

Puerto Rico Publishes Model Protocol for Expanded Sexual Harassment Law

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The Puerto Rico Department of Labor (PRDOL) has published the anticipated Model Protocol to Prevent and Manage Cases of Sexual Harassment in Employment. This comes following the enactment of Act 82-2022, which expanded coverage of the sexual harassment law (Act 17-1988) to interns, required employers to adopt a protocol, and directed the PRDOL to provide a model protocol.

The 16-page Model Protocol consists of 14 sections on such topics as its legal basis, applicability, and complaint processing. Significantly, the Model Protocol's definition of "investigation" provides that the investigator has the authority to obtain sworn statements from the parties and witnesses. The investigator also can obtain documents and other forms of evidence. Further, the Model Protocol's procedures to process both formal and anonymous complaints of sexual harassment allow the investigator 10 workdays to conclude the investigation. A written report must be issued within 30 days of the start of the

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investigation; an extension of up to 10 workdays is allowed. Finally, the PRDOL secretary has stated that employers can prepare and adopt their own protocols if they provide equal or greater coverage than the Model Protocol or Act 17-1988, as amended.

The PRDOL and the Women’s Solicitor Office are collaborating to ensure employer compliance with Act 82-2022’s amendments. “The idea behind this collaboration is not a punitive one, but rather, we seek to provide guidance and help employers comply with the law in an effort to reduce domestic violence and sexual harassment in the workplace,” the PRDOL secretary said.

It is essential that employers adopt a compliant protocol and ensure its distribution to their workforce. Please contact a Jackson Lewis attorney if you need assistance revising or preparing a protocol or if you have any questions about the new requirements.

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