

# Protocol for Preventing and Dealing with Harassment

*Vall d'Hebron Institut de Recerca*  
(Vall d'Hebron Research Institute)  
**VHIR**

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## Declaration of Principles

The Vall d'Hebron Research Institute (henceforth VHIR) has always been committed to the principles of equality, freedom, dignity and respect between people. This is why we declare our ongoing commitment to zero tolerance for harassment and a clear and emphatic disapproval of offensive, discriminatory and/or abusive behaviour and attitudes.

Accordingly, the VHIR Directorate undertakes to ensure the following principles:

- Not to allow or tolerate under any circumstances those attitudes likely to give rise to cases of sexual and/or gender-based harassment, psychological harassment at work or any other type of harassment generated by any other difference such as ethnicity, religion, disability, age, opinion, etc.
- To receive and process the inquiries and complaints received in a rigorous manner and in accordance with the guidelines laid down in this protocol.
- To guarantee that there will be no retaliation against people who lodge complaints, claims or reports, or against those who participate in the process of their resolution.

In order to achieve this commitment effectively, the VHIR will implement, among others, the following measures:

- Dissemination and distribution among all employees and collaborating staff of the Protocol for Preventing and Dealing with Harassment.
- Awareness campaigns on the prevention of harassment for all personnel in the centre, as well as for newly recruited staff.
- Appointment and training of "reference persons" for the protocol, qualified to manage the procedure for action in cases of harassment.
- Establishment of preventive measures to prevent cases of harassment from occurring.

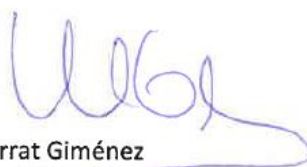
The Directorate of the centre calls on its entire community to maintain healthy relationships in the working environment, which respect the dignity and fundamental rights of workers.

Barcelona, May 2024



Dra. Begoña Benito

Director



Montserrat Giménez

Manager

# Introduction

## AIMS

The **general aim** of this protocol is to prevent, detect, act on and resolve situations that constitute harassment, establishing a procedure to be followed in the event of identifying behaviours classified as the aforementioned situations, within the scope covered by the centre. Its overall purpose is to promote and ensure a safe work environment free of discrimination and, most particularly, of harassment. To achieve this purpose, the following **specific objectives** are proposed:

- Inform, train and raise the awareness of all staff on matters of harassment.
- Avoid the risk of harassment by early detection of the psychosocial and organizational factors that can give rise to it.
- Guarantee the rights to fair treatment and the confidentiality of the people affected.
- Establish a procedure for action in the event of harassment.
- Make this protocol available to the staff with a view to preventing harassment.
- Facilitate the eradication of possible harassing behaviours and contribute to improving quality of work and health among the labour force.

## SCOPE OF APPLICATION

In order to achieve the VHIR's declared undertaking, this protocol includes two fundamental strategic aspects: prevention and action in situations of harassment.

This protocol applies to all situations arising from any activity that takes place in the VHIR work environment. It applies to all VHIR staff and also applies to anyone who, even if answering to a third party, carries out activities or provides services to the VHIR. In other words, the protocol takes into account that the limits of the work environment are not

determined by the physical location or the working day or by the form of the legal relationship with the VHIR.

**Exceptions:**

Situations that are under litigation, subject to the Procedure for managing information received in the VHIR Internal or External Information System (in accordance with the requirements of Law 2/2023, of February 20), under disciplinary proceedings, or concurrence of crimes prosecuted ex officio or at the instance of a party, which will continue to take their course or to follow their procedures. In such cases, the application of this procedure will be halted, without prejudice to the precautionary measures that may be applied.

## Definitions

### TYPES OF HARASSMENT

Two sub-types of harassment can be distinguished:

- **Quid-pro-quo harassment:** this involves a hierarchical superior or people who can make decisions that affect the employment and working conditions of the person harassed (salary, promotion, access to benefits or any other decision about work). Individuals who have the power to decide on the employment relationship are the active subjects of this type of harassment.
- **Environmental harassment** is the repeated conduct that creates an intimidating, hostile or humiliating work environment for the person who is the subject of it. It is not necessary for there to be a hierarchical relationship; it can be practised by colleagues (of the same or lower level), or third parties (collaborators, suppliers) related to the workplace.

Likewise, harassment is distinguished according to the type of connection between the harasser and the person harassed:

- **Horizontal harassment:** pressure exerted by a worker or a group of workers on one of their colleagues.
- **Downward vertical harassment:** pressure exerted by a person with hierarchical superiority over one or more workers.
- **Upward vertical harassment:** pressure exerted by a worker or a group of workers on a person with hierarchical superiority.

### SEXUAL HARASSMENT

**Sexual harassment** is any verbal or non-verbal and/or physical behaviour (even if it has not occurred repeatedly or systematically), unwanted, of a sexual nature, which aims to attack the dignity of the person or create an intimidating, hostile, degrading, humiliating, offensive or annoying environment or that produces this effect.

As an example, but not exclusive or limited to this list, the following behaviours are considered to be evidence of sexual harassment:

- Spreading rumours, asking or recounting details about a person's sex life and sexual preferences.
- Making obscene sexual comments or jokes.
- Making rude comments about a person's body or physical appearance.
- Offering or pressuring to set up dates or participate in unwanted recreational activities.
- Demanding sexual favours.
- Looking at a person's body in a lewd manner.
- Making obscene gestures.
- Using graphics, cartoons, drawings, photographs or images of sexually explicit content.
- Recording, disseminating or publishing information, videos and images related to people's sex lives via digital media.
- Sending emails, letters, notes or messages of offensive sexual content by any means, including digital means.
- Getting too close physically.
- Cornering; deliberately seeking to be alone unnecessarily with a person.
- Imposing deliberate and unsolicited physical contact (unwanted pinching, touching, massaging).
- Forcing the harassed person to choose between submitting to sexual demands or losing certain benefits or working conditions (sexual blackmail).
- Creating an intimidating, hostile or offensive environment through comments of a sexual nature, jokes, etc., persistently and repeatedly (environmental harassment).

Harassment originates in the workplace and can continue outside this sphere. A single act, due to its supposedly illegal or highly offensive nature, can in itself constitute a case of harassment.

It is always for the person affected to decide whether certain behaviour is sexually unwanted.

The protocol covers all situations of sexual harassment, regardless of the gender identity or sexual orientation of the victim and the aggressor.

## **SEX- OR GENDER-BASED HARASSMENT**

**Sex- or gender-based harassment** is unwanted (continuous and systematic) behaviour related to a person's gender when accessing paid work, promotion in the workplace, employment or training, which has the intended effect of attacking the person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

This type of harassment includes pregnancy, maternity and paternity harassment, i.e., any adverse treatment related to pregnancy, maternity, paternity or the assumption of other family care.

As an example, but not exclusive or limited to this list, the following behaviours are considered likely to be gender-based harassment:

- Having condescending or paternalistic attitudes.
- Making insulting remarks based on the gender and/or sexual orientation of the worker.
- Behaving in a discriminatory manner on the grounds of gender.
- Using offensive forms to address the person.
- Ridiculing, belittling a person's abilities, skills and intellectual potential because of gender.
- Using sexist humour.
- Ignoring a person's input, comments, or actions based on gender.
- Committing environmental harassment because of gender.

## **PSYCHOLOGICAL HARASSMENT AT WORK (MOBBING)**

**Psychological harassment at work, or mobbing**, is defined as a situation in which a person, or a group of people, for a prolonged time exerts a set of behaviours characterised by intense and repeated psychological violence, on another person in the workplace.

As an example, but not exclusive or limited to this list, the following behaviours are considered likely to be mobbing:

- Attacks on the victim using organisational measures.
- Attacks on the victim's social relationships.
- Attacks on the victim's private life.
- Threats of physical violence.
- Attacks on the victim's attitudes.
- Verbal assaults.
- Spreading rumours.

The following would not constitute Psychological Harassment at work:

A single, isolated violent event (not prolonged in time).

- Irregular organisational measures that affect the whole group.
- The legitimate pressure to demand what is agreed or regulations that exist.
- A conflict.
- Constructive, explicit, justified criticism.
- Supervision/control, as well as the exercise of authority, providing the appropriate interpersonal respect is observed.
- Arbitrary or excessively authoritarian behaviour carried out in the group, in general.

## **CYBERBULLYING**

**Cyberbullying** is a type of harassment or intimidation using digital technologies. It can happen on social media, messaging platforms, gaming platforms and mobile phones. It is behaviour that is repeated and is intended to frighten, anger or humiliate other people. For example:

- Spreading lies or posting embarrassing photos or videos of someone on social media.
- Sending hurtful, abusive or threatening messages, images or videos via messaging platforms.
- Impersonating another person and sending aggressive messages on behalf of that person or using fake accounts.

Other types of harassment generated by any other difference (ethnicity, religion, disability, age, opinion, etc.) will be addressed through the procedure established in this Protocol.

# Procedure for action

## PREVENTIVE ACTIONS

### Information

In order to effectively make the protocol known, the following actions to disseminate it will be carried out:

- Notice to personnel (staff and collaborating entities).
- Specific space enabled on the VHIR intranet for the purpose of broadcasting the protocol and information on this subject.
- Inclusion of specific references to this protocol in the VHIR Welcome Manual intended for new personnel when they join the Institute.
- Training meetings for people in positions of responsibility.
- Ad hoc information sessions for workers.
- Information and awareness-raising campaign.

### Training

- To facilitate and promote participative management and leadership styles, which stimulate group cohesion and aid the flow of information between workers.
- Specialised training for the reference persons for this protocol, as well as for the people involved in the processing and resolution of cases of sexual and gender-based harassment.
- Courses with content related to the prevention of harassment to be included in the annual training plan.

## INTERVENTION PROCEEDINGS

### Guide to the principles of intervention and guarantees

Intervention procedures are developed under the following principles and guarantees:

1. **Respect for and protection of privacy and dignity:** in the VHIR we act with respect and discretion to protect the privacy and dignity of the people affected.

2. **Confidentiality:** information collected in the proceedings is confidential. Health data are included in the file once the express authorisation of the affected person has been given.
3. **Diligence and speed:** the procedure sets out the deadlines for the resolution of the phases, to achieve speed and the rapid resolution of the complaint.
4. **Fair treatment: impartiality and objectivity.** An impartial hearing in good faith and fair treatment of all persons involved are guaranteed.
5. **Right to information:** all the people involved have the right to information about the process, rights and duties, which phase is currently in motion, and depending on their profile, the outcome of the various phases.
6. **Protection of the persons affected against possible reprisals.** Guarantee of non-discrimination: no person involved should suffer reprisals for participating in the process of informing on or reporting a situation of harassment.
7. **Collaboration:** everyone who is summoned in the course of the procedure, has the duty to get involved in this procedure and to offer their collaboration.
8. **Precautionary measures:** if, during the process and until it is closed, there are signs of harassment, the people in charge of the different intervention phases can propose to the VHIR management that precautionary measures be adopted; without deteriorating their working conditions, such as changing the location of their workplace or their schedule, the victim, if they so request, should be provided with the option of attention of a doctor assigned to the Prevention of Occupational Risks service, among others.
9. **Support from trained people:** the organisation has the participation of people trained in this issue throughout the entire procedure.
10. **Health monitoring:** people suffering from situations of harassment can request attention, guidance and a medical fitness report through the Unit for the Prevention of Occupational Risks (Basic Prevention Unit - BPU).

Observance of these principles and guarantees will be required of all those who participate or have been able to participate in any of the procedure's intervention proceedings.

## THE INTERVENTION PROCESS

### Start of the proceedings

**Communication:** In order for the Basic Prevention Unit (BPU) to deal with the case, a written communication (see Appendix I) must reach it via one or more of the following ways:

- Presentation of the situation by the worker involved in the BPU.
- Detection of the case by the BPU itself.
- Presentation of the situation by workers and/or representatives of the Health and Safety Committee and prevention officers.
- Request for intervention by the Directorate, Human Resources or Management.
- Request for intervention by the workers' representatives.
- Request for intervention by the head the Internal Information System (reporting channel).
- Formal requirement issued by the Labour Inspectorate or through a court injunction.

In the event of alleged sexual harassment at work, if the communication is made by the worker or their representative directly to the BPU, the latter will immediately inform Human Resources so that they can initiate and coordinate proceedings or implement emergency precautionary measures, given that the facts could constitute a crime or disciplinary offence. The BPU will immediately give the worker or their representative, as appropriate, a copy of Appendix II.

### Analysis of the situation

The necessary analyses will be carried out to determine which type of harassment has occurred, always ensuring that the process is conducted speedily and that the details remain confidential.

The types of intervention that can take place in the course of this analysis are:

- Health Monitoring will summon the person or persons allegedly harassed in order to carry out the analysis of the symptoms and clinical signs they present and in order to identify possible underlying present or emerging pathologies of psychosocial origin, where

applicable, in accordance with the following criteria laid down in the operating procedure, PO/VS/12 Health Monitoring Protocol for exposure to psychosocial risks.

- In case of suspicion of possible harassment, the persons allegedly harassed will be requested to activate this procedure for action through the information control document (Appendix III).

Once the documentation for the activation of this procedure has been received, an investigation committee will intervene, being made up of:

- a Prevention Service Health Monitoring team. If appropriate, it will request psychological assessment or care from a qualified psychology team or professional.
- a Prevention Service Technical team.
- VHIR equality officer (Miriam Álvarez, Head of the Training and Development Unit/ Member of the Equality Committee, and Laia Pérez, Head of the Labour Relations Unit).
- Head of the Internal Information System (reporting channel), solely for the purposes of assessing whether the request must follow the course provided for in compliance with Law 2/2023 of 20 February, regulating the protection of persons who report on breaches of the law and combating corruption.

Should it be considered that the object of the communication is not subject to the procedure of Law 2/2023 of 20 February, regulating the protection of persons who report breaches of the law and on combating corruption, the Head of the Internal Information System will no longer intervene and the investigation committee will collect the data and apply the following technical tools to conduct the investigation:

- Data that may be indicators of psychosocial risk in the area where the staff involved work through the analysis of the psychosocial risk assessment, or other data such as absenteeism rate, changes, turnover, work climate questionnaire etc.
- It will conduct individual interviews with the persons affected, i.e., the allegedly harassing party and the allegedly harassed party and, if any, witnesses suggested by the people involved and other personnel who have relevant information about the case.
- The witnesses will be summoned on different days or time slots and in an appropriate space to guarantee the necessary confidentiality, so that they can offer their version of the events reported and provide the evidence or indications on which they are based.

- At the beginning of each interview, the people involved and the witnesses will be informed that the report resulting from the investigation carried out under this protocol is classified as a confidential investigation and that it may be included in the disciplinary proceedings that could be initiated, so that the department affected is able to determine whether there is any disciplinary responsibility for the facts investigated.
- The investigative actions will continue in the event that the party allegedly responsible for the harassing behaviour has been duly summoned to the interview and decides not to appear without any justified reason.
- At any time before the report of the proceedings is drafted, the alleged victim may provide new evidence that was not available to them at the time that the request for intervention was submitted. Interviewees may come accompanied.
- If necessary, in order to guarantee the protection of the alleged victims, and at any phase of the investigation the committee can propose, with due justification, any precautionary measures it deems necessary to guarantee adequate protection for the victim and to prevent the alleged situation of harassment from continuing.

Once the details of the case are fully analysed, the type of situation will be determined in order to apply the appropriate intervention process, according to the following classification:

- A. Situations with signs of sexual harassment, harassment based on gender, sexual orientation, gender identity or gender expression.
- B. Situations without signs of sexual harassment, harassment based on gender, sexual orientation, gender identity or gender expression.

## Procedure

Regardless of the intervention process specific to each situation, within a maximum period of 30 working days from the receipt of the request accompanied by the description of the facts requested in Appendix III, the investigation committee will issue a report indicating whether or not there are signs of a situation of harassment, including a proposal for

preventive or corrective measures to eradicate or minimise the situation that has taken place (Appendix IV). This report will confirm the following, as appropriate:

- **Situations with signs of harassment.** Confirmation of signs of the harassment that are the subject of this protocol, and proposal that disciplinary proceedings be initiated and precautionary measures be set up or maintained. In this case, it is not appropriate for any other department or unit of the VHIR to again decide on a confidential investigation being opened for the same facts, given that the actions carried out already have the character of preliminary proceedings.
- **Situations without signs of harassment.** Signs of the harassment subject of this protocol not confirmed. However, in the case of ascertaining indications that the situation examined may constitute another disciplinary offence, it may propose in the report that precautionary measures be set up. In the event that it finds that the conduct cannot be subject to disciplinary penalties, it may recommend other measures for the resolution of the labour conflict.

In any of the phases of the investigation, precautionary measures can be adopted that may be considered necessary to guarantee sufficient protection for the victim and to prevent the continuation of the alleged situation of harassment. These measures do not under any circumstances presuppose the final resolution of the procedure and must avoid causing damage that is difficult or impossible to repair to the alleged perpetrators of the events or interested parties.

Precautionary measures may include shift changes, adaptations to the workplace, bans on approaching and communicating, restrictions on access to data, files or spaces, among others.

The people affected will be given access to different types of existing support, such as support in public comprehensive care services.

In the event that the actions taken in the investigation process conclude that there has been harassment resulting in health damage, either physical or mental, it will be considered an occupational accident and will be processed in the mutual insurance company for occupational accidents and diseases.

People who have committed any of the behaviours referred to in this protocol will be offered access to therapeutic or re-educational resources, with the aim of preventing them from repeating these behaviours.

### **Communication of the results**

In general, and if there are no duly justified reasons, the communication of results will be carried out within a maximum period of 30 days from the receipt of the description of the facts requested in Appendix III.

The BPU will draw up the report with the proposed corrective measures (Appendix IV) and present it to the Human Resources Department and the person responsible for the area, unit or group of which it is a part, as long as they are not the same person as the alleged harasser.

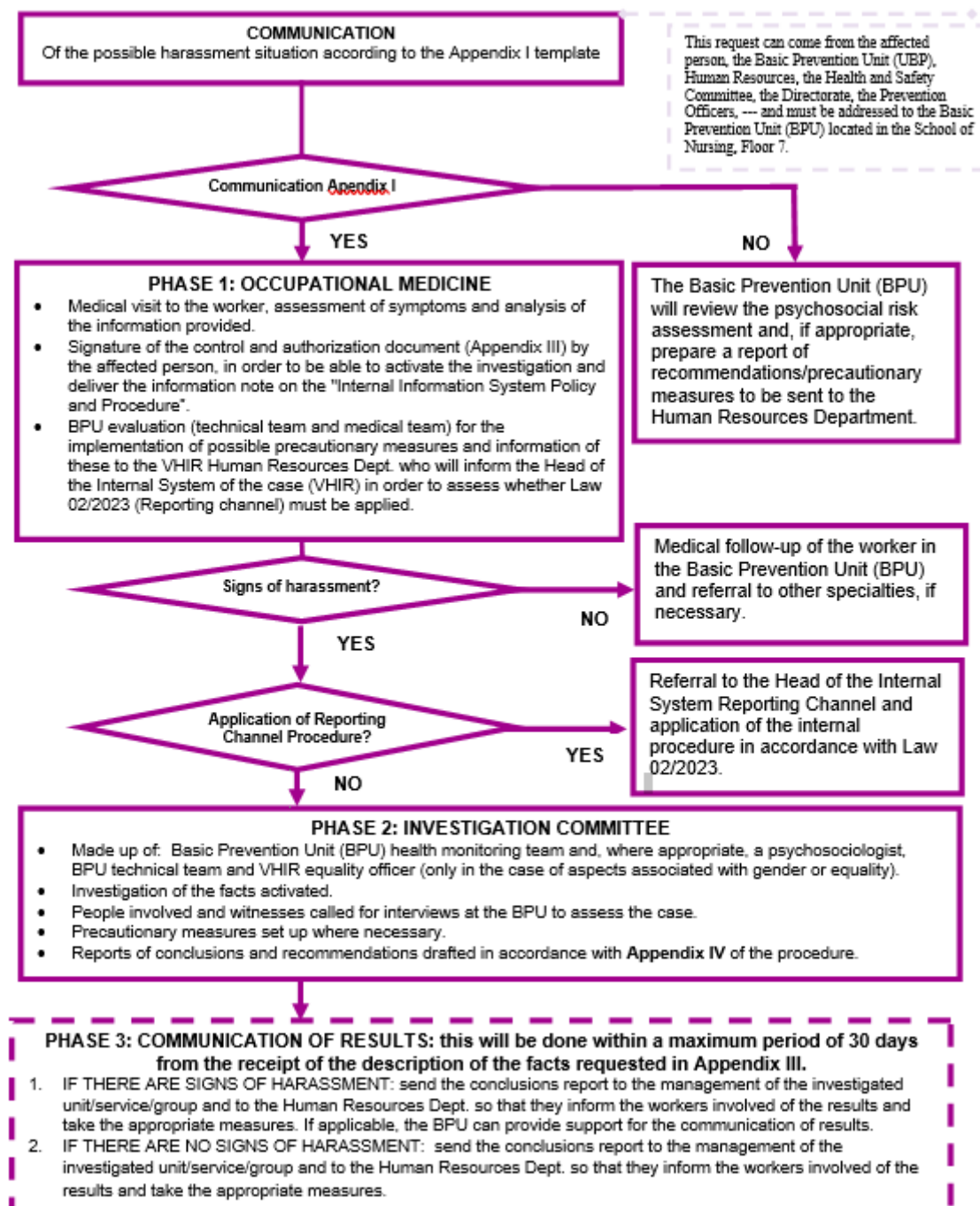
The Human Resources Department will communicate the results to the person who reported the facts. To make this communication, the Human Resources Department can request the support of the BPU if it deems it appropriate.

In the event that the intervention of an external specialist company has been requested, the latter will have the obligation to participate in the communication of results at the request of the BPU.

The Human Resources Department will inform the Prevention Officers of the initiation and closure of ongoing cases. Once the report has been closed and sent to the relevant departments, the VHIR Directorate must monitor the evolution of the case until it has been finally resolved.

## Diagram

Circuit that applies in case of reporting a case of possible harassment:



## Powers and Responsibilities

Below are the powers of each of the parties that can intervene in this procedure in regard to its application:

### The Directorate of the VHIR

- To ensure the constant improvement of working conditions, including the incorporation of the gender perspective in workplaces, and that relationships between staff respect each other's privacy, equality and dignity.
- To ensure compliance with this procedure.
- To guarantee that staff is informed of their rights and the laws that protect them, as well as the disciplinary responsibility they may incur in the event of being found to be the perpetrator of any behaviour that is qualified as sexual harassment or harassment based on sex or gender, sexual orientation, gender identity or gender expression; in addition, they must be informed of the procedure for formulating queries, requests for intervention and complaints.
- To inform workers about their rights, the regulations and laws that protect them, the possible penalties laid down and the procedure for filing complaints and/or allegations.
- To request that the procedure be initiated whenever it considers it appropriate, using the form in Appendix I.
- To take part and provide any information it may have in the investigation of the facts.
- To carry out the corrective measures proposed by the investigation committee to resolve the various situations.

### Human Resources Department (HR)

- To inform the persons affected, the Directorate, the basic occupational risk prevention unit (BPU) and workers' representatives of the start and closure of the case submitted in this procedure.
- To request the activation of the procedure whenever it considers it appropriate, using the form in Appendix I.
- To coordinate proceedings in cases of possible sexual harassment at work or harassment based on gender, sexual orientation and gender identity or gender expression.

- To communicate the result to the people involved. To make this communication, it may request the support of the BPU if it considers it appropriate.
- To carry out the relevant corrective measures for the resolution of the different situations that are within their scope of responsibility.

Managers (understood as any other department not previously mentioned, or any other person in charge of subordinates)

- Within their scope of responsibility, to inform the staff about their rights and duties, the regulations and laws that protect them, possible penalties laid down and the procedure for filing complaints and/or allegations.
- To request the activation of the procedure whenever it considers it appropriate, using the form in Appendix I.
- To take part and provide any information it may have in the investigation of the facts.
- To carry out the relevant corrective measures for the resolution of the different situations that are within their scope of competence.

Person appointed by the Equality Committee:

- To request the activation of the procedure whenever it considers it appropriate, using the form in Appendix I.
- To collaborate in the technical investigation of the cases and in the drafting of the report of conclusions once the type of situation has been defined (Appendix IV).
- To provide support to the person harassed and if necessary refer them to the services of the public network specialising in assistance on sexist violence and LGBTI-phobic violence.

Head of the Internal Information System

- To request that the procedure be activated whenever they consider it appropriate, using the form in Appendix I.
- To assess whether the facts are subject to the Internal Information System management procedure (reporting channel) and refer it within the scope of this procedure.

The Occupational Risk Prevention Unit (BPU)

- To assess whether there are sufficient signs to investigate and initiate the intervention and, if so, present the control and authorisation document for signature (Appendix III).

- Once the procedure is activated, to convene the Technical Investigation Committee and collaborate in the investigation of the cases.
- To offer medical care and/or psychological support to the person affected.
- To coordinate external technical and medical actions (Occupational mutual insurance company or contracted external company).
- To issue a report on the conclusions once the type of situation has been established (Appendix IV)
- To advise the people affected, the Directorate, the Health and Safety Committee and the Prevention Officers.
- To communicate the report on the conclusions to the competent departments.

#### Workers

- To request that the procedure be activated whenever they consider it appropriate, using the form in Appendix I.
- To take part in the investigation of the facts and provide any information they have.
- To sign the information control document included as Appendix III.

#### Prevention Officers

- To request that the procedure be activated whenever they consider it appropriate, using the form in Appendix I.
- To take part in the investigation of the facts and provide any information they have.

## Classification of offences and Penalties

The VHIR collective bargaining agreement (specifically Article 48) regulates the degree and classification of the offences. The following will be considered very serious offences:

- All those offences provided for in Article 54 of the Workers' Statute will be deemed very serious.
- Appropriation and individual use of data obtained during research and/or work carried out in the VHIR to obtain personal benefit or to favour third parties.
- Lack of respect and consideration for the privacy of colleagues, bosses or superiors, and verbal or physical offences against any VHIR worker will be punished with the utmost severity in the event that they are perpetrated from positions of hierarchical superiority or contain sexual or degrading overtones towards either sex.
- Sexual harassment will be considered a very serious offence; it is understood as any conduct of a sexual nature or sex-based behaviour that affects the dignity of people at work, including the conduct of superior hierarchical personnel, colleagues, as long as this conduct is undesirable, irrational and offensive to the person who suffers it; and that creates an intimidating, hostile or humiliating work environment for the person subjected to it; or which, should a person refuse to submit to this behaviour, is used as a factor in a decision affecting that person's access to professional training and work, continuation of work, salary or any other decision related to both their workplace and also personal situation.
- Moral or psychological harassment (known as "mobbing"), understood as the negative behaviour between colleagues, be they hierarchical peers, superiors or subordinates, which causes the person affected to be the object of extreme and systematic hostility over a prolonged period of time.

The penalties that may be imposed on staff who have committed a breach are set out in Article 49 of the VHIR collective bargaining agreement.

For very serious offences: suspension of work and pay from between twenty-one and sixty days. Dismissal.

## Monitoring and evaluation

The Equality Committee meets with the workers' representatives three times a year to evaluate and monitor the harassment protocol.

The sex-disaggregated indicators used are:

- Number of workers who have reported harassment in the workplace, as a percentage of the total number of workers.
- Number of workers who have lodged a request for intervention due to workplace harassment, as a percentage of the total number of workers.
- Annual number of preventive and/or awareness-raising measures that have been carried out at the institution (hours of awareness-raising/training and list of measures).
- Number of penalty procedures implemented at the institution during the year.

# Appendices

## APPENDIX I

### Request for intervention in situations of harassment or psychosocial aetiology

#### 1.- Person/s making the request:

The worker themselves <input type="checkbox"/>	Other workers <input type="checkbox"/>	BPU <input type="checkbox"/>
Directorate/ HR / Management <input type="checkbox"/>	Direct superior <input type="checkbox"/>	
HSC <sup>1</sup> / Prevention Officers <input type="checkbox"/>		

#### 2.- Details of the person/s making the request

Full name:	NIF (Tax ID):
Contact number:	Contact email:
Professional category:	Area/Group/Departament:

#### 3.- Details of the person/s affected (do not fill in if the person making the request is the person affected)

Full name:	NIF (Tax ID):
Contact number:	Contact email:
Professional category:	Area/Group/Departament:

#### 4.- Description of the facts (if more space is required use the reverse side of this form)

<sup>1</sup> Health and Safety Committee

**5.- Documentation attached** (if more space is required use the reverse side of this form)

Yes  Please specify:

No

**Request**

**Place and date:**

**Signature of the person concerned**

## APPENDIX II

### Information regarding the VHIR Reporting Channel

The VHIR hereby informs you that Law 2/2023, of 20 February, on the protection of persons who report breaches of the law and on combating corruption, required entities in both the public and private sectors to have in place a channel for reporting conduct that may occur in the Institution and that may constitute a crime, a serious or very serious administrative violation, or a breach of European Union Law.

In adaptation to this regulatory requirement, the VHIR created an Internal Information System Policy and Procedure (reporting channel) which sets out the actions it will carry out in the event that, through the established channels, one of these above-mentioned facts is reported, and which can be found on the VHIR website, at the following URL: <https://vhir.vallhebron.com/ca/societat/transparencia/canal-de-denuncies>

By using these channels, the confidentiality of the whistleblower will be guaranteed. In addition, you can choose to submit the report anonymously, thus helping to strengthen the integrity of the VHIR.

Anyone who uses the reporting channel should know that their identity will not be revealed, unless the fact reported has to be pursued through judicial procedures. In such a circumstance, your identity will only be revealed to the police and/or judiciary, should this be required.

Nor may any kind of retaliation be imposed on the whistleblower for having disclosed the facts that are the subject of the report.

You are informed at this time of this Policy and Procedure, given that the Protocol for Preventing and Dealing with Harassment and/or the Procedure for Identification, Intervention and Resolution of Situations of Psychosocial Aetiology has/have been

activated, and you should be aware of the possibility of being able to activate the procedure provided for by the Internal Information System (reporting channel), in the event that you consider that the facts affecting you could constitute a crime.

If you choose to make a request through this reporting channel, the proceedings provided for through the Protocol for Preventing and Dealing with Harassment and/or the Procedure for Identification, Intervention and Resolution of Situations of Psychosocial Aetiology will be halted, unless the Head of the Internal Information System finds that the behaviour reported does not fall within the objective scope of that procedure (report channel). In this case, the proceedings provided for in the Protocol for Preventing and Dealing with Harassment and/or the Procedure for Identification, Intervention and Resolution of situations of Psychosocial Aetiology will be reactivated.

Likewise, even if you prefer at this time not to resort to the reporting channel, and to proceed by means of the actions provided for in the Protocol for Preventing and Dealing with Harassment and/or the Procedure for Identification, Intervention and Resolution of situations of Psychosocial Aetiology, the investigation committee set up for the purpose will assess whether the facts reported may fall within the scope of application of Law 2/2023, of 20 February, on the protection of persons who report breaches of the law and on combating corruption. In the event that it is established that the conduct reported does fall within the objective scope of the law, the actions provided for in the Protocol for Preventing and Dealing with Harassment and/or in the Procedure for Identification, Intervention and Resolution of Situations of Psychosocial Aetiology will be halted, and the Procedure provided for in the Internal Information System (reporting channel) will be proceeded with.

Signature of the person concerned



## APPENDIX IV

### Conclusions of the application of the Protocol for Preventing and Dealing with Harassment

#### BACKGROUND INFORMATION:

#### DATA AND CONCLUSIONS OF THE STUDY:

##### **General data**

Date of receipt of the intervention request / description of the facts:

Study carried out by:

Department of Prevention     Equally Agent     Others. Please specify:

##### **Details of the person/s making the request**

Full name:

NIF (Tax ID):

Professional Category:

Area/Group/Department:

##### **Reason/s for the intervention request**

Please specify the psychosocial risk factors described in the request: (of psychosocial harassment, psychosocial aetiology, sexual harassment and gender-based harassment, harassment based on sexual orientation, harassment due to gender identity or harassment due to gender expression, etc.)

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- 
- 

Brief description of the facts:

##### **Purpose of the study and methodology used**

Verify the facts described by the person making the request and establish conclusions.  
Apply the Protocol for Preventing and Dealing with Harassment and/or the *Procedure for Identification, Intervention and Resolution of Situations of Psychosocial Aetiology*

RESULTS OF THE STUDY:

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- Signs of the harassment that is the subject of this procedure have been verified.
  - No signs of the harassment that is the subject of this procedure have been verified. Indications have been found that the situation analysed may constitute another type of disciplinary offence.
  - There are no signs of the harassment that is the subject of this procedure or of any other conduct liable to disciplinary action. Findings of a possible: labour conflict, interpersonal conflict, etc.
  - Others: please specify
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**Considerations and clarifications:**

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**Proposed corrective measures and priority**

	Corrective Measure	Person / Dept responsible	Time Limit
1.	...		
2.	...		

COMMUNICATION OF RESULTS TO THE PERSONS INVOLVED:

*As specified in the procedure section.*

The BPU will present this report to the corresponding departments, which will communicate the result to the people involved, together with Human Resources. If it considers it appropriate, the department responsible can request the support of the BPU when delivering this communication.

We remain at your disposal for any questions or clarifications.

Yours faithfully,

**Investigation Team** (Name, date and signatures)

## APPENDIX V

### Regulatory Framework

- European Community Code of Practice on sexual harassment of 27 November 1991 constitutes the European law on its prevention.
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation defines sexual and gender-based harassment and establishes that these situations will be considered discriminatory and, therefore, will be prohibited and sanctioned in an appropriate, proportionate and dissuasive manner.
- Procedure for the prevention, detection, action on and resolution of situations of sexual harassment and harassment based on gender, sexual orientation, gender identity or gender expression. Department of Governance and Institutional Relations of 28/03/2023. General Directorate of Relations in the Civil Service.
- Procedure for detection and action in cases of psychosocial aetiology, PO/PS/01.ICS.
- Law 62/2003, of 30 December, on fiscal, administrative and social measures.
- Law 31/1995, on the prevention of occupational risks.
- Law 2/2023, of 20 February, regulating the protection of persons who report breaches of the law and on combating corruption
- Royal Decree 39/1997, of January 17, as amended by Royal Decree 604/2006, of 19 May, which approves the Prevention Services Regulation.
- Royal Legislative Decree 5/2000, of 4 August, approving the revised text of the Law on Offences and Penalties in the Social Order (Article 8).
- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
- Royal Decree 171/2004, of 30 January, implementing Article 24 of Law 31/1995, of 8 November, on the prevention of occupational risks, in matters of coordination of business activities.
- Article 48 of Organic Law 3/2007, of 22 March, promoting the effective equality of women and men.
- Law 5/2008, of April 24, on the right of women to eradicate male violence.

- Technical Criterion of the Labour Inspectorate 69/2009 on the actions of the Labour Inspectorate and Social Security regarding harassment and violence at work: the absence of assessment and of adoption of measures to prevent gender violence in the workplace is considered an infringement in terms of prevention.
- Law 17/2015, of 21 July, on the effective equality of women and men.
- “Guide for drafting the protocol for preventing and dealing with sexual and gender-based harassment in companies” Labour Relations Council of Catalonia, 2021 edition.

