

**PROTOCOL FOR PREVENTIVE ACTION IN SITUATIONS OF  
WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR  
HARASSMENT BASED ON SEX, SEXUAL ORIENTATION  
OR GENDER IDENTITY IN CVC**





**CONTENTS**

**1. INTRODUCTION..... 2**

**2. GENERAL OBJECTIVE ..... 3**

**3. SCOPE OF THE RULES ..... 4**

**4. DEFINITIONS AND CHARACTERISTICS OF CONFLICT AND TYPES OF HARASSMENT..... 5**

    4.1. CONFLICT ..... 6

    4.2. WORKPLACE OR PSYCHOLOGICAL OR MORAL HARASSMENT ..... 9

    4.3. SEXUAL HARASSMENT ..... 13

    4.4. HARASSMENT BASED ON SEX ..... 15

    4.5. HARASSMENT BASED ON SEXUAL ORIENTATION..... 16

    4.6. HARASSMENT BASED ON GENDER IDENTITY ..... 16

**5. PREVENTIVE REGULATORY ASPECTS PRIOR TO IMPLEMENTATION OF THE PROTOCOL. .... 18**

    5.1. CONSIDERATIONS ON SEXUAL HARASSMENT ..... 18

    5.2. CONSIDERATIONS ON WORKPLACE HARASSMENT ..... 22

**6. DEVELOPMENT OF THE PROTOCOL: PREVENTION AND INTERVENTION..... 23**

**6.1. IMPLEMENTATION OF THE PREVENTIVE PROTOCOL ON CONFLICT AND HARASSMENT. 23**

    6.1.1. STATEMENT OF PRINCIPLES ..... 23

    6.1.2. RESPONSIBILITY..... 24

    6.1.3. BODIES IN CHARGE OF IMPLEMENTING THE PROTOCOL..... 25

    6.1.4. PREVENTIVE SECTION OF THE PROTOCOL..... 26

    6.1.5. DISCLOSURE ..... 27

    6.2. INTERVENTION PROCEDURE IN A SITUATION OF HARASSMENT..... 28

**7. CONTROL AND MONITORING ..... 36**

**8. GUARANTEES OF THE PROCEDURE..... 37**

**9. SANCTIONS..... 38**

**10. ANNEXES: ..... 39**



**PREVENTIVE ACTION PROTOCOL**

page2 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

**1. INTRODUCTION**

This prevention protocol describes the actions to be carried out in CVC in the event of possible situations of workplace harassment, sexual harassment or harassment based on sex, sexual orientation and gender identity, to prevent these situations from arising.

Harassment is one of the psychosocial risks that can affect workers and companies, leading to serious health and safety consequences for both the individual and the organisation. This is why companies must ensure the safety and health of their workers by trying to prevent, minimise or eliminate this psychosocial risk to the extent possible.

The method developed in this protocol aims to improve interpersonal relations in the company based on mutual respect among workers and tolerance, as set out in the Law on Equality and the directive on the principles of equality. This protocol also aims to facilitate communication channels for these situations by allowing for the participation of the individuals affected, the company and the workers' legal representatives, applying preventive actions first, and, if the harassment has already occurred, ensuring that it is fairly resolved.



## PREVENTIVE ACTION PROTOCOL

page3 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

### 2. GENERAL OBJECTIVE

To prevent possible situations of moral (workplace) harassment, sexual harassment and harassment based on sex, sexual orientation and gender identity at CVC, and to deal with them effectively if they do occur.

#### Specific objectives:

- ✚ To inform, sensitise, raise awareness and train the people in CVC in matters of workplace conflict, workplace harassment, sexual harassment and harassment based on sex, sexual orientation and gender identity, and to share the guidelines so that they can identify these situations.
- ✚ To apply preventive measures that encourage behaviour that favours the principle of non-discrimination.
- ✚ To define clear, precise procedures to deal with these situations effectively and comprehensively once they have occurred.
- ✚ To guarantee the safety, integrity and dignity of the individuals affected by applying the measures that are appropriate in each case to protect the alleged victims at all times.
- ✚ To provide people who have allegedly been harassed with adequate information, as well as professional support to report the case.
- ✚ To act on the person allegedly responsible for the conflict and/or harassment to prevent them from continuing it over time, to prevent negative consequences for the victim as a result of the complaint, and to propose the necessary measures in the event that harassment does arise.
- ✚ If the management is involved, it must guarantee the impartiality of the situation.



## PREVENTIVE ACTION PROTOCOL

page4 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL



### 3. SCOPE OF THE RULES

CVC management will be responsible for promoting working conditions that avoid any type of harassment, for actively supporting specific procedures to prevent it and for following through on any complaints or claims that may be made by those who have been the target of it.

The provisions contained in this Protocol will apply to the following groups:

- a) CVC staff
- b) Staff in training and staff hired in projects linked to CVC
- c) Students, interns and trainees
- d) Any person who provides services to the company, regardless of the legal character or nature of their relationship with it. Staff with contracts or subcontracts and/or staff made available by temporary work agencies, and self-employed persons associated with the company through a work or service provision contract.
- e) CVC customers and/or suppliers that interact with CVC staff.

The situations of conflict and/or harassment defined in section 4 must occur:

-  In any CVC premises.
-  Off CVC premises, provided that the conduct occurs as part of an activity or service organised by CVC.



#### 4. DEFINITIONS AND CHARACTERISTICS OF CONFLICT AND TYPES OF HARASSMENT

The following definition shall apply for the purpose of this Protocol i:

✚ **CONFLICT:** A conflict is a manifestation of opposing interests in the form of a dispute. It has many synonyms: quarrel, discrepancy, disagreement, separation, all with an implicitly negative connotation. It is worth noting that conflict is a different social construct than violence, as it may or may not involve violence.

Conflicts are situations in which two or more people have conflicting interests that cannot exist at the same time; that is, that if one were to come to fruition, the other would be rendered impossible.

**Workplace Conflict.** A workplace conflict is when employees and employers have and pursue different goals; that is, they cannot reach agreements with each other. This leads to a tense work environment and the impossibility of performing the job in the company. It is vitally important that the leader of the company is in charge of resolving these conflicts, so that the company runs smoothly and there is a good working environment.

✚ **HARASSMENT:** Generally speaking, harassment is considered behaviour based on pursuing, coercing or pestering another person in a way that is a nuisance and entails demands. It covers any act, behaviour, statement or request that can be considered discriminatory, offensive, humiliating, intimidating or violent, or an intrusion into the private life of the harassed person

✚ **WORKPLACE HARASSMENT:** Workplace harassment, also known as moral harassment, and very frequently mobbing, is both the action of a bully or harasser which causes the targeted worker to feel fear or terror towards their workplace, and the effect or illness it produces in the worker. The term mobbing is used to identify situations in which a person or a group of people carry out a set of behaviors characterised by psychological violence, systematically (at least once a week) or for a prolonged period of time (more than 6 months ) towards another person in the workplace.



- ✚ **SEXUAL HARASSMENT:** Any behaviour, verbal, non-verbal or physical, of a sexual nature with the purpose or effect of attacking the dignity of a person, in particular when an intimidating, degrading or offensive environment is created.
- ✚ **HARASSMENT BASED ON SEX:** Any behaviour carried out based on a person's sex with the purpose or effect of attacking their dignity and creating an intimidating, degrading or offensive environment.
- ✚ **HARASSMENT BASED ON SEXUAL ORIENTATION:** Any behaviour or action against a person based on their sexual orientation that can be considered offensive, humiliating, violent or intimidating, with the purpose or effect of attacking their dignity and creating a discriminatory environment.
- ✚ **HARASSMENT BASED ON GENDER IDENTITY:** Any behaviour or conduct that is carried out for reasons of expression or gender identity with the purpose or effect of attacking the dignity of a person and creating an intimidating, hostile, degrading, offensive or segregated environment.

#### 4.1. CONFLICT

A conflict is a manifestation of opposing interests in the form of a dispute. It has many synonyms: quarrel, discrepancy, disagreement, separation, all with an implicitly negative connotation. It is worth noting that conflict is a different social construct than violence, as it may or may not involve violence.

Conflicts are situations in which two or more people have conflicting interests that cannot exist at the same time; that is, that if one were to come to fruition, the other would be rendered impossible.

Conflicts are often brought about by the scarcity of resources, although the abundance of a resource can also be a source of conflict, as people may fight to gain control of it and the benefits that it provides.

The conflict, as stated above, assumes a divergence in the interests of two parties with regard to the same end, so that to resolve it they will have to accept that neither of the two objectives will be fully met.

**Interpersonal conflict.** Human relationships inevitably involve conflict. Starting at birth, human beings coexist and adapt within the family or closest circles, where they acquire some initial personal principles and values.



As people venture out into more peripheral circles and meet new people, these values probably begin to be questioned (because we are all different), and interpersonal conflicts can arise.

An interpersonal conflict can be:

- ✓ Unilateral (a person who has a complaint or dispute with others),
- ✓ Bilateral (two parties who each want something from the other),
- ✓ Multilateral (a group of several people that is fractured through conflict).

It is not possible to establish a 'roadmap' for solving conflicts, because each of them has its own particular dynamic: its own individuals, its own problems and its own resolution process. A resolution will come when people have a cooperative attitude.

**Workplace Conflict.** A workplace conflict is when working people have and pursue different goals; that is, they cannot reach agreements with each other. This leads to a tense work environment and the impossibility of performing the job in the company.

It is vitally important that the leader of the company is responsible for resolving these conflicts, so that the company runs smoothly and there is a good working environment.

**Types of workplace conflicts.** There are different classifications of workplace conflicts, such as:

- ✓ Functional conflicts: These bring the company well-being because they help the company to work properly. This type of conflict is necessary for a company to move forward and keep its workers' motivated.
- ✓ Dysfunctional conflicts: This type of conflict negatively affects the company. It diverts power to achieve goals, so it is important to eliminate this type of conflict because it puts business productivity at risk.

According to those involved in the conflict:





IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**  
**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

- ✓ Intrapersonal conflicts: These are conflicts that an employee has with himself or herself because they disagree with tasks they are assigned, which may run counter to their values.
- ✓ Interpersonal conflicts: These are conflicts in which several people in the company are involved.
- ✓ Intragroup conflicts: This type of conflict occurs when disagreements arise between members of the same group or work team.
- ✓ Intergroup conflicts: In this case, differences or disputes occur between members of different groups.

**Characteristics of workplace conflict.** A workplace conflict is characterised by the following reasons:

- ✓ It is completely normal and inevitable, and it is also typical for disagreements or conflicts to arise among people.
- ✓ In some cases, however, it lead to serious problems, which is detrimental to both the company and the workers.
- ✓ Still, conflict are necessary as they help both the company and the people to grow.

**Examples of workplace conflict.** Some of the most common examples of workplace conflict are:

*Discrimination problems*

If an employee is assigned low-category tasks, unlike their colleagues, over time they may begin to feel rejected by their colleagues, and this, in turn, may lead to verbal conflicts, underperformance in their job and losses for the company.

To solve the problem, the administrator or area manager should meet with those involved to distribute the work equitably.

*Conflicts with customers*



If a used car seller makes a sale without any guarantee and it breaks down on the customer who buys it, the customer can confront the seller and ask for a refund. The best way to resolve the dispute is for the manager to issue the refund, so that an agreement is reached with the customer.

Workplace disputes are common in companies, so when they occur it's important to seek a solution as quickly as possible so the company runs smoothly and there is a good working environment.

#### 4.2. WORKPLACE OR PSYCHOLOGICAL OR MORAL HARASSMENT

Workplace harassment, also known as moral harassment, and very frequently mobbing, is both the action of a bully or harasser which causes the targeted worker to feel fear or terror towards their workplace, and the effect or illness it produces in the worker. The term mobbing is used to identify situations in which a person or a group of people carry out a set of behaviors characterised by psychological violence, systematically (at least once a week) or for a prolonged period of time (more than 6 months ) towards another person in the workplace.

In the dynamics of harassment interaction, the alleged aggressor/or aggressors/are usually use some argument or statute of power, which they use to maintain their position of dominance. The factors supporting these bullying behaviors can be: physical strength, seniority, group strength, popularity in the group or hierarchical level.

By understanding psychological harassment or mobbing as a sophisticated form of persecution or psychological harassment that an employee suffers in their workplace, we can observe a series of characteristics in this behavior:

- *Subtlety*: Mobbing does not have overt signs of aggression.
- *Continuity over time*: It is a slow process that psychologically wears the victim out.
- *It ultimately seeks to get the victim to exclude themselves* or leave the workplace

Psychological harassment can occur under three conditions:

- *Descending*: From a hierarchical superior to a inferior, also called bossing.



## PREVENTIVE ACTION PROTOCOL

page10 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

- *Ascending*: From a hierarchical inferior to a superior.
- *Horizontal*: Between workers of the same rank or hierarchical position.

Psychological harassment or mobbing is a situation that evolves over time and often originates in events that are trivial, yet it can end with the victim leaving the workplace.

The government of Catalonia's guide for dealing with and preventing psychological harassment stipulates a series of causes and factors that facilitate the occurrence of cases of harassment:

1. Psychosocial factors, such as the inadequate management of interpersonal conflicts by those in charge.
2. Organisational factors, such as a failure to clearly define responsibilities, poor work distribution, etc.
3. Organisations that value exerting power and control more than productivity and effectiveness.
4. A system with a weak foundation, with generally authoritarian behaviour and little support for and among its members, which favours the emergence of false leaders or bosses.
5. The special personality of the harasser, particularly when mediocrity, envy and the need for control are salient.
6. The characteristics of the victim, which probably differ from those of the rest of the group.
7. The highest demand for quality in production systems.
8. Temporary employment relationships.
9. The mere possibility of falling foul of a colleague or a superior.
10. The existence of multiple hierarchies, without a clear organisational chart among or within them that is known by all members.



## PREVENTIVE ACTION PROTOCOL

page11 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

11. Imbalances in workloads, either excessive or fictitious, whether these are physical, mental or psychological.
12. A poor flow of information, which generates the spread of rumours and obvious communication problems.
13. Work objectives or goals that are poorly defined or assessed.

In addition, there are factors stemming from poor conflict management that may arise in the work environment:

- Denial of the facts, without prior investigation of them.
- The promotion of stigmatisation, both positive and negative, of individuals in the company or institution.

This protocol also establishes a list of subjects who may be considered at risk of suffering from this harassment:

1. People likely to be envied: individuals considered a threat to the rest of the group, both peers and superiors, who cannot compete with him/her.
2. Vulnerable people: people with peculiarities or defects, who appear to be defenceless or harmless, or people with depressive traits.
3. Threatening people: active, hard-working people who highlight the shortcomings of the established systems.

The indicators of the presence of this type of harassment are made up of the main bullying behaviours:

*Attacks on the victim with organisational measures :*

- Restriction of the harassed person possibilities to communicate.
- Change in a person's location by separating them from their colleagues.
- Forbidding colleagues to speak to a certain person.



## PREVENTIVE ACTION PROTOCOL

page12 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

- Forcing someone to perform tasks against their conscience.
- Judging a person's performance offensively.
- Questioning a person's decisions.
- Not assigning tasks to one person.
- Assigning meaningless tasks or tasks that are far below the employee's capabilities.
- Assigning degrading tasks...

### *Attacks on the victim's social relationships with social isolation:*

- Restricting colleagues from talking to a person.
- Refusing to communicate with a person via looks and gestures.
- Refusing to communicate with a person by not communicating directly with them.
- Not speaking to a person.
- Treating a person like they don't exist...

### *Attacks on the victim's private life:*

- Permanently criticising a person's private life.
- Telephone harassment by the bully.
- Making a person look incompetent.
- Implying that a person has psychological problems.
- Making fun of a person's disabilities.
- Imitating a person's gestures, voice, etc.
- Making fun of a person's private life...

### *Attacking the victim's attitudes.*

- Attacking political attitudes and beliefs.



- Attacking religious attitudes and beliefs.
- Mocking the victim's nationality...

*Verbally assaulting the victim.*

- Yelling or insulting.
- Constantly criticising a person's work.
- Making verbal threats...

*Spreading rumours about the victim.*

*Exercising physical violence:*

- Making sexual offers or engaging in sexual violence.
- Threatening physical violence.
- Using microaggression.
- Engaging in physical abuse...

#### **4.3. SEXUAL HARASSMENT**

This is inappropriate sexual behavior, requests and/or offers of a sexual nature or verbal or physical behavior with sexual connotations, in people of a different or the same sex with no any agreement, either explicit or tacit, between them. It should be noted that the term 'inappropriate' has different meanings depending on the culture, circumstances and even local customs. Deciding that a certain behaviour is sexually inappropriate is always up to the person on the receiving end of it.

Sexual harassment is, therefore, repeated, insistent unwanted sexual behaviour on the part of the receiver, and it is a form of abuse that is usually exercised from positions of hierarchical, psychological or physical power, usually in a working, teaching or household environment or in any area that involves the subordination of the victim, although harassment between people at the same occupational level is becoming more frequent.



## PREVENTIVE ACTION PROTOCOL

page14 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

Without being exhaustive, the following are considered behaviours that could constitute sexual harassment:

- a) Physical: Unnecessary physical approaches or contacts, such as rubbing, slapping or touching.
- b) Verbal: Comments, jokes and questions about appearance, lifestyle or sexual orientation; offensive phone calls, sexual demands; insinuation of exchange of sexual favours; verbal abuse .
- c) Non-verbal: whistles, obscene or sexual gestures, presentation of pornographic objects, peeping at people in secluded places, such as restrooms, the use of pornographic images or posters in the workplace, indecent invitations or compromising, unpleasant remarks.

The causes or motivations for these behaviors can be:

- Stereotypes of power between men and women in the workplace.
- Merely gaining sexual benefit.
- Psychological harassment.
- The sex of the harassed person.
- Creating an intimidating, humiliating and hostile work environment.

There is a series of indicators of the presence of sexual harassment made up of the main forms of harassment:

- Comments on clothes.
- Comments on one's physique.
- Lewd looks.
- Lewd gestures.
- Dates outside of work to discuss work-related matters.
- Offers of friendship and intimacy at delicate personal times.
- Clear requests for sexual favours under threat or duress.



#### 4.4. HARASSMENT BASED ON SEX

Law 3/2007 on Equality defines 'harassment based on sex' in point 2 of article 7.

It is any behaviour that is carried out based on a person's sex with the purpose or effect of attacking their dignity and creating an intimidating, degrading or offensive environment. Conditioning a right or the expectation of right on accepting a situation that constitutes harassment based on sex is also considered an act of discrimination based on sex. These forms of harassment can occur between people of the same or different hierarchical levels, whether or not one reports to the other within the company's structure.

It is harassment that is carried out because of sex (gender), but not to get sex. It is, for example, harassment based on sex that seeks to make workers uncomfortable and keeps them away from jobs normally considered men's or women's work.

Through continuous allusions to sex, it is intended to make the victims uncomfortable, exclude them, maintain occupational stratification and limit access to opportunities.

Harassment based on sex can manifest itself through:

- Ridiculing OR belittling the skills and intellectual capacities of women for being female.
- Publicly and repeatedly badmouthing the person and their work.
- Continuous harassing comments about physical appearance or sexual choice.
- Use of sexist humor with degrading content.
- Repeated use of offensive ways of addressing people.

Consequences:

- Insecurity or unease at work.
- Objectification. The feeling of being treated as a sexual object.
- Tension and fears.
- Feelings of helplessness and guilt.
- Aversion, irritability, unease, intimidation, discomfort, discouragement, confusion, etc.





- Development of both physical and emotional stress. - Inability to work.

All these consequences can lead to pathologies such as depression and anxiety, among others.

#### **4.5. HARASSMENT BASED ON SEXUAL ORIENTATION**

This is any conduct, or other actions, against a person because of their sexual orientation that can be considered offensive, humiliating, violent or intimidating, with the purpose or effect of attacking their dignity and creating a discriminatory environment.

Some examples of harassment behaviors based on sexual orientation are:

- Behaving in a discriminatory fashion because of someone's sexual orientation.
- Ridiculing the person about their sexual orientation.
- Making homophobic or biphobic humour, or joking about any other sexual orientation.

#### **4.6. HARASSMENT BASED ON GENDER IDENTITY**

This is any behaviour or conduct that is carried out based on gender expression or identity with the purpose or effect of attacking a person's dignity and creating an intimidating, hostile, degrading, offensive or segregated environment.

Some examples of harassment based on gender identity are:

- Refusing to call a trans person by the name they request or deliberately using articles or pronouns that do not correspond to the gender with which they identify.
- Questioning or expelling people with non-normative gender expressions or identities for being in a certain bathroom/locker room.
- Underestimating the person's abilities, skills and intellectual potential based on their gender expression or identity.
- Using transphobic humour or ignoring or excluding a person's contributions, comments or actions based on their gender expression or identity.



**PREVENTIVE ACTION PROTOCOL**

page17 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

It should be noted that sexual harassment based on sex, sexual orientation and gender identity does not need to happen repeatedly to be considered harassment.

The behaviours cited here are examples and cannot be considered an exhaustive list of harassment.



**5. PREVENTIVE REGULATORY ASPECTS PRIOR TO IMPLEMENTATION OF THE PROTOCOL.**

**5.1. CONSIDERATIONS ON SEXUAL HARASSMENT**

Legally, the problem must be examined from a threefold legal perspective: constitutional, social and criminal.

Firstly, through acts of sexual harassment, several fundamental rights of the victim may be violated, such as:

- a) the right to privacy (art. 18.1 of the Spanish Constitution, SC).
- b) the right to physical and moral integrity (art. 15 SC) with respect to art. 40.2 CE, as these actions affect the victim's health.
- c) the right to equality (art. 14 SC), as most of these actions are against women. Thus, harassment constitutes a violation of fundamental rights and can give rise to lawsuits to restore the violated constitutional rights, as well as to obtain compensation for damages.

Secondly, labour laws also address the issue. Thus, the TRET (Recast text of the Workers' Statute, approved by Royal Decree 1/1995 dated 24 March); specifically, Section 2 (Basic labour rights and duties), art. 4 (Labour rights) point 2 says : 'workers have rights in the labour relationship; ... e) respect for their privacy and consideration based on their dignity, including protection against verbal or physical sexual offenses.

Likewise, art.50.1. c.1. points out that 'the following will be just causes for the worker to request the termination of his/her contract: c) any other serious breach of his/her obligations by the employer'. (This would include the breach of the employer's obligation to safeguard the worker's right stipulated in art. 4.2.e).



**PREVENTIVE ACTION PROTOCOL**

page19 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

Art. 50.2 of the TRET continue by noting in its that 'in these cases, the worker will be entitled to the compensation stipulated for unfair dismissal' (which, according to art. 56.1a) is compensation of 45 days of salary per year of service and up to a maximum of 42 monthly payments). Regardless, it is possible to claim compensation for moral damages resulting from the lack of respect for the worker's privacy and dignity, in which the labour jurisdiction holds competences.

Until the approval of the recast text of the TRET law, labour violations were provided for in Law 8/1988 dated 27 April on violations and sanctions in the social order (LISOS). Articles 6, 7 and 8 of LISOS (Infractions in labour matters) were repealed by the aforementioned recast text, which incorporated its content in articles 93 to 96, with some amendments. Sexual harassment behaviours were included by the doctrine contained in art. 96.11, which states that 'the employer's acts that run counter to respect for workers' privacy and due consideration for their dignity' were very serious infractions. Subsequently, art. 37 of Law 50/1998 dated 30 December 1998, on fiscal, administrative and labour measures (BOE dated 31 December 1998) added a new section, number 14, in art. 96 of the consolidated text of the TRET, stating that 'sexual harassment, when it occurs within the scope of business management powers', is considered a very serious infraction. Legislative changes have led to the fact that LISOS once again covers these labour violations. Thus, Royal Legislative Decree 5/2000 dated 4 August, which approves the law on labour violations and sanctions, repeals the aforementioned articles of the consolidated text of the TRET (articles 93 to 96) and its article 8, section 13, states that 'sexual harassment, when it occurs in an area within the scope of the employer's management, regardless of its active subject', is a very serious infraction.

In the case of statutory personnel, it is covered by the Disciplinary Regime of State Administration Officials dated 10 January 1986, BOE dated 17 January.

Lastly, for the first time, criminal law includes sexual harassment in the 1995 reform of the Penal Code (PC). In this regard, the following articles are worth mentioning:

In Book II, Title VIII (Crimes against sexual freedom), Chapter III (On sexual harassment), art. 184 states that: 'Whoever requests favours of a sexual nature, for him/herself or a third party, within the context of



**PREVENTIVE ACTION PROTOCOL**

page20 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

a labour, teaching or service-provision relationship, either continuous or habitual, and with this behaviour causes the victim an objective and seriously intimidating, hostile or humiliating situation, shall be punished as the perpetrator of sexual harassment with a prison sentence of six to twelve weekends or a fine of three to six months.

If the perpetrator of sexual harassment has committed the act by taking advantage of a situation of occupational, teaching or hierarchical superiority, or with the explicit or implicit announcement of harm to the victim related to the legitimate expectations that the latter might have in the context of that relationship, the penalty will be imprisonment of twelve to six months or a fine of six to twelve months.

When the victim is particularly vulnerable based on his/her age, illness or situation, the penalty will be imprisonment for twelve to six months or a fine of six to twelve months in the cases provided for in section 1, and imprisonment from six months to one year in the cases cited in paragraph 2 of this article.'

In Book II, Title XIX (Crimes against the public administration), Chapter IX (On negotiations and activities prohibited to public officials and abuses in the exercise of their job), art. 443 says: 'If an authority or public official who sexually solicits a person who, by him/herself or for his/her spouse or another person with whom he/she has stable ties via a similar relationship of affection; either as a parent, child or sibling; by nature, by adoption or kinship of a similar degree; has claims pending the resolution or about which he/she must submit a report or forward a query to a superior, then said authority or public official must be sentenced to 1-2 years in prison and 6-12 years of complete disqualification.'

In relation to the above, art. 445 adds: 'The penalties provided for in the two articles above must be imposed in addition to any penalties corresponding to crimes against sexual freedom actually committed' (those corresponding to articles 178 to 194).

- o Article 25 of Directive 2002/73/EC relating to the application of the principle of equal treatment between men and women with regard to access to employment, professional training and promotion and working conditions, states that employers must prevent sexual harassment in workplaces through the following recommendations that are fleshed out in Preventive Rules 507 on sexual harassment at work.



**PREVENTIVE ACTION PROTOCOL**

page21 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

o Likewise, from a preventive standpoint, article 48 of the Equality Law (Organic Law 3/2007 dated 22 March for the effective equality of women and men) says:

'Specific measures to prevent sexual and gender-based harassment at work:

Companies must promote working conditions that avoid sexual harassment and harassment based on sex and stipulate specific procedures to prevent it and to channel any complaints or claims that may be made if they have been the subject of this harassment. For this purpose, measures can be established that will have to be negotiated with the workers' representatives, such as preparing and disseminating codes of good practice, or conducting information campaigns or training actions.

Workers' representatives must contribute to preventing sexual harassment and harassment based on sex at work by raising workers' awareness of it and informing the company management of any conduct or behaviour of which they are aware which might propitiate it. '



**PREVENTIVE ACTION PROTOCOL**

page22 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

**5.2. CONSIDERATIONS ON WORKPLACE HARASSMENT**

Article 4 of the law on the prevention of occupational risks, in accordance with article 3 of the regulation on prevention services, states that the working conditions - and any characteristic thereof - that may have a significant influence on generating risks for workers' safety and health must be evaluated, including those relating to their organisation and management.

Article 4 of the revised text of the Workers' Statute, approved by Royal Decree 1/1995 dated 24 March, includes labour rights that may be discriminated against, physical integrity, an adequate safety and hygiene policy and workers' privacy and due consideration of their dignity, including protection against verbal or physical offenses of a sexual or any other nature.



## PREVENTIVE ACTION PROTOCOL

page23 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

### 6. DEVELOPMENT OF THE PROTOCOL: PREVENTION AND INTERVENTION

With the implementation of this protocol, CVC Management hereby declares that every person has the right to be treated in a courteous, respectful and dignified way. By virtue of this fundamental right, in accordance with the Universal Declaration of Human Rights of the ILO, the entity acknowledges the need to take measures to ensure that all staff members are treated equally. It acknowledges that all forms of harassment constitute not only an affront to fair treatment but also a very serious offense that cannot and must not be tolerated.

The aforementioned behaviours damage the mental or physical health and well-being of individuals and is classified as physical and/or psychological abuse. Likewise, they also harm the organisation's objectives and work; therefore, CVC pledges to attend to all cases of harassment of which it is aware under all the circumstances set forth in section 3, the civil and/or criminal actions that the harassed person may take notwithstanding.

It is important to emphasize that regardless of the precautionary measures that taken, the filing of a civil or criminal lawsuit will suspend the resolution of this protocol.

#### 6.1. IMPLEMENTATION OF THE PREVENTIVE PROTOCOL ON CONFLICT AND HARASSMENT

##### 6.1.1. STATEMENT OF PRINCIPLES

**Sexual harassment based on sex, sexual orientation and gender identity, and workplace harassment (henceforth harassment) are behaviours that are totally prohibited and considered unacceptable at CVC.**

Faced with these behaviors, CVC management and the Committee to Prevent and Handle Conflict and Sexual Harassment based on sex, sexual orientation and gender identity and workplace harassment are committed to protecting the dignity of people, and, in order to maintain and create a respectful work environment, to the implementation of this Protocol as a form to prevention and treatment to solve cases of harassment, based on the following principles, while maintaining confidentiality throughout the process:





## PREVENTIVE ACTION PROTOCOL

page24 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

- ✚ The company's commitment to prevent and not tolerate harassment in any of its forms and modalities, and to resolve, monitor and review cases of it while avoiding any type of special treatment based on professional categories or organisational hierarchies, while guaranteeing the right of all people in the company to receive respectful and dignified treatment.
- ✚ Instruction for all staff on their duty to respect people's dignity and right to privacy, as well as equal treatment between women and men.
- ✚ The special treatment of reports of facts that may constitute harassment, regardless of what is stipulated in the disciplinary regulations that apply to the company.
- ✚ The identification of the persons responsible for attending to those who make a complaint, as long as they are not involved in the incident.
- ✚ The company must provide services to attend to the possible consequences arising from the harassment. (Administrative assistance, healthcare through the accident insurance policy).
- ✚ The follow-up and review of the case and the situation between the parties involved.
- ✚ The involvement of the company's management in the prevention and treatment of conflict and sexual harassment based on sex, sexual orientation and gender identity and workplace harassment in developing training and informative actions aimed at preventing these behaviors, and to inform and advise on matters of conflict and harassment, regardless of any other functions that may be the responsibility of other units and services within the company.

### 6.1.2. RESPONSIBILITY

The responsibility to ensure a work environment that respects the rights of those who are part of it lies with all working people, and managers are encouraged to take positive actions to promote the non-harassment policy.

The Management of the CVC must guarantee and ensure adequate health and safety conditions, committing to have a working environment free of occupational and sexual harassment, giving special importance and impacting on the responsibility of the entire workforce to maintain this healthy environment .



## PREVENTIVE ACTION PROTOCOL

page25 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

### 6.1.3. BODIES IN CHARGE OF IMPLEMENTING THE PROTOCOL

The body in charge of implementing this Protocol is the management.

#### **Address:**

Management's aim is to oversee, implement and ensure the feasibility of actions aimed at preventing harassment, as well as to advise and oversee implementation of the Protocol.

It is in charge of developing the informative, training, awareness-raising and research activities contained in the prevention section of this protocol.

It will participate in developing and updating this protocol for the prevention and effective and comprehensive treatment of cases of conflict and harassment that may occur in the company, as well as coordinating, overseeing, dealing with and following up on the Protocol as an instrument that allows it to implement in an orderly manner a strategy that helps to prevent harassment and effectively and comprehensively deal with it should it occur.

The management may invite any internal or external adviser of the company to participate with a voice but without a vote. Likewise, it may invite experts in the matter of the procedure to participate, also with a voice but without a vote.

In the event that management is involved in a harassment case or is affected by a relationship of kinship or affection, friendship or manifest enmity, superiority or immediate hierarchical subordination, or by any other type of direct relationship with the supposed victim or the alleged perpetrator, which may cast doubt on their objectivity and impartiality in the process, he/she will automatically be disqualified from taking part in this particular process. If management is either the supposed victim or the alleged perpetrator, they will be banned from participating in any other procedure until their case is resolved.

Their functions are framed in the area of care and treatment, and are as follows:

- ✚ To meet with the whistleblower to get more information about the situation reported.



## PREVENTIVE ACTION PROTOCOL

page26 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

- ✚ To decide whether or not to accept the complaint filed.
- ✚ To conduct the initial assessment of the situation and decide whether it should be dealt with internally or outsourced.
- ✚ To determine whether the situation raised constitutes harassment and, if so, the degree and the procedure to initiate (either informal or formal).
- ✚ To support and advise the harassed person throughout the process.
- ✚ To inform the people involved of the available healthcare, social care or counseling services.

### 6.1.4. PREVENTIVE SECTION OF THE PROTOCOL

This Protocol aims to provide a comprehensive response that ranges from prevention to resolution in the event of a situation of harassment.

The aim of prevention is to create a culture of equality, non-violence, peaceful coexistence and respect in the company, leaving no room for harassment.

The prevention of inappropriate and unacceptable behaviour such as harassment must be considered in the context of a general, proactive action to identify the factors that can contribute to creating a work environment where these actions do not occur.

Preventive actions will be conducted primarily through enhanced sensitivity awareness-raising, information, training and research.

- ✚ **enhanced sensitivity:** Management must conduct general campaigns aimed at identifying conflict behaviours and harassment and act accordingly with assertive behaviour.
- ✚ **awareness:** Management must promote specific campaigns aimed at the different sectors / areas / etc. of the company to improve knowledge and critical awareness of this issue.
- ✚ **information:** Management must disseminate the Protocol through the means it deems appropriate with the aim of making it known throughout the company, and it must provide information on the factors related to harassment and conflicts, as well as the actions that will be conducted for all sectors comprising the company.



## PREVENTIVE ACTION PROTOCOL

page27 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

**training:** Management must conduct staff training actions on conflict, workplace harassment, sexual harassment, harassment based on sex, sexual orientation and gender identity and gender equality.

Specific harassment training must be provided, which will be included in CVC's general and annual training schedule:

1. For all staff on the non-harassment policy, ensuring that it has been understood, that is, that the employees know that they have a right to complain, and that there is an action protocol to do so and a commitment not to tolerate harassment.
2. For managers, middle managers and staff on the psychosocial risks in the company, emphasising workplace and sexual harassment in the company.
3. For managers and middle managers, where they are trained on identifying the factors that help ensure that harassment does not occur and adapting to the responsibilities they have in this matter.

### 6.1.5. DISCLOSURE

Through its most effective and efficient channels, CVC must disclose the statement of principles to all its employees, while underscoring Management's commitment to eliminate any type of harassment and resolve conflicts, thus fostering a climate in which they cannot occur.

On the other hand, as support for the prevention of any harassment that may arise in the organisation, the way to disseminate informative material in addition to the trainings will be studied.

Specific conflict and harassment training must be provided, which will be included in CVC's general and annual training schedule:

- ✓ For all staff on the non-harassment policy, while assessing that this has been understood, that is, that the workers know that they have a right to complain, and that there is an action protocol to do so and a commitment not to tolerate harassment.



## PREVENTIVE ACTION PROTOCOL

page28 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

- ✓ For managers, middle managers and staff on the psychosocial risks in the company, emphasising workplace and sexual harassment in the company.
- ✓ For managers and middle managers, where they are trained on identifying the factors that help ensure that harassment does not occur and adapting to the responsibilities they have in this matter.
- ✓ Managers, middle managers and staff who have any authority in whistle-blowing protocols must be given specific training to help them carry out their duties successfully, in order to guarantee that problems are prevented and effectively resolved.

### 6.2. INTERVENTION PROCEDURE IN A SITUATION OF HARASSMENT

This section outlines CVC's action when a harassment complaint is filed.

It consists in four phases:

- 6.2.1. detection
- 6.2.2. assessment
- 6.2.3. intervention
- 6.2.4. closure

The aim of this section is twofold: first, to attend to the whistleblower, and to inform and advise them on what has happened; and secondly, to act on the person allegedly responsible for the harassment to prevent it from continuing over time, to prevent negative consequences for the whistleblower as a result of the report and to adopt any disciplinary measures that may stem from the facts if they indeed reveal harassment.

#### Procedural guarantees (Annexe II)

The following should be noted regarding the guarantees that the procedure must fulfill:

- **Respect and protection for people:** It is essential to proceed with the necessary discretion in order to protect the privacy and dignity of the people affected. Throughout the entire procedure, both the



## PREVENTIVE ACTION PROTOCOL

page29 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

whistleblower and the alleged perpetrator may be accompanied by a person they trust, who is an employee of CVC or not, or a union representative.

•**Confidentiality:** According to Regulation (EU) 2016/679 (GRPD), on the protection of personal data, all persons involved in the procedure are obliged to maintain strict confidentiality to guarantee to handle information confidentially in situations that may constitute harassment. Every person involved in the procedure must fill out Annexe II: Confidentiality commitment. For this reason, from the time the complaint is made, the person or persons responsible for initiating and processing it must assign numerical identification codes to both the alleged perpetrator and victim to conceal their identity.

•**Diligence and speed:** The procedure should be carried out with due professionalism and diligence and without undue delay.

•**Impartiality and contradiction:** An impartial hearing and fair treatment must be guaranteed for all the people affected, who should act in good faith in the quest for the truth and clarification of the facts reported.

•**Protection of the dignity and equality of the people affected:** The right to protection of the dignity and equal treatment of the people affected is guaranteed, including the alleged perpetrator and victim.

The activation and processing of this Protocol, which is purely administrative in nature, does not prevent the victim from taking legal action at any time. However, the start of a lawsuit will suspend the processing of this Protocol, although the most appropriate precautionary measures will be maintained and psychological support or any other type of support deemed necessary will be provided to the whistleblower until the lawsuit is resolved.

### 6.2.1. DETECTION PHASE: START OF THE PROCEDURE

The detection phase includes when the complaint is formalised and processed. Any person included in the scope of application of this Protocol, who is considered a victim of sexual harassment based on sex, sexual orientation or gender identity or workplace harassment may file a complaint with management,



## PREVENTIVE ACTION PROTOCOL

page30 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

which shall be in charge of coordinating the procedure. Any member of CVC who is aware of situations that may constitute sexual harassment based on sex, sexual orientation or gender identity may also file a complaint. In the case of a complaint submitted by a third party, or when the Management becomes aware of the facts ex officio, the alleged victim must give their consent in order to act in accordance with this Protocol. Minutes will be drawn up and signed by the participants. The complaint may be made verbally or in writing.

- **If it is verbal**, it should be made to management or a member of it and recorded in minutes signed by both parties. In addition, documents which could serve as evidence can be attached, if they exist. Currently, the person in charge of collecting this information will be the HR manager.
- **When the complaint is made in writing**, it should be submitted to the address [rrhh@cvc.uab.cat](mailto:rrhh@cvc.uab.cat), to the attention of the HR manager. Any document that could serve as evidence may also be attached if any. Under no circumstances will anonymous complaints be processed. Once the complaint is received, the following will be determined:

**Not to accept the complaint** for processing for the following reasons: because it does not correspond to the scope

of application of this Protocol, or when the situation is not to constitute sexual harassment based on sex, sexual orientation and gender identity or workplace harassment.

Management will notify the whistleblower of the reasons for not accepting the complaint within 5 working days of receiving it. The deadline will be extended to 15 if the assessment is outsourced.

**Accept the complaint for processing.** The Management will communicate the admission to the complaint procedure, and the corresponding opening of a file, to the person making the complaint and the person complained of within 5 working days.

It will give a period of 7 working days for the person reported to present the corresponding allegations.

### 6.2.2. ASSESSMENT PHASE



## PREVENTIVE ACTION PROTOCOL

page31 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

The assessment spans from the time the complaint is accepted for processing until it is determined whether it constitutes harassment and, if so, what degree.

A comprehensive assessment report of the situation should be produced within 10 working days from the end of the allegation period. 20 days if the assessment is outsourced.

To do this, the person in charge can use and will have available CVC resources and any tools needed to contact and interview the people involved separately.

When the person in charge believes that the situation reported is not harassment, or that there is not enough evidence for it to qualify as such, a report will be issued stating this, which will be shared with the interested parties and management and the proceeding will be filed.

When the person in charge believes that the harassment raised is mild, the informal-mediator procedure will be implemented, as long as the parties involved agree to start this process.

When the person in charge determines that the case raised is serious or very serious, or when it is determined that it constitutes a situation of mild harassment but the people involved do not agree to follow an informal mediation procedure, a formal procedure will be launched and appropriate precautionary measures may be taken.

Once the degree of harassment has been determined, the parties involved will be notified of the status of the complaint and the procedure to be followed.

Definition of the severity of harassment:

- **mild:** irksome or sexual verbal expressions that can range from jokes or taunts to repeated requests for dates that are always denied; assigning meaningless or impossible tasks; sexist expressions or taunts; ignoring input or not taking it seriously; ridiculing and belittling the abilities, skills





## PREVENTIVE ACTION PROTOCOL

page32 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

and intellectual potential of the victim; non-verbal expressions such as lewd looks at the body; or inappropriate or non-consensual physical nearness, etc.

- **serious:** Direct situations with a high level of sexual content (sexual blackmail, requests for sexual favours, ridiculing the victim) or non-consensual physical contact.
- **very serious:** Direct verbal pressure, physical contact such as non-consensual hugs and/or kisses, touching, caresses, cornering, following the victim, direct intimidation to obtain sexual favours, sexual relations for fear of consequences, sexual assault, dismissals or punishments for not responding in a way that the harasser wants, etc.

### 6.2.3. INTERVENTION PHASE

The purpose of this phase is to provide a comprehensive and multidisciplinary response to the situation. It spans from the time the degree of harassment is determined until the procedure ends. The maximum length of this phase shall not exceed 15 working days.

#### INFORMAL PROCEDURE

The mediation procedure will be carried out through the person from the company in charge, who must be accepted by the parties.

The mediation procedure will not include face-to-face gatherings of meetings between the parties, except in exceptional circumstances and with the express consent of the two parties in conflict.

Management will be responsible for assessing how to carry out the mediation, taking into consideration the characteristics of the specific case and the people involved.

Management will provide the person chosen with sufficient information to carry out their functions. In the event that the parties reach an agreement, it shall be materialised in writing with a final report, which



## PREVENTIVE ACTION PROTOCOL

page33 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

will include the decisions taken so that this type of conduct does not occur again, and it must be signed the parties to conclude the procedure.

In the services of an external advisor have been requested, the procedure will be concluded when the external advisor provides his/her report to the management.

In the event that no agreement is reached, the mediator chosen by the parties will prepare a report in which he/she states the procedures carried out in the mediation, without including the positions or statements that the parties have shared throughout the procedure, and this will launch the formal procedure.

### FORMAL PROCEDURE

The formal procedure will be carried out when mediation is not accepted or no agreement is reached, or when, after an informal procedure begins it is determined that the situation may actually be serious, as well as when the person in charge determines that it is a serious or very serious situation after examining the documentation.

The person in charge will assess the situation based on all the information resulting from the investigation and may propose precautionary measures. To analyse the situation, the documentary and testimonial evidence that the person in charge considers necessary will be obtained, in addition to giving a prior hearing to both parties. To this end, Management is obliged to collaborate in any processes that conducted by providing all the documentation and information needed, and it must keep professional secrecy on the matter. From the very start, the victim will be offered the psychological and social care they need, as well as what is deemed appropriate. The purpose of this care in this phase is only to assess, in a maximum of three sessions, the current situation of the victim and inform the Management. If any care service deems it appropriate to extend the care, it can continue following their own criteria without having to halt the opinion issued by the person in charge.

### 6.2.4. CLOSURE PHASE OF THE PROCEDURE



## PREVENTIVE ACTION PROTOCOL

page34 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

CONFLICT AND HARASSMENT PREVENTION PROTOCOL

This phase spans from the completion of the procedure by the person in charge until its resolution by the Management. The person in charge will resolve the case within a period not exceeding 60 working days from the date of receipt of the complaint; draw up and approve the report on the harassment case investigated; and indicate the conclusions reached, a final assessment of the facts and proposals for action, if any. This report will be sent to the interested parties and the Management within a maximum of 5 working days.

### *To conclude this procedure:*

- ✓ If the person in charge believes that harassment did not occur, the procedure will be filed and considered terminated.
- ✓ If the person in charge believes that there are enough indicators for the reported situation to qualify as harassment, the file must be forwarded to the Management within a maximum of 5 working days, proposing that a disciplinary proceeding be started as well as any measures that could be adopted.
- ✓ If the person in charge believes that there are indications that the reported situation can be classified as harassment, he/she will proceed according to the internal SANCTION procedure for conflicts involving harassment and violence at work.
- ✓ If the person in charge believes that the complaint was made in bad faith or that the information provided or the witnesses are false, he/she may suggest that the corresponding disciplinary proceedings against the persons responsible be started. In the event that the victim has suffered from retaliation or damages during the investigation procedure, CVC will have the obligation to restore their prior status, as well as clear responsibilities and establish the appropriate measures derived from this retaliation.

Within 10 working days of receiving the report from the person in charge, the Management must issue a resolution on the measures to be taken, considering the proposals of the person in charge, and forward it



**PREVENTIVE ACTION PROTOCOL**

page35 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

to the parties involved. Management will maintain stewardship of all the documentation generated by the implementation of the procedure.



**PREVENTIVE ACTION PROTOCOL**

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

**7. CONTROL AND MONITORING**

It is up to the person in charge to monitor the effectiveness of the measures implemented, both in interpersonal conflicts and in possible cases of harassment. Information on incidents of harassment and/or conflict that occur in CVC will be given to the company's Management, while safeguarding the identity of the people affected, where they will be monitored, along with the impact and effect of the protocol, and it may propose suggestions and measures to lower these incidents, if it is deemed necessary. These measures will be assessed by the person in charge as often as he/she deems appropriate in each case. As part of this monitoring, the results of the measures taken will be assessed, and based on the results showing the optimal, adequate or insufficient state of the implemented measures, it will be possible to determine whether the case should be considered closed or not.



**PREVENTIVE ACTION PROTOCOL**

page37 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

**INITIAL**

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

**8. GUARANTEES OF THE PROCEDURE**

Any person who has participated in any of the phases provided for in this procedure will be required to maintain confidentiality, in accordance with the provisions of the current laws that apply to this protocol. The company Management must initiate the corresponding procedure in the event of non-compliance. At all times, protection of the right to privacy of the people who have taken part in any phase in this procedure will be guaranteed. The processing of personal information generated in this procedure will be governed by the provisions of Organic Law 15/1999 on personal data protection.

CVC will adopt the corrective measures needed to guarantee adequate protection of the worker's health. It will also provide any organisational and psychological support needed for full recovery.

Nonetheless, any communications, complaints, allegations or statements which are proven to be intentionally fraudulent and malicious and were made with the aim of causing unjustified harm to the person reported will be sanctioned, regardless any other applicable legal actions.



## PREVENTIVE ACTION PROTOCOL

page38 of 44

IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY

INITIAL

**CONFLICT AND HARASSMENT PREVENTION PROTOCOL**

### 9. SANCTIONS

Disciplinary action will be taken if there is sufficient justifiable cause, and always in accordance with current regulations, through the sanctioning regime in force in CVC (currently governed by the Collective Bargaining Agreement of the engineering companies and technical study offices sector).



	<b>PREVENTIVE ACTION PROTOCOL</b>	page39 of 44
	IN CONFLICTS AND WORKPLACE HARASSMENT, SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX, SEXUAL ORIENTATION OR GENDER IDENTITY	INITIAL
		CONFLICT AND HARASSMENT PREVENTION PROTOCOL

**10. ANNEXES:**

Annexe I: Person in charge of the process

Annexe II: Procedural guarantees and confidentiality commitment

Annexe III: Workplace conflict communication model





## **APPENDIX I**

### PERSON RESPONSIBLE FOR THE PROTOCOL AND COMMUNICATION CHANNEL

- Eva Caballero Caballero
- [rrhh@cvc.uab.cat](mailto:rrhh@cvc.uab.cat)

## **APPENDIX II. CONFIDENTIALITY COMMITMENT**

**Confidentiality commitment of the people involved in processing and resolving complaints for conflict, workplace harassment or sexual harassment due to sex, sexual orientation and gender identity.**

..... .. designated to participate in the procedure for receiving, processing, investigating and resolving any reports of complaints due to conflict, workplace harassment or sexual harassment due to sex, sexual orientation and gender identity that may occur in their area, pledges to respect the confidentiality, privacy, intimacy and impartiality of the parties throughout the different phases of the process.

**Therefore, more specifically, I express my commitment to meet the following obligations:**

- To guarantee the dignity of people and their right to privacy throughout the procedure, as well as equal treatment.
- To guarantee confidential treatment and absolute discretion in relation to information about situations that may constitute conflict, workplace harassment, sexual harassment, sexual orientation and gender identity.
- To guarantee the strictest confidentiality and secrecy on the content of reports of complaints submitted, resolved or being investigated of which I am aware, as well as to ensure compliance with the ban on disclosing or sharing any type of information by the other people involved in the procedure.

Furthermore, I declare that I have been informed by CVC of the disciplinary responsibility I could incur for breaching the obligations set out above, according to the agreement.

### **Information on data protection.**

As the entity responsible for processing personal data, CVC hereby informs you that your personal data will be treated confidentially and will be used solely for the management and proper use of this protocol, and only as long as necessary.

The legal basis that legitimises this data processing is CVC's legitimate interest in protecting its workforce, or fulfilling legal obligations arising therefrom, if applicable.

In Barcelona, in ..... of ..... of 2021

Signed:

### APPENDIX III: LABOR DISPUTE COMMUNICATION MODEL

<b>IDENTIFYING DATA OF THE WORKER WHO COMMUNICATES THE LABOR CONFLICT</b>	
DEPARTMENT:	SECTION:
FIRST NAME AND SURNAME:	
JOB TITLE:	NOTIFICATION DATE:
<b>DESCRIPTION OF THE FACTS CAUSING THE CONFLICT (attach more sheets if needed)</b>	
Names and surnames of other workers who can corroborate the situation described	
In the event that the conflicts are directly caused by another employee of the company, their name must be stated first name and surname, as well as their job title in the company:	
<b>THE EMPLOYEE</b>	<b>RECEIVED BY HR</b>
Date and signature	Date and signature