



PROTOCOL FOR ACTION IN THE PREVENTION AND  
RESPONSE TO HARASSMENT OR VIOLENCE AGAINST  
LGTBIQ+ PERSONS  
(2024-2028)

CENTRE D'ESTUDIS DEMOGRÀFICS

**7 November 2024**

## 1.- INTRODUCTION

### **Introduction in accordance with equality and harassment-free workplace regulations**

In accordance with Law 15/2022, of 12 July, on equal treatment and non-discrimination, it is essential to guarantee and promote the right to equal treatment and non-discrimination in all areas, including the workplace, with full respect for the equal dignity of individuals, and through measures to prevent, eliminate and correct any form of discrimination, whether direct or indirect. In this way, no one may be discriminated against on the grounds of birth, racial or ethnic origin, sex, religion, belief or opinion, age, disability, sexual orientation or identity, gender expression, illness or health condition, serological status and/or genetic predisposition to suffer from pathologies and disorders, language, socio-economic situation, or any other personal or social condition or circumstance.

Nevertheless, differences in treatment may be established when the criteria for such differentiation are reasonable and objective, and when the aim pursued is legitimate or is authorised by a provision with the force of law, or when they result from regulatory provisions or general decisions of the public administrations intended to protect individuals or population groups requiring specific actions to improve their living conditions or to facilitate their access to employment or to various essential goods and services, thereby ensuring the exercise of rights and freedoms on equal terms.

Consequently, any provision, conduct, act, criterion or practice that infringes the right to equality is prohibited, with discrimination, harassment, and incitement thereto being considered violations of this right.

Thus, discriminatory harassment shall be understood as any conduct carried out on the grounds of one of the causes of discrimination mentioned above, with the purpose or effect of violating the dignity of a person or the group to which they belong, and of creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Accordingly, protection against discrimination requires the application of adequate methods or instruments for its detection, the adoption of preventive measures, and the implementation of appropriate mechanisms to put an end to discriminatory situations, through the application of protocols such as the one set out herein. Failure to comply with the obligations referred to in the previous section shall give rise to administrative liability and, where appropriate, criminal and civil liability for any damages caused, which may include both restitution and compensation, until full and effective reparation for the victims is achieved.

### **LGTBIQ+ Equality and Non-Discrimination in the Workplace**

Under the Law 4/2023, of 28 February, on the real and effective equality of trans people and the guarantee of the rights of LGTBIQ+ persons, there is a need to continue developing and guaranteeing the rights of lesbian, gay, bisexual, trans, and intersex persons (hereinafter, LGTBIQ+), eradicating situations of discrimination to ensure that in Spain, and specifically in the workplace, sexual orientation, gender identity, gender expression, sexual characteristics, and family diversity can be lived freely.

Therefore, it is essential to create positive role models, recognize diversity as a value, ensure social cohesion through the promotion of equality and respect, and foster a culture of non-discrimination against hatred and prejudice. All of this is based on the principle that equality and non-discrimination constitute a universal legal principle, proclaimed in various international human rights texts, and recognized as a fundamental right in our legal system.

Finally, it is worth noting that, according to 2020 data from the European Union Agency for Fundamental Rights (FRA), 42% of LGTBIQ+ people in Spain reported having experienced discrimination in the past year. Particular concern arises regarding trans people: 63% of trans respondents in Spain reported feeling discriminated against in the previous twelve months. In certain contexts, such as the workplace, discrimination is especially high, with 34% reporting having experienced it in this setting.

### **Special Mention of the Digital Environment**

This document considers all forms of harassment, addressing, in particular, those committed in the digital environment, as established by Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom.

## **2.- GENERAL OBJECTIVES OF THIS PROTOCOL**

- Advocate for a preventive culture against harassment of LGTBIQ+ persons and foster a harassment-free environment.
- Demonstrate zero tolerance towards such situations and behaviors.
- Facilitate the identification of behaviors constituting harassment against LGTBIQ+ persons.
- Implement a simple, fast, accessible, and confidential reporting procedure.
- Guide investigations to ensure they are conducted promptly, confidentially, impartially, and effectively.
- Sanction, if applicable, the person who has committed the harassment (without violating the principle of presumption of innocence) and compensate the victim who has suffered a harassment situation regulated by this protocol.
- Prevent secondary victimization and revictimization of the harassed person, providing, if necessary, access to psychological, social, or legal support.

## **3.- PUBLICITY OF THE PROTOCOL**

In order to prevent and avoid the violence and harassment situations described above, the adoption of this protocol will be communicated to all persons providing services in the organization, via email, and additionally published on the website and intranet, in writing, or by any other effective means that can demonstrate its existence and evidence that staff are aware of it.

## **4.- LEGAL FRAMEWORK**

### **General Legislation**

- La The Spanish Constitution.
- Law 10/1995, of November 23, of the Penal Code.
- Law 31/1995, on Occupational Risk Prevention.

- Royal Legislative Decree 5/2000, of August 4, approving the consolidated text of the Law on Offenses and Sanctions in the Social Order.
- Law 62/2003, of December 30, on fiscal, administrative, and social order measures.
- Organic Law 1/2004, of December 28, on comprehensive protection measures against gender-based violence.
- Organic Law 3/2007, of March 22, on effective equality between women and men.
- Law 36/2011, of October 10, regulating the social jurisdiction.
- Royal Legislative Decree 1/2013, of November 29, approving the consolidated text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.
- Royal Legislative Decree 2/2015, of October 23, approving the consolidated text of the Workers' Statute.
- Royal Decree-Law 6/2019, of March 1, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation.
- Royal Decree 901/2020, of October 13, regulating equality plans and their registration, and amending Royal Decree 713/2010, of May 28, on the registration and deposit of collective agreements.
- Law 15/2022, of July 12, on comprehensive equality of treatment and non-discrimination.
- Organic Law 10/2022, of September 6, on comprehensive guarantee of sexual freedom.
- C190 – Convention on Violence and Harassment, 2019 (No. 190).
- Without prejudice to any provisions established in applicable collective agreements and equality plans.

### **Specific Legislation**

- Order IGD/577/2020, of June 24, establishing the Participation Council of Lesbian, Gay, Trans, Bisexual, and Intersex (LGTBIQ+) Persons and regulating its operation.
- Law 4/2023, of February 28, on real and effective equality of trans persons and guaranteeing the rights of LGTBIQ+ persons.

### **Independent Authority for Equal Treatment and Non-Discrimination**

In matters of protection against discrimination and violence based on LGTBIQ+ phobia, the Independent Authority for Equal Treatment and Non-Discrimination may intervene in all cases, exercising the powers and functions assigned to it under Law 15/2022, of 12 July, on comprehensive equality of treatment and non-discrimination.

## **5.- COMMITMENT OF THE CENTRE FOR DEMOGRAPHIC STUDIES IN HANDLING HARASSMENT AGAINST LGTBIQ+ PERSONS**

With this protocol, the Centre for Demographic Studies (hereinafter CED) declares its zero-tolerance policy towards any conduct constituting harassment against LGTBIQ+ persons throughout its organization.

By adopting this protocol, the CED seeks to emphasize its commitment to preventing and addressing harassment against LGTBIQ+ persons, informing all personnel providing services within the organization—whether directly employed or from other companies—of its application, including individuals who, without an employment relationship, provide services or collaborate with the entity, such as trainees, individuals undertaking non-labor internships, or those performing volunteer tasks.

The scope of this protocol is not limited to the internal organization but also extends to individuals who are not part of it but interact with it in the context of their work. Situations are considered work-related when the link or relationship between the parties arises from work or professional activities.

Furthermore, the CED undertakes to make the existence of this protocol known, highlighting the need for strict compliance, to companies to which it assigns its own personnel, as well as to the companies from which personnel working at the CED come. The obligation to comply with this protocol will be explicitly included in contracts with other companies.

When the alleged harasser falls outside the management authority of the CED and, therefore, the CED cannot fully apply the procedure, the matter will be referred to the competent company to take appropriate measures and, if applicable, sanction the responsible individual, warning that failure to do so could result in termination of the relationship between the two companies.

The protocol applies to situations of harassment against LGTBIQ+ persons that occur during work, in connection with work, or as a result of work:

- At the workplace, including public and private spaces when they constitute a work environment.
- During work-related travel, trips, events, or social or training activities.
- In work-related communications, including those conducted through ICT technologies (virtual harassment or cyberbullying).
- During commutes between home and the workplace.

## 6.- CHARACTERISTICS AND STAGES OF THE PROTOCOL FOR THE PREVENTION AND MANAGEMENT OF HARASSMENT AGAINST LGTBIQ+ PERSONS

In order to fulfill the commitment established at the beginning of this protocol and under the terms outlined so far, the organization implements a procedure for the prevention and management of harassment against LGTBIQ+ persons, with the aim of establishing a mechanism that specifies how to act in a comprehensive and effective manner in response to any behavior that may constitute harassment against LGTBIQ+ persons.

To this end, this protocol brings together three types of measures:

1. **Preventive measures**, including a declaration of principles, a definition of harassment in all its forms, and identification of behaviors that may constitute this type of harassment.
2. **Proactive or procedural measures** for addressing harassment, to process complaints or reports that may arise, as well as applicable precautionary and/or corrective measures.
3. **Identification of reactive measures** in response to harassment and, where appropriate, the disciplinary regime.

## 7.- PREVENTIVE MEASURES

### Declaration of Principles: Zero Tolerance for Harassment Against LGTBIQ+ Persons

The CED formalizes the following declaration of principles to emphasize how relationships among the organization's personnel should be conducted and which behaviors are not tolerated, complementing the commitment previously signed in relation to this protocol.

- By implementing this procedure, the CED assumes its commitment to prevent, not tolerate, combat, and prosecute any manifestation of harassment against LGTBIQ+ persons within the organization.
- Within the scope of the CED, behaviors that may constitute harassment against LGTBIQ+ persons will neither be permitted nor tolerated.
- The organization will sanction both those who engage in offensive behavior and those who promote, encourage, or tolerate it.
- All CED personnel are obliged to respect the fundamental rights of everyone in the organization, as well as those providing services to the entity.
- At the moment a person feels harassed or becomes aware of a harassment situation, any employee may activate this protocol as an internal, confidential, and prompt procedure. It is essential to note that this activation serves merely to report the incident, **as only the person who is harassed is legally entitled in cases of discriminatory harassment.**<sup>1</sup>
- The CED is committed to ensuring a work environment free from violence and discriminatory behavior directed at LGTBIQ+ persons.

### Concepts and Behaviors Constituting Harassment Against LGTBIQ+ Persons

Harassment constitutes any behavior carried out on the basis of a person's sexual orientation, sexual identity, gender expression, or sexual characteristics with the purpose or effect of undermining their dignity and creating an intimidating, degrading, or offensive environment. By way of example, and without being exhaustive or limiting, the following behaviors are specific actions that, if they meet the requirements set out in the previous section, could constitute harassment against LGTBIQ+ persons:

#### **Organizational Attacks Against LGTBIQ+ Persons**

1. Judge the person's performance in an offensive manner, hiding their efforts and skills.
2. Question and override the person's decisions.
3. Assign no tasks, or assign meaningless or degrading tasks.
4. Deny or hide the means to perform the work, or provide erroneous information.
5. Assign tasks far above or below the person's competencies or qualifications, or tasks requiring a much lower qualification than they possess.
6. Give contradictory or impossible orders.
7. Threaten or pressure those who support the harassed person.

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<sup>1</sup> In order to proceed with crimes of sexual assault and harassment, a complaint must be filed by the offended person, their legal representative, or by the Public Prosecutor's Office, which will act by weighing the legitimate interests involved. When the victim is a minor, a person with a disability requiring special protection, or a vulnerable person, a complaint filed by the Public Prosecutor's Office alone will suffice.

**Actions Intended to Isolate the Person Due to Their LGTBIQ+ Status**

1. Change the person's location, separating them from their colleagues (isolation).
2. Ignore the person's presence.
3. Restrict colleagues' ability to communicate with the person.

**Activities Affecting the Physical or Mental Health of LGTBIQ+ Persons**

1. Threats and physical assaults.
2. Yelling and/or insults.
3. Intimidating phone calls.
4. Provoking the person, forcing them to react emotionally.

**Attacks on the Private Life and Personal or Professional Reputation of LGTBIQ+ Persons**

1. Manipulating personal or professional reputation through rumour, denigration, and ridicule.
2. Suggesting that the person has psychological problems, or attempting to subject them to a psychiatric examination or diagnosis.

**Obligations for Each Party Involved in the Process**

The **Direction and Management** Personnel must:

- Ensure compliance with and monitoring of the guidelines and principles established in the protocol.
- Observe any signs of harassment.
- Encourage reporting of such situations using the established channels and procedures.
- Respond appropriately and promptly to anyone submitting a complaint.
- Seriously and swiftly inform about or investigate complaints or reports.
- Follow up on the situation after a complaint.
- Maintain confidentiality of the cases.

The **Equality Committee** must:

- Help prevent workplace harassment by raising awareness and informing CED management of behaviors or conduct they are aware of that could facilitate harassment.
- Participate in the development and monitoring of the protocol.
- Propose and establish mechanisms and procedures to assess the scope of such behaviors.
- Act as guarantors of the established processes and commitments.
- Ensure that employees who report or participate in actions against harassment are not subjected to retaliation.

- Guarantee the effective application of sanctions.

**Employees must:**

- Treat colleagues, supervisors, subordinates, clients, and service providers with respect.
- Not ignore harassment situations.
- Report harassment situations they are aware of and comply with confidentiality obligations.
- Cooperate in the investigation process of an internal complaint.

**Considerations Regarding the Civil Registry Rectification of the Sex Designation**

Any Spanish national over the age of sixteen may personally request the rectification of the sex designation in the Civil Registry. Accordingly:

- The resolution approving the rectification of the sex designation will have constitutive effects from the moment it is registered in the Civil Registry.
- The registry rectification will allow the person to exercise all rights inherent to their new status.
- The rectification of the sex designation and, where applicable, the change of name, will not alter the legal regime that, prior to the registration of the change, applied to the person for the purposes of Organic Law 1/2004, of 28 December, on comprehensive protection measures against gender-based violence.
- A person who rectifies their sex designation from male to female may benefit from positive action measures specifically adopted in favor of women under Article 11 of Organic Law 3/2007, of 22 March, for effective equality between women and men, for situations arising after the registry change becomes effective, but not regarding legal situations prior to the registry rectification. Conversely, a person who rectifies their sex designation from female to male will retain the consolidated property rights derived from such positive action measures, without any obligation for restitution or reimbursement.

**8.- PROACTIVE MEASURES: PROCEDURE****Effective protection and redress against discrimination and LGTBIQ+ phobia****Protection measures against discrimination and violence**

Employers or providers of goods and services must adopt sufficient methods or instruments to prevent and detect situations of discrimination based on the causes outlined in this protocol, as well as implement appropriate measures to immediately cease such situations.

In matters of protection against discrimination and violence due to LGTBIQ+ phobia, the Independent Authority for Equal Treatment and Non-Discrimination may intervene in all cases, with the powers and functions established under Law 15/2022 of 12 July, Comprehensive Law for Equal Treatment and Non-Discrimination.



**Nullity of discriminatory contracts and legal acts**

Clauses in contracts or legal acts that violate the right to non-discrimination on the grounds of sexual orientation, sexual identity, gender expression, or sexual characteristics shall be null and void and considered as if they had never been included.

**Standing to defend the right to equal treatment and non-discrimination**

Without prejudice to the individual standing of affected persons, the following entities shall be entitled to act: political parties, trade unions, business organizations, professional associations of self-employed workers, consumer associations, and legally established associations and organizations whose objectives include defending and promoting the rights of LGTBQ+ people or their families.

Such entities may defend the rights and interests of their members in civil, administrative, and labor proceedings, provided they have explicit authorization, and may pursue legal action to protect diffuse interests when the affected persons are a large, indeterminate, or difficult-to-identify group.

**Rules regarding the burden of proof**

In accordance with procedural laws and regulations governing administrative procedures, when a claimant or interested person alleges discrimination based on sexual orientation, sexual identity, gender expression, or sexual characteristics, and provides well-founded indications of its existence, it shall be the responsibility of the defendant—or the person attributed with the discriminatory situation—to provide an objective and reasonable justification, duly substantiated, for the measures adopted and their proportionality.

For the purposes of the above, the judicial or administrative body, either on its own initiative or at the request of the interested person, may request a report from the competent public bodies on equality and non-discrimination concerning the causes provided in this law.

**Regulatory considerations in the procedure**

- For the defense of the rights and interests of persons who are victims of discrimination based on sexual orientation, sexual identity, gender expression, or sexual characteristics, in addition to the affected persons themselves and provided they give their express authorization, political parties, trade unions, business organizations, professional associations of self-employed workers, consumer associations, and legally constituted associations and organizations whose purposes include defending and promoting the rights of lesbian, gay, bisexual, trans, and intersex (LGTBQ+) persons or their families shall also be entitled to act, in accordance with the Law on real and effective equality for trans people and the guarantee of LGTBQ+ rights.
- The person who has been harassed shall be the only party entitled to bring claims regarding discriminatory harassment based on sexual orientation, sexual identity, gender expression, or sexual characteristics.
- In accordance with procedural laws, in any proceedings where the plaintiff's allegations are based on discriminatory actions due to sex, sexual orientation, sexual identity, gender expression, or sexual characteristics, and well-founded evidence of their existence is provided, it shall be the responsibility of the defendant to provide an objective and reasonable justification, sufficiently substantiated, for the measures taken and their proportionality.

- In proceedings initiated by political parties, trade unions, professional associations of self-employed workers, consumer organizations, or legally constituted associations whose purposes include defending and promoting the rights of lesbian, gay, trans, bisexual, and intersex persons and their families, the proceedings shall summon those individuals who have been affected by the discriminatory situation that gave rise to the procedure, so that they may assert their individual rights or interests. This summoning shall be carried out by the Justice Administration lawyer.
- The Public Prosecutor shall participate in these proceedings when social interest so justifies. The court hearing any of these cases shall notify the Public Prosecutor of the initiation of the procedure so that it may consider the possibility of joining as a party.

### **Determination of the Investigating Committee for Cases of Harassment**

**The entire process shall proceed without prejudice to the affected person's right to approach the Labour Inspectorate or the competent courts.**

An investigating and monitoring committee for harassment cases shall be established, composed of three persons<sup>2</sup> selected from:

- Members of the CED Equality Committee (<https://ced.cat/sobre-el-ced/igualtat/>)
- And from the RLT (Legal Employee Representation) or Works Council, if constituted.

In case of absence due to vacation, illness, or any other legal cause, another person may act as a substitute.

Accordingly:

1. The committee shall maintain secrecy and confidentiality.
2. The Investigating Committee shall be formed, depending on specific cases, from the persons mentioned above. This committee shall have a term of four years.
3. The designated members of the Investigating Committee must strictly observe impartiality toward the affected parties and shall recuse themselves in case of any conflict of interest or similar situation.
4. They may be challenged by any of the persons affected by the procedure.
5. This committee, either by its own agreement or at the request of any of the affected persons, may request the hiring of an external expert who may assist them in the instruction of the procedure.
6. This committee shall meet within a maximum period of three working days from the date of receipt of a complaint, report, or knowledge of inappropriate behavior.
7. The committee shall conduct its investigation confidentially.

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<sup>2</sup> Source note from the Ministry of Equality:

In order to preserve confidentiality, it is recommended that the Investigating Committee be composed of 3 people, with a maximum of 5 if necessary, and that among its members there is the person responsible for the company or the human resources manager, representatives of the employees, an equality officer of the company and/or an occupational risk prevention officer. For their appointment, preference will be given to training and/or experience in gender equality matters, and specifically in harassment. In companies where there is legal employee representation, the Investigating Committee will include both the company's representatives and the employees' representatives on an equal basis.

## Start of the Procedure: The Complaint

At CED, the manager is responsible for managing and processing any complaint<sup>3</sup> that, according to this protocol, may be filed by persons providing services to this organization. The way to contact the committee member(s) is described below:

- Members of the CED Equality Committee: <https://ced.cat/sobre-el-ced/igualtat/>
- 1. Employees of CED must be aware that, except in cases of fraud or bad faith, they will not be sanctioned for activating the protocol.
- 2. Complaints will be confidential, but they cannot be anonymous. CED will ensure the confidentiality of the affected parties. To protect the confidentiality of the procedure, the person responsible for processing the complaint will assign a numeric code to each of the affected parties.
- 3. Once a complaint is received, the person responsible for processing it will immediately inform the company management and the Investigating Committee.
- 4. A complaint form or model is made available to employees in this protocol.

## Preliminary Phase or Informal Procedure

This procedure should not be used in serious or very serious situations, nor in contexts where gender-based violence or abuse of minors may occur. It is intended for situations considered mild and very specific.

1. This phase is optional for the parties and must have the victim's consent. Its aim is to resolve the matter urgently and efficiently.
2. Upon receiving the complaint, the Investigating Committee will interview the affected person, and may also interview the alleged aggressor, or request the intervention of an expert.
3. This informal procedure or preliminary phase will last a maximum of seven working days, starting from the receipt of the complaint by the Investigating Committee.
4. Within this period, the consistency of the complaint will be assessed, and the Committee will propose the appropriate actions, including the opening of a formal investigative file if deemed necessary.
5. The entire procedure will be urgent and confidential, protecting the dignity and privacy of the persons involved.
6. A formal investigative file will always be initiated if the person subjected to harassment is not satisfied with the solution proposed by the Investigating Committee.

If the matter does not proceed to a formal investigative file, a record will be drawn up of the solution adopted in this preliminary phase, and the following will be informed:

- The alleged victim and the alleged aggressor.
- Company management.
- The legal employee representatives.
- The person responsible for occupational risk prevention.

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<sup>3</sup> This person will be part of the Investigating Committee of the protocol.

- Any private or public entities involved.

### Informative File

1. The Investigating Committee shall carry out an investigation<sup>4</sup>, listening to the affected persons and witnesses, and requesting the necessary documentation.
2. The entire process must be simultaneously communicated to the Independent Authority and the Labor Inspectorate, so that they may participate or, if appropriate, refrain from acting if the complaint is confirmed. (This communication is not necessary in the case of initial precautionary measures).
3. In cases involving gender-based violence, the competent authorities must be immediately notified.
4. In cases involving minors, the case will be handled through a specific protocol.
5. Individuals required to participate must cooperate with the utmost diligence.
6. During the process, the CED Management, at the proposal of the Investigating Committee, shall adopt the necessary precautionary measures to immediately halt the harassment situation.
7. During the procedure, the victim shall be heard first, followed by the accused.
8. Both parties may be assisted and accompanied by a trusted person (whether or not a member of the Equality Committee).
9. The Investigating Committee may, if deemed appropriate, request external advice.
10. Upon completion of the investigation, the Committee shall prepare a record detailing the facts, evidence, and testimonies, concluding whether or not there are indications of harassment.
11. If indications of harassment are found, the Committee shall urge the company to adopt the appropriate disciplinary measures.
12. If no indications of harassment are found, the Committee shall record this in the report.
13. If, even in the absence of harassment, inappropriate conduct or situations of violence subject to sanction are detected, the Committee shall likewise urge CED Management to act.
14. This formal phase must be completed within no more than 13 working days.

### Resolution of the Harassment File

1. The CED Management, once it has received the conclusions of the Investigating Committee, shall adopt the appropriate decisions within three working days.
2. The decision shall also be communicated to the Monitoring Committee of the Equality Plan and to the person responsible for Occupational Risk Prevention.
3. Based on the results, CED Management may decide to:
  - a) Close the proceedings, drawing up the corresponding record.

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<sup>4</sup> The investigation must be swift, confidential, and based on the principles of adversarial proceedings and oral hearings. Any complaint, report, or claim submitted shall be presumed to be truthful

- b) Adopt the measures it deems appropriate.
4. If the sanction does not entail the termination of the contractual relationship of the alleged harasser, CED Management shall maintain an active duty of supervision.
5. CED Management shall adopt preventive measures to avoid the recurrence of the situation, such as:
  - a) Individual or group training
  - b) Awareness campaigns.
  - c) Informative or keynote lectures.

The resolution shall be communicated to the affected parties, always respecting the principle of confidentiality.

### **Follow-up**

Once the file is closed, and within a period not exceeding 30 calendar days, the Investigating Committee must verify the compliance with and the outcome of the measures adopted.

## **9.- REACTIVE MEASURES: DISCIPLINARY REGIME**

### **Infractions and sanctions**

In all cases, in the social order, the applicable regime will be that established by the consolidated text of the Law on infractions and sanctions in the social order, approved by Royal Legislative Decree 5/2000, of August 4.

Acts that have already been penalized or administratively sanctioned cannot be sanctioned again when there is identity of subject, act, and basis.

### **Jurisdiction in cases involving external entities**

The initiation and handling of sanctioning proceedings, as well as the imposition of the corresponding administrative sanctions, will fall to each public administration within the scope of its powers, and to the General State Administration when the territorial scope of the infringing conduct exceeds that of an autonomous community.

Within the scope of the General State Administration, the procedure will always be initiated ex officio; the instruction will be the responsibility of the Directorate General for Sexual Diversity and LGTBIQ+ Rights, while the competent authority to resolve the procedure will be the head of the Ministry of Equality.

However, in cases of very serious infractions where the proposed sanction exceeds €100,000, the competence will lie with the Council of Ministers.

## **10.- COMPLAINT FORM AT THE CED**

The request for intervention must include at least the following:

- The identity of the complainant and their contact information.

- If different from the complainant, identification of the person who is presumably suffering the harassment.
- A chronological and detailed description of the facts.
- Identifying information of witnesses, if any.
- Copies of documents and any other information deemed relevant.
- Identifying information of the person committing the harassment.