





# LABOR RIGHTS GUIDE FOR VICTIMS OF GENDER-BASED VIOLENCE OR SEXUAL VIOLENCE

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## 1. AIM

The objective of this guide is to inform about the labor rights established by Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender Violence, and Organic Law 10/2022, of September 6, of integral guarantee of sexual freedom, as well as their dissemination among the personnel hired and attached to the Lleida Biomedical Research Institute (hereinafter IRBLleida).


## 2. SCOPE OF APPLICATION OF THE GUIDE

The rights contained in this guide will apply to all IRBLleida workers who have been declared victims of gender violence or sexual violence. It will also apply to persons with the title of indirect victims, in the event of the death of a direct victim as a result of the violence suffered, regardless of the nationality or habitual residence of the deceased victim.

## 3. ACCREDITATION OF THE SITUATION OF GENDER-BASED VIOLENCE OR SEXUAL VIOLENCE

The situation of gender violence or sexual violence will be accredited by the worker through one of the following ways:

- Judgment by which the aggressor is sentenced.
- Judicial resolution that would have agreed a precautionary measure in favor of the victim.
- Protection order issued by the judiciary in favor of the victim.
- Report from the Public Prosecutor's Office indicating the existence of indications that the plaintiff is a victim of gender violence or sexual violence.
- Report of the social services, of the specialized services, or of the reception services of the competent Public Administration for victims of gender violence or sexual violence listed in annex 1.
- Any other title, provided that this is provided for in the regulatory provisions of a sectoral nature that regulate access to each of the rights and resources.

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#### 4. COMMUNICATION OF THE SITUATION OF GENDER-BASED VIOLENCE OR SEXUAL VIOLENCE

The request for application of the rights contained in this guide will be made by written communication from the worker, providing the documentation that proves the situation of victim of gender violence or sexual violence, addressed to the email of the human resources unit ( [rrhh@irbllleida.cat](mailto:rrhh@irbllleida.cat) ) or to the IRBLleida Equality Commission ( [igualtat@irbllleida.cat](mailto:igualtat@irbllleida.cat) ).

In all cases, the dignity and privacy of the victim will be safeguarded.

#### 5. INFORMATION AND APPLICATION OF SPECIFIC LABOR RIGHTS OF VICTIMS OF GENDER-BASED VIOLENCE OR SEXUAL VIOLENCE

##### 5.1. Information on specific labor rights


In the first place, the victim worker will be informed of the specific labor rights to which they can benefit and whose purpose is to prevent them from leaving the labor market due to violence.

With the aim of providing access to comprehensive protection to victims of gender violence or sexual violence, the information contained in the current legal texts will be made available to them in relation to the rest of the specific rights, among which are the rights to information, comprehensive social assistance, free, immediate and specialized legal assistance, in matters of Social Security, employment and labor insertion, economic and schooling of dependent sons and daughters.

Secondly, you will be offered the possibility of taking advantage of the rights that are applicable in the IRBLleida and you will be guided in carrying them out.

##### 5.2. Application of specific labor rights

The specific labor rights described in this guide will be applicable as long as the accredited situation of victim of gender violence or sexual violence subsists.

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## 6. LIST OF SPECIFIC LABOR RIGHTS OF VICTIMS OF GENDER-BASED VIOLENCE OR SEXUAL VIOLENCE

At the time of writing this guide, the specific employment rights applicable at IRBLLleida are the following:

### 6.1. Rearrangement of working time

Legally included in article 37.8 of the Consolidated Text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of October 23 (hereinafter ET). Victims of gender violence or sexual violence or sexual violence are recognized the right to:


- The reduction of the working day, with a proportional decrease in salary.
- The reorganization of working time, through:
  - The adaptation of the schedule.
  - Application of flexible hours or other forms of organization of working time that are applied in the organization.

The measures provided for the above purposes may be, among others, flexibility in the hours of entry and exit or the choice of the work shift.

With the measures that appear in this point, it is intended to help the victims so that their aggressors cannot locate them through flexibility in setting the schedules, while allowing attention to their family needs. These measures contribute to increasing the safety of the victims and reduce the risk of aggression in the place, proximity or on the way to the workplace.

The realization of the reorganization of working time in any of the aforementioned measures, as well as the reduction of working hours, will correspond to the victim worker; although these measures will be applied making them compatible with the organizational and productive needs of the research center.

The reduction in working hours will be up to 50% of the ordinary working day and during the first three months it will be applied without a reduction in salary. Likewise, as stated in the preamble II, article 19 and article 22 of Law 17/2022, of September 5, which modifies Law 14/2011, of June 1, on Science, the Technology and Innovation, the periods of time dedicated to enjoying part-time leave for gender violence during

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the duration of the contract will give rise to the extension of the contract for the time equivalent to the working day that has been reduced.

## 6.2. remote work


Victims will have the right to carry out their work totally or partially remotely or to stop doing so if this were the established system , provided that this modality of provision of services is compatible with the position and functions carried out. Victim workers will enjoy preference for its application, under the terms provided in the agreements on remote work, if any, applicable in the organization.

## 6.3. Geographical mobility

Article 40.4 of the ET establishes that workers considered victims of gender violence or sexual violence who are forced to leave their job, to give effect to their protection or their right to comprehensive social assistance, will have preferential right to occupy another job position, from the same professional group or equivalent category, that the organization has a vacancy in any other of its work centers. IRBLleida only has one work center, so it is impossible to cover this right. However, for those people who at the time of the communication of the situation of gender violence or sexual violence enjoy a scholarship/contract financed by public or private entities for the performance of their activity, the center will urge the financing organizations to assess the possibility of developing said activity in other research centers with characteristics equivalent to those indicated in the call for the grant/contract. It should be noted that there is a legal vacuum at this level in public calls for the performance of research/support activity in research centers. In case of acceptance of geographical mobility by the funder , an attempt will be made to ensure that the characteristics of the displacement are adapted to those contained in Organic Law 1/2004 of December 28.

## 6.4. Justification of absences and/or lack of punctuality

Absences or lack of punctuality to work motivated by the physical or psychological situation derived from gender violence sexual violence, accredited by the social or health services as appropriate, will be considered justified.

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Victims frequently need to be absent from work to attend to the particular needs derived from their situation. Said absences will be considered justified, and therefore, lack of attendance and punctuality motivated by their situation as a victim of gender violence or sexual violence cannot be penalized.

To ensure the above, the victim must:

- Notify absences in advance and, if this is not possible due to the nature of the cause of the absence, as soon as possible.
- Documentary justification of absences through reports issued by the previously mentioned services.


Likewise, the absences necessary to attend judicial proceedings motivated by the situation of victim will be considered paid leave.

### 6.5. Suspension of employment contract

Right legally included in article 45.1.n of the ET. The employment contract may be suspended by decision of the worker who is forced to leave his job as a result of being a victim of gender violence or sexual violence. Likewise, as stated in the preamble II, article 19 and article 22 of Law 17/2022, of September 5, which modifies Law 14/2011, of June 1, on Science, the Technology and Innovation, the periods of time dedicated to the enjoyment of full-time leave by gender violence during the duration of the contract they will interrupt the calculation of the duration of the contract.

In accordance with article 48.8 of the ET, the period of suspension will have an initial duration that may not exceed six months, unless the judicial protection proceedings result in the effectiveness of the victim's right to protection requiring the continuity of the suspension. In this case, the judge may extend the suspension for periods of three months, with a maximum of eighteen months.

In accordance with current regulations, the period of suspension and contribution made during it will count as the effective contribution period for the purpose of requesting Social Security benefits, such as unemployment, retirement, permanent disability, death or survival, maternity and care of minors affected by cancer or other serious illness.

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### 6.6. Termination of employment contract

Right legally included in article 49.1.m of the ET. The legal regulations allow the employment relationship to be terminated by decision of the worker who is the victim of gender violence or sexual violence, provided that they need to leave their job due to said condition.

In order to facilitate this option, the worker who is a victim of gender violence or sexual violence may request voluntary leave from the organization, with the right to unemployment benefits, provided they meet the legal requirements established for it, under the following conditions:

- The withdrawal request must be formalized in writing.
- The required notice period will not exceed 5 business days, trying to keep it as short as possible.

### 6.7. Nullity of the decision to terminate the contract


Legally included in article 53.4.b of the ET. If a worker who is a victim of gender violence or sexual violence is fired by the company while exercising their right to a reduction in working hours, rearrangement of work time, geographical mobility, change of workplace or suspension of the contract, the dismissal will be will declare void.

### 6.8. Nullity of disciplinary dismissal

Legally included in article 55.5.b of the ET. The dismissal of workers who are victims of gender-based violence or sexual violence for reasons of discrimination prohibited by the Constitution or the Law, or if it has occurred in violation of the person's fundamental rights and public liberties, will be considered null and void. worker. This includes but is not limited to the exercise of reduction, rearrangement of work time, geographical mobility, change of work center or suspension of the employment relationship in the terms legally recognized in the ET.

## 7. ADDITIONAL RIGHTS



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### 7.1. Protection of the dignity and privacy of the victim

Based on the victim's right to protection of their dignity and privacy, all persons who in any way intervene or participate in the process and in the application of the measures provided in this guide, undertake to adopt the necessary measures to protect the identity of the victim and their next of kin, keeping confidentiality and secrecy in all cases, and avoiding the transmission of any type of information that could facilitate their identification.

### 7.2. the workplace

If both the victim of gender violence or sexual violence and the abuser provide services in the center, and without prejudice to the application of the aforementioned rights, the necessary organizational measures will be arbitrated whenever possible so that they do not coincide even in the spaces, nor, in the time that they develop their working day, such as changes of location, schedules or shifts.

## 8. DIFFUSION


This guide will be made known to the entire IRBLleida staff, publishing it through the different internal communication media and will be continuously available for consultation.

Likewise, the new incorporations will be made known, informing them of the awareness and training measures promoted by the center in matters of gender violence and sexual violence.


## 9. MONITORING COMMITTEE

The IRBLleida equality commission will be responsible for:

- Coordinate, together with the center's human resources unit, the application of the measures described in the guide.


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- Inform the Center Management of the request to apply any of the measures included in the guide.
- Follow up on the provisions of this guide to adapt it to current legal regulations, as well as propose corrective or improvement measures.

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## 10. BIBLIOGRAPHY AND RESOURCES


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2. Royal Decree Law 9/2018, of August 3, on urgent measures for the development of the state pact against gender violence. Government of Spain, 2018.
3. Organic Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom. Government of Spain, 2022.
4. Practical guide to Organic Law 1/2004, of December 28, on comprehensive protection measures against gender violence. General Council of the Judiciary. 2016.
5. Rights guide for women victims of gender violence. Ministry of Equality, 2022.
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7. Law 14/2011, of June 1, on Science, Technology and Innovation. Government of Spain, 2011.
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## ANNEX I

List of organizations, resources and services that, in accordance with the provisions of article 23 of Organic Law 1/2004, of December 28, accredit situations of gender violence.

COMMUNITY AUTONOMOUS CITY	AGENCY/RESOURCE/ACCREDITATION SERVICE
Andalusia	Andalusian Women's Institute
Principality of Asturias	· Asturian Women's Institute · Women's Advisory Center
Aragon	· Aragonese Women's Institute
Canary Islands	· Departments with competence in gender violence of the Island Councils following a report from the specialized Services of the public network of centers and services of the Canary Islands System for prevention and comprehensive intervention against gender violence
Cantabria	· General Directorate of Equality and Women of the Ministry of Universities, Equality, Culture and Sports of the Government of Cantabria · Multidisciplinary teams from the specialized Centers and Social Services of the local entities of the Autonomous Community of Cantabria
Castile and Leon	· Professional case coordinator, social worker of the Social Action Centers of the Local Corporations, Town Halls and Provincial Councils · Person in charge of the Women's Section of the Territorial Management of Social Services of each province
Castilla la Mancha	· Provincial Directorates of the Women's Institute of Castilla La Mancha
Ceuta	· Women's Advisory Center, Ministry of Health, Social Services and Equality of the Autonomous City of Ceuta
Catalonia	· Institute offices Català de les Dones, Social Services, and Services of the General Directorate for the eradication of sexist violence · Specialized Intervention Services (SIE) · Women's Information and Care Services (SIAD) · Crime Victim Assistance Office · Public reception resources and entities subsidized by a specific Public Administration for the care of women victims of gender violence
Extremadura	· General Directorate of the Extremadura Women's Institute of the Ministry of Equality and Spokesperson

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COMMUNITY AUTONOMOUS CITY	AGENCY/RESOURCE/ACCREDITATION SERVICE
Galicia	<ul style="list-style-type: none"> <li>· Social services of the regional or local public administration:</li> <li>- Centers that make up the Galician information network for Women</li> <li>- Galician foster care centers</li> <li>· Community and specialized social services of Galicia, dependent or attached to the Xeral Secretariat of Equality of the Xunta de Galicia</li> </ul>
Balearic Islands	<ul style="list-style-type: none"> <li>· Professionals from the Management and Planning Service of the Balearic Institute for Women, in their functions as Coordinating Center for Protection Orders Balearic Institute for Women (Balearic Government)</li> <li>· Specialized care centers for victims of gender violence (Island Councils of Mallorca, Menorca, Ibiza and Formentera)</li> <li>· Reception Centers for Victims of Gender Violence (Island Councils of Mallorca, Menorca, Ibiza and Palma City Council)</li> <li>· Comprehensive Care Service for Victims of Gender Violence (Palma City Council)</li> </ul>
Region of Murcia	<ul style="list-style-type: none"> <li>· General Directorate for Women and Gender Diversity</li> </ul>
Madrid's community	<ul style="list-style-type: none"> <li>· General Directorate of Equality of the Community of Madrid</li> <li>· Devices of the Comprehensive Care Network for Gender Violence of the Community of Madrid whose management is direct by public employees:</li> <li>- Municipal Points of the Regional Observatory of Gender Violence of the Community of Madrid</li> <li>- Emergency center 5 of the Móstoles City Council</li> </ul>
Melilla	<ul style="list-style-type: none"> <li>· Women's Information and Advice Center, Unit dependent on the Ministry of Education, Culture, Celebrations and Equality of the Autonomous City of Melilla</li> </ul>
Foral Community of Navarre	<ul style="list-style-type: none"> <li>· Section for Attention to Victims of Crime and collaboration with the judicial bodies of the Department of Migration Policies and Justice.</li> <li>· Instituto Navarro de Igualdad (INAI) to request accreditation of victims of violence against women for access to protected housing.</li> </ul>
Basque Country	<ul style="list-style-type: none"> <li>· Directorate of Social Services of the Department of Equality, Justice and Social Policies</li> </ul>
The Rioja	<ul style="list-style-type: none"> <li>· General Directorate of Social Services attached to the Ministry of Social Policies, Family, Equality and Justice</li> <li>· General Directorate of Justice and Interior attached to the Ministry of Social Policies, Family, Equality and Justice</li> </ul>
Valencian Community	<ul style="list-style-type: none"> <li>· General Directorate of the Valencian Women's Institute</li> <li>· Territorial Directorates of Equality and Inclusive Policies</li> </ul>