

Protocol for the Prevention of and Intervention in Sexual Harassment and Harassment on Grounds of Gender

Autores	Estado del documento	Fecha
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1. Aims

This Protocol aims to prevent and eradicate discriminatory situations based on gender, constituting sexual harassment and harassment based on sex in Open Sistemas de Información Internet S.L. (hereinafter Open Sistemas) This general objective is specified in the following:

1.1. Prevention-oriented objectives

To make known to all Opensistemas the principles contained in this protocol.

Encourage and ensure respect, consideration and fair treatment among all Opensistemas staff.

Provide appropriate training and information on corporate culture free of harassment in Opensistemas.

Establish measures, which will be known by all staff, to prevent, detect and control conduct that may result in situations of sexual harassment and harassment based on sex in the workplace.

1.2. Intervention-oriented objectives

In any organisation, despite the preventive measures taken, the risk of sexual harassment and harassment based on sex always remains. Therefore, all necessary measures must be put in place to identify it and act as quickly as possible to avoid the occurrence of serious harm (physical and psychological) to the victim.

Detect situations of harassment at an early stage.

Investigate such situations professionally and objectively.

Resolve them promptly by applying the measures established in this protocol.

To follow up the cases.



2. Conceptualisation

2.1 Definitions and parties involved

The Organic Law 3/2007 for the effective equality of women and men differentiates between:

SEXUAL HARASSMENT: "Without prejudice to the provisions of the Penal Code, for the purposes of this law any behaviour, verbal or physical, of a sexual nature that has the purpose or produces the effect of violating the dignity of a person, in particular when an intimidating, degrading or offensive environment is created, constitutes sexual harassment." (Article 7.1)

SEX-BASED HARASSMENT: "Harassment on grounds of sex is any conduct conducted on the basis of sex with the purpose or effect of violating the dignity of a person and of creating an intimidating, degrading or offensive environment". (Article 7.2)

Parties involved:

- **Active subject (person who harasses)**, it is considered harassment when the conduct comes from management personnel, colleagues and even clients, suppliers or third parties who have a relationship with the victim as a result of their work.
- **Passive subject (victim)**, this will always refer to any worker, regardless of their level and the nature of the employment relationship (hierarchical dependence, colleagues, clients or suppliers).
- **Witnesses**, witnesses are considered to be all those persons who have knowledge of or witness acts of harassment, whose testimony can provide relevant information for the investigation of the facts.

2.2 Sexual harassment behaviour

ENVIRONMENTAL CONDUCT that creates an intimidating, hostile or humiliating work environment, where there need not be a direct connection between the action and the working conditions. These include:

- Physical conduct of a sexual nature ranging from unnecessary touching to excessive or unnecessary physical approach. Physical assaults.



- Verbal conduct of a sexual nature such as annoying sexual advances, propositions, offensive flirtations, obscene comments and innuendoes, unwanted phone calls; jokes or comments about sexual appearance; deliberate verbal assaults.
- Non-verbal conduct of a sexual nature, such as displaying sexual or pornographic photos or written materials of a sexual nature or leering. Offensive letters or e-mails of a sexual nature.

EXCHANGE BEHAVIOUR: These can be both propositions or conduct made by a superior or person on whom the stability of employment or the improvement of working conditions may depend, as well as those coming from colleagues or any other person related to the victim because of work, involving physical contact, persistent invitations, requests for sexual favours, etc.

2.3 Harassment on the grounds of sex

Conduct constituting harassment on grounds of sex or of a discriminatory nature includes, but is not limited to, the following:

- Those involving unfavourable treatment of the person, related to pregnancy or childcare.
- Organisational measures implemented on the basis of a person's sex, or any other circumstance listed in the previous section, for degrading purposes (exclusion, isolation, unfair assessment of unemployment, allocation of degrading tasks, meaningless or below their professional capacity, etc.).
- Behaviour, conduct or practices that are taken on the basis of a person's sex explicitly or implicitly and that have an effect on employment or working conditions.
- Ridiculing people because the tasks they undertake do not conform to their culturally or socially imposed role or stereotype.
- Jokes, taunts that ridicule gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation or any other personal or social condition or circumstance.



- Undervaluing people's work and intellectual capacity due to the circumstances listed in the previous section.

In none case are these examples of conduct intended to be a detailed list of all possible conduct that could be considered harassment; in each case the impact of the conduct should be assessed.

3. Statement of principles and preventive measures

The **Spanish Constitution** declares that the dignity of the person constitutes one of the foundations of political order and social peace, recognising the right of every person to non-discrimination, to equal treatment, to the free development of his or her personality and to his or her physical and moral integrity.

The **Workers' Statute** specifically provides for the right of workers to respect for their privacy and the consideration due to their dignity, including protection against harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation, and against sexual harassment, harassment on grounds of sex and harassment at work.

For its part, **Organic Law 3/2007 of 22 March 2007, for the effective equality of women and men**, entrusts companies with "the duty to promote working conditions that avoid sexual harassment and harassment based on sex and to establish specific procedures for its prevention and to channel the complaints or claims that may be made by those who have been subjected to it", thus guaranteeing the dignity, integrity and equal treatment of all workers.

Therefore, in Open Sistemas it is considered that:

- HARASSMENT, in any of its manifestations, is reprehensible behaviour, whoever the person who engages in it, which violates the rules that regulate the basic duties and rights of the company and its staff.
- HARASSMENT, in any of its manifestations, has a negative impact on the health (sleep disorders, psychosomatic alterations, anxiety, depression, etc.) of those who suffer it, so that their chances of remaining and being promoted in the company are threatened and/or limited. These situations therefore favour frustration, absenteeism and loss of productivity in the person being harassed.
- The impunity of HARASSMENT, in any of its manifestations, in the workplace undermines the right to health and safety in the work environment, and prevents the achievement of

equality.

- For this reason, Open Sistemas is committed to promoting the following principles of action with regard to sexual harassment and harassment for reasons of sex:
- Respect the right of workers not to be discriminated directly or indirectly for reasons of sex, marital status, age (within the limits set by law), racial or ethnic origin, social condition, religion or beliefs, political ideas, sexual orientation, membership or not of a trade union, for reasons of language, within the Spanish State, for reasons of disability, as long as they are in conditions of aptitude to carry out the work or job in question.
- Respect the right of workers to their physical and psychological integrity and to an adequate health and safety policy at work.
- Respect the right to privacy and due regard for their dignity, including protection against verbal and physical offences of a sexual nature and against harassment on grounds of racial or ethnic origin, religion or belief, disability, age, gender or sexual orientation and any other grounds of diversity.
- Respect the right to honour, personal and family privacy and self-image.
- When sexual harassment and harassment for reasons of sex occurs within the scope of the management powers of Open Sistemas, whoever the active subject of the same may be, and provided that it is known by the entity, the latter has the duty to adopt the necessary measures to prevent it.
- When the accredited facts are constitutive of labour misconduct, due to the fact that they involve conducts so typified in the applicable legal and conventional norms, the entity will apply the corresponding disciplinary measures.
- Proactivity in awareness-raising, information and training as the main preventive strategy for the workforce, establishing guidelines for monitoring and reporting any situation that could constitute sexual harassment and harassment based on gender.

In order to ensure compliance with these principles, the following PREVENTIVE MEASURES shall be adopted



- Dissemination to the entire workforce of the protocol for prevention and action in cases of harassment and ensuring that the protocol is available to the entire workforce.
- Prior diagnosis of the real situation of women and men in the company in terms of their working conditions.
- Ensure that psychosocial risk and work climate assessments include questions relating to sexual harassment or harassment based on sex.
- Promote an environment of respect, correctness in the working environment, raising awareness among all staff of the values of equal treatment, respect, dignity and free development of personality.
- Favour the integration of new staff, avoiding situations of isolation by monitoring the worker, not only during the initial reception process, but also after it.
- Staff will be provided with information and training on the principles and values that must be respected in the company and on the behaviour that is not allowed.
- Prohibition of insinuations or manifestations that are contrary to the aforementioned principles, both in language, communications and attitudes.
- Elimination of any image, poster, advertising, etc. containing a sexist and stereotyped view of women and men.
- When unacceptable behaviour is detected in a certain group or work team, the Company Management will immediately contact the person responsible for that group/team, in order to inform them of the situation detected, the obligations that must be respected and the consequences that derive from non-compliance, and proceed to implement the protocol.

The Company shall maintain an active attitude in the adoption of new measures or in the improvement of existing ones, which allow for optimal coexistence at work, safeguarding the rights of workers.



4. Disclosure policy

To ensure that all staff are aware of and have access to this protocol, the following actions shall be taken:

- Send a circular from the management to all personnel notifying them of the existence of the protocol.
- Publication of the protocol in the company's internal Knowledge base ERP Go! system, specifying the Spanish and English versions.
- Included in the Welcome Pack and Onboarding Process information on the corporate culture free of harassment and basic questions of action in the event of perceiving or suffering sexual or gender-based harassment.
- Post the attached action plan on notice boards (physical and virtual).
- Incorporate content related to the prevention of sexual or gender-based harassment in the annual training plans.
- Any other action deemed necessary.

5. Scope and validity

This procedure affects all persons contractually linked to the company, regardless of the work centre in which they are located and regardless of the type of contract established, including, in addition to any form of contracting as an employee or assignment of personnel, persons who provide services under commercial contracts.

This protocol must be respected by the personnel of any auxiliary company operating in the company's work centre(s).

This protocol shall be valid indefinitely, without prejudice to the fact that, depending on the needs detected, actions may be modified or incorporated, after the corresponding negotiation and agreement with the equality plan monitoring committee.



6. Procedure for action

6.1. General conditions accompanying the procedure

- Protection of the privacy, confidentiality and dignity of the persons involved.
- Protection of the person allegedly harassed in terms of their safety and health.
- Guarantee of preservation of the identity of the complainant and the person complained against.
- Fair hearing and fair treatment for all persons concerned.
- No information will be disclosed to parties or persons not involved in the case, unless it is necessary for the investigation.
- Urgent handling without undue delay.
- Professional and thorough investigation of the reported facts.
- Adoption of measures of all kinds, including disciplinary measures, where appropriate, against the person(s) whose harassing behaviour is proven.
- The persons involved may be accompanied at all stages of the procedure by a counsellor.
- In cases of sexual harassment and harassment on grounds of sex, the treatment shall be as established in the disciplinary regime applicable to very serious cases.

6.2. Procedure

The procedure is initiated by the filing of a complaint, either directly by the person concerned or by any person who has knowledge of the situation.

6.2.1. Filing a complaint

The complaint must always be made in writing to the following e-mail address whistleblower@opensistemas.com. The persons responsible for investigating the procedure will assign a file number within a maximum of two working days of receiving the complaint.

The complaint must contain the following information (a form is attached):



- Identification of the complainant and contact details.
- Identification of the alleged harasser and position held.
- Identification of the alleged victim and the position held.
- A chronological and detailed description of the facts (since when the facts became known, persons involved, origin of the conflict, events that occurred, specifying place and dates, etc.).
- Identification of possible witnesses.
- Copy of all documentation that can accredit the facts or other information deemed relevant.
- Signature of the complainant as proof of conformity.

The person submitting a complaint will receive a letter with the name, ID and signature of the person receiving the complaint, the date on which the complaint is submitted and the file number.

The complaint must be submitted to the Talent Department, via the email address set up in the Company to receive this type of complaint.

6.2.2. Investigating Committee

The investigation of these proceedings shall be the responsibility of the investigating committee, which shall be composed of:

1. Cristina Yegros - Talent Director
2. Luis Flores - CEO
3. Ana Morillas - Occupational Risk Prevention Manager

These persons must meet the conditions of aptitude, objectivity and impartiality required for the procedure.

The members of the investigating committee may not be directly dependent on or related to any of the parties. In the event that any of the members of the Investigating Commission is involved in a harassment procedure or is affected by a relationship of kinship, friendship or manifest enmity, or immediate hierarchical superiority or subordination with respect to the victim or the person denounced, he/she shall be automatically disqualified from taking part in the investigation of said procedure.

Nor may those who have the status of a complainant other than the victim be investigators in these proceedings.

The Investigating Committee shall initiate the procedure when any of the persons who may form part have sufficient evidence of the existence of conduct constituting harassment, taking the appropriate steps and steps to clarify the facts, gathering all information it deems appropriate and carrying out the interviews and other actions it deems necessary.

6.2.3. Abbreviated procedure

Its aim is to resolve the problem in an agile manner, on those occasions when the fact of stating to the person reported the offensive and intimidating consequences generated by their behaviour is sufficient for the problem to be solved.

Once the procedure has been initiated, either ex officio or following the appropriate complaint, the investigating persons shall be responsible for meeting, separately, with the complainant and the person complained of or any other person they deem necessary.

In view of the outcome of the meetings held, the investigating committee shall submit its opinion to the CEO and Talent Management, to the parties concerned and to the equality committee, which may not take longer than 7 working days from the date of receipt of the complaint.

If the situation cannot be resolved by informing the person complained of the need to change their behaviour or if the seriousness of the facts so indicates, the formal procedure will be initiated.

6.2.4. Formal procedure

In addition to interviews with the person affected and the person complained of, any documentary evidence, interviews or other evidence deemed necessary may be gathered in order to put an end to the situation of harassment.

During the processing of the case, as soon as there are indications of the existence of harassment, the Instructing Committee may propose to the company's management the measure of separation of the persons involved, without detriment to their working conditions or any other precautionary measure, which shall be carried out immediately.

The investigation shall conclude with a report, which shall be submitted to the Talent Management, the Equality Committee and the parties concerned. The entire procedure may not extend for more than 20 working days from the date of receipt of the complaint.



6.2.5. Preparation of the report

The report should include the following information:

- Background to the case, including a summary of the arguments raised by each of the parties involved.
- Description of the main facts of the case.
- Summary of the proceedings.
- Final assessment with any particular contributions and evidence of measures.
- Express determination of the existence or not of harassment.
- Signature of the members of the investigating committee.

6.2.6. Actions to be taken

If harassment is found to have occurred, the final report will be sent to the company management for them to adopt the appropriate disciplinary measures, a decision to be taken within a maximum of 10 working days from the date of the report.

If the sanction imposed does not result in the dismissal of the aggressor, the appropriate measures shall be taken to ensure that the aggressor and the victim do not live in the same working environment, with the assaulted person having the option of remaining in their post or the possibility of requesting a change of project or area; these measures may not entail either an improvement or a detriment to their working conditions, and shall be analysed and assessed by the investigating committee and the company management.

In the event that it has been proven that there is no harassment, the file shall be closed.

If, as a result of the investigation, it is established that there is no harassment, but it is clear that there is a relevant personal conflict generated by the work, the investigating committee will include this conclusion in its report so that the company management can act accordingly.

In the event of a complaint that is proven to be false, dishonest, fraudulent or slanderous, made for the sole purpose of harming other people, obtaining a benefit at work or avoiding work duties, it shall be brought to the attention of the General Management for the appropriate disciplinary purposes, without prejudice to any other actions that may be applicable in law.

In the event of damage to the person falsely reported, the latter may claim compensation for the damage caused at the expense of the person or persons who caused the damage.

6.2.7 Other considerations

It is expressly forbidden to retaliate against any person who makes a complaint, testifies, collaborates or participates in the investigations carried out, and against any person who opposes any situation of harassment against him/herself or against third parties.

If the investigation reveals that the person reporting the harassment has acted with a proven lack of good faith or with intent to harm, the company may adopt the measures provided for in the cases of breach of contractual good faith in the Workers' Statute.

The regulations and procedures established in this protocol do not prevent any other action from being promoted and processed at any time to demand the corresponding administrative, social, civil or criminal responsibilities, as the case may be.

6.2.8 Technical Advice

Any of the members of the Instructing Committee, in a consensual manner, may request advice from qualified personnel in any part of the process.

This advice may be internal or external:

- Internal: Experts in psychology, prevention delegates, experts in labour law, experts in Health at Work, experts in Gender Equality, etc.
- External: Psychosocial Risks Intermediation Service of the Regional Institute of Safety and Hygiene at Work of the Community of Madrid or any other service of recognised competence.

7. Actions to be undertaken

7.1 Precautionary Measures

In cases of complaints of sexual harassment or harassment based on sex, in any of its manifestations, and until the procedure is closed, the separation of the victim and the person complained of may be established as a precautionary measure, as well as other precautionary measures deemed appropriate and proportionate to the circumstances of the case.

These measures shall be recorded in writing in the company's Human Resources Department. Under no circumstances may these measures be detrimental to the victim's working conditions.

7.2 Actions following confirmation of harassment

The investigating body may propose the following measures:

- Psychological and social support for the person being harassed.
- Modification of those working conditions that, with the consent of the passive subject (victim), are considered beneficial for their recovery.
- Adoption of surveillance measures to protect the passive subject (victim).
- The company will take the appropriate measures to avoid recidivism of the sanctioned persons.
- Training or retraining will be provided for the professional updating of the victim when he/she has been on IT for a prolonged period of time.
- Reiteration of the company's ethical and moral standards.
- Assessment of psychosocial risks in the company.

8. Graduation of the fault

Sexual harassment or harassment based on sex shall always be classified as very serious misconduct in the workplace. It shall be sanctioned in accordance with the circumstances and conditions of the harassment.

For the purposes of assessing the seriousness of the facts and determining the penalties that may apply, aggravating circumstances shall be considered to be those situations in which:

- The person reported is a repeat offender in committing acts of harassment.
- There are two or more victims.
- There is evidence of intimidating behaviour, threats or reprisals on the part of the aggressor.
- The victim suffers from some kind of disability.
- The psychological or physical state of the victim has suffered serious alterations, medically accredited.
- The victim's contract is temporary, he/she is in a probationary period or his/her relationship with the company is not of an employment nature (scholarship, internship, etc.).
- The harassment takes place during a recruitment or promotion process.
- Pressure or coercion is exerted on the victim, witnesses or people in their work or family environment with the aim of preventing or hindering the success of the investigation.

Penalties shall always be established in accordance with the provisions of the Collective Bargaining Agreement or higher regulations in force at any given time.

9. Follow-up

The Equality Commission or Equality Plan Monitoring Commission shall:

- Meet annually to review complaints of sexual harassment and harassment on grounds of sex, and shall draw up a joint report of its actions, which shall be submitted to the company's management, and which shall be made public to the entire workforce. The report shall respect the right to privacy and confidentiality of the persons involved.
- It shall draw up an annual report to ensure the effectiveness and confidentiality of the protocol and adapt it if deemed necessary.



10. Legislation in force

COMMUNITY REGULATION

- EEC Council Recommendation of November 1981 on the protection of the dignity of men and women at work and the Code of Conduct on measures to change sexual harassment.
- European Parliament Resolution 2001 of 20 September 2001 calling on the Member States, with the aim of combating bullying and sexual harassment at work, to review their existing legislation and, where necessary, supplement it.
- Directive 2006/54/EC5 of the European Parliament and of the Council on the implementation of the principle of equal treatment of men and women in matters of employment and occupation.

SPANISH LEGISLATION

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| <ul style="list-style-type: none">• Spanish Constitution:• Article 9.2.• Article 14.• Article 18.1.• Article 35.1.• Article 53.2. | <ul style="list-style-type: none">• Labour Procedure Act• Article 27. Paragraph 2• Article 95.• Article 96.• Article 180.• Article 181. |
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<ul style="list-style-type: none">● Workers' Statute● Article 4.2.● Article 54.● Basic Statute of the Public Employee● Article 14. Individual Rights● Article 95. Disciplinary offences● Framework Statute of the Statutory Staff of the Health Services● Article 17. Individual rights● Article 72. Types and statute of limitations of misconduct● Law on the Prevention of Occupational Risks	<ul style="list-style-type: none">● Organic Law 3/2007, of 22 March, for the effective equality of women and men.● Article 7. Sexual harassment and harassment on the grounds of● sex.● Article 9. Indemnity against reprisals.● Article 10. Legal consequences of discriminatory conduct.● Article 12. Effective judicial protection.● Article 13. Proof● Article 14. General criteria for action by the public authorities.
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SPANISH LEGISLATION

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| <ul style="list-style-type: none">○ o Article 14. Right to protection against occupational hazards○ Penal Code○ Article 184. Sexual Harassment○ Law on Offences and Penalties of the Social Order○ Article 8. Very serious offences○ Article 12. Serious offences○ Article 40. Amount of penalties. | <ul style="list-style-type: none">○ Article 27. Integration of the principle of equality in health policy.○ Article 46. Concept and content of company equality plans.○ Article 48. Specific measures to prevent sexual harassment and harassment on grounds of sex at work.○ Article 51. Criteria for action by public administrations.○ Article 61. Training for equality.○ Article 62.○ sexual harassment and harassment on grounds of sex. |
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Anex
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PAGE
MODELO DE DENUNCIA

Mr/Ms, with DNI no.

Before this department I appear and EXHIBIT:

First - I work in (1) in the following job (2)

- (1) Identify work centre
- (2) Identify post name and department

Second: By means of this letter I am lodging a complaint about the situation in which I find myself at my workplace and which affects me personally:

.....
.....
.....
.....

(Describe, briefly, the facts that are being denounced, how long they have been occurring and who are the persons responsible for them).

Third: I understand that these facts may constitute sexual harassment or harassment on grounds of sex at work, and I therefore REQUEST that the corresponding complaint be considered to have been made, that the necessary actions be taken to put an end to the situation reported and that the corresponding measures be adopted.

(Place and date) (Signature).

TO THE ATTENTION OF:

H.R.H. DIRECTORATE

Anexo PAGE II

Confidentiality undertaking of the members of the Intervention Body

D./Ms. has been appointed by Open Sistemas de Información Internet S.L. to intervene in the procedure of processing, investigation and resolution of the complaint (SPECIFY SEXUAL HARASSMENT OR SEX-BASED HARASSMENT) received on the date (SPECIFY) within the entity, and I undertake to comply with the following obligations in the different phases of the process:

To guarantee the dignity of the persons concerned and their right to privacy throughout the procedure, as well as to respect the principle of equality.

Guarantee reserved treatment and absolute discretion in relation to information about the facts and information gathered in the investigation process.

To guarantee the strictest confidentiality and reserve regarding the content of the complaints presented, resolved or in the process of investigation of which I am aware, as well as to ensure compliance with the prohibition of divulging or transmitting any type of information by the rest of the persons involved in the procedure.

I also declare that I have been informed of the disciplinary liability that I may incur for failure to comply with the above obligations.

On the day of

Firmado:

