

Protocol for prevention and action in situations of mobbing and sexual harassment

This protocol is intended to inform all members of staff of the action to be taken in the event of an ESADE employee experiencing a situation of mobbing or sexual harassment.

DECLARATION OF PRINCIPLES

Safeguarding the dignity of employees, and their rights regarding moral integrity and non-discrimination, is guaranteed in the Spanish Constitution, in the regulations of the European Union and in the Workers' Statute. By virtue of these rights and applying its own values of integrity, respect and responsibility, the ESADE community assumes that harassment is an attack on employees' personal dignity and, as such, will not permit or tolerate harassment in the workplace.

As a result, any behaviour or conduct of this type is expressly prohibited and considered a matter of professional misconduct. ESADE is committed to using its disciplinary and management powers to protect its faculty and administrative and services personnel against such harassment.

DEFINITION OF MOBBING

Mobbing is defined as the situation in which a person or group of people in a work environment exercise extreme, abusive and unfair psychological violence over another individual. This may be done systematically and recurrently over a prolonged period of time, with the intention of breaking down the victim's communication networks, destroying their reputation, undermining their self-esteem, disrupting the performance of their duties, deliberately degrading their working conditions and, finally, forcing the affected person to leave their job, producing continued and progressive harm to their personal dignity.

Mobbing is usually carried out against a subordinate, but may also be carried out against other co-workers and even against a superior.

When this form of behaviour occurs, it is at the discretion of each employee to decide whether the behaviour is unacceptable or offensive, and inform the person or persons carrying out the harassment accordingly. They can either do this personally or through third parties whom they trust. In all events, the procedure established in this protocol can be used to this effect.

DEFINITION OF SEXUAL HARASSMENT IN THE WORKPLACE

Sexual harassment is any form of verbal or physical conduct, of a sexual nature, which is intended as an attack on or leads to an attack on the dignity of an individual, especially when a degrading or offensive environment is created as a result. Harassment of a sexual nature includes a series of attacks ranging from suggestive comments, jokes or remarks about the appearance or sexual orientation of an employee, verbal or written comments of a sexual nature, or excessive and unnecessary physical contact or sexual advances and requests, to serious physical and/or sexual abuse.

Any other form of behaviour that is due to or leads to discrimination, abuse, ill-treatment or humiliation of an employee because of their gender or sexual orientation. Sexual harassment is considered a form of illegal discrimination and is a form of sexual and psychological abuse.

Sexual harassment is distinguished from other forms of behaviour or conduct which is freely accepted or tolerated and reciprocated, in the sense that the person who is the object of this behaviour does not want to receive these sexual advances. A single episode of unwanted sexual advances may constitute sexual harassment.

Coerced sexual harassment

In this type of harassment – fundamentally sexual blackmail – accepting an advance of this kind becomes, implicitly or explicitly, a condition of employment: This may be in order to maintain professional status or to access or advance this status. Rejecting this form of sexual harassment may be the basis for a negative attitude towards the recipient, producing a situation of *quid pro quo*.

This behaviour involves, in one way or another, the active party conditionally linking the sexual advances to a work-related decision – hiring, determining working conditions in a broad sense, or terminating an employment contract – and to the response of the person being harassed.

DISCRIMINATORY HARASSMENT

Discriminatory harassment is any form of behaviour adopted towards a person based on gender, age, disability, sexual orientation, religious or ideological beliefs, ethnic or racial background, and which is aimed at or constitutes an attack on their personal dignity, creating an intimidating, degrading or offensive environment.

PREVENTION OF HARASSMENT

The following measures will be implemented:

THE ESADE COMMUNITY DECLARATION OF VALUES

The ESADE Community Declaration of Values is available to all members of the institution for consultation. This document underlines the commitment of ESADE Management to ensuring working environments in which employees can work with integrity and in which the dignity and freedom of employees are respected.

RESPONSIBILITY

It is the responsibility of all members of the ESADE community to ensure a working environment that is respectful of the rights of all employees. This responsibility falls especially upon members of our community holding senior posts who, in applying the values of the ESADE community in the daily activities of the institution and in promoting effective channels of communication, may be able to prevent the occurrence of harassment in its various forms.

TRAINING

Training on this subject will be included as part of the institution's training programmes.

PROCEDURE FOR ACTION IN SITUATIONS OF HARASSMENT

ESADE is committed to taking measures to deal with cases of harassment in the workplace by following the principles of:

CONFIDENTIALITY
SPEED
EFFECTIVENESS

The procedure consists of the following phases:

1. Communication

Any employee who feels harassed at work can attempt to resolve the situation, directly and informally, by talking to the person or persons participating in the harassment. When this informal procedure does not produce a positive result, or the person being subjected to mobbing or sexual harassment is unable to confront their aggressor, they should make the situation known immediately through the channel with which they feel most comfortable, listed as follows:

- Workers' representative
- The Human Resources Service
- Other staff members: colleagues or superiors

It is not necessary for the communication to be written, a verbal complaint will be acceptable.

Protection of the affected person's right to privacy and confidentiality¹ is guaranteed along with the right of not having to repeatedly explain the facts, unless where strictly necessary. In addition, the health and safety of the victim will also be protected.

¹ See Appendix 1

2. Research

An Investigating Committee will be set up to investigate situations of harassment at work, which shall consist of:

- A workers' representative
- The Director of Human Resources or the person delegated by same
- Two members of the Committee for Diversity

Their functions will be:

- Checking the veracity of the complaint, through interviews, statements, reports, etc.
- Drafting a report that sets out the complaint made by the employee (duly signed)
- Proposing the corrective measures to be applied

These measures will be carried out swiftly in order to avoid lengthening the process unnecessarily and converting it into an uncomfortable situation for the person concerned.

3. Resolution

Based on the report submitted by the Investigating Committee, and also based on the applicable law, ESADE Management will adopt and carry out the appropriate corrective measures in order to resolve the conflict and protect the person being subjected to harassment. In addition, this person will receive psychological support to help them overcome this extremely traumatic experience.

This procedure does not prevent the victim from having, in parallel or subsequently, recourse to the law (civil or criminal).

APPENDIX 1

DOCUMENT GUARANTEEING THE RIGHT TO INTIMACY AND CONFIDENTIALITY

I,,
....., with National Identification Number
....., as a member of the Investigation Committee referred to in the **Protocol for prevention and action in situations of mobbing and sexual harassment**, hereby agree:

To comply with my obligation to uphold confidentiality and to refrain from disclosing any of the information to which I may have access during my involvement with the Investigation Committee. This obligation will be permanent and will remain valid subsequent to the conclusion of the investigation, even in the event that I should cease to be part of the ESADE community.

To act independently and impartially.

To treat with dignity and respect the people involved in cases of harassment.

To refrain from passing on any information to which I may have access during the investigation process, under any circumstances.

Failure to fulfil my obligations as a member of the Investigation Committee may lead ESADE to undertake the corresponding disciplinary procedure(s).

Barcelona,

Signature: