

Article

Women as Victims of Court Rulings: Consequences of Workplace Harassment in the Hospitality Industry in Spain (2000–2016)

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Abstract: Workplace harassment is a psychosocial risk factor that increasingly affects workers in the hospitality industry. Although this risk factor is recognised by legal regulations in Spain, in many cases the scope of these regulations and their interpretation by the courts remains unclear. The aim of this research is to conduct a qualitative, documentary, and descriptive study of the content of 61 rulings obtained from a search of 2335 rulings in the database of the Judicial Documentation Centre (CENDOJ) for the years 2000 to 2016. The main results show a steady increase in complaints over sixteen years; that women are predominantly the victims of work-related and sexual harassment; and that most harassment is carried out by men, is vertical in nature, and is frequently perpetrated by employers or bosses. Approximately half of the cases resulted in the awarding of some form of financial compensation, and although the amounts were small, over half of these cases involved workplace harassment, with the rest relating to sexual harassment at work. Most cases resulted in the termination of the victim's contract, either through dismissal or employee abandonment. Based on the results found, we develop proposals that may facilitate future lines of action designed to enhance the defence and legal protection of workers and thus contribute to the promotion and sustainability of wellbeing in the workplace.

Keywords: workplace harassment; sexual harassment; hospitality; rulings; women; victims; perpetrators



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1. Introduction

In recent years, transformations in the workplace have led to more competitive working environments with increasing psychological demands. In response to these developments, the current socioeconomic model requires a certain degree of modification in order to achieve better working conditions and more decent jobs. Similarly, health and safety regulations, which have helped to promote the development of a progressive preventive culture in our society, need to adapt to new models of employment and labour relations that are currently characterised by outsourcing, flexibilisation, and subcontracting. However, there is also a need to evolve towards more secure, healthy, and resilient organisational structures, in line with goals 3, 8, and 10 of the Sustainable Development Goals (SDG) of the 2030 Sustainable Development Agenda of the United Nations, and to promote gender equality and reduce inequalities, in line with goals 5 and 9. This agenda establishes a clear relationship between sustainable economic growth, employment, and decent jobs. Moreover, in terms of social sustainability, importance must be placed on equity, justice, and safety [1] in order to ameliorate social and personal wellbeing. A sustainable working system requires long-term vision that takes all relevant stakeholders into account, while providing employees with the appropriate skills to deal with the changing demands of the job market. According to Docherty et al. [2], workers should have the opportunity to simultaneously develop their potential as individuals, professionals, and members of society. An

important issue in organisational sustainability is gender and sexual harassment, which can easily undermine self-esteem and consequently hinder personal growth and career promotion. In this context, there is a broad consensus that dignified and decent working conditions are somewhat lacking [3] in the hospitality sector, with conditions characterised by an aggressive working environment in which physical and psychological attacks prevail [4,5]. Such conditions lead to the appearance of psychosocial risks factors such as workplace harassment (WH), which is considered one of the main stressors that workers face [6,7] and is a criminal offence according to the Spanish Penal Code (Código Penal, CP).

The various studies reviewed show that harassment is a complex and multicausal phenomenon. The Spanish legal system lacked any definition of workplace harassment until 2001, when the legal system began to address the concept of workplace harassment based on Leymann's definition. These beginnings led to the development of a jurisprudential doctrine that remains unclear and ambiguous to the present day. In the case of Spain, it is necessary to refer to the judicial decisions of the courts in order to establish what action is being taken and to be able to draw conclusions as to how workplace harassment is being addressed. Given that, to the best of our knowledge, there has been no in-depth research on workplace harassment in the hospitality sector, our main objective is to shed light on the issue by analysing legal rulings relating to this type of violence. In light of the above, our study aims to analyse WH in the context of Hospitality, Restaurants, and Catering (HORECA) in Spain, a sector characterised by a culture that tolerates intimidation and harassment [8,9]. The HORECA sector is of particular interest, and differs from other sectors, in that deviant behaviour originates from a variety of sources. Staff, suppliers, and external actors [10] are in close contact with customers, which often leads to interpersonal conflicts at work [11]. The sector provides employment to a large number of workers, all of whom are subject to significant vulnerability in terms of violence and work harassment and in particular, those individuals with lower educational qualifications, young people, migrants, members of ethnic minorities, and women with family responsibilities [8,12]. Women play a fundamental role in the growth and development of the tourism sector [13]. In Spain, 52% of workers in the tourism industry are women [12]. However, working conditions in this industry lead to stressful and even violent situations [8], which include long working hours, difficulty in reconciling family and work commitments, hectic work schedules, and permanent contact with clients. Working conditions inherent to the tourism sector generate stress levels among workers, with women especially affected, and act as a catalyst for harassment [14]. In addition, night shifts and alcohol consumption, which are typical in many establishments in the tourism sector, increase the likelihood of violence or sexual harassment, to which women are more exposed [15,16].

There are several models that explain situations of violence or harassment in the workplace. O'Leary-Kelly et al. [17] developed a model in which they propose modelling of aggressive behaviours as antecedents of violence, taking the social learning [18] perspective into account. According to this model, a new worker in an organisation with an aggressive environment can learn to develop the same type of behaviour through observational learning, symbolic modelling, and imitation of violence. Spector [19], based on the frustration-aggression hypothesis (Dollard et al. [20]; Berkowitz [21]), proposed that frustrating working conditions (e.g., pressure at work, lack of resources) can lead to a series of counterproductive behaviours among employees. According to this model, feelings of frustration can lead to violent behaviour, due to interference with goal achievement [22]. Even when the goal is achieved, frustration can occur if the result is not maintained over time. Frustration generates activation in individuals, leading to the appearance of violent acts. Despite the fact that workplace violence or harassment is considered antisocial behaviour by society, this type of violence within the hospitality industry continues to thrive as a consequence of certain organisational environments [23], such as imposing discipline, increasing productivity, or maintaining the existing hierarchy.

In Spain, WH is subject to specific legal regulation that provides clear and comprehensive protection against this risk. A study of judicial decisions of the courts is therefore

required, in order to determine what action is being taken. To address this gap, our study aims to analyse WH in the context of Hospitality, Restaurant and Catering [HORECA in Spain], a sector with a culture that typically tolerates intimidation and harassment, which largely affects women [8,9]. Given that the prevalence rate of workplace harassment among hospitality employees in Europe ranges from 4.2% to 5.6% [15], there is a need for further research into the way in which harassment has been dealt with by the legal system.

In light of the above, we will analyse the rulings of all Spanish courts between 2000 and 2016. We are interested in outlining the most frequent type of harassment, with a focus on gender differences and the relationship with job characteristics. Our study also aims to establish the legal requirements to initiate this type of legal process and to review the compensation awarded for moral damages to the victims. This will allow us to establish the progress achieved but also the characteristics and limitations of existing defence and protection against harassment. We also hope that the results obtained will contribute towards the development of proposals that facilitate lines of future action that serve to uphold and defend the fundamental rights of workers in a sector of great importance for the global economy and especially in Spain, where it represented approximately 14.9% of GDP in 2017 [24]. Our approach to the concept of WH will therefore include the typology of WH, the characteristics of victims and offenders, the types of harassment, the influence of gender factors, and the causes of harassment behaviour.

2. Workplace Harassment: Defining a Complex Concept

Interest in the study of harassment has increased exponentially over recent decades [25]. However, no single or commonly shared definition of harassment exists at the present time. Brodsky [26] defined harassment as repeated and persistent attempts by an individual to torment, frustrate, and intimidate, thereby eliciting an upset reaction from another individual. For Vartia [27], harassment is a situation where an individual is repeatedly exposed to negative actions by one or more people over a long period of time. Although WH is presented as a complex and controversial phenomenon, all of the studies reviewed corroborate to some extent the definition provided by Leymann [28], who defined WH as being principally characterised by hostile and immoral communication systematically directed by one or more individuals towards another individual, who is forced towards a situation of social deprivation and helplessness. Several theorists also point to the interpersonal nature of the harassment and define WH as the product-result of a certain type of relationship established between the members of the same organisation and not with external agents [29]. This aspect is important, as it helps to differentiate WH from other forms of aggression and interpersonal violence in the workplace [30]. This also allows WH to be perceived from a more dynamic perspective: a process that usually follows a gradual path (intensity and frequency) and progresses from subtle acts to more open and evident expressions of recurring interactions laden with abuse and aggression [31].

Analysing workplace harassment from a legal standpoint is also important, given the major social consequences this entails. Jurisprudential doctrine distinguishes between WH and the improper, abusive, or arbitrary exercise of entrepreneurial powers. In the first case, the fundamental rights of a person are harmed, principally their dignity and moral integrity, while in the second case, it is confined to strictly compromising labour rights. Both concepts are differentiated on the basis of the damage caused to the victim (High Court of Justice of A Coruña Social Chamber, Section 1^a. Judgment no 5330/2009). This difference in turn demands the use of different forms of evidence, given that entrepreneurial arbitrariness is considered insufficient evidence in court, and the person making a claim or reporting WH is instead required to demonstrate harassing behaviour (High Court of Justice of Madrid Social Chamber, Section 1^a. Judgment no 470/2018). Also common in the legal field are references to “sexual harassment”/“discriminatory harassment”. The first is any behaviour motivated by a person’s gender, and the second is behaviour targeted against a worker and motivated by disability, age, or sexual orientation or religious, political, or racial considerations [32,33]. [see Appendix A].

We should also draw attention to the legal developments that have taken place over recent decades with reference to comparative legislation at the level of the International Labour Organization [ILO], the European Union, and Latin America [34]. As regards the ILO, important instruments to prevent and combat WH are considered: (a) Convention 155 on worker safety and health, (b) Convention 111 on discrimination (employment and occupation) and Recommendation 111, (c) the recommendations issued by the ILO in 2003, and (d) the inclusion of psychosocial risks in 2010 in the list of occupational diseases [35] (p. 73). Regarding the European Union, important legal legislation includes various documents of the European Parliament, such as the Resolution on Mobbing in the Workplace, 2001/2339(INI), the European Framework Agreement on Harassment and Violence in the Workplace, and the Multisectoral Guidelines to Solve Violence and Harassment of Third Parties Related to Work. In this context, we should also point to specific regulations to fight against this phenomenon in countries such as Belgium, Italy, Sweden, and the United Kingdom, and finally, various legal provisions (labour laws, criminal codes, security codes, etc.) that have been introduced in Denmark, France, Germany, Luxembourg, and Spain. As Morales [34] points out, little progress has been made with WH in Latin America, despite several proposed solutions designed to address the problem. Similarly to Europe, only a few countries, Argentina, Brazil, and Colombia, have adopted specific legislation, while others, such as Chile, Mexico, and Venezuela, have merely modified their labour codes. However, constitutional norms, labour code provisions, criminal codes, regulations, etc. have been applied in the case of Bolivia, Costa Rica, Ecuador, Panama, Paraguay, Peru, and Uruguay. In general, the way in which the law deals with WH remains unresolved throughout the world, and a number of hurdles still need to be overcome. Briefly broadening the legal scope to an Anglo-Saxon context, in the United States, harassment is seen as repeated unconsented contact that alarms or emotionally distresses an individual. Likewise, following the introduction of the United Kingdom's Protection from Harassment Act of 1997, WH is viewed as an action that causes alarm or distress and is repeated on at least two occasions.

In addition to the debate surrounding the definition of WH, another interesting question concerns the type of harassment involved. This classification contributes towards the differentiation of those harassment situations that sometimes pass unnoticed.

2.1. Types of Workplace Harassment from the Organisational Structure Perspective

The type of harassment depends upon the hierarchical position of the harasser within the organisation. Firstly, downward harassment, also known as bossing, takes place when the victim holds an inferior hierarchical position with respect to the aggressor and is probably aimed at forcing voluntary job abandonment [36]. Hidden motives may include the avoidance of severance payments. Secondly, upward harassment is when a person occupies a higher hierarchical rank within the organisation and is attacked by one or more subordinates. Thirdly, horizontal harassment can occur when there are individuals who are physically or psychologically weaker than or different from others, and these differences are exploited by harassers in order to simply mitigate boredom, or due to personal enmity, or even to support a personal assumption of achieving justice. These harassment behaviours can also be unleashed because of differences that exist with respect to the victim (nationality, sex, race, etc.) [25]. Regardless of the cause of the aggression, one of the main reasons that explains this behaviour type is, according to López and Vázquez [37], that groups are reluctant to tolerate differences between their members or to allow any individual member to stand out. In general, managers fail in their attempt to effectively resolve the resulting conflictive situations. This could be explained by the incompetence of managers that may possess brilliant technical aptitudes but lack important management skills. However, the Spanish Penal Code states that workplace harassment can take place via abuse that depends more on personal skills, rather than the position actually held [38].

2.2. Workplace Harassment and Gender

Some studies indicate that women are more susceptible to suffering harassing behaviours [8,39]. In this regard, work carried out by Salin [30] has shown that women are habitual targets of hostile behaviour, while men are more likely to be the harasser. These data are supported by the results obtained by Einarsen et al. [40].

This can be explained by processes of cultural socialisation, where women learn more complacent and less aggressive strategies to resolve conflicts [41]. In addition, women prove more susceptible to harassment because it occurs more frequently at lower hierarchical organisational levels where women occupy positions of greater subordination and therefore become a risk group [42]. Feeling unable to defend oneself effectively is typically seen as a principal characteristic of harassment [18]. Another influential factor is that women are more present in sectors such as education, health, and hospitality, which are the sectors registering the greatest number of harassment cases [43]. In fact, women are essential in the hospitality sector and represent half of the workforce in this industry in Spain [12]. Working conditions in this sector increase the probability of violent situations.

Nevertheless, discrepancies exist within the literature in this respect. Neither sex is significantly more susceptible to suffering harassment, given the percentages of 45% for men and 55% for women [44,45] and a recent study by Mundbjerg et al. [46], which did not find gender-based differences with regard to the likelihood of being a victim of harassment, although both presented differences in terms of the strategies used to confront it (abandonment of post, sick leave, etc.)

Within the workplace, sexual harassment is a serious problem in the hospitality industry and one that especially affects women [47]. Some authors (Fitzgerald et al. [48] and Bergman and Henning [49]) have found that sexual harassment depends on organisational culture, tolerance of the practice, and the gender context, where women's vulnerability and their reactions and responses to such situations are crucial. In addition, poorly qualified workers in repetitive and physically demanding jobs seem to be more prone to harassment [50], and work environments typified by stereotypical attitudes tend to lead to increased sexual discrimination against women [51–53]. This is a controversial issue, but there is general agreement that there are verbal and physical offenses of a sexual nature that take place in the work environment [54,55].

Despite its negative effects (increased stress, reduced work commitment, etc.), these situations are not brought to the attention of management or directors [56]. This is due to fear of reprisals and perceived suffering, especially when there are no witnesses or when the harasser is in a position of power over their victims [57]. An increasing number of current theories attempt to blame organisations for tolerating these situations [58]. However, studies indicate that organisational accountability depends on the context in which harassment occurs, given that this context varies from person to person [16]. Furthermore, and taking into account the nature of the work (interpersonal contact and customer satisfaction), hotel and catering employees, and especially women, also suffer harassment and mistreatment from customers [16]. This is more frequent in countries like the United States, where salaries are largely dependent on tips rather than a minimum wage. However, nightlife with alcohol and drug consumption or hotel reception areas, which are associated with demanding clients who complain about the quality of service, also encourage this type of violence [14]. According to Madera's research [16], managers tend to take a more lenient attitude to this type of harassment, regarding it as a less serious problem than harassment by a member of the organisation (partner, boss). However, this study focuses on workplace harassment in a more general sense.

2.3. Consequences of Workplace Harassment

A large number of studies have shown that harassment situations are associated with a series of negative consequences on an individual, organisational, and social level [59,60]. At an individual level, harassment can lead to serious problems such as insecurity, guilt, depression [61], irritability [62], sleep difficulties [63], and a decline in mental health [64].

The latter includes burnout [65], symptoms of post-traumatic stress [66] and suicidal ideas [67].

At an organisational level, harassment has been related to an increase in absenteeism and staff turnover, lower employee commitment, and the generation of a bad workplace atmosphere [68], while also weakening perceived organisational support and employee engagement and retention [69]. Of the former, external turnover has been regarded as a coping strategy, given that it distances exposed individuals from the source of the problem [70]. However, changes in the labour market, lack of mobility, and difficulties in finding an alternative job can prevent victims from abandoning their job [71] and play an important role in decisions that may also affect self-esteem, skill valuation, and perceptions of professional career development.

At a social level, anxiety processes, post-traumatic stress and other related pathologies may lead to an increase in the cost of worker protection. In addition, if the psychological effects resulting from the harassment situation lead to occupational disqualification caused by difficulties in reincorporating employees into the workplace, costs may be even higher.

3. Objectives

Having reviewed the importance of workplace harassment, together with the potential damage and resulting costs, and given the lack of legal-related studies and the absence of research analysing rulings in the hospitality sector, our objectives are focused on the analysis of national rulings dictated by the Spanish Courts of Justice with respect to WH in the hospitality sector. Our aim is to reveal which type of harassment is most common, to identify the relationship with organisational characteristics, and ultimately, to gain a better understanding of the actions and rulings dictated by the courts when facing WH scenarios. The methodology of the present study is therefore of a descriptive and qualitative nature, with an in-depth investigation of the registers and files that contain related documentation that will assist in understanding the extent of the phenomenon.

4. Materials and Methods

With the objective of analysing harassment in court cases, we performed a qualitative study via document analysis of the aforementioned cases, using the database (CENDOJ) of the Judicial Documentation Centre of the General Council of the Judiciary.

The terms used in the search for court judgments were “acoso laboral/mobbing at work” and “hostigamiento laboral/workplace harassment”, in order to find every court ruling document. In an initial search, we found a total of 2355 court rulings. We then limited our search to the period 2000–2016, given that there were already laws in 2000 that dealt with situations of harassment, for example [72] and [73]. This provided us with a total of 686 documents. We then carried out a search of court rulings using the term “workplace harassment”, filtering and selecting those documents referring to the “hospitality” sector. Those rulings referring to domestic violence, as well as others related with terms such as work conflict, labour relations, or labour jurisdiction, were excluded, given that they failed to comply with our study’s requisites. A thorough review provided us with a total of 372 rulings, of which 311 were dismissed by the judges on the understanding that no legal basis existed for a case of harassment, and the remaining 61 rulings were analysed, taking into account the types of harassment and the organisational characteristics. In addition, we analysed harassment from the point of view of both the harasser and the victims, together with the legal rulings dictated.

All of the 61 rulings analysed corresponded to lawsuits in the Chamber for Social and Labour Matters of the High Courts of Justice or appeals before the Provincial Courts. We then performed a descriptive breakdown analysis in terms of type of harassment, victims and perpetrators, and penalties imposed.

Content and Data Analysis

We carried out qualitative research by means of a documentary analysis of the aforementioned rulings that was designed to identify: a) the sociolabour characteristics of both the victim and the aggressor, and b) the type of damage and measures taken by the courts. In addition, a descriptive analysis of the extracted data was carried out with Microsoft Office/Excel 2016.

5. Results

The results of this analysis indicate that the number of rulings for WH in hospitality is inferior to the number for other sectors in the tertiary sector where an aggressive environment plays a role. These are commerce, health, education, and public administration, with the travel agency sector being the only sector registering fewer rulings than hospitality. Over the period 2000–2016, the annual percentage of rulings handed down by the courts maintained similar values, showing an upward trend, especially since 2008. Health and public administration are of particular note, reaching annual percentages exceeding 12% (Table 1). These data confirm the results of some other studies [74] in which there is a greater presence of harassment situations.

Table 1. Total percentages of rulings in the tertiary sector due to harassment, (2000–2016).

Year	Hospitality		Commerce		Health		Education		Travel Agencies		Public Administration		Total Harassment per Year		% Hospitality by Total Harassment per Year
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	%
2000	4	1.08%	1	0.17%	5	0.71%	4	0.64%	1	0.90%	8	0.27%	23	0.43%	17.39%
2001	2	0.54%	2	0.34%	3	0.43%	1	0.16%	0	0.00%	17	0.57%	25	0.47%	8.00%
2002	4	1.08%	9	1.52%	8	1.14%	3	0.48%	0	0.00%	26	0.87%	50	0.93%	8.00%
2003	3	0.81%	17	2.87%	15	2.13%	10	1.60%	5	4.50%	55	1.85%	105	1.95%	2.86%
2004	17	4.57%	30	5.06%	29	4.13%	24	3.83%	5	4.50%	75	2.52%	180	3.35%	9.44%
2005	17	4.57%	34	5.73%	25	3.56%	29	4.63%	10	9.01%	140	4.71%	255	4.74%	6.67%
2006	18	4.84%	41	6.91%	45	6.40%	28	4.47%	2	1.80%	149	5.01%	283	5.26%	6.36%
2007	20	5.38%	43	7.25%	45	6.40%	52	8.31%	5	4.50%	169	5.69%	334	6.21%	5.99%
2008	34	9.14%	52	8.77%	46	6.54%	45	7.19%	7	6.31%	175	5.89%	359	6.68%	9.47%
2009	23	6.18%	34	5.73%	38	5.41%	49	7.83%	13	11.71%	188	6.33%	345	6.42%	6.67%
2010	25	6.72%	49	8.26%	55	7.82%	46	7.35%	10	9.01%	190	6.39%	375	6.98%	6.67%
2011	37	9.95%	53	8.94%	57	8.11%	49	7.83%	8	7.21%	252	8.48%	456	8.48%	8.11%
2012	33	8.87%	50	8.43%	65	9.25%	44	7.03%	11	9.91%	249	8.38%	452	8.41%	7.30%
2013	32	8.60%	35	5.90%	65	9.25%	63	10.06%	11	9.91%	363	12.21%	569	10.58%	5.62%
2014	26	6.99%	48	8.09%	86	12.23%	51	8.15%	11	9.91%	293	9.86%	515	9.58%	5.05%
2015	40	10.75%	48	8.09%	54	7.68%	62	9.90%	8	7.21%	306	10.30%	518	9.64%	7.72%
2016	37	9.95%	47	7.93%	62	8.82%	66	10.54%	4	3.60%	316	10.63%	532	9.90%	6.95%
Totals	372	100.00%	593	100.00%	703	100.00%	626	100.00%	111	100.00%	2972	100.00%	5377	100.00%	6.92%

With respect to the judicial review of court rulings, only 16.40% were upheld, while 83.60% were dismissed. Table 2 shows a breakdown of the rulings upheld by the different courts by year. The jurisdiction that was most associated with this type of judgment is social jurisdiction, followed by criminal jurisdiction. Continuing with working environment, we analysed the different types of harassment and were able to observe that workplace harassment was the most common (Table 2), representing 50.82% of the cases ($n = 61$); closely followed by sexual harassment, representing 44.26%; and finally discriminatory harassment, representing only 4.92%.

Table 2. Total considered and dismissed cases by year, and breakdown of considered cases by type of harassment at work (work, sexual and discriminatory) in the hospitality sector.

Year	Dismissed Cases		Considered Cases by Harassment Type							
	DC	%	WH	%	SWH	%	DWH	%	CC	%
2000	4	1.08%								
2001	1	0.27%			1	1.64%			1	0.27%
2002	1	0.27%			3	4.92%			3	0.81%
2003	2	0.54%			1	1.64%			1	0.27%
2004	16	4.30%			1	1.64%			1	0.27%
2005	16	4.30%	1	1.64%					1	0.27%
2006	15	4.03%	2	3.28%	1	1.64%			3	0.81%
2007	16	4.30%	2	3.28%	2	3.28%			4	1.08%
2008	22	5.91%	7	11.48%	5	8.20%			12	3.23%
2009	21	5.65%	1	1.64%	1	1.64%			2	0.54%
2010	20	5.38%	5	8.20%					5	1.34%
2011	32	8.60%	2	3.28%	3	4.92%			5	1.34%
2012	29	7.80%	1	1.64%	3	4.92%			4	1.08%
2013	29	7.80%	2	3.28%	1	1.64%			3	0.81%
2014	23	6.18%	2	3.28%	1	1.64%			3	0.81%
2015	34	9.14%	1	1.64%	3	4.92%	2	3.28%	6	1.61%
2016	30	8.06%	5	8.20%	1	1.64%	1	1.64%	7	1.88%
Totals	311	83.60%	31	50.82%	27	44.26%	3	4.92%	61	16.40%

Note: N = 372. DC: Dismissed cases, WH: Workplace harassment. SWH: Sexual workplace harassment. DWH: Discriminatory workplace harassment. CC: Considered cases.

When we analysed the number ($n = 31$) of rulings on workplace harassment (Table 3) in relation to the various harassment typologies (vertical, horizontal, and mixed), we observed that the downward type represents 83.87% of the cases studied and the upward type was practically nonexistent, at only 3.23%. Horizontal harassment represents 9.68%, and mixed harassment 3.23%.

Table 3. Annual percentage breakdown of workplace harassment rulings according to the type of organisational harassment (upward, downward, horizontal, and mixed).

Year	DWH		UWH		HWH		MWH		Total Organisational Harassment	
	No. Cases	%	No. Cases	%	No. Cases	%	No. Cases	%	No. Cases	%
2000										
2001										
2002										
2003										
2004										
2005	1	3.23%							1	3.23%
2006	1	3.23%					1	3.23%	2	6.45%
2007	2	6.45%							2	6.45%
2008	5	16.13%			2	6.45%			7	22.58%
2009	1	3.23%							1	3.23%
2010	5	16.13%							5	16.13%
2011	1	3.23%	1	3.23%					2	6.45%
2012	1	3.23%							1	3.23%
2013	2	6.45%							2	6.45%
2014	1	3.23%			1	3.23%			2	6.45%
2015	1	3.23%							1	3.23%
2016	5	16.13%							5	16.13%
Totals	26	83.87%	1	3.23%	3	9.68%	1	3.23%	31	100.00%

Note: DWH: Downward workplace harassment. UWH: Upward workplace harassment. HWH: Horizontal workplace harassment. MWH: Mixed workplace harassment.

In addition, we present a breakdown of sexual harassment (Table 4), where we can see that sexual harassment suffered by women is mainly downward (85.19%).

Table 4. Sexual harassment percentages per year.

Year	DSH		HSH		TSH	
	No.	%	No.	%	Total No.	%
2000						
2001	1	3.70%			1	3.70%
2002	3	11.11%			3	11.11%
2003	1	3.70%			1	3.70%
2004			1	3.70%	1	3.70%
2005						
2006	1	3.70%			1	3.70%
2007	2	7.41%			2	7.41%
2008	3	11.11%	2	7.41%	5	18.52%
2009	1	3.70%			1	3.70%
2010						
2011	2	7.41%	1	3.70%	3	11.11%
2012	3	11.11%			3	11.11%
2013	1	3.70%			1	3.70%
2014	1	3.70%			1	3.70%
2015	3	11.11%			3	11.11%
2016	1	3.70%			1	3.70%
Totals	23	85.19%	4	14.81%	27	100%

Note: DSH: Downward sexual harassment; HSH: Horizontal sexual harassment; TSH: Total sexual harassment.

Moreover, Table 5 shows the number of men and women ($n = 95$) that suffered a harassment situation, with women proving to be the most harassed. The percentage differences are very significant, given that women represent 83.16% of the harassed individuals, compared to 16.84% for men. We observe that women suffered more situations of harassment in 2008 and 2012, with the latter year also affecting men. These years coincide with the economic crisis. Regarding harassers, in 91.80% of the cases ($n = 61$), it is men who harass, compared to 8.20% for women. In this context, five harassers were not taken into account because we lacked information. These data show that WH largely originates from men, which may also be related to type of leadership, labour market conditions, and the social environment.

Table 5. Annual distribution of the number of female and male victims of harassment and harassment offenders in the hospitality sector according to cases considered.

Year	Work Harassment Victims						Work Harassment Offenders						No Information
	Men		Women		Totals		Men		Women		Totals		
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	
2000													
2001			1	1.05%	1	1.05%	1	1.64%			1	1.64%	
2002			5	5.26%	5	5.26%	3	4.92%			3	4.92%	
2003			2	2.11%	2	2.11%	1	1.64%			1	1.64%	
2004			1	1.05%	1	1.05%	1	1.64%			1	1.64%	
2005			1	1.05%	1	1.05%	1	1.64%			1	1.64%	
2006			4	4.21%	4	4.21%	3	4.92%			3	4.92%	
2007			8	8.42%	8	8.42%	5	8.20%	1	1.64%	6	9.84%	
2008	1	1.05%	20	21.05%	21	22.11%	11	18.03%			11	18.03%	1
2009			2	2.11%	2	2.11%	1	1.64%	1	1.64%	2	3.28%	
2010	3	3.16%	2	2.11%	5	5.26%	4	6.56%	1	1.64%	5	8.20%	1
2011			7	7.37%	7	7.37%	4	6.56%			4	6.56%	1
2012	8	8.42%	11	11.58%	19	20.00%	4	6.56%			4	6.56%	
2013	1	1.05%	2	2.11%	3	3.16%	5	8.20%			5	8.20%	
2014	1	1.05%	3	3.16%	4	4.21%	3	4.92%			3	4.92%	
2015			5	5.26%	5	5.26%	5	8.20%	1	1.64%	6	9.84%	
2016	2	2.11%	5	5.26%	7	7.37%	4	6.56%	1	1.64%	5	8.20%	2
Totals	16	16.84%	79	83.16%	95	100.00%	56	91.80%	5	8.20%	61	100.00%	5

Note: 5 offenders have not been taken into account because there is no information on their gender.

With respect to the type of contract of the WH victim (Table 6), we found ($n = 87$) that 58.62% of the harassed individuals had an open-ended contract, compared to 41.37% with temporary contracts (eight victims were not considered as we lacked information about the type of contract.) As can be observed, it is almost a balanced situation, although harassment is more frequent with indefinite contracts. Gender analysis shows that women ($n = 71$) held an indefinite contract in 49.30% of the cases, as compared to 50.70% with a temporary contract, an almost irrelevant difference. With respect to men, 100% held indefinite contracts. All of this leads us to believe that WH could be a subtle procedure for provoking harassed victims into some form of voluntary termination. With regards to the type of contract of the victims, we found that 2008 and 2012 were the years in which hiring percentages were higher for both sexes, with 2010 also proving to be a year with high hiring of men.

Table 6. Victims of harassment: annual distribution of women and men according to temporary or indefinite contract.

Year	Victims of Harassment												
	Women						Men						
	TPC		IC		Total		No Information	IC		Total		Totals	
	Count	%	Count	%	Count	%		Count	%	Count	%	Count	%
2000													
2001	1	1.41%			1	1.41%						1	1.15%
2002	5	7.04%			5	7.04%						5	5.75%
2003	2	2.82%			2	2.82%						2	2.30%
2004	1	1.41%			1	1.41%						1	1.15%
2005	1	1.41%			1	1.41%						1	1.15%
2006	3	4.23%	1	1.41%	4	5.63%						4	4.60%
2007	4	5.63%	4	5.63%	8	11.27%						8	9.20%
2008	9	12.68%	5	7.04%	14	19.72%	6	1	6.25%	1	6.25%	15	17.24%
2009			2	2.82%	2	2.82%						2	2.30%
2010			2	2.82%	2	2.82%		3	18.75%	3	18.75%	5	5.75%
2011	4	5.63%	3	4.23%	7	9.86%						7	8.05%
2012			11	15.49%	11	15.49%		8	50.00%	8	50.00%	19	21.84%
2013	1	1.41%	1	1.41%	2	2.82%		1	6.25%	1	6.25%	3	3.45%
2014	1	1.41%	1	1.41%	2	2.82%	1	0	0.00%	0	0.00%	2	2.30%
2015	3	4.23%	1	1.41%	4	5.63%	1	1	6.25%	1	6.25%	5	5.75%
2016	1	1.41%	4	5.63%	5	7.04%		2	12.50%	2	12.50%	7	8.05%
Totals	36	50.70%	35	49.30%	71	100.00%	8	16	100.00%	16	100.00%	87	100.00%

Note: TPC = Temporary contract, IC = Indefinite contract. Eight women were not taken into account because we lacked information about the type of contract.

Our study also reveals that, based on the rulings analysed, harassment originates mainly from the employer, and in the event that the harassment emanates from the worker, these workers mainly have indefinite contracts (Provincial Court of Madrid Criminal Chamber, Section 23. Ruling No. 559/2002) [Appendix A]. Interestingly, we observed that in 19.67% of the cases ($n = 61$), the harassed victim opted for the termination of their work contract, based on a serious breach of contract by the employer according to [75], and 11.48% decided to abandon their position due to the untenable situation in which they found themselves (Table 7), all of this dependent on their psychological fortitude and capacity to overcome adversity [76]. The remaining 68.85% of rulings issued evidenced a situation of harassment resulting in a conviction for the harassers. We also observed that in 2008, 2013, and 2016, there were more cases of termination of contract due to harassment, these periods coinciding with the economic crisis and the immediate postcrisis years in Spain.

Table 7. Annual distribution of harassment victims ending work relationships (termination of contract and job abandonment) according to cases considered ($n = 61$).

Year	TC		JA		Total Finalisations	
	Count	%	Count	%	Count	%
2000						
2001						
2002			2	3.28%	2	3.28%
2003						
2004						
2005	1	1.64%			1	1.64%
2006						
2007	1	1.64%	1	1.64%	2	3.28%
2008	2	3.28%	2	3.28%	4	6.56%
2009						
2010						
2011						
2012						
2013	3	4.92%	1	1.64%	4	6.56%
2014						
2015			1	1.64%	1	1.64%
2016	5	8.20%			5	8.20%
Totals	12	19.67%	7	11.48%	19	31.15%

Note: TC: Termination of contract. JA: Job abandonment.

Furthermore, we observed that rulings in which restorative damages were awarded (Table 8) represented 47.54% ($n = 29$) of the estimated total court rulings ($n = 61$), with the remaining 52.46% ($n = 32$) receiving no form of compensation. Of the court rulings with a right to compensation ($n = 29$), 37.93% ($n = 11$) correspond to compensation arising from sexual harassment behaviour and 62.07% ($n = 18$) to compensation deriving from WH.

Table 8. Rulings awarding compensation according to types of harassment at work.

Year	Harassment Victims	CMD In Euros	SWH		WH		Total Compensation	
			No. of Rulings	%	No. of Rulings	%	No. of Rulings	%
2001	1 Woman	€ 1800 approx.	1	3.45%			1	3.45%
2002	2 Women	€ 400 and € 1200, respectively € 1200 each € 300	3	10.34%			3	10.34%
	2 Women 1 Woman							
2003	2 Women	€ 3000 each	1	3.45%			1	3.45%
2006	1 Woman	€ 948.75	1	3.45%	1	3.45%	4	13.79%
	2 Women	€ 2000 each						
	1 Woman	€ 11,878.70 moral and psycho physical damages			1	3.45%		
	1 Man	€ 2441.17			1	3.45%		
2007	4 Women	€ 2094.94, € 2201.02, € 1763 € 79, € 1562.47 +10%, respectively	1	3.45%	1	3.45%	2	6.90%
	2 Women	€ 1000 each						
2008	1 Woman	€ 18,000			1	3.45%	3	10.34%
	1 Woman	€ 5328.08			1	3.45%		
	1 Woman	€ 9000			1	3.45%		
2009	1 Woman	€ 300	1	3.45%	1	3.45%	2	6.90%
	1 Woman	€ 14,200						
2010	1 Woman	€ 10,267			1	3.45%	3	10.35%
	1 Man	€ 17,396.97			1	3.45%		
	1 Woman	€ 3000			1	3.45%		

Table 8. Cont.

Year	Harassment Victims	SWH		WH		Total Compensation	
		CMD In Euros	No. of Rulings	%	No. of Rulings	%	No. of Rulings
2011	Woman	€ 3000	1	3.45%			1
2013	1 Woman	€ 5000	1	3.45%	1	3.45%	2
	1 Woman	€ 6000					
2014	1 Man	€ 420			1	3.45%	1
2015	1 Woman	€ 3000	1	3.45%	1	3.45%	2
	1 Man	€ 3000					
2016	1 Woman	€ 20,000	4	13.79%			4
	1 Woman	€ 3000					
	1 Woman	€ 10,000					
	1 Woman	€ 15,000					
Totals			11	37.93%	18	60.07%	29

Note: CMD: Compensation for moral damages. SWH = Sexual workplace harassment. WH: Work harassment.

However, these compensatory amounts are usually revised under appeal, which leads to a reduction in the amounts previously recognised. Rulings in some cases provide for the dismissal of the harasser from their job [Appendix A].

6. Discussion

This study addresses the judicial treatment of WH in the HORECA sector. We have analysed the requisites for processing claims, the types of harassment, its relationship with the type of contract, and the actions carried out in judicial procedures. Results reveal an annual evolution, with increasing numbers of cases processed in the HORECA sector, as well as other areas of activity belonging to the services sector. We found that the greatest increase in the number of rulings is from 2004 onwards, probably due to the creation of the Council for the Promotion of Equal Treatment, which was set up to combat harassing behaviours. We also found that since 2008, there has been an increase in the number of rulings handed down by the courts for these sectors of activity, coinciding with the beginning of the economic crisis and the recession, which both had a significant impact on the labour market. In addition, our research found that there were notably fewer favourable verdicts than unfavourable verdicts, which reflects the different perspectives that exist around this phenomenon in terms of technical knowledge, approach, or demonstrating evidence of WH. It should be highlighted that in the case of Spanish jurisprudence, the prerequisites for admitting a situation of harassment are: (a) a precise indication is provided with respect to the fact that is understood to be incorrect, (b) a concrete alternative text is offered, (c) the documents or expert evidence that gave rise to the error of judgement are carefully detailed, and (d) the document or expert evidence manifests the error in a clear, evident, direct, and patent manner, without the need to resort to more or less naturally logical or reasonable conjectures, suppositions, or arguments.

Our results also corroborate that in the HORECA sector, downward harassment is the most characteristic and commonly found type of harassment, coinciding with previous studies (e.g., [77], which also consider this the type of behaviour mainly found in smaller companies, many family businesses, and where the employer takes advantage of a WH-related strategy to free themselves of any worker that proves inconvenient.

When attacking a person, an objective of aggressive behaviour is pursued, in which the attacker tries to influence the behaviour of other people in order to show their position of dominance in relation to those attacked and probably the intention to harm [21]. It should be pointed out that in Spanish law, not all manifestations of corporate power, even if exerted in an abusive manner, can be qualified as WH. Instead, corporate action has to demonstrate pressure of a malicious nature over a continuous period of time, with a clear

objective of undermining the worker affected by those behaviours (High Court of Justice of Malaga Social Chamber, Section 1^a Ruling No. 1587/2009) [Appendix A].

We need to underline the issue of gender, since harassment mainly originates from men, regardless of whether the victim is a woman or not. This data is in line with some of the aforementioned studies [78]. Moreover, women appear to be the most harassed in our study, which confirms previous results (e.g., [79]). Being a woman represents an additional factor when suffering WH in sectors such as health, hospitality, and other male-dominated sectors [13,80], although some previous research does not offer conclusive results [81]. Furthermore, the results reveal that sexual harassment represents 44.26% of the cases (Table 2), and in general, it is women who are the object of this kind of harassment. This is one of the most extended forms of gender-based violence [82,83] and has a relationship with workplace deviance and family undermining [84]. From a theoretical point of view, the social learning perspective [18] can serve as a framework to explain this aggressive environment, in the sense that aggressive behaviours are the result of learning from and imitating similar events. This type of harassment usually consists of sexual jokes, innuendo, inappropriate compliments, comments, sexual advances, etc. However, research carried out on small and medium enterprises [85] in Malaysia shows that changes are taking place with respect to patterns of sexual harassment, with men increasingly becoming the victims. The explanation given by this research is the “sex-role spillover effect”: the transfer to the workplace of gender-based expectations for behaviour that are irrelevant or inappropriate for work. In addition, it should be noted that in Spanish law, the concurrence of three requisites is needed to establish the existence of sexual harassment (High Court of Justice of Albacete Social Chamber, Section 1^a. Ruling No. 990/2003) [Appendix A]: firstly, a behaviour reflecting a disposition which externalises itself via physical or verbal behaviour manifested in acts, gestures, or words; secondly, that this behaviour is perceived as unsolicited by the victim; and thirdly, that it is serious and capable of creating a radically hateful and disagreeable climate in the work environment.

Another characteristic of interest relates to employment; for example, the type of contract, which as González-Trijueque and Graña [86] indicate, is considered as a predictor when facing harassing situations arising from job insecurity. In this regard, it appears that temporary contracts favour a situation of harassment [6]. Nevertheless, and contrary to expectations, this study does not reflect this question, given that it is individuals with permanent contracts that have declared themselves to have experienced the most harassment situations. One possible explanation is that people with stable contracts are more reluctant to abandon their position once they have achieved a degree of stability in a work environment such as Spain, with a high rate of unemployment. In addition, stable contracts tend to be held by individuals with more experience, and who are therefore older, which is another factor of vulnerability. Another job-related determinant is the willingness with which harassed workers seek to terminate their contract and abandon their job, results that provide conclusive support to the study undertaken by Aylan and Koç [87] in tourist accommodation in Turkey. However, we believe that it is the harassers who should be dismissed or removed from that work environment, as they are the perpetrators of WH, and it is they who should suffer the consequences of their actions according to law.

Lastly, with respect to compensation for moral damage (Table 7), the High Court of Justice of Madrid Social Chamber, Section 1^a. Ruling No. 688/2016 [Appendix A] highlights that when a fundamental right is violated, the judicial body should decide on the amount of compensation. For this purpose, proof and key documents must be provided to support the damage suffered, and failure to provide such proof and documents results in the claim for compensation being rejected. Moreover, judges act on the criteria that any resulting compensation must not place the prejudiced party in a more advantageous position than that which would have existed if the damage had not occurred, hence the low compensatory sums granted.

7. Conclusions

Good relationships at work are essential for a sustainable working environment in which interconnections of environmental, social, and economic factors in human activities are recognised. Our results therefore raise a number of implications for practice, policy, and research when handling a case of harassment. It is essential for companies to take employee wellbeing into account when developing socially responsible programmes designed to promote an organisation's sustainable psychological and social development.

Firstly, the results of this study show an increasing number of harassment complaints. In many cases, harassment victims feel unable to face legal proceedings, which involve enormous personal sacrifice (search for evidence, face-to-face contact with the harasser, defence costs, etc.) and a deterioration in their health [88]. For this reason, organisations should provide access to internal management protocols for the resolution of conflicts, which act as effective deterrents when such conduct is defined as intolerable. This should be complemented by suitable actions to support victims without fear of reprisal. Secondly, according to Salin [30], there exists a wide consensus that harassment is more frequent when leaders lack the ability to handle situations effectively. There is therefore an urgent need to improve management competence and supervision when faced with stressful episodes. It is also desirable to undertake evaluations with respect to psychosocial risk, which would permit the detection of such situations. This requires greater commitment from the government and should be accompanied by the participation of the parties involved, armed with sufficient knowledge and the appropriate tools to deal with WH.

Thirdly, the results of this study also suggest that the legal aspects surrounding WH require development, particularly in terms of protecting the victim, ensuring responsibility on the part of companies, greater detail dedicated to the legal concept of WH, and the consideration of WH as an occupational risk, which has been one of the biggest problems in occupational health in recent years. In addition, the lack of specific regulation on harassment has meant that judges and courts lack legal reference, and in many cases lack understanding as to the scope and extent of any such regulation. This is not only detrimental to the practice of the courts, but to all those who have recourse to the law (companies, prevention technicians, work inspectorates, etc.).

Fourthly, in order to build a sustainable organisational environment, legislation needs to pay much greater attention to the gender perspective, with regulation in this area being particularly important for women. Occupying subordinate positions places women in a position of inferiority to men and makes them less able to defend themselves against this particular occupational risk. In addition, not only are women the most likely victims of harassment, they are also harassed in a different way to men [34]. Women are therefore particularly vulnerable to sexual harassment. The literature shows that they are more likely to be targets of sexual harassment when they are single, young, and in nonmanagerial positions [80]. Given that this is a serious social problem, it is necessary to define the concept in a broad sense. Actions are needed to raise social awareness about sexual harassment in the workplace. Companies must play a proactive role in the prevention of sexual harassment, and judicial processes should be simplified and streamlined to encourage more complaints and increase convictions. Organisations should therefore implement antiharassment policies that clearly state that such behaviour will not be tolerated and that victims will be supported without fear of reprisal. This requires the development of collective bargaining procedures against harassment and that collective agreements establish the actions to be followed when dealing with reports of harassment. Prevention technicians need more training in psychosocial risks, and greater awareness is required on the part of workers. Failure to address WH damages a company's corporate image and damages their reputation for social responsibility in society.

Finally, given that further progress is required in research on workplace harassment, we believe that the present study represents an important contribution to the situation as it exists at the current time. As far as we are aware, no similar research exists at the present time, despite the increase in the study of harassment in legal-psychosocial spheres

in recent years. It is therefore necessary to continue working on the analysis of this social phenomenon in order to gain a deeper understanding of its characteristics and enable us to address harassment in a more efficient and satisfactory manner, given its repercussion in the HORECA sector, one of the principal sectors of the Spanish economy. WH situations affect not only the health and dignity of workers, especially women, but also productivity and ultimately the success and sustainability of companies. Caring for the health and welfare of workers contributes towards a sustainable, decent, and high-quality labour market where long-term strategies are of prime importance. In order to advance to healthy work environments in this sector, it is essential that no aggressive working environments exist and that human dignity is considered a core value. It would be interesting to carry out longitudinal and crosscultural studies that allow for the establishment of causal relationships. Furthermore, future studies should broaden the perspective by analysing the role of observers and witnesses in situations of harassment.

8. Limitations

The limitations of this study are mainly associated with the information extracted from the CENDOJ. The content of the latter is fairly fragmented and does not show complete data on the sociodemographic characteristics of those who file harassment complaints. It therefore proved impossible to analyse the relationships between these other variables. Information obtained from the court rulings was incomplete, as we found that they provided more personal information (age, type of contract, marital status, etc.) about the person making the claim, that is, the victim, than details relating to the defendant. As a suggestion for future studies, psychosocial research oriented towards the prevention of workplace harassment requires further in-depth research into how these organisational characteristics, actions, and judicial rulings are interrelated. Only in this way will we obtain a clearer conceptual delimitation of this type of violence at work and the actions required for its processing in courts of law. This is a real problem, which increasingly affects a greater number of workers, and even more so during the current crisis that we are experiencing as a result of the coronavirus pandemic, which is only serving to accentuate inequalities.

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Conflicts of Interest: The authors declare no conflict of interest.

Appendix A

References of rulings included in the content analyses (references with * are cited in the text) (references with ** are rulings awarding compensation):

Criminal Court of Pamplona (Section 1^a). Ruling No. 15/2016 of 21 January.

* High Court of Justice of A Coruña (Social Chamber, Section 1^a). Ruling no 5330/2009 of 26 November.

- ** High Court of Justice of A Coruña (Social Chamber, Section 1^a). Ruling No. 906/2007 of 24 January.
- ** High Court of Justice of A Coruña (Social Chamber, Section 1^a). Ruling No. 2974/2008 of 14 July.
- * High Court of Justice of Albacete (Social Chamber, Section 1^a). Ruling No.990/2003 of 16 May.
- ** High Court of Justice of Albacete (Social Chamber, Section 1). Ruling No.512/2009 of 24 March.
- ** High Court of Justice of Barcelona (Social Chamber, Section 1^a). Ruling No.2513/2013 of 9 April.
- ** High Court of Justice of Galicia (Social Chamber, Section 1^a). Ruling No. 2022/2006 of 8 November.
- ** High Court of Justice of Las Palmas de Gran Canarias (Social Chamber, Section 1^a). Ruling No. 765/2015 of 29 April.
- ** High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 892/2008 of 28 November.
- ** High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 7551/2008 of 15 December.
- ** High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 252/2010 of 8 April.
- ** High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 823/2016 of 5 October.
- * High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 688/2016 of 15 July.
- * High Court of Justice of Madrid (Social Chamber, Section 1^a). Ruling No. 470/2018 of 3 May.
- ** High Court of Justice of Malaga (Social Chamber, Section 1^a). Ruling No. 629/2015 of 16 April.
- * High Court of Justice of Malaga (Social Chamber, Section 1^a). Ruling No. 1587/2009 of 9 September.
- ** High Court of Justice of Mallorca (Social Chamber, Section 1^a). Ruling No. 347/2006 of 29 September
- ** High Court of Justice of Murcia (Social Chamber, Section 2^a). Ruling No. 370/2006 of 27 March.
- ** High Court of Justice of Oviedo (Social Chamber, Section 1^a). Ruling No. 2067/2006 of 23 June
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- ** High Court of Justice of Santa Cruz of Tenerife (Social Chamber, Section 1^a). Ruling No. 655/2009 of 1 September.
- ** Provincial Court of Leon (Criminal Chamber, Section 1^a) Ruling No. 96/2002 of 23 July.
- ** Provincial Court of Lugo (Criminal Chamber, Section 1^a) Ruling No. 284/2006 of 4 October.
- ** Provincial Court of Madrid (Criminal Chamber, Section 23) Ruling No. 559/2002 of 18 October.
- ** Provincial Court of Madrid (Criminal Chamber, Section 29) Ruling No. 90/2013 of 23 September.

** Provincial Court of Murcia (Criminal Chamber, Section 2^a) Ruling No. 397/2011 of 13 October.

** Provincial Court of Santander (Criminal Chamber, Section 1^a) Ruling No. 48/2001 of 14 June.

** Provincial Court of Santander (Criminal Chamber, Section 1^a) Ruling No. 80/2007 of 7 March.

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