

(H.B. 223)

(No. 252)

(Approved November 30, 2006)

AN ACT

To amend Section 3 of Act No. 17 of April 22, 1988, as amended, known as the “Sexual Harassment in Employment Act,” in order to expressly specify and include the modality of sexual harassment by cybernetic or electronic means.

STATEMENT OF MOTIVES

Virtual sexual harassment appears as one of the threats to electronic businesses and the multiple labor relations conducted through the Internet. The use of technology in the workplace forces the Legislature to update the scope of the prohibitions set forth in the “Sexual Harassment in Employment Act” and to specifically indicate that to use the Internet or e-mail for incurring conduct which constitutes sexual harassment is prohibited.

The use of e-mail in business has become an indispensable and useful communication tool. Close to two hundred (200) million corporate and personal e-mail users shall register this year. Seventy (70) percent of the traffic through the communications networks consists of e-mail messages, presently estimated to reach the amount of 4.1 trillion messages. See: *“Hostigamiento Sexual Virtual: Perspectivas del Ordenamiento Jurídico de Estados Unidos de Norteamérica,”* Frederick Vega Lozada, 4 Revista Jurídica Lex Juris, Verano 2001 Núm. 2.

Virtual sexual harassment consists of that communication, conduct or expression that flows through the telecommunications media or of work

tools that use computerized media and similar others in the entrepreneurial world that create a hostile work environment for a person or persons related to the enterprise. The Legislature of Puerto Rico believes it pertinent to expressly include said modality in the “Sexual Harassment in Employment Act.”

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 3 of Act No. 17 of April 22, 1988, as amended, known as the “Sexual Harassment in Employment Act,” is hereby amended to read as follows:

“Section 3.-Sexual harassment in employment consists of any type of undesired sexual approach, demand for sexual favors and any other verbal or physical behavior of a sexual nature or that is reproduced by using any means of communication including, but not limited to, the use of multimedia tools through the cybernetic network or through any electronic means, when one or more of the following circumstances occur:

(a) When submission to said conduct becomes, implicitly or explicitly, a term or condition of a person’s employment.

(b) When submission to or rejection of such conduct by the person becomes the grounds for making employment decisions or regarding the job that affect that person.

(c) When the conduct has the effect or purpose of interfering unreasonably with the performance of such person’s work or when it creates an intimidating, hostile or offensive work environment.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 252 (H.B. 223) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 3 of Act No. 17 of April 22, 1988, as amended, known as the “Sexual Harassment in Employment Act,” in order to expressly specify and include the modality of sexual harassment by cybernetic or electronic means,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of February of 2007.

Francisco J. Domenech
Director