

HEALTHY LEADERSHIP AND WORKPLACE HARASSMENT PREVENTION BILL

Preamble

Team commitment depends on the people who hold managerial roles. In addition, the European Agency for Safety and Health at Work identifies stress, work overload, and psychological harassment (mobbing) as emerging factors of occupational disease. This law seeks to professionalize leadership, safeguard mental health, and eradicate harassment, providing companies with a uniform framework of rights and obligations.

Title I. Purpose, Scope, and Definitions

Article 1. Purpose.

To regulate the training, certification, psychological assessment, and accountability of personnel with managerial or supervisory functions, as well as the mechanisms to prevent and address stress, work overload, and psychological harassment.

Article 2. Scope of application.

Applicable to all companies and entities, public or private, operating within Spanish territory and employing at least one person.

Article 3. Definitions.

- Person with managerial functions: anyone who directs, coordinates, or supervises the work of others.
 - Positive leadership: a management style based on empathy, emotional intelligence, people development, and the creation of psychologically safe environments.
 - Harmful work-related stress: a detrimental physical and emotional response when job demands exceed the worker's resources.
 - Psychological harassment (mobbing): ongoing behavior of harassment that violates the victim's dignity or psychological integrity.
 - Workplace well-being: a positive balance between work demands and personal resources, with a sense of purpose, safety, and health.
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Title II. Obligations of Companies

Chapter I. Healthy Leadership Training Plan (HLTP)

Article 4. Minimum content of the HLTP.

- Effective communication and constructive feedback.
- Managing diverse and inclusive teams.
- Positive leadership tools (coaching, emotional intelligence, servant leadership, and team

empowerment).

- Identification and prevention of psychosocial risks, stress, burnout, and work overload.
- Prevention and handling of psychological and sexual harassment.
- Conflict resolution and ethical decision-making.

Article 5. Procedure and minimum hours.

Initial training will be delivered before assuming managerial duties.

Each person with managerial functions must prove at least 16 hours per year of refresher training.

Article 6. Mandatory external certification.

A biennial competency assessment conducted by an entity accredited by the labor authority or listed in the National Register of Training Centers for Employment, or approved by the National Institute for Safety and Health at Work.

Evidence will include theoretical (exam), practical (case study), and behavioral (360-degree feedback) components.

The cost will be fully borne by the company.

Chapter II. Psychological Suitability Assessment for Leadership

Article 7. Pre-leadership psychological exam.

Before taking on a leadership role, the candidate must pass an external psychological assessment measuring positive leadership competencies, stress tolerance, empathy, and the absence of abusive behavioral traits.

The assessment will be repeated every four years while the person retains managerial functions.

The report will state only “fit / unfit / fit with development plan” to preserve clinical confidentiality.

The company must provide a development plan or reassignment to anyone rated “unfit” until a new assessment is passed.

The assessment will be governed by the principles of necessity, proportionality, and data minimization in accordance with Regulation (EU) 2016/679 (GDPR) and Organic Law 3/2018. Data processing will be carried out exclusively by licensed healthcare professionals, and the company may only learn the final fitness outcome.

In any case, the assessment will be advisory in nature, with no automatic effects, unless there is an adverse clinical report indicating a serious psychosocial risk to the work environment.

Article 8. Safeguards and data protection.

The test will be voluntary for the candidate, yet an indispensable requirement for designation as a person with managerial functions.

Clinical data will remain under the control of the healthcare professional and will not be accessible to the company.

Chapter III. Organizational Well-being Assessment

Article 9. Mandatory indicators.

Companies will measure, at least semi-annually:

- a) Perceived stress index.
- b) Engagement level.
- c) Voluntary turnover and absenteeism rates.
- d) Incidence of complaints or reports of harassment.
- e) Distribution of workforce and leadership positions by sex and parental status, as well as representation ratios.

Article 10. Psychosocial audit.

Companies with ≥ 50 people: external audit every two years.

Companies with < 50 people: annual self-assessment using an approved tool.

Chapter IV. Workplace Climate and Exit Surveys

Article 11. Annual Climate Survey (ACS).

It will be conducted in the first quarter and will cover, at a minimum:

- a) Evaluation of the direct manager/supervisor.
- b) General work environment.
- c) Work overload and overtime.
- d) Status of recent mothers/fathers: perceived support and unfavorable changes.

The survey will be anonymous, voluntary, and accessible outside the corporate network through an encrypted platform.

All staff will participate so the overall distribution can be compared to leadership distribution.

Surveys will be administered or distributed by an external entity accredited in information security, guaranteeing process impartiality and verifying compliance with anonymity, voluntariness, and non-retaliation.

Platforms used must hold ISO/IEC 27001 or equivalent certification.

Article 12. Targeted Follow-up Survey (TFS).

To be conducted in the second quarter, focusing on critical variables identified in the ACS.

It will be brief (≤ 10 questions) and subject to the same safeguards.

Article 13. Exit survey.

Any person who resigns voluntarily will be offered an anonymous survey on:

- a) Main reason for resignation.
- b) Willingness to recommend the company to others (eNPS).
- c) Comments on workload and work-life balance.

Article 14. Anonymity and protection safeguards.

Collection of metadata that could identify the respondent is prohibited.

Companies must allow the use of personal devices.

Any coercion, manipulation, or retaliation will constitute a very serious offense.

Chapter V. Prevention of and Response to Psychological Harassment

Article 15. Mandatory internal protocol.

Must include confidential channels, deadlines (15 days to admit; 60 days to resolve), and protective measures.

Investigations will be conducted by external personnel or a certified joint committee.

Article 16. Support measures.

Psychological counseling, mediation, and, where appropriate, reassignment or temporary telework for the victim.

Title III. Rights of Workers

Article 17. Right to a psychologically safe environment.

Article 18. Right to preventive training.

Article 19. Right to report and to participate anonymously in surveys without retaliation.

Title IV. Certification, Auditing, and Reporting Systems

Article 20. Certifying entities and public registers.

Article 21. Annual leadership and well-being report, with aggregated survey results and representation indicators.

Title V. Incentives and Penalties

Article 22. Tax incentives and bonuses for companies with $\geq 90\%$ of managers certified and with no sanctions.

Article 23. Offenses and penalties.

- Serious offense: absence of HLTP, anti-harassment protocol, ACS/TFS, or lack of transparency in indicators.

- Fines from €6,000 to €70,000, graduated based on number of people affected, recidivism,

severity of psychosocial harm caused, and company size.

- Very serious offense: lack of certification, lack of psychological assessment, retaliation due to surveys, manipulation of results, or discrimination in promotions.

- Fines from €70,000 to €500,000 and disqualification for up to 5 years, also graduated by the same criteria.

Title VI. Governance and Evaluation of the Law

Article 24. Competent authority: Ministry of Labor and Social Economy.

Article 25. Advisory Committee for Mental Health at Work (tripartite and academic representation).

Article 26. Five-year review: impact report and improvement proposals.

Transitional Provisions

- 12 months: HLTP, anti-harassment protocol, survey platform, and psychological exam system.

- 24 months: first certification and first ACS.

- 36 months: first annual report.

- Companies with < 20 people: an additional 12 months.

Final Provisions

- Regulatory development within 9 months.

- Entry into force 6 months after publication in the Official State Gazette (BOE).