

BCAM Sexual Harassment Protocol

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1. Introduction

This document contains the definition and design of the Corporate Protocol for the Prevention and Treatment of Harassment established by **BCAM** (hereinafter ‘the Protocol’). This Protocol is intended to be a global mechanism that serves to prevent, avoid or eliminate any type of harassment in the workplace, except in those cases in which a specific protocol may be required in the country in accordance with the type of harassment and local legislation.

2. BCAM Guiding principles and declaration of principles

Being aware that the improvement of working conditions has an impact on both productivity and the working environment, and considering that behaviour constituting harassment and interpersonal conflict in the workplace does not only affect the workers directly affected, but also affects their immediate environment and the whole of **BASQUE CENTER FOR APPLIED MATHEMATICS- BCAM-**, it undertakes to prevent behaviour constituting conflict and/or harassment and to deal with any complaints that may arise, in accordance with the following principles:

- Every person has the right to be treated with courtesy, respect and dignity.
- Every worker has the right to effective protection in terms of health and safety at work.
- Once the behaviours that may cause damage to the mental or physical health of the subject have been defined, any person who considers that has been object of harassment shall have the right to file a complaint, without prejudice to the civil and/or criminal actions that the harassed person may exercise.
- During the Formal Process, if the parties involved decide to resolve the complaint and reach a consensual solution, they may at any time ask the Team appointed to clarify the situation to grant them time to do so, with the process being temporarily suspended. If the parties involved notify the Committee in a joint letter that a consensual solution has been reached, the formal procedure shall be terminated.
- **BCAM** employees agree that any violation of the rights set out in this agreement shall be subject to disciplinary and other measures deemed appropriate.

The **BASQUE CENTER FOR APPLIED MATHEMATICS- BCAM-** undertakes the following commitments:

- Allocate the human and material resources necessary to prevent the occurrence of harassment or serious conflict in relation to the staff who provide their services therein.
- Work on the development of the present procedure for the prevention and resolution of conflicts in matters of harassment or serious conflict, in which the rights of those affected will be safeguarded in the context of prudence and confidentiality.
- Recognize the importance of developing training and informative actions to help prevent harassment or serious conflicts and to guarantee a healthy working environment, free of this type of behaviour, for which it agrees to formulate and apply information strategies, education, training, monitoring and evaluation with the aim not only of preventing harassment or serious conflict, but also of influencing the attitudes and behaviour of the workforce.
- Designate the figure, team, organisation, unit or department that can act as mediator in potential labour conflict situations.
- Emphasize that it is the responsibility of all staff to comply with the harassment or serious conflict provisions of this agreement.
- Recognize the role of trade unions in representing any protected person.
- Agrees that assistance, support and resources will be provided to ensure that the allegation of harassment or serious conflict can be dealt with informally between the parties involved.

In the event that an unofficial settlement is not reached, the parties to this agreement acknowledge that the procedures set out in this agreement will be applied to ensure that the matter is dealt with fairly, confidentially and in a timely manner. The initiation of the procedure set out in this agreement, by any means, neither interrupts nor extends the time limits for complaints and appeals set out in current legislation.

We must remember that, at all times, the information provided will be confidential, and the representatives of the team as well as those directly affected in the specific conflict under study must sign a Confidentiality Agreement. The crossing of the specific data obtained by the team between those directly affected will not be allowed, unless agents specialised in Psychosociology and in the study of this type of problem consider it appropriate to promote the confrontation with reality and it is considered absolutely necessary to provide said data.

The purpose of this procedure is to maintain the confidentiality of the information provided and to guarantee the non-interference in the process of persons and/or information outside the process that could jeopardize the natural course of the study.

3. Objective

The purpose of this document is to inform all people, being inside or outside the **BCAM** of the Protocol established for the prevention of and action against sexual harassment, harassment based on sex, harassment based on sexual orientation and harassment based on gender identity and expression.

This protocol will complement the preexisting **BCAM Harassment Protocol**.

4. Scope of application of the protocol

This protocol will be applied to each and every one of the workers of the **BASQUE CENTER FOR APPLIED MATHEMATICS - BCAM** - and those who, although belonging to another entity, carry out their activities in the aforementioned Centre (in compliance with R.D. 171/04 on the Coordination of Business Activities). This protocol may be initiated by any person who feels they are a victim of harassment, as long as the parties involved maintain an employment relationship.

Prior to the application of the protocol, it is obligatory that the parties involved in its assumption and dissemination, that is to say, the different management of the entity itself and/or other entities, accept and assume its use and actively collaborate in its fulfilment.

5. Preventive measures

In order to avoid and prevent any attack on the dignity, privacy and other fundamental rights of individuals, in **BCAM**'s work environments, all conduct that could be understood to fall within the definitions set out in this Protocol is strictly prohibited.

In this regard, **BCAM** will promote measures to prevent and avoid situations of harassment based on the principle that all individuals have the right to respect for their privacy, to due consideration of their dignity and to non-discrimination in labour relations. Specifically, **BCAM** undertakes to implement the following preventive measures:

- To make the Protocol known to all **BCAM** employees, guaranteeing its accessibility
- To inform and train the entire workforce on the content of the Protocol and raise awareness of the values of respect for dignity on which it is based
- To integrate actions for the prevention and resolution of situations of harassment in the workplace into human resources management

- To convey to management and other persons in charge of teams of people the need to apply these principles and to take the necessary actions to ensure compliance with them, also ensuring that the people in charge are not victims of harassment in the workplace
- To convey to all staff the obligation to ensure the achievement of an appropriate working environment free of conduct that could constitute harassment, as well as the obligation to observe the provisions of the Protocol and to use the procedure established therein in a responsible manner. Promote a respectful working environment, instilling in all staff the values of equal treatment, respect, dignity and free development of personality
- Prohibit insinuations or manifestations that are contrary to the principles outlined above, in language, communications and attitudes.

6. General issues of the protocol

Harassment can be work-related or non-work-related. It can include, among other conduct, bullying, sexual harassment and harassment that is based on age, disability, health status, family circumstances, gender, sexual orientation, race, colour, language, trade union or other beliefs or opinions, national or social origin, association with a minority, property, birth or other status and that affects equality of men and women at work.

Gender-based harassment and sexual harassment are a form of discrimination based on a person's gender, contrary to the principle of equality between women and men; they are an attack on the right to dignity and privacy of individuals; a manifestation of gender-based violence and a psychosocial risk to health and safety at work.

There is a wide legal complex that includes sexual harassment as a punishable conduct. We refer to the ORGANIC LAW 3/2007, which defines sexual harassment and gender-based harassment in its article 7, and recently to the ORGANIC LAW 10/2022, of 7 October, in whose article 12. 1 (Prevention and awareness-raising in the workplace) states that 'companies must promote working conditions that prevent the commission of crimes and other conduct against sexual freedom and moral integrity at work, with special emphasis on sexual harassment and gender-based harassment, in the terms set out in article 48 of Organic Law 3/2007, of 22 March, for the effective equality of women and men, including those committed in the digital sphere.

Without prejudice to the provisions of the Criminal Code, sexual harassment is any verbal or physical conduct of a sexual nature which has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, humiliating, degrading, offensive or hostile environment. DIRECTIVE 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of women and men defines SEXUAL HARASSMENT as a situation in which any unwanted verbal, non-verbal or physical conduct of a sexual nature occurs with the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, hostile, degrading, humiliating, offensive or

degrading environment. Although the definitions of sexual harassment found in different institutional and policy frameworks may differ in some details, they all incorporate the same key elements:

- Behaviour that is unwanted by the person who receives it
- Behaviour of a sexual nature or with sexual connotations
- Behaviour that is intended to or has the effect of undermining dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Behaviours of a sexual nature or with sexual connotations include a very wide range of behaviours, from mild, serious or very serious harassment:

- **Mild:** corresponds to public verbal expressions that are demeaning to the person being harassed (jokes with sexual content, sexual compliments/comments about workers, repeated requests for dates, excessive approaches and insinuating looks, along with non-consensual approaches).
- **Serious:** associated with situations where there is direct verbal interaction with a high sexual content (questions about sexual life, sexual innuendo, openly asking for sex, or pressure after a break-up with a partner) and physical contact not allowed by the person being harassed.
- **Very serious:** this corresponds to situations where there is unwanted physical contact and direct verbal pressure, such as unwanted hugging and kissing, touching, pinching, cornering, pressure to obtain sex in exchange for improvements or threats, sexual acts under pressure of dismissal, sexual assault, etc. These actions are in themselves criminal offences. The Directive explicitly states that these behaviours can be verbal, non-verbal or physical.

As noted in C-190, gender-based harassment refers to violence and harassment that is directed against persons because of their sex or gender, or that disproportionately affects persons of a particular sex or gender and includes sexual harassment. The key differentiating element with respect to sexual harassment is that it is not behaviour of a sexual nature but relates to another person's sex.

DIRECTIVE 2006/54/EC of 5 July 2006 states in paragraph 3 that both sexual harassment and harassment on grounds of sex shall in any event be deemed to be discriminatory and in paragraph 4 that the conditioning of a right or an expectation of a right on the acceptance of a situation constituting sexual harassment or harassment on grounds of sex shall also be deemed to constitute discrimination on grounds of sex. Examples of behaviour that could constitute gender-based harassment include, among others:

- Discriminatory behaviour on gender grounds
- Offensive forms of address
- Ridiculing, belittling women's abilities, skills and intellectual potential
- Using sexist humour
- Disdain for the work done by women etc.

Sexual harassment and gender-based harassment have consequences in the different spheres of life (family, social and work) of those who suffer it, both psychologically and physically. Among the most common effects are:

- Insecurity or uneasiness at work.
- Feeling of being in an intimidating environment.
- Tendency to want to play it down, justifying it in some way.
- Feeling of being treated as sexual objects, without taking into account their personal or professional worth.
- Stress at work and fear of certain situations and of the harasser.
- Fear of certain situations and of the harasser.
- Feeling of powerlessness in the face of their situation and the humiliation they feel.
- Feeling of guilt.
- Aversion, irritability, discomfort, intimidation, discomfort, discouragement, confusion, etc.
- Development of physical and emotional stress.
- Difficulty in making public the harassment they are suffering.
- Absenteeism due to illness.

These behaviours must be systematic or habitual, that is, they are immersed in a continuous process and are not the result of isolated events, however serious and intense they may be. According to H. Leyman, they must occur over a period of more than 6 months, and all these consequences can turn into pathologies such as depression and anxiety, with the consequent repercussions on the physical state, such as headaches, muscular injuries, stomach problems, insomnia, increased tension, ulcers, nausea, etc. In this way, the quality of life of the person being harassed deteriorates and what begins in the work environment, ends up having consequences in the private sphere.

7. Phases in the implementation of the protocol

The resolution of claims, complaints and denunciations relating to sexual harassment and sexist harassment, sexual orientation or gender identity and expression, will be processed and, where appropriate, resolved with due guarantees, in accordance with the provisions of the general harassment Protocol procedure approved by **BCAM**.

7.1. Reception of the complaint

Once the Protocol has been disseminated in the organisation and staff are aware of its existence and operation, the subject who reports a situation of harassment or conflict towards them may make use of it.

At first, the person making the complaint should turn to the first representative figure of the Protocol, the COMPLAINT RECEIVER, who will be in charge of collecting this initial information from the person concerned. The reception of this complaint will always be made using the Reporting Channel. This way, the complainant will be able to provide all relevant information on the case, that will be collected by the RECEIVER. Afterwards, the receiver will summon the complainant to a preliminar interview. At the beginning of this first interview, the RECEIVER will inform the subject of the basic objectives of the opening of the Procedure as well as the convenience of the complainant freely and voluntarily agreeing to sign a file, which we call the COMPLAINT RECEIPT RECORD. This document should detail the organisation and department where the events took place, the position held by the person making the complaint, the reason for the complaint and any observations that the issuer deems appropriate in relation to the case. It is important that, although in summary form, the subject of the complaint is clear, as well as the person or group of persons to whom it is addressed.

The type of advice offered by the recipient of the complaint should also be reflected in the file on receipt of the complaint. Of all the options presented to them by the recipient, the one chosen by the person lodging the complaint should be made explicit. The complainant should also be informed of the confidentiality of the file and of the process itself. Once all these considerations have been taken into account, the file is opened and numbered accordingly. The file is then signed by both the person submitting it, the sender, and by the person who initially receives it, the RECIPIENT of the COMPLAINT. Always and at all times, under the conditions of respect and confidentiality of the information received, the COMPLAINT RECEIVER must submit the file signed by the complainant to the Commission, which is the body responsible for initiating the investigation process, as well as convening interviews with the parties involved and subsequently taking measures in relation to the resolution of the case.

7.2. Process opening

The person receiving the complaint (known as the ‘recipient’ of the complaint) transfers the signed complaint registration form to the Decision Committee, which is responsible for formally initiating the action. The Commission will convene a meeting in order, on the one hand, to constitute the Decision Committee and, on the other hand, to establish the steps to be followed from that moment onwards. The minutes of the constitution of the Decision Committee must be drawn up and signed by those attending the meeting.

The Decision Committee can then supplement the information received from the complainant with further information from the accused person themselves and from the environment of the persons involved, by conducting interviews.

From this moment on, the process can be carried out in two ways:

- **INFORMAL/DIALOGUE PROCEDURE:** this procedure is carried out when the parties involved in the conflict express their intention to reach a resolution of the case in a closer, friendly and informal way. Once the Commission is aware of the situation and the position expressed by the parties, it will initiate a series of investigations aimed at determining the origin of the problem and subsequently see if the parties can reach an agreed solution. This process has to be carried out without bringing the parties together at an early stage. Subsequently, depending on whether or not the parties reach an agreement and also depending on the characteristics of the case, the process may be concluded here or it may be necessary to move on to the formal procedure.
- **FORMAL PROCEDURE:** either at the express wish of the complainant or because dialogue has proved to be insufficient to resolve the conflict, the formal procedure is initiated, whereby the Decision-Making Commission has the power to initiate a study process in which the complainant and the other involved parties can present their view of the facts and either the Commission or an external consultant, on whom the weight of the investigation rests, can draw on various sources of information (e-mails, casualty records, etc.) to try to clarify what happened.

In cases of complaints of sexual or gender-based harassment, until the formal procedure is closed, and provided that there is sufficient evidence of the existence of harassment, the Sexual and Gender-Based Harassment Committee shall request the precautionary separation of the victim and the alleged harasser, as well as other precautionary measures (reorganisation of working time, change of office, functional mobility, etc.) that it deems appropriate and proportionate to the circumstances of the case. Under no circumstances may these measures entail any prejudice or detriment to the victim's working conditions, nor any substantial modification thereof, including

salary conditions. In cases in which the precautionary measure is to separate the victim from the aggressor by means of a change of job, it shall be the victim who decides whether to do so herself or the aggressor, and the Department shall facilitate at all times that the transfer of one or the other person is carried out as quickly as possible.

INFORMAL/DIALOGUE PROCEDURE

Once the Commission is aware of the situation, it appoints two members of the Commission to implement the protocol in the informal/dialogue phase and to initiate an investigation to determine the origin of the problem and, once the facts have been assessed, to propose to the parties ways of resolving it in order to see if it is possible for them to reach an agreement. The reasons for closing the informal phase and resorting to the formal route are that the parties or one of them expresses their disagreement with the result of such an investigation or with the actions resulting from it, that one or both parties directly reject the informal/dialogued route and openly propose to open a formal route or that the members of the Commission who carry out the informal/dialogued route consider it appropriate in view of the evidence gathered and/or the level of existing conflicts.

Therefore, if this route is possible, the Commission may, according to its knowledge of the facts, experience or criteria, transmit to the parties different measures for the resolution of the case, as well as the criteria underlying them, within a period of **30 working days**. In the event that the Commission considers that in order to be able to close the process correctly, it will need a few more days, it will have to present a report to the members of the Commission, to request a justified extension of time, detailing in detail the reasons for this extension of time in accordance with what is established in this phase.

Similarly, the persons involved themselves can ask the Commission for time to clarify the facts, in which case the open procedure would be temporarily suspended, or they can reach a consensual solution by submitting it to the Decision Commission. In either case, the Commission is responsible for setting out explicitly the points of agreement and the agreed measures with which the parties to the conflict must commit themselves to comply in order to achieve a resolution of the case.

FORMAL PROCEDURE

The formal procedure is opened when one or both parties are not satisfied with what has been raised in the informal/dialogue procedure or when they have directly resorted to this option. This last situation usually occurs when the complaining party reports feeling so damaged and vulnerable that they cannot consider reaching an agreement with the other party.

Beforehand, and once the party in question has been informed (within a maximum period of 30 working days), it may sometimes be necessary to adopt precautionary measures that physically distance the parties in order to avoid situations of high tension that could, if possible, further aggravate the situation.

The Decision Committee shall gather all the information received from the person receiving the complaint, either through direct interviews with each of the parties involved (the person issuing the complaint and the named party) or through other persons within the organisation referred by the parties or summoned by the organisation itself and who are expected to be able to provide relevant information to the case. The following criteria may be taken into account in the choice of persons called for interviews:

- To know the point of view of the person or persons denounced
- To know the point of view of other people in the Organisation (immediate superiors, etc.)
- To know the point of view of people close to the denouncing and denounced parties (due to carrying out the same activity, location of the work post, friendship, etc.)
- To know the point of view of the Prevention delegates, if there are any

Attendance at the interviews will always be voluntary and non-attendance by any of the persons involved in the process will in no way mean its paralysation, although a documentary record will be taken.

The number of people interviewed should be sufficient to gather all the necessary information in as much detail as possible to facilitate the clarification of the case, but not so large as to encourage its mass dissemination with the consequent psychosocial damage to the parties involved and to the organisation as a whole. The aim will always be to collect as much information as possible while causing as little harm as possible to the parties involved in the conflict.

On the other hand, in order to obtain the most detailed information on the case, the Organisation will be asked to compile all the documentation (activity of the Organisation, organisation chart, staff, job description, prevention plan, evaluation of psychosocial risks, preventive planning, training, health monitoring, e-mails, etc.).

Once the interview process has been completed and all the information deemed necessary has been collected, both from the complainant and from the complained party and of the party complained of, the Commission shall make an assessment of the same and shall issue a Preliminary Report of Results. This report must reflect the diagnosis made and the measures considered appropriate to resolve the case. The maximum time limit for the preparation of this preliminary report is 30 working days.

Whether the conclusion of the Preliminary Report is that the case is not sufficiently serious to be considered as a situation compatible with the strategies observed in a situation of harassment or whether it is considered as a potential case of interpersonal conflict, the Decision Committee has to communicate this to the parties involved (the complainant and the person reported). In order to preserve confidentiality, persons who may have been interviewed will not be informed. The Commission has at all times sufficient authority both to conclude the investigation process and to pursue the investigation further.

Once the parties are aware of the result of the investigation, they may freely communicate to the Commission, within a maximum period of **30 working days**, either their disagreement or their agreement with the diagnosis. The Commission shall take their opinions into account, incorporating them into the Final Report, if it deems appropriate. In the event that the Commission does not consider it feasible to incorporate them into the Report, it will remind the parties involved of the possibility of continuing with the process through alternative channels outside the Organisation (judicial channels, etc.) if they do not agree with the conclusions of the Report. The impressions of both the issuer of the complaint and the person or persons indicated shall be communicated directly to the Investigation Commission and, if they deem it appropriate, they shall make the modifications they deem appropriate, always with the aim of reaching an agreement between the parties. In the event of disagreement between the parties involved, this would imply the use of alternative channels outside the organisation, if deemed appropriate by the parties concerned.

Whether through the formal or informal procedure, it is the Decision Committee that finally decides on the corrective measures to be applied in the resolution of the case.

7.3. Inclusion of the consultation figure

The Commission may rely on the support or involvement of other actors when it considers that the case reported is beyond its resources and/or competence or when it considers that the involvement of an External Specialised Advisory Service can contribute to the resolution of the conflict.

In such a case, the Commission shall establish the involvement of this agent in order to incorporate an additional measure to help solve the conflict.

When the Commission decides that other specialised agents should be in charge of investigating the reported facts and proposing the appropriate corrective actions, they will have sufficient autonomy to propose all the actions they deem necessary to clarify the case (requesting information from the Commission, interviewing the parties, interviewing persons referred by the parties or others that the Consultation Figure deems necessary). The external consulting agents may be: external consultants/specialists in Occupational Psychosociology, prevention technicians from the Organisation (SPA, SPP, SPM), or a Psychosociology technician from the Organisation itself.

The external consultancy team will be guided by the application of the Protocol, as mentioned above, with the difference that it may have the necessary autonomy to establish the procedural guidelines it deems appropriate. Once the investigation has been completed, the External Consultancy Team or Consultation Figure will draw up and approve a Preliminary Report of Results, in which it will indicate the conclusions reached and the aggravating and mitigating circumstances that in its opinion are present. In this report, in addition to a description of the facts and a reflection of what was gathered in the different interviews carried out, it will explain the determining factors that are considered to have led to the conflict situation under study, as well as the corrective and improvement actions suggested as the most viable strategies to solve the case and to prevent this type of situation. The parties involved in the case, the complainant and the respondent, must be aware of the considerations made in the report. This Preliminary Report must be submitted to the Decision Commission, which will ultimately decide when, how and which of the measures suggested by the Consultant Team will be applied in the case under study. For their part, the parties involved in the case, complainant and respondent, are free to reject or accept (in part or in whole) the conclusions of the report, as well as to make contributions that will be integrated into the report, if the Commission so decides. In the event that they are not included, the parties will be reminded of the possibility of continuing the investigation of the case through other channels outside the company, inviting them, in any case, to maintain their commitment to do everything possible to try to resolve the conflict.

7.4. Proposal for corrective and improvement measures

Finally, only after gathering and contrasting all the information gathered, either through the Decision Committee or with the help of a specialised consultant, and once the appropriate changes and adaptations have been made to the Preliminary Report, if necessary, is the FINAL REPORT presented, in which the following will be explained first of all which are the determining factors that may have led to the conflictive situation, as well as the corrective and improvement actions that are considered the most viable to solve the case of conflict, as well as to prevent this type of situation from occurring in the future.

We reiterate, given its importance, the consideration that the parties are free to accept or reject the assumptions reflected in the FINAL REPORT but that at all times, they will be invited to maintain their commitment to make every effort to try to resolve the conflict. Those involved are free to put in place other measures outside the organisation's procedure if they feel that these would better serve their particular interests. It is essential that confidentiality is always maintained until the process is completed.

Therefore, once the investigation has been concluded, the Final Report issued must include a proposal for improvement actions aimed at correcting and/or eradicating the behaviours or situations that have been identified as originating in psychosocial risk. These actions can be of very different types and are directly dependent on the psychosocial risk factors that have been observed after the study, it is always the Decision Committee that decides which of these measures are to be implemented. Once the Commission has communicated the result of the investigation, it must inform the parties involved of the corrective measures it decides to apply in the case.

8. Organisational chart of figures

We define below the organisational chart that will guide the implementation of this Protocol:

1. It is determined that 3 to 5 people will make up the Decision-Investigation Committee for all the work centres of the Organisation. The fact that the number is always odd responds to the need that, when internal decisions are taken in relation to the case under study, there is never a situation of a tie that blocks the process. On the other hand, we have to establish the proviso that, when the conflict detected involves any of the reference figures that make up the Commission, the possibility of incorporating AN ALTERNATE FIGURE that can form part of this Commission and that is not 'contaminated' by the process will have to be considered.
2. The Decision Committee shall reserve the power to decide on a course of action on the basis of the information, judgement and knowledge available to it.
3. The Organisation will have two COMPLAINT RECEPTORS, who will initially receive the complaint. It is possible for there to be more than one person within this figure of reference so that staff always have the possibility of establishing communication with the agent with whom they prefer to find a better channel of communication and to resolve the eventuality of the conflict being related to one of these agents. The RECEIVER of the COMPLAINT in question in each case will pass on the information on the events that have occurred to one

of the members of the Investigation Commission. Once the problem is known, the Investigation Commission is formed to study the case and minutes are drawn up.

In the case of the **BASQUE CENTER FOR APPLIED MATHEMATICS- BCAM**- the persons chosen to carry out the task of COMPLAINT RECEIVERS are the following:

- People Officer: Ana López
- Gender Equality Officer: Oriana Elejalde

Furthermore, the persons elected to compose the DECISION COMMITTEE are the following:

- Scientific Director: José Antonio Lozano
- General Manager: Lorea Gómez
- People Officer: Ana López
- Gender Equality Officer: Oriana Elejalde
- Consultor Externo: IPSO

9. Conduct definitions

Conduct constituting sexual harassment can be classified as SERIOUS or VERY SERIOUS. Here are some of these behaviors, which without constituting a closed list, can be considered as sexual harassment.

- Conditioning access to employment, an employment condition or maintaining employment on the victim's acceptance of a favour with a sexual content, even if the explicit or implicit threat in this condition is not actually fulfilled (sexual blackmail).
- Deliberate and unsolicited physical contact, or excessive and unnecessary physical proximity (touching, rubbing, hugging, patting, pinching, etc.).
- Telephone calls, sending letters, emails, photographs or other materials of an offensive sexual nature.
- Pressuring or coercing to have sexual relations.
- Sexually explicit proposals that affect sexual integrity and indemnity.
- Threats of reprisals after refusing to accept any of the sexual advances or requests.
- Any type of sexual assault as defined in the Penal Code.
- Retaliation against people who report, testify, assist or participate in harassment investigations, as well as against people who oppose any such conduct, whether in front of themselves or in front of third parties.
- Repeatedly making obscene gestures, sounds or movements.
- Asking questions about one's sex life.
- Repeatedly inviting or asking for dates when a refusal has been expressed.

- Making it difficult for a person to move in search of physical contact.
- Cornering, deliberately seeking to be alone with the person unnecessarily.
- Making sexual insinuations.
- Making continuous comments or evaluations about the person's physical appearance or appearance.
- Openly asking for sexual relations within the framework of work relationships.
- Spreading rumours with sexual connotations or about a person's sex life.
- Clandestine or covert observation of people in reserved places, such as bathrooms or changing rooms.
- The display or exhibition of graphics, cartoons, drawings, photographs or images from the Internet with sexually explicit content, without consent and which affect sexual integrity and indemnity.
- Telling jokes or saying compliments with sexual content repeatedly.
- Talking repeatedly about one's own sexual abilities or capabilities.
- Staring lasciviously at someone's body repeatedly.

10. Applicable regulations

- Convention 190 of the International Labour Organization (ILO) on violence and harassment in the world of work
- Occupational Risk Prevention Act 31/1995, of November 8th
- Organic Law 10/2022, of October 7, on the INTEGRAL Guarantee of Sexual Freedom
- Protocol for action on moral and sexual harassment in the Basque Administration dated October 4, 2006