



Institut de Recerca en Energia de Catalunya
Catalonia Institute for Energy Research

PROTOCOL FOR PREVENTION AND ACTION AGAINST HARASSMENT AT WORK



Barcelona, September 15th 2015

V1.0

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INTRODUCTION

IREC has approved the present "Protocol of prevention and action against harassment in the workplace" (hereinafter "Protocol") with the commitment to prevent situations of sexual harassment, harassment based on sex and / or psychological harassment from occurring. be these attacks of dignity, harmful to the working environment and generating undesirable effects on health, morals, confidence and self-esteem of people.

For that purpose, this Protocol defines the conducts to be prevented, as well as arbitrates the specific measures for said prevention and to channel the complaints or claims that, where appropriate, may be formulated by those who have been the object of said behaviors. To this end, an effective and agile investigation procedure has been established and will be launched when one of these conducts is reported; in this procedure the confidentiality and protection of the identity of the persons affected will be guaranteed, as well as of all those who intervene in the process.

PRINCIPLES

The FUNDACIO INSTITUT DE RECERCA EN ENERGIA DE CATALUNYA (IREC) has been created to contribute to the goal of creating a more sustainable energy future, taking into account economic competitiveness and supplying society with maximum energy security.

This contribution will be made from the scientific and technological development. The research requires a long-term vision to identify the energy challenges of the future. But the Institute also works on practical research that will allow companies to implement immediate innovative solutions.

In order to guarantee the protection of the fundamental rights of the person, and in a resounding commitment to comply with the Organic Law 3/2007, of March 22, for the Effective Equality of Women and Men, it is necessary to prevent harassment work and prevent the appearance of any behavior that can be considered as constituting harassment in the workplace and professional.

Sexual harassment, harassment based on sex and psychological harassment are behaviors that are totally prohibited in the IREC and are considered unacceptable in our organization. For this reason, IREC is committed to guaranteeing that all persons with a direct relationship in the workplace enjoy a respectful work environment, in which the right to equal treatment, non-discrimination, dignity, privacy and integrity, among the fundamental principles, are respected at all times, and to adopt the corresponding corrective and disciplinary measures and protection to the people affected when such behaviors occur.

FIELD

The Protocol is applicable to the group of people that provide services to IREC.

The scope of the harassment, in any of its modalities, will be the center of work; consequently, if it occurs outside it, it should be made clear that the situation is caused directly by work (for example, on the occasion of events or trips due to work).

CONCEPTS

1 SEXUAL HARASSMENT

Sexual harassment is any behavior of a sexual, verbal or physical nature that has the purpose or effect of threatening the dignity of a person, particularly when creating an intimidating, degrading or offensive environment.

Sexual harassment is distinguished from freely accepted and reciprocal approaches, to the extent that sexual harassment behaviors are not desired by the person who is the object of them.

By way of example and without excluding or limiting, the behaviors described below could be constitutive of sexual harassment.

2 CONSTITUTIVE BEHAVIORS OF SEXUAL HARASSMENT

Verbal behavior

Annoying sexual innuendos, propositions or pressure for sexual activity; insistence to participate in social activities outside the workplace, after the person object of the same has made it clear that such insistence is annoying and inopportune; offensive flirtations; insinuating comments, hints or obscene comments; unwanted phone calls; jokes or comments about sexual appearance.

Non verbals

Display of sexually suggestive or pornographic photos, of objects or writings, immodest looks, whistling or making certain gestures; letters or emails of an offensive nature, sexual content.

Physical

Deliberate and unsolicited physical contact, unwanted hugs or kisses, excessive or unnecessary physical approach.

1- TYPES OF SEXUAL HARASSMENT

There are two types of sexual harassment depending on whether the previous behaviors imply or not an element of coercion:

“quid pro quo” harassment

Consists of forcing the victim to choose between submitting to sexual requests, or losing or seeing harmed certain benefits or working conditions, affecting access to professional training, continued employment, promotion, retribution or any other decision in relation to this matter.

To the extent that it supposes an abuse of authority, its active subject will be that which has power, either directly or indirectly, to provide or withdraw a benefit or condition of work.

Environmental harassment

The active subject of the harassment creates an intimidating, hostile, degrading, humiliating or offensive work environment for the victim, as a consequence of unwanted attitudes and behaviors of a sexual nature. It can be done by any member of IREC, regardless of their position or status, or by third parties located in any way in the company's facilities.

1- HARASSMENT FOR REASON OF SEX

Any behavior performed based on a person's sex or sexual orientation,
With the purpose or effect of undermining their dignity and creating an intimidating environment,
Demearing or offensive

1- CONSTITUTIVE BEHAVIORS OF HARASSMENT FOR REASON OF SEX

Below, by way of example, are a series of behaviors or behaviors that, carried out according to the sex or sexual orientation of a person and with the purpose of undermining their dignity, could be constitutive of this type of harassment:

- Ignore or exclude the person.
- Evaluate the work of the person in an inequitable manner or in a biased manner.
- Assign tasks or jobs below the professional capacity or competencies of the person.
- Explicit or implicit behavior aimed at making decisions about the person's access to vocational training and employment, the continuity of the same, the remuneration, or any other decisions related to this matter.
- Unfavorable treatment due to pregnancy or maternity.

PSYCHOLOGICAL HARASSMENT (MOBBING)

The terms mobbing, "moral harassment at work" or "psychological harassment at work", are used to describe a situation in which a person, or group of people, exercise a set of behaviors characterized by extreme psychological violence, abusive and unjust, in a systematic and recurrent way, for a long time, on another person in the workplace, and that may cause damage to their dignity.

It should be noted that certain hostile actions may occur punctually in the work, although, so that they could be constitutive of psychological harassment requires, as already stated, that are systematic, habitual actions with a determined duration in time and directed on a person.

Therefore, situations of pressure or labor conflict should not be confused with psychological harassment. In the first case, these are situations of disagreement, since at work shocks, discussions and possible conflicts may occur. Psychological harassment, on the other hand, consists of a malicious attack, systematic and maintained in time against a person.

1. CONSTITUTIONAL BEHAVIORS OF PSYCHOLOGICAL HARASSMENT

Below are listed, by way of example, a series of specific behaviors that, fulfilling the requirements highlighted in the previous point, could amount to psychological harassment at work:

Attacks with organizational measures

- Forcing someone to perform tasks against their conscience.
- Judge the performance of the person in an offensive manner, hide their efforts and abilities.
- Call into question and disavow the decisions of the person.
- Do not assign any task, or assign meaningless or degrading tasks. Deny or hide the means to perform the work, or provide erroneous data.
- Assign jobs far superior to the competences or qualifications of the person, or that require a much lower qualification than the one possessed.

- Contradictory or impossible to fulfill orders.
- Manipulate the work tools (for example, delete files from the computer).
- Theft of belongings, documents, work tools, etc.
- Threats or pressures to the people who support the victim.
- Manipulation, concealment, return of correspondence, calls, messages, etc., of the person.
- Denial or difficulties in accessing permits, courses, activities, etc.

Attacks to reduce the possibilities of communication

- Change the location of the person separating it from its companions (isolation).
- Ignore the presence of the person.
- Do not speak to the person.
- Restrain colleagues from talking to 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.)

Activities that affect the physical or mental health of the victim

- Threats and physical aggressions.
- Verbal or written threats. Screams or insults
- Terrifying phone calls To provoke the person, forcing him to react emotionally. Intentionally causing expenses to harm the person.
- Cause destruction in the workplace or in your belongings.
- Require the person to perform dangerous or harmful work for their health.

Attacks on privacy and personal or professional reputation

- Manipulate personal or professional reputation through rumor, denigration and ridicule.
- To suggest that the person has psychological problems, to try to undergo a psychiatric examination or diagnosis.
- Teasing gestures, voice, physical appearance, disabilities, putting notes, etc.
- Criticisms of nationality, political or religious attitudes and beliefs, private life, etc.

PREVENTIVE MEASURES

To prevent and avoid situations of Harassment at work, IREC will disclose this Protocol through:

- The Intranet
- Email to all members of the organization
- Any other means that serves such purpose

- IREC will promote the specific training of all members of your organization on sexual harassment, harassment based on sex and psychological harassment. In particular,

IREC will provide the appropriate training to those members of your organization who have some competence in the procedures for reporting these behaviors.

- In addition, IREC is committed to promoting respect and consideration among all its collaborators, promoting seminars and specific talks on the matter, preparing informative material and taking any action deemed necessary for the fulfillment of the purposes of this Protocol.
- This Protocol will be updated as often as necessary, with the aim of making all IREC members aware and responsible in helping to guarantee a work environment in which the dignity of all the people of the organization is respected.

Information and Awareness

Launch an explanatory campaign to teach how a harassment situation can be detected and report on the rights and resources available to employees.

- Email
- Intranet
- Any other means that serves such purpose

Training

IREC will promote the specific training of all members of your organization on sexual harassment, harassment based on sex and psychological harassment. Especially, it will provide adequate training to those members of your organization who have some competence in the reporting procedures of these behaviors.

ACTING PROTOCOL

COMPLAINT PROCEDURE

The report of the detected case must be made in writing by the affected person or by a third person who is aware of acts of sexual harassment, harassment based on sex and / or psychological harassment, who must identify themselves.

The written complaint shall be sent by email to any member of the Equality Commission or to the IREC Committee itself (comité.empresa@irec.cat), or by any other means through which proof of delivery is recorded, to the attention of any of the people that make up the Equality Commission that will study and investigate it.

Regardless of the information provided in the complaint, the investigation will be conducted in any case, although it should be noted that the more information and detail contained in the complaint, the more agile and effective your investigation will be. Therefore, it is suggested that the complaint contain, at least, the following detail:

- People involved
- Types of behaviors
- Dates and places where the behaviors occurred
- Possible witnesses
- Identification of the potential victim of harassment

1.1 Confidentiality and protection of those affected

- It is intended that the procedure be as agile and effective as possible, and that it be protected at all case the privacy, confidentiality and dignity of the people affected; Likewise, sufficient protection will be sought from the victim in terms of their safety and health, taking into account the possible physical and psychological consequences that may arise from the situation, paying particular attention to the work circumstances in which the victim finds himself. allegedly harassed.
- Throughout the procedure strict confidentiality will be maintained and all internal investigations will be carried out tactfully, and with due respect, both to the complainant, to the victim - who in no case may receive unfavorable treatment for this reason - like the defendant, whose guilt will not be presumed. All persons involved in the process will have an obligation of confidentiality, and will be identified in the file.

1.2 Functions of the Equality Commission

- This Commission will be composed of members of the following Functions: General Management and Human Capital Management and two members of the IREC Enterprise Committee.
- The Commission will study and evaluate each case, will have the right to access all the information and documentation for the resolution of the complaints and their agreements will be adopted by a majority of its members. Its operation will be governed by the provisions of its internal regulations, which will be approved by the Committee itself at its first meeting.

The competences / responsibilities of this Commission are, among other things:

- Receive all complaints, complaints, complaints, suggestions or queries in relation to situations of harassment.
- Conduct the investigation of sexual harassment cases, based on sex and / or psychological harassment that arise, practicing as many documentary tests or interviews as necessary, and guarantee in all cases the strict confidentiality of the matter and the persons involved and equal treatment between them.
- Prepare a detailed report containing the corresponding proposal of measures to be adopted.
- Submit said report within a maximum period of 2 months, although the principle of speed will be applied for its resolution, from the receipt of the complaint to the IREC so that the pertinent measures are adopted, in order to solve the problem and determine , where appropriate, possible disciplinary actions. Likewise, a copy of said report will be sent to the parties involved.
- Periodically monitor each complaint filed, attaching to each report the actions undertaken.

The members of the Commission will receive specialized training on the treatment of harassment in the workplace.

In the event that any member of this Commission is involved in a harassment process or affected by kinship or affective relationship, friendship or overt enmity, of superiority or immediate hierarchical subordination, or by any other type of direct relationship with respect to the affected person or the person denounced, which may cause doubts about their objectivity and impartiality in the process, will be automatically invalidated to be part of said

concrete process. If it was the person denounced or the complainant, it will be invalidated to intervene in any other procedure until the resolution of your case

1- INVESTIGACIÓN

The Commission will treat each case individually, and will ensure that the people affected are heard and supported at all times, as they could be going through delicate moments, including isolation.

For this purpose, the Commission may carry out interviews or other investigation techniques with any of those involved, witnesses, or third parties considered to be able to provide useful information.

The main objective of the interview is to know in which situation the affected people are and, among other issues:

- If there is or has been harassment at work, and what characteristics, why, phase in which you are, etc.
- Who or who consider themselves to be practicing this situation of harassment and what hierarchical relationship exists.
- In what situations the harassment materializes.
- If it is carried out in the presence of other classmates and, if that is the case, how they have reacted.
- If the case has been brought to the knowledge of a hierarchical superior, in what way (verbally or in writing) and what type of response has been obtained.
- To what extent the situation has affected the health of the person, including whether he has needed help from a specialist or has been out of work in recent months and for what reason.
- If other colleagues have or have had similar problems, requesting additional information.

The interviews will be ruled in any case by the following procedure:

- In the case of deciding the Commission to hold a joint interview with the harassed and denounced person, this will only take place with the express permission of both. If any party requests a meeting or interview, it will be granted.
- All those involved will have the right to be assisted at all times by representatives or advisors.

2 ELABORATION OF THE REPORT

In order to prepare a report as complete as possible of the investigation process, the Commission will collect the evidence it deems necessary, including:

- Testimonials from those affected, involved, witnesses, etc.
- Written statements (for which corporate emails can be used).
- Reports of the specialists treating the affected party (in which case the express written authorization of the interested party will be obtained).
- Any other evidence that provides useful information to the process.

The report shall include, as a minimum, the following information:

- Background of the case (summary of arguments raised by those involved).
- Summary of the interventions made by the
- Commission and of the evidence obtained.
- Summary of the main facts. Conclusions and proposed measures.

2- PROTECTION OF THE HEALTH OF IREC MEMBERS

IREC will adopt the corrective measures that seem pertinent in relation to the situations of harassment, to guarantee the right to the protection of the health of the members of its organization. Some of these measures can be:

- Psychological help for the affected person.
- Support to the affected person for his total reinstatement in his job or in a different one.
- Ensure that within the organization there are no reprisals against people who report or are reported, nor against those who testify, collaborate or participate in investigations of sexual harassment, sexual harassment and psychological harassment.

VARIOUS PROVISIONS

1- PROTECTION OF VICTIMS

In the event that the existence of harassment is determined, in any of its modalities, and the sanction imposed on the harasser does not entail his exit from IREC, the appropriate measures will be taken so that the harasser and the victim do not coexist in the same environment of work, as long as this is possible. In these measures -which can not suppose or improve or detract from their contractual conditions- the harassed person will have preference for treatment.

2- FALSE ALLEGATION

In the event that it is determined that there has been no harassment in the situation reported, in any of its modalities, and also determine the bad faith of the complaint, appropriate disciplinary measures will be adopted.

3- RETALIATION

If reprisals or acts of discrimination occur on the complainant, the victim or other persons involved in the process, the existence of the harassment has been determined or not, in any of its modalities, the corresponding disciplinary measures will also be adopted.

4- DATA PROTECTION

The unauthorized disclosure of data of any of the procedures that are initiated will be considered a breach of contract subject to disciplinary sanctions.

CONCLUSIONS

By way of conclusion, and in order to influence the most relevant points of the Protocol, the principles that should govern at all times in this matter are summarized below:

- IREC will not tolerate any type of harassment at work.
- All members of IREC have the responsibility to collaborate in guaranteeing a work environment in which dignity is respected, and all those with their dependents will have specifically entrusted the task of ensuring that no type of harassment occurs in their area of responsibility. organization.
- When complaints, it will act with due discretion in order to preserve the dignity and privacy of all those involved.
- Complaints will be made in writing, can not be anonymous and will be investigated and analyzed without undue delay, in an agile and reliable manner.
- All affected people will be listened to and supported at all times.
- All those involved will be treated impartially, and the accused will not be presumed guilty.
- The allegations will be based on reliable and detailed information
- False accusations and retaliation will not be tolerated, and may be subject to disciplinary action.

The safety and health of the people will be protected first of all, for which the measures considered appropriate in each case may be adopted.

Barcelona, September 15th 2015

Jaume Marfà
Director Econòmic i de Gestió
Institut de Recerca en Energia de Catalunya