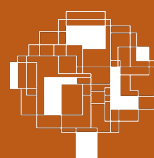


CREAF PROTOCOL FOR THE PREVENTION, DETECTION, RESPONSE TO AND RESOLUTION OF SITUATIONS OF WORKPLACE HARASSMENT

Sexual harassment and
harassment on the grounds of sex/
gender, sexual orientation and/or
gender identity



CREAF



SEVERO
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EXCELLENCE

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01 INTRODUCTION

This Protocol was negotiated with the legal representatives of CREAF employees and approved on 17 October 2023.

The CREAF's commitment and zero-tolerance policy towards all types of harassment.

The CREAF is a public research centre specialising in terrestrial ecology, territorial analysis and global change that pursues scientific excellence in knowledge creation and dissemination, as well as innovation, development and transfer of methodologies.

The CREAF has a zero-tolerance policy towards any behaviour that violates the freedom, dignity or physical and/or psychological integrity of its employees or of any person connected with the Centre, and is committed to addressing such behaviour in a comprehensive manner.

The CREAF formally declares and publicly communicates its rejection of all forms and manifestations of harassment and violence.

The CREAF is committed to establishing a culture of prevention against harassment and male gender-based violence through training and awareness initiatives for all of the Centre's staff.

The CREAF rigorously applies a prevention and action protocol to protect its staff from all forms harassment and violence and undertakes to protect, support and advise victims in the event that a situation of harassment is detected.

The CREAF has an anti-harassment protocol in place to ensure a safe and respectful working environment for everyone and guarantees that any report of behaviour potentially constituting harassment will be dealt with diligently, fairly and promptly, in accordance with the guidelines set out in this document.

02 OBJECTIVES

This Protocol has the following objectives:

- a) To contribute to protecting dignity and safeguarding rights in the workplace, recognising the right of every individual to a professional environment that is free from violence and harassment.
- b) To prevent – and to promote working conditions that are free from – situations of workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, gender identity, gender expression and sexual orientation in all areas of the CREAF's activities and in relation thereto, including online working environments.
- c) To inform, train and raise awareness among all staff of their duty to respect people's dignity and their right to privacy.
- d) To train designated contact persons and ensure the confidential handling of reports of any incident potentially constituting a case of harassment, and to clearly identify the figures responsible for assisting anyone who submits a report or complaint.
- e) To establish the intervention and support procedure to address and resolve situations of harassment as swiftly as possible and within the time-frames established herein.
- f) To guide the adoption of appropriate disciplinary measures in the event of breaches of the basic guidelines for investigating situations of harassment or negligence in the handling and resolution of the situation.
- g) To establish mechanisms for the support and accompaniment of victims.

03 SCOPE OF APPLICATION

3.1. People covered by the Protocol

- a) Any person who has a contract of employment with the CREAM or who provides services within the scope of the CREAM's activities, regardless of their professional category, the form and place in which their services are provided, or the type of employment contract.
- b) Any external professional contracted by the CREAM, or any person who provides services or collaborates with the CREAM without an employment contract: affiliated staff contracted by an external organisation, visiting professors, trainees and unpaid interns.
- c) Persons not belonging to any of the above group but who use the services provided by the CREAM, such as students, provided that the alleged aggressor is a member of the CREAM (employed or affiliated) and the reported conduct took place in the context of an activity offered by the CREAM.

The victim is any person targeted by behaviour constituting harassment, as defined in this Protocol, that takes place on CREAM premises or in the delivery of CREAM services, independently of their contractual relationship or affiliation with the Centre. The responsibility of the CREAM is determined not by the existence, or otherwise, of a contractual relationship with the victim or aggressor but by the context in which the behaviour takes place.

3.2. Situations covered by the Protocol

This Protocol applies to situations of harassment that occur at any place or time in which professional or work-related activities are being performed. This is considered the 'work environment' for the purposes of defining the specific form of harassment.

The Protocol therefore applies to situations arising during, in relation to or as a result of work carried out at, by or for the CREAM:

- d) In the workplace, including public and private spaces if work is being carried out.
- e) In rest areas, dining spaces, changing rooms, welfare facilities and cleaning facilities.
- f) During work-related journeys, travel, training and social activities.
- g) In the framework of work-related communication, including communication by electronic means (online or cyber-harassment).
- h) During journeys to and from the workplace.

04 DEFINITIONS

4.1. Types of harassment according to the direction of interactions:

- **Downward vertical harassment:** Pressure exerted by a superior over one or more subordinates.
- **Upward vertical harassment:** Pressure exerted by a subordinate on a superior.
- **Horizontal harassment:** Pressure exerted between colleagues at the same hierarchical level.
- Situations of harassment can also be caused by or directed at external individuals.

4.2. Forms of harassment

4.2.1. Sexual harassment¹

Sexual harassment can be defined as any unwanted verbal, non-verbal or physical behaviour of a sexual nature, **whether repeated and systematic or not**, that violates the dignity of another person or creates, intentionally or otherwise, an intimidating, hostile, degrading, humiliating, offensive or uncomfortable environment.

It can occur between colleagues (horizontal harassment) or between a superior and a subordinate, or vice versa (vertical harassment). The Protocol also covers harassment of this type when it is carried out by a non-employee with some form of affiliation to the Centre: visiting researcher or specialist, student, supplier, job applicant, external service provider working on CREAf premises, etc.

All forms of sexual harassment are considered discriminatory behaviour and a crime against sexual freedom and integrity, as defined in Article 184 of the Criminal Code.

For indicative purposes, sexual harassment includes, but is not limited to, the following types of behaviour:

1. Article 7.1 of Organic Law 3/2007, of 22 March, on effective equality between women and men. Article 2(p) of Catalan Law 17/2015, of 21 July, on effective equality between women and men. Article 5(b) of Catalan Law 5/2008, of 24 April, on the right of women to eradicate gender-based violence. Article 184 of the Criminal Code.

Sexual harassment	NOT sexual harassment
<ul style="list-style-type: none"> You are touched, rubbed against or cornered in an unwanted or intimidating manner. You receive deliberate and unwanted physical contact (pinching, touching, -massaging, etc.). Rumours are spread or details disclosed about your sex life without your consent (including information disclosed via digital means, for example by email or on social media). Information, videos or images related to your sex life are recorded, shared or published via digital means without your consent. You receive unwanted sexual advances, whether direct or otherwise, with the offer of improvements in your work conditions. You receive unwanted comments or questions about your sexual habits or preferences. You have been shown or had displayed to you unwanted pornographic or sexual materials. You receive emails, letters, notes or messages of a sexual and offensive nature through any means, including digital means. 	<ul style="list-style-type: none"> You receive a proposal to meet outside work that is made in a respectful manner. You reject the proposal and this is accepted and no further approach is made. A respectful professional relationship is maintained without detriment to working conditions and the work environment. You or the respondent discuss aspects of your personal life in the context of a personal conversation to which you have consented. You have, or have had, a personal or intimate relationship with a colleague in which you are treated with respect.

Sexual harassment may also take the form of *quid pro quo* harassment, which occurs when the victim is forced to choose between submitting to sexual advances or losing certain benefits or conditions of employment (this includes sexual blackmail). In this sense, it can be considered a form of downward sexual harassment.

4.2.2. Harassment on the grounds of sex/gender²

Any unwanted (continuous and systematic) behavior that, due to a person's sex, is carried out with the purpose of violating their dignity or physical or psychological integrity and creating

2. Article 7.2 of Organic Law 3/2007, of 22 March, on effective equality between women and men. Article 5 of Catalan Law 5/2008, of 24 April, on the right of women to eradicate gender-based violence

an intimidating, hostile, degrading, humiliating, offensive and disturbing environment when accessing paid work, promotion in the workplace, employment or training.

This form of harassment also includes attitudes or behaviour towards a person based on reasons or circumstances pertaining to gender (the social role culturally attributed to a person on the basis of their sex). It is considered particularly serious when the attitudes or behaviour concern pregnancy and maternity, irrespective of the victim's professional category.

Harassment on the grounds of sex/gender belongs to the category of discriminatory harassment in which a person is targeted simply for being a woman or in reference to circumstances such as pregnancy, maternity or breastfeeding; or harassment in relation to reproduction and childcare as roles attributed in a discriminatory manner exclusively to women. Harassment on the grounds of sex/gender may also be experienced by men if they perform functions, tasks or activities related to caregiving – a role that has historically been attributed to women (the traditional "female role").

There must be a clear pattern of insistent and repeated actions for the behaviour to be classified as harassment.

It can occur between colleagues (horizontal harassment) or between a superior and a subordinate, or vice versa (vertical harassment). The Protocol also covers harassment of this type when it is carried out by a non-employee with some form of affiliation to the Centre: visiting researcher or specialist, student, supplier, job applicant, external service provider working on CREAM premises, etc.

Behaviours constituting harassment on the grounds of sex/gender harassment include, but are not limited to, the following:

Harassment on the grounds of sex/gender

- Insulting an employee because of their sex and/or gender: *"You haven't got a clue, you idiot, but then you are a woman..."*.
- Engaging in discriminatory behaviour towards a person for being a woman: *"Let me explain it to you - she can't explain anything properly"*.
- Using offensive or belittling forms of address: *"Get out of the way, love"*.
- Ridiculing or belittling a person's capabilities, skills and intellectual potential on the basis of their sex.

NOT harassment on the grounds of sex/gender

- You are the recipient of an isolated comment or joke.
- You make clear that your contributions receive less attention than your colleagues', you receive an apology and the discrimination stops.
- You have an excessive or insufficient workload as the result of poor organization.
- Excessive demands are placed on the work of all team members.
- You receive constructive criticism in the context of routine supervision of your work.

Harassment on the grounds of sex/gender	NOT harassment on the grounds of sex/gender
<ul style="list-style-type: none"> • Using sexist humour. • Interrupting or ignoring a person's contributions, comments or actions because they are a woman. • Undervaluing a person's work because they are a woman. • Assigning tasks below a person's professional category, not providing the tools to do their work, denying leave to which they are entitled, or assigning tasks that are impossible to complete during pregnancy, maternity/ paternity leave, or leave related to caregiving responsibilities for children or dependents. 	<ul style="list-style-type: none"> • A disagreement arises over a particular manner of work. • A lack of empathy or communication skills is displayed. • Tension and disputes arise in relation to normal work activities. • Colleagues respectfully acknowledge criticism of sexist behaviour.

4.2.3. Harassment on the grounds of sexual orientation, gender identity, gender expression and sexual characteristics³

This form of harassment can be defined as any conduct pertaining to a person's sexual orientation, gender identity, gender expression or sexual characteristics that seeks to violate their dignity or their physical or mental integrity, or to create an intimidating, hostile, degrading, offensive or uncomfortable environment. There must be a clear pattern of insistent and repeated offensive actions for the behaviour to be classified as harassment.

For the purposes of this Protocol, the following definitions apply:

- **"Sexual orientation"**: a person's physical, sexual or affective attraction towards another person. Sexual orientation can be heterosexual, when a person feels physical, sexual or emotional attraction exclusively towards people of a different sex; homosexual, when a person feels physical, sexual or emotional attraction exclusively towards people of the same sex; or bisexual, when a person feels physical, sexual or emotional attraction towards people of different sexes, not necessarily at the same time, in the same way, to the same degree, or with the same intensity.
- **"Gender identity"**: the internal and individual experience of sex as felt and self-defined by each person, which may or may not correspond with the sex assigned to them at birth.
- **"Gender expression"**: a person's individual manifestation of their gender identity.

3. Article 15 of Law 4/2023, of 28 February, on real and effective equality of transgender people and guaranteeing the rights of LGBTI people.

- **“Transgender person”:** person with a gender identity that does not correspond to the sex they were assigned at birth.

Behaviours constituting harassment against the LGBTI+ community include, but are not limited to:

LGBTI-phobic harassment	NOT LGBTI-phobic harassment
<ul style="list-style-type: none"> • Making insulting remarks about a person’s sexual orientation, gender identity, gender expression or sexual characteristics. • Demeaning a person for being in the process of gender reassignment or for being trans gender. • Behaving in a discriminatory way against a person based on their belonging to the LGBTI+ community. • Using disparaging forms of address related to a person’s sexuality or gender identity. • Ridiculing and belittling a person’s capabilities, skills and intellectual potential on the basis of the masculine or feminine behaviour they exhibit, irrespective of their biological sex. • Using humour that is sexist or that ridicules the LGBTI+ community. • Ignoring a person’s contributions, comments or actions on the grounds that they are homosexual or bisexual. • Undervaluing a person’s work on the grounds that they are a transgender man or woman. 	<ul style="list-style-type: none"> • You are the recipient of an isolated comment or joke. • You make clear that your contributions receive less attention than your colleagues’, you receive an apology and the discrimination stops. • Your colleagues accept and respectfully acknowledge criticism of LGBTI-phobic behaviour. • You make clear that the comments you have received are LGBTI-phobic, you receive an apology and the comments stop.

These behaviours may be considered forms of hostile environment harassment, when they create a work environment that is offensive and intimidatory: comments of a sexual nature, jokes, etc. A pattern of insistent and repeated actions is usually required for this to be considered harassment, depending on the severity of the behaviour.

4.2.4. Psychological workplace harassment ("*mobbing*")⁴

Any conduct, practice or behaviour that, regardless of its cause or origin, (i) is **systematic** and (ii) **recurrent over time** and (iii) produces in the employment relationship (iv) an undermining or violation of the employee's dignity, (v) with the intent to dominate them emotionally and psychologically and to nullify their capabilities, harm their career progression or threaten their continued employment, creating a hostile environment and negatively impacting both the workplace and the employee.

Harassment can occur (a) vertically (from a superior to a subordinate or vice versa), but also (b) horizontally (between colleagues at the same hierarchical level).

For indicative purposes, this includes, but is not limited to, the following types:

Psychological workplace harassment

Organisational

- Denying or restricting the opportunity to speak and refusing to listen to a subordinate.
- Prohibiting colleagues from speaking to a specific person.
- Making offensive or disparaging appraisals of a person's work.
- Evaluating a person's work and attitude in a systematically negative and biased way.
- Questioning a person's decisions in a discriminatory and disrespectful way.
- Assigning a much higher workload to a particular person, demanding unreasonable or infeasible deadlines.
- Withholding the information necessary for a person to carry out their work.
- Denying an employee's requests for training related to their professional duties in a discriminatory manner and without justification.
- Undervaluing a person's professional effort and merit, either by diminishing their importance or attributing it to other factors.
- Not assigning any tasks to a particular person.
- Assigning tasks that are meaningless, absurd or inconsequential.
- Assigning tasks that are far below a person's capabilities and not inherent to their job position.
- Assigning a person tasks that are degrading.
- Intentionally assigning tasks that are potentially harmful to a person's physical integrity or mental health.
- Preventing the implementation of the necessary measures for a person to carry out their work safely.

4. According to the International Labour Organization (ILO), in relation to Article 173 of Organic Law 10/1995, of 23 November, of the Criminal Code.

Psychological workplace harassment

Organisational

- Restricting an employee's opportunities to communicate with their superiors or colleagues socially: for example, not speaking to an employee, making them feel marginalised in common areas and social settings, etc.
- Humiliating, belittling or undervaluing a person in public, disparaging them professionally in front of third parties (other colleagues, clients, suppliers, etc.).

Based on personal and private life

- Repeatedly and insistently criticising and/or laughing at aspects of a person's private life.
- Making or sending threatening, ironic or sarcastic phone calls, letters or emails.
- Making fun of a person's disabilities or limitations.
- Imitating and ridiculing a person's appearance, mannerisms, voice, behaviour, etc.
- Personally discrediting someone by ridiculing them or attributing psychological problems or alleged mental illnesses to them.

Based on personal beliefs and attitudes

- Attacking and/or mocking a person's nationality, attitudes, value system or any other personal, social, political and/or religious circumstance.
- Provoking someone in order to destabilise them and make them lose their temper.
- Ridiculing a person's sexual orientation and/or lifestyle choices.

Physical and verbal violence

- Inflicting physical abuse.
- Making verbal threats or intimidating gestures, or using physical violence.
- Shouting at, insulting or systematically and repeatedly belittling someone over time.

By contrast, conduct that involves a dispute arising within the normal course of human interactions in the workplace, and which affects organisational or working relationships, **is not considered workplace harassment**. Nor are situations in which no violent actions occur, and which constitute isolated and occasional incidents.

NOT psychological workplace harassment

- An authoritarian, demanding or perfectionist management style exercised by a superior.
- Poor organisation of tasks and roles resulting from inadequate management by the person in charge.

NOT psychological workplace harassment

- Isolation resulting from the nature of the professional activity itself or from the place of work.
- Constructive criticism regarding work performance, provided it is objective and intended to improve a person's work.
- Arbitrary exercise of managerial powers at an individual or collective level, provided that the fundamental rights of staff are not violated (e.g., removal of overtime, change of work schedule, justified change of workplace, etc.).
- Personal disputes with colleagues arising from differences in interests and objectives.
- Legitimate discussion between opposing parties due to differing opinions about a task.
- Adoption of justified disciplinary measures, provided they comply with established rules and procedures.
- Performance monitoring, if management sets clear objectives and monitors employees' performance with the aim of improving productivity and efficiency.
- Imposition of a reasonable workload, provided it is distributed fairly and that adequate time and resources are allotted.
- Rumours, gossip and informal communications circulating within the organisation.
- Incompetence or unwillingness to carry out a particular task.
- Professional stagnation due to a lack of professional merits or the impossibility of accessing certain promotion systems.

It should be noted, however, that the above circumstances, which are not listed exhaustively and may include other, similar, cases, can be the starting point for situations of harassment if they become abusive.

4.2.5. Other forms of harassment

These encompass actions directed at a person or group of people which, on the grounds of racial or ethnic origin, religion or beliefs, disability, age, language, place of birth or residence, or any other personal or social condition or circumstance, have the purpose or effect of undermining their dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

There must be a clear pattern of insistent and repeated offensive actions for the behaviour to be classified as harassment.

Harassment on the grounds of racial or ethnic origin, religion or belief, disability, age, language, place of birth or residence, or any other personal or social condition or circumstance

- A person is the subject of insults based on their age, racial or ethnic origin, religion, disability, language, etc.
- A person is treated in a derogatory or discriminatory manner because of a particular characteristic.
- A person is the subject of discriminatory behaviour based on their age: ageism, understood as a way of thinking (stereotypes), feeling (prejudices) and acting (discrimination) towards others or ourselves on the grounds of age.
- A person is discriminated against or their work undervalued because of their racial or ethnic origin, place of birth, or language: racism⁵.
- A person is ridiculed or their capabilities, skills and intellectual potential are belittled on the grounds of a particular personal or social condition or circumstance.

NOT harassment on the grounds of racial or ethnic origin, religion or belief, disability, age, language, place of birth or residence, or any other personal or social condition or circumstance

- You are the target of an isolated comment or joke.
- You make clear that your contributions receive less attention than your colleagues', you receive an apology and the discrimination stops.
- Colleagues respectfully accept criticism of discriminatory behaviour in which they were engaging unintentionally.
- A comment or remark about a personal characteristic is made but ceases immediately when it is made clear that it is a stereotype and could lead to discrimination.

5. For the purposes of this Protocol, racism is understood as any distinction, exclusion, restriction or preference based on race, skin colour, lineage, or national or ethnic origin that has the purpose or effect of nullifying or undermining the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other sphere of public life. Definition given in Article 4 of Law 19/2020, of 30 December, on equal treatment and nondiscrimination.

05 PRINCIPLES OF ACTION AND SAFEGUARDS

Each phase of the intervention procedure guarantees:

Respect and protection

- Respect and discretion must be exercised to protect the privacy and dignity of the individuals affected. Actions must be carried out with the utmost respect for all persons involved (complainants, witnesses, respondents, etc.), who must not be subjected to any unfavourable treatment.
- All participants in the procedure will be supported and advised by a designated contact person.

Confidentiality

- The information collected during the procedure is confidential and may only be accessed by those directly involved in the implementation of the different phases of this Protocol, in accordance with their respective roles.
- All individuals who intervene in the procedure are obliged to maintain strict confidentiality and safeguard the information and data handled, and are prohibited from transmitting or disclosing them.
- All participants in the procedure must sign a confidentiality agreement (Annex 3). Failure to comply with the terms of the agreement may lead to the imposition of sanctions.

Right to information

- All individuals involved have the right to receive information about the procedure, their rights and duties, the phase currently being carried out, and, depending on the nature of their involvement, the outcome of each phase.
- Support from experts with specific training in harassment is provided throughout the procedure.

Diligence and promptness

- Specific time-frames are established for each phase, in order to ensure promptness and a swift resolution of complaints.
- Reported cases are investigated and resolved without undue delay, ensuring that each phase of the procedure can be completed in the time-frame envisaged in the Protocol.

Fair treatment

- Impartiality is guaranteed by the participation of external specialists who oversee the investigation procedure, ensuring fair treatment for all individuals involved.
- Everyone involved in the procedure undertakes to act in good faith, seeking to establish the truth and to clarify the circumstances of the complaint.

Protection from possible reprisals

- All individuals involved in the procedure must be guaranteed protection from discrimination or retaliation for participating in the reporting or complaint process.
- Personal records can only contain information pertaining to complaints that have been duly investigated and upheld.

Collaboration

- All persons summoned during the procedure have the duty to cooperate to the fullest possible extent.

Precautionary measures

- If, at any point in the procedure, there are indications of harassment, the individuals responsible for the different phases may propose to the Directors of the CREAM the adoption of precautionary measures (e.g., change of workplace, reorganisation of work hours, paid leave...).

- Any such measures must be acceptable to the victim and must not be detrimental to their working conditions and/or salary.

Health surveillance

- Anyone who experiences a form of harassment that affects their health may request medical attention and guidance and a health surveillance report through the Occupational Risk Prevention service (see more information in Annex 4).
- If the victim's health is affected and sick leave is required, and a link is duly established between the harassment and the request for leave, the situation will be classified as a work-related accident.

06 AUTHORITY AND RESPONSIBILITIES

6.1. Obligations of the CREAM

ONE. To safeguard the following rights of employees in the employment relationship:

- the right not to be subjected to situations of violence or harassment at work,
- the right to physical and mental integrity, and to an appropriate health and safety policy, and
- the right to respect for their privacy and the due consideration of their dignity, including protection against harassment.

TWO. To foster a working environment free of violence and workplace harassment.

THREE. To establish specific procedures for the prevention of situations of violence or harassment at work.

Failure by the CREAM to fulfil its obligations may give rise to administrative and judicial liability⁶.

6. Section 2. Royal Legislative Decree 5/2000, of 4 August, approving the recast text of the Law on infringements and penalties relating to employment regulations.

07 RIGHTS OF THE COMPLAINANT AND RESPONDENT

7.1. Rights of the complainant

- To receive assistance and advice from the designated contact person and from an interpreter if they do not speak or understand Catalan or Spanish.
- To receive information about how to initiate the complaint procedure.
- To be treated fairly.
- To be notified about any precautionary measures adopted.
- To receive assurance that the complaint will be handled promptly.
- To receive information about the progress of the complaint procedure.
- To receive information about the resolution of the case.

7.2. Rights of the respondent

- To be treated fairly.
- To receive assurance that the complaint will be handled promptly.
- To be informed about the complaint.
- To receive information about the progress of the complaint procedure.
- To receive information about the resolution of the case.

08 DESIGNATED CONTACT PERSONS

The designated contact persons are members of staff with specific training in harassment and are listed in Annex 2 of this Protocol.

Any staff member employed by or affiliated to the CREAM, who has training in gender-based violence and/or workplace harassment and in the Centre's anti-harassment protocol, may serve as a designated contact person.

Contact persons dealing with cases of sexual harassment or harassment on the grounds of sex/gender, sexual orientation, gender identity, gender expression or sexual characteristics must have training in gender equality from an intersectional perspective, given that situations of intersectional discrimination may occur⁷.

Additionally, contact persons will also be informed of any consultations and complaints related to workplace harassment that may arise.

Their functions are:

- To receive communications from the complainant or any person or persons who observe instances of harassment.
- To inform and advise the complainant about the content of the Protocol and the actions they may undertake. They must also inform the complainant about the Centre's obligations and potential liability if it fails to uphold them, and about the procedure once the complaint has been submitted. In addition, they must inform them of the possibility of seeking external advice, as well as their right to receive medical support for their physical and/or mental health.
- To accompany the complainant throughout the procedure.
- To provide support with the writing and submission of the complaint.
- To propose precautionary and/or preventive measures to the directors of the CREAM, where appropriate.
- To manage and store the documentation pertaining to the procedure.

7. "Intersectional discrimination" is understood to occur when discrimination arises on more than one of the grounds covered by this Protocol. Law 17/2020, of 22 December, amending Law 5/2008 on the right of women to eradicate gender-based violence, defines intersectionality as the concurrence of gender-based violence with other axes of discrimination, such as origin, skin colour, phenotype, ethnicity, religion, administrative status, age, social class, economic precariousness, physical or psychological diversity, addictions, serological status, deprivation of liberty, or sexual and gender diversity, which results in an aggravated and differentiated impact. The interaction of these forms of discrimination must be considered in addressing gender-based violence.

- To participate in the investigation phase, provided that they have not previously been involved in phase 1 of the Protocol (notification and guidance).
- To take part in prevention, awareness, information and training actions.
- To take part in the monitoring and evaluation of the Protocol.
- Any other duties that may arise from the nature of their functions and from the provisions of this Protocol.

09 PROCEDURE

9.1. Prevention

This Protocol envisages the following preventive actions:

- Information actions on prevention:
 - Informing all CREAM staff about the Protocol.
 - Ensuring that the Protocol is available for consultation by all staff. To publish the Protocol in the CREAM intranet.
 - Ensuring, at the time they are hired, that all employees are informed of the existence of the Protocol and require them to sign a document to this effect and to confirm that they are familiar with its content.
 - Ensuring that personnel from external companies contracted by the CREAM, who provide services on behalf of the CREAM or at CREAM facilities are also informed of the existence of this Protocol. Together with the contract, a document will be signed in which they declare that they have been informed of the existence of the Protocol and are familiar with its content.
- Training activities in prevention:
 - Conducting regular training on harassment for all staff, to be included in the Centre's general training plan: training actions to provide staff with the knowledge to identify harassment behaviour.
- Implementation of a continuous training programme for designated contact persons.
- Creation of an effective procedure (protocol) for addressing all internal reports and complaints received; monitoring, control and evaluation of the procedure.

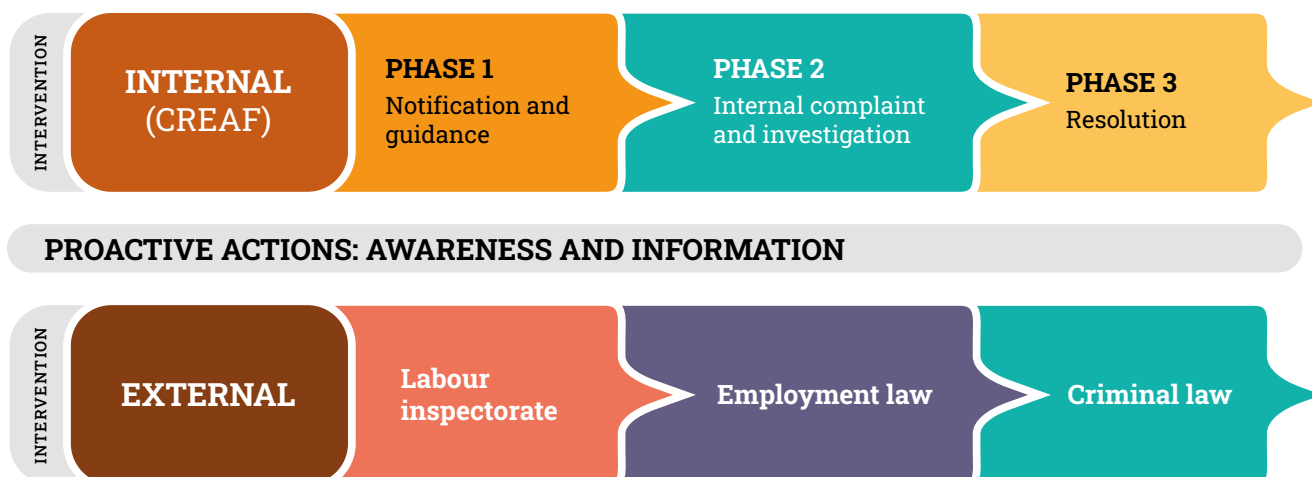
9.2. Detection

The CREAM also undertakes to implement measures to detect instances of harassment. These measures will be the responsibility of the Directors and General Management, and the person assigned to manage the anonymous reporting mailbox, with the support of the CREAM's Academic Talent and Gender officer, together with Human Resources and the designated representatives of the employees' legal representation (CIC):

- Studies to ascertain the incidence of these forms of behaviour at the Centre, in order to identify their characteristics, their impact on staff health, and the needs for implementing a prevention policy:
 - Preparing every four years a study on psychosocial risks associated with situations of violence and harassment in occupational health and safety management (existence of precursor situations, a conducive organisational climate, a gender culture not tending towards equality, etc.).
- Creation of an internal database in which all requests for information, complaints, actions and resolutions are recorded anonymously and without reference to personal details, and aggregation of data to prepare an annual report including the following indicators:
 - The number of people who have requested information about the Protocol from designated contact persons. Specify in each case the person's gender and whether they are CREAM staff, affiliated staff or external.
 - The number of people who have reported a case of harassment, distinguishing between the five types of harassment described in this Protocol: 1) Sexual harassment; 2) Harassment on the grounds of sex/gender; 3) LGBTI-phobic harassment; 4) Psychological workplace harassment, "mobbing"; and 5) Other. Specify in each case the person's gender and whether they are CREAM staff, affiliated staff or external.
 - The number of staff who have reported a case of harassment, distinguishing between the five types of harassment described in this Protocol. Specify in each case the complainant's gender and whether they are CREAM staff, affiliated staff or external.
 - The number of disciplinary procedures undertaken during the year. Specify how many have entailed the adoption of precautionary measures.
 - The number of information, awareness and training actions carried out regarding the Protocol and the specific characteristics in each case. Specify who each action is addressed to.
- Management of the anonymous reporting mailbox.
- Monitoring of possible signs of harassment and proactive efforts to detect them.

9.3. Response

General procedure



PROACTIVE ACTIONS: AWARENESS AND INFORMATION

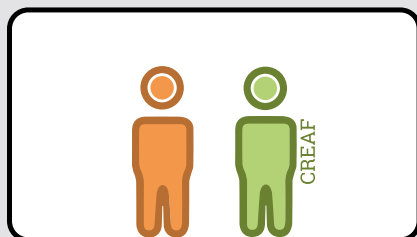
9.3.1. What can I do if I am the victim of or witness a possible situation of harassment at work?

- If you are the victim of harassment and want to seek help:** Get in touch with one of the CREAM's designated contact persons, who will inform you about the complaint procedure and accompany you throughout the process. You can contact them in person, by telephone or by email.
- If you are the victim of harassment but are reluctant to seek help:** Ask a person you trust to seek advice on your behalf, by contacting one of the CREAM's designated contact persons. Information will be provided with full respect for anonymity.
- If you witness a possible case of harassment:** You can contact a designated contact person and inform them about the situation.

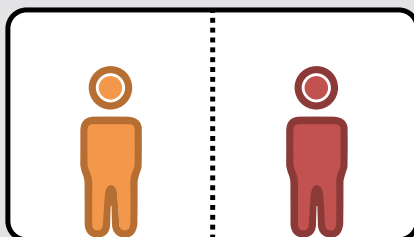
The procedure described in this Protocol can be initiated by notifying the CREAM of the alleged circumstances (phase 1) or by proceeding directly to lodging a complaint (phase 2).

If it is deemed necessary to implement preventive actions, the Directors and General Management will be informed of the opening of a file in the notification and guidance phase (phase 1); in all other cases, they will be informed when the formal complaint is lodged (phase 2). The initial report can be made without providing specific details about the complainant and the respondent.

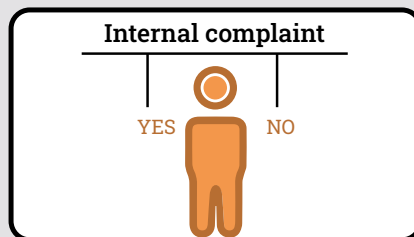
Phase 01. NOTIFICATION AND GUIDANCE



You can seek guidance from the CREAM's **designated contact persons**

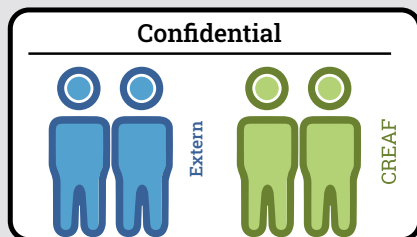


If necessary, precautionary and **preventive measures** are adopted

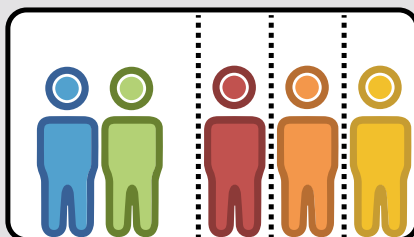


You will have to decide whether to submit a formal complaint. If you proceed, Phase 2 is initiated.

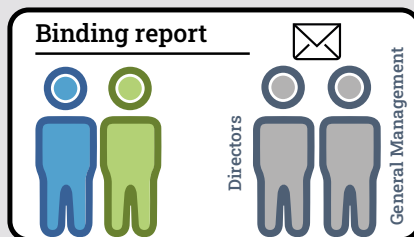
Phase 02. INTERNAL COMPLAINT AND INVESTIGATION (15 days)



The **investigation committee** is formed (2 external experts + 2 CREAM contact persons not involved in Phase 1)

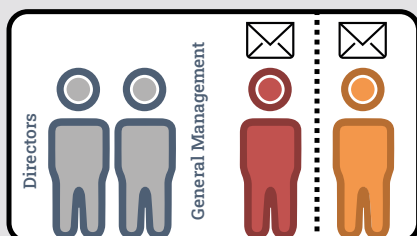


The investigation committee gathers **evidence** and **interviews** both parties and any witnesses

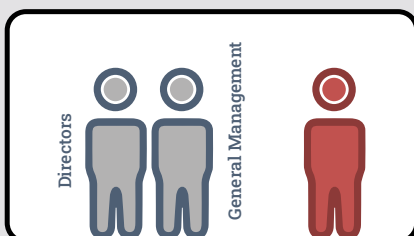


The investigation committee drafts a **binding report** and delivers a copy to the Directors and General Management of the CREAM

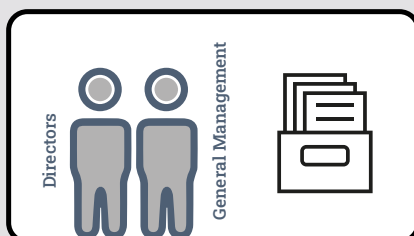
Phase 03. RESOLUTION (30 days)



The Directors and General Management of the CREAM **issue a resolution** and send a copy to each of the parties



If the resolution concludes that a **situation of harassment** is substantiated, a disciplinary file is opened and **corrective measures** are adopted



If there is insufficient evidence of a situation of harassment, the **complaint is dismissed**

The victim is any person targeted by behaviour constituting harassment as defined in this Protocol that takes place on CREAM premises or in the delivery of CREAM services, independently of their contractual relationship or affiliation with the Centre. The responsibility of the CREAM is determined not by the existence, or otherwise, of a contractual relationship with the victim or aggressor but by the environment in which the behaviour takes place.

9.3.2. Phase 1: notification and guidance (maximum duration: 5 days)

The aim of this phase is to inform, advise and support the victim and, if appropriate, to prepare the internal complaint and investigation phase (phase 2). During this phase the designated contact person may propose the adoption of precautionary or preventive measures.

Prior to initiating the formal complaint procedure, the victim is offered the initial choice of seeking to resolve the problem informally. If they have difficulty doing this themselves, they must be given the opportunity of doing so through a third party (colleague, advisor, friend, etc.). This option is not applicable in cases of sexual harassment or harassment on the grounds of sex/gender.

The procedure is designed to provide staff with the assurance that their complaints and allegations will be treated with the utmost seriousness.

This phase, which has a **maximum duration of five working days**, begins with notification of the perceived or suspected situation of harassment.

This may be done by:

- The victim.
- Any person or persons who observe instances of behaviour that may constitute a form of harassment.

The circumstances should be reported as soon as possible, given the emotional impact situations of this type have on the victim. Notification can be sent in writing, through a contact form, by email or in person.

The information is received by one of the designated contact persons.

In this phase, the designated contact persons have the following functions:

- To inform and advise the victim.
- To receive complaints regarding sexual harassment, harassment on the grounds of sex/gender and workplace harassment, as well as other forms.
- To accompany the victim throughout the process.
- To propose the adoption of precautionary and/or preventive measures.
- To prepare a report detailing the conclusions about each action carried out.

In carrying out these functions, the designated contact persons must ensure that:

- They understand that victims of harassment have a series of rights that must be guaranteed.
- They listen actively and proactively.
- They provide clear and understandable information about the victim's rights, the services and resources available to them, and all possible channels (internal and

external) for resolving the situation of harassment they have experienced or of which they are at risk.

- They assess the emotional state of the victim and, if there is a risk to their health or safety, offer them the health surveillance service.
- They support individuals in expressing and clarifying the situation they have experienced, and personalise the response based on an understanding of their needs, an assessment of their expectations, and respect for the pace at which they wish to proceed.
- They do not reinterpret the facts or create false expectations, and refrain from making paternalistic assumptions or value judgements about the victim's actions.
- They respect the victim's autonomy to make decisions and support their decisions even if these entail rejecting offers of assistance.
- They consider referral to external services where appropriate.
- They provide advice taking into account the cultural background of the victim.

This phase has three possible outcomes:

1. The victim decides to proceed with a formal complaint.

- If the alleged aggressor has a contractual relationship with the CREAM, the victim can lodge the formal complaint to initiate the procedure described in the Protocol.
- If the alleged aggressor does not have a contractual relationship with the CREAM (for example, a professor affiliated to the CREAM but employed by a university), the victim lodges the complaint and initiates the protocol of the university in question, but can continue to receive the support and accom-

paniment of the designated contact person at the CREAM, should they request it.

2. The victim decides not to proceed with a formal complaint but the designated contact person considers, on the basis of the information received, that there is evidence of a situation of harassment.

In this case, it must be reported to the Centre, while respecting the right to confidentiality of the individuals involved; the name of the person requesting information will not be disclosed, but the Directors and General Management of the CREAM will be informed that situations potentially leading to harassment are occurring. As soon as the Centre becomes aware of signs of harassment, it has the legal obligation to implement protective and corrective measures and, where appropriate, to update its preventive actions, a decision that must be made by the CREAM Directors and General Management.

3. The victim decides not to proceed with a formal complaint and the designated contact person considers, on the basis of the information received, that there is no evidence of a situation of harassment.

In this case, the case must be closed and no further action can be taken.

If documentation is generated during the notification and guidance phase, the designated contact person will be responsible for its management, storage and confidentiality.

If the victim decides not to proceed, all of the documentation they have provided must be returned. The only information the Centre will record is that there has been a request for information, but no further details. If they decide to proceed with the complaint, the documen-

tation must be attached to the resulting investigation file.

Precautionary measures

Depending on the risk and/or harm to the victim, once the procedure has been initiated (phase 1) and until the case is resolved, whenever reasonable grounds exist to suspect harassment has occurred, those responsible for the different phases may propose to the Directors and General Management of the CREAM the adoption of precautionary measures..

The implementation of any such measures must be acceptable to the victim and must not be detrimental to their working conditions and/or salary.

The precautionary measures that may be taken are:

- Change of workplace.
- Reorganisation of work hours.
- Paid leave.
- Remote work.

The adoption of these measures must be personalised and coordinated with all those involved in the application of this Protocol. The victim must be at the centre of the process in order to ensure that they receive full support and protection and have the best possible chance recovery and restitution and to prevent secondary victimisation (or "revictimisation").⁸.

Precautionary measures must not predetermine the final outcome of the procedure and must be adopted with due justification as a safeguard for the protection of the parties involved.

9.3.3. Phase 2: Internal complaint and investigation (maximum duration: 20 days)

The aim of this phase is to conduct a thorough investigation of the facts in order to issue a binding report on whether or not a situation of harassment exists, as well as to propose appropriate intervention measures. For this purpose, a harassment investigation and response committee is created.

The investigation process may last **up to fifteen working days from the start of the procedure**.

For the corresponding investigation to be carried out, the complaint must be submitted in writing using the internal report template attached as [Annex 1](#). If the complaint is not submitted by the victim, their express and informed consent must be provided in order to activate the procedure defined in this Protocol.

The complaint is submitted to one of the designated contact persons listed in [Annex 2](#).

The harassment investigation and response committee must be mixed. It will be formed by two external specialists in the specific circumstances of the case and two members of staff (designated contact persons not involved in the complaint). Committee members may not provide advice or accompaniment to either the complainant or the respondent

The investigation begins upon receipt of the complaint. The complainant must relate the as precisely and specifically as possible the facts that constitute the reported situation of harassment and, by virtue of the procedural principle of reversal of the burden of proof, the alleged aggressor must demonstrate that their

8. For the purposes of this Protocol, secondary victimisation (or revictimisation) is defined as the additional harm inflicted on people affected by situations of harassment, as a direct or indirect consequence of the quantitative and qualitative shortcomings of the interventions carried out by the responsible bodies, as well as through the inappropriate or negligent actions of other parties involved.

conduct has been appropriate.

All persons involved in the procedure must maintain strict confidentiality and discretion, and must not transmit or disclose any information pertaining to the content of complaints that have been submitted, resolved, or are under investigation. They must sign the confidentiality agreement. In accordance with the principle of confidentiality as defined in the section on principles and safeguards, the person responsible for initiating and processing the case must assign numerical codes to identify both the alleged victim and the alleged aggressor, in order to protect their identities. Codes will be used throughout the process; names will only appear in the complaint and the resolution.

The harassment investigation and response committee thoroughly examines reports and complaints of harassment within the framework of the CREAM's activities, issues a binding report on the existence or otherwise of a situation of harassment, and, where appropriate, makes recommendations regarding the necessary interventions and measures.

The committee has the following functions:

- To examine the circumstances of the complaint and all attached documentation.
- To hold an interview with the complainant. If the complainant has decided to proceed directly to the complaint and investigation phase, they must be informed of the procedure, the possible courses of action, and their right to health surveillance. If the facts related in the complaint are not sufficiently detailed, an additional account must be requested.
- To hold an interview with the respondent.
- To interview any witnesses.
- To assess the need for precautionary measures.

- To issue the binding report at the conclusion of the process.

The investigation process concludes with the issue of a binding report that includes the conclusions reached and proposes any corrective measures deemed appropriate.

The report must include at least the following information:

- The identities of the alleged victim(s) and aggressor(s).
- The names of all participants in the investigation and the writing of the report.
- The background to the case, complaint and circumstances.
- Other actions: evidence, summary of the main facts, and actions taken. When witness interviews have been conducted, and in order to ensure confidentiality, the summary of this action must indicate only whether the facts under investigation have been confirmed, without reference to the identity of the witness(es).
- Aggravating circumstances observed:
 - If the respondent has previously been accused of harassment.
 - If there are two or more victims.
 - If the aggressor is reported to have intimidated or threatened reprisals against the victim.
 - If the aggressor has the power to determine their working relationship with the victim.
 - If the victim has a disability.
 - If the victim's physical or psychological health has been severely affected, as validated by a qualified medical professional.
 - If pressure or coercion is applied to the victim, the witnesses, or people in their work or family environment, with the intent to prevent or undermine the ongoing investigation.

- Conclusions.
- Corrective measures.

The harassment investigation and response committee is responsible for the management, storage and confidentiality of all documents generated during this phase. The CREAM will provide the means required for safe and effective storage.

The report issued by the harassment investigation and response committee is delivered to the Directors and General Management of the CREAM.

9.3.4. Phase 3: Resolution (30 days)

The aim of this third and final phase is to take the necessary actions, on the basis of the evidence, recommendations and proposed interventions outlined in the binding report issued by the harassment investigation and response committee.

Having considered the binding report prepared by the harassment investigation and response committee, the Directors and General Management of the Centre issue a resolution of the case. This resolution will be issued **no more than twenty working days after the start of the procedure.**

- If there is sufficient substantiated evidence of a situation of harassment:
 - Initiation of disciplinary proceedings for a proven situation of harassment.
 - Adoption of corrective measures.
- If there is not sufficient substantiated evidence of a situation of harassment:
 - Dismissal of the complaint with the issue of the resolution report.

The report must state the details of the complainant and respondent, the grounds for the

complaint and the alleged circumstances.

An authenticated copy of the resolution is sent to the complainant and the respondent.

If the investigation concludes that an offence other than harassment has been committed, as defined by current regulations or the applicable agreement(s) (for example, in the case of a false complaint), the corresponding disciplinary proceedings must be initiated.

In any case, once the procedure has concluded, whether the case leads to disciplinary measures or not, a final review will be conducted to assess the employment situation of the person who filed the complaint.

Disciplinary framework for resolution of cases

Harassment is explicitly prohibited by this Protocol and will be treated as a disciplinary infringement, as regulated in Article 54(g) of the Workers' Statute. This article establishes that the employer may terminate an employment contract through dismissal on the grounds of a serious and culpable breach by the employee. Breach of contract is considered to have been committed in cases of *"Harassment on the grounds of racial or ethnic origin, religion or belief, disability, age of sexual orientation, and sexual harassment or harassment on the grounds of sex/gender directed at the employer or employees"*.

The sanction will be greater when the person responsible is a hierarchical superior of the victim or has responsibilities over their professional situation, such that their behaviour constitutes an abuse of authority. Sexual harassment is considered a very serious offence when it occurs within the scope of the powers of corporate management (Article 53.6).

The following aggravating circumstances are also considered:

- The respondent has previously been accused of harassment.
- The aggressor has the power to determine their working relationship with the victim; for example, in the case of a supervisor and a predoctoral researcher, where a clear power dynamic exists.
- The victim has a physical or mental disability.
- The victim is a legal minor.
- The victim, witnesses or their colleagues or relatives are put under pressure or coerced in order to disrupt or hamper the investigation.

In cases of intentionally dishonest or malicious reporting, CREAM will issue the mandatory statement of charges to the complainant and, once the employee's allegations have been received, will take the appropriate disciplinary measures. In any case, this will be considered a very serious infringement, due to the breach of contractual good faith and the abuse of trust that such conduct may entail (Article 53.6.a of the applicable collective agreement).

Retaliatory conduct against a person who has filed a harassment complaint or has taken part in the investigation constitute a very serious disciplinary infringement, leading to the following penalties (depending on the applicable collective agreement):

- Suspension without pay for 1-3 months.
- Exclusion from consideration for promotion for 2-6 years.
- Mandatory transfer without compensation.
- Dismissal.
- Removal from a managerial position.

The CREAM may also, where appropriate, adopt corrective measures of an organisational nature (such as a change of workplace or work centre) or individual nature (such as psychological support, mandatory training, personal advice or coaching).

The applicable disciplinary regime is that indicated in the current collective labour agreement, which expressly refers to the regulations set out in the collective agreement for the staff of the Administration of the Generalitat of Catalonia.

Recovery and restitution for victims

The measures and actions set out in this Protocol must facilitate processes for the victim's recovery, enabling them to overcome the effects of the violence to which they have been subjected.

It is important to adopt a victim-centred approach, placing the harassed person at the centre of interventions, to ensure that the support and accompaniment they receive gives due consideration to their needs and decisions, and to encourage the victim to take an active role in their own recovery.

Their experience must be acknowledged in order to validate their experiences, as acknowledging them has a highly restitutive effect. It is essential to provide individual support, but it is also necessary to be mindful of the collective impact that harassment may have had, in order to provide the necessary acknowledgement and restitution.

At an individual level, it should be noted that the restitution process begins from the moment the complaint is filed. It is therefore important to respect the principles of confidentiality and dil-

igence throughout the process, providing proper support to complainants, etc.

Measures for collective restitution:

- Interventions pertaining to the workplace climate and environment that promote zero tolerance for violence and harassment. The organisation must adopt an active policy towards these types of situations.
- Discussion groups led by professionals regarding the situation they have undergone.
- Group psychological support.

Measures for individual restitution:

- Offer of possible changes to the victim's working conditions: workplace, timetable, etc. Any such changes must be acceptable to the victim and made with the aim of facilitating their recovery.
- Access to the Centre's legal services so that the victim can receive proper guidance about administrative or judicial proceedings outside the CREAM, if so desired.
- Psychological support for the victim, offered at the company's expense and during working hours.

Other means of dispute resolution in cases of psychological workplace harassment ("mobbing"): mediation⁹

In the European Union, Article 3 of **Directive 2008/52/EC of the European Parliament and the Council, of 21 May 2008, on certain aspects of mediation in civil and commercial matters** defines mediation as "a structured process, however named or referred to, whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to

reach an agreement on the settlement of their dispute with the assistance of a mediator. This process may be initiated by the parties or suggested or ordered by a court or prescribed by the law of a Member State."

Additionally, at the national level, mediation is addressed in **Law 5/2012, of 6 July, on mediation in civil and commercial matters**. Specifically, Article 1 defines it as "any structured process, however, named or referred to, whereby two or more parties to a dispute attempt by themselves, voluntarily, to reach an agreement on the settlement of their dispute with the assistance of a third person [...] –'the mediator'."

After analysing both regulations, in all cases the parties must be willing to resolve the dispute through this means. Therefore, there is no legal requirement or obligation of any kind that compels the CREAM to offer mediation processes to staff, nor that obliges parties who may find themselves in dispute in the context of their personal relationships with colleagues to submit to a mediation procedure.

Any regulation regarding a possible mediation procedure must provide for (i) CREAM's discretion to offer it and (ii) the possibility for employees to reject it at any time.

Accordingly, a mediator will be offered, proposing that the role be carried out by an external professional and/or previously trained member of the health and safety committee, or by personnel from the Human Resources department designated to handle cases of harassment.

9. The CREAM excludes mediation as a resolution mechanism in cases of sexual harassment, or harassment on the grounds of sex/gender, gender identity, gender expression and sexual orientation, in compliance with Law 4/2015 on the Statute of the Victim of Crime, which prohibits mediation in all cases of sexual and gender-based violence, including situations of sexual violence experienced in the workplace.

The basic **characteristics and guarantees of mediation** include the following:

1. Voluntariness: The parties must agree to the process and may withdraw at any time.
2. Confidentiality: The process must be confidential, remaining between the parties and the mediator, all of whom undertake not to disclose any information.
3. Neutrality: The mediator may not have an interest in the object of the mediation.
4. Impartiality: The mediator may not give preferential treatment to either party.
5. Mediation will only be carried out in cases where it has been determined that no form of harassment exists, and the designated contact person considers that mediation is necessary.

Mediation will take place within a maximum of 10 working days following notification of the report by the designated contact person, through individual sessions with each party or jointly with both parties, subject to agreement.

The mediator will issue a report indicating the outcome of the mediation, which will be processed as defined in this Protocol.

External resolution mechanisms: administrative and judicial proceedings

The external resolution mechanisms available to victims are administrative proceedings (through the Labour Inspectorate) or judicial proceedings (through the labour courts). The suitability of each mechanism will depend on the needs of the parties. For example: the scope and severity of the incident or incidents and the position of the alleged aggressor with

respect to the victim (if there is an imbalance of power, status, etc.).

It is advisable to open administrative proceedings before seeking judicial resolution through the labour courts. The intervention of the Labour Inspectorate is advantageous on two counts: not only does it offer immediacy and *ex officio* investigation, but the facts established during its intervention are presumed to be true and may be relied upon in subsequent labour-court proceedings. Judicial proceedings must be opened as soon as conduct that may constitute criminal behaviour takes place.

The intervention of the Labour Inspectorate consists in investigating how the company – in this case, the CREAM – has acted upon becoming aware of an alleged situation of harassment. In certain cases, it is the Labour Inspectorate itself that formally notifies the company of the facts.

In matters of harassment, the Labour Inspectorate does not monitor the individual alleged to have committed the harassment, but rather the company, as the body responsible for ensuring that:

- the workplace structure and working conditions are appropriate and actively prevent situations of harassment;
- mechanisms are in place to discourage and prevent cases of harassment; and
- all internal reports and complaints received are duly investigated.

Legal proceedings in cases of harassment can be opened under employment law or criminal law.

10 MONITORING AND EVALUATION OF THE PROTOCOL

Following the approval and implementation of the Protocol, the Directors and Management Team of the CREAF, with the participation of the works council, conduct an annual review of its implementation. For this purpose, an annual meeting is held with the works council.

The gender-disaggregated indicators used for this purpose are as follows:

- The number of people who have contacted the designated contact persons to request information about the Protocol. In each case it is necessary to specify the person's gender and whether they are CREAF staff, affiliated staff or external.
- The number of people who have reported a case of harassment, distinguishing between the five types of harassment described in this Protocol: 1) Sexual harassment; 2) Harassment on the grounds of sex/gender; 3) LGBTI-phobic harassment; 4) Psychological workplace harassment, "mobbing"; and 5) Other forms of harassment. In each case it is necessary to specify the person's gender and whether they are CREAF staff, affiliated staff or external.
- The number of staff who have reported a case of harassment, distinguishing between the 5 types of harassment described in this Protocol. In each case it is necessary to specify the complainant's gender and whether they are CREAF staff, affiliated staff or external.
- The number of disciplinary procedures undertaken during the year, specifying how many have entailed the adoption of precautionary measures.
- The number of information, awareness and training actions carried out and the specific content of each action, specifying who each action is addressed to.

This procedure will be reviewed and amended whenever the need arises or when there is a legal or regulatory imperative to do so, subject to prior consultation and the participation of the legal representatives of CREAF employees.

11 LEGAL FRAMEWORK AND APPLICABLE LEGISLATION

Convention 190 of the International Labour Organisation (ILO) on the Elimination of Violence and Harassment in the World of Work (adopted in Geneva on 21 June 2019 and ratified by Spain in 2023, entering into force on 25 May 2023) aims to contribute to the protection of dignity and the guarantee of rights in the world of work, recognising the right of everyone to a world of work free from violence and harassment.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), highlights the importance of adopting measures to combat all forms of sex-based discrimination in the fields covered by this Directive and, in particular, of adopting effective measures to prevent harassment and sexual harassment in the workplace.

The Spanish Constitution obliges public authorities to pursue more than mere formal equality, promoting conditions which ensure that equality is real and effective (articles 14 and 9.2). **The Statute of Autonomy of Catalonia** also proclaims the right of all women to live free from all forms of discrimination and calls on public authorities to adopt the necessary measures to guarantee non-discrimination on the grounds of gender (articles 19, 41 and 45).

Article 4.2(e) of Royal Legislative Decree 2/2015, of 23 October, approving the recast text of the **Workers' Statute**, enshrines protection against sexual harassment and har-

assment on grounds of sex as a basic right of all workers. Article 4.2(d) of the same Decree provides that workers have the right to "physical integrity and an appropriate occupational risk prevention policy".

The Workers' Statute includes, as a breach of contract and disciplinary grounds for termination of the employment contract, "*Harassment on the grounds of racial or ethnic origin, religion or beliefs, disability, age or sexual orientation, as well as sexual harassment or harassment on the grounds of sex against the employer or employees*" (Art. 54.2(g)).

Organic Law 3/2007, of 22 March, on the effective equality of women and men, regulates and defines sexual harassment and sex-based harassment in Article 7, and establishes that all companies, regardless of their activity or size, are obliged to promote working conditions intended to prevent sexual and sex-based harassment, including in the digital sphere, by putting in place specific procedures for its prevention (Article 48).

Royal Legislative Decree 5/2000, of 4 August, approving the revised text of the **Law on Offences and Sanctions in the Social Order**, classifies sexual harassment and sex-based harassment as a very serious offence whenever no measures have been taken to prevent it, despite the company management being aware of the situation (Article 8).

Organic Law 10/1995, of 23 November, of the **Criminal Code** establishes that proven sexual harassment constitutes a crime against sexual freedom and integrity (Article 184), with penalties of imprisonment or a fine, as well as

special disqualification of the aggressor from practising their profession, trade or activity.

Law 17/2020, of 22 December, amending Law 5/2008 on the right of women to eradicate gender-based violence, includes sexual harassment and harassment on the basis of sex as a form of sexual violence (Article 4) and as violence in the workplace (Article 5), specifying cyber-harassment as a form of violence in the digital sphere (Article 5).

Law 19/2020 of 30 December, on equal treatment and non-discrimination, regulates the measures and procedures to guarantee and make effective the right to equal treatment and non-discrimination, respect for human dignity, and protection against any form, act or conduct of discrimination that occurs within the territorial scope of application of this law on the grounds of birth or place of birth; origin, nationality or belonging to a national minority; race, skin colour or ethnicity; political views or other opinions; religion, personal convictions or ideology; language; cultural, national, ethnic or social origin; economic or administrative situation, social class or wealth; gender, sexual orientation, sexual and gender identity or gender expression; ancestry; age; phenotype, sense of belonging to an ethnic group; disease, serological status; disability or functional diversity, or any other condition, circumstance or manifestation of the human condition, whether real or attributed. At the same time, it aims to promote the eradication of racism and xenophobia; anti-Semitism, Islamophobia, anti-Arab sentiment, anti-Christian sentiment, Judaeophobia or anti-Romani sentiment; aporophobia and social exclusion; ableism; sexism; of homophobia or lesbophobia, gayphobia, transphobia, biphobia, intersexophobia or LGBTI-phobia, and any other expression that undermines the equality and dignity of individuals.

Law 4/2023, of 28 February, on the real and effective equality of transgender people and the protection of the rights of LGTBI people, imposes the obligation that, within 12 months from the date the law enters into force – that is, by 1 March 2024 – companies with more than 50 employees must adopt measures to prevent situations of discrimination against the LGTBI community, including a protocol for dealing with harassment or violence against LGTBI people. It also makes it mandatory for all companies to prevent harassment of LGTBI individuals.

Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom, establishes the obligation for all companies to include sexual violence among the occupational risks in the risk assessment of different job positions held by employees, and to provide all employees with information and training on the matter (Article 12).

Law 36/2011, of 10 October, which regulates the social jurisdiction, establishes that the social courts are competent to hear cases of harassment (Article 2(f)). It also regulates aspects of the labour procedure in cases where an issue, such as harassment, has arisen: expert reports (Art. 95), burden of proof (Art. 96), protection of fundamental rights and public freedoms (Chapter XI).

Law 31/1995, of 8 November, on occupational risk prevention, includes among the rights to protection against occupational risks the right to ensure effective protection of workers' health and safety at work (Article 14).

ANNEX 1. Internal report form for workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity

REPORTING PERSON OR BODY

- ☐ Complainant
- ☐ Legal representative of workers
- ☐ Human Resources
- ☐ Professional category of the victim: _____
- ☐ Other (please state): _____

If the report is not submitted by the victim, the individual submitting it declares that the victim has been informed and gives their consent to the submission of the complaint and to requesting activating of the CREAM Protocol for the prevention, detection, response to and resolution of situations of workplace harassment, sexual harassment, and harassment on the grounds of sex, sexual orientation and/or gender identity.

FORM OF HARASSMENT

- ☐ Workplace
- ☐ Sexual
- ☐ Sex/gender
- ☐ LGBTI-phobic
- ☐ Other (please state): _____

COMPLAINANT DETAILS

Name and surname(s): _____
DNI//Id. document: _____
Gender: ☐ Male ☐ Female ☐ Other
Place of work: _____
Area or department: _____
Affiliation to the CREAM: _____
Contact telephone no.: _____
Observations: _____
Name and surname(s): _____

RESPONDENT DETAILS

Gender: ☐ Male ☐ Female ☐ Other

Place of work:

Area, department or professional category:

Professional relationship with the victim:

☐ Higher hierarchical level

☐ Same hierarchical level

☐ Lower hierarchical level

☐ Other (please state):

DESCRIPTION OF FACTS

Include an account of the circumstances you wish to report, attaching as many pages as necessary. Whenever possible, specify the dates on which the events occurred.

WITNESSES AND DOCUMENTARY EVIDENCE

- a) If there are witnesses, please provide their full names.
- b) If any supporting documentation is attached to the complaint, please list the attached documents.

REQUEST

- ☐ I request the initiation of the CREAM's Protocol for the prevention, detection, response to and resolution of situations of workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity.

CONSENT AND UNDERSTANDING

- ☐ I give my consent for the designated contact persons who are part of the CREAM's harassment investigation and response committee to carry out the necessary actions to analyse the situation and reach an appropriate resolution, subject to the obligation to respect the confidentiality of all parties involved throughout the procedure and to protect their personal data, as established by Organic Law 3/2018 and Laws 21/2000 and 41/2002.
- ☐ I understand that the CREAM harassment investigation and response committee is obliged, upon opening proceedings, to notify the respondent of the actions that will be carried out.

Information pertaining to the processing of personal data

The personal data provided in this form will be processed by the CREAM exclusively for the purpose of managing the request for intervention in compliance with the obligations deriving from Law 31/1995 and from Organic Law 3/2007. The data will be stored for the period required to fulfil this purpose.

The personal data disclosed during the intervention procedure may be communicated to the Public Prosecutor's Office, to the judicial authorities and/or to the police and security forces.

Data subjects may exercise their rights of access, rectification, deletion, and portability of their data, as well as the rights to restrict or object to processing, and not to be subject to decisions based solely on automated processing of their data, where applicable, by sending an email to dpo@creaf.uab.cat.

Place and date

Signature of reporting person

ANNEX 2. Designated contact persons

The designated contact persons, who have received specific training from the CREAM, are:

- **Anabel Sánchez**, anabel@creaf.uab.cat:
Head of impact
- **Javier de la Casa**, j.delacasa@creaf.uab.cat:
Predoctoral researcher
- **Laura Roquer**, l.roquer@creaf.uab.cat:
Postdoctoral researcher
- **Teresa Rosas**, t.rosas@creaf.uab.cat:
Head of talent and DEI (diversity, equity and inclusion)
- **Miquel Ferrin**, m.ferrin@creaf.uab.cat:
Predoctoral researcher
- **Marta Olivé**, m.olive@creaf.uab.cat:
Infrastructure coordinator
- **Lucía Galiano**, l.galiano@creaf.uab.cat:
Infrastructure coordinator
- **José Luis Ordoñez**, jl.ordonez@creaf.uab.cat:
Communication specialist
- **Maria Vives**, m.vives@creaf.uab.cat:
Research specialist
- **Cristina Garcia**, c.garcia@creaf.uab.cat:
Member of the employees' legal representative body (CIC), head of the Post-Award Office
- **Dídac Pardell**, d.pardell@creaf.uab.cat:
Research specialist

ANNEX 3. Confidentiality agreement

(Between all those involved in communicating, reporting, investigating and resolving situations of workplace harassment, sexual harassment and harassment on the grounds of sex/gender, sexual orientation and/or gender identity at the CREAM)

I, _____ (name and surname(s)),

- ☐ Having been designated by the CREAM as a contact person authorised to act in the reception, processing, investigation and resolution of reports and/or complaints regarding situations of workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity.
- ☐ As a respondent, complainant or witness in the procedure.

UNDERTAKE to respect the confidentiality, privacy, intimacy and impartiality of the parties throughout the different phases of the process.

As such, I hereby EXPRESS my commitment to meet the following obligations:

1. To guarantee the personal dignity and right to privacy of all participants throughout the general procedure and to ensure equal treatment of women and men.
2. To ensure the strictest confidentiality and discretion in the handling of all information pertaining to situations that may constitute workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity.
3. To ensure the strictest confidentiality and discretion regarding the content of any reports and/or complaints submitted, resolved, or under investigation of which I have knowledge, and to ensure compliance with the requirement of non-disclosure and non-transmission of any information by any other persons involved in the procedure.
4. Not to disclose any information to which I have access in this process, and not to use such information for any purpose other than that related to this process.

I DECLARE that I have been informed by the CREAM about the potential disciplinary liability of failure to comply with the obligations stated above.

Information pertaining to the processing of personal data

Personal data will be processed by the CREAM solely and exclusively for the purpose of receiving, processing, investigating and resolving reports and/or complaints regarding situations involving workplace harassment, sexual harassment and harassment on the grounds of sex, sexual orientation, and/or gender identity, in compliance with the obligations established under Law 31/1995 and Organic Law 3/2007. The data will be retained for as long as necessary to fulfil this purpose.

The personal data disclosed during the actions described in the previous paragraph may be communicated to the Public Prosecutor's Office, to the judicial authorities and/or to the police and security forces.

Data subjects may exercise their rights of access, rectification, deletion, and portability of their data, as well as the rights to restrict or object to processing, and not to be subject to decisions based solely on automated processing of their data, where applicable, by sending an email to dpo@creaf.uab.cat.

Bellaterra, ____ of _____, 202__.

Signed:

ANNEX 4. Occupational Risk Prevention service

The CREA's current Occupational Risk Prevention provider is QUIRONPREVENCION, which can be contacted at the email address ocasas@quironprevencion.com

ANNEX 5. Acknowledgement of information form for the CREAM Protocol for the prevention, detection, response to and resolution of situations of workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity

(For all CREAM employees, affiliated staff and other personnel with a professional association with the Centre)

I, _____, *(name and surname(s))*, hereby DECLARE that the CREAM has informed me of the existence of its Protocol for the prevention, detection, response to and resolution of situations of workplace harassment, sexual harassment, and harassment on the grounds of sex/gender, sexual orientation and/or gender identity, and that I have read and understood said Protocol.

In witness whereof, I DECLARE that I have been duly informed about:

- The CREAM's zero-tolerance policy towards behaviour that violates the freedom, dignity, or physical and/or psychological integrity of employees or anyone associated with the organisation.
- The general procedure and time-frame for addressing possible situations of harassment at the CREAM.
- The disciplinary framework in place at the CREAM for conduct constituting workplace harassment, sexual harassment or harassment on the grounds of sex/gender, sexual orientation and/or gender identity.
- The existence of designated contact persons, who are responsible for receiving reports of harassment and for informing and advising victims about the content of the Protocol and the options and actions available to them.

In witness whereof, I SIGN this document as acknowledgement of the receipt of the above information.

Barcelona, __ of _____, 202__.

Signed: