

PROTOCOL FOR PREVENTING AND ACTING AGAINST HARASSMENT

GRAN TEATRE DEL LICEU FOUNDATION

January 2012
9 May 2018 (Rev .01)
27 March 2023 (Rev .02) (*)

(*) Revised and approved by the Equality Committee on 27/04/2023 and by the Health and Safety Committee on 22/05/2023.

TABLE OF CONTENTS

1. Company identification
 2. Reference documents
 3. Purpose and scope of application
 4. Statement of principles
 5. Concepts
 6. Preventive measures
 7. Procedure for action
- Annex 1: Diagram

1. Company Identification

Gran Teatre del Liceu Foundation

Activity / National Classification of Economic Activities: 9001 - Performing arts

Address: Rambla 51-59 Province: (08002) Barcelona

2. Reference documents and regulations:

NTP 854 Psychological harassment in the workplace: definition

Labour Relations Council of Catalonia protocol for preventing and acting against sexual and gender harassment in the workplace. Guide to the drafting of the Labour Relations Council of Catalonia protocol for preventing and acting against sexual and gender harassment in the workplace.

Spanish:

Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence.

Organic Law 3/2007, of 22 March, for Effective Equality Between Women and Men.

Law 15/2022, of 12 July, on Equal Treatment and Non-discrimination.

Organic Law 10/2022, of 6 September, Guaranteeing Sexual Freedom.

Autonomous community:

Law 5/2008, of 24 April, on the Right of Women to Eradicate Gender Violence

Law 11/2014, of 2 October, Guaranteeing the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People and to Eradicate Homophobia, Biphobia and Transphobia (LGBTI).

Law 17/2015, of 21 July, for Effective Equality Between Women and Men.

Law 19/2020, of 30 December, on Equal Treatment and Non-discrimination.

3. Purpose and scope of application

The purpose of this protocol is to establish the guidelines for action in order to define the framework for preventing, detecting, identifying, addressing and monitoring any situation involving psychological harassment, sexual harassment, sex-based harassment, harassment based on gender identity and sexual orientation, harassment for discriminatory reasons, or any other form of harassment that may occur at the Gran Teatre del Liceu Foundation.

The specific objectives of this Protocol are:

- To establish mechanisms to prevent, detect, identify, and address psychological harassment, sexual harassment, gender-based harassment, harassment based on gender identity and sexual orientation, harassment for discriminatory reasons, or any other form of harassment that may occur at the Gran Teatre del Liceu Foundation.

- To determine the procedure to be followed, depending on the people affected by any of the aforementioned types of harassment.
- To ensure a working environment and climate that is free of harassment in any of its forms by means of the protocol.
- To ensure that employees and third parties associated with the Gran Teatre del Liceu Foundation are aware of this protocol and the updates to it.

As regards its scope: the boundaries of the workplace are not determined by the physical location, the working hours or the type of legal relationship with the FGTL.

The causal relationship between the harassment and work is considered to be the relevant issue: the harassment would not have occurred if the person had not provided their services to the company, and for this reason, any place or time where people meet for professional and work-related purposes is considered a "working environment" for the purposes of harassment.

This therefore includes travel, training days, meetings and social events related to the company. Moreover, applying the same criteria, harassment is deemed to be work-related when the link or relationship between people is established by reason of the work or profession they are engaged in.

The company's responsibility is twofold:

- to protect people in the company against harassment by people outside it, and
- to protect people outside the company who are associated with the company at the time, even if they are not directly employed by it.

4. Statement of principles

The GRAN TEATRE DEL LICEU FOUNDATION is committed to achieving safe workplaces and working relationships based on freedom and respect between people, which are consequently free from any type of harassment. It also declares its commitment to zero tolerance of harassment and its clear and categorical condemnation of any offensive, discriminatory and/or abusive conduct and attitudes.

This protocol has been drawn up with those commitments in mind. The procedure must ensure compliance with all of the following principles in all of its stages:

a) Respect and protection

Proceedings must be undertaken with the discretion required to protect the privacy and dignity of the people concerned. Proceedings must be undertaken with the utmost respect for all parties involved, and for the witnesses.

b) Presumption of innocence

The presumption of innocence must be maintained throughout all stages of the procedure until its resolution, and any stigmatisation or labelling of any of the parties involved must be prevented.

c) Confidentiality and respect for the privacy and dignity of the individuals concerned

The information gathered in the proceedings is confidential. Data concerning health are processed in a specific manner and are included in the record subject to the express authorisation of the person concerned.

d) Objectivity

Everyone involved in the proceedings must act in good faith and objectively in order to determine the truth and to clarify the events alleged to have taken place.

- e) **Impartiality**
All parties involved are guaranteed a fair hearing and fair treatment.
- f) **Diligence and speed**
The procedure includes information on the time frame involved in the conclusion of each stage, so that the complaint is resolved swiftly and promptly.
- g) **Right to information**
All parties involved are entitled to receive information about the procedure, their rights and obligations, which stage is taking place, and depending on the nature of their participation, the outcome of each stage.
- h) **Cooperation**
Everyone who is called before the proceedings has an obligation to engage with the proceedings and cooperate with them.
- i) **Protection from possible retaliation**
Nobody involved in the proceedings must experience retaliation as a result of participating in the process involved in notifying or reporting a situation of harassment. Only the results of investigated and substantiated complaints may be included in personal files.
- j) **Health monitoring**
People who experience harassment with effects on their health can request attention, guidance and a health monitoring medical report from the Occupational Risk Prevention Service.
- k) **Precautionary measures**
If there is any evidence of harassment during the procedure and until its conclusion, those responsible for the various stages of intervention can propose that the company management adopt precautionary measures.

Everyone directly or indirectly involved in any stage of the Protocol must safeguard and respect these principles.

5. Definition and types of harassment

5.1 Types according to the direction of interaction

Depending on the direction of the interactions between the perpetrator and the victim and the organisational levels involved, the following types of harassment may occur:

- **Downward vertical harassment:** when pressure is exerted by a person who holds a hierarchically superior position to one or more employees.
- **Upward vertical harassment:** when pressure is exerted by an employee or a group of employees on a person who holds a hierarchically superior position.
- **Horizontal harassment:** when pressure is exerted by an employee or a group of employees on one of their peers.

5.2 Types of harassment

5.2.1 Psychological harassment (workplace mobbing)

Definition: Exposure to conduct involving psychological violence, directed repeatedly and continuously over time towards one or more people, by one or several people who act towards them from a position of power, superiority or authority that need not necessarily be hierarchical. This exposure occurs in the context of an employment relationship and is a significant health hazard. It includes any conduct which in a professional relationship involving the provision of professional services, is aimed at creating an intimidating, offensive or humiliating environment for one or more people, and is likely to harm their physical, psychological or moral personal integrity.

Conceptualisation of psychological harassment

There is a bilateral relationship between the perpetrator and recipient. Such conduct is not targeted in a general way but are specifically directed at the recipient.

The conduct is repeated and frequent.

There is a power asymmetry between the parties involved: it may be formal (due to hierarchical superiority, for example) or informal (due to the perpetrator holding a position of leadership, having power due to a position of greater experience, social connections, length of service within the company, etc.).

Examples of conduct

The following types of conduct, among others, may be considered harassment (provided that they occur systematically):

Attacks on the victim involving organisational measures	Attacks on the victim's social relationships intended to isolate the target	Criticisms of the victim's private life	Physical violence	Verbal aggression
A superior restricting the person's ability to talk to anyone, isolating them for no work-related reason	A superior restricting the person's ability to talk to anyone, isolating them for no work-related reason	Constant criticism of a person's private life	Threats of physical violence	Shouting or insults
Changing a person's	Rejecting to communicate with a	Frightening telephone calls	Use of small-scale violence	Permanent criticism of the

location by separating them from their peers	person by means of looks and gestures			person's work with no objective basis
Prohibiting colleagues from speaking to a particular person	Treating a person as if they did not exist	Disparaging a person	Physical abuse	Verbal threats
Forcing someone to perform tasks against their conscience		Mocking a person's disability		Verbal or physical aggression, and/or discrimination on grounds of sex, race or religion
Judging a person's performance in an offensive manner		Mocking a person's private life		
Assigning work that is degrading		Implying that a person has psychological problems		

5.2.2 Sexual harassment

Definition: Any non-consensual verbal, non-verbal or physical conduct (even if it is not repetitive or systematic, where the conduct is classified as serious or very serious) of a sexual nature and has the purpose of attacking the dignity of an individual or creating or having the effect of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment.

Conceptualisation of sexual harassment

Unlike psychological harassment in the workplace, "any conduct" constitutes sexual harassment, even if the conduct is not repeated or systematic.

The factors to be taken into consideration are conduct that is not desired/wanted by the recipient, and conduct of a sexual nature or with sexual connotations.

Examples of conduct

The following types of conduct are listed as examples, and not as an exclusive list:

Verbal	Non-verbal	Physical
Spreading rumours, asking or talking about a person's sex life and sexual preferences	Looking lasciviously at another person's body	Excessive physical closeness
Making obscene sexual comments or jokes	Obscene gestures	Cornering; deliberately seeking to remain alone with another person unnecessarily
Making insinuating comments about a person's body or physical appearance	Displaying sexually explicit graphics, cartoons, drawings, photographs or images from the Internet	
Making advances or putting pressure on someone to agree to dates or participate in undesired leisure activities	Letters, notes or e-mail messages with content of an offensive sexual nature	
Making demands for sexual favours		

5.2.3. Sex-based harassment

Definition: Unwanted (continuous and systematic) conduct related to a person's gender on joining the institution, paid work, promotion at work, employment or training, which has the effect of violating the person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Conceptualisation of gender-based harassment

- ✓ The recipient does not consent to the conduct.
- ✓ This type of harassment must involve repetition of the offensive conduct.
- ✓ Gender-based harassment generally requires a pattern of systematic repetition and accumulation of offensive conduct, like any conduct involving harassment.
- ✓ The situations that can be considered gender-based harassment include those that violate the dignity:
 - Of a worker because she is female.
 - Of a worker because she is pregnant or because of her motherhood.
 - Of a worker because of their gender (because they do not perform a role that has been culturally attributed to their gender), or due to exercising an employment entitlement related to work-life balance or exercising an educational right stipulated in the fulfilment of the syllabus thereof.
- ✓ Likewise, as it relates to women/girls, any negative conduct related to the situations mentioned above constitutes direct discrimination on grounds of sex. This is notwithstanding the fact that these types of conduct may also sometimes be directed

towards men/boys exercising their right to balance their personal, family and working lives.

✓ The aim of sex-based harassment in such cases is normally to force the person to voluntarily give up their job or to forgo rights and benefits (e.g. reduced working hours for childcare) or to force them to resign.

Examples of conduct

The following types of conduct are listed as examples, and not as an exclusive list:

Condescending or paternalistic attitudes.	Insults based on the worker's sex and/or sexual orientation.	Discriminatory behaviour on grounds of sex.	Offensive forms of address.	Ridiculing or belittling a person's abilities, skills and intellectual potential because of their sex.	The use of sexist "humour".	Ignoring the person's contributions, comments or actions on the grounds of their gender
---	--	---	-----------------------------	--	-----------------------------	---

5.2.4. Gender identity and sexual orientation harassment

Definition: Gender identity harassment includes any unwanted conduct towards transgender people, those undergoing gender reassignment or sex reassignment, and towards people's sense of belonging to one sex or the other, irrespective of their biological sex.

Sexual orientation harassment is unwanted conduct related to a person's sexual orientation (LGBTQI+) with the purpose or effect of attacking their dignity or their physical and psychological integrity, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Conceptualisation of gender identity and sexual orientation harassment

✓ Gender identity and sexual orientation harassment may be unintentional in some cases. The absence of intent on the part of the person engaging in the offensive conduct does not exonerate them from liability.

Examples of conduct:

The following types of conduct are listed as examples, and not as an exclusive list:

Using insults based on a person's gender identity or	Using offensive forms of address to the person	Ridiculing or belittling a person's abilities, skills and intellectual	Using offensive humour	Ignoring a person's contributions, comments or actions due to their	The use of sexist "humour".	Engaging in discriminatory conduct on the basis of gender identity or
--	--	--	------------------------	---	-----------------------------	---

sexual orientation.		potential on the grounds of their gender identity or sexual orientation		gender identity or sexual orientation.		sexual orientation, and others
---------------------	--	---	--	--	--	--------------------------------

5.2.5. Discriminatory harassment

Definition: Conduct involving the abuse of authority and humiliating treatment for discriminatory reasons.

This refers to actions directed towards a person or group of people which aim to harm their dignity and create an intimidating, hostile, degrading, humiliating or offensive environment, due to their racial or ethnic origin, religion or belief, disability, age, language, place of birth or residence, or any other personal or social condition or circumstance.

Conceptualisation of discriminatory harassment

Discriminatory harassment has the same characteristics as moral harassment. It must attack the dignity of the person, the dignity of the worker and moral integrity, it must be repetitive and frequent conduct, it must create a degrading or offensive intimidating environment, and may in some cases have negative effects on the worker's health.

Examples of conduct

The following types of conduct are listed as examples, and not as an exclusive list:

Behaviour, conduct or organisational measures on the grounds of the worker's racial or ethnic origin, religion or belief, disability or age, which have an effect on their work or working conditions: Exclusion, isolation, unfair job appraisal, assignment of tasks that are degrading, meaningless or beneath their professional level, etc.	Ridiculing workers because the tasks they undertake do not conform to a culturally or socially imposed role or stereotype.	Jokes that ridicule a person's nationality, racial or ethnic origin, religion or belief, disability, age or any personal or social condition or circumstance.	Disparaging a person's work and intellectual capacity because of the circumstances mentioned above (racial or ethnic origin, religion or convictions, disability, etc.).	Criticisms of their nationality, racial or ethnic origin, political or religious attitudes and beliefs, etc.
---	--	---	--	--

6. Preventive Measures

In order to prevent all these forms of harassment, it is necessary to implement a series of actions in various areas in order to prevent situations of conflict.

The preventive measures negotiated between the company and the workers' representatives are as follows:

- Work organisation measures for preventing moral harassment:
 - Assess the workload and its distribution among the staff as far as possible.
 - Assign roles and responsibilities consistent with the workplace
 - Ensure suitable means are provided for workers to do their work.
 - Clearly define the department's objectives and the tasks necessary to achieve them.
 - Any other measure aimed at maintaining a good working and motivational climate for employees.
- Improve Communication in order to prevent harassment, by:
 - Organising regular departmental meetings, in which workers participate actively and receive sufficient information on roles, responsibilities, changes, working methods, etc.
 - Maintaining fluid communication channels at all levels, horizontal, upward and downward, so that all opinions can be heard.
 - Avoiding situations of uncertainty in terms of communication, by clearly expressing when something is consistent with the established objectives and when it is not.
- Improve Communication in order to prevent harassment, by:
 - Carrying out awareness-raising, information and training measures (courses, workshops, information sessions, information leaflets, posters, etc.). This training will also be listed in the institution's training plan.
 - Encouraging good manners in personal conduct, in order to maintain personal dignity at all times.
 - Facilitating participative management and leadership styles, which foster group cohesion and favour the flow of information among workers.
 - Being alert to possible signs of harassment and be proactive in detecting it.
- Implementing an effective procedure (Protocol) for dealing with notifications and complaints.
- Monitoring, supervising and evaluating the procedure implemented through the Equality Committee.
- Applying strict disciplinary measures.
- Implementing equality measures and/or plans.
- Using gender-sensitive risk assessment tools.
- Presenting the data obtained in the risk assessment broken down by gender, and

providing it to the area of the company responsible for equality plans and measures and the Harassment Protocol in particular. Preventive action in these situations entails measures in various areas, which are all aimed at preventing the appearance of conflicts.

7. Internal procedure

The following internal procedure for action is established for workers who feel that they are being harassed or suspect that a colleague is being harassed, and in order to guarantee their rights of complaint and confidentiality, without prejudice to the victim's simultaneous or subsequent use of external administrative or judicial channels.

The internal company procedure may be initiated by notification, or directly by a complaint.

The **internal channel** has three intervention stages:

Stage 1: Notification and counselling

The aim of this stage is to inform, advise and support the person subject to harassment and to prepare for the internal complaint and investigation stage, if appropriate.

The notification may be made by the affected party or by anyone who notices behaviour constituting harassment. This can be done in writing/using a form, by e-mail or verbally.

The notification to the Gran Teatre del Liceu Foundation must be addressed to one of the following contact persons:

- Human Resources Management: Jordi Tarragó, Ext 632 - Mobile 609507370 jordi.tarrago@liceubarcelona.cat;
- or the Chair of the Employees' Committee and the orchestra group, Emilie Langlais, at emilie.langlais@liceubarcelona.cat;
- or Esther Obrador in the technical department, at esther.obrador@liceubarcelona.cat;
- or Guisela Zannerini Neri in the choir group, at guisela.zannerini@liceubarcelona.cat ;
- or Montse Cardona in the administration department, at montse.cardona@liceubarcelona.cat.

The persons of reference, who will have undergone specific training, must:

1. Inform and advise the person concerned of their rights, including their right to health monitoring, the content of the Protocol and the options and actions open to them. They must also inform them of the company's obligations and the liability the company may incur if it is in breach of them, and the procedure to be followed after the complaint has been made. If the affected party decides to file a complaint, the person of reference must support them in pursuing the complaint. Finally, the affected party must also be informed about the possibility of seeking external counselling – psychological, legal, etc. – and their entitlement to physical and/or mental healthcare.
2. Support the affected party throughout the process.

3. Propose the adoption of precautionary and/or preventive measures, if necessary.

There are three possible outcomes of this stage:

1. The affected party decides to file a complaint.
2. The affected party decides not to file a complaint and on the basis of the information received, the person of reference considers that there is some evidence that harassment has taken place. In this case, the company must be informed, and the right to confidentiality of the people involved respected, so that the company can take preventive, awareness-raising and/or training measures, or any other action it considers necessary to deal with the evidence received.
3. The affected party decides not to file a complaint and the person of reference considers that there is no evidence that harassment has taken place. The proceedings are closed without further action being taken in this case.

The Notification and Counselling stage will last 5 working days.

Stage 2: Internal complaint and investigation

The aim of this second stage is to thoroughly investigate the facts in order to issue a binding report as to whether or not there is evidence of harassment and to propose measures for intervention. The complaint may only be made by the affected party. The investigation begins on the basis of a complaint made by the affected party. The person making the complaint need only provide evidence to substantiate the harassment, and it is incumbent on the alleged harasser to prove the absence thereof, in line with the procedural principle of the reversal of the burden of proof.

The complaint **must be submitted** in writing and contain at least the following information:

- Full name and position of the person filing the complaint.
- Full name and position of the person who has allegedly been engaging in harassment.
- Full names of possible witnesses.
- Description of the events (place and dates, duration, frequency of events, etc.).

The complaint **may be filed** with Human Resources Management or the Chair of the Employees' Committee.

The Investigation Committee will be established after the complaint has been submitted. It will initially consist of Human Resources Management, an external specialist on the subject, and the person chosen by the complainant from among the reference people for this procedure:

- the Chair of the Employees' Committee and the orchestra group, Emilie Langlais, at emilie.langlais@liceubarcelona.cat;
- or Esther Obrador in the technical department, at esther.obrador@liceubarcelona.cat;
- or Guisela Zannerini Neri in the choir group, at guisela.zannerini@liceubarcelona.cat ;
- or Montse Cardona in the administration department, at montse.cardona@liceubarcelona.cat.

In the event that the complainant or subject of the complaint has a relationship (e.g. a family relationship, obvious friendship or enmity, works in the same department or immediate hierarchical superiority or subordination to the victim or the subject of the complaint) with a member of the Investigation Committee, that member shall be replaced.

If a member of the Investigation Committee is a complainant or the subject of a complaint, they may not intervene in the case concerned or in any other proceedings that may take place until full clarification of their case.

Any conflict of interests of a Member of the Committee as regards participation in particular proceedings may be argued by the person concerned, by any other Member of the Committee or by any of the parties involved in the proceedings (the complainant or the subject of a complaint). In the event of disagreement, the Health and Safety Committee shall decide on this issue if necessary. If any of the planned members of the Committee are excluded from participation as stipulated above, the Health and Safety Committee shall appoint other members of the Health and Safety Committee or of the Equality Committee as members of the Investigation Committee, respecting its gender parity composition.

The tasks of the body undertaking the investigation are to:

- Analyse the complaint and the attached documentation.
- Interview the person making the complaint. If the complainant has decided to proceed directly to the complaint and investigation stage, they must be informed of the procedure and possible courses of action, and their entitlement to health monitoring. An additional account of the facts may be requested if the facts are not sufficiently reported in the complaint.
- Interview the person who is the subject of the complaint.
- Interview the potential witnesses (and inform them of the need to maintain confidentiality in the process).
- Decide whether precautionary measures are necessary.
- Issue the binding report which shall be submitted to the company's management.

The report must contain at least the following information:

- Identification of the individual(s) allegedly harassed and their alleged harasser(s).
- A list of names of people who have taken part in the investigation and in preparing the report.
- Background to the case, the complaint and the circumstances surrounding it.
- Other information: evidence, a summary of the main facts and the actions taken. When the interviews with the witnesses have been conducted, and in order to ensure confidentiality, the summary of the interview must not indicate who made the statement, but only whether or not the facts under investigation have been found to be true.
- Aggravating circumstances observed:
 - If the person who is the subject of the complaint is a repeat offender in committing acts of harassment.
 - If two or more people have been subjected to harassment.
 - If there is any evidence of intimidating or retaliatory conduct by the person who has been engaging in harassment.
 - If the person who has been engaging in harassment has decision-making power over the employment of the person who has been harassed.
 - If the person who has been harassed has a disability.
 - If the physical or psychological state of the person who has been harassed has been seriously altered, as attested by medical personnel.

- If pressure or coercion has been applied to the person who has been harassed, witnesses or people in their work or family environment, with the intention of preventing or prejudicing the investigation being carried out.
- o Conclusions.
- o Corrective, restorative or punitive action.

The Investigation Committee is responsible for the administration and safekeeping of all documents generated at this stage, and for guaranteeing confidentiality. The company provides the necessary means to make this safekeeping effective.

The report by the Investigation Committee is sent to the management of the company.

Stage 3: Ruling

The aim of this third and final stage is to take the necessary action, taking into account the evidence, recommendations and proposals for intervention in the binding report by the Investigation Committee.

The Company's management issues a decision on the case according to the binding report prepared by the Investigation Committee.

- If there is sufficiently proven evidence of harassment: this leads to disciplinary proceedings related to a proven situation of harassment and adoption of corrective measures (of an organisational nature, such as a change of post and where appropriate, the opening of disciplinary proceedings, stating the misconduct and the level of the penalty).
- If there is insufficient evidence of harassment: the complaint is dismissed.

The decision must state the identifying details of the complainant and the person who is the subject of complaint, the grounds for the complaint, and the facts established. An authenticated copy of this decision is forwarded to the complainant and to the subject of the complaint. The appropriate disciplinary proceedings will be initiated if the investigation finds that misconduct other than harassment has been committed, as defined in the applicable legislation or in the applicable agreement(s) (such as a groundless complaint, among others).

Likewise, whether or not the case ends in a penalty, the employment situation of the person who has filed the complaint must be carried out must be reviewed.

Strict confidentiality shall be maintained throughout the entire process, and all investigations shall be conducted with tact and respect for all those involved. Likewise, during the investigation process, all those involved may be assisted by a trade union representative or a person of their confidence who is an employee of the Gran Teatre del Liceu Foundation and/or an equality officer.

The Management of the Foundation will inform the Health and Safety Committee and the Equality Committee of the measures to resolve the situation, as well as the penalties imposed, if any.

The proceedings shall be conducted if none of the members of the Investigation Committee withdraws from the case within one month.

If any of the members of the Committee withdraw from the case, the withdrawal and new composition of the Committee shall be resolved within one week. A period of one month

shall commence for the remainder of the proceedings after this week has elapsed.

This procedure shall enter into force upon approval by the Equality Committee.

ANNEX 1: DIAGRAM

Annex 1

Protocol for preventing and acting against harassment in the workplace at the Gran Teatre del Liceu Foundation. Diagram.

