



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

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1. BACHILLER'S COMMITMENT TO ADDRESS SEXUAL AND/OR GENDER-BASED HARASSMENT

With this protocol, BACHILLER declares its zero tolerance to the occurrence of conduct constituting sexual harassment or gender-based harassment throughout its organisation.

By adopting this Protocol, BACHILLER wishes to underline its commitment to prevent and combat sexual harassment and gender-based harassment in all its manifestations, and to communicate that it applies to the entire workforce providing services in its organisation, regardless of whether they are its own employees or employees of other companies, including people who, without having an employment relationship, provide services or collaborate with the organisation, such as trainees, interns or volunteers.

Likewise, BACHILLER undertakes to inform the companies to which it sends its own employees of the existence of this Protocol and of the need to comply strictly with it, as well as the companies from which the employees working for BACHILLER originate. Similarly, the obligation to comply with the provisions of this Protocol will be included in the contracts signed with other companies.

If the alleged harasser falls outside the company's sphere of authority and BACHILLER is therefore unable to apply this procedure in its entirety, it will contact the organisation in question to ensure they take the appropriate measures and, if necessary, sanction the person responsible, and warn them that failure to comply may result in the termination of the business relationship between the two companies.

This protocol shall apply to situations of sexual harassment or gender-based harassment that occur at work, in connection with work or as a result of work:

- a) in the workplace, including in public and private spaces when work is carried out in these places;
- b) in places where employees are paid, take their breaks, eat, or use sanitary or washing facilities and changing rooms;
- c) on work-related travel, trips, social or training events or activities;
- d) in the context of work-related communications, including communications by means of information and communication technologies (virtual harassment or cyber-bullying);
- e) in accommodation provided by the employer.
- f) on journeys between the home and the 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 Equal Treatment 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 agreements and labour contracts, and article 14 of Law 31/1995, of 8 November, on the prevention of occupational risks.

Likewise, by committing itself to the measures contained in this Protocol, BACHILLER declares and publishes its express will to adopt a proactive attitude, both in the prevention of harassment

- by raising awareness and providing information on behaviour that will not be tolerated by the company - and in the dissemination of good practices and the implementation of as many measures as necessary to manage complaints and reports that may arise in this regard, as well as to resolve them as appropriate in each case.

Parets del Vallés, 27 September 2023

2. CHARACTERISTICS AND STAGES OF THE PROTOCOL FOR PREVENTING AND ADDRESSING SEXUAL AND/OR GENDER-BASED HARASSMENT

In order to comply with the commitment made at the beginning of this Protocol and in the terms set out above, BACHILLER has implemented a procedure to prevent and address sexual harassment and gender-based harassment, which has been defined and approved by the Negotiating Committee of the Equality Plan, with the aim of establishing a mechanism that sets out how to respond in a comprehensive and effective manner to any behaviour that may constitute sexual harassment or gender-based harassment. To this end, this protocol combines three types of measures established in Section 7 of the Annex to Royal Decree 901/2020 of 13 October:

1. Preventive measures, including a statement of principles, definition of sexual harassment and gender-based harassment and identification of conduct that may constitute these types of harassment.
2. Proactive or procedural measures to deal with harassment, to channel any complaints or reports that may arise, and applicable preventive and/or corrective measures.
3. Identification of reactive measures to deal with harassment and, where appropriate, disciplinary procedures.

2.1. PREVENTIVE MEASURES AGAINST HARASSMENT

2.1.1. Statement of Principles: Zero tolerance towards conduct constituting sexual harassment and gender-based harassment

The company BACHILLER formalises the following statement of principles in order to underline how relations between company personnel should be and what behaviour will not be tolerated in this organisation.

This harassment protocol applies to any behaviour constituting sexual or gender-based harassment that may occur at BACHILLER.

In implementing this procedure, BACHILLER undertakes to prevent, not to tolerate, to combat and to prosecute any manifestation of sexual harassment or gender-based harassment in its organisation.

Harassment is, by definition, a multiple offence affecting a variety of legal interests, including the dignity of the worker as a manifestation of the right to life and to physical, mental and moral integrity. However, such an act does not exclude that it may also harm other legal interests, such as equality and non-discrimination, honour, self-image, privacy, health, etc., but it will still always be, by definition, a violation of dignity. Sexual harassment and gender-based harassment always violate the dignity of the person subjected to them and therefore constitute sexual discrimination.

Within BACHILLER, conduct that could constitute sexual harassment or gender-based harassment in any of its manifestations will not be permitted or tolerated. The company will sanction anyone who engages in offensive behaviour as well as anyone who promotes, encourages and/or tolerates it. All Company personnel are required to respect the fundamental rights of all those who make up BACHILLER, as well as those of individuals who provide services to the Company. In particular, employees shall refrain from any behaviour that violates the dignity and privacy of individuals, as well as the principle of equality and non-discrimination, and shall always promote respectful behaviour.

Notwithstanding the foregoing, if any member of staff believes that they are being harassed or becomes aware of a situation of sexual or gender-based harassment, they may activate this protocol by making a complaint or report, as an internal, confidential and rapid procedure to eradicate it and remedy its effects.

Once the relevant informative file has been opened, if the existence of sexual or gender-based harassment is confirmed, BACHILLER will sanction those involved and undertake to use all its management and sanctioning powers to guarantee a working environment free from violence, sexist and gender-based discrimination, in accordance with the principles of health and safety at work.

2.1.2 Concept and conduct constituting sexual harassment and gender-based harassment

2.1.2.1. Definition and conduct constituting sexual harassment

Definition of sexual harassment

Without prejudice to the provisions of the Penal Code, for the purposes of this Protocol, any verbal or physical conduct 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, shall constitute sexual harassment.

All sexual harassment shall be deemed to be discriminatory.

Conditioning a right or any expectation of a right on the acceptance of a situation constituting sexual harassment shall also be deemed to be a sexual discrimination.

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

Verbal behaviours:

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

Non-verbal behaviours:

- Display of sexually suggestive or pornographic pictures, objects or writings, lewd looks, gestures.
- Letters or messages in emails or on social networks of an offensive nature and with a clear sexual content.

Physical Behaviours:

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

"Quid pro quo" sexual harassment or sexual blackmail

Among the behaviours that constitute sexual harassment, a distinction can be made between "quid pro quo" sexual harassment or sexual blackmail, which consists in forcing the victim to choose between submitting to sexual demands or losing or being harmed by certain benefits or working conditions, affecting access to professional training, continued employment, promotion, pay or any other related decision. 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 condition of employment.

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 carried out by any member of the company, regardless of position or status, or by third parties positioned in any way in the work environment.

2.1.2.2. Definition and conduct constituting gender-based harassment

Definition of gender-based harassment

Gender-based harassment amounts to any behaviour undertaken by an individual **related to a person's gender** with the purpose or effect of violating that person's dignity and of creating an intimidating, degrading or offensive environment.

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

To effectively assess whether a specific case can be classified as gender-based harassment, there must be a series of elements that form a common denominator, among which the most relevant include the following:

- a) Harassment, understood as any intimidating, degrading, humiliating and offensive conduct that originates externally and is perceived as such by the person it is directed at.
- b) Objective attack on the victim's dignity and subjectively perceived by the victim as such.
- c) Pluriofensive result. The attack on the dignity of the person subjected to gender-based harassment does not prevent the concurrent violation of other fundamental rights of the victim, such as the right not to be discriminated against, an attack on mental and physical health, etc.
- d) It is not an isolated act.
- e) The motive for such behaviour must be related to the fact that the victim is a woman or to circumstances that can only affect women biologically (pregnancy, maternity, breastfeeding); or to the reproductive and caring functions that are presumed to be theirs as a result of social discrimination. In this sense, gender-based harassment can also affect men when they carry out functions, tasks or activities related to the role historically attributed to women, such as a male worker who is harassed for caring for minors or dependent persons.

The conditioning of a right or any expectation of a right on the acceptance of a situation constituting gender-based harassment shall also be deemed to constitute gender-based discrimination.

Behaviours constituting gender-based harassment

By way of example, and without being exhaustive or restrictive, the following are a number of specific types of conduct which, if they were to occur on a repetitive basis, could constitute gender-based harassment in the workplace **if they meet the requirements set out in the previous point.**

Attacks with organisational measures

1. Judging the person's performance in an offensive way, playing down their efforts and abilities.
2. Questioning and overruling the person's decisions.
3. Not assigning any tasks, or assigning meaningless or demeaning tasks.
4. Denying or concealing the means to carry out the work or providing incorrect data.
5. Assigning work that is much higher or lower than the person's skills or qualifications, or that requires much lower qualifications than those possessed.
6. Contradictory or impossible to comply with orders.
7. Theft of belongings, documents, work tools, deletion of files from the computer, tampering with work tools resulting in harm, etc.
8. Threats or pressure on people who support the person being harassed.
9. Manipulation, concealment, return of the person's correspondence, calls, messages, etc.
10. Denial or difficulties in accessing permits, courses, activities, etc.

Actions intended to isolate the targeted person

1. Changing the location of the person by separating them from their peers (isolation).
2. Ignoring the person's presence.
3. Not addressing the person verbally.

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 person's means of communication (telephone, email, etc.).

Activities affecting the physical or mental health of the victim

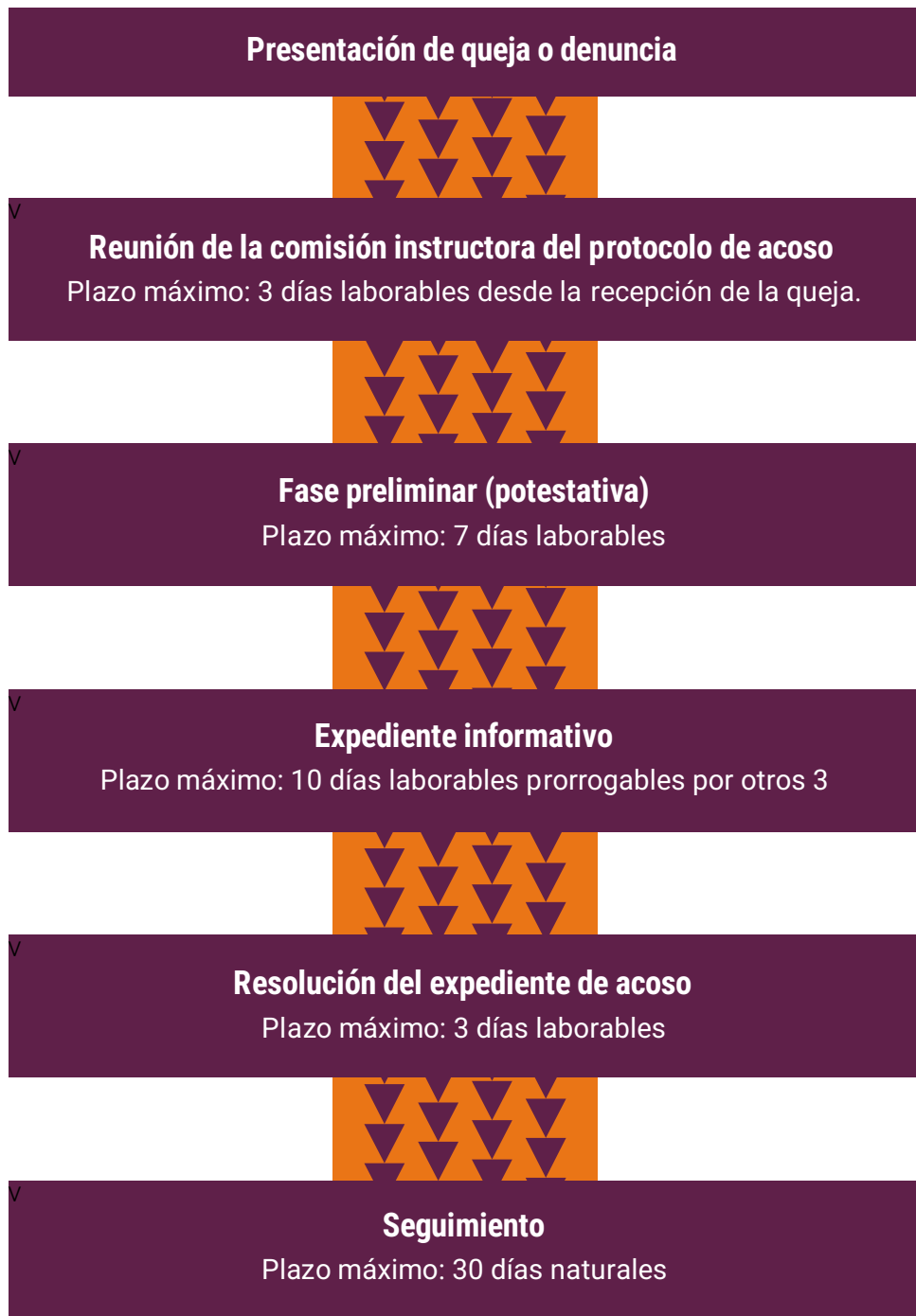
1. Threats and physical aggression.
2. Verbal or written threats.
3. Shouting and/or insults.
4. Intimidating phone calls.
5. Provoking the person, forcing them to react emotionally.
6. Intentionally incurring expenses to the detriment of the person.
7. Damage to their workplace or belongings.
8. Forcing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

Attacks on private life and personal or professional reputation

1. Manipulating 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 gestures, voice, physical appearance, disabilities, name-calling, etc.
4. Criticism of nationality, political or religious attitudes and beliefs, private life, etc.

2.2. HOW TO PROCEED

Schematically, the stages and maximum time limits of the process to be followed are:



2.2.1.- Appointment of the Investigating Committee for cases of harassment

An Investigating and Monitoring Committee for cases of sexual and gender-based harassment has been set up and consists of the following persons:

Vanessa Nieto Padilla

Jesús Garrido Egea

Lluís Naspler Bascaña

In the event of absence due to holidays, illness or any other legal reason, the following persons may act as a substitute for any of the incumbent members:

Marc Pedrós Manchado

David Galván Rodríguez

Celso Arcas Sancho

In order to ensure the utmost confidentiality of this procedure, the persons who are members of this committee shall be permanent.

The Committee shall have a term of four years. The above-mentioned persons who make up the Investigatory Committee shall be bound by the principle of impartiality with regard to the parties concerned, so that they shall abstain from taking part in the proceedings if they are related by blood or affinity to one or more of the persons concerned by the investigation, if they are close friends, if they are openly hostile to the persons concerned by the proceedings or if they have a direct or indirect interest in the specific proceedings. If, despite the existence of these grounds, the abstention does not take place, any of the persons concerned by the proceedings may request the exclusion of the person or persons concerned from the committee.

In addition, this committee may, on its own initiative or at the request of one of the parties concerned, request the appointment of an external expert to assist in the investigation of the case.

This committee shall meet within a maximum of three working days from the date of receipt of a complaint, allegation or knowledge of inappropriate behaviour, in accordance with the procedure for its presentation set out in this Protocol.

The Committee shall promptly and thoroughly investigate any report, communication, complaint or allegation of conduct that could be considered sexual or gender-based harassment. Complaints, allegations and investigations shall be treated in the strictest confidence, consistent with the need to investigate and take corrective action, bearing in mind that this may directly affect the privacy and honour of individuals.

2.2.2. Starting the procedure: The complaint or report

At BACHILLER, the aforementioned persons are responsible for managing and processing any complaint or report that may be made under this Protocol by persons providing services to this organisation.

BACHILLER employees should be aware that they will not be penalised for activating the Protocol, except in cases of malice or bad faith. If they do so, any complaint will be deemed to be true and will be dealt with by the above-mentioned persons.

Complaints will be confidential, but not anonymous, and BACHILLER will guarantee the confidentiality of the parties concerned.

In order to guarantee the confidentiality of any complaint, report or communication of a harassment situation, BACHILLER has created the email account igualdad@bachiller.com, to which only the persons in charge of dealing with the complaint and the members of the Investigation Committee will have access, for the sole and exclusive purpose of submitting this type of report or complaint. This is without prejudice to the possibility of also accepting complaints or denunciations that may be submitted secretly, but not anonymously, in writing and in a sealed envelope addressed to the persons in charge of handling the complaint. In order to protect the confidentiality of the procedure, the person in charge of handling the complaint shall assign a code number to each of the parties concerned.

Upon receipt of a complaint in either of the above two ways, the persons in charge of handling the complaint shall immediately inform the Company's management and the other members of the Investigation Committee.

The model set out in this Protocol will be made available to the Company's employees for the formalisation of the complaint or report. For the procedure to be initiated in accordance with the terms set out in the following section, the victim of the sexual or gender-based harassment, or any employee who becomes aware of it, must submit the relevant form by email to the address provided for this purpose, or via the internal register, denouncing a situation of harassment.

2.2.3. The preliminary phase or informal procedure

This phase is optional for the parties and depends on how the victim wishes to proceed. The aim of this preliminary phase is to resolve the harassment situation in an urgent and effective manner in order to put a stop to the harassment situation and reach a solution that is acceptable to both parties.

Once the complaint or report has been received, the investigating committee will interview the person concerned, and may also interview the alleged perpetrator or both parties, request the intervention of experts, etc.

This informal procedure or preliminary stage will last a maximum of seven working days from the date the complaint or report is received by the investigating committee. Within this period, the Investigation Committee shall conclude this preliminary stage by assessing the consistency of the complaint, indicating whether or not the purpose of the procedure has been achieved and, where appropriate, proposing the measures it deems appropriate, including the opening of the informative file. The entire procedure will be handled with urgency and confidentiality, protecting

the dignity and privacy of the persons concerned. The file shall be confidential and only the aforementioned committee shall have access to it.

Notwithstanding the foregoing, in view of the complexity of the case, the investigating committee may dispense with this preliminary stage and proceed directly to the processing of the informative file, which it shall communicate to the parties. Similarly, if the harassed person is not satisfied with the solution proposed by the investigating committee, the processing of the informative file shall be initiated.

If the informative file is not processed, the solution adopted at this preliminary stage shall be recorded and the management of the company shall be informed.

The legal representatives of the employees, the person in charge of the prevention of occupational risks and the monitoring committee of the equality plan will also be informed, with it being mandatory for these to respect the confidentiality of the information that is shared with them. In any case, in order to guarantee confidentiality, no personal data will be disclosed and numerical codes will be assigned to each of the parties implicated in the file.

2.2.4. The informative file

If the preliminary stage is not activated or if the procedure cannot be resolved even though it has been activated, an informative file shall be opened.

The investigating committee shall carry out an investigation in which it shall decide whether or not the alleged harassment has occurred, after hearing from the persons concerned and from any proposed witnesses, holding meetings or requesting any necessary documents, without prejudice to the provisions on the protection of personal data and confidential documents.

The persons consulted shall cooperate as diligently as possible.

While the case is being dealt with, the management of BACHILLER, on the proposal of the investigating committee, will take the necessary precautionary measures to put an immediate end to the harassment, without these measures causing permanent and definitive damage to the working conditions of the persons concerned. Among other precautionary measures, the management of BACHILLER will separate the alleged harasser from the victim.

As part of the procedure, a statement will first be taken from the victim and then from the alleged harasser. Both parties may be assisted and accompanied by a person of their choice, irrespective of whether that person is a legal representative and/or a trade union representative of the employees, with this person being required to respect the confidentiality of the information to which they are given access.

The investigating committee may, if it deems it appropriate, seek external advice on harassment and equality and non-discrimination during the course of the proceedings. This external expert will be required to maintain the strictest confidentiality with regard to anything that comes to their knowledge or to which they have access as a member of the committee in question, and will be bound by the same grounds for abstention and disqualification as the members of the investigating committee.

At the conclusion of the investigation, the committee shall prepare a report setting forth the facts, testimony and evidence gathered and/or collected and shall conclude whether or not, in its opinion, there is evidence of sexual harassment or gender-based harassment.

If, on the basis of the evidence gathered, it is concluded that there is evidence of harassment, the investigating committee will, in the conclusions of the report, urge the company to take the appropriate sanctions and, in the case of very serious harassment, may even propose the disciplinary dismissal of the perpetrator.

If there is no evidence of harassment, the committee will state in the report that the evidence specifically provided does not indicate sexual or gender-based harassment.

If no harassment is detected, but inappropriate behaviour or a violent situation is found that could be sanctioned, the Investigation Committee will also request that BACHILLER management take the appropriate action to remedy the situation.

Within the harassment investigating committee, decisions will be taken by consensus whenever possible, and by majority vote if this is not possible.

The procedure shall be expeditious and efficient, and the privacy, confidentiality and dignity of the persons concerned shall be protected at all times. Throughout the process, strict confidentiality shall be maintained and all internal investigations shall be conducted with sensitivity and due respect, both for the person making the allegation and/or the victim, who shall under no circumstances be treated unfavourably for this reason, and for the accused, whose guilt shall be established by a preponderance of the evidence in accordance with the provisions of the Labour Code on the violation of fundamental rights.

All persons involved in the process are obliged to maintain the strictest confidentiality with regard to all information to which they have access.

This formal development phase will be carried out within a maximum period of ten working days. In the event of reasons which, because of their complexity, require a longer period, the investigating committee may agree to extend this period, but in no case for more than three additional working days.

2.2.5. The resolution of the harassment case

Once BACHILLER's management has received the conclusions of the investigating committee, in its capacity as the sole authority to decide on the matter, it will take the decisions it deems appropriate within 3 working days. The decision taken will be communicated in writing to the victim, to the person reported and to the Investigating Committee, who will be required to respect the strict confidentiality of the information to which they have access.

Similarly, any decision on the case will also be communicated to the Equality Plan Monitoring Committee and to the person responsible for the prevention of occupational risks. In order to guarantee confidentiality, no personal data are included in these communications and numerical codes are assigned to each of the parties involved in the case.

In accordance with the above results, the management of BACHILLER will proceed to:

- a) file the proceedings in the archives and draw up a report on the matter.

- b) adopt any measures it deems appropriate on the basis of the suggestions made by the committee investigating the harassment case. By way of example, the following are some of the decisions that the company can take in this regard:
- a) physically separating the alleged aggressor from the victim, by changing their position and/or shift or schedule. In no case shall the victim of harassment be forced to change position, working hours or location within the company.
 - b) without prejudice to the provisions of the previous point, if appropriate, and depending on the results of the investigation, the perpetrator will be sanctioned by applying the table of offences and penalties provided for in the collective agreement applicable to the company or, where appropriate, in Article 54 ET

Among the sanctions that can be applied to the perpetrator, the following will be taken into account:

1. transfer, displacement, change of post, shift or location
2. suspension from employment and pay
3. the time limitation for promotion
4. disciplinary dismissal

In the event that the sanction against the aggressor is not the termination of the contractual relationship, the management of BACHILLER will maintain an active duty of care towards the employee when they return to work (in the case of suspension), or in their new position in the case of a change of location. In all cases, however, compliance with the anti-harassment policy will not end with the mere adoption of the measure of transfer or suspension, but will require subsequent monitoring and control by the company.

The management of BACHILLER will adopt the necessary preventive measures to avoid a repetition of the situation, will intensify training and awareness-raising activities and will carry out the following actions, among others, to protect the health and safety of the victim:

- Assessment of psychosocial risks in the company.
- Adoption of surveillance measures to protect the victim.
- Adoption of measures to avoid recidivism of sanctioned persons.
- Psychological and social support for the harassed person.
- Modification of working conditions that, with the consent of the person who has been harassed, are deemed beneficial to their recovery.
- Training or retraining for the professional development of the harassed person if they have been on sick leave for a prolonged period.
- Undertaking new training and awareness-raising actions for the prevention, detection and action in the face of sexual harassment and/or gender-based harassment, aimed at all persons providing their services in the company.

2.2.6. Monitoring

Once the file has been closed, and within a maximum of thirty calendar days, the Investigation Committee shall be obliged to monitor the decisions taken, i.e. their compliance and/or outcome. The result of this monitoring shall be recorded in a report, which shall include the measures to be taken in the event that the incidents giving rise to the proceedings continue to occur, as well as

an analysis of whether the proposed preventive and sanctioning measures have been implemented. The report will be sent to the company management, to the legal and/or trade union representatives of the employees, to the person in charge of the prevention of occupational risks and to the monitoring committee of the equality plan, taking the necessary precautions to ensure the confidentiality of the personal data of the parties concerned.

3. DURATION, ENFORCEABILITY AND ENTRY INTO FORCE

The content of this protocol is mandatory and will come into force on the date specified in the BACHILLER Equality Plan, from the time it is communicated to the company's workforce, and will remain in force throughout the duration of the Equality Plan (2023-2027)

Similarly, the protocol will be reviewed in the cases and within the deadlines set out in the equality plan in which it is incorporated.

This procedure does not exclude 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. MODEL COMPLAINT OR REPORT IN THE COMPANY BACHILLER

I. Person reporting the incidents

- Person who has been harassed:
- Others (Specify):

II. Details of the person who has been harassed

Name:
Surname:
DNI (ID No.):
Position:
Type of contract/employment relationship:
Telephone:
Email:
Address for the purpose of notifications:

III. Details of the perpetrator

Name and surname:
Professional group/category or position:
Work centre:
Name of the company:

IV. Description of the incidents

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

V. Witnesses and/or evidence

If there are witnesses, please indicate name and surnames:

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

VI. Application

The harassment complaint or report (INDICATE WHETHER SEXUAL OR GENDER-BASED) against (IDENTIFY PERPETRATOR) is considered to have been filed and the procedure set out in the protocol is hereby initiated:

Location and date:

Signature of the person concerned:

Addressed to the Investigating Committee for the procedure of complaint against sexual harassment and/or gender-based harassment in the company BACHILLER.