

**PROTOCOL FOR
THE PREVENTION,
DETECTION, ACTION AND
RESOLUTION OF CASES
OF SEXUAL HARASSMENT,
HARASSMENT ON GROUNDS
OF SEX, GENDER, GENDER
IDENTITY, GENDER
EXPRESSION AND
SEXUAL ORIENTATION**

**CONSORTIUM OF THE
INSTITUT RAMON LLULL**



This Protocol has been agreed with the workers' legal representatives and is submitted for approval to the Board of Directors at its meeting of 17 May 2024 within the framework of the provisions of Article 11.j) of the Statutes of the Consortium, relating to the task of approving the internal regulations of the Institut.

The Institut Ramon Llull is the public body created in 2002 with the objective of promoting Catalan language and culture studies in the academic sphere abroad, the translation of literature and thought written in Catalan, and Catalan cultural production in other fields including the performing arts, audiovisual, music, visual arts, design and architecture.

CONTENTS

04	1. Introduction. Commitment of the Institut Ramon Llull and policy of zero tolerance of any kind of harassment	15	7.1. Rights of the person concerned
04	2. Objectives	15	7.2. Rights of the subject of the complaint
05	3. Scope of application	16	8. Reference persons
05	3.1. People to whom this Protocol applies	16	9. Procedure
06	3.2. Scope of application	16	9.1. Procedure: preventive actions
06	3.3. Entry into force	17	9.2. Procedure: detection measures
07	4. Definitions	18	9.3. Procedure: reactive actions
07	4.1. Types of harassment according to the direction of interactions	18	Stage 0: information. What can I do if I am experiencing or have observed a possible case of harassment at work?
07	4.2. Type of harassment	18	Stage 1: reporting and advice (timeframe: five working days)
07	4.2.1. Sexual harassment	21	Stage 2: internal complaint and investigation (timeframe: twenty working days)
09	4.2.2. Harassment on grounds of sex or gender	22	Stage 3: resolution (timeframe: ten days)
10	4.2.3. Harassment on grounds of sexual orientation, gender identity, gender expression and sexual characteristics	23	Disciplinary regulations for resolution
12	5. Principles for action and guarantees	25	10.Recovery and redress for victims
14	6. Competence and responsibilities: obligations of the Institut Ramon Llull	26	11.External resolution channels: administrative and judicial
15	7. Rights of the person concerned and of the person who is the subject of the complaint	27	12.Monitoring and assessment of the Protocol
		27	13.Regulatory framework and applicable legislation

1. INTRODUCTION. COMMITMENT OF THE INSTITUT RAMON LLULL AND POLICY OF ZERO TOLERANCE OF ANY KIND OF HARASSMENT

The Institut agrees to this Protocol and submits it to the Board of Directors for its approval at its meeting on 17 May 2024, in order to fulfil the objective set out in the Institut Ramon Llull's Equality Plan (2022-2026) of guaranteeing a working environment free of any manifestation of sexual or gender harassment, based on creating a culture of zero tolerance of gender-based violence and respect for equality and diversity and the implementation of the instruments necessary to that end.

The Institut Ramon Llull declares its zero tolerance of sexual harassment and harassment on grounds of sex or gender, gender identity, gender expression and sexual orientation in the organisation, and formally declares its rejection of all types of harassment and violence, in all their forms and manifestations.

The Institut Ramon Llull is committed to a policy of zero tolerance of behaviour contrary to the freedom, dignity, physical or psychological integrity of its employees, users, suppliers and anyone linked in any way to the Consortium.

In order to fulfil this commitment, the Institut Ramon Llull undertakes to:

- Promote a culture of prevention against harassment and gender violence through training and information activities for all Consortium staff.
- Ensure the quality of work and health of its workers.
- Protect, support and advise victims of harassment and violence.
- Have an anti-harassment protocol in place to ensure a safe and respectful working environment for everyone, and ensure that any complaints are dealt with promptly, fairly and expeditiously, following the guidelines of this protocol.
- Create a complaints channel to ensure that issues are addressed diligently, confidentially and respectfully by specialists.

2. OBJECTIVES

The objectives of this Protocol are:

- A. To contribute to protecting dignity and guaranteeing rights in the workplace, recognising everyone's right to a workplace free from violence and harassment.
- B. To prevent and promote working conditions that prevent sexual harassment and harassment on grounds of sex, gender, gender identity, gender expression and sexual orientation in any area related to the Institut Ramon Llull, including the digital realm.

- C. To inform, train and raise awareness among all staff of their duty to respect the dignity of individuals and their right to privacy.
- D. To train the reference persons and ensure that complaints concerning situations that could constitute harassment and the identification of the persons responsible for dealing with the person making a complaint or report are dealt with confidentially.
- E. To have a procedure for intervention and providing support to deal with and resolve these situations of violence and harassment in the workplace as quickly as possible, and within the deadlines established in the Protocol.
- F. To take appropriate disciplinary action in the event of infringements of the basic rules established by an investigation, or as a result of negligence in how the situation is handled and resolved.
- G. To establish measures providing support and assistance for those affected.

3. SCOPE OF APPLICATION

3.1. PEOPLE TO WHOM THIS PROTOCOL APPLIES

- A. Anyone who works at the Institut Ramon Llull and who has an employment contract, regardless of their professional category, how or where they work, or the type of employment contract.
- B. The staff of external companies contracted by the Institut Ramon Llull or providing services at the Institut Ramon Llull or on the premises of the Institut Ramon Llull, provided that anyone involved in the situation reported belongs to the groups mentioned in the previous section. All external companies contracted by the Institut Ramon Llull must be informed of the existence of this Protocol, in accordance with Law 31/1995 of 8 November, on occupational risk prevention, and Royal Decree 171/2004, of 30 January, which implements article 24 of Law 31/1995 of 8 November, on occupational risk prevention, regarding the coordination of business activities.
- C. People who are not members of any of the aforementioned groups, but who are users of the services provided by the Institut Ramon Llull, provided that the subject of the complaint is a member of the Institut Ramon Llull and that the alleged misconduct has taken place during an activity arranged by the Institut Ramon Llull.

Someone experiencing harassment is anyone who is subjected to conduct constituting harassment that takes place within the Institut Ramon Llull or during the services offered by the Institut Ramon Llull, regardless of their relationship with the Institut Ramon Llull. The factor that determines the Institut Ramon Llull's liability is not the contractual relationship, nor that of the person experiencing harassment, nor that of the person engaging in harassment, but rather the area in which this conduct takes place.

People who do not belong to any of the aforementioned groups, but who receive a grant or assistance from the Institut Ramon Llull, carry out an activity funded by the Institut or participate therein, provided that the harassment has arisen as a result of the work carried out thanks to this funding, may ask the Institut Ramon Llull for the necessary support and advice. When this situation arises outside Catalonia, the people involved are obliged to abide by the laws of the host country regarding gender-based violence and homophobia, as well as the rules of the host university or institution on this issue. The Institut Ramon Llull may decide to apply this protocol when the person who benefits from this funding is the perpetrator of the harassment.

According to the obligations established for the coordination of business activities required by Law 31/1995 of 8 November on occupational risk prevention, and Royal Decree 171/2004, of 30 January, implementing article 24 of the aforementioned law, external companies engaged in works and services contracted by the Institut Ramon Llull must be informed of the existence of this Protocol.

When any of the conduct described in this Protocol takes place between staff of the Institut Ramon Llull and staff of a contracted or collaborating external company, the two institutions must inform each other of the case, so that each of the parties applies their respective action protocol and adopts the relevant corrective measures within their scope of action. The Institut Ramon Llull will monitor the case until it is resolved in this regard.

3.2. SCOPE OF APPLICATION

The Protocol is applicable to harassment that take place wherever or whenever people are in a professional and work-related situation, which is considered to be a working environment as regards harassment.

The Protocol will apply to situations that take place during, in connection with or as a result of work:

- A. In the workplace, including in public and private spaces when these are a workplace.
- B. In break or eating areas, and in sanitary or cleaning facilities and changing rooms.
- C. Work-related travel, trips, social or training events or activities.
- D. In the context of work-related communications, including by means of information and communication technologies (virtual harassment or cyber-harassment).
- E. On journeys between home and the workplace.

3.3. ENTRY INTO FORCE

The Protocol for the prevention, detection, action and resolution of situations of sexual harassment on grounds of sex, gender, gender identity, gender expression and sexual orientation of the Consortium of the Institut Ramon Llull comes into force on 1 July 2024.

This Protocol is valid for one year from the date of its entry into force, with the possibility of a tacit extension for one-year periods, provided that none of the parties terminates it at least one month before its date of conclusion, without prejudice to any possible amendments and improvements that may be added to it.

4. DEFINITIONS

4.1. TYPES OF HARASSMENT ACCORDING TO THE DIRECTION OF INTERACTIONS

Downward vertical harassment

When pressure is exerted by a person who holds a hierarchically superior position to one or more employees.



Upward vertical harassment

Pressure exerted by a worker on a person in a hierarchically superior position.



Horizontal harassment

Pressure exerted between colleagues of the same hierarchical rank.



There may also be harassment of or by outsiders.

4.2. TYPE OF HARASSMENT

4.2.1. SEXUAL HARASSMENT¹

Notwithstanding the provisions of the Criminal Code, for the purposes of this Protocol, sexual harassment is any verbal, non-verbal or unwanted physical behaviour of a sexual nature, with no need for it to be repeated or systematic, that is intended to violate the dignity of a person or to create an intimidating, hostile, degrading, humiliating, offensive or upsetting environment for that person or to have that effect.

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

It can take place between colleagues (horizontal harassment) or between a manager and a subordinate or vice versa (vertical harassment). Harassment is also considered to have taken place when the perpetrator is an external person associated with the Institut in some way: persons carrying out a project on behalf of the Institut, suppliers, people applying for employment, etc.

Sexual harassment is always considered discriminatory behaviour and an offence against freedom and sexual indemnity when favours of a sexual nature are requested, for oneself or for a third party, within an employment, teaching, service provision or similar relationship, according to article 184 of the Criminal Code.

The following behaviours are examples which may be considered sexual harassment:

It is sexual harassment when:

- You are subjected to unwanted touching, rubbing or cornering.
- You are subjected to deliberate and unsolicited physical contact (unwanted pinching, kissing, touching, massaging, etc.).
- People spread rumours or explain details about your sex life without your consent (including by digital means such as social media and email).
- Information, videos or images related to your sex life are recorded, disseminated or published using digital media without your consent.
- You are subjected to direct or indirect sexual overtures, in exchange for promises of improvement in your working conditions.
- People talk to you or ask you about sexual practices or preferences.
- You are shown or displayed pornographic or sexually explicit content that you do not wish to see.
- You are subjected to obscene gestures and staring at your body that feel intimidating because of their sexual nature.
- You are sent offensive emails, letters, notes or messages of a sexual nature by any means, including digitally.

It is not sexual harassment when:

- You are asked respectfully if you would like to meet outside work.
- The person accepts your refusal and does not ask again.
- The professional relationship remains respectful, with no change in the working conditions or the working environment.
- During a private conversation that you agree to, someone tells you about or you talk to them about aspects of your personal life.
- You have or have had a romantic relationship with a colleague or classmate, but it does not alter the relationship based on respect.

Sexual harassment can take the form of quid pro quo harassment, which is when the victim of harassment is forced to choose between submitting to sexual requests or losing certain benefits or conditions at work (this includes sexual blackmail).

4.2.2. HARASSMENT ON GROUNDS OF SEX OR GENDER²

Harassment on grounds of sex or gender is considered to be any (continuous and systematic) unwanted behaviour on grounds of a person's sex, which has the aim or the effect of violating their dignity or physical or mental integrity, or of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment for them in their access to paid work, promotion in the workplace, employment or training.

This kind of harassment also includes attitudes or conduct engaged in for reasons or circumstances related to gender (a social role that is culturally attributed to a person due to their sex); harassment that occurs on the grounds of a woman's pregnancy and maternity at all levels of employment is particularly serious.

Harassment on grounds of sex or gender falls into the category of discriminatory harassment on the grounds of being a woman; due to pregnancy, maternity or breastfeeding, or due to situations related to reproductive and care tasks that society attributes almost exclusively to them on a discriminatory basis. Harassment on grounds of sex or gender can also be experienced by a man when he carries out tasks or activities related to care, which is a role that has historically been attributed to women (traditional female role).

The offensive actions or behaviour must be insistent and repetitive in order to be considered harassment.

It can take place between colleagues (horizontal harassment) or between a manager and a subordinate or vice versa (vertical harassment). Harassment is also considered to have taken place when the perpetrator is an external person associated with the Institut in some way: students, suppliers, people applying for jobs, people from other companies providing services on the premises, etc.

The following behaviours are considered to be examples of harassment on grounds of sex or gender:

Harassment on grounds of sex or gender:

- Using insults based on the worker's sex or gender: "You don't understand anything, stupid; typical woman."
- Discriminatory behaviour towards a person because she is a woman: "Let me explain it to you, you'll never understand her."
- Using offensive forms of address to the person: "Get out of the way, woman."
- Ridiculing or belittling a person's abilities, skills and intellectual potential because of their sex.
- Engaging in sexist humour.
- Ignoring a person's contributions, comments or actions because she is a woman.
- Conferring less value on work done by a woman.
- Assigning tasks with more limited responsibility than the person should have, not giving them the tools to do the job, denying leave to which they are entitled or giving them tasks that are impossible to accomplish when someone is pregnant or on maternity or paternity leave, or when caring for children and dependents.

It is not harassment on grounds of sex or gender when:

- Someone makes a one-off comment or joke.
- You show that your contributions are not given the same consideration as those from other people, you receive an apology, and the situation does not occur again.
- There is too much or too little work as a result of poor organisation.
- There are excessive work-related demands on all members of the team.

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

- You receive constructive criticism and supervision of work.
- Someone disagrees with a certain way of working.
- Someone has limited empathy or communication skills.
- Tensions and disagreements arise as a result of work.
- Colleagues respectfully accept criticism of sexist behaviour.

4.2.3. HARASSMENT ON GROUNDS OF SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION AND SEXUAL CHARACTERISTICS³

Harassment is considered to be any (continuous and systematic) behaviour based on a person's sexual orientation, gender identity, gender expression and sexual characteristics, which has the aim or the effect of violating their dignity or physical or mental integrity, or of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment.

Discriminatory harassment is considered to be any conduct on any of the grounds of discrimination with the aim or consequence of violating the dignity of an individual or group of which they are a member, and of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment.

The following definitions are applicable for the purposes of this Protocol:

- Sexual orientation: physical, sexual or emotional attraction to a person. Sexual orientation can be heterosexual, when physical, sexual or affectional attraction is felt only towards people of a different sex; homosexual, when physical, sexual or affectional attraction is felt only towards people of the same sex; or bisexual, when physical, sexual or affectional attraction is felt towards people of both sexes, not necessarily at the same time, in the same way, to the same degree or with the same intensity.
- Sexual identity: the internal and individual experience of sex as each person feels and defines themselves, which may or may be the same as the sex assigned to them at birth.
- Gender expression: each person's manifestation of their sexual identity.
- Trans person: a person with a sexual identity that is not the same as the sex assigned to them at birth.

The offensive actions or behaviour must be insistent and repetitive in order to be considered harassment.

The following behaviours are considered to be examples of harassment against LGBTI+ people.

The following are LGBTI-phobic harassment:

- Insults based on sexual orientation, sexual identity, gender expression or sexual characteristics.
- Harassing someone because they are in the process of gender reassignment or because they are trans.
- Discriminatory behaviour towards a person because they belong to the LGBTI+ community.
- Using offensive forms of address related to sexuality or sexual identity.
- Ridiculing or belittling a person's abilities, skills and intellectual potential due to behaving in a feminine or masculine way, irrespective of their biological sex.
- Sexist humour or humour that ridicules the LGBTI+ community.
- Ignoring a person's contributions, comments or actions because they are gay, lesbian or bisexual.
- Conferring less value on work done by a trans woman or a trans man.

³Article 15 of Spanish Law 4/2023 of 28 February, for the real and effective equality of trans people and guaranteeing the rights of LGBTI people. Article 4.g) of Catalan Law 11/2014 of 10 October, guaranteeing the rights of lesbian, gay, bisexual, transgender and intersex people and to eradicate homophobia, biphobia and transphobia.

The following are not LGBTI-phobic harassment:

- One-off comments or jokes.
- When you show that your contributions are not given the same consideration as those from other people, you receive an apology, and the situation does not occur again.
- When colleagues respectfully accept criticism of LGBTI-phobic behaviour.
- When you make it clear that the comments they are making are LGBTI-phobic, and they apologise and do not repeat them.
- When there are peaks in workloads that lead to tensions in the workplace.
- When there is no empathy or collaboration within the team.

All harassment may involve environmental harassment, which is when the behaviour creates an intimidating, hostile or offensive environment: comments of a sexual nature, jokes, etc. Persistent and repetitive actions are usually required, depending on the severity of the misconduct.

5. PRINCIPLES FOR ACTION AND GUARANTEES

The entire intervention procedure guarantees:

RESPECT AND PROTECTION

- Respect and discretion are necessary to protect the privacy and dignity of the individuals involved. The procedure must take place with the utmost respect for all persons involved (people concerned, witnesses, the people against whom the complaint has been made, etc.), who may not receive unfavourable treatment for this reason.
- The individuals involved must be supported and advised by one of the reference persons.

CONFIDENTIALITY

- The information gathered in the procedure is confidential and may only be given to the people directly involved in implementing the various stages of this Protocol depending on their role.
- The people involved in the procedure must maintain strict confidentiality and secrecy concerning the information and data processed, and must not convey or disclose them.
- Everyone involved in the process must sign a confidentiality agreement (Annex 2), and failure to maintain confidentiality may result in penalties for the offender.

RIGHT TO INFORMATION

- Everyone involved is entitled to receive information about the procedure, their rights and obligations, which stage the procedure has reached, and depending on the nature of their participation, the outcome of each stage.

SUPPORT FROM TRAINED PERSONS

- The internal reference persons must receive specialised training, and the individuals who are members of the investigation committee must be trained in sexual and gender harassment and LGBTI-phobic harassment.

DILIGENCE AND SPEED

- The procedure includes information on the time frame involved in the conclusion of each stage, so that the complaint is resolved swiftly and promptly.
- The investigation and resolution of the conduct subject to complaint must take place without delay, so that the procedure can be completed within the time limits foreseen for each stage.

FAIR TREATMENT

- Fair treatment must be ensured with the involvement of specialised external persons participating as reference persons during the investigation stage.
- Everyone involved in the proceedings must act in good faith in order to determine the truth and to clarify the events alleged to have taken place.

PROTECTION FROM POSSIBLE RETALIATION

- Everyone involved in the procedure must have guarantees that they will not experience discrimination or reprisals as a result participating in the process of reporting or complaining about harassment.
- Only the results of investigated and substantiated complaints may be included in personal files.

COOPERATION

- Everyone who is called to appear in the procedure has an obligation to engage with the procedure and cooperate with them.

PRECAUTIONARY MEASURES

- If there is evidence of harassment during the procedure and until its conclusion, those responsible for the various stages of intervention may propose that the management of the Institut adopt precautionary measures (e.g. change of job, reorganisation of working time, paid leave, etc.).
- Under no circumstances should these measures entail a reduction in the working conditions or wages of the person experiencing harassment, and this person must accept them.

HEALTH MONITORING

- People who experience harassment with effects on their health can request attention, guidance and a health monitoring medical report from the Occupational Risk Prevention Service.
- If there are effects on health leading to sick leave and a link is established between the harassment and the sick leave of the person concerned, this sick leave must be considered a work-related injury.

6. COMPETENCE AND RESPONSIBILITIES: OBLIGATIONS OF THE INSTITUT RAMON LLULL

ONE

To guarantee employees have the following rights:

The right not to experience violence or harassment at work.

The right to physical and psychological integrity, and an adequate health and safety policy.

The right to respect for privacy and due regard for their dignity, including protection from harassment.

TWO

To promote a working environment that avoids situations of violence or harassment in the workplace.

THREE

To establish specific procedures for the prevention of violence and harassment in the workplace.

Failure by the Institut Ramon Llull to meet its obligations will lead to administrative and legal liabilities⁴.

⁴Section 2 of Royal Legislative Decree 5/2000, of 4 August, approving the consolidated text of the Law on labour infringements and penalties.

7. RIGHTS OF THE PERSON CONCERNED AND OF THE PERSON WHO IS THE SUBJECT OF THE COMPLAINT

7.1. RIGHTS OF THE PERSON CONCERNED

- Receive assistance and advice from the reference person.
- Receive information on how to begin the procedure.
- Receive fair treatment.
- Receive notification of the precautionary protection measures adopted.
- Have assurances that the complaint will be dealt with promptly.
- Receive information on the progress of the complaint.
- Receive information on the resolution of the case.

7.2. RIGHTS OF THE SUBJECT OF THE COMPLAINT

- Receive fair treatment.
- Be informed of the complaint.
- Receive information on the progress of the complaint.
- Receive information on the resolution of the case.

8. REFERENCE PERSONS

Reference persons are internal or external individuals who are trained in the field and appointed by the management of the Institut.

Anyone working at the Institut Ramon Llull can be an internal reference person. These individuals must be trained in gender violence and sexual harassment, and harassment on the grounds of sex, gender, gender identity and sexual orientation. If they do not have this training, the Institut is responsible for providing it.

Internal reference persons must include members of the Human Resources team who have training in gender equality issues, and legal representatives of the workers.

The external reference persons must be experts in the field, and especially legal professionals with training in gender violence and sexual harassment, and harassment on grounds of sex, gender, gender identity and sexual orientation.

Their tasks are to:

- Receive the report from the person concerned or from anyone who witnesses behaviour constituting harassment.
- Inform and advise the person concerned about the contents of the Protocol and the alternatives and actions open to them. They must also inform the person concerned about the Institut's obligations and the liability the company may incur if it is in breach of them, and the procedure to be followed after the complaint has been made. They must also inform the person concerned about the possibility of seeking external counselling and their right to physical or mental healthcare.
- Provide assistance throughout the process.
- Provide support in drafting the complaint and advice on how to present it.
- Propose precautionary or preventive measures to the Management of the Institut, where appropriate.
- Manage and safeguard the documentation.
- Participate in the investigation stage, only when the reference person has not participated in stage 1 of this Protocol (reporting and support).
- Participate in prevention, awareness-raising, dissemination and training measures.
- Participate in the monitoring and assessment of the Protocol.
- Any other obligations which may arise as a result of the nature of their tasks and from the provisions of this Protocol.

9. PROCEDURE

9.1. PROCEDURE: PREVENTIVE ACTIONS

The prevention actions agreed in this Protocol are as follows:

- Carry out preventive information actions for all staff:
 - Make all employees of the Institut Ramon Llull aware of this Protocol.
 - Ensure that the Protocol is available for consultation. Publish it on the Intranet and make it available to the Workers' Committee.

- Inform all workers joining the Institut, who must sign a document declaring that they have been informed and are aware of its contents, of the existence of the Protocol.
- The staff of external companies contracted by the Institut Ramon Llull or providing services to the Institut Ramon Llull's facilities must be informed of the existence of this Protocol. Together with the contract, they must sign a document declaring that they have been informed of the existence of the Protocol and that they are aware of its contents.
- Carry out [preventive training](#) actions for everyone:
 - Provide regular training on harassment for all staff, which should be included in the Consortium's training plan, with enabling staff to identify harassment, prevent it from occurring and avoid it within the Institut.
- Implement a [continuous training programme for internal reference persons](#).
- Implement an effective procedure (Protocol) for dealing with notifications and complaints. Carry out monitoring, control and assessment of the procedure implemented. Apply strict disciplinary measures.

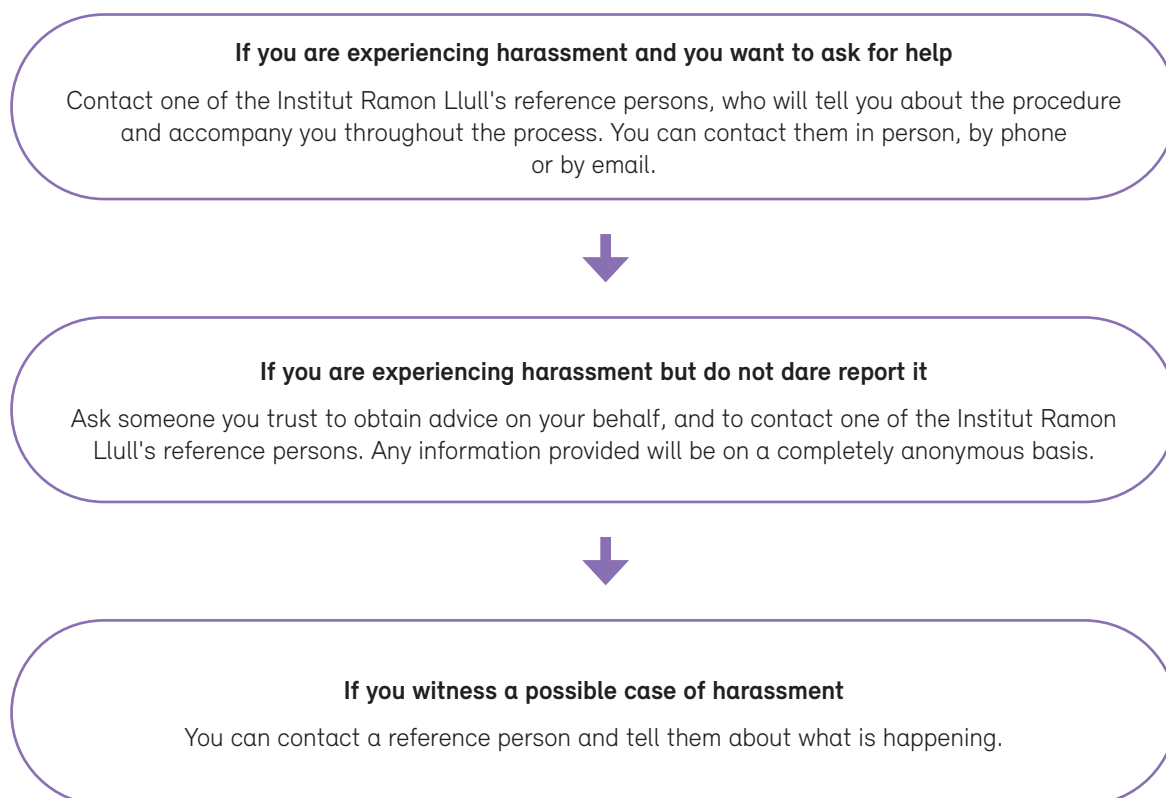
9.2. PROCEDURE: DETECTION MEASURES

The Institut Ramon Llull also undertakes to adopt detection measures. These measures are the responsibility of the General Management, with the support of the Human Resources team and the individuals designated by the workers' legal representatives:

- Carry out a study every four years to determine the prevalence of this type of behaviour at the Institut Ramon Llull, to identify its characteristics, its impact on the health of personnel, and the need to undertake a preventive policy: a study of the psychosocial risks associated with situations of violence and harassment for occupational health and safety management (the existence of trigger situations, a positive organisational climate, gender culture not conducive to equality, etc.).
- Create an internal database in which all requests for information, complaints, actions and resolutions are compiled anonymously and with no references to personal data, and produce an annual report based on those data that includes the following indicators:
 - The number of people who contacted the reference persons to ask for information about the Protocol. Their gender must be specified.
 - The number of people who reported harassment, distinguishing between the types of harassment listed in this Protocol: 1) sexual harassment; 2) harassment on grounds of sex or gender, and 3) LGBTI-phobic harassment. The sex of the person reporting the harassment must be specified.
 - The number of employees who made complaints about harassment, distinguishing between the types of harassment included in this Protocol. The sex of the person making the complaint must be specified.
 - The number of disciplinary procedures carried out in the institution during the year. This must include how many of them involve the adoption of precautionary measures.
 - The number of information, awareness-raising and training actions carried out related to the Protocol, and the content of those actions. The person to whom each action was addressed and its characteristics must be specified.
 - Pay attention to possible signs of harassment and act proactively to identify them.

9.3. PROCEDURE: REACTIVE ACTIONS

STAGE 0: INFORMATION. WHAT CAN I DO IF I AM EXPERIENCING OR HAVE OBSERVED A POSSIBLE CASE OF HARASSMENT AT WORK?



The procedure set out in this Protocol can be initiated by a report (stage 1) or directly by means of a complaint (stage 2).

The General Management and the Directorate must be informed of the start of any procedure in the reporting and advice stage (stage 1) if preventive actions are deemed necessary, and when the complaint is made in all other cases (stage 2). The initial reporting takes place with no need to state any specific information about the complainant or the subject of the complaint.

STAGE 1: REPORTING AND ADVICE (TIMEFRAME: FIVE WORKING DAYS)

The aim of this stage is to inform, advise and support the person subject to harassment and to prepare for the internal complaint and investigation (stage 2), if appropriate. During this stage, the reference person may propose the adoption of the appropriate precautionary or preventive measures.

This stage, which will last for a maximum of five working days, starts with the report of the perception or suspicion of harassment which triggers the communication and advisory actions.

Harassment can be reported by:

- The person concerned.
- One or more people who witness behaviour constituting harassment.

A victim of harassment is anyone subjected to conduct constituting harassment that takes place within the Institut Ramon Llull or during the services offered by the Institut Ramon Llull, regardless of their relationship with the Consortium. The factor that determines the Institut Ramon Llull's liability is not the contractual relationship, nor that of the person experiencing harassment, nor that of the person engaging in harassment, but instead the area in which this conduct takes place.

The reporting takes place as soon as possible after the event, because of the emotional impact of these situations, and can take the form of a letter or form, an email or a conversation.

The report must be submitted to one of the reference persons, either in person, by telephone or by e-mail. This reporting takes place prior to the complaint and the channel intended for complaints should therefore not be used.

The tasks of the reference person in this stage are to:

- Inform and advise the person concerned about the company's zero tolerance policy towards sexist and LGBTI-phobic behaviour.
- Receive all complaints and requests for information on situations that may constitute sexual harassment, gender-based harassment or LGBTI-phobic behaviour.
- Provide information about the procedure set out in this Protocol: the internal and external channels.
- Inform and advise the person concerned about the contents of the Protocol and the alternatives and actions open to them. They must also be informed about the Institut's obligations and the liability the company may incur if it is in breach of them, and the procedure to be followed after the complaint has been made.
- Provide information about the right to physical and mental health care.
- Support the affected party throughout the process.
- Propose the adoption of precautionary or preventive measures, when they are considered necessary.
- Provide support in drafting the complaint and advice on how to present it.
- Manage and safeguard the documentation.

In order to carry out these tasks, the reference persons should:

- ☑ Be aware that people who experience harassment have rights and that these must be guaranteed.
- ☑ Engage in active and proactive listening.
- ☑ Provide clear and understandable information about all the rights, services and resources available and about all the possible channels for resolution (internal and external) of the harassment they are experiencing or are at risk of experiencing.

- ☑ Assess the emotional state of the staff experiencing harassment, and offer them health monitoring if there is a risk to their safety or health.
- ☑ Support people as they express and clarify the situation they have experienced, and offer personalised support based on understanding their complaint, assess their expectations and respect their decision to proceed at their own pace.
- ☑ Avoid reinterpreting events and creating unrealistic expectations. Avoid adopting paternalistic attitudes and making value judgements on the actions of the person concerned.
- ☑ Respect the decision-making autonomy of the persons concerned, and support their decisions even if they reject the solutions offered.

To ensure that these tasks can be carried out, the Institut Ramon Llull must provide a space where it is possible to provide personalised attention when the person contacts an internal reference person. This must be an appropriate and comfortable space that offers confidentiality (to prevent the care provided from being visible to third parties) and enables the expression of feelings, which offers a climate of sufficient trust for the free expression of events and emotions, and which also offers security.

There are three possible outcomes of this stage:

1. That the affected person decides to file a complaint and activate the Protocol. The complaint must be submitted in writing to a designated e-mail address.
2. The affected party decides not to file a complaint and on the basis of the information received, the person of reference considers that there is some evidence that harassment has taken place. In this case, the Consortium must be informed, while respecting the right to confidentiality of the persons involved, i.e. the name of the person who has requested information must not be disclosed, but the management must be informed that situations that could cause harassment are taking place in a specific service or department. As soon as the Institut Ramon Llull becomes aware of evidence of harassment, it is legally obliged to implement protective and corrective measures and where appropriate, to update its preventive measures. This decision must be taken by the Board of Directors and the Management.
3. The person concerned decides not to file a complaint and on the basis of the information received, the reference person considers that there is no evidence that harassment has taken place. In this case, the case will be closed and no further action will be taken.

The reference persons are responsible for the management and safekeeping of documentation, if any, in the reporting and advice stage, ensuring the confidentiality of all documents and information created in this stage.

If the person concerned decides not to continue with the procedure, all the documentation submitted must be returned. If they decide to continue with the complaint procedure, the documentation must be attached to the investigation file that is created.

PRECAUTIONARY MEASURES

Depending on the risk or harm to the person experiencing harassment, after the procedure has begun (stage 1) and until its conclusion, and whenever there is evidence of harassment, the individuals responsible for the various stages of intervention may propose that the Consortium's Management adopt precautionary measures.

The implementation of these measures must be accepted by the person experiencing harassment, and these measures may under no circumstances entail a reduction in the working conditions or wages of the person experiencing harassment.

Examples of the possible precautionary measures that may be taken include:

- Change of workspace.
- Reorganisation of working time.
- Paid leave.
- Teleworking.

These measures will be adopted on a personalised and coordinated basis with all the parties involved in this Protocol. The person experiencing harassment must be the focus of care in order to ensure comprehensive support, protection, recovery and redress, and to avoid secondary victimisation (or revictimisation).⁵

The precautionary measures may not prejudice the final outcome of the proceedings, and must be adopted in a reasoned manner to ensure the protection of the parties involved.

STAGE 2: INTERNAL COMPLAINT AND INVESTIGATION (TIMEFRAME: TWENTY WORKING DAYS)

The aim of this stage is to thoroughly investigate the facts in order to issue a binding report as to whether or not there is evidence of harassment and to propose measures for intervention. A committee must be set up to investigate and deal with situations of harassment.

The investigation procedure may last a maximum of [twenty working days from the start of the procedure.](#)

To carry out the appropriate investigation, the complaint must be submitted in writing using the internal complaint form attached as Annex 1. If the complaint is not made directly by the person concerned, it must specify that the person concerned consents to the complaint being made.

The complaint must be submitted by e-mail to the committee for investigating and dealing with harassment, which is an external committee with specialised members.

The address for filing the complaint is announced by the resolution approving the designation of internal and external reference persons.

The investigation begins when the complaint is made. The complainant must provide as precise and specific an account as possible of the evidence for the alleged situation, and based on the procedural principle of the reversal of the burden of proof, the onus is on the person alleged to have engaged in harassment to prove that their conduct was appropriate.

The Institut Ramon Llull does not permit mediation as a mechanism for resolution in cases of harassment sexual or harassment on grounds of sex, gender, gender identity, gender expression or sexual orientation, pursuant to Law 4/2015 of 27 April, on the Statute of the Victims of Crime, which prohibits mediation in all cases of sexual violence and gender violence, including cases of sexual violence in the workplace.

Everyone involved in the procedure is obliged to maintain strict confidentiality and secrecy, and must not pass on or disclose any information about the content of complaints made, resolved or under investigation of which they are aware. They must all sign the confidentiality declaration. According to the principle of confidentiality, in the section on principles and guarantees, the person responsible for beginning the procedure and its processing must assign identifying numerical codes to both the person allegedly harassed and the alleged perpetrator, in order to preserve their identity.

The committee for investigating and dealing with harassment considers complaints of harassment in depth, issues a binding report on the existence or otherwise of harassment and makes recommendations on interventions and necessary measures where appropriate.

The tasks of the committee investigating and dealing with situations of harassment are to:

- Examine the complaint and the accompanying documentation.
- Interview the person making the complaint. If the complainant has decided to proceed directly to the complaint and investigation stage, they must be informed of the procedure and possible courses of action, and their entitlement to health monitoring. If the circumstances are not sufficiently described in the complaint, an additional statement must be requested.

⁵Secondary victimisation (or revictimisation) is the additional victimisation of people who have experienced harassment, as a direct or indirect consequence of the quantitative and qualitative deficits of the interventions by the responsible bodies and of misguided or negligent actions of other parties involved.

- Interview the person who is the subject of the complaint.
- Interview potential witnesses.
- Decide whether precautionary measures are necessary.
- Issue the binding report.

The investigation process concludes with a binding report containing the conclusions reached and proposing corrective measures as appropriate.

The report must at least include the following information:

- The identity of the person(s) allegedly harassed and the perpetrators of the harassment.
- A list of names of people who have taken part in the investigation and in preparing the report.
- The background to the case, the complaint and the circumstances surrounding it.
- Other information: evidence and a summary of the main facts and actions carried out. When the interviews with the witnesses have been conducted, and in order to ensure confidentiality, the summary of the interview must not indicate who made the statement, but only whether or not the facts under investigation have been found to be true.
- Aggravating circumstances observed:
 - If the person who is the subject of the complaint is a repeat offender in committing acts of harassment.
 - If two or more people have been subjected to harassment.
 - If there is any evidence of intimidating or retaliatory conduct by the person who has been engaging in harassment.
 - If the person who has been engaging in harassment has decision-making power over the employment of the person who has been harassed.
 - If the person who has been harassed has a disability.
 - If the physical or psychological state of the person who has been harassed has been seriously altered, as attested by medical personnel.
 - If any pressure or coercion has been applied to the person who has been harassed, to the witnesses or the people in their workplace or family, with the aim of preventing or prejudicing the investigation being carried out.
- Conclusions.
- Proposal of possible corrective measures.

The committee investigating and dealing with situations of harassment is responsible for the administration and safekeeping of all documents generated at this stage, and guaranteeing their confidentiality. The Consortium must provide the necessary resources for this safekeeping.

The report by the committee investigating and dealing with cases of harassment must be sent to the Management of the Institut Ramon Llull.

STAGE 3: RESOLUTION (TIMEFRAME: TEN WORKING DAYS)

The aim of this third and final stage is to take the necessary action, taking into account the evidence, recommendations and proposals for intervention in the binding report by the committee investigating and dealing with harassment.

According to the binding report drawn up by the committee investigating and dealing with cases of harassment, the Management of the Institut Ramon Llull must issue a decision concerning the case. This decision must be made within twenty working days of the start of the procedure, although this deadline may be extended to thirty days.

- If there is sufficiently proven evidence of harassment:
 - Proposal to begin disciplinary proceedings and corrective measures: if it is clear from the report that harassment has taken place, the reporting body must propose that disciplinary proceedings begin and that corrective disciplinary measures are adopted.
 - Proposal for the adoption of appropriate alternative non-disciplinary measures, as appropriate, aimed at remedying the attitudes identified.
- If there is insufficient evidence of harassment:
 - The complaint is dismissed.

The decision must state the identifying details of the complainant and the person who is the subject of complaint, the grounds for the complaint, and the facts established.

If the penalty for the perpetrator is not termination of the contractual relationship, the management of the Institut Ramon Llull must maintain an active obligation of oversight of the employee when they return to work at the Institut (if they have been suspended) or in their new position in the event of a change of workspace.

The Management of the Institut Ramon Llull must adopt the necessary preventive measures to prevent repetition of the perpetrator's behaviour or conduct, reinforce training and awareness-raising actions and carry out actions to protect the victim's safety and health, including the following:

- Assessment of psychosocial risks in the company, with the inclusion of sexual violence as an additional occupational hazard.
- Adoption of surveillance measures to protect the victim.
- Adoption of measures to avoid recidivism by people receiving penalties.
- Psychological and social support for the victim.
- Changes in working conditions with the consent of the victim of harassment which are deemed beneficial to the victim's recovery.
- Training or retraining for the professional reskilling of the victim of the harassment when he/she is on temporary leave for a prolonged period of time.
- New training and awareness-raising actions for prevention, identification and action related to situations of violence and harassment.

An authenticated copy of this decision must be forwarded to the complainant and to the subject of the complaint.

The appropriate disciplinary proceedings will be initiated if the investigation carried out finds that misconduct other than harassment has been committed, as defined in the applicable legislation or in the applicable agreement(s) (such as a groundless complaint, among others).

Likewise, whether or not the case ends in a penalty, the employment situation of the person who has filed the complaint must be carried out must be reviewed.

DISCIPLINARY REGULATIONS FOR RESOLUTION

Harassment is explicitly prohibited by this Protocol and is treated as a disciplinary offence, according to the stipulations of Article 54(g) of the Workers' Statute. This article states that the employment contract may be terminated by a decision of the employer, by means of dismissal based on a serious and culpable breach by the employee. "Harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual or gender-based harassment of the employer or people working in the company" is considered a breach of contract.

The penalty must be more severe when the perpetrator is a hierarchical superior of the victim or has responsibility for the victim's professional situation and their behaviour has shown an abuse of authority. Sexual harassment is considered very serious misconduct when it occurs as a result of exercising managerial authority (Article 53.6).

Aggravating circumstances are also deemed to apply in cases in which:

- The person who is the subject of the complaint is a repeat offender in committing acts of harassment.
- The person who has been engaging in harassment has decision-making power over the employment of the person who has been harassed.
- The victim suffers from a physical or mental disability.
- Pressure or coercion is exerted on the victim, witnesses or people in the victim's workplace or family environment with the aim of preventing or hindering the successful outcome of the investigation.

In cases in which an intentionally dishonest or fraudulent complaint has been made, the Institut Ramon Llull must formulate the mandatory statement of objections to the complainant and after the employee's arguments have been received, it must adopt the appropriate disciplinary measures. This is deemed to be a very serious offence under all circumstances, given the breach of contractual good faith and breach of trust related to disciplinary regulations [Article 41 of the Institut Ramon Llull Collective Labour Agreement and Article 53.6.a) of the Government of Catalonia Single Collective Labour Agreement].

Reprisals against an individual who has reported harassment or has cooperated in the investigation is a very serious disciplinary offence.

According to Article 53.6.k) of the applicable collective agreement, sexual harassment is considered very severe misconduct.

Very severe misconduct shall be subject to the following penalties (according to the agreement):

- Suspension of employment and pay for one to three months.
- Disqualification from promotion for a period of two to six years.
- Forced transfer without the right to compensation.
- Dismissal.
- Removal from a management position.

It may also adopt, where appropriate, organisational corrective measures (such as a change of post or workspace) or individual corrective measures (such as psychological support, compulsory training or personal counselling or coaching).

The applicable disciplinary regime is set out in the single collective agreement for Catalonia for staff employed by the Generalitat de Catalunya, in accordance with Article 41 of the Institut Ramon Llull's collective labour agreement.

10. RECOVERY AND REDRESS FOR VICTIMS

The measures and actions set out in this Protocol must promote recovery processes for victims in order to enable them to overcome the consequences of the violence they have experienced.

It is important to adopt a victim-centred approach, which places the person experiencing harassment at the centre of interventions, to ensure support that takes into account the needs and choices of the person experiencing harassment by encouraging them to play an active role in their own recovery process.

Their experiences must be validated in order to dignify them, as acknowledging them has a highly restorative effect. The person must also receive individual redress, but attention must be paid to the collective impact that the harassment may have had in order to maintain it and provide redress for it.

At the individual level, and as far as the person experiencing harassment is concerned, the redress process begins as soon as the complaint is filed, which implies respecting the principles of confidentiality and speed throughout the process, providing effective support for complainants, etc.

Measures for redress that can be carried out collectively:

- Implement working climate and working environment interventions that promote zero tolerance of violence and harassment. An active policy towards situations of this type must be adopted within the organisation itself.
- Organise discussion groups led by professionals on the situation experienced.
- Offer group psychological support.

Individual measures for redress:

- Offer the person concerned changes in their working conditions: workspace, working hours, etc. These changes must be accepted by the person concerned and must be proposed in order to facilitate their recovery.
- Offer the person concerned the institution's legal resources to advise them on steps to be taken outside the institution.
- Offer the person concerned psychological care at the company's expense and during working hours.

11. EXTERNAL RESOLUTION CHANNELS: ADMINISTRATIVE AND JUDICIAL

The external resolution channels are administrative (Labour Inspectorate) and judicial. Whether each process is timely or appropriate depends on the various factors involved that need to be taken into account, including: the severity and extent of the incident(s) and the position of the alleged perpetrator in relation to the victim of the harassment (differences in power, status, etc.).

It is advisable to resort first to administrative proceedings and then to labour tribunals. The Labour Inspectorate's work (the administrative channel) not only has the benefit of immediacy and an ex officio investigation, but the facts it establishes are presumed to be true and can be used as evidence in subsequent proceedings of labour tribunals. Criminal prosecution must be adopted as soon as conduct may constitute a criminal offence.

The work of the Labour Inspectorate consists of investigating what actions the company took when it became aware of the harassment. In some cases, the Labour Inspectorate formally notifies the company of this situation.

On issues of harassment, the Labour Inspectorate does not investigate the natural person who is accused of harassment, but instead the company as the institution responsible for ensuring that:

- The structure and conditions of work are appropriate and prevent harassment.
- Mechanisms to prevent and deter harassment are in place in the organisation.
- All internal communications and complaints are investigated.

There are two judicial channels for dealing with harassment: labour tribunals and the criminal courts.

12. MONITORING AND ASSESSMENT OF THE PROTOCOL

After this Protocol has been drawn up and implemented, the equality committee, with the participation of the workers' committee, monitors compliance with the Protocol on an annual basis.

The indicators broken down by sex used are:

1. The number of employees who reported harassment, taking the type of harassment and gender into account.
2. The complaints submitted through the complaints channel, by type and sex of the complainant.
3. The number of employees who reported harassment (distinguishing between the types of harassment) as a percentage of the total number of employees.
4. The number of preventive and awareness-raising measures carried out per year. Specify the details of the measures taken (hours of awareness-raising or training and a list of measures).
5. The number of disciplinary procedures carried out at the Institut Ramon Llull.

This procedure is reviewed and amended whenever the need arises as a result of its implementation or due to a legal or juridical imperative, with the prior consultation and participation of the legal representatives of the Institut Ramon Llull's employees.

13. REGULATORY FRAMEWORK AND APPLICABLE LEGISLATION

The **International Labour Organization's Violence and Harassment Convention, 2019 (No. 190)**, (convention adopted in Geneva on 21 June 2019 and ratified by Spain in 2023, which entered into force on 25 May 2023) aims to contribute to the protection of dignity and the guarantee of rights in the workplace, and recognises the right of everyone to a workplace free from violence and harassment.

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

The **Spanish Constitution (SC)** obliges the public authorities to go beyond mere formal equality by promoting the conditions that make this equality real and effective (Articles 14 and 9.2 of the SC).

The **Statute of Autonomy of Catalonia (SAC)** also highlights the right of all women to live free from all types of discrimination, and calls upon the public authorities to adopt the necessary measures to guarantee non-discrimination on grounds of gender (Articles 19, 41 and 45 of the SAC).

Royal Legislative Decree 2/2015, of 23 October, approving the consolidated text of the **Workers' Statute Act** establishes protection against sexual harassment and harassment on grounds of sex as a basic right of all workers in article 4.2.e). However, point (d) of this article states that workers are entitled to "physical integrity and an adequate occupational risk prevention policy".

The **Workers' Statute Act** includes as a breach of contract and disciplinary grounds for terminating the employment contract, "harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual or gender harassment of the employer or persons working in the company" [Article 54.2.(g) of the Workers' Statute].

Spain's **Organic Law 3/2007 of 22 March, for effective equality between women and men**, defines Sexual harassment and harassment on the grounds of sex in Article 7, and stipulates that all employers, regardless of their activity or size, must foster working conditions that prevent sexual harassment and harassment on the grounds of sex, including in the digital realm, and institute specific procedures to prevent such conduct (Article 48).

Royal Legislative Decree 5/2000 of 4 August 2000, which approves the revised text of the **Labour Infringements and Penalties Act**, states that sexual harassment and harassment on grounds of sex is a very serious offence, provided that the company's management has taken no action to prevent it after becoming aware of it (Article 8).

Spain's Organic Law 10/1995, of 23 November 1995, concerning the **Criminal Code**, states that proven sexual harassment is a crime against sexual freedom and indemnity (Article 184), subject to prison sentences or fines, as well as the perpetrator's disqualification from engaging in their profession, trade or activity.

Law 17/2020 of 22 December amending Law 5/2008 on the right of women to eradicate gender violence includes sexual and gender harassment as a type of sexual violence (Article 4) and as violence in the workplace (Article 5). It includes cyberharassment as violence (Article 5).

Law 19/2020 of 30 December on equal treatment and non-discrimination governs the measures and procedures guaranteeing and enforcing the right to equal treatment and non-discrimination, respect for human dignity and protection against any type, act or conduct of discrimination on the grounds of birth or place of birth occurring within the territorial scope of application of the law; origin, nationality or membership of a national minority; race, skin colour or ethnicity; political or other opinions; religion, beliefs or ideology; language; cultural, national, ethnic or social origin; economic or administrative situation, social class or wealth; sex, orientation, sexual and gender identity or gender expression; ancestry; age; phenotype, sense of belonging to an ethnic group; illness, serological status; disability or functional diversity, or any other condition, situation or manifestation of the human condition, either real or attributed. It also aims to eradicate racism and xenophobia; anti-Semitism, Islamophobia, Arabophobia, Christianophobia, Judeophobia and antigypsyism; aporophobia and social exclusion; ableism; abnormalophobia; sexism; homophobia or lesbophobia, gayphobia, transphobia, biphobia, intersexophobia and LGBTI-phobia, and any other expression that undermines people's equality and dignity.

Law 4/2023 of 28 February, for the real and effective equality of trans people and guaranteeing the rights of LGBTI people, states that within twelve months of the law's entry into force, i.e. by 1 March 2024, companies with more than 50 employees must adopt measures aimed at avoiding situations of discrimination against the LGBTI+ community, including a protocol for action for dealing with harassment or violence against LGBTI+ people. It also makes it compulsory for all companies to prevent harassment of LGBTI+ people.

Spain's **Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom**, includes the obligation that all companies must include sexual violence among the concurrent occupational risks in the risk assessment of the various posts occupied by female workers, and must inform and train all their female workers in these issues (Article 12).

