



Hiperbaric

HIGH PRESSURE TECHNOLOGIES

PROTOCOL FOR
PREVENTING **SEXUAL**
AND GENDER-BASED
HARASSMENT

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1. Principles

The Spanish Constitution provides that human dignity is one of the foundations of political order and social peace and recognizes the right of every individual to non-discrimination and equal treatment, the free development of their personality and their physical and moral integrity.

The Workers' Statute, specifically, upholds workers' right to their privacy and to protection of their dignity, including protection against harassment based on racial or ethnic origin, religion, beliefs, disability, age, or sexual orientation; and against sexual harassment and gender-based harassment.

Article 48 of Organic Law 3/2007 of March 22, for effective equality between women and men, entrusts companies with "the duty to promote working conditions that prevent sexual harassment and gender-based harassment and establish specific procedures for the prevention and reporting of harassment complaints by the victims."

Furthermore, Article 12 of Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom aims to prevent and provide a specific response to sexual violence by emphasising the obligation of all companies to establish specific procedures to channel complaints or claims related to sexual conduct.

On the other hand, the recently approved Law 4/2023, of 28 February, for the real and effective equality of trans people and for the guarantee of the rights of LGTBI people aims to develop and guarantee the rights of lesbian, gay, bisexual, trans and intersex people, eradicating situations of discrimination to ensure that sexual orientation, sexual identity, gender expression, sexual characteristics and family diversity can be lived in full freedom

As part of the negotiation process, the Company and Representing Workforce agree on the following Protocol.

In accordance with these principles, both parties are committed to ensuring a working environment in which human dignity and said rights and values are respected, establishing a method that shall be applied to the prevention and prompt settlement of complaints relating to sexual or gender-based harassment, with due guarantees and taking into account constitutional and labor standards and declarations relating to fundamental principles and rights at work.

To this end, the Company expresses its desire that all hired staff be treated with dignity and will not allow or tolerate any type of sexual harassment and/or harassment based on gender, gender identity or sexual orientation. All Company employees shall have the responsibility to **ensure a working environment in which human dignity and the right to equal treatment is respected**. Staff with responsibilities due to their position shall have a special responsibility to ensure and prevent situations of any kind of sexual harassment and harassment based on gender, gender identity or sexual orientation within their scope.

2. Objectives of this protocol

The purpose of this Protocol is to **prevent and eradicate gender-based discriminatory situations involving harassment** in the form of sexual harassment and harassment based on gender, gender identity or sexual orientation in a prompt and confidential manner, while ensuring the privacy and dignity of the alleged victims.

Thus, the Company undertakes the responsibility to eradicate a working environment with conduct that runs counter to human dignity and values, and which may affect people's physical or mental health.

To this end, this Protocol has a twofold objective:

1. Establish **measures aimed at preventing and avoiding** situations of sexual harassment or harassment based on gender, gender identity or sexual orientation or situations that are likely to involve it.
2. Establish an **internal action procedure** for cases in which, despite best efforts to prevent such situations, there is an internal complaint of sexual harassment or harassment based on gender, gender identity or sexual orientation by a worker.

3. Definition and conduct that constitutes harassment

3.1 Sexual harassment

Organic Law 3/2007, of March 22, for effective equality between women and men, defines sexual harassment and gender-based harassment respectively in articles 7.1 and 7.2. Both are considered discriminatory acts.

According to article 7.1, **sexual harassment** is “any form of unwanted verbal, non-verbal or physical behavior of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, degrading, or offensive environment.

The ILO Declaration on Fundamental Principles and Rights at Work identifies the differentiation between sexual blackmail and a hostile working environment as two ways in which sexual harassment can occur. These concepts also appear in the Commission Recommendation of November 27, 1991, on the protection of the dignity of women and men at work and are reflected in Organic Law 3/2007.

Conduct that constitutes sexual harassment

Sexual harassment differs from freely accepted and reciprocal approaches in that sexual harassment behaviors are not desired by the person who is the subject of them. In particular, sexual harassment is any conduct involving words, gestures, attitudes or specific acts developed in the workplace, which is aimed at a person with the intention of obtaining a response of a sexual nature not freely accepted. In certain circumstances, a single incident may constitute sexual harassment.

Sexual assault is considered an offense under the Criminal Code.

- **ENVIRONMENTAL HARASSMENT CONDUCT:** Behavior of a sexual nature, of any kind, that produces an intimidating, hostile, offensive and humiliating context. There does not necessarily have to be a direct connection between the action and the working conditions.
 - o Physical behavior of a sexual nature, which can range from deliberate physical contact such as unnecessary and unsolicited touching to excessive or unnecessary physical approaches; physical aggression.
 - o Sexual verbal conduct such as unwelcome sexual advances, propositions, offensive flirtations, obscene comments and advances, unwanted phone calls, jokes or comments about the person’s sexual appearance and private life that affect his or her integrity and sexual indemnity; deliberate verbal assaults.
 - o Non-verbal conduct of a sexual nature, such as displaying photos of sexual or pornographic content or written materials of a sexual nature, staring accompanied by indecent gestures, repeated and offensive persecution against sexual integrity through letters or emails of an offensive nature and sexual content.

- **POWER HARASSMENT CONDUCT:** This can be either propositions or behavior by a hierarchical superior or a person on whom the stability of employment or the improvement of working conditions depends, such as colleagues or any other person related to the victim due to work, which involves physical contact, persistent invitations, requests for sexual favors, etc.

3.2 Gender-based harassment

According to article 7.2 of Organic Law 3/2007, **gender-based harassment** is defined as “any conduct based on an individual’s gender with the purpose or effect of violating their dignity and creating an intimidating, degrading or offensive environment.”

Conduct that constitutes gender-based harassment:

Conduct that constitutes gender-based harassment includes:

- Any unfavorable treatment of a person related to pregnancy or childcare.
- Organizational measures implemented on the basis of gender, or any other circumstance listed above for degrading purposes (exclusion, isolation, unfair assessment of unemployment, assignment of degrading tasks or tasks that are meaningless or below their professional capacity, etc.).
- Behavior, conduct, or practices carried out based explicitly or implicitly on a person’s gender that have an effect on employment or working conditions.
- Ridiculing people because the tasks they take on do not fit their culturally or socially imposed role or stereotype.
- Jokes and teasing ridiculing gender.
- Disregarding the work and intellectual capacity of people for the circumstances listed in the previous section.

In no case are these examples of conduct intended to be an exhaustive and detailed list of all possible behavior that is likely to be considered harassment, so the impact of the conduct should be evaluated in each specific case.

4. Scope

This procedure affects all persons contractually linked to the Company, whether through a commercial, working or confidence contract and must be respected by the staff of any collaborating company that operates in the Company's workplace or workplaces.

5. Measures for preventing sexual and gender-based harassment

In order to prevent, discourage, avoid and penalize sexual and gender-based harassment, the Company shall take the following measures:

- **Disseminate the Protocol on preventing and taking action against sexual or gender-based harassment to the workforce.** This Protocol will be published on the Virtual Noticeboard and in all communication channels used throughout the Company so that workers are aware of it and know the procedure to follow in cases of sexual and gender-based harassment.
- **Foster an environment of respect and courtesy in the workplace, instilling the values of equal treatment, respect, dignity, and free development of personality in all staff.** Awareness-raising campaigns, information materials and any other means deemed necessary will also be developed, with emphasis on clarifying the concepts of sexual and gender-based harassment.
- **Company Management shall provide the Representing Workforce, on an annual basis, with sex-disaggregated data on interventions and cases of sexual harassment and gender-based harassment.** These data will be published with the utmost professionalism and the anonymity of the victims will be maintained at all times.
- **Ensure that psychosocial and work-climate risk assessments include matters relating to sexual or gender-based harassment.**
- **Promote the integration of new hires and avoid situations of isolation** by checking in with them, not just in the on-boarding stage, but afterwards as well.
- **Prohibit insinuations and statements contrary to the principles outlined above** in language, communications, and attitudes. Among other measures, all images, posters, and advertisements, etc. that convey sexist or stereotypical views of women and men will be removed.
- When unacceptable behavior is observed in a particular group or team, Company Management will immediately address the person responsible for the group or team to inform them of the conduct observed, the obligations that must be complied with and the consequences of not doing so, in order to proceed with the implementation of the Protocol.
- If necessary, in the case of employees who are victims of sexual violence, the particular measures to be taken will be conditioned by the reduction or reorganisation of their working time, geographical mobility, change of work centre, adaptation of their job and the support they require due to their disability for their reincorporation. The suspension of their employment relationship with job reservation and/or the termination of the employment contract may also be used.

The Company will proactively adopt further measures or improve the existing ones to maintain harmonious relations in the workplace, safeguarding the workers' rights.

6. Sexual and gender-based harassment investigative team

Given the specificity of harassment, as well as the need for confidentiality and secrecy, a sexual and gender-based harassment Investigative Team will be created that will be made up of people who must meet the conditions of aptitude, objectivity, and impartiality that the procedure requires. Members will be designated by mutual agreement between the Company and the Representing Workforce.

This team will consist of two employees from HR and two from the Representing Workforce. None of them may be directly dependent on or related to any of the parties. Nor may the reported person or complainant be on the team.

This team will have the following **duties**:

- Receive all complaints of sexual or gender-based harassment.
- Investigate complaints in accordance with the provisions of this Protocol, for which the Company will have the necessary means, and will have access to all the information and documentation that may be related to the case. They will have free access to all Company departments, and all the staff must provide the necessary collaboration required by the team, who may collect qualitative and quantitative indicators for the prevention service.
- Recommend and manage the preventive measures deemed appropriate to the HR Department.
- Prepare a report of conclusions on the alleged harassment that was investigated.
- Monitor the effective enforcement of penalties imposed for cases of sexual and gender-based harassment.
- Ensure the guarantees included in this Protocol are upheld.
- Any others that may arise from the nature of their duties and whatever is provided for in this Protocol.

The HR Department shall take on the role of investigator in charge of directing the proceedings and drafting the conclusions of the process.

7. Procedure for action and intervention against sexual and gender-based harassment

As a matter of priority, in the event of a situation that may be considered sexual and/or gender-based harassment, the victim shall be guaranteed assistance to prevent the situation from recurring by any means. Likewise, any worker who knows of the existence of an alleged case of sexual and/or harassment must report it as soon as possible through one of the channels indicated in this Protocol. It should be noted that both the tolerance of harassing conduct and the concealment of such conduct, if known, may result in disciplinary action in accordance with current regulations.

GUARANTEES within the proceedings:

- Diligence and speed: The investigation and resolution procedure shall be urgent, expeditious and prompt, carried out with diligence and without undue delay. It shall offer credibility, transparency, and fairness, carried out with due professionalism and thoroughness on the reported facts so that the procedure may be completed in the shortest possible time while respecting the due guarantees.
- Respect and protection of persons: The Company shall take appropriate measures to ensure the right to protection of the dignity and privacy of the persons concerned, including the alleged victim and harasser. The actions or proceedings should be carried out with the utmost discretion, prudence and with due respect to all the persons involved, who in no case may be treated unfavorably for this reason. During the procedure, the protection, safety, and health of the alleged victim shall be ensured.
- Accompaniment and information: The persons involved may be accompanied either by trade unions or by someone they trust or be legally assisted throughout the process. They shall also have the right to be informed of the progress of their complaint.
- Respect for the rights of the parties: The investigation of the complaint must be carried out with sensitivity and respect for the rights of each of the parties concerned. The Protocol must, in any case, guarantee the rights of all parties to their dignity and privacy and the right of the complainant to physical and moral integrity, considering the possible physical and psychological consequences arising from a situation of harassment.
- Impartiality and contradiction: The procedure should guarantee a fair hearing and fair treatment to all persons concerned. All persons involved in the proceedings shall act in good faith in the search for the truth and the clarification of the reported facts.
- Confidentiality and anonymity: The persons involved in the procedure are required to maintain strict confidentiality and confidence. In this sense, they must not share or disclose information on the content of complaints lodged, resolved or under investigation that they are aware of.
- Preservation of identity: From the moment the complaint is made, the persons responsible for its processing shall assign alphanumeric identification codes or other similar procedures to identify the parties concerned to preserve their identities.

- Secrecy: The persons involved in the proceedings provided for in this Protocol shall maintain due discretion on the matters known to them due to their role in the investigation and assessment of claims, complaints, and reports, and they may not use the information obtained for their own benefit or the benefit of third parties, or to the detriment of public interest.
- Implementation of measures: Measures of any kind will be implemented, including, where appropriate, those of a disciplinary nature, against the person(s) that have been proven to have committed sexual and/or gender-based harassment.

In line with the above, sexual and gender-based harassment will be treated in accordance with the disciplinary rules applicable to very serious offenses. Likewise, in both cases the burden of proof shall lie with the alleged perpetrator.

In this sense, pursuant to the criteria established in article 13 in relation to article 12 of Organic Law 3/2007 concerning judicial proceedings relating to the defense of equality between men and women, in proceedings in which the plaintiff's allegations are based on discriminatory actions on the basis of gender, it shall be up to the defendant to prove the absence of discrimination in the measures adopted and their proportionality. The complaining party is, beforehand, responsible for providing the necessary evidence of harassment that triggers the reversal of the burden of proof.

Consequently, the proceedings shall be divided into the following **stages**:

7.1 REPORTING STAGE

The complaint may be submitted by any person falling within the scope of this Protocol who considers themselves to be a victim of sexual or gender-based harassment, by the Representing Workforce or any other Company employee who is aware of the existence of sexual or gender-based harassment.

Complaint requirements

The complaint must be made in writing, in accordance with the model complaint form established for this purpose as Annex 1 of this document. This report should be sent duly completed to HR Management or the Representing Workforce by means of a physical record of it. The HR team, the investigator in the proceedings, will assign a file number within a maximum of two working days from the filing of the complaint.

Specifically, in accordance with Annex 1, the complaint must contain the following information:

- Identification of the complainant and contact details.
- Identification of the alleged harasser and position held.
- Identification of the alleged victim and position held.
- Chronological and detailed description of the facts (among others, the moment you became aware of the facts, people involved, origin of the conflict, events occurring specifying place and dates, etc.)

- Identification of potential witnesses.
- Copy of all documentation that may prove the facts or other information deemed relevant.
- Signature of the complainant in witness of their agreement.

For this purpose, the person submitting a complaint will receive a letter with the name, ID number and signature of the person receiving the complaint, the date on which it is delivered and the file number.

7.2 INVESTIGATIVE STAGE

The entire process must be carried out with the utmost speed, confidentiality, and secrecy by the members of the Investigative Team.

In this regard, the Investigative Team will meet within a period not exceeding 7 calendar days from the submission of the complaint.

When it has been duly verified that the complaint does not amount to a situation of sexual or gender-based harassment as defined in this Protocol, the Investigative Team will inform the HR manager and communicate it to the complainant, giving sufficient reasons for its decision. On the contrary, when sexual or gender-based harassment is observed in the complaint, the expedited procedure phase shall be triggered.

7.3 EXPEDITED PROCEDURE

The purpose of this stage is to enable the Company to act swiftly and promptly to resolve the reported situation.

Initiation of proceedings

The Investigative Team will summon the parties involved and those who may provide relevant information, within a period not exceeding 5 calendar days from receipt of the complaint, to an interview whose purpose will be to clarify the facts.

Preliminary report

Once the appropriate interviews have been completed and within a maximum period of 3 business days, the Investigative Team will prepare a report containing, in addition to a brief account of the facts and evidence provided by the people interviewed, the result of the investigation and the proposal, the latter being understood as the closure of the procedure or the continuation of the investigations in the case of the formal procedure. In any case, the Company will take the appropriate measures to distance and prevent any other future situation.

When it is considered that stating the consequences of offensive and intimidating behavior to the reported person is sufficient to solve this type of behavior, the proceedings will be closed.

On the contrary, if the situation cannot be resolved by stating to the reported person the need to modify their behavior or when the seriousness of the facts requires it, the formal procedure will be initiated. In the latter case, secondary re-victimization will be avoided by not making the alleged victim endure successive interviews and statements, making them recall a moment or moments that they are trying to forget.

7.4 FORMAL PROCEDURE

During the investigation, all persons concerned and witnesses will be given a hearing, taking any procedures deemed necessary. Witness participation shall be strictly confidential. This hearing shall include, at a minimum, a private interview with the alleged harasser in which they can defend themselves against the accusations made. The alleged harasser may come accompanied to this interview.

Depending on the seriousness of the facts, the Investigative Team may request HR Management to implement precautionary measures to separate those involved, without negatively affecting their working conditions.

Once the investigation has been initiated, and if the victim so wishes, they will only deal with the people on the Investigative Team they choose and will only testify once, unless it is essential for the resolution of the case, guaranteeing their confidentiality and swiftness in the process.

The investigative file shall be aimed at verifying and ascertaining the facts and shall take no longer than 30 working days, unless the investigation of the facts requires an extension of the deadline for an essential period.

Throughout the process, the victim may be assisted by the Representing Workforce or by whomever they deem appropriate. At all times the decision on the situation made by the alleged victim shall be respected.

Completion of the process

Once the investigation is completed and within 10 working days, the Investigative Team will issue a report containing the facts and the assessment of them and proposing, where appropriate, corrective measures and even penalties. This report shall be forwarded to HR Management, the reported person, and the complainant.

Drafting of the report

The report must include the following information:

- Background of the case, which should include a summary of the arguments raised by each of the parties involved.
- Description of the main facts of the case.
- Summary of the proceedings carried out.
- Final assessment with any particular contributions and evidence of measures.
- Express determination on whether there is harassment or not.
- Signatures of the members of the Investigative Team.

Actions to be taken from the procedure

If it is determined that there is harassment, the final agreed report will be sent to the Company Management to take the corresponding disciplinary measures, a decision that must be taken within a maximum period of 10 calendar days.

If the sanction imposed does not involve the dismissal of the aggressor, appropriate measures will be taken so that the aggressor and the victim do not co-exist in the same working environment, with the aggrieved person having the option to remain in their position or request a transfer. Such measures may not entail either an improvement or a detriment to their working conditions.

If it is proven that there is no harassment, the file will be archived.

If it is determined that there is no harassment, but it is revealed that there is an underlying relevant personal conflict caused by the job, the Investigative Team will include this conclusion in its report so that the Company Management may act accordingly.

Notwithstanding the foregoing, if the investigation carried out reveals that the person complaining of the harassment has acted with proven lack of good faith or with the intention of harming, the Company may adopt the measures provided for in cases of violation of contractual good faith established in the Workers' Statute and in the applicable Collective Agreement.

8. Measures to be taken after the completion of the procedure in which sexual and gender-based harassment has been established

At the end of the procedure, the Investigative Team may propose the following measures:

- Psychological and social support for the victim.
- Modification of working conditions to benefit the victim's recovery, with their prior consent.
- Adoption of surveillance measures to protect the victim.
- The Company will take appropriate measures to prevent the sanctioned persons from repeating their behavior.
- Training or retraining will be provided to bring the victim back up to speed when they have been in Temporary Disability for a prolonged period.
- Reiteration of Company ethical and moral standards.
- Assessment of psychosocial risks in the Company.

9. Other considerations

All persons falling within the scope of this Protocol have the right to use this procedure with guarantees that they will not be subjected to intimidation or unfair, discriminatory, or unfavorable treatment. This protection shall be extended to all persons involved in such proceedings. In this way, any retaliation against people who make a complaint, witness, collaborate or participate in the investigations that are carried out, and against those people who oppose any situation of sexual or gender-based harassment against themselves or against third parties is expressly prohibited.

The use of this Protocol does not prevent any person falling within the scope of this Protocol from having recourse at any time to courts in order to exercise their right to effective judicial protection.

10. Monitoring and assessment

The HR Department shall monitor cases of harassment, at least once a year, in order to assess the implementation of the Protocol and the measures taken. Likewise, it will study the possibility of implementing new preventive measures.

11. Publication and entry into force

This Protocol will be valid indefinitely from the signing of this document, without prejudice to the fact that depending on the needs that are detected, actions may be modified or incorporated, after a negotiation and corresponding agreement between the Company and the Representing Workforce.

Likewise, this will be published on the Virtual Noticeboard and on the Company's physical noticeboards.

ANNEX 1: MODEL COMPLAINT FORM FOR SEXUAL AND/OR GENDER-BASED HARASSMENT

CLAIMANT			
<input type="checkbox"/>	Affected person	<input type="checkbox"/>	Human resources
<input type="checkbox"/>	Staff representative	<input type="checkbox"/>	Prevention service
<input type="checkbox"/>	Affected person's department (please specify):		
<input type="checkbox"/>	Other (please specify):		
TYPE OF HARASSMENT			
<input type="checkbox"/>	Sexual harassment	<input type="checkbox"/>	Gender-based harassment
<input type="checkbox"/>	Not specified	<input type="checkbox"/>	
DETAILS OF THE ALLEGED AFFECTED PERSON			
Full name			
ID/Passport		Contact number	
Gender		Contact email	
PROFESSIONAL DETAILS OF THE AFFECTED PERSON			
Workplace		Job position	
DETAILS OF THE ALLEGED HARASSER			
Full name			
PROFESSIONAL DETAILS OF THE ALLEGED HARASSER			
Workplace		Job position	

DESCRIPTION OF THE FACTS			
<p>Chronological and detailed description with places and dates (the moment you became aware of the facts, the people involved, and the positions they occupy)</p>			
POSSIBLE WITNESSES		YES	NO
<p>If yes, indicate name and surname:</p>			
DOCUMENTATION ATTACHED		YES	NO
<p>If yes, please specify</p>			
REQUEST			
<p>I request the initiation of the protocol for preventing sexual and/or gender-based harassment.</p>			
<p>Place and date:</p> <p>Signature and ID of the recipient of the request</p>		<p>Signature of the claimant.</p>	

File No.:	
This document is delivered to:	
	HR Department
	Representing Workforce

Information notice on data protection

In compliance with art. 13 of the General Data Protection Regulation (EU) 2016/679, we inform you that the personal data contained in the complaint and those collected during the processing of the file will be processed by Hiperbaric S.A., as data controller, for the purpose of processing the investigation file, based on the fulfilment of a legal obligation (art. 6.1 c) RGPD). Personal data will not be disclosed to third parties, unless legally required; however, they may be accessed if necessary by external suppliers who have the status of data processors, such as legal or employment consultancies, with which Hiperbaric S.A. has signed the relevant personal data processing contracts, guaranteeing the security of the processing. The personal data will be kept during the processing of the investigation file and, subsequently, until the prescription of legal responsibilities. You may exercise your rights of access, rectification, opposition, deletion, portability and limitation by sending a communication to rrhh@hiperbaric.com. We also inform you of your right to file a complaint with the Spanish Data Protection Agency if you consider it appropriate.