

PROTOCOL FOR THE PREVENTION OF AND ACTION AGAINST SEXUAL HARASSMENT AND SEX-BASED HARASSMENT

**WORLD TRADE CENTER BARCELONA, S.A.,
S.M.E.**



**World Trade Center
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INDEX

1. WTCB'S COMMITMENT TO MANAGING SEXUAL AND/OR SEX-BASED HARASSMENT	3
2. CHARACTERISTICS AND STAGES OF THE PROTOCOL FOR THE PREVENTION OF AND ACTION AGAINST SEXUAL AND/OR GENDER-BASED HARASSMENT	4
2.1. PREVENTIVE PROTECTION AGAINST HARASSMENT	4
2.1.1. Declaration of principles: zero tolerance for conduct constituting sexual and sex-based harassment	4
2.1.2. Concept and conduct constituting sexual harassment and sex-based harassment	5
2.1.2.1. Definition of and behaviour constituting sexual harassment	5
2.1.2.2. Definition of and behaviour constituting sex-based harassment	6
2.2. THE PROCEDURE FOR ACTION	8
2.2.1. Filing of the complaint, activation of the protocol and processing of the administrative file	8
2.2.2. Resolution of the harassment case	10
2.2.3. Follow-up	11
3. DURATION, OBLIGATORY COMPLIANCE AND ENTRY INTO FORCE	11
4. COMPLAINT OR REPORT MODEL	13

1. WTCB'S COMMITMENT TO MANAGING SEXUAL AND/OR SEX-BASED HARASSMENT

With this protocol, the WTCB declares its zero tolerance of any conduct constituting sexual harassment or sex-based harassment throughout the organisation.

By adopting this protocol, the WTCB wishes to underline its commitment to preventing and acting against sexual harassment and sex-based harassment in any of its manifestations, informing all personnel providing services in the organisation of its application, be these WTCB personnel or employees of other companies, including individuals who, while not having an employment relationship with the organisation, provide services or collaborate with the WTCB, such as trainees, interns and volunteers.

The WTCB also undertakes to inform the companies to which its own staff are seconded, as well as the companies from which the staff working at WTCB originate, of the existence of this protocol and of the need for strict compliance with it.

If the alleged harasser is not under the company's management and the WTCB is therefore unable to apply the procedure in its entirety, the WTCB will contact the relevant company in order to resolve the problem and, if necessary, sanction the person responsible, warning them that, if they fail to do so, the business relationship between the two companies may be terminated.

The protocol applies to situations of sexual harassment and sex-based harassment that occur at work, in connection with work, or as a result of work:

- a) at the workplace, including in public and private spaces when these constitute a workplace;
- b) in places where the worker is paid, where they have a break or where they eat, or where they use bathroom or toilet facilities, and in changing rooms;
- c) during work-related trips, travel, social or training events and activities;
- d) in the context of work-related communications, including ICT communications (virtual harassment or cyber-bullying);
- e) in accommodation provided by the employer;
- f) on journeys between the person's home and place of work.

This protocol complies with the requirements of Articles 46.2 and 48 of Organic Law 3/2007, of 22 March, on the effective equality of women and men, Royal Decree 901/2020 of 13 October, which regulates equality plans and their registration and amends Royal Decree 713/2010, of 28 May, on the registration and filing of collective bargaining agreements and collective labour agreements, and Article 14 of Law 31/1995, of 8 November, on the prevention of occupational hazards.

In effect, by committing to the measures that make up this protocol, the WTCB declares and publicises its express will to adopt a proactive attitude both in the prevention of harassment –awareness-raising and information on behaviour not tolerated by the company– and in the dissemination of good practices and the implementation of any measures required to manage complaints and reports that may arise in this regard, as well as to resolve them appropriately on a case-by-case basis.

Barcelona, 12 September, 2023.

2. CHARACTERISTICS AND STAGES OF THE PROTOCOL FOR THE PREVENTION OF AND ACTION AGAINST SEXUAL AND/OR GENDER-BASED HARASSMENT

To comply with the commitment made at the start of this protocol and in the terms set out above, the WTCB has implemented a procedure for preventing and acting against sexual harassment and sex-based harassment, with the aim of establishing a mechanism that comprehensively and effectively sets out how to act against any behaviour that may constitute sexual harassment or sex-based harassment. To this end, this protocol brings together the three types of measures established in paragraph 7 of the Annex to Royal Decree 901/2020 of 13 October:

1. Preventive measures, with a statement of principles, a definition of sexual harassment and sex-based harassment, and identification of conduct that could constitute harassment;
2. Proactive or procedural measures to deal with harassment to address any complaints or allegations that may arise and applicable precautionary and/or corrective measures;
3. Identification of reactive measures to deal with harassment and, where appropriate, the disciplinary regime.

2.1. PREVENTIVE PROTECTION AGAINST HARASSMENT

2.1.1. Declaration of principles: zero tolerance for conduct constituting sexual and sex-based harassment

The WTCB formalises the following statement of principles in order to clarify how relations between staff should be conducted and what kind of behaviour should not be tolerated in the organisation.

This procedure applies to any behaviour constituting sexual or sex-based harassment that may occur at the WTCB.

By implementing this procedure, the WTCB is committed to preventing, not tolerating, combatting and prosecuting any form of sexual harassment or sex-based harassment within the organisation.

Harassment is, by definition, a multi-faceted act that affects several legal interests, including the dignity of the worker as a positivisation of the right to life and to physical, mental and moral integrity. The impact on dignity, however, does not prevent such an act from also damaging other legal interests such as equality and the prohibition of discrimination, honour, self-image, privacy, health, and so on; however, it will by definition always be a violation of dignity. Sexual harassment and sex-based harassment always affect the dignity of the person subjected to it and constitute sex-based discrimination.

The WTCB will not permit or tolerate conduct that may constitute sexual or sex-based harassment in any of its forms. The company will punish anyone who engages in offensive conduct as well as anyone who promotes, encourages and/or tolerates it. All employees of the company are obliged to respect the fundamental rights of everyone at the WTCB, as well as those of the people who provide services there, and, in particular, they will refrain from any behaviour that is contrary to dignity, privacy and the principle of equality and non-discrimination, and will always promote respectful conduct.

Notwithstanding the above, if a worker believes that they are being harassed or becomes aware of a situation of sexual or sex-based harassment, they may, by means of a complaint or report, activate this protocol as an internal, confidential and rapid process for eradicating it and remedying its effects.

Once the corresponding informative file has been opened, if sexual or sex-based harassment is confirmed, the WTCB will sanction whoever is responsible, committing itself to using all its management and sanctioning powers to guarantee a working environment free of violence, sexist and sex-based discriminatory conduct and in accordance with the principles of health and safety at work.

2.1.2. Concept and conduct constituting sexual and sex-base harassment

2.1.2.1.- Definition of and behaviour constituting sexual harassment

Definition of sexual harassment

Without prejudice to the provisions of the Criminal Code, for the purposes of this protocol, any verbal or physical behaviour of a sexual nature which has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

Any sexual harassment shall be deemed to be discriminatory.

The conditioning of a right, or an expectation of a right, or the acceptance of a situation constituting sexual harassment shall also be deemed to constitute sex-based discrimination.

By way of example and without limitation, the following conduct could constitute sexual harassment:

Verbal behaviour:

- Allegations of sexual advances, propositions or pressure for sexual activity;
- Offensive flirtations;
- Insinuating comments, hints or obscene remarks;
- Unwanted phone calls or social media contact;
- Jokes or comments about sexual appearance.

Non-verbal behaviour:

- Display of sexually suggestive or pornographic pictures, objects or writing, lewd looks, gestures.
- Offensive and sexually suggestive letters or messages in emails or on social media.

Physical behaviour:

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

"Quid pro quo" sexual harassment or sexual blackmail

Within the conduct constituting sexual harassment, we can distinguish "quid pro quo" sexual harassment or sexual blackmail, which consists of forcing the victim to choose between submitting to sexual demands, or losing out on or being disadvantaged in terms of certain benefits or conditions of work, affecting access to professional training, continued employment, promotion, remuneration or any

other decision related to this matter. To the extent that it involves an abuse of authority, the harasser is a person who has the power, either directly or indirectly, to provide or withdraw a benefit or working condition.

Environmental sexual harassment

In this type of sexual harassment, the harasser creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim as a result of unwanted attitudes and behaviour of a sexual nature. It can be conducted by any member of the company, regardless of their position or status, or by third parties located in some way in the work environment.

2.1.2.2.- Definition and behaviour constituting sex-based harassment

Definition of sex-based harassment

Sex-based harassment is any conduct carried out **on the basis of the sex of a person** with the purpose or effect of violating their dignity and of creating an intimidating, degrading or offensive environment.

Any sex-based harassment shall be deemed to be discriminatory.

To effectively determine that in a specific situation there is a situation that can be classified as sex-based harassment, the concurrence of a series of elements that make up a common denominator is required, among which the following stand out:

- a) Harassment, understood as any intimidating, degrading, humiliating and offensive conduct that originates externally and is perceived as such by the person who suffers it.
- b) An objective attack on the victim's dignity and subjectively perceived as such by the victim.
- c) Multi-offensive outcome. The attack on the dignity of the person who suffers sex-based harassment does not prevent the concurrence of damage to other of the victim's fundamental rights, such as the right not to suffer discrimination, an attack on the victim's mental and physical health, and so forth.
- d) It must not be an isolated event.
- e) The motive for this conduct must be related to the fact that the victim is a woman or to circumstances that biologically can only affect women (pregnancy, maternity, breastfeeding); or that have to do with the reproductive and care functions that, as a result of social discrimination, are presumed to be inherent to them. In this sense, sex-based harassment can also be suffered by men when they carry out functions, tasks or activities related to the role that has historically been attributed to women, for example, a male worker who is harassed for caring for minors or dependants.

The conditioning of a right, or expectation of a right, on the acceptance of a situation constituting sex-based harassment shall also be considered an act of discrimination on grounds of sex.

Behaviour constituting sex-based harassment

By way of example, and without being exclusive or limiting, the following are a series of specific forms of conduct which, fulfilling the requirements set out in the previous point, could constitute sex-based harassment in the workplace if they occur repeatedly.

Attacks with organisational measures

- 1. Judging a person's performance in an offensive way, concealing their efforts and abilities.
- 2. Questioning and undermining a person's decisions.

3. Not assigning them any tasks, or assigning them meaningless or demeaning tasks.
4. Withholding or concealing the means to do the job or providing erroneous information.
5. Assigning work that is far beyond or far below the worker's skills or qualifications, or which requires far less qualifications than the worker possesses.
6. Orders that are contradictory or impossible to carry out.
7. Theft of belongings, documents, work tools, deleting files from the computer, tampering with work tools causing damage, and so on.
8. Threats towards or pressure on people who support the harassed person.
9. Manipulation, concealment, return of the person's correspondence, calls, messages, and so on.
10. Denial of or difficulties in accessing permits, courses, activities, and so on.

Actions intended to isolate the person to whom they are addressed

1. Changing the location of the person by separating them from their peers (isolation).
2. Ignoring the presence of the person.
3. Not speaking to the person.
4. Restricting colleagues from talking to the person.
5. Not allowing the person to express themselves.
6. Avoiding all eye contact.
7. Removing or restricting the means of communication available to the person (telephone, email, etc.).

Activities affecting the physical or mental health of the victim

1. Threats and physical aggression.
2. Verbal or written threats.
3. Shouting and/or insults.
4. Frightening phone calls.
5. Provoking the person, forcing them to react emotionally.
6. Intentionally incurring expenses to the detriment of the person.
7. Causing damage to the person's workplace or belongings.
8. Requiring the person to perform work that is dangerous or harmful to their health.

Attacks on private life and personal or professional reputation

1. Manipulating the person's personal or professional reputation through rumour, denigration and ridicule.
2. Implying that the person has psychological problems, trying to get the person to undergo a psychiatric examination or diagnosis.
3. Making fun of the person's gestures, voice, physical appearance, disabilities, name-calling, and so on.
4. Criticism of their nationality, political or religious attitudes and beliefs, private life, and so on.

2.2. THE PROCEDURE FOR ACTION

Schematically, the phases and maximum deadlines for carrying out the action procedure are as follows:



The procedure to be adopted is the following:

2.2.1 Filing of the complaint, activation of the protocol and processing of the administrative file

- 1) The company designates its Director as the person responsible for investigating and following up on any complaint or report received regarding sexual and/or sex-based harassment at work. In the event of absence due to holiday, illness or any other legal reason, the person designated by the Director for this purpose shall act as their substitute. To this end, all persons providing services in the organisation shall be informed of this appointment and it shall be clearly and concisely stated how such complaints or reports may be made to the organisation.
- 2) Complaints may not be made anonymously and may be submitted by the person who feels harassed or anyone who has knowledge of this situation.
- 3) The email address to which complaints or reports of harassment, sexual and/or gender-based

harassment can be submitted is CANALDENDENUNCIAS@WTCBARCELONA.ES. Only the person designated to execute the protocol will have access to the emails sent for this purpose.

4) Complaints may also be submitted on paper and in a sealed envelope. For these purposes, the mailbox where these complaints can be deposited is located at Moll de Barcelona s/n Edificio Este 1a Planta, 08039, Barcelona (Spain).

5) Confidentiality must be guaranteed regardless of the way in which the complaints are processed. Once a complaint has been received, the person in charge of processing it will assign a numerical code to each of the affected parties.

6) Once received, the procedure for processing the complaint will be activated within a maximum of 2 working days. Any complaint, report or claim shall be presumed to be true.

7) The person investigating the complaint or report of harassment must carry out a prompt and confidential investigation within 10 working days, in which they will interview the affected persons and any proposed witnesses and will request any necessary documentation, without prejudice to the provisions on the protection of personal data and confidential documentation. The persons who are asked to cooperate must do so as diligently as possible.

In any case, the impartiality of their actions must be guaranteed, so that in the event of any kind of kinship by blood or affinity with any or some of the interested parties in the investigation, intimate friendship, manifest enmity with the persons affected by the procedure, or direct or indirect interest in the specific process, they must abstain from acting and must inform the company so that it may replace them. In the event that, despite the existence of these causes, there is no recusal, any of the persons affected by the procedure may request the withdrawal of said person.

8) During the processing of the case, the victim will be heard first followed by the person against whom the complaint has been lodged. Both parties involved may be assisted and accompanied by a person they trust, whether or not they are legal and/or trade union representatives of the workers, who must maintain the confidentiality of the information to which they have access.

9) The procedure must be as streamlined and efficient as possible and, in all cases, protect the privacy, confidentiality and dignity of the persons affected, as well as the right of the accused to challenge the allegations. Throughout the entire procedure, strict confidentiality must be maintained and all internal investigations must be carried out with tact and due respect both for the complainant, the victim, who may in no case be treated unfavourably for this reason, and for the alleged perpetrator, whose guilt must not be presumed. All persons involved in the process will be under the obligation of confidentiality and secrecy regarding any information to which they have access.

10) During the course of the proceedings, at the proposal of the person in charge of the investigation, the company's management shall adopt the necessary precautionary measures leading to the immediate cessation of the harassment situation, without these measures entailing permanent and definitive damage to the working conditions of the persons involved. In addition to other precautionary measures, the WTCB management must separate the alleged harasser from the victim.

11) Once the investigation has concluded, the person who has processed the case will draw up a report containing the facts, the testimonies, the evidence gathered and/or collected, concluding whether or not, in their opinion, there are indications of sexual harassment or sex-based harassment.

If, from the evidence gathered, it is deduced that there is evidence of harassment, in the conclusions of the report, the investigating person must urge the company to adopt the appropriate sanctioning measures, and may even, in the case of very serious harassment, propose the disciplinary dismissal of

the aggressor.

If the evidence presented reveals no signs of harassment, they must state in the report that the evidence expressly presented does not indicate the existence of either sexual harassment or sex-based harassment.

If, even though there is no harassment, they find any inappropriate action or a situation of conflict which, if repeated over time, could end up becoming harassment, they must also inform the company's management, and recommend the adoption of the measures necessary to put an end to the situation.

12) None of these actions will prevent the individuals involved from requesting any legal, administrative or any other type of action that may be appropriate.

2.2.2.- Resolution of the harassment case

Once the WTCB management has received the investigator's conclusions, it must adopt the action it deems appropriate within 3 working days, and is the only body empowered to make decisions on the matter. The final decision will be communicated in writing to the victim, the alleged perpetrator and the investigator.

If the person conducting the investigation is the WTCB Director, three people, either WTCB employees, if applicable, external collaborators or members of the WTCB Board of Directors, shall be appointed to evaluate the investigation. These people must be gender-balanced.

The person responsible for occupational risk prevention must also be informed of the final decision taken in the case. To guarantee confidentiality, no personal data will be disclosed in this communication and the numerical codes assigned to each of the parties involved in the case will be used.

In view of the conclusions of the investigator's report, the WTCB management will proceed to:

- a) close the proceedings, issuing a report on the matter.
- b) adopt any measures it deems appropriate in line with the suggestions made by the committee investigating the harassment procedure. By way of example, the following decisions may be made by the company in this regard:
 - a. they can physically separate the alleged aggressor from the victim, by means of a change of post and/or shift or working hours. In no case shall the harassment victim be forced to change their position, working hours or location within the company.
 - b. without prejudice to the provisions of the previous point, where appropriate, and depending on the results of the investigation, the aggressor will be penalised by applying the table of infringements and penalties provided for in the collective bargaining agreement applicable to the company or, where appropriate, in Article 54 of the Workers' Statute.

Among the sanctions applicable to the aggressor, the following must be taken into account:

- 1. transfer, relocation, change of post, working day or location
- 2. suspension from employment and pay
- 3. temporary limitation on promotion
- 4. disciplinary dismissal

In the event that the sanction against the aggressor does not involve the termination of the contractual

relationship, the WTCB management will remain actively vigilant with respect to the worker when they return to work (in the case of a suspension), or in their new position in the case of a change of location. In all cases, however, compliance with the obligation to eliminate harassment does not end simply by implementing a change of position or suspension, and the situation must be subsequently monitored and controlled by the company.

The WTCB management will implement the necessary preventive measures to avoid a recurrence of the situation, will reinforce training and awareness-raising actions, and will take measures to protect the health and safety of the victim, including, among other things, the following:

- Assessment of psychosocial risks in the company.
- Adoption of surveillance measures to protect the victim.
- Adoption of measures to avoid reoffending by sanctioned persons.
- Psychological and social support for the person being harassed.
- Modification of working conditions that, with the consent of the person who has been harassed, are deemed beneficial to their recovery.
- Training or retraining to update the professional skills of the harassed person when they have been on leave for temporary incapacity for a prolonged period of time.
- Implementation of new training and awareness-raising actions to prevent, detect and act against sexual harassment and sex-based harassment, aimed at all persons providing services in the company.

2.2.3. Follow-up

Once the file has been closed, and within a period not exceeding thirty calendar days, the person in charge of processing and investigating the complaint is obliged to follow up on the agreements adopted, in other words, on compliance with the agreements adopted and/or the results of the measures adopted. According to the result of this follow-up, the appropriate report will be drawn up, which will include the proposed measures to be adopted in the event that the events leading to the procedure continue to occur and will also analyse whether the proposed preventive and sanctioning measures have been implemented, if applicable. This report shall be sent to the company's management so that they may adopt the necessary measures, as well as to the workers' legal representatives, if any, and to the person responsible for occupational risk prevention, with the precautions indicated in the procedure regarding the confidentiality of the personal data of the parties concerned.

3. DURATION, OBLIGATORY COMPLIANCE AND ENTRY INTO FORCE

The contents of this protocol must be complied with, coming into force from the moment it is communicated to the company's staff by the appropriate means (email, company intranet, publication on the notice board, in writing or any other means that may be used for this purpose) and remaining in force indefinitely, unless it is updated again.

However, it will be necessary to review and adapt the protocol in the following cases:

- At any time during its validity in order to reorientate the fulfilment of its goal to prevent and act against sexual harassment and sex-based harassment.
- When its lack of compliance with legal and regulatory requirements or its inadequacy is revealed as a result of action by the Labour and Social Security Inspectorate.
- In the event of merger, takeover, transfer or modification of the legal status of the company and in the event of any incident that substantially modifies the company's workforce, its working methods or organisation.
- When a judicial decision condemns the company for discrimination on the grounds of sex or sexual orientation or determines that the protocol does not comply with legal or regulatory requirements.

This procedure does not preclude the right of the victim to file a complaint, at any time, with the Labour and Social Security Inspectorate, as well as with the civil, labour or criminal courts.

4. COMPLAINT OR REPORT MODEL

I. Person reporting the facts

- Person who has suffered harassment
- Other (Specify):

II. Details of the person who has been harassed

Name:
Surname(s):
ID number:
Position:
Type of contract/employment relationship:
Phone no.:
Email:
Address for notifications:

III. Details of the aggressor

Name and surname(s):
Professional group/category or position:
Work centre:
Company name:

IV. Description of the facts

Include an account of the events being reported, attaching as many numbered sheets as necessary, including dates on which the events took place where possible:

V. Witnesses and/or evidence

If there are witnesses, please indicate their name and surname:

Attach any means of proof you consider appropriate (please indicate which):

VI. Request

The complaint or report of harassment (INDICATE WHETHER SEXUAL OR SEX-BASED) against (IDENTIFY AGGRESSOR) is considered to have been lodged and the procedure set out in the protocol is to be initiated:

Location and date:

Signature of the person concerned:

For the attention of the person responsible for handling complaints about sexual and/or sex-based harassment at the WTCB.