



**Autopista del
Guadalmedina**

PROTOCOL FOR THE
PREVENTION OF AND ACTION
AGAINST SEXUAL
HARASSMENT AND
HARASSMENT BASED ON SEX

Autopista del Guadalmedina, Concesionaria Española, S.A.

Revision 0 Date
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1. GUADALCESA'S COMMITMENT TO THE MANAGEMENT OF SEXUAL AND/OR GENDER-BASED HARASSMENT

With this protocol, *Autopista del Guadalmedina* C.E.S.A. expresses its zero tolerance for the concurrence in its entire organization of conducts constituting sexual harassment or harassment based on sex.

By adopting this protocol, *Autopista del Guadalmedina* C.E.S.A. wishes to underline its commitment to the prevention and action against sexual harassment and harassment based on sex in any of its manifestations, informing all personnel who provide services in its organization, whether they are its own staff or from other companies, including people who, Not having an employment relationship, they provide services or collaborate with the organization, such as people in training, those who carry out non-work internships or those who volunteer.

Likewise, *Autopista del Guadalmedina* C.E.S.A. undertakes to make known the existence of this protocol, with an indication of the need for its strict compliance, to the companies to which its own staff is posted, as well as to the companies from which the personnel working at *Autopista del Guadalmedina* come C.E.S.A. Thus, the obligation to comply with the provisions of this protocol will be stated in the contracts signed with other companies.

When the alleged harasser is out of the power of the company's management and, therefore, *Autopista del Guadalmedina* C.E.S.A. is unable to apply the procedure in its entirety, it will contact the competent company in order to solve the problem and, where appropriate, sanction the person responsible, warning him that, if he does not do so, The commercial relationship between the two companies may be terminated.

The protocol shall apply to situations of sexual harassment or harassment on grounds of sex that occur during work, in connection with work or as a result of work:

- a) in the workplace, including in public and private spaces when they are a workplace;
- b) in places where the workers take their rest or where they eat, or where they use sanitary or toilet facilities and in the changing rooms;
- c) work-related travel, travel, social or training events or activities;
- d) in the context of work-related communications, including those made through information and communication technologies (virtual harassment or cyberbullying);
- e) in the accommodation provided by the employer;
- f) on journeys between home and workplace.

This protocol complies with the requirements of articles 46.2 and 48 of Organic Law 3/2007, of 22 March, for the effective equality of women and men, RD 901/2020 of 13 October, which regulates equality plans and their registration and amends Royal Decree 713/2010, of 28 May, on the registration and deposit of collective negotiation agreements and article 14 of Law 31/1995, of 8 November, on the prevention of occupational risks.

In fact, *Autopista del Guadalmedina* C.E.S.A., by committing itself to the measures that make up this protocol, expresses and publicizes its express willingness to adopt a proactive attitude both in the prevention of harassment - awareness and information of behaviours not tolerated by the company -, as well as in the dissemination of good practices and implementation of any measures necessary to manage the complaints and denunciations that may be raised in this regard. as well as to resolve as appropriate in each case.

In Casabermeja, September 23, 2022

Signed: Antonio Miguel Mondéjar de la Torre
Responsible for the Management System

2. CHARACTERISTICS AND STAGES OF THE PROTOCOL FOR THE PREVENTION AND ACTION AGAINST SEXUAL AND/OR GENDER-BASED HARASSMENT

In order to comply with the commitment with which this protocol begins and in the terms set out so far, the company **Autopista del Guadalmedina** C.E.S.A. implements a procedure for the prevention and action against sexual harassment and harassment based on sex, with the intention of establishing a mechanism that establishes how to act comprehensively and effectively in the face of any behaviour that may constitute sexual harassment or harassment based on sex.

To this end, this protocol brings together the three types of measures established in section 7 of the Annex to RD 901/2020, of October 13th:

- 1.- Preventive measures, with a declaration of principles, definition of sexual harassment and harassment based on sex, and identification of conduct that could constitute harassment.
- 2.- Proactive or procedural measures to take action against harassment to channel any complaints or reports that may occur and applicable precautionary and/or corrective measures.
- 3.- Identification of reactive measures against harassment and, where appropriate, the disciplinary regime.

2.1. PREVENTIVE PROTECTION AGAINST HARASSMENT

2.1.1. Statement of Principles: Zero Tolerance for Conduct Constituting Sexual and Gender-Based Harassment

The company **Autopista del Guadalmedina** C.E.S.A. formalizes the following declaration of principles, in the sense of underlining how the relations between the company's personnel and the behaviours that are not tolerated in the organization should be.

This procedure is applicable to any behaviour constituting sexual harassment or harassment based on sex that may manifest itself in **Autopista del Guadalmedina** C.E.S.A.

Autopista del Guadalmedina C.E.S.A., by implementing this procedure, assumes its commitment to prevent, not tolerate, combat and prosecute any manifestation of sexual harassment or harassment based on sex in its organization.

Harassment is, by definition, a multi-offensive act that affects several legal interests, among which the dignity of the worker stands out as a positivization of the right to life and to physical, mental and moral integrity. The affectation of dignity, however, does not prevent an act of these characteristics from also causing damage to other different legal interests such as equality and the prohibition of discrimination, honour, self-image, privacy, health, etc., but even so it will always be by definition contrary to dignity. Sexual harassment and harassment on the basis of sex always affect the dignity of the person who suffers it and constitute discrimination on the basis of sex.

In the area of **Autopista del Guadalmedina** C.E.S.A. Conduct that may constitute sexual harassment or harassment based on sex in any of its manifestations will not be permitted or tolerated. The company will sanction both those who engage in offensive conduct and those who promote, encourage and/or tolerate it. All the company's personnel have the obligation to respect the fundamental rights of all those who make up **Autopista del Guadalmedina** C.E.S.A., as well as those who provide services in it, in particular, they will refrain from behaviour that is contrary to dignity, privacy and the principle of equality and non-discrimination. always promoting respectful behaviors.

Notwithstanding the foregoing, if they understand that they are being harassed or become aware of a situation of sexual or gender-based harassment, any worker will have the possibility, by means of a complaint or denunciation, to activate this protocol as an internal, confidential and rapid procedure in order to eradicate it and repair its effects.

Once the corresponding information file has been instructed, if the concurrence of sexual harassment or harassment on grounds of sex is confirmed, *Autopista del Guadalmedina* C.E.S.A. will sanction to whom may concern, undertaking to use all its management and sanctioning powers to guarantee a working environment free of violence, sexist discriminatory conduct and based on sex and appropriate to the principles of safety and health at work.

2.1.2. Concept and conduct constituting sexual harassment and harassment based on sex.

2.1.2.1. Definition and Conduct Constituting Sexual Harassment

Definition of Sexual Harassment

Without prejudice to the provisions of the Penal Code, for the purposes of this protocol, sexual harassment is any behaviour, verbal or physical, of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment.

Any sexual harassment will be considered discriminatory.

The conditioning of a right or an expectation of entitlement to the acceptance of a situation constituting sexual harassment shall also be considered an act of discrimination on grounds of sex.

As an example and without being exclusive or limitative, the following conduct could constitute sexual harassment:

Verbal behaviors:

- Cases of sexual advances, propositions, or pressure for sexual activity;
- Offensive flirtations;
- Suggestive, indirect, or obscene comments;
- Unwanted phone calls or social media contacts.
- Jokes or comments about sexual appearance.

Nonverbal behaviors:

- Display of sexually suggestive or pornographic photos, objects or writings, immodest looks, gestures.
- Letters or e-mail messages or messages on social networks of an offensive nature and with clear sexual content.

Physical Behaviors:

- Deliberate and unsolicited physical contact, unwanted hugging or kissing, excessive and unnecessary physical approach.

Quid pro quo sexual harassment or sexual blackmail

Among the behaviours constituting sexual harassment, a distinction can be made between "quid pro quo" sexual harassment or sexual blackmail, which consists of forcing the victim to choose between submitting to sexual demands, or losing or being prejudiced by certain benefits or working conditions, which affect access to vocational training, continued employment, promotion, etc. to remuneration or to any other decision in relation to this matter. To the extent that it involves an abuse of authority, the harasser will be the one who has the power, either directly or indirectly, to provide or withdraw a benefit or work condition.

Environmental Sexual Harassment

In this type of sexual harassment, the harasser creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim, as a result of unwanted attitudes and behaviours of a sexual nature.

They can be carried out by any member of the company, regardless of their position or status, or by third parties located in some way in the work environment.

2.1.2.2. Definition and Conduct Constituting Gender-Based Harassment

Definition of Harassment on the Basis of Sex

Harassment on the basis of sex is any behaviour based on a person's sex with the purpose or effect of violating their dignity and creating an intimidating, degrading or offensive environment.

Any harassment on the basis of sex will be considered discriminatory.

In order to assess that in a specific reality there is indeed a situation that can be classified as harassment on grounds of sex, a series of elements that make up a common denominator must be present, among which the following stand out:

- a) Harassment, understood as any intimidating, degrading, humiliating and offensive conduct that originates externally and is perceived as such by the person who suffers it.
- b) Objective attack on the dignity of the victim and subjectively perceived by the victim as such.
- c) Multiple offensive result. The attack on the dignity of the person who suffers harassment on the basis of sex does not prevent the concurrence of damage to other fundamental rights of the victim, such as the right not to suffer discrimination, an attack on mental and physical health, etc.
- d) That it is not an isolated event.
- e) The reason for these behaviors must have to do with the fact that they are women or because of circumstances that biologically can only affect them (pregnancy, maternity, breastfeeding); or that have to do with the reproductive and care functions that, as a result of social discrimination, are presumed to be inherent to them. In this sense, gender-based harassment can also be suffered by men when they perform functions, tasks or activities related to the role that has historically been attributed to women, for example, a male worker who is harassed for caring for minors or dependents.

The conditioning of a right or an expectation of entitlement to the acceptance of a situation constituting harassment on grounds of sex shall also be considered an act of discrimination on grounds of sex.

Conduct constituting harassment on the basis of sex

By way of example, and without being exclusive or limiting, the following are a series of specific conducts that, **if they meet the requirements highlighted in the previous point**, could constitute harassment based on sex at work if it occurs repeatedly.

Attacks with Organizational Measures

- 1.- Judging the person's performance offensively, hiding their efforts and abilities.
- 2.- Questioning and disavowing the person's decisions.
- 3.- Not assigning any tasks, or assigning meaningless or degrading tasks.
- 4.- Denying or concealing the means to perform the work or providing erroneous data.
- 5.- Assigning jobs that are far superior or far inferior to the person's skills or qualifications, or that require a much lower qualification than the one possessed.

- 6.- Contradictory or impossible to comply with orders.
- 7.- Theft of belongings, documents, work tools, deleting files from the computer, manipulating work tools causing you damage, etc.
- 8.- Threats or pressure on people who support the harassed person.
- 9.- Manipulation, concealment, return of the person's correspondence, calls, messages, etc.
- 10.- Denial or difficulties in accessing permits, courses, activities, etc.

Actions that aim to isolate the recipient

- 1.- Change the person's location by separating them from their peers (isolation).
- 2.- Ignoring the person's presence.
- 3.- Do not speak to the person.
- 4.- Restricting colleagues from talking to the person.
- 5.- Do not allow the person to express themselves.
- 6.- Avoid all eye contact.
- 7.- Remove or restrict the means of communication available to the person (telephone, email, etc.).

Activities that affect the physical or mental health of the victim

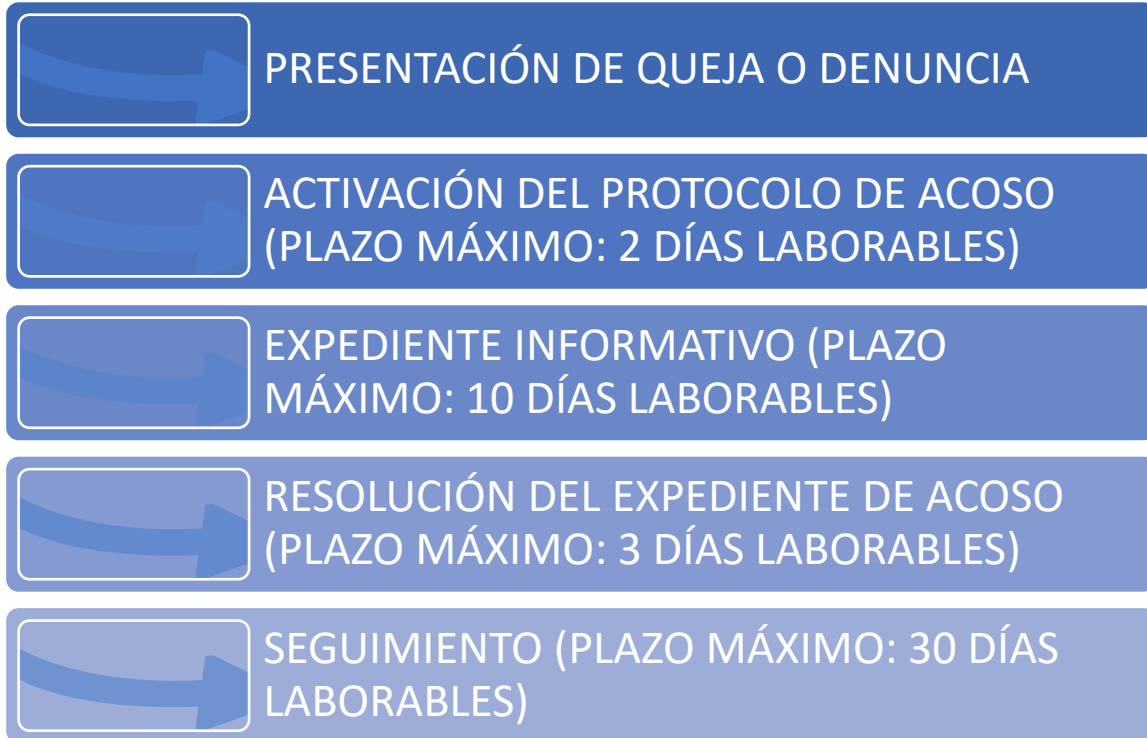
- 1.- Threats and physical assaults.
- 2.- Verbal or written threats.
- 3.- Yelling and/or insults.
- 4.- Scary phone calls.
- 5.- Provoking the person, forcing them to react emotionally.
- 6.- Intentionally causing expenses to harm the person.
- 7.- Causing damage to the workplace or your belongings.
- 8.- Requiring the person to perform work that is dangerous or harmful to his or her health.

Attacks on privacy and personal or professional reputation

- 1.- Manipulating personal or professional reputation through rumor, denigration, and ridicule.
- 2.- Implying that the person has psychological problems, trying to get them to undergo a psychiatric examination or diagnosis.
- 3.- Teasing gestures, voice, physical appearance, disabilities, nicknames, etc.
- 4.- Criticism of nationality, political or religious attitudes and beliefs, private life, etc.

2.2. THE PROCEDURE FOR ACTION

Schematically, the phases and maximum deadlines for carrying out the action procedure are as follows:



The procedure to be followed will be as follows:

2.2.1. Filing of the complaint, activation of the protocol and processing of the administrative file

1st.- The company appoints **ANA ISABEL ROSALES MÁRQUEZ, DIRECTOR OF EXPLOITATION** as an instructor to process any complaint or complaint received regarding sexual and/or gender-based harassment at work, investigate it and follow up.

In case of absence due to vacation, illness or any other legal cause, **ANTONIO MIGUEL MONDÉJAR DE LA TORRE, MANAGER**, will act as a substitute.

For this purpose, all persons serving in the organization shall be informed of such designation and shall be clearly and concisely stated how such complaints or reports may be forwarded to them.

2nd.- Complaints may not be anonymous and may be filled by the person who feels harassed or who has knowledge of this situation.

3rd.- The e-mail box in which complaints or reports of harassment, sexual and/or gender-based harassment can be submitted is acoso@guadalcesa.com.

Only the person designated to process the protocol will have access to the emails sent for this purpose.

4th.- Reports or complaints may also be submitted on paper and in a sealed envelope. To this end, the mailbox in which these reports or complaints can be deposited will be in a place accessible to all workers that allows its use with total discretion.

5th.- Confidentiality must be ensured regardless of the way in which complaints are handled. Once a complaint has been received, the person in charge of processing it will give a numerical code to each of the parties concerned.

6th.-Once received, within a maximum period of 2 working days, the procedure for processing it will be activated. Any complaint, report or claim that is raised will have a presumption of veracity.

7th.-The person investigating the complaint of harassment, ANA ISABEL ROSALES MÁRQUEZ, will carry out a prompt and confidential investigation within 10 working days, in which she will hear the affected persons and witnesses who are required and will require as much documentation as necessary, without prejudice to the provisions on the protection of personal data and confidential documentation. Persons who are required must cooperate as diligently as possible.

In any case, the impartiality of their actions will be guaranteed, so that in the event of any type of kinship by consanguinity or affinity with any of the persons affected by the investigation, close friendship, manifest enmity with the persons affected by the procedure or direct or indirect interest in the specific process, It must refrain from acting and must inform the company so that it can replace it. If, despite the existence of these grounds, there is no abstention, any of the persons affected by the procedure may request that person be challenged.

8th.-During the processing of the file, the victim will be heard first and then the person denounced. Both parties involved may be assisted and accompanied by a person they trust, whether or not they are the legal and/or trade union representative of the workers, who must maintain secrecy regarding the information to which they have access.

9th.-The procedure must be as expeditious and effective as possible and protect in all cases the privacy, confidentiality and dignity of the persons concerned, as well as the right of the person denounced to contradict himself. Strict confidentiality will be maintained throughout the proceedings and all internal investigations will be carried out tactfully, and with due respect, both for the complainant and the victim, who may in no case be treated unfavourably for this reason, and for the person denounced, whose guilt will not be presumed. All persons involved in the process shall have the obligation of confidentiality and secrecy with respect to all information to which they have access.

10th.- During the processing of the file, at the proposal of the investigating person, the management of the company will adopt the necessary precautionary measures leading to the immediate cessation of the situation of harassment, without such measures being able to cause permanent and definitive damage to the working conditions of the people involved. Apart from other precautionary measures, the management of GUADALCESA will separate the alleged harasser from the victim.

11th.- At the end of the investigation, the person who has processed the file will prepare a report in which the facts, testimonies, evidence carried out and/or collected concluding whether, in his opinion, there are indications or not of sexual harassment or harassment based on sex.

If the evidence carried out shows that there are indications of harassment, in the conclusions of the report, the investigator will urge the company to adopt the appropriate disciplinary measures, and may even, in the case of being very serious, propose the disciplinary dismissal of the aggressor.

If there is no evidence of harassment from the evidence adduced, it shall state in the report that the evidence expressly adduced does not indicate the existence of sexual harassment or harassment on grounds of sex.

If, even if there is no harassment, it finds any inappropriate action or a situation of conflict, which, if it continues to be repeated over time, could end up leading to harassment, it will also notify the company's management, suggesting the adoption of whatever measures in this regard are pertinent to put an end to this situation.

12th.- None of the actions will prevent the persons involved from requesting any judicial, administrative or any other type of action that is appropriate for them.

2.2.2. The resolution of the harassment file

Once the conclusions of the investigator have been received, the management of *Autopista del Guadalmedina* C.E.S.A. will adopt the decisions it deems appropriate within 3 working days, being the only one empowered to decide on the matter. The decision taken shall be communicated in writing to the victim, the person reported and the investigating person.

Likewise, the decision finally adopted in the file will also be communicated to the person responsible for occupational risk prevention. In order to guarantee confidentiality, in this communication, no personal data will be given and the numerical codes assigned to each of the parties involved in the file will be used.

In view of the report of conclusions prepared by the investigator, the management of *Autopista del Guadalmedina* C.E.S.A. will proceed to:

- a) to archive the proceedings, drawing up minutes thereof.
- b) Adopt as many measures as it deems appropriate based on the suggestions made by the committee investigating the harassment procedure. As an example, the following decisions can be taken by the company in this regard:
 - i. Physically separate the alleged aggressor from the victim, by changing position and/or shift or schedule. Under no circumstances will the victim of harassment be forced to change his or her position, schedule or location within the company.
 - ii. Without prejudice to the provisions of the previous point, if applicable, and depending on the results of the investigation, the aggressor will be sanctioned by applying the table of infractions and penalties provided for in the collective agreement applicable to the company or, where appropriate, in article 54 E.T.

Among the sanctions to be considered to apply to the aggressor, the following will be taken into account:

- 1.- Transfer, displacement, change of position, working day or location
- 2.- Suspension of employment and pay
- 3.- The Time Limitation to Ascend
- 4.- Disciplinary dismissal

In the event that the sanction to the aggressor is not the termination of the contractual relationship, the management of *Autopista del Guadalmedina* C.E.S.A. will maintain an active duty of vigilance with respect to that worker when he or she returns to work (if it is a suspension), or in his or her new job in the event of a change of location. But always and in any case, compliance with eradicating harassment will not end with the mere adoption of the measure of change of position or with the mere suspension, being necessary its subsequent monitoring and control by the company.

The management of *Autopista del Guadalmedina* C.E.S.A. will adopt the necessary preventive measures to prevent the situation from happening again, reinforce training and awareness-raising actions and carry out actions to protect the safety and health of the victim, among others, the following:

- Assessment of psychosocial risks in the company.
- Adoption of vigilance measures to protect the victim.
- Adoption of measures to prevent the recurrence of sanctioned persons.
- Psychological and social support for the person being bullied.
- Modification of working conditions that, with the consent of the victim of harassment, are considered beneficial for their recovery.

- Training or retraining for the professional updating of the harassed person when they have remained in IT for an extended period of time.
- Implementation of new training and awareness-raising actions for the prevention, detection and action against sexual harassment and harassment based on sex, aimed at all people who provide their services in the company.

2.2.3. Tracking

Once the file has been closed, and within a period of no more than thirty calendar days, the person in charge of processing and investigating the complaint, ANA ISABEL ROSALES MÁRQUEZ, will be obliged to follow up on the agreements adopted, that is, on their compliance and/or the result of the measures adopted.

The result of this monitoring will be followed by the appropriate report that will include the proposed measures to be adopted in the event that the events giving rise to the procedure continue to occur and it will also be analysed whether the proposed preventive and sanctioning measures have been implemented, if any.

This report will be sent to the management of the company so that it can adopt the necessary measures, as well as to the legal representation of the workers, if any, and to the person responsible for occupational risk prevention, with the precautions indicated in the procedure regarding the confidentiality of the personal data of the affected parties.

3. DURATION, OBLIGATION TO COMPLY AND ENTRY INTO FORCE

The content of this protocol is mandatory, entering into force as of its communication to the company's staff via EMAIL and remaining in force until June 1, 2026.

However, it will be necessary to carry out a review and adaptation of the protocol, in the following cases.

- At any time during its term in order to reorient the fulfilment of its objectives of prevention and action against sexual harassment and harassment based on sex
- When it is revealed that it is not in line with the legal and regulatory requirements or that it is insufficient as a result of the actions of the Labour and Social Security Inspectorate.
- In the event of merger, absorption, transfer or modification of the legal status of the company and in the event of any incident that substantially modifies the company's workforce, its working methods, organization.
- When a court decision condemns the company for discrimination on the basis of sex or sex or determines the inadequacy of the protocol to legal or regulatory requirements.

This procedure does not prevent the right of the victim to file a complaint, at any time, with the Labour and Social Security Inspectorate, as well as with the civil, labour or criminal courts.

4. COMPLAINT OR DENUNCIATION FORM IN THE COMPANY

I. Person reporting the facts

- Person who has been bullied:
- Other (Specify):

II. Details of the person who has suffered the harassment

Name:
Surnames:
ID:
Stand:
Type of contract/Employment relationship:
Telephone:
Email:
Address for notification purposes:

III. Details of the aggressor

Name and surname:
Professional group/category or position:
Work Center:
Company Name:

IV. Description of the facts

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

V. Witnesses and/or Evidence

If there are witnesses, please indicate name and surname:

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

V. Application

The complaint or complaint of harassment (INDICATE WHETHER IT IS SEXUAL OR BASED ON SEX) is considered to have been filed with (IDENTIFY AGGRESSOR) and the procedure provided for in the protocol is initiated:

Location and date:

Signature of the person concerned:

To the attention of the person investigating the complaint procedure against sexual and/or gender-based harassment in the company **Autopista del Guadalmedina** C.E.S.A.