

# PROTOCOL FOR THE PREVENTION AND HANDLING OF VIOLENCE FROM AN INTERSECTIONAL PERSPECTIVE

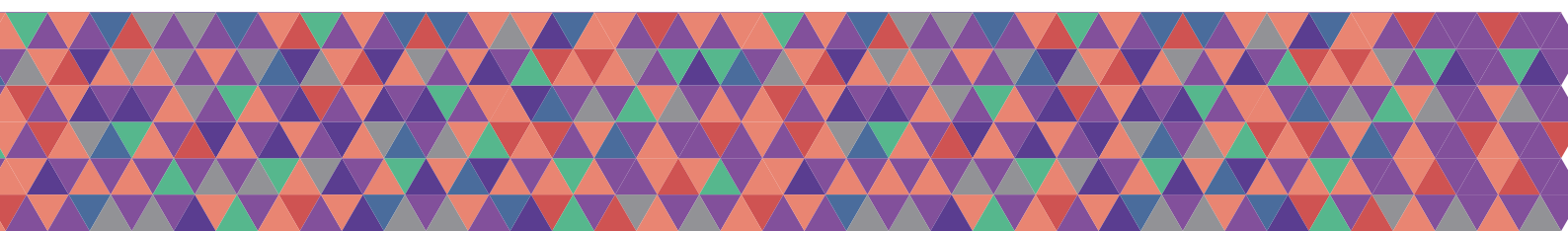
OBSERVATORI DEL DEUTE  
EN LA GLOBALITZACIÓ

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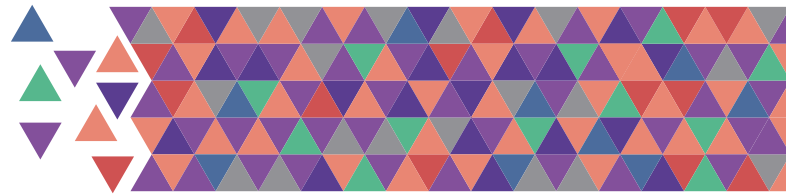


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# 1. Introduction



## 1.1. What is a protocol and why is it necessary?

A protocol is a tool that brings together a series of agreements and commitments as a means of providing a response to the multiple situations and forms of violence that may arise in the workplace.

Although this is one of the main objectives, protocols go further. Developing a protocol is an opportunity to address the various manifestations of violence in-depth and set off a process of internal change, encouraging the creation of channels for holistic reflection and debate about violence and situating prevention as a key strategic element in ensuring that violence does not occur.

Addressing and preventing violence is paramount if we are to move towards a safer and freer working environment for all. This must be undertaken from a perspective which is both feminist and intersectional – that is, one which situates violence within a cis-hetero-patriarchal, male, racist and capitalist system – and restorative, in that it seeks the participation of all affected and involved parties, in order to collectively address the harm, needs and responsibilities.

The present Protocol aims to serve as a guide not only for the prevention of sexist and LGBTI-phobic violence, but also the violence that results from systemic racism, providing internal and external review measures and mechanisms in order to address violence and related matters from an anti-racist perspective.

Additionally, and following a long process of reflection and debate, it was agreed – as is reflected in the definition of the lines of action

on violence – that sexist and LGBTI-phobic violence are to be handled through a series of “tips” or pieces of “advice” on how to address them from an intersectional perspective. Long-term, standardised, in-depth work must be undertaken to define how, who and in what way racist violence that may occur in the organisation is to be addressed.

## 1.2. What do we wish to address?

When we talk about violence, we refer to any action (and non-action) by a person, group or institution that results in physical, sexual or psychological harm, in arbitrary coercion or deprivation of liberty, or in inequality and/or discrimination against a person and/or group.

Specifically, when we talk about sexist and LGBTI-phobic violence (in its manifold forms) we mean those instances of violence that arise from “gender” as a pillar of a social, cultural, political and economic system – identifiable as the cis-hetero-patriarchy – that is discriminatory, unjust and violent towards women and persons of non-normative gender identities and sexual choices. This definition, promoted by feminist movements and included in the 2004 Equality Act, infers, therefore, that these instances of violence are a societal problem requiring societal responses.

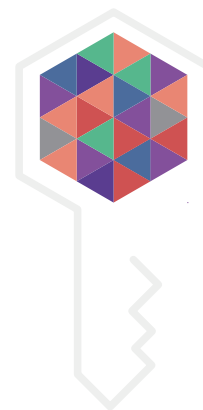
To understand why such violence occurs, it is key that we understand that they are structural and based on three interrelated areas, without which, the whole would not exist:

- **Subjective violence:** that which involves direct social relations, and which a subject commits against another subject. This may be physical, psychological, sexual, economic, and range from jokes and insults to disempowerment, physical violence, humiliation, rape, etc.
- **Symbolic or cultural violence:** that which involves social beliefs, unwritten norms, names, categories, values, prejudices, etc.
- **Structural violence:** that which involves violence exercised via social, economic, organisational and institutional structures. This can be seen in laws, institutions, the legal and police system, budgets and the distribution of resources, etc.

If the violence that we most readily perceive – subjective violence – exists, then it is because there is a whole system of beliefs and a social structure that allows it to occur. These three pillars of violence are the basis of how we relate to and communicate with one another, and can reach very serious and painful extremes. It is often, however, the case that greater importance is given to subjective or direct violence in the media, education, politics, work environments and in our daily lives, insofar as we are able to see the immediate effects at first glance. Nevertheless, we must be aware that violence and aggression are not individual acts, but rather originate in the structural and cultural foundations of society, and that it is necessary to act across these three dimensions in order to address them, eradicate them and build new realities free of this violence.

Therefore, when in this document we talk in the plural about *forms* of sexist and LGBTI-phobic violence, we seek to show our commitment to understanding and addressing this phenomenon in all of its complexity, and not just its most visible or direct manifestations.

## 2. Objectives and applicability



### 2.1. Objectives

- Embed an anti-racist and decolonial perspective within both the internal and external practice of the organisation, as well as in how it addresses forms of violence.
- Highlight LGBTI-phobia in order to fully address issues of exclusion and violence of systemic origin within ODG projects, and raise awareness of the role that heteronormativity plays in Public Services, debt, etc.
- Establish a protocol that is both applicable internally and in wider networks, allowing us to adapt it to events, gatherings and other wider spaces where ODG participates.
- Promote a culture of trainings on feminist and anti-racist issues that may be reflected in our research.
- Shed light on gender-based and racist microaggressions.
- Detect practices, situations or attitudes that could lead to violence, in order to be able to prevent and change them.
- Define common criteria for identifying what violence is.
- Strike a balance in addressing violence within a small team such as the ODG, seeking external support where necessary, and not assuming that we are able to solve everything by ourselves.
- Define mechanisms that permit us to take action while respecting privacy and confidentiality.
- Listen to and focus on the needs of the person(s) affected.
- Trust in the Commission as the body responsible for monitoring and evaluating the Protocol.

## 2.2.

### Applicability

This protocol is applicable to all cases arising from working relations within the ODG, taking into account that the limits of the work environment are not exclusively restricted to the physical workplace or the working day, nor any specific manner in which someone is connected with the organisation. As such, any and all connections arising from the workplace, either internally (operational team) and externally (supplier companies, those involved in training, clients, service users and job applicants, people from other organisations that share our facilities, etc.) fall under this umbrella.

The areas of applicability of the Protocol are not limited to the physical workplace, the working day or direct connection with the ODG. Anyone who, through professional, service-based or associative ties, is linked to the organisation and suffers harassment shall be protected by the Protocol, and action shall be taken accordingly.

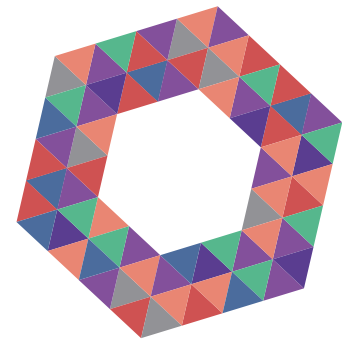
The Protocol therefore applies in any and all circumstances in which the workers of the ODG carry out their professional duties, and in the meetings and gatherings of the people who participate in the members' assembly. This applies to travel, training days, meetings, conferences and other events related to the organisation.

The areas of applicability set out by the ODG are:

- Operational team
- Members' assembly
- Trainee staff
- Groups, platforms and networks with whom the ODG regularly works, and who participate in activities organised by the ODG
- Talks and events organised by the ODG
- Projects which involve travel to other areas in the Global North and South
- Leisure spaces
- Away days (stages)
- Physical spaces: ODG office, la Fede, etc.
- Virtual spaces: Telegram, e-mail, videoconferencing platforms, etc.

# 3.

## Conceptual framework



### 3.1. Discrimination and violence on grounds of origin, race or ethnicity

In order to address forms of racist violence, it is important to start by defining what we mean by racism. The EU Action Plan Against Racism (2020-2025) defines **racism** as:

“the belief that a ground such as ‘race’, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or group of persons, or the notion of superiority of a person or group of persons”

At the same time, the Plan also provides an explanation of the impact of **structural racism**, although – as we will see later – it does not address this idea in depth, providing a largely superficial definition with little practical applicability:

“Racism is often deeply embedded in our societies’ history, intertwined with its cultural roots and norms. It can be reflected in the way society functions, how power is distributed, and how citizens interact with the state and public services. It can be unconscious and is often felt through a failure to reflect the interests of the people affected by racism, even if not necessarily a direct attempt to exclude. As the impact of structural racism can be as profound and harmful as individual racism, its existence needs to be acknowledged and it must be addressed through proactive policies. An intersectional perspective deepens understanding of structural racism, and makes responses more effective.”

The International Convention on the Elimination of All Forms of Racial Discrimination defines **racial discrimination** as:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

It should be noted that these legal definitions present an individual and voluntary perspective on racism, without recognising the structural nature that underpins and legitimises racist violence.

Within the European Union, European Directive 2000/43 on the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin stipulates that:

any direct or indirect discrimination based on racial or ethnic origin as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries, but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and to occupation.”

This statement excludes those without official resident status, something which both renders



invisible and reproduces discrimination towards those most vulnerable and at risk of racist violence.

For these reasons, it is important to incorporate an anti-racist and decolonial perspective when addressing racist violence.

A **decolonial perspective**<sup>1</sup> provides insight into the structural nature of racism and how it is still in place to the present day. It helps us to understand racism as the continuation of a long history of domination established more than five hundred years ago, no sooner had the first Europeans landed on the shores of the so-called New World.

In addition, this theoretical perspective explains how relations between peoples, our way of understanding the world and even the humanity of people are all modern products, that is, they are the result of colonial relations that were not concluded following the independence of former colonies, but have instead taken on new forms.

On this matter, various thinkers have explained the global effects of the conquest of America in terms of establishing new relations of domination and exploitation. Colonisation not only created the material conditions for the globalisation of the capitalist system, but also established a new hierarchy among the world's population. Through the development of the notion of race, colonised peoples, and their practices and in their thoughts, were inferiorised.

This is why, when we talk about what is white or the "white left", we do not refer to skin colour or a specific geographical location, but to a subjectivity, to a way of seeing and understanding the world.

In such terms, race does not exist in a homogeneous or binary way across all people, but rather as part of hierarchies and scales. Quijano asserts that "the scale between what is 'white', in terms of the 'white race', and each of the other 'colours' of skin was taken to be a scale between what is superior and inferior in 'racial' social classification" (Quijano, 2000, p. 375).

When we talk about processes of racialisation, our intention is to refer to the mechanisms through

which certain people or peoples are attributed a "race". We are not talking about biological realities, but about fictions that are imposed on certain people for various reasons (origin, characteristics, religion, skin colour, etc.), as a result of a colonial legacy and based on asymmetric power relations.

Quijano likewise highlights that coloniality does not only relate to race but also gender and class. With the conquest and colonisation of America, people were assigned a classification within global capitalism according to work, race and gender. These classifications are not distinct, but operate together; that is, they are not categories that at some point intersect, but rather coalesce within the same matrix.

### 3.2. The intersectional perspective<sup>2</sup>

Kimberly Crenshaw (1989), an African-American legal scholar, proposed the term intersectionality in order to explain how race and gender intersect in the context of violence against women of colour.

She has studied legal cases in which complaints of discrimination made by black women were systematically rejected as result of legislation against sexism and racism being applied in an exclusionary manner. Through her research, she has demonstrated that the experiences of "black" women frequently result from patterns of racism and sexism that intersect and go unmentioned in feminist and anti-racist discourse.

Crenshaw warns that, in systems where race, gender, and class injustice converge, strategies for intervention based solely on the experiences of white and middle- or upper-class women will be of limited help for women facing different obstacles because of their race and class.

For Crenshaw, one of the most worrying political consequences of the failure of anti-racist and feminist discourses to address these intersections is that one analysis implicitly denies the validity of the other. This is to say, the inability of feminism

1 Brizuela, Florencia (2021). "Feminismes antiracistes per a l'acció social". Universitat Oberta de Catalunya.

2 Brizuela, Florencia (2021). "Feminismes antiracistes per a l'acció social". Universitat Oberta de Catalunya.

to question its own attitudes as regards racism means that feminist strategies often reinforce the subordination of people of colour, while the inability of anti-racism to question the patriarchy means that it will often reproduce the subordination of women.

With Crenshaw's research as a starting point, many studies, debates, publications and public policies have been developed around this idea. National and international bodies such as the UN and the European Union have adopted this approach in their anti-discrimination policies. At a more local level, the need to bring intersectionality on board both in the drafting of public policies and in authorities' working practices has also been acknowledged.

This protocol incorporates an intersectional perspective as an analytical tool for addressing sexist and LGBTI-phobic violence, understanding that people are marked not only by gender, and that other axes of privilege and injustice must be taken into account when understanding and addressing these forms of violence.

### 3.3. Sexist and LGBTI-phobic violence

Multiple definitions of the concept of "sexist violence" have been made, leading to a diverse nomenclature over the years (domestic violence, violence against women, gender-based violence, etc.). In legal terms, the Catalan government Act 5/2008 regarding the right of women to eradicate sexist violence provides the following definition:

Violence against women as a manifestation of discrimination and the situation of inequality in the framework of a system of power relations of men over women and which, produced by physical, economic or psychological means, including threats, intimidation and coercion, results in physical, sexual or psychological harm or suffering, whether it is produced in the public or private spheres."

It is important to highlight that this legislation acknowledges the specific and differentiated nature of such violence, as well as the need to strengthen women's rights to include their needs on a social scale. In addition, the use of the term "sexist" represents a statement of intent, insofar as "sexism is the concept that generally defines behaviours of domination, control and abuse of power of men over women and which has also imposed a male model still considered by part of society to be superior" (preamble, p. 1-13 Law 5/2008).

The 17/2020 Act, passed on December 22nd of that year as an amendment to the 5/2008 Act on the right of women to eradicate male violence, outlines the concept of violence in the workplace as follows:

"physical, sexual, economic, digital or psychological violence that may occur in the public or private sphere during the working day, or outside the workplace and the working day if it is related to work"

We could say that sexist violence covers any and all expressions and types of violence that have their origin in a sexist and patriarchal system, one which divides the world into men and women, posits a stereotypical perspective of genders, and gives rise to certain power relations. These may be more or less visible and manifest physically, psychologically and economically. They occur in different environments – in couples, families, and institutional, community and work environments – and, as previously discussed, they can be direct, symbolic/cultural and structural. As a result of their structural and cultural dimensions – as explained at the beginning of this document – the causes and consequences of and responses to this violence inevitably involve society as a whole, and not just the individuals directly affected.

In terms of manifestations of LGBTI-phobia, we understand them as all violence based on socially and culturally constructed prejudice, internalised through socialisation, against all those who exist outside of cis-hetero-normativity. LGBTI-phobic violence, like sexist violence, has as its objective the upholding of the status quo as regards gender, and is therefore directed against all those

whose behaviours, attitudes, corporealities or appearances cross the boundaries of what is traditionally expected of a man or woman, including in terms of sexual desire.

When it comes to hostility learned through socialisation, the good news is that it can be unlearned and eradicated. Nevertheless, this is precisely why it is necessary to undertake work in all areas of society – including in the workplace – to address the three pillars on which violence is based: individual-relational, structural and cultural.

### 3.4. Sexual harassment, based on gender, gender identity and/or sexual preference in the workplace

In terms of the definitions and types of sexist violence in the workplace, the 7/2020 Act passed by the Parliament of Catalunya includes the following:

#### Sexual harassment

**Any unwanted verbal, non-verbal or physical behaviour of a sexual nature which is intended as or has the effect of an assault on the dignity and freedom of a woman or creates an environment that is intimidating, hostile, degrading, humiliating, offensive or upsetting to her.**

Verbal behaviour

- Obscene sexual comments.
- Making offensive sexual jokes.
- Denigrating or obscene forms of address.
- Spreading rumours about a person's sex life.
- Asking about or recounting fantasies, sexual preferences.
- Offensive comments about a person's body or physical appearance.
- Talking about one's own sexual skills/abilities.
- Offering/pressing for dates or sex.
- Demanding sexual favours.

Non-verbal behaviour

- Gazing in a lascivious manner.
- Obscene gestures.
- Use of images, photographs etc. featuring sexually explicit content.

- Offensive sexual content in letters, notes, instant messages or emails.

Physical behaviour

- Excessive physical proximity.
- Cornering, deliberately and unnecessarily seeking to be alone with the person.
- Deliberate and unsolicited physical contact (tickling, touching, unwanted massages).
- Intentionally touching the sexual parts of the body.

#### Harassment based on gender

**Any unwanted verbal or physical behaviour related to the sex or gender of women performed with the purpose or effect of violating women's dignity, integrity or working conditions because they are women by creating an intimidating, hostile, degrading, humiliating, offensive or upsetting environment that hinders their promotion, occupation of posts, access to decision-making positions, remuneration and professional recognition on an equal basis with men.**

Harassment based on gender \*

- Offensive forms of addressing someone.
- Condescending or paternalistic attitudes. Ridiculing or belittling someone's skills, abilities and intellectual potential.
- Ignoring someone's contributions, comments or actions, excluding them or not taking them seriously.
- Making sexist comments.
- Underestimating the work done by women.
- Ridiculing someone who does tasks that have traditionally been associated with the other sex.

\*These behaviours are to be considered harassment when they occur repeatedly.

#### Discrimination on the grounds of pregnancy or maternity

**Any adverse treatment of women related to existing or potential pregnancy or maternity that constitutes direct discrimination and a violation of the fundamental rights to health, physical and moral integrity and work.**

Discriminatory behaviour on the grounds of pregnancy or maternity

- Making jokes or insulting comments about pregnancy and whether the person should take leave.

- Assigning women to a position of responsibility lower than their capacity or professional category prior to pregnancy/maternity.
- Denying a pregnant woman or mother of a baby leave to which she is entitled.
- Not hiring or renewing the contract of a woman due to pregnancy (potential or real).
- Impeding a woman's professional development on account of their pregnancy or maternity (passing over for promotion).

Definitions of harassment based on gender identity or sexual orientation are set out in the 11/2014 Act which safeguards LGBTI rights and aims to combat homophobia, biphobia and transphobia.

#### Harassment based on gender identity

Any form of behaviour that is based on a person's sexual orientation, gender identity or gender expression and has the purpose or effect of violating their dignity, threatening their physical or psychological integrity, or creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment for them.

Discriminatory behaviour on the grounds of gender identity

- Repeatedly making offensive comments or gestures to a person because of their gender identity
- Failing to respect a person's chosen name
- Ignoring a person's gender identity
- Not using the pronouns with which a person asks to be identified
- Making fun of a person who expresses their gender in a different or non-binary way
- Repeatedly asking a non-binary person about their gender
- Using LGBTI-phobic language

#### Harassment on the grounds of sexual orientation

Any form of behaviour that is based on a person's sexual orientation, gender identity or gender expression and has the purpose or effect of violating their dignity, threatening their physical or psychological integrity, or creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment for them.

Discriminatory behaviour on the grounds of sexual orientation

- Repeatedly making offensive comments or gestures regarding the sexual orientation of a co-worker or their partner
- Insulting a co-worker due to their sexual orientation
- Discriminating against a co-worker because of their sexual orientation
- Addressing a gay, lesbian, bisexual, or asexual person in an offensive manner
- Ignoring the contributions of a co-worker due to their sexual orientation
- Using LGBTI-phobic language

### 3.5. Everyday sexist violence in the workplace

Given that we wish to address sexist violence in its broadest manifestations – and not only its most direct and visible expressions – we propose the following table containing examples of microaggressions, which can take place in the workplace, and be taken into account when presenting any lines of action.

#### Everyday sexist violence or microaggressions in the workplace

Everyday violence, also known as microaggressions, is the practice of sexist violence in daily life. This refers to violence which is both subtle and quotidian in the way in which it engenders discrimination towards an oppressed group, and insidious and cumulative damage. The "micro-" prefix does not indicate the scale or severity of violence, but rather its normalisation in the social milieu which has led to their invisibilisation and, therefore, their "dangerousness". These are low-intensity control and dominance behaviours which can be engaged in wittingly or otherwise, occur in a context of injustice, and are related to privileges and contextual oppression. It is important to understand that these are forms of aggressions insofar as they are carried out without agreement or consent.

Microaggressions in the workplace (some examples)

- Taking up space: both physically (physical posture, spreading one's legs, sitting at the head of the table, etc.) and symbolically (loud voice, etc.) in the workplace
- Bropropriating: appropriation of a woman's idea or work by a man who takes all the credit.

- Monopolising the conversation: constant interventions, stopping the debate and failing to give space to other participants
- Interruptions: constant and unnecessary interruptions by men when a woman is speaking
- Mansplaining: action and effect of a man who explains to a woman something that she probably already knows, and may even know better than her interlocutor. In general, these are paternalistic, and condescending behaviours, arising from cognitive biases towards a male perspective.
- Self-justification and not taking responsibility: justification or lack of recognition by some men when sexist behaviour on their part is pointed out, failing to take responsibility (playing the victim rather than taking responsibility for their behaviour)
- Lack of spacial and personal care: failing to take on reproductive and care tasks, and expecting (consciously or otherwise) that it will be women who will carry these out
- Appeal to masculine logic: invalidation of emotions via a call to reason
- Differential evaluation of work and tasks according to gender identity (reinforcing the sexual division of labour): this may involve placing greater value on productive tasks than on reproductive tasks within the organisation, or – where tasks are equally valued – affording greater value when they are performed by men (e.g. a more positive assessment of a man when he carries out a reproductive task than when a woman does so), in addition to placing greater expectations of productivity on a woman than a man when they do the same job, and placing greater value on overtime carried out by men.

### 3.6. Classification and subjects involved

The various situations of harassment that have been described above can manifest in a plethora of ways and in many areas of everyday life.

Harassment can occur in any profession, field or professional category, and in any age group. Most sexist violence is experienced by women who are harassed by men, although by no means is this

exclusively the case. Cases can also occur between people of the same gender, and by women toward men, although these are much less frequent.

#### At-risk groups

- Single women with family responsibilities
- Women who have recently entered the labour market
- Disabled women
- Women who have migrated
- Women in masculinised sectors
- Women in insecure or temporary employment (contracted or otherwise)
- Lesbian, gay, bisexual and transgender\* persons
- Young men

The legal system distinguishes between the following types of harassment:

- **Quid pro quo harassment:** this is expressly linked to sexual harassment, and occurs when the harassed person is forced to choose between submitting to sexual requests or losing certain benefits or conditions at work (including sexual blackmail).
- **Hostile environment harassment:** linked to both sexual harassment and gender-based harassment, this refers to behaviour (comments of a sexual nature, jokes, etc.) that creates an intimidating, hostile, offensive environment. This tends to require insistence and repetition of actions, depending on the severity of the behaviour.

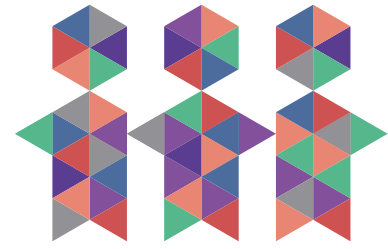
These are further defined according to the type of connection between the harasser and the harassed person:

- **Horizontal harassment:** between colleagues
- **Downward vertical harassment:** higher ranking–lower ranking employee
- **Upward vertical harassment:** lower ranking–higher ranking employee



# 4.

## Involved parties



### 4.1.

#### “ComiCol” – Protocol Steering Committee

In order to ensure that the actions contained in this Protocol are carried out, and that they are monitored and evaluated, a permanent committee made up of a team aware of and trained in the field of violence must be established. This committee will be in charge of the application of the protocol, at the same time as deploying measures for detection and prevention included therein, taking responsibility for dealing with a possible case of harassment when this is communicated and, if necessary, adopting the pertinent precautionary, remedial and disciplinary measures.

##### Characteristics of the “ComiCol”

- Whenever possible, the Commission will be mixed and balanced, albeit necessarily tending towards representing diversity (sex and gender, racial, class, etc.). This diversity can be achieved above all through the participation of the members of the assembly.
- The ComiCol will be made up by five people:
  - » **3 from the operational team**, one with an obligatory “care role”, plus two who are not on the ecofeminist transition plan commission.
  - » **2 from the members’ assembly**.
  - » upon the next rotation, this composition will switch to 2 from the operational team and 3 from the assembly.
- Nomination will be effective for 2 years. A gradual renewal and relief of the members of this committee will be sought and its composition will be subject to review.
- In order to ensure an appropriate handover and relief, the following is foreseen:
  - » preparation of an annual report including a series of indicators, data and relevant information.
  - » ongoing training and skills development for all the people involved in the organisation, both the operational team and the assembly.
  - » space and time to carry out a satisfactory handover.
- The members of the ComiCol must be sensitised, trained and provided with skills in providing assistance in cases of sexist and LGBTI-phobic violence from an intersectional perspective.
- The ComiCol may seek advice from external persons specialising in the subject matter when it deems it necessary.
- A substitute person who is able to substitute those holding a position in the ComiCol must be named, in the event that any of them are unavailable or, in cases of harassment, have a direct link with those affected.
- In the event that any of those who make up the Committee may be suspected of having committed harassment, they will be immediately replaced by the substitute person and an investigative process will be initiated.
- The Committee will meet quarterly (taking advantage of existing coordination spaces such as the bi-annual away days or the general assembly, where this is possible) and as many times as is deemed appropriate in order to carry out the assigned tasks, provide a response to cases of harassment, and evaluate and monitor the application of the protocol.

### Responsibilities of the “ComiCol”

- Development and application of the measures and actions set out in paragraph 5 of the present document.
- Quarterly monitoring of the implementation of the measures contained in the Protocol.
- Handling of complaints or inquiries regarding the different forms of harassment. The Commission must take no longer than one week from the moment at which a case is communicated (either verbally or in writing) to respond.
- Identify whether the reported behaviour is likely to constitute sexual harassment or harassment based on gender, gender identity, or sexual orientation.
- Creation of “LaCompa” (the Support Group for each specific case).
- Definition of mechanisms which guarantee confidentiality and signature of a confidentiality document in the processing of the data to which access is granted.
- Introduction of preventive, corrective, protective and precautionary measures when necessary, in order to avoid a situation of increased risk (in cases where an internal complaint is not formally filed and therefore the Protocol is not activated).
- Introduction of appropriate measures to prevent further cases of harassment.
- Maintenance of links and networking with other organisation to work on protocols.

### 4.2.

#### “LaCompa” – Support group for each specific case

In the event of a complaint, the Commission will create LaCompa, a specific group designed to provide support. This Group will consist of between 3 and 5 people. Depending on the complexity of the case, up to 5 people may be involved, with a minimum of 3 (2 from the Commission and 1 external person).

People who can take part in LaCompa:

- **2 people from the ComiCol** (where possible, 1 from the operational team and 1 from the assembly).
- where necessary, and if the affected person so requests, 1 trusted person – chosen by the affected person – may be incorporated.
- if necessary, 1 person external to the ComiCol.
- if necessary, 1 external professional in a consultancy capacity.

It is important that those chosen from the ComiCol do not have ties or any kind of personal involvement with the people concerned in each case.

### Responsibilities of “LaCompa”

- Assign a designated person in each case (from among the members of LaCompa).
- Provide a response, advice and support to the affected person.
- Propose protective and precautionary measures during the initial phase of the investigation in order to protect the affected person and prevent the aggravation of the situation (threats, reprisals, revictimisation, etc.).
- Gather as much evidence as possible for the investigation of the case.
- Carry out an investigation phase.
- Issue a report of conclusions and proposed action.
- Propose measures to properly monitor the case.
- Accompany the affected person throughout the process by way of active listening and non-victimisation.

### 4.3.

## Designated person

Once a situation of harassment has been identified and the Support Group created, this group will be in charge of assigning a designated person to the case.

### Responsibilities of the designated person

- Listening to and gathering the affected person's account of events.
- Interview with the person accused. Where necessary, the designated person will be able to count on the support of a second person to carry out this interview (in order to avoid inequalities arising from the difference in rank that may exist between the designated person and the person accused).
- Inform and advise the affected person on their rights, on the content and lines of action of the protocol, and the available internal resources
- Provide the affected person with external support channels and resources (medical, psychological, legal, etc.).
- Provide additional evaluation where the complaint is taken forward.
- Manage and safeguard documentation in the reporting and support phase, at the same time as guaranteeing the confidentiality of the documents and data created.
- Offer support throughout the entire process
- Maintain regular contact with LaCompa, reporting at all times on the steps being taken, and taking decisions in a collective manner.

### 4.4.

## Guiding principles for the handling of cases of harassment<sup>3</sup>

### Principles of action

- **Respect and protection:** the necessary discretion must be exercised in order to ensure the privacy and dignity of the persons concerned.

Proceedings must take place with the utmost respect for all involved (affected and accused persons, witnesses, etc.).

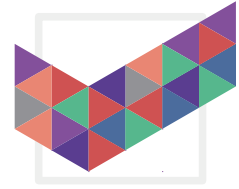
- **Confidentiality:** the information generated and provided as part of the actions taken in the application of the protocol must be confidential.
- **Right to information:** all persons involved in the process have the right to information about the organisation's procedures, their rights and responsibilities, what phase the case is in and, depending on their relation to the case (affected, witnesses, accused), the outcome of these phases.
- **Training:** in order to guarantee proceedings, the organisation must ensure the participation of people trained in the matter.
- **Diligence and promptness:** the investigation and resolution of the case must be carried out with due professionalism and diligence and without unjustified delays, so that the procedure can be completed in the shortest possible time and in respect of the commitments made. It is recommended that the maximum duration of the entire process be 20 working days, extendable, if necessary, to 30 days.
- **Fair treatment:** the procedure should ensure a fair hearing and fair treatment of all persons involved. All persons involved in the procedure must act in good faith to clarify and establish the reported facts of the case.
- **Protection against possible retaliation:** all persons involved in the procedure must be provided with guarantees of non-discrimination or retaliation for having participated in the communication or reporting of a case of harassment.
- **Collaboration:** all persons who are cited in the course of the application of this procedure have the duty to be available and collaborate where required.

<sup>3</sup> Further information on this can be found in: Commission on Equality and Working Time of the Labour Relations Council of Catalonia (2018): Orientacions bàsiques per a la persona de referència dels protocols per a la prevenció i abordatge de l'assetjament sexual i per raó de sexe. Labour Relations Council of Catalonia, Barcelona.



# 5.

# Criteria and actions for the prevention and detection of violence



## 5.1. Criteria for the inclusion of an anti-racist perspective in the ODG<sup>4</sup>

The following actions are proposed as a result of the review of the organisation, carried out with support from a range of members of the operational team and the assembly and designed to detect practices and situations that may give rise to racist discrimination either directly or indirectly, with the aim that, in 3 years time, the ODG can incorporate an anti-racist perspective both in its internal practices and external activity.

The following tables containing proposals for actions will need to be considered when preparing the ODG's 2022-2024 Strategic Plan and work plan.

### 5.1.1. Actions to address internal issues

#### Participation within the ODG and in the networks where we participate

##### Difficulties/Limitations

Lack of diversity within the operational team and the assembly

Lack of diversity in contacts and networks

##### Objectives

1. Increase diversity within the assembly and in the networks in which we participate

<b>Actions</b>	1.1 Carry out a mapping of related people and groups (anti-racist, migrant, etc.)
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<b>Indicators</b>	Number of Dedicated Sessions Document with mapping done Number of new groups involved
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<b>Deadline</b>	2023
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<b>Responsible parties</b>	Members' assembly
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#### Contents/theoretical framework (reports, studies, projects, etc.)

##### Difficulties/Limitations

Language

What are the problems, and how are they addressed?

What are the contents, and how are they expressed?

##### Objectives

2. Introduce an anti-racist perspective in the definition of the theoretical framework of the ODG and its contents

<b>Actions</b>	2.1 Internal training and discussion 2.2 Review of references, inclusion of new references and a new bibliography from anti-racist perspectives 2.3 Creation of channels for sharing what's happening elsewhere in the world
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<b>Indicators</b>	No. of people who participated (divided by gender) Training included in the 2023 training plan No. of sessions held to work on new references No. of new additions made to the bibliography No. of sessions undertaken No. of people who participated (divided by gender) Channels included in the 2023 training plan
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<b>Deadline</b>	2023/24
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<b>Responsible parties</b>	Care role (in conjunction with external activity and policy coordinators) Members' assembly
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4 Additional resources for developing actions are provided in Annex 1.

## Planning and evaluation of external activities

### Difficulties/Limitations

Lack of objective information about who can attend and who cannot

### Objectives

3. Incorporate an intersectional perspective in the organisational development of an activity (planning, design, execution and evaluation)

<b>Actions</b>	3.1 Application of an intersectional perspective in planning (use the questions guide in Annex 1) 3.2 Provision of channels for evaluation from an intersectional perspective (use the questions guide in Annex 1) 3.3 Data collection from an intersectional perspective (incorporate questionnaires to identify origin)
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<b>Indicators</b>	No. of additions made from an intersectional perspective Time spent on evaluation No. of additions made from an intersectional perspective Data collected from an intersectional perspective
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**Deadline** 2023/24 (To be initiated at next seminar)

**Responsible parties** Operational team  
Members' assembly

## Incidents of racist violence that may occur internally

### Difficulties/Limitations

Lack of mechanisms on how to prevent and address them

### Objectives

4. Prevention and handling of racist violence that may occur within the ODG

<b>Actions</b>	4.1 ComiCol: introduce an anti-racist and intersectional perspective to work on addressing internal racist, sexist and LGBTI-phobic violence (look for external references who can provide support)
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<b>Indicators</b>	No. of sessions undertaken Existence of a report/document inclusive of the necessary amendments to the present protocol
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**Deadline** 2024

**Responsible parties** ComiCol

## 5.1.2

### Actions to address external issues

## Racist comments/violence in external activities

### Difficulties/Limitations

Lack of mechanisms to prevent and address them

### Objectives

5. Prevention and handling of racist violence in external activities organised by the ODG

<b>Actions</b>	5.1 For speakers: send a prior email explaining that a protocol is being developed internally to prevent and address sexist and racist violence, and share a series of criteria to be taken into account 5.2 For attendees: communicative actions at the start of the event, posters, information on the registration form, etc. highlighting the existence of the protocol and how it will be applied 5.3 ComiCol: inclusion of an anti-racist and intersectional perspective in order to address instances of internal racist, sexist and LGBTI-phobic violence (look for external references who can provide support)
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<b>Indicators</b>	5.1. No. of criteria defined by the ODG. No. of emails sent informing of this process 5.2. No. of communicative actions taken. No. of people reached (segregated by gender) 5.3. No. of sessions undertaken. Existence of a mini protocol with a collection of clear indications on how to address such violence
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**Deadline** 2022/23

**Responsible parties** ComiCol

## 5.2. Actions for the detection and prevention of sexist and LGBTI-phobic violence

### 5.2.1 Prevention measures

#### Objective 1

Make the Protocol known

**Actions** 1.1 Awareness-raising campaign (internal and external) regarding the Protocol, in order to inform and raise awareness of its existence and the need for both the Protocol and its implementation

**Indicators** Carrying out the campaign

**Deadline** 2022

**Responsible parties** Communication

#### Objective 2

Respectful and safe channels through which malaise, feelings, desires, needs, etc. can be expressed as a means of preventing future conflicts and violence

**Actions** 2.1 Continual scheduling of training to work on internal relations and power dynamics, paying particular attention to everyday violence (microaggressions) that may be occurring within the organisation

**Indicators** No. of meetings undertaken  
No. of people attending the meetings (segregated by gender)  
No. of topics addressed

**Deadline** 2022-24

**Responsible parties** Care role

#### Objective 3

Involvement of the entire organisation in the development of the Protocol

**Actions** 3.1 Review of the ODG's collective working conditions, so that work is done as a team and agreements are reached regarding the measures for discipline, recovery and reparation contained in this protocol

**Indicators** Existence of the document following undertaking of review and reaching of agreements  
No. of people involved in the work sessions  
No. of measures developed and introduced

**Deadline** 2023

**Responsible parties** Care role

### 5.2.2 Detection measures

#### Objective 1

Report on the operation of the Protocol's lines of action

**Actions** 1.1 Establishment of a channel – or several clear and safe channels – for handling complaints about harassment and making them known both internally (to the operational team and members' assembly) and externally (via the website, social media, events, etc.)

**Indicators** Defined channel  
No. of informative actions taken to raise awareness of the channel

**Deadline** 2022

**Responsible parties** ComiCol

## Objective 2

Training and provision of resources to ComiCol members, as those who handle complaints, in order to be able to act with the utmost rigor (with the possibility that these are extended to all parties involved).

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<b>Actions</b>	2.1 Training and capacity building of ComiCol members in the detection of and provision of care in cases of sexist and LGBTI-phobic violence in the workplace
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<b>Indicators</b>	No. of training sessions carried out No. of people receiving training (segregated by gender)
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<b>Deadline</b>	2022/23
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<b>Responsible parties</b>	ComiCol
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## Objective 3

Monitoring and evaluation of the Protocol and the cases handled

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<b>Actions</b>	3.1 Recording and preparation of annual reports of cases and the actions carried out by the committee (taking into account an intersectional perspective). The recording, handling and study of this data provides valuable information in order to establish frequency, define risk indicators, and monitor, appropriately evaluate and improve or adapt the Protocol
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<b>Indicators</b>	Existence of the annual report No. of registered records
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<b>Deadline</b>	2022/24
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<b>Responsible parties</b>	ComiCol
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## 6.

# Addressing situations of sexual harassment, harassment based on gender, gender identity and/or sexual orientation in the ODG: procedures and lines of action



This section outlines the characteristics and phases of the lines of action for handling cases of sexual harassment and harassment based on gender, gender identity and/or sexual orientation in the workplace which are to be activated as soon as any notification or complaint regarding a situation of harassment is made.

There are two ways in which a case of harassment can be reported: via internal communication or as a formal and external complaint.

By external, we refer to both civil (Labour Inspection) and judicial proceedings. Any internal route refers to that which is the organisation's own. The former imply a greater degree of formality and legal validity. On the other hand, the internal route allows for preventive, corrective and protective measures to be adopted more readily in dealing with a case of harassment. It should be noted that these two routes are not incompatible, and use of both can be made when deemed appropriate. Choosing one or another, or both, is a decision that only the person affected can take.

Regardless of the chosen route (internal or external), from the moment in which a case of harassment is brought to the organisation's attention, the Commission will be activated immediately. Below we address the line of action for handling harassment externally, and the different phases of the internal route.

### 6.1.

#### External complaints

As already indicated, civil (Labour Inspection) and judicial proceedings offer the two possible external avenues for the resolution of any given case. The

choice of one or the other depends on a series of different factors, among which are the severity and extent of the incident or incidents, and the position of the alleged harasser in relation to the harassed person (differences in power, status, etc.).

It is habitual to first recur to civil proceedings, and thereafter to judicial proceedings. The involvement of the Labour Inspection in proceedings offers the benefit of immediacy and ex officio investigation. Additionally, the facts established in these circumstances are presumed to be correct and can be upheld in any subsequent judicial proceedings. Judicial proceedings should be resorted to from the very moment in which behaviour may constitute a criminal offence.

In the event that the affected person requests advice from the ComiCol on available external avenues which could be of use to them, it will be necessary for those involved to:

- Jointly assess with the affected person the severity and scope of the incident or incidents: clarify if it is an isolated incident or a repeated pattern of behaviour over time, assess the power and position of the alleged harasser in relation to the harassed person, etc.
- Pay attention to the choices and needs of the affected person.
- Clarify any doubts regarding the characteristics and objectives of each of the available avenues (civil and judicial).

If necessary, the persons involved may call on the support of a specialist in the matter (lawyer, psychologist, etc.), when providing this advice. Whatever route the person affected eventually

decides to take, the Commission will carry out continuous monitoring of the case.

### Let's apply an intersectional perspective!



If we refer the case to the courts, it should be noted that:

- In the event that a situation of sexist violence is detected in a domestic context and involves someone who has migrated from another country:
  - » the complaint can be made both at a police station or to the offices of the gender violence court; it is important, therefore, to keep in mind that it is not necessary to go to the police should the person not wish to.
  - » whatever the legal residential status of the assaulted person, they have the right to report the case; if their status is open to challenge, they may request a residence and work permit for both themselves and their children.
- In the event of a case of sexual harassment in the workplace affecting someone who has migrated from another country:
  - » whatever the legal residential status of the assaulted person, they can report the harassment; if their status is open to challenge, they may request a residence and work permit for both themselves and their children.
- It is important to take questions of language and attendant support into account and, if the person requires it, to be able to provide support and an interpreter when filing their complaint.
- If the person who has committed the harassment is someone who has migrated from another country and/or their legal residential status is open to challenge: it must be taken into account that a criminal record may impede the obtention or renewal of their work or residence permit. This entails a double penalisation that those with Spanish nationality do not suffer.
- In cases of LGBTI-phobic harassment in the workplace: the Government of Catalunya offers [a specific LGBTI-focused Labour Inspection service](#).

## 6.2.

### Internal communication<sup>5</sup>

Anyone who believes that they are experiencing sexist, sexual or LGBTI-phobic violence in an activity or work space of the ODG (defined previously), may communicate this to the Commission verbally or in writing. At the same time, anyone who witnesses any of the aforementioned types of harassment is obliged to report it to the Commission.

#### Verbal communication

Anyone who is experiencing a situation of harassment can communicate this verbally:

- To any of the members of the ComiCol.
- To a trusted person, who will be required to communicate this to the ComiCol.
- To the care coordinator, who will be required to communicate this to the Commission.

As such, anyone who is experiencing or who has witnessed harassment may report it by communicating this verbally to the Commission. In the second of these circumstances, it will be necessary for the Commission to contact the person affected to inform them that notice has been given of the situation, to listen to their account, to inform them of possible actions and to identify their needs and wishes with respect to the following steps to be taken.

The Commission must take no longer than one week from the moment in which a case is communicated (either verbally or in writing) to respond.

#### Written communication

In the event that the choice is made to report a situation of harassment in writing, this may be done by:

- Sending an email to the ComiCol (personal address)
- Directly filing a formal complaint<sup>6</sup>

As in the case of verbal communication, when the email is sent by a person who has witnessed

5 Outline of the lines of action (Annex 2)

6 Complaint form (Annex 3)

a situation of harassment, it will be necessary to contact the person affected and obtain their express consent before initiating the procedure. A formal complaint may only be lodged by the person affected.

### Let's apply an intersectional perspective!



- It is necessary to ensure that the parties responsible for taking action are representative of the diversity found in society, in terms of sexual and relational diversity, racialisation, nationality, languages, religions, socio-economic situations, etc.
- It must be remembered that gender is racialised, and therefore the experience of violence faced by racialised women and trans people will be intersected by the interrelationship between racism, patriarchy and capitalism
- Thus, attention must be paid to the different factors involved in how violence is experienced beyond the question of gender: economic dependence, dependence on employment, legal status, responsibility for the care of children, etc.

When handling cases of sexist violence, it is important to take into account the different axes of privilege/injustice relevant to the parties involved (both the affected person and the person who may have committed the act of aggression).



Regardless of whether or not the affected person wishes to formalise the complaint and initiate the protocol, the Commission will monitor the situation and its evolution, apply the preventive measures it deems appropriate, and assess in each specific case the need or otherwise to apply corrective measures (the adoption of these measures must be put in writing and, wherever possible, it is better that they are negotiated with and accepted by the affected person).

**Preventive measures:** these cover the measures proposed in paragraph 5 of this Protocol and others that may arise during the implementation thereof. These measures are primarily aimed at reducing the risk of suffering harassment.

**Corrective measures:** these are applied when a risk of harassment is detected, or harassment has already taken place; therefore, they may influence the situations which require their use, and can serve to avoid these worsening or being repeated. To implement these measures, periodic risk detection studies must be carried out, as well as a thorough analysis of the factors that have led to any harassment should this have already occurred.

Once a situation of harassment is communicated verbally or in writing and express consent is given to initiate the protocol, the following phases of the action procedure will be activated.

#### 6.2.1 Phase I: support and advice

Once the communication of a case of harassment has been received, the ComiCol will establish LaCompa (which will be the only body with full details of the case) and will assign a designated person to the case within a maximum of 3 working days. It is important that those who make up this Group are able to offer a safe space for the affected person.

Once the designated person has been assigned the case, they will provide initial engagement with and advice to the person affected, with the aim of:

- ensuring the affected person's version of events is heard, identifying which elements of this may constitute harassment, and defining their severity
- assessing the level of risk
- assessing whether an internal resolution is feasible and, if not, report on the external resources available
- clarifying for the person affected the phases of the internal procedure
- providing information about psychological, social and legal care resources

### Recommendations for continued support for the affected person



- deliberately and actively ask and listen
- avoid revictimisation and the affected person having to constantly retell their story.
- do not cast doubt on, blame or question the person and their version of events
- do not minimise or relativise the impact of violence.
- recognise the harassment as a shared problem and not an isolated or private phenomenon.
- convey calmness and assuredness, valuing and supporting the affected person
- follow and respect their rhythms (do not pressurise them).
- respect their privacy and confidentiality
- always keep the needs of the affected person in mind.
- ensure regular communication with the affected person, informing them at all times of the steps being taken and the agreements made.
- in the event that the person speaks a language other than those that we speak, provide an interpreter (sensitised in matters of sexist violence) in order to ensure clear and regular communication.

Once this initial accompaniment has been carried out, the designated person will meet with LaCompa to decide how to proceed. At this point, the following may occur:

- a. LaCompa does not detect evidence of harassment. The case will be closed and no action will be taken.
- b. LaCompa detects evidence of harassment. The affected person will be informed of the steps to follow, with 3 possible situations:
  - » The affected person decides not to continue with the procedure: in this case, the Group may also evaluate and propose preventive and precautionary measures (depending on the case and where it is deemed appropriate), and continue to monitor the situation.
  - » The affected person decides to continue with the procedure externally: the designated person will advise them on the external resources and procedures available, and the case will be followed up.
  - » The affected person decides to continue with the procedure internally: the case will be taken to phase II.

In the latter case, and prior to the start of this investigation phase, the person affected will be called to a second interview, which must ensure:

- Support and accompaniment of the affected person in the drafting and formalisation of an internal complaint.
- Clarification of their version of events once the relevant facts have been identified.
- Collection of additional material evidence.
- Communication of the possibility of applying protective and precautionary measures, asking for the affected person's opinion.



**Protective and precautionary measures<sup>7</sup>:**

depending on the risk and/or harm done to the harassed person, once the procedure has been initiated and until its finalisation – and provided there is evidence of harassment – LaCompa may propose the adoption of precautionary measures to management. These are temporary measures aimed at protecting the person concerned and preventing the aggravation of the situation. The implementation of these measures are subject to the acceptance of the harassed person. Some pointers regarding when to implement these types of measures include: that the affected person is manifestly upset, fearful, suffering from insomnia and/or lack of understanding by colleagues or co-workers, in addition to other circumstances such as the existence of similar precedents or indicative evidence. By way of example, some common precautionary measures include a change in role or reorganisation of working time or paid leave; however, in no case should these measures suppose a reduction in their working conditions and/or salary of the harassed person.

## **6.2.2 Phase II: investigation**

The objective of this phase is to thoroughly investigate each case in order to produce a binding report on the existence or otherwise of harassment and, if it is the case, to classify this harassment in order to identify the relevant measures to be taken subsequently. In order to carry out this investigation, all the information regarding the situation offered by the affected person will be gathered. This information only needs to provide indicative evidence of harassment, and it is up to the alleged harasser to disprove these, according to the procedural principle of a reversed burden of proof. This notwithstanding, all information provided by the affected person will be of great use to the investigation. It is important that this phase does not last longer than 30 working days.

As such, the next step is to inform the accused person of the facts of which they are accused, giving them the opportunity to be able to present their account. Where necessary, potential witnesses to the situation may be summoned, with a guarantee of confidentiality.

The interview with the person against whom an accusation is made – carried out by the designated person assigned to the case – aims to:

- Inform this person that they are the subject of a harassment complaint.
- Listen to their account of events.
- Clarify allegations without disclosing data that violates the privacy of the affected person.
- Seek clarification of the account of events insofar as these are considered relevant to or constitute harassment.
- Ask that the accused provides evidence or witnesses, if applicable.

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7 Direcció General de la Funció Pública (2015): Protocol per a la prevenció, la detecció, l'actuació i la resolució de situacions d'assetjament sexual, per raó del sexe, de l'orientació sexual i/o de la identitat sexual a l'Administració de la Generalitat de Catalunya. Ed.: Generalitat de Catalunya, Barcelona.

### Considerations during the investigation phase

- LaCompa is responsible for oversight and safeguarding of the set of documents that are created during this phase, with their confidentiality being paramount.
- If any party requests a meeting or interview, this request must be granted.
- All persons involved have the right to be assisted by representatives or advisers.
- Any and all parties can refuse to testify. However, it must be remembered that it is the responsibility of everyone who makes up the organisation to report and act in the face of potential cases of harassment.
- Any and all of the parties involved have the right to appeal should they disagree with the decision of LaCompa.
- The person against whom an accusation has been made has the right to receive information on the progress of the procedure and to be notified of the precautionary and sanctioning measures that will be applied.
- If a person reports sexual harassment or harassment based on gender, gender identity or sexual orientation and provides substantiated indicative evidence, it is up to the person accused to prove that they have not violated their right to privacy and well-being (reversal of the burden of proof).
- Under no circumstances will mediation be employed as a mechanism to resolve a case of harassment or as part of the investigation phase.

The investigation process will conclude with a binding report, drawn up by LaCompa, which will include the conclusions of the investigation and propose the measures deemed appropriate.

The report shall include, at minimum, the following information:

- Identification of the person who filed the complaint.
- Identification of the person against whom the complaint has been made.
- Identification of the designated person assigned to the case and of the members of LaCompa.
- Summary of the principal facts and arguments put forward by the persons involved.
- Summary of the actions carried out by LaCompa or expert personnel and of the evidence obtained.
- Any additional evidence that provides information which is useful to the process.
- Resolution (conclusions):
  - » Assessment of the case.
  - » Type of misconduct (minor, serious, very serious).
  - » Proposed measures differentiated by type (recovery and reparation, and disciplinary/sanctions): these measures must be accompanied by a specific timeframe or schedule so as to be able to monitor and review their degree of compliance.
- Aggravating circumstances observed<sup>8</sup>:
  - » The person reported has committed harassment in the past.
  - » Two or more people have been subject to harassment.
  - » Intimidating or retaliatory behaviour by the harasser is proven.
  - » The harasser has decision-making power with respect to the harassed person's employment.

<sup>8</sup> Direcció General de la Funció Pública (2015): Protocol per a la prevenció, la detecció, l'actuació i la resolució de situacions d'assetjament sexual, per raó del sexe, de l'orientació sexual i/o de la identitat sexual a l'Administració de la Generalitat de Catalunya. Ed.: Generalitat de Catalunya, Barcelona.

- » The harassed person is in some way disabled.
- » The physical or psychological state of the harassed person has been seriously affected (accredited by a doctor).
- » The harassed person, witnesses, colleagues or family members have been subject to pressure or coercion with the intention of avoiding or hindering the investigation being carried out.

### Let's apply an intersectional perspective!



When carrying out the final assessment of the case and defining the measures to be taken, it is necessary to take the following into account:

- Specific needs that the affected person may have: avoid homogenising their needs from a Western perspective.
- Reflect on whether the measures being put in place may result in the reduction of other forms of structural violence.
- Whether or not the person who has committed an act of harassment is affected by one or more axes of injustice (race, sexual preference, gender identity, etc.).

## 6.2.3 Phase III: implementation of measures<sup>9</sup>

### Measures for recovery and reparation

From the perspective of restorative justice, these types of measures are aimed at ensuring the participation of the people affected and involved in the case, in order to collectively identify and address harm, needs and responsibilities, and with the intention of transforming the social conditions that perpetuate violence. The application of measures of this type pursues a threefold objective:

- To create a space of safety, care and agency for the person who has been subject to harassment.
- To stimulate and support a sense of accountability and change on the part of the person who has committed harassment.
- To place additional focus on the affected parties within the organisation and their responsibility.

	<b>Measure</b>	<b>Description</b>
<b>Reparation process for the harassed person</b>	1.1 Definition and rollout of specific restorative measures	<p>These types of measures are linked to the needs of the victim and to the resources of the ODG.</p> <p>Possible measures:</p> <ul style="list-style-type: none"> <li>• Financial compensation</li> <li>• Working time changes, leave of absence, flexible hours, remote working, internal transfer, etc.</li> <li>• Support and/or social, psychological or physical health care aimed at overcoming their suffering or to repair in one way or another the harm caused</li> <li>• Referral to external organisations or agents specialised in reparative justice</li> </ul>
	1.2 Public recognition	<p>Make the case public and render it visible, in addition to acknowledging the status of victim/survivor of violence, always with the utmost discretion.</p> <p>In the event that the harassed person so wishes, the right to recognition as a victim/survivor of violence will not be publicised or communicated to third parties.</p>
<b>Process of accountability of the person who has committed harassment</b>	2.1 Recognition and awareness of the harassment which has occurred	<p>The person who has committed harassment will be given the opportunity to go through a process of reparation by means of acknowledging, taking onboard and understanding what they have been accused of. This act also involves recognising the ways in which the harassment has caused harm, and being able to identify and name the types of situations that trigger or facilitate abusive or harmful behaviour, in order to develop clear strategies to ensure that this does not occur again.</p>
	2.2 Participation by the organisation in the proposed actions in order for responsibility to be taken	<p>LaCompa, taking into account the available resources, will propose the following actions:</p> <ul style="list-style-type: none"> <li>• Individual therapy (we recommend SAH: Servei d'Atenció a Homes)</li> <li>• Support group for the harasser (it is advisable that this be made up of men)</li> <li>• Workshops that question hegemonic masculinities</li> </ul>

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**Community  
action, care and  
accountability  
work**

**3.1 Communication  
and awareness for  
staff**

When the affected person is ready, make the case known to the organisation's entire staff.

It is also necessary to raise awareness through the review of those aspects that may have contributed to harassment taking place in the work environment:

- Recognise collective responsibility in creating a culture or conditions that facilitate harassment. Take into account any responsibility in terms of the organisation's culture or conditions in the perpetration, tolerance, excusing or support of harassment, injustice and sexist violence.
- Change and transform the culture or conditions of the organisation. Take preventive measures to change and transform the organisation's culture, structures and practices where these may indicate tolerance, approval, encouragement or the perpetration of harassment, injustice and sexist violence.

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**3.2 A restorative  
process involving  
the whole  
organisation**

Offer one or several restorative circles (steered by an external person) designed to create a space in which to address the malaise and suffering that the handling of the case may have caused to all those involved, and as a means of redressing, healing and providing closure to the entire process.

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**3.3 Assessment and  
evaluation of the  
process**

- Internal (LaCompa): those who have provided support and overseen the case should be able to evaluate and give feedback on the entire process; space should also be given over to sharing how they have felt, and if they wish to continue in the ComiCol or to stand down.
  - With the affected person: hold a final closing meeting in which the affected person can share and provide feedback on their experience of the process as a whole.
-

## Disciplinary measures

Disciplinary measures are the most complex to establish in a protocol, and by their nature must fall in line with the diverse regulatory frameworks of the organisation: statutes, internal regulations and the collective bargaining agreement to which the organisation adheres; in the case of the ODG, this is the Offices and Business Premises agreement (Catalunya).<sup>10</sup>

The role of LaCompa should be to correctly identify the type of misconduct which has taken place and propose measures based on an assessment of the case, taking into account the applicable regulatory framework.

Whatever the classification (minor, serious, very serious), the person who has committed the act of harassment will be given the opportunity to engage in a process of restorative justice centred on the taking of responsibility (reparative measures). However, it should be noted that in no case will these measures replace the disciplinary measures established in this protocol and, in the event that the person is unwilling to engage in the accountability process, sanctions will be applied directly.

## 6.2.4 Procedure when reporting everyday sexist violence in the workplace

In the event that one wishes to report symbolic violence or microaggression which occurs in the work environment, the channels of communication will be the same as in the case of a harassment complaint: verbal or written communication.

In this case, the procedure to be adhered to is as follows:

1. Two people from the ComiCol will meet with the person who has communicated the attitude/behaviour in question, in order to gather all the necessary information.
2. Subsequently, these same people from the ComiCol will meet with the person accused, to give them an initial warning that they have engaged in sexist attitudes or behaviour which make someone within the organisation feel uncomfortable and aggrieved, and that it is necessary that this cease immediately. The nature of how this violence is considered will be made explicit to them, as will their need to be more conscientious about it. They will be offered resources and measures to work on it: individual intervention, workshops on masculinity and everyday violence, etc. This may also be a good time to develop preventive measures and address the issue collectively. Lastly, they will be informed that, should they continue to engage in microaggressions, a second warning that may be accompanied by further measures will follow.
3. In the event that the accused person continues to engage in sexist attitudes/behaviour or does not participate in any of the measures proposed by the Commission, a second warning will be made and the affected person can choose to activate the protocol through the filing of an internal complaint. Henceforth, the lines of action described in section 6.2 will be followed.

**Annex 1.****Criteria and resources to develop an anti-racist and intersectional perspective**

Criteria/questions for addressing **participation** and **internal organisational structures** from an anti-racist perspective



1. How is our organisation organised internally?
2. Is the team diverse?
3. What requirements are required to work here?
4. What limits exist?
5. What axes of inequality play a role in the team's composition?
6. What is the make-up of the assemblies and other bodies of the ODG?
7. Is training carried out from an intersectional perspective?
8. Are there channels for supervision or professional support in the work environment?
9. Is there a network of stakeholders, organisations, groups and services from whom to seek support? Are they run-of-the-mill or do they include an anti-racist perspective in what they do?
10. Is a feminist and intersectional perspective applied in recruitment policies and processes?
11. Is the ODG's staff diverse?
12. Is disaggregated demographic/employment data regarding staff members collected?
13. Are a variety of skills, life experiences and knowledge that go beyond academic credentials taken into consideration when hiring?
14. Are vacancies advertised outside the organisation's regular networks?
15. Is the burden of unpaid care work that many women experience in their personal lives taken into consideration, and support offered accordingly (e.g. parental leave, health plans including family planning, flexible working hours)?
16. Are the work and experience of women employed on an occasional basis, as guest speakers or temporary staff being properly valued?
17. Do participatory spaces feature representation of people, organisations or figureheads affected by the various axes of inequality?
18. What can be done to include voices that are not normally represented in participatory spaces?
19. What aspects favour or hinder the involvement of certain groups in participatory spaces (for example, formal requirements, meeting times, spaces in which meetings are held, accessibility, etc.)?
20. What can be done to reduce such obstacles and facilitate the involvement of all groups?
21. Are strategies or schemes put in place with the express aim of reaching groups that are not habitually represented?
22. Do the people and groups represented feel they have the same legitimacy and recognition as others? If not, how can this be balanced?
23. Could a space for participation be created that focuses on issues or objectives shared by various groups?

Criteria/questions for introducing a feminist and anti-racist perspective into the **development of activities/projects** (planning, support, implementation and evaluation)



## Activity Planning

### Activity proposal:

1. Who tends to take the initiative in making the proposal? Are the same people always in charge of making the proposal?
2. Who decides on the validity of the proposal?
3. With regard to the proposals for activities that aim to address inequality between women and men, is non-mixed decision-making (women only) considered? Which men and which women are involved?
4. What about proposals for activities that aim to address racial inequality?

### Internal roles:

1. Who is responsible for considering and preparing the content of the proposal?
2. Who participates and decides on the themes of the activities?
3. Who is seen as the driving force behind the proposal? Who takes “the credit” for the work carried out?

### Content of the activity:

1. Does the content take into account a feminist and anti-racist perspective? In other words, is there an acceptance of the existence of relations of inequalities and discrimination when defining the scope of the activity?
2. At the same time as setting out an activity schedule, is a differentiated distribution of uses of time taken into account?
3. Is the activity aimed at a diverse audience (taking into account age, gender, social class, race, physical mobility, etc.)?
4. Is there parity in the group of people who carry out the activity? Would it be possible to increase the representation of women or people who face discrimination?
5. Is the cost of the activity affordable for everyone?
6. Is the content reviewed in order to ensure it is not sexist, LGBTI-phobic, racist, etc.?
7. Has any measure been taken to increase the activities that are carried out from a feminist and anti-racist perspective in the programming as a whole?
8. Are measures in place to ensure that groups with little representation in the public sphere can participate in the activity comfortably and securely?



**Promotion of the activity (communication and publicity):**

1. Is care taken to ensure gender stereotypes are not reflected in the design of promotional material? Is the meaning of the images, colours and shapes clear, or could they be associated with certain gender roles?
2. On posters and in images, is there an equitable presence of men and women?
3. In the aforementioned promotional material, is the female body used more than the male body as a means of drawing attention (objectification)?
4. Is the language used in promotional materials and when advertising the activity inclusive?
5. Are a diversity of channels used in order to reach everyone?
6. Which language is used for communication?
7. On posters and in images, do racialised people feature? How are they represented?
8. In promotional materials, how are racialised people represented?

**Carrying out the activity:**

1. Is consideration given to the space where the activity is carried out being fully accessible?
2. Is consideration given to the space being safe (lighting, etc.)?
3. Has thought been given to whether a reception area is necessary as a means of resolving potential conflicts?
4. What are and how are the roles of those running the space or activity assigned?
5. Is a protocol for action envisaged in the event of any aggressive behaviour? Is there a committee responsible for prevention and action? Are any racialised people part of this committee?

**Evaluation of the activity:**

1. Does the data collected allow us to cross-reference information taking into account the axes of inequality that mark the issue at hand?
2. Are affected individuals or groups involved in this assessment?
3. What impact have actions had, taking into account the different axes of inequality?
4. Are the inequalities detected lesser, unchanged or greater following action being taken?
5. Bearing in mind the diversity of the groups concerned, who has not been reached? Why?
6. What can be done, in future activities, to reach people who have not benefited from the actions undertaken?
7. Have these actions had an unintended or unforeseen negative impact in terms of other axes of inequality?
8. What can be done, in future activities, to address possible undesired impacts?
9. To what extent has the activity changed the way relationships and structures of inequality (within and among the operational team, stakeholders and beneficiary groups) are viewed?
10. Have the results of joint work in addressing the different axes of inequality led to an improved capacity to respond to the problem?
11. Have there been changes in the outlooks of operational staff, affected groups and other stakeholders involved?

Criteria/questions for incorporating an intersectional perspective when **designing an external activity**

**Disability:**

1. Are meeting and event spaces physically accessible?
2. Are events held in accessible areas?
3. Are there lifts and/or ramps for accessibility?
4. Does the meeting room have enough space to move around using mobility assistance devices?
5. Does the facility have accessible bathrooms?

**For the inclusion of care responsibilities:**

1. Does the event or meeting take place at a time when women may be participating in unpaid care work: bedtime, dinner time, or school pickup?
2. Are childcare facilities available?
3. Is reimbursement offered for child care costs?

**For gender inclusion:**

1. Who would benefit from or like to participate in the event or meeting being planned?
2. Would non-binary, trans and queer people identify with the theme of the event?
3. Are gender-neutral bathrooms available?
4. Is the event or meeting open to men? Think about the type of event or meeting being planned.

**For cultural inclusion:**

1. What information and updates about cultural inclusion practices are there?
2. Have cultural calendars been taken into account to ensure that event does not fall during major religious or cultural events and holidays?
3. Has a space such as an interfaith centre or a space where participants can go to pray, meditate or sit silently been offered?
4. Have dietary restrictions been taken into consideration?
5. Have racialised groups been included as members or as part of the planning committee?
6. Has the event been promoted via community groups and organisations known to be racially and ethnically diverse?
7. Is interpretation offered?

**For socio-economic inclusion:**

1. Does the event or meeting take place at a time when women are at work? Was the event widely promoted?
2. Is financial payment offered in exchange for participation?
3. Are travel, accommodation etc. expenses offered to guests and facilitators?
4. Is the event easily accessible by public transport?
5. Is food and drink available when meetings are held at mealtimes?
6. Is time allotted for networking during events, rather than before or after?

**Ensure that all women's voices are represented on panels and that they can contribute significantly:**

1. Who heads the panel?
2. Who sits on the panel? Who does not? Why?
3. What are the obstacles to ensuring the inclusion of diverse groups of women?
4. Have review processes been implemented to ensure that all barriers to participation are removed?
5. Are efforts made to move out of our comfort zone, in order to foster new collaborative and inclusive connections between activists and organisations?
6. Is care taken to ensure no woman's voice is excluded because of language barriers?

**"Tokenism":**

1. Are people invited to participate in a meaningful way, or as a means of checking a diversity box?
2. Has a diverse group of voices been invited to the table instead of relying on a single individual to speak on behalf of a group?
3. Are marginalised women invited to speak extensively about women's rights and feminist issues, rather than speaking solely on behalf of marginalised women and/or about marginalised women's issues?
4. Do women from diverse groups feel comfortable talking about their experiences in multiple cultural settings?

**References relating to these questions:**

Astudillo, C. i Sánchez, D. (2022). *Joves i mirades diverses. Guia per una educació afectivosexual amb mirada interseccional*. Barcelona: Agència Catalana de Joventut, QSL Serveis Culturals i Col·lectiu i+.

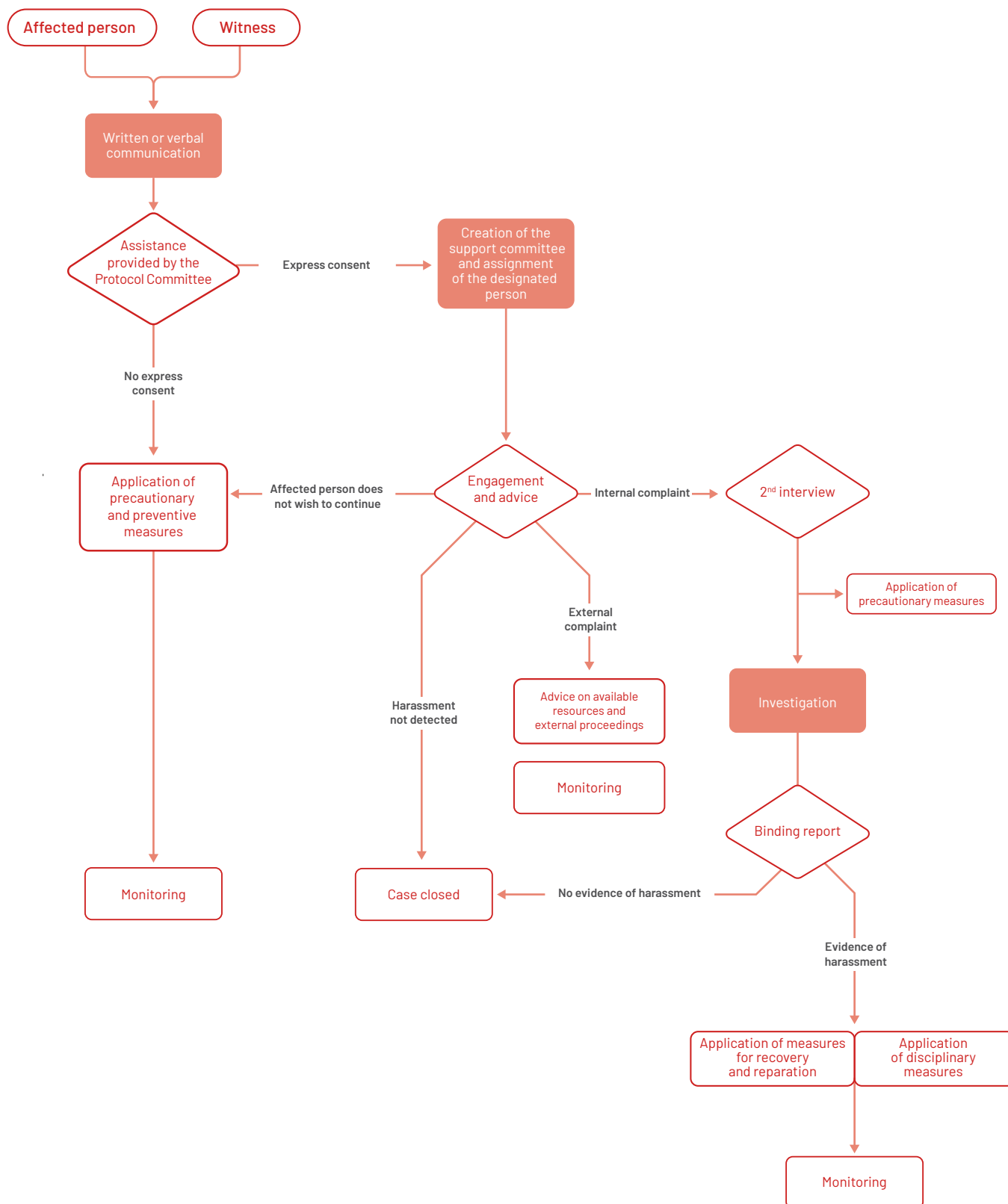
Canadian Research Institute for the Advancement of Women (2021), *A Guide to Building Feminist Interseccional Solidarity*, Ottawa: ON Canadian Research Institute for the Advancement of Women.

CAWI (2015). *Advancing Equity and Inclusion. A Guide for Municipalities*. Ottawa: City for All Women Initiative.

Gerard Coll-Planas y Roser Solà-Morales, *Igualdades conectadas, guía para incorporar la interseccionalidad en las políticas públicas*, Ayuntamiento de Terrassa, 2019.

Karlos Castilla, *Datos para la identificación de interseccionalidades en el Estado español: ¿una misión imposible hoy?*, Barcelona, 2020.

## Annex 2. Lines of action



### Annex 3.

## Internal complaint document

Internal complaint form. ODG Protocol on addressing violence
<p>Details of the person registering the complaint (affected person)</p> <p>Name and surname:</p> <p>ID Number:</p> <p>Age:</p> <p>Gender:</p> <p>Telephone number:</p> <p>E-mail:</p> <p>Cooperative to which person belongs:</p> <p>Link with the ODG:</p>
<p>Type of harassment:</p> <p><input type="checkbox"/> Sexual</p> <p><input type="checkbox"/> Gender-based</p> <p><input type="checkbox"/> Due to pregnancy or maternity</p> <p><input type="checkbox"/> Harassment based on gender identity</p> <p><input type="checkbox"/> On the grounds of sexual orientation</p> <p><input type="checkbox"/> Other:</p>
<p>Description of events:</p>
<p>Protocol activation request</p> <p>I explicitly consent to the activation of the ODG Violence Prevention and Response Protocol.</p> <p>Signature:</p> <p>_____ of 202_____</p>

**Annex 4.****List of organisations and professionals****Legal support and advice on sexist and LGBTI-phobic violence**

- [Nemesi Advocades](#)
- [Dones Juristes](#)
- [Elna Advocades](#)
- LGBTI Area ([Labour Inspection](#)) of the Government of Catalonia
- [Centre LGTBI](#)

**Legal support and advice on racial discrimination**

- [lacta](#)
- [Mujeres Migrantes Diversas](#)
- [T.i.c.t.a.c - Red jurídica antiracista](#)
- [Migra Studium](#)
- [SOS Racisme](#)
- [Oficina per la no discriminació](#)

**Psychological support and accompaniment for the person affected**

- [PIAD](#)
- [SIE](#)
- [Hèlia Dones](#)
- [Creación positiva](#)
- [Centre LGTBI](#)
- [Gestalt Feminista LGTBIQA+](#)
- [Diàlegs de dona](#)
- [Mujeres Pa'lante](#)
- [Úrsula Santa Cruz Castillo](#) (specialised in violence against migrant women)
- [Cristina Cardenas](#) (specialised in violence against migrant women)
- [Inma Pascual](#)

**Intervention with the person who has committed harassment**

- [SAH](#) and [Canviem-ho](#)
- [Associació Conexus](#)
- [EntreHomes](#)
- [El Taller: masculinitats diverses](#)

**Support and accompaniment for the community/organisation**

- [Cooperativa Esberla](#)
- [Fil a l'agulla](#)
- [iFace](#)

