


PROTOCOL FOR THE PREVENTION AND ACTION AGAINST WORKPLACE HARASSMENT, SEXUAL HARASSMENT, OR HARASSMENT DUE TO A PERSON'S SEX at CIC biomaGUNE

On behalf of CIC biomaGUNE Equality Committee:	On behalf of the Board of Directors:
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Date: 23/11/2021	Date: 23/11/2021

Versions		
Number	Date	Description
0	23/11/2021	- Creation of the protocol

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1. INTRODUCTION

As part of CIC biomaGUNE's Gender Equality Plan created for 2020-2023, this protocol has been created with the aim of promoting working conditions that avoid serious discriminatory behaviour, such as workplace harassment, sexual harassment and harassment due to a person's sex.

Through this document, CIC biomaGUNE will:

- Demonstrate its unequivocal commitment against all forms of discrimination due to a person's sex,
- Mediate a specific procedure to prevent any situation involving workplace harassment, sexual harassment or harassment due to a person's sex, and
- Provide channels for submitting any potential reports and complaints from those who have been subject to harassment.

Workplace harassment, sexual harassment and harassment due to a person's sex are psychosocial dangers that threaten the dignity, moral integrity and health of the harassed person, causing them to suffer within themselves and in their surroundings, thus reducing workplace productivity.

These kinds of harassment have been described in:

The **Spanish Constitution**, which acknowledges the value of a person's dignity (Article 10) and that person's right to equality without any prevailing discrimination due to their origin, race, sex, religion, opinion or any other personal or social condition or circumstance (Art. 14), the fundamental right to physical and moral integrity (Art. 15) and the right to honour, personal and familial privacy and to one's self-image (Art. 18.1).

Organic Law no. 3/2007, of 22 March, on effective equality between men and women (the 'LOI'), which defines sexual harassment and harassment due to a person's sex as discriminatory behaviour and outlines how each business or organisation should promote working conditions that avoid this kind of harassment and mediate specific procedures so as to prevent this and to provide channels for submitting reports and complaints from those who have been subject to such harassment.

- **Royal Legislative Decree 2/2015**, of 23 October, which approves the revised text of the Employee Statute Law which must accompany the Law on Preventing Workplace Dangers:

'In addition, Royal Legislative Decree 2/2015, of 23 October, which approves the revised text of the Employee Statute Law, acknowledges every employee's right to non-discrimination, respect

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for privacy and consideration of dignity, in addition to the provisions included in Law 31/1995 on Preventing Workplace Dangers, in considering workplace harassment, sexual harassment and harassment due to a person's sex to be a psychosocial danger in the workplace that may affect the health and safety of its victims. It also outlines the duty to adopt as many measures as possible to protect employees' health and safety when at work.'


- **The International Labour Organization's Violence and Harassment Convention, 2019 (no. 190)**, which has been in force since June 2021.

'From an international perspective, the International Labour Organization's Violence and Harassment Convention, 2019 (no. 190) acknowledges that violence and harassment in the workplace may constitute a violation or abuse of human rights, threaten equal opportunities and are unacceptable and incompatible to decent work. In turn, it also recognises each person's right to a workplace that is free from violence and harassment, including gender-based violence and harassment.'

[See Addendum III which summarises the regulations applicable to this protocol.](#)

This protocol has been developed by Prospektiker, with participation from certain people of note in CIC biomaGUNE and with collaboration from Sortzen Consultoría S.L.:

- Members of the Equality Committee
- Members of the Confidential Advice Counsel
- The Biosafety and Radiation Protection Manager
- The Human Resources Manager
- Management and Directorate

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2. SUMMARY OF PRINCIPLES

Workplace harassment, sexual harassment and harassment due to a person's sex, as expressions of violence that can manifest in the workplace, are some of the most devastating situations involving gender-based discrimination and/or abuse of power and a flagrant violation of other fundamental rights such as dignity, equality, physical and moral integrity, sexual freedom and the right to work and to a safe and healthy workplace.

Sexual harassment and harassment due to a person's sex are related to roles that traditionally have been attributed to people based on their sex. Therefore, these are types of behaviour that must be prevented and, if they do occur, stopped to avoid unwanted consequences to the victims' health.


Given the aforementioned applicable legislation and regulations and the fundamental rights established within them, and considering the health-related consequences that may arise, CIC biomaGUNE has approved a zero-tolerance policy towards this kind of violence and, therefore, towards behaviour involving workplace harassment, sexual harassment and harassment due to a person's sex, and such conduct will be firmly punished.

In addition, CIC biomaGUNE is committed to using this Protocol in order to regulate an action process for resolving complaints and reports submitted about workplace harassment, sexual harassment and harassment due to a person's sex, which will be applied with the appropriate guarantees. CIC biomaGUNE is also committed to providing access to necessary training and information to ensure that each member of the organisation and each person who provides a service within CIC biomaGUNE is aware of the need to pay the utmost respect to the aforementioned rights. Therefore, European, national, regional and workplace regulations and declarations relating to employees' right to enjoy a violence-free workplace will be taken into consideration.


In any case, in the context of preventing workplace dangers, it will be necessary to evaluate the threat of workplace harassment, sexual harassment and harassment due to a person's sex and plan measures so that a situation involving harassment does not occur.

Therefore, the **principles** of this procedure are:

- a) Confidentiality and respecting the privacy and dignity of the people affected,
- b) Respecting the principle of the presumption of innocence of the supposed harasser,

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- c) Prohibiting retaliation towards the supposed victim or the people supporting the report or who report supposed cases of workplace harassment, sexual harassment and harassment due to a person's sex,
- d) A diligent and quick procedure, and
- e) Guaranteeing the victims' labour and social protection rights.

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3. SCOPE OF APPLICATION

Considering CIC biomaGUNE's aim to guarantee a healthy and safe workplace for everyone who provides a service in the centre and to ensure the existence of workplaces that are free from threats to people's health, this Protocol will be applicable to:

- all CIC biomaGUNE staff who have a contractual relationship and who are affiliated with the centre,
- staff who are conducting research visits, university internships, training internships, etc.
- contractors who are present in the centre,
- staff who are contracted through a temp agency or self-employed people affiliated with the centre, and
- any person connected with the centre (collaborators, other groups of note, etc.) who may carry out or suffer violent or harassing behaviour from centre staff.

Therefore, by means of an **informative welcome talk**, CIC biomaGUNE will notify their own affiliated staff and anyone conducting research visits and external academic internships, etc. of this existing zero-tolerance policy towards workplace violence — specifically, towards workplace harassment, sexual harassment and harassment due to a person's sex — and this Action Protocol. In the case of external staff and collaborators etc., the information will be provided via the equality section of the **CIC biomaGUNE website**: <https://www.cicbiomagune.es/center/equality>

In addition, CIC biomaGUNE accepts its duty to publish this current Protocol and the policy for handling workplace harassment, sexual harassment and harassment due to a person's sex, while also highlighting the need to strictly comply with the respective related documents (**agreement or tender**), for the attention of their collaborators and supplier companies at the start of their commercial relationship. In addition, as indicated in the previous paragraph, the information will be provided online.

This is an internal procedure, in spite of any legal actions that may be exercised by the injured parties.

It will be applied to all spaces included within the CIC biomaGUNE facilities, as well as all spaces unaffiliated with the centre in which, due to the nature of their job, staff members must conduct any kind of work with third parties (clients, staff from other companies, etc.). It will also

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be applied to spaces which are unaffiliated with the CIC biomaGUNE facilities but which host activities organised or endorsed by the centre.

In short, it will apply to any violence or harassment that occurs during work and that is related to or the result of the following:

- a) in the workplace, including public and private spaces that constitute a workplace;
- b) in places where employees take breaks or eat, or places where employees use sanitary, toilet or changing room facilities;
- c) during work-related transfers, journeys, events or social or training activities;
- d) within the context of work-related communications, including any communications made using information and communication technologies;
- e) in accommodation provided by CIC biomaGUNE, and
- f) during journeys between home and the workplace.

4. DEFINITIONS

4.1 WORKPLACE HARASSMENT

Workplace harassment is *'the exposure to intense psychological violence, directed repeatedly and over a prolonged period of time towards one or more people, by other/s who conduct such violence against those person/s from a position of power - not necessarily power in terms of hierarchy, but in psychological terms - with the aim or effect of creating a hostile or humiliating environment that disrupts the victim's working life.'*

This violence occurs in the context of a working relationship, but does not comply with the business' need of such relationship; entailing both an attack on the person's dignity and a risk to their health' (Organic Law 5/2010 of 22 June, which modifies Organic Law 10/1995 of 23 November, which specifies this in its preamble XI and in Article 173).

In accordance with the Collective Agreement in force at CIC biomaGUNE (General Collective Agreement for the Chemicals Industry), workplace harassment or mobbing is understood as *'...any abusive or psychologically violent behaviour that is conducted over a prolonged period of time on a person within the workplace, manifested through repeated behaviour, events, orders or words the purpose of which is to discredit, disregard or isolate a person with the aim of encouraging that person to neglect their work, causing progressive and continuous harm to that person's dignity or physical integrity. The fact that the person who conducts the harassment holds any kind of hierarchical authority over the harassed person within the company structure is considered an aggravating circumstance.'*

In addition, the Technical Prevention Notes (NTP) of the (Spanish) National Occupational Health and Safety Institute, numbers 476 and 854, include this definition by establishing that exposure must occur within a working relationship, which entails a significant health risk.

Workplace harassment may present in the following ways:

- **Downward harassment:** When harassment is conducted systematically and over a prolonged period of time by a superior, whether male or female, towards one or more employees.
- **Horizontal harassment:** When harassment is exercised systematically and over a prolonged period of time by an employee, whether male or female, or group of employees towards one of their colleagues, whether male or female.
- **Upward harassment:** When harassment is conducted systematically and over a prolonged period of time by an employee, whether male or female, or group of employees towards a person who is superior to them within the company hierarchy.
- **Environmental harassment:** harassment that does not directly arise from one person towards another, but that consists of behaviour that produces a hostile, intimidating or

humiliating environment for all staff in general (for example, chauvinist talk, discriminatory comments, etc., made in the presence of staff, but not specifically directed towards a single person).

4.2 SEXUAL HARASSMENT

Sexual harassment is *'any behaviour, whether verbal or physical, of a sexual nature with the aim or effect of attacking a person's dignity, in particular when it creates an intimidating, degrading or offensive environment'* (Art. 7.1 of LOI).

In accordance with the provisions of Article 2.1-d. of Directive 54/2006 of 5 July, and Article 7.1 of Organic Law 3/2007 of 21 March, sexual harassment is considered to be a situation in which any behaviour of a sexual nature, whether verbal, non-verbal or physical, occurs with the aim or effect of attacking a person's dignity, in particular when it creates an intimidating, hostile, degrading, humiliating or offensive environment.

The immediate purpose of sexual harassment consists of obtaining some kind of sexual satisfaction, but the ultimate purpose is to manifest one person's power over another, usually a man manifesting power over a woman, thus perpetuating the power structures that still exist in our society.

4.3 HARASSMENT DUE TO A PERSON'S SEX

Harassment due to a person's sex is *'any behaviour conducted based on the sex of a person, with the aim or effect of attacking that person's dignity and creating an intimidating, degrading or offensive environment'* (Art. 7.2 LOI).

In accordance with the provisions of Article 2.1-c. of Directive 54/2006 of 5 July, and Article 7.2 of Organic Law 3/2007 of 21 March, harassment due to a person's sex is considered to be a situation in which any behaviour, whether verbal, non-verbal or physical, occurs based on traditional roles and stereotypes with the aim or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the harassed person.

Harassment due to a person's sex may be carried out by staff members who are hierarchically superior or staff members who are hierarchically inferior or colleagues. This kind of harassment is caused by gender stereotypes, usually with the aim of disregarding people of a certain sex merely due to them being of that particular sex and underestimating their capabilities, technical abilities and/or skills. The purpose of this harassment is usually to try to maintain a position of power of one sex over the other and to dismiss people of a certain sex from the working environment.

5. SAFEGUARD PROCEDURE

CIC biomaGUNE is responsible for protecting people in the organisation from harassing behaviour that occurs in the Centre or through relationships or tasks that result from working in the Centre.

Everyone included within this Protocol's scope of application must respect other people's dignity by not committing acts that amount to workplace harassment, sexual harassment or harassment due to a person's sex.

5.1 SUBMITTING COMPLAINTS AND/OR REPORTS


In accordance with the procedure described below, all employees, whether male or female, internal or external, can file a complaint or report about any instance of workplace harassment, sexual harassment or harassment due to a person's sex with the Confidential Advice Counsel (CC) or the relevant body for managing these kinds of cases.

The Confidential Advice Counsel (CC) is made up of the following people

Name	Role	Email	Telephone number
Sheyla García	Administration and Human Resources Manager	sgarcia@cicbiomagune.es	+34 943 00 53 49
Paola Ferreira	Biosafety and Radiation Protection Manager	pferreira@cicbiomagune.es	+34 943 00 53 38
Daniel Padró	NMR/MRI Platform Manager	dpadro@cicbiomagune.es	+34 943 00 53 04
Ainhoa Cano	Animal Unit Platform Manager	acano@cicbiomagune.es	+34 943 00 53 39
Pedro Ramos	Principal Investigator – Magnetic Resonance Imaging	pramos@cicbiomagune.es	+34 943 00 54 26

(See Addendum 2)

In cases in which the harassment victim comes from a collaborative entity and conducts their business at CIC biomaGUNE, namely people who visit the organisation or self-employed people related to such, these victims can be represented by the Confidential Advice Counsel if they so request.

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5.2 FIRST CONTACT WITH THE CONFIDENTIAL ADVICE COUNSEL OR RELEVANT EXTERNAL BODY

To ensure quick access to the Confidential Advice Counsel and to offer the chance of a friendlier and closer approach, without the need to bring forward any formal complaint and/or report, the affected person may contact any CC representative using the email addresses or direct telephone numbers mentioned above.

The affected person and the Confidential Advice Counsel can also seek **external support** from the communication service ('servicio de cauce') of the **Basque Institute for Women (Emakunde)** through various means at any time in the proceedings:

- Tel.: +34 945 016 550
- Email: emakunde.defensoria@euskadi.eus
- Website: <https://www.emakunde.euskadi.eus/servicio/-/defensa/>

They may also contact **Sortzen Consultoría S.L** for advice and specialised counsel on the matter.


- Tel.: +34 944 057 379
- Email: info@sortzen.org
- Website: <https://sortzen.org/>

Lastly, and if the harassed person would like to, they can also appoint a third party to submit the complaint. This third party could be an internal centre staff member or an external representative (from Emakunde, Sortzen, etc.).

5.3 INFORMAL PROCEDURE

The purpose of the informal procedure will be to unofficially resolve the problem and prevent the situation from becoming a case involving workplace harassment, sexual harassment or harassment due to a person's sex. This procedure is in place because, occasionally, showing the perpetrator the offensive or intimidating consequences of their behaviour and the potential consequences that may give rise a situation involving harassment **is sufficient** for resolving the issue.

The informal procedure will begin when the person who submitted the report chooses to go down the informal route or files a complaint. This is intended for cases of workplace

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harassment, sexual harassment or harassment due to a person's sex that this person believes could be resolved through negotiation or mediation with the person subject to the complaint.

Without prejudice to the possibility of any person related to the organisation to submit a complaint verbally, it falls to the Confidential Advice Counsel to assess whether the complaint relates to a more serious case that requires an investigation and, therefore, needs to be processed as a formal complaint.

In any event, the Confidential Advice Counsel must safeguard the **confidentiality** of the person who submitted the complaint, as well as the **confidentiality** of the procedure and **dignity** of the people involved. To that effect, and at the start of the procedure, the affected parties will be assigned numerical codes so as to document this type of case that, while not constituting harassment, may lead to such.

Once evidence proving the veracity of the submitted complaint has been collected, the Confidential Advice Counsel will confidentially contact the person who the complaint has been submitted against (alone or in the presence of the supposed victim, if the latter so wishes) to, on the one hand, inform them that there is a complaint about their behaviour that may be considered workplace harassment, sexual harassment or harassment due to a person's sex and, on the other hand, to inform them of the disciplinary consequences and sanctions that this may give rise to.


For these purposes, the Confidential Advice Counsel will appoint a person in charge of investigating the file. If they so wish, the victim will deal only with this person once the procedure has begun.

The person accused of the harassing behaviour will be able to offer explanations that they may feel are appropriate.

During this informal resolution procedure, the Confidential Advice Counsel **will transmit the complaint and inform the person accused of the harassing behaviour of the potential disciplinary liabilities** that the person may incur if he/she persist in the conduct. This will be communicated via a written notification to that effect.

The procedure will take place over a maximum of **seven working days**.

The Confidential Advice Counsel will immediately inform the Board of Directors of the results of the informal procedure.

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5.4 FORMAL PROCEDURE

5.4.1. START OF THE PROCESS. THE REPORT, PRIOR ASSESSMENT AND ADOPTING PRECAUTIONARY MEASURES

When the reported actions constitute a case of harassment, and in the event that the reporting person is not happy with the solution reached during the informal resolution procedure, whether they consider the offered solution to be inadequate or whether the reported behaviour occurs again, and without prejudice to their right to file a complaint with the Labour Inspections and Social Security departments or via civil, labour or legal routes, the reporting person may file a formal complaint in order to explain the potential disciplinary liabilities of the reported person.

The report will be made in writing and delivered to the Confidential Advice Counsel who will officially act as **investigators** of the reported situation. Just as in the informal procedure, the Confidential Advice Counsel will safeguard the **confidentiality** of the person presenting the complaint and will protect the confidentiality of the procedure and the dignity of the people involved by assigning numerical codes to the affected parties at the start of the procedure.


The Confidential Advice Counsel must safeguard the utmost serious and confidential nature of all formal reports. Failure to respect this principle will be subject to a penalty warning.

Once they have received the report, the Confidential Advice Counsel will confidentially inform the **Centre Board of Directors** of the situation so that they can adopt the applicable precautionary measures. The possible precautionary measures include, provided that this is possible, immediately distancing the perpetrator and injured party with the aim of preventing a situation that would be harmful to the victim's health and integrity from continuing. In no event shall these measures entail prejudice or damage towards the victim in terms of their working conditions, nor substantial modification of such conditions.

5.4.2. PROCEDURE

In this phase, the person acting as the confidential agent in this procedure may suggest precautionary measures necessary to immediately cease the situation involving workplace harassment, sexual harassment or harassment due to a person's sex, without these measures entailing any prejudice towards the working conditions of the people involved.

Initially, the case should be investigated by means of individual interviews with the people involved and with third parties that may be able to provide information in this respect, provided

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that prior consent is obtained from the latter. A joint meeting with all of these people may also be held.

The person described in the report must be **notified** as soon as possible that a report has been filed about them.

This person must also be given a **hearing** at their request, in the presence of or without the victim. If considered useful, both parties can request the presence of a representative from the Company's Committee, or the Equality Committee if the former doesn't exist, or the presence of other employees for the purposes of putting together their testimony.

There will be an attempt to collect all information reflecting one single explanation of the facts from the victim (unless it becomes necessary to hold later interviews to resolve the case), while ensuring confidentiality and **diligence** during the processing.

5.4.3 CONCLUDING THE PROCESS. APPLYING THE DISCIPLINARY MEASURES

In no later than **twenty working days** from the report being filed, the Confidential Advice Counsel will create and approve a **report** on the investigated case of harassment, which will contain the means of proving the harassment, the possible aggravating or extenuating circumstances and, if there is any truth to the case, will insist that a disciplinary file be opened against the accused person.


This report will contain sufficient information to understand the case and its resolution, but will safeguard the privacy of the people involved and provide only the information necessary for CIC biomaGUNE management to be able to draw up their suggestions for measures to adopt.

Only in exceptional cases or in cases of overriding need may the time frame be extended by three days.

This report will be sent to Centre Management immediately.

The suggestion will contain the following:

- Summary of the main facts of the case,
- Summary of the tasks performed by the confidential agent,
- Summary of the arguments set out by each party, and
- The reasoned suggestion from the Confidential Advice Counsel, and if such suggestion was adopted unanimously or by a majority.

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Lastly, once the Counsel's suggestion has been received, and while ensuring that all these actions are performed within the aforementioned time frame of 20 days, management will decide which measures must be adopted within the scope of their responsibilities. They will also communicate their decision to the parties involved.

It will be ensured that no retaliation is brought against the people who report, testify, help or participate in any harassment investigations, or people who oppose or criticise any behaviour of this kind, whether by themselves or in the presence of third parties.

In spite of the foregoing, reports, allegations or declarations that are shown to be intentionally **fraudulent and harmful**, and made with the aim of causing unjustified harm to the reported person, will be penalised without prejudice to the remaining actions that may legally correspond to the particular situation.

In no event will using this procedure **impede the victim from being able to resort to the Labour Inspection department or to pursue the legal route through the corresponding guardianship procedure¹ when they consider convenient.**

CIC biomaGUNE will inform the relevant labour bodies that the process has been resolved when the situation involves disciplinary measures or may result in other serious offences or possible crimes.

In addition to suggesting disciplinary measures, the harassment investigation process may provide information for reviewing the risk assessment if necessary and suggest new preventative measures so that the situation does not happen again.

5.4.4 POST-RESOLUTION PHASE

Depending on the type of resolution, the Confidential Advice Counsel will schedule actions and guidelines for monitoring the case settlement, the introduction and effectiveness of the agreed measures, the possible appearance of parallel conflicts, etc.

¹ In accordance with the fundamental right of 'effective protection', as established in LOIEMH (Art. 12)

6. CLASSIFICATION OF OFFENCES AND PENALTIES

Actions and behaviour constituting workplace harassment or mobbing are **very serious** offences, classified as such in the Collective Agreement in force at CIC biomaGUNE (General Collective Agreement for the Chemicals Industry, Article 65).

TYPE OF BEHAVIOUR	EXAMPLES
<p>Attacking the victim through organised means or the abuse of power</p>	<ul style="list-style-type: none"> Restricting communication between the employee and other employees with no justifying reason. Giving orders that the employee would find impossible to fulfil with the means assigned. Retaliating against the employee who filed a complaint, report or request with the organisation or who has worked with the claimants. Changing the location of a person, separating them from their colleagues. Forcing someone to perform tasks that go against their conscience. Judging someone's achievements in an offensive manner. Not assigning tasks to a certain person. Assigning tasks that threaten the dignity of the employee.
<p>Attacking the victim's social relationships through social isolation</p>	<ul style="list-style-type: none"> Restricting colleagues' opportunities to talk to a certain person. Not letting a person speak or refusing to answer their questions. Treating a person as if they do not exist.
<p>Attacking the victim's private life</p>	<ul style="list-style-type: none"> Permanently criticising a person's private life. Telephone scares. Ridiculing a person in public. Insinuating that a person has psychological problems. Making fun of a person's disability. Making fun of a person's private life.
<p>Physical violence</p>	<ul style="list-style-type: none"> Threats of physical violence. Use of minor violence. Physical abuse.
<p>Verbal aggression</p>	<ul style="list-style-type: none"> Shouting or insulting. Malicious criticism of a person's work. Verbal threats.

Rumours

- Spreading rumours about a person that may affect their personal and/or professional reputation.

Actions and behaviour constituting sexual harassment and harassment due to a person's sex are **serious or very serious** offences, classified as such in the Collective Agreement in force at CIC biomaGUNE (General Collective Agreement for the Chemicals Industry, Article 65).

Below are some examples of behaviour that constitute or may constitute sexual harassment or harassment due to a person's sex:

TYPE OF BEHAVIOUR	EXAMPLES
Visual	<ul style="list-style-type: none"> • Repeatedly looking at breasts, genitals or buttocks. • Exhibiting images of a sexual nature. • Making obscene gestures. • Showing genitals. • Spying. • Ridiculing people who are taking on tasks that are traditionally assigned to the other sex.
VERBAL	<ul style="list-style-type: none"> • Insistently asking for dates. • Asking about personal or sexual life, making the person feel uncomfortable. • Making lecherous comments. • Talking or making comments of a sexual nature. • Whistling with a sexual intention. • Making sexual comments or insinuations about someone's physical appearance. • Making sexual insinuations. • Spreading sexual rumours or hearsay about another person. • Pressuring someone with sexual intent. • Making offensive flirtatious remarks. • Making pejorative observations about gender, orientation or sexual identity in general. • Making irrelevant and unwanted telephone calls. • Making comments that suggest or insinuate unfavourable distinctions due to someone's gender, gender identity or sexual orientation.

	<ul style="list-style-type: none"> Insistently commenting on topics such as hairstyles and clothing or making such comments alongside other behaviour that may suggest that the comments have a second intention. Insensitivity towards gender or arrogant behaviour. Making jokes about someone's intellectual capacity or someone's limited skills because of their gender, gender identity or sexual orientation.
<p>WRITTEN</p>	<ul style="list-style-type: none"> Sending any kind of pornography, including those sent through Information and Communication Technologies (ICT). Sending suggestive notes, including those sent through Information and Communication Technologies (ICT).
<p>CONTACT</p>	<ul style="list-style-type: none"> Violating someone's personal space. Patting, grabbing, pinching, stroking or kissing any body part that might be considered inappropriate by the person receiving the action. Making it difficult for someone to move while seeking physical contact with their body.

The following behaviour will be considered **VERY SERIOUS**:


Sexual harassment, identifiable by a situation involving any unwanted verbal, non-verbal or physical behaviour of a sexual nature, with the aim or effect of threatening a person's dignity, in particular when this creates an intimidating, hostile, degrading, humiliating or offensive environment.

In the event of sexual harassment, it will be ensured that the person subjected to this harassment can continue in their job.

Harassment due to racial or ethnic origin, sex, religion or beliefs, disability, age or sexual orientation towards people who work in the organisation.

The corresponding **PENALTIES** based on the principle of proportionality will vary from suspension of employment and salary for sixteen to seventy days to termination of the employment contract in cases in which the offence is considered most serious, according to the **General Collective Agreement for the Chemicals Industry**.

All penalties will be accompanied by the obligation to attend a training course the content of which will be specified in the Prevention, Information and Training section of this Protocol.

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7. DISCLOSURE POLICY


CIC biomaGUNE will convey this Protocol and their **zero-tolerance policy towards workplace violence**, specifically workplace harassment, sexual harassment or harassment due to a person's gender to all staff members affected (whether their own staff or staff from other companies and organisations), to the companies and organisations they come from and the companies and organisations that they send their own staff members to.

CIC biomaGUNE will firstly seek from these companies their **commitment to informing** their own staff about this policy and the existence of this applicable Action Procedure, and secondly, will seek information about the existence or lack of these companies' own Action Protocol regarding sexual harassment or harassment due to a person's gender, which may be applicable when the perpetrator belongs to one of these companies or organisations as well as their agreement to, in such case, apply the Protocol.

In the same way, CIC biomaGUNE assumes the duty to **inform** collaborative entities and other groups of note of their policy for combating workplace harassment, sexual harassment and harassment due to a person's gender and of the existence of this procedure. They will also indicate the need to strictly comply with this policy and procedure.

Internally, the Protocol will be provided along with the CIC biomaGUNE guide **for new admissions** to the organisation and will be published on the Intranet. Externally, the Protocol will be publicised through the usual channels (written agreement, information clauses in commercial contracts, information leaflets, etc.).

Inasmuch as CIC biomaGUNE has no capacity to apply the Procedure in its entirety, if the perpetrator of the supposed harassment is outside of their management jurisdiction, they must speak with the relevant company or organisation in order to resolve the problem and, if applicable, penalise the person responsible, with a warning that if such is not done, CIC biomaGUNE may request that the contractual relationship between both organisations be terminated.

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8. PREVENTION, INFORMATION AND TRAINING

With the aim of preventing and avoiding behaviour that amounts to sexual harassment or harassment due to a person's sex in the workplace, CIC biomaGUNE will duly **communicate, circulate and publicise the Protocol** through the appropriate channels, in a manner that allows all employees who work in the centre to be aware of the Protocol. In addition, the following actions will be performed:

The following will be established as **preventative measures**:

1. Raise awareness in staff members about the definition and manifestations of the various types of harassment and about the action procedures detailed in this procedure, if harassment occurs.
2. Respect the zero-tolerance policy of these behaviours, thus employing where necessary the disciplinary measures provided for in the applicable employment legislation.
3. Establish the principle of joint responsibility of all employees to monitor workplace behaviour, primarily those who have management responsibilities or authority.
4. Mention the existence of this procedure in the CIC biomaGUNE guide **for new admissions**.

It will be ensured that CIC biomaGUNE's informative and training policy regarding equality and workplace risk prevention includes **periodic informative and awareness campaigns** with regard to the Protocol and, in general, the centre's zero-tolerance policy towards these situations, for the benefit of all CIC biomaGUNE staff.

Training will include, as a minimum, the following aspects:

- ✓ Identification of behaviours that amount to workplace harassment, sexual harassment and harassment due to a person's sex.
- ✓ The effects that these behaviours have on the victims' health, working conditions and for the organisation itself.
- ✓ Harassment prevention measures.
- ✓ Infractions which the organisation itself may commit, in terms of the working relationship and more definitively in terms of workplace risk prevention.
- ✓ A disciplinary procedure for cases involving workplace harassment, sexual harassment and harassment due to a person's sex.
- ✓ The Action Procedure provided for in the Protocol.

9. EVALUATION AND MONITORING

The Confidential Advice Counsel will monitor and follow up submitted reports and file resolution with the aim of drawing up a monitoring report every two years about how this Protocol has been applied.


This report will be submitted to Centre Management.

The way in which the Procedure has been functioning and implemented will be periodically evaluated and revised, twice a year or when significant changes (legal, organisational, etc.) that would require a correction have been detected.

10. VICTIM INFORMATION

Here is some information for possible victims about the public services available in the Autonomous Community of the Basque Country to ensure that they are adequately protected and can adequately recover.

- **EMAKUNDE – INSTITUTO VASCO DE LA MUJER (BASQUE COUNTRY WOMEN'S INSTITUTE)**
Defence service for discrimination cases
+34 945 016 550
- **24-Hour Telephone Assistance Service for Female Victims of Violence against Women (guidance and resources)**
+34 900 840 111
- **Victim Support Service, psychological support available**
+34 900 180 414
+34 900 100 928
+34 900 400 028
- **Sortzen Consultoría S.L.:**
Consultants specialised in gender violence and female empowerment
+34 944 057 379

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ADDENDUM I. REPORT TEMPLATES


CIC biomaGUNE STAFF²

<p><i>(Internal document. Do not publish or circulate)</i></p> <p>INFORMATION ABOUT THE AFFECTED PERSON</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">FIRST NAME AND SURNAME:</td> </tr> <tr> <td>ID no. (DNI):</td> <td style="text-align: right;">GENDER: FEMALE MALE</td> </tr> <tr> <td colspan="2">ROLE:</td> </tr> <tr> <td colspan="2">WORKPLACE ADDRESS:</td> </tr> <tr> <td colspan="2">CONTACT TELEPHONE NUMBER:</td> </tr> </table> <p>INFORMATION ABOUT THE REPORTED PERSON</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">FIRST NAME AND SURNAME:</td> </tr> <tr> <td>ID no. (DNI):</td> <td style="text-align: right;">GENDER: FEMALE MALE</td> </tr> <tr> <td colspan="2">ROLE:</td> </tr> <tr> <td colspan="2">WORKPLACE ADDRESS:</td> </tr> <tr> <td colspan="2">CONTACT TELEPHONE NUMBER:</td> </tr> </table> <p>DESCRIPTION OF THE EVENTS (Describe the motive. You may attach supporting documents, if applicable)</p> <p style="margin-top: 20px;">If there were any witnesses, please include their first names and surnames:</p>	FIRST NAME AND SURNAME:		ID no. (DNI):	GENDER: FEMALE MALE	ROLE:		WORKPLACE ADDRESS:		CONTACT TELEPHONE NUMBER:		FIRST NAME AND SURNAME:		ID no. (DNI):	GENDER: FEMALE MALE	ROLE:		WORKPLACE ADDRESS:		CONTACT TELEPHONE NUMBER:		<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Space reserved for Entry Record</p> <p>File no.</p> </div>
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WORKPLACE ADDRESS:																					
CONTACT TELEPHONE NUMBER:																					
<p>REQUEST</p> <p><input type="checkbox"/> I would like to initiate the Action Protocol against workplace harassment, sexual harassment and harassment due to gender</p> <p style="margin-top: 10px;">Place and date Signature of the interested party</p>																					


² Whenever data is handled when processing this report, current personal data protection legislation must be complied with.

EXTERNAL CIC biomaGUNE STAFF

<p><i>(Internal document. Do not publish or circulate)</i></p> <p>INFORMATION ABOUT THE AFFECTED PERSON</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">FIRST NAME AND SURNAME:</td> </tr> <tr> <td>ID no. (DNI):</td> <td>GENDER:</td> <td>FEMALE MALE</td> </tr> <tr> <td colspan="3">ROLE:</td> </tr> <tr> <td colspan="3">WORKPLACE ADDRESS:</td> </tr> <tr> <td colspan="3">CONTACT TELEPHONE NUMBER:</td> </tr> </table> <p>INFORMATION ABOUT THE REPORTED PERSON</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">FIRST NAME AND SURNAME:</td> </tr> <tr> <td>ID no. (DNI):</td> <td>GENDER:</td> <td>FEMALE MALE</td> </tr> <tr> <td colspan="3">ROLE:</td> </tr> <tr> <td colspan="3">WORKPLACE ADDRESS:</td> </tr> <tr> <td colspan="3">CONTACT TELEPHONE NUMBER:</td> </tr> </table> <p>DESCRIPTION OF THE EVENTS (Describe the motive. You may attach supporting documents, if applicable)</p> <p>If there were any witnesses, please include their first names and surnames:</p>	FIRST NAME AND SURNAME:			ID no. (DNI):	GENDER:	FEMALE MALE	ROLE:			WORKPLACE ADDRESS:			CONTACT TELEPHONE NUMBER:			FIRST NAME AND SURNAME:			ID no. (DNI):	GENDER:	FEMALE MALE	ROLE:			WORKPLACE ADDRESS:			CONTACT TELEPHONE NUMBER:			<div style="border: 1px solid black; padding: 5px; text-align: center;"> Space reserved for Entry Record File no. </div>
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**ADDENDUM II. OPERATING REGULATIONS OF THE CONFIDENTIAL ADVICE
COUNSEL**

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Article 1. PURPOSE

The purpose of these Regulations is to define the formation and internal operating regulations of the Confidential Advice Counsel provided for in the Procedure against workplace harassment, sexual harassment and harassment due to a person's gender at CIC biomaGUNE.

Article 2. SCOPE

This committee's scope of action is defined by the tasks indicated in the CIC biomaGUNE harassment Procedure.

Article 3. MEMBERS

The Confidential Advice Counsel is made up of the following people


Name	Role	Email	Telephone number
Sheyla García	Administration and Human Resources Manager	sgarcia@cicbiomagune.es	+34 943 00 53 49
Paola Ferreira	Biosafety and Radiation Protection Manager	pferreira@cicbiomagune.es	+34 943 00 53 38
Daniel Padró	NMR/MRI Platform Manager	dpadro@cicbiomagune.es	+34 943 00 53 04
Ainhoa Cano	Animal Unit Platform Manager	acano@cicbiomagune.es	+34 943 00 53 39
Pedro Ramos	Principal Investigator – Magnetic Resonance Imaging	pramos@cicbiomagune.es	+34 943 00 54 26

Article 4. ABSTENTION ³

The members of the Confidential Advice Counsel to whom some of the circumstances highlighted in this article apply will abstain from intervening in the procedure and will inform the other members of the confidential advice counsel of such.

The reasons for abstaining are:

³ In accordance with Arts. 28 and 29 of Law 30/1992 of 26 November, the Legal Regime for Public Administrations and the Common Administrative Procedure.

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- Having a personal interest in the matter at hand or in another matter the resolution of which may influence the resolution of the matter at hand, or having a pending litigious issue with any of the interested parties,
- Having up to a fourth-degree blood relationship or second-degree relationship with any of the interested parties, or with the evaluators, legal representatives or agents involved in the procedure,
- Having an intimate friendship or feud with any of the people mentioned in the above point,
- Having been involved as an expert or witness in the procedure at hand, and
- Having a service relationship with a natural person or legal entity involved directly in the matter, or in the last two years having provided professional services of any kind and in any circumstance or location to such person.

Failure to abstain in the above cases will incur liability.

Article 5. CHALLENGES

In the cases described in the previous paragraph, interested parties may provoke challenges at any time while the procedure is being processed.

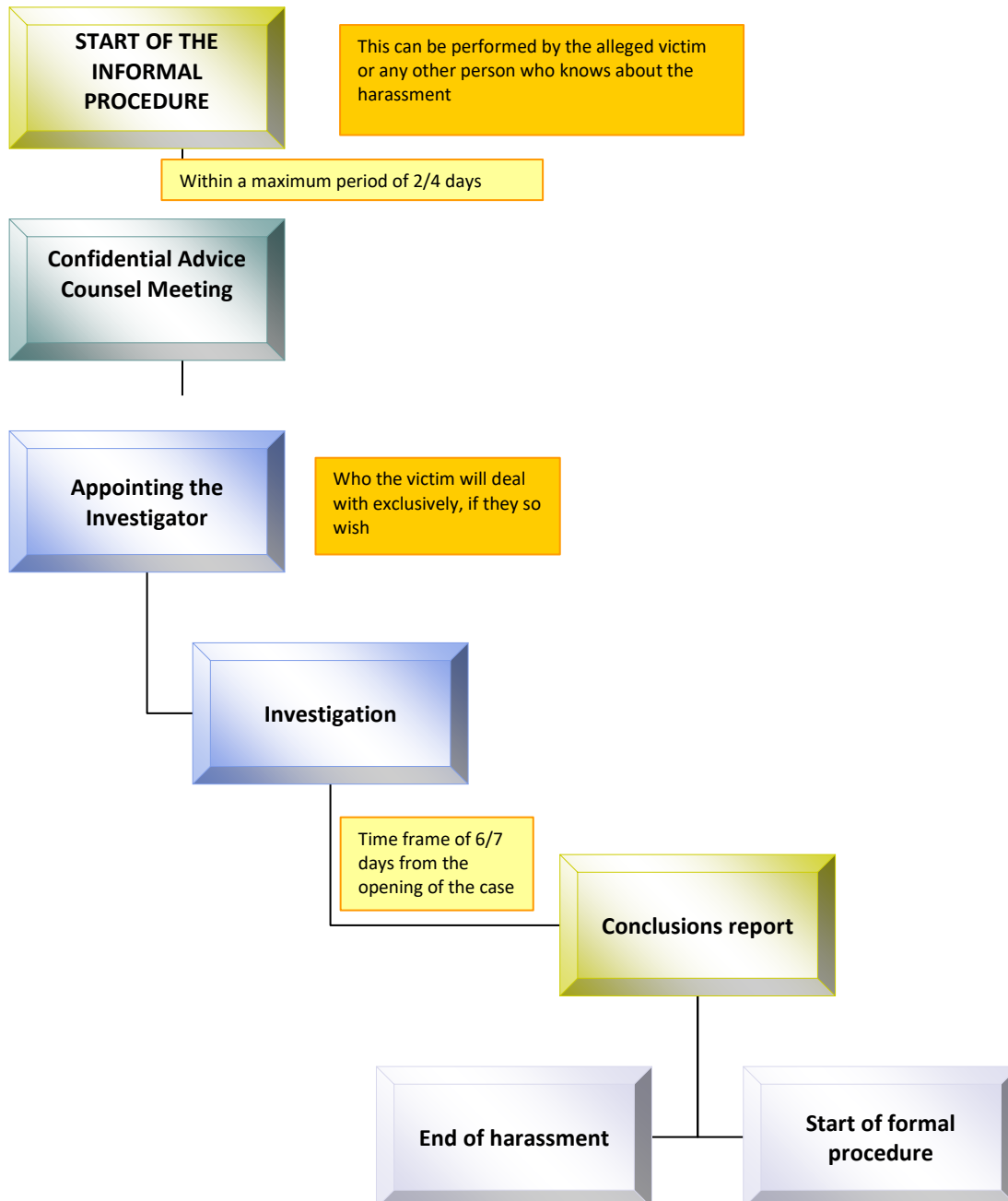
Challenges will be set out in writing and will explain the reason or reasons for this.

The following day, the challenged person shall inform the Counsel whether or not the alleged reason applies to them. In the first instance, the Counsel may agree to their immediate substitution.

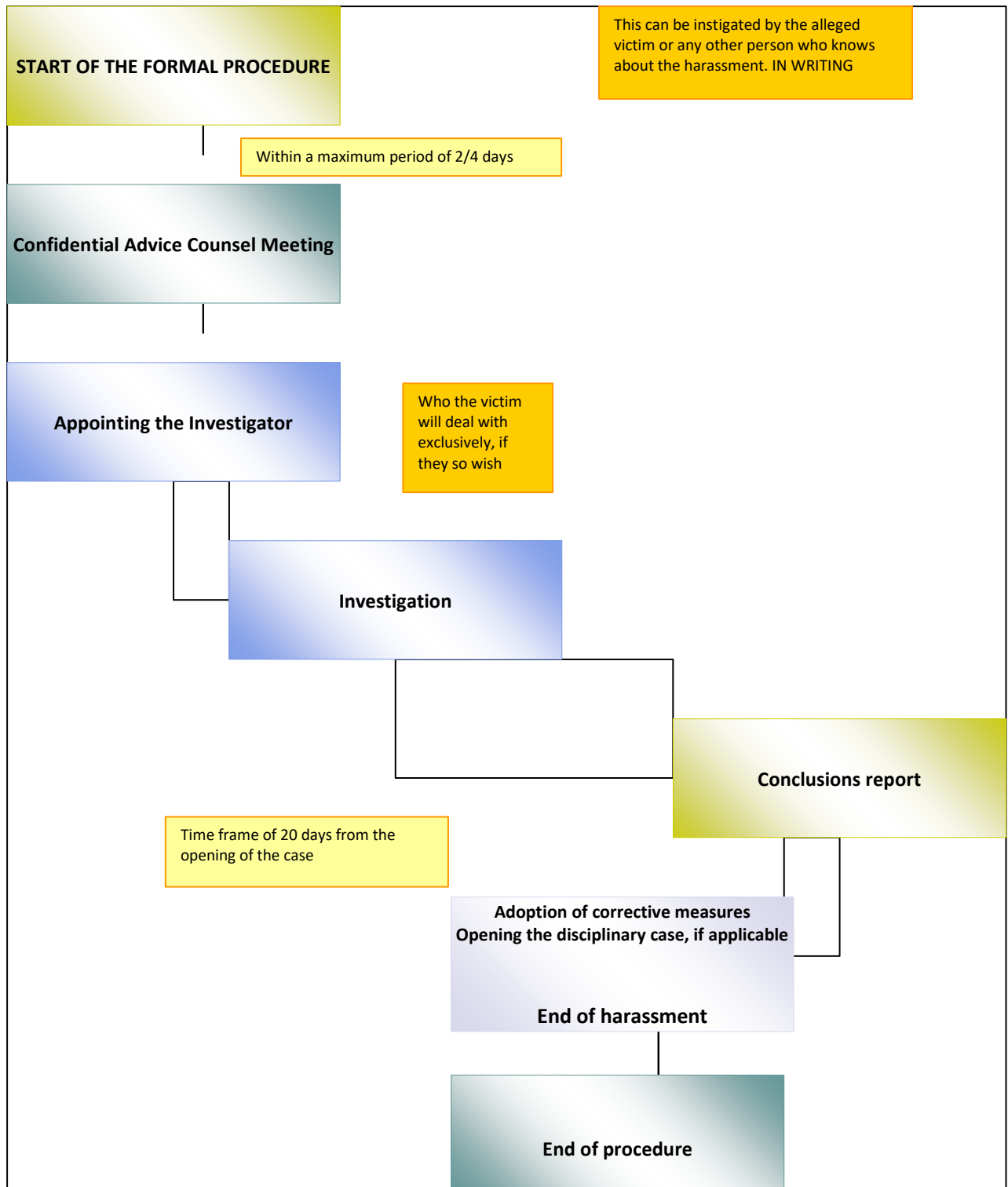
If the challenged person denies the reason for the challenge, Management will resolve the issue in three days by proceeding with any prior reports and approvals that they may deem appropriate.


No complaint may be lodged against the decisions adopted in this matter, without prejudice to the possibility of alleging challenges when filing a complaint against the action that terminates the procedure.

INFORMAL PROCEDURE



FORMAL PROCEDURE



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ADDENDUM II. REGULATIONS APPLICABLE TO THIS PROTOCOL

This Addendum III will clearly and informatively reflect on the regulations applicable to this protocol against workplace harassment, sexual harassment and harassment due to a person's sex for all CIC biomaGUNE staff members.

Understanding the regulations that accompany the protocol is vital, since everyone who has a business connection with CIC biomaGUNE must be aware of their rights and obligations in order to appropriately fulfil their role.

Therefore, Organic Law 10/1995 of 23 November, of the Spanish Penal Code sets out:

- a) In Article 173, that anyone who inflicts degrading treatment or treatment that seriously diminishes moral integrity onto another person will be punished with a prison sentence of between six months and two years.


It continues that the same penalty will apply to those who, within the scope of any working or administrative relationship and while taking advantage of their position of superiority, repeatedly performs any hostile or humiliating acts against another person that, without it amounting to degrading treatment, entail serious harassment against the victim.

- b) Article 184 states that sexual harassment can also amount to a crime that can be punished with a prison sentence or fine, made worse if the guilty person had committed the act while taking advantage of their position of workplace or hierarchical superiority, or when the victim is especially vulnerable due to their age, illness or situation.

In this respect, 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 defines sexist and sexual harassment and states that these situations are considered discriminatory and, therefore, are prohibited and punished appropriately, proportionally and in a manner that dissuades. The European Commission Behavioural Code to combat sexual harassment dated 27 November 1991 constitute the European regulations implemented for preventing such harassment.

Organic Law 3/2007 of 22 March on gender equality (LOI) sets out:

- that sexual harassment and harassment due to a person's sex are discriminatory acts or behaviours (Art. 7.3);
- that companies are obliged 'to promote working conditions that prevent sexual harassment and harassment due to a person's gender and mediate specific procedures to prevent such and to provide appropriate channels which those who have been subject to these acts can use to file reports or complaints';
- that 'for this purpose, measures that must be negotiated with the employees' representatives can be established, such as drawing up and publicising a code of good practice, informative campaigns or training actions' (Art. 48.1 LOI);
- and that representation for employees, both male and female, must help in preventing sexual harassment or harassment due to a person's sex in the workplace:
 - by raising employee awareness of this matter,

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- and informing company management of the conduct or behaviour which they may have known about and which they could have fostered (Art. 48.2 LOI).

Law 4/2005 of 18 February on Gender Equality discusses the same topic. In its Article 43, it defines sexual and sexist harassment in the workplace and sets out the obligation of Basque public administrations to guarantee the victims of these behaviours the right to urgent, free, specialised, decentralised and accessible legal and psychological assistance.

In addition, workplace harassment and sexual harassment or harassment due to a person's sex are psychosocial workplace risks that may affect the health and safety of those who suffer them. In this respect, companies are obliged to adopt as many measures as necessary to protect the workplace health and safety of both male and female employees (Art. 14 of Law 31/1995 of 8 November on Workplace Risk Prevention).

Royal Legislative Decree 2/2015 of 23 October, which approves the revised text of the Law on Employee Statutes, recalls in its Article 4 regarding employee rights that everyone has the right not to be directly or indirectly discriminated against for work, or once employed, for reasons of sex, civil status, age within the limits set out in the law, racial or ethnic origin, social position, religion or beliefs, political ideas, sexual orientation, affiliation or lack of affiliation with a trade union or language within Spain. Nor can anyone be discriminated against due to disability, provided that they fulfil the conditions of aptitude to perform the job or task in question. They will have the right to their physical integrity and an adequate workplace risk prevention policy, and respect towards their privacy and consideration of their dignity, including protection against harassment due to racial or ethnic origin, religion or beliefs, disability, age or sexual orientation, and against sexual harassment or harassment due to a person's sex.

For employees who perpetrate sexual harassment or harassment due to a person's sex, it should be noted that both types of harassment constitute contractual non-compliance that may even give rise to disciplinary dismissal of the perpetrators. This is as set forth in Article 54 of the same text.

The Technical Prevention Notes of the National Occupational Health and Safety Institute, numbers 854 and 476, discuss psychological harassment in the workplace, classified as a harmful health risk and psychological workplace harassment (mobbing), and offer examples of behaviours that may constitute workplace harassment.

Technical Workplace Inspection Criteria no. 69/2009 on actions of the Workplace Inspection and Social Security departments in matters involving harassment and violence at work considers the lack of evaluation and adopted measures to prevent gender-based violence in the workplace an infraction.

Law 36/2011 of 10 October, the Social Jurisdiction Regulations, in its Article 96 that discusses the power of proof in cases of discrimination and workplace accidents, points out that:

1. In those processes in which allegations from the claimant deduce the existence of evidence proving discrimination due to sex, sexual orientation or identity, racial or ethnic origin, religion or beliefs, disability or age, harassment and in any other case of violation of a fundamental right or right of public freedom, it will fall to the defendant to provide objective and reasonable proof and sufficiently justify the adopted measures and their proportionality.
2. In the processes relating to liability derived from workplace accidents or occupational illnesses, it will fall to the security debtors and those present during the occurrence of the harmful event to prove that the necessary measures were adopted to prevent or avoid the risk, as well as any factor that may exclude or reduce liability. The non-reckless fault of the employee or fault corresponding to the usual performance of work or the trust that such inspires will not be considered an exonerating element of liability.

For its part, the International Labour Organization's Convention on Violence and Harassment, 2019 (no. 190) acknowledges the right of each person to a workplace free from violence and harassment, including gender-based violence and harassment. It also acknowledges that workplace violence and harassment may constitute a violation or infringement of human rights, and that violence and harassment are a threat to equal opportunities and are unacceptable and incompatible with decent work.


Because of this, for the purposes of this agreement,

- a) The expression workplace 'violence and harassment' includes a set of unacceptable behaviours and practices, or threats of such behaviours and practices, whether they occur just once or repeatedly, the purpose of which is to cause, and which cause or are likely to cause physical, psychological, sexual or economic harm, and this includes gender-based violence and harassment, and
- b) The expression 'violence and harassment due to a person's gender' includes violence and harassment that are directed towards certain people because of their sex or gender, or that disproportionately affect people of a certain sex or gender, and this includes sexual harassment.

In addition, with regard to the scope of application:

1. This Convention protects employees and other people in the workplace, including salaried employees as defined in national legislation and guidelines, as well as people who work, regardless of their contractual position, people in training, including interns and apprentices, dismissed employees, volunteers, people seeking employment and candidates for a role, and individuals who exercise the authority, functions and responsibilities pertaining to an employer.
2. This Convention applies to all sectors, public and private, of the formal and informal economy, in urban and rural areas.

Finally, Royal Decree 901/2020 of 13 October, which regulates the equality plans and the registration of such and modifies Royal Decree 713/2010 of 28 May on registration and filing collective employment agreements, which has been in force since 14 January 2021, discusses the

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obligation of companies with over 50 employees to complete a company equality plan that must be recorded. In the same way, it discusses protocols against sexual harassment and harassment due to a person's sex, setting forth in its Article 12 the voluntary filing of measures, whether agreed or not, that may be adopted in accordance with Articles 45.1 and 48 of Organic Law 3/2007 of 22 March, to prevent discrimination among men and women, as well as specific measures to prevent sexual harassment and harassment due to a person's sex in the workplace.