which will inform the board and / or management of the centre until the closure of the actions.


The UBP must provide, if required, during and after, technical advice, appropriate psychological and medical support to the people affected by possible harassment, and will assess the convenience of intervention of specialized services in the field of medicine and / or psychology in order to avoid or minimize possible effects.

The manager must ensure that the individuals involved can contribute, during all actions, the information they deem appropriate. While supporting employed people who may be suffering this situation.

Throughout the entire procedure strict confidentiality will be maintained during all investigations

Post-exposure prevention measures


In the case that the preventive measures against violence situations, and specifically in relation to sexual harassment or because of gender have not worked, tertiary prevention measures should be established to rehabilitate and / or restore health to both active and passive people in the conflict situation.

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Moreover, the cases treated must be monitored by the equality agent, if there is one, to ensure, with the people involved, that the resolution has been effective.

7 Review

The revision or modification of this procedure will be carried out whenever required due to its inner workings, or due to legislative or legal imperative, with the participation of the competent bodies within the centre.

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1. Catalanian regulations

- Articles 15.2 and 40.7 and 8 of the Statute of Autonomy of Catalonia.
- Articles 92 h), 115 b) and 116.1 of the Legislative Decree 1/1997, of October 31, which approves the revised version in a single text of the precepts of certain legal texts in force in Catalonia in the field of public employment.
- Decree 312/1998, dated December 1, regarding the creation of the services for the prevention of health and safety risks for the personnel at the service of the Administration of the Generalitat.
- Resolution 243/VI of the Parliament of Catalonia, dated October 11, 2000, concerning defence of non-discrimination in terms of sexual orientation.
- The Program for the Gay, Lesbian and Transsexual collective, approved on June 28, 2005.
- Interdepartmental Plan for Non-Discrimination of homosexual and transsexual persons approved on September 5, 2006.
- The National Council of Lesbians, Gays and Bisexual and Transsexual men and women, created on June 24, 2007.
- Law 3/2005, dated April 8, concerning adoption and guardianship, which basically allows adoption by homosexual people.
- Law 5/2008 dated 24 April concerning the right of women to eradicate sexist violence.

2. Spanish regulations


- Articles 1.1, 9.2, 14, 18.1, 35.1 and 53.2 of the Spanish Constitution.
- Law 26/1992, dated 30 November, concerning public administration law and the common administrative procedure.
- Articles 172, 184, 316 to 318 Organic Law 10/1995, dated 23 November, of the Criminal Code.
- Law 31/1995 dated 8 November, concerning Labour health and safety risk prevention.
- Articles 28 and 37 of Law 62/2003, dated December 30, concerning tax, administrative and social order measures.
- Law 13/2005 dated 1 July, amending the civil code in matters of the right to marriage of same-sex persons.

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- Organic Law 3/2007, dated 22 March, concerning effective equality between women and men and women.
- Law 3/2007, dated 15 March, concerning the rectification of the registry mention relative to the gender of persons, referring to the change of gender identity corresponding to transexual persons.
- Law 7/2007, dated 12 April, concerning Basic Statute for Public Employment.
- Articles 115, 116 and 117 of Royal Legislative Decree 1/1994, dated 20 June, which approves the Revised Text of the General Social Security Law.
- Articles 4.2 c) and e), 96.11 and 14 of Royal Legislative Decree 1/1995, dated 24 March, which approves the Revised Text of the Workers' Statute Act.
- Articles 8.11 and 13 of Royal Legislative Decree 5/2000, dated August 4, which approves the Revised Text of the Law on Offenses and Sanctions in Social Order.
- Royal Decree 171/2004, dated January 30, which deploys article 24 of Law 31/1995, dated November 8, concerning prevention of labour health and safety risks, in the field of coordination of business activities.
- Royal Decree 1370/2007 dated 19 October, which regulates the Inter-Ministerial Commission on Equality between Women and Men.

3. European regulations

- European Charter for equality between men and women.
- European Parliament's resolution on moral harassment at the workplace. [2001/2339/(INI)].
- The European Union Commission (2001) "violence at work". Minutes of the meeting dated March 3 2001. Doc. 0978/01 ES.
- European Parliament's resolution on moral harassment at the workplace (C77E dated 28-3-02).
- European Social Charter dated May 3, 1996.
- European Parliament's resolution on homophobia in Europe, dated 18 January 2006, calling on member states to implement any measure they deem appropriate to fight discrimination on the basis of sexual orientation.
- Council of Europe Directive 2000/78/CE. Section 11 refers to the establishment of a general framework for equal treatment in the workplace and employment without discrimination on the basis of sexual orientation.
- Directive 2002/73/CE of the European Parliament and the Council dated September 23, 2002, which modifies Directive 76/207/CEE of the Council, regarding the application of the principle of

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equal treatment between men and women with regard to access to employment, training and professional promotion, and working conditions.

In art. 2 definitions of harassment are included and in point 3 of this same article it is remarked that harassment and sexual harassment will be considered discrimination on the basis of sex, and therefore will be prohibited

- The European Code of Conduct, while not binding, treats sexual harassment as a problem due to gender discrimination.
- The U.S. Commission for Equal Employment Opportunities.


4. Other

- NTP 507 regarding sexual harassment.
- Number 23, regarding psychological harassment at work, of the information sheets monographs from the Department of Labour of the Generalitat de Catalunya

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Annex 1 - Behaviour of the harassing person and consequences.


Examples of sexual harassment behaviours through which sexual harassers exert their pressure:

- Comments on clothing.
- Comments on body/physique.
- Lascivious looks.
- Lewd gestures.
- Appointments out of work to discuss issues related to work (renewal of contracts, access to training, salary improvements, etc.).
- Friendship and intimacy offerings during delicate personal moments (separations, divorces, etc.).
- Cornering, groping, etc.
- Clear requests for sexual favours under threat and coercion.


Examples of harassment behaviours due to gender:

- Discriminatory behaviours due to being a woman.
- Offensive forms of addressing the person.
- Ridiculing, despising the capabilities, abilities, and intellectual potential of women.
- The use of sexist humour.
- Despising work done by women.
- Ridiculing people who take on tasks that have traditionally been taken on the opposite sex (for example: male nurses).
- Ignoring contributions, comments and actions (excluding, not taking them seriously).
- Due to pregnancy or maternity: To arbitrarily deny to a woman any kind of permission or authorisation that she has the right to, to assign a woman a job of lesser responsibility than her professional capacity or category, etc.

The consequences for the harassed person basically present damages of a personal type:

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- **Psychic:**
 - Anxiety with fear and the constant feeling of a threat.
 - Feelings of insecurity that generate, concurrently, a decrease in self-esteem, feelings of failure and frustration, or of impotence, etc.
 - Feelings of vulnerability.
 - Feelings of helplessness.
 - Feelings of guilt.
 - Difficulty concentrating.
 - Sadness.
 - Stress.
 - Depression.
- **Physical:** Functional and/or organic health problems (insomnia, tachycardia, headaches, migraines, digestive disorders, skin disorders, etc.).
- **Job/Work:**
 - Demotivation and dissatisfaction.
 - Loss of professional prospects.
 - Associating work with a hostile environment that causes suffering.
 - Increased absenteeism.
 - Changing jobs.
- **For the company:** Economic and organizational repercussions (unpleasant work climate, decreased job performance, more accidents or losses, etc.).

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Annex 2 - Request for intervention due to harassment in the workplace.

Date received:

Code:

Requesting party

- ☐ Affected person
 ☐ Dpt. HR
 ☐ Workmate
☐ Health and Safety Prevention delegate
 ☐ Other

Details of the affected person

Name and surnames:

ID:

Gender: M ☐ / F ☐

Telephone:

Description of the type of harassment

- ☐ Psychological
 ☐ Sexual
 ☐ Due to gender
 ☐ Due to sexual orientation
☐ Others (specify:.....)

Description:

I request the activation of the Protocol for the Prevention, Detection, Action and Resolution of situations of psychological, sexual, gender-based or sexual orientation-based harassment, and other discrimination during my work at the Dr. Josep Trueta Girona Biomedical Research Institute.


Date:

Signature:

Name and surnames of the requesting party:

Space reserved for the IDIBGI HR Dpt.

Note: All the data and reports that the institution uses for the management of the case will always be treated in accordance with the regulations outlined in Organic Law 15/1999, dated December 13, referring to the protection of data of a personal nature. This information will be included in a file owned by the Dr. Josep Trueta Girona Biomedical Research Institute.

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Annex 3 - Informed consent for the investigation of cases of harassment.

I authorise the HR and Health and Safety area of the Dr. Josep Trueta Girona Biomedical Research Institute to study and analyse the psychosocial environment related to my workplace and my functions within this institution where I work and / or provide services, as well as developing the proposals and technical recommendations that can be derived from this study, in application of the Protocol for the Prevention, Detection, Action and Resolution of situations of psychological, sexual, gender-based or sexual orientation-based harassment, and other discrimination at work within the Dr. Josep Trueta Girona Biomedical Research Institute.

I am aware of the content of the Protocol, in relation to the rights and duties derived from it and the effects that its application can cause.

Signing this consent does not imply any waiver of possible future claims, either in medical, psychological, or even legal terms.

Girona, on the of , 20...


Worker / Collaborator

Name and surnames:

ID:

Signature:

Note: All the data and reports that the institution uses for the management of the case will always be treated in accordance with the regulations outlined in Organic Law 15/1999, dated December 13, referring to the protection of data of a personal nature. This information will be included in a file owned by the Dr. Josep Trueta Girona Biomedical Research Institute.

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Annex 4

Report from IDIBGI management to the affected parties on the results of the application for a harassment intervention investigation

Description of the case

Results of the investigation

- ☐ Signs of harassment
 ☐ No signs of harassment
 ☐ Other types of conflict
☐ Other diagnoses. Please specify

Decisions taken by the IDIBGI Board

- ☐ Apply the corrective measures recommended by the Area/the Labour Health and Safety Risk Prevention Service, and priority


	Immediate	1 week	15 days	1 month	Other. Please specify
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- ☐ Encourage mediation between the affected parties
☐ Other. Please specify
☐ Transfer the file to the Secretary General

Explain the reasons that support the decision

Town and date

Signature of the member(s) of the Board.

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Annex 5

Case code

Report from the IDIBGI Labour Health and Safety Risk Prevention Service (Management)

General data/registry

Date of entry to the registry	Date of receipt of the request for intervention
Technical staff investigating	
<input type="checkbox"/> Internal prevention service	<input type="checkbox"/> External prevention service. Please specify

Personal data of the requesting person

Name and surnames	ID	Gender
		<input type="checkbox"/> M <input type="checkbox"/> F

Professional data

Work centre	Managerial unit		
Work relationship			
<input type="checkbox"/> Permanent contract	<input type="checkbox"/> Temporary contract		
Category	Group	Level	
Type of job undertaken	Working-day	Schedule	Shift

Reason/s for the request for intervention

☐ Psychological harassment
☐ Sexual harassment
☐ Harassment due to gender
☐ Harassment due to sexual orientation
☐ other discrimination. Please specify

Description of situation

Purpose of the investigation


Verify the facts described by the reporting party and establishing conclusions.

Methodology used in the investigation

Application of the technical procedure established in point 2.2. of the Protocol for the Prevention, Detection, Action and Resolution of situations of psychological, sexual, gender-based or sexual orientation-based harassment, and other discrimination at work.

Results of the investigation

☐ Evidence of harassment
☐ Other types of conflict
☐ Other diagnoses. Please specify

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Considerations and clarifications


Proposed corrective measures and priority

		Immediate	1 week	15 days	1 month	Other. Please specify
1.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Names and surnames of technicians who investigated the case

Town and date

Signature

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Annex 6

Case code

Report from the Investigation Committee for the Manager of the IDIBGI, containing the results of the investigation carried out after the intervention request due to harassment in the workplace

Date of receipt of the request for intervention

Personal data of the requesting person

Name and surnames	ID	Gender
		<input type="checkbox"/> M <input type="checkbox"/> F
Work centre	Managerial unit	
Work relationship		
<input type="checkbox"/> Permanent contract <input type="checkbox"/> Temporary contract		
Category	Group	Level
Type of job undertaken	Working-day	Schedule
		Shift
Time in the position held		

Reason/s for the request for intervention

☐ Psychological harassment
 ☐ Sexual harassment
 ☐ Harassment because of gender
 ☐ Harassment due to sexual orientation

☐ Other discrimination Please specify


Description of situation

Methodology used in the investigation

Conclusions of the Commission of Inquiry

☐ Evidence of harassment
 ☐ No evidence of harassment
 ☐ Other types of conflict

☐ Other diagnoses. Please specify

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Considerations and clarifications

Proposed corrective measures and priority

		Immediate	1 week	15 days	1 month	Other. Please specify
1.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Place and date

Signature of the President of the Inquiry Commission

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Annex 7

Data communication file for monitoring and evaluation of the employment harassment protocol

General data

Type of Harassment	Case start date	Case resolution date
Specify if the case has been sent to an inquiry commission <input type="checkbox"/> Yes <input type="checkbox"/> no		Specify if a disciplinary record has been opened <input type="checkbox"/> Yes <input type="checkbox"/> no
Identification code (*)	Remarks	

Personal data of the affected person


Age group	Gender <input type="checkbox"/> M <input type="checkbox"/> F	Work relationship	Body
Group (Civil servants and interim staff)	Group (contracted staff)	Years working for the Administration	
Results of the investigation <input type="checkbox"/> There are no signs of harassment <input type="checkbox"/> There are signs of harassment		Application of corrective measures <input type="checkbox"/> No <input type="checkbox"/> Yes. Please specify	
Number of people affected	Judicial route <input type="checkbox"/> Yes <input type="checkbox"/> no		

Work centre data

Department	Workplace address	
Managerial unit	Number of workers at the centre	Activity

Active subject data

Age group	Gender <input type="checkbox"/> M <input type="checkbox"/> F	Work relationship	Body
Group (Civil servants and interim staff)	Group (contracted staff)	Years working for the Administration	Number of aggressors
Results of the investigation <input type="checkbox"/> There are no signs of harassment <input type="checkbox"/> There are signs of harassment		Application of corrective measures <input type="checkbox"/> No <input type="checkbox"/> Yes. Please specify	
Town and date			

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(*) IDIBGI code and start year of the case, separated by a bar from the case number within the IDIBGI without regard to the year (e.g., UCP08/3).