

PROTOCOL FOR THE PREVENTION, DETECTION, RESPONSE TO AND RESOLUTION OF SEXUAL HARASSMENT AND HARASSMENT ON GROUNDS OF SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION

INSTITUT D'ESTUDIS ESPACIALS DE CATALUNYA

CONTENTS

1.- INTRODUCTION	3
2.- INSTITUTIONAL COMMITMENT AND OBJECTIVES	6
2.1 Institutional commitment	6
2.2 Objectives	6
3.- SCOPE OF APPLICATION	7
4.- DEFINITIONS	8
5.- TYPES OF HARASSMENT	11
5.1 Categories	11
5.2 Identifying elements	12
5.- GENERAL PRINCIPLES	12
6.- POWERS AND RESPONSIBILITIES	13
6.1 Institute Director	13
6.2 Institute General Manager	14
6.3 Contact persons – Technical Investigation Committee	15
6.4 Delegates and employee representatives	16
6.5 Institute staff	16
7.- ACTIONS	16
7.1 Preventive actions	16
7.2. Intervention actions	18
8. MONITORING AND EVALUATION OF THE PROTOCOL'S APPLICATION	22
8.1. Monitoring and evaluation of the protocol's application	22
8.2. Review of the protocol	23

ANNEX I. Intervention request form to be submitted through the mailbox:
assetjament@ieec.cat

1.- INTRODUCTION

Everyone has the right to respectful and dignified treatment, health, equal treatment and freedom from discrimination in the workplace. Sexual harassment and harassment on grounds of sex, sexual orientation and/or sexual identity violate these principles. The IEEC rejects such conduct and therefore expressly undertakes the actions necessary to ensure it is not tolerated and provides the means needed to prevent it.

Various international bodies have spoken out against such conduct. In 1958, the International Labour Organization (ILO) promoted Convention No. 111, which included sex discrimination as a form of discrimination intended to nullify or impair equality of opportunity or treatment in employment and occupation. The 1985 Resolution on Equal Opportunities and Equal Treatment for Men and Women in Employment (71st ILO session) stated that sexual harassment in the workplace harms employees' working conditions and promotion prospects. Policies promoting equality must therefore include measures to combat such conduct.

United Nations documents address sexual harassment and sex-based harassment, linking them to gender-based violence as a specific area for action. On 18 December 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It entered into force as an international treaty on 3 September 1981 following ratification by 20 countries; Spain ratified it in 1983.

This treaty provides the reference legal framework with the highest international status. It establishes the principles of equality and non-discrimination on which new legislation will develop and extend to other regulatory areas. In its preamble, CEDAW explicitly recognises that women continue to face significant discrimination and stresses that such discrimination violates the principles of equal rights and respect for human dignity. Article 1 defines discrimination as any distinction, exclusion or restriction based on sex (...) in the political, economic, social, cultural, civil or any other field.

CEDAW positively affirms the principle of equality by asking States Parties to take all appropriate measures, including legislation, to ensure the full development and advancement of women, so that they can exercise and enjoy human rights and fundamental freedoms on an equal basis with men (Article 3).

Several years later, in 1994, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women (Resolution 48/104), recognising that all forms of gender-based violence constitute flagrant violations of fundamental rights and urging States to implement all necessary measures to eradicate violence against women.

The Declaration of the Council of the European Union of 19 December 1991 on the implementation of the Commission Recommendation on the protection of the dignity of women and men at work, including the code of practice to combat sexual harassment, is the European reference standard on prevention in this area. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002, amending Council Directive 76/207/EEC on equal treatment for men and women in access to employment, vocational training and promotion, and working conditions, states that sexual harassment is sex discrimination in the workplace when unwanted sex-related behaviour seeks to affect a person's dignity or create an intimidating, hostile, offensive or unpleasant environment, particularly when the victim's rejection or acceptance of that behaviour is used as the basis for a decision affecting them.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on equal opportunities and equal treatment of men and women in matters of employment states that sexual harassment is contrary to the principle of equal treatment and constitutes sex discrimination for the purposes of that Directive.

In Spain, the Spanish Constitution requires public authorities to go beyond formal equality by promoting the conditions needed to make equality real and effective (Articles 14 and 9.2).

Organic Law 1/2004 of 28 December on comprehensive protection measures against gender-based violence was the first legislation to provide a comprehensive system safeguarding the rights of people experiencing gender-based violence. It introduced legislative measures of various kinds and included awareness, prevention and detection measures in education, with the aim of preventing and eradicating gender-based violence.

Organic Law 3/2007 of 22 March on effective equality between women and men requires public administrations to promote working conditions that prevent sexual and sex-based harassment and to establish specific procedures to prevent it and deal with complaints or claims submitted by those who have experienced it (Article 48.1 and the sixth final provision of that Organic Law).

In Catalonia, Law 5/2008 of 24 April on women's right to eradicate sexist violence extends protection beyond violence within intimate relationships to cover all forms of violence against women. This protocol adopts that perspective and therefore also uses the terminology of Catalan legislation, referring accordingly to sexist violence.

Law 11/2014 of 10 October guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and eradicating homophobia, biphobia and transphobia aims to establish and regulate the means and measures needed to make the right to equality and non-discrimination on grounds of sexual orientation, gender identity or gender expression effective in both public and private spheres. Article 21(a) guarantees the

right to non-discrimination on grounds of sexual orientation and gender identity in employment, including recruitment and working conditions.

Law 17/2015 of 21 July on effective equality between women and men requires public authorities to take the necessary measures and adopt appropriate strategies to guarantee equality in a democratic society. In particular, they must comprehensively address all forms of sexist violence, especially violence against women and sexist, misogynistic and discriminatory acts (Article 3). Article 18.3 requires Generalitat administration institutions and public bodies linked to or dependent on it to approve a protocol preventing sexual and sex-based harassment within two years of the Law's entry into force. The Law entered into force on 12 August 2015.

The Fundació Institut d'Estudis Espacials de Catalunya (hereafter IEEC) is a research institute recognised as a CERCA centre, attached to the Generalitat de Catalunya through the department responsible for research, and has formed part of its institutional public sector since 2020. It therefore shares this administration's aims of transmitting the civic and social values of a democratic society and providing a social example of genuine and effective respect for fundamental rights. Public bodies must prevent and eradicate sexual or sex-based harassment to support full participation by community members in the research centre's activities and ensure respectful coexistence.

Institutions must safeguard the rights of people involved in such situations, including dignity and free development of personality, physical and moral integrity, non-discrimination on grounds of gender or any other personal or social circumstance, and privacy and honour, as regulated by international law, the Spanish Constitution and the Statute of Autonomy of Catalonia.

The IEEC seeks to achieve a safe and respectful working environment for everyone. It therefore commits to decisive action to protect people affected by sexual harassment and to promoting prevention and institutional reporting and response channels. It makes available to its community a mechanism setting out the procedure to follow when a situation of harassment as defined in this protocol is perceived.

Prevention, assistance and advice for people who have experienced harassment are key objectives of this protocol. It guarantees rigorous, confidential attention and provides those affected with prompt, high-quality resolution and assistance channels for the problems they face.

This document seeks to address all situations revealing sexist conduct in the IEEC's academic, research and working life and to help build a society respectful of equality and diversity, preventing and resolving sexism and sexist violence in all its forms within the Institute.

2.- INSTITUTIONAL COMMITMENT AND OBJECTIVES

2.1 Institutional commitment

The IEEC's governing bodies are committed to respecting people's rights and establishing optimal working conditions. They safeguard equal opportunities between women and men and freedom from all forms of discrimination throughout the organisation.

The IEEC also works to guarantee safe, healthy workplaces and a working environment free from harassment, abusive conduct, psychological violence and behaviour affecting sexual and occupational integrity, adopting appropriate measures to that end.

2.2 Objectives

The general objective of this protocol is to define the IEEC's response framework for sexual harassment and harassment on grounds of sex, sexual orientation, gender identity or gender expression, based on prevention and redress.

The specific objectives are:

- Develop prevention strategies to eradicate such conduct and improve detection when it occurs.
- Establish swift, efficient intervention channels for complaints relating to the situations described in section 4, investigate them and initiate the necessary administrative action to address them, adopt interim protective measures or establish any disciplinary liability.
- Establish support and redress measures for those affected.
- Define the roles and responsibilities of the different actors.
- Guarantee the safety, integrity and confidentiality of those affected and apply measures to protect the victim.

Application of this protocol shall in no case prevent those affected or the organisation itself from taking any necessary legal action.

3.- SCOPE OF APPLICATION

The protocol applies to all situations arising from activities in the workplace or relating to professional, training or research activities promoted, organised or co-organised by the IEEC, subject to the clarifications below.

It applies to reporting, investigating and proposing sanctions for sexual harassment and harassment on grounds of sex, gender identity and sexual orientation in the IEEC's working environment, irrespective of the relationship involved, specifically:

- a. IEEC employees, regardless of their role, hierarchical level, affiliation or contractual relationship.
- b. Affiliated and associated staff and visiting researchers.
- c. Interns and scholarship holders.
- d. Staff of external companies working with the IEEC as collaborators or contractors.

The people listed may be either perpetrators or persons subjected to the conduct described in this protocol.

The protocol applies in the situations described to sexual harassment and harassment on grounds of sex, gender identity and sexual orientation at the IEEC's premises. It also applies to activities outside those premises where the Institute participates in organisation, coordination or supervision and which relate to research, academic or work activities of any kind.

Where the situations covered occur between Institute members outside the workplace, this protocol applies to investigating the facts and proposing appropriate preventive measures. For people without an employment relationship with the IEEC, their institutions will be informed that the procedure has started and the case file will be forwarded to them.

Under the obligations for coordinating business activities established by Law 31/1995 of 8 November on occupational risk prevention and Royal Decree 171/2004 of 30 January implementing Article 24 of that Law, external works and services companies contracted by the IEEC will be informed of this protocol.

Where conduct covered by this protocol occurs between IEEC staff and staff of an external contractor or students on placements, the case will be communicated reciprocally so that each party applies its own protocol and implements the relevant corrective measures within its remit. The institution to which the alleged perpetrator belongs is responsible for activating its protocol, investigating the facts and, where there is evidence, initiating sanction proceedings and implementing appropriate corrective measures.

In all cases, this protocol and its intervention measures must be applied where the alleged victim falls within its scope, even if the alleged harasser does not, without prejudice to reciprocal communication and the relevant business coordination mechanisms.

IEEC management staff must comply with current provisions or protocols on workplace discrimination, particularly those concerning sexual or psychological harassment, and guarantee fair treatment without discrimination, in accordance with the Code of Conduct for senior officials and management staff of the Generalitat administration and its public sector entities, approved by the Government Agreement of 21 July 2016.

IEEC staff who, in their working environment, have experienced any type of harassment covered by this protocol from someone outside its scope will be offered the support and protection measures set out herein.

4.- DEFINITIONS

The following descriptions are general and do not exclude conduct or actions not specifically listed here. Other concepts that should guide action under this protocol are also described.

Sexual harassment

Any unwanted verbal, non-verbal or physical conduct of a sexual nature intended to, or having the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, offensive or unpleasant environment. It is a form of violence exercised from a perceived position of power over the victim and may occur in any sphere of interpersonal relations. A hierarchical relationship may or may not exist.

Harassment originates in the workplace and may continue outside it. A single incident, because it is potentially criminal or extremely offensive, may itself constitute harassment.

It is always for the person affected to decide whether particular sexual conduct is unwanted.

The protocol covers all situations of sexual harassment, irrespective of the gender identity or sexual orientation of the person experiencing it or the perpetrator.

Harassment on grounds of sex or gender

Unwanted behaviour related to a person's sex arising in access to paid work, workplace promotion, employment or training, intended to, or having the effect of, violating their dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

This includes harassment relating to pregnancy, maternity and paternity: any unfavourable treatment connected with pregnancy, maternity, paternity or taking on other family care duties.

Direct discrimination

A situation in which a person is, has been or may be treated less favourably than another in a comparable situation because of sexual orientation, gender identity or gender expression. Measures involving different treatment are not discriminatory on these grounds if objectively and reasonably justified, such as measures based on positive action or promoting shared responsibility for domestic work or caring for others.

Indirect discrimination

A discriminatory situation created by an apparently neutral provision, criterion, interpretation or practice that may cause greater harm to women or place lesbian, gay, bisexual, trans or intersex people at a particular disadvantage compared with people who do not belong to these groups.

Multiple discrimination

A situation in which someone experiences aggravated and specific forms of discrimination because they belong to more than one group commonly subjected to discrimination.

Intersecting or concurrent grounds of discrimination, such as origin, skin colour, religion, disability, sexist violence or anti-LGBTI violence, among others, constitute aggravated and distinct forms of violence that must be considered in prevention and redress measures.

Discrimination relating to pregnancy, maternity or paternity

Any unfavourable treatment of women related to actual or potential pregnancy or maternity that constitutes direct discrimination and violates the fundamental rights to health, physical and moral integrity and work.

This also includes harassment relating to paternity or taking on other family responsibilities.

Harassment on grounds of sexual orientation, gender identity or gender expression

Any behaviour based on a person's sexual orientation, gender identity or gender expression intended to, or having the effect of, violating their dignity or physical or psychological integrity, or creating an intimidating, hostile, degrading, humiliating, offensive or unpleasant environment.

Behaviour unwanted by the person experiencing it

In a harassment situation, the victim is subjected to unwanted behaviour. This means they do not seek the action and also regard it as unwanted.

Such conduct may be verbal, non-verbal or physical and may occur in person or through other means, including digital or remote channels. It ranges from apparently harmless actions, such as jokes or comments about someone's physical appearance, to serious actions that may constitute criminal offences, such as sexual assault. A single isolated act, if sufficiently serious, may be considered harassment.

Examples of unacceptable conduct:

- Words or expressions with sexual connotations in jokes that are unpleasant or offensive, whether in person or through any communication channel.
- Acts with sexual connotations, such as unnecessary, deliberate and unwanted touching or caressing; obscene looks that cause discomfort or intimidation; or displaying pornographic or sexually provocative material in the workplace.
- Degrading use of someone's images on social media or through any other communication channel.
- Suggestions of improved employment conditions in return for sexual exchanges, or threats of workplace retaliation to pressure someone into sexual dates or encounters.

- Unsolicited invitations outside work that may be understood as sexual in purpose, where repeated and unwanted.
- Comments on physical appearance, mannerisms or clothing, or on sexual orientation or gender expression.
- Actions ignoring, ridiculing or belittling the knowledge, capabilities or skills of a person or group because of their sex or a non-normative sexual orientation, gender identity or gender expression.
- Insults, mockery, jokes, gestures or offensive comments of a sexist, homophobic, lesbophobic, biphobic or transphobic nature in the workplace.
- Assigning tasks based on sexist or anti-LGBTI prejudices.
- Public mockery or ridicule of recognised equality and diversity rights.
- Refusing to address trans people by their chosen name and the pronouns with which they identify.
- Challenging people with non-normative gender expressions or identities for using a particular toilet.

Prevention

Actions aimed at avoiding or reducing sexual violence and different forms of harassment by reducing risk factors, thus preventing normalisation, and raising awareness so that no form or manifestation of violence is regarded as justifiable or tolerable.

Redress

Measures taken by the actors responsible for intervention in sexual violence that help restore all areas harmed by the experience and guarantee the necessary support and advice.

Due diligence

The obligation of public authorities to adopt legislative and other measures to act with the necessary speed and efficiency and ensure that authorities, staff, agents, public entities and other actors acting on their behalf comply with that obligation, in order to prevent, investigate, prosecute, punish and adequately remedy acts of sexual violence and protect victims.

Secondary victimisation or revictimisation

Additional mistreatment of people experiencing sexual violence as a direct or indirect consequence of quantitative or qualitative shortcomings in interventions by responsible bodies, and inappropriate or negligent actions by other actors involved.

Second-order violence

Physical or psychological violence, retaliation, humiliation and persecution directed at people supporting victims of sexual violence and different forms of harassment. It includes acts obstructing prevention, detection, care and recovery for those affected.

5.- TYPES OF HARASSMENT

5.1 Categories

Harassment takes different forms according to the direction of interactions between the harassing and harassed parties and the organisational levels involved. All forms create an environment that intimidates, humiliates, degrades or is unfavourable and offensive to the person experiencing it.

Initial consequences may include reduced performance, absenteeism or psychological pressure, and may extend to abuse of authority involving coercion in connection with potential career advancement or improved employment conditions.

Types of harassment include:

- Downward vertical harassment: pressure exerted by a hierarchical superior on one or more employees.
- Upward vertical harassment: pressure exerted by a person or group on a hierarchical superior.
- Horizontal harassment: pressure exerted by a person or group on someone in the same category or work group.

Sexual harassment and harassment on grounds of sex or gender, sexual orientation, gender identity or gender expression may occur at the workplace during working hours, or outside the workplace and working hours where connected with work.

Sexual harassment and harassment on grounds of sex, sexual orientation or sexual identity may also occur between IEEC members and external people, such as suppliers or collaborating companies.

5.2 Identifying elements

5.2.1. Behaviour unwanted by the person experiencing it

The person being harassed is subjected to unwanted behaviour. This means they do not seek the action and also regard it as unwanted.

5.2.2. Behaviour with sexual connotations or of a sexual or sexist nature

Such verbal, non-verbal or physical conduct includes a broad range of examples, from apparently harmless jokes or comments about physical appearance to serious actions that may constitute criminal offences, such as forcing someone to have sexual relations.

5.2.3. Behaviour violating a person's dignity or creating an intimidating, hostile, offensive, degrading or humiliating environment

This arises where conduct persists. Nevertheless, a single isolated act, if sufficiently serious, may be considered harassment.

5.2.4. Further clarifications

The conduct described may occur between peers, from superiors to subordinates or from subordinates to superiors. No physical, psychological or hierarchical power relationship between the harasser and the person harassed is required to establish harassment.

The conduct need not be repeated or continuous over time. Each case's specific characteristics must be assessed following the guidance in the next section of this protocol.

Conduct may occur between individuals, be perpetrated by a group against an individual, or arise from environmental harassment in which no individual perpetrator can be identified but a hostile or intimidating effect on the person affected can be established.

5.- GENERAL PRINCIPLES

When applying this protocol, in view of the personal situations and actors involved, the following principles must be observed:

- Speed and due diligence: interventions must be processed as promptly as possible, without undue delay, including interim protective measures, tailored to each case, respecting the rights of all parties and ensuring non-recurrence and no revictimisation.
- Protection of the privacy and dignity of those involved, including persons reported, and guaranteed support during the different stages of the procedure.
- Protection against retaliation: nobody reporting or communicating a situation covered by this protocol, whether as an affected person or witness, participating in the investigation or supporting victims must suffer retaliation or second-order violence.
- Voluntary choice of the process for activating this protocol.
- Non-discrimination on grounds of sex, sexual orientation, gender identity, race, skin colour or ethnicity, religion, language, opinion, place of birth or residence, or any other personal or social condition or circumstance.
- Effectiveness, coordination and participation.
- Confidentiality: this obligation extends to all parties in the procedure. Information generated and provided is confidential and accessible only to those directly involved in processing the case. Staff health surveillance data and personal medical information are subject to the special regime under Article 22 of Law 31/1995 of 8 November on occupational risk prevention and Organic Law 3/2018 of 5 December on personal data protection and digital rights guarantees.

If the person conducting disciplinary proceedings requests the file generated under this protocol for incorporation into those proceedings, access is limited to the investigation report unless the affected persons have given written consent to include other documentation under personal data protection legislation.

The following criteria must also be considered:

- Every IEEC employee must inform their hierarchical superiors of conduct covered by this protocol of which they become aware. If the superior is the alleged harasser, the IEEC Director must be informed instead.
- Anyone affected by behaviour potentially covered by this protocol may request intervention and is entitled to a response. The IEEC must keep a written record of the request, even where facts are reported verbally, and of every step in the process.
- The persons designated in this protocol must process complaints or intervention requests concerning the conduct covered, within their remit.

6.- POWERS AND RESPONSIBILITIES

Actions under this protocol will take account of the grounds for abstention and disqualification under Articles 23 and 24 of Law 40/2015 of 1 October on the legal regime of the public sector.

6.1 Institute Director

- Guarantees the intervention procedure and ensures its application.
- Receives intervention requests and forwards them to the Technical Investigation Committee for a preliminary report and to the General Manager for the corresponding investigation report. Assigns codes to requests.
- Opens an investigation on receiving a complaint or intervention request.
- Decides on interim protective and corrective measures and any initiation of disciplinary proceedings, based on the General Manager's investigation report following an intervention request.
- Communicates the resulting report to the Board of Trustees.
- Informs employee representatives.
- Opens an investigation on receiving a complaint or intervention request.
- Proposes and implements prevention and awareness measures and campaigns.

6.2 Institute General Manager

At any time, even if no request has been received:

- Ensures continuous improvement of working conditions, including a gender perspective in workplaces, and that relationships between staff respect privacy, equality and dignity.
- Ensures compliance with this protocol.
- Ensures that staff are informed of their rights and the legislation protecting them, the disciplinary liability they may incur if found responsible for sexual harassment or harassment on grounds of sex or gender, sexual orientation, gender identity or gender expression, and the procedure for enquiries, intervention requests and complaints.

- Works to reduce and eliminate risk factors giving rise to harassment.

When the protocol is activated following a request:

- Receives the Technical Investigation Committee's preliminary report.
- Monitors application of the protocol and proposed interim protective and corrective measures.
- Informs the occupational risk prevention delegate.
- Promotes monitoring, review and updating of actions.
- Monitors complaints and intervention requests.
- Issues an assessment known as the "investigation report" and proposes appropriate measures. The report takes account of the Committee's preliminary report and all intervention actions carried out.
- Ensures proposed interim protective measures are applied during intervention.
- Monitors decisions taken by the competent bodies.
- Promotes implementation of any corrective measures in the resulting report.
- Implements appropriate interim protective or corrective measures to protect those involved or prevent further harassment, and informs the organisational unit referred to in section 7.1.1.
- Provides available information so that the investigation clarifies the facts, leading to subsequent actions until the case file is resolved.
- Participates and cooperates in the investigation by providing the documentation and reports required.
- Monitors implementation and effectiveness of interim protective or corrective measures.
- Provides appropriate technical advice and psychological and medical support to those affected by possible harassment, and assesses whether specialist medical or psychological services should intervene to prevent or minimise its effects.
- Cooperates in applying the protocol when activation affects staff in their unit.
- Implements the interim protective or corrective measures required.

6.3 Contact persons – Technical Investigation Committee

These persons inform, advise and support the affected person throughout the process. At the IEEC they are:

- One person appointed by the Institute Director.
- One person appointed by the IEEC Human Resources Director.
- One person appointed by employee representatives.

They will be appointed urgently on the same day the intervention request/complaint is received in the designated mailbox: assetjament@ieec.cat.

Ideally, they should have equality training and enjoy the respect and trust of the IEEC and its staff so they can perform their functions for all organisation members. These persons

will not be permanent appointees but will be selected for each potential case of sexual harassment or harassment on grounds of sex, gender identity or sexual orientation.

Their functions are:

- Inform and advise the affected person about their rights, the protocol's content, available options and legal, financial and health resources, and actions they can take.
- Offer support throughout the process.
- Assist in drafting the complaint and advise on submitting it if requested by the affected person.
- Propose interim protective and/or preventive measures to the Institute Director where warranted by the seriousness of the situation. Appropriate legal advice will be sought to avoid any unlawful action.
- Manage and safeguard any documentation during communication and advice, ensuring confidentiality of all documents and information generated at that stage.
- Prepare the preliminary report determining whether the procedures under this protocol should continue and forward it to the General Manager. It must be prepared within three working days of receiving the intervention request.

To ensure a swift process and protect the contact persons' working conditions, their workload will be adjusted for the duration of the procedure.

The designated contact persons form the Technical Investigation Committee. It will thoroughly examine harassment complaints within the Institute, issue a preliminary report on whether a harassment situation exists, and recommend any necessary interventions and measures.

Committee members may request assistance from an adviser with expertise in gender equality and sexual harassment.

6.4 Delegates and employee representatives

Employees are represented by the works council or equivalent body. Its functions are:

- Inform the IEEC Director of possible sexual harassment or harassment on grounds of sex, gender identity or sexual orientation of which they are aware.
- Accompany and support affected persons during the procedure where requested. They will be informed that an employee representative may accompany them to investigation meetings to which they are summoned.
- Support the Technical Investigation Committee whenever requested.

6.5 Institute staff

This comprises the staff described in section 3. Their functions are:

- Inform the IEEC Director, General Manager or Human Resources Director of possible sexual harassment or harassment on grounds of sex, gender identity or sexual orientation that they detect.
- Cooperate in procedures by providing available information relating to the facts investigated.
- Participate in the annual information, dissemination and training events or activities organised.

7.- ACTIONS

7.1 Preventive actions

The IEEC must promote preventive action within its remit. Some measures to be developed are set out below.

7.1.1. Awareness and information

- Prepare and disseminate information in appropriate formats incorporating preventive measures through suitable channels, such as intranets, leaflets and newsletters.
- Ensure dissemination of professional good practice codes and principles of conduct addressed to all IEEC groups.
- Inform staff about this protocol during onboarding.
- Publicise the protocol on the IEEC website and intranet.
- Where possible, prepare information documents on the IEEC's commitment to eradicating this conduct, the Code of Conduct, rights and duties, responsibilities and consequences of non-compliance.
- Provide information about the anti-harassment protocol through the designated email address and telephone number.
- Ensure information measures are targeted and adapted to different groups and employment categories.
- Establish a mailbox system for anonymous enquiries and advice on harassment. Complaints may be sent to assetjament@ieec.cat.
- Inform companies entering into contracts with the IEEC about the protocol.
- Include a specific clause on the conduct covered by this protocol in the administrative specifications for contracts involving the presence of contractor staff or contact with IEEC staff.
- Include a specific clause on the conduct covered in placement agreements.

7.1.2. Detection

- Establish tools for early identification of the conduct covered for all staff and managers.
- Integrate a gender perspective into the organisation of workplace spaces to eliminate risk factors facilitating discriminatory, violent or harassing situations, ensuring safe and accessible workplaces for all staff and LGBTI staff.

7.1.3. Training

- Provide training on gender equality, sexual and gender diversity, non-discrimination, and prevention and detection of the conduct covered, for staff at all hierarchical levels, appointed and temporary office holders, technical staff in prevention services and human resources units, legal staff and employee representatives.
- Provide specialist training for everyone involved in applying this protocol, particularly those participating in investigations and initiating proceedings.

7.1.4. Trans people

- Ensure prompt implementation of name changes for trans people, so their chosen name appears in all documentation and processes under the IEEC's responsibility.

7.2. Intervention actions

7.2.1. Intervention stages following a request

The general abstention and disqualification criteria under Law 40/2015 of 1 October on the legal regime of the public sector must be applied both individually and where administrative units involved in the intervention are implicated in the case.

7.2.2. Initiation of action

Action begins with an intervention request using the designated form, addressed to the IEEC Director or the Management Area/Human Resources. It is submitted electronically through assetjament@ieec.cat, ensuring confidentiality of the data and documentation provided. To safeguard the case's confidentiality, the Director assigns a case reference number to each request.

Annex 1 contains the intervention request form to be submitted to assetjament@ieec.cat.

Everyone participating in the process, including witnesses, must guarantee confidentiality of the information and data they provide or learn through their participation. They will be informed of this obligation. All documentation generated will be marked "confidential" and identify its intended recipient.

An intervention request may come from:

- The affected person.
- Anyone aware of possible conduct covered by this protocol.
- The Management Area/Human Resources.
- The area or office concerned.

- The relevant prevention delegates.
- Employee representatives.

The IEEC Director will forward the request to the Technical Investigation Committee for a preliminary report and to the General Manager for the corresponding investigation report.

If the affected person does not submit the request directly, their express, informed consent to initiate action must be included, either on submission or subsequently at the Director's or General Manager's request.

Submitting the request means the affected person agrees to cooperate in all tests and actions necessary to investigate the case.

If they do not consent to action concerning their case, the Director will carry out enquiries and take appropriate measures.

Once the request is submitted, if urgent interim protective measures are considered necessary, the Director will notify the General Manager and the alleged victim's hierarchical superior immediately, with reasons, provided that superior is not the alleged harasser.

Throughout the process, those involved may receive advice and be accompanied by a trusted person from their personal or working environment, an employee representative or an occupational risk prevention delegate.

7.2.3. Investigation actions

Following an intervention request and receipt of the Technical Investigation Committee's preliminary report, the General Manager must contact the affected person within a maximum of five working days of receiving that document to begin a swift, confidential process establishing evidence of harassment, obtaining statements and conducting the tests necessary to clarify the facts reported.

The investigation will observe due diligence, participation of those involved, confidentiality and all other applicable protocol principles. It will be conducted with the utmost sensitivity and respect for each party's rights.

The General Manager may be advised by, among others:

- Technical staff specialising in ergonomics and applied psychosociology.
- Where necessary, external experts or other specialists in the field of the conduct reported. They will provide confidential initial assessment reports to the investigating body for safekeeping.

The General Manager will use technical tools prepared for this purpose, including, at a minimum, interviews with the persons affected, namely,

the alleged harassing and harassed parties, any witnesses proposed by those involved, and other staff with relevant information.

Witnesses will be summoned on different days or at different times and in suitable premises to guarantee confidentiality, give their account of the reported facts and provide the evidence or indications on which it is based.

At the start of each interview, those involved and witnesses will be told that the investigation report is confidential information and may be incorporated into disciplinary proceedings so that the IEEC Director can determine any disciplinary liability for the facts investigated.

The investigation will continue if the alleged perpetrator, having been duly summoned, decides not to attend without justification.

At any time before the investigation report is issued, the alleged victim may submit new evidence unavailable when the intervention request was made.

To protect alleged victims, the General Manager may propose reasoned interim protective measures at any investigation stage to provide sufficient protection and prevent continuation of the alleged harassment.

Within a maximum of 15 working days of receiving the intervention request and preliminary report, the General Manager must issue a report with one of the following outcomes:

- Establish evidence of harassment covered by the protocol and propose disciplinary proceedings and the introduction or continuation of interim protective measures.
- Find no evidence of harassment as defined by the protocol, but indications of another possible disciplinary offence, and propose interim protective measures.
- Find no evidence of harassment or any other conduct liable to disciplinary sanction, and propose measures to resolve the workplace conflict.
- Establish procedures to resolve interpersonal conflicts.

The report must include, at a minimum, identification of the applicants and alleged harassers, a detailed description of the facts and available evidence, the methodology used, assessment of the case, investigation findings and proposed corrective measures.

If the report concludes that the data or testimony provided are false, the IEEC Director may initiate disciplinary proceedings against those responsible. Unproven facts must not be equated with false complaints.

The General Manager will submit the report to the IEEC Director for the appropriate decision within a maximum of 10 working days of forwarding the resulting report. The decision may:

- Establish harassment covered by the protocol, initiate disciplinary proceedings and introduce or maintain interim protective measures.
- Establish facts that may constitute another disciplinary offence and introduce interim protective measures.
- Establish that no facts constitute harassment covered by the protocol or other conduct liable to disciplinary sanction, and close the case.

The Director will notify the alleged victim and alleged harassing party of the decision. It will also be forwarded to the General Manager and the head of the alleged victim's area or office and, if different, the head of the alleged harassing party's area or office.

Within a maximum of ten working days from the day following notification of the decision, the General Manager must report to the Director on implementation of the measures agreed.

If the Director decides not to initiate disciplinary proceedings or adopt the measures proposed in the General Manager's investigation report, reasons must be given under Article 61.2 of Law 39/2015.

The decision concluding disciplinary proceedings will be reported to the Board of Trustees.

7.2.4. Monitoring the case's progress and the wellbeing of those affected

The General Manager must monitor the case until its final resolution.

At any investigation stage, interim protective measures may be adopted to ensure sufficient protection for the victim and prevent continuation of the alleged harassment. They do not prejudice the final outcome and must avoid harm that would be difficult or impossible to remedy for alleged perpetrators or interested parties.

Such measures may include shift changes, prohibitions on approaching or communicating, and restrictions on access to data, files or premises, among others.

The General Manager will give those affected access to different forms of support, including workplace adjustments and referral and accompaniment to comprehensive public support services.

If the investigation concludes that harassment has caused physical or psychological harm to health, it will be considered an occupational accident for the purposes of Royal Legislative Decree 8/2015 of 30 October approving the consolidated General Social Security Law and Organic Law 10/2022 of 6 September comprehensively guaranteeing sexual freedom. It will be referred to the mutual insurance provider for occupational accidents and diseases

for recognition and treatment of any physical or psychological harm to the person's health.

Employees who are victims of sexual violence, including sexual harassment and harassment on grounds of sex, sexual orientation, gender identity or expression, are entitled to reduced or rearranged working hours, geographical workplace mobility and leave of absence on the terms established by specific legislation.

Where disciplinary proceedings end with a sanction against the person responsible, other appropriate redress measures will be adopted, such as reinstatement to a lost position or suitable symbolic redress. These measures will always be agreed with the affected person, considering the impacts of the facts and, where applicable, subsequent procedures.

People who have committed conduct covered by this protocol will be offered access to therapeutic or re-education resources to prevent recurrence.

8. MONITORING AND EVALUATION OF THE PROTOCOL'S APPLICATION

8.1. Monitoring and evaluation of the protocol's application

The IEEC General Manager will oversee monitoring and application of this protocol.

8.2. Review of the protocol

The protocol will be evaluated at least every three years and reviewed and amended whenever its operation makes this necessary or where legally required.

Barcelona, November 2023.

ANNEX I. REQUEST FOR INTERVENTION IN CASES OF SEXUAL HARASSMENT OR HARASSMENT ON GROUNDS OF SEX, SEXUAL ORIENTATION, GENDER IDENTITY AND/OR GENDER EXPRESSION

TO BE SENT TO assetjament@ieec.cat

I. Person reporting the facts (mark X)

☐ Person who has experienced harassment

☐ Other (specify)

II. Details of the affected person

Given name:

Surname(s):

Identification type:

Identification number:

Telephone:

Email address:

Address for notifications:

III. Details of the person submitting the request on behalf of the affected person

(Complete this section if you are not the affected person)

Capacity in which the request is submitted:

Given name:

Surname(s):

Identification type:

Identification number:

Telephone:

Email address:

Address for notifications:

IV. Relationship with the IEEC

IEEC employee

Position:

Area/office:

External employee

Company/workplace:

Workplace address:

V. Details of the alleged harasser (mark X and complete according to whether they are an IEEC or external employee)

☐ IEEC employee

Full name:

Position:

Area/office:

☐ External employee

Company/workplace:

Workplace address:

VI. Description of the facts

(State the employment relationship between the affected person and the alleged harasser/person responsible for discrimination; the circumstances of the alleged harassment/discrimination; and any information you consider useful to investigate and verify the facts).

VII. Witnesses and/or evidence

If there are witnesses, give their full names:

Attach any evidence you consider relevant, such as emails, WhatsApp messages, voice recordings, calls, videos or medical leave documentation.

List of attached documents:

VIII. Declarations

1. I declare that all information entered in this form is true and undertake to retain supporting documents throughout the intervention, only where the applicant is the affected person.
2. I request and consent to activation of the Protocol for the prevention, detection, response to and resolution of psychological harassment and other discrimination at work, of which I am aware.
3. Under this protocol, I acknowledge that everyone receiving and/or holding information on this case must act with discretion and maintain secrecy to safeguard confidentiality.
4. By submitting this request, I agree to cooperate in the tests and actions necessary to investigate the case.

IX. Request

That this request for intervention concerning (IDENTIFY THE PERPETRATOR) be accepted and the procedure under this protocol for prevention, detection, response to and resolution of harassment on grounds of sex, sexual orientation, gender identity or gender expression be initiated.

Basic data protection information

Identification of processing: Management of harassment case files for the prevention, detection, response to and resolution of sexual harassment and harassment on grounds of sex, sexual orientation, gender identity or gender expression.

Data controller: Institut d'Estudis Espacials de Catalunya.

Purpose: Management of harassment case files for the prevention, detection, response to and resolution of sexual harassment and harassment on grounds of sex, sexual orientation, gender identity or gender expression.

Data subjects' rights: You may request access to and rectification of your data, as well as erasure, objection or restriction of processing where applicable. Further data protection information is available at: <https://www.ieec.cat/politica-privacitat/>

Place and date:

Applicant's signature:

For the attention of the IEEC Director