

WORKPLACE VIOLENCE PREVENTION AND MANAGEMENT PROCEDURE



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0. EXECUTIVE SUMMARY

Workplace harassment (in its various forms: moral, psychological, sexual, gender-based, ideological or hierarchical) is an expression of violence that can occur in the workplace, creating severe situations of discrimination. It is a violation of rights related to dignity, equality, physical and moral integrity, sexual freedom, and the right to a safe and healthy work environment, which the BCBL will not tolerate.

Through this protocol, we are committed to regulating workplace harassment by applying methods to prevent and resolve claims and complaints filed by victims, ensuring respect and confidentiality, and taking into account community, constitutional, autonomous, and labor regulations, as well as declarations regarding workers' right to work in environments free of violence.

Individuals working under this protocol who may be considered victims of any type of workplace violence, or anyone with knowledge of these harassment situations, may initiate the evaluation and action process by filing a complaint with the Intermediation Team (preventandreport@bcbl.eu) using the complaint form (Annex II) or the complaints channel at <https://whistleblowing.bcbl.eu/>

1. GENERAL ASPECTS

According to the WHO definition, health is a state of complete physical, mental and social well-being, not only the absence of disease or illness. The BCBL operates under the global conception that its personnel must be protected against all risks, including psychosocial risks, defined as actions and behaviors that can alter the psychological and social well-being of the person.

Conflict is the manifestation of internal workplace violence between individuals. It should be considered as a psychosocial risk, posing a significant danger to the health and safety of workers, with direct and indirect organizational repercussions. When dealing with conflict, principles of preventive action should be applied. Strategies for preventing the phenomenon should also be adopted, simultaneously.

In any organization, the existence of conflicts is expected, for reasons of work organization or interpersonal problems. Although most conflicts are resolved in more or less satisfactory manners, it is possible that some conflicts become chronic and may generate situations of harassment.

Workplace harassment, i.e., prolonged harassment in the workplace, is an emerging phenomenon in labor organizations. In this sense, we can say that harassment, both violates the

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personal or professional dignity of the harassed person, causes and is damaging to the employee's health which is sometimes difficult to repair. For this reason, this document includes the basic principles on which the work activity must be based and the criteria to be adopted to prevent harassment at work in each area, in addition to a series of definitions necessary for its effectiveness. It also includes the procedure to be followed in the event of, or suspicion of, workplace harassment (in any of its forms: moral, psychological, sexual, gender-based, ideological or hierarchical).

To avoid behaviors that could lead to harassment or work-related stress, two tools should be used: i) prevention, by establishing common codes of conduct, and ii) approval of mutually agreed-upon procedures for dealing with conflicts and complaints.

In this sense, the present procedure has a preventive perspective, essential for acting at the earliest stage of such problems.

1.1 Objective

The purpose of this procedure is to:

- Establish the systematic identification and resolution of conflicts that may negatively affect the physical and/or mental health of workers, caused directly by inappropriate or negative behavior among colleagues of the same or different hierarchical level, confronting internal conflicts, avoiding more complex situations or the escalation of violence.
- Ensure an objective, effective and confidential process for the parties involved in conflict within the established timeframe.
- Propose the most appropriate preventive measures in each case, to resolve the labor problem detected, and prevent or avoid possible workplace harassment.

1.2 Scope

This preventive procedure aims to avoid escalation of interpersonal conflicts in the workplace which cause psychosocial risks, and prevent situations of workplace harassment in its various forms (psychological, sexual, gender-based, ideological or hierarchical).

This procedure applies to all personnel employed by the center regardless of their hierarchical position, or contract with the organization. It is also applicable to personnel carrying out research internships, university internships, training center internships, etc.

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If violence in the workplace occurs between employees of the BCBL and an external company who share the workplace, the procedure contained in this document will apply. However, the adoption of measures will be coordinated with the affected companies, in accordance with Article 24 of Law 31/1995, of November 8th, 1995, regarding the Prevention of Occupational Risks.

1.3 Action Principles

- **Respect and protection of individuals.** All employees have the right to a work environment, free of hostile or intimidating behavior towards them. They also have the right to a work environment that guarantees their dignity as well as their physical and moral integrity. Actions must be carried out with the utmost caution, and with respect for all individuals involved. Individuals, who under no circumstance, may receive unfavorable treatment. As a matter of priority, appropriate measures to guarantee the right to health protection of the workers affected must be adopted.
- **Preventive nature.** This procedure, which applies to all employees of the company, is developed for all areas and hierarchical levels of the center, and has been developed based on the following principles:
 - ✓ Achieve maximum efficiency in Occupational Health and Safety to eliminate, minimize, and control occupational hazards.
 - ✓ Comply with the provisions of: The Legal Order in force in matters of risk prevention, especially in the Occupational Risk Prevention Law (Law 31/1995 and subsequent amendments to Law 54/2003), the Regulatory Standards derived from the ORP Law, and in the Prevention Services Regulations.
- **Confidentiality of data.** Those involved in the procedure must keep strict confidentiality and may not transmit or disclose information regarding the content of complaints filed, or cases currently under investigation. The information generated and provided by the proceedings while applying this protocol will be confidential, and only accessible to personnel directly involved in its processing.
- **Criteria to be taken into account during the investigation process.** Facts should be investigated, not opinions. Prejudgments should be avoided. The treatment of the plaintiff, defendant, and witnesses should be as delicate as possible, taking into account that their psychological state may be compromised. All witnesses or individuals whose testimony is requested for this process must be previously informed of the matter for which they being requested to cooperate with, as well as their voluntary and confidential obligations. An

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impartial hearing and fair treatment shall be guaranteed for all affected individuals, seeking the truth and the clarification of the facts denounced, in good faith.

- **Diligence.** The investigation and resolution of the reported conduct must be carried out without undue delay, ensuring the procedure is completed in the shortest possible time while respecting due diligence.
- **Communication to the parties involved of the documentation generated.** When a person submits a complaint regarding conflict resolution or sexual or gender-based harassment, the reporter and the individual reported have the right to be informed of all relevant material used in relation to the outcome of the process, i.e. all documents and information kept or generated by the center, and by the persons directly involved in the complaint, while also protecting the confidentiality of sensitive information: medical data, etc.
- **Prohibition of retaliation.** Retaliation against individuals who make a complaint, appear as witnesses, or participate in an investigation of labor disputes, provided they act in good faith, should be expressly prohibited.

1.4 Action Principles

- **European Scale**

The Commission Recommendation 92/131/EEC of November 27 on the protection of the dignity of women and men at work contains a “Code of Conduct on measures to combat sexual harassment.”

Directive 2006/54/EC of the European Parliament and of the Council of July 5, 2006, on the implementation of equal opportunities and equal treatment of men and women in matters of employment and occupation, defines sexual harassment and harassment based on sex, and establishes that these situations shall be considered discriminatory, and therefore, shall be prohibited and sanctioned in an appropriate, proportionate, and dissuasive manner. The Community Code of Conduct on Sexual Harassment of November 27, 1991, is the European standard for the prevention of sexual harassment.

- **State Level**

Organic Law 3/2007, of March 22, 2007, for the effective equality of women and men, expressly prohibits sexual harassment and harassment based on sex, and defines these behaviors (articles 7 and 48).

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✓ Sexual harassment and harassment based on sex are discriminatory acts, or behaviors (LOI art. 7.3.).

✓ Companies “are required to promote working conditions that avoid sexual harassment and harassment based on sex, arbitrate specific procedures for their prevention and channel complaints or claims that may be made by those who have been subjected to the aforementioned harassment”. To this end, measures such as the development and dissemination of codes of good practice, information campaigns or training actions may be negotiated with workers' representatives (LOI art. 48.1).

✓ Workers' representatives shall contribute to the prevention of sexual harassment and harassment based on sex at work, bringing to the attention of the workers and informing the company management of any conduct or behavior of which they are aware that may give rise to the same” (art. 48.2).

✓ Furthermore, article 8.13 of the Law on Infractions and Sanctions considers sexual harassment as a very serious infraction against the social order. Likewise, harassment based on sex is also considered a very serious infraction.

2. DEFINITIONS

CONFLICT: Temporary and/or localized problems at a specific moment. Situations generated by a disagreement between two or more people or groups of people, during their work activity, due to an incompatibility of objectives, resources, expectations, perceptions or values. It interferes with the normal functioning of the organization's processes. Isolated situations that are merely occasional, or derived from reasonable disagreements in a work relationship, are not considered conflicts.

- **Relationship conflicts:** Relationship conflicts arise when there are negative emotions that are occasionally intense. That is, when a person feels irritated, offended, frustrated, fearful, and is not able to maintain calm discussion. A relationship conflict occurs when people have negative perceptions or stereotypes about another. Also, when there is little or no interpersonal communication, along with repetitive negative behaviors.
- **Information conflicts:** These occur when individuals **lack** the necessary information to make correct decisions, are misinformed, or have differing interpretations of the data.

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- **Value or cultural conflicts:** These are caused by a system of incompatible or perceived as incompatible beliefs. Values are beliefs that people use to give meaning to their lives. Values define what is good and bad, true or false, just or unjust. Value disputes arise only when people try to impose one set of values on others and do not tolerate divergent beliefs.
- **Conflict of interest:** Conflicts of interest arise when someone wants something (it can be something tangible or intangible) that another person owns or wants, and must collaborate with them. There are three types of interests:
 1. Substantial: tangible, material, measurable issues. E.g.: time, money, etc...
 2. Procedural: how to achieve the set goal.
 3. Psychological: they refer to individual needs, to issues such as recognition of belonging, self-esteem, etc...
- **Structural conflicts:** Structural conflicts arise when the design of an organization acts as the cause of the conflict. It can also be constituted by the infringement of resources, a law, a regulation, which determines the way systems function, and are beyond our control.

PSYCHOLOGICAL HARASSMENT: Occupational risk involving exposure to conduct of psychological violence (either repeatedly or over a prolonged period of time) directed towards one or more persons, in a reiterative and long-lasting manner, by others acting from a position of power, not necessarily hierarchical in nature. Such exposure occurs within the framework of an employment relationship and poses a significant health risk.

The following cases are examples of serious or very serious behavior:

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TYPE OF CONDUCT	EXAMPLES
Attacks using organizational methods or abuse of authority	<ul style="list-style-type: none"> • Restricting communication between the worker and other co-workers without any justifiable cause. • Issuing orders that cannot be carried out with the resources assigned to the employee. • Retaliation against a worker for filing a complaint, denunciation or claim against the organization; or for collaborating with the complainants. • Changing the location of a person by separating them from colleagues. • Forcing someone to perform tasks against their conscience. • Judging a person's performance in an offensive manner. • Not assigning tasks to a person. • Assigning tasks that violate the dignity of the worker.
Social isolation, and other attacks on the victim's social relationships.	<ul style="list-style-type: none"> • Restricting or preventing colleagues from speaking to specified person. • Not speaking to a person, or refusing to answer a person's questions. • Treating the person as if they did not exist.
Attacks on private life	<ul style="list-style-type: none"> • Permanent criticism of a person's private life. • To terrorize using the telephone. • Public ridicule • Implying that the victim has psychological problems • Mocking of a person's disabilities. • Mocking a person's private life.
Physical violence	<ul style="list-style-type: none"> • Threats of violence • Small acts of violence • Physical abuse
Verbal aggressions	<ul style="list-style-type: none"> • Shouting or using insults • Malicious criticism of another's work. • Verbal threats
Rumors	<ul style="list-style-type: none"> • Spreading rumors about a person aimed at discrediting their personal / professional life

SEXUAL HARASSMENT: “Any behavior, verbal or physical, that is of sexual nature with the express purpose or effect of violating the dignity of another person, in turn, creating an intimidating, degrading, or offensive environment” (Article 7.1, Organic Law).

Any conduct of a sexual nature that takes place within the organization and management of an employing entity or in relation to, or as a consequence of, an employment relationship carried out either by hierarchical superiors or by coworkers, with the purpose of creating an offensive, hostile, intimidating or humiliating work environment, endangering their physical and emotional stability, as well as their professional and work performance.

The following behaviors qualify as examples of serious or very serious harassment on the basis of sex:

TYPE OF CONDUCT	EXAMPLES
VISUAL	<ul style="list-style-type: none"> Repeatedly looking at the chest/genital/buttocks area of another. Displaying images of sexual content Making obscene gestures Displaying genitals Spying Ridiculing people who assume tasks traditionally assumed by another sex or gender.
VERBAL	<ul style="list-style-type: none"> Insistently propositioning another to go out on romantic dates. Asking about personal or sexual life, making others uncomfortable. Making lewd/vulgar comments. Repeatedly making obscene gestures, sounds, or movements. Sexual jokes or comments. Rude, derogatory or unwelcome comments, whistles, or kissing sounds Making sexual comments or innuendoes regarding a person's physical appearance. Making sexual advances. Spreading rumors or gossip about another that are sexual in nature. Pressuring someone for sexual reasons. Pressuring or coercing someone into sexual relations. Making offensive compliments Making derogatory remarks about gender, sexual orientation or sexual identity in general. Making irrelevant or unwanted phone calls. Making comments implying unfavorable distinctions based on gender, gender identity, or sexual orientation. Making comments on topics such as hairstyle or dress, in an incessant manner or accompanied by other behavior that may indicate malicious intent. Gender insensitivity or overbearing behavior. Making jokes about intellectual capacity or limited abilities due to a person's gender, gender identity, or sexual orientation.
WRITTEN	<ul style="list-style-type: none"> Sending pornography of any kind via information and Communication Technologies (ICT) Sending suggestive notes, including those sent via Information and Communication Technologies (ICT).
DIGITAL	<p>Any behaviors performed using Internet, websites, social networks, instant messaging applications, e-mail, blogs, group chats, video games and/or any other digital channel:</p> <ul style="list-style-type: none"> Sending offensive, rude or insulting messages, denigrating images or videos, computer viruses, and threats of harm or intimidation. Distributing a compromising image or data of sexual content, whether real or false, regardless of whether the compromised image or data was voluntarily submitted. Spreading rumors or digitally altered photographs on the internet.

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	<ul style="list-style-type: none"> • Tricking a person into sharing secrets or confidential information about themselves or another, with the intention of promoting defamatory rumors using the information obtained. • Registering in a website where one can stigmatize or ridicule another. • Creating a false profile in the name of another person for the purpose of making sexual demands or offers. • Registering a person's e-mail address in order to receive spam, contacts with unknown persons, etc. • Impersonation of another person by electronic means (logging into e-mail, or social network) in order to post or send compromising material to third parties. Effectively manipulating and usurping another's identity. • Disseminating cell phone records on the internet in order to intimidate, assault, or persecute another person. • Pursuing and intimidating a person in digital spaces often frequented by the victim. • Falsely presenting one's profile in order to organize digital meetings with the alternative intention of carrying out online blackmail.
CONTACT	<ul style="list-style-type: none"> • Violation of personal space. • Patting, grabbing, pinching, stroking or kissing any part of the body that may be considered inappropriate by the person receiving the action. • Unwanted physical contact (touching, rubbing, etc.). • Physically hindering or preventing another person's movement using one's body

- Conditioning the access, attainment, or renewal of employment on the acceptance of sexual favors, even if the explicit or implicit threats are not effectively fulfilled (sexual blackmail).
- Any type of sexual aggression specified in the Penal Code.
- Retaliation against individuals who testify, assist, or participate in harassment investigations, as well as against those who oppose such conduct—whether on their own behalf, or on the behalf of others.

GENDER-BASED HARASSMENT: “Harassment based on sex implies any behavior based on the gender of a person, with the purpose or effect of violating their dignity and creating an intimidating, degrading, or offensive environment” (Article 7.2, Organic Law).

Behaviors or attitudes of both hierarchical superiors and colleagues and/or hierarchical inferiors that are caused by stereotypes in the organization (especially when they are related to sexual orientation, gender identity or maternity, paternity or other family care situations). The following are examples of conduct that qualify as serious or very serious harassment based on sex:

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Public and/or private repeated disqualifications of individuals and their work on the basis of sex, including their abilities, technical skills, skills, etc.

- Using sexist or derogatory expressions devaluing abilities, competences, skills.
- Ignoring contributions, comments, or actions based on the person's sex (e.g., excluding others, not taking seriously).
- Refusing to obey orders or follow instructions from women in hierarchical positions of authority.
- Assigning someone work or duties below their ability on the basis of their sex.
- Sabotaging work or deliberately preventing access to the appropriate means to carry out tasks (information, documentation, equipment, etc.).

HARASSMENT BASED ON SEXUAL ORIENTATION AND IDENTITY AND GENDER

EXPRESSION: any verbal or physical behavior carried out on the basis of an individual's sexual orientation or identity, with the purpose or effect of violating the dignity of an LGBTQI+ person and creating an intimidating, degrading or offensive environment. The conditioning of a right, or an expectation of a right upon the acceptance of certain harassment based on sexual orientation or gender identity, shall also be considered an act of discrimination.

Behaviors constituting this type of harassment may include:

- **Heterosexism (or heteronormativity):** The assumption that heterosexuality is the norm to follow. This attitude leads the belief that anything that is not heterosexual is “abnormally different” and can provoke rejection or discrimination. It is a form of violence.
- **Homophobia:** Refers to aversion, hatred, fear, prejudice, or discrimination against homosexual individuals, although it also includes other people of sexual diversity, such as bisexual and transsexual people. Homophobia is linked to the dominant patriarchal culture, which also discriminates against women.
- **Lesbophobia:** aversion, hatred, fear, prejudice or discrimination against lesbianism or lesbians, including attitudes of rejection, irrational fear of lesbian women.
- **Biphobia:** aversion, hatred, fear, prejudice or discrimination against bisexuality or bisexual individuals.
- **Transphobia:** aversion, hatred, fear, prejudice or discrimination against transsexuality or trans people.

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- **Intersexophobia:** aversion, hatred, fear, prejudice or discrimination against intersex individuals.
- **Plumophobia:** aversion, hatred, fear, prejudice and discrimination of those outwardly expressing sexualities considered nonheteronormative, perpetrated by members within hetero- and non-heterosexual communities.
- **Monosexism:** The belief that everyone is either homosexual or heterosexual. It is a biphobic attitude.

In short, LGBTQI+phobia is a hostile attitude that perceives non-heterosexual sexual orientations, transsexuality and intersexuality as contrary, different, inferior, worse or abnormal and view the people who practice it and/or belong to those communities, as different, bad, weird, sick, amoral or unnatural.

There are different degrees of LGBTQI+phobia, ranging from very-low intensity, such as an attitude of indifference or denial towards LGBTQI people, to high-aggressiveness, which manifests itself in physical and verbal violence.

TYPE OF CONDUCT	EXAMPLES
VERBAL	<ul style="list-style-type: none"> • Derogatory comments about people or about values considered feminine or masculine and, in general, sexist comments based on gender bias. • Joking or ridiculing a person because of their sexual orientation. • Refusal to refer to a transgender person by the name established in accordance with their sexual identity or deliberate use of articles or pronouns that do not correspond to the gender with which this person identifies. • Derogatory comments about transgender people because of their transsexual identity. • Jokes about transgender people, whether or not they are present in the conversation. • Using sexist or LGTBI-phobic humor.

ONLINE HARASSMENT: When the behaviors referred to in this Protocol occur using information and communication technologies (ICTs) such as the internet, telephone and social networks, and constitute acts of violence carried out in online domains, such as digital violence or cyberbullying.

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Three specific dimensions of digital violence should be considered: (i) online and technology-facilitated harassment, (ii) online sexual harassment, and (iii) the digital dimension of psychological violence.

The definitions set forth in this section do not constitute a closed list, and other cases may be considered.

HARASSMENT FOR IDEOLOGICAL REASONS AND/OR FOR MEMBERSHIP OF POLITICAL AND TRADE UNION ORGANIZATIONS:

Actions intended to discriminate, exclude or isolate a person because of their membership of a political or trade union organization, or due to one's ideological affiliation. The definitions established in this section are not exhaustive, and other situations may also be considered.

Occasionally, there is confusion between what constitutes workplace conflicts and what constitutes workplace harassment. The following table outlines the main differences:

WORKPLACE CONFLICT	WORKPLACE HARASSMENT
There is no intention to get rid of the person.	Clear intention to get rid of the person being harassed
A workplace conflict can be positive, insofar as it can serve to improve a situation that was generating conflict, but it can also happen that an unresolved labor conflict can turn into harassment.	Always has negative repercussions.
It provokes a questioning of the situation and offers possible alternative solutions.	Changes are blocked
Aggressions or punctual, non-programmed actions.	Systematic aggressions or actions (once a week), prolonged (at least 6 months) and with clear premeditation.

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3. TRAINING/INFORMATION

The company must provide specific information/training to successfully perform their duties to the members of the Intermediation Team and to the members of the Equality Committee/HRS4R WG (providing legal information on the subject, social skills to manage conflicts, procedures for action), enabling them to identify the factors to prevent conflicts between workers and to prevent harassment situations, as well as to familiarize them with their responsibilities.

4. COMMUNICATION

The organization must ensure the conflict resolution policy is communicated to employees and that they have understood it, that they are aware of their right to file complaints, and that there is a procedure such filings, and that there is a firm commitment to resolve conflicts.

To prevent and avoid workplace harassment situations, this protocol will be disseminated through the following communication channels:

- BCBL wiki
- E-mail to all BCBL members
- Displays, posters, digital screen
- HRS4R/HR DAY meeting
- Welcome plan

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5. ROLES, FUNCTIONS, AND REPRESENTATIVES

INTERMEDIARY TEAM

The BCBL Intermediation Team will consist of: (i) two people from HR and (ii) two people from the Equality Committee/HRS4R WG. This team is to be assigned in each specific case, and the following roles and responsibilities will be assigned to them:

- Act as the primary point of contact for receiving inquiries, complaints or reports related to harassment.
- Ensure confidentiality and protection of rights belonging to the individuals involved throughout the process.
- Provide information on the procedures established in the protocol.
- Follow the procedure established in both informal and formal procedures (see section 6).
- Participate in annual training sessions on equality, prevention and response to harassment.

The members of the Intermediation Team will always be updated on the BCBL Wiki.

EQUALITY COMMITTEE/ HRS4R WG

At BCBL, the Equality Committee/HRS4R WG will serve as an advisory and supervisory body for procedures related to the prevention and management of sexual and gender-based harassment situations. This group will consist of BCBL members with representation from different areas of the organization (administration/services, HR, Research). Its functions will include:

- Provide guidance and support to both individuals bringing complaints forward, and the Intermediation Team in the management of cases.
- Supervision of the actions Ensure compliance with the principles of confidentiality, impartiality and diligence while completing all procedures.
- Proposal for improvement: Periodically review the protocol to ensure that it is up to date with current regulations and aligned with the needs of BCBL personnel.

The identity and composition of this group will always be updated on the BCBL Wiki.

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MANAGEMENT

- Approve the content of the procedure and appointment of members.
- Provide resources to carry out the training needed to implement the procedure.
- Carry out the actions proposed by the Arbitration Committee or other alternatives.
- Ensure compliance with defined actions.
- Facilitate the execution of actions through the provision of necessary resources.

Substitutions

A member of the Intermediation Team will be temporarily or permanently replaced in the following situations:

- Prolonged absence or temporary leave due to justified causes (medical leave, etc.).
- Express resignation to continue in the process, provided it is duly justified.
- After decision of the responsible bodies in the event of irregularities in an individual's performance.
- Incurring any cause for abstention or recusal.

In any of the previous cases, the affected person will be replaced by another designated member, ensuring the continuity, confidentiality, and impartiality of the procedure.

Grounds for abstention and recusal

In order to guarantee impartiality of the process, as well as a fair, transparent and unbiased investigation, the following causes should be considered as grounds for abstention and recusal:

- Conflict of interest with those bringing forward the complaint or with the respondent.
- Close personal relationships (intimate friendship, open enmity, family ties)
- Previous involvement in the case
- Lack of objectivity

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6. PROCESS

All personnel included in this protocol shall respect the dignity of persons by avoiding conduct constituting violence in the workplace.

Employees included in this protocol, who may be considered victims of workplace violence, or any other person who has knowledge that these situations of harassment are occurring, may file a complaint with the Intermediation Team, which is the competent body for the management of this type of case. To do so, they can send an e-mail to preventandreport@bcbl.eu or use the complaints channel at www.bcbl.eu.

The BCBL will provide the Intermediary Team with training within their working hours in order for them to acquire the necessary knowledge for the performance the position.

Once the complaint has been received, the Intermediation Team will meet within a maximum of 3 working days to assess the source, nature, and seriousness of the complaint, as well as to determine the procedure to follow.

Complaints are handled in two ways:

- **Informal Procedure:** In the event that the reported act is classified as minor.
- **Formal Procedure:** In the event that the person filing the complaint is not satisfied with the solution reached using the informal procedure (either because they consider the solution offered to be inadequate or because repeated conduct has been reported), or when the facts reported are classified as serious or very serious.

INFORMAL GRIEVANCE PROCEDURE FOR DISPUTE RESOLUTION ISSUES

When the facts are classified as minor, the Intermediation Team will rapidly initiate the procedure for the analysis of the facts and the complaint. To carry out this procedure, the team may access any part of the organization at any time, and collect statements from anyone it deems necessary.

Once indications of the veracity of the complaint have been established, the reported person will be contacted confidentially. This contact may be made individually, or with the person who has filed the complaint (at the discretion of the individual filing the complaint). At this meeting, the reported person will be informed of the complaint regarding his or her conduct. They also will be notified of the disciplinary responsibilities they may face, if the facts are confirmed and or the behavior is repeated. The reported individual may give explanations as to justify their actions.

Once the procedure has been initiated, the Intermediation Team will appoint two members in charge of the investigation of the file (the Designated Intermediaries), who will be the only individuals with whom the victim will communicate with, if the victim agrees.

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The role of the Intermediation Team, in this case, is limited to transmitting the complaint and informing the person reported of their disciplinary responsibilities.

The objective of this informal plan is to resolve the problem unofficially as, on occasion, showing the complainant the offensive and intimidating consequences of their behavior may be sufficient to resolve the issue.

The time limit for carrying out the procedure is 7 working days; in exceptional cases of compelling need, it may be extended by an additional 3 days.

The Intermediation Team must rely on the credibility of the individual filing the complaint. It must also protect the confidentiality of the procedure, and the dignity of the persons concerned (e.g., by assigning numerical codes to the parties).

It is necessary to evaluate the consistency of the complaint, determining whether or not the objective of the informal process has been achieved and, if so, suggest appropriate actions. This includes the opening of a formal process.

Regarding the result/resolution of the procedure, the Intermediation Team will immediately forward the outcome of the informal procedure to Management and the Equality Committee.

INTERMEDIATION TEAM: The BCBL Intermediation Team will be composed of two HR workers and two people from the Equality Committee/HRS4R WG. The team will be assigned to each specific case, and their identity will always be updated on the BCBL Wiki.

EQUALITY COMMITTEE/HRS4R WG: The BCBL's Equality Committee is the personal and professional development team, named the 'HRS4R WG'. Its identity and composition will always be updated on the BCBL Wiki.

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FORMAL PROCEDURE FOR COMPLAINTS REGARDING DISPUTE RESOLUTION

When the individual filing the complaint is not satisfied with the solution reached in the informal resolution procedure (because they consider the solution offered to be inadequate or because there is repetition of the reported behavior) or when the reported facts are classified as SERIOUS or VERY SERIOUS offenses, the following procedure applies.

a) Start of the process: complaint, preliminary assessment, and precautionary measures

In situations where the reported facts constitute serious or very serious harassment, or when the person filing the complaint is not satisfied with the proposed solution of the informal procedure for any reason (e.g., because the solution is considered inadequate, or due to repeated behavior, or if those filed the complaint do not agree to pursuing the informal solution procedure), the victim may file a formal complaint to elucidate the possible disciplinary responsibilities of the reported individual. This is done without prejudice to the right to complain to the labor Inspection, nor through civil, labor, or criminal channels.

The complaint must be submitted using the model in ANNEX II and sent in writing via email to the Intermediation Team preventandreport@bcbl.eu or by using the complaints channel at www.bcbl.eu to be assessed in terms of its nature and severity. If there is sufficient evidence, action will be taken ‘*ex officio*’, and investigation into the reported situation will commence. As in the informal procedure, the Intermediation Team must begin investigations by trusting the credibility of the complainant, protecting the confidentiality of the procedure and the dignity of the parties involved. To do this, at the start of the procedure, numerical codes are assigned to those affected. Additionally, any person who is aware of any act of harassment can report these situations. and investigation into the reported situation will commence. As in the informal procedure, the Intermediation Team must begin investigations by trusting the credibility of the complainant, protecting the confidentiality of the procedure and the dignity of the parties involved. To do this, at the start of the procedure, numerical codes are assigned to those affected. Additionally, any person who is aware of any act of harassment can report these situations.

Once received, the complaint will be confidentially communicated to the BCBL Management so that appropriate precautionary measures can be taken. One precautionary measure is the immediate removal of active and passive subjects of harassment, which prevents further harm to the integrity and health of the victim. Under no circumstances may these measures cause the victim harm or impair their working conditions, nor should they substantially modify them. Once permission is granted by the victim, the Equality Group will be informed of the details of the complaint and the actions that have been carried out to date, as well as the assessment of the complaint's credibility.

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b) Procedure

The Intermediation Team will appoint two people in charge of investigating the file as Designated Intermediaries, who will be the ones with whom the victim, if they so wish, will communicate only after the procedure has begun.

In order to confirm the veracity of the complaint—while respecting the fundamental rights of the people involved, in particular, the right to privacy and dignity of both parties—the case must be investigated through individual interviews with individuals and third parties involved, provided that their prior consent is obtained and that they can provide information in this regard. Given prior consent, a joint meeting may be called.

The filing of the complaint should be communicated to the respondent as soon as possible. The respondent also has the right to a hearing, in the presence or absence of the victim (at the victim's discretion). Both parties may request the presence of one or more members of the representative bodies or, if deemed appropriate, other employees to gather evidence.

Efforts should be made to gather all the information in a single statement from the victim (unless subsequent interviews are essential for the resolution of the case), ensuring confidentiality and speed in the process.

Process conclusions

The Intermediation Team will prepare and approve a report on the alleged harassment within a maximum of 10 days from the filing of the complaint. This report contains proof of the harassment, the possible aggravating and/or mitigating circumstances and, if there are signs of veracity, the conclusions, the aggravating or mitigating circumstances, and, if applicable, the appropriate disciplinary measures to be proposed. This report will be sent immediately to BCBL Management and the Equality Group. For exceptional or urgent cases, the term may be extended by 3 additional days.

It will be guaranteed that there will be no retaliation against persons who report, testify, assist in or participate in harassment investigations, or against persons who oppose or criticize this type of conduct, either on themselves or before third parties. The adoption of measures that involve unfavorable treatment of any of the aforementioned persons (complainants, witnesses or collaborators) will be sanctioned according to the disciplinary regime regulated below.

Complaints, denunciations or statements that are proven to be intentionally fraudulent and malicious, made only to cause unjustified harm to the accused, shall be sanctioned without prejudice to any other actions that may legally correspond.

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If the victim has suffered any retaliation or reprisals during the harassment, they will be restored to their previous conditions.

As a deterrent, the result of the investigation and the sanctioning file will be shared in the area where the action has been carried out.

Finally, it will be up to the Management to decide, within 3 working days of receiving the report from the Intermediation Team, what measures to adopt within the scope of its competences, while ensuring that all these actions are carried out within the established period of 20 working days. Management will also communicate the outcome in writing to all parties involved.

In addition, Management must inform the Equality Committee about the existence of the case and its resolution. In these communications, in order to guarantee confidentiality, no personal data will be provided and codes assigned to each of the parties involved in the file will be used.

If the General Management does not gather the necessary evidence for the complaint to be considered well-founded, the person who filed the complaint will not be forced to work against their will with the reported individual. The company's management is obliged to facilitate the relocation of the complainant's workspace.

The use of this procedure will not prevent the victim from seeking recourse through the labor inspectorate or courts via the appropriate legal processes.

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A visual summary of the process:

Phase	Action	Responsible	Maximum Term
Process initiation	Filing a complaint with the Intermediation Team	Person affected or witness	-
Start of Evaluation	Review of the complaint and determination of the procedure (informal or formal)	Intermediation Team	3 Working days
Informal procedure (if applicable)	Contact with the denounced party. Dialogue and warnings	Intermediation Team: Designated Intermediaries	7 Working days (extendable by 3 days)
Closing of the informal process	Case file, if resolved	Intermediation Team	immediately
Escalation to formal Process	If not resolved, or there is recurrence of the action, formal proceedings commence	Intermediation Team	-
Investigation	Interviews with implicated parties and evidence collection.	Intermediation Team: Designated Intermediaries.	10 Working Days (extendable by 3 days)
Preparation of report	Conclusions and recommendations	Intermediation Team	10 Working days
Final Decision	Evaluation of the report and determination of disciplinary measures	Management	3 Working Days
Notification and closure	Communication of the resolution to involved parties	Management	Immediately following decision
Guarantee of no retaliation	Protection of the complainant and witnesses	Management & Equality Committee	Permanent

7. CLASSIFICATION OF INFRACTIONS AND PENALTIES

The following **INFRACTIONS** shall be considered **VERY SERIOUS**:

- Sexual blackmail, i.e., conditioning the access, attainment, or renewal of employment on the acceptance of sexual favors, even if the explicit or implicit threats are not effectively fulfilled.
- Environmental harassment and sexist harassment, i.e. creating an intimidating, hostile or humiliating work environment with sexual or sexist content, shall be considered a very serious offense when—due to the severity of the act and other circumstances—it warrants such classification under the principle of proportionality. In any case, physical aggression should always be considered very serious.
- Retaliation against those who denounce, witness, assist or participate in investigations of harassment, as well as against individuals who oppose any conduct of this type, on behalf of themselves or third parties.
- The actions constituting a crime after judicial conviction of the person denounced.

Very serious infringements. Depending on the seriousness of the infraction:

Suspension of employment and salary, from sixteen to sixty days dismissal.

Sanctions consisting of suspension of employment and salary resulting from ignorance of the protocol, mistakes, misperception of the situation caused, etc., may be supplemented with training sessions outside working hours, when considered appropriate by Management to avoid the repetition of the offenses

The following **INFRACTIONS** are considered **SERIOUS**:

- Vulgar or inappropriate invitations
- Obscene gestures directed towards fellow coworkers
- Unnecessary physical contact, or touching
- Spying on people in reserved areas, such as restrooms or locker rooms.
- Public and repeated disqualifications of the person and their work.
- Incessant negative comments on physical appearance, ideology or sexual orientation.
- Giving contradictory orders, therefore making it impossible to comply with all instructions given.
- Giving demeaning orders.
- Attitudes involving extreme and continuous surveillance

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- Isolating or intentionally isolating an individual through strategic delegation.
- Any other order of the same degree of seriousness.

Penalties for serious violations. Depending on the seriousness of the infraction:

Suspension of employment and salary between three and sixteen days

The following **INFRACTIONS** are considered as **MINOR**:

- Suggestive and uncomfortable remarks, jokes or comments about appearance, and deliberate verbal abuse of a sexual or inappropriate nature.
- Use of pornographic images or posters in workplaces or on work tools as long as they are not considered serious infractions.

Penalties for minor infractions. Depending on the seriousness of the infraction:

Verbal reprimand, written reprimand, suspension without pay for up to two days; letter of reprimand.

Additionally, the following aggravation or mitigating conditions should be taken into account:

Qualifying aggravating condition	Extenuating circumstances
<ul style="list-style-type: none"> • Abuse during situations of hierarchical superiority • Repetition of offensive conduct after the settlement procedure. • Treachery (use of means, methods, or forms the execution that are specifically intended to ensure the safety or impunity of the perpetrator). 	<ul style="list-style-type: none"> • No previous actions on record • Display of spontaneous remorse in order to repair or mitigate the effects of the offense, make amends to the victim, or confess the act.

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8. EXCEPTIONS

Physical and/or psychological violence, harassment, and specifically sexual harassment and harassment based on sex are described in the Penal Code, so this internal procedure will be suspended as soon as an administrative or judicial procedure is initiated on the same subject.

This procedure will be referred to an external “conflict resolution” process in the following cases:

- If management is involved in the conflict
- When there are suspicions of moral or sexual harassment, this procedure will be interrupted by decision of the Arbitration Committee and duly justified, as the issue far exceeds its objective and scope. In this case, the case will be referred to a specialized third-party in the matter.

9. RELEVANT CONTACT INFORMATION

EMAKUNDE – BASQUE INSTITUTE FOR WOMEN

Defense service in cases of discrimination Tel: 945 016 550

E-mail: emakunde.defensoria@euskadi.eus

24-Hour Telephone Service for Women Victims of Violence against Women (guidance and resources)

Tel: 900 840 111

IMQ Prevention service

Tfno: 943 505 000

E-mail: idoia.subinas@imqprevencion.es

10. ANNEXES

- ANNEX I: Declaration of Principles on the Management of Labor Conflicts
- ANNEX II: Complaint Form Template

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ANNEX I

STATEMENT OF PRINCIPLES ON LABOR DISPUTE MANAGEMENT

Workplace harassment (in all its forms: moral, psychological, sexual, gender-based, ideological or hierarchical) is an expression of violence that can occur in the workplace, creating devastating situations of gender discrimination. It constitutes a violation of rights related to dignity, equality, physical and moral integrity and sexual freedom, as well as the right to work in a safe and healthy manner.

The basic principles of BCBL are respect for the dignity of women and men and protection of the inviolable rights inherent in the organization's activity. Taking into account the right to equality, non-discrimination, moral integrity, privacy and work, as well as the safeguarding of dignity guaranteed by European Union regulations, the Spanish Constitution, the Workers' Statute and regional regulations, and Ana Fernández Arín on behalf of BCBL, we categorically state that no type of violence will be tolerated either within our organization or in our work environment.

Likewise, we are committed to regulate with this Protocol the problem of sexual harassment and harassment based on sex in the workplace. To this end, we will apply methods of prevention (including training, responsibility and information) as well as the resolution of complaints and denunciations presented by the victims with due guarantees and accounting for community, constitutional, autonomic and labor norms as well as the declarations regarding the right of workers to enjoy a workplace free of sexual and gender-based harassment.



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Signature: Ana Fernández Arín – Manager BCBL

San-Sebastián, September 2023

ANNEX II: DENUNCIATION TEMPLATE

APPLICANT <input type="checkbox"/> Affected person <input type="checkbox"/> Management <input type="checkbox"/> Other	
TYPE OF HARASSMENT <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Other type of harassment	
INFORMATION OF THE PERSON AFFECTED:	
Full Name	
DNI/Passport Number	
Employment status / Type of Contract	
Phone No.	
Email	
EVENT DESCRIPTION <div style="border: 1px solid black; height: 250px; width: 100%;"></div>	
<p>If there were any witnesses, please indicate their name(s) and surname(s):</p> <p>.....</p> <p><input type="checkbox"/> I request to initiate the action protocol in case of workplace harassment.</p> <p>Workplace: _____</p> <p>Date: _____</p> <p style="text-align: right;">Signature: _____</p>	