

**PUERTO RICO DEPARTMENT OF LABOR ISSUES GUIDANCE FOR  
PRIVATE EMPLOYERS ON WORKPLACE HARASSMENT**

On February 3, 2021, the Puerto Rico Department of Labor and Human Resources issued Guidelines on Workplace Harassment for the private sector. The Guidelines are intended to help private employers comply with the requirements established by PR Act 90 of August 7, 2020, including its requirement that employers adopt a protocol to process and manage workplace harassment claims. Employers now have 180 days to adopt and implement the required protocol, and to inform employees of the same, that is, until August 1, 2021. The Guidelines include a model protocol that employers can adapt to their needs.

The Guidelines make clear that for an action to be considered labor harassment, it must meet all the requirements established in the Act's definition, namely, that the conduct must be: malicious; unwanted by the employee; repetitive and abusive; arbitrary, unreasonable and/or capricious; verbal, written or physical; repeatedly performed by the employer, his agents, supervisors or employees; unrelated to the employer's legitimate business interests; must violate the employee's protected constitutional rights, such as: the right to personal dignity; protection against abusive attacks to the employee's honor, reputation and private or family life; and the protection against risks to his/her health or personal integrity in the workplace; and must have created a work environment that is intimidating, humiliating, hostile or offensive, not apt for a reasonable person to perform his/her work duties normally.

The Guidelines provide that, at a minimum, the workplace harassment protocol must contain:

1. the employer's policy and responsibilities against workplace harassment;
2. examples of conduct that may constitute workplace harassment;
3. a declaration that engaging in workplace harassment may entail disciplinary actions;
4. management's responsibilities to prevent and identify situations that may constitute workplace harassment;
5. a statement about confidentiality regarding the investigation process and the employee's protection against retaliation;
6. the internal grievance process;
7. the internal investigation procedure;
8. information about Act 90's requirement to exhaust internal remedies and mediation as a condition to filing suit in court; and
9. information on the protocol's adoption and dates of publication and revision.

In addition to the obligation to establish and implement the protocol, the Guidelines impose on the employer the duty to inform employees about Act 90's provisions by posting a notice in a visible place at the workplace. For those employers that have some or all of its employees working remotely, the notice requirement can be met, with respect to the employees working remotely, by sending it by email, posting it in the employer's intranet or by using other electronic means frequently used to perform work duties.

The Guidelines are available at: [Guidelines on Workplace Harassment PR DOL](#)

If you have any questions or concerns, please **Contact us**

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