

Changes to Puerto Rico Law Prohibiting Sexual Harassment in the Workplace

ATTORNEYS

- Anita Montaner-Sevillano
- Miguel Rivera-Arce
- Reinaldo L. Figueroa-Matos
- Rica López de Alós
- Iraida Diez
- James D. Noël
- Guillermo Figueroa-Navarro
- Natalia Marín-Catalá
- Irene Mass-García

PRACTICE AREAS

- Labor & Employment

An McV Labor & Employment Law Alert

October 4, 2022

On September 28, 2022, Puerto Rico Governor Pedro Pierluisi signed Act 82-2022 to amend Act 17-1988, commonly known as the “*Law to Prohibit Sexual Harassment in the Workplace*”.

The three (3) key changes to Act 17 are the following:

- the extension of protection from sexual harassment in the workplace to interns (regardless of whether they receive compensation or not);
- a new requirement for employers to implement a protocol for handling sexual harassment situations in the workplace;
- and the creation of a government online portal for filing sexual harassment claims.

Regarding the sexual harassment protocol, the Women’s Advocacy Office and the Department of Labor and Human Resources (DOL) will provide guidance and counseling in creating and implementing this protocol and will ensure its compliance. Employers may adopt the model protocol and complaint form that will be provided by the DOL or create and implement their own, which shall meet or exceed, among other requirements, the following minimum standards:

- a declaration against sexual harassment; legal basis; purpose; definitions; designation of person in charge of managing complaints;
- description of the process for filing internal sexual harassment complaints (applicable to employers of more than five (5) employees);
- confidentiality measures;
- an anti-retaliation statement;
- provisional protective measures for complainants;
- other legal remedies and forums for victims;
- a complaint form for employees to report incidents of sexual harassment

Changes to Puerto Rico Law Prohibiting Sexual Harassment in the Workplace

Lastly, Act 82-2022 orders the creation of a governmental agency online portal where information can be found and sexual harassment complaints can be filed. Complaints filed online will be investigated and adjudicated by the Women's Advocate Office or the DOL. These amendments came into effect immediately.

The content of this McV Alert has been prepared for information purposes only. It is not intended as, and does not constitute, either legal advice or solicitation of any prospective client. An attorney-client relationship with McConnell Valdés LLC cannot be formed by reading or responding to this McV Alert. Such a relationship may be formed only by express agreement with McConnell Valdés LLC.