

Puerto Rico Adds Legal Protections for Interns, Right to Paid Internships

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The Puerto Rico Fair Internships Act, Act No. 114-2022 (Act 114), seeks to protect students and recent graduates by guaranteeing paid internships and establishing other legal rights for interns.

The law follows one passed in September 2022 to [expand coverage under Puerto Rico's sexual harassment law to paid and unpaid interns](#).

Act 114 requires that students and individuals who graduated less than a year prior receive compensation of at least the local or federal minimum pay, whichever is greater, for internships and similar arrangements, such as assistantships, labor practices and research experiences (collectively, "internships").

This applies to both private and public sector programs that offer a learning experience and work for high school or higher education students or for graduates within one year of graduation that comply with the following characteristics:

1. Ten or more hours per week;
2. For a period defined prior to the internship's commencement;
3. Interns have a direct supervisor;
4. Interns are evaluated mid-program and at the end of the program with actions taken to help in the intern's improvement;
5. Includes an educational and mentoring component related to skills, networking, and professional development.

Excluded from the law's compensation requirements are: (1) programs for the purpose of complying with a graduation requirement or are offered in exchange for university credits; (2) volunteer experiences, as defined in the law; (3) programs where the participant is limited to shadowing other employees or investigators or where the assigned tasks do not require basic knowledge or skills in a particular area; (4) federal government internship or volunteer programs; and (5) programs of non-profit entities that meet certain requirements outlined in the law.

The law also provides that interns have the following rights:

1. To receive economic compensation or academic credits for the works performed as part of the internship;
2. To acquire knowledge and practical experience in a respectful, professional, and supporting environment where the intern's work is recognized and valued;
3. Be informed of the specific assigned tasks and the criteria under which the intern will be evaluated;
4. Be protected against discrimination, abuse, humiliation, and attacks to the individual's dignity or reputation;
5. Protection to the individual's health, physical integrity, and privacy and be informed of any reasonable accommodation to be provided to address any disability that requires it;
6. Be informed of the rights provided under Act 114; and
7. All rights that are derived from the contract with the entity or person for which the intern works.

Act 114 authorizes the Department of Labor and Human Resources to adopt those rules and regulations that the Department deems necessary for the administration of the law in a period of 60 days. The Puerto Rico Secretary of Labor has already anticipated that the Department will be issuing guidance and interpretation to clarify and harmonize Act 114's provisions, as well as their interplay with other employment statutes, such as those that regulate overtime pay, bonus payments, discrimination, retaliation, and bullying in the workplace.

Employers should take steps to ensure compliance and interns are paid in accordance with the law.

Please contact a Jackson Lewis attorney with any questions.

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