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LABOR & EMPLOYMENT LAW ALERT

Recent Legislation Affecting the Labor & Employment Law Area

Puerto Rico Department of Labor Issues Protocol to Guide Employers in Complying with PR Act 22 Prohibiting Discrimination Based on Sexual Orientation or Gender Identity

On August 23, 2013, the Puerto Rico Department of Labor issued a Protocol to implement PR Act 22 of 2013 prohibiting discrimination and harassment on account of sexual orientation or gender identity in the workplace. Please refer to our [June 11, 2013](#) Labor Alert for more information regarding Act 22.

The Protocol clarifies which practices will be considered as discriminatory under Act 22, including taking into account or otherwise discriminating based on sexual orientation or gender identity when making employment decisions. It also provides specific examples of what constitutes harassment for purposes of Act 22, including: personal questions regarding a person's body, physical changes or sexual practices; permitting the use of workplace equipment to produce material meant to mock co-workers based on their sexual orientation or gender identity; jokes or comments meant to mock a person based on their sexual orientation or gender identity, even if the joke was not made directly to the victim; denying access to restrooms, locker rooms or areas similarly identified by gender based on a person's gender identity; and requiring that a person dress or groom in a manner inconsistent with their gender identity.

Among many of the new duties and responsibilities imposed upon private and public employers, the Protocol requires employers to:

- Inform employees and visitors interacting with their employees about the prohibitions established by Act 22 and its regulations.
- Revise internal policies in order to comply with Act 22.
- Provide training to employees.
- Display a poster regarding rights and responsibilities under Act 22 (to be issued by the PR Department of Labor).
- Maintain any information regarding an employee's sexual orientation or gender identity strictly confidential.
- Develop an internal grievance procedure for employees to resolve complaints related to their sexual orientation or gender identity, which must include several minimum procedural guarantees detailed in the Protocol.

While the Protocol does not include an effective date, employers should assume that its provisions entered into effect immediately upon its publication.

DOL Publishes New Regulations to Improve Job Opportunities for Individual with Disabilities and Veterans

On September 24, 2013, the Federal Department of Labor published in the Federal Register its rules designed to improve employment opportunities for protected veterans and qualified workers with disabilities. Both rules become effective on **March 24, 2014**. For more information regarding these regulations, please refer to our previous Labor Alert of [September 4, 2013](#)

If you have any questions or comments, or wish additional information regarding the above matters, please contact any of the following attorneys:

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