

# PROTOCOL

on the Prevention of and Response to  
SEXUAL HARASSMENT, GENDER-BASED  
HARASSMENT and OTHER BEHAVIOUR  
CONTRARY to SEXUAL FREEDOM and  
MORAL INTEGRITY in the Workplace

GUIDE  
REFERENCE



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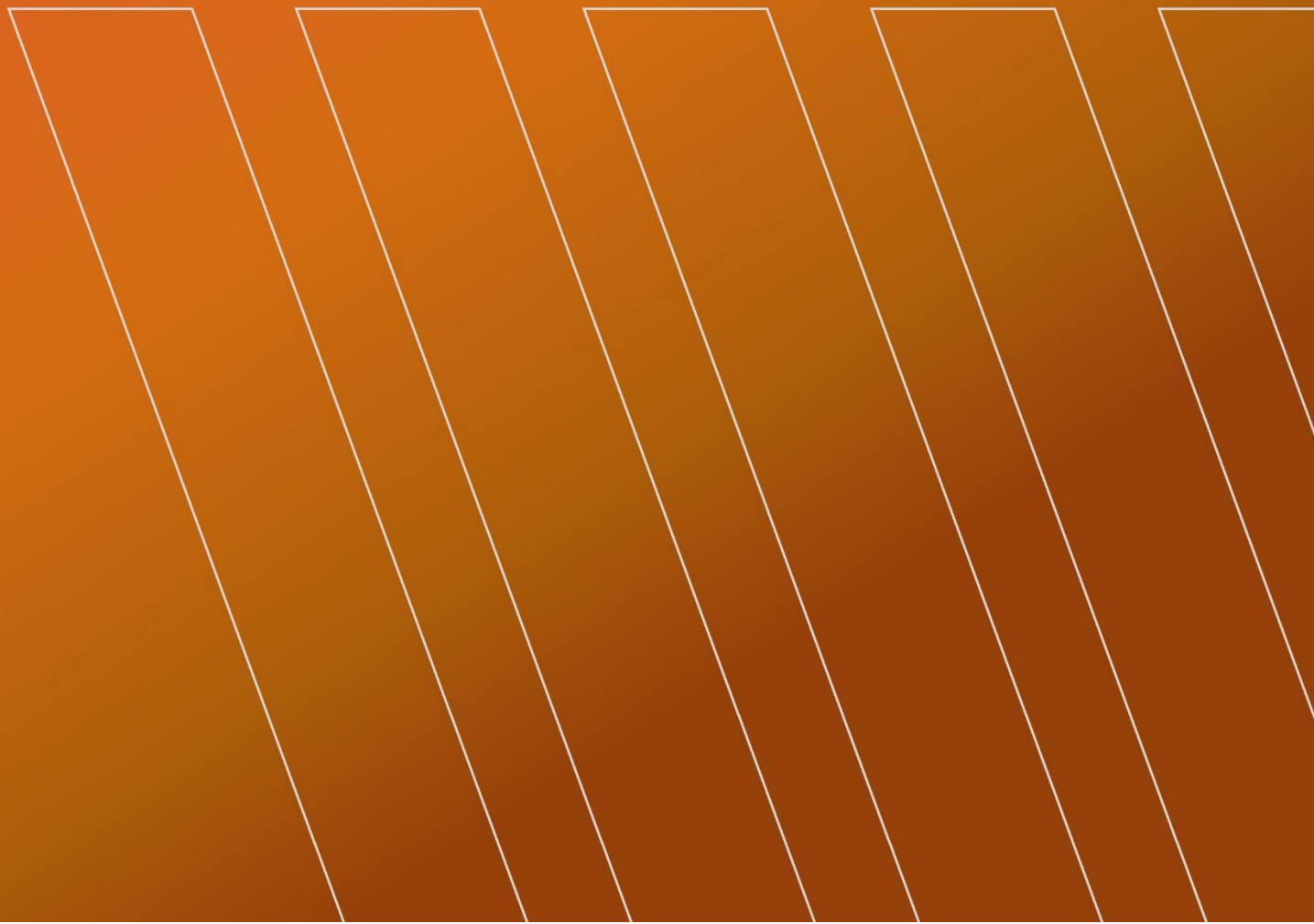
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# SECTION ONE





# STATEMENT OF REASONS

**Sexual and/or gender-based harassment** in the workplace, together with other behaviour that violates sexual freedom and moral integrity in the workplace, is an expression of violence that violates several fundamental rights and has a **devastating effect on the physical, psychological and moral integrity of workers, especially women**. Furthermore, sexual harassment and gender-based harassment are acts that violate the principle of equal treatment between women and men, constitute gender discrimination, pollute the working environment and have a significant impact on the working climate of the company or entity in which they occur.

This Protocol responds to the need to prevent, sensitise and, where appropriate, eradicate, with all guarantees, these forms of violence and discrimination in the workplace, as well as to comply with Articles 46 and 48 of **Organic Law 3/2007**, of 22 March, on the effective equality of women and men; Article 12 of **Organic Law 10/2022**, of 6 September, on the comprehensive guarantee of sexual freedom, and **Royal Decree 901/2020**, of 13 October, which regulates equality plans and their registration and modifies Royal Decree 713/2010, of 28 May, on the registration and filing of collective agreements, as well as Article 14 of **Law 31/1995**, of 8 November, on the prevention of occupational risks.

An integrated and systematic interpretation of these regulations makes it clear that all companies, regardless of the number of employees, are obliged to adopt, if necessary after negotiation with the legal representatives of the employees, a procedure or protocol to prevent and deal with sexual harassment, gender-based harassment and any other behaviour contrary to sexual freedom and moral integrity. This has undoubted advantages.

On the one hand, it demonstrates to employees the company's commitment to preventing and eradicating these forms of violence. On the other hand, it makes employees aware of behaviour that cannot be tolerated, reinforcing preventive protection and guaranteeing an internal, confidential and rapid means of resolving, eradicating and responding to any behaviour or conduct that may occur in the company that violates sexual freedom and moral integrity, whether or not it constitutes a crime.



**In fact, the implementation of the Protocol prevents behaviour contrary to sexual freedom and moral integrity in the workplace and, where necessary, deals with it and facilitates its elimination, as well as ensuring compliance with the norm.**

In the event of the detection of behaviour that could be considered sexual and/or gender-based harassment in the company, or any of the other types of behaviour listed below, the protocol allows for the rapid, confidential and guaranteed proposal and adoption of measures to eliminate it, as well as the protection of the alleged victim during the procedure. If there is evidence that the reported situation is indeed the result of any of the above, appropriate action will be taken. In the other cases, where the situation is more of an inappropriate treatment, although not strictly speaking a situation of harassment or an act contrary to sexual freedom and moral integrity, the activation of the Protocol also prevents the irregular behaviour from continuing over time and leading to more serious situations; it also allows the Company to become aware of what is happening and to take the appropriate and necessary measures to request and warn the person who has behaved inappropriately to stop his or her behaviour immediately. This will, of course, depend on the seriousness of the facts as assessed by the Commission or the Protocol Officer. It may be that, in other cases, effective protection requires more severe sanctions, even dismissal, but whatever the case and whatever the sanction imposed on the aggressor, it is clear that, in most cases, the Protocol is the most appropriate instrument for the effective protection of the victim, since it makes it possible to reconcile the maintenance of the victim's job in the best conditions with the prevention and reparation of the situation of harm, which, in the end, means a more effective protection than, until recently, the only one possible: the termination of the employment relationship with compensation.



# 2

## REGULATORY FRAMEWORK

In the study of sexual harassment, gender-based harassment and any other behaviour contrary to sexual freedom and moral integrity at work, **international, European and national regulations** must be taken into consideration.

At the **international** level, the [ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958](#); [Convention No. 190 concerning the Elimination of Violence and Harassment at Work, 2019](#); the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#) and its General Recommendations No. 19 and No. 35; and the [Beijing Declaration and Platform for Action, 1995](#).

At the **European Union** level and with regard to the legal framework on harassment and equal treatment and the prohibition of gender-based discrimination, in addition to the general application of the directives that expressly refer to equal treatment and non-discrimination on grounds of gender, it is worth mentioning in this case, in particular, Directive 2002/73/EC, subsequently recast in [Directive 2006/54/EC, both of which apply the principle of equal treatment between men and women in respect of employment and occupation](#) and establish that both sexual harassment and gender-based harassment are discriminatory manifestations that must be dealt with in the workplace. In addition, [Directive 2004/113/EC on the implementation of the principle of equal treatment between men and women in the access to and supply of goods and services](#). Also of note is the [Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\), 2011](#).

At the **national** level, in addition to the laws transposing the above-mentioned directives into national law, there is [Law 51/2003, of 2 December, on Equal Opportunities, Non-Discrimination and Universal Accessibility for Persons with Disabilities \(currently Royal Legislative Decree 1/2013, of 29 November, approving the revised text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion\)](#) and [Law 62/2003, of 30 December, on Fiscal, Administrative and Social Measures](#), both of which have a real impact on the concept of harassment by amending Article 54 of Royal Legislative Decree 2/2015, of 23 October, which approves the revised text of the Workers' Statute Law, so that it expressly refers to it as an express ground for disciplinary dismissal, the [Spanish Constitution](#), the [Workers' Statute](#) itself, [Law 31/1995, of 8 November, on the Prevention of Occupational Risks \(LPRL\)](#), as well as [Organic Law 3/2007, of 22 March, on the Effective Equality of Women and Men \(LOI\)](#); [Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom \(LOGILS\)](#); [Law 36/2011, of 10 October, on the Regulation of Social Jurisdiction \(LRJS\)](#); and [Royal Legislative Decree 5/2000, of 4 August, approving the revised text of the Law on Offences and Sanctions in the Social Order \(LISOS\)](#). All of the above is without prejudice to what may be established in collective agreements and equality plans that may be applicable and their possible compatibility with the provisions of [Organic Law 10/1995, of 23 November, of the Penal Code](#), in the terms established by Organic Law 4/2023, of 27 April, amending Organic Law 10/1995, of 23 November, of the Penal Code.





## Harassment is by nature and definition a multiple offence.

In addition to the violation of fundamental rights recognised by the Spanish Constitution, such as professional and personal dignity (Article 10) and the guarantee of equality and the prohibition of discrimination, in the case of sexual and/or gender-based harassment (Article 14), many other legal rights may be affected in each of their manifestations: life and physical and moral integrity (article 15), privacy, honour and self-image (Article 18), and so on.

Within the framework of ordinary legislation, from the point of view of labour, it is worth mentioning Article 4.2 of the Workers' Statute on the right to dignity, privacy, effective employment, non-discrimination and physical and moral integrity, which refers to labour rights; Article 5 on the obligations of workers in the context of the employment relationship; Article 17 on the right to non-discrimination in labour relations; Article 18 on the inviolability of the worker; Article 50 on voluntary and compensated termination of the contract, which sometimes only protects the victim; and Article 54 on disciplinary dismissal.

Also to be taken into account are Article 14 of the LPRL on the obligation to guarantee health and safety at work; Article 7 of the LOI on the definition of gender-based harassment and sexual harassment; Article 46 of the LOI on the need to address protection against such harassment in equality plans; and Article 48 of the LOI and Article 12 of the LOGILS on the obligation of the company to establish a procedure or protocol, negotiated with the workers' representatives, to prevent, eradicate and avoid harassment in the company. This obligation has been further developed by [Royal Decree 901/2020 of 13 October](#), Article 2.1 of which stipulates that all companies covered by Article 1.2 of the Workers' Statute, regardless of the number of workers they employ, must "promote working conditions that prevent sexual harassment and gender-based harassment and establish specific procedures to prevent it and to deal with any complaints or claims that may be made by those who have been subjected to it".

The interrelation between the LOI and the LPRL is also evident in the [Technical Criteria 69/2009 of the Labour and Social Security Inspectorate, which replaces the Technical Criteria 34/2003](#) and reinforces the consideration of harassment as a sanctionable behaviour beyond the type referred to in Articles 8.13 and 8.13. bis of the [Law on Offences and Sanctions in the Social Order](#), sexual harassment and gender-based harassment respectively, as well as in the latest [Technical Criteria 104/2021 on actions of the Labour and Social Security Inspectorate on psychosocial risks](#).

In the field of social jurisdiction, Article 96 of the LRJS, concerning the proof of evidence, and Article 180.4, concerning precautionary measures, are fundamental for the protection against harassment, as well as Article 183, concerning in particular the compensation of damages.

The [European Framework Agreement on Harassment and Violence in the Workplace of 26 April 2007, published in the Official State Gazette of 14 January 2008](#), as well as the [Resolution of 21 December 2007 of the General Directorate of Labour, registering and publishing the Minutes of Extension for 2008 of the Interconfederal Agreement on Collective Bargaining 2007 \(ANC 2007\)](#) and its annexes, and the [V Agreement on Employment and Collective Bargaining, approved on 10 May 2023](#) and published in the Official State Gazette of 19 May 2023, are also fundamental.



This is without prejudice to the possible application of criminal law, in particular crimes against moral integrity, Article 173 of the Penal Code, and crimes against sexual freedom under Title VIII of the Penal Code.

With regard to the latter, we must take into account Article 178 on sexual aggression, Articles 181 to 183 bis on sexual aggression against minors under the age of sixteen, Article 184 on sexual harassment, Articles 185 and 186 on the crimes of exhibitionism and sexual provocation, and Articles 187 to 189 on crimes related to prostitution and sexual exploitation and corruption of minors.

Finally, it is worth mentioning the [State Pact against Gender Violence](#), which allows progress to be made in complying with the Istanbul Convention in order to achieve the eradication of gender-based violence in all its forms.



## PROTOCOL AS A BUSINESS COMMITMENT

By adopting the Protocol, the Company expresses its zero tolerance for the occurrence of conduct that amounts to harassment or harassment on the basis of gender or sexual orientation in its organisation and facilities.

**In other words, by adopting the Protocol, the Company reaffirms its commitment to preventing and combating sexual harassment and gender-based harassment, including digital harassment, as well as any behaviour contrary to sexual freedom and moral integrity that occurs within the organisation and in any of its manifestations, in compliance with Articles 46 and 48 of the LOI, Article 12 of the LOGILS, as well as the provisions of Articles 7, 8 and the Annex of RD 901/2020 of 13 October, and Article 14 of the LPRL.**

In fact, by committing itself to the measures that make up a protocol such as the one contained in this guide, the Company expresses and publicises its explicit will to adopt a proactive attitude in the prevention of any behaviour contrary to sexual freedom and moral integrity, to inform about the behaviour that will not be tolerated by the Company and to show its will to eradicate any behaviour or conduct that may occur in this regard, by taking all the necessary measures to manage and resolve any complaints that may arise.

In short, the above is the commitment that the company makes when it signs the Declaration of Responsibility set out in the models that form part of this Protocol, which is ultimately nothing more than a clear and explicit manifestation of the company's zero tolerance in this regard.



# 4

## SCOPE OF APPLICATION OF THE PROTOCOL

The Protocol applies to **the entire workforce of the Company**, irrespective of the number of workplaces, the professional category of the employees, the form and location of the provision of services and the type of employment contract, including employees on permanent, fixed-term or trainee contracts.

It also applies to **persons who do not have an employment relationship but who provide services or work with the organisation**, such as trainees, interns or volunteers. It also applies to persons providing their services under contracts for the provision of services.

The Protocol applies to situations of sexual harassment, gender-based harassment and other behaviours violating sexual freedom and moral integrity occurring at work, in the course of work or as a result of work:

- a) in the workplace, including public and private places when they are a workplace;
- b) in places where workers are paid, take their rest or meal breaks, or use sanitary or washing facilities and changing rooms;
- c) during work-related travel, trips, events or social or training activities;
- d) in the context of work-related communications, including communications via information and communication technologies (digital, virtual or cyber-bullying);
- e) in accommodation provided by the employer;
- f) while travelling between home and work.



## IMPLEMENTATION, MONITORING, EVALUATION AND REVISION OF THE PROTOCOL

The period of **validity or duration** of the Protocol, as well as the deadlines for its revision, shall be as **set-out in the Equality Plan** in which it is integrated, in the terms provided for in Article 9 of RD 901/2020, of 13 October.

The provisions of the same article also apply to the monitoring and evaluation of the Protocol that forms part of the Equality Plan.

In the absence of an equality plan, the period shall be that agreed with the workers' legal representatives, if any, although it is recommended that it should not exceed four years and should be reviewed in the following cases:

1. At any time during its validity, in order to redirect the fulfilment of its objectives of preventing and combating sexual harassment and gender-based harassment or any other behaviour contrary to sexual freedom and moral integrity in the workplace.
2. When their failure to comply with legal and regulatory requirements or their inadequacy is revealed as a result of action by the Labour and Social Security Inspectorate.
3. In the event of a merger, acquisition, transfer or change in the Company's legal status and in the event of any event that substantially changes the Company's workforce, working methods or organisation.
4. Where the company has been found by a court to have discriminated or failed to comply with legal or regulatory requirements.
5. When duly motivated circumstances require it.

**In the absence of an equality plan, the Company shall periodically monitor and review the procedure and the awareness-raising and training measures for all employees, with the participation of the employees' legal representatives, if any.**



## REGISTRATION OR FILING OF THE PROTOCOL

**If the company has an equality plan**, the Protocol will be included in it. The company must register the plan in accordance with the provisions of Article 11 of Royal Decree 901/2020 of 13 October and Royal Decree 713/2010 of 28 May on the registration and filing of collective agreements. Together with the application for registration in the register, the data relating to the Protocol must be filled in on the official model of *Annex 2.V Equality Plan Statistics Sheet*, in the terms established by the aforementioned Royal Decree.

**If the company does not have an equality plan**, it can request that the agreement on the Protocol be filed with the competent labour authority, in accordance with the provisions of Article 12 of Royal Decree 901/2020 of 13 October and the second additional provision of Royal Decree 713/2010 of 28 May.



## OBJECTIVES OF THE PROTOCOL

The main objective of implementing a protocol is to articulate the necessary measures to prevent and combat any behaviour that may be contrary to sexual freedom and moral integrity, especially in cases of sexual and/or gender-based harassment, and to establish a confidential, rapid and accessible channel for handling complaints or claims within the company.

**The purpose of the protocol is, first of all, to define the behaviour that will not be tolerated in the organisation, in order to prevent behaviour that is contrary to sexual freedom and moral integrity, in particular sexual and/or gender-based harassment; to identify the behaviour that will be denounced if it occurs; facilitate access to the procedure for reporting any of the above situations within the company to the victim, to any employee or person providing services to the organisation, to the employees' representatives or to any person with knowledge of the situation, thus activating the investigation, prosecution and, where appropriate, eradication of such conduct within the company through punishment, as well as avoiding re-victimisation of the person subjected to harassment due to malpractice during the investigation and reporting process.**

Specifically, the objectives to be achieved by this Protocol can be categorised, inter alia, as follows:

- a)** Promote a culture of prevention of behaviour contrary to sexual freedom and moral integrity, in particular sexual and/or gender-based harassment, in all areas and at all levels of the organisation, including those that may occur in a digital environment.
- b)** Express the company's zero tolerance towards situations that violate sexual freedom and moral integrity, especially sexual harassment and gender-based harassment, which may occur at any level of the organisation.
- c)** Facilitate the identification of behaviour constituting sexual harassment and gender-based harassment in its various forms, including those that may occur in the digital environment, as well as any other behaviour that is contrary to sexual freedom and moral integrity.



- d) Establish a simple, quick, accessible and confidential procedure for victims of any of the above situations to report their suffering.
- e) Investigate any complaints or allegations in this regard internally in an agile, rapid and confidential manner to determine whether sexual harassment or gender-based harassment in its various forms, including digital, or any other conduct contrary to sexual freedom and moral integrity has occurred within the company.
- f) Punish, where appropriate, the aggressor and compensate the victim who has suffered such a situation.
- g) Assist the person who has experienced one of these situations to avoid secondary victimisation or re-victimisation and, where appropriate, facilitate access to the psychological and social support they need.





## GUIDING PRINCIPLES OF PROTOCOL

In all cases, the Protocol on the Prevention of and Response to Behaviour Contrary to Sexual Freedom and Moral Integrity, in particular sexual and/or gender-based harassment, shall provide for:

- 1) Statement of principles, definition and identification of the behaviour to which it applies.
- 2) Procedures to be followed in the event of such behaviour, in order to deal with any complaints or claims that may arise and any preventive and/or corrective measures that may be applied.
- 3) Identification of reactive measures to deal with any of the above situations and, where appropriate, the applicable disciplinary regime.

Furthermore, the following principles govern the procedure and must be observed at all times:

- a) Prevention and awareness-raising of any behaviour that may be contrary to sexual freedom and moral integrity, in particular sexual and/or gender-based harassment, including that which may occur in the digital environment. Information and accessibility of procedures and measures.
- b) Confidentiality and respect for the privacy and dignity of those concerned.
- c) Respect for the principle of the presumption of innocence of the alleged harasser.
- d) Prohibition of retaliation against the alleged victim or persons supporting the complaint or reporting conduct contrary to sexual freedom and moral integrity, in particular in the case of sexual and/or gender-based harassment, including that which may occur in the digital environment.
- e) Diligence, speed, security, coordination and cooperation in the procedure.
- f) Guarantee of victims' labour and social protection rights.



- g) An exhaustive investigation of the facts, confidential and based on the principles of contradiction and orality, to be resolved after hearing the persons concerned and guaranteeing the impartiality of any action.
- h) Guarantee of action by adopting the necessary measures, including disciplinary measures where appropriate, against the person or persons whose behaviour is found to be contrary to sexual freedom and moral integrity.
- i) Compensation for the victim and protection of the victim's mental and physical health.
- j) Gender and fundamental rights at the forefront throughout the process.



# IDENTIFICATION OF BEHAVIOURS

## 9.1. CONCEPT AND BEHAVIOUR CONSTITUTING SEXUAL HARASSMENT

### 9.1.a. Definition of Sexual Harassment

Pursuant to Article 7.1 of Organic Law 3/2007, of 22 March, on effective equality between women and men, and without prejudice to the provisions of the Penal Code, any verbal or physical behaviour of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

**Any form of sexual harassment is considered to be discrimination.**

Conditioning a right or expectation of a right on acceptance of a situation that constitutes sexual harassment or gender-based harassment is also considered an act of gender-based discrimination.

By way of example, and without excluding or limiting the foregoing, the conduct described below may constitute sexual harassment.

### 9.1.b. Behaviour Constituting Sexual Harassment: Examples

#### **Verbal behaviour:**

Examples of verbal behaviour that may constitute sexual harassment include, but are not limited to, on a case-by-case basis, unwelcome sexual advances, propositions or pressure to engage in sexual activity; offensive flirtations; lewd, suggestive or obscene comments; unwelcome phone calls or social media contacts; jokes or comments about sexual appearance.



### Non-verbal behaviour:

Display of sexually suggestive or pornographic images, objects or writing; suggestive looks, gestures; letters or messages in emails or on social networking sites of an offensive nature and with clear sexual content.

### Physical behaviour:

Intentional and unsolicited physical contact, unwanted hugs or kisses, excessive and unnecessary physical contact.

## 9.1.c. "Quid Pro Quo" Sexual Harassment or Sexual Blackmail

Behaviour constituting sexual harassment includes "quid pro quo" sexual harassment or sexual blackmail, which **consists of forcing the victim to choose between submitting to sexual demands or losing or being harmed by certain benefits or working conditions, affecting access to vocational training, continued employment, promotion, remuneration or any other related decision.** To the extent that it involves abuse of authority, its active subject is anyone who has the power, directly or indirectly, to grant or withdraw a benefit or condition of employment.

## 9.1.d. Environmental Sexual Harassment

In this type of sexual harassment, **the harasser creates an intimidating, hostile, degrading, degrading, humiliating or offensive environment for the victim, as a result of unwanted attitudes and behaviour of a sexual nature.** It can be perpetrated by any member of the company, regardless of position or status, or by third parties who are in some way present in the work environment.



## 9.2. CONCEPT AND BEHAVIOUR CONSTITUTING GENDER-BASED HARASSMENT

### 9.2.a. Definition of Gender-Based Harassment

Pursuant to Article 7.2 of Organic Law 3/2007, of 22 March, on effective equality between women and men, **any conduct based on a person's gender that has the purpose or effect of violating that person's dignity and of creating an intimidating, degrading or offensive environment constitutes gender-based harassment.**

**Any form of gender-based harassment is considered to be discrimination.**

In order to recognise that a situation that can be classified as gender-based harassment actually exists in a given situation, there must be a number of elements that form a common denominator, among which the following stand out:

- a) Harassment, which is defined as any intimidating, degrading, humiliating and offensive conduct that is external to, and perceived as such by, the person experiencing it.
- b) Objective assault on the dignity of the victim and subjectively perceived as such by the victim.
- c) Multiple offences outcome. The attack on the dignity of the person subjected to gender-based harassment does not prevent other fundamental rights of the victim from being violated at the same time, such as the right not to be discriminated against, an attack on the mental and physical health of the victim, among others.
- d) It is not an isolated incident.
- e) The reason for these behaviours must be related to the fact that they are women, or to circumstances that can only affect them biologically (pregnancy, maternity, breastfeeding), or to reproductive and caring functions that are assumed to be theirs because of social discrimination. In this sense, gender-based harassment can also be suffered by men who perform functions, tasks or activities related to the role historically attributed to women, for example, a male worker who is harassed for caring for children or relatives.

It should be noted that certain hostile acts that may occasionally occur in the workplace may not in themselves constitute gender-based harassment if they occur in isolation and without repetition. However, if such hostile acts are identified, the company must act decisively to address them and prevent their possible recurrence over time.



For these purposes, the concept of harassment is used to describe a situation in which a person or a group of persons exerts a series of behaviours characterised by extreme, abusive and unjustified psychological violence, in a systematic and recurrent manner, over a prolonged period of time, against another worker in the workplace, discriminating against him/her and causing progressive and continuous damage to his/her dignity, with the aim of destroying the victim's communication networks, destroying his/her reputation, undermining his/her self-esteem, disturbing the performance of his/her work, deliberately worsening the working conditions of the person attacked, leading in many cases to his/her definitive resignation from his/her job.

If the intimidating, degrading or offensive environment as defined above is directed at a woman solely because she is a woman or because of situations that can only be experienced by women for biological reasons, such as pregnancy, maternity or breastfeeding, it should be considered gender-based harassment.

If the motive for such behaviour is related to the reproductive and/or caring tasks that women have traditionally been expected to perform as a result of the social discrimination they have historically suffered, the harassment, because it is sexist and based on social discrimination, will also constitute gender-based harassment, regardless of whether the person being harassed is a man or a woman.

However, conduct such as that described above, which constitutes gender-based harassment, should not be confused with situations of stress, burnout, pressure or conflict at work, although they may be related and have some elements in common. The latter situations may occur either internally as a result of pressure or working conditions (stress, burnout), or they may be "ordinary" disagreements, as clashes, arguments and possible conflicts may occur at work (pressure or conflict at work). Gender-based harassment is different. It consists of a malicious, systematic and persistent attack on a person for the reasons listed above.

Furthermore, it can be perpetrated by hierarchical superiors as well as by male or female colleagues or hierarchical subordinates, it is caused by gender stereotypes and roles and is usually aimed at belittling people of one sex simply because they belong to the same sex, especially women, and at undervaluing their abilities, technical competences and skills.

### 9.2.b. Behaviour Constituting Gender-Based Harassment: Examples.

By way of example, and without being exhaustive or restrictive, the following are a number of specific types of conduct which, if they meet the requirements set out in the previous point, could constitute gender-based harassment in the workplace if they are repeated.

#### **Attacks with organisational measures:**

- 1) Judging the person's performance in an offensive way, hiding their efforts and abilities.
- 2) Questioning and overriding the person's decisions.



- 3) Not assigning any homework or assigning meaningless or demeaning homework.
- 4) Denying or concealing the means of performing the work, or providing false information.
- 5) Assigning work that is much higher or much lower than the person's skills or qualifications, or that requires much lower qualifications than those possessed.
- 6) Orders that are contradictory or impossible to comply with.
- 7) Theft of belongings, documents, work tools, deletion of files from the computer, tampering with work tools causing damage, etc.
- 8) Threats or pressure on people who support the person being harassed.
- 9) Manipulation, concealment, return of correspondence, calls, messages, etc. from the person.
- 10) Denial of or difficulty in accessing permits, courses, activities, etc.

#### **Actions intended to isolate the target:**

- 1) Changing the location of the person by separating them from their peers (isolation).
- 2) Ignoring the person's presence.
- 3) Not talking to the person.
- 4) Preventing colleagues from talking to the person.
- 5) Not allowing the person to express him/herself.
- 6) Avoiding eye contact with the person.
- 7) Removing or restricting the means of communication available to the person (telephone, email, etc.).

#### **Activities that affect the physical or mental health of the victim:**

- 1) Threats and physical aggression.
- 2) Verbal or written threats.
- 3) Yelling and/or insults.
- 4) Threatening phone calls.



- 5) Provoking the person, forcing them to react emotionally.
- 6) Intentionally incurring expenses to the person's detriment.
- 7) Damage to the workplace or the person's property.
- 8) Forcing the person to do work that is dangerous or harmful to their health.

**Attacks on privacy and personal or professional reputation:**

- 1) Manipulating personal or professional reputation through rumours, vilification and ridicule.
- 2) Implying that the person has mental health problems, trying to get the person to undergo a psychiatric examination or diagnosis.
- 3) Making fun of gestures, voice, appearance, disabilities, verbal abuse, etc.
- 4) Criticising nationality, political or religious attitudes and beliefs, private life, etc.





## 9.3. SEXUAL AND/OR GENDER-BASED HARASSMENT POTENTIAL MANIFESTATIONS

Depending on the job position and the relationship between the victim and the aggressor, harassment can be horizontal or vertical.

Horizontal harassment occurs when the victim and the aggressor are on the same hierarchical level in the organisation.

Vertical harassment occurs when the victim and the aggressor are on different hierarchical levels in the organisation. It can be top-down or bottom-up.

### **Vertical-Descending:**

When the aggressor is in a higher position than the victim.

### **Vertical-Ascending:**

When the aggressor is in a lower position than the victim. This type of harassment is usually collective; it is difficult for vertically ascending harassment to be individual, although it may occur in exceptional cases.



## 9.4. VIOLENCE IN THE DIGITAL ENVIRONMENT

When the conduct referred to in this Protocol **takes place using information and communication technologies, the Internet, telephone and social networks (it is not necessary for the aggressor and the victim to have physical contact)**, we are dealing with digital violence or cyber violence.

The [State Strategy to Combat Male Violence 2022-2025](#), based on the recommendations of the first evaluation report of the Group of Experts on Response to Violence against Women and Domestic Violence (GREVIO) of November 2021, states that three specific dimensions of digital violence must be taken into account: online and technology-assisted stalking, online sexual harassment and the digital dimension of psychological violence, each of which has the following implications:

Online and technology-assisted harassment					
Threats (sexual, economic, physical or psychological)	Damage to reputation	Tracking and collecting private information (Spyware) (1)	Identity theft	Solicitation for sex	Harassment with accomplices to isolate the victim

Online sexual harassment				
Threatening or non-consensual distribution of images or videos (revenge porn)	Non-consensual taking, production or capture of intimate images or videos (2)	Coercion and exploitation and threats, sexting, sextortion, threat of rape, doxing (3). Outing (4)	Sexual bullying (5)	Cyberflashing (6)

(1) Spyware is software that has such a goal.

(2) It includes acts such as "upskirting" and "creepshots" (stolen and sexualised photographs), and the production of digitally altered images in which a person's face or body is superimposed using artificial intelligence ("fake pornography").

(3) Disclosure of personal information or identity.

(4) Disclosure of sexual orientation.

(5) Rumours, posting sexualised comments, impersonation, sharing of sexual content or sexual harassment of others that affects their reputation and/or livelihood.

(6) Sending unsolicited sexual images through dating or messaging apps, texts, or using AirDrop or Bluetooth technologies.

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\* As the Recommendation points out, it usually consists of the tactic of monitoring or spying on the victim, their various social networks or messaging platforms, their emails and their phone, stealing passwords or cracking or hacking their devices to access their private space, installing spyware or geolocation applications, or stealing their devices. Perpetrators can also assume the identity of the other person or monitor the victim through technological devices connected through the Internet of Things (IoT), such as smart home appliances.



Digital dimension of psychological violence					
All forms of violence have a psychological impact	Individual acts not criminalised when combined with mass mentality and repetition	Hate speech of a sexist nature	Intimidation, threats to victims or their families, bullying, harassment, embarrassment and defamation	Incitement to commit suicide or to harm oneself	Economic abuse (7)

(7) Internet banking, deterioration of the victim's credit rating due to unauthorised use of cards or financial contracts.



## 9.5. CRIMINAL BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY

Article 12 of Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom stipulates that all **companies must promote working conditions that prevent the commission of crimes** and other acts against sexual freedom and moral integrity in the workplace.

**For the purposes of this Protocol, it is necessary to clarify that if the evidence of the reported conduct constitutes a crime, the Company must immediately take the necessary precautions to protect the victim from the aggressor and inform the Public Prosecutor's Office.**

The Company must do everything possible to prevent a crime from occurring in its organisation. If an employee activates the Protocol because he or she believes that he or she has been the victim of a **crime** against sexual freedom or moral integrity, the Company must accept the complaint and must inform the Public Prosecutor's Office and, if necessary, **resolve the matter internally by taking the appropriate precautionary measures, including at least distancing the reported person from the victim.**

Among the criminal behaviours that are relevant here, it is necessary to distinguish between those which are contrary to moral integrity and those which are contrary to sexual freedom.

With regard to the former, **crimes against moral integrity** are covered by Article 173 of the Penal Code, which states that: *"Anyone who subjects another person to degrading treatment which seriously undermines his or her moral integrity shall be punished by a term of imprisonment of between six months and two years... The same penalty shall be imposed on anyone who, in the context of an employment or public service relationship, taking advantage of a position of superiority, repeatedly commits hostile or humiliating acts against another person which, without constituting degrading treatment, constitute serious harassment of the victim... The same penalties shall be imposed on any person who, without constituting other more serious offences, addresses another person with words, behaviour or propositions of a sexual nature which create an objectively humiliating, hostile or intimidating situation for the victim."*

With regard to the latter, i.e. **crimes against sexual freedom**, in [Title VIII of the Penal Code](#), a distinction must be made:

- a) CHAPTER I. Sexual Assault (Articles 178, 179 and 180).
- b) CHAPTER II. Sexual Assault of a Minor Under the Age of Sixteen (Articles 181, 182, 183 and 183a).
- c) CHAPTER III. Sexual Harassment (Article 184).
- d) CHAPTER IV. Offences Related to Exhibitionism and Sexual Provocation (Articles 185 and 186).
- e) CHAPTER V. Offences Related to Prostitution, Sexual Exploitation and Corruption of Minors (Articles 187, 188, 189, 189 bis and 189).



## PUBLICATION OF THE PROTOCOL ADOPTED

In order to prevent and avoid the situations of violence and harassment described above, the **Company must communicate the adoption of the Protocol to all persons providing services in the organisation by email, and also publish it on the website, Intranet, bulletin board, in writing or by any other means** that serves to publicise both its existence and its content, with particular emphasis on publicising and facilitating the appropriate complaint channels.

In this way, the Company publicly declares that it will not tolerate any behaviour in its organisation that could constitute sexual or gender-based harassment or any other behaviour that is contrary to sexual freedom and moral integrity in the workplace, and will therefore take all appropriate measures in the event of any behaviour that could be construed as such.

The Company will act on any complaint or grievance that is filed and will promptly initiate the resolution of the matter in accordance with the Protocol. Employees who believe that they have been or are being subjected to harassment or conduct contrary to sexual freedom and moral integrity may activate the internal procedure set out in this Protocol.

**The Company undertakes to guarantee and maintain the utmost confidentiality of all measures taken under this procedure.**

The initiation of these proceedings is without prejudice to the right of the persons concerned to request administrative or other proceedings deemed appropriate. Nor does it affect their right to effective judicial protection, in accordance with Article 24 of the Spanish Constitution.

The Company will also act upon the discovery or reporting of hostile acts, even if they do not strictly constitute sexual harassment, gender-based harassment or other behaviour contrary to sexual freedom and moral integrity, in order to stop them and prevent their possible repetition and recurrence over time, or, where appropriate and if it is considered that there are indications of a crime, to report them to the Public Prosecutor's Office.



# AWARENESS RAISING AND TRAINING FOR COMPREHENSIVE PROTECTION AGAINST SEXUAL VIOLENCE

The elimination of sexual harassment and gender-based harassment, as well as any other behaviour contrary to sexual freedom and moral integrity, requires a rethinking of certain patterns of unequal power relations between women and men in society in general and in the workplace in particular.

Article 12.2 of the Organic Law on the comprehensive guarantee of sexual freedom stipulates that companies must promote awareness and provide training on integral protection against sexual violence to all personnel in their service.

The actions to be promoted will be aimed, on the one hand, at **preventing** the situations described in the working environment and/or work organisation and, on the other hand, at **informing about the procedure for taking action** and the guarantees for dealing with any complaints or claims that may be made.

The aim of these measures is to raise awareness and train employees on the importance of maintaining a working environment that respects sexual freedom, moral integrity and human dignity, and to promote values of equality between women and men.

Companies should therefore:

- a) **Inform the organisation's personnel** of the **procedures** for filing complaints or claims in situations of sexual harassment and gender-based harassment, including when it occurs in the digital environment, as well as behaviour that is considered contrary to sexual freedom and moral integrity.
- b) **Provide information on behaviours** considered contrary to sexual freedom and moral integrity, in particular sexual harassment and gender-based harassment, including when it occurs in the digital environment, and the sanctions that may be imposed within their organisation.
- c) **Organise regular training sessions, conferences, awareness-raising campaigns,** etc. for the organisation's personnel, with at least the following content:



1. Statement of principles, classification of behaviour that may constitute sexual harassment, gender-based harassment and behaviour contrary to sexual freedom and moral integrity in the workplace; definition and identification of conduct that is punishable and conduct that is classified as a criminal offence.
2. The impact of such behaviour on the harassed person, the organisation and society.
3. Identification of reactive and disciplinary measures against such behaviour in the organisation.
4. Procedure for dealing with complaints and claims that may arise, as set out in the company's protocol, which expressly warns the company that in the event of indications and/or evidence that what is reported may constitute a crime, the Public Prosecutor's Office will be informed and the appropriate precautionary measures will be taken.

Training should take place **at least once a year** and should be aimed at the entire workforce of the company, regardless of employment status, including permanent, fixed-term and trainee employees. Trainees, volunteers and those working on secondment contracts are also entitled to benefit from these actions.

Training should be of a minimum duration of 3 hours and **may be provided either by the company's own personnel, who have sufficient training in the subject, or by specialised external personnel. The legal representative of the personnel shall actively participate** in the training courses organised and in their promotion among the personnel of the organisation, in order to contribute to prevention and awareness.

Notwithstanding the foregoing, companies may also take other specific measures to prevent sexual harassment, gender-based harassment and other behaviour contrary to sexual freedom and moral integrity in the workplace, such as codes of conduct, information campaigns or other training, after consultation with the workers' legal representatives, if any.



Some examples of good practice include:

- Include the Protocol on the Prevention of and Response to Sexual Harassment and Gender-Based Harassment and Behaviour contrary to Sexual Freedom and Moral Integrity in the Welcome Guide provided to all new employees joining the organisation.
- Provide a space on the company Intranet to promote equality between women and men with information on sexual harassment, gender-based harassment based and any other behaviour that violates sexual freedom.
- Include content on gender equality in the workplace and the prohibition of discrimination in all its forms in personnel induction and occupational risk prevention training.
- Carry out training and awareness-raising campaigns involving the organisation and legal and/or trade union representatives.
- Provide professional advice and assistance from the company's legal department and/or legal and/or trade union representation and/or available public services.
- Inform and facilitate victims' access to psychosocial support services and/or comprehensive assistance for their recovery, etc.

In addition to the awareness-raising and training measures for comprehensive protection against sexual violence aimed at the entire workforce, it should be noted that, in terms of occupational risk prevention, all companies are obliged to **include sexual violence among the occupational risks in the risk assessment of the different jobs occupied by female workers and to train and inform their female workers.**



# SECTION TWO: MODEL PROTOCOLS



Below are two model protocols for the prevention of and response to sexual harassment, gender-based harassment and other behaviour contrary to sexual freedom and moral integrity, to serve as a reference for companies and other entities in developing their own protocols.

Each protocol model, taken individually, is an effective and directly applicable tool for the company to manage behaviour, whether or not it constitutes a crime, that is contrary to sexual freedom and moral integrity, in particular in cases of sexual harassment and gender-based harassment, including when it occurs in the digital environment within the organisation. Therefore, depending on the characteristics of each company or entity, and in particular its size and the obligation to draw up an equality plan, the model that best suits its needs can be used.

Both model protocols provide for three types of measures:

- 1. Preventive measures, with a statement of principles and identification of behaviour that may constitute sexual harassment, gender-based harassment or behaviour contrary to sexual freedom and moral integrity.**
- 2. Proactive or procedural measures to deal with any complaints or claims that may arise and the preventive and/or corrective action to be taken.**
- 3. Identification of reactive measures depending on the conclusions reached and, where appropriate, the disciplinary regime.**

The differences between one model and the other lie in whether or not the Protocol is integrated into the Equality Plan for the purposes of its negotiation, entry into force, implementation, monitoring, review and evaluation, and in whether the investigation of the harassment complaint or claim is investigated and/or directed by a commission or person, which fundamentally affects the procedural phase.

Finally, it should be noted that, in accordance with the provisions of Article 48 of Law 3/2007 of 22 March, measures to prevent the commission of offences and other acts against sexual freedom and moral integrity in the workplace, with particular emphasis on sexual harassment and gender-based harassment, must be negotiated with the workers' legal representatives.

Likewise, in accordance with the provisions of Articles 46.2 of Law 3/2007, of 22 March, and 7 of Royal Decree 901/2020, of 13 October, the Protocol against sexual harassment and gender-based harassment will be part of the negotiation of the Equality Plan

For this reason, the models presented here, although they may be directly applicable, must be adapted to the reality of each company in accordance with the negotiations conducted, where appropriate, with the legal representation of the workers or the trade union representation, as the case may be, and with what has been agreed in the applicable collective agreement.



# MODEL PROTOCOL FOR THE PREVENTION OF AND RESPONSE TO SEXUAL HARASSMENT, GENDER-BASED HARASSMENT AND OTHER BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY IN THE WORKPLACE

IN COMPANIES THAT HAVE AN EQUALITY PLAN (MANDATORY OR  
VOLUNTARY)

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# **PROTOCOL FOR THE PREVENTION OF AND RESPONSE TO SEXUAL HARASSMENT, GENDER-BASED HARASSMENT AND OTHER BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY IN THE WORKPLACE OF (COMPANY NAME)\***

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The present Protocol, negotiated by the Negotiating Committee of the Equality Plan, provides for compliance with the requirements of Articles 46.2 and 48 of the LOI, RD 901/2020 and Article 12 OF THE LOGILS.

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# COMMITMENT OF (COMPANY NAME) TO MANAGE THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT, GENDER-BASED HARASSMENT AND OTHER BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY IN THE WORKPLACE

With this Protocol, (COMPANY NAME) declares its zero tolerance towards the occurrence throughout its organisation of behaviour contrary to sexual freedom and moral integrity, in particular sexual harassment and/or gender-based harassment, including in the digital environment.

By adopting this Protocol, (COMPANY NAME) wishes to underline its commitment to the prevention of and response to these behaviours in any of their manifestations, informing of its application to all personnel providing services in its organisation, whether they are its own personnel or from other companies, including persons who, not having an employment relationship, provide services or collaborate with the organisation, such as trainees, those who carry out non-labour practices or those who carry out voluntary work.

Furthermore, (COMPANY NAME) undertakes to draw the attention of the companies to which its own personnel are seconded, as well as the companies from which the personnel working for (COMPANY NAME) originate, to the existence of this Protocol and the need for its strict observance.

The obligation to comply with the provisions of this Protocol shall be stated in the contracts concluded with other companies.

If the alleged aggressor is not a member of the company's and therefore (COMPANY NAME) is unable to fully implement the procedure, it will contact the responsible company in order to take the appropriate measures and, if necessary, sanction the person responsible, warning him/her that failure to do so may result in the termination of the business relationship between the two companies.

The Protocol applies to situations of sexual harassment, gender-based harassment and other behaviours violating sexual freedom occurring at work, in the course of work or as a result of work:



- a) in the workplace, including public and private places when they are a workplace;
- b) in places where workers are paid, take their rest or meal breaks, or use sanitary or washing facilities and changing rooms;
- c) during work-related travel, trips, events or social or training activities;
- d) in the context of work-related communications, including communications via information and communication technologies (digital, virtual or cyber-bullying);
- e) in accommodation provided by the employer;
- f) while travelling between home and work.

This Protocol is implemented in accordance with the European Framework Agreement on harassment and violence in the workplace and complies with the requirements of ILO Convention No. 190 on the elimination of violence and harassment at work; Articles 46.2 and 48 of Organic Law 3/2007, of 22 March, on the effective equality of women and men; Article 12 of Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom; Royal Decree 901/2020, of 13 October, regulating equality plans and their registration and amending Royal Decree 713/2010, of 28 May, on the registration and filing of collective bargaining agreements and collective labour agreements, and Article 14 of Law 31/1995, of 8 November, on the prevention of occupational risks.

Indeed, by committing itself to the measures that make up this Protocol, (COMPANY NAME) expresses and publicises its express will to adopt a proactive attitude both in the prevention of the aforementioned behaviours, raising awareness and providing information on behaviours that will not be tolerated by the company, and in the dissemination of good practices and the implementation of as many measures as necessary to manage and, where appropriate, resolve any complaints or claims that may arise in this regard.

(City and Date)

(SIGNATURE OF THE PERSON IN CHARGE OF THE COMPANY)



# 2

## PROTOCOL CHARACTERISTICS AND STAGES

In order to comply with the commitment with which this Protocol begins and in the terms and conditions set forth herein, the company (COMPANY NAME) will implement a procedure for the prevention of and response to sexual harassment and/or gender-based harassment, as well as any other behaviour contrary to sexual freedom and moral integrity, which has been negotiated and agreed upon by the Equality Plan Negotiating Committee, with the intention of establishing a mechanism to act in a comprehensive and effective manner in the face of any behaviour that may be contrary to sexual freedom and moral integrity in the terms and conditions set forth herein. To this end, this Protocol combines three types of measures, as set out in Section 7 of the Annex to Royal Decree 901/2020 of 13 October:

1. Preventive measures, including a statement of principles and identification of behaviour that may constitute sexual harassment, gender-based harassment or behaviour contrary to sexual freedom and moral integrity.
2. Proactive or procedural measures to deal with any complaints or appeals that may arise and the precautionary and/or corrective measures to be taken.
3. Identification of reactive measures depending on the outcome and, if applicable, the disciplinary regime.

### 2.1. PREVENTIVE GUARDIANSHIP

#### 2.1.1. Statement of Principles: Zero tolerance of behaviour that constitutes sexual harassment, gender-based harassment, including those committed in the digital environment, as well as any other behaviour contrary to sexual freedom and moral integrity.

The company (COMPANY NAME) formalises the following statement of principles to underline how relations between company employees should be and what behaviour is not acceptable in the organisation.

This Protocol applies to any behaviour constituting sexual harassment, gender-based harassment, including in the digital environment, and any other behaviour contrary to sexual freedom and moral integrity that may occur in (COMPANY NAME).





(COMPANY NAME), by implementing this procedure, is committed to preventing, not tolerating, addressing and prosecuting any manifestation of the above conduct within its organisation.

Harassment is, by definition, a multi-harmful act that affects several legal interests, including the dignity of the worker as a positivisation of the right to life and to physical, mental and moral integrity. However, the violation of dignity does not prevent such an act from also violating other legal interests, such as equality and non-discrimination, honour, self-image, privacy, health, etc., but it will still, by definition, always violate dignity. Sexual harassment and gender-based harassment always violate the dignity of the person experiencing it and constitute gender discrimination.

Within (COMPANY NAME), conduct that may constitute any of the above forms of harassment, i.e. sexual harassment or gender-based harassment in any of its manifestations, or any other behaviour contrary to sexual freedom and moral integrity, is not permitted or tolerated. The Company will sanction both those who engage in offensive behaviour and those who promote, encourage and/or tolerate it. All company employees are required to respect the fundamental rights of all people who make up (COMPANY NAME), as well as those who provide services to the company. In particular, they shall refrain from any behaviour that is contrary to integrity, dignity, privacy and the principle of equality and non-discrimination, and shall always promote respectful behaviour.

Notwithstanding the foregoing, any employee who suffers or becomes aware of any of these behaviours has the possibility, through a complaint or claim, to activate this Protocol as an internal, confidential and rapid procedure to eliminate the behaviour and remedy its effects.

Once the relevant information dossier has been opened, if the occurrence of any of the aforementioned behaviours is confirmed, (COMPANY NAME) will sanction the perpetrator and undertakes to use all its management and sanctioning powers to ensure a working environment that complies with the principles of health and safety at work and is free from sexual violence and sexist discriminatory behaviour.

## 2.1.2. Identification of Behaviours

### 2.1.2.1. Definition and Behaviour Constituting Sexual Harassment

Pursuant to Article 7.1 of Organic Law 3/2007, of 22 March, on effective equality between women and men, and without prejudice to the provisions of the Penal Code, any verbal or physical behaviour of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

Any form of sexual harassment is considered to be discrimination.



Conditioning a right or expectation of a right on acceptance of a situation that constitutes sexual harassment or gender-based harassment is also considered an act of gender-based discrimination.

By way of example, and without excluding or limiting the foregoing, the conduct described below may constitute sexual harassment:

### **Verbal behaviour:**

Examples of verbal behaviour that may constitute sexual harassment include, but are not limited to, on a case-by-case basis, unwelcome sexual advances, propositions or pressure to engage in sexual activity; offensive flirtations; lewd, suggestive or obscene comments; unwelcome phone calls or social media contacts; jokes or comments about sexual appearance.

### **Non-verbal behaviour:**

Display of sexually suggestive or pornographic images, objects or writing; suggestive looks, gestures; letters or messages in emails or on social networking sites of an offensive nature and with clear sexual content.

### **Physical behaviour:**

Intentional and unsolicited physical contact, unwanted hugs or kisses, excessive and unnecessary physical contact.

### **"Quid Pro Quo" Sexual Harassment or Sexual Blackmail**

Behaviour constituting sexual harassment includes "quid pro quo" sexual harassment or sexual blackmail, which consists of forcing the victim to choose between submitting to sexual demands or losing or being harmed by certain benefits or working conditions, affecting access to vocational training, continued employment, promotion, remuneration or any other related decision. To the extent that it involves abuse of authority, its active subject is anyone who has the power, directly or indirectly, to grant or withdraw a benefit or condition of employment.

### **Environmental Sexual Harassment**

In this type of sexual harassment, the harasser creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim, as a result of unwanted attitudes and behaviour of a sexual nature. It can be perpetrated by any member of the company, regardless of position or status, or by third parties who are in some way present in the work environment.



## 2.1.2.2. Definition and Behaviour Constituting Gender-Based Harassment

### Definition of Gender-Based Harassment:

Any conduct based on a person's gender that has the purpose or effect of violating that person's dignity and of creating an intimidating, degrading or offensive environment constitutes gender-based harassment.

Any form of gender-based harassment is considered to be discrimination.

In order to recognise that a situation that can be classified as gender-based harassment actually exists in a given situation, there must be a number of elements that form a common denominator, among which the following stand out:

- a) Harassment, which is defined as any intimidating, degrading, humiliating and offensive conduct that is external to, and perceived as such by, the person experiencing it.
- b) Objective assault on the dignity of the victim and subjectively perceived as such by the victim.
- c) Multiple offences outcome. The attack on the dignity of the person subjected to gender-based harassment does not prevent other fundamental rights of the victim from being violated at the same time, such as the right not to be discriminated against, an attack on the mental and physical health of the victim, among others.
- d) It is not an isolated incident.
- e) The reason for these behaviours must be related to the fact that they are women, or to circumstances that can only affect them biologically (pregnancy, maternity, breastfeeding), or to reproductive and caring functions that are assumed to be theirs because of social discrimination. In this sense, gender-based harassment can also be suffered by men who perform functions, tasks or activities related to the role historically attributed to women, for example, a male worker who is harassed for caring for children or relatives.

Conditioning a right or expectation of a right on acceptance of a situation that constitutes gender-based harassment is also considered an act of gender discrimination.

Gender-based harassment can be perpetrated by hierarchical superiors as well as by male or female colleagues or hierarchical subordinates, it is caused by gender stereotypes and roles and is usually aimed at belittling people of one sex simply because they belong to the same sex, especially women, and at undervaluing their abilities, technical competences and skills.



## **Behaviour Constituting Gender-Based Harassment:**

By way of example, and without being exhaustive or restrictive, the following are a number of specific types of conduct which, if they meet the requirements set out in the previous point, could constitute gender-based harassment in the workplace if they are repeated.

### **Attacks with organisational measures:**

1. Judging the person's performance in an offensive way, hiding their efforts and abilities.
2. Questioning and overriding the person's decisions.
3. Not assigning any homework or assigning meaningless or demeaning homework.
4. Denying or concealing the means of performing the work, or providing false information.
5. Assigning work that is much higher or much lower than the person's skills or qualifications, or that requires much lower qualifications than those possessed.
6. Orders that are contradictory or impossible to comply with.
7. Theft of belongings, documents, work tools, deletion of files from the computer, tampering with work tools causing damage, etc.
8. Threats or pressure on people who support the person being harassed.
9. Manipulation, concealment, return of correspondence, calls, messages, etc. from the person.
10. Denial of or difficulty in accessing permits, courses, activities, etc.

### **Actions intended to isolate the target:**

1. Changing the location of the person by separating them from their peers (isolation).
2. Ignoring the person's presence.
3. Not talking to the person.
4. Preventing colleagues from talking to the person.
5. Not allowing the person to express him/herself.
6. Avoiding eye contact with the person.
7. Removing or restricting the means of communication available to the person (telephone, email, etc.).



### **Activities that affect the physical or mental health of the victim:**

1. Threats and physical aggression.
2. Verbal or written threats.
3. Yelling and/or insults.
4. Threatening phone calls.
5. Provoking the person, forcing them to react emotionally.
6. Intentionally incurring expenses to the person's detriment.
7. Damage to the workplace or the person's property.
8. Forcing the person to do work that is dangerous or harmful to their health.

### **Attacks on privacy and personal or professional reputation:**

1. Manipulating personal or professional reputation through rumours, vilification and ridicule.
2. Implying that the person has mental health problems, trying to get the person to undergo a psychiatric examination or diagnosis.
3. Making fun of gestures, voice, appearance, disabilities, verbal abuse, etc.
4. Criticising nationality, political or religious attitudes and beliefs, private life, etc.

## **2.1.2.3. Violence in the Digital Environment**

When the conduct referred to in this Protocol takes place using information and communication technologies, the Internet, telephone and social networks (it is not necessary for the aggressor and the victim to have physical contact), we are dealing with digital violence or cyber violence.

The [State Strategy to Combat Male Violence 2022-2025](#), based on the recommendations of the first evaluation report of the Group of Experts on Response to Violence against Women and Domestic Violence (GREVIO) of November 2021, states that three specific dimensions of digital violence must be taken into account: online and technology-assisted stalking, online sexual harassment and the digital dimension of psychological violence, each of which has the following implications:



Online and technology-assisted harassment					
Threats (sexual, economic, physical or psychological)	Damage to reputation	Tracking and collecting private information (Spyware) (1)	Identity theft	Solicitation for sex	Harassment with accomplices to isolate the victim

Online sexual harassment				
Threatening or non-consensual distribution of images or videos (revenge porn)	Non-consensual taking, production or capture of intimate images or videos (2)	Coercion and exploitation and threats, sexting, sextortion, threat of rape, doxing (3).  Outing (4)	Sexual bullying (5)	Cyberflashing (6)

**(1)** Spyware is software that has such a goal.

**(2)** It includes acts such as "upskirting" and "creepshots" (stolen and sexualised photographs), and the production of digitally altered images in which a person's face or body is superimposed using artificial intelligence ("fake pornography").

**(3)** Disclosure of personal information or identity.

**(4)** Disclosure of sexual orientation.

**(5)** Rumours, posting sexualised comments, impersonation, sharing of sexual content or sexual harassment of others that affects their reputation and/or livelihood

**(6)** Sending unsolicited sexual images through dating or messaging apps, texts, or using AirDrop or Bluetooth technologies.

Digital dimension of psychological violence					
All forms of violence have a psychological impact	Individual acts not criminalised when combined with mass mentality and repetition	Hate speech of a sexist nature	Intimidation, threats to victims or their families, bullying, harassment, embarrassment and defamation	Incitement to commit suicide or to harm oneself	Economic abuse (7)

**(7)** Internet banking, deterioration of the victim's credit rating due to unauthorised use of cards or financial contracts.

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\* As the Recommendation points out, it usually consists of the tactic of monitoring or spying on the victim, their various social networks or messaging platforms, their emails and their phone, stealing passwords or cracking or hacking their devices to access their private space, installing spyware or geolocation applications, or stealing their devices. Perpetrators can also assume the identity of the other person or monitor the victim through technological devices connected through the Internet of Things (IoT), such as smart home appliances.



#### 2.1.2.4. Criminal Behaviour Contrary to Sexual Freedom and Moral Integrity

Article 12 of Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom stipulates that all companies must promote working conditions that **prevent the commission of crimes** and other acts against sexual freedom and moral integrity in the workplace.

**For the purposes of this Protocol, it is necessary to clarify that if the evidence of the reported conduct constitutes a crime, the Company will immediately take the necessary precautions to protect the victim from the aggressor and will urgently inform the Public Prosecutor's Office.**

Among the criminal behaviours that are relevant here, it is necessary to distinguish between those which are contrary to moral integrity and those which are contrary to sexual freedom.

With regard to the former, **crimes against moral integrity** are covered by Article 173 of the Penal Code, which states that: *"Anyone who subjects another person to degrading treatment which seriously undermines his or her moral integrity shall be punished by a term of imprisonment of between six months and two years... The same penalty shall be imposed on anyone who, in the context of an employment or public service relationship, taking advantage of a position of superiority, repeatedly commits hostile or humiliating acts against another person which, without constituting degrading treatment, constitute serious harassment of the victim... The same penalties shall be imposed on any person who, without constituting other more serious offences, addresses another person with words, behaviour or propositions of a sexual nature which create an objectively humiliating, hostile or intimidating situation for the victim."*

With regard to the latter, i.e. **crimes against sexual freedom**, in [Title VIII of the Penal Code](#), a distinction must be made:

- a) CHAPTER I. Sexual Assault (Articles 178, 179 and 180).
- b) CHAPTER II. Sexual Assault of a Minor Under the Age of Sixteen (Articles 181, 182, 183 and 183a).
- c) CHAPTER III. Sexual Harassment (Article 184).
- d) CHAPTER IV. Offences Related to Exhibitionism and Sexual Provocation (Articles 185 and 186).
- e) CHAPTER V. Offences Related to Prostitution, Sexual Exploitation and Corruption of Minors (Articles 187, 188, 189, 189 bis and 189).

The description of the offences is contained in Annex I to this Protocol.



## 2.2. ACTION PROCEDURE

Schematically, the phases and maximum deadlines for carrying out the action procedure are as follows:







## 2.2.1. Appointment of the Harassment Investigation Committee

A three-member committee<sup>\*\*</sup> will be set up to investigate and monitor cases of sexual and gender-based harassment:

[Name, surname and position]

[Name, surname and position]

[Name, surname and position]

In the event of absence due to holidays, illness or any other legal reason, he/she may replace one of the incumbent members:

[Name, surname and position]

In order to ensure the utmost confidentiality of this procedure, the members of this committee are appointed on a permanent basis.

The Commission is appointed to serve for a period of four years. The above-mentioned members of the Investigation Committee shall be bound by the principle of impartiality with regard to the parties concerned, so that they shall abstain from any action if they are related by blood or marriage to one or more of the parties concerned by the investigation, if they are close friends, if they are openly hostile to the parties concerned by the investigation, or if they have a direct or indirect interest in the case. If, despite these reasons, abstention does not take place, any of the persons involved in the procedure may request that the person or persons concerned be removed from the Committee.

In addition, the Committee may, on its own initiative or at the request of one of the persons concerned, request the appointment of an external expert to accompany it in the investigation of the case.

The Committee shall meet no later than 3 working days after receipt of a report, complaint or knowledge of inappropriate behaviour, in accordance with the procedure set out in this Protocol for its submission.

The Committee will promptly and thoroughly investigate any report, communication, complaint or allegation of conduct that could be considered sexual or gender-based harassment. Whistleblowing, complaints and investigations will be treated in the strictest confidence, consistent with the need to investigate and take corrective action, bearing in mind that they may directly affect the privacy and honour of individuals.

<sup>\*\*</sup> In order to preserve confidentiality, it is recommended that the Investigation Committee be composed of 3 people, with a maximum of 5 if necessary, and that its members include the company manager or human resources manager, the workers' representative(s), a company equal opportunities technician and/or an occupational risk prevention technician. When appointing these persons, preference should be given to their training and/or experience in the field of gender equality and, in particular, sexual and gender-based harassment, and it is also advisable for these persons to be known to all employees of the company and/or organisation. In companies where there is legal worker representation, the company and worker representatives sit on the Investigation Committee on a parity basis.



If the Commission sees evidence of criminal behaviour in the complaint, it will propose to the management of (COMPANY NAME) the immediate adoption of appropriate precautionary measures and the urgent referral to the Public Prosecutor's Office.

## 2.2.2. Initiating Proceedings: Complaint or Claim

In (NAME OF COMPANY) [ADD NAME, SURNAME AND POSITION] is the person responsible for the management and handling of all complaints or claims that may be made under this Protocol by persons providing services in this organisation\*\*\*.

Employees of (COMPANY NAME) should be aware that they will not be penalised for activating the Protocol, except in cases of malice or bad faith. If they do so, any claim will be presumed to be true and will be dealt with by the above person.

Complaints shall be secret and (COMPANY NAME) shall ensure the confidentiality of the parties involved.

In order to guarantee the confidentiality of any report, complaint or communication of a harassment situation, (COMPANY NAME) will provide an email account (ADD ACCOUNT) to which only the person in charge of processing the report or complaint and the members of the Investigation Committee will have access, and which will be used exclusively for the presentation of this type of report or complaint. This is without prejudice to the possibility of also accepting complaints or claims that may be submitted secretly, in writing and in a sealed envelope addressed to the person in charge of handling the complaint or claim. In order to protect the confidentiality of the process, the person handling the complaint will assign a code number to each of the parties involved.

Upon receipt of a complaint in either of the above two ways, the person responsible for handling the complaint shall immediately inform the Company's management and the other members of the Investigation Committee.

The model contained in this Protocol will be made available to the Company's employees to formalise the complaint or claim. In order to initiate the procedure described in the following paragraph, it is necessary to submit the complaint or claim by means of the appropriate form sent by email to the address provided for this purpose.

If the Committee finds evidence of criminal behaviour in the complaint, it shall propose to the management of (COMPANY NAME) that appropriate precautionary measures be taken immediately and that the case be referred to the Public Prosecutor as a matter of urgency. Apart from any other precautionary measures that may be taken, the alleged harasser shall always be separated from the victim and the victim shall never be forced to change position, working hours or location within the Company.

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\*\*\* This person shall be a member of the Protocol's Investigation Committee.



### 2.2.3. Preliminary Phase or Informal Procedure

This phase is optional for the parties and depends on the will expressed by the victim. The aim of this preliminary phase is to resolve the harassment situation in an urgent and effective manner in order to achieve a cessation of the harassment situation and a solution accepted by the parties.

Once the complaint or claim has been received, the Investigation Committee will interview the person concerned and may also interview the alleged aggressor or both parties, request the intervention of experts, etc.

This informal procedure or preliminary phase shall last a maximum of seven working days from the date of receipt of the complaint by the Investigation Committee. Within this period, the Investigation Committee shall conclude this preliminary phase by assessing the consistency of the complaint, indicating whether or not the purpose of the procedure has been achieved and, where appropriate, proposing the measures it deems appropriate, including the opening of the information dossier. All procedures shall be urgent and confidential, protecting the dignity and privacy of the individuals concerned. The dossier shall be confidential and accessible only to that Committee.

Notwithstanding the foregoing, the Investigation Committee may, if the parties expressly so request, dispense with this preliminary phase and proceed directly to the processing of the information dossier, of which it shall inform the parties. Similarly, if the complainant is not satisfied with the solution proposed by the Investigation Committee at the informal procedure phase, the case will be referred to an information dossier.

In the event of a decision not to proceed with the informative dossier, the solution adopted at this preliminary phase shall be recorded and the Company management shall be informed.

The workers' legal representative, the person responsible for occupational risk prevention and the Equality Plan Monitoring Committee shall also be informed and shall treat the information to which they have access as confidential. In any case, in order to ensure confidentiality, no personal data will be given and the numerical codes assigned to each of the parties involved will be used in the dossier.

### 2.2.4. Information Dossier

If the preliminary phase is not activated, or if the procedure cannot be resolved even though it has been activated, the informative dossier will be opened.

The Investigation Committee shall conduct an investigation\*\*\*\* to determine whether or not the harassment or conduct complained of exists, after hearing the persons concerned and any witnesses proposed, holding meetings or requesting any necessary documents, without prejudice to the provisions on the protection of personal data and confidential documents.

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\*\*\*\* The investigation shall be prompt, confidential and based on the principles of adversarial and oral proceedings. Any complaint or claim shall be presumed to be true.



Persons who are so requested shall co-operate with the utmost diligence.

During the processing of the dossier, the management of (COMPANY NAME) will, on the proposal of the Investigation Committee, take the necessary precautionary measures leading to the immediate cessation of the harassment situation, without such measures causing permanent and definitive damage to the working conditions of the persons concerned. Among other precautions, (COMPANY NAME) management shall distance the alleged harasser from the victim.

In the course of the procedure, the victim shall be heard first and then the accused. Both parties may be assisted and accompanied by a person of their choice, whether or not that person is a legal and/or trade union representative of the workers, who must respect the confidentiality of the information to which he or she has access. In accordance with the adversarial principle, the accused shall be always heard.

The Investigation Committee may, if it considers it appropriate, seek external advice on sexual violence, moral integrity, harassment, equality and non-discrimination during the investigation of the case. The external expert shall be bound to maintain the utmost confidentiality with respect to all matters of which he/she has knowledge or access as a member of the commission in question and shall be subject to the same grounds for abstention and disqualification as the members of the Investigation Committee.

At the end of the investigation, the Committee shall draw up a minutes setting out the facts, the testimony, the evidence given and/or collected and whether or not it considers that there is evidence of sexual harassment or gender-based harassment or any other behaviour contrary to sexual freedom and moral integrity.

If, on the basis of the evidence gathered, there is evidence of harassment in any of its forms or of any other behaviour which, although not a criminal offence, is contrary to sexual freedom and moral integrity, the Investigation Committee shall, in the conclusions of its minutes, urge the Company to take the appropriate sanctions and may even, in the case of a very serious offence, propose the disciplinary dismissal of the aggressor.

If there is no evidence of sexual harassment, gender-based harassment or other behaviour contrary to sexual freedom and moral integrity, the Committee shall record in the minutes that the evidence expressly states that there is no evidence of such behaviour.

If there is no harassment in any of its manifestations or behaviour contrary to sexual freedom and moral integrity, but some inappropriate action or behaviour that could be sanctioned is discovered, the Investigation Committee will also urge the management of (COMPANY NAME) to take appropriate action in this regard.

Decisions of the Investigation Committee shall be taken by consensus wherever possible and by majority vote where this is not possible.



The procedure shall be swift and efficient, and the privacy, confidentiality and dignity of the persons concerned shall be protected in all cases. Throughout the entire procedure, strict confidentiality shall be maintained and all internal investigations shall be conducted with sensitivity and due respect for both the victim and, where appropriate, the complainant, who shall never be treated unfavourably for this reason, and for the accused, whose guilt must be proven by a preponderance of the evidence in accordance with the provisions of the Labour Code in the event of a violation of fundamental rights.

All persons involved in the process are required to act in the strictest confidence and to maintain the confidentiality and professional secrecy of all information to which they have access.

This formal development phase should take no more than ten working days. If there are reasons which, because of their complexity, require a longer period of time, the Investigation Committee may agree to extend this period, but in no case by more than three additional working days.

### 2.2.5. Resolution of the Harassment Dossier

The management of (COMPANY NAME) shall take the decisions it deems appropriate within three working days of receiving the conclusions of the Investigation Committee, and shall be the sole authority to decide on the matter. The decision taken shall be communicated in writing to the victim, the accused and the Investigation Committee, which shall keep confidential the information to which they have access.

The final decision in the dossier will also be communicated to the Equality Plan Monitoring Committee and the person responsible for occupational risk prevention. In order to ensure confidentiality, these communications shall not contain any personal data and shall use the numerical codes assigned to each of the parties involved in the dossier.

Based on these previous results, the management of (COMPANY NAME) shall proceed to:

- a) File and record the proceedings.
- b) Take any action it deems appropriate in the light of the proposals made by the Investigation Committee. As an example, the following are some of the decisions that the Company can take in this respect:
  - a. Physically distance the alleged aggressor from the victim by changing position and/or shift or schedule. In no case should the victim be forced to change position, hours or location within the Company.
  - b. Without prejudice to the provisions of the previous point, and depending on the results of the investigation, the aggressor shall be sanctioned in accordance with the table of offences and sanctions provided for in the collective agreement applicable to the Company or, where appropriate, in Article 54 of the Workers' Statute.



Among the sanctions to be considered for application to the aggressor, the following shall be taken into account:

1. Transfer, reassignment, change of position, working day or place of work
2. Suspension of work and remuneration
3. Time constraint on promotion
4. Disciplinary dismissal

If the penalty for the offender is not termination of employment, the management of (COMPANY NAME) shall maintain an active duty of care towards the offender upon reinstatement (in the case of suspension) or in their new position in the case of relocation. But always and in any case, compliance with the eradication of aggressive behaviour will not end with the mere adoption of the measure of change of position or with the mere suspension, and subsequent monitoring and control by the Company will be necessary.

The management of (COMPANY NAME) will take the necessary preventive measures to avoid a repetition of the behaviour or conduct of the aggressor, will intensify training and awareness-raising activities, and will implement measures to protect the health and safety of the victim, including, but not limited to:

- Assessment of psychosocial risks in the Company, including sexual violence as an additional occupational risk.
- Adoption of monitoring measures to protect the victim.
- Adoption of measures to prevent recidivism by sanctioned persons.
- Psychological and social support for the victim.
- Modification of working conditions which, with the consent of the harassed person, are considered beneficial to his or her recovery.
- Training or retraining to bring the harassed person up to speed if they have been working in IT for a long time.
- Implementation of new training and awareness-raising activities on the prevention, detection and handling of sexual violence, sexual harassment and/or gender-based harassment for all persons who provide their services in the Company.
- Information and training for female workers on the risks of sexual violence in the workplace.



### 2.2.6. Follow-up

Once the dossier has been closed, and within a maximum of thirty calendar days, the Investigation Committee shall be obliged to follow up the agreements made, i.e. their fulfilment and/or the outcome of the measures adopted. The result of this follow-up will be recorded in the relevant minutes, which will include the measures to be taken if the events giving rise to the procedure continue to occur and will also analyse whether the proposed preventive and sanctioning measures have been implemented. The minutes shall be sent to the Company management, to the legal and/or trade union representatives of the workers, to the person responsible for the prevention of occupational risks and to the Equality Plan Monitoring Committee, taking the precautions indicated in the procedure regarding the confidentiality of the personal data of the parties concerned.

Follow-up will also be carried out in cases where the Company has taken precautionary measures and informed the Public Prosecutor's Office because the behaviour could be considered a criminal offence.



# 3

## DURATION, ENFORCEABILITY AND ENTRY INTO FORCE

The content of this Protocol is binding and shall enter into force on the date set out in the (COMPANY NAME) Equality Plan on (ADD DATE) or, failing that, from the date of its communication to the Company's personnel via (ADD) and shall remain in force until (ADD).

Likewise, the Protocol will be reviewed in the cases and within the time limits established in the Equality Plan in which it is included, in accordance with Article 9 of Royal Decree 901/2020 of 13 October.

The provisions of the same article also apply to the monitoring and evaluation of the Protocol that forms part of the Equality Plan.

**This procedure does not preclude the victim's right to file a complaint at any time with the Labour and Social Security Inspectorate, as well as with the civil, labour or criminal courts.**

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\* This may be an email, a post on the Company's Intranet, a post on a notice board, in writing or any other appropriate means. And, where appropriate, in all of these ways at the same time.





# MODEL COMPLAINT OR CLAIM IN THE COMPANY (COMPANY NAME)

## I. Person reporting the facts

☐ Person being harassed:

☐ Other (Specify):

## II. Details of the person being harassed

Name:

Surname:

ID:

Position:

Type of contract/employment relationship:

Phone:

Email:

Address for notifications:

## III. Details of the aggressor

Name and surname:

Occupational group/category or position:

Work Centre:

Company name:



#### IV. Description of the facts

Give an account of the events reported, including the date(s) and place(s) where they occurred and any witnesses. Numbered sheets should be attached as required.

#### V. Witnesses and/or evidence

If there are any witnesses, please state their names and surnames:

Attach any means of evidence you consider appropriate (emails, WhatsApp, voice recordings, phone calls, videos, sick leave, etc.).

#### VI. Application

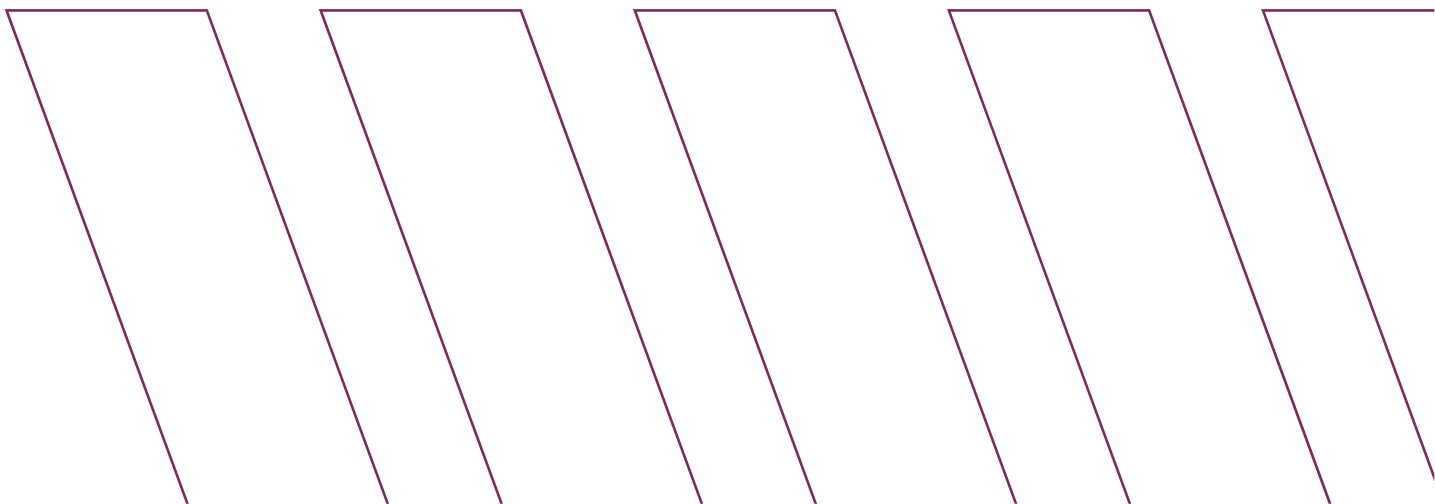
The complaint or claim against (ADD AGGRESSOR NAME) is deemed to have been made and the procedure set forth in this Protocol for the Prevention of and Response to Sexual Harassment, Gender-Based Harassment, and other Behaviour Contrary to Sexual Freedom shall be initiated.

Location and date:

Signature:

To the attention of the Investigation Committee of the procedure of denunciation or complaint against sexual harassment, gender-based harassment and other behaviour contrary to sexual freedom in the company (COMPANY NAME).

# ANNEX I





## CRIMES AGAINST SEXUAL FREEDOM

(Space for transcribing the current regulation of crimes against sexual freedom contained in [Title VIII of the Penal Code](#))



# MODEL PROTOCOL FOR THE PREVENTION OF AND RESPONSE TO SEXUAL HARASSMENT, GENDER-BASED HARASSMENT AND OTHER BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY IN THE WORKPLACE

IN SMALLER COMPANIES THAT DO NOT HAVE AN EQUALITY PLAN

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**PROTOCOL FOR THE PREVENTION OF AND  
RESPONSE TO SEXUAL HARASSMENT,  
GENDER-BASED HARASSMENT AND OTHER  
BEHAVIOUR CONTRARY TO SEXUAL  
FREEDOM AND MORAL INTEGRITY IN THE  
WORKPLACE OF  
(COMPANY NAME)**

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# COMMITMENT OF (COMPANY NAME) TO MANAGE THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT, GENDER-BASED HARASSMENT AND OTHER BEHAVIOUR CONTRARY TO SEXUAL FREEDOM AND MORAL INTEGRITY IN THE WORKPLACE

With this Protocol, (COMPANY NAME) declares its zero tolerance towards the occurrence throughout its organisation of conduct that constitutes sexual harassment, gender-based harassment, or that violates sexual freedom and moral integrity.

By adopting this Protocol, (COMPANY NAME) wishes to underline its commitment to the prevention of and response to these behaviours, and to communicate that it applies to all personnel providing services in its organisation, whether its own personnel or those from other companies, including persons who do not have an employment relationship with the organisation but who provide services or work with it, such as trainees, those who carry out non-work practices or those who carry out voluntary work.

Furthermore, (COMPANY NAME) undertakes to draw the attention of the companies to which its own personnel are seconded, as well as the companies from which the personnel working for (COMPANY NAME) originate, to the existence of this Protocol and the need for its strict observance. The obligation to comply with the provisions of this Protocol shall therefore be included in the contracts concluded with other companies.

If the alleged harasser is not a member of the company's and therefore (COMPANY NAME) is unable to fully implement the procedure, it will contact the responsible company in order to resolve the problem and, if necessary, sanction the person responsible, warning him/her that failure to do so may result in the termination of the business relationship between the two companies.

The Protocol applies to situations of sexual harassment, gender-based harassment and other behaviours violating sexual freedom and moral integrity occurring at work, in the course of work or as a result of work:

- a) in the workplace, including public and private places when they are a workplace;
- b) in places where workers are paid, take their rest or meal breaks, or use sanitary or washing facilities and changing rooms;
- c) during work-related travel, trips, events or social or training activities;
- d) in the context of work-related communications, including communications via information and communication technologies (digital, virtual or cyber-bullying);
- e) in accommodation provided by the employer;
- f) while travelling between home and work.





This Protocol is implemented in accordance with the European Framework Agreement on harassment and violence in the workplace and complies with the requirements of ILO Convention No. 190 on the elimination of violence and harassment at work; Article 48 of Organic Law 3/2007, of 22 March, on the effective equality of women and men; Article 12 of Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom; Royal Decree 901/2020, of 13 October, regulating equality plans and their registration and amending Royal Decree 713/2010, of 28 May, on the registration and filing of collective bargaining agreements and collective labour agreements, and Article 14 of Law 31/1995, of 8 November, on the prevention of occupational risks.

Indeed, by committing itself to the measures that make up this Protocol, (COMPANY NAME) expresses and publicises its express will to adopt a proactive attitude both in the prevention of these behaviours, raising awareness and providing information on behaviours that will not be tolerated by the company, and in the dissemination of good practices and the implementation of as many measures as necessary to manage and, where appropriate, resolve any complaints or claims that may arise in this regard.

(City and Date)

(SIGNATURE OF THE PERSON IN CHARGE OF THE COMPANY)



# 2

## PROTOCOL CHARACTERISTICS AND STAGES

In order to fulfil the commitment made at the beginning of this protocol and in the terms set out above, the company (COMPANY NAME) will implement a procedure to prevent and deal with sexual harassment, gender-based harassment, and any other behaviour contrary to sexual freedom and moral integrity (including, where appropriate, those negotiated and agreed with the personnel delegates), with the intention of establishing a mechanism that defines how to act in a comprehensive and effective manner in the face of any of these behaviours. To this end, this Protocol combines three types of measures, as set out in Section 7 of the Annex to Royal Decree 901/2020 of 13 October:

1. Preventive measures, including a statement of principles and identification of behaviour that may constitute sexual harassment, gender-based harassment or behaviour contrary to sexual freedom and moral integrity.
2. Proactive or procedural measures to deal with the above behaviours and address any complaints or appeals that may arise and the precautionary and/or corrective measures to be taken.
3. Identification of reactive measures depending on the outcome and, if applicable, the disciplinary regime.

### 2.1. PREVENTIVE GUARDIANSHIP

#### 2.1.1. Statement of Principles: Zero tolerance of behaviour that constitutes sexual harassment, gender-based harassment and any other behaviour contrary to sexual freedom and moral integrity.

The company (COMPANY NAME) formalises the following statement of principles to underline how relations between company employees should be and what behaviour is not acceptable in the organisation.

This Protocol applies to any behaviour constituting sexual harassment, gender-based harassment, including in the digital environment, and any other behaviour contrary to sexual freedom and moral integrity that may occur in (COMPANY NAME).



(COMPANY NAME), by implementing this procedure, is committed to preventing, not tolerating, addressing and prosecuting any manifestation of these behaviours within its organisation.

Harassment is, by definition, a multi-harmful act that affects several legal interests, including the dignity of the worker as a positivisation of the right to life and to physical, mental and moral integrity. However, the violation of dignity does not prevent such an act from also violating other legal interests, such as equality and non-discrimination, honour, self-image, privacy, health, etc., but it will still, by definition, always violate dignity. Sexual harassment and gender-based harassment always violate the dignity of the person experiencing it and constitute gender discrimination.

Within (COMPANY NAME), conduct that may constitute sexual harassment and/or gender-based harassment in any of its manifestations, or any other behaviour contrary to sexual freedom and moral integrity, is not permitted or tolerated. The Company will sanction both those who engage in offensive behaviour and those who promote, encourage and/or tolerate it. All company employees are required to respect the fundamental rights of all members of (COMPANY NAME), as well as those of people who provide services to the Company, and in particular they will refrain from any behaviour that is contrary to the dignity, privacy and the principle of equality and non-discrimination, always promoting respectful behaviour.

Notwithstanding the foregoing, any employee who believes he/she is being harassed or who becomes aware of a situation of sexual harassment or gender-based harassment shall have the possibility to activate this Protocol as an internal, confidential and rapid procedure to eradicate it and remedy its effects, by means of a complaint or a claim.

Once the relevant information dossier has been opened, if the occurrence of any of the aforementioned behaviours is confirmed, (COMPANY NAME) will sanction the perpetrator and undertakes to use all its management and sanctioning powers to ensure a working environment that complies with the principles of health and safety at work and is free from sexual violence and sexist discriminatory behaviour.

## 2.1.2. Identification of Behaviours

### 2.1.2.1. Definition and Behaviour Constituting Sexual Harassment

Pursuant to Article 7.1 of Organic Law 3/2007, of 22 March, on effective equality between women and men, and without prejudice to the provisions of the Penal Code, any verbal or physical behaviour of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

Any form of sexual harassment is considered to be discrimination.



Conditioning a right or expectation of a right on acceptance of a situation that constitutes sexual harassment or gender-based harassment is also considered an act of gender-based discrimination.

By way of example, and without excluding or limiting the foregoing, the conduct described below may constitute sexual harassment:

### **Verbal behaviour:**

Examples of verbal behaviour that may constitute sexual harassment include, but are not limited to, on a case-by-case basis, unwelcome sexual advances, propositions or pressure to engage in sexual activity; offensive flirtations; lewd, suggestive or obscene comments; unwelcome phone calls or social media contacts; jokes or comments about sexual appearance.

### **Non-verbal behaviour:**

Display of sexually suggestive or pornographic images, objects or writing; suggestive looks, gestures; letters or messages in emails or on social networking sites of an offensive nature and with clear sexual content.

### **Physical behaviour:**

Intentional and unsolicited physical contact, unwanted hugs or kisses, excessive and unnecessary physical contact.

### **"Quid Pro Quo" Sexual Harassment or Sexual Blackmail**

Behaviour constituting sexual harassment includes "quid pro quo" sexual harassment or sexual blackmail, which consists of forcing the victim to choose between submitting to sexual demands or losing or being harmed by certain benefits or working conditions, affecting access to vocational training, continued employment, promotion, remuneration or any other related decision. To the extent that it involves abuse of authority, its active subject is anyone who has the power, directly or indirectly, to grant or withdraw a benefit or condition of employment.

### **Environmental Sexual Harassment**

In this type of sexual harassment, the harasser creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim, as a result of unwanted attitudes and behaviour of a sexual nature. It can be perpetrated by any member of the company, regardless of position or status, or by third parties who are in some way present in the work environment.



### 2.1.2.2. Definition and Behaviour Constituting Gender-Based Harassment.

#### Definition of Gender-Based Harassment:

Any conduct based on a person's gender that has the purpose or effect of violating that person's dignity and of creating an intimidating, degrading or offensive environment constitutes gender-based harassment.

Any form of gender-based harassment is considered to be discrimination.

In order to recognise that a situation that can be classified as gender-based harassment actually exists in a given situation, there must be a number of elements that form a common denominator, among which the following stand out:

- a) Harassment, which is defined as any intimidating, degrading, humiliating and offensive conduct that is external to, and perceived as such by, the person experiencing it.
- b) Objective assault on the dignity of the victim and subjectively perceived as such by the victim.
- c) Multiple offences outcome. The attack on the dignity of the person subjected to gender-based harassment does not prevent other fundamental rights of the victim from being violated at the same time, such as the right not to be discriminated against, an attack on the mental and physical health of the victim, among others.
- d) It is not an isolated incident.
- e) The reason for these behaviours must be related to the fact that they are women, or to circumstances that can only affect them biologically (pregnancy, maternity, breastfeeding), or to reproductive and caring functions that are assumed to be theirs because of social discrimination. In this sense, gender-based harassment can also be suffered by men who perform functions, tasks or activities related to the role historically attributed to women, for example, a male worker who is harassed for caring for children or relatives.

Conditioning a right or expectation of a right on acceptance of a situation that constitutes gender-based harassment is also considered an act of gender discrimination.

Gender-based harassment can be perpetrated by hierarchical superiors as well as by male or female colleagues or hierarchical subordinates, it is caused by gender stereotypes and roles and is usually aimed at belittling people of one sex simply because they belong to the same sex, especially women, and at undervaluing their abilities, technical competences and skills.



## **Behaviour Constituting Gender-Based Harassment:**

By way of example, and without being exhaustive or restrictive, the following are a number of specific types of conduct which, if they meet the requirements set out in the previous point, could constitute gender-based harassment in the workplace if they are repeated.

### **Attacks with organisational measures:**

1. Judging the person's performance in an offensive way, hiding their efforts and abilities.
2. Questioning and overriding the person's decisions.
3. Not assigning any homework or assigning meaningless or demeaning homework.
4. Denying or concealing the means of performing the work, or providing false information.
5. Assigning work that is much higher or much lower than the person's skills or qualifications, or that requires much lower qualifications than those possessed.
6. Orders that are contradictory or impossible to comply with.
7. Theft of belongings, documents, work tools, deletion of files from the computer, tampering with work tools causing damage, etc.
8. Threats or pressure on people who support the person being harassed.
9. Manipulation, concealment, return of correspondence, calls, messages, etc. from the person.
10. Denial of or difficulty in accessing permits, courses, activities, etc.

### **Actions intended to isolate the target:**

1. Changing the location of the person by separating them from their peers (isolation).
2. Ignoring the person's presence.
3. Not talking to the person.
4. Preventing colleagues from talking to the person.
5. Not allowing the person to express him/herself.
6. Avoiding eye contact with the person.
7. Removing or restricting the means of communication available to the person (telephone, email, etc.).



### **Activities that affect the physical or mental health of the victim:**

1. Threats and physical aggression.
2. Verbal or written threats.
3. Yelling and/or insults.
4. Threatening phone calls.
5. Provoking the person, forcing them to react emotionally.
6. Intentionally incurring expenses to the person's detriment.
7. Damage to the workplace or the person's property.
8. Forcing the person to do work that is dangerous or harmful to their health.

### **Attacks on privacy and personal or professional reputation:**

1. Manipulating personal or professional reputation through rumours, vilification and ridicule.
2. Implying that the person has mental health problems, trying to get the person to undergo a psychiatric examination or diagnosis.
3. Making fun of gestures, voice, appearance, disabilities, verbal abuse, etc.
4. Criticising nationality, political or religious attitudes and beliefs, private life, etc.

#### **2.1.2.3. Violence in the Digital Environment**

When the conduct referred to in this Protocol takes place using information and communication technologies, the Internet, telephone and social networks (it is not necessary for the aggressor and the victim to have physical contact), we are dealing with digital violence or cyber violence.

The [State Strategy to Combat Male Violence 2022-2025](#), based on the recommendations of the first evaluation report of the Group of Experts on Response to Violence against Women and Domestic Violence (GREVIO) of November 2021, states that three specific dimensions of digital violence must be taken into account: online and technology-assisted stalking, online sexual harassment and the digital dimension of psychological violence, each of which has the following implications:



Online and technology-assisted harassment					
Threats (sexual, economic, physical or psychological)	Damage to reputation	Tracking and collecting private information (Spyware) (1)	Identity theft	Solicitation for sex	Harassment with accomplices to isolate the victim

Online sexual harassment				
Threatening or non-consensual distribution of images or videos (revenge porn)	Non-consensual taking, production or capture of intimate images or videos (2)	Coercion and exploitation and threats, sexting, sextortion, threat of rape, doxing (3).  Outing (4)	Sexual bullying (5)	Cyberflashing (6)

(1) Spyware is software that has such a goal.

(2) It includes acts such as "upskirting" and "creepshots" (stolen and sexualised photographs), and the production of digitally altered images in which a person's face or body is superimposed using artificial intelligence ("fake pornography").

(3) Disclosure of personal information or identity.

(4) Disclosure of sexual orientation.

(5) Rumours, posting sexualised comments, impersonation, sharing of sexual content or sexual harassment of others that affects their reputation and/or livelihood

(6) Sending unsolicited sexual images through dating or messaging apps, texts, or using AirDrop or Bluetooth technologies.

Digital dimension of psychological violence					
All forms of violence have a psychological impact	Individual acts not criminalised when combined with mass mentality and repetition	Hate speech of a sexist nature	Intimidation, threats to victims or their families, bullying, harassment, embarrassment and defamation	Incitement to commit suicide or to harm oneself	Economic abuse (7)

(7) Internet banking, deterioration of the victim's credit rating due to unauthorised use of cards or financial contracts.

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\* As the Recommendation points out, it usually consists of the tactic of monitoring or spying on the victim, their various social networks or messaging platforms, their emails and their phone, stealing passwords or cracking or hacking their devices to access their private space, installing spyware or geolocation applications, or stealing their devices. Perpetrators can also assume the identity of the other person or monitor the victim through technological devices connected through the Internet of Things (IoT), such as smart home appliances.





#### 2.1.2.4. Criminal Behaviour Contrary to Sexual Freedom and Moral Integrity

Article 12 of Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom stipulates that all companies must promote working conditions that **prevent the commission of crimes** and other acts against sexual freedom and moral integrity in the workplace.

**For the purposes of this Protocol, it is necessary to clarify that if the evidence of the reported conduct constitutes a crime, the Company will immediately take the necessary precautions to protect the victim from the aggressor and will urgently inform the Public Prosecutor's Office.**

Among the criminal behaviours that are relevant here, it is necessary to distinguish between those which are contrary to moral integrity and those which are contrary to sexual freedom.

With regard to the former, **crimes against moral integrity** are covered by Article 173 of the Penal Code, which states that: *"Anyone who subjects another person to degrading treatment which seriously undermines his or her moral integrity shall be punished by a term of imprisonment of between six months and two years... The same penalty shall be imposed on anyone who, in the context of an employment or public service relationship, taking advantage of a position of superiority, repeatedly commits hostile or humiliating acts against another person which, without constituting degrading treatment, constitute serious harassment of the victim... The same penalties shall be imposed on any person who, without constituting other more serious offences, addresses another person with words, behaviour or propositions of a sexual nature which create an objectively humiliating, hostile or intimidating situation for the victim."*

With regard to the latter, i.e. **crimes against sexual freedom**, in [Title VIII of the Penal Code](#), a distinction must be made:

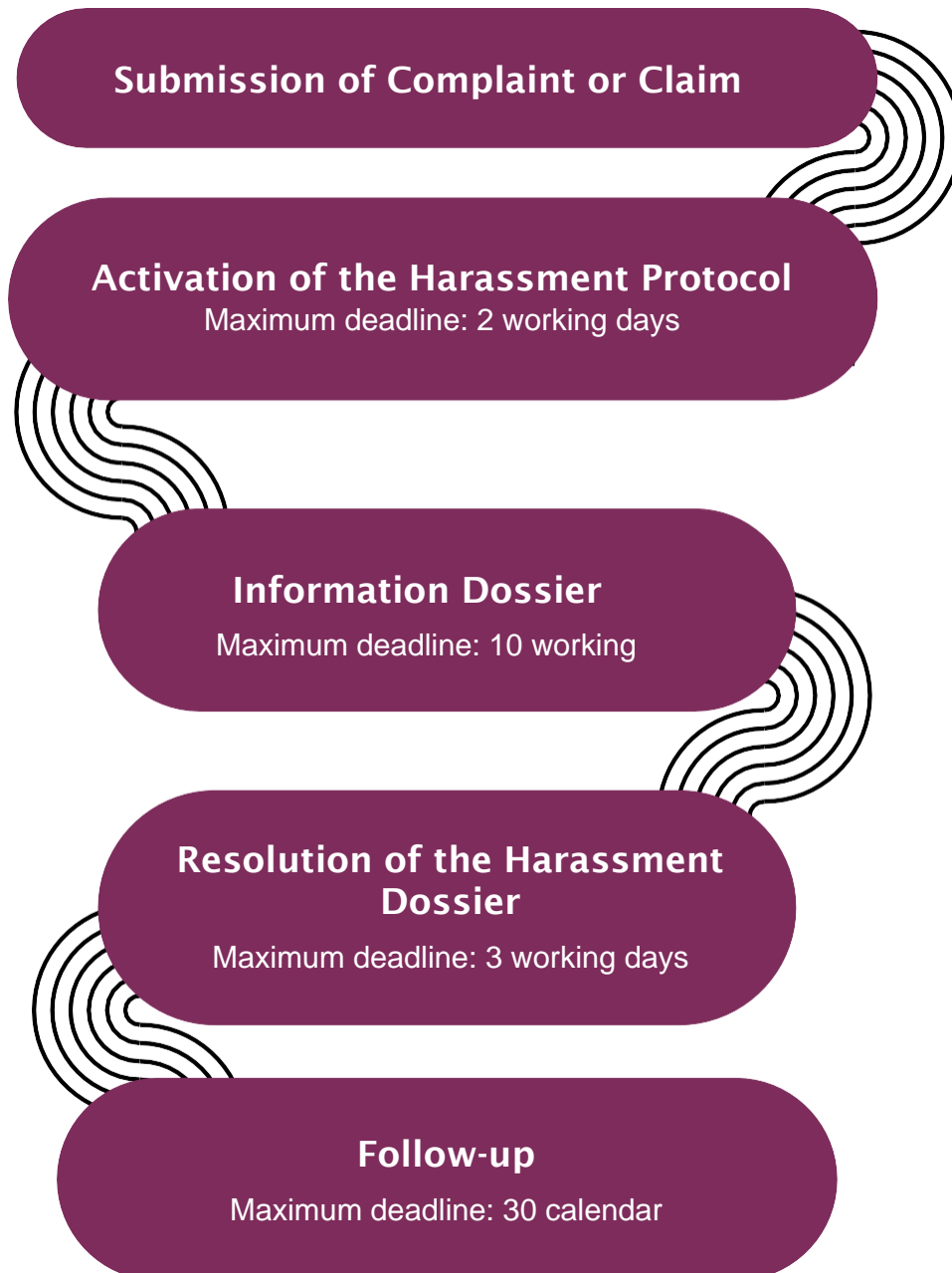
- a) CHAPTER I. Sexual Assault (Articles 178, 179 and 180).
- b) CHAPTER II. Sexual Assault of a Minor Under the Age of Sixteen (Articles 181, 182, 183 and 183a).
- c) CHAPTER III. Sexual Harassment (Article 184).
- d) CHAPTER IV. Offences Related to Exhibitionism and Sexual Provocation (Articles 185 and 186).
- e) CHAPTER V. Offences Related to Prostitution, Sexual Exploitation and Corruption of Minors (Articles 187, 188, 189, 189 bis and 189).

The description of the offences is contained in Annex I to this Protocol.



## 2.2. ACTION PROCEDURE

Schematically, the phases and maximum deadlines for carrying out the action procedure are as follows:





The procedure is as follows:

### 2.2.1. Submission of the complaint or claim, activation of the protocol and processing of the administrative dossier.

- 1) The Company appoints (ADD NAME, SURNAME AND POSITION) as the person responsible for investigating, dealing with and following up on any complaint or claim of sexual harassment, gender-based harassment, including in the digital environment, or any other behaviour contrary to sexual freedom and moral integrity. In the event of absence due to holidays, illness or any other legal reason, (ADD NAME, SURNAME AND POSITION) will act as a substitute. All persons working in the organisation shall be informed of this designation for this purpose and shall be clearly and concisely informed of how such complaints or grievances may be brought to their attention.
- 2) A complaint can be made by anyone who feels harassed or has suffered any of these behaviours, or by anyone who has knowledge of the situation.
- 3) The email address to send reports or complaints about these behaviours is (ADD EMAIL ADDRESS). Only the person designated to process the Protocol has access to the emails sent for this purpose.
- 4) Complaints or claims may also be submitted on paper and in a sealed envelope. For this purpose, the mailbox where such complaints or claims may be lodged is located at (ADD LOCATION).
- 5) Confidentiality must be guaranteed regardless of how the complaint is handled. On receipt of a complaint, the complaint handler will assign a numerical code to each of the parties involved.
- 6) Once it has been received, the procedure for processing it will be activated within a maximum of 2 working days. Any complaint or claim made shall be presumed to be true.
- 7) The person investigating the complaint or claim, (ADD NAME, SURNAME AND POSITION), will first attempt to deal with the complaint informally. If the dispute cannot be resolved by the informal procedure, a prompt and confidential investigation shall be conducted within 10 working days, during which the persons concerned and any proposed witnesses shall be heard and all necessary documents requested, without prejudice to the provisions on the protection of personal data and confidential documents. Persons who are so requested shall co-operate with the utmost diligence.

In any event, the impartiality of their actions shall be guaranteed, so that if they are related by blood or marriage to all or some of the persons involved in the investigation, are close friends, are openly hostile to the persons involved in the investigation or have a direct or indirect interest in the specific case, they shall abstain and inform the Company so that it can replace them. If the abstention does not take place despite the existence of these grounds, any of the parties to the proceedings may request that the person concerned be disqualified.



- 8) During the processing of the dossier, the victim is heard first, followed by the person against whom the complaint has been lodged. Both parties may be assisted and accompanied by a person of their choice, whether or not that person is a legal and/or trade union representative of the workers, who must respect the confidentiality of the information to which he or she has access. In accordance with the adversarial principle, the accused shall be always heard.
- 9) The procedure should be as quick and efficient as possible and should in all cases protect the privacy, confidentiality and dignity of the persons concerned, as well as the right of reply of the person against whom the complaint is lodged. Throughout the entire procedure, strict confidentiality shall be maintained and all internal investigations shall be conducted with sensitivity and due respect for both the victim and/or the complainant, who shall under no circumstances be treated unfavourably, and the accused, whose guilt shall not be presumed. All persons involved in the process are required to maintain the confidentiality and secrecy of all information to which they have access.
- 10) During the processing of the dossier, the Company management, on the proposal of the person in charge of the investigation, shall take the necessary precautionary measures leading to the immediate cessation of the situation of harassment, without such measures causing permanent and definitive damage to the working conditions of the persons concerned. Among other precautions, (COMPANY NAME) management shall distance the alleged harasser from the alleged victim.
- 11) At the end of the investigation, the person who has processed the dossier will write a report in which the facts, testimonies and evidence gathered and/or collected will be recorded and a conclusion will be drawn as to whether or not, in his/her opinion, there is evidence of harassment in any of its manifestations or of any other behaviour contrary to sexual freedom and moral integrity.

If, on the basis of the evidence gathered, there is evidence of harassment in any of its forms or of any other behaviour contrary to sexual freedom and moral integrity, the investigator will, in the conclusions of the minutes, urge the company to take the appropriate sanctions and may even, in the case of a very serious offence, propose the disciplinary dismissal of the aggressor.

If there is no evidence of sexual harassment, gender-based harassment or other behaviour contrary to sexual freedom and moral integrity, the investigator shall state in the minutes that the evidence expressly presented does not reveal the existence of such behaviour.

If there is no harassment in any of its manifestations or behaviour contrary to sexual freedom and moral integrity, but some inappropriate action or behaviour that could be sanctioned is discovered, the investigator will also urge the management of (COMPANY NAME) to take appropriate action in this regard.



- 12) None of these procedures shall preclude the parties from seeking judicial, administrative or other appropriate recourse.
- 13) If the investigator finds evidence of criminal behaviour in the complaint, he/she will forward the complaint to the management of (COMPANY NAME), suggesting the immediate adoption of appropriate precautionary measures to distance the victim from the alleged harasser and the urgent referral to the Public Prosecutor's Office. Apart from any other precautionary measures that may be taken, the alleged harasser shall always be separated from the victim and the victim shall never be forced to change position, working hours or location within the Company.

## 2.2.2. Resolution of the Harassment Dossier

The management of (COMPANY NAME) shall take the decisions it deems appropriate within 3 working days of receiving the conclusions of the investigator, and shall be the sole authority to decide on the matter. The decision shall be communicated in writing to the victim, the respondent and the investigator.

The final decision in the dossier shall also be communicated to the workers' legal representatives, if any, and to the person responsible for occupational risk prevention. In order to ensure confidentiality, this communication shall not contain any personal data and shall use the numerical codes assigned to each of the parties involved in the dossier.

In the light of the report of conclusions drawn up by the investigator, the management of (COMPANY NAME) shall proceed to:

- a) File and record the proceedings.
- b) Take any action it deems appropriate in the light of the proposals made by the Investigation Committee. As an example, the following are some of the decisions that the Company can take in this respect:
  - a. Physically distance the alleged aggressor from the victim by changing position and/or shift or schedule. In no case should the victim be forced to change position, hours or location within the Company.
  - b. Without prejudice to the provisions of the previous point, and depending on the results of the investigation, the aggressor shall be sanctioned in accordance with the table of offences and sanctions provided for in the collective agreement applicable to the Company or, where appropriate, in Article 54 of the Workers' Statute.



Among the sanctions to be considered for application to the aggressor, the following shall be taken into account:

1. Transfer, reassignment, change of position, working day or place of work
2. Suspension of work and remuneration
3. Time constraint on promotion
4. Disciplinary dismissal

If the penalty for the offender is not termination of employment, the management of (COMPANY NAME) shall maintain an active duty of care towards the offender upon reinstatement (in the case of suspension) or in their new position in the case of relocation. But always and in any case, compliance with the eradication of aggressive behaviour will not end with the mere adoption of the measure of change of position or with the mere suspension, and subsequent monitoring and control by the Company will be necessary.

The management of (COMPANY NAME) will take the necessary preventive measures to avoid a repetition of the behaviour or conduct of the aggressor, will intensify training and awareness-raising activities, and will implement measures to protect the health and safety of the victim, including, but not limited to:

- Assessment of psychosocial risks in the Company, including sexual violence as an additional occupational risk.
- Adoption of monitoring measures to protect the victim.
- Adoption of measures to prevent recidivism by sanctioned persons.
- Psychological and social support for the victim.
- Modification of working conditions which, with the consent of the harassed person, are considered beneficial to his or her recovery.
- Training or retraining to bring the harassed person up to speed if they have been working in IT for a long time.
- Carrying out new training and awareness-raising actions for the prevention, detection and Response to sexual violence, sexual harassment and gender-based harassment, aimed at all those who work in the company.
- Information and training for female workers on the risks of sexual violence in the workplace.



### 2.2.3. Follow-up

Once the dossier has been closed, and within a maximum of thirty calendar days, the person responsible for handling and investigating the complaint or claim, (ADD NAME), is obliged to follow up on the agreements reached, i.e. on compliance and/or the outcome of the measures taken. The result of this follow-up will be recorded in the relevant report, which will include the proposed measures to be adopted if the events giving rise to the procedure continue to occur and, where appropriate, an analysis of whether the proposed preventive and punitive measures have been implemented. This report shall be sent to the management of the Company so that it can take the necessary measures, as well as to the legal representatives of the workers, if any, and to the person responsible for the prevention of occupational risks, taking the precautions indicated in the procedure with regard to the confidentiality of the personal data of the parties concerned.

Follow-up will also be carried out in cases where the company has taken the appropriate precautions and referred the complaint to the Public Prosecutor's Office because the behaviour could be considered a criminal offence.



# 3

## DURATION, ENFORCEABILITY AND ENTRY INTO FORCE

The contents of this Protocol are mandatory and shall come into force from the date of its communication to the Company's personnel (ADD DATE) via (ADD MEANS) and shall remain in force until (ADD DATE).

However, it will be necessary for the Protocol to be reviewed and adapted in the following cases.

- At any time during its validity, in order to redirect the fulfilment of its objectives of preventing and combating sexual harassment and gender-based harassment or any other behaviour contrary to sexual freedom and moral integrity.
- When their failure to comply with legal and regulatory requirements or their inadequacy is revealed as a result of action by the Labour and Social Security Inspectorate.
- In the event of a merger, acquisition, transfer or change in the Company's legal status and in the event of any event that substantially changes the Company's workforce, working methods or organisation.
- In the event of a judicial decision condemning the Company for failing to prevent and eradicate behaviour contrary to sexual freedom and/or moral integrity, or for failing to adapt the Protocol to legal or regulatory requirements.
- When duly motivated circumstances require it.

**This procedure does not preclude the victim's right to file a complaint at any time with the Labour and Social Security Inspectorate, as well as with the civil, labour or criminal courts.**





# MODEL COMPLAINT OR CLAIM IN THE COMPANY (COMPANY NAME)

## I. Person reporting the facts

☐ Person being harassed:

☐ Other (Specify):

## II. Details of the person being harassed

Name:

Surname:

ID:

Position:

Type of contract/employment relationship:

Phone:

Email:

Address for notifications:

## III. Details of the aggressor

Name and surname:

Occupational group/category or position:

Work Centre:

Company name:



#### IV. Description of the facts

Give an account of the events reported, including the date(s) and place(s) where they occurred and any witnesses. Numbered sheets should be attached as required.

#### V. Witnesses and/or evidence

If there are any witnesses, please state their names and surnames:

Attach any means of evidence you consider appropriate (emails, WhatsApp, voice recordings, phone calls, videos, sick leave, etc.).

#### VI. Application

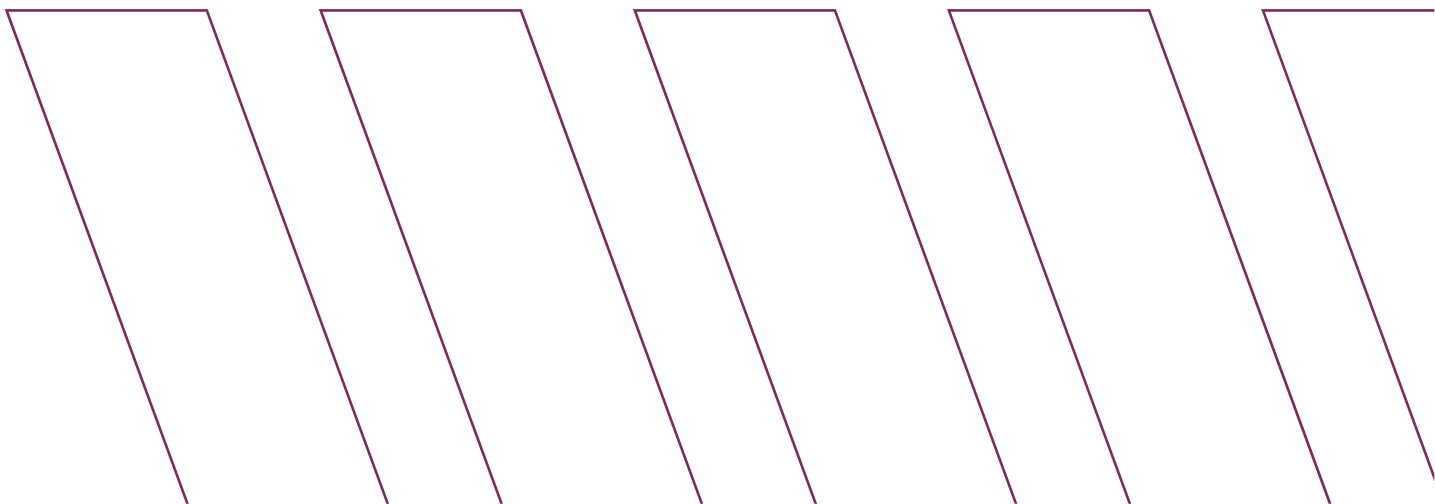
The complaint or claim against (ADD AGGRESSOR NAME) is deemed to have been made and the procedure set forth in this Protocol for the Prevention of and Response to Sexual Harassment, Gender-Based Harassment, and other Behaviour Contrary to Sexual Freedom shall be initiated.

Location and date:

Signature:

To the attention of the person in charge of the procedure of denunciation or complaint against sexual harassment, gender-based harassment and other behaviour contrary to sexual freedom in the company (COMPANY NAME).

# ANNEX I



# CRIMES AGAINST SEXUAL FREEDOM

(Space for transcribing the current regulation of crimes against sexual freedom contained in [Title VIII of the Penal Code](#))

# PROTOCOL

for the Prevention of and Response to **SEXUAL HARASSMENT, SEX-BASED HARASSMENT** and other **CONTRARY CONDUCT AGAINST SEXUAL FREEDOM** and **MORAL INTEGRITY** in the Workplace



## SUSTAINABLE DEVELOPMENT GOALS

As a public body, the Institute of Women is aligned with the Sustainable Development Goals (SDGs) set out by the United Nations in its 2030 Agenda, which aims to achieve truly sustainable development globally and tackle climate change, inequality and poverty. Specifically, with this publication, the Institute of Women aims to contribute to the achievement of SDG 5, Gender Equality, and SDG 8, Decent Work and Economic Growth. This guide is co-financed by the European Social Fund within the framework of the Operational Programme for Employment, Training and Education (EFESO) 2021-2027.