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1. INTRODUCTION

One of the main objectives of Law 31/1995 of 8 November, on the prevention of work-related risks, is to preserve and protect the health of employees in the workplace. This protection must cover not only physical risks but also psychosocial risks that may affect psychological well-being.

To promote and guarantee a safe work environment free from any form of discrimination and, above all, harassment, the Institute for Research in Biomedicine of Barcelona (hereinafter IRB Barcelona or the organisation) has drawn up the following protocol considering current regulations.

This protocol has been developed and agreed in the framework of the Works Council/Health and Safety Committee, formed jointly by representatives of IRB Barcelona Management and the legal representatives of the employees. Issues related to sexual and gender-based harassment have also been addressed in the Equality Plan Negotiating Committee.

The protocol is based on three fundamental rights of individuals:


- The right to be treated with respect and dignity.
- The right to equality and non-discrimination in the workplace.
- The right to health in the workplace.

2. PURPOSE

The general objective of this protocol is to prevent, detect, act on, and resolve cases of harassment by compiling the basic actions for the prevention and eradication of harassment in any of its forms and establishing guidelines for action in the event of suspicion and/or detection of harassment.

The specific objectives are:

- To promote a positive working environment based on mutual respect and good relations by complying with the guidelines for good work practices.
- To raise awareness and provide employees with information and training on matters pertaining to harassment.
- To prevent the risk of harassment by early detection of psychosocial or organisational factors that may contribute to it.
- To guarantee the rights of those affected to fair treatment and confidentiality.

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- To foster a culture of harassment prevention at all levels of the organisation and to establish mechanisms to respond to cases of harassment.
- To make this protocol available to employees as a means of preventing harassment.
- To facilitate the eradication of potential harassing conduct and contribute to improving the quality of work and the health of employees.

3. SCOPE

The protocol applies to all IRB Barcelona employees, irrespective of the type of work they do and their rank.

It is also applicable to external companies and partners under the obligations established for the coordination of business activities by Article 24 of Law 31/1995 of 8 November, on the prevention of work-related risks.

Under the provisions of this law, upon detection of harassment involving IRB Barcelona employees and the personnel of a company contracted externally or a client of the organisation, IRB Barcelona will inform these third parties of the protocol and all the parties involved will coordinate their actions. Therefore, there will be reciprocal communication regarding the case, so that each party can apply the relevant procedure and take the corrective measures considered appropriate.

All procedures will be treated with maximum confidentiality, and the anonymity of the individuals involved is guaranteed, as is that of those who are in charge of monitoring and resolving the case.


4. DEFINITIONS:

4.1. HARASSING CONDUCT

Harassment is considered to be any abusive behaviour in the workplace, both by hierarchical superiors or inferiors and by peers, that creates an intimidating, hostile, and humiliating work environment for the victim and that endangers their job or has a negative effect on their career.

Harassment involves two parties:

The bully: who shows hostile, dominant, or harassing behaviour and attitudes.

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The victim: who is in a disadvantaged position.

There are different types of harassment depending on the direction of the interactions between the bully and the victim, and the organisational levels that are affected:

Downward: When harassment is initiated by one or more individuals who occupy a hierarchical position superior to that of the victim/s.

Upward: When harassment is initiated by one or more individuals who occupy a hierarchical position inferior to that of the victim/s.

Horizontal: When harassment is initiated by one or more individuals on peers (same hierarchical level or category).

4.2. PSYCHOLOGICAL HARASSMENT AND DISCRIMINATORY HARASSMENT

Psychological or moral harassment includes actions or behaviours exercised in a systematic and prolonged manner over time towards one or more individuals that seek to objectively cause personal or professional humiliation, thus offending the dignity and moral integrity of the affected person/s and degrading their work environment.

Such behaviour includes assigning jobs without any value or utility, systematic undermining of the individual, actions intended to restrict communication between the individual and their colleagues, giving the silent treatment, attacks on privacy, threats of physical violence, attacks on the individual's attitudes, and other similar behaviour.


The most characteristic traits for a situation to be identified as psychological harassment at work are the following:

Condition of asymmetry: The correlation of forces must be unbalanced, either so the victim cannot defend themselves or flee because of social (hierarchical position, professional category), economic (financial dependency, job stability), physical (age, strength, or physical endurance) or mental (self-worth of the victim, charisma of the bully) reasons.

Intentionality: The behaviour must be deliberate, prolonged, and clearly intended to harm the victim, whether through attitudes intended to discredit, discriminate against, offend, humiliate, intimidate, or embarrass the victim.

Frequency and duration: The adoption of this behaviour must be systematic and prolonged over time.

Target: The behaviour should be targeted and focused on one person or a very small group of people.

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Usually, during the first phase, the bully harasses in a secret, covert, or subtle manner. The following are examples of psychological harassment at work: targeting the victim through organisational measures or targeting their social relationships; isolation; attacks on their private life or attitudes; verbal aggression or rumours; and lack of dialogue or communication because the bully has no intention of resolving the situation, etc.

4.3 - SEXUAL HARASSMENT

Organic Law 3/2007 for the effective equality of women and men establishes that sexual harassment is any behaviour, whether verbal, or physical, of a sexual nature carried out with the purpose or effect of violating the dignity of a person, in particular when an intimidating, degrading, or offensive environment is created.

Sexual harassment is a series of verbal, non-verbal, and/or physical types of behaviour of a sexual nature that are unwanted by the recipient, or a single incident that, due to its extremely offensive, intimidating, hostile, humiliating, degrading, or criminal nature, can itself be considered sexual harassment.

It is a form of abuse that is exercised from a perception or feeling of psychological or physical power of the bully over the victim, and it can occur in any setting of the relationship between people (work, teaching, domestic, etc.), without necessarily involving hierarchical superiority of the bully.

Examples

Verbal:


- Explaining or asking about a person's sex life or sexual preferences.
- Making obscene and/or sexual comments.
- Asking for sexual favours.

Non-verbal:

- Making obscene gestures.
- Using sexually explicit graphics, cartoons, sketches, photographs, or images on the Internet.
- Writing letters, notes, or emails with sexually offensive content.

Physical:

- Deliberately seeking to be alone with another person unnecessarily.
- Engaging in deliberate and unsolicited physical contact (pinching, touching, unwanted massage).
- Intentionally or "accidentally" touching the sexual parts of another person.

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4.4 – GENDER-BASED HARASSMENT OR SEXUAL ORIENTATION (GENDER IDENTITY HARASSMENT)

Per Organic Law 3/2007 for the effective equality of women and men, gender-based or sexual orientation harassment is any conduct based on the grounds of the gender of a person, with the purpose or effect of violating their dignity and creating an intimidating, degrading, or offensive environment.

The victims of such unwanted behaviour are subject to harassment for reasons related to their gender, sexual orientation, or gender identity.

Examples:

- Unequal treatment based on a person's gender, sexual orientation, or gender identity.
- Disparaging or offensive ways of addressing people of a certain gender.
- Behaviour and comments that are generally discriminatory because the person belongs to the LGTBQIA+ community.

4.5 - OTHER TYPES OF DISCRIMINATION

This protocol may also be used as a guide when dealing with and resolving other types of harassment.


4.6. CONDUCT NOT CONSIDERED HARASSMENT

The following situations are not considered harassment. However, if they become abusive, they may lead to harassment.

Of note, although not considered harassment, the following are examples of **unwanted conduct** and may lead to a sanction and/or action on the part of IRB Barcelona:

A singular act: An argument (about any subject), chastisement or occasional bad mood, or a change of workplace (among others) without prior communication but justified.

- **Conflict** between two people, even if violent. Of note, this case involves two people who are arguing on equal terms because they disagree.
- **Continued exposure** to unfavourable working conditions inherent to the task. These may be physical (handling of excessive weights), health-related (inhalation of contaminants), ergonomic (standing all day), psycho-social (tasks beyond the individual's capabilities), organisational (working too fast, insufficient workload due to poor organisation), or social. These conditions should be dealt with by the Health & Safety Service.
- **Rumours and gossip** circulating in the organisation.

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Other situations not considered harassment:

Legitimate pressure exerted on an individual by their superior to improve the quality and quantity of their work. The difference here lies in the fact that, in cases of psychological harassment, the bully puts pressure on the victim not only with malicious intentions but also wants to prevent the victim from working well so that they can later be reprimanded.

Frequent constructive criticism or evaluation of work, as long as it is explicit and not used as retaliation.

Supervision or control of the work as long as it does not affect the dignity of the individual.


Isolation caused by the **activity itself** or the place where the work is carried out.

Professional stagnation due to lack of professional merit or inability to access certain promotion systems.

5 - PREVENTIVE ACTIONS

IRB Barcelona and the employees' representation, within the framework of the Works Council (Health and Safety Committee and Equality Committee), have agreed on the planning, execution, and evaluation of the following measures to support the prevention of harassment in the workplace:

- Dissemination of the protocol:
 - Inform employees about the protocol in training sessions.
 - Disseminate the protocol regularly among staff.
- Work organisation:
 - Perform comprehensive risk assessments for all positions. ○ Encourage regular unit meetings (department / laboratory / facility).
 - Take any other action aimed to maintain a good work environment and employee motivation.
- Development of awareness strategies.
 - Hold training sessions for technicians, members of the Health & Safety Service and Committee, Equality and Diversity Committee, and the Equality Commission and Human Resources staff to inform them about updates to the protocol.
 - Disseminate information through the intranet and other internal media, such as information leaflets.
 - Inform all newcomers during on-boarding training about the protocol and how to act.


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- o Facilitate and promote participatory management and leadership styles that foster group cohesion and the flow of information among staff.
- Non-acceptance of the following behaviour in the workplace:
 - o Negative comments about private life, appearance, sexual orientation, permanent criticism, imitations, etc.
 - o Sending sexually explicit graphics, drawings, and photographs. o Phone calls, messages, and emails of a sexually explicit nature. o Verbal aggression (shouting, insults, threats, offensive slander, etc.).
 - o Physical aggression, deliberate physical contact, excessive and unnecessary closeness.
 - o Attacks on religious and political beliefs, nationality, race, sex or gender, sexual orientation, disability, etc.
 - o Any other conduct intended to discriminate, abuse, harass or humiliate a person.
- Detection of warning signs of cases or possible cases of harassment in the workplace such as:
 - o At the collective level: Tense work environment, unhealthy work environment, regular conflicts in the same area, regular circulation of rumours, use of criticism as a common attitude, shouting or arguing, decreased performance that is unexplained, increase in unjustified absenteeism, etc.
 - o At the individual level: Abnormal or irregular conduct or behaviour, unjustified anger or rage, anxiety or depression, persistent and exaggerated perception of injustice, abuse of toxic substances (alcohol, tranquilizers, sleeping pills, drugs, etc.), decreased performance that is unexplained, increase in unexplained absence from work, etc.

6. PRINCIPLES AND GUARANTEES:

The entire intervention procedure is carried out under the following principles and guarantees:

- RESPECT AND PROTECTION – IRB Barcelona acts with respect and discretion to protect the privacy and dignity of those affected.
- ZERO TOLERANCE – IRB Barcelona adopts a Zero Tolerance policy towards any form of harassment in the workplace. No behaviour that violates the dignity of employees will be allowed or tolerated. Any such behaviour will be investigated and sanctioned.
- CONFIDENTIALITY - All information collected during the proceedings carried out in the framework of the process is confidential, especially health data, which is treated in a specific way.

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- FAIR TREATMENT - A fair hearing and fair treatment of all those involved are guaranteed. All persons involved in the proceedings shall act in good faith in the investigation of the truth and the clarification of the facts.
- RIGHT TO BE INFORMED - All persons involved have the right to receive information about the procedure, their rights and duties, the current stage of the process.
- DILIGENCE AND SPEED - The actions contemplated in the procedure are carried out without unjustified delay. This protocol details the timelines for completion of the phases in order to achieve swift resolution of the complaint.
- SUPPORT FROM TRAINED PERSONNEL – Throughout the procedure, IRB Barcelona ensures the participation of people who have been trained in the management of harassment.
- PROTECTION AGAINST POSSIBLE RETALIATION – Individuals who participate in the communication or reporting of harassment will not be subject to retaliation.
- PRECAUTIONARY MEASURES - If there is any indication of harassment of an individual during the procedure and until its closure, those in charge of the different phases of intervention may ask IRB Barcelona management to adopt precautionary measures, without these being in any way detrimental to the working conditions of said individual. Example of measures: alternative working arrangements, changes to working time, etc.
- HEALTH SURVEILLANCE - If required, care, guidance, and a medical health monitoring report can be requested through the Occupational Risk Prevention Service.

7 - ACTION PROCEDURE (PHASES)


Within the framework of the Health and Safety Committee, the following have been designated as persons of reference:

- Maribel Labrid (Head of Human Resources) –
maribel.labrid@irbbarcelona.org - 93 403 97 82 / 628 29 44 07
- Georgina Sardà (Health & Safety Service Administrative Technician)-
georgina.sarda@irbbarcelona.org 93 403 99 38 / 618 59 60 14
- Soraya Díaz (Health, Safety & Quality Section Head) –
soraya.diaz@irbbarcelona.org 93 40 20592

Please get in touch with us, we are here to help you.

To guarantee the impartiality of the procedure, the person of reference must not have any conflict of interest with the Reporting Party (complainant) or Reported Party (whose behaviour is alleged to have amounted to an incident of harassment).

The procedure can be triggered by reporting the incident/s or directly by making a complaint (the latter can only be filed by the affected person).

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7.1 - Communication and advice

This phase seeks to inform, advise, and accompany the people involved and prepare the following phase if necessary. The Communication and advice phase begins when the affected person or any person/s who witnesses harassing conduct reports it to one of the persons of reference named in the protocol (whether in person, by phone, or by email).

The person of reference will meet, inform, advise, and accompany the affected person throughout the process. They will also propose the adoption of precautionary and/or preventive measures. In the case of serious complaints, the adoption of precautionary and/or preventive measures will be immediate, and IRB Barcelona Management will subsequently be informed. For serious complaints arising from services provided by an external party, the person of reference must interrupt the service as an immediate preventive measure and will inform the people involved in this service

This phase will take from 1 to 3 working days (an extension is possible only in justified cases).

This phase can have three outcomes:

1. The affected person decides not to file a complaint and the person of reference, based on the information received, considers that there is no evidence of harassment. In this case, if deemed appropriate, dialogue and the improvement of communication between the parties will be promoted. The case is then closed and no further action is taken.
2. The affected person decides not to file a complaint and the person of reference, based on the information received, considers that there is evidence of harassment. In this case, the person of reference will duly inform IRB Barcelona Management, respecting the right of those involved to confidentiality, so that the actions deemed necessary can be taken.
3. The affected person decides to file a complaint. In this case, the protocol starts and passes to the second phase: internal complaint and investigation.


7.2 - Internal reporting and investigation

The objective of this phase is to formally initiate the protocol and exhaustively investigate the facts in order to issue a binding report on the occurrence or not of harassment, as well as to propose new intervention measures if deemed appropriate.

The investigation is triggered in response to a request for intervention (according to the model in Annex 1) by the affected person to one of the persons of reference, either in person or by e-mail.

The person of reference informs IRB Barcelona Management, respecting the right to confidentiality of those involved.

Upon receipt of the complaint, IRB Barcelona Management sets up a Commission of Inquiry (hereafter Commission) and appoints a supervisor for the case.

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By default, the Commission will be made up of:

- Person/s of reference
- Management Representative
- Member of the Health and Safety Committee / Equality Commission, preferably a legal representative of the employees.

IRB Barcelona Management may increase the number of members on this body taking into account the nature of the job position of the Reporting Party.

The members of the Commission must observe and act in accordance with the guiding principles indicated in section 6 of this protocol.


To guarantee the impartiality of the procedure, the members of the Commission must not have a conflict of interest with the Reporting Party or Reported Party. If required, external professionals will be consulted when possible. Conflicts of interest of members of the Commission are when:

- They are involved in the reported harassment.
- They were involved in a previous harassment procedure (Reporting Party or Reported Party).
- They have a clear family tie, friendship, or hostile relationship with any of the parties involved in the harassment case.
- They have a position of immediate hierarchical superiority or subordination with respect to the Reporting Party.
- They have a position of immediate hierarchical superiority or subordination with respect to the Reported Party.

Whenever possible, the Commission will have gender parity. If the Reporting Party does not accept the participation of any member of the Commission (for justifiable reasons), the IRB Barcelona Management will communicate this to the Commission, which will have to replace, whenever possible, the non-accepted member(s).

The Commission will have the following functions:

- Analyse the claim form and all related documentation.
- Set deadlines for each step of the process.
- Interview the Reporting Party. Inform them about the procedure, the possible courses of action, and their right to health surveillance. If the complaint does not include sufficient description of the incidents, the Commission may request additional information about them.
- Interview the Reported Party. • Interview possible witnesses.

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- Determine whether precautionary measures are needed.
- Issue a binding report.

If it is concluded that harassment has not occurred (according to the conduct described in point 4.6), the Reporting Party and the others involved will be informed separately in writing.

The Commission will carry out all the necessary actions, collection of evidence, and other actions deemed appropriate for the clarification of the facts that gave rise to the complaint. The Commission will hear all the parties, witnesses, and other persons from whom it deems necessary to collect information.

The Commission may apply preventive measures during this phase if deemed necessary.

The Commission will draw up a report of the conclusions and present them to IRB Barcelona Management. This report will include a summary of the main incidents and activities carried out, the conclusions, and the corrective measures. In the case of witness interviews, to ensure their confidentiality, it will not be necessary to name them but only confirm the veracity of the incident/s under investigation.

This phase will take from 20 to 30 working days (an extension is possible only in justified cases).

7.3 - Resolution, follow-up, and closure of the case

On the basis of the report prepared by the Commission, IRB Barcelona Management will issue a resolution:


- If there is sufficient proven evidence of harassment, a disciplinary record will be initiated, and corrective action will be taken.
- If there is insufficient evidence of harassment, the complaint will be filed.

The Reporting Party and Reported Party will be notified about the final decision taken by the Commission.

Finally, regardless of whether the case ends with a sanction or not, the employment situation of the Reporting Party will be reviewed.

Any statement or allegation that is proven to be dishonest, fraudulent or false may warrant disciplinary action in the form of sanction.

Follow-up and monitoring guidelines will be established to ensure that the reported situation is not repeated, as well as the corresponding precautionary measures.

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This phase will take from 5 to 10 working days (an extension is possible only in justified cases).



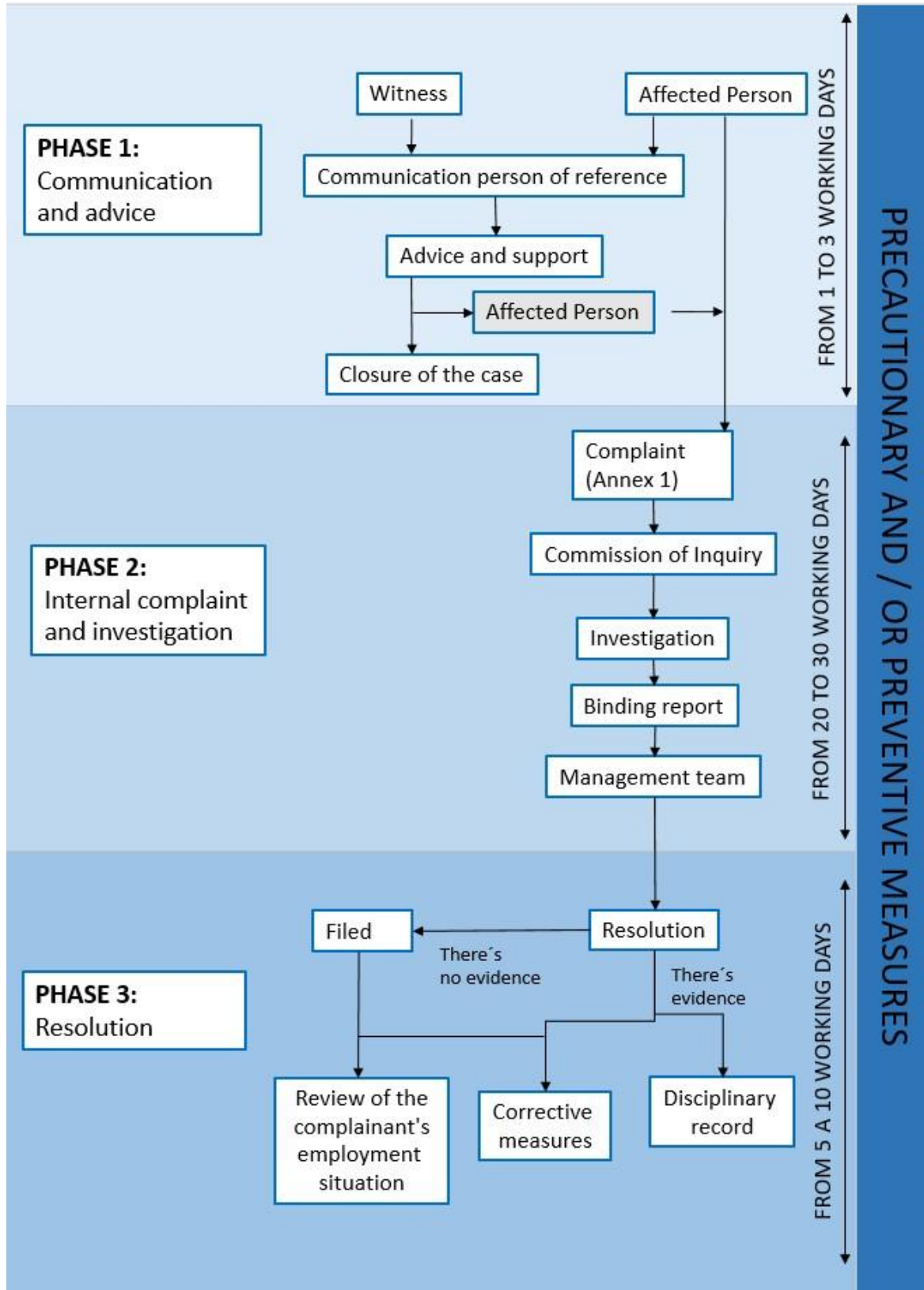
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7.4 - PROCESS FLOW DIAGRAM:



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8 – SANCTIONS

If it is concluded that workplace harassment has occurred, and the Reported Party is sanctioned by IRB Barcelona Management, these sanctions will be applied according to the scale of offenses and sanctions established by the Collective Agreement for the Offices Sector, which is applied at IRB Barcelona.

In addition, IRB Barcelona undertakes to act as quickly as possible in the event of a proven case of harassment at work, applying the appropriate measures as set out in the collective agreement and within the framework of the organisation itself.

9. REFERENCES

Act 31/1995 of 8 November on the prevention of work-related risks.

Royal Decree 39/1997 of 17 January approving Regulations on Risk Prevention Services.

Act 3/2007 of 22 March for effective equality between women and men.

Act 5/2008 of 24 April on the right of women to eradicate gender-based violence.

Royal Decree 171/2004 of 30 January on the prevention of work-related risks in connection with the coordination of business activities.

Royal Decree 901/2020 of 13 October regulating equality plans and their registration.

Organic Law 10/2022, of 6 September, comprehensive guarantee of sexual freedom.

Law 4/2023, of February 28, for the real and effective equality of trans people and for the guarantee of the rights of LGTBI people.

IRB Barcelona Prevention Plan.

Royal Decree 2/2015 of 23 October approving the consolidated text of the Statute of employees


Collective Agreement for the Offices Sector

Regulation (EU) 2016/679 of 27 April on the protection of private individuals with regard to the processing of personal data and the free movement of such data.

Organic Law 3/2018 of 5 December on the Protection of Personal Data and Guarantee of Digital Rights.

Law 32/2010 of 1 October from the Catalan Data Protection Authority.

NTP 507: Sexual harassment in the workplace. INSST.

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Guide for the preparation of the protocol for preventing and tackling sexual and gender-based harassment in the company - Labour relations Council of Catalonia, Government of Catalonia 2021.

Guide for the preparation of the protocol for the resolution of conflicts at work – MC Mutual 2020.

10. ANNEX

Annex 1 – Complaint and Request for Intervention on the grounds of harassment in the workplace

ANNEX 1:

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COMPLAINT AND REQUEST FOR INTERVENTION

Date received:

Case Code:

The Reporting Party (complainant)

Name and surname:

ID Number (DNI/NIE):

Group/area:

Type of harassment

Psychological

Sexual

Gender

Sexual orientation

Others (Please specify)

The Reported Party (alleged to have harassed)

Name and surname:

Group/area:

Description of the incident/s (include what happened, when (time period), frequency, witnesses, etc.)

Documentation provided

Yes (Specify)

No

I request activation of the Harassment Protocol.

Consent: I give my consent for the Person of Reference and/or the Commission of Inquiry to take the appropriate action to investigate the incident and seek solutions. I am aware that the Commission of Inquiry is under the obligation to inform the Reported Party of the nature of the allegations.

Signature of the Person of Reference

Signature of the Reporting Party


Name:

Place and date:

Name:

Place and date:

(Any handling of data carried out during the processing of this communication will be carried out in compliance with the current legal framework for the protection of personal data.)

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Drawn up	Review	Approval
Anna Vilches Health & Safety, Section-Head	Maribel Labrid Head of Human Resources and Academic Affairs	Margarida Corominas Managing Director

Summary of Changes

Version	Date	Description of the modification
01	15/03/2012	Creation of the document
02	26/11/2018	Changes to point 1, point 3, point 4.1, point 4.4 and point 5
03	14/07/2022	Changes to point 1, minor changes to point 2, point 3, the entire point 4, point 5, point 6, addition of point 7 "Action procedures", addition to point 8 "Sanctions", references moved to point 9 and annexes to point 10.
04	30/08/2023	Changes to point 7 (reference professionals), addition of the terms in point 7.1, point 7.2 and point 7.3.
05	08/03/2024	Addition of contacts in point 7 and changes in point 7.1
06	23/09/2024	Addition in point 6 of 'Zero Tolerance', addition of assigned persons in point 7, changes in point 7.1.
07	30/12/2024	The protocol is changed to the new format and the reference persons are updated
08	26/05/2025	Update Health and Safety members
09	01/04/2026	Update Health and Safety members