





PROTOCOL FOR THE PREVENTION, DETECTION AND ACTION AGAINST SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER

Lleida, Mayo 2023

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	1/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

CONTENT

COMMITMENT	2
STATEMENT OF PRINCIPLES	2
RIGHTS AND OBLIGATIONS	4
OBLIGATION OF COMPLIANCE, ENTRY INTO FORCE AND DURATION OF THE PROTOCOL	6
OBJECTIVES OF PROTOCOL	7
SCOPE OF APPLICATION	8
UNITS WITH COMPETENCES REGARDING SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER	9
CONCEPTS, DEFINITIONS AND MANIFESTATIONS OF BEHAVIORS CONSTITUTING SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER	10
AWARENESS, INFORMATION AND TRAINING MEASURES TO PREVENT AND ERADICATE SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER	17
ACTION PROCEDURE AGAINST SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER	18
PRINCIPLES AND GUARANTEES OF THE INTERNAL PROCEDURE FOR ACTION AGAINST SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX OR GENDER	28
MONITORING AND EVALUATION OF THE PROTOCOL	30
BIBLIOGRAPHY AND RESOURCES	31
ANNEX	33

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	2/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

COMMITMENT


Equality between women and men is a universal and inalienable principle. However, reality shows us that effective equality in all areas is unfortunately only theoretical today. One of the most obvious manifestations of inequality in our society is the presence of sexual harassment and harassment based on sex or gender, whether due to the person's own sexual condition, sexual orientation or identity and expression of gender. This phenomenon, which can also appear in the workplace, violates a large number of basic fundamental rights such as freedom, privacy, dignity, non-discrimination based on sex or gender, security, health and integrity. physical and moral.

The Lleida Biomedical Research Institute (hereinafter IRBLleida) expresses its zero tolerance for conduct that constitutes sexual harassment or harassment based on sex or gender. The Institution's commitment to prevention, detection and action against this type of harassment began in 2014 with the publication of the Protocol for the Prevention and Eradication of Sexual Harassment. In this time, society has evolved, being more demanding with the fulfillment of fundamental rights, new regulatory frameworks have been articulated in terms of effective equality between women and men, and prevention of occupational risks; and the existing sexual diversities are increasingly evident. IRBLleida cannot be oblivious to this evolution, and after a few years of validity, we have seen fit to update the protocol and reissue IRBLleida's commitment against all forms of harassment with sex as a common denominator. For this purpose, the Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender arises. IRBLleida is committed to the measures that make up this second protocol, expressing its express will to adopt a proactive attitude in raising awareness and informing about behaviors not tolerated in the center, the dissemination of good practices, the implementation of as many measures as are necessary to manage complaints of sexual harassment or for reasons of sex or gender that may arise, as well as to resolve them in the most agile and guaranteeing way as appropriate in each case.

We hope that this new protocol will become an instrument that helps prevent, detect and resolve situations of sexual harassment and for reasons of sex or gender in our environment, making possible a more just and egalitarian society, contributing to productive, safe work environments. , respectful and exempt from violence for all people.


Lleida, May 2023

Diego Arango del Corro Águeda Martínez Barriocanal
Director President Equality Commission

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	3/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

DECLARATION OF PRINCIPLES

1. All people who carry out their activity at IRBLeida have the right to be treated with dignity and respect, any type of sexual discrimination or discrimination based on sex or gender being intolerable. To this end, IRBLeida is committed to guaranteeing a healthy work environment, where behaviors that may be detrimental to these values are pursued.
2. IRBLeida rejects all types of sexual harassment or harassment based on sex or gender, regardless of who the victim or the harasser is, or what their position in the institution is, guaranteeing the right of all staff to receive respectful treatment and dignified, as well as the right to the presumption of innocence of the people involved.
3. IRBLeida will support victims of sexual harassment or harassment based on sex or gender.
4. IRBLeida will denounce, investigate, mediate and penalize any conduct that may constitute sexual harassment or for reasons of sex or gender, as necessary in each case and in accordance with the provisions of this Protocol and as defined in current regulations and/or agreement. /s application at all times. IRBLeida will apply the specific procedure established herein following the principles of professionalism, objectivity, impartiality, speed, respect for people and reserved treatment of complaints, with the consequent duty of confidentiality.
5. IRBLeida will promote a culture of prevention against sexual harassment or harassment based on sex or gender, through training, information and awareness actions for all its staff.
6. Applying the highest standards of transparency, IRBLeida will periodically inform the legal representation of the workers (Company Committee) of the number of complaints of sexual harassment or harassment based on sex or gender, the results of the investigations, and of the measures adopted under the provisions of this Protocol, always preserving the confidentiality and right to privacy of the people involved. Likewise, IRBLeida will periodically inform all the workers at the Institute of the activity related to this Protocol, understood exclusively as the number of complaints of sexual harassment or harassment based on sex or gender received and admitted for processing.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	4/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

RIGHTS AND OBLIGATIONS

There are legal obligations and responsibilities imposed on the organization in terms of sexual harassment and harassment based on sex or gender, but also on the legal representation of the workers and the workers themselves.

Organization


The IRBLleida Management, directly and/or through the Equality Commission, has the following obligations when faced with sexual harassment or harassment based on sex or gender:

- Treat all people with respect and education, avoiding any behavior or attitude that may be offensive, annoying or discriminatory in general and regarding sex and gender in particular.
- Observe signs of discrimination or sexual harassment and for reasons of sex or gender, and provide channels of information about these situations.
- Guarantee compliance and monitoring of the guidelines and principles established in this protocol.
- Observe signs of discrimination or harassment based on orientation, gender identity and/or gender expression and provide channels of information about these situations.
- Facilitate knowledge and access to the protocol and procedure for action in situations of sexual harassment or for reasons of sex or gender.
- Investigate all known situations as established in the procedure described in this protocol.
- Respond adequately to any person who communicates a complaint, investigating and taking the appropriate measures when appropriate, as well as doing the pertinent follow-up afterwards. All this in a confidential manner, informing of the corresponding routes and steps.
- Obligation on the part of the responsible persons or middle managers to notify any situation that they consider cases of possible sexual harassment or for reasons of sex or gender of which they are aware.

Legal representation of workers

Organic Law 3/2007, of March 22, for the effective equality of women and men assigns to the legal representation of workers the obligation to contribute to the prevention of harassment in the workplace. This legal mandate can be specified in our environment in functions such as those described below:

- Get involved in defining the center's policy on bullying.
- Contribute to creating a culture and sensitivity regarding bullying.
- Establish own mechanisms and procedures to know the scope of sexual harassment behaviors or for reasons of sex or gender.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	5/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			


- Give support to workers who may be suffering situations of harassment that bring it to their attention.
- Ensure that no reprisals are taken against workers who accept or participate in actions against harassing behaviors.
- Monitor the evolution and resolution of proven cases of sexual harassment and for reasons of sex or gender.

It will be the responsibility of the Works Council to establish and make known the specific functions in this matter to the collective of workers of IRBLeida.

Working people

At IRBLeida, workers have:

- Right to a healthy work environment and not to be discriminated against or sexually harassed or for reasons of sex or gender.
- Right to be heard and receive a response to the harassment complaint.
- Right to preserve your privacy and to have the complaint filed confidentially by the person or persons of the intervention team.
- Right to communicate the situation of harassment to their manager (or another of a higher hierarchical level) and/or to the legal representation of the workers.
- Right to report situations of harassment of which you are aware.
- Obligation to treat others with respect.
- Obligation and responsibility to cooperate in the investigation processes by internal complaint.


	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	6/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

OBLIGATION OF COMPLIANCE, ENTRY INTO FORCE AND DURATION OF THE PROTOCOL

The content of this protocol is mandatory, entering into force the day after its approval by the governing bodies of the research center, and its communication to the staff through different digital media available for this purpose.

The protocol will be valid for four years from the date of its entry into force. Likewise, the protocol will be reviewed in the cases and deadlines determined in the equality plan in which it is integrated at any time; and also for its adaptation to the legal and regulatory requirements that may occur.

It is important to highlight that this protocol does not impede the right of the recipients of the situation of sexual harassment or for reasons of sex or gender, to denounce at any time (parallel or later), the situation of sexual harassment or for reasons of sex or gender before the Labor and Social Security Inspectorate (administrative route), as well as before the civil, labor or criminal jurisdiction (judicial route).

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	7/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023				


OBJECTIVES OF THE PROTOCOL

The general objective of the protocol consists of articulating the necessary measures to prevent and detect possible situations of sexual harassment and/or for reasons of sex or gender in any of its forms and modalities in the IRBLleida work environment, and to establish a confidential channel, agile and effective to manage them in the event that they occur.

In this protocol, cases of harassment based on sexual orientation, gender identity and/or gender expression are equated in all their terms and measures to sexual harassment and harassment based on sex.

The specific objectives of the protocol are the following:

- Express zero tolerance of the Institute against situations of sexual harassment and for reasons of sex or gender that can be detected;
- Promote the preventive culture of sexual harassment and for reasons of sex or gender in all areas and levels of the Institute through information, training and awareness of staff;
- Facilitate the identification of conduct constituting harassment in its different modalities of sexual harassment and for reasons of sex or gender;
- Establish a simple, accessible and fast procedure that allows people who receive sexual harassment behavior or harassment based on sex or gender, to make a confidential complaint about the situation they are suffering ;
- Establish a procedure to internally investigate complaints of sexual harassment and harassment based on sex or gender in an agile, efficient and confidential manner to determine their veracity;
- Guarantee the safety, integrity and dignity of the people affected in the investigation processes of sexual harassment and harassment based on sex or gender;
- In case of evidence, apply the pertinent sanctioning measures to the people who engage in sexual harassment and harassment based on sex or gender;
- In case of evidence, establish a procedure to follow up on people who have suffered situations of sexual harassment or harassment based on sex or gender to avoid their secondary victimization or re- victimization .

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	8/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

AREA OF APPLICATION


The Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender, is applicable to all personnel hired by IRBLleida regardless of the duration of the contractual relationship and modality. It is also applicable to people who, not having a direct employment relationship, are located or collaborate in/with the Institute (assigned personnel) or provide services (personnel from external companies); as well as people in training who carry out non-work practices. As established in article 24 of Law 31/1995, of November 8, on Risk Prevention, regarding the coordination of business activities, the different companies have the responsibility of complying with the provisions established in this document. The responsibility of IRBLleida includes:

- The protection of the people of the company against harassing behaviors by external people;
- The protection of external people linked to the company, even if they do not have a direct employment relationship.

The protocol will apply to situations of sexual harassment and harassment based on sex or gender that occur during work, in relation to work, or as a result of it. The boundaries of the work environment are not determined by the physical location. Any place or time in which people meet for professional and work reasons is considered a "work environment" for the purposes of harassment.

Specifically:

- In the workplace, including in public and private spaces when they are a workplace (remote work);
- In places where staff rest or eat;
- In meetings, training, travel, travel, social or training events or activities related to work;
- Within the framework of communications that are related to work, including those carried out through information and communication technologies;
- On journeys between home and workplace.


	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	9/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

UNITS WITH COMPETENCES REGARDING SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER

It is established that the IRBLeida Equality Commission will be the unit responsible for the preparation, obligatory nature of compliance, monitoring and review of the Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender.

Likewise, the IRBLeida Equality Commission will be responsible for the programming of the dissemination related to the aspects included in this protocol, as well as the processing of the procedures that are carried out within the scope of application.

The Equality Commission will report in the terms described in this protocol to the Management, the Works Council and the entire IRBLeida staff, all of whom may make recommendations for its improvement.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	10/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

CONCEPTS, DEFINITIONS AND MANIFESTATIONS OF BEHAVIORS CONSTITUTING SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER

sexual harassment

The definition adopted by IRBLleida of sexual harassment is that included in article 7.1 of Organic Law 3/2007, of March 22, for the Effective Equality of Women and Men; in article 2, section p) of Law 17/2015, of July 21, on Effective Equality of Women and Men; and in article 5, third area, section b) of Law 5/2008, of April 24, on the Right of Women to Eradicate Sexist Violence:

Any behavior, verbal or physical, consisting of words, gestures, attitudes or specific acts of a sexual nature, which has the purpose or produces the effect of violating the dignity of a person, particularly when creating an intimidating, degrading, offensive environment or annoying, without prejudice to the provisions of the Penal Code.


Key elements of the definition:

- Unwanted or wanted behavior by the person who receives it: sexual harassment is distinguished from freely accepted or tolerated and reciprocal behaviors to the extent that the behaviors are unwanted and consequently rejected by the person who receives them and considers them offensive .
- Behavior of a sexual nature or with sexual connotations: conduct of a sexual nature or with sexual connotations includes a very wide range of behaviors and ranges from actions that are apparently innocuous, or that are a violation of privacy, to actions that are manifestly serious and constitute by themselves criminal offence.

By way of example and without intention of being exclusive or limiting, the following behaviors could constitute sexual harassment:

verbal behaviors

- Assumptions of sexual advances, propositions or pressure for sexual activity;
- Offering or pressuring to make compromised dates or to participate in unwanted playful activities;
- Offensive flirtations;
- Suggestive, indirect or obscene comments;
- Spreading rumors, asking or explaining about facts of a person's sexual life and sexual preferences;
- Unwanted phone calls or contacts through social networks of a sexual nature;

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	11/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

- Jokes or comments about sexual appearance.

nonverbal behaviors

- Display of sexually suggestive or pornographic photos, objects or writing;
- Use of sexually explicit graphics, cartoons, drawings, photographs or images from the Internet;
- Lewd, lewd and/or obscene looks and/or gestures;
- Emails, letters, notes or messages on social networks of sexual content and offensive nature sent by any means;
- Recording, dissemination or publication of information, videos and images related to the sexual life of people;
- Clandestine observation of people in reserved places.

physical behaviors


- Deliberate and unsolicited physical contact, unwanted hugging or kissing, excessive and unnecessary physical closeness;
- Cornering and/or deliberate search for situations to be alone with the harassed person unnecessarily.

“ *Quid pro quo* ” sexual harassment or sexual blackmail that consists of forcing the victim of harassment to choose between submitting to sexual requirements, or losing or seeing certain benefits or working conditions harmed, which affect access to professional training , continued employment, promotion, compensation or any other decision in relation to this matter. To the extent that it supposes an abuse of authority, its active subject will be the person who has the power, directly or indirectly, to provide or withdraw a benefit or work condition.

When the behaviors described are combined to create an intimidating, hostile, degrading, humiliating and/or offensive environment with insistence and repetition, the harassment included in this protocol will be additionally classified as environmental sexual harassment.

Harassment based on sex or gender

The definition adopted by IRBLleida of harassment for reasons of sex or gender is the expanded version contained in article 7.2 of Organic Law 3/2007, of March 22, for the Effective Equality of Women and Men; in article 2, section o) of Law 17/2015, of July 21, on Effective Equality of Women and Men; and in article 5, third area, section a) of Law 5/2008, of April 24, on the Right of Women to Eradicate Sexist Violence:

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	12/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

Any behavior that, due to a person's sex, sexual orientation or gender identity and expression, is exercised with the aim of violating their dignity or their physical or mental integrity, creating an intimidating, hostile, degrading, humiliating, offensive environment. or annoying, and affect the performance of paid work, promotion and job training.

We understand sexual orientation as the capacity, regardless of biological sex and gender identity, of a person, to feel emotionally, sexually and affectively attracted to people of the same or different gender. As gender identity, the protocol adopts the one defined by the United Nations Organization and which is summarized in the internal and individual experience of gender, which may or may not correspond to the sex assigned at birth, including personal experience. of the body and other gender expressions such as speech, clothing or manners. And finally as gender expression the way in which people express gender through clothing, behavior, interests and affinities. This expression depends on the way in which it is perceived by society and that it is classified as feminine, masculine and androgynous (a combination of both).

Any unfavorable treatment related to pregnancy, maternity, paternity or assumption of other family care will also be considered a situation covered by this protocol, as long as the previously defined characteristics are met.


Key elements of the definition:

- Undesired or desired behavior by the person who receives it: harassment based on sex or gender is distinguished from freely accepted or tolerated and reciprocal behaviors to the extent that the behaviors are not desired and consequently rejected by the person making them. receives and considers them offensive.

Behaviors that are directly related to sex, sexual orientation, or sexual or gender identity, such as:

- For the mere fact of being a woman;
- For the mere fact of belonging to the LGTBIQ+ collective (lesbian, gay, bisexual, transgender, transsexual, transvestite, intersex and queer);
- By the fact of being pregnant or being in a process of natural lactation;
- For presenting and defending values different from those considered for their sex;
- For exercising roles culturally attributed to another sex;
- For exercising any labor law provided for the reconciliation of personal and work life (maternity, paternity and/or dependent care).

- Behaviors that have the malicious objective of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment; and that also have a pattern of

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	13/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

repetition and systematic accumulation of offensive behaviors. Unlike sexual harassment, harassment based on sex requires consistency and maintenance over time.

Harassment for reasons of sex or gender is more complex, since there may be behaviors that constitute harassment for reasons of sex or gender but that:

- Lack of malicious intent and occur as a result of pressure or conditions of work performance (stress or exhaustion / burnout), or conflicts or specific discussions;
- They occur in a timely manner and without reiteration.


In both cases, IRB Lleida will act forcefully to stop them and prevent their possible recurrence over time and malicious intent .

Again by way of example and without excluding or limiting intentions, the following behaviors could constitute harassment based on sex or gender:

Behaviors against physical or mental health

- Threats and physical attacks;
- Verbal and/or written threats;
- Shouting and/or insults;
- Derogatory comments;
- Scary phone calls;
- Use offensive ways of addressing the person;
- Using humor that is sexist or that belittles any sexual orientation;
- Provoke the person, forcing him to react emotionally;
- Intentionally causing expenses to harm the person;
- Causing damage to the workplace or their belongings;
- Require the person to perform dangerous work, without applying the proper protection measures, or harmful to their health.

Behaviors against privacy and personal or professional reputation

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	14/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			


- Manipulating personal or professional reputation through rumors, denigration, contempt and ridicule (capabilities, abilities and intellectual potential);
- Implying that the person has psychological problems, trying to get them to undergo a psychiatric examination or diagnosis;
- Teasing of gestures, voice, physical appearance, disabilities or assignment of nicknames;
- Criticism of nationality, attitudes and political or religious beliefs, private life, among others;
- Unequal, unfavorable, condescending and/or paternalistic treatment.

Behaviors for isolation purposes

- Change the location of the person separating it from their companions and companions;
- Ignore the person's presence;
- Do not speak to the person;
- Restricting to colleagues the possibility of speaking with the person;
- Do not allow the person to express himself;
- Avoid all eye contact;
- Eliminate or restrict the means of communication available to the person (telephone, email, etc.);
- Ignore contributions, comments or actions of a person.

Behaviors against professional activity

- Judge the person's performance offensively, hide their efforts and abilities;
- Questioning and overruling the person's decisions;
- Ridicule and/or belittle the work done;
- Do not assign any task, or assign tasks that are meaningless, impossible to achieve (irrational deadlines) or demeaning;
- Deny or hide the means to carry out the work or provide erroneous data;
- Assign jobs that are much higher or much lower than the person's skills or qualifications, or that require a much lower qualification than the one currently in possession;
- Contradictory orders or impossible to comply with;

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	15/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

· Theft of belongings, documents, work tools, computer files, manipulation of work tools or work results to cause prejudice.

Manifestation of bullying behavior

Depending on the job position and the relationship of the harassed person with the person who exercises it, harassment is considered horizontal or vertical.

horizontal harassment

When the harassed person and the harassing person are at the same hierarchical or professional performance level at the Institute.

vertical harassment

When the harassed person and the harassing person are at a different hierarchical or professional performance level at the Institute. In this case, a directionality can be established, the harassment being:

- **Vertical-Descending:** When the person who exercises the harassment performs a higher position than the harassed person.
- **Vertical-Ascending:** When the person who exercises the harassment performs a lower position than the harassed person. Usually this harassment is usually collective and not individual, although it can happen exceptionally.


Harassment can also be produced by an external person linked in some way to the Institute and who therefore does not obey the relationships described. This would be the case of people from other companies or institutions that provide their services at the IRBLleida facilities, or that collaborate with the Institute in any field and in any way.

Any of the manifestations related to the different types of harassment defined can be caused in the provision of services in person or remotely (teleworking). In addition, these manifestations can be directed not only against the person to whom the harassment is directed, but also against the people who support or defend the harassed person.

Special attention groups

Sexual and gender-based harassment can occur in any profession, workplace, professional category, and age group. The field of scientific research is no exception.

Numerous studies show that the majority of people who experience sexual or gender-based harassment are women. Statistical data collected within the IRBLleida by the Equality Commission in the form of annual surveys of the workforce on sexual harassment or for reasons of sex or gender, confirm that it is women who suffer the majority of sexual harassment or for reasons of sex. Although sexual and gender-based harassment is observed in


	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	16/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

all professional categories, training levels or income levels, it has been described that the groups of women in a situation of greater vulnerability are the following:

- Single women with family responsibilities (single mothers, widows, separated or divorced);
- Women who are accessing categories of greater responsibility for the first time and which have traditionally been considered intended for men;
- Young women who have just got their first job and have less experience;
- Women with some degree of disability;
- Immigrant women and/or women belonging to ethnic minorities.

Another group that is especially vulnerable to sexual harassment and for reasons of sex or gender is the LGBTIQ+ collective (lesbian, gay, bisexual, transgender, transsexual, transvestite, intersex and queer).

There is a high incidence of cases of multidiscrimination , highlighting the intersectionality of bullying as a behavior closely linked to power relations and structural inequalities. The Equality Commission, by collecting annual data in relation to situations of violence and harassment, may assess the existence of intersectionality with some of the situations previously described, as well as the socio-statistical analysis of the complaints received from the date approval of this protocol.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	17/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023				

AWARENESS, INFORMATION AND TRAINING MEASURES TO PREVENT AND ERADICATE SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER


The objective of the measures detailed below is to make workers aware of the importance of maintaining a work environment that is respectful of the freedom and dignity of people and to promote values of equality among people regardless of their sex or identity. .

The elaboration of the Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender, is already in itself an instrument that allows:

- Clearly and forcefully express disapproval and vigilance over these inappropriate and unacceptable behaviors and attitudes.
- Emphasize that everyone in the Institute, at all levels, has the right to have their dignity respected.
- Define clear and precise procedures to address situations of sexual harassment and for reasons of sex or gender in the unfortunate case that they have occurred.
- Make sexual harassment and harassment for reasons of sex or gender emerge in the daily life of the institution as an element that must be watched over.

But IRBLleida will also adopt the following measures:

- This protocol will be published in the organization and in all available means of communication, so that the entire workforce is aware of it and knows the intervention to follow in cases of harassment.
- Awareness campaigns will be developed through talks, conferences, brochures, informative material and any other means deemed necessary, emphasizing the clarification of the concepts of sexual harassment and harassment based on sex or gender.
- Training courses on gender policies and equality between men and women will be disseminated and/or offered, which may include those with content for prevention, detection and action against sexual harassment and harassment based on sex or gender.
- Data disaggregated by sex will be available annually on interventions and cases of sexual harassment and harassment based on sex or gender.
- An environment of respect, correction in the work environment will be promoted, instilling in all personnel the values of equal treatment, respect for all people and their realities, dignity and free development of personality.
- In the integration of newly hired workers, situations of isolation will be avoided, favoring as far as possible monitoring and their inclusion in the tasks and making known all the instruments and tools available in terms of equality.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	18/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

ACTION PROCEDURE AGAINST SEXUAL HARASSMENT AND HARASSMENT BASED ON SEX OR GENDER

In the event of a situation of sexual harassment or harassment based on sex or gender at IRBLleida, there are two non-exclusive resolution paths:

- 1) Internal resolution: management within the Institution itself following the provisions of this protocol.
- 2) External resolution: management by agents outside the Institution. The external resolution channels are the administrative route and the judicial route, filed before the General Inspectorate of Labor and Social Security, and the civil, labor or criminal jurisdiction, respectively.


The opportunity and convenience of each route depends on different factors, among which are the seriousness and scope of the facts, and the position of the alleged harasser in relation to the harassed person (ie differences in power and/or status, among others). It is advisable to go first to the administrative route and, then, to the labor judicial route. The action of the Labor Inspectorate and Social Security not only has the benefit of immediacy and ex officio investigation, but the facts found in this action have a presumption of certainty and can be asserted in a subsequent labor court. It is recommended to use the criminal judicial route from the very moment in which the behaviors of sexual harassment or for reasons of sex or gender can constitute a crime.

The procedure for the internal resolution of sexual harassment or harassment based on sex or gender is articulated in the following phases:

Phase 1: Communication of sexual or gender-based harassment and counseling

This phase begins with the communication of sexual harassment or for reasons of sex or gender, or suspicion thereof.

- Who can do the communication?
 - The affected person. He is the person receiving the harassing behaviors that take place within IRBLleida, regardless of the link he has with it. The element that determines the Institute's responsibility is not the contractual relationship, neither of the harassed person nor of the harasser, but rather the environment in which this conduct occurs.
 - Any person who notices sexual harassment conduct or for reasons of sex or gender and who provides their services at IRBLleida.
- When can communication be made?

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	19/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023				

It is recommended to formulate the communication once the events have elapsed and as soon as possible, due to the emotional impact that these situations entail.

· To whom is the communication presented?

The communication must be presented to the members of the IRBLleida Equality Commission. They are the people trained in the matter in charge of informing, advising and accompanying the affected person throughout the process.

· How can communication be made?

Communication can be done through different channels: writing deposited in the purple point enabled at the institute, email addressed to the equality commission (igualtat@irbllleida.cat) or direct conversation with one or more of its members.

· What actions will the Equality Commission carry out after the communication?

- Inform and advise the affected person.

The members of the Equality Commission will inform the affected person about their rights, the content of the protocol and the options and actions that can be taken. It will also inform you about the obligations of the Institute, as well as about the procedure that must be followed once the complaint is filed.

In the event that the affected person decides to present the complaint, the Commission will accompany them in drafting it if they wish. Lastly, you must also inform the affected person about the possibility of seeking all kinds of external advice (psychological, legal, among others), as well as about the right to receive physical and/or mental health care.

- Accompany the affected person throughout the process.


The members of the Equality Commission will accompany and support the affected person from the moment of communication of the facts until the moment of completion of the process.

- Propose the adoption of precautionary and/or preventive measures.

If applicable, the Equality Commission may propose to the IRBLleida Management the adoption of precautionary and/or preventive measures.

· What are the possible results after reporting the bullying situation?

The protocol contemplates three scenarios:

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	20/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

1) That the person affected decides to advance in the protocol and file an internal complaint after the certification of the acts of harassment. The Equality Commission will offer advice and support to finalize the complaint if so desired.

2) That the person affected decides not to file an internal complaint but the Equality Commission, based on the information received, considers that there is evidence of the existence of a situation of sexual harassment or harassment based on sex or gender. In this case, the Commission will notify the Management, respecting the right to confidentiality of all the people involved, and the way in which to proceed will be jointly decided. In any case, the application of preventive, awareness-raising and/or training measures will be intensified, or the actions considered necessary to deal with the perceived signs.

3) That the person affected decides not to file an internal complaint and that the Equality Commission, based on the information received, considers that there is no evidence of the existence of a situation of sexual harassment or harassment based on sex or gender. In this case, the procedure will be closed.

· Registration and documentation of the phase.

The Equality Commission will be responsible for the management and custody of the documentation provided in this communication phase, guaranteeing the confidentiality of the set of documents and the information generated as a result of the communication.


In the event that the affected person decides to continue with the proceedings and file the internal complaint, if any, the documentation provided will be attached to the investigation file that is generated.

If the affected person decides not to continue with the procedure, but the Equality Commission considers that there is a situation of sexual harassment or for reasons of sex or gender, said information will be kept until the Equality Commission jointly resolves with the Management the form of proceed. If an investigation file is initiated, the documentation provided will be attached to the investigation file that is generated, otherwise it will be returned to the affected person.

In all cases, the communications received without identifying the data of the people involved will be taken into account, and will be used for statistical purposes to monitor the protocol by the Institution.

Phase 2: Presentation of the internal complaint for sexual harassment or for reasons of sex or gender

This phase begins with the presentation of a written internal complaint of the behaviors of sexual harassment or for reasons of sex or gender; and will give rise to the activation of the

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	21/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

action protocol. It may be preceded by the phase described above of communication and advice. The activation of the protocol is not subject to the communication and advice phase.

· Who can file the internal complaint?

- The affected person. He is the person receiving the harassing behaviors that take place in IRBLleida, regardless of the link he has with it.
- Any person who notices sexual harassment or for reasons of sex or gender and who provides their services at IRBLleida. When the complainant is not the affected person, the Equality Commission will be obliged to corroborate the case and, once corroborated, will initiate the actions provided for in this protocol.

· How is the internal complaint formulated?

The internal complaint must be submitted in writing. The Equality Commission makes available to the company's workers an internal complaint model that appears in the annex to this protocol, and which will also be accessible through IRBLleida digital media (web page and/or intranet). The person who denounces must develop a story that is as precise and concrete as possible in relation to the evidence that supports the situation denounced.

· To whom is the internal complaint directed?


The internal complaint will be addressed to the person who holds the Presidency of the Equality Commission, who will be the reference person and in charge of managing and processing it in accordance with this protocol.

· Where is the internal complaint directed?

The complaint may be sent by email to the address igualtat@irblleida.cat, or by handwritten, in a sealed envelope and deposited in the purple point enabled in the IRBLleida. Reports will be confidential, but may not be anonymous. Access to the means chosen for the presentation of complaints is limited to members of the Equality Commission.

· How is the receipt of the internal complaint known?

Within a maximum period of 1 business day from the receipt of the internal complaint, acknowledgment of receipt will be guaranteed to the complainant and a registration number will be provided.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	22/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			


Within a maximum period of 2 business days from the receipt of the internal complaint, an extraordinary meeting of the Equality Commission will be convened to carry out an initial objective analysis of the information made available and proceed in one of the following ways based on the result of the analysis:

1. Do not admit the internal complaint for processing if the facts reported do not respond to any situation of sexual harassment or for reasons of sex or gender, or because they belong to a field other than this protocol. Within a maximum period of 2 business days from the meeting of the Equality Commission, it will notify the complainant of the result of the analysis and its reasoned decision and will thus end the procedure.
2. Proceed with an informal resolution of the internal complaint. In the event that, in the opinion of the Equality Commission, the internal complaint raises a situation that is not yet constitutive of qualifying it as sexual harassment or for reasons of sex or gender, but if it does not act, it could end up being so, it will intervene by providing guidelines for action and proposals to all parties involved in the complaint to put an end to the situation and prevent recidivism. The Equality Commission will carry out a month-long follow-up to assess the effectiveness of the proposed measures and reassess the facts if necessary.
3. Accept the internal complaint and continue as described in this protocol. Within a maximum period of 1 business day from the meeting of the Commission, the Commission will notify the complainant of the result of the analysis and its decision to admit the complaint for processing.

In the event that there is a conflict of interest between the people involved in the complaint and any of the people from the Equality Commission, the latter may not participate in the extraordinary meeting for the objective analysis of the complaint, nor in the following phases of the same if any. If the conflict of interest is established with the person who holds the presidency of the Equality Commission, another member of the Equality Commission will be appointed to adopt the functions attributed to him in this protocol.

If, in the internal complaint, the facts were not sufficiently reported and therefore insufficient for carrying out the first analysis, the Equality Commission may request the person filing the complaint to provide an additional account of the facts.

If, after the first analysis by the Equality Commission, the complaint is admitted for processing and serious harassing behaviors are also considered, the Equality Commission may propose the precautionary measures it deems appropriate in order to avoid further harm to the person receiving it. of the harassing behaviors during the time that the investigation process lasts. The precautionary measures may also be applied to the people who support the victim in the lawsuit process in the event of risky behaviors. By way of illustration, but not limitation, some precautionary measures that may be carried out are listed:

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	23/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

- Effective separation between the complainant and denounced person, for the necessary time.
- Internal support from the Equality Commission for the complainant throughout the investigation process, to alleviate the victimization that interventions carried out throughout the procedure may entail.


All complaints received will be presumed to be true and consequently will be managed in the manner described. If, after the initial assessment or subsequent investigations, the Equality Commission deems that the internal complaint has been filed in bad faith, or that the data provided or the testimonies are false, the Equality Commission will notify the IRBLleida Management of the facts. who will proceed to determine the sanctions of the complainant and testimonials, if any, based on what is defined in current regulations and/or application agreement/s.

In all cases, the Equality Commission will issue a report containing the conclusions and measures adopted in the initial assessment. The report will be guarded by the IRBLleida Equality Commission.

The person who holds the Presidency of the Equality Commission will inform the Management of the center and the Company Committee of the cases of complaint that are admitted for processing and also those that are managed with an informal resolution. The communication will be made within 1 business day from the meeting of the Commission. At this point and as established in the principles and guarantees section, the Equality Commission will assign identifying numerical codes to both the person allegedly harassed and the alleged harasser to preserve the identity of the persons involved in the complaint. However, given that the Center's Management is the one who holds the ultimate power in the prevention, detection and action against harassment, they will be able to know at all times the identity of the people involved in the complaints admitted for processing. In no case will the identification of the parties involved condition the course and result of the investigation, and the nature and/or intensity of the measures/sanctions, if any.

Phase 3: Investigation of the internal complaint for sexual harassment or for reasons of sex or gender

Internal complaints admitted for processing will be investigated by the Equality Commission with maximum speed, confidentiality and secrecy. The investigation will be aimed at verifying and finding out in depth the facts reported and will not last more than 15 calendar days from the date of communication to the complainant of the admission for processing of the complaint. In the event that the investigation is carried out in coordination with another institution or organization, the terms may be extended until it is determined which institution or organization is responsible for the complete investigation or which of its parts. Likewise, said period may be extended if it is necessary to carry out interviews with persons involved and essential for the investigation, having been unable to locate them or whose contact has

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	24/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

been delayed for reasons beyond the control of the Commission. The extension of the term may in no case exceed 5 additional business days.

In any case, the promptest investigation and resolution of the complaint must be sought.

In the development of the investigation procedure, a hearing will first be given to the complainant and then to the person denounced. Both parties involved may be assisted and accompanied by a person they trust, whether or not they are the legal and/or union representative of the workers, who must keep the information to which they have access completely confidential.

The Equality Commission may request a hearing from possible witnesses after hearing the account of the parties. The people who are required as witnesses during the investigation will have the obligation to collaborate and do so with the greatest possible diligence. Witnesses will have the obligation to maintain total confidentiality regarding the information to which they have access.

The Equality Commission may, if it deems it appropriate, request external advice on harassment and equality and non-discrimination during the investigation of the procedure. This external expert person will be obliged to guarantee the maximum confidentiality with respect to everything of which he could have knowledge or to which he could have access for being part of the instruction.


The Equality Commission will guarantee maximum sensitivity and respect for the rights of each of the affected parties, both the person allegedly harassed and the alleged harasser. The Equality Commission will guarantee the provisions regarding the protection of personal data of the parties, accompanying persons, witnesses and external advisory personnel.

By virtue of the procedural principle of the reversal of the burden of proof and in application of the criteria established in Organic Law 3/2007, of March 22, for the effective equality of women and men, during the investigation process it corresponds to the defendant and allegedly harassing person to prove that his conduct was appropriate.

Once the investigation has been completed, the Equality Commission will prepare a binding report that will include the facts, testimonies, evidence carried out and/or collected, and the conclusions that will indicate whether or not there are indications of sexual harassment or harassment for reasons of sex or gender.

The report of the Equality Commission will include the following information:

- a) Identification of the person who has filed the complaint.
- b) Identification of the person allegedly harassed and the alleged harasser.
- c) Complaint and background of the case.
- d) Nominal list of the people who have participated in the investigation and in the preparation of the report.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	25/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			


- e) Summary of the main facts, interviews with the parties, witnesses, evidence and list of actions carried out.
- f) Observed aggravating circumstances:
 - The person denounced is a repeat offender in the commission of acts of harassment.
 - There are two or more people harassed.
 - Intimidating behaviors or reprisals by the harasser are accredited.
 - The harasser has decision-making power regarding the employment relationship of the harassed person.
 - The harassed person has some type of disability.
 - The physical or psychological state of the harassed person has suffered serious alterations, accredited by health personnel.
 - Pressure or coercion is applied to the harassed person, witnesses or people from their work or family environment with the intention of avoiding or harming the course of the investigation.
- g) conclusions.
- h) Corrective measures.
- i) Support measures.

The binding report prepared by the Equality Commission will be modified as described below and sent to the IRBLleida Management within the generic period of 15 calendar days stipulated for the investigation of the facts. In general, the report will be modified in order to continue preserving the identity of the persons involved in the complaint and will contain the identification numerical codes for both the person allegedly harassed and the alleged harasser established in phase 2 of the procedure, as well as people who may have been involved in the investigation process. As previously described, the Center Management, as the ultimate responsible for the prevention, detection and action against bullying, will be able to know at all times the identity of the people involved in the complaint without prejudice to the actions that could be taken as a result of the investigation.

If, from the investigation carried out, no indications of harassment were found, the Equality Commission will state in the report the reasons why the concurrence of sexual harassment or harassment based on sex or gender cannot be appreciated.

If, even in the absence of harassment, the Equality Commission finds any inappropriate action or a situation that contravenes the ethical and conduct principles applicable in IRBLleida, the Equality Commission will urge the IRBLleida Management and the addresses of the institutions or organizations that may be involved, to adopt the pertinent measures.

If indications of harassment are deduced from the report, the Equality Commission will urge the IRBLleida Management, and if any, the addresses of the additional institutions or organizations involved, to adopt the appropriate sanctioning and corrective measures typified in current regulations and/or or applicable agreement/s at any time.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	26/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

The Equality Commission will be responsible for the management and custody of the report, guaranteeing its confidentiality. The Equality Commission will also guard the set of documents generated during the investigation process.

Phase 4: Resolution of the internal complaint for sexual harassment or for reasons of sex or gender

Once the IRBLleida Management has received the binding report from the Equality Commission, it will issue the resolution of the case within 2 business days, adopting the decisions it deems appropriate.


Based on the objective analysis of the binding report, the IRBLleida Management may resolve:

- 1) Archive the complaint in the absence of sufficiently proven evidence of the existence of a situation of sexual harassment or harassment based on sex or gender. However, if from the investigation carried out it can be deduced that some other offense different from sexual harassment or harassment based on sex or gender has been committed but that is typified in the current regulations and/or application agreement/s, the corresponding disciplinary file;
- 2) Initiate the disciplinary file and the adoption of as many disciplinary and corrective measures as are necessary in the face of a sufficiently proven situation of sexual harassment or harassment based on sex or gender. The measures will be those included in the current regulations and/or agreement/s applicable at the time of issuance of the report.

The decisions adopted will be collected in a document and will be communicated in writing to the claimant, the defendant and the Equality Commission. The plaintiff, and the defendant, will have a period of 2 business days to make written allegations against the report issued. The allegations will be resolved by the IRBLleida Management and the Equality Commission within a period of 2 business days, and the result of the allegations will be communicated to them within a maximum of 2 business days from their resolution.

The final decisions adopted will be communicated to the Works Council. In these communications and in order to guarantee confidentiality, no personal data will be given and the numerical codes assigned to each of the parties involved will be used.

If the opening of a disciplinary file is estimated, action will be taken according to the Consolidated Text of the Workers' Statute and what is established in the application

 <small>Institut de Recerca Biomèdica</small>	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	27/ 34
Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023				

agreement/s, if any. Sexual harassment and harassment based on sex or gender is considered a serious or very serious offence. It is very important to establish sanctions consistent with the seriousness of the conduct, taking special consideration of the aggravating circumstances that appear in the report.


Sanctions and corrective measures will be carried out as quickly as possible.

Phase 5: Follow-up on sexual harassment or for reasons of sex or gender

Once the final resolution has been issued, and within a period not exceeding 30 calendar days, the Equality Commission will monitor compliance, implementation and results of the proposed sanctioning, corrective and/or preventive measures. The result of this follow-up will be included in a document that will be sent to the IRB/leida Management and the Works Council. Once again, the necessary measures will be taken to safeguard the confidentiality of the personal data of the affected parties.

In the event that the sanction to the aggressor is not the extinction of the contractual relationship, the IRB/leida Management will maintain an active duty of vigilance with respect to that person. This duty may be delegated to the Equality Commission.

In the event that the plaintiff had completed administrative procedures to certify the situation of gender violence, or additionally appealed to the external resolution by filing a complaint with the General Inspectorate of Labor and Social Security, and/or the civil, labor jurisdiction or criminal, the Equality Commission, the legal representation of the workers and the IRB/leida Management will collaborate in the investigation process whenever it is formally required by the competent bodies and through written communication.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	28/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023			Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023		

PRINCIPLES AND GUARANTEES OF THE INTERNAL PROCEDURE FOR ACTION AGAINST SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX OR GENDER

The internal procedure described in this protocol for action against sexual harassment or harassment based on sex or gender is governed by the principles listed below. The Equality Commission and the IRBLleida Management will ensure compliance and application.

Respect and protection of privacy and dignity

In the application of the protocol, the necessary discretion will be guaranteed to protect the privacy and dignity of the people affected. The actions must take place with the utmost respect for all the people involved (affected person, person denounced and witnesses).

confidentiality

The information provided and generated throughout this procedure will be confidential and may only be known, and depending on the role they play, by the people involved in the different phases of it.

In order to preserve confidentiality, from the moment the communication is formulated, the person or persons responsible for managing the case will assign identifying numerical codes to the affected and involved persons.

The data related to health, if any, will be treated in a specific way, so that they will be incorporated into the documentation only after the express authorization of the affected person. Likewise, any report derived from the procedure must respect the right to confidentiality of health data.

Right to information


All the people involved in the procedure will have the right to information about the procedure, rights and duties, phase of development and according to the characteristic of participation (affected person, person denounced or witnesses), of the result obtained in the phases.

diligence and speed

The investigation and resolution of the case will be carried out with professionalism, due diligence and without undue delay, with the aim of completing the procedure in the shortest possible time and respecting the guarantees. That is why resolution deadlines have been established for each of the phases of the internal procedure.

Respect for the principle of presumption of innocence, impartiality and fair treatment

The procedure and the people who articulate it will respect at all times the fundamental right of every person reported to be treated as innocent until proven otherwise. However, and by

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	29/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

virtue of the procedural principle of the reversal of the burden of proof, it is up to the person denounced to prove that their conduct has been appropriate. The principle of innocence must be reflected in all the documentation generated during the phases of the procedure.

In case there are any, it will be guaranteed that the articulation of precautionary measures for the protection of the plaintiff does not violate the principle of presumption of innocence of the defendant.

The procedure will ensure impartial hearing and fair treatment of all persons involved. All persons involved in the procedure will act in good faith in the investigation of the truth and the clarification of the facts denounced. The people involved in the management of the procedure who present a conflict of interest with the people involved will not participate in it, being adequately replaced.


Protection against possible retaliation

All the people involved in the procedure will have guarantees of non-discrimination or reprisals for participating in the communication processes or reporting a situation of harassment. Only the results of the investigated and proven complaints will be incorporated into the personal files.

There will only be retaliation in those cases in which, after the initial assessment or subsequent investigations, it is estimated that the internal complaint has been filed in bad faith, that the data provided or the testimonies are false. In these situations, the Commission will bring the facts to the attention of the IRBLleida Management, who will take the appropriate measures.

Collaboration

All the people who are summoned in the course of the application of this procedure will have the duty to get involved and provide their collaboration.


	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	30/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

MONITORING AND EVALUATION OF THE PROTOCOL

In order to guarantee the proper functioning of the protocol, monitoring and evaluation indicators have been established, among which we highlight:


- Number and type of information, awareness and training actions carried out, as well as groups that receive these actions.
- Number and type of bullying situations that have been detected.
- Number of bullying situations that have been communicated and/or denounced to the center and types.
- Number of cases resolved.
- Number and type of corrective measures implemented.

The Equality Commission will be responsible for carrying out the monitoring and evaluation processes through the information collected, both quantitative and qualitative.


	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	31/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

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	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	32/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

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	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	33/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

ANNEX

MODEL FOR REPORTING BEHAVIOR CONSTITUTING SEXUAL HARASSMENT OR HARASSMENT BASED ON SEX OR GENDER

1. Person reporting the facts

- Person who has suffered bullying:
- Others (specify):


2. Data of the person who has suffered the harassment

Name:
Surnames:
ID:
Position:
Category, level or professional position:
Name of the organization to which you belong:
Phone:
E-mail:

3. Data of the reported person

Name and surname:
Category, level or professional position:
Name of the organization to which you belong:

In the case of complaints that involve more than one person reported, duplicate as many times as necessary.

	Document name	FP	Code	Date	Rev.	Page
	Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender	FP009	DI001	04/01/2023	1	34/ 34
	Approved by: Negotiating Commission of the Equality Plan Internal Scientific Committee (CCI): 04/25/2023		Delegate Commission: 05/23/2023 Board of Trustees: 06/02/2023			

IV. Description of the facts

Include an account of the denounced facts, attaching the necessary numbered pages, including dates on which the facts took place whenever possible:

4. Witnesses and/or evidence

If there are witnesses, indicate their names and surnames:

Attach any evidence you consider appropriate (indicate which):

5. Application

The complaint of harassment is considered filed (*Indicate if it is sexual or based on sex or gender*) against (*Identify the aggressor(s)*) and the procedure established in the Protocol for the Prevention, Detection and Action Against Sexual Harassment and Harassment for Reasons of Sex or Gender of IRBLleida:

Location and date:

Signature of person reporting:

To the attention of the Presidency of the IRBLleida Equality Commission.