

**Protocol for Prevention and Action in Cases of  
Harassment in the Workplace**

**Psychological harassment, sexual harassment, discriminatory  
harassment of women and other types of violence in the  
workplace**



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## 1. DECLARATION OF PRINCIPLES

In accordance with the provisions of General Act 3/2007, of 22 March, for effective equality between women and men, Centro Astronómico Hispano en Andalucía A.I.E. wishes to achieve a working environment in which equal opportunities are upheld in the workplace, as well as the dignity and freedom of all the company's employees and external stakeholders (clients, suppliers, etc.) who work with Centro Astronómico Hispano en Andalucía A.I.E.

This protocol has therefore been drawn up with a view to avoiding situations of psychological, sexual or discriminatory harassment and other kinds of violent conduct in the workplace, making it quite clear that no harassment of any kind will be tolerated at the Company's sites or workplaces, and anyone who encourages or practices such behaviour within the organisation will be face robust disciplinary action. Even if harassment is unintentional it is totally unacceptable and the same protocol will be applied.

Centro Astronómico Hispano en Andalucía A.I.E. undertakes to:

- Implement a protocol setting out the necessary measures to prevent and combat harassment at work, establishing a confidential, simple, fast and accessible channel for the victims of any harassment to use in order report it.
- Disseminate the protocol against workplace harassment to all in-house personnel and any other people working at the company who request it.
- Provide support for workers who are subjected to situations of harassment, investigating each case individual in accordance with the content of this document.
- Provide the necessary information and/or training for personnel so they know how to act in order to prevent and deal with workplace harassment.
- Process transparently and in confidence any complaints or reports that are received by the Company's management.
- Prevent, not tolerate, combat and pursue and manifestations of harassment.
- Safeguard the employment and social-protection rights of any victims of harassment.
- Foster a prevention culture regarding workplace harassment in all areas and at all levels within the organisation.
- Respond with zero tolerance to any situations of workplace harassment detected in any part of the organisation.
- Carry out streamlined, swift, confidential in-house investigation of any complaints of harassment in order to determine whether a situation of workplace harassment has occurred within the Company.
- Apply any measures considered necessary, including precautionary, administrative or disciplinary measures, on the person accused in accordance with the harassment conduct identified and compensate the victim who has been harassed.

Centro Astronómico Hispano en Andalucía A.I.E. will tolerate no reprisals of any kind against anyone assisting an investigation or reporting an infraction.

The Company will act with the same force and apply the same protocol to deal with those found to have made false complaints of harassment.

Almería, 30 September 2022

Jesús Aceituno Castro  
CAHA Director

## 2. PURPOSE OF THE PROTOCOL

This protocol describes the process to be followed by all employees of Centro Astronómico Hispano en Andalucía A.I.E. and external personnel working at the Company's facilities, if they are exposed to any situations of interpersonal conflict, psychological or sexual harassment or gender-based discrimination, applying measures for mediation and guided analysis to address any such situations, taking into account people's dignity and unalienable rights, upholding the law and showing respect for others.

It also sets out the measures necessary to prevent and avoid any kind of interpersonal conflict, psychological or sexual harassment or gender-based discrimination, specifically describing the investigation and internal disciplinary actions and their guarantees if any worker makes a complaint in this regard, by implementing response mechanisms to deal with harassment and establishing any appropriate disciplinary action.

Any workers finding themselves in an interpersonal conflict or suffering from psychological or sexual harassment, gender-based discrimination, or any other kind of violence at work, will have the right to make an internal complaint, in addition to any criminal or civil proceedings that the person being harassed may decide to bring outside the organisation.

Finally, to prevent or act in any cases of external violence occurring at any Company workplace or on any job, the procedure described in Appendix 3 of this protocol (Action in Cases of External Workplace Violence) will be applied.

## 3. SCOPE

This protocol is applicable to all employees working at Centro Astronómico Hispano en Andalucía A.I.E. as well as all persons from external organisations who are working with the Company (clients, suppliers, etc.).

It is also applicable to anyone who, while not working at the Company, provides services or works with the organisation, such as trainees, interns or volunteers.

The protocol applies to harassment situations occurring at work, in relation to work or as a result of work:

- a) at the workplace, including public and private places when they are being used as a workplace;
- b) at sites where workers are paid, where they take their breaks or where they eat, where they use toilet or washing facilities or in changing-rooms;
- c) when travelling, on trips, at events or during work-related social or training activities;
- d) in the framework of work-related communications, including IT and media (virtual or online harassment).

## 4. CONCEPTS AND DEFINITIONS

### 4.1 Interpersonal conflict

Interpersonal conflict at work refers to differences arising between people owing to an exchange of information or opinions leading to a conflict between them; trying to secure a right; opposing a decision; or fighting or arguing with each other when trying to reach an agreement.

The main types of conflict are:

- Conflict of interest: Defending a benefit, purpose or advantage.

- Conflict of power: Secondary to the belief that the entire area of influence is at risk or the intention to gain more control or decision-making capacity.
- Conflict of identity: The actions of a colleague of hierarchical superior that undermine personal professional identity.
- Ideological conflict: Making coexistence impossible, preventing compromises from being reached, because of different ethics, ways of viewing things, religious beliefs, political opinions, etc.

Conflicts may have negative effects on people and on the organisation where they occur, even if the conduct, actions or behaviours *per se* do not constitute any kind of harassment. They are included in this protocol because if they escalate or are not dealt with, they may give rise to situations with a risk of violence, so we need to work on eradicating their root causes.

When we refer to workplace conflicts we tend to think only of negative circumstances, disagreements, wrangling, etc. (dysfunctional conflicts). However, conflicts, if they are managed effectively, may provide an opportunity to be reoriented into dialogue and cooperation. So every conflict must be dealt with in a different way. Not addressing or avoiding a situation of conflict does not mean it will go away, but rather that the problem will last longer.

Situations of interpersonal conflict including (but not limited to) the following are not deemed to constitute harassment:

- Regularly "tyrannical", disrespectful behaviour by someone towards co-workers.
- Constructive criticism or explicitly work assessments.
- Conflicts between two people about specific problems, causing them to argue.
- One-off acts: justified change of job position, fair disciplinary action, on-off arguments, etc.
- Organisational situation affecting a group: cancelling overtime, changes to working hours, etc.
- Substantial changes to working conditions for no reason and without following the legally established procedures.
- Conflicts arising during strikes, protests, etc.
- Criticising the quality of someone's work, but without insulting them.
- Person and trade-union conflicts.

## 4.2 Harassment

Section 28 of the Tax, Administrative and Social Order Measures Act 2003 (62/2003, of 30 December), defines harassment as any undesirable conduct related to a person's racial or ethnic origin, religion or beliefs, disability, age or sexual orientation with the purpose or consequence of undermining their dignity and creating an intimidatory, humiliating or offensive atmosphere.

In other words, it includes any act, conduct, statement or request that could be deemed to be discriminatory, offensive, humiliating, intimidatory or violent or to intrude into someone's private life.

## 4.3 Psychological harassment in the workplace ("mobbing")

According to INSST Technical Prevention Note NTP 854, psychological harassment in the workplace — known as "mobbing" — is repeated exposure to psychologically violent conduct, over a substantial period of time, towards one or more people by people in a position of power (not necessarily hierarchical) over the mobbing victim. Such exposure occurs in the context of a position of weakness and has a significant impact on health.

This behaviour, which often leads to long periods of sick leave, aims to wreck the victim's communication networks, destroy their reputation, undermine their self-esteem, hinder their work, deliberately degrade their working conditions, steadily damaging the person's dignity with the intention of forcing them to leave their job.

Mobbing may be based on the sex, race, age, opinion, religion or personal or social circumstances, but in all cases it attacks their personality, dignity or physical or mental well-being.

Other definitions of "mobbing" that have been made include the following:

- H. Leymann defines mobbing as a situation in which a person or group of people behave in a way that is characterised by psychological violence applied systematically (at least once a week) over a long period of time (more than six months) to another person in the workplace.
- The European Commission defines it as negative behaviour between colleagues or between supervisors and their hierarchical underlings, as a result of which the person affected directly or indirectly suffers systematic harassment and attacks over an extended time period by one or more people, with the purpose or effect of blanking them.
- The European OHS Agency defines it as repeated irrational behaviour towards an employee or group of employees, such as to constitute a risk for their physical and mental health and safety.

Mobbing is a situation that evolves over time, and it often stems from events that in themselves are of little importance but that can end up excluding the victim from work.

#### **Forms that mobbing may take**

The following situations may indicate the existence of mobbing:

- Actions against a person's reputation or dignity: Mocking and laughing at a person's physical appearance, voice, personal beliefs or religion, or their lifestyle.
- Actions to hinder a person's work: An excessive amount of work or tasks that are too hard to do. Depriving a person from performing a particular task. Refusing or hiding the resources for a person to do their job. Making contradictory or exclusive demands of a person. Forcing a person to do things that go against their moral convictions.
- Actions that tamper with communication or information: Not telling a person about certain aspects of their job. Failing to clarify their duties and responsibilities. Not showing the methods available to perform the work to be done. Not showing the quantity or quality of the work to be done. Keeping a worker in a position of uncertainty. Making hostile use of communication media, either explicitly (threatening, criticising or reprimanding them about work matters or with reference to their private life, etc.) or implicitly (refusing to speak to them, not taking into account their views, ignoring their presence, etc.). Selective use of communication only to criticise or belittle, never to praise. Exaggerating the importance of someone's errors and minimising the importance of their achievements.
- Inequality actions: Establishing differences in treatment. Unequal workload distribution. Pay inequality.
- Abuse of authority: Continuously leaving a person with nothing effective to do or out of contact, with no justified cause. Giving someone orders that are impossible to comply with using the resources that have been allocated to them. Assigning pointless tasks with no production value. Reprisals against workers who have made complaints or reported situations to the company or have collaborated with claimants.

- Insulting treatment: Repeatedly insulting or treating someone with contempt, constantly reprimanding them in front of others. Spreading false rumours about a person's work or private life.
- Discriminatory harassment (s. 8.13(b) TRLISOS): When motivated by the victim's political or religious beliefs. Attacks on trade-union-related grounds. Gender or sexual orientation. Pregnancy or maternity. Age, marital status. Place of origin, ethnicity, nationality. Disability.

#### **Conduct not considered to constitute mobbing**

Conduct that merely involves conflict in the framework of human relationships, while clearly affecting the working atmosphere, the organisation and workplace relationships is not considered to constitute mobbing. Allowing conflicts to develop into any form of violence in the workplace, becoming habitual or resulting in mobbing must be avoided.

Nor are repeated or long-standing situations at work with no violence involved (e.g. an isolated, one-off act of violence) considered to be mobbing.

Supervisors having an authoritarian management style, poor organisation of work, poor communication, etc. are not considered to constitute cases of mobbing either, although they should be treated as part of preventing psychosocial risks.

None of the following situations are considered to constitute mobbing:

- A one-off violent event (not extended over time).
- Irregular organisational actions affecting a group.
- Legitimate pressure to comply with what has been agreed or any rules or standards that are in place.
- A conflict.
- Constructive, explicit, justified criticism.
- Supervision, monitoring and exercising authority, provided it shows the appropriate amount of interpersonal respect.
- Arbitrary or excessively authoritarian behaviour applied to a group in general.
- An organisational situation affecting a group: cancelling overtime, changes to working hours, etc.
- Conflicts arising during strikes, protests, etc.
- Criticising the quality of someone's work, but without insulting them.

#### **4.4 Sexual harassment**

General Act 3/2007, of 22 March, for effective equality between men and women, includes the following definitions:

**Sexual harassment:** Any sex-related verbal or physical behaviour for the purpose or having the affect of undermining a person's dignity, particularly when it creates an intimidatory, degrading or offensive atmosphere (s. 7.1).

#### **"Quid pro quo" sexual harassment or sexual blackmail**

When considering sexual harassment we can first identify the "quid pro quo" type, or sexual blackmail, which consist of forcing the victim to bow to sexual demands or lose all or part of certain benefits or working conditions, affecting access to professional training, a stable job, promotions, pay or any other similar decision. Inasmuch as this is an abuse of authority, the harassing person directly or indirectly wields power to offer or refuse certain benefits or working conditions.

### **Environmental sexual harassment**

In this type of sexual harassment the harassing person creates an intimidatory, hostile, degrading, humiliating or offensive working environment for the victim as a result of unwanted sex-related attitudes and behaviours. The harassing person may be any member of the company's workforce, regardless of their position or status, or any other person who is present in the workplace for any reason.

### **Forms that sexual harassment may take**

The following behaviours, alone or together with others, behaviours including but not limited to the following are considered to constitute possible evidence of sexual harassment.

- Verbal conduct: Sexual insinuations, propositions or pressure to engage in sex. Offensive flirting. Suggestive, indirect or obscene comments. Unsolicited telephone calls or social-network contacts. Jokes or comments about sexual appearance.
- Non-verbal conduct: Exhibiting sexually suggestive or pornographic images, objects or writings, lewd looks or gestures. Offensive letters, emails or social-network messages with a clear sexual content.
- Physical behaviour: Deliberate unsolicited physical contact, unwanted hugs or kisses, physical approaches that are excessive and unnecessary.

## **4.5 Harassment based on discrimination against women**

**Harassment based on discrimination against women:** Any behaviour based on a person's sex, for the purpose or with the effect of undermining their dignity and creating an intimidating, degrading or offensive atmosphere (s. 7.2). Any unfavourable treatment related to pregnancy or maternity constitutes direct discrimination against women (s. 8).

EU recommendation 02/31, of 27 November 1991, on men's and women's dignity at work, addresses sexual harassment as follows: *"Conduct of a sexual nature or other gender-based behaviour that affects the dignity of women and men in the workplace, including the conduct of supervisors and co-workers, is unacceptable if:*

- a) *The conduct is unwanted, unreasonable and offensive for the person targeted.*
- b) *A person's refusal or acquiescence to such conduct (including supervisors and co-workers) is used explicitly or implicitly as the basis for a decision with effects on that person's access to professional training and employment, their continued employment, their pay or any other employment-related decisions.*
- c) *Any such conduct creates an intimidatory, hostile and humiliating working environment for the person targeted, and such conduct may under certain circumstances contravene the principle of equal treatment."*

In order to confirm that a situation of gender-related harassment is occurring, a set of circumstances with a common denominator need to be present.

- Harassing behaviour, by which we mean any conduct that is intimidatory, degrading, humiliating and offensive, originating externally and perceived as such by the person suffering it.
- Objective attacks on the victim's dignity, perceived subjectively as such by the victim.



- Repeatedly offensive results. Attacks on the dignity of a person suffering gender-related harassment may also infringe other fundamental rights of the victim, such as the right not to be discriminated against, attacks on their mental and physical health, etc.
- Not an isolated incident.
- The reason behind this behaviour must be related to the fact that the victim is a woman or circumstances that biologically can affect women only (pregnancy, maternity, breastfeeding), or related to the reproductive and caring functions that as a result of social discrimination are widely assumed to be associated with women. Gender-related harassment may also be suffered by men when they are performing duties, tasks or activities that are related to the role traditionally attributed to women, e.g., a male worker who is harassed because he takes care of children or dependants.

#### **Forms that harassment may take when based on sexual discrimination regarding pregnancy or maternity**

- Forcing or pressuring pregnant women to find someone to cover for them while they on maternity/breastfeeding leave.
- Being treated less favourably because of taking maternity/breastfeeding leave than those who take other kinds of leave.
- Attempting to dissuade someone or hindering them from taking maternity/breastfeeding leave to which they are legally entitled.
- Penalising, discriminating against or mocking someone for taking maternity/breastfeeding leave, opting for shorter working hours or not doing overtime.
- Refusing to grant pregnancy/maternity leave.
- Penalising or discriminating against women on their return to work after taking maternity leave.

#### **Forms that sexual harassment based on discrimination against women may take**

The following behaviours, alone or together with others, behaviours including but not limited to the following are considered to constitute possible evidence of gender-based harassment. The following specific types of conduct meet the requirements set out above and may constitute gender-based harassment at work if they are recurring:

- Attacks by taking organisational measures: Judging a person's performance offensively, ignoring their achievements and skills. Questioning and overruling a person's decisions. Not assigning any tasks to a person or giving them only pointless or degrading tasks to do. Refusing or denying access to the resources a person needs to do their job or giving them false information. Assigning tasks that are far above or far below a person's skills and qualifications or that require only much lower qualifications than the person possesses. Orders that are contradictory or impossible to fulfil. Stealing belongings, documents or work tools, deleting computer files, tampering with work tools in such a way as to cause a person harm, etc. Threatening or pressuring anyone who tries to help the person being harassed. Tampering with, hiding or sending back a person's correspondence, calls, messages, etc. Denying or hindering access to permissions, courses, activities, etc.
- Actions that are intended to isolate a person: Relocating a person away from their co-workers (isolation). Ignoring a person's presence. Refusing to speak to a person. Restricting co-workers' opportunities to talk to a person. Not allowing someone to express themselves. Avoiding all visual contact. Taking away or restricting a person's use of the means of communication available (telephone, email, etc.).

- Activities affecting the victim's physical or mental health: Physical threats and aggression. Threats made orally or in writing. Shouting at and/or insulting a person. Threatening telephone calls. Provoking a person to react emotionally. Intentionally incurring expenses to cause harm to a person. Trashing a person's workstation or belongings. Requiring a person to perform tasks that are dangerous or pose a risk to their health.
- Attacks on a person's private life and personal or professional reputation: Manipulating a person's personal or professional reputation by spreading rumours about them, denigrating them or mocking them. Suggesting that a person has mental issues and trying to force them to undergo a psychiatric assessment or diagnosis. Mocking a person's gestures, voice, physical appearance, disabilities, using cruel nicknames, etc. Criticising a person's nationality, political positions or religious beliefs, private life, etc.

#### **Special-interest groups related to sexual and gender-based harassment**

Sexual and gender-based harassment may occur in any profession, sector, job category or age group. Although it is a phenomenon that may affect any job category, qualification level, etc., the most vulnerable groups are:

- Single women with family responsibilities (single mothers, widows, women who are separated or divorcees).
- Women joining professional sectors or job categories that are traditionally male or doing jobs that traditionally are thought of as intended for men.
- Young women working for the first time (generally on a temporary basis).
- Disabled women.
- Women immigrants and members of ethnic minorities.
- Women doing casual work or on temporary contracts.
- Based on age (young or old).
- Based on sexual orientation or gender identity (LGTBI or LGTBI+ people).

#### **4.6 Definitions for the purposes of this procedure**

The expression “**protected person**” refers to any members of our organisation who, under this procedure, find themselves involved in a situation of harassment, as either the complainant or the accused.

The expression “**complainant**” refers to any person who reports a situation of harassment (not necessarily the same person as the one who is suffering the harassment).

The expression “**accused**” refers to any person being accused of subjecting another person to a situation of harassment.

The expression “**reconciliation**” refers to the process whereby the parties are encouraged to settle the issues causing the dispute between them and reach a mutually acceptable solution that eliminates the situation of conflict.

The expression “**false complaint**” refers to any complaint which, once the case has been investigated, is found to meet both the following requirements:

- a) it is without justification and groundless; and
- b) it has been made in bad faith by the complainant or for the sole purpose of causing harm to the accused (reverse harassment) in the terms described above.

## 5. REGULATIONS AND LEGAL CRITERIA

- Article 14 of the Spanish Constitution 1978 provides that all Spanish citizens are equal before the law and must suffer no discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance.
- The Workers Statute establishes the right of all workers to suffer no discrimination and for their privacy and dignity to be upheld.
- The Occupational Health and Safety Act 1995 (31/1995) requires employers to oversee and improve their employee's working conditions, identifying not only any physical risks but also any psychosocial ones that might have a negative effect on their health.
- Section 173.1 of the Penal Code (10/1995, of 23 November) stipulates that anyone who inflicts degrading treatment on another, seriously undermining their moral integrity, should be sentenced to between six months' and two years' imprisonment. The same prison sentence applies to those who, in a position of superiority in the context of any employment or functional relationship, repeatedly act in a hostile or humiliating way to any other person such that, without constituting degrading treatment, causes serious harassment of the victim.
- The revised text of the Social Order (Infringements and Penalties) Act 2000, approved by Royal Legislative Decree 5/2000, of 4 August, Chapter II (Employment Infringements), provides:
  - s. 7.10. Serious infringements are [...] establishing working conditions below those established by law or under collective-bargaining agreements, and any acts or omissions that contravene workers' rights provided under section 4 of the Revised Text of the Workers' Statute Act, unless they are classified as very serious under the following section.
  - s. 7.13. Serious infringements are [...] failure to meet equality-related obligations under the Workers' Statute or applicable collective-bargaining agreement (enforced by additional provision 14 of General Act 3/2007, of 22 March, for effective equality between men and women).
  - s. 8.11. Very serious infringements are [...] acts by an employer that invade the privacy and fail to show due consideration for the dignity of employees.
  - s. 8.13. Very serious infringements are [...] sexual harassment in the context of the running of a business, notwithstanding who the infringing person may be.
  - Art. 8.13(b) Harassment on the grounds of racial or ethnic origin, religion or beliefs, disability, age or sexual orientation, and gender-based harassment, when occurring in the context of the running of a business, notwithstanding whoever the infringing person may be, provided that the employer is aware of the harassment and failed to take the appropriate steps to prevent it. (Enacted under section 1 of additional provision 14 of General Act 3/2007, of 22 March, for effective equality between men and women).
- The Tax, Administrative and Social Order Measures Act 2003 (62/2003, of 30 December). Chapter III (Measure), s. 28.1(d) defines harassment as any undesirable conduct related to a person's racial or ethnic origin, religion or beliefs, disability, age or sexual orientation with the purpose or consequence of undermining their dignity and creating an intimidatory, humiliating or offensive atmosphere.
- Section 48 of the Equality Between Men and Women Act 2007 (7/2007, of 22 March), establishes with regard to sexual and gender-based harassment the obligation for employers

to arbitrate in specific prevention procedures and provide channels for complaints or claims to be made by victims of harassment.

- Section 2 of Royal Decree 901/2020, of 13 October, regulating equality plans and their registration, states: **All enterprises covered by section 1.2 of the Workers' Statute, notwithstanding the size of the workforce, pursuant to sections 45.1 and 48 of General Act 3/2007, are obliged to uphold equal treatment and opportunities at work, and to this end they shall negotiate and adopt measures to avoid any kind of employment discrimination between women and men, and “foster working conditions that avoid sexual and gender-based harassment and arbitrate in specific proceedings and provide channels for complaints or claims to be made by those who suffer such harassment.”**

Finally, technical criterion CT 104/2021 of the Employment and Social Security Inspectorate underlines the provisions of CT 69/2009 on harassment and violence at work, while making a significant change to the harassment behaviour, considering it not to be necessary to prove the intent to cause harm, but for it to be sufficient to find an adequate causal connection between the behaviour and its result on the worker as a result of such violence (deliberate conduct).

## 6. GUIDING PRINCIPLES OF THE PROTOCOL

Centro Astronómico Hispano en Andalucía A.I.E. declares that every person is entitled to be treated courteously, respectfully and decently. Upholding this fundamental right in accordance with the ILO Universal Declaration of Human Rights, the need is recognised to take steps to ensure that all employees enjoy equal treatment, regardless of their nationality of origin, recognising that all forms of harassment constitute not only denial of equal treatment but also a very serious infringement that cannot and must not be tolerated.

These types of behaviour are damaging for an individual's mental or physical health and welfare, constituting physical and/or psychological abuse. They are also contrary to the Company's goals and efforts, and Centro Astronómico Hispano en Andalucía A.I.E. therefore undertakes to address any cases of harassment that are brought to the Company's attention by its employees, without prejudice to any civil or criminal action that the harassed person may be able or wish to pursue.

Centro Astronómico Hispano en Andalucía A.I.E. guarantees the right to use this procedure without fear of being subject to any reprisals, intimidation or unfair, discriminatory or unfavourable treatment. This protection applies equally to any person making an allegation and any person providing information regarding an allegation or the accused, i.e., everyone who is involved.

Once the Company's Harassment Committee has received written complaint of a possible harassment situation, the Company may opt to call in external consultants to carry out the relevant psychosocial intervention, generating an approach report to facilitate the Company's implementation of preventive measures. This report will also serve to inform the complainant about how the case has been resolved.

The complainant may also turn to any external public authority to report an alleged case of mobbing, sexual or gender-based harassment:

- Public mediators
- Employment inspectors
- Bringing court action
- Reporting to the police

The responsibilities of the Company's management in this regard include the following:

- Supporting people reporting that they are being mobbed, sexually harassed, or suffering gender-based harassment or any other kind of violence at work, confirming that they complainants may actually be suffering the harassment denounced.
- Supplying information to assess options and explore how the conflict might be resolved.
- Upholding the principle of the presumption that the accused is innocent until proven guilty.
- Supplying information on settlement options.
- Reporting on the applicable rights and obligations in each case.
- Implementing the preventive measures set out in the reports following investigations carried out internally or by external consultants, related to potential sources of interpersonal conflict or cases of harassment reported in writing.

If the complainant goes directly to an external public authority, the Company will take the appropriate steps as instructed by the body in question.

Anyone reporting a possible harassment situation and those accused of being guilty of it will be entitled to request from their corresponding line managers, as one of the precautionary measures, to no longer have to work alongside the accused or the complainant (social distancing), or changing working hours so that they are no longer present in the workplace at the same time, if this is possible, with no fear of suffering any disadvantages or reprisals. The Company's management will consider the action to be taken in each case in view of the specific circumstances.

Centro Astronómico Hispano en Andalucía A.I.E. wishes to make it clear that any infringement of the rights established in this protocol will be subject to disciplinary measures and any other measures that the Company considers to be appropriate in accordance with the applicable employment regulations.

In the event of any false complaints made about others, the Company's management will take whatever disciplinary measures are considered appropriate, which may include any employment measures or sanction permitted by law, for the situation and/or people involved.

Centro Astronómico Hispano en Andalucía A.I.E. will draw up and apply strategies to include information, education, training, monitoring and assessment with a view not only to preventing harassment but also to influence the attitudes and behaviour of the Company's employees, in accordance with the spirit and intention of this decision. Those in positions of responsibility and all other personnel will receive information and/or training on the practical functioning of this protocol.

Centro Astronómico Hispano en Andalucía A.I.E. stresses that all personnel are responsible for complying with the provisions made in respect of mobbing and sexual and gender-based harassment, undertaking to act as necessary to enforce compliance by all personnel in the application and functioning of this protocol, by means of the appropriate information and access to the protocol and its measures.

## **6.1 Commitment and confidentiality**

Centro Astronómico Hispano en Andalucía A.I.E. recognises its obligation to safeguard the right to privacy and confidentiality throughout any process covered by this procedure. Any information

related to determining the possible existence of a situation of harassment will be handled in such a way as to protect the right to privacy of all those involved.

The Company undertakes to provide the parties involved with the care and support necessary, whenever possible, in order for any situations of harassment that are reported to be solved swiftly and satisfactorily for all parties.

Management will process all data with the maximum professional secrecy and confidentiality, strict compliance with the provisions of the various applicable standards and regulations.

Employees who find themselves involved in proceedings under this protocol undertake to maintain the maximum discretion and confidentiality in respect of any information they may have access to, not disclosing it under any circumstances or by any means.

The complainant, when this protocol is triggered by the mechanisms described below, acknowledges having been informed of its content, the procedure and the potential consequences of applying the protocol, accepting them. The complainant also acknowledges and accepts that even if complaint is withdrawn during the data-collection and analysis process, Centro Astronómico Hispano en Andalucía A.I.E. may continue to pursue the proceedings until their conclusion, in order to safeguard the health and safety of the Company's employees.

Strict confidentiality will be maintained throughout the proceedings, and all internal investigations will be carried out tactfully, with all due respect for the complainant and the victim (who must not under any circumstances receive any unfavourable treatment for this reason) and for the accused, whose guilt will not be presumed. Everyone involved in the process will be obliged to maintain its confidentiality and not disclose any information to which they may have access.

## **7. APPLICATION OF THE PROCEDURE**

### **7.1. Start of the procedure**

The procedure begins when a person working for Centro Astronómico Hispano en Andalucía A.I.E. feels that they are being subjected to an interpersonal conflict of particular significance, which is having highly negative effects on their health and on their work. Proceedings may also be brought in more serious situations defined as mobbing, sexual harassment, gender-based harassment or other situations of violence in the workplace.

Anyone exposed to one of the situations described should report it to the Company or, if they prefer, directly to a relevant public authority.

If they report it directly to the Company, the communication model for possible harassment situations provided in Appendix 1 should be used.

The complainant's report may be delivered by either of the following two methods:

- By email to the following address: [prevencion@caha.es](mailto:prevencion@caha.es)
- By delivering a hard copy to a member of the Harassment Committee, with the delivery recorded in writing.

In order to protect the confidentiality of the proceedings, the person responsible for processing the complaint will issue a numeric code to each of the parties affected. The Company will also ensure that the only people with access to the above email account are the members of the Harassment Committee.

The Committee will be made up of the following members:

Observatory Director  
Administration Department Head  
OHS Manager  
OHS Officers (2 members)

In order for proceedings to begin, it is necessary for the victim of the alleged harassment or any other worker who is aware of it to complete the relevant "Report of Possible Harassment" in the terms set out below and delivered by the means made available for this purpose.

Complaints will be secret and the confidentiality of all the affected parties will be assured at all times.

Any complaints made about matters other than those covered by this protocol will not be processed according to this procedure.

If any complaints are made anonymously, the Company reserves the right to carry out any investigations considered to be appropriate in order to proceed according to the seriousness or extent of the situation being denounced.

If the complainant prefers to report the situation via external official bodies, the complaint may be addressed to:

➤ **Instituto Andaluz de la Mujer (Andalusian Women's Institute)**

C/ Doña María Coronel, 6  
41003 Seville, Spain  
Tel. 954 544 910  
Email: [consulta.iam@juntadeandalucia.es](mailto:consulta.iam@juntadeandalucia.es)

➤ **Employment and Social Security Inspectorate**

✓ Territorial Office:  
Plaza de España (Puerta de Aragón Torre Norte)  
CP 41013 - Seville  
Telephone: 95 423 61 20 / 26 / 27  
Email: [dtandalucia@mites.gob.es](mailto:dtandalucia@mites.gob.es)

✓ Almería.  
C/ Maestro Serrano 3, 1ª  
04004. Almería.  
Tel.: 950 262 866

➤ **Occupational Health and Safety (OHS) Centres**

✓ OHS Line  
Tel.: 955 063 910  
[lineaprl.cefta@juntadeandalucia.es](mailto:lineaprl.cefta@juntadeandalucia.es)

✓ Almería.  
Avda. de la Estación, 25, 12 A  
04005 Almería



Tel.: 950 880 236

- Specific regional-government bodies dealing with harassment cases: Andalusian Ombuds

<https://www.defensordelpuebloandaluz.es/ayudamos-a-tramitar-su-denuncia-por-acoso-laboral>

- Main trade unions (Comisiones Obreras, UGT, CSIF, ELA, USO, etc.)  
Women's Secretary, Comisiones Obreras Andalusia  
C/ Trajano,1, 5º planta. 41002 - Seville  
Email: [mujer@and.ccoo.es](mailto:mujer@and.ccoo.es)

In the case of behaviours or conduct considered to be serious, complainants may turn to the courts or go to the police.

The complainant launching the proceedings should supply any documentation about the issue that they hold and provide any other relevant information they consider to be appropriate or are asked for by the people carrying out the psychosocial intervention.

## 6.2 Development of the action procedure

1. On learning of the complaint, the Harassment Committee, any external consultant or external official bodies performing the psychosocial intervention will guarantee the due diligence and speed of the proceedings. The Harassment Committee will contact the complainant within three working days. If the Company calls in an external specialist consultant, this deadline will be no more than seven working days in order for all the essential initial information to be compiled and an accurate picture of the relevant events to be obtained. However, if the complainant opts to report the alleged harassment to external official bodies, they will set their own deadlines and methods to deal with such cases.

In order to launch the information, at least the following information will be required:

- The complainant's full name and contact details (telephone number or email address).
  - The accused's full name and work relationship with the complainant.
  - The type of situation to which the complainant is allegedly being subjected (interpersonal conflict, mobbing, sexual harassment, etc.).
  - Names of any witnesses that the complainant would like to be heard during the psychosocial intervention.
  - The complainant's relevant employment history within the organisation.
  - The complainant's job description, duties, department, etc.
  - A timeline of the conflict.
  - Any other information potentially of relevance for the investigation.
2. If the complainant is someone other than the alleged victim of the alleged harassment, the victim must formally confirm in writing the accuracy of the facts as they have been reported, addressed to the person launching the proceedings, before the relevant psychosocial intervention begins.



3. If the proceedings are launched by the Company or by an external official body, and Centro Astronómico Hispano en Andalucía A.I.E. opts to call in an external consultant to carry out the corresponding psychosocial intervention, the consultant will initially contact the complainant and the accused and begin the analysis of the facts being alleged.
4. If the victim of an alleged case of sexual harassment so prefers, they may specify that they would prefer to be interviewed about it with a person of the same sex.
5. No person who is a relative, friend or enemy of the complainant or the accused is allowed to take part in the investigation of the case.
6. The Harassment Committee or the external specialist consultant or, as the case may be, the external official authorities, based on the data obtained from the preliminary analysis and depending on the seriousness of the event's or the complainant's written report, will immediately review how to proceed.

The first actions will include deciding whether to recommend in writing that precautionary preventive measures (social distancing or shift changes) should be immediately applied in order to keep the complainant and the accused apart in the workplace, with a view to assuring the health and safety of the people involved. If recommended, these measures will be applied directly by the Company's management.

7. The people involved will be informed of the beginning of the process and of the need for individual interviews to be held with each of them, arranging in advance the date and time of these interviews (within ten days of the launch of the procedure if organised by the Company or fifteen working days if organised by an external consultant).

The interview with the complainant may take place in the workplace, unless they would prefer it to be held elsewhere, in which case a different venue will be agreed with the complainant.

During the course of the procedure the alleged victim will be heard first, followed by the accused, unless the person leading the investigation on behalf of the Company or the external specialist consultant decides that the specific circumstances of the case are such that the interviews should be held in a different order. Both parties involved may request that they be accompanied by a person of their confidence, who may be but need not necessarily be a workers' legal or trade-union representative, and who must maintain the secrecy of any information to which they may have access.

8. **Actions in less serious cases** Dialogue stage. When the relevant individual interviews have been held and depending on the characteristics and seriousness of the case, the people carrying out the psychosocial intervention in less serious cases of interpersonal conflict will propose, within seven working days after the individual interviews, will propose the action guidelines they consider to be necessary, recommending that the Company's management should hold a conciliation meeting with those involved to seek common ground and reach the necessary agreements, following the action guidelines proposed. If the complainant reported the alleged harassment directly to a public authority, this meeting may be called directly by that body, given that they will have compiled the necessary information.

The aim of this stage is to settle the situation of harassment urgently and effectively in order to put a stop to the harassment and reach a solution that is accepted by both parties.

If the matter is resolved at the end of this dialogue stage, those responsible for the psychosocial intervention will deliver a report on the solution adopted to the Company's management.

If the parties involved accept this resolution route (conciliation meeting between the parties with management and/or the Harassment Committee), a set of actions will be discussed, agreed and committed to, with management scheduling a follow-up meeting after 30 working days. If by the time of this meeting the process is considered to have been satisfactory, the conflict will be considered to be over and settled, and the case will be closed. If

an external public mediation body was involved during this stage, they will set a date for the follow-up meeting and

planning of the measures agreed for the case, thereby concluding the proceedings.

If the results of the conflict-resolution method adopted as described above are not satisfactory, management will explore and propose alternative ways to resolve the issue.

In cases of sexual and gender-based harassment, the workers' legal representatives will be informed, undertaking to maintain the secrecy of any information to which they may have access. In any case, in order to assure confidentiality, no personal data will be disclosed and the numeric codes assigned to each of the parties involved in the case will be used instead.

Cases that are so serious that it is not advisable to opt for conciliation methods initially, such as possible cases of mobbing or sexual or gender-based harassment, the Company's management will be responsible for applying preventive measures immediately and taking any legal action considered necessary, in order to safeguard the health and safety of those involved. If Centro Astronómico Hispano en Andalucía A.I.E. has called in an external consultant to carry out the psychosocial intervention, the consultant will immediately communicate with the Company's management in order for Centro Astronómico Hispano-Alemán A.I.E. to apply the relevant preventive measures and take any appropriate legal action as soon as possible. If the proceedings have been launched by an external official body, Centro Astronómico Hispano en Andalucía A.I.E. must supply all the relevant documentation required with regard to the alleged facts studies at the end of the process.

9. **Actions in more serious cases:** The people carrying out the psychosocial intervention will study each case in detail, and within 15 working days (if the company) or 20 working days (if an external consultant) after being informed of the case, prepare a detailed report on the psychosocial intervention.

This report will set out the facts, testimony and evidence heard or compiled, concluding whether the harassment alleged has been proven or not.

If there is indeed evidence of harassment, the report's conclusions will propose any possible preventive measures to be implemented and action to be taken.

If no evidence of harassment has been found, the report will state this in its findings.

Even if no harassment has been proven, if any action is found to be inadequate or if a conflict situation continues over time such that it could eventually turn into harassment, the Company's management must also be informed, suggesting that any steps be taken as appropriate in order to put a stop to the situation

While the case is being investigated, the Company's management will adopt any precautionary measures necessary in order to put an immediate end to the situation of harassment, without such measures causing any permanent harm to the working conditions of any of the people involved. Regardless of whatever other steps may be taken, the Company's management will ensure that the accused is kept apart from the alleged victim.

Within five days after receiving this report, the Company's management will review it and apply the preventive measures proposed, informing those involved of the decision made.

10. Any complainants who are not satisfied with the decision taken may exercise their fundamental rights by using the resources provided under the applicable legislation, protected by the Spanish Constitution 1978 and section 184 of the Criminal Code 1995 (10/1995, of 23 November).
11. The decision finally made in a case of sexual or gender-based harassment will also be communicated to the workers' legal representatives. In these communications, in order to assure confidentiality, no personal data will be disclosed and the numeric codes assigned to each of the parties involved in the case will be used instead.
12. **Follow-up and monitoring** Once the case has been closed, the person responsible for processing and investigating the complaint must, within three months following closure, monitor the agreements reached, i.e. verifying compliance with and the results of the measures adopted. A report on this monitoring will be prepared, to include any steps to be taken if the situation that gave rise to the proceedings is still occurring, and also studying whether any preventive and disciplinary measures proposed have been implemented. This report will be sent to the Company's management in order for any steps to be taken, as necessary, and also forwarded to the workers' legal representatives (if any) and the OHS officer, with the caveats made in this protocol regarding the confidentiality of the personal data of the parties affected.

## **8. PREVENTIVE MEASURES AND BUILDING AWARENESS OF THE PROTOCOL**

Centro Astronómico Hispano en Andalucía A.I.E. wishes to stress that no situations of harassment or violence in the workplace must ever be permitted, and the Company will make the resources available in order to prevent it from occurring and to support anyone who suffers it.

In order to prevent harassment and assure a working environment that respects workers' dignity and personal liberty, the following measures will be implemented:

### **1. Communicating the anti-harassment protocol to workers:**

The first step to be taken to build awareness among the Company's workers about the issues associated with harassment in the workplace is to inform them of the existence of the anti-harassment protocol by means of the following actions:

- An individual email will be sent to all workers, including a link to the website (the in-house section for employees) where the full content of this protocol can be found.
- Care will be taken to ensure that this email is sent to any new personnel joining the Company.

The Company will ensure at all times, when communicating the protocol and in further dissemination activities, that the protocol is fully understood by all workers, taking particular care to overcome any language barriers that may sometimes exist.

### **2. Information and training on harassment for workers:**

Training will be one way of building awareness and giving information about the issue of harassment in the workplace. The Company's training programmes will include preventing this kind of behaviour and the content and scope of the anti-harassment protocol. Conferences and/or training actions will be organised for all the Company's personnel, with a view to identifying the factors that contribute towards creating a harassment-free working environment,

ensuring that those participating are fully aware of their responsibilities in this regard in the framework of Company policy.

Specific training programmes will also be run to stress ways to prevent harassment according to how we work, action mechanisms, disciplinary penalties and the legal implications of any harassment within the Company, targeted particularly at the members of the Harassment Committee.

### **3. Actions in alleged harassment situations**

In order to know how to act when faced with possible cases of harassment within the Company, all personnel will be informed about the guidelines for "Action to Deal With Possible Situations of Harassment" set out in Appendix 2 of this protocol.

## **9. MONITORING OF THE PROTOCOL**

Within three months of their resolution (a period that may be shorter or longer, depending on the circumstances of each case), the Company's management will carry out detailed monitoring to review any complaints of harassment at work and how they have been resolved, with a view to assuring the effectiveness and functionality of the protocol and, if necessary, adapting it.

## **10. DOCUMENT MANAGEMENT AND RECORDS**

All documentation generated during the investigation of any cases of harassment at work will be kept on file by the Company's management together with the related health and safety documentation. This information will be made available to the employment authorities or the courts upon request.

## **11. DURATION, REQUIRED COMPLIANCE AND EFFECTIVE DATE**

Compliance with the content of this protocol is compulsory. It comes into force upon its communication to the Company's workforce by email, and it will remain in force indefinitely until such time as negotiations between the Company and the workers' representative determine otherwise or any future events require it to be reviewed and adapted. The protocol will need to be reviewed and adapted in the following cases:

- At any time in order to reorient compliance with its objectives of prevention and action to address harassment in the workplace.
- Whenever it is found not to meet legal or regulatory requirements or to be insufficient following action by the Employment and Social Security Inspectorate.
- In cases of merger, takeover, transfer or changes to the Company's legal status, or any other events that substantially alter the Company's workforce, working methods or organisation.
- If a court of law finds the Company to be guilty of a case of gender-based discrimination or sexual harassment or finds the protocol not to be in line with the relevant legal or regulatory requirements.
- If a collective-bargaining agreement affecting the Company is approved, establishing guidelines that differ from those established here.

## APPENDIX 1: DATA SHEET FOR REPORTING ALLEGED HARASSMENT SITUATIONS

REPORT OF A POSSIBLE SITUATION OF MOBBING, INTERPERSONAL CONFLICT, SEXUAL HARASSMENT AND/OR GENDER DISCRIMINATION	
<b>Details of the situation:</b> <i>Types (mark whichever applies):</i> <ul style="list-style-type: none"> <li><input type="checkbox"/> Actions or attacks using organisational resources</li> <li><input type="checkbox"/> Actions or attacks on social relationships</li> <li><input type="checkbox"/> Actions or attacks on private life</li> <li><input type="checkbox"/> Actions or attacks on attitudes and/or beliefs</li> <li><input type="checkbox"/> Verbal aggression</li> <li><input type="checkbox"/> Rumours</li> <li><input type="checkbox"/> Sexual harassment</li> <li><input type="checkbox"/> Gender-based harassment</li> <li><input type="checkbox"/> Other type of interpersonal conflict</li> </ul>	
<b>Details of the situation:</b> <i>Description of the facts/Timeline of the conflict</i> (Include an account of the events reported, attaching as many additional numbered sheets as necessary and, whenever possible, indicating the dates on which the events occurred):  <i>Location:</i>  <i>Workplace:</i>  <i>Outside work (state where):</i>	
<b>Details of the situation:</b> <i>Personnel/witnesses present and/or evidence (state full names of any witnesses):</i>  <i>Attach any evidence you consider may be relevant (state what it is):</i>	
<b>Details of the situation:</b> <i>Consequences at work (Mark as appropriate):</i> <ul style="list-style-type: none"> <li><input type="checkbox"/> Emotional impact without sick leave</li> <li><input type="checkbox"/> Interrupting work with sick leave</li> <li><input type="checkbox"/> None</li> <li><input type="checkbox"/> Others</li> </ul> <p>.....</p> <p>.....</p>	
<b>Details of the complainant:</b> <i>Age:</i>	

.....  
 Sex: .....  
 Full name: .....  
 Department/Workplace .....  
 (You can request that an OHS officer be present for the first interview)

**Details of the accused:**

Age: .....  
 Sex: .....  
 Full name: .....  
 Department/Workplace .....  
 (You can request that an OHS officer be present for the first interview)

**Complete if you someone other than the person exposed to a possible situation of mobbing, interpersonal conflict, sexual harassment and/or gender discrimination:**

Full name: .....  
 Position: .....  
 .....

Signature:

*Signature and authorisation of the employee exposed to a possible situation of mobbing, interpersonal conflict, sexual harassment and/or gender discrimination*

The complaint or report of harassment has been duly submitted, thus launching the procedure described in the protocol.

Place and date

Signature

*Signature and authorisation of the employee exposed to a possible situation of mobbing, interpersonal conflict, sexual harassment and/or gender discrimination*

## APPENDIX 2: ACTIONS IN ALLEGED HARASSMENT SITUATIONS

If you are made to feel uncomfortable by a colleague, supervisor, client, supplier, etc., you should do the following:

- Make it quite clear that you reject any intentions, situations or attitudes that represent harassment of any kind.
- Report the situation to the Company in writing, using the REPORT OF POSSIBLE SITUATIONS OF HARASSMENT (Appendix 1).
- Keep a copy of the report and make a note of the date.
- Within a short period of time the complainant will be contacted directly by the Company's management to underline its declaration of principles and guarantees for the process, including respect for the accused, expressing its rejection of the attitudes and behaviour alleged and launching the relevant preliminary actions.
- If the complainant thinks it best not to use the internal channel because of the small size of the Company or the identity of the accused, it is always possible to report the matter directly to external bodies, the police or the courts. This will require making a formal complaint in writing, depending on the seriousness of the case:

➤ **Instituto Andaluz de la Mujer (Andalusian Women's Institute)**

C/ Doña María Coronel, 6

41003 Seville, Spain

Tel. 954 544 910

Email: [consulta.iam@juntadeandalucia.es](mailto:consulta.iam@juntadeandalucia.es)

➤ **Employment and Social Security Inspectorate**

✓ Territorial Office:

Plaza de España (Puerta de Aragón Torre Norte)

CP 41013 - Seville

Telephone: 95 423 61 20 / 26 / 27

Email: [dtandalucia@mites.gob.es](mailto:dtandalucia@mites.gob.es)

✓ Almería.

C/ Maestro Serrano 3, 1º

04004. Almería.

Tel.: 950 262 866

➤ **Occupational Health and Safety (OHS) Centres**

✓ OHS Line

Tel.: 955 063 910

[lineaprl.cefta@juntadeandalucia.es](mailto:lineaprl.cefta@juntadeandalucia.es)

✓ Almería.

Avda. de la Estación, 25, 12 A  
04005 Almería  
Tel.: 950 880 236

- Specific regional-government bodies dealing with harassment cases: Andalusian Ombuds

<https://www.defensordelpuebloandaluz.es/ayudamos-a-tramitar-su-denuncia-por-acoso-laboral>

- Main trade unions (Comisiones Obreras, UGT, CSIF, ELA, USO, etc.)  
Women's Secretary, Comisiones Obreras Andalusia  
C/ Trajano,1, 5º planta. 41002 - Seville  
Email: [mujer@and.ccoo.es](mailto:mujer@and.ccoo.es)

Depending on the results of the investigation carried out into the alleged case of harassment, the Company may decide to:

- a) file the case with no further action, leaving a record;
- b) take any appropriate measures. As for the kind of decisions the Company may take, we can mention the following examples:
  - physically separating the alleged aggressor from the victim by switching jobs or reassigning work shifts. In no case will the victim of harassment be forced to change their job, working hours or location within the Company.
  - Nevertheless, if appropriate, and depending on the results of the investigation, the aggressor may also be disciplined by applying the table of infringements and sanctions set out in the applicable collective-bargaining agreement or section 54 of the Workers' Statute, as the case may be.

The disciplinary action that may be considered for the aggressor includes:

1. transfer, relocation, change of job, working hours or workstation site;
2. suspension without pay;
3. time limit for promotion;
4. disciplinary dismissal.

If the disciplinary action taken against the aggressor is other than terminating their employment, the Company's management shall remain vigilant with regard to that worker after their return to work (if they have been suspended) or in their new job (if they have been reassigned). But always and in any case, compliance with ending the harassment does not end by merely reassigning or suspending the aggressor, but they must subsequently be monitored by the Company.

The Company's management will explore the appropriate preventive measures to ensure that the situation is not repeated, strengthening training and/or awareness-building actions and acting to protect the victim's health and safety, which may include:

- Assessing psychosocial risks within the Company.
- Implementing surveillance measures to protect the victim.
- Taking steps to avoid those disciplined from re-offending.
- Psychological and social support for the harassment victim.





- Changing the victim's working conditions, with their consent, if it is felt that doing so will be beneficial for the victim's recovery.
- Job training or recycling for the harassment victim if they have been in IT for a long time.
- Organising new training and/or awareness-building actions to prevent, detect and respond to any sexual or gender-based harassment, targeted at everyone working at the Company.

### APPENDIX 3: GUIDELINES FOR PREVENTION AND ACTION IN SITUATIONS OF VIOLENCE ACTS IN THE WORKPLACE BY NON-EMPLOYEES

According to the World Health Organisation any incident that involves abusing, threatening or attacking anyone in work-related circumstances is considered to be violence in the workplace.

Current cultural, social and economic factors also play a role in the appearance of situations of conflict that may be suffered by members of the personnel of Centro Astronómico Hispano en Andalucía A.I.E.

Centro Astronómico Hispano en Andalucía, A.I.E., as part of its ongoing commitment to safeguarding the safety of its personnel, wishes to make certain guidelines available to all workers on how to prevent and deal with any external situations of violence, with a view to minimising the possibility of such situations occurring or, if undesirable consequences do occur, making known the mechanisms that are available in order to protect workers and give them advice about legal and health care matters

Consequently, two types of measures are proposed: Preventive measures and executive measures, in order to provide prior support for the potential victim and act as a coercive measure for the potential aggressor.

**Preventive measures:** It should be remembered that the best preventive measure is for workers to stay calm and be positive. By being positive and staying calm, we convey security and control of the situation, conditions that are recognised for everyone who works at the Company. The interlocutor, in turn, will feel more confident about the professionalism of the person visiting them or providing a service.

**Executive measures:** These are measures that aim to explicitly establish a channel for action after suffering a situation of aggression by a user or client. They should be applied whenever preventive measures have failed to stop a situation of conflict from occurring.

#### 1. PREVENTIVE MEASURES

The action strategy consists of three stages: identification, control measures and assessment of the situation.

**1.1 Identification of the risk** Following the protocol under technical OHS note 489 of the National Institute of Occupational Health and Safety:

- 1 Violence in the workplace must include both physical aggression (punching, slapping, shoving, etc.) and other one-off or repeated threatening or intimidatory verbal or physical conduct.
- 2 If the aggressor is external, the classification of violent events can be grouped into two types, depending on who is involved and the nature of the relationship between them. The table below applies this general classification to the working environment at Centro Astronómico Hispano–Aleman A.I.E.

Type	Characteristics	Examples
Type-1 violence	The aggressors have no relationship in which they deal with the victim.	Actions related to theft
Type-2 violence	The aggressors and the victim are related when a service is being provided. These violent incidents usually occur when there is a public exchange of goods or services or in contact with members of the public.	Clients, users.

Consequently, in this document we propose both general preventive measures and specific ones for each of these types of violence.

To identify the risk a range of indicators can be used as the basis for foreseeing potential situations of conflict under any circumstances:

- a) Verbal expression and ill manners.
- b) Threatening non-verbal language.
- c) Anger and frustration expressed verbally.
- d) Seeking complicity about complaints from other clients or users
- e) Apparent consumption of alcohol or drugs.
- f) Having weapons (real or simulated).

**1.2 Control measures** As with any other risk, the general procedure for preventive action means acting on the source (conflict generator), the medium and the workers involved.

#### Control measures on the core

In this specific case, the "source" is the person who could generate the conflict, including both users of the service (type-2 violence) and non-users (type-1 violence). Depending on which they are, the measures proposed are as follows:

- Against violence type 1 (others):  
**NEVER** address anyone who is not a direct user.  
**ALWAYS** address the person who is using our services. Try not to get involved in technical issues, clearly explaining that the arguments being used are as established.
- Against violence type 2 (users): Take the same approach as above, staying assertive at all times.

In cases of inappropriate behaviour, whenever possible report to your line manager the need to be accompanied by a co-worker during visits. Try to keep a safe distance (between the potential aggressor and potential victim).

Work should be halted until the situation is under control or for as long as the worker is not in a fit condition to resume working with sufficient guarantees for their safety.

If a problematic situation arises, report to the person in charge of the company or service in order for them to issue the relevant instructions.

#### Control measures on the environment:

In this section we set out the measures that are related to the installation of access-control systems or barriers that prevent uncontrolled conflicts from arising, or their consequences, owing to the characteristics of the task. When a worker visits a client the preventive measure

established is for the worker to be accompanied by a co-worker whenever considered appropriate, informing their line manager.

### **Control measures for our personnel:**

There are few tools better than creating a climate of security and control of situations such as these. The following general guidelines should be followed:

**ALWAYS** act in a way that does not trigger the other person's anger:

- Staying calm.
- Not rising to the bait of any threats
- Staying assertive at all times.
- Staying alert.
- Assessing the overall situation, seeking alternatives.

If the violence is controlled (no physical attack has yet occurred):

- Try to calm the situation down.
- Leave the workplace.
- At all times, use polite language and a calm tone of voice.

If the violence is uncontrolled:

- Leave the workplace.
- Call the supervisor or manager of the service.
- If you consider it necessary, call the police by making an emergency call to 112.

**1.3 Assessment of the situation** Data on file with the outsourced OHS service on past conflict situations will be used as the basis for analysing the situation at Centro Astronómico Hispano-Alemán A.I.E.

In order to do this, it is necessary to know what channels are available for reporting such situations. They are as follows:

- Model report of physical and verbal aggression (Appendix 4). This form should be completed as soon as possible by the worker together with their line manager and then submitted to the Company's management in order for a decision to be made on how to proceed.
- In parallel, if the victim has suffered any injuries or an anxiety attack, an investigation report on accidents at work should also be completed.

## **2. EXECUTIVE MEASURES**

**2.1. Call for help** If the violent situation persists, call for help from your line manager, co-workers or anyone else nearby who could help put a stop to the violent situation and, at the same time, act as an eyewitness who was present at the scene of the events.

**2.2. Law enforcement** If, despite this, the violent situation cannot be brought to an end, call for the local or national police or Civil Guard to attend the scene.

**2.3. Evidence** At all times, attempt to compile and keep safe as much evidence (documents, mobile-phone recordings, witnesses, etc.) as may be available in order to accredit the events claimed.

**2.4. Healthcare** The victim will immediately receive any medical or psychological attention needed, depending on the nature of the injury, at a healthcare centre or external service. The doctor will then issue an injury report for the justice of the peace (*juzgado de guardia*), thereby complying with s. 262 LECrim. ("Any person who because of their position, jobs or trade learns of any public criminal offence is obliged to report it immediately"), or reported to the court by the worker accompanied by their line manager.

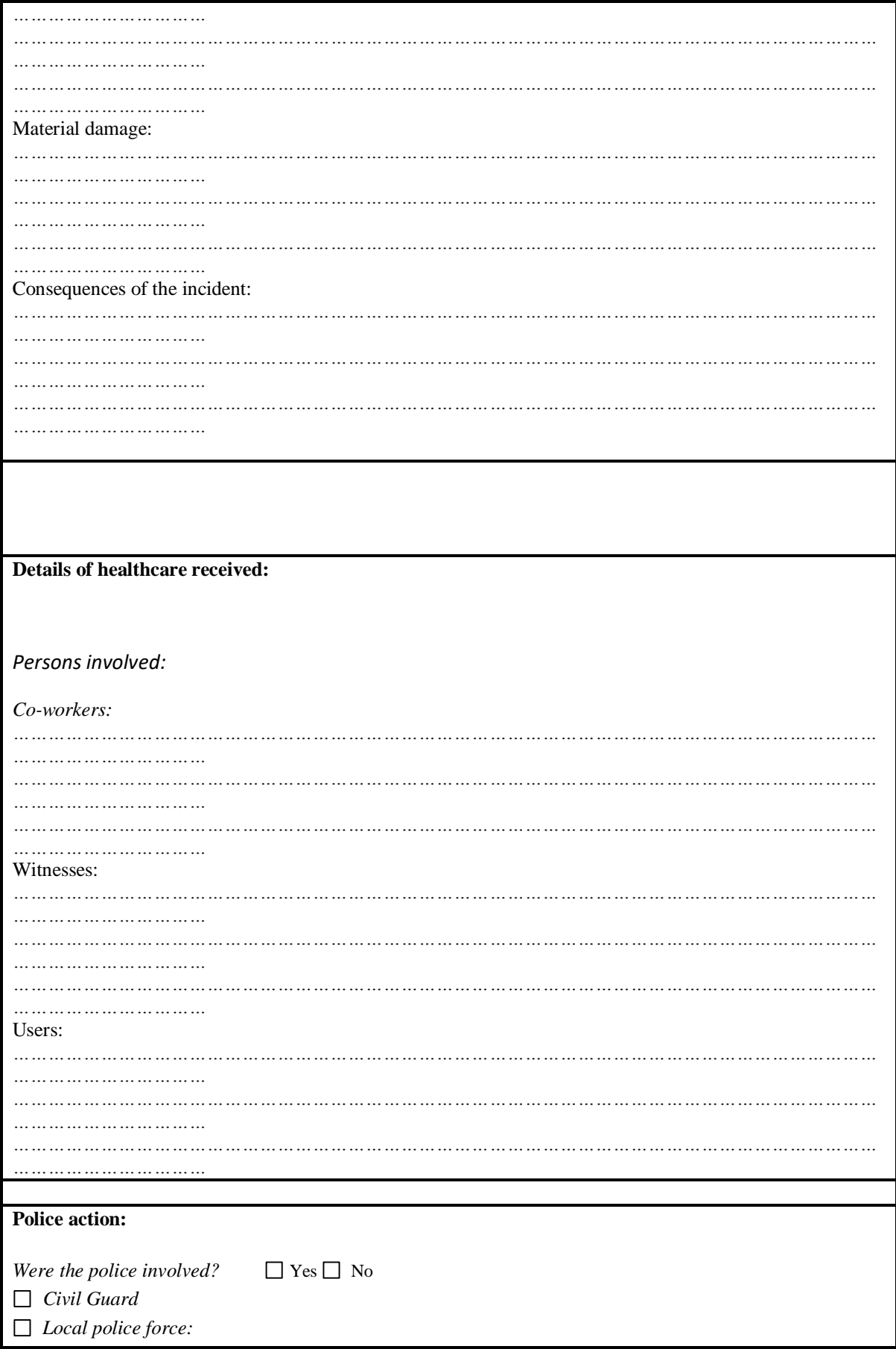
In both cases, the victim should keep a copy of any injury report and medical report.

**2.5. Reporting to the police** The person attacked may report the facts by going to the national or local police, Civil Guard, etc., reporting their injuries and presenting the relevant medical report, if any.

**2.6. Communication** The victim or any person who is aware of the aggression should report it as soon as possible to their line manager, who, together with the victim will complete the model for reporting violence attached as Appendix 4 and submit it to the Company's management.

**2.7. Institutional presence** Once the line manager has been made aware of the facts, they will accompany the victim to report the aggressor, unless the victim has already done so or provided the victim chooses to do so.





☐ *National Police*

☐ *Others:*

.....

**Remarks:**

*Personal data will be processed in strict confidence in accordance with the Personal Data Protection and Guarantee of digital Rights Act 2018 (3/2018, of 5 December). You may exercise your rights of access, correction, deletion and objection to this data.*

**Signature of the person in charge of the service**

\_\_\_\_\_, \_\_\_\_ 20\_\_